PEOPLE AND PLACE

Historical Influences on Legal Culture

Edited by Jonathan Swainger and Constance Backhouse

People And Place Historical Influences On Legal Culture

Kathleen Armour

People And Place Historical Influences On Legal Culture:

People and Place Jonathan Swainger, Constance Backhouse, 2011-11-01 People and Place presents a path breaking collection of essays demonstrating the fascinating ways in which personalities interact with physical locale in shaping the law Examining law through the framework of history this anthology presents a mixture of innovative articles produced by established scholars as well as representatives of the next generation The collection represents a rich array of interdisciplinary expertise with authors who are law professors historians sociologists and criminologists. Their essays include studies into the lives of judges and lawyers rape victims prostitutes religious sect leaders and common criminals The geographic scope touches Canada the United States and Australia The essays explore how one individual or small self identified groups were able to make a difference in how law was understood applied and interpreted They also probe the degree to which locale and location influenced legal culture history. The essays offer snapshots of human history capturing the centrality of law as individuals located themselves in relation to others and to the places and times in which they lived Accessible to academics students and general readers interested in the formation of law within a social context this collection offers a compelling perspective of this subtle relationship The close examination of people and place will allow readers to unpack law s various meanings across communities and time and to move closer to a more profound awareness of the Gay Male Pornography Christopher N. Kendall, 2004 The 2000 case of Little Sisters Book complexity of human society and Art Emporium v Customs Canada provided Canada's highest court with its first opportunity to consider whether the analysis set out in R v Butler in which the Supreme Court identified pornography as an issue of sex discrimination applies to pornography intended for a lesbian or gay male audience The Court held that it did finding that like heterosexual pornography same sex pornography also violates the sex equality interests of all Canadians Christopher Kendall supports this finding arguing that gay male pornography reinforces those social attitudes that create systemic inequality on the basis of sex and sexual orientation misogyny and homophobia alike by sexually conditioning gay men to those attitudes and practices The author contends that as a result of litigation efforts like those brought by lesbian and gay activists in the Little Sisters case the notion of empowerment and the rejection of those values that daily result in all that is anti gay have been replaced with a misguided community ethic and identity politic that encourages inequality This is best exemplified in the gay male pornography defended in Little Sisters as liberation and central to sexual freedom Gay Male Pornography rejects the equality claims of gay male pro pornography advocates and argues that there is little to be gained from sexualized conformity To date no one has taken the position that gay male pornography violates the legal right to sex equality This book does that and as such it will be of value to scholars of law sociology and gender studies as well as to all who have an interest in equality and iustice Sanctuary, Sovereignty, Sacrifice Randy Lippert, 2011-11-01 Facing immediate deportation a lone Guatemalan migrant entered sanctuary in a Montreal church in December 1983 Thus began the practice of sanctuary in Canada By 2003

thirty six incidents involving 261 migrants had occurred nationwide Sanctuary Sovereignty Sacrifice closely examines sanctuary practice in Canada Randy Lippert suggests that far from being a coherent social movement sanctuary practice is a localized and isolated phenomenon and often not primarily religious in orientation It is also remarkably successful in every documented incident state authorities were kept at bay and providers avoided arrest In most cases migrants also ultimately received legal status Drawing on theories of governmentality Lippert traces the emergence of this practice to a shift in responsibility for refugees and immigrants from the state to churches and communities Here sanctuary practices and spaces are shaped by a form of pastoral power that targets needs and operates through sacrifice and by a sovereign power that is exceptional territorial and spectacular Correspondingly law plays a complex role in sanctuary appearing variously as a form of oppression a game and a source of majestic authority that overshadows the state A thorough and original account of contemporary sanctuary practice this book tackles theoretical and methodological questions in governmentality and socio legal studies concerning methodology nonliberal power the role of legal narratives and the nature of resistance Sanctuary Sovereignty Sacrifice will be of interest to scholars and students in socio legal studies criminology sociology political science social history anthropology and religious studies and will appeal to anyone interested in immigration and refugee law and Constitutional Politics in Canada after the Charter Patrick James, 2011-01-01 The Charter of Rights and Freedoms was introduced in 1982 Since then Canada has experienced more than twenty five years of constitutional politics and countless debates about whether the Canadian federation is integrating or disintegrating. There has however been no systematic attempt to identify general theories about Canada's constitutional evolution Patrick James corrects this oversight by using systemism a concept drawn from the philosophy of science to identify and assess five theories that fall into the liberal or communitarian paradigms. These theories are examined in the context of major issues such as the role of the courts or the status of Aboriginal peoples and debates among advocates and critics of each theory are used to work toward a greater understanding of constitutional wrangling in Canada By adding clarity to familiar debates this succinct assessment of major writings on constitutional politics sharpens our vision of the past and the future of the Canadian federation Defence of Principles Andrew S. Thompson, 2010-09-09 Since 9 11 and the onset of the war on terror the principal challenge confronting liberal democracies has been to balance freedom with security and individual with collective rights In Defence of Principles sheds new light on the evolution of human rights norms in liberal democracies by charting the activism of four Canadian NGOs on issues of refugee rights hate speech and the death penalty including their use of difficult often controversial legal cases as platforms to assert human rights principles and shape judicial policy making Although human rights principles are often spoken of in absolute terms this book reminds us that they are never certain even in countries that have a vibrant civil society a long tradition of rule of law and a judiciary that possesses the constitutional authority to engage in judicial review The struggles of these NGOs reveal not only the fragility but also the resilience of ideas about rights in

