

Law & Society @ UBC

“Law & Society” is an interdisciplinary field encompassing all efforts to understand:

- law in its social context,
- the contributions of law to “the social”,
- the ways in which social forces interact with the legal realm.

The field consists of a number of more or less well established “law and” areas of enquiry - law and economics, law and history, literature, psychology, educational studies, geography, feminist studies, sociology, anthropology, politics, post-colonialism, and so on. It is more than this too, however: interdisciplinary “wholes” are greater than sums of parts.

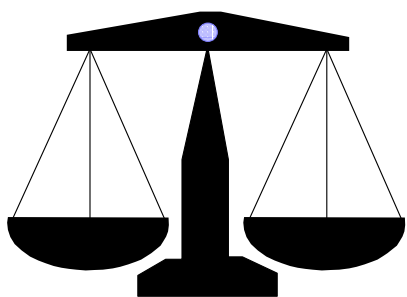
UBC is home to a lively, diverse, and vibrant “law and society” community encompassing established scholars, junior academics, and students in many disciplines.

A good deal of “law and society” work takes place in many faculties, departments, and other academic units. In addition to this, there are two important focal points for the community at large:

- an interdisciplinary law and society seminar series sponsored by Green College and the Faculty of Arts
- the law and society book series published by University of British Columbia Press.

Details of both as well as other news about the law and society community are reported in this newsletter.

Law / Society @ UBC



Contacts

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www.law.ubc.ca/faculty/pue

Faculty of Arts: <http://www.arts.ubc.ca/FOA/>

Faculty of Graduate Studies: <http://www.grad.ubc.ca/>

Centre for Feminist Legal Studies: Susan B. Boyd, Chair in Feminist Legal Studies & Professor of Law; Director, Centre for Feminist Legal Studies.
boyd@law.ubc.ca <http://faculty.law.ubc.ca/cfls/>

Institute for Asian Research: Pitman Potter, Director, IAR & Professor of Law. potter@law.ubc.ca
www.iar.ubc.ca

Green College: Richard Ericson, Principal.
ericson@interchange.ubc.ca www.greencollege.ubc.ca

Peter Wall Institute for Advanced Studies: Dianne Newell, Acting Director. dnew@interchange.ubc.ca
www.pwias.ubc.ca

Faculty of Law, University of British Columbia:
www.law.ubc.ca (including programmes in dispute resolution, asian legal studies, and first nations legal studies)

International Centre for Criminal Law Reform & Criminal Justice Policy: Frances M. Gordon, Executive Director. www.icclr.law.ubc.ca/index.htm

Community

Dawna Tong (Sociology, UBC) successfully defended her Ph.D. dissertation on *A Clash of Discourses: Corporatism v. Diversity in Law Schools* in December 2002.

Andrew Woolford (Sociology, UBC) successfully defended his thesis on *Between Justice and Certainty: Treaty-Making in Modern-Day British Columbia* during 2002. He currently holds an appointment in Sociology at the University of Manitoba.

Kathleen Mell (English, UBC) is pursuing doctoral research on *Bearing Witness against Oneself: Theorizing Speech Acts in Canadian Criminal Law* (under the supervision of Dr. Lorraine Weir)

Chidi Oguamanam (Law, UBC) is pursuing doctoral research on *International Law, Plant Biodiversity and the Protection of Indigenous Knowledge* under the supervision of Professors Copithorne, Paterson, and Mgbeoji. He has presented papers at the World Indigenous Peoples' Conference (Kelowna, October 2002) and at an international conference on "Technological Transformation, Erosion, and Corporate Concentration in Africa" in Cape Town (December 2002).

Paul Kinsella (English, UBC) successfully defended his Ph.D. dissertation on *Oral Values and Traditions in the Works of Oscar Wilde* during 2002.

Leslie Jane McMillan (Anthropology, UBC), successfully defended her Ph.D. dissertation *Koqqwaja'ltimk: Mi'kmaq Legal Consciousness* during January 2003.

Louise Falconer (Law, UBC) completed her LL.M. during 2002, with a thesis on *Colonies, Condoms and Corsets: Fertility Regulation in Australia and Canada*. She also won the Osgoode Society Prize for Legal History in 2001-2002.

