Court of Appeal File No. CA36551

COURT OF APPEAL

ON APPEAL FROM THE JUDGMENT OF THE HONOURABLE MADAM JUSTICE ROSS OF THE SUPREME COURT OF BRITISH COLUMBIA PRONOUNCED THE 14TH DAY OF OCTOBER, 2008

BETWEEN:

THE CORPORATION OF THE CITY OF VICTORIA

APPELLANT
(PLAINTIFF)

AND:

NATALIE ADAMS, YANN CHARTIER, AMBER OVERALL, ALYMANDA WAWAI, CONRAD FLETCHER, SEBASTIEN MATTE, SIMON RALPH, HEATHER TURNQUIST and DAVID ARTHUR JOHNSTON

RESPONDENTS
(DEFENDANTS)

AND:

THE ATTORNEY GENERAL OF BRITISH COLUMBIA, BRITISH COLUMBIA CIVIL LIBERTIES ASSOCIATION, THE POVERTY AND HUMAN RIGHTS CENTRE, THE UNION OF BRITISH COLUMBIA MUNICIPALITIES and PIVOT LEGAL SOCIETY

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FACTUM OF THE INTERVENOR, BRITISH COLUMBIA CIVIL LIBERTIES ASSOCIATION

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CHRONOLOGY

The Intervenor, British Columbia Civil Liberties Association adopts the Chronology as set out in the Respondents' Factum.

OPENING STATEMENT

The British Columbia Civil Liberties Association ("**BCCLA**") was granted leave to intervene in this appeal by Order of Madam Justice Newbury, dated February 17, 2009. The BCCLA was also granted intervenor status in the proceeding below and participated in the hearing of the Respondents' Summary Trial application.

The Appellant, City of Victoria, and the Attorney General of British Columbia, characterize the decision of the Learned Chambers Judge under appeal in broad terms. It is suggested that the Learned Chambers Judge overstepped proper judicial bounds by entering the social policy arena, by imposing positive obligations under section 7 of the *Charter of Rights and Freedoms* and by effectively directing the City in its allocation of public resources.

In fact, the Learned Chambers Judge decided a very narrow point. She held that in circumstances in which homeless people are compelled to sleep outdoors, the City cannot prohibit those people from erecting a basic form of shelter to protect themselves from the elements. Furthermore, her decision was firmly rooted in the facts as established on the basis of largely uncontradicted evidence concerning the number of homeless people in Victoria, the absence of sufficient shelter beds and the impacts, both physical and psychological, of sleeping outdoors without adequate shelter. Based upon those facts, the Learned Chambers Judge's finding is unassailable.

The decision of the Learned Chambers Judge does not create an open-ended right to camp in public parks nor does it constrain unduly the ability of the City to address the myriad of complex causes and effects associated with homelessness. Rather, it is a careful and balanced decision that is well supported by the relevant authorities.

It is respectfully submitted that there are no grounds for this Honourable Court to interfere with the decision.

PART 1

STATEMENT OF FACTS

1. The BCCLA adopts the Statement of Facts as set out in the Respondents' factum.

2. Further, the BCCLA submits that the issues arising on this appeal must be considered in light of the following key findings of fact made by the Learned Chambers Judge:

(a) There are at present more than 1,000 homeless people living in the City;

(b) There are at present 141 permanent shelter beds in the City, expanded to 326 when the Extreme Weather Protocol is in effect;

(c) The number of homeless people exceeds the available supply of shelter beds;

(d) Exposure to the elements without adequate shelter such as a tent, tarpaulin or cardboard box is associated with a number of substantial risks to health including the risk of hypothermia, a potentially fatal condition; and

(e) Adequate shelter for those sleeping outside in the West Coast climate requires both ground insulation and appropriate overhead protection in the form of tent or tent-like shelter.

Reasons for Judgment, para. 69.

PART 2

ISSUES ON APPEAL

Introduction

3. The BCCLA submits that the Learned Chambers Judge did not err in finding that the Appellant City of Victoria's Parks Regulation Bylaw No. 07-059 and the Streets and Traffic Bylaw No. 92-94 (the "**Bylaws**") violate section 7 of the *Charter of Rights and Freedoms* and that they cannot be saved under section 1.