liberal democracies Despotic Dominion John McLaren, A. R. Buck, Nancy E. Wright, 2005 This book brings together a variety of perspectives to provide a comprehensive analysis of the important issue of property rights which continues to animate the body politic of Australia and Canada in particular As such it will be of interest to students and scholars of colonial history property theory indigenous studies and law as well as to judges lawyers and the inquisitive general reader The West Beyond the West Jean Barman, 2017-06-22 British Columbia is regularly described in superlatives both positive and negative most spectacular scenery strangest politics greatest environmental sensitivity richest Aboriginal cultures most aggressive resource exploitation closest ties to Asia Jean Barman's The West beyond the West presents the history of the province in all its diversity and apparent contradictions. This critically acclaimed work is the premiere book on British Columbian history with a narrative beginning at the point of contact between Native peoples and Europeans and continuing into the twenty first century Barman tells the story by focusing not only on the history made by leaders in government but also on the roles of women immigrants and Aboriginal peoples in the development of the province She incorporates new perspectives and expands discussions on important topics such as the province s relationship to Canada as a nation its involvement in the two world wars the perspectives of non mainstream British Columbians and its participation in recreation and sports including Olympics First published in 1991 and revised in 1996 this third edition of The West beyond the West has been supplemented by statistical tables incorporating the 2001 census two more extensive illustration sections portraying British Columbia's history in images and other new material bringing the book up to date Barman's deft scholarship is readily apparent and the book demands to be on the shelf of anyone with an interest in British Columbian or Canadian history Critical Criminology in Canada Aaron Doyle, Dawn Moore, 2011-01-01 Canada s criminal justice landscape has been shaped by contrary trends in recent years As the crime rate declines policy makers continue to push for tough on crime legislation and university criminology programs continue to expand Given these trends what does the future hold for criminology and criminal justice This book presents the work of a new generation of critical criminologists who explore the geographical institutional and political context of the discipline in Canada Breaking away from mainstream criminology and popular law and order discourses the authors present a spectrum of theoretical approaches to criminal justice from governmentality to feminist criminology from critical realism to anarchism and they propose novel approaches to topics such as genocide white collar crime and the effect of prison sentences on families By posing crucial questions and attempting to define what criminology should be this book will shape debates about crime policing and punishment for years to come *The Notorious Georges* Jonathan Swainger, 2023-10-15 Boozy and boisterous The Georges the communities of South Fort George and Fort George that ultimately became Prince George acquired a seedy reputation for a century at times branded the dubious title of Canada's most dangerous city Is Prince George really such a bad lad The Notorious Georges explores how the pursuit of respectability collided with caricatures of a riotous settlement

