"the views of many non-C/conservatives coalesced with the dominant narrative that high divorce rates are a symptom of individual moral decline" (p. 128). This statement assumes that non-C/conservatives agree with the conservative beliefs on divorce and that there is only one way (the conservative way) of interpreting this issue. But, is this the prominent or even dominant view?

Despite his unhistorical appeals to moralism, and lack of a reasoned defense of the importance of traditional marriage (an idea that looms as an unrelenting nemesis to legislative innovations on these pages), Gilbert's political analysis is engaging and insightful. His accounts of various conservative positions are lucid, and his critiques of them valid and plausibly argued. Given the parallels between British and Canadian family law, I would recommend this book for Canadian academic law libraries and legislative libraries.

REVIEWED BY
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Reference Librarian
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Canadian Indigenous Peoples and Criminal Jury Trials: Remediating Inequities. **By Brian Manarin. Toronto: LexisNexis Canada, 2019. xxvii, 193 p. Includes index. ISBN 978-0-4335-0066-7 (softcover) $95.00.**

This book is an academic text that seeks to address the role of Indigenous people and their participation in Canadian criminal jury trials. It opens with a personal anecdote from Manarin, who as a young man observed a jury selection for an accused person of colour where the jurors selected were all white men. His experience inspired the questions raised in this book, based on his doctoral thesis.

Manarin begins by discussing the significance, history, and legislative framework for jury trials, then laying out questions he seeks to address in this text and the research methods used to do so. His questions are:

- Should jurors be disqualified because of criminal history, and what is the impact of this policy on Indigenous peoples?
- Does the "challenge for cause" procedure work fairly for Indigenous peoples when attempting to expose bias?
- Is the "peremptory challenge" neutral?

The first substantive chapter situates Canadian Indigenous peoples within a legal, political, and historic framework. This chapter provides a useful introduction to the unique position of Indigenous people in Canada and the challenges they faced, and continue to face, due to colonialism.

The next chapter analyzes the current *Criminal Code* provision that prohibits anyone sentenced to one year or more in custody from serving on a jury. Manarin reviews the history of the requirement, which is based on the presumption that an individual who has been incarcerated is likely to be biased or not of good character. He compares legislation regarding jury composition across Canada and in other Commonwealth countries and notes that juror disqualification due to criminal history varies dramatically between jurisdictions. In this chapter, the academic works cited are primarily American, likely due to a dearth of penal literature in this country. Ultimately, his conclusion is that the administration of justice suffers because people are deemed ineligible because of their past criminal record.

Next, he turns to the "challenge for cause" procedure and its ability to expose partiality, particularly as it affects Indigenous peoples, no matter their role in the proceedings. Challenge for cause is a process wherein potential jurors may be excluded if there is a reason to do so, including bias. Manarin outlines the current process, cases, and relevant literature from Canada and other jurisdictions, which includes the surprising statistic that 25 per cent of potential jurors are questioned during challenges for cause due to their failure to provide material information. Much of this evidence comes from other jurisdictions, primarily the United States, due to the Canadian requirements of jury confidentiality. The current system does not effectively screen for bias and could be revamped to work better for Indigenous people.

In the last chapter, Manarin considers whether peremptory challenges are neutral or discriminatory toward Indigenous people. He reviews the presumed representativeness of random jury selection and considers the ethics of parties to a trial investigating potential jurors. This chapter also addresses the use of peremptory challenges for improper purposes, such as excluding people who are visible minorities, women, or others who are non-conforming. Manarin proposes four potential options to reduce the risk of partiality in peremptory challenges. He addresses systemic factors that bar Indigenous people from participating in jury trials. He does not offer recommendations or suggestions for increasing engagement and attendance in jury pools.

Manarin specifies that the law referenced in this text is current as of February 23, 2019. Since the book's publication, Bill C-75 was passed and has come into force, abolishing peremptory challenges. Manarin refers to this in the final footnote in the text, and it will be interesting to see how this change affects Indigenous participation in juries across the country.

The book includes a detailed table of contents, a table of cases, and a table of statutes. As well, there are significant footnotes, including both commentary and references. I recommend it for academic libraries, particularly those with a significant criminal law collection. It will be helpful in addressing systemic and legislative factors that affect Indigenous people who are involved in the criminal justice system.

Lastly, the book cannot be read without acknowledging the context in which it has been published. In the winter of 2018, Saskatchewan farmer Gerald Stanley was acquitted

of manslaughter in the shooting death of Colten Boushie, a young Cree man. During that trial, there was a significant outcry because there were no visibly Indigenous people selected, and as a result there has been increasing public engagement with this issue.