Richard Pesklevits (Law, UBC) completed his LL.M. degree with a thesis on *Customary Law, the Crown, and the Common Law: Ancient Legal Islands in the Post-colonial Stream* in 2002.

Damian Collins (Geography, SFU) pursues doctoral research in law and geography under the supervision of Dr. Nick Blomley.

Cole Harris (Geography, UBC) published *Making Native Space: Colonialism, Resistance, & Reserves in British Columbia* with UBC Press, 2002.

Renisa Mawani (Sociology, UBC), whose work centres on law and society, joined the University of British Columbia Sociology Department in January 2003. She was formerly a Peter Wall Institute Junior Scholar in Residence (2001).

Catherine Dauvergne joined the Faculty of Law, UBC as a Canada Research Chair in the autumn, 2002. Her edited book *Interconnected Globe* (Ashgate: 2003) addresses globalization and legal theory. She continues publishing on immigration and refugee law, and is a featured speaker at the 13th Commonwealth Law Conference in Melbourne (April, 2003), speaking on

“Sovereignty in Question: Migration Laws for the 21st Century.”

W. Wesley Pue (Law, UBC) was awarded the Association of Commonwealth Universities' Gordon and Jean Southam Fellowship for tenure in Australia during the northern summer 2003. He continues research on legal history, post-colonialism, and legal aspects of the war on terror.

Julie Gibson (LL.B., UBC, 2002) received a prize for her presentation on “Sex and Conflict Resolution - Does Gender Matter in Mediation” at UBC's inaugural Multidisciplinary Undergraduate Research Conference (September, 2002) and won the Faculty of Law's Alexander J. Cohen Prize.

Greg Levine (BC Ombudsman's Office) teaches law and geography in the Geography Department at UBC. His paper “The Ethics Package: Conflict, Conduct and a Commissioner on Parliament Hill” appears at www3.telusnet/GovtEthicsLaw/EthPackPaper2002.htm

Peter Eastwood (LL.B., UBC, 2002) won the Department of Justice Dispute Resolution Award for his paper on “Great Expectations: Popular Culture & the Narration of Conflict in Litigation & Mediation”

Susan B. Boyd (Law, UBC) published *Child Custody, Law, and Women's Work* (Oxford University Press, 2002)

Catherine Bell (Law, Alberta) has recently been awarded a \$205k SSHRCC grant to work with First Nations in BC and Alberta and with an international team of scholars in law and anthropology on issues relating to protection and repatriation of First Nations cultural heritage. The research programme, led by Professor Bell and **Robert Paterson** (Law, UBC), will examine legislation affecting ownership, protection, and control of First Nation cultural heritage. Research will be informed by community case studies featuring First Nations laws and concepts of property, domestic law, international law, and reform initiatives undertaken in other jurisdictions. See: www.law.ualberta.ca/research/aboriginalculturalheritage. See also C. Bell and D. Kahane, *Intercultural Dispute Resolution in Aboriginal Contexts* (UBC Press, 2003)

Legal Education Research Group - a number of scholars centred on the Faculty of Law, UBC, contributed to a special symposium issue of the Windsor Yearbook of Access to Justice (2001) on legal education and legal knowledge. UBC-affiliated contributors included permanent faculty members as well as research associates from further afield: Ruth Buchanan, Rebecca Johnson, Marilyn MacCrimmon, Christine Boyle, Susan Boyd, Margaret Thornton, Margot Young, Annie Rochette, W. Wesley Pue.

The UBC Programme on Dispute Resolution's educational video production on *Hamlet v. Gertrude: A Dispute Resolution in Three Acts* will be released during 2003. The Programme's other activities include hosting (with the University of Victoria, Royal Roads University, Simon Fraser University, and the Justice Institute of British Columbia) a symposium on *Investing in Dispute Resolution Futures: Shaping Directions in Policy, Research and Pedagogy*.

Doug Harris (Law, UBC) has made several presentations about his recently published book, *Fish, Law, and Colonialism*, including an appearance on CKNW's Rafe Mair show. His book received a "Certificate of Honour" from the BC Historical Federation. In 2002, he convened the Law & History Workshop at UBC's Green College.

