

The Practice of freedom: Canadian essays on human rights and fundam...

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The Practice Of Freedom Canadian Essays On Human Rights And Fundamental Freedoms

**Ronald St. J. Macdonald, John P.
Humphrey**



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The Practice of Freedom Ronald St. John MacDonald, 1981 *Canada's Rights Revolution* Dominique Clément, 2009-01-01 In the first major study of postwar social movement organizations in Canada Dominique Clément provides a history of the human rights movement as seen through the eyes of two generations of activists Drawing on newly acquired archival sources extensive interviews and materials released through access to information applications Clément explores the history of four organizations that emerged in the sixties and evolved into powerful lobbies for human rights despite bitter internal disputes and intense rivalries This book offers a unique perspective on infamous human rights controversies and argues that the idea of human rights has historically been highly statist while grassroots activism has been at the heart of the most profound human rights advances

The Practice of Freedom Ronald St. J. Macdonald, John P. Humphrey, 1979 **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

Human Rights in the Americas James T. Lawrence, 2004 The existence of human rights helps secure the peace deter aggression promote the rule of law combat crime and corruption and prevent humanitarian crises These human rights include freedom from torture freedom of expression press freedom women's rights children's rights and the protection of minorities This book surveys the countries of the Americas and is augmented by a current bibliography and useful indexes by subject title and author

The Practice of Language Rights in Canada C. Michael MacMillan, 1998-01-01 On what grounds should language rights be accorded in Canada and to whom This is the central question that is addressed in C Michael MacMillan's book *The Practice of Language Rights in Canada* The issue of

language rights in Canada is one that is highly debated and discussed partly because the basic underlying principles have been a neglected dimension in the debate MacMillan examines the normative basis of language rights in Canadian public policy and public opinion He argues that language rights policy should be founded upon the theoretical literature of human rights Drawing on the philosophy behind human rights the arguments for recognizing a right to language are considered as well as the matter of whether such rights possess the essential features of established rights Another model that is examined is the idea that rights are a reflection of the established values attitudes and practices of society This analysis reveals that there is a significant gap between what a political theory of language rights would endorse and what garners support in public opinion MacMillan also scrutinizes the federal and provincial contexts in the development of a language rights framework From these explorations a case is developed for a recognition of language rights that is consistent with the logic of human rights and that corresponds roughly with developing Canadian practice The Practice of Language Rights in Canada is a unique contribution to the current literature not only because it conceives of language rights as a human right but also because it frames the whole debate about language rights in Canada as a question of values and entitlements

The African Canadian Legal Odyssey Barrington Walker, 2012-11-13 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

"Race," Rights and the Law in the Supreme Court of Canada James W. St.G. Walker, 2006-01-01 Four cases in which the legal issue was race that of a Chinese restaurant owner who was fined for employing a white woman a black man who was refused service in a bar a Jew who wanted to buy a cottage but was prevented by the property owners association and a Trinidadian of East Indian descent who was acceptable to the Canadian army but was rejected for immigration on grounds of race drawn from the period between 1914 and 1955 are intimately examined to explore the role of the Supreme Court of Canada and the law in the racialization of Canadian society With painstaking research into contemporary attitudes and practices Walker demonstrates that Supreme Court Justices were expressing the prevailing common sense about race in their legal decisions He shows that injustice on the grounds of race has been chronic in Canadian history and that the law itself was once instrumental in creating these circumstances The book concludes with a controversial discussion of current directions in Canadian law and their potential impact on Canada's future as a multicultural society

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. Human Rights & Social Technology Rainer Knopff, Thomas Flanagan, 1989

Religious Human Rights in Global Perspective John Witte, Johan D. van der Vyver, 2023-07-24 In this Dickensian century of human rights, the world has cultivated the best of religious rights protections but witnessed the worst of religious rights abuses. In this volume, Jimmy Carter, John T. Noonan Jr., and a score of leading jurists assess critically and comparatively the religious rights laws and practices of the international community and of selected states in the Atlantic continents. This volume and its companion *Religious Human Rights in Global Perspective: Religious Perspectives* are products of an ongoing project on religion, human rights, and democracy undertaken by the Law and Religion Program at Emory University.

