

The Grand Experiment Law And Legal Culture In British Settler Societies Law And Society Series

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[The Grand Experiment](#) - Hamar Foster 2008

The essays in this volume reflect the exciting new directions in which legal history in the settler colonies of the British Empire has developed. The contributors show how local life and culture in selected settlements influenced, and was influenced by, the ideology of the rule of law that accompanied the British colonial project. Exploring themes of legal translation, local understandings, judicial biography, and "law at the boundaries," they examine the legal cultures of dominions in Canada, Australia, and New Zealand to provide a contextual and comparative account of the "incomplete implementation of the British constitution" in these colonies.

[Law, Debt, and Merchant Power](#) - James Muir 2016-10-27

In the early history of Halifax (1749-1766), debt litigation was extremely common. People from all classes frequently used litigation and its use in private matters was higher than almost all places in the British Empire in the 18th century. In *Law, Debt, and Merchant Power*, James Muir offers an extensive analysis of the civil cases of the time as well as the reasons behind their frequency. Muir's lively and detailed account of the individuals involved in litigation reveals a paradoxical society where debtors were also debt-collectors. *Law, Debt, and Merchant Power* demonstrates how important the law was for people in their business affairs and how they shaped it for their own ends.

[Legal Histories of the British Empire](#) - Shaunnagh Dorsett 2014-04-24

This book is a major contribution to our understanding of the role played by law(s) in the British Empire. Using a variety of interdisciplinary approaches, the authors provide in-depth analyses which shine new light on the role of law in creating the people and places of the British Empire. Ranging from the United States, through Calcutta, across Australasia to the Gold Coast, these essays seek to investigate law's central place in the British Empire, and the role of its agents in embedding British rule and culture in colonial territories. One of the first collections to provide a sustained engagement with the legal histories of the British Empire, in particular beyond the settler colonies, this work aims to encourage further scholarship and new approaches to the writing of the histories of that Empire. *Legal Histories of the British Empire: Laws, Engagements and Legacies* will be of value not only to legal scholars and graduate students, but of interest to all of those who want to know more about the laws in and of the British Empire.

[Manitoba Law Journal Special Issue: Essays in Legal History in Honour of DeLloyd J. Guth - 2020 Volume 43\(1\)](#) -

The Manitoba Law Journal is a peer-reviewed journal founded in 1961. The MLJ's current mission is to provide lively, independent and high caliber commentary on legal events in Manitoba or events of special interest to our community. This issue has articles from a variety of contributing authors.

[Law, Life, and Government at Red River, Volume 2](#) - Dale Gibson 2015-06-01

Inhabited by a diverse population of First Nations peoples, Métis, Scots, Upper and Lower Canadians, and Americans, and dominated by the commercial and governmental activities of the Hudson's Bay Company, Red River - now Winnipeg - was a challenging settlement to oversee. This illuminating account presents the story of the unique legal and governmental system that attempted to do so and the mixed success it encountered, culminating in the 1869-70 Red River Rebellion and confederation with Canada in 1870. In *Law, Life, and Government at Red River*, Dale Gibson provides rich, revealing glimpses into the community, and its complex relations with the Hudson's Bay: the colony's owner, and primary employer. Volume 2 provides a complete annotated, and never-

before-published transcription of testimony from Red River's courts, presenting hundreds of vignettes of frontier life, the cases that were brought before the courts, and the ways in which the courts resolved conflicts. A vivid look into early settler life, *Law, Life, and Government at Red River* offers insights into the political, commercial, and legal circumstances that unfolded during western expansion.

[Borderline Crime](#) - Bradley Miller 2016-10-27

From 1819 to 1914, governments in northern North America struggled to deal with crime and criminals migrating across the Canadian-American border. Limited by the power of territorial sovereignty, officials were unable to simply retrieve fugitives and refugees from foreign territory. *Borderline Crime* examines how law reacted to the challenge of the border in British North America and post-Confederation Canada. For nearly a century, officials ranging from high court judges to local police officers embraced the ethos of transnational enforcement of criminal law. By focusing on common criminals, escaped slaves, and political refugees, Miller reveals a period of legal genesis where both formal and informal legal regimes were established across northern North America and around the world to extradite and abduct fugitives. Miller also reveals how the law remained confused, amorphous, and often ineffectual at confronting the threat of the border to the rule of law. This engrossing history will be of interest to legal, political, and intellectual historians alike.

