Announcing the 2005 Annual Legal Dimensions Initiative

The Canadian Association of Law Teachers (CALT), the Canadian Law and Society Association (CLSA), the Canadian Council of Law Deans (CCLD), and the Law Commission of Canada are pleased to announce a seventh annual legal and socio-legal research initiative.

The Competition:
The co-sponsors invite legal and socio-legal scholars in Canada to submit proposals for research papers for presentation (in draft form) at the Annual Meetings of the CALT and/or the CLSA in British Columbia in June 2005.

The theme for the 2005 Legal Dimensions Initiative is "**Indigenous Legal Traditions**" as more fully elaborated below.

Selected authors are required to complete drafts of their papers by May 23, 2005 so they may be copied for distribution at the Annual Meeting of the CALT and/or the CLSA . Final texts are due by August 29, 2005. The Law Commission of Canada will submit these texts for publication to UBC Press and Les Presses de l'Université Laval.

The Award:
The co-sponsors will select up to six proposals. The award will consist, first, of an honorarium of $3000 to produce the paper. In addition, the award comprises expenses incurred in traveling to the meeting(s) to present the paper as a work in progress; registration fees for the Annual Meeting(s); two nights hotel accommodation; airfare and ground transportation, as required.

To Apply:
Applicants are invited to send a 1-2 page proposal setting out how they intend to address a theme falling under the general research proposal. Applications should be accompanied by a brief curriculum vitae that sets out research, publications, and other contributions to scholarship (whether or not published).

The competition is open to scholars who are interested in legal and socio-legal research. The co-sponsors do not contemplate any disciplinary limitations on those who may apply. Applications must be received on or before **Monday, January 31, 2005** – by mail or courier at:

Law Commission of Canada
222 Queen Street, Suite 1124
Ottawa, Ontario
K1A 0H8

or by FAX at (613) 946-8988.

The Selection Process:

Applications will be forwarded to a small committee comprising members from each co-sponsoring organization. The committee expects to complete the adjudication and inform successful applicants by February 25, 2005.

INDIGENOUS LEGAL TRADITIONS

Indigenous communities around the world continue to uphold traditions about relationships among people, in particular, governance of community, of the environment and of punishment for wrong-doing. These traditions originate in the political, economic, spiritual, and social values expressed through the teachings and behaviour of knowledgeable and respected individuals and elders. These principles are enunciated in the rich stories, ceremonies, and traditions within Indigenous communities. They represent the accumulated wisdom and experience of Indigenous peoples. Some of the narratives predate the common law, have enjoyed their effectiveness for millennia and have never been overruled or abrogated. Such traditions – often transmitted orally – provide the basis for good community practices, healthy relationship building and sound decision-making. Canadian society has recognized the insight of Indigenous legal traditions through the explorations of restorative and transformative justice as an alternative to mainstream criminal justice programs, and the courts have recognized the importance of such traditions in a number of circumstances. Moreover, self-government agreements and the Constitution Act of 1982 have stimulated greater interest in Indigenous legal traditions in recent years. However, in some cases, traditional knowledge has been lost, misinterpreted or, more seriously, ignored in decision-making.

Indigenous legal traditions could be of great benefit to Indigenous peoples and to the wider public if they were given space to grow and develop. Indigenous legal traditions have the potential to greatly enrich Canadian society and the legal system by providing alternatives for dealing with issues and problems that often end up in the mainstream justice system. Canada has distinguished itself as a country that effectively operates with a bi-juridical tradition. It may be that much can be learned and analogized from this experience in creating greater space and recognition for Indigenous legal traditions in this country. A dynamic law reform agenda should work within a framework that recognizes legal pluralism in its fullest form. Other suggestions have been made over the years for opening up more space for Indigenous legal traditions including: making more use of elders as court-appointed experts on customary law; creating Indigenous courts; making more use of sentencing and healing circles; increasing the representation of Indigenous peoples on Canadian courts including the Courts of Appeal and the Supreme Court of Canada. However, there are likely many others that merit investigation.

In the context of the Legal Dimensions competition, scholars are invited to reflect on issues related to Indigenous legal traditions. The following are examples of

some of the questions that might be addressed. However, this list is by no means exhaustive:

- What is meant by the term “Indigenous legal traditions”? Is it useful or even possible to speak in terms of legal traditions *per se* or are there other ways of characterizing Indigenous legal traditions that make more sense?
- What are some of the sources of Indigenous legal traditions in Canada? (This might involve a review of one or more examples of Indigenous legal traditions in Canada);
- To what extent are Indigenous legal traditions being practiced in Canada?
- How might Indigenous traditions (legal and otherwise) help support and maintain healthy relationships within Canadian society?
- How might Indigenous legal and other traditions contribute to the law and practices dealing with adoption, protection of the environment, property rights, etc.?
- What are some of the ways for creating greater space and recognition for Indigenous traditions (legal and otherwise) in this country?
- What are some of the issues involved in accommodating and integrating multiple systems of law within one country? What are the means by which conflicts between legal systems may be resolved?
- What are the issues with respect to harmonization in a multi-juridical system and how might they be resolved?
- How do issues such as choice and autonomy, the protection of fundamental human rights and multiculturalism play out in this context?

Scholars from all disciplines are invited to apply to discuss issues relating to Indigenous legal traditions and ways of creating space within the Canadian legal structure to permit such traditions to be recognized, validated, and more fully utilized.

For more details about the Legal Dimensions Competition for 2005, or for additional information about the scope of proposals, or for the French language version of this announcement please feel free to contact the Law Commission of Canada at: info@lcc.gc.ca.

