

Implied Consent And Sexual Assault Michael Plaxton

Supreme Court decision in Gladue case could change how Canada handles consent and sexual assault - National Post
The Stanley verdict: Manslaughter and 'hang fire' - The Globe and Mail

Feminist Phenomenology - Linda Fisher 2013-04-17

This volume is composed chiefly of papers first presented and discussed at the Research Symposium on Feminist Phenomenology held November 18-19, 1994 in Delray Beach, Florida. Those papers have been revised and expanded for publication in the present volume and several essays have been added. We would like to thank very much all the participants in the symposium, including the session chairs and others in attendance, whose interest and enthusiasm contributed greatly. The symposium and this volume, including the name for it, were conceived of by Lester Embree, who also arranged sponsorship, local arrangements, and publication through the William F. Dietrich Eminent Scholar Chair at Florida Atlantic University and the Center for Advanced Research in Phenomenology, Inc. The invitees were decided upon jointly. Linda Fisher has been chiefly responsible for the editing and the preparation of the camera-ready copy. Linda Fisher Lester Embree Acknowledgments The editing and preparation of this volume has spanned several cities and two continents and I am indebted to many people from each place.

Colour-Coded - Constance Backhouse 1999-11-20

Historically Canadians have considered themselves to be more or less free of racial prejudice. Although this conception has been challenged in recent years, it has not been completely dispelled. In *Colour-Coded*, Constance Backhouse illustrates the tenacious hold that white supremacy had on our legal system in the first half of this century, and underscores the damaging legacy of inequality that continues today. Backhouse presents detailed narratives of six court cases, each giving evidence of blatant racism created and enforced through law. The cases focus on Aboriginal, Inuit, Chinese-Canadian, and African-Canadian individuals, taking us from the criminal prosecution of traditional Aboriginal dance to the trial of members of the 'Ku Klux Klan of Kanada.' From thousands of possibilities, Backhouse has selected studies that constitute central moments in the legal history of race in Canada. Her selection also considers a wide range of legal forums, including administrative rulings by municipal councils, criminal trials before police magistrates, and criminal and civil cases heard by the highest courts in the provinces and by the Supreme Court of Canada. The extensive and detailed documentation presented here leaves no doubt that the Canadian legal system played a dominant role in creating and preserving racial discrimination. A central message of this book is that racism is deeply embedded in Canadian history despite Canada's reputation as a raceless society. Winner of the Joseph Brant Award, presented by the Ontario Historical Society

Procedural Justice and Relational Theory - Denise Meyerson 2020-10-29

This book bridges a scholarly divide between empirical and normative theorizing about procedural justice in the context of relations of power between citizens and the state. Empirical research establishes that people's understanding of procedural justice is shaped by relational factors. A central premise of this volume is that this research is significant but needs to be complemented by normative theorizing that draws on relational theories of ethics and justice to explain the moral significance of procedures and make normative sense of people's concerns about relational factors. The chapters in Part 1 provide comprehensive reviews of empirical studies of procedural justice in policing, courts and prisons. Part 2 explores empirical and normative perspectives on procedural justice and legitimacy. Part 3 examines philosophical approaches to procedural justice. Part 4 considers the implications of a relational perspective for the design of procedures in a range of legal contexts. This collection will be of interest to a wide academic readership in philosophy, law, psychology and criminology.

Analyzing Violence Against Women - Wanda Teays 2019-04-01

This timely anthology brings into sharp relief the extent of violence against women. Its range is global and far reaching in terms of the number of victims. There are deeply entrenched values that need to be rooted out and laid bare. This text offers a philosophical analysis of the problem, with important insights from the various contributors. Topics range from sexual assault to media violence, prostitution and pornography, domestic violence, and sexual harassment. Each of the four parts include essays which tackle these issues and provide us with tools for bringing about change. The philosophical approaches to the topic

give readers insight into the harms of interpersonal violence and its impact on the lives of its victims. *Analyzing Violence Against Women* calls us to examine public policies and work for systemic change. In the process, we are reminded that the concerns of the discipline of Philosophy encompasses issues with a wider scope. Students will especially benefit from seeing how the various authors grapple with this pressing issue and clarify why we need to bring about change.

Coercive Control - Evan Stark 2009

Drawing on cases, Stark identifies the problems with our current approach to domestic violence, outlines the components of coercive control, and then uses this alternate framework to analyse the cases of battered women charged with criminal offenses directed at their abusers.

