

“Race,”

Rights and the Law in the Supreme Court of Canada



Historical Case Studies

James W. St. G. Walker

Race Rights And The Law In The Supreme Court Of Canada Historical Case Studies

**Fred Kaufman, Osgoode Society for
Canadian Legal History**



Race Rights And The Law In The Supreme Court Of Canada Historical Case Studies:

"Race," Rights and the Law in the Supreme Court of Canada James W. St.G. Walker, 2006-01-01 Four cases in which the legal issue was race that of a Chinese restaurant owner who was fined for employing a white woman a black man who was refused service in a bar a Jew who wanted to buy a cottage but was prevented by the property owners association and a Trinidadian of East Indian descent who was acceptable to the Canadian army but was rejected for immigration on grounds of race drawn from the period between 1914 and 1955 are intimately examined to explore the role of the Supreme Court of Canada and the law in the racialization of Canadian society With painstaking research into contemporary attitudes and practices Walker demonstrates that Supreme Court Justices were expressing the prevailing common sense about race in their legal decisions He shows that injustice on the grounds of race has been chronic in Canadian history and that the law itself was once instrumental in creating these circumstances The book concludes with a controversial discussion of current directions in Canadian law and their potential impact on Canada's future as a multicultural society

"Race," Rights and the Law in the Supreme Court of Canada James W. St. G. Walker, Osgoode Society for Canadian Legal History, 1997-10-27 Drawing on four cases relating to race between 1914 and 1955 Walker history U of Waterloo explores the role of the Canadian Supreme Court and the law in racializing Canadian society He demonstrates that the justices were expressing the prevailing common sense in their legal decisions and argues that the law has created the conditions for the country's chronic racism He projects past and current trends into the future Co published by the Osgoode Society for Canadian Legal History Canadian card order number C97 931762 2 Annotation copyrighted by Book News Inc Portland OR

The History of Immigration and Racism in Canada Barrington Walker, 2008 This outstanding collection examines the complex and disturbing history of immigration and racism in Canada Major themes include Native non Native contact migration and settlement in the nineteenth century immigrant workers and radicalism human rights internment during WWII and racism of the present day The readings are divided into five cohesive sections Natives and Newcomers in Early Canada Space and Racialized Communities Dangerous Others Non Citizens and the State Gate keeping Enemies Without and Within The Post War Era New Rights and New Racisms This book is destined to make its mark in History departments across the country and will also be of interest to students and researchers in Canadian Studies Sociology Demography Political Science and Geography

A History of Canadian Legal Thought R.C.B. Risk, 2006-12-15 This volume in the Osgoode Society's distinguished series on the history of Canadian law is a collection of the principal essays of Professor Emeritus R C B Risk one of the pioneers of Canadian legal history and for many years regarded as its foremost authority on the history of Canadian legal thought Frank Scott Bora Laskin W P M Kennedy John Willis and Edward Blake are among the better known figures whose thinking and writing about law are featured in this collection But this compilation of the most important essays by a pioneer in Canadian legal history brings to light many other lesser known figures as well whose writings covered a wide range of topics from

estoppel to the British North America Act to the purpose of legal education Written over more than two decades and covering the immediate post Confederation period to the 1960s these essays reveal a distinctive Canadian tradition of thinking about the nature and functions of law one which Risk clearly takes pride in and urges us to celebrate Canada's Rights Revolution Dominique Clément, 2009-01-01 In the first major study of postwar social movement organizations in Canada Dominique Clément provides a history of the human rights movement as seen through the eyes of two generations of activists Drawing on newly acquired archival sources extensive interviews and materials released through access to information applications Clément explores the history of four organizations that emerged in the sixties and evolved into powerful lobbies for human rights despite bitter internal disputes and intense rivalries This book offers a unique perspective on infamous human rights controversies and argues that the idea of human rights has historically been highly statist while grassroots activism has been at the heart of the most profound human rights advances A History of Human Rights in Canada Janet Miron, 2009 Human rights equality and social justice are at the forefront of public concern and political debate in Canada Global events especially the war on terrorism have fostered further interest in the abuse of human rights especially when sanctioned or perpetuated by democratic governments This groundbreaking contributed volume seeks to shed light on this topic by uniting original essays that examine the history of human rights in Canada Contributors explore a variety of themes integral to the post confederation period including immigration and ethnicity gender sexuality class disability state formation and provincial federal relations Three key issues emerge throughout incidents of discrimination in both government and society the efforts of human rights and civil liberties activists to create a more open and tolerant society and the implementation of state legislation designed to protect or enhance civil rights **Essays in the History of Canadian Law** George Blain Baker, Jim Phillips, 1999-12-15 This volume in the Osgoode Society's distinguished series on the history of Canadian law is a tribute to Professor R C B Risk one of the pioneers of Canadian legal history and for many years regarded as its foremost authority The fifteen original essays are by notable scholars some of whom were students of Professor Risk and represent some of the best and most original work in the area of Canadian legal history They cover a number of important topics that range from the form of the criminal trial in the eighteenth century to debates over the meaning of property in the nineteenth and to lawyer poet Tom MacInnes's views on the law of aboriginal title in the twentieth century

