



Canada and the constitution 1979-1982: Patriation and the Charter of Rights

McWhinney, Edward

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Patriation Of The Constitution Of Canada 1982

Curtis Cook



Patriation Of The Constitution Of Canada 1982:

Constitutional Amendment in Canada Emmett Macfarlane, 2016-01-01 Constitutional Amendment in Canada is the first volume to focus solely on the implications of the amending formula in Canada **Federalism and the Charter** Peter Russell, 1989-07-15 This extensive revision of the landmark Leading Constitutional Decisions brings together recent Charter cases with the classical cases on the Canadian Constitution An introductory essay traces the evolution and distinctive features of judicial review in Canada and includes references to the Constitution Act 1982 and the important changes resulting from it *Concise Legal Research* Robert Watt, Francis Johns, 2009 Concise Legal Research details the technical aspects of a huge number of legal sources and explains how to research law with confidence and in good time This new edition focuses on the impact of online access and the need for the researcher to move seamlessly between traditional and electronic resources All strategies that have been created to incorporate hard copy researching techniques have been updated with alternate electronic methods Particular attention has been paid to the chapter on secondary sources and with the maintenance of a structured approach to research recognises that online research with its many inherent pitfalls must carefully fit within rules of research required by the discipline *Federalism in Canada* Thomas O. Hueglin, 2021-04-07 Federalism in Canada tells the turbulent story of shared sovereignty and divided governance from Confederation to the present time with three main objectives in mind The first objective is to convince readers that federalism is the primary animating force in Canadian politics and that it is therefore worth engaging with its complex nature and dynamic The second objective is to bring into closer focus the contested concepts about the meaning and operation of federalism that are at the root of the divide between English Canada and Quebec in particular The third objective is to give recognition to the trajectory of Canada's Indigenous peoples in the context of Canadian federalism from years of abusive neglect to belated efforts of inclusion The book focuses on the constitution with its ambiguous allocation of divided powers the pivotal role of the courts in balancing these powers and the political leaders whose interactions oscillate between intergovernmental conflict and cooperation This focus on executive leadership and judicial supervision is framed by considerations of Canada's regionalized political economy and cultural diversity giving students a compelling and nuanced view of federalism in Canada

Extraterritorialities in Occupied Worlds Extraterritory Project, 2016 The concept of extraterritoriality designates certain relationships between space law and representation This collection of essays explores contemporary manifestations of extraterritoriality and the diverse ways in which the concept has been put to use in various disciplines Some of the essays were written especially for this volume others are brought here together for the first time The inquiry into extraterritoriality found in these essays is not confined to the established boundaries of political conceptual and representational territories or fields of knowledge rather it is an invitation to navigate the margins of the legal juridical and the political but also the edges of forms of representation and poetics Within its accepted legal and political contexts the concept of extraterritoriality has

traditionally been applied to people and to spaces In the first case extraterritorial arrangements could either exclude or exempt an individual or a group of people from the territorial jurisdiction in which they were physically located in the second such arrangements could exempt or exclude a space from the territorial jurisdiction by which it was surrounded The special status accorded to people and spaces had political economic and juridical implications ranging from immunity and various privileges to extreme disadvantages In both cases a person or a space physically included within a certain territory was removed from the usual system of laws and subjected to another In other words the extraterritorial person or space was held at what could be described as a legal distance In this respect the concept of extraterritoriality presupposes the existence of several competing or overlapping legal systems It is this notion of being held at a legal distance around which the concept of extraterritoriality may be understood as revolving