PART 3

ARGUMENT

4. The BCCLA endorses the submissions of the Respondents with respect to section 7 of the *Charter of Rights and Freedoms*. In addition, the BCCLA submits that section 7 is engaged in two additional ways:

(i) Public spaces are held in trust by government for the use of its citizens. The homeless, like all citizens, have a right to access and use those spaces, subject only to reasonable regulation. Regulation of public spaces is not reasonable where it prevents the homeless, who have no access to private spaces, from engaging in necessary life sustaining activities. In those circumstances the regulation, as reflected in the Bylaws, is not only unreasonable, it violates the liberty of homeless individuals; and

(ii) The effect of the Bylaws is to exclude the homeless from both the benefits and the responsibilities of citizenship – to in effect render the homeless non-citizens. This exclusion is an attack on their freedom and, correspondingly, their liberty.

Public Spaces

5. The Appellant City of Victoria argues that the Learned Chambers Judge has improperly conferred upon the Respondents and other homeless people the right to camp in public parks and that such a right goes beyond the scope of section 7 of the *Charter*.

6. In fact, the law has long recognized the right of citizens to access and use public spaces. This right stems not from section 7 of the *Charter*, but rather is inherent in the status of citizenship. The right of access to public spaces has been most often recognized in the context of freedom of expression cases in which citizens claim access to such spaces in order to engage in some form of public

expression. However, the right is not restricted to that context. The right of access is rooted in the inherent nature of public property as being held by the government for the benefit of all of its citizens and is not limited by the purpose for which access is sought.

7. As Lamer C.J. said in *Committee for the Commonwealth of Canada v. Canada*:

> "The very nature of the relationship existing between citizens and the elected government provides that the latter will own places for the citizens' benefit and use, unlike a private owner who benefits personally from the places he owns. The "quasi-fiduciary" nature of the government's right of ownership was indeed clearly set out by the U.S. Supreme Court in *Hague v. Committee for Industrial Organization, supra,* at pp. 515-16:
>
> > 'Wherever the title of streets and parks may rest, they have immemorially been held in trust for the use of the public and, time out of mind, have been used for purposes of assembly, communicating thoughts between citizens, and discussing public questions. Such use of the streets and public places has, from ancient times, been a part of the privileges, immunities, rights, and liberties of citizens."
>
> ***Committee for the Commonwealth of Canada v. Canada*, [1991] 1 S.C.R. 139; [1991] S.C.J. No. 3 at para. 14 [Authorities of the British Columbia Civil Liberties Association, Tab 1].**

8. In her article "*Panhandling for Change in Canada*" Dina Graser notes that this trust-like relationship means that:

> "governments not only have a responsibility not to unduly restrict freedom of speech in public spaces, but [it also] places a corresponding obligation on them to ensure a right of access for this purpose as an essential part of a functioning democracy".

Dina Graser, *Panhandling for Change in Canada* (2000) 15 J.L. & Soc. Pol'y 45 at 70 [Authorities of the British Columbia Civil Liberties Association, Tab 3].

9. Similarly, in his article "*Homelessness and the Issue of Freedom*", Jeremy Waldron writes:

> "These places are held in the name of the whole society in order to make them fairly accessible to everyone. ...[T]hey are by no means unregulated as to the nature or time of their use. Still they are relatively open at most times to a fairly indeterminate range of uses by anyone. In the broadest terms, they are <u>places where anyone may be</u>." [Emphasis added]

Jeremy Waldron "*Homelessness and the Issue of Freedom*", 39 UCLA L. Rev. 295 at 298 [Authorities of the British Columbia Civil Liberties Association, Tab 7].

10. While public property is held in trust for the public, the right to access and use public spaces is not absolute. Governments may manage and regulate public spaces, provided that such regulation is reasonable and accords with constitutional requirements, including the *Charter*.

***Committee for the Commonwealth of Canada v. Canada*, *supra*, at para. 45 [Authorities of the British Columbia Civil Liberties Association, Tab 1].**

11. In the case at bar, the City of Victoria has chosen to regulate public spaces by enacting a blanket prohibition against the erection of any form of temporary shelter. It has done so, it says, in order to ensure that "parks and public spaces are kept available for the use and enjoyment to all members of the public generally".

Appellant's Factum, para. 64.

12. The City's approach reflects what some academics refer to as the Complementarity Thesis, whereby regulations are enacted that prohibit activities in public spaces that are traditionally done in private so as to maintain the public spaces for purely public activities.