Past Competitions:

2004 Legal Dimensions: Law and Citizenship

Multinational Citizenship: Practical implications of a theoretical model
Dr. Siobhan Harty, Senior Policy Analyst, Human Resources Development Canada, Learning Policy Directorate
Dr. Michael Murphy, Institute of Intergovernmental Relations, School of Policy Studies, Queen's University

Crises de l'État social, reculs de la citoyenneté sociale?
Michel Coutu, Professeur agrégé, École de relations industrielles, Université de Montréal

Connecting Economy, Gender and Citizenship : Possibilities and Limits
Professor Mary Condon, Osgoode Hall Law School, York University
Professor Lisa Philips, Osgoode Hall Law School, York University

External Citizenship
Professor Kim Barry, Furman Fellow, New York University School of Law

Law, Citizenship and Legal Citizenship
Professor Audrey Macklin, Faculty of Law, University of Toronto

Legal Responses to Disability: Elements of a Theory of Disitizenship
Professor Richard Devlin, Dalhousie University, Dalhousie Law School
Professor Dianne Pothier, Dalhousie University, Dalhousie Law School

2003 Legal Dimensions: Law and Risk

Shifting the Burden of Proof: The Precautionary Principle and its Potential for the "Democratization" of Risk
Dayna Nadine Scott, D. Jur. Candidate, Osgoode Hall Law School

A Legal Approach to Value Frameworks in Risk/Benefit Assessments of Biomedical Research
Duff R. Waring and Trudo Lemmens, Faculty of Law, University of Toronto

Legal Knowledges of Risks
Mariana Valverde
Centre of Criminology, University of Toronto

Les principes de preuve en matière de contrôle de constitutionnalité vus sous l'angle d'un exercice de gestion de risques

Danielle Pinard, Faculté de droit, Université de Montréal

Use of Risk Assessments by Canadian Judges in the Determination of Dangerous and Long-Term Offender Status from 1997-2002
David MacAlister, School of Criminology, Simon Fraser University

The Transplantation of Law and Risk Based on the Drafting of the Civil Code of China -- A Comparative Perspective
Fu Jingkun, Faculty of Law, University of British Columbia (Visiting Professor)

2002 Legal Dimensions: What is a Crime?

Y a-t-il un noyau dur dans la notion de crime?
Jean-Paul Brodeur, International Centre for Comparative Criminology, University of Montreal

Undocumented Migrants and Bill C-11: The criminalization of race
Wendy Chan, School of Criminology, Simon Fraser University

What is Fraud?
Richard V. Ericson and Aaron Doyle, Green College, University of British Columbia

Crime, Copyright, and the Digital Age
Steven Penney, Faculty of Law, University of New Brunswick

Du mauvais plaisant au délinquant: réflexion sur la notion de «crime»
Pierre Rainville, Faculty of Law, Laval University

Zero Tolerance Reversed: Constituting the Non-Culpable Subject in Walkerton
Laureen Snider, Department of Sociology, Queen's University

2001 Legal Dimensions: Social Relationships: Refocusing the Public/Private Divide

Invasions of Publicity: Digital Networks and the Privatization of the Public Sphere
Darin Barney, Department of History and Politics, University of New Brunswick

Private Needs and Public Space: Politics, Poverty and Anti-Panhandling by-laws in Canadian Cities

Nicholas Blomley and Damian Collins, Department of Geography, Simon Fraser University

Inequality and the Divisions Between Public and Private
Nathan Brett, Department of Philosophy, Dalhousie University

Emergence of 'Identity Associations' in Collective Labour Relations
Christian Brunelle, Law Faculty, Laval University

There's Only One Worker: Toward the Legal Integration of Paid Employment and Unpaid Caregiving
Lisa Philipps, Osgoode Hall Law School, York University

Green Revolution Greenwash? Voluntary Environmental Standards, Public Law and Private Authority in Canada
Stepan Wood, Osgoode Hall Law School, York University

2000 Legal Dimensions: Personal Relationships

Personal Relationships in the Year 2000: Me and My ISP
Ian Kerr, Faculty of Law, University of Western Ontario

Dependence in Client-Therapist Relationships: A Relational Reading of O'Connor and Mills
Sue Campbell, Department of Philosophy/Women's Studies, Dalhousie University

Fiduciary Duties in Commercial Relationships: When does the "Commercial" become the "Personal"
William F. Flanagan, Faculty of Law, Queen's University

Dependence and Interdependence in the Relationships between Lawyer and Client
Lucie Lauzière, Faculty of Law, Laval University

Law & Intimacy in the Bureaucrat-Citizen Relationship
Lorne Sossin, Osgoode Hall Law School and Department of Political Science, York University

1999 Legal Dimensions: Perspectives on Legislation

Reform: The Post-*C.C.* Section 43 Scenario
Mark Carter, School of Criminology, Simon Fraser University

As Good as Our Word: Reconciling Kahnawake Mohawk and Canadian Legal Culture in the Negotiation and Articulation of Self-Determination
E. Jane Dickson-Gilmore, Department of Law, Carleton University

Better Living Through Legislation? *Parens Patriae* Reconsidered
Anne McGillvray, Faculty of Law, University of Manitoba

Portalis v. Bentham?: The Objectives Ascribed to Codification of the Civil Law and the Criminal Law in France, England and Canada
Michel Morin, Faculty of Law, Civil Law, University of Ottawa

Of Pigeon Holes and Principles: A Reconsideration of Discrimination Law
Denise Réaume, Faculty of Law, University of Toronto

Privacy and Electronic Commerce: Legislating Conflicting Interests
Teresa Scassa, Faculty of Law, Dalhousie University