

Constitutional Stories: Japanese Canadians and the Constitution of Canada

Eric M. Adams & the Landscapes of Injustice Research Collective*

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Introduction

Chemainus is a small town on the eastern shore of Vancouver Island, north of Victoria, British Columbia. The Stz'uminus Nation has occupied the coastal and forested lands of the area since time immemorial.¹ Settlers began to arrive to those Coast Salish lands in the late-eighteenth and early-nineteenth centuries.² Towards the end of the nineteenth century, the first Issei immigrants from Japan joined the settlers.³ By 1900, a number of Japanese immigrants lived in Chemainus to work in the prosperous lumber mills.⁴ Over the next several decades, Japanese Canadians in Chemainus, as elsewhere in British Columbia, established a community composed of Issei and Nisei (first and second-generation) families.⁵ Settled and successful, Canadians of Japanese ancestry nonetheless lived in a climate marred by intense discrimination and racial hostility as white settlers in British Columbia implemented formal and informal mechanisms to exclude, marginalize, and discriminate against Japanese Canadians, and Asian Canadians more generally, sometimes to the point of violence.⁶ Writing "racial barriers

*Associate Professor of Law, University of Alberta, Faculty of Law. I delivered earlier versions of this paper at *Constituting Canada: Interdisciplinary Approaches to an Idea* organized by the Association for Canadian Studies in Australia and New Zealand at the University of Wollongong, NSW, Australia, and at the Peter A Allard School of Law at the University of British Columbia. I thank audiences at both events for feedback, and am especially grateful to Benjamin Authers, Robyn Morris, and Marie-Eve Loiselle for the opportunity to present this work in Australia. This article also benefited from two anonymous peer reviews, as well as the outstanding research work of Rachel Weary and the *Landscapes of Injustice* collective. Finally, I thank Jordan Stanger-Ross, Phillip Girard, Kaitlin Findlay, and Sarah Krotz for helping me refine the argument.

¹ Amy Becker, "The Stz'uminus Storied Places Project: A Community-Based Digital Mapping Project to Mobilize Indigenous Place Names and Place-based Stories" (2014) 5:1 *The Arbutus* Rev 1.

² Jean Barman, *The West Beyond the West: A History of British Columbia*, 3rd ed (Toronto: University of Toronto Press, 2007).

³ Nagano Manzo, the first known Japanese immigrant to British Columbia, is said to have arrived in 1877, but it was not until Japan eased restrictions on emigration in 1885 that significant numbers of Japanese immigrants began to arrive in British Columbia. See Audrey Kobayashi and Peter Jackson, "Japanese Canadians and the Racialization of Labour in the British Columbia Sawmill Industry" (1994) No. 103 *BC Studies* 33 at 40. See also Patricia E Roy, *A White Man's Province: British Columbia Politicians and Chinese and Japanese Immigrants, 1858-1914* (Vancouver: UBC Press, 1989); W Peter Ward, *White Canada Forever: Popular Attitudes and Public Policy Towards Orientals in British Columbia* (Montreal: McGill-Queen's University Press, 2002).

⁴ *Report of the Royal Commission on Chinese and Japanese Immigration* (Ottawa: King's Printer, 1902) at 360. Edmund James Palmer, manager of the Victoria Manufacturing Company's mill in Chemainus, reported 56 workers of Japanese origin at the mill in 1902.

⁵ See generally Ken Adachi, *The Enemy That Never Was: A History of Japanese Canadians* (Toronto: McClelland and Stewart, 1977).

⁶ "In 1907, anti-Asian riots rippled up and down the Pacific coasts," Erika Lee writes. The September 1907 Vancouver riot involved a crowd of some 10,000, with rioters viciously attacking the businesses of Chinese Canadians and Japanese Canadians. Erika Lee, "Hemispheric Orientalism and the 1907 Pacific Coast Race Riots" (2007) 33:2 *Amerasia Journal* 19. Anti-Asian racist riots occurred elsewhere too. Over

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the nature and processes of constitutional change and invite APD scholars to think about law and the Court in more sophisticated ways *Constitutional Traditions and Constitutional Transitions* Martin Belov, Monika Florczak-Wątor, 2024-12-09 This comprehensive book offers conceptual legal and socio legal insights into the relationship between constitutional traditions and constitutional transitions as well as a comparative assessment of the two It explores their impact on national constitutional orders and their implications for the multilevel constitutionalism of the EU George Washington and the Story of the U.S. Constitution Candice F. Ransom, 2011-01-01 The story of the drafting of the United States Constitution and George Washington's role in creating it includes a script for readers theater **The Mythic Meanings of the Second Amendment** David C. Williams, 2003-01-01 David Williams offers a new reading of the Second Amendment suggesting that it guarantees to individuals a right to arms only insofar as they are part of a united consensual people so that their uprising can be a unified revolution rather than a civil war *The Oldest Constitutional Question* Richard Primus, Theodore J St Antoine Collegiate Professor of Law Richard Primus, 2025-06-03 Richard Primus challenges the prevailing view that Congress is constrained to exercise only those powers enumerated in the Constitution Analyzing constitutional text and history as well as the structure of US federalism Primus shows that the primary function of enumeration is to rule the listed powers in not to rule other powers out The Oxford Handbook of the U.S. Constitution Mark V. Tushnet, Mark A. Graber, Sanford Levinson, 2015 The Oxford Handbook of the U S Constitution offers a comprehensive overview and introduction to the U S Constitution from the perspectives of history political science law rights and constitutional themes while focusing on its development structures rights and role in the U S political system and culture This Handbook enables readers within and beyond the U S to develop a critical comprehension of the literature on the Constitution along with accessible and up to date analysis Whether a return to the pristine constitutional institutions of the founding or a translation of these constitutional norms in the present is possible remains the central challenge of U S constitutionalism today Finding List of Text-books, 1899 Indiana. Supreme Court. Law Library, 1899 Constitutional Semiotics Martin Belov, 2022-06-30 This book offers an outline of the foundations of a theory of constitutional semiotics It provides a systematic account of the concept of constitutional semiotics and its role in the representation and signification of meaning in constitution constitutional law and constitutionalism The book explores the constitutional signification of meaning that is stretched between rational entrenchment and constitutional imagination It provides a critical assessment of the rationalist entrapment of constitutional modernity and justifies the need to turn to shadow constitutionalisms textual symbolic imaginary and visual constitutionalism The book puts forward innovative incentives for constitutional analysis based on constitutional semiotics as a paradigm for representation of meaning in rational textual symbolic imaginary and visual constitutionalism The book focuses on the textual imaginative and visual discourse of constitutionalism which is built upon collective constitutional imaginaries and on the peculiar normativity of constitutional geometry and constitutional mythology

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Canons Jack M. Balkin, Sanford V. Levinson, 2000-08 Every discipline has its canon the set of standard texts approaches examples and stories by which it is recognized and which its members repeatedly invoke and employ Although the last twenty five years have seen the influence of interdisciplinary approaches to legal studies expand there has been little recent consideration of what is and what ought to be canonical in the study of law today Legal Canons brings together fifteen essays which seek to map out the legal canon and the way in which law is taught today In order to understand how the twin ideas of canons and canonicity operate in law each essay focuses on a particular aspect from contracts and constitutional law to questions of race and gender The ascendance of law and economics feminism critical race theory and gay legal studies as well as the increasing influence of both rational actor methodology and postmodernism are all scrutinized by the leading scholars in the field A timely and comprehensive volume Legal Canons articulates the need for and means to opening the debate on canonicity in legal studies Table of Contents

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