13. This approach might be justifiable if every person had access to private space in order to carry out private activities:

> "If there were no homeless persons in our community – that is, if everyone living in our cities had access to private accommodation or guaranteed shelter space for sleeping and for care of self, and so on – then public spaces could be regulated on the following basis. Since everyone would have access to a private home, activities deemed particularly appropriate to the private realm – activities like sleeping, copulating, washing, urinating, and so forth – could be confined to that realm. Public places could be put off-limits to such activities, and dedicated instead to activities that *complemented* those that citizens performed in their own homes. [...] It would be reasonable for those who wanted to enjoy the public spaces to expect not to find people sleeping, cooking, or storing their possessions there, and not to find evidence of human urination or defecation. They could reasonably assume that everyone had a home to go to for activities of that kind."
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> 0009
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> **Jeremy Waldron, "*Homelessness and Community*", (Fall 2000) 50 Univ. of Toronto L.J. 371 at 394 [Authorities of the British Columbia Civil Liberties Association, Tab 6].**

14. That is not the case in Victoria. As the Learned Chambers Judge found, there are a significant number of homeless people who have no access to private spaces and who are compelled to sleep in public spaces. In the circumstances, a different approach to regulating public spaces is required:

> "[I]t is not appropriate for the regulation of public places in a society where there are large numbers of homeless people. In such a society, public spaces have to be regulated on a somewhat different basis. They have to be regulated in light of the recognition that some people have no private space – not even the temporary privacy that public shelters or public toilets would afford – to come out of or to return to. Fairness demands that public spaces be regulated in light of the recognition that large numbers of people have no alternative but to be and remain and live all their lives in public. For such persons, there is an unavoidable failure of the complementarity between the use of private space and the

> use of public space, and unless we are prepared to embrace the most egregious unfairness in the way our community polices itself in public, we are simply not in a position to use that complementarity as a basis for regulation."
>
> **Jeremy Waldron, "*Homelessness and Community*", *supra*, at 395 [Authorities of the British Columbia Civil Liberties Association, Tab 6].**

15. Furthermore, in purporting to regulate the use of parks and public spaces for the benefit of the "public generally", the City has adopted an exclusive definition of the "public" that excludes the homeless. Put another way, by imposing a ban on activities that are essential to the life and well being of the homeless, the City has in effect imposed a ban on the homeless themselves:

> "What we cannot accept, however, is that the definition of communal responsibilities should proceed on a basis that takes no account of the *predicament* of the homeless person or of the particular nature of the stake that she may have in the way public spaces are regulated. [...] We are not entitled to insist that the homeless person abide by community norms, or that those norms be enforced against her, if the norms are constructed in an image of community whose logic denies in effect that homeless exists."
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> **Jeremy Waldron, "*Homeless and Community*", *supra*, at 406 [Authorities of the British Columbia Civil Liberties Association, Tab 6].**

16. The decision of the Learned Chambers Judge holding that the Bylaws infringe section 7 does not, as the Appellant argues, amount to an improper award of property rights. Rather, her decision gives force to the fundamental principle that the City cannot prohibit homeless individuals from engaging in activities i.e. erecting basic forms of shelter in order to protect their physical integrity and personal dignity. The fact that these activities take place in public spaces simply reflects the reality that the homeless have no private spaces in which to pursue those activities and does not transform the case into a claim for property rights.

17. The City of Victoria and the Attorney General further argue that any deprivation suffered by homeless individuals is not due to any state action but rather

results from the state of homelessness itself. With respect, this argument fails to account for the fact that it is the Bylaws that prevent the homeless from erecting temporary shelters in public spaces and it is the Bylaws that accordingly subject the homeless to increased physical and psychological harm. For this reason, it is respectfully submitted that the Learned Chambers Judge did not err in finding that section 7 of the *Charter* is engaged and that the Bylaws violate the guaranteed right not to be deprived of "life, liberty and security of the person".

