

# ELUSIVE JUSTICE

Beyond the Marshall Inquiry

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# Elusive Justice Beyond The Marshall Inquiry

**Beaton Institute of Cape Breton  
Studies**



## **Elusive Justice Beyond The Marshall Inquiry:**

**Elusive Justice** Alex Denny, 1992 The Marshall Commission Report does not deserve accolades While it acknowledges errors negligence and mismanagement it did not make the connections necessary to begin the process of developing a dialogue about a justice system that Aboriginal people can respect or which respects Aboriginal people M E Turpel Dalhousie Law School *When Justice Is a Game* MaDonna Maidment, 2021-01-10T00:00:00Z All too often the police do not get the right person Wrongful convictions are framed as mistakes or failures of the justice system However many of the wrongfully convicted are from among the poor and visible minority groups The law then becomes an ideological mask relieving us of the responsibility of engaging with the real issues that underscore wrongful convictions MaDonna Maidment illustrates how the desire to get a conviction and paint the police and the courts in a positive light often means that false evidence and court decisions based on prejudice and racism lead to innocent people being convicted The official version of the law says Maidment despite its claims of impartiality neutrality and objectivity is a tool of the state and its elite club members designed to maintain the illegitimate domination of society Turning back to the very system that got it wrong in the first place therefore should be a non starter **Manufacturing Guilt (2nd edition)** Barrie Anderson, Dawn

Anderson, 2021-01-11T00:00:00Z Manufacturing Guilt 2nd edition updates the cases presented in the first edition and includes two new chapters one concerning the case of James Driskell and another regarding Dr Charles Smith whose role in forensic pathology evidence led to several wrongful convictions In this new edition the authors demonstrate that the same factors at play in the criminalization of the powerless and marginalized are found in cases of wrongful conviction Contrary to popular belief wrongful convictions are not due simply to unintended errors but rather are too often the result of the deliberate actions of those working in the criminal justice system Using Canadian cases of miscarriages of justice the authors argue that understanding wrongful convictions and how to prevent them is incomplete outside the broader societal context in which they occur particularly regarding racial and social inequality *Cape Bretoniana* Beaton Institute of Cape Breton Studies, 2005-01-01 Nova Scotia s Cape Breton Island is a beautiful region with a unique community whose history and ethnic composition have resulted in the evolution of a powerful sense of identity and place While outsiders may think only of the island s perennial economic woes and long economic dependence on coal mining and steel production it is also the home of a rich vibrant and distinct culture Brian Douglas Tennyson s *Cape Bretoniana* is the first bibliography to gather together all known publications relating to the history culture economy and politics of Cape Breton Island With more than 6000 entries it not only provides a comprehensive listing of publications and post graduate theses but also detailed annotations on the listings Each entry lists the author title place of publication publisher date of publication volume and issue number in the case of periodicals and page references followed by a brief description of the item Cape Breton has never been so thoroughly documented This bibliography will help to ensure that even in a world becoming increasingly homogenized by the forces of

globalization unique cultural identities like Cape Breton's can be preserved and nurtured *Criminal Injustice* Robynne Neugebauer, 2000-01-01 This volume examines racism within the process of criminal justice In every society criminal justice plays a key role establishing social control and maintaining the hegemony of the dominant economic classes The contributors to this anthology argue that the differential treatment of people of colour and First Nations peoples is due to systemic racism within all levels of the criminal justice system which serves these dominant classes Ideological and cultural changes are preconditions for the success of anti racist policies and practices within the criminal justice system and within other state institutions Recommendations for transformations in justice policy and practice are provided *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 **From the Iron House** Deena Rymhs, 2014-01-07 In *From the Iron House* Imprisonment in First Nations Writing Deena Rymhs identifies continuities between the residential school and the prison offering ways of reading the carceral that is the different ways that incarceration is constituted and articulated in contemporary Aboriginal literature Addressing the work of writers like Tomson Highway and Basil Johnston along with that of lesser known authors writing in prison serials and underground publications this book emphasizes the literary and political strategies these authors use to resist the containment of their institutions The first part of the book considers a diverse sample of writing from prison serials prisoners anthologies and individual autobiographies including *Stolen Life* by Rudy Wiebe and Yvonne Johnson to show how these works serve as second hearings for their authors an opportunity to respond to the law's authority over their personal and public identities while making a plea to a wider audience The second part looks at residential school narratives and shows how the authors construct identities for themselves in ways that defy the institution's control The interactions between these two bodies of writing residential school accounts and prison narratives invite recognition of the ways that guilt is colonially constructed and how these authors use their writing to distance themselves from that guilt Offering new ways of reading Native writing *From the Iron House* is a pioneering study of prison literature in Canada and situates its readings within international criticism of prison writing Contributing to genre studies and theoretical understandings of life writing and covering a variety of social topics this work will be relevant to readers interested in indigenous studies Canadian cultural studies postcolonial studies auto biography studies law and public policy *Crime and Deviance in Canada* Chris McCormick, Christopher Ray McCormick, Len Green, 2005 This unique and timely reader brings

