

**THE SOCIAL CONTEXT OF LEGAL AID:
ISRAELI AND CANADIAN PERSPECTIVES**

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During, the past few decades, the Welfare state in western democratic countries weakened and civil society strengthened. These processes which influenced the relationships between the state and its citizens varied from country to country. This paper will examine the social role of the institutions of Legal Aid and the Public Defense agencies within these variegated social processes. Through the study of the emergence and operation of these agencies providing legal assistance to members of marginalized communities in Canada and Israel, the paper will analyze the ways in which civil society became a new force in the governmentality process in these two countries.

**TRANSGRESSING BOUNDARIES OF RACE, AGE, HEALTH,
AND GENDER IN SHANI MOOTOO'S CERES BLOOMS AT NIGHT**

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In "Frontlines/Borderposts" and elsewhere, Homi Bhabha points out that problems of inequity and limited freedom are inevitable within the national framework, which relies upon a sophisticated network of ambiguities to separate and orchestrate a controlled joining of different groupings in the reproduction of the nation. Yet if literature, as Benedict Anderson contends in *Imagined Communities*, powerfully founds, develops, and maintains notions of national characteristics, then literature may also prove decisive in reshaping lines of alliances. We might conceive of other ways to imagine living with and for one another, as working alternatives to maintaining the relationship between subject and family/community as sacrificial – that is, requiring the individual or certain groups to surrender or even die in order to maintain the status quo. Avtar Brah, in *Cartographies of Diaspora*, proposes that "the person [is] a complex and continually changing subject who is the site of multiple contradictions, and whose everyday practices are associated with effects that may reinforce or undermine social divisions" (12). If the body of the nation remains a powerful trope for encrypting the individual subject as a cooperative member of a self-perpetuating community, then writing that specifically disrupts the boundaries of literary bodies can enable the imagination and even the practical possibilities of real people living amongst one another in ways that are open to fluidity and heterogeneity and which judge one another on the basis of how material behaviors heal or harm, rather than along lines of fear, prejudices, and superstitions.

Shani Mootoo's first novel, *Cereus Blooms at Night*, depicts the pain and destructive effects of persons attempting to live up to normalization rules set up under patriarchy at the levels of indigenous community relations and interactions shaped by colonialist re-education policies. It also remarkably traces some curative effects possible when those boundaries are crossed and opened, not by blunt force, but by human beings reaching out to one another in relationships that cross and confound boundaries originally naturalized to keep them apart. Despite its exotic atmosphere and a hallucinogenic narrative blurring of disturbed interpretations of reality with more mundane perceptions

of events, Mootoo's novel avoids finding a solution in a plane of magic realism. The shortcomings of the material world constrain the possibilities of performance for bodies along the lines of race, sex, gender, age, and mental health. Yet transgressions of anatomical norms motivated by empathy and kindness, even if made within those material limitations, foray pathways for relationships that can nurture, share, and heal. The novel illustrates open possibilities for making non-static and creative identities for self and community feasible despite the limitations of language, and the specter of biological form, physical pain, emotional loss, and the inevitability of death.

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**OF STUMPS AND OTHER VANQUISHED THINGS:
EMILY CARR AND LANDSCAPE AS ARCHIVE**

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Two types of paradigm have informed the diverse accounts of the life and art of Emily Carr (1871-1945): the literary paradigm of the “artist novel,” which attributes to Carr a shift in thematic focus from the Northwest Coast Native motifs that engaged her attention for many years to the mature achievement of her paintings of the British Columbia landscape, especially its vast rainforests and massive trees; and the socio-political paradigm of “salvaging,” which classifies her among those who despoiled the aboriginal art and traditions they professed to save. Moving away from the pressures of cultural models that serve to promote, and conserve, a linear definition of development, I want to explore what stays notably the same or similar instead of what seems to be different. In underscoring the continuity of Carr’s early and later works, I shall also introduce other factors (such as her literary writings) into the evaluation of her colonial complicities. However, this emphasis on a remarkable constancy is not intended to discard or negate the experience of growth and expansion, of time and change, of being in history. To use a spatial metaphor, I propose to track her career along a vertical (or stratified) rather than a horizontal (or linear) axis. Prior stages are thus not left behind or abandoned as in a developmental narrative, and changes in psychical topography occur as a result of accretion with one layer added onto the other. This “vertical” reappraisal of Carr’s aesthetic-intellectual development enables an alternative analysis of several lesser known as well as widely acclaimed works.

ABSTRACT

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My paper would relate to the final theme on the relationship between the legal systems in the human rights context. It concerns the relationship of the legal systems to international relations in the human rights field. Constitutional law should be understood in an international legal context. The paper would explore the influences of international legal developments on domestic legal responses to issues like terrorism, or universal criminal jurisdiction, or the implementation of international human rights treaties.

The Canadian legal system has felt largely immune from concerns which affect the daily lives of Israelis, but this is changing, for example, with the UN Security Council resolution requiring domestic legal responses to combat terrorism, and the passing of a Canadian Anti-terrorism bill. My perspective would be a consideration of how to ensure domestic legal standards - including human rights standards (constitutional and international) - meet modern international challenges post-September 11th.

**ONCE WE WERE SLAVES,
READING *HEBRON* BACK TO HEBREW**

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A delirious journey of a Canadian Jew in search for the reason beyond the Hebron massacre. The play deals with political issues, concerning Jews in both Canada and Israel, in an extensive and profound manner. It does not hesitate, though, to make a final direct statement. The bright side of slaughter is, that “If you are going to tell people the truth, you better make them laugh”. This play is extremely rhythmic; it is also full of humor – from the dark, vicious and macabre jokes to the light-hearted puns. Some of this humor sets unique obstacles in front of the Hebrew translation. This presentation is a personal voyage taken by a translator following a playwright following an investigator following a murderer.

**THE CANADIAN CHARTER OF RIGHTS
AS INSPIRATION FOR ISRAEL'S BASIC LAWS: A MISTAKE**

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Aharon Barak and many of the other justices of Israel's Supreme Court often look to the Canadian Supreme Court and its Charter of Rights and Freedoms for inspiration. I want to argue that this is a mistake. For Israel is a country which, perhaps more than ever before, suffers from centrifugal political forces, and the Canadian Charter is - despite the intentions of its framers - itself fundamentally centrifugal.

I want to offer three reasons for why this is so. The first is theoretical. For Pierre Trudeau and his followers, the Charter is seen a means of bringing unity to the country because it is said to represent a systematic theory of justice, one exhibiting a characteristic ostensibly present in all such theories: unity. A constitution containing it, then, is said to be able to serve as a unifying foundation for the country because if all citizens consent to it then there is a sense in which they can all be considered 'one'. I want to argue, however, that the theory the Charter is based upon, and so the Charter itself, is anything but systematic, and so that its influence fails to be centripetal.

Second, I want to suggest that because the process of judicial review is characterized by an adversarial system, the Charter - pace arguments such as those offered by Peter Russell - fails to act as an integrating agent for the country. For an adversarial approach to decision-making, I suggest, serves as a barrier to achieving the genuine reconciliation of a conflict. Court decisions, in consequence, can at best represent balanced accommodations of the rights at stake, not their integration.

And it is the decision to articulate basic principles in the language of rights - one much more evident in the Canadian Charter than in Israel's Basic Law on Human Dignity and Liberty (1994) - that is behind the third reason for the Charter's fragmenting effect. As the philosopher of law Jeremy Waldron has put it, the invocation of rights amounts to a "declaration of hostilities," which is but to say that rights-language is inherently adversarial. In consequence, the articulation of issues with a rights-laden discourse only encourages further adversity between opponents and so, once again, discourages reconciliation. Given that reconciliation is indeed in all-too-short supply in contemporary Israel, we have here yet another reason why the Canadian Charter's influence can only be deleterious.

**"THE SIGNIFICANCE OF COMMUNICATION,"
FROM THE PYRAMIDS TO THE TWIN TOWERS:
REVISITING HAROLD ADAMS INNIS**

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I do not propose to do more than... to discuss the possible significance of communication to the rise and development of cultural traits (Harold Adams Innis, "The Bias of Communication.")

The radical change in the practice of mediated communications in our times has spurred considerable efforts to understand the relation of communication technologies to other aspects of the human experience. Surprisingly perhaps, one of the richest bodies of thinking on the meaning of media, and one of the most broadly construed attempts at understanding the dynamics of their historical evolution, has been largely overlooked in this project of re-understanding media environments as transformed by technology. This is the body of scholarly work produced by Canadian scholar Harold Adams Innis a half a century ago.

Nevertheless, over those years a series of scholars have responded to the challenge of deciphering Innis, systematizing his observations and crystallizing a coherent theory from them. The present paper represents an updated chapter in this cumulative project of domesticating Innis. First it attempts a summary of the received wisdom on the meaning of his communication texts and theorems. Then, aspects of that schema are critically reviewed through following two parallel thrusts. One cross-checks the abstract of Innis' work as canonized in communication studies against the genuine item. The other seeks the sources of his approach, by tracing the origins and the development of his thinking about communication. This revisiting of texts and their development dispels the common interpretation of Innis as a technological determinist. It finds, instead, that his fundamental premise was the revolutionary notion of communication determinism.

This re-reading of Innis highlights the essentially historicist dimension of his project and follows up on its implications. Innis' historicity had two complementary planks: one

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was basing a philosophy, or theory, of communication on historical evidence, using history as the great laboratory that would generate and test ideas about communication. The other was understanding communication as a key to interpreting history. Neither of these prospects has generated much methodological interest or practical emulation. The present study, in contrast, leverages the fundamental historicism of Innis' communication work to point out its relevance to the interpretation of our contemporary media dynamic. While this update does not attempt to draw any practical morals, it underscores elements of Innis' heritage of historiography that are useful in understanding communications today.

**CANADIAN JEWISH WOMEN WRITERS:
QUESTIONS AND A TENTATIVE ANSWER,
A WORKING PAPER**

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Does the experience of Jewish women in Canada mirror that of women from other communities or that of Jewish men in Canada? This is an interesting question which may well be significant for understanding gender relationships and ethnic relations in Canada. Literature and even life writing may be appropriate media for examining this issue. Jewish men have been prominent in modern Canadian literature (A.M. Klein, Mordecai Richler, Naim Kattan, Irving Layton, Leonard Cohen, and others). Except for Adele Wiseman, Canadian-Jewish women have so far been noticeably less present, although non-Jewish women (Lucy Maude Montgomery, Margaret Lawrence, Margaret Atwood, Carol Shields, and others) have been among the most prominent non-Jewish Canadian writers. This paper will consider the experience of Canadian-Jewish women as reflected in the careers of English-and French-language writers and other public figures in an attempt to understand the similarities and differences in the experiences of Canadian men and women and of Canadian Jews and gentiles.

**THE TECHNOLOGY-IMMIGRATION NEXUS:
A COMPARISON OF THE IMPACT OF THE HIGH TECH
REVOLUTION AND THE IMMIGRATION OF THE 1990'S
ON THE LABOUR MARKET AND THE POPULATION
OF CANADA AND ISRAEL**

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At the dawn of the twenty-first century, Canada and Israel have emerged as recognized world leaders in high tech development. The rapid development of the high tech sectors has resulted in significant quantitative and qualitative impacts on the demand for labour (numbers, education and skill requirements, etc.) as well as on population migration and settlement patterns, and social and community development. In addition, the decade of the nineties saw in both countries significant waves of immigration that are changing the nature of the economy, the labour force (labour supply) and the population.

This is the second paper of the joint Statistics Canada - Israel Central Bureau of Statistics Program of Comparative Studies on the impact of immigration on the labour force. The first paper in this series examined the overall performance of immigrants in the labour force in Canada and Israel. This second paper focuses both on the impact of the high tech industries in both countries on the demand for labour in terms of the numbers, occupations, the skill levels and training requirements, and on the impact immigration on labour supply particularly to the high tech sector. The paper will examine the extent to which the discrepancy between the supply and demand for labour in these industries is resulting in the need for structural adjustments. This paper will also examine the impact of the demands for highly skilled labour in the high technology sector on the respective immigration and recruitment practices in the two countries.

The study will use data from the labour force surveys and population censuses of each country as well as other sources including immigration, education and training statistics as well as industrial statistics. The paper will conclude with plans for future work including the needs for the expansion of the databases in order to further the analysis.

**THE DYNAMICS OF THE HIGH TECH LABOUR FORCE
IN CANADA AND ISRAEL**

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Public investment in human capital development in general and in labour force development more specifically have always been considered fundamental tools of a country's social and economic policies. By all accounts the story of industrial, human capital and labour force development in the 21st century will be the story of the high tech/IT/knowledge sector. Notwithstanding the adjustments that have taken place in this sector in the recent past, it will continue to be a central sector of economic development in the 21st century. The purpose of this paper is to compare Canada and Israel's strategies and approaches to investing in and developing the labour force for the knowledge/high tech/ information technology sectors in the 21st century.

