

Alvin J. Esau

The Courts and the Colonies

The Litigation of Hutterite Church Disputes



Courts And The Colonies The Litigation Of Hutterite Church Disputes

**Howard Kislowicz, Richard J.
Moon, Kerri Anne Froc**



Courts And The Colonies The Litigation Of Hutterite Church Disputes:

The Courts and the Colonies Alvin J. Esau, 2004 *The Courts and the Colonies* offers a detailed account of a protracted dispute arising within a Hutterite colony in Manitoba when the Schmiedeleut leaders attempted to force the departure of a group that had been excommunicated but would not leave. This resulted in about a dozen lawsuits in both Canada and the United States between various Hutterite factions and colonies and placed the issues of shunning, excommunication, legitimacy of leadership and communal property rights before the secular courts. What is the story behind this extraordinary development in Hutterite history? How did the courts respond and how did that outside state law relate to the traditional inside law of the Hutterites? Utilizing voluminous court records, Esau provides a detailed and fascinating narrative of the prolonged disputes and litigation history of Hutterite colonies at Lakeside, Oak Bluff, Rock Lake and Huron. He considers whether the legal action was consistent with the historic non-resistance of Hutterites or whether it signaled a fundamental change in norms of Anabaptist perspectives on litigation. He examines the past history of Hutterite litigation and how the roots of the schism related to controversy over the Schmiedeleut leadership and its alliance with the Bruderhof, a group of Christian communalists living mainly in the Eastern United States. At stake is the nature of freedom of religion in Canada and the extent to which our pluralistic society is prepared to accommodate the existence of groups that have an illiberal legal system that may not cohere with the outside legal system of the host society. While this book will be of particular interest to scholars of law and religion, it will also appeal to anyone in Anabaptist studies, sociology, anthropology, political theory and conflict resolution.

Inside the Ark Yosef Kats, John Lehr, 2012 *The world's longest lasting and most successful communal society* the Hutterites have a model of governance that has served them well for almost five hundred years. In the past the colony was an ark isolated from both the secular world and the host society. But today colonies face new challenges because of globalization and digital technologies and are losing much of their ability to exclude these influences from their lives. Based on extensive fieldwork with the Schmiedeleut branch of the Hutterites, the book includes the Conference Letters and Regulations published for the first time in English translation that provide invaluable insights into strategies for managing change.

Law's Religion Benjamin L. Berger, 2016-01-28 Prevailing stories about law and religion place great faith in the capacity of legal multiculturalism, rights-based toleration and conceptions of the secular to manage issues raised by religious difference. Yet the relationship between law and religion consistently proves more fraught than such accounts suggest. In *Law's Religion*, Benjamin L. Berger knocks law from its perch above culture, arguing that liberal constitutionalism is an aspect of not an answer to the challenges of cultural pluralism. Berger urges an approach to the study of law and religion that focuses on the experience of law as a potent cultural force. Based on a close reading of Canadian jurisprudence but relevant to all liberal legal orders, this book explores the nature and limits of legal tolerance and shows how constitutional law's understanding of religion shapes religious freedom. Rather than calling for legal reform, *Law's Religion* invites us to rethink