frontier in its early years Anxious about being marginalized by the provincial government and venture capitalists municipal leaders blamed Indigenous and mixed heritage people non preferred immigrants and transient labourers for local crime Jonathan Swainger combs through police and legal records government publications and media commentary to demonstrate that the disorder was not so different from the rest of the province and respectable white residents were often to blame This lively account tells us about more than a particular community s identity It also sheds light on small town disaffection in In Search of the Ethical Lawyer Adam Dodek, Alice Woolley, 2016-01-01 What options did Paul Bernardo s lawyer have when his client directed him to retrieve hidden evidence Where would David Milgaard be today if a lawyer hadn t doggedly challenged his murder conviction And what should a defence lawyer do when told her client is a danger to the public In this equally inspiring and troubling book leading Canadian legal academics and practising lawyers draw on real life stories case studies biography and memoir to examine the tension between ethics and the law Whether re examining high profile cases celebrating barristers who tore down barriers or pointing out current injustices within the justice system their stories are compelling and raise important questions about what it means to be a good lawyer **Contact Zones** Myra Rutherdale, Katie Pickles, 2011-11-01 Contact Zones locates Canadian women s history within colonial and imperial systems As both colonizer and colonized sometimes even simultaneously women were uniquely positioned at the axis of the colonial encounter the so called contact zone between Aboriginals and newcomers Some women were able to transgress the bounds of social expectation while others reluctantly conformed to them Aboriginal women such as E Pauline Johnson Bernice Loft and Ethel Brant Monture shaped identities for themselves in both worlds By recognizing the necessity to perform they enchanted and educated white audiences across Canada On the other side of the coin newcomers imposed increasing regulation on Aboriginal women's bodies Missionaries for example preached the virtues of Christian conjugality over mixed race and polygamous marriages especially those that hadn t been ratified by the church The Department of Indian Affairs agents withheld treaty payments or removed the children of Aboriginal women who did not properly perform their duties as wives and mothers In short Aboriginal women were expected to consent to moral sexual and marital rules that white women were already beginning to contest Contact Zones draws upon a vast array of primary sources to provide insight into the ubiquity and persistence of colonial discourse and to demonstrate how it ultimately was an embodied experience Above all it shows how the colonial enterprise was about embodied contacts What bodies belonged inside the nation who were outsiders and who transgressed the rules these are the questions at the heart of this provocative book Jean Barman's chapter from Contact Zones Aboriginal Women on the Streets of Victoria Rethinking Transgressive Sexuality during the Colonial Encounter won the award from the Canadian Committee on the History of Sexuality Cecilia Morgan's Performing for Imperial Eyes Bernice Loft and Ethel Brant Monture Ontario 1930s 60s from Contact Zones was awarded the Hilda Neatby Prize in Canadian Women s History Reaction and Resistance Dorothy E. Chunn, Susan Boyd, Hester Lessard, 2011-11-01 The

image of backlash is pervasive in contemporary debates about the impact of second wave feminism on law and policy But does it really explain the resistance to feminist initiatives for social change in contemporary culture In this timely volume contributors from various disciplines analyze reaction and resistance to feminism in several areas of law and policy child custody child poverty sexual harassment and sexual assault and in a number of institutional sites such as courts legislatures families the mainstream media and the academy Collectively their studies paint a more complicated often contradictory picture of feminism law and social change than the popular image of backlash suggests Reaction and Resistance offers feminists and other activists empirically grounded knowledge that can be used to develop legal and political strategies for Good Government? Good Citizens? W.A. Bogart, 2007-10 Examining the altered roles of courts politics and change markets over the last two decades this book explores the evolving concept of the citizen in Canada at the beginning of this Still Dving for a Living Steven Bittle, 2012-10-16 In 1992 a preventable explosion at the Westray Mine in Plymouth Nova Scotia killed twenty six miners More than a decade later the government enacted Bill C 45 commonly known as the Westray bill to hold organizations criminally liable for seriously injuring and killing workers and the public In Still Dying for a Living Steven Bittle turns a critical eye on the Westray bill revealing how legal economic and cultural discourses surrounding the bill downplayed the seriousness of workplace injury and death effectively characterizing these crimes as regrettable but largely unavoidable accidents and in the process obscuring their underlying causes the Canadian Prairie West, 1670-1940 Louis A. Knafla, Jonathan Swainger, 2011-11-01 Laws and Societies in the Canadian Prairie West 1670 1940 examines the legal history of the north west frontier from the earliest years of European Native contact in the seventeenth century to the mid 1900s Challenging myths about a peaceful west and prairie exceptionalism the book explores the substance of prairie legal history and the degree to which the region s mentality is rooted in the historical experience of distinctive prairie peoples The chapters written by a cross section of established and emerging scholars working in the allied fields of law legal history sociology and criminology focus on what is distinctive in prairie legal culture By approaching the issue from a variety of perspectives those of colonial administrators fur company employees Native peoples women men entrepreneurs judges magistrates and the police among others the authors find evidence of a conscious effort to apply broad non regional experiences to seemingly familiar local issues The ways in which prairie peoples perceived themselves and their relationships to a wider world were directly framed by notions of law and legal remedy shaped by the course and themes of prairie history Legal history is not just about black letter law It is also deeply concerned with the ways in which people affect and are affected by the law in their daily lives By examining how central and important the law has been to individuals communities and societies in the Canadian Prairies this book makes an original contribution