It is appropriate to compare Canada and Israel because first of all Canada and Israel have been leading countries in the high-tech/ IT development in the world. In addition from the population and labour force point of view Canada and Israel share a number of common factors. Both countries' populations and labour forces have depended heavily on immigration. Both countries are multicultural with populations from various ethnic origins and both countries are now facing the phenomenon of the aging of the population and the labour force.

The paper will begin by reviewing economic and industrial trends of the end of the twentieth century in both countries and those that are expected to carry through to the 21st century. It will analyze comparatively the trends in the labour force including the changing age, educational and occupational structures of the labour force. It will analyse the impacts of phenomena such as the aging of the population, immigration and changes in labour demand on the labour forces of both countries.

The paper will then compare strategies and approaches in the two countries in respect of Human Resource Development for the knowledge/high tech/IT sector. It will examine university and college education by analyzing the relevant course and program offering and compare various measures of education in these fields including trends in

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enrolment, graduates at various levels, expenditures, expenditures, per capita, expenditures as a proportion of GDP expenditures as proportions of public sector budgets, etc. The paper will examine non-institutional human resource development including apprenticeship, other forms of on-the-job and in-house training, mentoring, etc. The paper will examine the whole issue of transitions from education to work to determine to what extent individuals trained in these disciplines actually work in these areas. Finally the paper will analyze the trends among employers in terms of their efforts to retrain and re-assign staff in order to meet the needs of the sector.

The paper will conclude with a summary comparison and draw lessons that each country can gain from the other.

This is the third in the series of comparative studies in labour market and immigration being conducted jointly by Statistics Canada and the Israel Central Bureau of Statistics. The first one was presented at the 2000 Jerusalem Conference in Canadian Studies and the first two were presented at Statistics Canada's Economics 2000 and 2001 Conferences.

**SPATIAL ORGANIZATION OF OFFICE DISTRICTS
IN THE TORONTO METROPOLITAN REGION, 1981-2001**

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A recent theme in urban literature is the growing intra-metropolitan fragmentation and specialization; some scholars have even suggested that the metropolitan structure has turned out to be more dispersed than multinucleated. To determine the extent of dispersal, I examine the spatial distribution of office stock in the Toronto metropolitan region in the last two decades. As in other metropolitan regions, most of recent office development in Toronto occurred in areas outside the urban core; however, it occurred primarily in selected clusters rather than in a non-cluster fashion. This multi-nodal configuration with well-defined and fairly compact nodes is a result of several structural as well as contingent factors. These include the clustering tendency of similar economic activities and the embedded distinctiveness of the office stock, a planning policy which encourages nodal development, and the zeal of private developers to put their spatial oligopolies into practice.

**RESPONSIBILITY AND ETHICS IN THE CANADIAN MEDIA:
SOME BASIC CONCERNS**

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The operation of a newspaper is in effect a public trust, no less binding because it is not formally conferred, and its overriding responsibility is to the society which protects and provides its freedom. The Canadian Daily Newspaper Association's Statement of Principles (1977).

In many democracies, freedom of expression and freedom of the media are guaranteed by the same constitutional provision. This essay analyzes some of the troubling issues in Canadian media ethics. I commence discussion by reflecting on the cultural considerations involved in the Canadian media's proximity to the United States. Subsequently the essay discusses the problems of excessive ownership of the media by a few organizations, arguing that the right to exercise free expression does not include the right to own as many media organizations as money can buy. In this context I consider the work of two Royal Commissions - the 1970 Davey Commission and the 1980 Kent Commission. Next the essay is concerned with excessive intrusion of individual privacy. When news becomes entertainment (infotainment) and private stories become public spectacle, individual lives can be mercilessly exposed to the glaring spotlight of unwanted publicity. In delineating the boundaries of intrusion, we need to distinguish between public figures and ordinary citizens, and between those who choose to live in the spotlights and ordinary citizens who stumble into the public eye.

**RARE TO MEDIUM: ON MEASURING HOW WELL (DONE)
THE INTERNET'S UNIQUE CAPABILITIES
ARE CURRENTLY EXPLOITED**

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Sam Lehman-Wilzig

Bar-Ilan University

The fast pace of the Internet's technological evolution and its somewhat unique character as a meta-medium constitute a challenge for both practitioners and scholars alike. One such challenge is understanding its sundry capabilities and exploiting them to the fullest – the central focus of the doctoral study from which the subject of this paper is taken: to what extent, at this early stage of the Internet's development, are its practitioners maximally using its (full) potentialities?

In *Digital McLuhan* (1999), Levinson argues that McLuhan's theories are more relevant than ever in explaining the nature and influence of new media technologies, e.g. the Internet. The present paper is based on Innis's and McLuhan's approach, i.e. the underlying assumption of technological determinism in the communication process.

Our specific case study involves women's magazines – electronic and print. We study and compare the extent to which the technical capabilities of the Internet are impacting the substantive contents as well as the communicative mode of transmission. In other words: how different are e-magazines from their print counterparts at this relatively early stage of the Internet's development? The present paper focuses on a list that we have developed, comprising approximately 100 indicators relating to content, design, transmission, structure, source/audience interaction, etc. Some of the indicators unique to the Internet are: synchronous interactivity, perpetual updating of contents, archival retrieval, reader's storage and retrieval abilities, audience use measurement, real-time purchase of advertised goods and services, etc. Such a comprehensive list will not only enable scholars to rigorously test "proper" Internet production, but also enable practitioners to speed up their learning curve in fully utilizing the Internet's capabilities.

**TERRORISM AND HUMAN RIGHTS:
THE DILEMMA OF DEMOCRACIES**

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It has been said that the world changed on September 11. I do not know whether the world changed—or whether the darker side of the universe was exposed—but what is clear is that September 11 was a transformative event, impacting on our psyches as well as on our politics, on our priorities as on our purposes. It emerged as a central motif of public and Parliamentary discourse—whether in the public square or the halls of Parliament—while the “war on terrorism” became a centrepiece of the daily media. If nothing else—and at the risk of extrapolating irony from this horrific tragedy—September 11 clearly raised the level of political and Parliamentary discourse, if not also that of the media, academe, and civil society in general.

As it happens, however, the discourse and discussion of anti-terrorism law and policy has been somewhat beset, if not burdened, by a “conventional wisdom” perspective in what is an unconventional—if not extraordinary—time. In particular, analysis of counter-terrorism law and policy has often proceeded from the juridical optic of the domestic criminal law/due process model, while a more inclusive model would be that of an international criminal justice system counteracting a transnational and existential threat.

Similarly, counter-terrorism law and policy has been characterized—if not sometimes mischaracterized—in terms of national security versus civil liberties—a zero sum analysis—when what is involved here, as the United Nations has put it, is “human security” legislation that purports to protect both national security and civil liberties.

Accordingly, this paper invites us to “think outside the box”—to go beyond the conventional domestic optics, to re-think and re-configure counter-terrorism law in terms of a converging and inclusive domestic and international perspective anchored in the notion of human security—itself a people-centred rather than State-centred approach.

This paper, then, will address the threat posed by transnational terrorism to democratic and vulnerable societies, with Israel as a case-study of a democracy that is not only under a standing threat of such Transnational terrorism, but the daily target of it; as well, the paper will also discuss the international and domestic counter-terrorism law developed by democracies to address such Transnational terrorism, with Canada as a case-study of the domestication of international law in combating international terrorism; the paper will also discuss the civil libertarian concerns resulting from such counter-terrorism law and its application. It will focus on Canadian counter-terrorism law and policy as a case-study, inasmuch as the Canadian legal regime goes further than any other in domesticating international law as part of Canadian law; as well, the Canadian legal regime has also resulted from a comparative study of the U.K. and U.S. legal approaches.

In particular, this paper will be organized around two parts: first, the analysis of the foundational principles that underpin counter-terrorism law and policy including, the human security principle, the zero-tolerance principle, the contextual principle, the international law principle, the complementarity principle, the prevention principle, and the like; second, the paper will identify the rights- based concerns, generated by such counter-terrorism law, including, the overbreadth of the definition of “terrorist activity”; protection against arbitrary arrest and detention; the right of minorities to protection against differential and discriminatory treatment; protection of access to information and the right to privacy; and the like. This paper will seek to offer recommendations that address—if not redress—these legitimate civil libertarian concerns, the whole underpinned by the generic issue – terrorism and human rights – the dilemma of democracies.

**JUDICIAL DEFERENCE IN CONSTITUTIONAL JUDGEMENTS:
SHOULD ISRAEL ADOPT THE CANADIAN DOCTRINE?**

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With the enactment of the *Charter of Rights and Freedoms* in 1982, Canadian judges were given substantial – perhaps revolutionary – new powers. During the 1990s, with the enactment of new Basic Laws and the interpretation given to them by the Supreme Court, Israeli judges experienced a similar transformation. As in other constitutional democracies, the courts in both Canada and Israel are now empowered – indeed, required – to strike down legislation and government actions that infringe on constitutional rights and freedoms without sufficient justification.

Understandably, such new powers are not easy to digest. Overruling the judgement and express wishes of elected representatives cannot be taken lightly. There is a constant risk that the subjective views and preferences of judges will influence their decisions, or at the very least that this will be the impression among parts of the population. The Supreme Court of Canada has accordingly developed a series of tests – known together as the “proportionality test” – to examine impugned legislation as objectively as possible. These tests are designed to avoid unstructured invalidation of legislation or government actions by the judiciary. Such invalidation has been restricted to a number of specific reasons, chief among them that the societal goal can be achieved with a lesser infringement of constitutional rights. The same requirement, known as “minimal impairment”, has been adopted by the Knesset in the Basic Law: Human Dignity and Liberty.

This formulation still leaves a wide room for judicial discretion, which unavoidably means a wide room for subjective influences as well. This has prompted the Supreme Court of Canada to develop a doctrine of judicial deference, along the lines of the margin of appreciation given to member states by the European Court of Human Rights. The doctrine allows in effect for some derogation of rights even when the legislative or governmental goal can be achieved with a lesser infringement of rights. Thus, in some cases, the Court relaxes the regular standards, and chooses to defer to the judgement of

the other branches. This doctrine is usually invoked in the context of social and economic policy, in which the Court is most reluctant to intervene.

The Supreme Court of Israel has already signaled its intention to adopt the doctrine of deference, although the issue is yet to be considered in depth. The paper will argue against this development. The possible justifications for the doctrine will be discussed and refuted; it will be shown that neither considerations of legitimacy (separation of powers) nor considerations of competency (lack of knowledge and expertise) can support a relaxed level of scrutiny, and indeed, the unnecessary infringement of rights. In particular, the differentiation between social and economic issues and other issues will be criticized. A discussion of the actual application of the doctrine in Canada will further reveal significant inconsistencies that are perhaps inherent in the doctrine. Indeed, rather than solving the problem (or risk) of unstructured and subjective judicial review, the doctrine of deference only serves to enhance this problem. This is what I called elsewhere the paradox of judicial deference.¹

To avoid this paradox and to ensure maximum protection of constitutional rights I will argue that the Supreme Court of Israel should avoid the adoption of this doctrine. Nonetheless, the reasons for the development of the doctrine in Canada reveal a genuine and serious difficulty, which is even more prominent in Israel. The Supreme Court of Israel is often called to decide questions that are politically controversial. How can we minimize the risk of subjective judgments, i.e. judgements that are based on the judges' own political views, without falling into the pitfalls of the doctrine of deference? I will argue that the Court should apply the same standards of strict scrutiny to controversial cases, including cases that involve social and economic policy and cases involving issues of security. However, it would be justified to reverse the burden of proof to the plaintiff and to raise the burden when the cost of a judicial mistake would be too high for society to bear. It is only in such cases that a relaxed level of scrutiny is justified. The paper will offer a clear articulation of the relaxed test, to avoid the vagueness of the doctrine of deference and to ensure the maximum protection of constitutional rights possible without creating an unbearable cost for society. As an example, the thesis will be applied in the context of a defending democracy, i.e. to the difficult case of an infringement of rights which the government argues is necessary to prevent terror attacks.

¹ Guy Davidov, "The Paradox of Judicial Deference" (2001) 12 *National Journal of Constitutional Law* 133.

**DO BILLS OF RIGHTS MATTER?
A COMPARATIVE ASSESSMENT OF THE IMPACT OF BILL OF
RIGHTS ON JUDICIAL BEHAVIOR IN THE HIGH COURTS
IN CANADA AND ISRAEL**

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To what extent is judicial behavior influenced by the words of its constitutional mandate? In the current paper I wish to answer this question by comparing the reaction of the judicial institutions of Canada and Israel to the formation of bills of rights in the two states. The legal and constitutional systems of Canada and Israel share some striking similarities in their origin and development. The two systems differ, however, in the content of the bill of rights. Many major parts relating to basic political rights that were included in the Canadian Charter of Rights of 1982 are yet to receive constitutional status under the Israeli constitutional regime of Basic Laws. On the other hand, some basic economic rights that were included in the Israeli Basic Laws of 1992 were left out of the Canadian Charter of rights. In the current study, by using both qualitative and quantitative methods, I compared the success of women groups and businesses in litigation before high courts in the two states. I found that the inclusion (or the exclusion) of certain rights from the charters in each country had only limited impact on the overall success of the relevant sectors in litigation.