Political Exclusion

18. The BCCLA has long taken the position that extreme poverty interferes with fundamental civil liberties by undermining the capacity of the poor and the homeless to participate in a meaningful way in the democratic life of the community. As far back as 1964, the BCCLA stated, in the context of commenting on social assistance in British Columbia:

> "...If the levels of assistance provided are such as to consume all the recipient's ingenuity and energy making ends meet; if they effectively disbar him or her from participating in the processes of social and political life to which the majority of fellow citizens are expected to have access; if they concentrate in the mind upon the brute necessities of survival in the same fashion that Dr. Johnson observed of the prospect of being hanged; if they condemn the person to a manner of living that is calculated to rob anyone of ordinary feelings of self-respect; then it seems certain that one of the most fundamental parts of a reasonable, normal existence had been destroyed: we mean the capacity to assume and discharge the responsibilities of citizenship without extravagant destruction of mind or precariousness of circumstance. The discrepancies between intention and performance in the provision of social assistance in this province are objectionable not only because they are hypocritical but because they subvert the very conditions of moral freedom."
>
> **Report of the Committee on Civil Liberties and Social Assistance, (1964) p. 3 cited in "*Civil Liberties Aspects of Homelessness: General Reflections*, B.C.C.L.A. (3 April 2004) [Authorities of the British Columbia Civil Liberties Association, Tab 8].**

19. Those comments apply with equal force to the problem of homelessness in 2008 and specifically to the issue before the Court on this appeal. It is submitted that adequate shelter is a fundamental necessity of life, the absence of which imposes such physical and psychological harm as to weaken or destroy the ability of affected persons to exercise the rights, and to discharge the responsibilities, of citizenship.

20. The concept of "liberty" as set out in section 7 of the *Charter* has been described in various ways by the Supreme Court of Canada. The "classic" definition is likely still that of Wilson J. in *R. v. Morgentaler* where she said:

> "The *Charter* and the right to individual liberty guaranteed under it are inextricably tied to the concept of human dignity.
>
> . . .
>
> The idea of human dignity finds expression in almost every right and freedom guaranteed in the *Charter*. Individuals are afforded the right to choose their religion and their own philosophy of life, the right to choose with whom they will associate and how they will express themselves, the right to choose where they will live and what occupation they will pursue. These are all examples of the basic theory underlying the *Charter*, namely that the state will respect choices made by individuals and, to the greatest extent possible, will avoid subordinating these choices to any one conception of the good life.
>
> Thus, an aspect of the respect for human dignity in which the *Charter* is founded is the right to make fundamental personal decisions without interference from the state. This right is a critical component of the right to liberty. Liberty, as was noted in *Singh*, is a phrase capable of a broad range of meaning. In my view, this right, properly construed, grants the individual a degree of autonomy in making decisions of fundamental personal importance."
>
> ***R. v. Morgentaler*, [1988] 1 S.C.R. 30; 1988 CanLII 90 (S.C.C.) at paras. 225, 227-228 [Authorities of the Attorney General, Tab 23].**

21. Subsequent Supreme Court of Canada decisions have confirmed that the liberty interest protected by section 7 is not limited to freedom from physical

restraint but is concerned with protecting the right and ability of citizens to make fundamental personal choices. For example, in *B. (R). v. Children's Aid Society of Metropolitan Toronto*, LaForest J. stated:

> "At bottom, I think "liberty" means the ordinary liberty of free men and women in a democratic society to engage in those activities that are inherent to the individual."
>
> ***B. (R.) v. Children's Aid Society of Metropolitan Toronto*, [1995] 1 S.C.R. 315; 1995 CanLII 115 (S.C.C.) at para. 121 [Authorities of the Attorney General, Tab 2];**
>
> ***Blencoe v. British Columbia (Human Rights Commission)*, [2000] 2 S.C.R. 307; 2000 SCC 44 (CanLII) at para. 49 [Authorities of the Attorney General, Tab 4];**
>
> ***Godbout v. Longueuil (City)*, [1997] 3 S.C.R. 844; 1997 CanLII 335 (S.C.C.) at para. 66 [Authorities of the Attorney General, Tab 12];**
>
> ***Chaoulli v. Quebec*, [2005] 1 S.C.R. 791; 2005 SCC 35 (CanLII) [Authorities of the Attorney General, Tab 7].**

22. In *B. (R).*, *supra*, La Forest J. relates the concept of "liberty" to the role of individuals in a democratic society. This adds a different, yet equally important, dimension to the impacts experienced by individuals who are denied access to adequate shelter.

