

Theorizing Access to Civil Justice

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Abstract

Despite more than half a century of reform efforts, access to civil justice is still understood to be in a state of crisis. Part of the reason for this is because there is no consensus among the legal community on the meaning of justice in this context. This paper seeks to provide a much-needed theoretical underpinning to the access-to-civil-justice movement. It advances “justice as fairness,” as articulated by the American philosopher John Rawls, in conjunction with Lesley Jacobs’ model of equal opportunities, as a suitable theory in which to frame the access-to-civil-justice movement. I explain why this framework is appropriate for pluralistic democracies like Canada and how it can be used to define measures of justice. This exercise is thus not simply a theoretical discussion, but rather is intended to be used as a practical framework to assess current and proposed policy initiatives.

Keywords: *Access to Justice; Theories of Justice; Justice as Fairness; Equal Opportunities*

1. Introduction

An often-repeated maxim within the Canadian legal community is that access to civil justice is in a state of crisis.¹ Despite more than half a century of reform efforts individuals still struggle to effectively resolve their legal problems and, in some instances, simply abandon their problems entirely.² Part of the reason that reform efforts have yet to solve this crisis is that there is no consensus among the legal community on the meaning and definition of access to civil justice.³ Historically, and from a global perspective, access to civil justice was simply

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1. See Action Committee on Access to Justice in Civil and Family Matters, “Canada’s Justice Development Goal:2020” (2021) online (pdf): *Action Committee on Access to Justice in Civil and Family Matters* <https://static1.squarespace.com/static/60804beaba3bc03016513a59/t/609d9ab372b8f876777a7ec9/1620941495000/jdgreport2020challengechange.pdf>.
 2. See Trevor C. W. Farrow et al., “Everyday Legal Problems and the Cost of Justice in Canada: Overview Report” (2016) online (pdf): *Canadian Forum on Civil Justice* <https://digitalcommons.osgoode.yorku.ca/cgi/viewcontent.cgi?article=1149&context=olsrps>.
 3. See Action Committee on Access to Justice in Civil and Family Matters “Access to Civil and Family Justice: A Roadmap for Change” (2013) online (pdf): *Action Committee on Access to Justice in Civil and Family Matters* https://www.cfcj-fcjc.org/sites/default/files/docs/2013/AC_Report_English_Final.pdf; CBA, Access to Justice Committee, “Reaching Equal Justice: An Invitation to Envision and Act” (2013) online (pdf): *Canadian Bar Association* [https://www.cba.org/Publications-Resources/Resources/Equal-Justice-Initiative/Reaching-Equal-Justice-An-Invitation-to-Envisi-\(1\)](https://www.cba.org/Publications-Resources/Resources/Equal-Justice-Initiative/Reaching-Equal-Justice-An-Invitation-to-Envisi-(1)). This is also the case internationally. See e.g. Rebecca Sandefur, “What We Know and Need to Know About the Legal Needs of the Public” (2016) 67:2 SCL Rev 443 at 451-52.

New And Current Directions In Justice Theorizing And Research Pb 2003

**Irving B. Weiner, William M.
Reynolds, Gloria E. Miller**



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Handbook of Child Psychology and Developmental Science, Theory and Method, 2015-03-31 The essential reference for human development theory updated and reconceptualized The Handbook of Child Psychology and Developmental Science a four volume reference is the field defining work to which all others are compared First published in 1946 and now in its Seventh Edition the Handbook has long been considered the definitive guide to the field of developmental science Volume 1 Theory and Method presents a rich mix of classic and contemporary theoretical perspectives but the dominant views throughout are marked by an emphasis on the dynamic interplay of all facets of the developmental system across the life span incorporating the range of biological cognitive emotional social cultural and ecological levels of analysis Examples of the theoretical approaches discussed in the volume include those pertinent to human evolution self regulation the development of dynamic skills and positive youth development The research methodological and applied implications of the theoretical models discussed in the volume are presented Understand the contributions of biology person and context to development within the embodied ecological system Discover the relations among individual the social world culture and history that constitute human development Examine the methods of dynamic developmental research Learn person oriented methodological approaches to assessing developmental change The scholarship within this volume and as well across the four volumes of this edition illustrate that developmental science is in the midst of a very exciting period There is a paradigm shift that involves increasingly greater understanding of how to describe explain and optimize the course of human life for diverse individuals living within diverse contexts This Handbook is the definitive reference for educators policy makers researchers students and practitioners in human development psychology sociology anthropology and neuroscience

