

Law in a Fearful Society Symposium

Programme

September 30th and October 1st, 2004

Law Courts Inn
4th Floor Elevator, 800 Smithe St.
Vancouver, British Columbia,



Ministry of Attorney General



Department of Justice Ministère de la Justice
Canada Canada



International Centre for Criminal Law Reform and
Criminal Justice Policy



Simon Fraser University
SCHOOL OF CRIMINOLOGY



Law Commission of Commission du droit du
Canada Canada



Faculty of Law

Introduction

In recent years there has been a growing perception that various forms of crime and unwanted behaviour are becoming increasingly problematic. Even before the tragic events of 11 September 2001, many citizens had started to express their concerns and fears with issues of crime and security. For many observers, a law and order agenda has come to dominate discussion and debate about definitions of crime and its control. Newspaper articles, community-level discussions and policymaking all have become venues for people to voice their desires for harsher criminal sanctions and greater security measures. Fear of various real or imagined threats has become a dominant factor in how we understand and respond to a range of behaviours in society.

A key consideration for those interested in crime and its control is whether our understanding of and response to various forms of unwanted behaviour are unnecessarily rooted in fear of crime and a desire for increased security and control. What role does fear play in shaping our understanding of and response to crime and unwanted behaviour? Does fear prevent us from addressing the true nature of crime and unwanted behaviour? What is the role of fear in our post-September 11th society? Has fear of crime become a global issue? What is the relationship between fear and contemporary criminal justice policy development and practices?

Law in a Fearful Society will bring together a diverse group of scholars, policymakers, community and non-governmental organization representatives, media and the public to examine the relationships between fear of crime and contemporary crime control strategies.

Symposium Partners:

- Canadian Institute for the Administration of Justice
- Department of Justice Canada
- Faculty of Law, University of British Columbia
- International Centre for Criminal Law Reform and Criminal Justice Policy
- Law Commission of Canada
- Law Foundation of British Columbia
- Ministry of the Attorney General and Ministry Responsible for Treaty Negotiations
- School of Criminology, Simon Fraser University

Contributors:

In addition to contributions from the partner agencies, the Organising Committee gratefully acknowledges financial support for the Symposium from:

- Attorney General of British Columbia
- Canadian Institute for the Administration of Justice
- Law Commission of Canada
- Law Foundation of British Columbia
- Small Project Grants to the Faculty of Law, University of British Columbia
- National Crime Prevention Centre of the Department of Public Security and Emergency Preparedness

**Thursday, September 30th, 2004
EVENING SESSION**

19:00 – 19:15 **Welcome Remarks** **Mr. Mark L. Stevenson, Commissioner, Law Commission of Canada**

Opening Remarks **The Honourable Irwin Cotler, Minister of Justice
and Attorney General of Canada [invited]**

19:15 – 21:30 **Law in a Fearful Society:
A Living Law Lecture**

Moderator: Mr. Paul Kennedy, *Ideas*, CBC Radio

Guest Speakers:

Dr. Barry Glassner, Professor of Sociology, University of Southern California and author of seven books, including *The Culture of Fear: Why Americans are Afraid of the Wrong Things*.

Professor Michael Jackson, Faculty of Law, University of British Columbia

Paul Kennedy of CBC Radio will moderate this session and it will be recorded for later radio broadcast. Sociologist Barry Glassner argues in his book, *The Culture of Fear* that criminal justice policies and practices are increasingly shaped by successive waves of moral panic. Professor Michael Jackson has been a professor and a human rights advocate for over 30 years. They will explore this topic in international and local contexts.

**Friday, October 1, 2004
FIRST MORNING SESSION**

08:00 – 08:30 **Registration**

08:30 – 09:00 **Welcome
Opening Remarks**

09:00 – 10:30 **Governance Beyond Borders: Fear of Crime in Global Context**

Moderator: Professor Michael Byers
Canada Research Chair in Global Politics and International Law, Department of Political Science,
University of British Columbia, Liu Institute

Presenters:

Professor Jean-Paul Brodeur, University of Montreal, School of Criminology and Centre International de Criminology Comparée.

Mr. Jonathon Manthorpe, International Affairs Correspondent, *The Vancouver Sun*

The morning session will examine the impact of globalisation on criminal justice policy and practice. The panel will be invited to discuss major global changes that have affected criminal justice policy, including the role of law in a fearful global society. In addition to brief presentations, participants and the audience will be provided with an opportunity to share their thoughts and insights about the challenges they face in understanding and responding to various crimes and crime-related activities in a global context. The relationship between fear and contemporary crime control policies will also be discussed. After each presentation there will be a moderated discussion.