Toward the Charter Christopher MacLennan, 2003 At the end of World War II a growing concern that Canadians civil liberties were not adequately protected coupled with the international revival of the concept of universal human rights led to a long public campaign to adopt a national bill of rights While these initial efforts had been only partially successful by the 1960s they laid the foundation for the radical change in Canadian human rights achieved by Pierre Elliott Trudeau in the 1980s In this publication Christopher MacLennan explores the origins of this dramatic revolution in Canadian human rights from its beginnings in the Great Depression to the critical developments of the 1960s Drawing heavily on the experiences of a

diverse range of human rights advocates the author provides a detailed account of the various efforts to resist the abuse of civil liberties at the hands of the federal government and provincial legislatures and the resulting campaign for a national bill of rights

Racism, Eh? Charmaine Nelson, Camille Antoinette Nelson, 2004 Racism Eh is the first publication that examines racism within the broad Canadian context This anthology brings together some of the visionaries who are seeking to illuminate the topics of race and racism in Canada through the analysis of historical and contemporary issues which address race and racism as both material and psychic phenomena Fundamentally interdisciplinary in nature this text will be an invaluable resource for undergraduate and graduate students academics studying or practicing within the Humanities and the Social Sciences and anyone seeking information on what has been a little explored and poorly understood Canadian issue

pub desc *Bora Laskin* Philip Girard, 2015-01-15 In any account of twentieth century Canadian law Bora Laskin 1912 1984 looms large Born in northern Ontario to Russian Jewish immigrant parents Laskin became a prominent human rights activist university professor and labour arbitrator before embarking on his accidental career as a judge on the Ontario Court of Appeal 1965 and later Chief Justice of Canada 1973 1984 Throughout his professional career he used the law to make Canada a better place for workers racial and ethnic minorities and the disadvantaged As a judge he sought to make the judiciary more responsive to modern Canadian expectations of justice and fundamental rights In *Bora Laskin Bringing Law to Life* Philip Girard chronicles the life of a man who at all points of his life was a fighter for a better Canada he fought antisemitism corporate capital omnipotent university boards the Law Society of Upper Canada and his own judicial colleagues in an effort to modernize institutions and re shape Canadian law Girard exploits a wealth of previously untapped archival sources to provide in vivid detail a critical assessment of a restless man on an important mission

Contesting White Supremacy Timothy J. Stanley, 2011-01-17 In 1922 23 Chinese students in Victoria British Columbia went on strike to protest a school board s attempt to impose segregation Their resistance was unexpected and runs against the grain of mainstream accounts of Asian exclusion which tend to ignore the agency of the excluded In *Contesting White Supremacy* Timothy Stanley combines Chinese sources and perspectives with an innovative theory of racism and anti racism to explain the strike and construct an alternative reading of racism in British Columbia His work demonstrates that education was an arena in which white supremacy confronted Chinese nationalist schooling and where parents and students contested racism by constructing a new category Chinese Canadian to define their identity

