world-class national standards and the application of the precautionary principle to policy decisions. Boyd also advocates systemic changes that will produce long-term sustainability. These ideological changes centre on a paradigm shift among Canadians that will "transform the relationship between people and the natural environment from the current approach of minimizing harm to a future based on maximizing harmony" (at 269).

Boyd's analysis is always tied to pragmatic and sensible steps that can be taken, suggesting that the broad and comprehensive overview he presents will also be useful to policy-makers and more specialized readers. Legal readers, however, might find some of Boyd's macro-level examinations—for example, recognition of the legal right to live in healthy environment—frustrating. Fortunately, those interested in a more in-depth legal analysis can look to some of Boyd's earlier works, such as *The Environmental Rights Revolution: A Global Study of Constitutions, Human Rights, and the Environment* (Vancouver: UBC Press, 2011) or *The Right to a Healthy Environment: Revitalizing Canada's Constitution* (Vancouver: UBC Press, 2012).

Readers of *Cleaner, Greener, Healthier* might finish the book feeling well-stocked with information but nonetheless unable to implement the recommendations necessary to prevent adverse environmental health consequences. Short of lobbying government to commission Boyd to lead the development of his recommended national action plan to address environmental effects on human health, what action can individuals take? While there is an economic incentive for Canada to adopt adequate environmental protections, there is also a social justice perspective. As Boyd outlines, in Canada, vulnerable individuals and communities, including children generally, bear a disproportionate share of the burden of pollution and other environmental hazards, and receive an inadequate share of access to environmental amenities, benefits, and resources. In the United States, where a similar unequal distribution exists, the evolution of the environmental justice movement has led to some significant reforms at both federal and state levels. In Canada, this movement is beginning to emerge, and it is one that all Canadians can support, both locally and globally.

- Julia Kindrachuk

Magna Carta and Its Gifts to Canada: Democracy, Law, and Human Rights by Carolyn Harris. Toronto: Dundurn Pres, 2015. 128 pp., $24.99 pb.

Magna Carta and Its Gifts to Canada was published in the eight-hundredth year after King John affixed his seal at Runnymede Meadow to the 1215 version of Magna Carta. A theme of this book, running from the introduction through to the appendices, is the commemoration of this charter. Its message is clear from the title itself. First, that

Magna Carta, as a written document, contained ideas of democracy, law, and human rights. Second, that these ideas took hold and created in Canada the roots of a legal and political system which we ought to cherish. At least part of Carolyn Harris's motivation for writing the book was an invitation to do so by the co-chairs of Magna Carta Canada.

Magna Carta and Its Gifts to Canada is divided into five parts. As with many good stories, the book takes a largely chronological approach. Part I gives a general account of life in England leading up to Magna Carta. It was a feudal system, and different groups such as kings, barons, knights, and members of the clergy often fought for power. Reaction to the idea of monarchical absolutism is a central historical theme behind Magna Carta. Of course, many of the people who lived at that time did not move within these higher or more powerful classes and were not a consideration in limiting King John's arbitrary rule.

Prior to King John's reign (1199-1216), other charters had been passed when ruling monarchs had accepted restraints on their rule. One example is the coronation charter from the reign of Henry I (1100-1135) in 1100, which influenced the Magna Carta. This charter was a response to acts of oppression during the rule of Henry I's brother before him. By 1215, King John had ruled in an often oppressive and arbitrary manner. A group of rebel barons—a powerful propertied class of men—took control of the City of London, having repudiated their oaths to King John, and made him affix his seal to Magna Carta.

In Part II, Harris covers these events leading to Magna Carta, which brings her to a discussion of the principles contained within it. Several key clauses are said to be the basis for some of the fundamental principles in our democracy today: nobody is above the law of the land, the right to due process, the right to judgment by one's peers, and freedom from forced marriage. One criticism—which strikes at the basis of this book's message—is that the meaning of such clauses in their historical context does not align with what they have come to mean to us.

Take for example the right to judgment by one's peers. Harris states that this principle is a form of jury system rooted in the circumstances of King John's reign: namely his need to raise funds through the court system and his harsh and arbitrary treatment of some barons. By this time, the use of juries had already been developing for centuries within a legal system fraught with tensions between prior kings and local barons. Harris notes that previous kings, such as Henry II, worked at centralizing the legal system, and greater centralization tended to take away from more local points of power within the justice system. What seems to be lacking in the analysis, then, and has been argued elsewhere, is that this clause is really a practical move

on the barons' part to remove themselves from a more centralized judicial system. In other words, politically motivated barons in a struggle for power did not take the clause to mean at all what juries have come to mean to us today. For a more in-depth analysis of the development and use of juries, readers will have to go to other sources. That is the case for many of the topics which are only briefly raised in this book.