REVIEWED BY
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***Fitness to Stand Trial: Fairness First & Foremost.* By Richard D. Schneider & Hy Bloom. Toronto: Irwin Law, 2018. v, 251 p. Includes index, table of cases, tables of contents, and appendices. ISBN 978-1-55221-497-8 (paperback) $85.00; ISBN 978-1-55221-498-5 (eBook) $85.00.**

Any legal issue involving a common law test needs to be understood clearly and precisely. This book is a thorough exploration and in-depth analysis of the fitness to stand trial standard. In the opening paragraph of their introduction, the authors state without fanfare exactly why we should care deeply about this issue: "The rules regarding fitness to stand trial are in place to help ensure that the accused receives a fair trial" (p 1). Their goal in tackling this issue is no more and no less than to attempt to ensure that fairness.

The Honorable Richard D. Schneider (Ontario Court of Justice and Territorial Court of the Yukon) and Hy Bloom (a forensic psychiatrist and lawyer) expertly describe the concept of fitness to stand trial, assisting in clarifying the test for fitness while at the same time thoughtfully critiquing its application. The cross-section of expertise between mental health considerations and the legal system brought to this work by these authors allows for an extremely meticulous description and analysis of the fitness to stand trial issue from multiple perspectives. Having medical- and legal-focussed chapters highlight the particular expertise of each author, and their analyses of the issues bring these chapters together as a whole.

This book has a superb level of detail in the tables of contents, greatly assisting the reader in distinguishing the issue or question pertinent to their research. Included in the many topics covered are: histories of the fitness rules, the test for fitness to stand trial, the timing of the test at trial, psychiatric aspects of fitness, assessments of fitness, next steps upon a verdict of unfit, self-represented litigants and the issue of fitness, and an overview of the fitness rules in the U.S. and U.K. Each of the 10 chapters is broken down into as many as 20 extremely specific subheadings, allowing the reader to home in on the pertinent information they are looking for. These subheadings are outlined in a second, detailed table of contents. Additionally, each chapter ends with a 10-point review of what the chapter covered, which is very handy for those who need a quick overview of a subject and are working to a deadline. Also included are a few related sample forms from the *Criminal Code*, as well as some Ontario-specific forms.

While this book is primarily aimed at practitioners, providing granular explanations of how and when fitness to stand trial may become an issue at each stage of a proceeding and how it is dealt with at that stage, it is also readable and, more importantly, understandable by a wide range of parties. It does not presume the reader possesses any prior knowledge of the subject matter and was written to catch the interest of novices, students, and researchers, along with seasoned attorneys.

As a point of interest, when a legal point is mentioned in the text, the history of that concept is fully described, allowing the reader to not only understand the nature of the test, for example, but why it has evolved to be the way it is. The authors succeed at compartmentalizing history, facts, explanations, and opinions, which makes each section have significant impact on its own. I would say the only drawback to this level of detail is that while the facts are worth reading, they are a bit dry compared to the analysis, which is a much smaller portion of the book.

As someone new to this particular procedural subject, I believe this book would allow me to confidently approach one's fitness to stand trial in a practical setting. I particularly appreciated the notes on how the points of law raised differ in practice from their formal expression.

REVIEWED BY
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***Grace and Wisdom: Patrick G. Kerwin 1889–1963, Chief Justice of Canada.* By Stephen G. McKenna. Ottawa: Petra Books, 2017. ix, 314 pages. Includes illustrations. ISBN 978-1-92703-268-8 (softcover) $24.00.**

Grace and Wisdom is a biography of Canada's 10th chief justice, Patrick Kerwin, as told by his grandson, Stephen McKenna. McKenna describes how Kerwin was a significant part of his early life until Kerwin's death in 1962. The author, exposed to many stories and memories about his grandfather, synthesized family records and external research to produce an in-depth book about Kerwin's life. What emerges is an account of Kerwin's career as a lawyer and jurist, as well as a portrait of a thoroughly decent and humble individual. The early chapters set out his modest younger years.

Born in Sarnia during Queen Victoria's reign, Patrick Kerwin was raised mainly by his mother while his father was away for months at a time working as a sailor on the Great Lakes. When he was eight, Kerwin lost his father, and the family continued to live above a liquor store they had purchased. As the oldest of three children, Kerwin quit school at age 14 to take a delivery job, and later he became a part-time clerk in a local law firm. He was able to resume his high school studies while also supplementing the family income with trombone performances, and later as a student at law with a local Sarnia law firm. He attended Osgoode Hall Law School in Toronto, where he graduated in 1911.