Handbook of Research on Current Advances and Challenges of Borderlands, Migration, and Geopolitics Castanho, Rui Alexandre, 2023-04-04 The world is changing rapidly in several critical areas that could reshape our lifestyles development the environment democracy and geopolitics Among the numerous obstacles barriers and opportunities some significant challenges should be considered for the future planning of our territories and regions all over the globe The Handbook of Research on Current Advances and Challenges of Borderlands Migration and Geopolitics collects a robust set of contributions concerning border territories dynamics and geopolitics in the current and future context Covering key topics such as green economy biodiversity territorial management and spatial planning this major reference work is ideal for government officials industry professionals environmentalists technicians policymakers researchers academicians scholars practitioners instructors and students

Introduction to the Counseling Profession David Capuzzi, 2013-06-07 Introduction to the Counseling Profession is a comprehensive overview of the history and foundational concepts of counseling offering the most current and relevant breadth of coverage available Students will gain insight into the myriad issues that surround not only the process of counseling and its many populations but also the personal dynamics that have an impact on

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Forensic Psychology James McGuire, Simon Duff, 2018-04-18 This brand new textbook provides a complete course in forensic psychology covering the criminal justice system law and legislation and treatments and outcomes for offenders It offers rigorous coverage of the major topics from theoretical concepts and research methods to explaining criminal acts and patterns of crime The authors both from leading institutions and well known in the field guide readers through the interlocking systems of criminal justice mental health and social service provision providing a deeper critical appreciation of what motivates crime and how criminal behaviour can be understood assessed and treated This text will be core reading for upper level undergraduates and postgraduates studying forensic psychology either as a module on a BSc Psychology degree or on an MSc for trainee Forensic Psychologists It will also be ideal for early career practitioners

Small Group Research Herbert Blumberg, M. Valerie Kent, A. Paul Hare, Martin F. Davies, 2011-10-05 Small group research is of particularly wide interest to people working in a fairly broad variety of areas concerned with understanding conflict especially for practitioners and researchers concerned with conflict resolution peace and related areas The editors will focus on six main topical areas of small group research which include Cooperation competition and conflict resolution Coalitions bargaining and games Group dynamics and social cognition The group and organization Team performance Intergroup relations

The Development of Criminal and Antisocial Behavior Julien Morizot, Lila Kazemian, 2014-12-02 This edited book summarizes the current state of knowledge on the development of criminal and antisocial behavior over the life course It focuses mainly on the developmental perspective which has had a paradigmatic influence on current theoretical and empirical works in criminology With a multidisciplinary perspective the book reviews a the fundamental concepts of developmental criminology b the risk factors and developmental processes related to the most salient personal e g genetics personality and environmental e g family peers school domains explaining the development of criminal and antisocial behavior c the developmental issues related to a number a special themes e g women criminality

street gangs and the applied and policy implications of research in developmental criminology In each chapter prominent researchers from different disciplines such as criminology and psychology summarize the state of knowledge on a specific topic identify the shortcomings of past research offer recommendations for future research needs

Handbook of Research on the Education of School Leaders , Justice and Conflicts Elisabeth Kals,Jürgen Maes,2011-10-20

Central to the book are questions concerning the existence and the characteristics of justice motives and concerning the influence that justice motives and justice judgements have on the emergence but also the solution of social conflicts Five main themes will be addressed 1 Introduction and justice motive 2 organizational justice 3 ecological justice 4 social conflicts and 5 solution of conflicts The authors of the editions are scholars of psychology as well as distinguished experts from various other disciplines including sociologists economists legal scholar educationalists and ethicists The common ground of all contributors is their independent conduction of empirical research on justice issues Apart from the German contributors

authors represent scholars from the US India Korea New Zealand and various European countries Austria Switzerland the Netherlands UK Sweden

Offender Supervision Fergus McNeill,Peter Raynor,Chris Trotter,2010 Describes and analyses internationally significant theoretical and empirical work on offender supervision and addresses the policy and practice implications of this work within and across jurisdictions This book is suitable for academics undergraduate and postgraduate students policy makers managers interested in offender supervision

