

**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 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 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

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 Terrorism 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**

Friday, October 1, 2004
SECOND MORNING SESSION

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

Friday, October 1, 2004
FIRST AFTERNOON SESSION

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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LAW COMMISSION OF CANADA
COMMISSION DU DROIT DU CANADA



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CRIMINAL JUSTICE POLICY
LE CENTRE INTERNATIONAL POUR LA RÉFORME DU DROIT
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