Abortion Shannon Stettner, Kristin Burnett, Travis Hay, 2017-12-01 When Henry Morgentaler Canada s best known abortion rights advocate died in 2013 activists and scholars began to reassess the state of abortion in this country In *Abortion* some of the foremost researchers in Canada challenge current thinking by revealing the discrepancy between what people are experiencing on the ground and what people believe the law to be after the 1988 Morgentaler decision Grouped into four themes History Experience Politics and Reproductive Justice these essays showcase new theoretical frameworks and approaches from law history medicine

women's studies and political science as they document the diversity of abortion experiences across the country from those of Indigenous women in the pre Morgentaler era to a lack of access in the age of so called decriminalization Together the contributors make a case for shifting the debate from abortion rights to reproductive justice and caution against focusing on choice or medicalization without understanding the broader context of why and when people seek out abortions

Magistrates, Police and People Donald Fyson, Osgoode Society for Canadian Legal History, 2006-01-01 Based on extensive research in judicial and official sources Donald Fyson offers the first comprehensive study of the everyday workings of criminal justice in Quebec and Lower Canada Focusing on the justices of the peace and their police Fyson examines both the criminal justice system itself and the system in operation as experienced by those who participated in it Fyson contends that although the system was fundamentally biased its flexibility provided a source of power for ordinary citizens At the same time the system offered the colonial state and its elites a powerful though often faulty means of imposing their will on Quebec society This study will challenge many received historical interpretations providing new insight into criminal justice in early Quebec

Equality Deferred Dominique Clément, 2014-05-06 In *Equality Deferred* Dominique Clément traces the history of sex discrimination in Canadian law and the origins of human rights legislation Focusing on British Columbia the first jurisdiction to prohibit discrimination on the basis of sex he documents a variety of absurd almost unbelievable acts of discrimination Drawing on previously undisclosed human rights commission records Clément explores the rise and fall of what was once the country's most progressive human rights legal regime and reveals how political divisions and social movements shaped the human rights state This book is not only a testament to the revolutionary impact of human rights on Canadian law but also a reminder that it takes more than laws to effect transformative social change

Dewigged, Bothered, and Bewildered John McLaren, 2011-10-22 Throughout the British colonies in the nineteenth century judges were expected not only to administer law and justice but also to play a significant role within the governance of their jurisdictions British authorities were consequently concerned about judges' loyalty to the Crown and on occasion removed or suspended those who were found politically subversive or personally difficult Even reasonable and well balanced judges were sometimes threatened with removal Using the career histories of judges who challenged the system *Dewigged Bothered and Bewildered* illuminates issues of judicial tenure accountability and independence throughout the British Empire John McLaren closely examines cases of judges across a wide geographic spectrum from Australia to the Caribbean and from Canada to Sierra Leone who faced disciplinary action These riveting stories provide helpful insights into the tenuous position of the colonial judiciary and the precarious state of politics in a variety of British colonies

Aggressive in Pursuit Frederick Vaughan, Osgoode Society for Canadian Legal History, 2004-01-01 Few people have had a greater impact on the lives of Canadians than the late Supreme Court judge Justice Emmett Hall At the forefront of several important judgements in the 1960s and 70s such as *Truscott and Calder* Hall is perhaps best known for his role in the adoption of universal health care at

the federal level in 1968 Based on extensive interviews with Hall and people who knew him Frederick Vaughan's *Aggressive in Pursuit* tells Hall's remarkable story Born in Quebec in 1898 and raised in Saskatchewan Hall had a long and distinguished career as a lawyer In 1957 former law school classmate Prime Minister John Diefenbaker appointed Hall to the Saskatchewan Court of Queen's Bench and four years later to the office of Chief Justice of Saskatchewan In 1963 Diefenbaker elevated Hall to the Supreme Court of Canada where he took up the task of universal health care and showed himself to be an aggressive defender of native causes *Aggressive in Pursuit* traces Hall's career from his earliest days of private practice in Saskatchewan to the end of his career and death in 1994 It shows how one prairie lawyer made a difference in the life of Canada