23. Democracy is premised upon the principle that all citizens have the right, and some would argue, the obligation, to participate in the democratic processes of the society. This principle is reflected throughout the *Charter* which includes a guarantee of numerous rights essential to meaningful participation, for example the right to vote (section 3), the right of free expression and association (sections 2(b) and (d)), and the right of free assembly (section 2(c)).

24. While each of these is a free standing right in the *Charter* with its own content and meaning, each is also inextricably linked and to some extent dependent upon the overarching rights guaranteed by section 7. Put another way, an individual cannot truly avail themselves of the democratic and participatory rights guaranteed

by the *Charter* unless he or she possesses "life, liberty and security of the person" within the meaning of section 7. In this sense, section 7 is a lynchpin for the exercise of other fundamental rights and freedoms.

25. It is well established that homelessness generally, and sleeping outdoors with inadequate shelter more specifically, cause harm to individuals' psychological and physical well-being, which in turn renders it difficult if not impossible for those individuals to participate in any meaningful way in our democratic society. As the BCCLA noted in its paper "*Civil Liberties Aspects of Homelessness: General Reflections*", *supra*:

> "...if a person's attention is consistently diverted to finding a warm place to rest for the night, they are unable to contribute their thoughts and opinions to the democratic marketplace."

26. The Bylaws in issue prohibit homeless people from erecting any form of shelter to protect themselves from the elements when compelled to sleep outdoors. The effect of the Bylaws is to prevent homeless people from taking necessary steps to protect their physical and psychological integrity and to otherwise alleviate some of the harm resulting from the homeless condition. Already vulnerable people are thus further marginalized. In effect, they are treated as non-citizens – unworthy of even the basic necessities of life and exiled from the democratic life of the community.

27. In his book "*Citizens Without Shelter: Homelessness, Democracy, and Political Exclusion*", Leonard Feldman writes about the effect of laws banning or regulating public sleeping and similar activities:

> "But the end goal of these laws (whether or not the goal is realized in the complex practices of enforcement) is to turn the homeless into outlaws. Neither the category of cultural stigma nor the category of economic deprivation can adequately encompass this legal abandonment of the homeless. Such a process of exclusion is not adequately captured by the category of misrecognition. It is better understood as a form of political exclusion.

> The overall effect of these laws *is* to turn the homeless into outlaws, non-citizens whose everyday coping strategies place them outside the law. Ordinances banning public sleeping place a ban on homeless people themselves."
>
> **Feldman, Leonard C. "*Citizens Without Shelter: Homelessness, Democracy, and Political Exclusions*", New York: Cornell University Press. 2004 at p. 101 [Authorities of the British Columbia Civil Liberties Association, Tab 2].**

28. By failing to acknowledge the existence of the homeless, the City is denying them the human dignity to which all Canadian citizens are entitled under section 7 of the *Charter.* Under the Bylaws, the homeless become a subclass of humans not even entitled to inclusion within their own community. The effect of Bylaws is to exclude the most marginalized and needy people from the democratic life of the community. The homeless are therefore understood to be "others" whose existence is not worthy of inclusion into the political community:

> "They are constructed (portrayed and represented) as "others," as persons who stand outside of, and thus constitute a threat to, the existing order. [...] This "othering" of the poor is also used to exclude the poor from the so-called public: from public space, from public debate, from public consciousness (entering consciousness only as a perceived threat to safety and order). In sum, what we are witnessing is increasing marginalization, the deepening of stereotypes and the exiling of the poor (though citizens) from our political community." [Emphasis added.]
>
> **Janet Mosher, "*The Shrinking of the Public and Private Spaces of the Poor*" in Joe Hermer and Janet Mosher, eds., Disorderly People: Law and the Politics of Exclusion in Ontario (Halifax: Fernwood Publishing, 2002) 41 at 52 [Authorities of the British Columbia Civil Liberties Association, Tab 4].**

29. The exiling of the homeless in this manner attacks the values of individual dignity, autonomy and choice that lie at the heart of the liberty right guaranteed by section 7 of the *Charter*, and, as such, the Bylaws cannot stand.

Principles of Fundamental Justice

30. Having established that the Bylaws deprive homeless people of their right to life, liberty and security of the person, it is necessary to consider whether that deprivation accords with the principles of fundamental justice.

31. The BCCLA endorses the submissions of the Respondents with respect to the principles of fundamental justice and, in particular, their submissions concerning arbitrariness, overbreadth and moral involuntariness.

