Island cases have tremendous social and historical importance: these influential cases show not only how the government's control of official history has had a devastating impact on subsequent TAA claims but also how the government view of negotiations is inherently flawed.

Later chapters explore the implications of these tensions in more detail, noting the failure of government actors to take indigenous views into account or to accord stronger commitment to First Nations communities. McNab meticulously describes the workings of the Ontario Native Affairs Directorate during the 1980s and 1990s, when he joined the unit as a land-claims advisor. Written in part as a historical record of the directorate's formative years and in part as a political memoir about his activities, McNab's account documents the struggles that undermined the unit's goals through internal squabbling among directorate members and the failure of staff to consult with indigenous communities about Native affairs. His contention is that Ontario's "mixed legacy" in processing Aboriginal issues has differentially affected indigenous communities (167).

No Place for Fairness offers an incisive critique of the role that institutional racism plays in government offices and in the judicial system, as well as an analysis of the wider implications that follow from "errors" of legal judgment (191). Its more far-reaching contribution, however, arises from McNab's key insight that "land claims are political creatures and politicize everyone with whom they come into contact" (172). Accordingly, McNab reveals the political importance of documenting the ways in which land-claims negotiations have become a standard feature of indigenous–government political processes despite unresolved questions about the making of specific treaties as well as the general relationship between the truth of official documents and indigenous peoples' knowledges about history, culture, and land rights (190). He shows the dilemma confronting indigenous resistance movements, movements that make the public historian's task more urgent and more difficult at the same time.

Cheryl Suzack
Department of English and Aboriginal Studies Program
University of Toronto
Toronto, ON

Michael Manley-Casimir and Kirsten Manley-Casimir, eds.
The Courts, the Charter, and the Schools: The Impact of the Charter of Rights and Freedoms on Educational Policy and Practice, 1982–2007. Toronto: University of Toronto Press, 2010, 384 p.

This volume follows up the 1986 publication *Courts in the Classroom*, an edited collection speculating on the possible impact of the Canadian

Charter of Rights and Freedoms on schools.[4] This new book provides a view of what has actually happened in this area of law in the intervening twenty-three years, and this time Professor Michael Manley-Casimir (director of the Tecumseh Centre for Aboriginal Research and Education at Brock University) shares the editing duties with his daughter, Kristen Manley-Casimir (a PhD candidate and co-director of the Intensive Program in Aboriginal Lands, Resources and Governments at Osgoode Hall Law School). They and the contributors of the thoughtful pieces that make up the book have produced a work that stands in stark contrast to the grim instrumentalism of many of the books that fill the shelves at KF4150 (roughly, the Canadian school law section). In this zone of the library, one tends to find handbooks or manuals for teacher and school administrators, books that treat law as a set of defined rules and advise how to avoid running afoul of these rules. These books are so relentlessly, grimly doctrinal and positivistic that they convey a vision of law almost unrecognizable to critical scholars or those who take a more sociological approach.[5] In contrast, *The Courts, the Charter, and the Schools* is a very welcome addition to the shelves, despite the fact that the editors resist drawing any broad conclusions, arguing that it is too early (although they do claim s. 15 as the most important provision of the Charter in the school context: p. 13). I would have preferred to see more on gender and race and on the ways that schools can both perpetuate and challenge the hierarchies that characterize this society, but I do not expect every edited collection to meet all my interests.[6] A key contribution of this book is its acknowledgment of the very complicated ways in which law is implicated in constituting educational environments and the need to take a critical approach to the interplay of values and politics in the development of legal regimes. So, for instance, Greg Dickinson's discussion of the rules around search and seizure go far beyond providing doctrinal rules. Dickinson offers an impassioned critique of the conservative stance the Canadian Supreme Court has taken in cases such as *R v MRM.*[7] To the extent that courts have treated schools as a "hands-off" zone, they have

---

4 Michael E. Manley-Casimir and Terri A. Sussel, *Courts in the Classroom: Education and the Charter of Rights and Freedoms* (Calgary: Detselig Enterprises, 1986).

5 Interestingly, the majority of the authors here are from the field of education rather than of law.

6 There are references to gender in the book, but they are very sparse and quite general; race is absent from the index, although hinted at in various places. Contributions that I hoped would develop some discussion of the racialized aspects of the phenomena discussed fail to do so. See, e.g., William Smith and William Foster, "Equality in the Schoolhouse: Has the *Charter* Made a Difference?" (p. 14), quoting a First Nations student commenting on lack of educational opportunity as constituting a form of genocide. Smith and Foster's piece focuses on disability—no doubt because they are looking at cases, and most of the cases relate to disability. Wayne McKay also uses disability as a case study in his contribution, "The Lighthouse of Equality: A Guide to 'Inclusive' Schooling" (p. 42), and his discussion of *Multani v Commission scolaire Marguerite-Bourgeoys*, 2006 SCC 6 at 56, does not explore race. I recognize the challenge—the lack of case law. However, I would have liked to see some discussion of why the Charter seems to speak to some dimensions of educational inequality but not others.

7 [1998] 3 SCR 393.

neglected to truly engage with educational theory on the meaning of schools and schooling (p. 178).

In the closing article, Manley-Casimir and Romero gather together the statements of Canadian courts to create a pastiche portrait of schools as seen by the courts. As they point out, the dry language of provincial education statutes rarely provides guidance as to the purpose of schools in Canadian society, and the courts must fill, and (to some extent) have filled, that gap. Yet the lofty statements that Manley-Casimir and Romero have assembled for examination seem at odds with the deferential approach to school administrators noted by a variety of other authors in the collection.[8] There is incoherence in this approach to schools, one that sees students as both promise and threat, that treats schools both as fundamental to society and as fundamentally a zone for experts only. School "exceptionalism" allows us both to recognize the critical nature of schools as a site where citizens are created and nurtured and then to turn those sites over almost casually to (at worst) managers and bureaucrats or (at best) caring and thoughtful educators. It is the very importance of schools as sites where citizens are produced that requires a more engaged approach. Law is not a management tool—or, at least, it is not only a management tool. This collection provides a model for courts and scholars, one that starts to embrace the interdisciplinary and interconnected reality of the relationship between law and education.

Sonia Lawrence
Osgoode Hall Law School
York University
Toronto, ON

[8] See Dickinson, Ailsa M. Watkinson, "Corporal Punishment and Education: Oh Canada! Spare Us!" (p. 181); Smith and Foster.