

nia's labour and social history. The reader with the fortitude to finish it will see labour history in a new light.

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VAUGHAN, Frederick — *Aggressive in Pursuit: The Life of Justice Emmett Hall*. Toronto: The Osgoode Society for Canadian Legal History by the University of Toronto Press, 2004. Pp. 293.

In the 1960s, when few Canadians other than those in the legal profession paid attention to judges on the Supreme Court, Justice Emmett Hall became a household name. Although Hall earned acclaim for his lone dissent in the reference case reviewing Steven Truscott's murder conviction, Canadians probably best knew Hall as the chair of the Health Services Commission that recommended the establishment of a national universal health-care scheme. As Frederick Vaughan reports in this engaging biography, no less a figure than Tommy Douglas acknowledged that national medicare would not have been possible without Hall and his commission's persuasive report. It is perhaps ironic then that Hall, a lawyer and judge whose "life was almost exclusively wrapped up in the law", arguably left his most lasting mark on Canada in the field of health care (p. xii).

Hall was born in 1898 in Saint-Columban, a small rural community not far from Montreal. Lured by the promise of a prosperous future in Saskatoon, the Hall family boarded the Canadian Pacific Railway settlers' train and ventured west in the spring of 1910. Emmett Hall called Saskatoon home, in spirit if not always in practice, for the rest of his long life. After graduating from high school, Hall articulated with a small Saskatoon firm and enrolled at the College of Law. While attending lectures, Hall had the good fortune to befriend a future prime minister, John Diefenbaker. Their competitive friendship, though it frayed late in Diefenbaker's life, shaped Hall's future in ways that neither could have predicted while they were debating partners at law school (they lost) or young lawyers lending each other money during the occasional lean moment of early practice.

It did not take long for Hall to find financial stability in his profession. Through talent, ambition, and diligence, Hall built a successful career, first practising in small towns and then joining a lucrative partnership in Saskatoon. Vaughan recounts a number of Hall's criminal defence and civil litigation cases from these years, most interestingly perhaps his defence of the "trekkers" charged in the aftermath of the Regina Riot in the summer of 1935. As a lawyer, Hall earned a reputation as a determined and aggressive advocate, typified by his "fierce demeanour on cross-examination" (p. 56). As his legal career flourished, Hall set his sights on securing judicial appointment. In this respect, Hall's membership in the Conservative Party and his friendship with Diefenbaker proved fortuitous. Within months of becoming prime minister in 1957, Diefenbaker appointed his old friend chief justice of the Saskatchewan Court of Queen's Bench.

Though some feared that Hall's tenacious nature would hinder him as a judge, Hall proved a fair-minded and decisive adjudicator. Hall's talents on the bench and political connections led to further promotions to the Saskatchewan Court of Appeal and, in the fall of 1962, the Supreme Court of Canada. In his decade on the Supreme Court (1963–1973), Hall's penchant for judicial activism and his concern for civil liberties often put him at odds with his colleagues, never more so than in his dissent in the reference case reviewing Steven Truscott's murder conviction. In an eight-to-one decision, the Court upheld Truscott's conviction, but, much to the chagrin of some of Hall's colleagues, it was Hall's "ringing dissent" that was heralded by the press (p. 205). Hall was also (and is still) known for his contribution to Aboriginal law. In his 1973 *Calder* judgement, Hall held that the Nisga'a possessed title to their historic lands by right of ancient possession. Although again Hall wrote in dissent, both the federal government and the Supreme Court eventually adopted Hall's position on the existence and nature of Aboriginal title. Hall's judgement in *Calder* is viewed in retrospect as a crucial turning point in the advancement of Aboriginal rights.