32. The BCCLA submits further that international human rights instruments in addition to informing the substantive content of *Charter* rights, also inform the court's understanding of the principles of fundamental justice:

> "Referencing *Charter* interpretation to social and economic rights and other substantive obligations under international law will assist the courts in identifying and protecting the values fundamental to a free and democratic society."
>
> **Bruce Porter, "*Judging Poverty: Using International Human Rights Law to Refine the Scope of Charter Rights*", (2000) 15 J.L. & Soc. Pol'y 117 at p. 30 [Authorities of the British Columbia Civil Liberties Association, Tab 5].**

33. Lamer J.'s recognition in *Reference re s. 94(2) of Motor Vehicle Act (British Columbia)* that international law is useful in "elucidating the scope of fundamental justice" was endorsed by the Supreme Court of Canada in *United States v. Burns*. The court relied on Lamer J.'s statement that:

> "[Principles of fundamental justice] represent principles which have been recognized by the common law, the international conventions and by the very fact of entrenchment in the *Charter*, as essential elements of a system for the administration of justice which is founded upon the belief in the dignity and worth of the human person and the rule of law."
>
> ***Reference re s. 94(2) of Motor Vehicle Act (British Columbia)*, [1985] 2 S.C.R. 486; 1987 CanLII 88 (S.C.C.) at para. 63 [Authorities of the Attorney General, Tab 31];**

> ***United States v. Burns*, [2001] 1 S.C.R. 283; 2001 SCC 7 at para. 79 [Authorities of The Poverty and Human Rights Centre, Tab 22].**

34. This position was affirmed in *Suresh v. Canada (Minister of Employment and Immigration)*, in which the Supreme Court of Canada held:

> "The inquiry into the principles of fundamental justice is informed not only by Canadian experience and jurisprudence, but also by international law, including *jus cogens*. This takes into account Canada's international obligations and values as expressed in "[t]he various sources of international human rights law – declarations, covenants, conventions, judicial and quasi-judicial decisions of international tribunals, [and] customary norms."
>
> ***Suresh v. Canada (Minister of Citizenship and Immigration)*, [2002] 1 S.C.R. 3; 2002 SCC 1; 2002 SCC 1 (CanLII) at para. 46; citing *R. v. Burns* at paras. 79-81 [Authorities of the Attorney General, Tab 35].**

35. In her decision, the Learned Chambers Judge canvassed numerous international human rights instruments that recognize housing as a fundamental right. Given this recognition in international law and confirmation by the Supreme Court of Canada that international norms may inform the analysis of the applicable principles of fundamental justice, it is submitted that a law, such as the Bylaws, that denies access to adequate shelter cannot accord with the principles of fundamental justice.

Conclusion

36. Homelessness is a serious social issue affecting not just the City of Victoria but towns and cities throughout Canada and the world. There are multiple causes of homelessness and there is no one solution. The BCCLA recognizes and respects the role of democratically elected governments in dealing with the myriad of social problems associated with homelessness.

37. This appeal however is not about how best to allocate government resources nor is it an attempt to have the Court supplant the role of government. This is a case about a specific governmental action (the Bylaws) directed at the

homeless and that has the effect of subjecting homeless individuals to increased psychological and physical harm. It is a case about a law that further marginalizes already vulnerable people in a way that violates the fundamental and guaranteed right to life, liberty and security of the person.

38. It is respectfully submitted that the decision of the Learned Chambers Judge striking down the Bylaws should be maintained.

PART 4

NATURE OF ORDER SOUGHT

39. The BCCLA supports the Respondents' request that the appeal be dismissed.

ALL OF WHICH IS RESPECTFULLY SUBMITTED.

Dated: May 13, 2009.

"Ron A. Skolrood"

Counsel for the Intervenor, British Columbia Civil Liberties Association

LIST OF AUTHORITIES

14.	Waldron, Jeremy "*Homelessness and Community*", (Fall 2000) 50 Univ. of Toronto L.J. 371.	6, 7
15.	Waldron, Jeremy "*Homelessness and the Issue of Freedom*", 39 UCLA L. Rev. 295.	5
16.	Report of the Committee on Civil Liberties and Social Assistance, (1964) p. 3 cited in "*Civil Liberties Aspects of Homelessness: General Reflections*, B.C.C.L.A. (3 April 2004).	8, 11