together twenty four of the very best and most controversial readings on the history of crime deviance and criminal justice in Canada This text is ideal for use in courses on introductory criminology crime and deviance or the Canadian justice system particularly those with an historical component The theme of power relations is a very strong unifying element that is relations of gender social class ethnicity and age Through such topics as prostitution prohibition youth courts and the regulation of sexuality we can trace these relations of power and how they link to the definition of crime in society

**Professional Autonomy and the Public Interest** Barry Cahill,2019-11-07 Formed in 1825 the Nova Scotia Barristers Society is the second oldest law society in common law Canada after the Law Society of Ontario Yet despite its founders ambitions it did not become the regulator of the legal profession in Nova Scotia for nearly seventy five years In this institutional history of the Nova Scotia Barristers Society from its inception to the Legal Profession Act of 2005 Barry Cahill provides a chronological exploration of the profession s regulation in Nova Scotia and the critical role of the society Based on extensive research conducted on internal documents legislative records and legal and general interest periodicals and newspapers Professional Autonomy and the Public Interest demonstrates that the inauguration of the Nova Scotia Barristers Society was the first giant step on the long road to self regulation Highlighting the inherent tensions between protection of professional self interest and protection of the larger public interest Cahill explains that while this radical innovation was opposed by both lawyers and judges it was ultimately imposed by the Liberal government in 1899 In light of emerging models of regulation in the twenty first century Professional Autonomy and the Public Interest is a timely look back at the origins of professional regulatory bodies and the evolution of law affecting the legal profession in Atlantic Canada

**Reckoning with Racism** Constance Backhouse,2022-11-22 In 1997 complacency about the racial neutrality of a predominantly white judiciary was shattered as the Supreme Court of Canada considered a complaint of judicial racial bias for the first time The judge in question was Corrine Sparks the country s first Black female judge Reckoning with Racism considers the RDS case A white Halifax police officer had arrested a Black teenager placed him in a choke hold and charged him with assaulting an officer and obstructing arrest In acquitting the teen Judge Sparks remarked that police sometimes overreacted when dealing with non white youth The acquittal held but most of the white appeal judges critiqued her comments based on the tradition that the legal system was non racist unless proven otherwise That became a matter of wide debate This book assesses the case of alleged anti white judicial bias the surrounding excitement the dramatic effects on those involved and the significance for the Canadian legal system

**In the Days of Our Grandmothers** Mary-Ellen Kelm,Lorna Townsend,2006-01-01 From Ellen Gabriel to Tantoo Cardinal many of the faces of Aboriginal people in the media today are women In the Days of Our Grandmothers is a collection of essays detailing how Aboriginal women have found their voice in Canadian society over the past three centuries Collected in one volume for the first time these essays critically situate Aboriginal women in the fur trade missions labour and the economy the law sexuality and the politics of representation Leading scholars in their fields

demonstrate important methodologies and interpretations that have advanced the fields of Aboriginal history women s history and Canadian history A scholarly introduction lays the groundwork for understanding how Aboriginal women s history has been researched and written and a comprehensive bibliography leads readers in new directions In the Days of our Grandmothers is essential reading for students and anyone interested in Aboriginal history in Canada

