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LIVRES EN REVUE

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The preface of the current edition of the *Code of Canon Law Annotated* states that the Church from its early inception has practiced the collections of texts so that “no priest can be ignorant of the law”. These laws represent certain norms of ecclesiastical practice which are promulgated in the juridical and legislative tradition of the Church. As Pope John Paul II wrote, “the Code must be regarded as the essential instrument for the preservation of right order, both in individual and social life and in the Church’s zeal”.

The current edition of the *Code of Canon Law* has been released approximately 10 years after the last one published in 1993. The tireless work of editors Ernest Caparros and Hélène Aubé have produced an elegant text that is useful and practical for canonists, lawyers, and generally for all readers interested in the juridical traditions of the Church. The editors had just recently updated the French language edition in 1999, known as *le Code bleu*,

derived from the 5th Spanish edition published by the *Instituto Martín de Azpilcueta*. In 2001, the 6th Spanish language edition was published taking into account important changes in both the commentaries and the normative text. The current English language edition, known as the *Red Code*, incorporates new material that was unavailable prior to the publication of *le Code bleu*.

The editors have generously detailed some of the most prominent changes between the 5th and 6th Spanish language editions. First, modifications to the canons 750 and 1372 according to the *Motu Proprio Ad tuendam fidem* of May 18, 1998. In Appendix I, the new Apostolic Constitution *Universi Dominici gregis* of February 22, 1996, has replaced the older law of election of the Roman Pontiff. Also, the interpretative sections of cc. 346, 402, 964, and 1367 have been altered according to the Pontifical Council for the Interpretation of Legislative Texts. Many other refinements and clarifications have been added due to the efforts and persistence of the editors and contributors to this enormous project. All of the changes are carefully detailed in the introduction by the editor Ernest Caparros.

The writing is clear and concise, with an organizational structure that is immediately familiar and recognizable to civil law students. The annotations follow each canon with interpretative comments, references, and elaborations that are fascinating and informative. For example, a researcher on the notion of simulation (articles 1451 and 1452 Q.c.c.) should not hesitate to look at canons 1101, 1378 and 1379 that deal with simulation in marriage, eucharist, and other sacraments, along with their respective commentaries. The *Code of Canon Law Annotated* has an exceptional analytical index to facilitate the research task. Civil lawyers in particular should peruse the section in the analytical index that refers to "renvoi to civil law" that cites a series of situations linking Canon Law and the civil tradition.

The current edition has made some worthwhile changes, on the practical front, by changing the presentation of each canon. The 1993 edition used a much smaller font that made the commentaries difficult to follow at times. Only the Latin version of each canon was bolded while the corresponding English version was not. These presentational details made the individual pages seem crowded and differentiation between the canon text and commentaries were not perceived immediately. All this has changed in the current edition of the Canon Law. The choice of a larger font and the bolding of both English and Latin texts preserve an aesthetically pleasing separation between the code and the com-

mentaries. Finally, the editors have chosen to place the English translations on the outside edge of the page — for example, placing the English version to the left of Latin on the even number pages and reversing this order on the odd number pages. This typographical consistency is the kind of detail that readers will appreciate in this current edition of the Canon Law from the Gratianus Collection.

The preface to the text reminds us that "Now, however, the law can be unknown no longer". With the new edition of the *Red Code*, knowing this law has become easily accessible to the English speakers in the ecclesiastical community. With the important changes brought by the 6th Spanish language edition, the 2nd edition of the *Code of Canon Law Annotated* is both current and pleasing to read given the dedication of the editors.

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Fernand MORIN, Jean-Yves BRIÈRE, *Le droit de l'emploi au Québec*, Montréal, Wilson & Lafleur, 2003, 1636 pages, ISBN2-89127-590-X.

L'évolution soutenue du marché de l'emploi et les interventions fréquentes du législateur dans ce domaine ont rendu incertain l'état actuel du droit en matière d'emploi. Avec cet ouvrage, les auteurs ont réussi un défi de taille en parvenant à présenter

d'une manière accessible l'ensemble des éléments de droit du travail en vigueur au Québec.

Devant la tâche colossale à réaliser, les auteurs ont préconisé une approche analytique et critique. D'autre part, il est fait un usage raisonnable des citations jurisprudentielles. Cette façon de procéder vient faciliter tant la lecture que la compréhension du lecteur. De plus, un nombre impressionnant de renvois témoignant d'un large éventail de sources juridiques. Ces dernières s'avèrent d'ailleurs fort utiles pour qui désire approfondir un point en particulier ou voulant réaliser des liens entre les différents chapitres de l'ouvrage. Aussi, plusieurs annexes et tables rendent le volume agréable et simple à consulter.