**PLANNING THE QUÉBEC METROPOLIS:
A PERSPECTIVE ON GROWTH AND GOVERNANCE**

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This paper follows up on a presentation of the author at the Halbert Centre in May 2001 on the recent reform of municipal institutions in the Montréal region. It also builds on his report, submitted in February 2002, on past, present and future growth patterns in that region. The report places the analysis of regional transportation needs in the wider framework of urban development and land-use planning. Its main conclusion is that, given the clear preferences of households and firms for suburban locations and given the very low growth rate that is predicted for the next half-century in the Montréal region, public intervention ought to focus on preserving existing assets (e.g., a vibrant downtown, livable and sage urban neighbourhoods, a good public transit system) rather than on investing heavily in new regional infrastructure and on trying to densify new suburban developments.

This conclusion cannot be transposed to other Canadian metropolises, especially those where growth rates are projected to remain high. In the region of Toronto, for instance, the increase in population over the coming three decades is likely to be five times as high as in Montréal. In theory, if they steer growth effectively, Toronto planners can affect regional patterns in a significant way. Yet even though it may need metropolitan planning less than does Toronto, Montréal seems better equipped than the Queen City, in institutional terms, to plan at the regional scale.

With the Montréal Metropolitan Community (MMC), Québec has created a planning and service-delivery body that can potentially shape development at the metropolitan level. With its *Cadre d'aménagement* (Development Framework) of June 2001, the government has also given the MMC its general planning guidelines. These reflect the prevailing ethos of sustainable development (e.g., more compact development, focus on quality of life issues) and of global competition (e.g., strengthening of export-oriented industrial clusters).

Despite these assets, the intensity of inter-municipal competition, the near-absence of metropolitan-wide interest groups, and the sacred nature of local prerogatives in land-use regulation are likely to limit the scope of metropolitan governance and to stymie metropolitan planning efforts. Ironically, this may be a blessing in disguise. To the extent that the City of Montréal can focus its energy on improving living conditions in its neighbourhoods (and can benefit from the province's support in that respect), it will be able attend to the most important item on the policy and planning agenda and, in the process, also further the objective of slowing down suburban expansion.

**DIONNE BRAND'S *A MAP TO THE DOOR OF NO RETURN* AND
CONTEMPORARY DISCOURSES OF BELONGING
IN CANADA AND QUÉBEC.**

Bina Freiwald

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D'où venons-nous? Où allons-nous? (2001) is the suggestive title of a recent scholarly-polemical work by Marc Angenot, one of Canada's leading literary theorists (a Fellow of the Royal Society of Canada, he holds the James McGill Chair in French Studies at McGill University). Angenot's study both foregrounds the centrality of constructing (and voicing) a collective 'we,' and interrogates the underlying logic that informs such constructions, according to which a re/turn to a collective past is a necessary precondition for imagining a future. Such concerns are central to Dionne Brand's *A Map to the Door of No Return: Notes on Belonging* (2001), a work that springs from a profound longing to articulate "[t]he name of the [African] people we came from" (4), and that urges its readers to rethink lineage and belonging in the context of a multi-national and multi-ethnic Canada whose historical narrative should be (re)made to include, for example, the Middle Passage. "I cannot go back to where I came from. It no longer exists," Brand attests, concluding her book with this observation: "[a] map, then, is only a life of conversations about a forgotten list of irretrievable selves" (224). The paper will place Brand's lyrical-autobiographical-philosophical-political meditations on collective identity and belonging in the context of recent public discourses on community and communities in Québec and Canada. Two interesting recent examples on which the paper will draw are the Governor General's Youth Forum on Community/Communities – broadcast live on CBC TV, February 16, 2002, hosted by the Governor General Adrienne Clarkson and her husband John Ralston Saul (who is the author, among other books, of the 1997 *Reflections of a Siamese Twin: Canada at the End of the 20th Century*) – and a documentary (in French) by François Parenteau, an avowed sovereigntist, entitled *Qui est nous?* Both the Forum and the documentary seek to present a broad cross-section of Québécois and Canadian society, allowing individuals from very diverse backgrounds to articulate their experience and understanding of community, collective identity, and belonging.

**SPACE-TIME, IMAGE-TEXT:
ON THE INSTABILITY OF MEDIA
IN THE INFORMATION ECONOMY**

Paul Frosh

The Hebrew University of Jerusalem

Innis' exploration of the spatial and temporal biases of communication technologies is powerfully suggestive of other space-time dialects. These include Lessing's dichotomy between the 'sister arts' of painting (space) and poetry (time), the paradigm-syntagm distinction in linguistics and semiotics, and the opposition between archival or database systems and narrative sequences (such as Certeau's differentiation between maps and tours). Innis' concept of binding or bias is effectively political: it foregrounds the ways in which technologies distribute knowledge and power among groups by structuring spatial and temporal relations within a social organization. In contrast, these other oppositions are chiefly representational: they describe a medium's conditions of representation – the way its technical and formal characteristics structure the spatial and temporal relations of its own content. Although they are not ostensibly concerned with the distribution of power in society, they clearly impact upon the forms of representation and information that are available as a cultural resource.

How are the temporal and spatial biases in Innis' terms related to these temporal and spatial representational conditions? This paper attempts to think through these space-time dichotomies against a background of media instability: the undermining of the 'givenness' and specificity of media in the information economy, and the digital 'derealization' of media products, pre-eminently images and texts.

**THE EMERGENCE OF INUIT ETHNIC CONSCIOUSNESS
IN CANADA AFTER 1945**

Sharon Halevi

University of Haifa

From the mid-1970s onward the Inuit of the circumpolar region have enjoyed considerable success in achieving increasing degrees of self-determination. The Alaska Native Claims Settlement (1971) and the institution of home rule in Greenland (1979) were among the more notable first steps in that direction, which culminated only recently in Canada with the creation of Nunavut on April 1, 1999. These Inuit successes are all the more impressive if one takes into account that over the course of a few decades the Inuit had to transform themselves from an aggregation of family-based groups into a “nation” capable of negotiating its way through the political labyrinth of a complex modern state. The focal point of the study is an analysis of this process of self-transformation.

In this study, I examine the emergence of Inuit ethnic consciousness, which has evolved rapidly in the last fifty years in direct response to Canadian federal government policies (e.g. relocation, immigration of non-natives into the region, participation in the Northwest Territories’ legislature and the submission of land claims). In order to respond to these policies and changes, the Inuit had to create coalitions with other native groups (such as the Dene Nation and the Metis) and deal with non-native Canadians; I argue that each of these interactions solidified the Inuit ethnic identity. Yet this emerging ethnic consciousness and the ensuing calls for self-determination and self-government did not entail separation from Canada but demanded greater incorporation.

A COMPARISON OF VALUES AND PRODUCTS IN INFOMERCIALS AND COMMERCIALS

Amir Hetsroni

Yezreel Valley College, Israel

This study examines the combined influence of the format (commercials vs. infomercials) and the product on the representation of values in advertisements. Five hundred and fifty six infomercials and 861 commercials broadcast in the USA, Canada and Israel in the late 1990s were coded. Commercials advertised a variety of goods and services, predominantly food and beverages, cleaning materials and financial and communication services. Infomercials advertised a more limited selection of products, predominantly electrical appliances, fashion apparel, jewelry and cosmetics and furniture and household items. Of the three value systems that were examined – functionalism, hedonism and altruism – functionalism was nearly three times more frequent in infomercials than in commercials, altruism was almost three times more frequent in commercials than in infomercials and hedonism was 25% more frequent in commercials than in infomercials. Despite the fact that the infomercials are much longer than the commercials, they are less dense in values, repeatedly mentioning few functional values that refer to the product's obvious uses and cost effectiveness. These values do match values held by potential infomercial shoppers. The product category also influenced the representation of values: over-representation of hedonistic values in fashion apparel, jewelry and cosmetics and over-representation of functional values in electrical appliances. However, the influence of the product category is not correlated with the advertising format and is found equally in infomercials and commercials. Overall, this study exemplifies that a similar medium (television) and an even identical genre (advertising) may yield very different productions, when the format and the product differ. This is not in line with the main assumptions of the Toronto School of communication theory.

**TRANSLATING CANADIAN MULTILINGUAL TEXTS:
IN AND BEYOND LANGUAGE**

Erith Jaffe-Berg

The Hebrew University of Jerusalem

A key stream within Canadian theatre that has emerged more distinctly within the last two decades has been the use of more than one language within a single performance. Most usually, multilingual texts have reflected the Francophone/Anglophone reality and have incorporated a bilingual use of French and English. However, over the past few years, increasingly, Ojibway, Japanese, Spanish and German have been used to form composite, "polylingual" texts. In this session, I plan to speak about the challenges of translating a multilingual Canadian theatre text into Hebrew. I will make use of translation theory. I will focus particularly on the multilingual and multi-visual play *Polygraph*, written by Robert Lepage and Marie Brassard, which was later adapted into a film. My discussion will reflect on the successes and pitfalls of translating *Polygraph* and then introducing it within the Israeli classroom.

**UNDERSTANDING THE CONTEXT OF THE CANADIAN
IMPACT ON ISRAELI LAW:
PERSPECTIVES OF A LEGAL HISTORIAN**

Nir Kedar
Bar-Ilan University

In recent years, Israel's Supreme Court makes frequent references to Canadian judicial decisions. The "Canadianized" jurisprudence of the Supreme Court is usually considered evident in light of the textual and normative resemblance between the recently enacted Israeli Basic Laws and the 1982 Canadian Charter of Rights and Freedoms. Focusing on the historical context, rather than reading the text of the constitutional documents, this paper will offer a broader perspective on the fascinating impact Canadian law has on the Israeli legal system.

In the last decades, both Israeli and Canadian societies are experiencing a process of legalification, turning positive law, legal and "constitutional" principles, and especially legal institutions to become decisive cultural and political players. Among the numerous reasons for this process, which indeed is not unique to Israel or Canada, one can enumerate the growth of the welfare state and the post world war II emphasis on human rights. Another key factor, especially relevant to Israel and Canada, is a sense of pessimism and contempt towards politics in general and towards the political elected institutions, going hand in hand with an optimistic belief in the ability of the courts-of-law to protect individual rights and advance social policy.

The paper will show that whereas the Canadian process of legalification was directly inspired by American constitutional jurisprudence in the wake of the Warren Court, Israeli legal system, in spite of a very strong American influence, has referred also to the more familiar Canadian experience. Like Canada, Israel is not only a multi-cultural immigrant society, but it is also a polity inclined towards parliamentary regime and an interventionist welfare state. Likewise, the two nations have a hybrid legal system, rooted in the legal and political environments of both England and Continental Europe. Nowadays, the two legal cultures face strong currents of "Americanization" and "globalization," towards which they are (still) developing complex and ambivalent sentiments. No less than the texts of the Charter and the Basic Laws, the historical context, in which these constitutional documents were drafted and in which they are interpreted, inform us of the relations between Israeli and Canadian law.

**PROSPECTS FOR COLLABORATIVE AND ASSOCIATIVE
GOVERNANCE IN THE CANADIAN CITY-REGIONS: THE EXAMPLE
OF “CANADA’S TECHNOLOGY TRIANGLE” IN ONTARIO**

Joseph Leibovitz

University of Glasgow

From British Columbia to Ontario and Quebec, provincial governments in Canada have been pre-occupied with the re-organisation of metropolitan governance in the latter part of the 1990s and the early years of the 21st Century. The reform and restructuring of governance is thus likely to play a major role in issues of service delivery and economic development in Canada’s city-regions for the foreseeable future. In addition to claiming greater fiscal efficiencies, the reduction of duplications and increasing transparency, it has also been argued by policy-makers that the creation of new, so-called “Mega-Cities” would enhance the economic competitiveness of Canada’s cities. Such competitiveness is often said to constitute an essential component in the ability of city-regions to retain existing businesses, and attract inward investment, especially against a backdrop of intensifying inter-urban competition in North America.

At the same time, it has been argued that city-regions who possess, or develop, a range of institutional capabilities (or ‘thickness’) are better placed to retain and improve their competitive position. In particular, collaborative and associative forms of governance – bringing together a range of actors from the public, private and the voluntary sectors – are said to be important in enabling cities and regions to respond to, and indeed anticipate, economic challenges; in unlocking economic potential via the mobilisation of endogenous capabilities such as capital, labour and entrepreneurialism; in encouraging collaboration between firms, governmental agencies and educational institutions; and in facilitating the formation of a coherent industrial agenda (see, for example, Amin, 1999; Morgan, 1997; Phelps and Tewdwr-Jones, 2000; Wolfe and Gertler, 2001).