Civil Servants and Their Constitutions John Anthony Rohr, 2002
Public administration as an American profession originated in the early twentieth century with urban reformers advocating the application of scientific and business practices to rehabilitate corrupt city governments That approach transformed governance in the United States but also guaranteed recurrent debate over the proper role of public administrators who must balance the often contradictory demands of efficiency and politically defined notions of the public good Currently the business approach holds sway Legitimated by Al Gore's National Performance Review the New Public Management movement promotes entrepreneurs over civil servants performance over process decentralization over centralization and flexibility over rules John Rohr demurs arguing that the movement goes too far in downplaying the distinctively American challenges arising from the separated powers principle Consequently the NPM alienates public management from its natural home a nation state established within a constitutional order According to Rohr nothing is more fundamental to governance than a constitution and therefore to stress the constitutional character of administration is to establish the proper role of administration as governance that includes management but transcends it as well This is not a novel argument for Rohr who was recognized in 1999 by the Louis Brownlow Committee of the National Academy of Public Administration for his lifetime contributions on the constitutional underpinnings of public administration But this new version of his rule of law critique directly addresses the NPM's excesses framed convincingly as a comparative study of cases found in four countries spanning three centuries As a result Rohr establishes that the constitutional administrative nexus is intimate stable pervasive and enduring The first half of the book examines the linkages between constitutions and administrations in France the United Kingdom and Canada all of them sufficiently similar to the United States to make comparisons meaningful and sufficiently different to provide illuminating perspectives on domestic practices The examples extend from the French Revolution through the founding of the Canadian Confederation in the 1860s to such contemporary issues as the influence of administrative directives from Brussels on the British courts The second half of the book examines American cases in three categories separation of powers individual rights and federalism In each case Rohr highlights instances of public

management with all its warts and wrinkles tending to the mundane details of translating great constitutional principles into everyday actions American administrative law Rohr concludes has structured safeguards to protect the integrity of administrative decision making while also holding it accountable Constitutional law has helped establish civil servants freedom of speech and applied the fundamental principles of federalism to the administrative process He summarizes his findings from the case studies by saying that the constitutional role of American civil servants comes not only from specific American experiences but also from the very nature of civil service

How Constitutions Change Dawn Oliver, Carlo Fusaro, 2011-08-09 This set of essays explores how constitutions change and are changed in a number of countries and how the constitution of the EU changes and is changed For a range of reasons including internal and external pressures the constitutional arrangements in many countries are changing Constitutional change may be formal involving amendments to the texts of Constitutions or the passage of legislation of a clearly constitutional kind or informal and organic as where court decisions affect the operation of the system of government or where new administrative and other arrangements eg agencification affect or articulate or alter the operation of the constitution of the country without the need to resort to formal change The countries in this study include from the EU a common law country a Nordic one a former communist state several civil law systems parliamentary systems and a hybrid one France Chapters on non EU countries include two on developing countries India and South Africa two on common law countries without entrenched written constitutions Israel and New Zealand a presidential system the USA and three federal ones Switzerland the USA and Canada In the last two chapters the editors conduct a detailed comparative analysis of the jurisdiction based chapters and explore the question whether any overarching theory or theories about constitutional change in liberal democracies emerge from the study

Constitutional Predicament Curtis Cook, 1994-05-16 Canada's fifth effort at mega constitutional politics was a period of popular discussion and leadership negotiation that ran from the defeat in 1990 of the Meech Lake Accord through the Charlottetown Accord and the referendum of 26 October 1992 Constitutional Predicament explores the referendum in relation to the democratic process nationalism Canadian Aboriginal Qu b cois and pluralism principles of constitutionalism constitution making and popular participation in constitution making the role of the Charter and Supreme Court future constitutional efforts and worldwide trends The contributors agree that Canadian voters rejected the Charlottetown proposals because they disapproved of both their content and the procedure by which they were drawn up They conclude that while Quebec remains the chief problem for the Canadian constitution Quebec was not the sole constitutional issue or the sole issue which determined how Canadians voted The constitutional process did help make it apparent that Canada is multinational and that each of the three major nations has valid claims on the political system The contributors offer contrasting views on how the Charlottetown Accord came to read as it does why negotiators at Charlottetown so misjudged public opinion and the prognosis for further constitution making Readers may also see the referendum vote as a preview of

