



“Race,” Rights and the Law in the Supreme Court of Canada: Historical Case Studies

James W. St. G. Walker

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Four cases in which the legal issue was “race” — that of a Chinese restaurant owner who was fined for employing a white woman; a black man who was refused service in a bar; a Jew who wanted to buy a cottage but was prevented by the property owners’ association; and a Trinidadian of East Indian descent who was acceptable to the Canadian army but was rejected for immigration on grounds of “race” — drawn from the period between 1914 and 1955, are intimately examined to explore the role of the Supreme Court of Canada and the law in the racialization of Canadian society. With painstaking research into contemporary attitudes and practices, Walker demonstrates that Supreme Court Justices were expressing the prevailing “common sense” about “race” in their legal decisions. He shows that injustice on the grounds of “race” has been chronic in Canadian history, and that the law itself was once instrumental in creating these circumstances. The book concludes with a controversial discussion of current directions in Canadian law and their potential impact on Canada’s future as a multicultural society.

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