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A Bibliography of the Supreme Court of Canada

Paul Trethewey

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A BIBLIOGRAPHY OF
THE SUPREME COURT OF CANADA

By Paul Trethewey*

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A. INTRODUCTION

The following bibliography is intended to provide a guide to the literature on the Supreme Court of Canada that will be of use to both academics and practitioners. The primary vehicle for commentary on the Court has always been the case comment, but the last few years have seen the publication of an increasing number of academic analyses of the Court's work in general¹ and of its constitutional and civil rights decision-making in particular. It was accordingly thought useful to compile a summary of publications to date, even though in some areas (such as biography, history, and practice and procedure), its utility lies in showing just how much has yet to be written.

The greatest volume of commentary on the substantive decision-making

* © Copyright 1976, Paul Trethewey.
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The original version of this bibliography was prepared as a research project for Professor S. R. Peck of Osgoode Hall Law School in August, 1975.
¹ See, for instance, the various studies by Paul Weiler, S. R. Peck, Mark MacGuigan, and Peter Russell.
of the Court is found in that hardy perennial, the case comment, but since most of these comments deal with the narrow issues raised by the case and do not indulge in broader commentary and criticism, they have not been included. Exceptions to this rule have been made where warranted, of course; the greatest number fall in the constitutional and civil liberties areas. Articles in newspapers and popular periodicals have not been included here.

Annotation of all the entries was passed over in favour of the somewhat unorthodox combination of classification by subject matter and notation of the number of pages for each entry. The sections are arranged in a progression from those concerned with practical matters and primary materials, to those containing secondary materials of a more academic nature. Entries that belong to more than one section are duplicated in each. Drawing the line between sections has not been easy, so that entries dealing with various aspects of the Court's political role, for instance, are found in the sections on the Constitution and Federalism, The Court as Political Actor, and the Selection of Justices.

Entries that deal with the transfer of final appellate jurisdiction to the Supreme Court from the Privy Council are included in the Jurisdiction section. The many articles written prior to the transfer that criticized the Judicial Committee's decisions and recommended the jurisdictional transfer have not been included because in most cases they deal only peripherally with the Supreme Court.

Since much legal writing is subject to rapid obsolescence, many of the older entries will retain only historical interest, but they have been listed largely according to the subject matter; the History section lists those items that take a specifically historical approach.

Few articles have appeared that deal solely with the criteria used in selecting members of the Court. Those items dealing with proposed reorganizations of the Court for constitutional purposes are included in the Constitutional section, while biographical and historical considerations of the Court's membership are included in the sections with those designations. Articles dealing with the process of judicial appointment rarely refer specifically to the Supreme Court, but those that do are included in the Selection of Justices section; that section contains as well a representative selection of articles dealing with the general process of judicial selection.

The section on Judicial Writings and Official Pronouncements is intended primarily to aid in showing the concerns and orientations of various Justices for biographical purposes, but it is expected that many of the articles can provide starting points for arguments by appellate litigants; the selection for the current members of the Court has accordingly been made the most

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3 The most useful can be found in G. R. Logan, Annotated Bibliography of Works Written in the Supreme Court of Canada (1965), 3 Osgoode Hall L.J. 173, and M.J. Herman, Bibliography of Material on the Supreme Court of Canada (1976), 8 Ottawa L.R. 102.
comprehensive. Even though the largest number of entries are found under Chief Justice Laskin’s name, they are only a representative selection; a comprehensive listing would have added several more pages.

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