This paper traces the experience of “Canada’s Technology Triangle”, a city-region situated in close proximity to the Toronto metropolitan area, in developing innovative and collaborative forms of governance, primarily in the area of economic policy-making. While the city-region has demonstrated economic resilience, it has also been

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characterised by competitive rather than collaborative relations between a range of actors. The paper analyses the different attempts made by local institutions to develop stronger collaboration between local government agencies, private sector organisations and other institutions. It focuses on the rationalities and perceptions that guide the action of different actors, and analyses the barriers that exist for further collaboration. The paper also draws broader conclusions as to the prospects for more inclusive and collaborative forms of governance in the Canadian city in the early 21st Century.

**“MAKE THEM OR BREAK THEM”:
THE ROLE OF PUBLIC POLICY IN THE CREATION AND
DESTRUCTION OF SOCIAL NETWORKS AND
ITS EFFECTS ON ECONOMIC WELL-BEING EVIDENCE
FROM MOOSE FACTORY, ONTARIO**

Yael Levitte

University of Toronto

A large and ever-growing body of literature on social capital widely acknowledges social networks as a key variable in community and economic development. Social capital is generally perceived as networks and relationships, which are imbued in values, norms, and attitudes that facilitate trust and the collaborative production of tangible resources like information, services and money (following Coleman, 1988; Gertler, 2000; Putnam, 1993; Woolcock, 1998; Woolcock, 2000).

Proponents of the concept champion it as an element by which communities, individuals, governments or financial organizations can foster economic growth and stability. Communities in which members are embedded in social relationships, the argument goes, foster reciprocity, trust, coordination and communication (Gittell & Vidal, 1998; Morgan, 1997; Putnam, 1993; Putnam, 1995).

At the same time, the student of social capital is often cautioned against the potential costs and risks implicit in social networks, such as opportunism, nepotism and malfeasance (Adler & Kwok, 1999; Collier, 1998; Portes & Landolt, 1996; 2000; and Woolcock, 2000).

The literature on social capital also suggests a hierarchical view of networks; in this framework familial and friendship networks are considered the foundations of social capital, which provide their members with comfort and daily needs. Other relationships, with further acquaintances and formal institutions enable people to access resources that advance them, or help them “get ahead” in life. This paper focuses on the foundation of social capital, i.e., family and friends, and examines whether communities rich in such relationships necessarily enjoy economic and social well-being. It also explores how government policy can shape the dynamics of such networks within marginalized communities.

To illustrate these issues the paper opens with a brief review of current conceptualizations of social capital, as expressed in terms like “bonding,” “bridging,” “linking,” (Briggs, 1998; Gittell & Vidal, 1998; Woolcock, 2000), and “weak” and “strong” ties (Granovetter, 1973); the hierarchical relationships between these networks is also described. Second, the paper shows how abundance in familial or ‘survival’ networks can be both an asset and a liability to communities. Third, analysis of Canadian policies and legislation in the last 150 years indicates how government has influenced these networks and how such influence affected current socio-economic conditions. The paper will conclude with policy implications in the Aboriginal contexts and suggest how such policies are relevant in other contexts as well. Some theoretical implications related to the importance of context to social capital will also be highlighted.

The analysis relies on findings from research conducted in three Aboriginal communities in Northern Ontario, Canada in the summer and fall of 2000. Research in Aboriginal communities offers an opportunity to explore the relationship between government policy and social relations; in the Aboriginal context one can look at how the creation of reserves and the implementation of other policies intended to assimilate First Nations to Western culture affected social networks and in turn, economic development.

**NOTES ON CULTURAL TRANSPOSITIONS
IN DRAMA AND THEATRE**

Shimon Levy
Tel Aviv University

Most theatre plays performed in most countries in the Western theatre world are translated from other cultures, other languages. Whereas in Israel too much time has been poured over too little space occupied by too many people, Canada's sparsely populated vast distances and colossal size convey the sense that too little time has been given to too much space there. Canadian and Israeli theatre plays are closer to one another than meets the unexperienced audience's eye. This paper presents five 'cultural transpositions': In Denis Foon's *Liars* I show that alcoholism and violence are neither typically Canadian or Israeli, and equally "received" by both cultures. George Walker's *Zastrozzi*, a sharp, humorous depiction of evil, should be understood in Israel as a painfully recognizable and relevant image of evil. Atwood's *Sasquatch*, another potential allegory, invites Israelis to wonder how we treat our rapidly depleting nature resources. Henri Beissel's *Inuk and the Sun* is a wonderfully intercultural Quest Play, relevant here, there and everywhere. *Yes* by Joy Coghill treats Canadian-Israeli relationships in the only truly moving way, the personal way.

**LIGHT AND LIGHTING IN PK PAGE'S
UNLESS THE EYE CATCH FIRE**

Shira Light

Tel Aviv University

Can only nature wake us up and make us look around and see how the world is falling apart? Nature offers a frame. Its consistent behavior makes us both rely on and coordinate our behavior with it. When nature changes its ways – late rains, global warming - we take responsibility as if we really had the power for change. We blindly depend upon nature to behave as we expect, giving all “supernatural” phenomena logical explanations.

The people in P.K. Page’s world, however, have lost this type of vision. Bereft of the security of their “normal” world, they enter a chaos that demands different behavior, and reexamination of the basic laws once unquestioned in their former reality. The state of emergency changes all priorities. Everything is now concentrated on survival.

Must it take nature’s chaos to destabilize all that we know, before we can redefine our positions? Are we not proud of our human ability to foresee events, analyze them, and dominate the situation? Why then do we allow human atrocities to go unchallenged, ignoring the truths to which we say we aspire? Has nature alone the power to stir us with disasters? Shall we remain silent as long as no personal catastrophes confront us; and chaos does not yet knock at our door?

We cannot dominate nature. However, we human being are blessed with intelligence and vision to analyze life, to control reactions, deeds and behaviors here on earth. Let us not relinquish this faculty to others. If we are to be accountable and answer honestly where we were and what we did when the horrors took place - we must now rise and say: Enough, no more!

**AGING IN PLACE:
ASSISTED LIVING IN CANADA AND ISRAEL**

Ernie Lightman
University of Toronto

Israel Doron
University of Haifa

Canada and Israel are aging. Both countries are experiencing rapid growth in their elderly population, both in absolute and in relative terms; and each is struggling to develop appropriate public policies to meet the needs of this group, within the framework of a shrinking welfare state.

This paper will examine assisted living in the community for seniors, as an alternative to unnecessary institutionalization (in nursing homes or acute care facilities); to living alone without sufficient in-home support; or to residing with adult children¹. Within the context of aging societies, assisted living has become an increasingly important component of the long-term care policy agenda both in Canada and in Israel, as more and more seniors pursue this type of housing-and-care arrangement, either by preference or for lack of viable alternatives. The overwhelming majority of this housing is totally unregulated in both countries (and, hence, offers a useful basis for comparative investigation.)

The paper will explore the policy issues that surround the debate over assisted living in Canada (Ontario) and Israel, and attempt to identify both similarities and differences in the approaches of each country. The paper will address questions such as the following: Should assisted living be legally regulated or left to be safeguarded by informal and/or market-based mechanisms? Should assisted living become an integral part of a public-based long-term care policy or should it be left as a private option to those who can afford it? Should assisted living be placed under the general legal umbrella of nursing-homes terminology? Would formal intervention by the state enhance, or reduce, both the rights and the general quality of living of residents in assisted living settings?

¹ While there is debate over the exact definition of the term, assisted living is commonly defined as “housing for the elderly with supportive services in a homelike environment in either the public (not-for-profit) or commercial (for-profit) sectors.”

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Answers to the questions will include an appropriate review of the social policy and legal literature, within a comparative framework, along with limited illustrative case material. Both authors have worked on this issue in the past and thus bring considerable personal experience to the inquiry, as we attempt to understand the approaches adopted in Canada and Israel in light of legal, cultural and social differences.

**BECOMING ONE'S OWN PRINCE:
THE SUBVERSION OF "CINDERELLA"
IN MARGARET ATWOOD'S *THE EDIBLE WOMAN***

Rona May-Ron

The Hebrew University of Jerusalem

Rosemary Sullivan opens her recent biography of Margaret Atwood with an anecdote of a young girl sitting in a movie theatre in Canada in 1948 or 1949 watching the film *The Red Shoes*. The message that she gets from the movie is: “if you are a girl, you cannot be an artist and a wife. If you try to be both, you will end up jumping in front of a train.” Sullivan proceeds to show the relevance of this anecdote for her subject: “Margaret Atwood was the young girl in that movie theatre. She was born into an era when girls were still slapped down for creative ambition [...] If this was the vision she was offered, why and how did she escape? Many young girls born in 1939 still took that message into their bones. How did this young girl, in pre-feminist days, evolve the instinctive capacity to believe, unequivocally, in herself?” Throughout her book, Sullivan demonstrates that the answer lies both in Atwood’s unconventional upbringing and in her own unique personality. However, these two decisive factors do not categorically spill over into Atwood’s work. Atwood’s novels – both those that deal with female artists and those that don’t – are not filled, as one might expect, with women who confidently defy societal dictates and resolutely settle the genuine dilemma that the film *The Red Shoes* succeeds in conveying so graphically. Atwood does not let her protagonists off the hook easily when it comes to (re)negotiating the tensions generated by trying to be both artist and wife.

One of the ways Atwood chooses to depict – and even, at times, dramatize – this dilemma in her literature is through the interweaving of fairy-tale texts into her own texts. Atwood has openly acknowledged on numerous occasions in interviews the influence that the fairy-tale genre has had on her since early childhood, and it undoubtedly manifests itself as a driving force in her writing. Sharon Rose Wilson, in her comprehensive book on Atwood’s use of fairy-tale motifs, quotes Atwood as saying “it is difficult to create a fictional female character when our literary ancestresses include, among mythic, comic-book, nursery-rhyme, biblical, and mainstream literary stereotypes, mermaids with no tongues, Cinderellas with sackcloth and ashes, and Beauties with Beasts.” This is where Atwood the negotiator comes in. As Wilson continues: “Atwood goes beyond stereotype, however, sometimes ‘reversing’ and re-

visioning fairy tales.” Atwood takes these mainstream literary stereotypes and, by masterfully integrating them into her writing, creates intertexts that (re)negotiate alternative readings of them. The result is a new kind of fairy tale heroine, one for whom marriage is hardly obsolete, but at the same time, one for whom marriage is certainly not an ultimate goal in life.

An important source that examines the sociological and psychological climate of marriage “propaganda” on which Atwood’s generation of women was raised, and points at the deep-rooted influence of mythic fairy-tale stereotypes, is Colette Dowling’s *The Cinderella Complex: Women’s Hidden Fear of Independence*. This socio-psychological study of women’s general tendency to immerse themselves in marriage as a means of escaping the demanding responsibilities of adult life is a telling and disturbing complement of the aforementioned wife/artist opposition. Unhappy with the impossibility of a woman living up to her full potential as an intelligent and possibly highly talented career woman, while simultaneously fulfilling her obligations as wife and mother, Atwood allows her protagonists to struggle with this quandary and seek a way out of it. Thus many of the non-fictional patterns of behavior described in Dowling’s book are enacted in the fictional lives of Atwood’s heroines. This paper intends to create a meta-literary negotiation by bringing together the central ideas of Dowling’s influential book with Atwood’s portrayal of specific female characters during approximately the same time period (late 70s and early 80s).

There are, then, two simultaneous acts of (re)negotiation going on in many of Atwood’s works. On the textual level, through predominantly female protagonists, Atwood portrays the terms and conditions that patriarchal society has imposed on them. In Atwood’s fictional worlds, the community of women (who are compelled to choose between fulfilling their creative potential and being wives-mothers) attempts to (re)negotiate this impasse constructed by the community of patriarchal forces that would insist they relinquish their ambitions and remain the attending muses they have been rather than the self-determining individuals (artists) they want to be. On the meta-textual level, there is a (re)negotiation between “literary” communities: on the one hand, contemporary Canadian women’s literature, and on the other, the canon of popular fairy tales (as recorded mainly by men). Atwood, in novels such as *The Edible Woman*, *Lady Oracle*, and the recent *The Blind Assassin*, (re)negotiates the message of those timeless fairy tales (with a special emphasis on “Cinderella”, which both Atwood and Dowling see as a particularly problematic fairy tale) by integrating them into her work and subverting their seemingly innocuous narratives. Thus she creates modern alternatives which prove to be, or at least *should* prove to be, more pertinent for today’s post-feminist world.

**COMMUNAUTE ET EXCLUSION,
SELON LES AURORES MONTREALS DE MONIQUE PROULX**

Evelyne Méron
Université Bar-Ilan

Les Aurores Montréalaises sont un livre récent, un recueil de nouvelles qui parut en 1996.

Ce sont des histoires d'habitants de Montréal. Tous les citadins du monde y reconnaîtront leurs expériences. Mais à la problématique urbaine universelle s'ajoute une problématique propre à Montréal: car ces histoires sont des histoires d'intégration; à la ville multi-nationale et multi-ethnique rêvent d'appartenir des exclus, et souvent ils échouent à fonder une communauté.

