

**Canadian Legal History, LAWS 2123**  
**Schulich School of Law**  
**Dalhousie University**  
**Winter Term, 2018-2019**

**Basic Course Information**

Class Times and Location: Tuesdays, 4:30 – 6:20 in Room 308 (or, as indicated in this syllabus or upon notice, in the President’s Lodge at the University of King’s College, 6360 Coburg Road).

Instructor: Professor William Lahey, Associate Professor, Schulich School of Law and President and Vice-Chancellor, University of King’s College

Contact Information:

President’s Office, 2<sup>nd</sup> Floor, Arts and Administration Building, University of King’s College.

Email: [william.lahey@dal.ca](mailto:william.lahey@dal.ca) or [william.lahey@ukings.ca](mailto:william.lahey@ukings.ca)

Phone: (902) 422-1271, Ext. 121 or (902) 456-4764 (mobile)

Office hours: Right before or after class whenever possible or otherwise, by appointment.

**Course Description, Objectives and Commitment to Inclusivity**

The Law School Calendar describes this course as follows:

This is a survey course in the history of Canadian law from the time of the First Nations to the present. The successive reception of aboriginal law, French civil law and English common law will be discussed, as well as the later influence of U.S. law. We will explore the general characteristics of the legal regimes of British North America before and after responsible government, the impact of Confederation, and the response of the Canadian legal order to industrialization, social reform, urbanization, the two World Wars, immigration and technological change. Emphasis will be put on the development of Canadian legal institutions, the legal profession, legal thought and selected areas of substantive law. Throughout we will consider the evolution of Canadian legal culture.

In this iteration, the course will address some of the topics specifically mentioned in this course description and touch on many others as the larger themes of Canadian legal history that are part of the context for the topics that we discuss in more detail. There will be an emphasis on the uses of legal history in the legal system and on the broader value of legal history to lawyers.

The topics covered, and the readings we will use to cover those topics, are set out in the schedule of readings attached to this syllabus. All reading are made available to you in the “Course Pack” which I have posted to the class page on Brightspace.

I endeavour to conduct this course in accordance with the commitment of Dalhousie University to openness and inclusivity and to the creation of a learning environment that is free from harassment and discrimination. Although I encourage and welcome open dialogue, members of the class are expected to refrain from speaking or behaving in ways that are harmful to others, through racism, homophobia, sexism, or other derogatory treatment based on characteristics protected under the Nova Scotia Human Rights Act.

### **Evaluation**

- 75% of the course grade will be based upon a major paper on an approved topic;
- 15% of the course grade will be based upon a class presentation on the topic of the paper that is to be based on your research on your chosen topic. This will be a “Works-in-Progress” presentation in which the emphasis will be on getting suggestions and helpful comments from me and your classmates that you can reflect upon for the purpose of making your submitted paper better than it might otherwise have been;
- 10% of the course grade will be based on your general participation and contribution to our class discussions on assigned readings, including your contribution in the discussions that takes place following the work-in-progress presentations of fellow students.

Graduate students are evaluated on the basis of a 100% paper.

**Please take note of the following policies and procedures of the Schulich School of Law and/or of Dalhousie University are applicable to this course and in particular to the preparation and submission of the major paper for this course:**

#### **1. Student Requests for Accommodation**

Requests for special accommodation for reasons such as illness, injury or family emergency will require an application to the Law School Studies Committee. Such requests (for example, for assignment extensions) must be made to Associate Dean, Academic Michael Deturbide or the Director of Student Services and Engagement Dana-Lyn Mackenzie as soon as possible, before a scheduled exam or a deadline for an assignment, and will generally require documentation. Retroactive accommodation will not be provided. Please note that individual professors cannot entertain accommodation requests.

Students may request accommodation for either classroom participation or the writing of tests

and exams due to barriers related to disability, religious obligation, or any characteristic under the Nova Scotia *Human Rights Act*. Students who require such accommodation must make their request to the Advising and Access Services Center (AASC) at the outset of the regular academic year. Please visit [www.dal.ca/access](http://www.dal.ca/access) for more information and to obtain the Request for Accommodation – Form A. Students may also contact the Advising and Access Services Centre directly at (902) 494-2836.