Westward Bound Lesley Erickson,2011-08-01 Westward Bound debunks the myth of Canada's peaceful West and the masculine conceptions of law and violence upon which it rests by shifting the focus from Mounties and whisky traders to

criminal cases involving women between 1886 and 1940 Erickson's analysis of these cases shows that rather than a desire to protect official responses to the most intimate or violent acts betrayed an impulse to shore up the liberal order by maintaining boundaries between men and women Native people and newcomers and capital and labour Victims and accused could only hope to harness entrenched ideas about masculinity femininity race and class in their favour This fascinating exploration of hegemony and resistance in key contact zones draws prairie Canada into larger debates about law colonialism **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 lovalty 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 Multi-Party Litigation Wayne V. McIntosh, Cynthia L. Cates, 2010-01-01 Drawing upon variety of British colonies insights from law and politics Multi Party Litigation outlines the historical development political design and regulatory desirability of multi party litigation strategies in cross national perspective and describes a battle being fought on multiple fronts by competing interests By addressing the potential and constraints of litigation this book offers a comprehensive account of an international issue that will interest students and practitioners of law politics and public policy Hunger. Horses, and Government Men Shelley A.M. Gavigan, 2012-10-24 Scholars often accept without question that the Indian Act 1876 criminalized First Nations In this illuminating book Shelley Gavigan argues that the notion of criminalization captures neither the complexities of Aboriginal participation in the criminal courts nor the significance of the Indian Act as a form of law Gavigan draws on court files police and penitentiary records and newspaper accounts and insights from critical criminology to interrogate state formation and criminal law in the Saskatchewan region of the North West Territories between 1870 and 1905 By focusing on Aboriginal people's participation in the courts rather than on narrow categories such as the state and the accused Gavigan allows Aboriginal defendants witnesses and informants to emerge in vivid detail and tell the story in their own terms Their experiences stand as evidence that the criminal law and the Indian Act operated in complex and contradictory ways that included both the mediation and the enforcement of relations of inequality An Index to Common Law Festschriften Michael Taggart, 2006-09-01 This is the first ever index of contributions to common law Festschriften and fills a serious bibliographic gap in the literature of the common law The German word Festschrift is now

the universally accepted term in the academy for a published collection of legal essays written by several authors to honour a distinguished jurist or to mark a significant legal event The number of Festschriften honouring common lawyers has increased enormously in the last thirty years Until now the numerous scholarly contributions to these volumes have not been adequately indexed This Index fills that bibliographic gap The entries included in this work refer to some 296 common law Festschriften indexed by author subject keyword editor title honorand and date It therefore includes over 5 000 chapter entries In addition there are more than a thousand entries of English language contributions to predominantly foreign language non common law legal Festschriften from Germany Austria Switzerland Denmark Finland Iceland Norway and Sweden

Unveiling the Power of Verbal Artistry: An Psychological Sojourn through **People And Place Historical Influences On Legal Culture**

In a global inundated with displays and the cacophony of instant conversation, the profound energy and mental resonance of verbal art frequently diminish in to obscurity, eclipsed by the constant assault of noise and distractions. However, nestled within the musical pages of **People And Place Historical Influences On Legal Culture**, a charming function of fictional elegance that pulses with organic thoughts, lies an wonderful trip waiting to be embarked upon. Published by way of a virtuoso wordsmith, this magical opus guides viewers on a mental odyssey, gently revealing the latent potential and profound affect embedded within the complex web of language. Within the heart-wrenching expanse of the evocative examination, we will embark upon an introspective exploration of the book is main subjects, dissect their interesting writing type, and immerse ourselves in the indelible effect it leaves upon the depths of readers souls.

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