Les aurores représentent le tenace espoir de réussir son intégration à la nation, à la langue, à l'élite; représentent la conviction que le plus grand bonheur possible est d'appartenir à l'identité collective montréalaise.

Le mot boréales se profile derrière le titre, voilant et révélant à la fois la désolation glacée de vies où les différences s'avèrent des handicaps peu surmontables.

De quels exclus, de quelles différences s'agit-il?

L'aspect formel du livre suggère une division ethnique classique: la majorité des nouvelles est imprimée en caractères romains habituels; quelques autres se détachent en italiques, et portent des noms de couleur: ce sont des lettres écrites par des gens de couleur, une Chinoise, une Amérindienne, un Haïtien...Et l'on croit qu'on va lire la lutte des ethnies pour rejoindre la blancheur canadienne. Puis on s'aperçoit que c'est beaucoup moins simple. Le "blanc" désigne aussi la neige, ou la mort. Les auteurs des lettres en italiques sont des femmes sauf le Haïtien noir, qui est pauvre, et qui refuse d'accuser le racisme! Et surtout les personnages des autres textes sont plus encore défavorisés par des inégalités invalidantes: la bêtise, la maladie, très souvent la féminité ou la pauvreté, l'anglophonie ou le souverainisme également.

Sur le plan littéraire, il est passionnant de voir comment cet exposé subtil du rêve de communauté et de l'angoisse de rejet est si puissamment émouvant; et aussi comment ce recueil de textes, composés et publiés d'abord indépendamment, produit un tel effet d'unité, de force, et d'efficacité.

**THE TISSUE OF JUSTICE: AN OVERVIEW OF JUDICIAL
ATTITUDES TO INTERLINGUAL INTERPRETING IN THE
CRIMINAL JUSTICE SYSTEMS OF CANADA AND ISRAEL**

Ruth Morris

Bar-Ilan University

Superficially, there is considerable similarity between the provisions of the 1982 Canadian Charter of Rights and Freedoms (Section 14) and Israel's 1965 Code of Criminal Procedure (Paragraph 129) in respect of individuals who cannot understand or speak the language used in court. Both documents appear to meet the requirements of international conventions in the matter. As reflected in a number of appellate (including Supreme Court) decisions (most notably *R. v. Tran*, *Eldridge v. British Columbia* and *Cormier v. Fournier*), over the years Canada's judicial authorities have seen fit to discuss in depth a number of issues concerning the application of this apparently straightforward provision governing the right to the assistance of an interpreter of a party or witness in any proceedings who does not understand or speak the language in which the proceedings are conducted or who is deaf. In addition, in Canada the standard of arrangements for the provision of interpreters for such individuals and the quality of the interpreting services provided are, on the whole, extremely high. In contrast, despite the sophisticated attitudes to the provision of interpreting arrangements documented in Talmudic texts, Israel's modern courts lag far behind their Canadian counterparts in this area. The paper will provide examples of good and less-than-good practice in the two countries.

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**“CITIZENS OF THE WORLD IN THE NATION-STATE”
THE ROLE OF THE MEDIA IN CONSTRUCTING ETHNIC, NATIONAL,
AND GLOBAL IDENTITIES**

Hanna Adoni Hillel Nossek
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The question of how the media contribute to the construction of ethnic, national and global identities has become most pressing as a result of the rapid diffusion of the new digital media and general globalization trends. People who use these media are able to ignore national borders and communicate easily with individuals and groups all over the world. The question we ask is what are the social implications of these developments for existing nation-states. The question is most pressing in liberal democracies that are home to large ethnic groups and must cope with the challenges of multiculturalism.

The present paper brings together McLuhanian notions on the impact of technology on the development of nationalism and globalization trends with the theory of media use as social action. It explores the functions of different media, both “old” and “new” in constructing people’s social identities namely, orientation towards ethnic groups, toward the nation state and toward the global, virtual communities. The analysis uses data gathered in a survey of a representative sample of 520 respondents from the adult, Israeli Jewish population, that took place in September 2001.

The data show that different media fulfill different functions in the construction of social orientations towards the nation state, the ethnic group and the global community. Reading books was shown to be particularly helpful in strengthening national Jewish identity through the study of Jewish history and tradition. Television has remained the leading source of information and political interpretation. Viewing television was also responsible for reinforcing the sense of belonging to Israeli society and encourages political involvement. However, reading newspapers was also found to fulfill these functions for a large proportion of the population.

The “new” media, i.e., the Internet, was less helpful in fulfilling the social functions related to the construction of identity. However, it is already an important source of

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information, and almost half the respondents mentioned its contribution to maintaining ties with people in other countries, keeping up-to-date on global affairs, and in general to feeling “a citizen of the world”. Contrary to our expectations, both book reading and television viewing were found to contribute more to the various activities that contribute to the reinforcement of ethnic identity (use of the language, participating in special holidays / festivals, obtaining information about the “old country”) than the Internet.

THE IMPACT OF CANADIAN EQUALITY MECHANISMS ON RECENT ISRAELI LEGISLATION

Dan Orenstein

Israel Ministry of Justice

1. Affirmative action and employment equity

1.1 Legislative approval of affirmative action: In two separate pieces of legislation – the Equal Rights for People with Disabilities Law, 5758-1998 (“ERPDL”) and a recent amendment to the Women’s Equal Rights Law, 5711-1951 – Israel has followed the lead taken by s.15(2) of the Canadian charter in the explicit validation of affirmative action programmes.

1.2 Employment equity legislation: In a series of recent statutory provisions, supported by seminal decisions of the Supreme Court, Israel has adopted the Canadian employment equity approach, balancing the need for positive action in favour of designated groups with avoidance of the adverse consequences of rigid quota systems (stigmatization; lowering of professional standards):

- s.18A of the Government Companies Law, 5745-1975 (1993) – appropriate representation for both sexes on the boards of government companies;
- s.15A of the Civil Service Law, 5719-1959 (1995; 2000) – appropriate representation for women, people with disabilities and Arabs in the civil service;
- s.9 of the ERPDL – appropriate representation for people with disabilities in the private sector (employers of over 25);
- s.6C of the Women’s Equal Rights Law, 57511-1951 (2000)– appropriate representation for women at all levels of the public sector (government ministries, local authorities, government companies, statutory corporations);
- s.18A1 of the Government Companies Law, 5745-1975 (2000) – appropriate representation for Arabs on the boards of government companies.

2. Disability Rights Legislation

The ERPDL draws two important lessons from the Canadian experience:

- a. in the light of s.15(1) of the Canadian Charter, which puts disability rights on a constitutional footing, the ERPDL includes quasi-constitutional provisions on the equality of people with disabilities; their right to make decisions; principles applicable in the implementation of rights and the provision of services etc.;
- b. in the light of the need, now recognized in Canada¹, to supplement constitutional declarations with concrete statutory provisions affecting all major spheres of life, the ERPDL (and comprehensive legislation in the pipeline) comprises provisions relating to employment, access to public places and services, living in the community, special needs etc., including sections mandating or facilitating detailed secondary legislation.

3. Human Rights Commission

A recent report of the Minerva Center for Human Rights, commissioned by the Ministry of Justice, on the establishment of a human rights commission in Israel draws on the experience of human rights commissions in a number of countries, including Canada. The model proposed for Israel draws a number of lessons from the Canadian model – reserving enforcement mechanisms for equality legislation and avoiding the Canadian pitfall of giving exclusive authority to the Commission to litigate human rights complaints.

¹ Cf. M.David Lepovfsky, “A Report Card on the Charter’s Guarantee of Equality to Persons with Disabilities after 10 Years – What Progress? What Prospects ? *National Journal of Constitutional Law*, Vol 7, No.3 pp 263-431.

DEVELOPMENT INTERDEPENDENCE IN URBAN CLUSTERS OF CANADA

Boris A. Portnov

Ben-Gurion University of the Negev

Urban cluster (UC) is a group of urban places located in close proximity to each other and connected by strong socio-economic and functional links. Six UCs in Canada were selected for analysis (see Fig. 1). The research attempted to answer two main questions:

- i) Are the development levels exhibited by individual towns in UCs interlinked?
- ii) Is there any evidence that urban growth spreads in UCs over time, from more developed to less developed urban localities?

The data for the analysis were drawn from Canada's two consequent Censuses of Population – 1991 and 1996 – and covered some 99 Census Subdivisions (CSDs).

Neighbouring towns in urban clusters of Canada appear exhibit similar levels of socio-

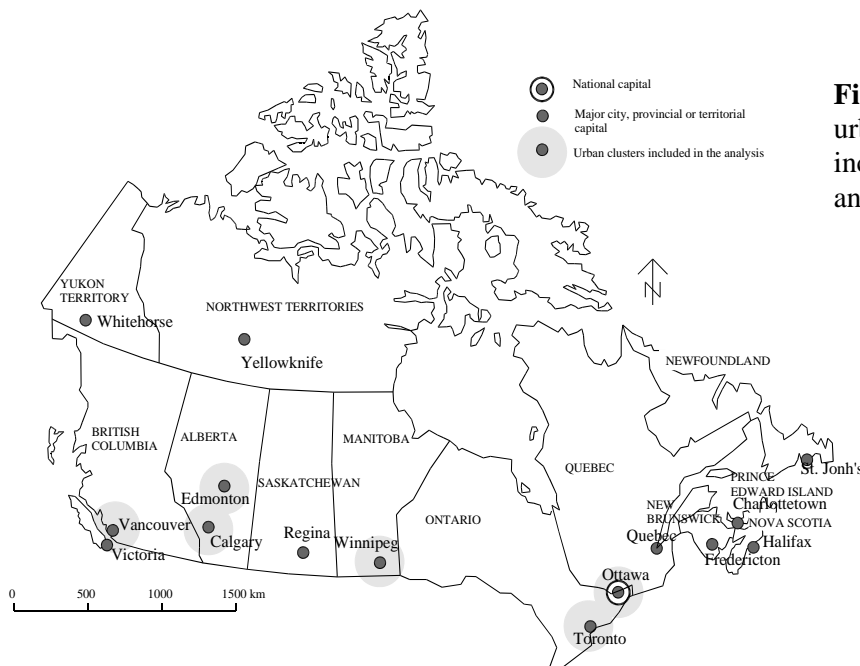


Figure 1 Location of urban clusters (UCs) included in the analysis

economic development. However, the effect of clustering on urban growth is not

spatially uniform. It is especially strong in peripheral clusters, while in centrally located ones, the growth of neighbouring towns is less interdependent. In addition, when measured by different development indicators, inter-town development association differs in both nature and degree. In core areas, for instance, only population and housing variables exhibit a strong spatial association, while that of employment-related variables – average income, unemployment rate, and participation in the labour force – is weaker. This tendency reflects the fundamental difference between the two groups of variables. While population and housing variables are associated with the clustering of residents in socially homogenous areas, inter-town development similarity in respect to employment-related variables is weaker, due to long-distance commuting. The analysis also indicates that urban growth is likely to spread across individual towns in UCs, and this may have important implications for future regional development policies.

**IMPLICATIONS OF GOSSELIN V. QUEBEC:
AUTONOMY, EQUALITY AND OTHER IMPORTANT
RELATIONSHIPS BEFORE THE COURT**

Lauren Posner
McGill University

This paper reviews and analyzes a legal challenge to Quebec's social welfare policy in the late 1980's. Ms. Louise Gosselin challenged the Quebec government for the creation of the Social Aid Regulation, which reduced social assistance to an average of \$170 per month for single, able-to-work individuals under the age of 30. The government's strategy was to use the reduced rate as a negative incentive and enlist young people in work training programs in order to facilitate their re-entry into the work force. But because the reduced rate amounted to only about one-third of the regular benefit, young people were left in extreme poverty, severely jeopardizing their physical and mental health and forcing many to turn to criminal activity for survival. In 1987, Ms. Gosselin filed a class action against the Quebec government asking the Court to declare that the Social Aid Regulation was unconstitutional and asking the government to pay damages to her and the other subjects of the reduced rate. In both the Quebec Superior Court and the Quebec Court of Appeal, Ms. Gosselin lost, but in the latter challenge, there was lengthy debate among the judges, which is the subject of this paper. The case is now under review in Canada's Supreme Court. It is an especially important case because ultimately, it will determine whether welfare benefits are a right or a privilege in Canada for young able-to-work individuals.

The Quebec Court of Appeal's response to Ms. Gosselin's challenge is outlined in two separate sections: economic rights and equality rights. The kinds of autonomy and equality that are promoted by the Court's decision are examined and new questions are raised about the fundamental assumptions underlying the arrangement of certain aspects of Canadian welfare.