[Law and Religious Pluralism in Canada](#) - Richard J. Moon 2009-05-01

Law and Religious Pluralism in Canada seeks to elucidate the complex and often uneasy relationship between law and religion in democracies committed both to equal citizenship and religious pluralism. Leading socio-legal scholars consider the role of religious values in public decision making, government support for religious practices, and the restriction and accommodation by government of minority religious practices. They examine such current issues as the legal recognition of sharia arbitration, the re-definition of civil marriage, and the accommodation of religious practice in the public sphere.

[The Limits and Legitimacy of Referendums](#) - Richard Albert 2022-04-25

The possibility of democracy-enhancing uses and anti-democratic abuses of referendums reveals a paradox: mechanisms of democracy can be exploited to do violence to the basic principles of democracy. *The Limits and Legitimacy of Referendums* seeks to identify standards we might use to assess the democratic legitimacy of a referendum when we cannot rely on the norms of traditional liberal democracy. This innovative book explores how referendums manage the tension between liberalism and democracy, and whether this device holds promise for reconciling these two commitments. A range of scholars from around the world expose how referendums may be abused on one hand to achieve short-term political or even personal gains, and how, on the other, they may aspire to reflect the best traditions of deliberative, innovative, democracy-enhancing popular decision-making. Structured around three big questions, this book seeks to identify what makes a referendum legitimate. First, why have referendums on issues of fundamental political importance become so frequent around the world? Second, who are - or who should be - the people that make decisions about a political community's future? And third, are referendums an effective and reliable mechanism of popular sovereignty or democratic choice? These essays - written for scholars, public lawyers, political actors and citizens - bring together diverse perspectives on referendums, constitutionalism, liberalism and democracy in ways that challenge the conventional wisdom, prompt new answers to enduring questions, and urge reconsideration of how we evaluate the legitimacy of referendums.

Lawyers and Legal Culture in British North America - Philip Girard 2011-01-01

From award-winning biographer Philip Girard, *Lawyers and Legal Culture in British North America* is the first history of the legal profession in Canada to emphasize its cross-provincial similarities and its deep roots in the colonial period. Girard details how nineteenth-century British North American lawyers created a distinctive Canadian template for the profession by combining the strong collective governance of the English tradition with the high degree of creativity and client responsiveness characteristic of U.S. lawyers – a mix that forms the basis of the legal profession in Canada today. Girard provides a unique window on the interconnections between lawyers' roles as community leaders and as legal professionals. Centred on one pre-Confederation lawyer whose career epitomizes the trends of his day, Beamish Murdoch (1800-1876), *Lawyers and Legal Culture in British North America* makes an important and compelling contribution to Canadian legal history.

Feminized Justice - Amanda Glasbeek 2010-07-01

In 1913, Toronto launched Canada's first woman's police court. The court was run by and for women, but was it a great achievement? This multifaceted portrait of the cases, defendants, and officials that graced its halls reveals a fundamental contradiction at the experiment's core: the Toronto Women's Police Court was both a site for feminist adaptations of justice and a court empowered to punish women. Reconstructed from case files and newspaper accounts, this engrossing portrait of the trials and tribulations that accompanied an early experiment in feminized justice sheds new light on maternal feminist politics, women and crime, and the role of resistance, agency, and experience in the criminal justice system.

Time and Environmental Law - Benjamin J. Richardson 2017-08-03

Disciplined by industrial clock time, modern life distances people from nature's biorhythms such as its ecological, evolutionary, and climatic processes. The law is complicit in numerous ways. It compresses time through 'fast-track' legislation and accelerated resource exploitation. It suffers from temporal inertia, such as 'grandfathering' existing activities that limits the law's responsiveness to changing circumstances. Insouciance about past ecological damage, and neglect of its restoration, are equally serious temporal flaws: we cannot live sustainably while Earth remains degraded and unrepaired. Applying international and interdisciplinary perspectives on these issues, *Time and Environmental Law* explores how to align law with the ecological 'timescape' and enable humankind to 'tell nature's time'. Lending insight into environmental behaviour and impacts, this book pioneers a new understanding of environmental law for all societies, and makes recommendations for its reform. Minding nature, not the clock, requires regenerating Earth, adapting to its changes, and living more slowly.