Inside and Outside Canadian Administrative Law David J. Mullan, 2006-01-01 The rise to prominence of administrative law in the second half of the twentieth century is often remarked upon as the greatest legal development of the period. In this process, there has been considerable borrowing of ideas and learning from experiences elsewhere in the common law world. This volume brings together administrative law scholars and judges from around the globe to address important issues in the field and to honour the career of one of the leading administrative lawyers in the Anglo-Commonwealth world. Professor David Mullan. Editors: Grant Huscroft and Michael Taggart have identified the broad themes in Mullan's work: procedural fairness, scope of review, and deference; the interrelationship of administrative law and human rights; the legitimacy of state regulation and tribunal adjudication; common law comparativism; and invited contributions on those themes from leading scholars in Canada, the United Kingdom, Australia, South Africa, and the United States. A fitting tribute to a great scholar, *Inside and Outside Canadian Administrative Law* will prove fascinating to students, teachers, and practitioners of administrative law as well as policy makers and political scientists.

Toward the Charter Christopher MacLennan, 2003 At the end of the Second World War a growing concern that Canadians civil liberties were not adequately protected coupled with the international revival of the concept of universal human rights led to a long public campaign to adopt a national bill of rights While these initial efforts had been only partially successful by the 1960s they laid the foundation for the radical change in Canadian human rights achieved by Pierre Elliott Trudeau in the 1980s In *Toward the Charter* Christopher MacLennan explores the origins of this dramatic revolution in Canadian human rights from its beginnings in the Great Depression to the critical developments of the 1960s Drawing heavily on the experiences of a diverse range of human rights advocates the author provides a detailed account of the various efforts to resist the abuse of civil liberties at the hands of the federal government and provincial legislatures and the resulting campaign for a national bill of rights The important roles played by parliamentarians such as John Diefenbaker and academics such as F R Scott are placed alongside those of trade unionists women and a long list of individuals representing Canada s multicultural groups to reveal the diversity of the bill of rights movement At the same time MacLennan weaves Canadian made arguments for a bill of rights with ideas from the international human rights movement led by the United Nations to show that the Canadian experience can only be understood within a wider global context

In Search of Canadian Political Culture Nelson Wiseman, 2011-11-01 What do we really mean by phrases such as western Canadian political culture the centrist political culture of Ontario Red Toryism in the Maritimes or Prairie socialism What historical geographical and sociological factors came into play as these cultures were forged In this book Nelson Wiseman addresses many such questions offering new ways of conceiving Canadian political culture The most thorough review of the national political ethos written in a generation *In Search of Canadian Political Culture* offers a bottom up regional analysis that challenges how we think and write about Canada

Transforming Rights Maxwell Yalden, 2009-08-15 Maxwell Yalden began his career in the Department of External Affairs he was posted to aMoscow and Paris and later as ambassador to Belguim As Canada s Language Commissioner from 1977 1984 he worked to reinforce the Official Languages Act and language equality encouraging Canadians to become more inclusive in their attitudes towards both official languages Chief Commissioner of the Canadian Human Rights Commission from 1987 1996 he also served for eight years as a member of the United Nations Human Rights Committee *Transforming Rights* draws on Yalden s extensive experience in rights work to provide a personal assessment of how issues of human rights and language rights have evolved over the past forty years both within Canada and internationally *Transforming Rights* contends that Canadian rights principles reflect a unique history and character and examines the interplay of historical and contemporary Canadian standards with comparable international norms Yalden argues that Canada s rights achievements demonstrate that though it may not be possible to change beliefs and attitudes through policy and legislation it is certainly possible to change behaviour facilitating the expansion of rights Authoritative and anecdotal Yalden offers an informed insider s opinion on continuously evolving human rights norms and the impact they

