alerted in this chapter to the fact that the *Criminal Code* has many other offences listed that may overlap with civil tort cases, for example: mischief, criminal negligence causing death or bodily harm, duty of person undertaking dangerous acts, offences regarding firearms or explosives.

This is one small problem I have with the book, while another, and my main objection to the book is the focus and use of the so-called "Rule in *Rylands v. Fletcher.*" Tort law including negligence and nuisance has origins from before 1866, the year the trial judge, Blackburn, wrote his decision in *Rylands v. Fletcher*, which was affirmed by the House of Lords in 1868. Tort law develops as times change, and each case is dependent on its own facts. Professor G. H. L. Fridman, in his 1956 paper entitled "The Rise and Fall of Rylands and Fletcher" ((1956) 34 Can. Bar Rev. 810) suggested that Judge Blackburn had returned "to the medieval period with its ideas of strict liability" in certain cases. In a later note the same year Fridman suggested (p. 1230) that *Rylands v. Fletcher* would be a *springboard* for fresh jumps in the progress of the law.

Professor Fridman in his text (see G.H.L.Fridman, *The Law of Torts in Canada*, 3rd edition (Carswell, 2010)) explains the various approaches to the case in the last decade:

> In England, the House of Lords regarded it as a species of nuisance so that the defendant could only be liable for foreseeable consequence...In Australia, the majority of the High Court thought the doctrine was more properly to be treated as absorbed by the principles of ordinary negligence. These included imposing a higher standard of care having regard to the inherently dangerous character of the substance involved...and recognising that the duty of care could be delegated in certain instances where there was clear 'proximity'...[and later] the House of Lords... restated the rule, by treating it as a species of private nuisance, and by replacing the previous requirements of dangerousness and non-natural use of land by a nebulous concept of 'ordinary contemporary standards', expressed, however, by different members of the House in different ways.

In looking at other current books on Tort Law, I prefer Linden and Felthusen's treatment of this area of the law over that of Pun and Hall, as its analysis seems to be closer to that of Fridman. Linden and Feldthusen in their textbook (*Canadian Tort Law*, 9th ed (Lexis Nexis Canada Inc., 2011)) appear to downplay the case; you cannot find its name in their index, just in the list of cases which is where I believe it belongs. They mention the case briefly in their chapter summarizing the notion of strict liability, and suggest that some cases would have been dismissed without a strict liability theory in place.

In contrast to the approach taken by other writers to this case, Pun and Hall, say about *Rylands v. Fletcher*: "it may have been wounded in the United Kingdom, killed in Australia, and is slumbering in the United States...it is not dead, but alive and well in Canada." Readers would have benefitted from some explanation as to which of the common law jurisdictions mentioned above has taken a better approach and why. They might also have benefitted from some discussion of the net result of the different and significant evolution in the treatment of the case in each of these jurisdictions.

These observations aside, the book has a good index which is easy to use and refers directly to the page number of the text. The extensive, consecutively numbered, notes are easy to find at the foot of each page. The book does not have a Table of Cases or a Table of Statutes, which I found disappointing. The content covers public nuisance, private nuisance, defences, and remedies. However, the index does not refer to Municipal Government, a significant omission in my opinion. The book nevertheless will be useful to both practicing lawyers and to students of law, particularly if used alongside a Canadian text on torts. I would recommend that any student of law or practitioner have a solid background in tort law to assist with understanding that portion of tort law called nuisance law.

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Making Equality Rights Real: Securing Substantive Equality under the Charter. Edited by Fay Faraday, Margaret Denike, and M. Kate Stephenson. Toronto ON: Irwin Law, 2009. xvi, 527 p. Includes foreword, preface, chapter endnotes with bibliographic references, appendices, and index. ISBN 978-1-55221-181-6 (softcover) $34.95.

Making Equality Rights Real is a collection of essays celebrating section 15, the equality rights provision of the *Canadian Charter of Rights and Freedoms*. This paperback volume is actually a second edition of the collection, which was originally written in 2005 to commemorate the twentieth anniversary of section 15 coming into force. The new edition is updated with a Foreword by Kim Brooks (then an associate professor at McGill and now Dean of the Law School at Dalhousie) who is a former Chair of LEAF, the Women's Legal and Education Action Fund which was formed in April 1985 on the same day that section 15 came into force.

The Foreword explains that, in the five years since its original publication, this collection of essays is "even timelier now," because the "Supreme Court's approach to equality jurisprudence is once again going through a period of transition." The collected essays are anchored by *Law v. Canada*, [1999] 1 S.C.R. 487, the first section 15 case the Supreme Court of Canada heard. That case is reviewed in the book's Introduction to give readers the appropriate context for the chapters, or essays, that follow. The Foreword brings the content up to-date- in its discussion of *R. v. Kapp*, [2008] 2 S.C.R. 483. This unanimous decision addressed some of the difficulties flowing from *Law*, and turned away from *Law's* attempt to use human dignity as a legal test in analyses of *Charter* violations. The Foreword reviews some of the "problems" that have followed *Kapp* in section 15 cases.