Jessie Sutherland (M.A. student, Dispute Resolution, U. Victoria) won the 2002 Boskey Dispute Resolution Essay prize for her work on “Colonialism, Crime and Dispute Resolution: A Critical Analysis of Canada's Aboriginal Justice Strategy” (www.acresolution.org/research.nsf/articles). Also at the University of Victoria, **Leigh Ogston Millroy** defended her thesis (MADR) on “Aboriginal Policy-making and Dispute Resolution Processes: A history of the concept of a tribunal for the adjudication of specific land claims in Canada” in October, 2002.

Gary Botting (Law, UBC) is pursuing doctoral research on extradition law. He was one of eight recipients of SSHRCC Fellowships' Federalism and Federations Supplement, which permitted research in 26 US states as well as in Ottawa and Washington aimed at determining procedural discrepancies from state to state during the process of initiating extradition to and from Canada. He was guest speaker at the International Conference of the Conflict, Development and Peace Network at the University of London in June 2002, speaking on “The Diaspora of Terrorism”.

A.J. Ray's (History, UBC) many recent publications include *Bounty & Benevolence: A History of Saskatchewan Treaties* (McGill-Queen's University Press, 2000) and “Native History on Trial: Confessions of an Expert Witness” (*Canadian Historical Review*, June 2003). He holds a major SSHRCC grant to investigate the history of litigation research in support of Aboriginal and Treaty rights. From 2000-2002 Dr. Ray held the Canada Council National Killam Research Fellowship and in 2002 he was elected to the Royal Society of Canada.

Book Series

The **University of British Columbia Press** launched its new book series in law and society with the publication of **Joan Brockman's** ground-breaking *Gender in the Legal Profession: Fitting in or Breaking the Mould?* (2001).

The Law and Society series will grow to encompass works on a wide range of topics: legal culture; critical social theory and law; law and governance; law and economics; law and the environment; First Nations legal issues; feminist legal studies; legality in plural societies; legal process; political science and law; post-colonialism; critical race theory; the consequences of globalization for legal order; and critical legal history.



Both the law and society series and the related "legal dimensions" series (in liaison with the Law Commission of Canada) have developed rapidly. Works include:

Law & Society Series:

Rebecca Johnson, *Taxing Choices: The Intersection of Class, Gender, Parenthood, and the Law* (2002)

John McLaren, Robert Menzies, & Dorothy Chunn, *Regulating Lives: Historical Essays on the State, Society, the Individual and the Law* (2002)

Joan Brockman, *Gender in the Legal Profession: Fitting in or Breaking the Mould?* (2001)

Constance Backhouse & Jon Swanger, *People & Place: Historical Influences on Legal Culture* (autumn, 2003)

Rosemary Gartner & Jim Phillips, *Murdering Holiness: Law, Religion & Gender in the Pacific Northwest* (autumn, 2003)

Ikechi Mgbeoji, *Re-configuring Collective Security: International Law & the Liberian Civil War* (autumn, 2003)

David Boyd, *Unnatural Law: Rethinking Canadian Environmental Law & Policy* (autumn, 2003)

Legal Dimensions Series:

Law Commission of Canada *New Perspectives on the Public-Private Divide* (Legal Dimensions Series, May, 2003)

Law Commission of Canada *Personal Relationships of Dependence and Interdependence in Law* (Legal Dimensions Series, 2002)

For further information:

- http://www.ubcpres.ca/books/series_law.html
- W. Wesley Pue, General Editor (wpue@interchange.ubc.ca)
- Randy Schmidt, Acquisitions Editor, UBC Press (schmidt@ubcpres.ca).
- announcements list: law-and-society-request@interchange.ubc.ca - subscribe - end

Law and Society@UBC Seminar Series 2001-2002

2001-2002

2001

July 17 "(Un)Mapping Red Light Districts" - **Renisa Mawani** Junior Fellow, Peter Wall Institute of Advanced Studies and Faculty of Law, UBC

August 8 "Denial and Reconciliatory Justice" **Robert Joseph** (Ph.D. Candidate, U. Waikato)

August 28 "Aboriginal Issues and SLAP litigation in Australia? The Hindmarsh Island case" **Maureen Tehan** (U. Melbourne)