the vote in the general election of October 1993 which unseated the Tories one year later almost to the day Taken together with the accompanying provocative commentaries the essays will be of specific interest to students of Canadian politics and constitutional affairs The complete text of the Charlottetown Accord is included in an appendix The contributors and commentators are Janet Ajzenstat Alan C Cairns Curtis Cook Barry Cooper Peter Emberley David Hendrickson Robert J Jackson Juan Lindau F L Morton Alain No l and James Tully The Scottish Independence Referendum Aileen McHarg,Thomas J. Mullen,Alan C. Page,Neil Walker,2016 The September 2014 Scottish independence referendum was an event of profound constitutional and political significance not only for Scotland but for the UK as a whole Although Scottish voters chose to remain in the UK the experience of the referendum and the subsequent political reaction to the No vote that triggered significant reforms to the devolution settlement have fundamentally altered Scotland s position within the Union The extraordinary success of the Scottish National Party at the 2015 General Election also indicates that the territorial dimension to UK constitutional politics is more prominent than ever destabilising key assumptions about the location and exercise of constitutional authority within the UK The political and constitutional implications of the referendum are still unfolding and it is by no means certain that the Union will survive Providing a systematic and academic analysis of the referendum and its aftermath this interdisciplinary edited collection brings together public lawyers political scientists economists and historians in an effort to look both backwards to and forwards from the referendum The chapters evaluate the historical events leading up to the referendum the referendum process and the key issues arising from the referendum debate They also explore the implications of the referendum both for the future governance of Scotland and for the UK s territorial constitution drawing on comparative experience in order to understand how the constitution may evolve and how the independence debate may play out in future Constitutional Crossroads Kate Puddister,Emmett Macfarlane,2022-12-01 Four decades have passed since the adoption of the Constitution Act 1982 Now it is time to assess its legacy As Constitutional Crossroads makes clear the 1982 constitutional package raises a host of questions about a number of important issues including identity and pluralism the scope and limits of rights competing constitutional visions the relationship between the state and Indigenous peoples and the nature of constitutional change This collection brings together an impressive assembly of established and rising stars of political science and law who not only provide a robust account of the 1982 reform but also analyze the ensuing scholarship that has shaped our understanding of the Constitution Contributors bypass historical description to offer reflective analyses of different aspects of Canada s constitution as it is understood in the twenty first century With a focus on the themes of rights reconciliation and constitutional change Constitutional Crossroads provides profound insights into institutional relationships public policy and the state of the fields of law and politics **The Canadian Encyclopedia** James H. Marsh,1999 This edition of The Canadian Encyclopedia is the largest most comprehensive book ever published in Canada for the general reader It is COMPLETE every aspect of Canada

from its rock formations to its rock bands is represented here It is UNABRIDGED all of the information in the four red volumes of the famous 1988 edition is contained here in this single volume It has been EXPANDED since 1988 teams of researchers have been diligently fleshing out old entries and recording new ones as a result the text from 1988 has grown by 50% to over 4 000 000 words It has been UPDATED the researchers and contributors worked hard to make the information as current as possible Other words apply to this extraordinary work of scholarship AUTHORITATIVE RELIABLE and READABLE Every entry is compiled by an expert Equally important every entry is written for a Canadian reader from the Canadian point of view The finished work many years in the making and the equivalent of forty average sized books is an extraordinary storehouse of information about our country This book deserves pride of place on the bookshelf in every Canadian Home It is no accident that the cover of this book is based on the Canadian flag For the proud truth is that this volume represents a great national achievement From its formal inception in 1979 this encyclopedia has always represented a vote of faith in Canada in Canada as a separate place whose natural worlds and whose peoples and their achievements deserve to be recorded and celebrated At the start of a new century and a new millennium in an increasingly borderless corporate world that seems ever more hostile to national distinctions and aspirations this Canadian Encyclopedia is offered in a spirit of defiance and of faith in our future The statistics behind this volume are staggering The opening sixty pages list the 250 Consultants the roughly 4 000 Contributors all experts in the field they describe and the scores of researchers editors typesetters proofreaders and others who contributed their skills to this massive project The 2 640 pages incorporate over 10 000 articles and over 4 000 000 words making it the largest some might say the greatest Canadian book ever published There are of course many special features These include a map of Canada a special page comparing the key statistics of the 23 major Canadian cities maps of our cities a variety of tables and photographs and finely detailed illustrations of our wildlife not to mention the colourful informative endpapers But above all the book is encyclopedic which the Canadian Oxford Dictionary describes as embracing all branches of learning This means that with rare exceptions there is satisfaction for the reader who seeks information on any Canadian subject From the first entry A mari usque ad mare from sea to sea which is Canada's motto and a good description of this volume's range to the Zouaves who mustered in Quebec to fight for the beleaguered Papacy there is the required summary of information clearly and accurately presented For the browser the constant variety of entries and the lure of regular cross references will provide hours of fascination The word encyclopedia derives from Greek expressions alluding to a grand circle of knowledge Our knowledge has expanded immeasurably since the time that one mind could encompass all that was known Yet now Canada's finest scientists academics and specialists have distilled their knowledge of our country between the covers of one volume The result is a book for every Canadian who values learning and values Canada

