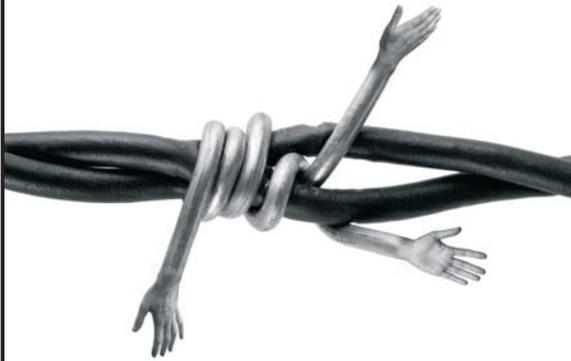


BLOCKING PUBLIC PARTICIPATION

THE USE OF STRATEGIC LITIGATION TO
SILENCE POLITICAL EXPRESSION



Byron Sheldrick

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Blocking Public Participation The Use of Strategic Litigation to Silence Political Expression

Byron Sheldrick

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Blocking Public Participation is both scholarly and accessible, and it makes an important contribution to Canadian political and environmental studies. Making excellent use of cases, the book reveals the extent to which strategic litigation has become a serious threat to public engagement in administrative decision making and critical political discourse. It also sheds light on how the internal logic of civil actions fails to provide disincentives for strategic lawsuits, and on the role of courts in the unwitting suppression of legitimate and otherwise legal expressions of political dissent. In these respects the book is a valuable manifestation of and is a vehicle for mobilizing knowledge among politicians, academics, the general public, and social movement organizations in aid of much-needed political and legal reform.

– Alan Diduck, Department of Environmental Studies and Sciences,
The University of Winnipeg

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Strategic litigation against public participation (SLAPP) involves lawsuits brought by individuals, corporations, groups, or politicians to curtail political activism and expression. An increasingly large part of the political landscape in Canada, they are often launched against those protesting, boycotting, or participating in some form of political activism. A common feature of SLAPPs is that their intention is rarely to win the case or secure a remedy; rather, the suit is brought to create a chill on political expression.

Blocking Public Participation examines the different types of litigation and causes of action that frequently form the basis of SLAPPs, and how these lawsuits transform political disputes into legal cases, thereby blocking political engagement. The resource imbalance between plaintiffs and defendants allows plaintiffs to tie up defendants in complex and costly legal processes. The book also examines the dangers SLAPPs pose to political expression and to the quality and integrity of our democratic political institutions. Finally, the book examines the need to regulate SLAPPs in Canada and assesses various regulatory proposals.

In Canada, considerable attention has been paid to the “legalization of politics” and the impact on the Charter in diverting political activism into the judicial arena. SLAPPs, however, are an under-studied element of this process, and in their obstruction of political engagement through recourse to the courts they have profound implications for democratic practice.

Byron Sheldrick is chair of the Political Science Department at the University of Guelph. His research involves the intersection of law and politics and the way social movements organize around legal issues. Before joining the University of Guelph he taught at the University of Winnipeg and at Keele University in the United Kingdom.

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