10:30 - 10:45 **Health Break**

Friday, October 1, 2004
SECOND MORNING AND AFTERNOON SESSIONS

10:45 – 12:00 **Discretionary Decision-Making in a Fearful Society**
Moderator: Judge Ann Rounthwaite, British Columbia Provincial Court
Canadian Institute for the Administration of Justice

Presenters:
Chief Constable Jamie Graham, Vancouver Police Department

Mr. Ian Mulgrew, Legal Affairs Columnist, *The Vancouver Sun*

Mr. John Russell, President, BC Civil Liberties Association

This panel will examine the challenges of discretionary decision-making by criminal justice officials in a society characterized by a fear of crime. Panellists will explore the extent to which increased demands for greater safety and security have influenced discretionary decision-making processes. In addition to providing an opportunity to critically reflect on the role of fear in shaping responses to crime, this panel will explore the different sources of the growing fear of crime and ways to avoid an over-reliance on formal legal strategies in response to fears of crime. What is the role of media in shaping our fear of crime?

12:00 Lunch

13:30-15:00 **How Much Security?**
Moderator: Dean Emeritus Peter Burns, QC
Faculty of Law, University of British Columbia and Chair of the Board, International Centre for
Criminal Law Reform and Criminal Justice Policy

Presenters:
Mr. Stanley A. Cohen, Senior General Counsel, Human Rights Law Section, Department of Justice

Professor W. Wesley Pue, Faculty of Law, University of British Columbia

Mr. Donald Piragoff, Senior General Counsel, Criminal, Law Policy Section, Department of Justice

This session will discuss the Anti-terrorism Act. Don Piragoff and Stan Cohen of the Department of Justice Canada will introduce and explain the legislation from the government's point of view. The emphasis of their presentations will be on the development of government policy in the face of pressing domestic and international concerns with respect to acts of terrorism, while respecting human rights. How does fear of these acts within Canada prompt a legislative response?

The concept of fear is not limited, as yet, to fear of domestic terrorism. Canadians also fear an overbroad, heavy-handed response to events which have not so far landed on our shores. Specifically, fears of abuse of process and of violations of Charter rights have been raised with respect to this legislation. How has the government recognized and addressed these fears? What is the appropriate legislative balance, and how has the government sought to achieve it? And, as Dr. Wes Pue of the Faculty of Law at the University of British Columbia will examine, has the government succeeded or failed at its attempt?

15:00 – 15:15 Health Break

15:15 – 16:30 **What is a Crime? Law Reform in a Fearful Society**
Moderator: Professor Neil Boyd, School of Criminology, Simon Fraser University

Presenter: Nathalie Des Rosiers, Dean, Civil Law, University Of Ottawa and former President,
Law Commission of Canada

The Law Commission of Canada will open the afternoon session with a presentation on *What is a Crime? Law Reform in a Fearful Society*. The ways in which various behaviours are understood and defined will affect whether or not they are deemed to be unwanted and whether one or more intervention strategies will be used to deal with them. In recent years, a growing fear of crime and insecurity has played a significant role in shaping our responses to crime and unwanted behaviour. This presentation will look at how our society defines crime, and the role of fear in creating that definition.

16:30 – 17:00 Concluding Comments

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Registration Form

Name: _____

Position: _____ E-mail: _____

Agency: _____

Address: _____

City: _____

Province/State: _____ Postal/Zip Code: _____

Country: _____

Day Phone: _____ Fax: _____

SYMPOSIUM EVENTS

Please indicate your attendance by checking the appropriate boxes on the left.

	Fee	Students
<input type="checkbox"/> Evening Session 19:00 - 21:30 September 30 th , 2004		
<input type="checkbox"/> Full Day Sessions 8:30 - 17:00 Including Lunch, Morning and Afternoon Refreshments October 1 st , 2004	\$55.00	\$15.00

Total amount due: \$ _____

Student identification will be required.
Some subsidies will be available.

Registration fees may be paid by cheque or money order payable to:
International Centre for Criminal Justice Reform and enclosed with registration form. Mail or deliver to:

ICCLR/Symposium
1822 East Mall
Vancouver BC
V6T 1Z1
CANADA

Registration deadline: Monday September 27, 2004

Refunds of fees for cancelled registration will only be issued until September 20, 2004 less a \$10.00 processing charge.

For further information: E-mail: icclrcoord@law.ubc.ca or Phone: 604 822 9875 Fax: 604 822 9317

SPACE IS LIMITED - PLEASE REGISTER EARLY