**Power and Resistance** Wayne Antony,2020-05-06T00:00:00Z How do we make sense of the social problems that continue to plague Canadian society Our understanding of issues such as poverty racism violence homophobia crime and pollution stems from our view of how society is structured From the dominant neoliberal perspective social problems arise from individuals making poor choices From a critical perspective however these social troubles are caused by structural social inequalities Disparities in economic social and political power that is relations of power based on class race gender and sexual orientation are the central structural element of capitalist patriarchal colonialist societies The contributors to Power and Resistance use this critical perspective to explore Canadian social issues such as poverty colonialism homophobia violence against women climate change and so on This sixth edition adds chapters on the corporatization of higher education the lethal impacts of colonialism democracy the social determinants of health drug policy and sexual violence on campus

**Regulating Girls and Women** Joan Sangster,2001-12-15 For people living in Ontario as throughout Canada the period from 1920 to 1960 was one of great change and turmoil the roaring twenties the Great Depression the upheaval of war and the economic boom of the postwar years One constant in society over those years however was the differential treatment that females and males received before the law especially in regard to family matters and sexuality A patriarchal justice system increasingly under the influence of expert opinion from social workers psychologists psychiatrists and other medial doctors openly espoused a sexual double standard and sought to regulate the behaviour of girls and women for their own good Indeed women in physically abusive relationships were at times advised by judges probation officers and social workers to go home and sleep with your husband on the assumption that keeping him sexually sated would end the violence In this fascinating study of sexuality family and the law historian Joan Sangster focuses on key issues that drew women into the courts as plaintiffs and defendants incest and sexual abuse wife assault prostitution female delinquency and the unique colonization of the soul that Aboriginal women had to endure before the law As Sangster writes While history does not offer pat solutions to present dilemmas it may stimulate some sobering second thoughts on current debates by dissecting the changing definitions of criminality and the process by which law constituted gender race and class relations by mounting a critique of past reform efforts and importantly by suggesting how the law affected the lives of girls and women who came into conflict with it

**Violence Against Indigenous Women** Allison Hargreaves,2017-08-24 Violence against Indigenous women in Canada is an ongoing crisis with roots deep in the nation s colonial history Despite numerous policies and programs developed to address the issue Indigenous women continue to be targeted for violence at disproportionate rates What insights can

literature contribute where dominant anti violence initiatives have failed Centring the voices of contemporary Indigenous women writers this book argues for the important role that literature and storytelling can play in response to gendered colonial violence Indigenous communities have been organizing against violence since newcomers first arrived but the cases of missing and murdered women have only recently garnered broad public attention Violence Against Indigenous Women joins the conversation by analyzing the socially interventionist work of Indigenous women poets playwrights filmmakers and fiction writers Organized as a series of case studies that pair literary interventions with recent sites of activism and policy critique the book puts literature in dialogue with anti violence debate to illuminate new pathways toward action With the advent of provincial and national inquiries into missing and murdered Indigenous women and girls a larger public conversation is now underway Indigenous women s literature is a critical site of knowledge making and critique Violence Against Indigenous Women provides a foundation for reading this literature in the context of Indigenous feminist scholarship and activism and the ongoing intellectual history of Indigenous women s resistance Learn, Teach, Challenge Deanna Reder, Linda M. Morra, 2016-07-15 This is a collection of classic and newly commissioned essays about the study of Indigenous literatures in North America The contributing scholars include some of the most venerable Indigenous theorists among them Gerald Vizenor Anishinaabe Jeannette Armstrong Okanagan Craig Womack Creek Kimberley Blaeser Anishinaabe Emma LaRocque M tis Daniel Heath Justice Cherokee Janice Acoose Saulteaux and Jo Ann Episkenew M tis Also included are settler scholars foundational to the field including Helen Hoy Margery Fee and Renate Eigenbrod Among the newer voices are both settler and Indigenous theorists such as Sam McKegney Keavy Martin and Niigaanwewidam Sinclair The volume is organized into five subject areas Position the necessity of considering where you come from and who you are Imagining Beyond Images and Myths a history and critique of circulating images of Indigenousness Debating Indigenous Literary Approaches Contemporary Concerns a consideration of relevant issues and finally Classroom Considerations pedagogical concerns particular to the field Each section is introduced by an essay that orients the reader and provides ideological context While anthologies of literary criticism have focused on specific issues related to this burgeoning field this volume is the first to offer comprehensive perspectives on the subject *Unsettling Mobility* Michelle Lelièvre, 2017-04-11 Since contact attempts by institutions such as the British Crown and the Catholic Church to assimilate indigenous peoples have served to mark those people as Other than the settler majority In *Unsettling Mobility* Michelle A Lelièvre examines how mobility has complicated disrupted and at times served this contradiction at the core of the settler colonial project Drawing on archaeological ethnographic and archival fieldwork conducted with the Pictou Landing First Nation one of thirteen Mi kmaq communities in Nova Scotia Lelièvre argues that for the British Crown and the Catholic Church mobility has been required not only for the settlement of the colony but also for the management and conversion of the Mi kmaq For the Mi kmaq their continued mobility has served as a demonstration of sovereignty over their ancestral lands and waters despite the

