

Multiculturalism and the Canadian Constitution

Edited by Stephen Tierney

Multiculturalism And The Canadian Constitution Law And Society

Vijay Mishra



Multiculturalism And The Canadian Constitution Law And Society:

Multiculturalism and the Canadian Constitution Stephen J. Tierney, 2011-11-01 Together the strands of Canada's diversity tell a complex story of pluralism consolidated through a long and incremental period of constitution building This book brings together scholars of cultural diversity to address key components of the changing Canadian story the evolution over time of multiculturalism within Canadian constitutional law and policy the territorial dimension of Canadian federalism and the role of constitutional interpretation by the courts in the development of Canada as a multicultural state The essays illustrate how deeply multiculturalism is woven into the fabric of the Canadian constitution and the everyday lives of Canadians Law

and Society in Latin America Cesar Garavito, 2014-09-04 Over the past two decades legal thought and practice in Latin America have changed dramatically new constitutions or constitutional reforms have consolidated democratic rule fundamental innovations have been introduced in state institutions social movements have turned to law to advance their causes and processes of globalization have had profound effects on legal norms and practices *Law and Society in Latin America A New Map* offers the first systematic assessment by leading Latin American socio legal scholars of the momentous transformations in the region Through an interdisciplinary and comparative lens contributors analyze the central advances and dilemmas of contemporary Latin American law Among them are pioneering jurisprudence and legal mobilization for the fulfillment of socioeconomic rights in a highly unequal region the rise of multicultural constitutionalism and legal struggles around identity politics the globalization of legal education and practice tensions between developmental policies and environmental justice and the emergence of a regional human rights system These and other processes have not only radically altered the institutional landscape of the region but also produced academic and practical innovations that are of global interest and defy conventional accounts of Latin American law inherited from law and development studies *Painting a portrait of the new Latin American legal thought for an international audience* *Law and Society in Latin America A New Map* will be of particular interest to students of comparative law legal mobilization and Latin American politics Canadian Journal of Law and Society , 2004

Constitutional Law and Politics of Secession Antoni Abat i Ninet, 2023-07-31 This collection presents an analysis of the concept of secession and its constitutional accommodation alongside an assessment of the effects of secession in constitutional and international law The work proposes a new approach and insights into the existing literature that fill a gap from multidisciplinary and transdisciplinary perspectives The book approaches the topics of secession constitutionalism and their relationship from both theoretical and empirical perspectives including the analysis of particular secessionist examples such as Catalonia the Basque Country Tigray the Palestinian minority in Israel Bosnia and Herzegovina and the Mapuche Nation from a comparative constitutional perspective Elucidating these issues from different methodological and conceptual perspectives produces novelties in the scientific and constitutional debate The interplay between constitutions constitutional law and secession is indeed explored from philosophical socio legal but also from strict

constitutional law outlooks Written by constitutional and public international law experts the book will be of interest to students academics and researchers working in the areas of constitutional law legal theory theory of the state philosophy of law and political science *Human Rights, Constitutional Law and Belonging* Elena Drymiotou,2018-04-19 While every constitution includes a provision over the right to equal protection of the laws perhaps with different terminology this book interprets this right in a new way Theories of the right to equal protection of the laws as the right to anti subordination are the most influential theories on the theory suggested by Drymiotou Elena Drymiotou suggests understanding the right to equal protection of the laws in terms of belonging She goes on to identify certain criteria and she offers a general theory of the Right to Democratic Belonging This book uses political theory constitutional provisions and case law to suggest this new theory of the right to equal protection of the laws the theory of the Right to Equal Belonging in a Democratic Society or in other words the Right to Democratic Belonging Human Rights and Equal Belonging in a Democratic Society is the starting point of a more comprehensive theory of the right to democratic belonging It will be of interest both to students at an advanced level academics and reflective practitioners It addresses the topics with regard to human rights and equality and will be of interest to researchers academics policymakers and students in the fields of human rights law constitutional law and legal theory *Routledge Handbook of Constitutional Law* Mark Tushnet,Thomas Fleiner,Cheryl Saunders,2013-06-26 The Routledge Handbook of Constitutional Law is an advanced level reference work which surveys the current state of constitutional law Featuring new specially commissioned papers by a range of leading scholars from around the world it offers a comprehensive overview of the field as well as identifying promising avenues for future research The book presents the key issues in constitutional law thematically allowing for a truly comparative approach to the subject It also pays particular attention to constitutional design identifying and evaluating various solutions to the challenges involved in constitutional architecture The book is split into four parts for ease of reference Part One General issues sets issues of constitutional law firmly in context including topics such as the making of constitutions the impact of religion and culture on constitutions and the relationship between international law and domestic constitutions Part Two Structures presents different approaches in regard to institutions or state organization and structural concepts such as emergency powers and electoral systems Part Three Rights covers the key rights often enshrined in constitutions Part Four New Challenges explores issues of importance such as migration and refugees sovereignty under pressure from globalization Supranational Organizations and their role in creating post conflict constitutions and new technological challenges Providing up to date and authoritative articles covering all the key aspects of constitutional law this reference work is essential reading for advanced students scholars and practitioners in the field **Multireligious Society** Francisco Colom Gonzalez,Gianni D'Amato,2016-10-04 With the theory of secularization increasingly contested as a plausible development at a global scale this book focuses on the changing significance of the religious element within a context of complex diversity This concept reflects