## 2. Submission of Major Papers and Assignments

Major papers and assignments must be submitted in hard copy. Students should hand papers in to the place stipulated by the instructor and ensure they are date and time stamped. Please read the law school policy on late penalties: <https://www.dal.ca/faculty/law/current-students/jd-students/academic-regulations.html>

Please note students may also be required to provide an identical electronic copy of their paper to the instructor by the due date. Papers may be submitted by the instructor to a text-matching software service to check for originality. Students wishing to choose an alternative method of checking the authenticity of their work must indicate to the instructor, by no later than the add/drop date of the course, which one of the following alternative methods they choose:

- a) submit copies of multiple drafts demonstrating development of their work
- b) submit copies of sources
- c) submit an annotated bibliography

The course requirements for submitting the major paper in this course are set out below under the heading “Major Paper Requirements”.

## 3. Plagiarism

All students must read the University policies on plagiarism and academic honesty <http://academicintegrity.dal.ca/> and the Law School policy on plagiarism <http://www.dal.ca/faculty/law/current-students/jd-students/academic-regulations.html>. Any paper or assignment submitted by a student at the Schulich School of Law may be checked for originality to confirm that the student has not plagiarized from other sources. Plagiarism is considered a serious academic offence which may lead to loss of credit, suspension or expulsion from the law school, or even revocation of a degree. It is essential that there be correct attribution of authorities from which facts and opinions have been derived. Prior to submitting any paper or other assignment, students should read and familiarize themselves with the policies referred to above and should consult with the instructor if they have any questions. Ignorance of the policies on plagiarism will not excuse any violation of those policies.

## Major Paper Requirements

### Topic

Each student must submit their paper topic for my approval on or before the end of class of **Tuesday, March 5**. Ideally, students will have chosen and obtained approval for their topic before this date, if possible, before the beginning of Reading Week. Topics can be given to me in class or sent to me by email at [william.lahey@ukings.ca](mailto:william.lahey@ukings.ca). In either case, they should be submitted on a sheet of paper that gives the topic and includes a brief (one or two paragraphs) description of the topic, including the historical question or questions you hope to answer by writing a paper on that topic.

I would be very happy to meet with anyone to talk about what they are interested in that might fall within the broad parameters of this course and what specific paper topic they might tackle within that area of interest. Please contact me or come to see me if you would like to take me up on this.

A list of example topics (or areas of research from which a more specific topic might be chosen) is provided below, but you should feel free to propose your own topics and to talk to me about options not on the list. The list will nevertheless hopefully indicate the breadth of choice that is available to you in this course. However, all the usual limitations apply as to the need for a topic that is feasible given time constraints, available research materials, and student and instructor preparedness for the topic. In the context of this course, I will be particularly concerned to ensure the topic you propose for my approval is one for which you can gain effective access to sufficient primary research materials where the topic is one which would require access to and research in those kinds of materials.

### Due Date

The paper is due on or before **12:00 noon** the last day of exams, i.e. **Friday, April 26**. They are to be submitted, in all cases, to the receptionist on the first floor of the Weldon Law Building and not to me in person or left at my office. In addition, ***all students are required to send me an electronic version of the paper that they submit in hard copy to the reception office.***

### Review of Outlines/Drafts

Students may submit an outline and bibliography, or a draft of their paper, or both, for my review and comment before submission of their final paper. I strongly urge all students to take me up on this.

The sooner you can get drafts to me, the sooner you will have them back for purposes of further work on your paper. I am not likely to be able to provide very much or any feedback on drafts that are provided to me very close to the due date for the final paper.

### Length/Form

The major paper must be at least 25 pages, but no more than 35 pages, excluding endnotes. **Please use endnotes rather than footnotes.** The paper must be double-spaced, with standard margins (between 1" and 1½"). Please use 12 point font to ensure standardization.