encroachment of European settlers *Unsettling Mobility* demonstrates the need for an anthropological theory of mobility that considers not only how people move from one place to another but also the values associated with such movements and the sensual perceptions experienced by moving subjects *Unsettling Mobility* argues that anthropologists indigenous scholars and policy makers must imagine settlement beyond sedentism Rather both mobile and sedentary practices the narratives associated with those practices and the embodied experiences of them contribute to how people make places in other words to how they settle *Unsettling Mobility* arrives at a moment when indigenous peoples in North America are increasingly using movement as a form of protest in ways that not only assert their political subjectivity but also remake the nature of that subjectivity *Mi'kmaq Treaties on Trial* William Wicken, 2002-01-01 Intersperses close analysis of the 1726 treaty with discussions of the Marshall case and shows how the inter cultural relationships and power dynamics of the past have shaped both the law and the social climate of the present **Girl Trouble** Joan Sangster, 2002 The book examines the history of female delinquency in Canada from the initial years of the Juvenile Delinquents Act passed in 1908 to the first major sustained critiques of the Act's usefulness in the 1960s Three themes are explored What underlying material structures social conditions and class norms shaped the very definition of delinquency under the Juvenile Delinquents Act and how was that definition gendered What were the prescribed legal and social cures for girls wrongdoing and how successful were they Last how did girls and their families understand and react to their designation as delinquent and to their experiences in court probation and training school To understand girls conflicts with the law their delinquency is described within the daily lived economic and social circumstances of their lives and contemporary understandings of normal and deviant behaviour and illustrated by quotations and examples drawn from records and interviews The experiences of Native and immigrant girls are also examined **Overrepresented** Annette Vermette, 2023-08-14 The frequency and severity of crime in Canada has been declining however the criminalization of Indigenous women is on the rise How to account for this disparity With sharp intelligence inherent wisdom and the grit of an investigative journalist Annette Vermette offers new perspectives to academics and the general population regarding the overrepresentation of Indigenous women in prison in Canada Statistically Indigenous women are arrested more frequently than those in other demographics and their prison sentences tend to be longer indicating that discrimination and colonialism are alive and well in Canada despite reconciliation efforts Research shows that neither the offenders nor their communities nor the victims of crime for that matter obtain positive outcomes or necessary healing as a result of incarceration Vermette investigates the possible political and economic motivators responsible for these skewed rates of incarceration and conceptualizes a new paradigm for justice in Canada using Two Eyed Seeing an approach in which one sees from one eye with the strengths of Indigenous knowledge and from the other eye with the strengths of Western knowledge The passion wisdom and expertise required to generate vital social change already exists The path is before us We only need to open our eyes **Locating Law, 3rd Edition** Elizabeth



Comack,2020-05-27T00:00:00Z Praise for the second edition This book is the best available for teaching the role of law in society and making sense of how it operates within the inter connections of race class and gender dynamics often perpetuating oppression Locating Law is essential for undergraduate students in justice sociology and criminology Margot Hurlbert University of Regina Students regularly tell me that Locating Law is their favourite book out of the selections for the Law and Society course The case studies are sufficiently different from one another that the students deepen their general knowledge and they appreciate the fact that the chapters are written in a style they can understand Jennifer Jarman Lakehead University A primary concern within the study of law has been to understand the law society relation Underlying this concern is the belief that law has a distinctly social basis it both shapes and is shaped by the society in which it operates This book explores the law society relation by locating law within the nexus of race class gender sexuality relations in society In addition to updating the material in the theoretical and substantive chapters this third edition of Locating Law includes three new contributions sentencing law and Aboriginal peoples corporations and the law and obscenity and indecency legislation The analyses offered in the book are sure to generate discussion and debate and in the process enhance our understanding of law s location

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