Criminalizing Sex - Stuart P. Green 2020-04-15

Starting in the latter part of the 20th century, the law of sexual offenses, especially in the West, began to reflect a striking divergence. On the one hand, the law became significantly more punitive in its approach to sexual conduct that is nonconsensual, as evidenced by a major expansion in the definition of rape and sexual assault, and the creation of new offenses like sex trafficking, child grooming, and revenge porn. On the other hand, it became markedly more permissive in how it dealt with conduct that is consensual, a trend that can be seen, for example, in the legalization or decriminalization of sodomy, adultery, and adult pornography. This book explores the conceptual and normative implications of this divergence. At the heart of the book is a consideration of a deeply contested question: How should a liberal system of criminal law adequately protect individuals in their right not to be subjected to sexual contact against their will, while also safeguarding their right to engage in (private consensual) sexual conduct in which they do wish to participate? The book develops a framework for harmonizing these goals in the context of a wide range of nonconsensual, consensual, and aconsensual sexual offenses (hence, the "unified" nature of the theory) -- including rape and sexual assault in a variety of forms, sexual harassment, voyeurism, indecent exposure, incest, sadomasochistic assault, prostitution, bestiality, and necrophilia. Intellectually rigorous, fair-minded, and deeply humane, *Criminalizing Sex* offers a fascinating discussion of a wide range of moral and legal puzzles, arising out of real-world cases of alleged sexual misconduct - a discussion that is all the more urgent in the age of #MeToo.

The Palgrave Handbook of Applied Ethics and the Criminal Law - Larry Alexander 2019-12-02

This handbook consists of essays on contemporary issues in criminal law and their theoretical underpinnings. Some of the essays deal with the relationship between morality and criminalization. Others deal with criminalization in the context of specific crimes such as fraud, blackmail, and revenge pornography. The contributors also address questions of responsible agency such as the effects of addiction or insanity, and some deal with punishment, its mode and severity, and the justness of the state's imposition of it. These chapters are authored by some of the most distinguished scholars in the fields of applied ethics, criminal law, and jurisprudence.

Implied Consent and Sexual Assault - Michael Plaxton 2015-11-01

In *R. v. Ewanchuk*, the Supreme Court of Canada held that sexual touching must be accompanied by express, contemporaneous consent. In doing so, the Court rejected the idea that sexual consent could be "implied." *Ewanchuk* was a landmark ruling, reflecting a powerful commitment to women's equality and sexual autonomy. In articulating limits on the circumstances under which women can be said to "consent" to sexual touching, however, the decision also restricts their autonomy - specifically, by denying them a voice in determining the norms that should govern their intimate relationships and sexual lives. In *Implied Consent and Sexual Assault*, Michael Plaxton argues that women should have the autonomy to decide whether, and under what circumstances, sexual touching can be appropriate in the absence of express consent. Though caution should be exercised before resurrecting a limited doctrine of implied consent, there are reasons to think that sexual assault law could accommodate a doctrine without undermining the sexual autonomy or equality rights of women. In reaching this

conclusion, Plaxton challenges widespread beliefs about autonomy, consent, and the objectives underpinning the offence of sexual assault in Canada. Drawing upon a range of contemporary criminal law theorists and feminist scholars, *Implied Consent and Sexual Assault* reconsiders the nature of mutuality in a world dominated by gender norms, the proper scope of criminal law, and the true meaning of sexual autonomy. [The Diary of Ralph Thoresby... \(1677-1724\)](#) - Ralph Thoresby 1830

Sovereignty, Restraint, and Guidance - Michael Plaxton 2019-05-15

We often think of the substantive criminal law as if it were just another branch of the common law, leaving it to the courts to decide on a case-by-case basis what conduct should and should not be criminal. Michael Plaxton argues that this model badly distorts both the role of the courts and the central purpose of criminal offences.

Traumatic Affect - Meera Atkinson 2013-08-19

Traumatic Affect examines the intersection of trauma theory and affect theory, two areas of crucial relevance to contemporary thought. While both fields continue to offer insights into individual and collective experience, exploring their nexus offers timely and necessary critiques of film, literature, art, culture and politics. This collection of essays by established and emerging thinkers considers the dynamic relations within and between affect and trauma. Varied in style and approach, this volume asks how the relational subject conceived by affect theory might bring into question certain presuppositions common to trauma theory and how the ethical imperatives of trauma might require a rethinking of aspects of affect theory. Thus the contributors reimagine the unrepresentability of trauma, reveal its affective economies, and chart innovative understandings of experiences, embodiments, and events. From the silence into which Walter Benjamin fell after the suicide of his closest friend to the trauma of becoming the emblematic media figure of the London bombings, Traumatic Affect traverses diverse terrain: gesture and the everyday, cinema and torture, art and writing, civility and specters, media representation and Indigenous Australian film. Featuring essays by Shoshana Felman, Karyn Ball, Jennifer L. Biddle, Anna Gibbs, Ben O'Loughlin, Anne Rutherford, Magdalena Zolkos, Aaron Kerner, Ricardo Mbarkho, Jonathan L. Knapp, Michael Richardson and Meera Atkinson, Traumatic Affect ventures into bold new territories at the juncture between trauma and affect, illuminating pressing realities that demand engagement.

