and by homeowners to maintain their lawns and yards ... people have become convinced that using any type of herbicide in forestry poses an unacceptable threat to the environment and to public health."(128-9) Highlighting contradictions such as these greatly strengthens his case for a reassessment of the public's attitude toward forest management.

In many ways, this book provides a relatively well-balanced evaluation of the subject under consideration. For example, although Kimmins is critical of the purely emotional stand taken by many, he also condemns the manner in which industrialists and governments have managed Canada's forests. As he states, "[d]ecisions in Canadian forestry in the past have too often been based predominantly on economic criteria. Negative impacts on the environment or on communities were often ignored or given little attention." (70) This criticism is echoed in his account of the forest industry's poor record regarding road building in the bush (84) and the size of its clear cuts. (79-84)

In stressing the need for logical discourse in this debate, however, Kimmins has a predilection to be too rational. His chapter on the need to accept the extinction of certain species demonstrates his tendency to diminish the "irrational," ethical questions regarding this subject in favour of focusing on the scientific considerations. Kimmins is unconvincing in his attempt to illustrate his point in this section, stating that "many species can be lost from an ecosystem without the ecosystem 'falling apart at the hinges,' just as many specialty stores can close without a major effect on the ability of a human community to function." (164) Not only does this analogy not work, but Kimmins also blurs the distinction between an ecosystem's "natural" evolution in the distant past and the changes which are brought about today as a result of human interference in the environment.

Nonetheless, the aggregate product of Kimmins' work is truly a breath of fresh air. He urges us to accept the inevitability of the harvesting of the forest while exhorting those in public office and in the forest industry itself to accept that adherence to a sound policy of forest development is in everyone's best interest. "The time has come," he declares,"to leave the rhetoric behind and to move on to find ways by which we can actually achieve the conservation and sustainable use of forest resources that most people want." (8) Kimmins is adamant that cooperation is the means to this end, for "[t]he environment is far too important ... to go on arguing about ... All sides in the forestry/environmental debate must enter a partnership to ensure sustainable development." (234) It is undoubtedly the hope of any reader of *Balancing Act* that the author's final plea will be realized.

Mark Kuhlberg
York University

Dennis R. Klinck, *The Word of the Law: Approaches to Legal Discourse* (Ottawa: Carleton University Press 1992)

Dennis Klinck's work is an addition to a new and exciting field of legal analysis that applies the theories and techniques of literary criticism and linguistics to the language of law. It explores this difficult and controversial area in what the author terms a "pragmatic" way: by reproducing frameworks of analysis from other fields, commenting on some of their limitations, and then attempting to apply them to legal language or thought processes. Klinck's originality lies, perhaps, in his heavily theoretical emphasis, as he attempts to go far beyond the general introductions and applications of theory found in other textbooks in the area. Also, he avoids subscribing solely to the views of any particular school of linguistic or literary analysis, and, subject to some criticisms to be discussed later, makes a substantial contribution to the field.

The more exciting sections of Klinck's work are the discussions of "Language and Thought" (Chapter 2); "Rhetoric" (Chapter 6); and "Narrative" (Chapter 9). In the first of these chapters Klinck summarizes theories that call into question the possibility of language describing, or otherwise being tied in anyway to reality: notably those of Ferdinand de Saussure. These theories see language as arbitrary in its connection of "signs" (terms used to name things, relations, etc.), with objects in the real world. Signs, as the foundations of our language and thought, can be seen as independent of any external reality, creating a self-sufficient universe, unconnected with the world they pretend to describe.

In discussing these theories, Klinck rejects extreme formulations of linguistic relativism in favour of the more moderate position of Benjamin Lee Whorf. Whorf accepts the existence of a reality external to language, yet nonetheless argues that this reality is such a "kaleidoscopic flux of impressions" that we need, and have constructed, our language to divide it up and organize it in ways comprehensible to us. The implications of his theory are that a particular language will determine our perceptions of the world and also limit the possible ways in which we can think. Thus, Klinck posits that the form and content of much of Western philosophy may have been determined by the limits of the particular language in which it was created. Hence each of these philosophies may not be capable of creating 'general laws' about the world.

It is interesting that even though Klinck discusses the European nature of our linguistic world view, he does not make the connection between its limited cognitive framework and the inability of law to comprehend or deal with different linguistic systems and their different cultures. He could have explored an obvious example of a clash between unrelated linguistic and cultural systems that is currently of great interest to legal scholarship: the problems created in imposing the European-based Canadian legal system, with its corresponding world view, on First Nations people (illustrated, for example, in 'our' differing conceptions of land ownership).

In applying Whorf's theories to law, Dennis Klinck also reveals that legal language may be a means of social regulation, organizing and representing the world in a particular manner. And the caution for lawyers is that this linguistic determinism cuts both ways: just as normal language may constrain our breadth of thought, the language of law can limit our ability to perceive the world around us. This theoretical perspective provided by linguistic determinism could be extended to shed light on the significance of gendered language. Klinck shies away from any discussion of class-based control of legal discourse — only briefly mentioning the 'power relation' theories of the Marxist linguistic analysis employed by Rossi-Landi — despite the increasing recognition of the importance of this kind of analysis by other legal scholars.

