

**Canadian
Law and Society
Association**



**Association
Canadienne
Droit et Société**

**Law's Encounters: Co-existing and Contradictory Norms and Systems
Canadian Law and Society Association, Annual Meeting 2014
June 6-8, 2014
Faculty of Law, University of Manitoba**

Friday June 6, 2014

9:00 Welcome ceremonies

9:30 Plenary Speaker – Jean Teillet

10:45 Break

11:00 – 12:30 Panel sessions (9 concurrent sessions)

1101 – Human Rights, Prisoners' Rights: Challenges and Remedies

Chair: Palma Paciocco

- Kyle Kirkup, University of Toronto, "Encounters with Administrative Violence: Gender Identity and Sex Segregation in Canadian Prisons"
- Colleen Matthews, York University, "The Role of Canadian Courts in Integrating International Human Rights Principles into Canadian Law"
- Jeffery Hewitt, York University, "Prison: A Luxury Lifestyle of the Oppressed?"
- Bruce Ryder, York University, "Canadian Human Rights Tribunals and Social Transformation: Practices and Potential Systemic Remedies"

1102 – The Place of Law in Migration and Migration Research

Chair: Amar Khoday, University of Manitoba

- Shauna Labman, University of Manitoba
- Laura Madokoro, McGill University
- Sarah Zell, University of British Columbia
- Mara Fridell, University of Manitoba

1103 – International Intercultural Intersections

Chair:

- Adetoun Ilumoka, Independent Scholar, “Colonial Encounters in the Niger Area : Towards and Intercultural Legal Theory of the Development of the Modern Court System in Nigeria”
- Petia Tzvetanova, Independent Scholar, “Coexistence et contradictions entre normes internationales et droit interne” (international, business)
- Kathleen Duncan, McGill University, “Reflections on the Business of Indians and Indian Business”
- Brendan Jowett, Independent Scholar, “Rules of Disengagement: “Low-Skill” Migrant Workers, Law, and the Social Dimensions of Exclusionary Inclusion” (immigration)
- Basil Ugochukwu, York University, “Is there a Sociology of Constitutional Human Rights Adjudication? Lessons from Two Commonwealths”

1104 – Challenges in Community Justice

Chair: David DesBaillets, Université du Québec à Montréal

- Jennifer Raso, University of Toronto, “Administrative Justice: Discretion and Empowerment in Welfare Eligibility Decisions”
- Alison Yule, The University of British Columbia, “The rehabilitation of dangerous offenders in Canada: A socio-legal analysis of legal and normative frameworks for balancing offender’s rights with community protection.”
- Lisa Wright, Carleton University, “Community Safety for Whom? The Spatio-Legal Governance of People Who Use Illicit Drugs in Ottawa”
- Amanda Nelund, University of Manitoba, “Encountering Informal Justice: Examining Community Justice Programs for Women in Conflict with the Law”

1105 – The Role of Law within International Political Economies

Chair: Ibironke Odumosu-Ayanu

- Olabisi Akinkugbe, University of Ottawa, “An Inquiry into the Role of Law as a tool for Economic Development in the Economic Community of West African States”
- Evar Oshionebo, University of Calgary, “Prescription of ‘International Best Practice’ in Mineral Extraction Contracts: International Corporate Social Responsibility in the Making?”
- Mohsen al Attar, Queen’s University Belfast & Andrea Buitrago, McGill University, “Effective Control over Trade Lawmaking – A Path to Political Equality”
- Ali Hammoudi, York University, “Law and Imperialism in Post-Mandate Iraq: The struggles of the Iraqi working-class”

1106 – Seeing Justice: Violence, Visibility and Knowledge in the Courtroom

Chair: Emma Cunliffe, University of British Columbia

- Rashmee Singh, University of Waterloo, “Seeing Crime: The Performance of Images of Violence against Women in Law and Media”
- Amanda Glasbeek, York University, “Is Seeing Believing? Sexual Assault and CCTV Images in the Courtroom”
- Benjamin Berger, York University, “Epistemic Disorder in Contemporary Justice: What We See in the Case of *R. v. N.S.*”
- Elana Finestone, University of Ottawa, “Gendered Violence & Rape Culture”

1107 – Power, Apologies and Privacy

Chair: Margot Young, University of British Columbia

- Diego Garcia-Ricci, University of Toronto, “Redressing power imbalances: towards the incorporation of a human rights approach in the protection of privacy”
- Kerri Scheer, University of Toronto, “‘Sorry for your loss’: The role of apologies, the advent of Apology Act legislation, and the importing remorse into administrative court contexts”
- Russell Prime, Dalhousie University, “Do Provincial Judges have the Power?”
- Shauna Van Praagh, McGill University, “New Encounters? Lessons for and from Cyber-Bullying”