Papers are to be referenced in accordance with the McGill Guide on Legal Citation, or in accordance with a *specified* citation standard applicable to historical scholarship. They are to include a bibliography.

### Evaluative Criteria

Please review the criteria for the evaluation of major papers found in the Law School Calendar. I am very strongly guided by these criteria in the evaluation of papers and so a review of these pages of the Calendar will give you a good idea of my expectations. In a nutshell, the criteria call for evaluation of each paper against five criteria, as follows:

- Research (Papers are judged as outstanding, thorough, not quite thorough, as making a mere attempt to consider sources, or as having no serious research effort);
- Organization (Papers are judged as well organized, moderately disorganized, having substantial disorganization, or as incoherently organized);
- Analysis-insight-synthesis (Papers are judged as excellent, very good, average, weak, or poor);
- Literary style (Papers are judged as excellent, average, or weak); and
- Originality (Papers are judged on topic originality and substantive originality and as being very original, original, somewhat original or as not original).

In particular, students should keep in mind that the paper is more generally expected to be a **“major”** research paper. Accordingly, it should aim to be a major (significant) and polished piece of work that is researched and written over a period of time and that is grounded in thorough and high quality research.

Students should also expect heavy emphasis in grading on the extent and quality of analytical content. Papers that are merely or largely descriptive will not be as favourably evaluated as papers that are more analytical. Of course, in a legal history course, it is expected that papers may well be more descriptive than papers in other law school courses might normally be. But good papers in legal history are not merely descriptive – they are analytically descriptive and they tell a story for the purpose developing and supporting an interpretive thesis. In other words, they

do not just tell historical information but analyse it. Moreover, the telling of history is itself a very analytical exercise, at least when it is well done. More often than not, history is not out there waiting to be described – it has to be reconstructed by the historian. That is a very analytical endeavour.

This needs to be kept in mind throughout the paper writing process, including in the selection of a topic that is amendable to meaningful historical analysis, given student background and available research materials.

### “Work-in-Progress” Presentations

An important part of the process of researching and writing a major paper for this course will be presenting your research/paper as a work-in-progress for me and your fellow students. The purposes of these presentations will of course be to give you an opportunity to present your work and ideas, and to get practice in making this kind of presentation. It will also of course to allow each of you to complete your research and paper with the benefit of the constructive feed-back you receive to your presentation. The presentations will also ensure that all members of the class learn about the topics each of member of the class is working on.

The first of these presentations will be in our regular class on Tuesday, March 19. The last will be in our regular class on Tuesday, March 26. The rest will take place in a workshop I have tentatively scheduled for Sunday, March 24.<sup>1</sup> This approach will ensure that everyone has roughly the same opportunity to prepare before they are called upon to present. It will therefore help to ensure that everyone has roughly the same opportunity to do a presentation that will generate the kind of feedback that will be useful to them in completing their papers. By limiting the number of presentation that will be made during regular classes, it will also help to ensure we have the opportunity as a class to fully discuss each of the topics and associated readings included in the syllabus for the course. In turn, this will mean that everyone will be presenting when they know more about Canadian legal history and approaches to legal history than would otherwise be the case for many if we stretched the presentations out over four or five classes.

While this approach will require us to sacrifice most of a weekend day, it will also mean that we can have fewer regular classes than would otherwise be the case. As a result, there will be no class on Tuesday, February 5 or on Tuesday, February 26. In addition, the workshop will start with coffee and muffins and include pizza for lunch.

For some notes on (a) primary research and primary research materials; (b) choosing a topic and (c) use of secondary materials, see Appendix A of this syllabus.

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<sup>1</sup> The workshop could also be during morning and early afternoon of Saturday, March 23.

## **Schedule of Classes (Topics and Assigned Readings)**

**Please Note:** There will be no classes on **Tuesday, February 5** or on **Tuesday, February 26**. The classes on **Tuesday, March 5** and on **Tuesday, April 2**, and possibly others, on notice, will be held in the President's Lodge, the University of King's College, **6360 Coburg Road**.