The Oxford Handbook of Feminist Counseling Psychology Carolyn Zerbe Enns,Elizabeth Nutt Williams,2013 This handbook summarizes the progress current status and future directions relevant to feminist multicultural perspectives in counseling psychology It emphasizes enduring topics within counseling psychology such as human growth and development ethics ecological frameworks and counseling theory and practice Intersectionality social justice and the diverse social identities of women and girls are featured prominently

Environmental Justice and Soy Agribusiness Robert Hafner,2018-04-17 Environmental justice research and activism predominantly focus on openly conflictive situations claims making is central However situations of injustice can still occur even if there is no overt conflict Environmental Justice and Soy Agribusiness fills this gap by applying an environmental justice incommensurabilities framework to reveal the mechanisms of why conflicts do not arise in particular situations even though they fall within classic environmental justice schemes Empirically the case study focus is on the remote soy frontier in Northwest Argentina particularly the town of Las Lajitas as the nucleus of soy production This represents an excellent example of the recent expansion of the soy agribusiness industry in Latin America First a classic environmental justice analysis is carried out Second and drawing on the epistemological works of Ludwik Fleck an alternative analytical framework is proposed visualising locals thought styles on change effects and potential conflict in relation to soy agribusiness Here visceral elements and the application of a jazz methodology are vital for a more holistic form of multisensory cognition Third incommensurabilities among the classic and alternative approach are uncovered arguing for the importance of temporal and

spatial contexts in environmental justice research

Handbook of Faith and Spirituality in the Workplace Judi

Neal, 2012-12-09 While the field of management has developed as a research discipline over the last century until the early 1990s there was essentially no acknowledgement that the human spirit plays an important role in the workplace Over the past twenty years the tide has begun to turn as evidenced by the growing number of courses in academia and in corporate training and an exponential increase in the publications emerging through creative interaction of scholars and practitioners in organizational behaviour workplace diversity sustainability innovation corporate governance leadership and corporate wellness as well as contributions by psychotherapists theologians anthropologists educators philosophers and artists This Handbook is the most comprehensive collection to date of essays by the preeminent researchers and practitioners in faith and spirituality in the workplace featuring not only the most current research and case examples but visions of what will be or should be emerging over the horizon It includes essays by the people who helped to pioneer the field as well as essays by up and coming young scholars Among the questions and issues addressed What does it mean to be a spiritual organization How does this perspective challenge traditional approaches to the firm as a purely rational profit maximizing enterprise Is faith and spirituality in the workplace a passing fad or is there a substantial shift occurring in the business paradigm How does this field inform emerging management disciplines such as sustainability diversity and social responsibility In what ways are faith and spirituality in the workplace similar to progressive and innovative human resource practices Does faith and spirituality in the workplace bring something additional to the conversation and if so what The aim of The Handbook of Faith and Spirituality in the Workplace is to provide researchers faculty students and practitioners with a broad overview of the field from a research perspective while keeping an eye on building a bridge between scholarship and practice

Racialized

Spaces Kishi N. Animashaun, 2005

Handbook of Psychology, Educational Psychology Irving B. Weiner, William M.

Reynolds, Gloria E. Miller, 2012-10-16 Psychology is of interest to academics from many fields as well as to the thousands of academic and clinical psychologists and general public who can't help but be interested in learning more about why humans think and behave as they do This award winning twelve volume reference covers every aspect of the ever fascinating discipline of psychology and represents the most current knowledge in the field This ten year revision now covers discoveries based in neuroscience clinical psychology's new interest in evidence based practice and mindfulness and new findings in social developmental and forensic psychology

The Handbook of Life-Span Development, Volume 1 Richard M.