have had on the way that people live their lives **Militant Democracy** Svetlana Tyulkina, 2015-02-11 The term militant democracy was coined by Karl Loewenstein in the 1930s He argued that attempts to establish democracy in the Weimar Republic failed due to the lack of militancy against subversive movements The concept of militant democracy was introduced to legal scholarship and constitutional practice so as to provide democracy with legal means to defend itself against the range of possible activities of non democratic political actors This book offers a broad comparative look at the legal concept of militant democracy It analyses both theoretical and substantive aspects of this concept investigating its practice in a number of countries and on a diverse array of issues Examining cases in Australia Turkey Spain Germany Israel India the USA and the Council of Europe Svetlana Tyulkina maps the historical development of militant democracy in constitutional theory and explores its interaction with various traditional and contemporary notions of democracy The book analyses the possibilities and pitfalls of the concept of militant democracy when applied to protect democracy when it is under threat of harm or destruction by undemocratic actors and suggests possible solutions and measures to overcome those dangers In its evaluation of the capacity and justification for democracies to apply militant democracy measures this book will be of great use and interest to students and scholars of public comparative constitutional law international law human rights law and comparative politics Equality Deferred Dominique Clément, 2014-05-06 In *Equality Deferred* Dominique Clément traces the history of sex discrimination in Canadian law and the origins of human rights legislation Focusing on British Columbia the first jurisdiction to prohibit discrimination on the basis of sex he documents a variety of absurd almost unbelievable acts of discrimination Drawing on previously undisclosed human rights commission records Clément explores the rise and fall of what was once the country's most progressive human rights legal regime and reveals how political divisions and social movements shaped the human rights state This book is not only a testament to the revolutionary impact of human rights on Canadian law but also a reminder that it takes more than laws to effect transformative social change *Human Rights Legislation in Canada* Marian Dworaczek, 1983 **The Canadian Charter of Rights and Freedoms, 1981** Donald V. Smiley, 1981 **Aboriginal Title** P. G. McHugh, 2011-08-18 Aboriginal title represents one of the most remarkable and controversial legal developments in the common law world of the late twentieth century Overnight it changed the legal position of indigenous peoples The common law doctrine gave sudden substance to the tribes claims to justiciable property rights over their traditional lands catapulting these up the national agenda and jolting them out of a previous culture of governmental inattention In a series of breakthrough cases national courts adopted the argument developed first in western Canada and then New Zealand and Australia by a handful of influential scholars By the beginning of the millennium the doctrine had spread to Malaysia Belize southern Africa and had a profound impact upon the rapid development of international law of indigenous peoples rights This book is a history of this doctrine and the explosion of intellectual activity arising from this inrush of legalism into the tribes relations with the Anglo settler state The author is one of the key scholars

involved from the doctrine's appearance in the early 1980s as an exhortation to the courts and a figure who has both witnessed and contributed to its acceptance and subsequent pattern of development. He looks critically at the early conceptualisation of the doctrine, its doctrinal elaboration in Canada and Australia, the busiest jurisdictions through a proprietary paradigm located primarily and constrictively inside adjudicative processes. He also considers the issues of interdisciplinary thought and practice arising from national legal systems' recognition of aboriginal land rights, including the emergent and associated themes of self-determination that surfaced more overtly during the 1990s and after. The doctrine made modern legal history and it is still making it.

The book delves into The Practice Of Freedom Canadian Essays On Human Rights And Fundamental Freedoms. The Practice Of Freedom Canadian Essays On Human Rights And Fundamental Freedoms is an essential topic that needs to be grasped by everyone, ranging from students and scholars to the general public. This book will furnish comprehensive and in-depth insights into The Practice Of Freedom Canadian Essays On Human Rights And Fundamental Freedoms, encompassing both the fundamentals and more intricate discussions.