1108 – Indigenous Encounters: Rights and Wrongs

Chair: Lorraine Weir, University of British Columbia

- Nicole O’Byrne, University of New Brunswick, “The Promised Land: A history of the Alberta Métis Land Settlements”
- Neil Vallance, University of Victoria, “Square Pegs in Round Holes: Re-categorizing the Vancouver Island (also known as the Douglas) Treaties of 1850-1854”
- Andrea Anderson, York University, “The Silent Injustice in Wrongful Convictions: Is Race a Factor in Convicting the Innocent?”
- Andrew Woolford, University of Manitoba, “Carceral Space and Indigenous ‘Education’: Assimilative Schools, Law, Exception and Genocide”

12:30 - 1:45 Lunch (provided)

CLSA –Annual General Meeting

1:45 – 5:00 Able to Lead: Intersections of Law, Disability, and the History of North American Social Movements

1:45 – 3:15 Plenary Panel – Able to Lead: Intersections of Law, Disability, and the History of North American Social Movements (A cross-disciplinary mini-conference)

Chair: Ravi Malhotra, University of Ottawa

- Anne Finger, Independent Scholar, “Dances with a Cane: FDR’s Management of Public Perception of his Disability”
- Esyllt Jones, University of Manitoba, “Rehabilitation, Disability and the Medical Left in Canada and the US”
- Mark Leier, Simon Fraser University, “Setting the Stage: Class War in BC, 1900-1915”
- Geoffrey Reaume, York University, “Mad People’s Activism and Established Left-wing Groups in Ontario, 1980-1995”
- Eric Tucker, York University, “Compensating Work-Related Disability: History and Politics of the Commodification/Decommodification Dialectic”

3:15-3:30 Break

3:30 – 5:00 Panel sessions (9 concurrent sessions)

1201 - Able to Lead (Mini Conference) - E.T. Kingsley and Disability Politics Today

Chair: Benjamin Isitt, University of Victoria

- Ravi Malhotra, University of Ottawa & Benjamin Isitt, University of Victoria, “Able to Lead: The Legal Politics of E.T. Kingsley”
- Patrick Craib, Independent Scholar, “‘We Have Been Muzzled’: The Public Politics of Socialist Speech in Vancouver and San Francisco, 1895-1919”
- Dustin Galer, University of Toronto, “Employers, Disabled Workers and the War on Attitudes in Late Twentieth Century Canada”
- Megan Rusciano, Washington College of Law & the University of Ottawa, “Full Inclusion: Addressing the Issue of Income Inequality for People with Disabilities in Canada”

1202 – Investigating Legal Complexities in Family Law

Chair: Susan Bazilli, International Women’s Rights Project

- Josephine Savarese, St. Thomas University, “Trinny’s Story”
- Meiyen Wong, University of Toronto, “Canada’s Family and Criminal Law: A Comparative Study of Specialized and Integrated Domestic Violence Courts”
- Christina Hollingshead, York University, “Infanticide ‘defence’ and criminal law”
- Vicki Trerise, University of Ottawa, “The Parens Patriae Jurisdiction: Clearing the Mists of Antiquity”

1203 – Theorizing Juridical Norms and Systems

Chair: Shauna Van Praagh, McGill University

- Amy Swiffen, Concordia University, "Triage and Law" (common good)
- Richard Jochelson, University of Winnipeg, "Assessing Representativeness in the Canadian Criminal Jury"
- Alana Klein, McGill University, "Toward a new feminist jurisprudence on the substantive scope of criminal law"
- Natalia Angel, York University, "Socio-Economic Rights and the Effects of Dialogical Justice: Lessons from Colombia"

1204 – Distinguishing Indigeneity

Chair: David Milward, University of Manitoba

- Don McIntyre, University of British Columbia, "Canada's Willful Blindness, Law's Future Vision and The Canadian Aboriginal State of Exception"
- Jeremy Patzer, Carleton University, "The Unavailable Sovereign: Societal Change and the Inventiveness of Aboriginal Law"
- Robert Hamilton, University of New Brunswick, "The Language of Citizenship: Citizenship In First Nations Self-Government Agreements in Canada"
- Mohsen al Attar, Queen's University Belfast & Enrique Boone Barrera, McGill University, "Trade Negotiation and the Constitution of Tiered Citizenship"

