


7-2023

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### Recommended Citation

"Masthead & Table of Contents" (2023) 46:1 Dal LJ.

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# DALHOUSIE LAW JOURNAL

Volume 46

Number 1

Spring 2023

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# Dalhousie Law Journal

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This issue is the first of two for Volume 46. Cite as (2023) 46:1 Dal LJ

The *Dalhousie Law Journal* is published by the Schulich School of Law of Dalhousie University. Communications concerning editorial matters should be addressed to:

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The *Dalhousie Law Journal* is indexed in the *Index to Canadian Legal Periodical Literature*, the *Current Law Index* and the *Index to Legal Periodicals*.

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*Dalhousie Law Journal: 50th Anniversary Issue*  
*Introduction*

The dream for the Dalhousie Law Journal, included in the Foreword of the Journal's first issue in 1973, was typically Dalhousie-modest: to have a "long and reasonably useful career."<sup>1</sup> As we celebrate our 50th anniversary, it's clear that we have delivered on duration and over-delivered on purpose.

The Journal's aim is to enhance dialogue, analysis, and policy reform across a variety of legal areas through the publication and dissemination of new knowledge. We publish work on all legal topics, but the past fifty years reveals that we have commonly been a venue for evidence-informed, policy-relevant scholarship.

The first issue served as inspiration for the two clusters of articles that appear in this 50th anniversary celebratory issue. Issue 1(1) featured 5 articles, a book review, two commentaries, and a note. Reflecting, perhaps, the explosion of legal research in the last fifty years, this issue (46(1)) is home to fifteen articles, and a book review.

The authors in issue 1(1) were Philip Slayton (Assistant Professor at McGill), Innis Christie (Professor at Dalhousie), JA Coutts (Pro-Vice-Chancellor at Bristol), Richmond Campbell (Professor of Philosophy at Dalhousie), Moffatt Hancock (Professor at Stanford), Robert Cox (Professor of Political Science at Colombia), Marc Ancel (Président du Centre français de droit comparé), Douglas Schmeiser (Professor at Saskatchewan), and John Head (Professor of Economics at Dalhousie). These authors were luminaries in their fields and new arrivals to their disciplines; they spanned a range of academic institutions from around the world; and they represented a diversity of disciplinary perspectives.

The authors in 46(1) share some common characteristics with that 1973 group, but the 2023 cohort is also a little bit different, reflecting the ways in which the journal has evolved over the past 50 years. By design, the authors in this issue come from Canadian institutions, but their range remains wide. We have focused on work by emerging scholars and by colleagues who are senior in their fields. And while each of the authors finds their home in a law faculty, the breadth of their disciplinary training and interdisciplinary commitments are easily revealed when you read their work. You will also find the demographic identities of the authors to be much expanded.

The articles in this special issue are clustered into two categories. The first category of scholarship was authored in response to a call for papers from pre-tenure colleagues (issued in 2021). Authors were invited to focus on a "big idea" in any area of law, policy, or legal education. The authors participated in a workshop hosted virtually (because of the interference of COVID-19) at Dalhousie University in Fall 2021.

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1. The Editors, "Foreword" (1973) 1:1 Dal LJ, online: <[digitalcommons.schulichlaw.dal.ca/cgi/viewcontent.cgi?article=1000&context=dlj](https://digitalcommons.schulichlaw.dal.ca/cgi/viewcontent.cgi?article=1000&context=dlj)> [perma.cc/YU67-MFVW].



The result of their work is a fascinating group of papers that show the range of preoccupations and commitments of early(ish!) career scholars in Canadian law schools. You will find work on malice in the law of torts in the context of the age of connectivity and an argument for the enunciation of a general principle of liability for the intentional infliction of harm; the articulation of an “interactional theory” to address the correlative relationship between the formal and substantive aspects of legal rules driving from the duty of care test for government liability for negligence in the context of disaster management; a grounded exploration of the importance of building from Critical Race Theory to Critical Race Theory-inspired lifeline criminal jurisprudence; and a call for action for law schools to use their role as legal educators to address systemic racism, particularly through the teaching of Critical Race Theory, with a focus on the perpetuation of anti-Asian racism. You will also find work on the roles and responsibilities of legal scholars as intellectuals and citizens, particularly in light of global responses to the COVID-19 pandemic; a borrowing from the tools used in the fields of epidemiology and public health to create “justice epidemiology”; and an article that documents how reliance on police-created evidence at bail hearings tips the scales in favour of the state, contributing to mass pretrial incarceration and the creation of “criminality,” with the impacts disproportionately affecting Indigenous, Black and marginalized people. Completing the “big ideas” articles is an argument for the three foundational intellectual “vertical” pillars that law schools should reflect, in conjunction with three transversal virtues, which will allow educators to cultivate versatility in their graduates; an analysis of the constitutionality of psychiatric detention; and work which considers how applying the principle of Two-Eyed Seeing can help to advance Indigenous economic interests, which have largely been unaccounted for in economic systems biased towards Western worldviews and legal orders.

The second set of articles were written in response to a request to reflect on the trajectory of law’s sub-disciplines or fields over the fifty-year period of the Journal. These articles were authored by leading scholars in their fields and they offer a guided tour of the paths of the fields of Canadian maritime law jurisdiction since 1971; secured transactions, including an exploration of the influence of Canadian *Personal Property Acts* on the reform of the field in New Zealand and Australia; international economic law, with consideration of how key drivers such as the globalization of trade and investment activity have bolstered IEL into an important and recognized field of legal enquiry; legal history through the examination of four key areas to demonstrate the interconnectedness of legal history and other forms of history over the past fifty years; and animal law, with focus on what protective model of the law best resists anthropocentrism.

In the issue 1 Foreword, the editors reflected, “we have no preconceived notions of the direction in which the law should move, unless it be that

we should have no preconceived notions.”<sup>2</sup> In this regard, the first editors’ commitment to open-mindedness seems forward-thinking. We hope that the Journal has been steadfast in its commitment to pluralism and rigorous and courageous exploration of ideas over its first half-century. We know that the collection of articles in this issue would likely have been unpredictable to those editors, which I suspect would have delighted them.

Kim Brooks & Jaime Irvine

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2. *Ibid.*

