LAW IN A FEARFUL SOCIETY
SYMPOSIUM
PROGRAMME

September 30 and October 1, 2004

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

Law in a Fearful Society
Symposium

Thursday, September 30, 2004
7:00PM – 9:30PM
Friday, October 1, 2004
8:00AM – 5:00PM
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 begun 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 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 11\textsuperscript{th} society? Has fear of crime become a global issue? What is the relationship between fear and contemporary criminal justice policy development and practices?

\textit{Law in a Fearful Society} brings 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.
Thursday, September 30, 2004

EVENING SESSION

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| 19:00 - 19:15 | Welcome Remarks  
Mr. Mark L. Stevenson, Commissioner, Law Commission of Canada |
|            | Opening Remarks  
The Honourable Geoff Plant, Attorney  
General and Minister Responsible for Treaty Negotiations of British Columbia |
| 19:15 - 21:30 | Law in a Fearful Society:  
A Living Law Lecture |
| Moderator: | Mr. Paul Kennedy, Ideas, CBC Radio |

**Presenters:**

Dr. Barry Glassner, Professor of Sociology, University of Southern California and author of several 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 which 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. The speakers will explore issues of crime in a society characterized by fear in international and local contexts.
Friday, October 1, 2004
FIRST MORNING SESSION

08:00 - 08:30  Registration
08:30 - 09:00  Welcome Remarks
              Kathleen Macdonald, A/Executive Director,
              International Centre for Criminal Law Reform and
              Criminal Justice Policy
09:00 - 10:30  Governance Beyond Borders: Fear of Crime in
              Global Context

Moderator:
Ms. Frances Gordon, Barrister and Solicitor; Associate, International
Centre for Criminal Law Reform and Criminal Justice Policy

Presenters:
Professor Michael Byers, Canada Research Chair in Global Politics
and International Law, Professor of Political Science, University of
British Columbia and Academic Director, Liu Institute for Global
Issues
Mr. Jonathan Manthorpe, International Affairs Correspondent,
The Vancouver Sun

Discussant:
Professor Maureen Maloney, QC, Lam Chair in Law and Public
Policy and Director, Institute for Dispute Resolution, University of
Victoria

This session will examine the tension between the fear of crime and
violence and the application of law in the international domain. What
impact has the War on Terror had on international criminal law
and international human rights law? Does the media coverage of
international events create a positive environment for reform or does it
merely fan sensationalist flames? Can fear be "manufactured" for
political purposes? If so, does political manipulation of fear have an
effect on how we understand global events and on our decisions to
consent to derivation from accepted legal norms and human rights
standards? What, if any, is the impact of globalisation on criminal
justice policy and practice? Symposium participants will be provided
with an opportunity to share their thoughts and insights on these
issues.

10:30 - 10:45  Health Break
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 whether British Columbians are living in a fearful society and, if so, the nature of the fear. Panellists will discuss the challenges facing criminal justice officials responsible for making discretionary decisions in a society characterized by the fear of crime. To what extent do increased demands for safety and security influence decision-making processes? What role does the media play in shaping the level of fear in society? What role should it play in informing citizens about the justice system's response to 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, Associate Dean, Faculty of Law,
University of British Columbia

This session will discuss the Anti-terrorism Act. Stan Cohen,
Senior General Counsel with the Department of Justice
Canada, will examine the legislation from the government's
perspective. The emphasis of his presentation 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 did fear of
terrorism within Canada affect Canada's legislative
response?

Concerns regarding the abuse of process and violations of
the Charter of Rights and Freedoms have been raised with
respect to the legislation. How has the government
addressed these concerns? What is the appropriate
legislative balance, and how has the government sought to
achieve it? Associate Dean Wesley Pue will examine
whether the government has succeeded or failed in this
regard.
Friday, October 1, 2004
SECOND AFTERNOON SESSION

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 Remarks

The information in this programme is correct at the time of printing, however the speakers and content are subject to change.
Law in a Fearful Society
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
➢ Ministry of the Attorney General and Ministry Responsible for Treaty Negotiations of British Columbia
➢ School of Criminology, Simon Fraser University
➢ University College of the Fraser Valley

Contributors:

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Sincere thanks to all moderators and presenters and to all those who have contributed to the Law in a Fearful Society Symposium

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and many others

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