DETERMINANTS OF RESIDENTIAL SPRAWL IN CANADIAN METROPOLITAN AREAS

Eran Razin

The Hebrew University of Jerusalem

Urban sprawl has emerged as a major issue in the urban development agenda in recent decades. Canadian scholars and policy makers have become active in the debate over this phenomenon, since Canadian metropolitan areas have probably experienced more intensive processes of expansion and sprawl than elsewhere, except for the United States. Moreover, awareness of this issue and willingness to take measures that counteract market processes that produce sprawl have been greater in Canada than in the United States. This paper examines residential sprawl in Canadian metropolitan areas. Its objectives are to provide a preliminary measure of residential sprawl in Canada's metropolitan areas and to identify the determinants of residential sprawl in Canada – an essential starting point of debates over policies that are aimed at influencing sprawl. The examination is based on data from the 1996 and 1981 Censuses of Canada and includes Canada's 25 CMAs. The measures of residential sprawl refer to population densities in urban cores of the metropolitan areas (the large urban area around which a CMA is delineated), and to the type of dwellings (the proportion of dwellings in single-unit detached houses and the proportion in apartment buildings of five or more stories).

Comparisons of Canadian and American metropolitan areas and of European versus American ones emphasize the major influence of the national political system – the allocation of land use planning powers, national transportation policies, etc. – on urban sprawl. The present study shows that population size of the metropolitan area is a major determinant of sprawl within a given political system, at least in North America. Rapid population growth leads to increased population densities, but not necessarily to a decline in the proportion of dwellings in single-units detached houses. The relationship between population size and residential sprawl could be expected to largely reflect the impact of housing costs. In a large metropolitan area, land values tend to be higher, particularly as land reserves that offer good access to employment centers become scarce. However, population size was found to be the prominent factor in Canada, overshadowing the impact of land value measures on sprawl. This could result from a

rather small variability in land prices among Canadian metropolitan areas compared to the United States. Moreover, the lack of wide variations in the ability of Canadian metropolitan areas to expand spatially could also explain the greater importance of the population size factor. According to a different explanation, land values could be an endogenous variable influenced by land use dynamics. Thus, land values could be positively influenced by high densities in growing metropolitan areas rather than creating these densities. In Montreal, where growth pressures have subsided land values were therefore rather low despite of high densities.

The study indicates the uniqueness of metropolitan areas in the Province of Quebec, which have a particularly low proportion of dwellings in single-unit detached houses, despite of low land costs. The highest proportion of dwellings in multi-story apartment buildings characterizes the metropolitan areas in Ontario. In the case of Quebec, cultural explanations could be proposed, but the possible impact of governance attributes on the distribution of dwelling types needs further examination.

The prominent impact of population size on residential sprawl in Canada could raise two questions: (1) If population size is the major determinant of sprawl, could technological breakthroughs that resolve accessibility problems within large metropolitan areas (such as teleworking, etc.) break this pattern and send suburbanization onto a new wave of dispersion, where ample open space is available in the metropolitan fringes? (2) Is this association as prominent in more centralized political systems, such as the Netherlands or Israel, or would the impact of population size be smaller in countries where substantial regulation of the housing market and urban development is at play also in smaller cities?

DEFINING AND DEFENDING CITIZENSHIP

Amnon Reichman

University of Haifa

It is perhaps trite to note that constitutional norms, including constitutional protections, are not just about safeguards from tyranny or about the limit of powers exercisable by each governmental organ. The Constitution is also about who "We, the People", are, what we stand for, who belongs to "us" and what this belonging entails. Constitutional rights, then, stand at the intersection between legal safeguards and communal ethos, between allocating (and limiting) sovereign powers and constructing identity, between juridical procedures and moral meaning. It is in light of this basic understanding that we can approach some of the recent developments in Canadian and Israeli constitutional law. While the concrete political situation in Canada and Israel differs greatly, the courts in both countries are nonetheless faced with similar challenges: defining and defending citizenship.

For the conceptual and practical notion of citizenship to be meaningful, it is essential to determine the scope and application of rights that each citizen has vis-a-vis the state. It is in part the business of the courts to adjudicate precisely these types of disputes. In deciding disputes arising under the constitutional bill of rights, the court structures the legal relationship between the citizen and the state – their corresponding rights, duties, powers and immunities – and thereby mints the legal meaning of citizenship. It thus plays a role in defining citizenship.

In defining citizens' rights, the court also defends citizenship. It defends it against assaults from the state, from the tyrannical many, from the tyrannical few, or, at times, from those who seek to attack the very state itself, and thus seek to attack its citizens as such. Attacking the state can take the form of a physical, violent attack; it can also be an attack on the democratic nature of the state. The nature of democratic rights as entailing a defensive element – defending the freedom and equality of the individual, defending the very notion of citizenship – ought not be ignored.

The dialectic nature of defining and defending citizenship is brought to the surface when the legal issue before the court is "who belongs to us" – who may be a citizen or a

landed immigrant, who may seek asylum, or who may establish other forms of residency in 'our' country. When the rights of those seeking to enjoy safeguards attached to citizenship or akin thereto are at the epicenter of adjudication, the court faces the challenge to define and defend citizenship head-on. Such, for example, was the situation when the Canadian Courts dealt with the rights of those allegedly affiliated with terrorist activities when seeking residency in Canada. In Israel, the Supreme Court was faced with the legality of means used to defend Israelis against terror while dealing with rights of those accused of terrorism. Yet defining and defending citizenship is not just about fighting terrorism. When aboriginals and French Canadians seek recognition of their rights, when Arabs seek equality in settling the land, when the rights of non-orthodox Jews to be registered as Jews is disputed, the judicial branch is called upon to define and defend citizenship – the citizenship of all. In Canada, as in Israel, the tension between the universal character of a democracy and the particular nature of the nation state leads the court to adopt similar strategies of crystallizing values and institutionalizing administrative procedures. It thus seems that despite the differences in the political context, the judicial path in defining and defending citizenship is similar at heart.

**FATHERHOOD AND TRANSITION:
IMMIGRANT AND REFUGEE FATHERS IN CANADA AND ISRAEL**

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Roni Strier

Parent Involvement Center, Jerusalem

Both Canada and Israel host immigrants and are faced with challenges regarding the successful integration of immigrant children and families. Current research highlights cumulative negative effects of stress on parenting and social support to be the strongest determinant in positive fathering.

Immigrant/refugee fathers face multiple interrelated stressors such as under-employment, unemployment, role reversal re: domestic chores and child rearing and social isolation. These factors have been linked with loss of self esteem, depression and related symptoms.

Immigrant fathers face barriers to support services. Prevention & intervention programs that provide education and support still primarily geared to mothers, women staff report discomfort dealing with fathers, and vice versa and various cultural barriers hinder the encounter(e.g. language, acceptance of asking for and receiving help, perceptions of roles of professionals, professionals' lack of understanding of parenting related cultural norms) .Therefore it is important to understand this population, and utilize understanding to develop effective support networks.

Specific barriers to paternal engagement facing immigrant and refugee fathers had not been studied or identified in Canada and Israel, nor had strategies been developed to ensure that the needs of this population are met in new and existing services. The design of specialized services for immigrant and refugee fathers, as well as the successful integration of immigrant and refugee fathers into existing services, requires that practitioners gain an understanding of fatherhood from a cross cultural perspective. The intent of this bi-national study was to explore the values, strengths and difficulties faced by new Canadian and Israeli fathers as they negotiate a variety of Canadian and Israeli experiences while coping with the struggles associated with migration. Implications of these findings for the development and implementation of programs intended to support families will be discussed.

**ENTRAPMENT IN RADICAL COMMUNITY:
ESTA SPALDING AND LINDA SPALDING'S *MERE***

Danielle Schaub

Oranim College

Benedict Anderson's *Imagined Communities* discusses the nation as an imagined construction that links parameters of culture, language, territory and history into a narrative of commonality. Anderson's notion of the ideological nature of nation implies that other axes of affiliation could also exist. Recent literature evidences a testing of radical reformations of dominant notions of nation. One such instance appears in a mother-daughter jointly authored novel - Esta and Linda Spalding's *Mere*. The text narrates two periods in the life of Liza, a young woman of established but working-class background whose childhood and adolescence are shaped by her father's involvement in the steel workers' union and his private defiance of racial discrimination. Particularly following her father's death, Liza rejects her familiar life and her own mother's attempts to whitewash over conflicts. Liza succumbs to a romantic attraction to a group of radical youth outspokenly demonstrating against the Vietnam War, as they impress her with their daring and remind her of her father's quiet examples of living out a statement against injustice. Gradually drawn into a violent revolutionary cell, she integrates into the group that forms a new kind of community for her. Inclusion implies being pulled by, and pulling, others into a cycle of drugs, sex and violence. When she inadvertently kills a policeman in defence of one of her comrades during a violent protest, Liza finds herself fitted with a new superficial identity as "Faye" and with a changed experiential identity as a mother-to-be. Her involvement with the revolutionary group ultimately determines her subsequent life, constantly on the move over the Great Lakes where she raises her daughter, Mere, on a small boat suggestively called "The Persephone." While the other hard-core revolutionaries leave the boat and return to life "above ground," Liza/Faye remains a drifter, fearful of coming ashore and drawn to port only to pick up money and supplies left for her and her daughter by one of the men who could be Mere's father.

Grounded in radical identities, the novel alerts readers to possible readings of alternative communities that question the notion of belonging to the nation state and portray the loss of freedom imposed by a radical lifestyle in which patriarchal power remains intact.

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For radical entrapment prevents life in a normal context, seriously constricting available modes for communal life of any sort. The radical community in this novel shows itself as a more poignantly dangerous form of the self-centred and hierarchically patriarchal patterns available in the larger nation, a counter-culture that fails to break into a viable and living alternative. The effeminated sea displays a matriarchal power on the ship that does not offer a relief from the repressive, and perhaps more deliberately exploitative, patriarchy as symbolised by land. The novel's alternation between voices and narrative perspectives, narrative past and present, desires and fears questions, and indeed interrogates, the viability of a collective identity grounded in radical thought.

**WHEELS WITHIN WHEELS:
CONCENTRICITY OF COMMUNITY IN THE WORKS OF
HENRY KREISEL AND ELI MANDEL**

Mark Elliott Shapiro

Concentricity of community is prominent in the works Henry Kreisel and Eli Mandel, Canadian-Jewish authors with strong bonds to Western Canada who, curiously, were born in the same year (1922).

A central image for the consideration of concentric community in Mandel is the concept of “out of place,” which is also the title of one of his books of poetry where the history of Jewish settlements in Western Canada plays a major role and recalls the poet’s roots in another community beyond his Canadian identity. The study will briefly consider the degree to which Mandel (re)negotiates his ties with his primordial communal ties through both text and photograph and how he deals with the tacit and explicit process of negotiation between communities in Canadian society, as expressed, for example, in *Out of Place*,

On Fridays in Regina the difficulties become acute, how to smuggle two live chickens in a burlap sack down the street of Ukrainian neighbours, past two alien churches, one Russian Orthodox, its onion domes looming over me (alien afraid as Klein would say) like a Chagall version of shtetl-life, the other Greek, its angular priestly spire aloofly critical of the gross yiddishkeit of chickens.

Kreisel is also concerned with the boundaries of community, belonging and identity. The study will briefly consider to what degree those boundaries are shifting or fixed and whether intercommunal negotiations are possible. In *The Betrayal* for example, narrator Mark Lerner is drawn into a drama where the Holocaust is transferred to Canadian soil. It crosses the Canadian border and rearranges communal lines of identity, or, more precisely, revives older communal identities that may or may not be more substantive than a much newer Canadian identity.

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In Kreisel's "Chassidic Song" we are given a brief introduction to a concentricity of communities within communities: the Hasidic world within the Jewish community within Canadian society. "The Almost Meeting" – title of a collection of his short stories and title of one of them – can be an effective handle for considering the interaction of communities in Kreisel's and Mandel's work: concentric circles that almost – but never – meet.

**THE EVOLUTION OF COMMUNICATION TECHNOLOGIES:
AN EXTENSION OF HAROLD INNIS' ECOLOGICAL APPROACH**

Limor Shifman

The Hebrew University of Jerusalem

This paper presents a conceptual framework for analyzing the evolution of communication technologies. The basic components of the framework are eight dimensions of any technology-enhanced communication system. They include: Morphology, Scalability, Synchronicity, Directionality, Nodality, Mode, Connectivity and Throughput. Using these dimensions, we survey the evolution of communication technologies from the dinosaur to the mouse.

We find that with two notable exceptions at either end of the history of communication technologies—script and the Internet cluster—each perceived breakthrough in communication technology represented a shift in one, or a trade-off between two, of these dimensions. Script and Internet-enabled communications represent shifts on all eight dimensions. The paper goes on to interpret this pattern on the basis of Harold Innis' notion of human communication as an ecological system. It considers consecutive changes in the communication environment as actions and reactions in an ecology seeking equilibrium.

Through this Innisian analysis we address the fundamental question of the evolutionary vs. revolutionary nature of technological change in communications. We find that notions of evolution or revolution depend on resolution--the range of pixels the researcher sets on his imagined map of communication environments. A 'high-resolution' analysis, which combines a dense scale of dimensions with a close historical analysis, enables the tracing of minute evolutionary changes, which might be overlooked in a 'low-resolution' analysis.

