

Canadian Journal of Law and Society  

---

Revue Canadienne Droit et Société

**Articles :** Max Weber, Michel Coutu, Christiane Wilke, Mike Larsen, Justin Piché, Richard Jochelson, Ireh Iyoha

**Reviews / Comptes-rendus :** Michael Boudreau, Christine Vézina, Zeina Bou-Zeid, Mariana Valverde, Jacinta Ruru, Sylvia Vatuk, Hilla Dayan, Sherrow Pinder, Kathleen Kendall

Volume 24, No. 2, 2009

# Canadian Journal of Law and Society

## Revue Canadienne Droit et Société

### **Co-Editors / Directeurs**

#### **Mariana Valverde**

University of Toronto  
m.valverde@utoronto.ca

#### **Michel Coutu**

Université de Montréal  
michel.coutu@umontreal.ca

### **Managing Editor / Directrice générale**

Christiane Wilke  
christiane\_wilke@carleton.ca

### **Editorial Board / Comité de rédaction**

Benjamin Berger, University of Victoria  
Eve Darian-Smith, University of California  
Santa Barbara  
Claude Didry, École Normale Supérieure  
de Cachan  
Judy Fudge, University of Victoria  
France Houle, Université de Montréal  
Liora Israël, L'École des hautes études  
en sciences sociales (EHESS), Paris

Elizabeth Jelin, CONICET (National Council  
of Research), Buenos Aires  
Nicholas Kasirer, Université McGill  
Robert Leckey, Université McGill  
Renisa Mawani, University of British  
Columbia  
Dawn Moore, Carleton University  
Ngaire Naffine, University of Adelaide  
Richard Weisman, York University

### **Editorial Assistant / Adjointe à la rédaction**

Susan Gemmell  
suegemmell@cunet.carleton.ca

### **Book Review Editor (English) / Responsable des recensions en anglais**

Ummni Khan  
ummni\_khan@carleton.ca

### **Book Review Editor (French) / Responsable des recensions en français**

France Houle  
france.houle@umontreal.ca

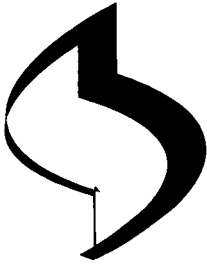
### **Past Editors / Anciens Directeurs**

1999–2007 Ruth Murbach, Directrice / Editor, Faculté de science politique et de droit, UQAM  
1997–1999 Marie-Andrée Bertrand, Editor / Directrice, Criminologie, Université de Montréal  
1996–1999 René Côté, Managing Editor / Directeur général, Sciences juridiques, UQAM  
1996–1997 Roderick A. Macdonald, Editor / Directeur, Law, McGill University  
1990–1995 Claude Thomasset, Emeritus Director / Directrice émérite, Sciences juridiques, UQAM  
1986–1990 Rainer Knopff, Founder / Fondateur, Political Science, University of Calgary

### **Legal Deposit / Dépôt légal 2009**

National Library of Canada / Bibliothèque nationale du Canada  
ISSN: 00829-3201 / E-ISSN (Online): 1911-0227

© Canadian Law and Society Association / Association canadienne droit et société 11/2009



Canadian Journal of Law and Society  

---

Revue Canadienne Droit et Société

Contents / Sommaire

Volume 24 No. 2, 2009

**Max Weber**

Le contrat de travail de Philipp Lotmar, Note critique (1902) ..... 147

**Michel Coutu**

La naissance du contrat de travail comme concept juridique :  
Max Weber et Hugo Sinzheimer, critiques de Philipp Lotmar ..... 159

**Christiane Wilke**

Reconsecrating the Temple of Justice: Invocations of Civilization and  
Humanity in the Nuremberg Justice Case ..... 181

**Mike Larsen and Justin Piché**

Exceptional State, Pragmatic Bureaucracy, and Indefinite Detention:  
The Case of the Kingston Immigration Holding Centre ..... 203

**Richard Jochelson**

Multidimensional Analysis as a Window into Activism Scholarship:  
Searching for Meaning with Sniffer Dogs ..... 231

**Ireh Iyioha**

In Search of Law's Residence: Towards the Creation of a Mosaic  
Health-Care State ..... 251

**Book Reviews / Comptes-rendus**

Constance Backhouse

*Carnal Crimes: Sexual Assault Law in Canada, 1900–1975*  
Toronto: Irwin Law, 2008, 442 p.  
Michael Boudreau ..... 279

Karim Benyekhlef

*Une possible histoire de la norme. Les normativités émergentes  
de la mondialisation*  
Montréal : Les Éditions Thémis, 2008, 934 p.  
Christine Vézina ..... 280

Dominique Clément	
<i>Canada's Rights Revolution: Social Movements and Social Change, 1937–82</i>	
Vancouver: UBC Press, 2008, 281 p.	
Zeina Bou-Zeid .....	283
Hamar Foster, Benjamin L. Berger, and A.R. Buck (eds.)	
<i>The Grand Experiment: Law and Legal Culture in British Settler Societies</i>	
Toronto: The Osgoode Society; Vancouver: UBC Press, 2008, 393 p.	
Mariana Valverde .....	285
Law Commission of Canada (ed.)	
<i>Indigenous Legal Traditions</i>	
Vancouver: UBC Press, 2007, 192 p.	
Jacinta Ruru .....	287
Vrinda Narain	
<i>Reclaiming the Nation: Muslim Women and the Law in India</i>	
Toronto: University of Toronto Press, 2008, 224 p.	
Sylvia Vatuk .....	288
Mark Neocleous	
<i>Critique of Security</i>	
Montreal & Kingston: McGill-Queen's University Press, 2008, 250 p.	
Hilla Dayan .....	290
David Rayside	
<i>Queer Inclusions, Continental Divisions: Public Recognition of Sexual Diversity in Canada and the United States</i>	
Toronto: University of Toronto Press, 2008, 388 p.	
Sherrow Pinder .....	292
Kimberley White	
<i>Negotiating Responsibility: Law, Murder and States of Mind</i>	
Vancouver: UBC Press, 2008, 177 p.	
Kathleen Kendall .....	294