The essays themselves are authored by some of the

foremost names in equality jurisprudence: Sheila McIntyre, Denise Réaume, Fiona Sampson, Gwen Brodsky, and Shelagh Day are only a few. The editors, Fay Faraday, Margaret Denike, and M. Kate Stephenson, carry the same level of expertise in post-*Charter* equality and human rights law.

The essays are presented in three parts. The first part contains five essays that examine the question, "What Does Equality Mean?" They address the substantive content and goals of equality and whether Charter jurisprudence facilitates or restricts their achievement. These essays examine *Law*'s human dignity concept in relation to substantive equality.

The second part also contains five essays, this time addressing "Equality Claims in Context." These essays look at what contextual examination of equality claims means, how it matters to claimants, how the courts can be seen as resisting context, and the challenges and obstacles parties see in their claims.

Finally, the third part contains three essays that consider "Shifting and Blending Paradigms: The Charter, Statutory Human Rights, and International Human Rights." These essays look at how these categories of rights protection have diverged, the importance of distinctions between them, and also how a section 15 analysis can be enriched by approaches to the other two categories.

It is important for potential readers to be aware that *Making Equality Rights Real* originally was produced with financial assistance from the LEAF Foundation. The essays began as papers that were initially presented and workshopped at two national LEAF colloquia and a national consultation. As the Acknowledgments note, the book "grew out of a group initiative by LEAF's National Legal Committee to study the impact and future implications to equality jurisprudence" of the *Law* decision.

It might be expected then, that the views presented in the book will reflect LEAF's approach to the application and interpretation of section 15. That the book was produced by an advocacy group should not deter purchasers. This volume of well-analyzed essays undoubtedly will be helpful to anyone researching or advocating in equality law cases. LEAF has been at the forefront of post-*Charter* equality jurisprudence in this country, having intervened in many of the key section 15 cases. Appended to book are two of LEAF's Intervener Factums submitted in the following cases: *Newfoundland (Treasury Board) v. N.A.P.E.* and *Auton (Guardian ad litem of) v. British Columbia (Attorney General).*

Whichever side of an equality issue a reader might be researching or arguing, easy access to these resources as well as the in-depth, contextual analysis in the essays will be of great value. This is especially so given the relatively low price of the book as compared to legal texts generally.

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Making Rights a Reality?: Disability Rights Activists and Legal Mobilization. By Lisa Vanhala. Cambridge; New York: Cambridge University Press, 2010. xviii, 293 p. Includes list of figures and tables, abbreviations, bibliography, and index. ISBN 978-1-107-00087-2 (hardback) $90.00.

A Post-doctoral Fellow (Nuffield College) at the British Academy, University of Oxford, *Making Rights a Reality?* is Dr. Lisa Vanhala's first book. She is a political scientist working at the intersection of law, politics and sociology.

Vanhala begins the book with an anecdote that takes place at this very intersection. The 1970s was a period of transformative social change for Canadians with disabilities, she explains, and these individuals began to organize and mobilize a social movement in an effort to confront a society that did not fully recognize them as equal members. This period saw the beginnings of significant legislative and social change and advances that would take place in the decades to come.

Vanhala explains that a group of disabled activists, from all across the country, were travelling to Ottawa for a meeting. They faced multiple, accessibility-related hardships and barriers both en route to, and again, upon their arrival at the then inaccessible House of Commons. Ironically, these Canadians were gathering at the nation's capital with aspirations of promoting equality and social inclusion by advocating for issues of accessible transport. Despite this less than promising start to their journey, the lobbyists were successful that November of 1979 in raising awareness, garnering the attention of the media, and forcing the government of the day to hear the plight of the disabled in Canada.

Drawing upon court records, campaign materials and interviews with experts and activists, Vanhala takes a comparative, socio-political approach to strategies of legal mobilization in *Making Rights a Reality?* She follows activists and lawyers in the United Kingdom and Canada, and chronicles the ways in which the movement has influenced and formed the collective political identity associated with disability. By studying the pivotal jurisprudence, tracking the evolution of the judges' understanding of disability over time, and recognizing the overarching effects participating in strategic litigation has had on the groups, she asserts a recursive relationship between rights and identity. Specifically, she argues that the collective identities constructed by activists both shape and are shaped by their decisions to enter the courtroom, which in turn can, and has had both deliberate and unplanned consequences for the disability rights movement.

Making Rights a Reality? is divided into six chapters, each covering different but related and, at times, complex issues relevant to understanding the disability rights movement and its actors. In her study, Vanhala chose to compare Canada and the United Kingdom largely due to the two countries' analogous protections against discrimination and the fact that they are both governed by a common law system—one based