Contemporary Federalist Thought in Quebec Antoine Brousseau Desaulniers, Stéphane Savard, 2023-06-15 Quebec's most recent attempts to assert its distinctiveness within Canada have relied on unilateral

constitutional means to strengthen its French and secular character suggesting that an important change of political culture has taken place in Quebec With its diverse team of researchers Contemporary Federalist Thought in Quebec considers the recent history of the debate that once threatened Canada with disjunction exploring the federalist thought that continues to shape constitutional debate in Quebec Examining historical perspectives from 1950 to the present day the volume draws portraits of the key actors in the federalist movement including political leaders intellectuals academics activists and spokespersons for pressure groups comparing their various outlooks interventions and values and examining the ties that bind these actors to the sense of nationalism that emerged during Quebec s Quiet Revolution Taking a multidisciplinary approach Contemporary Federalist Thought in Quebec casts new light on the continuing debate surrounding Quebec s place in Canada and gives nuance to what is traditionally conceived as a rigid opposition between sovereigntists and federalists in the province

Canadiana ,1985

Fifty Years the Queen Arthur Bousfield,Garry Toffoli,2002-09 This tribute examines the life of this outstanding personality and monarch with emphasis on her Canadian experiences

Language, Democracy, and the Paradox of Constituent Power Catherine Frost,2021-04-19 In this book Catherine Frost uses evidence and case studies to offer a re examination of declarations of independence and the language that comprises such documents Considered as a quintessential form of founding speech in the modern era declarations of independence are however poorly understood as a form of expression and no one can completely account for how they work Beginning with the founding speech in the American Declaration Frost uses insights drawn from unexpected or unlikely forms of founding in cases like Ireland and Canada to reconsider the role of time and loss in how such speech is framed She brings the discussion up to date by looking at recent debates in Scotland where an undeclared declaration of independence overshadows contemporary politics Drawing on the work of Hannah Arendt and using a contextualist comparative theory method Frost demonstrates that the capacity for renewal through speech arises in aspects of language that operate beyond conventional performativity Language Democracy and the Paradox of Constituent Power is an excellent resource for researchers and students of political theory democratic theory law constitutionalism and political history

Consolidation Policies in Federal States Dietmar Braun,Christian Ruiz-Palmero,Johanna Schnabel,2016-12-19 The Global Financial Crisis has led to a renewed attention for the management of public debt and deficits of advanced and developing industrial states To successfully deal with such problems of public finances raises particular concerns in federal states where fiscal competencies are split between two levels of government This book offers comparative in depth knowledge of political struggles related to fiscal consolidation policies in eleven federal states since the 1990s including the Global Financial Crisis and its aftermath It identifies conditions that lead to robust solutions that can both commit federal actors to prudent fiscal policy making and avoid conflicts between federal actors that cause federal instability This text will be of key interest to scholars and students of political economy and comparative politics in general and comparative federalism and EU Politics in particular

The Language of Canadian

Politics John McMenemy, 2006-04-19 With nearly 600 cross referenced entries The Language of Canadian Politics offers brief essays on the many facets of the Canadian political system including institutions events laws concepts and public policies Concisely written it is an important resource for people interested in contemporary politics as well as those interested in the historic context of contemporary political behaviour Readers not familiar with Canadian government and politics will find the book an invaluable introduction others will welcome this updated indispensable reference The fourth edition builds on the strengths of earlier editions Almost every entry has been revised to reflect contemporary Canadian political events and many new ones have been added The results and immediate aftermath of the 2006 federal election are included in various updated entries There are entries on the merged Progressive Conservative and Canadian Alliance parties as well as new entries on the Anti Terrorist Act the Public Safety Act and the Council of the Federation The Sponsorship Scandal and the Gomery reports are included in several entries There is new information on National Security Certificates and the O Connor inquiry into the extraordinary rendition of Maher Arar comprises part of the revised material on commissions of inquiry As a further resource Internet sites have been added to many of the entries

