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# Litigating The Values Of A Nation The Canadian Charter Of Rights And Freedoms

**Vijay Agnew**



## **Litigating The Values Of A Nation The Canadian Charter Of Rights And Freedoms:**

*Litigating the Values of a Nation* Joseph M. Weiler, Robin M. Elliot, Pacific Institute of Law and Public Policy, 1986

Human Rights and Federalism Luan-Vu N. Tran, 2021-10-25 Deeply rooted in liberal philosophy of the seventeenth and eighteenth centuries fundamental rights have been traditionally conceived as prohibitions of state interference with the private affairs of citizens Classic liberalism views human freedom generally as the absence of governmental restrictions maintaining that happiness prosperity and progress can be achieved only by limiting government In an increasingly complex world this raises the question as to whether and to what extent laissez faire ideology in particular negative freedom is correct Is the enjoyment of rights possible without state intervention And if not what kinds of positive responsibility does the State have toward its citizens This volume challenges these traditional assumptions by showing that the protection of fundamental rights depends on both restraint and intervention of the State Moreover federalism as the institutional embodiment of cultural diversity apparently stands in opposition to human rights which constitute normative responses to universal moral claims to freedom and well being The common perception views decentralization of power as a threat to the rights of individuals and minority groups because it allegedly makes uniform and equal treatment impossible this undermines national unity and collides with the concept of universal citizenship The general issue discussed in the book is whether the pursuit of liberty and happiness necessarily excludes the commitment to cultural diversity and local autonomy The study examines the three federated countries Canada Switzerland and the United States with a particular focus on human rights protection and federalism in Canada

**The Notwithstanding Clause and the Canadian Charter** Peter L. Biro, 2024-04-02 Section 33 what is commonly referred to as the notwithstanding clause NWC was written into the Canadian Charter of Rights and Freedoms to allow Parliament and the provinces to provisionally override certain Charter rights The Notwithstanding Clause and the Canadian Charter examines the NWC from all angles and perspectives considering who should have the last word on matters of rights and justice the legislatures or the unelected judiciary and what balance liberal democracy requires In the case of Quebec the use of the clause has been justified as necessary to preserve the province's culture and promote its identity as a nation Yet Quebec's preemptive and sweeping invocation of the clause also challenges the scope of judicial review and citizens recourse to it and it tests the assumption that a dialogue between the judiciary and the legislature is always preferable in instances in which the legislative branch decides to suspend the operation of certain Charter rights and freedoms By virtue of its contested purposes interpretations operation and applications the NWC represents and to an extent defines both the character and the very real vulnerabilities of liberal constitutionalism in Canada The significance effects and legitimacy of the NWC have been vigorously debated within scholarship and among politicians and activists since the patriation of the Canadian Constitution in 1982 In *The Notwithstanding Clause and the Canadian Charter* leading scholars jurists and policy experts elucidate and prescribe reforms to the application of this consequential clause about which so much

is written and around which there is relatively little consensus      *Degrees of Freedom* Keith G. Banting, George Hoberg, Richard Simeon, 1997 The book's primary aim is to determine whether Canada and the United States have become more similar as their economies have become more integrated and their societies more diverse The authors conclude that although powerful economic and social pressures clearly constrain national governments and lead to convergence in some areas distinctive cultural and political processes preserve room for distinctive national responses to important problems of the late twentieth century Authors include Keith Banting Paul Boothe University of Alberta Marsha Chandler University of Toronto George Hoberg Robert Howse University of Toronto Christopher Manfredi McGill University George Perlin Queen's University Douglas Purvis Queen's University Richard Simeon and Elaine Willis consultant Toronto      *Interpreting Censorship in Canada* Allan C. Hutchinson, Klaus Petersen, 1999-01-01 Socially organized activity cannot occur without censorship Going beyond ideological arguments this collection of essays explores the extent of censorship in Canada today the forms censorship takes and the interests it serves      **The Politics of the Charter** Andrew Petter, 2010-01-01 Andrew Petter is a leading constitutional scholar who served from 1991 to 2001 as a British Columbia MLA and cabinet minister including Attorney General In *The Politics of the Charter* Petter assembles a set of his original essays written over three decades to provide a coherent critique of the political nature impact and legitimacy of the Canadian Charter of Rights and Freedoms Showing how Charter rights have been shaped by the institutional character of the courts and by the ideological demands of liberal legalism the essays contend that the Charter has diverted progressive political energies and facilitated the rise of neo conservatism in Canada Drawing upon his constitutional expertise and political experience Petter evaluates the Charter in practical legal and philosophical terms These essays along with a new introduction and conclusion map out Petter's political philosophy and review the entirety of the Charter record *The Politics of the Charter* is vividly written free of legal jargon accessible to a broad readership and will provoke renewed discussion about how best to achieve a more compassionate and egalitarian Canadian society      **Let Right Be Done** Hamar Foster, Heather Raven, Jeremy Webber, 2011-11-01 In 1973 the Supreme Court of Canada issued a landmark decision in the *Calder* case confirming that Aboriginal title constituted a right within Canadian law *Let Right Be Done* examines the doctrine of Aboriginal title thirty years later and puts the *Calder* case in its legal historical and political context both nationally and internationally With its innovative blend of scholarly analysis and input from many of those intimately involved in the case this book should be essential reading for anyone interested in Aboriginal law treaty negotiations and the history of the BC Indian land question

