



FROM THE EDITORS

Michel Coutu, Dawn Moore, and Mariana Valverde

These are interesting times to work as a socio-legal scholar in Canada. While most of us are still reeling from the loss of politically important institutions like the Law Commission and Court Challenges, we also are energized by the growing interest in and support for the Canadian law and society movement. New programs, research institutes, and intellectual, political, and community alliances all project exciting times ahead as socio-legal scholarship must contend with quickly changing political landscapes spanning the micro and macro. This volatile moment is also pregnant with promise and creates energizing circumstances in which to take on the editorship of an already well respected periodical.

We offer this double issue to our readers with much excitement, since it is the first one put together by the new editorial team. The wide range of interdisciplinary work presented here is very much in keeping with what the spirit of the journal, both past and future—a venue in which work that truly challenges conventional academic dividing lines is warmly welcomed but is also subjected to rigorous peer review. We are delighted with both the volume and the calibre of the submissions we have received in our early days and take this as a sign of wonderful things to come as the journal enters a new phase. Likewise, the journal is expanding on the strong community ethic of the past by assembling a diverse editorial board and calling on referees from around the globe.

This double issue is, we feel, a good representation of things to come. The collection not only spans geographic and disciplinary boundaries but also showcases the work of talented scholars from across the spectrum of academic experience, from senior scholars to award-winning PhD students to Canada Research Chairs. We are sure that you will find these articles provocative, innovative, and of the highest calibre of scholarly work.

Of course, the selection here is necessarily limited. In particular, we want to clarify that work by international scholars and/or on international issues is more than welcome. Although the journal will likely be always Canadian-focused, it is our aim to make it an internationally known publication, one of the three or four socio-legal studies journals read around the world by scholars in our field. We thus encourage all readers both to submit their own work and to remember the journal when talking with colleagues or graduate students. We also encourage proposals for special issues. A proposal by **Lorne Sossin** (University of Toronto) and **Anna Pratt** (York University) for a special issue on practices of discretion was approved in

the summer of 2008 and will be published soon, and we hope others will follow.

Some information about the recent history of the journal and its governance may be useful to readers and to potential contributors. In January of 2008 the office of the *Canadian Journal of Law and Society* moved from the Université de Québec à Montreal, where it had been edited by Ruth Murbach for many years, to its new home at Carleton University. This move coincided with a change in the general editorship: in 2007 the Canadian Law and Society Association board elected **Mariana Valverde** (University of Toronto) as the new editor. **Dawn Moore**, a young scholar in the Law Department at Carleton, was responsible for finding the journal its new home, and both her department and the Faculty of Public Affairs have made it possible for us not only to move the journal—a task that involves much more than packing a few boxes— but also to improve the infrastructure, by providing generous in-kind support and some direct funding. Socio-legal scholars at Carleton have been very supportive as well, in a variety of ways, with **Christiane Wilke**, also in the Law Department, courageously taking on the role of English-language book-review editor despite her junior status.

Mariana Valverde and Dawn Moore (whose official title is Managing Editor) agreed that they could not do justice to French-language socio-legal scholarship, since high school French does not produce the contacts and the background knowledge of the literature that is necessary to properly carry out the functions of a journal editor. **Michel Coutu**, a well-known scholar, agreed to serve as French-language editor, and since then the editorial team has met several times to work on policy issues. Michel also sought out a French-language book review editor. This role was ably filled for some time by **Caroline Gendreau**, but she was unable to continue, and we are happy to report that **France Houle**, a respected senior scholar, has agreed to take on this position.

The editorial team is thus made up of six individuals: Mariana Valverde as general editor, Dawn Moore as managing editor, Michel Coutu as French-language editor, France Houle as French book-review editor, Christiane Wilke as English book-review editor, and, last, but certainly not least, **Sue Gemmill**, a graduate student hired to work as editorial assistant at Carleton, who has quickly made herself indispensable and has become the face (or at least the e-mail) of the journal for most contributors and reviewers.

The new by-laws of the CLSA do not specify how many editors the journal has to have, or whether they need to be divided according to language. In the future, we or our successors may well experiment with different arrangements. For now, however, we feel that since the 'two solitudes' continue to operate despite the fact that many individual scholars are more or less bilingual, it makes sense to ensure, through Michel and through a separate French-language book-review editor, that francophone scholars in Quebec, the rest of Canada, and abroad are welcomed and that their work is handled in an

informed manner. For the benefit of our readership, you will also find in this issue brief biographical sketches of our editorial board members.

The future looks rosy for the journal. Our submission and refusal rates are on the rise, with the rejection rate hovering around 50% for the first half of 2008. Because the journal is committed to building intellectual ties across disciplines, we do our best to redirect submissions with scholarly merit to more suitable venues in law, the social sciences, or the humanities. We are beginning to receive international submissions, which is also a good sign. On the other end, our subscription rates remain steady, and we will be considering moving to open access in the future as a means of increasing our readership.