Scholars, Missionaries, and Counter-Imperialists

Andrew C. Holman, Brian Payne, 2022-03-13 For more than half a century the field of Canadian Studies has attracted North American scholars of the highest caliber to examine Canada its distinctive social makeup its fascinating colonial and postcolonial history its intriguing literature its political structure and its changing place in the world Scholars Missionaries and Counter Imperialists The American Review of Canadian Studies 1971 2021 traces the birth and growth of that field by reproducing 15 exemplary articles published in the pages of that journal from its establishment until the present day For five decades the American Review of Canadian Studies ARCS acted as a bellwether for the field revealing its strengths projecting new directions and inquiries and reflecting the changing topics and methods that scholars used to study Canada This book captures the history of that field in one robust volume Carefully selected by the co editors of ARCS the chapters in this edited volume are prefaced by an introductory essay that assesses the accomplishments of the field and brief chapter introductions that place them into context

Comparative Federalism Francesco Palermo, Karl Kössler, 2017-10-05 This is the first comprehensive book that explores the subject of federalism from the perspective of comparative constitutional law whilst simultaneously placing a strong emphasis on how federal systems work in practice This focus is reflected in the book's two most innovative elements First it analyses from a comparative point of view how government levels exercise their powers and interact in several highly topical policy areas like social welfare environmental protection or migrant integration Second the book incorporates case law boxes discussing seminal judgments from federal systems worldwide and thus demonstrates the practical impact of constitutional jurisprudence on policymakers and citizens alike This is simply the best analysis of contemporary federalism currently available It is comprehensive in its coverage thorough in its analysis and persuasive in its conclusions Every student of federalism from novice to expert will find benefit from this volume Professor G Alan Tarr

Rutgers University Wading through the thicket of the multiple forms that the federal idea has taken in the contemporary world this remarkably comprehensive treatise backed by case law fills a long awaited gap in the literature on comparative federalism It combines a mastery of the literature on federal theory with a critical understanding of how it plays out in practice Outstanding in the breadth of its scope this magisterial survey will serve as a work of reference for generations of scholars who seek to understand how federalism works in developed as well as developing countries Professor Balveer Arora Jawaharlal Nehru University New Delhi This book is an extraordinarily handy work of reference on the diverse federal type systems of the world It handles both shared principles and differences of perspective structure or practice with confidence and ease It will become a standard work for scholars and practitioners working in the field Professor Cheryl Saunders The University of Melbourne This is a remarkable book for its sheer breadth of scope combining detail of practice with analysis of federal principles and for its fresh look at federalism With great erudition drawing on world scholarship and the practice of federalism across the globe Palermo and Kessler magnificently traverse from the ancient roots of federalism to the contemporary debates on ethno cultural dimensions and participatory democracy The book sets a new benchmark for the study of comparative federalism providing new insights that are bound to influence practice in an era where federal arrangements are expected to deliver answers to key governance and societal challenges Professor Nico Steytler University of the Western Cape

A Treatise of Legal Philosophy and General Jurisprudence Enrico Pattaro, 2007-10-08 A Treatise of Legal Philosophy and General Jurisprudence is the first ever multivolume treatment of the issues in legal philosophy and general jurisprudence from both a theoretical and a historical perspective The work is aimed at jurists as well as legal and practical philosophers Edited by the renowned theorist Enrico Pattaro and his team this book is a classical reference work that would be of great interest to legal and practical philosophers as well as to jurists and legal scholar at all levels The work is divided The theoretical part published in 2005 consisting of five volumes covers the main topics of the contemporary debate the historical part consisting of six volumes Volumes 6-8 published in 2007 Volumes 9 and 10 published in 2009 Volume 11 published in 2011 and volume 12 forthcoming in 2012 2013 accounts for the development of legal thought from ancient Greek times through the twentieth century The entire set will be completed with an index Volume 1 The Law and the Right a Reappraisal of the Reality that ought to be by Enrico Pattaro This work brings out and recovers the normative dimension of law called the reality that ought to be placing within this reality the idea of what is right Part I reconstructs the current as well as the traditional civil law conception of the reality that ought to be and raises some critical theoretical issues Part II introduces some basic concepts on language and behaviour and presents a conception of norms as beliefs Part III aims to find explanations for the idea of a reality that ought to be Part IV consists of inquiries focussed on Homeric epic the natural law school and the normativistic view of positive law

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