1205 – Encountering Religious Expressions in Law

Chair: Benjamin Berger, York University

- Dia Dabby, McGill University, "Children at the center and the margins of law's conversations about religion and schools in Canada"
- Peter Bush, Independent Scholar, "The Interaction between Presbyterian Church in Canada church law and secular civil law, 1995-2010"
- Richard Tomlinson, McGill University, "Relationship between religious and legal discourses"

1206 – Canadian Legal History I: Individuals Encounter the Law in the 20th Century

Chair: Lyndsay Campbell

- Ken Leyton-Brown, University of Regina, "Chinese Plaintiffs in the Courts of Early Saskatchewan: A Part of Business in a New Land"
- Sarah Hamill, University of Alberta, "Sex, Race, and Motel Guests: Another Look at King v Barclay"
- Lori Chambers, Lakehead University, "Secrecy and Disclosure in Adoption"

1207 – The Idea of a Human Rights Museum

Moderator: Karen Busby, University of Manitoba

- Karen Busby, University of Manitoba, "Architecture of Human Rights"

- Armando Perla, CMHR, “Presenting Canada’s Legal Traditions at the Canadian Museum for Human Rights”
- Andrew Woolford, University of Manitoba & Adam Muller, University of Manitoba, “Experience, Empathy, and the Modern Museum”

5:00 – 6:30 CJLS Editorial Board Meeting

Saturday June 7, 2014

9:00 – 12:15 Joint Graduate Student Workshop

9:00 – 10:30 Panel Sessions (5 concurrent sessions for CLSA, 3 concurrent sessions for CALT)

2101 – Socio-legal Issues of Health and Human Dignity

Chair: Sarah Hamil, University of Alberta

- Poland Lai, York University, “Can law bring disability closer to “us”?”
- Elaine Craig, Dalhousie University, “Human Dignity reflected in the Supreme Court of Canada’s jurisprudence”
- Sophie Nunnolley, University of Toronto, “Donor Dilemmas: A Relational Approach to Sperm Donor Anonymity”
- Angela Cameron, University of Ottawa, “Sperm Donation in Ontario: An Empirical Study”

2102 – First Nations, Resource Extraction Disputes and Law

“Keeping the Land: Kitchenuhmaykoosib Inninuwug, Reconciliation and Canadian Law”

Authors: Rachel Ariss & John Cutfeet

Readers: Brenda Gunn, University of Manitoba

L. Jane McMillan, St. Francis-Xavier University

David Milward, University of Manitoba

Natalie Oman, UOIT

2103 – Challenging Gender Inequalities

Chair: Beverley Jacobs

- Adedoyin Adefemi, University of Saskatchewan, “Substantive Gender Equality for Widows in Sub-Saharan African: A Proposal for Cultural, Socio-Economic and Legal Remedies to Transform the Roles of Widows as ‘Cultural Tools’”

- Susan Bazilli, International Women’s Rights Project, “Limitations of Law in reducing the pandemic of Violence against Women”
- Genevieve Painter, UC Berkeley, “Enacting Alternative Sovereignties by Claiming Equality Rights: Indigenous Women in International Law”
- Margot Young, University of British Columbia, “Equality and Social Justice: What has Section 15 to Offer Anyone Anymore?” Keywords: Equality, Social Justice, Feminism, Section 15, Constitutional Law

2104 – Engaging the Socio-legal Discourses of Mental Health

Chair: Alana Klein

- Vicki Trerise, University of Ottawa, “The Mentally Compromised Parent: Issues of Ethics, Autonomy and Human Rights”
- Zana Lutfiyya, University of Manitoba & Karen Schwartz, University of Manitoba, “Complementary and Contradictory Laws and Practices: Competency and Adults with Intellectual Disabilities in Manitoba”
- Rosanna Langer, Laurentian University, "Mental Disorder, Meaning and Social Inequality: Minding the Gap."

2105 – Privacy and Protection: Investigating Case Studies Involving Children and Adults

Chair: Maura Matesic, York University

- Josephine Savarese, St. Thomas University, “Zaynab Khadr for Governor General of Canada”
- Mona Pare, University of Ottawa & Tara Collins, Ryerson University, “A Child-Rights Based Approach to Anti-Violence Efforts in Schools”
- Elizabeth Lawson, Robert Gordon University, “Privacy Issues, the Internet, and Child Sexual Exploitation”

10:30 - 10:45 Break

10:45 – 12:15 Panel sessions (5 concurrent sessions for CLSA, 3 concurrent sessions for CALT)