Essays in the History of Canadian Law - G. Blaine Baker 1981-01-01

The essays in this volume deal with the legal history of the Province of Quebec, Upper and Lower Canada, and the Province of Canada between the British conquest of 1759 and confederation of the British North America colonies in 1867. The backbone of the modern Canadian provinces of Ontario and Quebec, this geographic area was unified politically for more than half of the period under consideration. As such, four of the papers are set in the geographic cradle of modern Quebec, four treat nineteenth-century Ontario, and the remaining four deal with the St. Lawrence and Great Lakes watershed as a whole. The authors come from disciplines as diverse as history, socio-legal studies, women's studies, and law. The majority make substantial use of second-language sources in their essays, which shade into intellectual history, social and family history, regulatory history, and political history.

Troubling Sex - Elaine Craig 2011-11-23

When legal scholars or judges approach the subject of sexuality, they are often constrained by existing theoretical frameworks. Queer theorists typically focus on sexual liberty but tend not to consider issues such as sexual violence; feminist theories focus on violence but often ignore the joy of sexuality. Craig examines the Supreme Court of Canada's approach to sexuality to assess the possibility of devising a legal theory of sexuality that can embrace both the good and the bad, ensuring equality without assimilation, diversity without exclusion, and liberty without suffering. Blending feminist theory with queer theory, she advances an iconoclastic approach to law and sexuality that has the power to transform both theory and practice.

Rethinking Colonial Pasts Through Archaeology - Neal Ferris 2014

This work explores the archaeologies of daily living left by the indigenous and other displaced peoples impacted by European colonial expansion over the last 600 years. Case studies from North America, Australia,

Africa, the Caribbean, and Ireland significantly revise conventional historical narratives of those interactions, their presumed impacts, and their ongoing relevance for the material, social, economic, and political lives and identities of contemporary indigenous and other peoples.

Religion and the Exercise of Public Authority - Benjamin L Berger 2016-06-16

In the burgeoning literature on law and religion, scholarly attention has tended to focus on broad questions concerning the scope of religious freedom, the nature of toleration and the meaning of secularism. An under-examined issue is how religion figures in the decisions, actions and experiences of those charged with performing public duties. This point of contact between religion and public authority has generated a range of legal and political controversies around issues such as the wearing of religious symbols by public officials, prayer at municipal government meetings, religious education and conscientious objection by public servants. Authored by scholars from a variety of disciplines, the chapters in this volume provide insight into these and other issues. Yet the volume also provides an entry point into a deeper examination of the concepts that are often used to organise and manage religious diversity, notably state neutrality. By examining the exercise of public authority by individuals who are religiously committed – or who, in the discharge of their public responsibilities, must account for those who are – this volume exposes the assumptions about legal and political life that underlie the concept of state neutrality and reveals its limits as a governing ideal.

Doodem and Council Fire - Heidi Bohaker 2021-07-20

Providing rare insights into the doodem tradition and the concept of council fires, this book explores Indigenous law and the Anishinaabe's holistic approach to governance, territoriality, family, and kinship structures.

Essays in the History of Canadian Law - George Blaine Baker 2013-12-06

The essays in this volume deal with the legal history of the Province of Quebec, Upper and Lower Canada, and the Province of Canada between the British conquest of 1759 and confederation of the British North America colonies in 1867. The backbone of the modern Canadian provinces of Ontario and Quebec, this geographic area was unified politically for more than half of the period under consideration. As such, four of the papers are set in the geographic cradle of modern Quebec, four treat nineteenth-century Ontario, and the remaining four deal with the St. Lawrence and Great Lakes watershed as a whole. The authors come from disciplines as diverse as history, socio-legal studies, women's studies, and law. The majority make substantial use of second-language sources in their essays, which shade into intellectual history, social and family history, regulatory history, and political history.