the ethics virtues and practices of adjudication in matters of religious difference **Crime and Deviance in Canada** Chris McCormick, Christopher Ray McCormick, Len Green, 2005 This unique and timely reader brings together twenty four of the very best and most controversial readings on the history of crime deviance and criminal justice in Canada This text is ideal for use in courses on introductory criminology crime and deviance or the Canadian justice system particularly those with an historical component The theme of power relations is a very strong unifying element that is relations of gender social class ethnicity and age Through such topics as prostitution prohibition youth courts and the regulation of sexuality we can trace these relations of power and how they link to the definition of crime in society **Despotic Dominion** John McLaren, A. R. Buck, Nancy E. Wright, 2005 This book brings together a variety of perspectives to provide a comprehensive analysis of the important issue of property rights which continues to animate the body politic of Australia and Canada in particular As such it will be of interest to students and scholars of colonial history property theory indigenous studies and law as well as to judges lawyers and the inquisitive general reader **BOOK JACKET** Manitoba Law Journal: A Review of the Current Legal Landscape 2016 Volume 39(1) Darcy L. MacPherson, et al., The Manitoba Law Journal is a peer reviewed journal founded in 1961 The MLJ's current mission is to provide lively independent and high caliber commentary on legal events in Manitoba or events of special interest to our community This issue has articles from a variety of contributing authors including Alvin Esau Arthur Braid Bryan P Schwartz Cameron Harvey Charles Huband Dale Gibson Darcy L MacPherson David Deutscher Gerald Nemiroff Jack R London Janet Baldwin Jesse Epp Fransen Jessica Davenport John Eaton Jonathan L Black Branch Justice Freda Steel Lane Foster Lee Stuesser and Ryan Trainer State Responses to Minority Religions Dr David M Kirkham, 2014-01-01 The response of states to demands for free exercise of religion or belief varies greatly across the world In some places religions come as close as imaginable to autonomous existences with little interference from government In other cases religion finds itself grinding out a meagre living if at all under the jealously watchful eye of the state This book provides a legal and normative overview of the variety of responses to minority religions available to states Exploring case studies ranging from Islamic regions such as Indonesia Pakistan and the wider Middle East to Western Europe Eastern Europe China Russia Canada and the Baltics contributors include international scholars and experts in law sociology religious studies and political science This book offers invaluable perspectives on how minority religions are currently being received reviewed challenged or ignored in different parts of the world **Religion in the Neoliberal Age** François Gauthier, 2016-04-08 This book together with a complementary volume Religion in Consumer Society focuses on religion neoliberalism and consumer society offering an overview of an emerging field of research in the study of contemporary religion Claiming that we are entering a new phase of state religion relations the editors examine how this is historically anchored in modernity but affected by neoliberalization and globalization of society and social life Seemingly distant developments such as marketization and commoditization of religion as well as legalization and securitization of social

conflicts are transforming historical expressions of religion and religiosity yet these changes are seldom if ever understood as forming a coherent structured and systemic ensemble Religion in the Neoliberal Age includes an extensive introduction framing the research area and linking it to existing scholarship before looking at four key issues 1 How changes in state structures have empowered new modes of religious activity in welfare production and the delivery of a range of state services 2 How are religion state relations transforming under the pressures of globalization and neoliberalism 3 How historical churches and their administrations are undergoing change due to structural changes in society and what new forms of religious body are emerging 4 How have law and security become new areas for solving religious conflicts Outlining changes in both the political institutional and cultural spheres the contributors offer an international overview of developments in different countries and state of the art representation of religion in the new global political economy Attitudinal Decision Making in the Supreme Court of Canada C. L. Ostberg, Matthew E. Wetstein, 2011-11-01 This book provides a comprehensive exploration of ideological patterns of judicial behaviour in the Supreme Court of Canada Relying on an expansive database of Canadian Supreme Court rulings between 1984 and 2003 the authors present the most systematic discussion of the attitudinal model of decision making ever conducted outside the setting of the US Supreme Court The groundbreaking discussion of the viability of this model as a unifying theory of judicial behaviour in high courts around the world will be essential reading for a wide range of legal scholars and court watchers **Multi-Party Litigation** Wayne V. McIntosh, Cynthia L. Cates, 2010-01-01 Drawing upon insights from law and politics Multi Party Litigation outlines the historical development political design and regulatory desirability of multi party litigation strategies in cross national perspective and describes a battle being fought on multiple fronts by competing interests By addressing the potential and constraints of litigation this book offers a comprehensive account of an international issue that will interest students and practitioners of law politics and public policy Conflict in Caledonia Laura DeVries, 2011-11-07 On 28 February 2006 the Six Nations of the Grand River blocked workers from entering a half built housing development in southern Ontario They renamed the land Kanohstaton the protected place The protest drew national and international attention to the issue of Aboriginal land rights and sparked a series of ongoing events known as the Caledonia Crisis Laura DeVries powerful account of the dispute links the actions of police governmental officials and locals to entrenched non Aboriginal discourses about law landscape and identity It encourages non Aboriginal Canadians to reconsider their assumptions to view facts such as the rule of law as culturally specific notions that prevent truly equitable dialogue DeVries not only reveals the conflicting visions of justice held by various parties to the dispute she also seeks out possible solutions in alternative conceptualizations of sovereignty over land and law embedded in the Constitution **Concise Encyclopedia of Amish, Brethren, Hutterites, and Mennonites** Donald B. Kraybill, 2010-11-01 Donald B Kraybill has spent his career among Anabaptist groups gaining an unparalleled understanding of these traditionally private people Kraybill shares that deep knowledge in this succinct