There were many versions of Magna Carta which succeeded to varying degrees. The 1215 version ratified by King John was in effect for about nine weeks until it was annulled. As pointed out by Harris, some other historically noteworthy versions came in 1225 and 1297. Part III of the book points out the decline of Magna Carta and details its revival. During this period, little reference was made to Magna Carta except amongst lawyers and legal scholars. Other sources not provided in this book would need to be consulted to track such developments. After about 150 years, Sir Edward Coke in the 1600s revived interest in the charter largely within a legal and scholarly context. It is out of this interpretation, separated from Magna Carta's original context, that its more modern principles began to arise.

Parts IV and V track the parallels between these principles and modern legal developments. The examples are numerous and wide-ranging. Some of the influences include the following: the Declaration of Independence as written by one of its principal authors, Thomas Jefferson; the Royal Proclamation issued by Henry III; the formation of a constitutional monarchy in Canada and the *Constitution Act, 1867*; and the *Canadian Charter of Rights and Freedoms*. Many more examples are laid out by Harris and these provide a satisfying thumbnail sketch of what Magna Carta has come to mean in present times.

Overall, *Magna Carta and Its Gifts to Canada* delivers the myth of Magna Carta. The practical conditions surrounding this charter and its aims seem to be largely removed from the ideals of democracy, the rule of law, and human rights now expounded on its behalf. At the same time, Harris delivers many of the underlying facts and historical context that demonstrate this. Of course, it must be conceded that myths can have powerful, real effects. The Magna Carta as statute has helped shape the current legal landscape. So has the development of the common law. Moreover, the gifts of democracy, the rule of law, and human rights—like many great things that have developed through history—also come from revolution and much bloodshed. And what are we to make of the criticism that even today, our system based on democracy and human rights is currently failing many people? Many have gone and are going without these gifts.

While these questions, criticisms, and historical-legal developments are important, they are outside of the scope of this book. *Magna Carta*

and Its Gifts to Canada contains many facts and stories within a small number of pages. Throughout the book, printed with a gloss finish, are pictures and artwork surrounding the places and historical events relevant to Magna Carta. These aid in bringing life and colour to many of these great historical moments. This book provides an easy read and brief introduction for those who are interested in the main historical developments relating to Magna Carta over the last eight hundred years.

- Steven Larocque

Solicitor-Client Privilege by Adam M. Dodek. Markham: LexisNexis Canada, 2014. 473 pp., $175.00 hc.

Solicitor-client privilege encourages a client's full and frank disclosure by requiring a lawyer to hold such communications in strict confidence. This, in turn, enables a lawyer to give effective legal advice. The privilege is a cornerstone of the legal system, with roots reaching back to the sixteenth century. The modern incarnation of the privilege is modeled on John Henry Wigmore's rule of evidence:

> (1) Where legal advice of any kind is sought (2) from a professional legal adviser in his capacity as such, (3) the communications relating to that purpose, (4) made in confidence (5) by the client, (6) are at his instance permanently protected (7) from disclosure by himself or by the legal adviser, (8) except the protection be waived (John T. McNaughton, ed, *Wigmore on Evidence*, 3rd ed, vol 8 (Boston: Little, Brown, 1961) at para 2292).

Wigmore's rule remains a "touchstone," but the privilege has largely escaped this evidentiary mooring (at 16). The Supreme Court has reframed the privilege as a substantive rule and a quasi-constitutional right, recognized under ss. 7 and 8 of the *Charter* as a principle of fundamental justice and part of the right to privacy, respectively. It protects confidential communications between lawyer and client, even in the absence of court proceedings. Only the client can waive the privilege. The Supreme Court has built only a few internal limits into the broad scope of the protection.

In *Solicitor-Client Privilege*, awarded the Canadian Bar Association's 2015 Walter Owen Book Prize, Adam Dodek contends that the evolution of the privilege has occurred without any significant consideration of its underlying rationale. In his impressive treatise, Dodek examines not only the history of the privilege, but also exceptions in its coverage, and its application in a number of contexts. In doing so, Dodek challenges many of the assumptions underlying the purpose of the privilege. The book features a foreword by the