2201 - Encountering Law in Canadian Crime Films

Chair: Maura Matesic, York University

- Pauline Greenhill, University of Winnipeg, “Le Piège d’Issoudun: Motherhood in Crisis”
- Richard Jochelson, University of Winnipeg, “A History of Violence: A Meditation on Colonial Violence”
- Steven Kohm, University of Winnipeg, “Citizens of a Different Town: Representing Child Victims in Two Canadian Crime Films”
- Sonia Bookman, University of Manitoba & James Gacek, University of Manitoba, “The Mean Streets of Winnipeg: Place, Urbanity and the Construction of Crime in Film”

2202 - Indigenous Peoples and Real Property: Beyond Privatisation

Chair: Shauna Labman, University of Manitoba

- Ibironke Odumosu-Ayanu, University of Saskatchewan
- Sarah Morales, University of Ottawa
- Angela Cameron, University of Ottawa
- Sari Graben, Ryerson University
- Val Napoleon, University of Victoria
- Emily Snyder, University of Victoria

2203 - Roundtable: Criminalized Women and the Law and Order Agenda

Chair: Sonia Lawrence, York University

- Emma Cunliffe, University of British Columbia
- Elspeth Kaiser-Derrick, University of British Columbia
- Debbie Kilroy, Kilroy & Callaghan (Queensland, Australia)
- Debra Parkes, University of Manitoba
- Kim Pate, University of Ottawa

2204 - Author-meets-Readers Session: “Exploring Disability Identity and Disability rights through Narratives”

Authors: Ravi Malhotra, University of Ottawa & Morgan Rowe

Readers: Anne Finger, Independent Scholar

Geoffrey Reaume, York University

Megan Rusciano, University of Ottawa

2205 - The Role of Non-State Actors in International Law-making

- Annie Bunting, York University
- Anna Dolidze, University of Western Ontario
- Natalie Oman, UOIT
- Sara Seck, University of Western Ontario

12:15 - 1:45 Lunch (delegates on their own)

Canadian Law and Society Association –Board Meeting

CLSA/CALT Joint Graduate Student Lunch

1:45 – 3:15 CLSA / CALT concurrent sessions (5 concurrent sessions for CLSA, 3 concurrent sessions for CALT)

2301 – Mapping Legal Spaces

Chair: Robert Diab, Thompson Rivers University

- Estair Van Wagner, York University, “Relating Property with Place: Relational theory, property law and participatory rights in land use planning law”
- Daniel Huizenga, York University, “Exploring encounters with law in Toronto’s high-rise rental buildings”
- David DesBaillets, Université du Québec à Montréal, “*Tanudjaja v. Attorney General* - adequate housing”
- Benjamin Isitt, University of Victoria, “The Right to Sleep: The Charter, Poor Peoples’ Movements, and Tenting as Political Protest”

2302 – The Business of Justice Economies

Chair: Esylit Jones, University of Manitoba

- Elizabeth Adjin-Tettey, University of Victoria, “Non-Judicial Insurance Dispute Resolution Mechanisms: Do they Promote or Impede Access to Justice?”
- Alex Atanasov, Université Laval, “Judicial Performance Evaluation, A Comparative and Economic Analysis of Judicial Decisions in the area of Enforcement Arbitral Awards”
- Lulu Thomas-Hawthorne, University of South Africa, “Places of exploitation: frontiers of change and governance in contractual transactions”
- Anna Lund, University of British Columbia, “Policing Rogue Debtors: Interpreting Abuse in the Canadian Bankruptcy System”

2303 - Roundtable: Creating a National Archive on Indian Residential Schools: Thinking About Acquisition, Privacy, Access and Copyright Issues

Moderator: Karen Busby, University of Manitoba

Panelists: Greg Bak, University of Manitoba

Jennifer Llewellyn, Dalhousie University

Camille Callison, University of Manitoba

Tom McMahon, TRC General Counsel

2304 - Advancing Indigenous Legal traditions

Chair: Neil Vallance

- Beverley Jacobs, University of Calgary, “Haudenosaunee Legal Traditions”
- Lorraine Weir, University of British Columbia, “The Discursive Production of ‘Oral History’ in *Tsilhqot’in Nation v B.C.*”
- Olivier Courtemanche, Université d’Ottawa, “De L’Ignorance au Rapprochement? Les Modalités d’un Processus Judiciaire Ouvert aux Cultures Juridiques Autochtones” (judicial process, legal cultures)
- Anna Flaminio, University of Toronto, “Indigenous Laws must now be recognized as laws”
- Aimée Craft, Public Interest Law Centre, “Anishinaabe Nibi Innakonigewin (Anishinaabe Water Law)”

2305 - Environmental Assessment, Territory and Sovereignty

Chair:?