A Digest of the Law of Evidence - James Fitzjames Stephen 1876

The Tenth Justice - Carissima Mathen 2020-06-01

The process by which Supreme Court judges are appointed is traditionally a quiet affair, but this certainly wasn't the case when Prime Minister Stephen Harper selected Justice Marc Nadon – a federal court judge – for appointment to Canada's highest court. Here, for the first time, is the complete story of "the Nadon Reference" – one of the strangest sagas in Canadian legal history. The Tenth Justice offers a detailed analysis of the background, issues surrounding, and legacy of the Reference re Supreme Court Act, ss 5 and 6.

The Violence of Care - Sameena Mulla 2014-08-29

Every year in the U.S., thousands of women and hundreds of men participate in sexual assault forensic examinations. Sameena Mulla reveals the realities of sexual assault response in the forensic age. She analyzes the ways in which nurses work to collect and preserve evidence while addressing the needs of sexual assault victims as patients. Mulla argues that blending the work of care and forensic investigation into a single intervention shapes how victims of violence understand their own suffering, recovery, and access to justice—in short, what it means to be a "victim".

eGirls, eCitizens - Valerie Steeves 2015-04-23

eGirls, eCitizens is a landmark work that explores the many forces that shape girls' and young women's experiences of privacy, identity, and equality in our digitally networked society. Drawing on the multi-disciplinary expertise of a remarkable team of leading Canadian and international scholars, as well as Canada's foremost digital literacy organization, MediaSmarts, this collection presents the complex realities of digitized communications for girls and young women as revealed

through the findings of The eGirls Project (www.egirlsproject.ca) and other important research initiatives. Aimed at moving dialogues on scholarship and policy around girls and technology away from established binaries of good vs bad, or risk vs opportunity, these seminal contributions explore the interplay of factors that shape online environments characterized by a gendered gaze and too often punctuated by sexualized violence. Perhaps most importantly, this collection offers first-hand perspectives collected from girls and young women themselves, providing a unique window on what it is to be a girl in today's digitized society.

Law, Debt, and Merchant Power - James Muir 2016-01-01

In the early history of Halifax (1749-1766), debt litigation was extremely common. In *Law, Debt, and Merchant Power*, James Muir offers an extensive analysis of the civil cases of the time as well as the reasons behind their frequency.

Sexual Assault in Canada - Elizabeth A. Sheehy 2012-09-29

Sexual Assault in Canada is the first English-language book in almost two decades to assess the state of sexual assault law and legal practice in Canada. Gathering together feminist scholars, lawyers, activists and policy-makers, it presents a picture of the difficult issues that Canadian women face when reporting and prosecuting sexual violence. The volume addresses many themes including the systematic undermining of women who have been sexually assaulted, the experiences of marginalized women, and the role of women's activism. It explores sexual assault in various contexts, including professional sports, the doctor-patient relationship, and residential schools. And it highlights the influence of certain players in the reporting and litigation of sexual violence, including health care providers, social workers, police, lawyers and judges. *Sexual Assault in Canada* provides both a multi-faceted assessment of the progress of feminist reforms to Canadian sexual assault law and practice, and articulates a myriad of new ideas, proposed changes to law, and inspired activist strategies. This book was created to celebrate the tenth anniversary of Jane Doe's remarkable legal victory against the Toronto police for sex discrimination in the policing of rape and for negligence in failing to warn her of a serial rapist. The case made legal history and motivated a new generation of feminist activists. This book honours her pioneering work by reflecting on how law, legal practice and activism have evolved over the past decade and where feminist research and reform should lead in the years to come.

Voices of the Survivors - Patricia Weiser Easteal 1994

Powerful and moving stories from survivors of sexual assault.

Writing a Successful Thesis Or Dissertation - Fred C. Lunenburg 2008

This comprehensive manual offers direction for every step of the thesis or dissertation process, from choosing an appropriate topic to adapting the finished work for publication.

Expert evidence in criminal proceedings in England and Wales - Great Britain: Law Commission 2011-03-22

This project addressed the admissibility of expert evidence in criminal proceedings in England and Wales. Currently, too much expert opinion evidence is admitted without adequate scrutiny because no clear test is being applied to determine whether the evidence is sufficiently reliable to be admitted. Juries may therefore be reaching conclusions on the basis of unreliable evidence, as confirmed by a number of miscarriages of justice in recent years. Following consultation on a discussion paper (LCCP 190, 2009, ISBN 9780118404655) the Commission recommends that there should be a new reliability-based admissibility test for expert evidence in criminal proceedings. The test would not need to be applied routinely or unnecessarily, but it would be applied in appropriate cases and it would result in the exclusion of unreliable expert opinion evidence. Under the test, expert opinion evidence would not be admitted unless it was adjudged to be sufficiently reliable to go before a jury. The draft Criminal Evidence (Experts) Bill published with the report (as Appendix A) sets out the admissibility test and also provides the guidance judges would need when applying the test, setting out the key reasons why an expert's opinion evidence might be unreliable. The Bill also codifies (with slight modifications) the uncontroversial aspects of the present law, so that all the admissibility requirements for expert evidence would be set out in a single Act of Parliament and carry equal authority.

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