Entryways to Criminal Justice - George Pavlich 2019-03-20

How do societies decide whom to criminalize? What does it mean to accuse someone of being an offender? *Entryways to Criminal Justice* analyzes the thresholds that distinguish law-abiding individuals from those who may be criminalized. Contributors to the volume adopt social, historical, cultural, and political perspectives to explore the accusatory process that place persons in contact with the law. Emphasizing the gateways to criminal justice, truth-telling, and overcriminalization, the authors provide important insights into often overlooked practices that admit persons to criminal justice. It is essential reading for scholars, students, and policy makers in the fields of socio-legal studies, sociology, criminology, law and society, and post/colonial studies. Contributors: Dale A. Ballucci, Martin A. French, Aaron Henry, Bryan R. Hogeveen, Dawn Moore, George Pavlich, Marcus A. Sibley, Rashmee Singh, Amy Swiffen, Matthew P. Unger, Elise Wohlbold, Andrew Woolford

Essays in the History of Canadian Law - David H. Flaherty 2011-10-01

This volume is the second in the *Essays in the History of Canadian Law* series, designed to illustrate the wide possibilities for research and writing in Canadian legal history. In combination, these volumes reflect the wide-ranging scope of legal history as an intellectual discipline and encourage others to pursue important avenues of inquiry on all aspects of our legal past. Topics include the role of civil courts in Upper Canada; legal education; political corruption; nineteenth-century Canadian rape law; the Toronto Police Court; the Kamloops outlaws and commissions of assize in nineteenth-century British Columbia; private rights and public purposes in Ontario waterways; the origins of workers' compensation in Ontario; and the evolution of the Ontario courts. Contributors include Brendan O'Brien, Peter N. Oliver, William N.T. Wylie, G. Blaine Baker, Paul Romney, Constance B. Backhouse, Paul Craven, Hamar Foster, Jamie Bendickson, R.C.B. Risk, and Margaret A.

Banks.

Aboriginal Justice and the Charter - David Milward 2012-11-16

Aboriginal Justice and the Charter examines and seeks to resolve the tension between Aboriginal approaches to justice and the Canadian Charter of Rights and Freedoms. Until now, scholars have explored idealized notions of what Aboriginal justice might look like. David Milward strikes out into new territory by asking why Aboriginal communities seek reform and by identifying some of the constitutional barriers in their path. He identifies specific areas of the criminal justice process in which Aboriginal communities may wish to adopt different approaches, tests these approaches against constitutional imperatives, and offers practical proposals for reconciling the various matters at stake. This bold exploration of Aboriginal justice grapples with the difficult question of how Aboriginal justice systems can be fair to their constituents but still comply with the protections guaranteed to all Canadians by the Charter.

Dewigged, Bothered, and Bewildered - John McLaren 2011-01-01

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.

A History of Australian Tort Law 1901-1945 - Mark Lunney 2018-01-11

Little attention has been paid to the development of Australian private law throughout the first half of the twentieth century. Using the law of tort as an example, Mark Lunney argues that Australian contributions to common law development need to be viewed in the context of the British race patriotism that characterised the intellectual and cultural milieu of Australian legal practitioners. Using not only primary legal materials but also newspapers and other secondary sources, he traces Australian developments to what Australian lawyers viewed as British common law. The interaction between formal legal doctrine and the wider Australian contexts in which that doctrine applied provided considerable opportunities for nuanced innovation in both the legal rules themselves and in their application. This book will be of interest to both lawyers and historians keen to see how notions of Australian identity have contributed to the development of an Australian law.

Political Censorship in British Hong Kong - Michael Ng 2022-05-31

Drawing on archival materials, Michael Ng challenges the widely accepted narrative that freedom of expression in Hong Kong is a legacy of British rule of law. Demonstrating that the media and schools were pervasively censored for much of the colonial period and only liberated at a very late stage of British rule, this book complicates our understanding of how Hong Kong came to be a city that championed free speech by the late 1990s. With extensive use of primary sources, the free press, freedom of speech and judicial independence are all revealed to be products of Britain's China strategy. Ng shows that, from the nineteenth to the twentieth century, Hong Kong's legal history was deeply affected by China's relations with world powers. Demonstrating that Hong Kong's freedoms drifted along waves of change in global politics, this book offers a new perspective on the British legal regime in Hong Kong.

The Grand Experiment - Hamar Foster 2009-07-01

The essays in this volume reflect the exciting new directions in which legal history in the settler colonies of the British Empire has developed. The contributors show how local life and culture in selected settlements influenced, and was influenced by, the ideology of the rule of law that accompanied the British colonial project. Exploring themes of legal translation, local understandings, judicial biography, and "law at the boundaries," they examine the legal cultures of dominions in Canada, Australia, and New Zealand to provide a contextual and comparative account of the "incomplete implementation of the British constitution" in these colonies.