A final word is in order about the efforts made over the past year and a half to strengthen the links between the CLSA and the journal. First, the editorial team could not have started our work without the ongoing support of CLSA members as a group and of the association executive. **Debra Parkes** has been particularly important, not only through her formal role as CLSA President but also as a source of informal advice and help. Second, we have now established that editorial board members need to be members of the CLSA and that the board will meet twice a year in conjunction with the association's annual meeting and its mid-winter board meeting. The previous editorial board was almost completely local, which facilitated in-person meetings; but we have taken the approach that since the association is Canada-wide, the journal, too, needs to be geographically inclusive. The brief biographies of editorial board members provided below demonstrate that it is possible to ensure that different backgrounds and perspectives are represented, as well as different 'ranks,' while maintaining high standards at the same time.

The editorial board is consulted regularly by e-mail, to suggest referees for new submissions and in regard to other decisions. By participating actively in journal matters, board members gain experience that is useful in their own work, as well as furthering the important collective work that is academic publishing. CLSA members who are not currently on the editorial board but have an interest in serving in that capacity should make their wishes known, since we are in the process of establishing overlapping terms for the editorial board and we will soon be needing to find new blood.

We hope you enjoy reading this issue, and we look forward to receiving feedback, manuscripts, suggestions for book reviews, and any ideas that may help us achieve our goal of becoming a leading international socio-legal studies journal that pays attention to Canadian issues but has a broader, global perspective.

***CJLS/RCDS* Editorial Board: Brief Biographies**

Benjamin L. Berger is an assistant professor in the Faculty of Law at the University of Victoria. He earned his BA (Hons) in religious studies from the University of Alberta, his LLB from the University of Victoria, and his LLM and JSD from Yale University. His primary areas of research and scholarship are constitutional and criminal law and theory, the law of evidence,

and law and culture, with a particular focus on issues of law and religion. He is an associate editor for the Hart Publishing series *Constitutional Systems of the World*, contributing author to *McWilliams' Canadian Criminal Evidence*, and co-editor of *The Grand Experiment: Law and Legal Culture in British Settler Societies* (UBC Press, 2008). He has published numerous articles in Canadian and international legal and interdisciplinary journals. For a list of recent publications see <http://www.law.uvic.ca/bberger/publications.html>.

Michel Coutu, doctor in law, is full professor at the School of Industrial Relations, University of Montreal. He is a member of the coordinating committee of the Inter-university Research Centre on Globalization and Work (CRIMT) and of the Centre de recherche en droit public (CRDP). His book *Max Weber et les rationalités du droit* (LGDJ, Paris, and Presses de l'Université Laval, 1995) won him the Prix de la Fondation du Barreau du Québec in 1997. He translated from German, with Dominique Leydet, *Max Weber's Rudolf Stammler et le matérialisme historique* (Éditions du Cerf, Paris, and Presses de l'Université Laval, 2001). He is the editor, with Guy Rocher, of *La légitimité de l'État et du droit. Autour de Max Weber* (LGDJ, Paris, and Presses de l'Université Laval, 2006), and recently published, with Georges Marceau, *Droit administratif du travail* (Éditions Yvon Blais, 2007). He is currently engaged in research on legal pluralism, the constitutionalization of labour law, and the interactions between law and economics.

Judy Fudge is Professor and Lansdowne Chair in Law at the University of Victoria, which she joined in 2007 after teaching at Osgoode Hall Law School since 1987. She was editor-in-chief of the *Osgoode Hall Law Journal* from 2000 to 2003 and is currently a co-editor of the Oñati International Series on Law and Society (published by Hart International). She is widely published in employment and labour law, and takes a political economy approach to employment and a feminist approach to work.

France Houle has been a professor at the University of Montreal since 1999, where she teaches administrative law; she formerly worked as a legal counsel at the IRB. She obtained a doctoral degree in law from the University of Montreal in 2000 and was received at the Quebec Bar in 1989. Her areas of research are regulatory reforms and rule-making processes, administrative guidelines, evidence before administrative tribunals, interpretation, and the independence and impartiality of members of administrative tribunals. She is currently working with Quebec administrative judges on an empirical research project concerning the working conditions of several Quebec boards. She is also a member of the Inter-university Research Centre on Globalization and Work (CRIMT), where she is developing a research program on migrant labour and public governance.