**Tuesday, January 8** – *Introduction to Legal History of Canada*

No assigned reading.

**Tuesday, January 15** – *Introduction to and themes in Legal History*

Course syllabus, available on brightspace.

Richard Danzig, "Hadley v. Baxendale: A Study in the Industrialization of the Law" (1975) 4 J. of Legal Studies, 249, available on Brightspace.

Eric Adams, "Errors of fact and law: Race, space and hockey in Christie v. York" (2012) 62 University of Toronto Law Journal, 463-497, available on Brightspace.

Jim Phillips, "Why Legal History Matters", (2010) 41 VUWLR 293, pp. 310-321 in the Course Pack.

**Tuesday, January 22** - *The Aboriginal Foundations of Canadian Law*

David H. Flaherty, "Writing Canadian legal History: An Introduction" in David H. Flaherty, eds, *Essays in the History of Canadian Law: Volume 1* (University of Toronto Press 1981) 3-42; pp. 9-23 in Course Pack.

James Youngblood Henderson, "First Nations' Legal Inheritances in Canada: The Mi'kmaq Model" (1996) 23 Man. L. J. 1-31; pp. 24-39 in Course Pack.

John Borrows, "Wampum at Niagara: The Royal Proclamation, Canadian Legal History, and Self Government" in Michael Asch eds, *Aboriginal and Treaty Rights in Canada* (Vancouver: UBC Press 1997); pp. 40-49 in Course Pack.

D.N. Sprague, "Canada's Treaties with Aboriginal Peoples" (1996) 23 Man. L.J 341-351; pp. 50-55 in Course Pack.

**Tuesday, January 29** – *Canada's Constitutional Culture*

Philip Girard, "The DeLloyd Guth Visiting Lecture in Legal History: Writing Canadian Legal History: Origins" (2013) 37:1 Man LJ 85-100; pp. 56-62 in the Course Pack.

Eric Adams "Canadian Constitutional Identities" (2015) 38:2 Dal LJ forthcoming; pp. 62-74 in the Course Pack.

Philip Girard "Liberty, Order and Pluralism," in Jack P. Greene eds, *Exclusionary Empire: English Liberty Overseas 1600-1900* (Cambridge University Press 2009) 160-190; pp. 75-88 in the Course Pack.

**Tuesday, February 5 – No Class!**

**Tuesday, February 12 - *Criminal Law and British Justice in the 19<sup>th</sup> and Early 20<sup>th</sup> Centuries***

Susan McKelvey "Creating the Myth of "Raceless" Justice in the Murder Trial of R. v. Richardson, Sandwich, 1903" in Barrington Walker eds, *The African Canadian legal Odyssey* (University of Toronto Press 2012) 168-200; pp. 88-99 in the Course Pack.

Carolyn Strange, "Wounded Womanhood and Dead Men: Chivalry and the Trials of Clara Ford and Carrie Davies" in Franca Iacovetta & Mariana Valverde eds, *Gendered Conflicts*, (University of Toronto Press 2003) 149-188; pp. 100-112 in the Course Pack.

Tina Loo, "Savage Mercy: Native Culture and the Modification of Capital Punishment in Nineteenth-Century British Columbia" in Carolyn Strange eds, *Qualities of Mercy* (Vancouver: UBC Press 1996) 112-125; pp. 112-124 in the Course Pack.

**Tuesday, February 19 – Reading Week – No Class!**

**Tuesday, February 26 – No Class!**

**Tuesday, March 5 - *Family Law in Late 19<sup>th</sup> and early 20<sup>th</sup> Century Canada***

Constance Backhouse, "'Pure Patriarchy': Nineteenth-Century Canadian Marriage." (1986) 31 McGill LJ 264-312; pp. 125-143 in the Course Pack.