**TOWARDS A MULTICULTURAL SOCIETY:
REDUCING BARRIERS BETWEEN
PARENTS AND PROFESSIONALS IN CANADA AND ISRAEL**

Ron Shor

The Hebrew University of Jerusalem

Reducing barriers to successful absorption of immigrant families is a contemporary issue in countries with high percentage of immigration such as Canada and Israel. One of the major sources of barriers is the one arising from differences in child rearing practices between immigrants and professionals in the host countries. These differences may lead to disagreements concerning child care and to inaccurate conclusions by professionals about the immigrant parents' parenting skills.

The intent of the suggested presentation will be to examine the sources of potential conflicts between professionals and immigrant parents in child care systems in Canada and Israel. Examining this issue in Canada Israel is especially relevant considering the fact that both are countries with high percentage of immigrants and cultural diversity. Israel has received almost one million immigrants from the Former Soviet Union alone in the last twelve years and is facing the ongoing challenge of reducing barriers that immigrants may feel as they integrate into society in their new country. Likewise, Canada which has been receiving around 235,000 immigrants annually, has a strong orientation towards successfully absorbing immigrants and maintaining a multicultural society.

In the suggested session, based on review of studies conducted in Canada and Israel and based on the review of programs developed in both countries, the major sources of barriers and conflicts between parents and professionals will be analyzed. Based on this analysis methods and social policy implications how to reduce cultural conflicts between professionals and parents from diverse cultural groups and how to advance the idea of a multicultural society will be discussed.

**URBAN PLANNING AND THE OLYMPIC GAMES:
THE TORONTO 2008 BID AS A CASE STUDY**

Noam Shoval

The Hebrew University of Jerusalem

Analysis of various Olympic Summer Games over the last two decades, reveals two principal strategies in terms of the spatial impacts of the Games: A strategy based on the concentration of considerable infrastructure related to the games within a limited geographical area in the city, as opposed to a strategy based on the distribution of the infrastructure over a wide geographical area. The adopted strategy possesses a direct influence on the cost of the Games and on their urban impact. The decentralized strategy serves to lower the overall cost, since it usually relies on facilities that already exist within the metropolitan area, while at the same time, it lowers the impact on urban development. Under the centralized strategy on the other hand, the outcome will usually be the opposite. This paper will present the main approaches related to the location of the central infrastructure and facilities associated with hosting the Olympic Games, while focusing on the approach that was adopted in the case of Toronto, in its bid to host the 2008 Olympic Games.

CULTURAL TRANSFORMATION AND THE ROLE OF COMMUNICATION IN CANADA

Surya Prakash Shukla

University of Delhi

The study of culture and cultural transformation, in-fact, involves a multi-layered discourse that amalgamates diverse themes and approaches. Cultural issues reflect the concerns of wide range of disciplines such as literary studies, cultural studies, linguistics, history, sociology, anthropology, media studies and science studies etc. and require the participation of several subject areas like semiotics, aesthetics, political theory, psychoanalysis, feminism, ethics, epistemology etc.

The contemporary influential practitioners of “Cultural Studies” are obviously not of one mind on the nature of culture, the conditions of cultural creativity and the fate of our civilization (Hayden White). On the one hand, we have the historicist approach of Marxist orientation represented by such figures as Gramsci, Raymond Williams, Stuart Hall, Habermas and Althusser. On the other hand, we have the formalist, structuralist, idealist or organicist approach allegedly represented mainly by Northrope Frye which is labeled as “ahistorical”. The first emphasize the mundane world of economic, political and social praxis, the mode of material production that determines dominant social formation. The other approach consists of a finite set of forms of cultural expression and these interact with each other in positions of dominance and subordination, not progressively but cyclically entailing a cyclical not dialectical cultural change. Progress in this system consists only in recombination of a finite set of discrete elements and a re-arrangement of hierarchies of relationship among them.

Hence, the paper proposes to focus on whether the world of cultural forms is a stable plenum of continuities and inter-animations of the so-called opposites and contraries or it undergoes the kind of change we call ‘historical’; whether culture is reduced to a function of material determinations or it is inflated and spiritualized. It requires, therefore, an examination of theoretical perspectives and methodologies on thematic basis drawn from the interrelated fields in terms of contemporary thought and speculation on Language, Society, Identity and related systems of knowledge.

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Our perceptions on objects and ideas, lest they are conceived as fixed, also require the multiple variations which may be produced on a theme which will be only a coordinate within which our grasp of reality takes shape and within which disparate experiences come to form specific cultural paradigms. An amalgamative approach, therefore, to understand the nature of culture, its inconclusiveness and its ambiguities may be necessary.

The paper therefore focuses on the study of the ground-breaking contribution made by the eminent Canadian 'media guru', **Marshall McLuhan**, in exploring the impact of the media, particularly the Visual Media, on culture, cultural forms, cultural transformation in terms of its mechanism, extent and direction should be of great help. This study should also be related with the cultural theories as outlined above.

NORTHROP FRYE AND THE TORONTO SCHOOL OF COMMUNICATIONS THEORY

Arthur Siegel
York University

The paper examines Northrop Frye's contribution to communication studies in Canada and his place in the Toronto School. One of Canada's legendary thinkers, Frye was internationally acclaimed for his work in literary criticism which he perceived as an independent discipline. He helped to lay the foundations for Critical Theory.

Frye's concern with literature incorporated such components as identity, culture and the associated information flow. The concepts he developed in literary criticism have implications in many fields, especially communications.

He had a direct involvement with the works of Harold Innis as editor of a great block of unfinished Innis' manuscripts on the projected history of communication. Frye was involved in this project, off and on, for 11 years (1969 – 1980). His introduction to the manuscript is a 31 page essay which provides a uniquely insightful reading of Innis and incorporates a fleshing out of "oral tradition". Frye also makes important observations about McLuhan. (The Innis manuscript and the Frye introduction were never published).

Frye's work in communications was unique for not only did he examine Canada's internal and external lines of communications from a theoretical perspective but he also had a hands-on role in shaping the broadcast environment in his nine years as a Commissioner of the Canadian Radio-television and Telecommunication Commission (CRTC).

Frye emerges as a profound thinker on communications, in his own right. Although most of his pronouncements in the field were never published, there are, nevertheless, distinctive footprints of his theoretical insights. In addition to the essay on Innis there are records of his lengthy discussions with Roderigue Chiasson and André Martin, two important communications mavens with whom Frye had developed a close working relationship.

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Frye focuses on what he calls the fundamentals of Canada and explores how they help shape the communications environment and the communication needs they generate.

Among the matters discussed in the paper are Frye's views on the roles of the Canadian Corporation, the National Film Board and the CRTC. There is also a discussion of the role of communications in relation to separatism, the information requirements for participatory democracy, Canadian content requirements, the regulation of broadcasting and the generation gap in television.

**CREATING NATIONAL IDENTITY:
A CRITICAL ANALYSIS OF THE EVOLUTION OF
MULTICULTURALISM**

Charles Small

University of Southern Connecticut

The main assumption of this presentation is that the contemporary socio-cultural policy of multiculturalism in Canada, and the conceptual debate it is grounded, evolved from a condition that was pre-occupied with the marginalisation of those deemed to be "Other". Canadian socio-cultural matters consistently attempted to exclude and marginalise 'undesirable' groups, while striving to recruit and rapidly integrate immigrants into society from countries and 'ethnic' groups deemed 'desirable'. This directly affected the 'multicultural' composition of the population of the cities in question. Analysis will focus on the development of multiculturalism as essentially a liberal response to existing heterogeneity in the post colonial contexts. Within this liberal context, debate is mainly concerned with questions of individual and group rights, and notions of equality, creating a tension and dynamic of its own. The presentation will demonstrate how the contemporary multicultural discourse of identity is rooted in colonial relations and productions of identity. Although multiculturalism is often perceived to be concerned with inclusion and recognition, it can be used as a policy which promotes fragmentation and increases segregation.

**FROM STYLUS TO PIXEL:
SOME COGNITIVE SEQUELAE OF REPRESENTATIONAL MEDIA**

Rita Watson

The Hebrew University of Jerusalem

Since McLuhan's radical claims about the consequences of representational media, conflicts of opinion have arisen. In the domain of texts, for example: Does representing a language in a fixed, visual medium, such as writing or print, have cognitive and cultural sequelae for the users of such representations? Members of the Toronto School of communication theory have generally claimed that it does. Others have attacked this view as culturally biased in favor of classical and Western scholarly traditions, and as biased against other traditions. The view has also been attacked on logical grounds: How can writing something down change our conception of it?

This paper explores McLuhan's claim from the perspective of a recently advanced pragmatic theory of communication and cognition, Relevance Theory (RT). On a RT perspective, the cognitive consequences of a change in representational media are not a given, as McLuhan would have it. Rather, it suggests that communicative events are cognitive in nature, as they necessarily occur in the mental environments of communicators. The cognitive consequences of representational media, on this account, are evaluated on the basis of the processing demands of individual messages. If the interpretation of a message is easily recovered, the effects of the representational medium may be relatively marginal. On the other hand, complex, abstract or ambiguous messages place high cognitive demands on interpreters. In this case, a fixed medium of representation, such as a text, could have significant cognitive consequences: it can be stored and re-examined, reducing the demand on memory and increasing reliance on analytic-reflective processes. Arguing from examples of ancient and modern texts, and from extant empirical studies in the field, this paper claims that the cognitive consequences of media are relative to the processing requirements of communicative events.

**CANADIAN JEWISH CULTURE(S):
A CASE STUDY OF THE CONSTRUCTION OF
A MINORITY AND MAJORITY CULTURE**

Morton Weinfeld
McGill University

This paper will examine the process by which minorities impact on the literary and artistic culture of Canada, using Jews as an example. The paper will note the dualistic process by which Jews create both a high culture within the Jewish community, while also playing roles as subjects and objects in the emerging of a multicultural Canadian high culture. The role of Jewish artists and Jewish themes will be stressed, as will the distinction between a "Judaic" culture and a "Jewish" culture in Canada. In particular the boundaries between the minority and majority or canonical culture will be explored.

**CANADA'S CHARTER AND ISRAEL'S BASIC LAWS:
A NEW MODEL OF RIGHTS-PROTECTION?**

Lorraine E. Weinrib
University of Toronto

Israeli law and Canadian law had virtually no connection before both countries embarked on the project of constitutional (or higher law) rights protection. This connection is unexpected for a number of reasons. The political history and structure is very different. The constitutional arrangements, in form and content, are quite different as well. Yet, Canada's long political debate about its constitutional rights-protecting system produced a distinctive structure of rights protection, i.e., a system of judicial and political roles, that suited Israel when its rights-protecting Basic Laws (Dignity and Freedom & Freedom of Vocation) were promulgated. My paper will analyze some of the reasons that Canada's structure of rights protection had this appeal to Israeli law reformers and why the common features should strongly influence ongoing interpretation and application of the Basic Laws. I will also argue that the strong common features should prompt more interest by Canadian academics and judges in the history, development and ongoing operation of the Israeli rights-protecting system.

First, I will discuss the **influence of the U.S. Constitution** on both systems. The American institution of judicial review entered each system in different ways. Notably, neither Israel nor Canada had constitutional judicial review of statute until late in their constitutional developments. Israeli constitutional law, short of review of statute, developed under the general influence of U.S. constitutional law in its earliest stages, particularly under the steady hand of Chief Justice Agranat. In contrast, American law never became an acknowledged influence in Canadian judicial decisions, but it did strongly influence many of our most esteemed academics as well as some of our greatest judges, notably Ivan Rand and Bora Laskin. In Canada, in fact, it was the failure of Canadian courts to adapt to Canadian constitutional categories any of the admirable features of U.S. constitutional law, as promoted by both Rand and Laskin, that fuelled the desire for constitutional protection of rights.

The admiration for and the perceived need for judicial review of statute for compliance with fundamental rights thus developed in Israel and Canada largely under the umbrella

of U.S. constitutionalism. But when judicial review was entrenched, neither Canada nor Israel chose the U.S. mode of judicial review. Rather, both followed the post-Second World War model of rights-protection, with Israel expressly following Canada's lead. Also notable is the fact that, departing from the usual pattern, in both Canada and Israel the move to constitutional rights-protection did not mark the end of civil war, world war, or the end of a regime, e.g. apartheid, communism. For that reason, in both countries the new constitutional functions were imposed on existing political and judicial institutions.

Second, I will discuss the **common law foundation** of rights-protection in both systems. While Canada and Israel inherited a British framework for their political institutions and courts of law, Israeli judges were far more creative in developing the common law to protect fundamental rights. The common law heritage in Canada emphasized legislative sovereignty, while the same heritage, in Israel, emphasized (and developed in a dazzling parade of cases) the rule of law, including the respect for fundamental rights. Accordingly, the Canadian system had to go through revolutionary change -- constitutional amendment that broached on constitutional crisis -- to adopt the Charter, while, at least to an outsider, the mode of judicial review envisaged in the rights-protecting Basic Laws marks a line of greater continuity. It is important to understand how deeply the structure of rights protection in both Canada and Israel embodies deep structural forms of the common law, which should provide a stronger basis of legitimacy than other forms of rights-protection.