**International Labour Law Reports** Benjamin Aaron, Zvi H. Bar-Niv, Thilo Ramm, 1989-06-01 *The International Labour Law Reports* is a series of annual publications of labour law judgements by the highest courts in a number of jurisdictions ILLR is intended primarily for the use of judges labour law practitioners industrial relations specialists and students who need or desire ready access to authoritative information of a comparative nature on problems arising in the field of labour

law and industrial relations Each judgement reprinted in ILLR is accompanied by Headnotes and in practically all cases by an Annotation which sets forth among other things the legal issues involved the basic facts of the case if not included in the judgement itself the relevant statutory provisions and judicial precedents the labour law and industrial relations context in which the case arose and the significance of the judgement in the development of the law As a rule judgements are printed in extenso editorial discretion has been relied upon to delete or to summarize portions of judgements that are purely technical or only of marginal interest Volume 21 covers the period 1 October 2000 to 30 September 2001      **Martindale-Hubbell International Law Directory** ,1994      **University of Toronto Faculty of Law Review** ,2001      *The History of Canada Series - The Last Act: Pierre Trudeau* Ron Graham,2011-04-05 Between the morning of Wednesday November 4 and the morning of Thursday November 5 1981 a fateful drama unfolded that changed Canada forever In one last attempt to renew the constitution with the consent of the provinces Prime Minister Pierre Elliott Trudeau met behind closed doors in Ottawa with the ten premiers It was the culmination of more than five decades of constitutional wrangling and has been called the most important conference since the Fathers of Confederation got together in Quebec City in 1864 Faced with the threat of Quebec independence the ambitions of Western Canada and the provinces demands for more power Trudeau was embattled But he was fiercely determined to make Canadians fully independent and to entrench a Charter of Rights and Freedoms What happened that day still reverberates It severed the last important link to Canada s colonial past It guaranteed individual liberty and minority rights in the future It weakened the grip of the elites and gave ownership of the constitution to Canadians But it came at a price Quebec alone refused to sign the final deal Ren L vesque its separatist premier claimed he had been betrayed by his allies in the Gang of Eight The legend of the Night of the Long Knives took hold precipitating a series of events that came close to destroying the country Thirty years later author Ron Graham delivers a gripping account of the fractious debates and secret negotiations He uses newly uncovered documents and the candid recollections of many of the key participants to create a vivid record of that momentous twenty four hours Authoritative and engaging *The Last Act* is a remarkable combination of scholarly research and historical narrative      *Trudeau and the End of a Canadian Dream* Guy Laforest,1995-03-06 In 1982 Prime Minister Pierre Trudeau realized his life s ambition the patriation of the Canadian constitution and the enshrinement of a Charter of Rights and Freedoms At the same time he dealt a severe blow to his arch enemies the nationalists in Quebec who believed that a significant and rewarding partnership with Canada was possible without renouncing their identity as Quebecers Laforest reveals that Trudeau betrayed the trust of the people of Quebec during the 1980 referendum on sovereignty association and contends that the whole patriation exercise completed without the consent of Quebec is not legitimate in that province He also holds Trudeau responsible for the ultimate rejection of the distinct society clause in the Meech Lake Accord which had given a glimmer of hope to Quebec federalists Trudeau and the End of a Canadian Dream shows how constitutional reform and the political culture it fostered shattered the hopes of those