the rationale behind the deep transformations that have taken place in the dynamics of social change giving way to a recombination of social political and cultural cleavages that overlap and compete for legitimacy at a national and supranational level Far from disappearing with modernization new forms of religious diversity have emerged that continue to demand specific policies from the state putting pressure on the established practices of religious governance while creating a series of normative dilemmas European societies have been a testing ground for many of these changes but for decades Canada has been viewed as a pioneering country in the management of diversity thus offering some interesting similarities and contrasts with the former Accordingly the book deals with the diverging routes that political secularization has followed in Europe and Canada the patterns of religious governance that can be recognized in each region and the practices for accommodating the demands of religious minorities concerning their legal regulation the management of public institutions and the provision of social services

Unsettled Expectations Eva Mackey, 2016-09-15T00:00:00Z What do local conflicts about land rights tell us about Indigenous settler relations and the challenges and possibilities of decolonization In *Unsettled Expectations* Eva Mackey draws on ethnographic case studies about land rights conflicts in Canada and the U S to argue that critical analysis of present day disputes over land belonging and sovereignty will help us understand how colonization is reproduced today and how to challenge it Employing theoretical approaches from Indigenous and settler colonial studies and in the context of critical historical and legal analysis Mackey urges us to rethink the assumptions of settler certainty that underpin current conflicts between settlers and Indigenous peoples and reveals settler privilege to be a doomed fantasy of entitlement Finally Mackey draws on case studies of Indigenous settler alliances to show how embracing difficult uncertainty can be an integral part of undoing settler privilege and a step toward decolonization

The Literature of the Indian Diaspora Vijay Mishra, 2007-09-12 Exploring the work of key writers from across the globe this significant contribution to diaspora theory constitutes a major study of the literature and other cultural texts of the Indian diaspora

Comparative Matters Ran Hirschl, 2014-08-15 Comparative study has emerged as the new frontier of constitutional law scholarship as well as an important aspect of constitutional adjudication Increasingly jurists scholars and constitution drafters worldwide are accepting that we are all comparativists now And yet despite this tremendous renaissance the comparative aspect of the enterprise as a method and a project remains under theorized and blurry Fundamental questions concerning the very meaning and purpose of comparative constitutional inquiry and how it is to be undertaken are seldom asked let alone answered In this path breaking book Ran Hirschl addresses this gap by charting the intellectual history and analytical underpinnings of comparative constitutional inquiry probing the various types aims and methodologies of engagement with the constitutive laws of others through the ages and exploring how and why comparative constitutional inquiry has been and ought to be pursued by academics and jurists worldwide Through an extensive exploration of comparative constitutional endeavours past and present near and far Hirschl shows how attitudes towards engagement with the constitutive laws of

others reflect tensions between particularism and universalism as well as competing visions of who we are as a political community Drawing on insights from social theory religion history political science and public law Hirschl argues for an interdisciplinary approach to comparative constitutionalism that is methodologically and substantively preferable to merely doctrinal accounts The future of comparative constitutional studies he contends lies in relaxing the sharp divide between constitutional law and the social sciences Comparative Matters makes a unique and welcome contribution to the comparative study of constitutions and constitutionalism sharpening our understanding of the historical development political parameters epistemology and methodologies of one of the most intellectually vibrant areas in contemporary legal scholarship

Constitutional Politics in Canada and the United States Stephen L. Newman, 2012-02-01 The Canadian constitutional reforms of 1982 which included a Charter of Rights and Freedoms analogous to the American Bill of Rights brought about a convergence with American constitutional law As in the U S Canadian courts have shown themselves highly protective of individual rights and they have not been shy about assuming a leading and sometimes controversial political role in striking down legislation In clear and easy to understand language the contributors not only chart but also explore the reasons for areas of similarity and difference in the constitutional politics of Canada and the United States **The Impact of Multiculturalism on Public Education, 50 Years Later**, 2024-12-09 This volume grew out of a symposium held at the University of Alberta in March 2021 in commemoration of the 50th anniversary of official multiculturalism in Canada Scholars gathered online during the Covid 19 pandemic to take stock and reflect on the extent and ways multiculturalism legislation and evolving policy has impacted education Scholars used varied and contrasting approaches to educational theory to think about multiculturalism and its impacts including terror management theory the riddle scale art theory and pentimenti transitional justice intraminority and interminority relations the null curriculum and ideas of cultural humility hope and cultural comfort among others **Courts and Comparative Law** Mads Tønnesson Andenæs, Duncan