Lerner, Willis F. Overton, 2010-12-14 In the past fifty years scholars of human development have been moving from studying change in humans within sharply defined periods to seeing many more of these phenomenon as more profitably studied over time and in relation to other processes The Handbook of Life Span Development Volume 1 Cognition Biology and Methods presents the study of human development conducted by the best scholars in the 21st century Social workers counselors and public health workers will receive coverage of the biological and cognitive aspects of human change across the lifespan

Race and Class Matters at an Elite College Elizabeth Aries, 2008-09-28 How race and class collide at a prestigious liberal arts college

Family Law, Gender and the State Alison Diduck, Felicity Kaganas, 2012-02-07 The third edition of this work on family law comprising text cases and materials provides not only an explication of legal principle but also explores primarily from a feminist perspective some of the assumptions about and constructions of gender sexual orientation class and culture that underlie the law It examines the ideology of the family and in particular the role of the law in contributing to and reproducing that ideology Structured around the themes of equality welfare and family privacy the book aims to offer the benefits of a textbook while also giving students a wide ranging set of materials for classroom discussion As well as providing a firm grounding in family law the text sets the law in its social and historical context and encourages a critical approach by students to the subject It provides an ideal introduction to family law for undergraduates but will be equally helpful for postgraduate students of family law for whom it provides a challenging selection of materials set within a theoretical framework rich in ideas and arguments Review of the second edition Diduck and Kaganas examine legal developments to shed light on society principally by investigating the ways in which family law constructs and regulates family life and responsibilities Theirs is an important and ambitious book that aims ultimately at a feminist restatement of family law The book is written and referenced in such depth that it is a useful resource for legal as well as social science researchers at all levels whether looking for theoretical inspiration or drawing up a literature review The range of diverse sources that Diduck and Kaganas draw on is impressive they seem to have included every bit of material that helps feminists make sense of family law There is a well pitched selection of further reading of such material at the end of each chapter What's more they undersell themselves by describing their book as Text Cases and Materials because they have woven by far the largest proportion of the cases and materials into the text Helen Reece Times Higher Education May 2007 Reviews of first edition A stimulating work which attempts to situate family law in its social historical and political context Its appeal should not be confined to family law students as its commitment to a critical and analytical approach offers insights and ideas with broader significance Mary Childs Child and Family Law Quarterly September 2002 The arguments are provocative the analysis is stimulating and the materials amassed strongly support the authors aim to question the axiomatic status of what is traditionally designated as the family Fiona E Raitt Infant and Child Development September 2002 It is not often that one can say of a textbook in Law that it makes interesting reading with quite the enthusiasm that can be expressed for this text This new publication offers something that few textbooks seem to offer a book you CAN open up virtually anywhere and find an interesting piece on almost any aspect of the broad family law spectrum Penny Booth The Law Teacher September 2002 All the major themes in feminist and constructionist perspectives in family law are presented together with a wealth of readings and extensive references As a teaching manual it is excellent a coherent feminist perspective across the entire range of family law Marty Slaughter Feminist Legal Studies July 2003

Self-Control and Crime Over the Life Course Carter

Hay, Ryan Meldrum, 2015-02-18 What exactly is self control and what life outcomes does it affect What causes a person to have high or low self control to begin with What effect does self control have on crime and other harmful behavior Using a clear conversational writing style *Self Control and Crime Over the Life Course* answers critical questions about self control and its importance for understanding criminal behavior Authors Carter Hay and Ryan Meldrum use intuitive examples to draw attention to the close connection between self control and the behavioral choices people make especially in reference to criminal deviant and harmful behaviors that often carry short term benefits but long term costs The text builds an overall theoretical perspective that conveys the multi disciplinary nature of modern day self control research Moreover far from emphasizing only theoretical issues the authors place public policy at the forefront using self control research to inform policy efforts that reduce the societal costs of low self control and the behaviors it enables *Handbook of Psychology, Clinical Psychology* Irving B. Weiner, George Stricker, Thomas A. Widiger, 2012-10-16 Psychology is of interest to academics from many fields as well as to the thousands of academic and clinical psychologists and general public who can't help but be interested in learning more about why humans think and behave as they do This award winning twelve volume reference covers every aspect of the ever fascinating discipline of psychology and represents the most current knowledge in the field This ten year revision now covers discoveries based in neuroscience clinical psychology's new interest in evidence based practice and mindfulness and new findings in social developmental and forensic psychology **Stress and Well-Being in Teams** Peter D. Harms, Chu-Hsiang (Daisy) Chang, 2024-09-06 *Stress and Well Being in Teams* is focused on stress and well being in the context of teams focused on how inputs of team processes such as team compositions leadership and broader organizational contexts can serve as antecedents of team members stress and well being

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