Contents

Acknowledgments vii
Introduction ix
Contributors xvii

PART A: SETTING THE STAGE: THE JUDICIARY’S ROLE IN CANADA AND BRITAIN

Judicial Politics in Canada: Patterns and Trends
Frederick Vaughan 3

A British Bill of Rights: Incorporating the European Convention on Human Rights
Kate Malleson 27

PART B: ARE JUDGES TOO POWERFUL?
DEBATE AND DIALOGUE

Courts, Legislatures and Executives in the Post-Charter Era
Hon. Beverley McLachlin 63

We Didn’t Volunteer
Hon. Bertha Wilson 73

The Activist Constitution
Lorraine Eisenstat Weinrib 80

Courts Don’t Make Good Compromises
Rainer Knopff 87

The Charter and Legitimization of Judicial Activism
Sébastien Lebel-Grenier 94
The Provincial Court Judges Case and Extended Judicial Control  Pierre Patenaude  99

The Charter Dialogue between Courts and Legislatures  Peter W. Hogg and Allison A. Thornton  106

Dialogue or Monologue?  E.L. Morton  111

Reform’s Judicial Agenda  Peter H. Russell  118

A “B” for Prof. Russell  E. Preston Manning  123

PART C: JUDICIAL AUTHORITY, ISSUES AND CONTROVERSIES

Merit Selection and Democratization of Appointments to the Supreme Court of Canada  Jacob S. Ziegel  131


Interest Group Litigation and Canadian Democracy  Gregory Hein  214

Public Opinion and Canada’s Courts  Joseph F. Fletcher and Paul Howe  255

Section 33, The Notwithstanding Clause: A Paper Tiger?  Howard Leeson  297