Rebecca Veinott, "Child Custody and Divorce: A Nova Scotia Study: 1866-1910" in Philip Girard & Jim Phillips eds, *Essays in the History of Canadian Law: Nova Scotia*, (University of Toronto Press 2011) 273-295; pp. 144-154 in the Course Pack.

Constance Backhouse, "Married Women's Property Law in Nineteenth-Century Canada" (1988) 6:2 L & Hist Rev, 211-257; pp. 155-170 in the Course Pack.

**NOTE: This Class will be held in the President's Lodge at University of King's College.**

**Tuesday, March 12 - *Law and the Economy – Three "Takes"***

Jennifer Nedelsky, "Judicial Conservatism in an Age of Innovation: Comparative Perspectives on Canadian Nuisance Law, 1880-1930" in David H. Flaherty eds, *Essays in the History of Canadian Law: Volume 1* (University of Toronto Press 1981) 281-322; pp. 171-185 in the Course Pack.

G. P. Marchildon, "The Role of Lawyers in Corporate Promotion and Management: A Canadian Case Study and Theoretical Speculations," (1990) *Business and Economic History* 19; pp. 186-191 in the Course Pack.



Judy Fudge & Eric Tucker, "Law, industrial Relations and the State: Pluralism or Fragmentation? The twentieth-century employment law regime in Canada" (2000) 46 Labour 251-306; pp. 192-217 in the Course Pack.

**Tuesday, March 19** - *Legal Education/Legal Profession in Canada*

W. Wesley Pue, "Common law Legal education in Canada's age of Light, Soap and Water" 23 Man LJ 654-688; pp. 218-234 in the Course Pack.

Mary Jane Mossman, "Women Lawyers in Canada: Becoming Lawyers 'On the Same Terms as Men'" in *The First Women Lawyers: A Comparative Study of Gender, Law and the Legal Professions* (Hart Publishing 2006) 67-113; pp. 235-253 in the Course Pack.

R. Blake Brown, "A Taxonomy of Methodological Approaches in Recent Canadian legal History" (2004) 23:1 Acadiensis 145-155; pp. 3-8 in Course Materials.

Student work-in-progress presentation.

**Sunday, March 24** – Work-in-Progress Workshop, 9:00 a.m. – 3:00 p.m.

**Tuesday, March 26** - *Judicial Biography*

Melvin I. Urofsky, "Beyond the Bottom Line: The Value of Judicial Biography" (1998) 23:2 J Sup. Ct. Hist. 143-156; pp. 254-261 in the Course Pack.

William Kaplan, "The Framework to Freedom" in *Canadian Maverick: The Life and Times of Ivan C. Rand* (University of Toronto Publishing 2009) 93-165; pp. 262-296 in the Course Pack.

Student "Work-in-Progress" Presentation.

**Tuesday, April 2** – *History in the Law*

Eric Tucker, "The Constitutional Right to Bargain Collectively: The Ironies of Labour History in the Supreme Court of Canada", (2008) 61 Labour 151-180; pp. 297-309 in the Course Pack.

Jim Phillips, "Why Legal History Matters", (2010) 41 VUWLR 293, pp. 310-321 in the Course Pack.

**This Class will be held in the President's Lodge, University of King's College.**

## APPENDIX A:

### Notes for choosing a paper topic and researching a legal history paper.

#### The importance of Primary Research and Primary Research Materials

You will see below that I am very open to papers on the discipline of legal history as well as to papers that are legal history. Nevertheless, I suspect many of you will want to “do” history in this course and that you will therefore want to write a legal history paper rather than a paper about legal history. The important point I want to emphasize is that a history paper must be written upon research in primary materials – the documentary records that the historical process produces. Secondary sources, meaning primarily the work of other historians, often feature prominently in the historical research of legal historians but they are always secondary to the primary materials. Their main relevance is to establish the historiographical context for the historians work. They are generally not relied upon as the source for historical information, i.e. information about the events which are being written about. The exception to this is where previous historical writing is relied on as source for historical facts that are widely and generally accepted – each historian does not have to start from scratch!