Fairgrieve, 2015 A critical analysis of the use of comparative and foreign law by courts across the globe this book provides an inclusive coherent and practical analysis of comparative reasoning in the forensic process *The Australian Constitution and National Identity* Anna Olijnyk, Alexander Reilly, 2023-05-11 What does Australia's Constitution say about national identity A conventional answer might be not much Yet recent constitutional controversies raise issues about the recognition of First Peoples the place of migrants and dual citizens the right to free speech the nature of our democracy and our continuing connection to the British monarchy These are constitutional questions but they are also questions about who we are as a nation This edited collection brings together legal historical and political science scholarship These diverse perspectives reveal a wealth of connections between the Australian Constitution and Australia's national identity

Women's Rights as Multicultural Claims Monica Mookherjee, 2011-03-24 This book attempts to reconfigure feminism in a way that responds to cultural diversity The author contends that a discourse of rights can be formulated and that this task is

crucial to negotiating a balance between women's interests and multiculturalism. *Canada in the World* Richard Albert, David R. Cameron, 2017-11-02 In this volume marking the Sesquicentennial of Confederation in Canada leading scholars and jurists discuss the evolution of the Canadian Constitution since the British North America Act 1867 the role of the Supreme Court in interpreting the Constitution as a living tree capable of application to new legal issues and the growing influence of both the Constitution with its entrenched Charter of Rights and Freedoms and the decisions of the Court on other constitutional courts dealing with a wide range of issues pertaining to human rights and democratic government The contributors assess how the Canadian Constitution accommodates the cultural diversity of the country's territories and peoples while ensuring the universal applicability of its provisions the role of the Court in interpreting and applying the Constitution and the growing global influence of the Constitution and decisions of the Court on legislatures and courts in other countries

Creating the National Mosaic Miriam Verena Richter, 2011 Preliminary Material National Identity Formation The Canadian Situation Canadian Cultural Policy with Regard to Children's Culture and Literature The Immigrant Experience as Depicted in Anglo Canadian Youth Fiction 1950-1994 The Development of Canadian Multicultural Children's Literature Conclusion and Outlook for the Future Bibliography Index

The Use of Foreign Precedents by Constitutional Judges Tania Groppi, Marie-Claire Ponthoreau, 2013-03-28 In 2007 the International Association of Constitutional Law established an Interest Group on The Use of Foreign Precedents by Constitutional Judges to conduct a survey of the use of foreign precedents by Supreme and Constitutional Courts in deciding constitutional cases Its purpose was to determine through empirical analysis employing both quantitative and qualitative indicators the extent to which foreign case law is cited The survey aimed to test the reliability of studies describing and reporting instances of transjudicial communication between Courts The research also provides useful insights into the extent to which a progressive constitutional convergence may be taking place between common law and civil law traditions The present work includes studies by scholars from African American Asian European Latin American and Oceania countries representing jurisdictions belonging to both common law and civil law traditions and countries employing both centralised and decentralised systems of judicial review The results published here for the first time give us the best evidence yet of the existence and limits of a transnational constitutional communication between courts

Italian Literature in North America Canadian Society for Italian Studies, 1990

Free Trade and Cultural Diversity in International Law Jingxia Shi, 2013-04-30 This book attempts to reconcile the concept of free trade with a key non trade social value cultural diversity in an era of economic globalisation It first shows how we can look at culture in many different ways and explains why we should care about cultural diversity The book then examines the challenges that policymakers are faced with in formulating cultural measures in the new media environment and analyses UNESCO's theories and approaches to cultural diversity This is followed by a comprehensive examination of the treatment of culture in global and regional trade agreements including the framework of the GATT WTO system the WTO's judicial

practice involving cultural products and the treatment of culture under the EC EU and NAFTA This identifies the challenges trade norms encounter in dealing with cultural products The author seeks to formulate a balanced view of the challenge of protecting and promoting cultural diversity while also recognising the important goal of trade liberalisation To this end Professor Shi proposes a dual method through which the norms found in WTO agreements and in UNESCO cultural instruments may be brought into alignment the first highlighting the compatibility of cultural policy measures with trade obligations on a domestic level the second suggesting potential linkages between the WTO rules and the UNESCO Convention from the perspectives of treaty interpretation

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