International Trade Law and Domestic Policy - Jacqueline D. Krikorian 2012-05-25

Critics of the World Trade Organization argue that its binding dispute settlement process imposes a neoliberal agenda on member states. If this is the case, why would any nation agree to participate? Jacqueline Krikorian explores this question by examining the impact of the WTO's dispute settlement mechanism on domestic policies in the United States and Canada. She demonstrates that the WTO's ability to influence domestic arrangements has been constrained by three factors: judicial deference, institutional arrangements, and strategic decision making by political elites in Ottawa and Washington.

Transforming Law's Family - Fiona Kelly 2011-05-15

In *Transforming Law's Family*, Fiona Kelly explores the complex issues encountered by planned lesbian families as they work to define their parental rights, roles, and family structures within the tenets of family law. While Canadian courts recognize lesbian parenthood in some circumstances, a number of issues that are largely unique to planned lesbian families ♦ such as the legal status of known sperm donors and non-biological mothers ♦ remain undefined. Drawing on interviews with lesbian mothers, Fiona Kelly illuminates the changing definitions of family and suggests a model for law reform that would enable the legal recognition of alternative forms of parentage.

Law Books in Action - Angela Fernandez 2012-04-02

'*Law Books in Action: Essays on the Anglo-American Legal Treatise*' explores the history of the legal treatise in the common law world. Rather than looking at treatises as shortcuts from 'law in books' to 'law in action', the essays in this collection ask what treatises can tell us about what troubled legal professionals at a given time, what motivated them to write what they did, and what they hoped to achieve. This book, then, is the first study of the legal treatise as a 'law book in action', an active text produced by individuals with ideas about what they wanted the law to be, not a mere stepping-stone to codes and other forms of legal writing, but a multifaceted genre of legal literature in its own right, practical and fanciful, dogmatic and ornamental in turn. This book will be of interest to legal scholars, lawyers and judges, as well as to anyone else with a scholarly interest in law in general, and legal history in particular.

A Legal History of Adoption in Ontario. 1921-2015 - Lori Chambers 2016-01-01

Lori Chambers' fascinating study explores the legal history of adoption in Ontario since the passage of the first statute in 1921. This volume explores a wide range of themes and issues in the history of adoption including: the reasons for the creation of statutory adoption, the increasing voice of unmarried fathers in newborn adoption, the reasons for movement away from secrecy in adoption, the evolution of step-parent adoption, the adoption of Indigenous children, and the growth of international adoption. Unlike other works on adoption, Chambers focuses explicitly on statutes, statutory debates and the interpretation of statutes in court. In doing so, she concludes that adoption is an inadequate response to child welfare and on its own cannot solve problems regarding child neglect and abuse. Rather, Chambers argues that in order to reform the area of adoption we must first acknowledge that it is built upon social inequalities within and between nations.

A History of Law in Canada, Volume One - Philip Girard 2018-12-21

This book is the first of two volumes devoted to the history of law in Canada. This volume begins at a time just prior to European contact and continues to the 1860s, while volume two will start with Confederation and end at approximately 2000. The history of law includes substantive law, legal institutions, legal actors and legal culture. The book assumes that since 1500 there have been three legal systems in Canada □ the Indigenous, the French, and the English. At all times, these systems have co-existed and interacted, with the relative power and influence of each being more or less dominant in different periods. The history of law cannot be treated in isolation, and this book examines law as a dynamic process, shaped by and affecting other histories over the long term. The law guided and was guided by economic developments, was influenced and moulded by the nature and trajectory of political ideas and institutions, and variously exacerbated and mediated by inter-cultural exchange and conflict. These themes are apparent in this examination, and through most areas of law including family law, constitutional, commercial, land settlement and tenure, and criminal.