Nicholas Kasirer is Dean and James McGill Professor at the Faculty of Law, McGill University. From 1997 to 2003, he was director of the Quebec Research Centre of Private and Comparative Law at McGill, where he has taught since 1989. A graduate of McGill, the University of Toronto, and the Université de Paris I (Panthéon-Sorbonne), Professor Kasirer is a titular

member of the International Academy of Comparative Law and a Fellow of the Royal Society of Canada. He teaches and conducts research on the relationship between law and language as well as in family property law in both civil law and common law. He has been awarded the Prix de la Fondation du Barreau du Québec and the Hessel Yntema Prize of the American Society of Comparative Law for his scholarly research. Professor Kasirer is also secretary of the editorial committee of the *Dictionnaire de droit privé* and of the *Private Law Dictionary* and an editor of the *Code civil du Québec: Édition critique*. In recent years he has published in the *American Journal of Comparative Law*, the *Oxford Commonwealth Law Journal*, the *Tulane Law Review*, the *Revue internationale de droit comparé*, and the *McGill Law Journal*, as well as other scholarly and professional publications in Canada and abroad. He has been a Visiting Professor of Comparative Law at the Université de Paris I on several occasions.

Robert Leckey is an assistant professor in the Faculty of Law, McGill University, where he teaches and conducts research in family law, constitutional law, and comparative law. He is a former law clerk to Mr Justice Michel Bastarache of the Supreme Court of Canada. His book *Contextual Subjects: Family, State, and Relational Theory* was published by University of Toronto Press in 2008.

Renisa Mawani is Assistant Professor of Sociology at the University of British Columbia. She is a socio-legal historian who works on transnational histories of law and colonialism in Canada and, more recently, the British Empire. She has published widely on law and (post)coloniality and on law and geography, and her articles have appeared in journals including *Law/Text/Culture*, *Social and Legal Studies*, *Canadian Journal of Law and Society*, and *Social Identities*. She has just completed her first book, *Colonial Proximities: Crossracial Contacts and Juridical Truths in British Columbia, 1871–1921* (forthcoming from UBC Press in spring 2009), which details the dynamic encounters between Aboriginal peoples, Chinese migrants, mixed-race populations, and Europeans in the late nineteenth and early twentieth centuries and the epistemic truths and modes of governance that these contacts produced. Her second monograph (in progress) is a transnational history of the *Komagata Maru*, a steamship carrying 376 labourers from Punjab, India, and its place in anti-colonial struggles in India and across the British Empire.

Dawn Moore is an assistant professor in the Department of Law at Carleton University and Managing Editor of the *Canadian Journal of Law and Society*. With a BA in sociology and MA and PhD degrees in criminology, Professor Moore consistently chooses interdisciplinarity to shape her work. Her research is in the areas of punishment, drug regulation, women in conflict with the law, problem-solving courts, and pathologized identities. Theoretically and methodologically, she is inspired by governmentality, actor-network theory, feminism, queer theory, ethnomethodology, and symbolic interactionism. She has published in *Theoretical Criminology*,

Economy and Society, *Socio-Legal Studies*, *Studies in Law and Social Inquiry*, and *Punishment and Society*; her recent book *Criminal Artefacts: Governing Drugs and Users* (2007) is available through UBC Press. Professor Moore is also the secretary of the Canadian Law and Society Association.

Mariana Valverde was trained in political philosophy but has worked mainly in the sociology of law for the past decade. Her main current research interest is the deployment of low-level administrative and lay knowledges in various legal processes. Her 1998 book *Diseases of the Will: Alcohol and the Dilemmas of Freedom* (Cambridge University Press) won the Law and Society Association's Herbert Jacobs biannual book prize in 2000. Other books include *Law's Dream of a Common Knowledge* (Princeton University Press, 2003) and *Law and Order: Signs, Meanings, Myths* (Cavendish/Routledge, 2006). She is a professor at the Centre of Criminology, University of Toronto, and is currently engaged in a socio-legal research project on urban/municipal law and by-law enforcement.

Professor **Richard Weisman** received his BA from Columbia University, his PhD from the University of California, Berkeley, and his LLB from Osgoode Hall Law School. He is cross-appointed at York University to the Division of Social Science, Law and Society Program, and the Department of Sociology, Glendon College. His monograph *Witchcraft, Magic, and Religion in 17th-Century Massachusetts* (University of Massachusetts Press, 1984) is a sociological analysis of the Salem witch trials. He is currently completing a book titled *Showing Remorse: Constructing Character through the Courts*; his most recent work on the subject is "Being and Doing: The Judicial Use of Remorse to Construct Character and Community," forthcoming in *Social and Legal Studies* in 2009.

Christiane Wilke, assistant professor in the Department of Law, Carleton University, received her PhD in political science from the New School for Social Research, New York, in 2005. Her research on post-conflict human-rights politics, concepts of the enemy, and post-9/11 politics of security has been published in *Constellations, Politics and Society*, and the *Journal of Human Rights*, among others. Her current book project investigates how trials for major human-rights violations in Germany and Argentina shape ideas about victims, responsibility, and legality. She teaches courses on human rights, transitional justice, and international law and violence.