Searching for Justice Fred Kaufman, Osgoode Society for Canadian Legal History, 2005-01-01 The Honourable Fred Kaufman has been a distinguished figure in Canadian law for a half century Born into a middle class Jewish family in mid 1920s Vienna Kaufman escaped to England on the eve of the Second World War In 1940 he was interned as an enemy alien and sent to Canada Released in 1942 Kaufman stayed in Canada where he went on to university and law school in Montreal Kaufman was called to the Bar of Quebec in 1955 and practiced criminal law for eighteen years taking part in many of the famous cases of that period In 1960 he secured the release of a young Pierre Elliott Trudeau from prison and in 1973 Trudeau returned the favour by personally informing Kaufman of his appointment to the Quebec Court of Appeal where he served for eighteen years including one as Acting Chief Justice of Quebec Since his retirement in 1991 Kaufman has led numerous commissions and inquiries most notably the investigation into the wrongful conviction of Guy Paul Morin and the two year reassessment of the Steven Truscott case *Searching for Justice* is Kaufman's remarkable story in his own words It is the tale of adversity overcome in a crucial period of Canadian legal history

My Life in Crime and Other Academic Adventures Martin L. Friedland, 2015-05-27 Since his call to the Bar in 1960 Martin L. Friedland has been involved in a number of important public policy issues including bail legal aid gun control securities regulation access to the law judicial independence and accountability and national security *My Life in Crime and Other Academic Adventures* offers a first hand account of the development of these areas of law from the perspective of a man who was heavily involved in their formation and implementation It is also the story of a distinguished academic author and former dean of law at the University of Toronto Moving beyond the boundaries of conventional memoir Friedland offers an extended meditation on public policy issues and significant events in the field of law discussing their historical impact and predicting the course of their future development Given his personal experience there is no other person more suited to discuss these hugely important issues Friedland puts the law and legal institutions into a wider context looking at the role of personalities politics and pressure groups in the establishment of laws that continue to have tremendous importance for Canadians *My Life in Crime and Other Academic Adventures* reflects upon a life devoted to education scholarship and the law and is an insider account of public policy issues that have come to shape life in this country in the twentieth century and beyond

The Laws and the Land Daniel Rück,2021-09-15 As the settler state of Canada expanded into Indigenous lands settlers dispossessed Indigenous people and undermined their sovereignty as nations One site of invasion was Kahnaw ke a Kanien keh ka community and part of the Rotinonhsini confederacy The Laws and the Land delineates the establishment of a settler colonial relationship from early contact ways of sharing land land practices under Kahnaw ke law the establishment of modern Kahnaw ke in the context of French imperial claims intensifying colonial invasions under British rule and ultimately the Canadian invasion in the guise of the Indian Act private property and coercive pressure to assimilate What Daniel Rück describes is an invasion spearheaded by bureaucrats Indian agents politicians surveyors and entrepreneurs This original meticulously researched book is deeply connected to larger issues of human relations with environments communal and individual ways of relating to land legal pluralism historical racism and inequality and Indigenous resurgence

Misconceptions Anne Lorene Chambers,2007-01-01 In 1921 despite the passing of legislation intended to ease the consequences of illegitimacy for children Children of Unmarried Parents Act reformers in Ontario made no effort to improve the status of unwed mothers Furthermore the reforms that were passed served as models for legislation in other provinces and even in some American states institutionalizing in essence the prejudices evident throughout Until now historians have not sufficiently studied these measures resulting in the marginalization of unwed mothers as historical subjects In Misconceptions Lori Chambers seeks to redress this oversight By way of analysis and careful critique Chambers shows that the solutions to unwed pregnancy promoted in the reforms of 1921 were themselves based upon misconceptions The book also explores the experiences of unwed mothers who were subjected to the legislation of the time thus shedding an invaluable light on these formerly ignored subjects Ultimately Misconceptions argues that child welfare measures which simultaneously seek to rescue children and punish errant women will not and cannot succeed in alleviating child or maternal poverty

Decoding **Race Rights And The Law In The Supreme Court Of Canada Historical Case Studies**: Revealing the Captivating Potential of Verbal Expression

In an era characterized by interconnectedness and an insatiable thirst for knowledge, the captivating potential of verbal expression has emerged as a formidable force. Its capability to evoke sentiments, stimulate introspection, and incite profound transformations is genuinely awe-inspiring. Within the pages of "**Race Rights And The Law In The Supreme Court Of Canada Historical Case Studies**," a mesmerizing literary creation penned by way of a celebrated wordsmith, readers embark on an enlightening odyssey, unraveling the intricate significance of language and its enduring effect on our lives. In this appraisal, we shall explore the book's central themes, evaluate its distinctive writing style, and gauge its pervasive influence on the hearts and minds of its readership.

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