Practically anything can be a primary source, including academic writing, if they are used as a primary source. For example, Bora Laskin’s famous article on the POGG power (“Peace, Order and Good Government Re-examined”) is a secondary source if it is used as a source for an argument about how POGG should be interpreted and applied today. It is a primary source when used by Philip Girard in the chapter of his biography of Laskin which tells the story of Laskin’s early career as a constitutional scholar.

Primary sources which figure prominently in legal history include: statutes and regulations; court decisions; other court records (pleadings, transcripts, orders, etc.); legislative debates (hansards); intergovernmental correspondence and documents; treaties; colonial documents (such as proclamations, correspondence, constitutional legislation, instructions to governors and records of colonial conferences); proceedings of legislative committees; other kinds of government documents, such as policy or research papers or documents outlining government procedures; transcripts of public inquiries or other kinds of investigations; newspaper articles and magazine articles; decisions of administrative agencies; video (tv) and audio (radio) archives; movies (documentaries); scholarly writing; correspondence; records of proceedings of municipal councils; minutes of boards of governance of institutions and companies; draft legislation (successful drafts of legislation); reports of public inquiries or other kinds of commissions; memoirs, diaries, correspondence of actors in the legal system; etc.

### Choosing a Paper Topic (or area of legal history from which to choose a paper topic)

The field of legal history (and of Canadian legal history) is a broad one – something that could not be said when I studied Canadian legal history in law school in the 1980's. As a result, the range of potential topics you have to choose from in deciding what you will write on is equally broad.

One point I would emphasize is that although I expect and hope that many of you will choose to write a history paper – i.e. a paper based on historical research – I am open to other kinds of papers or approaches. For example, I would accept a paper that analyzes the use of legal history – or history more generally – in judicial decisions in a substantive field of law. A paper on this topic could itself be written as a history paper or it could be written from a more theoretical perspective, focusing more on the question of what the role of legal history in judicial decision-making should or ought to be. I would also be open to papers that critique the body of work of a legal historian or of a group of legal historians who have written extensively in a particular field of legal history or within a particular theoretical approach to legal history. Another variation on these themes would be to write a paper that critically evaluates the development of Canadian legal history over time or within a particular subject of legal history, like (for example) criminal law, aboriginal law, constitutional law, law and the administrative state, judicial biography and so on.

For those interested in doing a paper on a historical topic, there are some considerations to keep in mind. One, of course, is to pick a topic that is manageable and feasible to complete as a high quality paper within the confines of a law school course. One of the primary ways of doing this is to choose a topic which adds a dimension or aspect to a larger story that is already explored in the existing literature. Much of the legal history written by academics takes this approach. So, for example, you might write about a topic in the legal history of Nova Scotia (or another province) to add to what is already known about that topic in the legal history of other provinces or more generally. Alternatively, you might tackle a topic in legal history that is defined by time rather than by geography or jurisdictional boundaries. So, for example, although much may be known about an area of legal history in one era or across multiple eras, less may be known about it during the 1950's or the 1890's or during the depression.

Availability to primary sources is another crucial variable. This is discussed above and I won't say anything more on it here except to say that there is today much more archival material available online than was the case a few years ago. Perhaps the other point that is worth emphasizing is that law is full of primary materials – they are called cases, statutes, legislative debates, government-commissioned reports, etc.

Another important variable is to choose a topic in an area of law or relating to issues that you are otherwise interested in. Quite literally, everything has a history to it. If you start with what you are otherwise interested in, I am sure we can find one or more potential topics in legal history which will allow you to explore those areas of interest from an historical perspective. In this way,

our paper in this course will complement the areas of interest and knowledge you have developed or are developing in your other courses.

The books I have placed on reserve will include several volumes of collected essays published by the Osgoode Society, Canada's leading publisher of legal history. Flipping through these volumes – as well as others published by the Society, all of which are listed on its website, will give you an idea for the range of topics in legal history that are being written about but also about the techniques that legal historians use to frame the topics they write to make them manageable within the space of a relatively short paper.