In his exploration of "Rhetoric: Structures of Argument and Discourse" (Chapter 6), Klinck posits that law is not a "logical" discipline (its basic postulates being values rather than empirically verifiable facts), and argues that it is more appropriately identified as being one of "rhetoric." He expands the definition of "rhetoric" to include all things that can be considered under the label of "the art — or arts — of persuasion" (specifically rejecting the limited, negative definitions of rhetoric as being "verbal trickery"). Once within this broadly defined field of rhetoric, Klinck takes us through two major frameworks of linguistic analysis: that used by classical rhetoricians, *inventio, dispositio, elocutio, memoria*, and *pronunciatio*; and that used by Chaim Perelman, with "Argumentation" being seen to be made up of competing processes of "Association" and "Dissociation." His purpose here is to reveal how all legal arguments, from the oral submissions of counsel to a judge's decision, can be dissected with these frameworks. And by doing so he demonstrates the weaknesses of reasoning found in some legal texts, even to the point of showing that the force of supposedly 'logical' arguments may be entirely dependent upon emotional content.

A more perceptive criticism of law brought out by Klinck's study of rhetoric is that it slavishly adheres to the "principle of inertia," the principle that a person wishing to change an existing practice must shoulder the burden of justifying that change. This principle has been formalized in the legal use of precedent, and can be illustrated by the way lawyers arguing a case invariably try to justify their own positions as being more in line with established practice (and the opponent's position as being divergent).

Chapter 9, "Narrative," follows up on Klinck's comments on the relation of language to reality, showing that narrative structures always represent a re-telling of any event and are never devoid of subjectivity. This analysis is applied to judgments (as a type of narrative), and parts of judgments, such as 'objective' judicial summaries of the 'facts' of a case. Factual summaries, representing a selective presentation of some of the evidence heard by a court, are non-objective, and are more accurately analyzed as forms of rhetoric

(the purpose of persuasion here being the 'justness' of the judicial conclusion). The most innovative demonstration of the relevance of narrative analysis to legal theory is Klinck's inclusion of an entire case summary, and his subsequent dissection of it into its narrative elements. This is a clear and persuasive method of presentation, and its more frequent use could have helped create a greater degree of "intensity," for the rest of the text.

Klinck also examines the relevance of narrative analysis to law in general, by discussing the possibile interpretation of precedent as a narrative convention of law: that all like stories must have like endings. He discusses theories that see "archetypal stories" as lying behind all narratives (which would justify our practice of distilling a case into its archetypal meanings for use as a precedent). These contrasting positions of 'archetypal' and 'concrete' underlie the dichotomy in legal thinking between, the demand for application of generalizing rules, and the demand for distinguishing these rules based upon the specific facts of each case. By examining the effectiveness of methods for presenting narratives, whether in legal writing or witness testimony, Klinck gives us yet another set of tools to control (or understand the control of), a legal explication of reality.

Unfortunately, *The Word of the Law*, as a text, has some substantial problems. Supposedly written as an "introduction" to the area, Klinck's work shows very little sympathy for the new reader in the field. It contains far too much jargon and technical terminology, and poorly differentiates between the use of the same term by different schools of theory. It generally suffers from: "unjustifiable substantive complexity" (too much material extranious to the author's argument), and an overall lack of "intensity." In short, it may quickly discourage all but the most persistent of readers. Although Klinck's *The Word of the Law* is a substantial contribution to the study of the relationship of law and language, it suffers from the major failure, ironically, of being written in a style that hinders communication.

David S. Berry
Queen's University

Margaret Conrad, ed., *Making Adjustments: Change and Continuity in Planter Nova Scotia 1759-1800*, (Fredericton: Acadiensis Press 1991).

There has been a debate within the academic community regarding the viability of "regional" history as a means of understanding and interpreting Canada's past. Though the days are gone when history was a narrative of the "grand scheme" of things, there is still a tendency to view Canada's history as the sum of its parts. Among those countering this trend are scholars in Atlantic Canada who have been generating a rich and varied regional historiography which speaks not only to "locals," but to people outside the region as well.

Evidence that aspects of Canadian history on the periphery have been overlooked in the "Upper Canadian stew" can be found in the way in which historians view the arrival of the United Empire Loyalists into what is now Ontario and Nova Scotia. Often not considered are the cases of Nova Scotia and New Brunswick, where Loyalists were not the first wave of migrants to arrive from the former British Colonies to the south.

Planters predated Loyalists by roughly twenty years, yet Canadian history studies often give them little notice. However more than the Loyalists, the Planters, along with the Micmac, Acadians and German Protestants, defined Nova Scotian society and set the tone for Nova Scotia's response to the 1867 union. Revising notions about the extent of Loyalist influence across regional boundaries is among the work being done by scholars in the field of Planter Studies.

Indicative of how certain groups have been obscured by history — and historians — is that the term Planter must be defined. After the expulsion of the Acadians in 1755, efforts were made to "repopulate" the fertile dykelands they left behind. Between 1759 and 1768, the Planters, approximately 8000 emigrants from New England, came to "plant" settlements throughout the Annapolis Valley of Nova Scotia. As well, they tried to transplant the political, social and economic structure of eighteenth-century New England to colonial Nova Scotia.

They Planted Well: New England Planters in Maritime Canada, published in 1988, contained the proceedings from the first confer-