Wounded Feelings - Eric H. Reiter 2019-11-04

Wounded Feelings is the first legal history of emotions in Canada. Through detailed histories of how people litigated emotional injuries like dishonour, humiliation, grief, and betrayal before the Quebec civil courts from 1870 to 1950, it explores the confrontation between people's lived experience of emotion and the legal categories and terminology of lawyers, judges, and courts. Drawing on archival case files,

supplemented by newspapers and contemporary legal writings, it examines how individuals narrated their claims of injured feelings, and how the courts assessed those claims, using legal rules, social norms, and the judges' own feelings to validate certain emotional injuries and reject others. The cases reveal both contemporary views of emotion as well as the family, gender, class, linguistic, and racial dynamics that shaped those understandings and their adjudication. Examples include a family's grief over their infant son's death due to a physician's prescription error, a wealthy woman's mortification at being harassed by a conductor aboard a train, and the indignation of two Black men at being denied seats at a Montreal cinema. The book also traces an important legal change in how moral injury was conceptualized in Quebec civil law over the period, as it came to be linked to the developing idea of personality rights. By 1950, the subjective richness of stories of wounded feelings was increasingly put into the language of violated rights, a development with implications for both social understandings of emotion and how individuals presented their emotional injuries in court.

Essays in the History of Canadian Law - Philip Girard 2011-12-15

This third volume of *Essays in the History of Canadian Law* presents thoroughly researched, original essays in Nova Scotian legal history. An introduction by the editors is followed by ten essays grouped into four main areas of study. The first is the legal system as a whole: essays in this section discuss the juridical failure of the Annapolis regime, present a collective biography of the province's superior court judiciary to 1900, and examine the property rights of married women in the nineteenth century. The second section deals with criminal law, exploring vagrancy laws in Halifax in the late nineteenth century, aspects of prisons and punishments before 1880, and female petty crime in Halifax. The third section, on family law, examines the issues of divorce from 1750 to 1890 and child custody from 1866 to 1910. Finally, two essays relate to law and the economy: one examines the Mines Arbitration Act of 1888; the other considers the question of private property and public resources in the context of the administrative control of water in Nova Scotia.

Legal Codes and Talking Trees - Katrina Jagodinsky 2016-04-26

Katrina Jagodinsky's enlightening history is the first to focus on indigenous women of the Southwest and Pacific Northwest and the ways they dealt with the challenges posed by the existing legal regimes of the nineteenth and twentieth centuries. In most western states, it was difficult if not impossible for Native women to inherit property, raise mixed-race children, or take legal action in the event of rape or abuse. Through the experiences of six indigenous women who fought for personal autonomy and the rights of their tribes, Jagodinsky explores a long yet generally unacknowledged tradition of active critique of the U.S. legal system by female Native Americans.

The Death Penalty and Sex Murder in Canadian History - Carolyn Strange 2020-10-01

From Confederation to the partial abolition of the death penalty a century later, defendants convicted of sexually motivated killings and sexually violent homicides in Canada were more likely than any other condemned criminals to be executed for their crimes. Despite the emergence of psychiatric expertise in criminal trials, moral disgust and anger proved more potent in courtrooms, the public mind, and the hearts of the bureaucrats and politicians responsible for determining the outcome of capital cases. Wherever death has been set as the ultimate criminal penalty, the poor, minority groups, and stigmatized peoples have been more likely to be accused, convicted, and executed. Although the vast majority of convicted sex killers were white, Canada's racist notions of "the Indian mind" meant that Indigenous defendants faced the presumption of guilt. Black defendants were also subjected to discriminatory treatment, including near lynchings. In debates about capital punishment, abolitionists expressed concern that prejudices and poverty created the prospect of wrongful convictions. Unique in the ways it reveals the emotional drivers of capital punishment in delivering inequitable outcomes, *The Death Penalty and Sex Murder in Canadian History* provides a thorough overview of sex murder and the death penalty in Canada. It serves as an essential history and a richly documented cautionary tale for the present.

After Pluralism - Courtney Bender 2010

The contributors to this volume treat pluralism as a concept that is historically and ideologically produced or, put another way, as a doctrine that is embedded within a range of political, civic, and cultural institutions. Their critique considers how religious difference is framed as a problem that only pluralism can solve. Working comparatively across nations and disciplines, the essays in *After Pluralism* explore

pluralism as a "term of art" that sets the norms of identity and the parameters of exchange, encounter, and conflict. Contributors locate pluralism's ideals in diverse sites?Broadway plays, Polish Holocaust memorials, Egyptian dream interpretations, German jails, and legal theories?and demonstrate its shaping of political and social interaction in surprising and powerful ways. Throughout, they question assumptions underlying pluralism's discourse and its influence on the legal decisions that shape modern religious practice. Contributors do more than deconstruct this theory; they tackle what comes next. Having established the genealogy and effects of pluralism, they generate new questions for engaging the collective worlds and multiple registers in which religion operates.