- Natasha Affolder, University of British Columbia, “Environmental Assessment and ‘Legal Borrowing’”
- Neil Craik, University of Waterloo, “Remedies for Breach of Procedural Obligations in International Law”
- Derek McKee, Université de Sherbrook, “Canadian Environmental Assessments of Projects Outside Canada”
- Sara Seck, Western University, “Transboundary or Extraterritorial EA? Law, Language and Power”

3:15-3:30 Break

3:30 – 5:00 Panel sessions (5 concurrent sessions for CLSA, 3 concurrent sessions for CALT)

2401 - Co-Existing and Contradictory Indigenous Identities and Indigenous Sovereignties

Chair: Natalie Oman, University of Ontario Institute of Technology

- Julia Kindrachuk & Dwight Newman, University of Saskatchewan, “ Philosophical Perspectives on the Legal Definition of Indigenous Identity”
- Michell Biddulph & Dwight Newman, University of Saskatchewan, “Indigeneity and Effects of Internationalized Indigenous Rights in Israel”
- Laura Forseille, Scarlet Gomez Aguilera & Dwight Newman, University of Saskatchewan, “Foreign Resource Development, Indigenous Rights and Transnationalities of Legal Regulation”
- Scott Hitchings, Dwight Newman & Katherine Pocha, “Connections and Tensions Between indigenous Economic Development and Indigenous Sovereignties”

2402 – Confronting Hate, Race and Law

Chair: Chuck Reasons, Kwantlen University

- Chuck Reasons, Shereen Hassan, Mike Ma, Lisa Monchalin, Christianne Paras & Melinda Bige, Kwantlen University, “Race and Criminal Justice in Canada: An Overview”
- Timothy Bryan, York University, “Examining the Contradictions of the Enforcement of Hate Crime Laws”
- Sean Rehaag, York University, “‘I Simply Do Not Believe ...’: A case study of credibility determinations in Canadian Refugee Adjudication”
- Chris Albinati, Thompson Rivers University, “Aboriginal Blockades and the Rule of Law: Acknowledging the paradigm of struggle”
- Jan Buterman, University of Alberta, “A Shabby Sort of Citizenship: Trans* Canadians and Passports”

2403 - Canadian Legal History II: Institutions and Individuals in the 19th Century

Chair: Nicole O'Byrne

- Lyndsay Campbell, University of Calgary, "Libel Law and the Public Sphere: Nova Scotia and Massachusetts, 1820-40"
- Mary Stokes, York University, "Municipal Corporations in Court: High Law and Low Governance in Canada West/Ontario, 1850-1880"

2404 - Media, Democracy and Interpretation of Rights

Chair: Jennifer Schulz

- Amar Khoday, University of Manitoba, "Judging Mr. Big"
- Ruba Ali Al-Hassani, York University, "The *Virtual Civil Society* and its Social Conceptualization of State Sovereignty"
- Arm Tungnirun, Chulalongkorn University, "Co-existing and Contradictory Narratives of the 2007 Thai Constitution Making in the Mass Media"
- Felipe Braga Albuquerque, Federal University of Ceará/Brazil, "A Critical Analysis of Trivialization of Electoral Campaigns"

2405 – Navigating Issues of International Governance

Chair: ?

- Garrett Lecoq, Carleton University, "(Unorthodox) Governance Must Be Defended: Inclusion and Legitimization of Law Through Exclusion"
- Luca Siliquini-Cinelli, University of Turin, "Escaping the Cage: Why the Implementation of Pluralist, insulated Forms of Post-Modern Subsidiarity governance Might Represent the Only Solution to the European Crises"
- Erika Arban, University of Ottawa, "Reconsidering the neglected: non-national groups and the accommodation of their claims"
- Thomas Burelli, University of Ottawa, « La République Française et ses autochtones : Trajectoires juridiques des peuples autochtones dans l'outre-mer français » (French republic, indigenous peoples)

Evening of Saturday June 7 – Joint Gala Dinner – Fort Garry Hotel

6:30 - 7:00 Cocktails

7:00 – 8:30 **Dinner (awards during dinner)**

8:30 – 9:30 **Keynote Speaker – Chief Ovide Mercredi, “Present Day Relevance of Treaty Principles: The Treaty of Niagara 250 Years Later”**

Sunday June 8 – Canadian Association of Law Teachers (CALT) Program

<http://www.acpd-calt.org/wp-content/uploads/2014/03/CALT-Conference-Program-March29.pdf>