who believed that being both a Canadian and a Quebecer was possible      The Constitution of Canada Jeremy Webber, 2021-04-22 The first edition of this text quickly established itself as the classic introduction to the Canadian constitution Setting it in its historical context noting especially the complex interaction of national and regional societies it shows how the constitution continues to morph and shape itself These changes are explored through key constitutional themes democracy parliamentarism the rule of law federalism human rights and Indigenous rights and describes the country that has resulted from the interplay of these themes Clarity of expression and explanation which never veers into simplicity combined with the author's expertise makes this the ideal starting point for the student or comparative lawyer keen to gain a strong understanding of how Canadian democracy and government works      **Good Government? Good Citizens?** W.A. Bogart, 2007-10-01 Good Government Good Citizens explores the evolving concept of the citizen in Canada at the beginning of this century Three forces are at work in reconstituting the citizen in this society courts politics and markets Many see these forces as intersecting and colliding in ways that are fundamentally reshaping the relationship of individuals to the state and to each other How has Canadian society actually been transformed Is the state truly in retreat Do individuals in fact have a fundamentally altered sense of their relationship to government and to each other Have courts and markets supplanted representative politics regarding the expression of basic values Must judicialized protection of human rights and minority interests necessarily mean a diminished concern for the common good on the part of representative politics To what extent should markets and representative politics maintain a role in the protection of human rights and minority interests Will representative politics ever hold the public trust again Good Government Good Citizens responds to these questions It does so by examining the altered roles of courts politics and markets over the last two decades It then examines a number of areas to gauge the extent of the evidence regarding transformations that have occurred because of these changing roles There are chapters on the First Peoples cyberspace education and on an ageing Canada The book concludes with reflections on the good citizen at the dawning of the new century Of particular interest to professors and students of law and political science Good Government Good Citizens will appeal to anyone interested in the changing face of Canada and its citizens      **The Burden of History** Elizabeth Furniss, 2011-11-01 This book is an ethnography of the cultural politics of Native non Native relations in a small interior BC city Williams Lake at the height of land claims conflicts and tensions Furniss analyses contemporary colonial relations in settler societies arguing that ordinary rural Euro Canadians exercise power in maintaining the subordination of aboriginal people through common sense assumptions and assertions about history society and identity and that these cultural activities are forces in an ongoing contemporary system of colonial domination She traces the main features of the regional Euro Canadian culture and shows how this cultural complex is thematically integrated through the idea of the frontier Key facets of this frontier complex are expressed in diverse settings casual conversations among Euro Canadians popular histories museum displays political discourse public debates about aboriginal land claims and ritual

celebrations of the city's heritage In each setting Furniss shows how these cultural practices contribute to the marginalization of area Shuswap Sepwecemc Tsilhqot in Chilcotin and Carrier peoples and how area Native people are continually engaging in diverse and innovative modes of resistance to the dominant regional culture      **Handbook of Global Legal Policy** Stuart Nagel, 2022-04-18 Featuring a pragmatic approach to coping with the legal complications surrounding pretrial release drug related crime and freedom of religion among other issues this timely reference presents a host of legal policy problems in diverse political and cultural settings throughout the world Contributors bridge the academic gulf between worldwide and public policy studies as well as the ideological gap between liberal and conservative attitudes toward constitutional law individual liberty public safety and human rights The authors emphasize the need for an integrated one world perspective in the international legal community drawing on over 1200 references tables and illustrations

**Unions in Court** Larry Savage, Charles W. Smith, 2017-06-09 Since the turn of the twenty first century Canadian unions have scored a number of important Supreme Court victories securing constitutional rights to picket bargain collectively and strike But how did the labour movement historically hostile to judicial intervention in labour relations come to embrace legal activism as a first line of defense as opposed to a last resort Unions in Court documents the evolution of the Canadian labour movement's engagement with the Charter demonstrating how and why labour has adopted a controversial Charter based legal strategy to challenge and change legislation that restricts union rights This book's in depth examination of constitutional labour rights will have critical implications for labour movements as well as activists in other fields

*Interrogating Race and Racism* Vijay Agnew, 2007-01-01 Agnew delves into the public and private spheres of several distinct communities in order to expose the underlying inequalities within Canada's economic social legal and political systems that frequently result in the denial of basic rights to migrant women      **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'becois 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     Citizens Plus Alan C. Cairns,2011-11-01 In Citizens Plus Alan Cairns unravels the historical record to clarify the current impasse in negotiations between Aboriginal peoples and the state He considers the assimilationist policy assumptions of the imperial era examines more recent government initiatives and analyzes the emergence of the nation to nation paradigm given massive support by the Royal Commission on Aboriginal Peoples We are battered by contending visions he argues a revised assimilation policy that finds its support in the Canadian Alliance Party is countered by the nation to nation vision which frames our future as coexisting solitudes Citizens Plus stakes out a middle ground with its support for constitutional and institutional arrangements which will simultaneously recognize Aboriginal difference and reinforce a solidarity which binds us together in common citizenship Selected as a BC Book for Everybody



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kindly see the attached expense report for the month of indicate month year indicate

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