Marchandises jusqu’aux habitations amérindiennes afin d’y faire du commerce à petite échelle au nom d’une grande compagnie. Pendant ces séjours comme pendant leurs voyages entre Montréal et l’intérieur, ces hommes se révèlent avoir été des travailleurs particulièrement habiles et compétents (highly skilled laborers, 87, 246).

Avant de conclure, Podruchny se penche sur les motivations et les circonstances de la retraite du voyageur. De fait, son analyse porte surtout sur les freemen, ces hommes qui après s’être détachés des compagnies de commerce choisirent de demeurer dans l’ouest comme agents indépendants, y vivant de petit commerce, de chasse et de pêche. Or, comme Podruchny elle-même le souligne, la plupart des voyageurs canadiens-français retournèrent plutôt écouter le reste de leur existence dans les paroisses de la vallée laurentienne. À la lumière de ce fait, il est dommage qu’elle ait mis autant d’accent sur un groupe somme toute marginal. En reconstituant, à l’aide des archives paroissiales et notariales, quelques trajectoires individuelles de voyageurs retraités, il aurait été possible de brosser un portrait plus juste et nuancé du sujet. Si ce livre éclaire avec beaucoup de perspicacité le passage du « monde » de l’habitant à celui du voyageur, il ne profite malheureusement pas de l’occasion pour ébaucher une réflexion sur le passage inverse.

Making the Voyager World est un peu long. La démonstration, truffée de réitérations et de recoupements parfois gauches, aurait produit un effet plus percutant si elle avait été condensée. Malgré cette réserve, ce livre apporte une contribution importante à l’historiographie, fruit d’une analyse aux fondements théorique et comparatif originaux. Tout en devenant indispensable aux rares spécialistes de la traite des fourrures, il est à souhaiter qu’il retienne l’attention des historiens du travail aux XVIIIᵉ et XIXᵉ siècles, ainsi que de tous ceux qui s’intéressent à l’histoire du Canada avant la Confédération.

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This is the second book from the Osgoode Society devoted to R. C. B. Risk, emeritus Professor of Law at the University of Toronto. The first, In Honour of R. C. B. Risk (1999), appeared as volume 8 of the Society’s ongoing series Essays in the History of Canadian Law and was also edited by G. Blaine Baker and Jim Phillips. The present stand-alone volume is a collection of 12 of Risk’s 22 published essays on legal history.

This too-brief review is not, of course, the place to pass judgement on Risk’s scholarship except perhaps to say that it is no doubt a very significant and singularly Canadian contribution to the history of the current circumstances of the Anglo–North-American legal community, academic lawyers especially included.
Over the wealth of his work, Risk traces the intellectual and social origins of a bewildering and historically ignorant present (see in this regard his “On the Road to Oz: Common Law Scholarship about Federalism,” the final essay in the present collection) from the devotion of nineteenth-century Canadian lawyers to a classically liberal conception of the Rule of Law — liberty, rights and a limited state — to its rejection by sometimes left-leaning, and always regulatory, state-friendly lawyers in the 1930s and thereafter. Risk’s narrative of this dramatic shift from a devotion to limited government to “the embrace of the regulatory and welfare state” (p. 365) expresses a great many substantial insights: that the “faith” (p. 96) of nineteenth-century lawyers in “the protection of constitutional liberty” (p. 96), though British in origin and by inclination, “reflected a distinctive Canadian tradition” (p. 77); that a “loss of faith in the web of understandings” in the 1930s (p. 73), which underpinned nineteenth-century faith in the Rule of Law, arose from the rejection of “a caricature” of that faith (p. 311, 358) arising from historical ignorance and from a watered-down version of American realism (pp. 226–228); that, though the 1930s revolutionaries “failed to destroy the rule of law tradition” (p. 228), their influence was wide and deep, especially in the legal academy where commitment to legal instrumentalism and social engineering is dominant (pp. 404, 423). Together, these insights leave the impression that Risk laments the past and worries about the fate of our law generally and of the legal academy especially.

This is, however, a proper place to offer a judgement on how well the editors of this collection have served Risk. In their introduction, the editors declare that their purpose in republishing these essays, each of which is otherwise available in print and online, “is to make a valuable, and in many ways unique, body of scholarship on the late-nineteenth- and mid-twentieth-century Canadian legal mind both more visible and more accessible, to Canadian and international audiences” (p. 3). They pursue this end first by naming the collection and then by segregating the 12 essays selected (with Risk’s assistance [p. 3]) into three parts, each also titled. I have bones to pick with both of these matters and with certain others, more mundane though equally important.

The title — A History of Canadian Legal Thought — saddles Risk with a claim and an accomplishment that are not his. Risk did not produce a monograph on Canadian legal history, and it does not fall to his editors to pretend otherwise. For his part, Risk is careful, and indeed modest, throughout the essays with regard to his aims and claims. Though he does sometimes speak, tentatively it should be added, in terms of “Canadian legal history” more generally (p. 291), he is meticulous in cabining his interpretations to the matters on which they are based. Those matters concern Anglo-Canadian legal thought and practice, more often than not as disclosed in Ontario (for example, pp. 84, 138). This, of course, leaves out both Franco-Quebec and what the editors in their introduction delicately term “regional similarities and differences” (p. 4). That Risk was aware of these limitations is a virtue (p. 96). That his editors too were aware (pp. 4, 8), yet chose to name the collection as they have, is something less.

The essays are segregated into three parts: the first, “The Classical Age: Canadian Legal Thought in the Late Nineteenth Century,” contains six essays; the second, “The Challenge of Modernity: Canadian Legal Thought in the 1930s,” contains five; and the third, “Postwar Developments,” contains one (the previously mentioned “On the Road to Oz”). This structure repeats what I take to be the sins of the title: the editors presume a structure where none exists (indeed, the essays in part 2 were written before the essays in part 1 [p. 14]), and they state a claim that was not Risk’s. The first two are also idiosyncratic, though the editors may well have adopted “Classical Age” and “Modernity” in deference to Risk, who uses each term once (pp. 52, 311). The third part is really a gesture of acknowledgement to what may be Risk’s final word, and its appearance as an afterword would be more in keeping with the modesty of Risk’s tone and temper throughout his work.

The other matters — the absence of a bibliography of Risk’s work, of a list of works cited by him, and of an index, as well as the presence of any number of corruptions of the original texts — diminish the prospects of the collection’s achieving the editors’ goals, even more so perhaps than does their inflation of Risk’s claims and achievement. The absences are curious. Not only did the same editors think it important to include a bibliography in their earlier festschrift; in the introduction to the present volume, they make much both of the way Risk relied, and failed to rely, on sources (p. 4) and of the themes his works express (pp. 10–17). Curious, too, are the corruptions, given the editors’ emphasis, again in the introduction, that “the articles appear in their original form” (p. 4).

The editors’ goal in assembling this collection was a worthy one because Risk’s work, despite its self-confessed limitations, deserves to be honoured and to be read. However, with more care and less enthusiasm, the editors might have served these ends, and the cause of Canadian legal history, very much better.

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“Belonging” is understood in this book as attachment to a particular locality or place. Opening with the observation that “Where do you come from?” is one of the most frequent conversation “ice-breakers” in the English language, the author concludes around 500 pages later that, for most people up to the twentieth century, this question would have provoked thoughts of the “face-to-face” community to be found in their own parish. In Keith Snell’s words, the parish of the past was “a proud self-administering neighbourhood of inter-connected interests” (p. 497) undermined since the latter years of the nineteenth century by a variety of factors such as the collapse of rural populations, the spread of suburbia, the impact of