September 22 Conference: "**Making Legal History: An interdisciplinary and critical legal history conference in honour of Lou Knafla**. Participants: Louis A. Knafla and Maggie Knafla; Constance Backhouse (U. Ottawa and Director, Human Rights Centre); Joan Brockman (Simon Fraser U); Dorothy Chunn (Simon Fraser U); Warren Eloffson (U. Calgary); Leslie Erickson (U. Calgary); Hamar Foster (U. Victoria); Rosemary Gartner (U. Toronto, and Chair, Centre of Criminology); John McLaren (Lansdowne Professor of Law, U. Victoria); Roderick C. Martin (U. Calgary); David Philips (U. Melbourne); Jim Phillips (U. Toronto); W. Wesley Pue (Nemetz Chair in Legal History, Faculty of Law, UBC); Russell Smandych (U. Manitoba); Jon Swainger, (U. Northern British Columbia)

September 25 "Territorial Explorations: Connecting Fish, Law, & Space in B.C." **Doug Harris** (Law, UBC)

September 27 "(Un)Civil Adversaries in an Adversarial System" **Joan Brockman** (SFU)

October 4 "Issues in Legal Education: What effect will computers have on the law school classroom? - Successes and failures: the hard

lessons of the Australian Law Courseware project." **Michael Lambiris**, (U. Melbourne)
October 15 Graduate Student Workshop **Getting Published!** CHAIR: Lori Charvat
SPEAKERS: Richard Ericson (Principal, Green College); Randy Schmidt, Acquisitions Editor, UBC Press; Doug Harris (Faculty of Law); Wes Pue (Faculty of Law) (co-sponsored with Centre for Feminist Legal Studies)

October 17 "Stop The Rape Of The World: An Ecofeminist Critique Of Sustainable Development" **Annie Rochette** (Law, UBC)

October 18 "What is a crime?" and "Private-Public Aspects of Policing Electoral Reform" (Presentation and Discussion of Law Commission of Canada work): **Nathalie Des Rosiers Présidente / President Commission du droit du Canada / Law Commission of Canada** www.lcc.gc.ca

October 25 "Canada, America? Continentalization and Public Policy after September 11, 2001 A round-table discussion" **Andrew Potter** (Trent U.); **Robin Elliot** (Law, UBC) **Dianne Newell** (Hist., UBC) **W. Wesley Pue** (Law, UBC)

October 25 "The (Inexorable?) Growth of Large Law Firms" **Marc Galanter** (U. Wisconsin)

November 14 "The persistent myth of conclusive proof." **Steve Wexler**, (Law, UBC)

November 20 "History and Human Rights: The Aboriginal History Wars in Australia" (jointly with Centre for Australian Studies) **Rob Foster** (U. Adelaide)

November 29 "law and popular culture: An Aural History of Property - Images of Ownership in Music" **Bruce Ziff** (U. Alberta)



2002

January 23 "Patent(ly) Unfair? The Patent System In A Global Village" **Ikechi Maduka Mgbеoji** (Law, UBC)

January 31 "The Mitchell-Creffield Murders, Seattle 1906: Vigilantism and Gender in the Pacific North West" **Rosemary Gartner** (U. Toronto) & **Jim Phillips** (U. Toronto). Chair: **Jill Ghedia**, Green College & LL.M. candidate, UBC

January 31- February 2 "**Canadian Law and Society after 9-11**" (Mid-Winter Law & Society Conference) Participants: Jill Ghedia (Green College & Law, UBC); Rosemary Gartner (U. Toronto), Jim Phillips (U. Toronto), Margot Young (Walter Owen Chair, Faculty of Law, UBC); Lesley Jacobs (York U); Gary Botting (UBC); Susan Ellis, (UBC); Fred Zemans, (Osgoode Hall); Louis Knafla (U. Calgary)

February 13 "Postcards from the edge: Feminist Methods, Globalisation and the Law" (jointly with Centre for Feminist Legal Studies) **Ruth Buchanan** (Law, UBC) and **Sundhya Pahuja** (Law, U. Melbourne)

February 27 "The Attack on Aristocratic Vice: Cultural Skirmishes in Eighteenth Century England" (jointly with 19th Century Studies) **Donna Andrew** (Guelph) Chair: Joy Dixon (Hist., UBC)