overview of the beliefs and cultural practices of Amish Brethren Hutterites and Mennonites in North America Found throughout Canada Central America Mexico and the United States these religious communities include more than 200 different groups with 800 000 members in 17 countries Through 340 short entries Kraybill offers readers information on a wide range of topics related to religious views and social practices With thoughtful consideration of how these diverse communities are related this compact reference provides a brief and accurate synopsis of these groups in the twenty first century No other single volume provides such a broad overview of Amish Brethren Hutterites and Mennonites in North America Organized for ease of searching with a list of entries a topic finder an index of names and ample cross references the volume also includes abundant resources for accessing additional information Wide in scope succinct in content and with directional markers along the way the Concise Encyclopedia of Amish Brethren Hutterites and Mennonites is a must have reference for anyone interested in Anabaptist groups *The Alberta Supreme Court at 100* Jonathan Swainger,2007-09-27 This volume marks the 2007 centenary of the Supreme Court of Alberta These essays examine the extent to which the Court articulated an Albertan response to the varied legal questions of the past century Canvassing the Court s jurisprudential history the volume includes thematic essays examining First Nations hunting rights oil and gas law water law gender the Hutterites and religious freedom and family law Additional essays detail the court s history through its early personnel the World War I crisis over the court s independence and the question of whether the court voiced an Albertan take on the constitution What emerges is not the image of a maverick judiciary but rather a court that pursued legal principles that would stand anywhere in the nation Freedom of Religious Organizations Jane Calderwood Norton,2016 Introduction Membership Employment Property disputes The family Goods and services Conclusion **Canada's Surprising Constitution** Howard Kislowicz,Richard J. Moon,Kerri Anne Froc,2024-05-01 Constitutions are meant to endure providing both stability and adaptability Their public legitimacy depends on the ability of the courts and other interpreters to get this balance right Why then has Canada s constitution only four decades old produced so many surprises Canada s Surprising Constitution investigates unexpected interpretations of the Constitution Act 1982 by the courts In this illuminating collection of essays leading scholars reflect on these surprising interpretations focusing on fundamental freedoms equality Aboriginal and language rights structural features of the Charter as well as the courts approach to the interpretation of the Constitution The public legitimacy of the Constitution requires that it be seen as both relevant as circumstances change but also true to the values it embodies The responsibility for getting this balance right lies not only with judges but also with legislatures executives scholars advocates and public interest organizations The thoughtful work of this volume is crucial in identifying accounting for and looking ahead anticipating potential surprises Its thorough analysis also offers a view of the Constitution in action *Law and Religious Pluralism in Canada* Richard J. Moon,2009-05-01 Law and Religious Pluralism in Canada seeks to elucidate the complex and often uneasy relationship between law and religion in democracies committed both to

equal citizenship and religious pluralism Leading socio legal scholars consider the role of religious values in public decision making government support for religious practices and the restriction and accommodation by government of minority religious practices They examine such current issues as the legal recognition of sharia arbitration the re definition of civil marriage and the accommodation of religious practice in the public sphere *Worldly Politics and Divine Institutions* Nahshon Perez,2023 *Worldly Politics and Divine Institutions* explores four instances of democratic governments becoming intertwined with religious matters when the U K Supreme Court forced a government funded faith school the British JFS School to change its admission policies when The European Court of Human Rights ruled that the Catholic Church could dismiss religion teachers in Spanish public schools when the Italian government upheld mandatory crucifixes in all public school classrooms and the Bladensburg World War I Memorial the Peace Cross case in Maryland where the U S Supreme Court ruled that the cross s public placement did not violate the U S Constitution s First Amendment *The Joy of Religion* Ariel Glucklich,2020-01-09 Using a psychological and historical approach the book describes the ways that religions deepen and prolong feelings of wellbeing **The Grand Experiment** Hamar Foster,Benjamin L. Berger,A.R. Buck,2009-07-01 The essays in this volume reflect the exciting new directions in which legal history in the settler colonies of the British Empire has developed The contributors show how local life and culture in selected settlements influenced and was influenced by the ideology of the rule of law that accompanied the British colonial project Exploring themes of legal translation local understandings judicial biography and law at the boundaries they examine the legal cultures of dominions in Canada Australia and New Zealand to provide a contextual and comparative account of the incomplete implementation of the British constitution in these colonies **Governing from the Bench** Emmett Macfarlane,2012-12-22 In *Governing from the Bench* Emmett Macfarlane demystifies the inner workings of the Supreme Court of Canada Drawing on interviews with current and former justices law clerks and other staff members of the court Macfarlane sheds light on the institution s internal environment and decision making processes He explores the complex role of the Supreme Court as an institution exposes the rules conventions and norms that shape and constrain its justices behaviour and situates the court in a broader governmental and societal context At once enlightening and engaging *Governing from the Bench* is a much needed and comprehensive exploration of an institution that touches the lives of all Canadians

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