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The book is crafted in an easy-to-understand language and is complemented by engaging illustrations. It is highly recommended for anyone seeking to gain a comprehensive understanding of The Practice Of Freedom Canadian Essays On Human Rights And Fundamental Freedoms.

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Table of Contents The Practice Of Freedom Canadian Essays On Human Rights And Fundamental Freedoms

1. Understanding the eBook The Practice Of Freedom Canadian Essays On Human Rights And Fundamental Freedoms
 - The Rise of Digital Reading The Practice Of Freedom Canadian Essays On Human Rights And Fundamental Freedoms
 - Advantages of eBooks Over Traditional Books
2. Identifying The Practice Of Freedom Canadian Essays On Human Rights And Fundamental Freedoms
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an The Practice Of Freedom Canadian Essays On Human Rights And Fundamental Freedoms
 - User-Friendly Interface
4. Exploring eBook Recommendations from The Practice Of Freedom Canadian Essays On Human Rights And Fundamental Freedoms
 - Personalized Recommendations
 - The Practice Of Freedom Canadian Essays On Human Rights And Fundamental Freedoms User Reviews and Ratings
 - The Practice Of Freedom Canadian Essays On Human Rights And Fundamental Freedoms and Bestseller Lists
5. Accessing The Practice Of Freedom Canadian Essays On Human Rights And Fundamental Freedoms Free and Paid

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- The Practice Of Freedom Canadian Essays On Human Rights And Fundamental Freedoms Public Domain eBooks
 - The Practice Of Freedom Canadian Essays On Human Rights And Fundamental Freedoms eBook Subscription Services
 - The Practice Of Freedom Canadian Essays On Human Rights And Fundamental Freedoms Budget-Friendly Options
6. Navigating The Practice Of Freedom Canadian Essays On Human Rights And Fundamental Freedoms eBook Formats
- ePub, PDF, MOBI, and More
 - The Practice Of Freedom Canadian Essays On Human Rights And Fundamental Freedoms Compatibility with Devices
 - The Practice Of Freedom Canadian Essays On Human Rights And Fundamental Freedoms Enhanced eBook Features
7. Enhancing Your Reading Experience
- Adjustable Fonts and Text Sizes of The Practice Of Freedom Canadian Essays On Human Rights And Fundamental Freedoms
 - Highlighting and Note-Taking The Practice Of Freedom Canadian Essays On Human Rights And Fundamental Freedoms
 - Interactive Elements The Practice Of Freedom Canadian Essays On Human Rights And Fundamental Freedoms
8. Staying Engaged with The Practice Of Freedom Canadian Essays On Human Rights And Fundamental Freedoms
- Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers The Practice Of Freedom Canadian Essays On Human Rights And Fundamental Freedoms
9. Balancing eBooks and Physical Books The Practice Of Freedom Canadian Essays On Human Rights And Fundamental Freedoms
- Benefits of a Digital Library
 - Creating a Diverse Reading Collection The Practice Of Freedom Canadian Essays On Human Rights And Fundamental Freedoms
10. Overcoming Reading Challenges
- Dealing with Digital Eye Strain

- Minimizing Distractions
- Managing Screen Time
- 11. Cultivating a Reading Routine The Practice Of Freedom Canadian Essays On Human Rights And Fundamental Freedoms
 - Setting Reading Goals The Practice Of Freedom Canadian Essays On Human Rights And Fundamental Freedoms
 - Carving Out Dedicated Reading Time
- 12. Sourcing Reliable Information of The Practice Of Freedom Canadian Essays On Human Rights And Fundamental Freedoms
 - Fact-Checking eBook Content of The Practice Of Freedom Canadian Essays On Human Rights And Fundamental Freedoms
 - Distinguishing Credible Sources
- 13. Promoting Lifelong Learning
 - Utilizing eBooks for Skill Development
 - Exploring Educational eBooks
- 14. Embracing eBook Trends
 - Integration of Multimedia Elements
 - Interactive and Gamified eBooks

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