February 28 – March 2 **Australian Studies Association of North America Annual Conference** (jointly with Centre for Australian Studies, UBC). Participants included: **Pitman Potter** (Director, Institute for Asian Research); **W. Wesley Pue**; **Tony Hely** (Australian High Commissioner for Canada); **David W. Edgington** (Geog., UBC); **Tom Hutton** (School of Community & Regional Planning, UBC); **David Ley** (Geog., UBC); **Dan Hiebert** (Geog., UBC); **Leonie Sandercock** (School of Community and Regional Planning, UBC); **Angelica Sauer**; **Marilyn Lake** (Harvard); **Patty O'Brien**

(Center for Australian and New Zealand Studies, Georgetown U); **Louise Falconer** (graduate programme, Law, UBC); **Ian Duncanson** (La Trobe U.); **David Searle, C.M. Q.C.**; **Diane Bell**; **Robert Poirier** (Northern Arizona U); **David Yarrow** (graduate programme, Law, York U); **Brooke Hall** (graduate programme, Law, UBC); **Rod Jensen** (graduate programme, Law, UBC); **Ellen Kennedy** (U. St. Thomas); **Shirleene Robinson** (U. Queensland); **John Higley** (U. Texas); **Diane Bell** (George Washington U); **Kathy Smits** (Miami U, Ohio); **Kimberly J. Cook** and **Chris Powell** (U. Southern Maine); **David Headon** (Australian Defence Force Academy); **Robert Poirier** (Northern Arizona U), **Zachary Smith** (Northern Arizona U), **Katherine Harrison** (Political Science, UBC); **John Arnold** (Monash U); **Robin Lucas** (U. Melbourne); **Ross Terrill** (U. Texas) **Jason Pierce** (Politics, U. Texas); **Laurence Chalip** and **Chris Green** (U. Texas); **Janet Gorchowski** (U. St. Thomas); **Roger Boshier** (Educational Studies, UBC); **David Carter** (U. Queensland); **Batina Cass** (Georgetown); **Rhonda Evans Case** (U. Texas); **John Wells** (Arcadia U); **Tim Boston** (U. Tasmania); **Henry Alinski** (U. Sydney); **Francine McKenzie** (U. Toronto); **Jim Storey** (Asia Pacific Foundation, Canada); **Rick Barichello** (Agricultural Economics, UBC)

March 6 "Complexity of European Legal Integration: The Reception of EU law in Central and Eastern Europe" **Lilijana Biukovic**, (Law, UBC)

March 19 "How the War on Drugs Has Failed – Promoting an Alternative & Humane Drug Policy" (jointly with Law Students' coalition on civil and human rights) **Ann Livingston** (Vancouver Area Network of Drug Users - VANDU / PIVOT); **Bruce Alexander**, (Psychology, Simon Fraser U.; Research Associate, Canadian Centre for Policy Alternatives)

March 28 'The Treaty Process in British Columbia: Fragile – Handle With Care' **Denis de Keruzec** (Department of Justice - Canada)
Chair: Joanne Klineberg, LL.M. candidate, UBC

April 2 "Between Pragmatic Relativism and Normative Supremacy: The Suresh Decision, Canadian National Security and the Imperative of International Human Rights" **Obiora Okafor** (Osgoode Hall Law School)

April 10 "Rights (& Wrongs) in Policing: Some aspects of human rights effects on policing in Britain." **Frank Waghorn** (Ph.D. candidate, U. the West of England); Chair: Jill Ghedia, LL.M. Candidate, UBC

6th and 7th May **The Promise of Law: Yesterday and Today** (6th annual UBC Law Graduate Student Conference)
<http://faculty.law.ubc.ca/gradconf/>

May 28 - 29 **legal history workshop**
<http://faculty.law.ubc.ca/harris/workshop.htm>
(convened by **Douglas Harris**, Law, UBC).
Speakers: **Robert Gordon** (Yale); **Constance Backhouse** (Ottawa); **W. Wesley Pue** (Law, UBC).



