

INTRODUCTION

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The papers in this symposium are the fruit of a seminar sponsored by the Canadian Institute for Advanced Research and held at the Kingsclear Resort on 14-16 May 1992. The seminar was intended to bring together scholars from across Atlantic Canada to explore the prospects of developing a network to pursue multidisciplinary research on socio-legal issues. In the words of the seminar organiser, Wade MacLauchlan, the purpose was "to focus on institutional transformation and innovation; to seek new methodological and substantive insights drawing on issues and texts of particular interest to the Atlantic region, with emphasis on extra-regional and international comparative analysis." These themes – interdisciplinarity, empirical research, comparative perspective, Atlantic policy context, and institutional renovation – are remarkably addressed in the discussion papers which follow.

They constitute a multi-disciplinary and multi-targeted examination of the interplay of institutionalization and law – both the nature of legal institutions and the legal nature of institutions. The papers reflect an appropriately broad understanding of institutions. These include all entities with bureaucratic structures, be they governmental, para-governmental or non-governmental: provinces, municipalities, hospitals, universities, business enterprises, unions, and even particular governmental programmes such as the fisheries industry or the unemployment insurance system. Institutions also comprise seemingly non-bureaucratic structures. These papers seek to open up lines of inquiry into the prospects and possibilities of institutional innovation and renovation. History, sociology, economics, anthropology and law are each represented.

Together the papers address important policy issues of concern to all socio-legal researchers. They pose such questions as: "do institutions and other political structures have the necessary capacity and incentives to transform and innovate? What is the role of state law in creating these institutions and in framing these incentives? Does the bureaucratization of social life through institutional forms stimulate or stultify transformative energy?" The papers also pose a more targeted set of inquiries. One can see – implicitly in some papers, explicitly in others – a major challenge to certain longstanding assumptions. The challenge can be formulated in these terms: to what extent in Atlantic Canada (and, of course, elsewhere) do we see examples of institutions that have grown (or evolved, or been transformed) beyond the point of effectiveness, or that have overexploited their entrenched advantage? No answers are offered, for that was not the ambition of the seminar. But the very posing of the questions in this frame powerfully raises

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the legal pluralistic motif.

In the final analysis, these papers can be seen as asking to what extent the rampant bureaucratic (state, para-state and non-state) institutionalization of society diverts scholarly attention from the non-bureaucratic normative orders which shape and regulate social life. At the normative level the questions relate to whether bureaucratic forms (rights claims, due process rules) for achieving of entitlement, empowerment and equality actually advance these goals. To frame these issues in this challenging manner is to acknowledge that whatever the substantive answers resulting from these studies might be, no failure of innovation afflicts socio-legal research in Atlantic Canada.

Socio-legal research will be a central component of scholarship about law over the next decades. The participants in the Kingsclear seminar have made a significant contribution to tracing out the possibilities and prospects for such research in Atlantic Canada, focusing on issues of institutional innovation and renovation through empirical and interdisciplinary inquiry. That these issues should be pursued within the laboratory of Atlantic Canada, where such concerns seem long to have been neglected as a consequence of a naive faith in the modernist policies of centralized management, bureaucratic rationality, and legal entitlement, is indicative of innovative thinking. The recognition of alternative conceptions of institutional form and of the enterprise of law itself is the lasting contribution of the Kingsclear seminar, which the Canadian Institute of Advanced Research is pleased to have helped sponsor, and of this published symposium. Pursuit of these initiatives in an Atlantic Canada Law in Society Network, it is to be hoped, will shortly follow.