Third, I turn to this question of legitimacy by focusing on the great controversies that adoption of constitutional rights protection has generated in both countries. In Canada, the Charter has precipitated an new and robust industry of Charter critics and rejectionists, both on the left and the right of the political spectrum. On the left, the claim is that the Charter inhibits the state in its progressive redistribution of wealth and provision of social benefits. On the right, the claim is that Charter adjudication usurps the policy-making role of elected, accountable representatives. Accordingly, judges should read the Charter narrowly and defer to the democratic arm of the state. Both attacks are imported from U.S. constitutional theorists. In Israel the latter claim has been made more forcefully than the former, and has prompted calls for a new appointing process for judges or, more dramatically, for a new Constitutional Court. I would like to consider these reactions to the new constitutional rights-protecting regimes in both countries in the light of their foundation in American constitutional theory as well as their distinctive domestic features, e.g., the religious groups' opposition to the perceived secularization of society. I will argue that the model of rights-protection that Canada and Israel now share is sufficiently distinct from the

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American model that it merits its own, fresh critical positions and, most importantly, also offers imaginative pathways for accommodation of distinctive demographic claims and traditional ways of life.

Finally, I would like to review these three points to elucidate what they tell us about comparative constitutional law both in the creation and in the interpretation of new constitutional regimes of rights protection, generally, and in our two countries. The bond between Canada and Israel can help us to develop a methodology of constitutional interpretation that frees us from the outdated and non-transferrable features of U.S. constitutional law and brings us further to the best functioning of the post-WWII model that we have adopted. I will urge that Canada and Israel's common constitutional structure provides a wonderful opportunity for each system to cross-fertilize the other.

In more practical terms, in my conclusion, I will suggest that the work of the Israeli Supreme Court can enrich the Canadian Supreme Court's understanding of Canadian constitutionalism. I will also stress how important it is to include Israeli cases in Canadian law courses. I will reflect on my experience teaching Israeli cases in my classes at the University of Toronto Faculty of Law and Canadian cases at the Tel Aviv Faculty of Law and Hebrew University. I will also suggest that it is time to begin working on teaching materials and a book of academic essays on comparative Israeli-Canadian constitutional law.

**AN UNFINISHED BUSINESS:
THE EVOLUTION OF GOVERNMENT POLICY, PERMEABLE
BOUNDARIES, AND GLOBALISATION IN THE CANADIAN ARCTIC.**

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One of the last regions on earth to witness the implementation of national, often impermeable borders, the Arctic has witnessed an acute history of colonialism, nation-building, militarisation, and all varieties of externally-directed development. For 150 years, formal government policy in the Canadian Arctic has been highly fluid, during which control over the region has passed from one informed by a *de facto* British mandate, to one of often irresolute and incomplete Canadian dominion. Throughout, Canadian control over the North has been tenuous at best: Canadian jurisdiction over the Arctic archipelago and the Northwest Passage remains moot in much of the international community, and the extraordinarily high costs of providing services for Arctic Canadians, coupled with recent federal budget restrictions have often impeded development and left the region at arms length from Ottawa.

However, often reacting to events unfolding beyond its borders, Canadian policy in the last century has succeeded at other levels, addressing issues of national sovereignty, continental defense, regional development, and -- most recently through a series of innovative aboriginal land claim settlements -- minority rights. Moreover, in the last 20 years, Canadian policies have been receptive to change and reflective of larger realities, thus fostering regional demilitarisation and decommissioning; minority rights recognition and the implementation of aboriginal regional government; environmental protection; free-trade/trade barrier deregulation issues; and, something of a return to traditionally porous boundaries throughout the Arctic. Working equally with non-governmental organisations (Inuit Circumpolar Conference, Arctic Council, United Nations, International Whaling Commission), and foreign administrations, Canada has cultivated a unique 'new world order' landscape, neither contradicting nor challenging existing models of the modern nation-state.

This paper examines the evolution of Canadian policy in the Far North from the perspective of events at home and abroad, and presents an innovative approach for measuring the successes and failures of the unique Canadian relationship with the Arctic

**TERRORISME ET INTERNET :
NOUVELLE ÉVALUATION DE LA THÉORIE DE M. MCLUHAN
APRÈS LE 11 SEPTEMBRE 2001.**

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Si l'on souhaite comprendre les mutations sociales et culturelles liées à l'Internet et aux médias en général, il faut absolument lire les œuvres de McLuhan. L'œuvre de ce théoricien des communications, a été parfois comparée à celle de Darwin et de Freud, pour sa portée universelle. Au cours des années soixante, il fut certainement l'intellectuel canadien le plus connu mondialement. Professeur d'anglais à l'université de Toronto, il n'était pas un philosophe professionnel. Sa formation manifeste l'influence déterminante de Harold Innis, un théoricien de l'économie politique. Fasciné et préoccupé par les media modernes, il a soutenu dans un ensemble d'ouvrages, pour la plupart traduits en plusieurs langues la thèse selon laquelle notre perception de la réalité dépend de la structure et de la forme de l'information qui nous est présente. McLuhan a imposé l'idée selon laquelle les médias ont un effet déterminant sur nos vies, notre culture et le cours de l'histoire. A l'encontre de la théorie généralement acceptée voulant que le contenu d'un message soit plus important que la forme, McLuhan fit valoir que les moyens de communication eux-mêmes exercent sur nous une action profonde, quelle que soit l'information véhiculée. Par exemple, selon lui, une histoire sera interprétée de différentes façons selon qu'elle est dite de vive voix, écrite dans un livre, jouée sur scène, diffusée à la radio, présentée à la télévision ou décrite dans une bande dessinée. Chacun de ces médias agit sur nous à sa manière, ce qui permet à McLuhan de le résumer ainsi : « le message , c'est le médium ». Il affirme que le fait essentiel de la communication, c'est la communication elle-même plutôt que le message communiqué. Le médium est le message. Les médias utilisés par une société déterminent le comportement de l'homme à l'intérieur de cette société. Par médium Marshall McLuhan entend toute extension de l'homme (livre, automobiles, vêtements). Toute transformation technologique dans le processus des communications entraîne un bouleversement dans la perception et la nature humaine. McLuhan était convaincu que le media a plus d'influence sur l'homme que le message qu'il véhicule. Les nouveaux médias cherchent à ce que nous vivions dans un village planétaire où tout se passe partout de la même façon et où le temps et l'espace n'existent plus. Chacun est directement impliqué et les gens peuvent se parler comme s'ils vivaient dans le même village. Il a rendu populaire la conception du monde moderne comme « Village global », concept qui accentue à la fois la modernité et la tradition dans la culture contemporaine. Il a surtout été reconnu dans les années soixante avec sa théorie selon

laquelle les médias électroniques, la télévision avant tout, créent un village planétaire. L'idée «le monde notre village» en est directement inspirée. Il est étonnant que McLuhan ait développé cette théorie avant même qu'il ne soit question d'internet ou de world wide web. Sa pensée peut être considérée comme un exemple de la culture canadienne, construite sur une tension entre l'unité et la diversité et préoccupé d'emblée par la communication et l'identité.

Ce que nous souhaitons étudiés dans le cadre de cette conférence c'est dans quelle mesure les nouvelles technologies transforment l'homme qui les a créés ? Dans quelle mesure on assiste avec l'évolution d'Internet à un nouveau terrorisme, que l'on peut appeler le cyberterrorisme ? Dans quelle mesure la manipulation de l'information sur Internet devient réalité ? Pour Marshall McLuhan, la guerre froide est «une guerre électrique, menée à coups d'information et d'images, et beaucoup plus grave et obsessionnelle que les anciennes guerres chaudes avec toute leur ferraille industrielle. Ces propos se confirmeront par la présentation de notre analyse, basée sur notre livre concernant les nouvelles menaces terroristes sur Internet¹. Chaque société, suivant son niveau technique, fait appel à des sens physiologiques différents, et ainsi les nouveaux terroristes qui utilisent Internet.

English Summary: Terrorism and the Internet : New Reconsideration of Marshall McLuhan's Theory after September 11, 2001.

Reconsideration Marshall McLuhan's *Understanding Media* (MIT Press 1995) as a base to reconsider our media assumptions after years of research. We will review modern media – especially Internet, and its effects on individual and societies. We will examine closely digital interactive and networked media in context of cyber terrorism et cyber warfare. What is the new use of new technology by hackers and different groups of terrorists and his consequences on democratics societies today?

Marshall McLuhan (1911-1980) was one of the most brilliant thinkers of the 20th century. He pioneered the study of media, and warned us about the televised, computerized, famous . In his book “The medium is the message”, McLuhan said that the content of any message is meaningless, and that we should groove on the medium itself. In McLuhan's version of context, the effects of a medium on society will vary, depending on culture, and specially on the extent to which the culture has adopted specific media. McLuhan's ideas seem perfectly obvious in light of the web, email and cyberspace. In fact his work is very relevant for an understanding of the new media, the Internet. McLuhan died just before the explosion of the personal computer, yet his ideas propelled a new electronic millennium, and here provide a fine re-assessment of the impact of digital technology on modern times and modern culture.

¹ Yagil , Limore, *Alerte maximale : terrorisme et Internet*, Montréal, Edit Trait d'Union février 2002.

**VICTIMS OF VIOLENT CRIMES IN CANADA:
PRINCIPLES OF ASSISTANCE AND COMPENSATION**

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This article deals with victims of crime in Canada. It focuses on their rights in the Canadian legal system and their entitlement to support and compensation programmes. In recent years the number of crime victims in Canada has declined while the severity of the physical and mental injuries involved increased. So are the effects of damages.

The paper contains three parts. Section one focuses on the Canadian federal policy and guidelines for assisting crime victims. The second part highlights recent changes in the Canadian Criminal Code that impact the rights of crime victims. Finally, the paper discusses some variations in victim services and compensation programmes between provinces.

In 1988, the Canadian (Federal) Ministry of Justice adopted the *Canadian Statement of Basic Principles of Justice for Victims of Crime*. Nine of its ten paragraphs relate to victims' rights such as entitlement to information, services, assistance and a voice in criminal proceedings. The last section seeks victims' cooperation with law enforcement agencies. Indeed, victims' rights tend to mirror victims' duty to file a formal complaint and assist law enforcement.

Recent amendments to the *Canadian Criminal Code* (1999) turned five sets of crime victims' rights into laws: The right to prepare a detailed *Victim Impact Statement* and present it at court, the right of victims of (newly defined) sexual offenses to *publication ban*, *exclusion orders* and *facilitation testimony*, victim's right to *restitution* from the offender, and finally the duty of the courts to collect *Victim Fine Surcharge* in addition to any other fine. This *Surcharge* is meant to fund victim services in each province.

While all provinces are committed to the Canadian Criminal Code, each province may interpret it differently. For example, not all courts follow the law and levy the *Surcharge*. In addition, some courts consider *Victim Restitution Orders* to be a civil matter and prefer not to deal with it while trying a criminal case.

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Provinces also differ in their crime victim service legislation, funding and provisions. The difference lies in the type of services offered to crime victims, the geographical provision, coverage of these services, their funding, the type and volume of human resources involved in providing victim services etc.

Furthermore, differences also apply in victim compensation programmes. Until 1992, the federal government and each province co-financed these programmes. After 1992 each province has to fund its victim compensation programme from its own resources. Some provinces found it difficult to continue funding victim compensation, especially when the courts prefer not to inflict the Surcharge.

Finally, the discussion highlights some of the important, new principles in the Canadian victims services, and the lessons drawn from their administration.

**THE INFLUENCE OF CANADIAN LAW ON ISRAELI LEGISLATION:
BEYOND THE REALM OF PUBLIC LAW**

Allen Zysblat

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Professor Aharon Barak, Israel's Chief Justice, spoke about the special relationship between the legal systems of Canada and Israel in the following terms:

Canada, in particular, stands out as a sibling with whom we have a great deal in common, and from whom we may learn a great deal. First, the most obvious, our respective legal systems bear certain resemblances in their growth towards maturity. We share a common parent – the English common law tradition. Though we have broken our formal ties to the English common law, we still share the common law culture, and bear its imprint. We are both closer to that tradition than the United States, for instance, which had created its own common law.

While the focus of Professor Barak's remarks was obviously Canada's Charter of Rights and Freedoms, and its significant influence on Israel's basic laws on civil rights, his views reflect a legal connection that touches developments far beyond the realm of constitutional law. In fact, Canadian law has served as a principal model for legislation in the "private law" field, including such diverse subjects as corporate law, intellectual property and consumer class actions.

This paper will attempt to offer a detailed look at this less familiar area of Canada-Israel legal crossfertilization, and offer some further insights into the reasons for Israel's continuing fascination with Canadian law.