The Lazier Murder - Robert J. Sharpe 2011-01-01

In December 1883, Peter Lazier was shot in the heart during a bungled robbery at a Prince Edward County farmhouse. Three local men, pleading innocence from start to finish, were arrested and charged with his murder. Two of them — Joseph Thomset and David Lowder — were sentenced to death by a jury of local citizens the following May. Nevertheless, appalled community members believed at least one of them to be innocent — even pleading with prime minister John A. Macdonald to spare them from the gallows. *The Lazier Murder* explores a community's response to a crime, as well as the realization that it may have contributed to a miscarriage of justice. Robert J. Sharpe reconstructs and contextualizes the case using archival and contemporary newspaper accounts. *The Lazier Murder* provides an insightful look at the changing pattern of criminal justice in nineteenth-century Canada, and the enduring problem of wrongful convictions.

The African Canadian Legal Odyssey - Barrington Walker 2012-01-01

The African Canadian Legal Odyssey explores the history of African Canadians and the law from the era of slavery until the early twenty-first century. This collection demonstrates that the social history of Blacks in Canada has always been inextricably bound to questions of law, and that the role of the law in shaping Black life was often ambiguous and shifted over time. Comprised of eleven engaging chapters, organized both thematically and chronologically, it includes a substantive introduction that provides a synthesis and overview of this complex history. This outstanding collection will appeal to both advanced specialists and undergraduate students and makes an important contribution to an emerging field of scholarly inquiry.

Law, Life, and Government at Red River, Volume 1 - Dale Gibson 2015-06-01

Inhabited by a diverse population of First Nations peoples, Métis, Scots, Upper and Lower Canadians, and Americans, and dominated by the commercial and governmental activities of the Hudson's Bay Company, Red River — now Winnipeg — was a challenging settlement to oversee. This illuminating account presents the story of the unique legal and governmental system that attempted to do so and the mixed success it encountered, culminating in the 1869–70 Red River Rebellion and confederation with Canada in 1870. In *Law, Life, and Government at Red River*, Dale Gibson provides rich, revealing glimpses into the community, and its complex relations with the Hudson's Bay: the colony's owner, and primary employer. Volume 1 details the history of the settlement's establishment, development, and ambivalent relationship with the legal and undemocratic, but gradually, grudgingly, slightly, more representative, governmental institutions forming in the area, and the legal system's evolving engagement with the Aboriginal population. A vivid look into early settler life, *Law, Life, and Government at Red River* offers insights into the political, commercial, and legal circumstances that unfolded during western expansion.

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, and nation building.

Arming and Disarming - R. Blake Brown 2012-10-23

From the École Polytechnique shootings of 1989 to the political controversy surrounding the elimination of the federal long-gun registry,

the issue of gun control has been a subject of fierce debate in Canada. But in fact, firearm regulation has been a sharply contested issue in the country since Confederation. *Arming and Disarming* offers the first comprehensive history of gun control in Canada from the colonial period to the present. In this sweeping, immersive book, R. Blake Brown outlines efforts to regulate the use of guns by young people, punish the misuse of arms, impose licensing regimes, and create firearm registries. Brown also challenges many popular assumptions about Canadian history, suggesting that gun ownership was far from universal during much of the colonial period, and that many nineteenth century lawyers - including John A. Macdonald - believed in a limited right to bear arms.

Arming and Disarming provides a careful exploration of how social, economic, cultural, legal, and constitutional concerns shaped gun legislation and its implementation, as well as how these factors defined Canada's historical and contemporary 'gun culture.'

Indigeneity and Legal Pluralism in India - Pooja Parmar 2015-07-20

This interdisciplinary study juxtaposes the popular, legal, and indigenous accounts of a dispute over a Coca-Cola facility in Kerala, India. It includes interviews with members of indigenous communities, activists, politicians, lawyers, and judges, as well as an analysis of litigation currently pending before the Supreme Court of India.