2002-2003

2002

July 24 "The Legitimacy of International Law-Making in light of the Security Council's Resolution on Peacekeeper Immunities"

Joanne Lee (Ph.D. student, Law, UBC);
Chair **Maurice Copithorne** (Law, UBC)
September 18 "Sensitive new age laws or one law?"
Mark Harris (La Trobe U.); Chair: **Doug Harris** (Law, UBC);

September 26 "Facts, theories, & flights of ethnographic imagination in Native title litigation" **A.J. Ray**, History, UBC; Chair: **Douglas Sanders**, Law, UBC

October 9 "Child Custody Law & Women's Work" **Susan B. Boyd** (Law, UBC)

October 21 "Power and Wound - Taxing choices at the intersection of class, gender, parenthood and law" **Rebecca Johnson** (Law, U. Victoria)

October 23 'Spooks under your desktop? A roundtable discussion on "lawful access review"' Discussants: **Andrew Potter** (Trent University); **Margot Young** (Law, UBC and U. Victoria); **W. Wesley Pue** (Law, UBC)

November 5 "Justice behind the Walls: Human Rights in Canadian Prisons" **Michael Jackson** (Law, UBC)

November 13 "A prequel to the Titanic: The "Defense of Necessity," Scarcity, and the shipwreck" **Tom Koch** (research associate in bioethics at the Hospital for Sick Children, Toronto; adjunct Professor of Geography at UBC and adjunct Professor of gerontology at Simon Fraser University.)

November 19 "Privacy, Security & Electronic Communications: Contemporary Canadian Issues" **Richard Rosenberg** (Computer Science, UBC); Chair: **Ljiljana Biukovic**, (Law, UBC),

November 28 'The Trouble with 'Normal': Law's Construction of the Violent Offender" **Elizabeth Comack**, (U. Manitoba); Co-Chairs: **Claire Young** (Law, UBC), **Emma Cunliffe** (Green College & Graduate Programme in Law, UBC)

2003

- January 15 "Configuring the Nineteenth Century in Colonial Space" **Cole Harris** (Geography, UBC) (jointly with Interdisciplinary Nineteenth Century Studies)
- January 27 "The Challenges of September 11 for Canadian Law, Democracy and Sovereignty" **Kent Roach** (U. Toronto)
- January 30 "The Charter 20 Years Later" **Mr. Justice Frank Iacobucci** (Supreme Court of Canada, & Green College Justice-in-Residence)
- February 25 "PIVOT: Law for the Marginalized" ("Pivot" is a volunteer organization working in Vancouver's downtown eastside to advance the interests and improve the lives of marginalized persons through law reform, legal education, and strategic legal action.) **Katrina Pacey** (UBC Law Student and Board of Directors, Pivot); **John Richardson** (Executive Director, Pivot) **Doug Byers** (Pivot; & Vancouver Area Network of Drug Users); Chair: **Emma Cunliffe** (Green College & LL.M. student, UBC)
- February 27 "The Harms of Restorative Justice", **George Pavlich** (Sociology & Graduate Studies, University of Alberta)
- March 13 "Hegemonic Tales and Everyday News: Rethinking Legal Lore in U.S. Mass Culture" **Michael McCann** (Gordon Hirabayashi Professor for the Advancement of Citizenship, Department of Political Science; Director, Law, Societies, & Justice; Director, Comparative Law and Society Studies, University of Washington)
- March 27 "Geographic Perspectives on Law and Society: Thoughts on a Course of Study" **Greg Levine** (general counsel, BC Ombudsman's Office; Geography, UBC)
- April 15 "Gothic mystery, judicial power: King's Bench (and Other High Courts) in 18th and 19th Century England & Canada" (jointly with Interdisciplinary Nineteenth Century Studies) - **Doug Hay** (Law & History, York

University). Chair: **Doug Harris** (Law, UBC)

- April 16 "Punishment, the body, & historical Lacunae" (jointly with Interdisciplinary Nineteenth Century Studies) - **Carolyn Strange** (University of Toronto)
- April 30 'Juries: medieval institution; twenty-first century justice?' Speakers: **Ian Mulgrew** (Vancouver Sun); **Robert Prior** (Department of Justice, Canada); **Terry La Liberte** (La Liberte & Co.)
- May 10-12, 'Might Makes Right?: Exploring the Dynamics of Law, Power and Responsibility' (7th annual UBC Graduate Law Students' Conference):
<http://faculty.law.ubc.ca/gradconf/index.htm>