Nevertheless, Hall's legacy on the Court was undermined somewhat by his involvement in extra-judicial activities. The year before Hall joined the Supreme Court, Diefenbaker appointed him to chair a royal commission to investigate and assess the nation's health needs and capabilities. Hall, never shy of the public spotlight, embraced his duties with characteristic passion and determination. Over the next two years, Hall, with the aid of his fellow commissioners, supervised an extensive research staff, held dozens of public hearings across Canada, and reviewed hundreds of written submissions. In forcefully steering the commission to a unanimous final report, Hall disregarded the vociferous opposition of the Canadian Medical Association and recommended the immediate establishment of a national universal health-care scheme. The federal government implemented virtually all of the commission's recommendations.

Despite the grumbling of some of his colleagues on the Court, shortly after completing his groundbreaking work on the Health Services Commission, Hall agreed to co-chair a committee on education reform in Ontario. If Hall's foray into health policy was a triumph, his involvement on the Hall-Dennis Commission might best be described as a disappointment. The commission's final report, influenced by the ideas and rhetoric of the progressive education movement, proposed abandoning traditional subject divisions and grades in favour of an amorphous curriculum through which students could direct their own progress. Though perhaps laudable in their aims, the commission's recommendations were justly criticized for being vague and unrealistic. Though Hall maintained that the report had been unfairly judged and misunderstood, its proposals were largely ignored.

Vaughan handles the diverse aspects of Hall's legal career well, giving lively and detailed accounts of his life as a lawyer, judge, commissioner, and arbitrator. My principal criticism is that, in emphasizing Hall's aggressive nature as an advocate, Vaughan only gestures at the richer composition of Hall's judicial and political philosophy — a blend of Tory, liberal, social democratic, and Catholic humanitarian elements. Though Vaughan notes that Hall "was aggressive in everything he did and undertook", this quality (shared by a good many lawyers) fails to account fully for

the depth and breadth of vision Hall exhibited in his career on and off the bench (p. 255). As it stands, the biography devotes too much text to Hall's early career as a lawyer and perhaps not enough to his tenure on the Supreme Court and Health Services Commission. These points of critique aside, Vaughan has written a compelling and scholarly study of one of the most important Canadian jurists of the twentieth century. Although Emmett Hall has drawn an earlier biographical effort, Vaughan's book will no doubt stand as the definitive work.

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WALKOWITZ, Daniel, and Lisa Maya KNAUER (eds.) — *Memory and the Impact of Political Transformation in Public Space*. Durham and London: Duke University Press, 2004. Pp. 326.

Public places are closely connected to collective memory and group identities. Communities often imagine national values reflected in public places. Washington's National Mall, indeed the whole of Pierre L'Enfant's plan for the city, was an elaborate project intended to vest official public memories and identities in the streetscape of the city. Streets, intersections, squares, parks are all the sites of major demonstrations and confrontations that can lead to the transformation of political cultures, as marginalized groups make claims to public legitimacy. Sydney's "Mardi Gras" march, to take but one very recent example, commemorates the struggle for gay and lesbian rights in Australia. Mimicking the Gay Pride movement around the western world, it vests historic sites of political struggle — public places — with political memory. But this is, in many ways, simply a modern version of an ancient practice of claiming space as part of political transformations. The parades, festivals, and commemorations of the French Revolution are well studied. There is a literature on mediaeval commemoration, and classicists and Egyptologists can similarly point to the interplay of memory and space in ancient societies.

*Memory and the Impact of Political Transformation in Public Space* continues the exploration of how major political upheavals affect public histories. The cases studied range across 12 countries as diverse as Sri Lanka, South Africa, Israel, China, and Chile. Yet these examples show recurring themes and concerns, revealing that, at a basic level, issues of history and memory transcend specific national cultures. The diversity is, of course, deliberate. As the editors claim, this study is not one of American memory, but an effort to "de-centre" the United States in American studies of public memory. Yet, at the same time, the editors make it clear that theirs is very much an American study. It was written in the shadow of the terrorist attacks of September 2001 and, as the editors note in their introduction, this moment in American history cannot help but inform how Americans see these issues.

This collection of essays aims high. It intends to expand the scope of what is considered public history, examining not only public histories told in monuments and museums, but also through cityscapes, songs, and parades. Its strength is this willing-