One very common technique is to write a deep contextual analysis of an important case or group of cases connected to each other by any number of criteria, such as the judges who decided them, the jurisdiction or historical period in which they were decided, their role in contributing to the development of the law, or their value in helping to understand what was going on in society more generally at the time they were decided.

Last year, students wrote on following topics:

- History of aboriginal child apprehension by provincial child welfare authorities in Canada;
- History of divorce leading up to and including adoption of Canada's first Divorce Act in 1960;
- History of early Charter cases on excuses and criminal responsibility, specifically in relation to the use made (or not made) of the philosophy of HLA Hart;
- History of aboriginal fishing and hunting rights in Nova Scotia;
- Case study of *R. v. Sylliboy* (one of the cases within the history of aboriginal fishing and hunting rights in Nova Scotia), with emphasis on the role of Grand Chief Sylliboy;
- The national development of aboriginal rights in Canada, with emphasis on the infamous White Paper and the inclusion of constitutional protection for aboriginal rights in the Constitution Act, 1982;
- A comparative study of how battered women who kill their abusers have been treated by the law at different points in history;
- The largely forgotten contribution of the Mennonite community to restorative justice thinking and practice in Canada;
- Comparative historical study of the development of abortion policy in Canada and the United States;
- A study of the litigation of the will of an American industrialist who founded a mining town in Northern Ontario and its implications for an annual Christmas celebration the industrialist annually sponsored to express his gratitude to his workers and their families;
- A history of the regulation of nude entertainment in Canada;
- A history of the Criminal Code provision dealing with corporeal punishment, specifically the many unsuccessful attempts to repeal the provision;

- The development of the concept of intersectionality through the early Charter decisions of Justice L'Heureux-Dubé; and
- History of the North-West Mounted Police (and their role in preventing Canada's west from becoming the wild wild west).

More broadly, the following are all examples of kinds of history that fall within legal history, though many more could be listed:

- History of legal thinking, ideas, scholarship;
- History of a substantive field of law or of some aspect of a substantive field of law;
- History of law's treatment of a specified group within society or of law's response (or non-response) to a social, economic or political problem;
- History of the career and contributions of lawyers, judges, scholars, activists, litigants, etc.;
- History of legal institutions, including law schools, law societies, courts, law firms, regulatory bodies, law reform commissions, advocacy organizations;
- History of law reform, either of law reform as a process or of law reform in particular field of law or in a particular jurisdiction or at a particular period of time;
- History of the law relating to, or the impact on law of, colonialism, nation-building, federalism, oppression, dispossession, discrimination, environmental degradation, environmental degradation, the rise and evolution of the administrative state, etc.
- History of international law and of international institutions focusing on either the role of Canada or Canadians or the implications for Canada and Canadians, such as in Canada's response to international development;
- History of important influences in the making and development (or non-development) of Canadian law, be they intellectual, cultural, social or from other countries or legal traditions, such as British, French or American;
- History of the reception of law in some field of law into Canada or some part of Canada or of the differences between how received law was applied in Canada and in other places or in how certain questions or issues were addressed in Canada as compared to other places or between parts of Canada.

### Secondary Sources

In addition to the books I have placed on reserve in the library, you will find at the end of each "chapter" in the Course Pack some additional readings on the topic of the chapter. Where a particular area of legal history is of more interest to you, I encourage you to dip into these further readings. You are however, not expected to do all, some or any of these additional readings. You may however find them useful if you think you may want to write a paper in an area of legal history covered in one of our chapters.

Also, with the assistance of former student Brandon Knill, I gathered together a considerable collection of articles, chapters and books in Canadian legal history when I was pulling together the first version of materials for this course. Many of these materials relate to the topics covered in the Course Pack but some relate to other topics we decided in the end not to include in the

Course Pack. I will be happy to make these available to any of you to the extent they are related to your paper topics or in the event you are simply interested in having access to additional reading in Canadian legal history or legal history more generally.