Les auteurs n'ont rien négligé dans la réalisation de l'ouvrage qui débute par un chapitre introductif qui pose les bases en matière de droit de l'emploi. Vient ensuite un chapitre traitant du contrat individuel de travail où sont présentés les droits et obligations des employeurs et des salariés. Dans un chapitre consacré à la législation, les auteurs abordent tant les chartes des droits que les lois d'application générale ou particulière. Il est par la suite discuté des thèmes relatifs aux rapports collectifs du travail où les questions touchant les relations entre employeurs et syndicats sont analysées. Dans un autre chapitre, les contentieux de l'emploi sont décrits et expliqués avec soin. Les aspects pénaux et les pratiques interdites en matière de travail sont des exemples de sujets traités. Finalement, un dernier chapitre

clôt l'ouvrage en dressant l'évolution et les métamorphoses que subiront l'entreprise, l'emploi et par conséquent, le droit.

Les auteurs, qui ont voulu réaliser un ouvrage qui se veut complet, ont, dans cette deuxième édition, intégré les modifications récentes apportées au *Code du travail* et à la *Loi sur les normes du travail* qui ont connu de grandes transformations. De plus, l'ouvrage est enrichi de jugements importants survenus au cours des dernières années. Alors que la première édition portait sur le droit en vigueur jusqu'au 9 mai 1998, cette deuxième édition rapporte l'état du droit jusqu'au 9 mai 2003. Enfin, le dernier chapitre du volume portant sur l'évolution probable du droit a été refait en profondeur et dresse un portrait plus complet de l'avenir du droit de l'emploi au Québec.

Cet ouvrage, véritable œuvre dans le domaine du droit de l'emploi, demeure un incontournable pour toute personne qui s'intéresse à cette branche du droit. Par une synthèse de l'état global du droit du travail et en raison de l'accessibilité du volume, celui-ci parvient à rejoindre un public très large. Avocats, étudiants, employeurs, syndicats et salariés trouveront vraisemblablement réponse à leurs interrogations. *Le droit de l'emploi au Québec* est très certainement le livre par excellence en droit du travail.

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Nanette NEUWAHL (ed.), *European Union Enlargement: Law and Socio-Economic Changes*, Montréal, Éditions Thémis 2004, 290 pages, ISBN 2-89400-183-5.

In the introduction to *European Union Enlargement: Law and Socio-Economic Changes*, Nanette Neuwahl reminds us that the Accession Treaty announced that “accession is a new contract between our peoples and not merely a treaty between our states”. The civilist apprehension of this term seeks to ask how the people’s consent manifests itself, and what the nature and extent of the obligations entailed are?

The collection of essays contained in this book is an interdisciplinary approach towards outlining the limits, challenges, and risks that await the European Union and its new members. Neuwahl recounts the implicit dilemma that requires new members to conform to a set of criteria that even member states cannot honestly and adequately fulfill. Consequently, the difficulty for new members to internalize and implement the requirements of the *acquis communautaire*, the set of legal pre-conditions for accession, is far from academic. Despite these obstacles, new potential members continue to strive to harmonize their national political, economic, and legal infrastructures to comply with the criterion for accession.

The chapters can be heuristically subdivided into sections that deal with the political, economic, and legal implications of the acces-

sion process. Chapters that document the political process contain essays that examine the cost-benefits analysis in areas like human rights, security, and the social transformations. Jörg Monar, a Professor of Contemporary European Studies at the University of Sussex, argues for the recognition of the different security capabilities of individual nations. One of Monar’s security themes relies on international trust as the means towards building an effective network of integrated security services. Consequently, for Monar, future security models such as the “rapid response force” or a “European border guard force” begins with the realization that “building up trust in the Member States should be regarded as one of the most important tasks in the [Justice and Home Affairs] domain in the first few years after enlargement”.

Another area amply explored is the domain of human rights and the potential full constitutionalization of rights within the EU Charter. Wojciech Sadurski is a Professor of Law, at the European University Institute in Florence and at the University of Sydney, and is a specialist in political philosophy and Constitutional theory. He approaches both the cost and benefits arguments of the EU’s position on human rights. Applicant states, according to the Copenhagen Criteria of 1993, must ensure “stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities”. Sadurski argues that the inclusion of human rights

represents an important benefit since it reinforces the ideals that Union is propelled not just by economic motivations. Human rights are symbols of the Union's identity, a means of self representation, and evoke the image of a "community of values". Essays on social identity remind the reader that linked to the discourses of economics and security are spaces populated by the consent of the people to form communities, what Bronislaw Misztal, a Professor at the Catholic University of America, offering a Sociological perspective, terms "the constitution of society".

The sole French language chapter, by Jacques Bourrinet, concerns the economic cost of enlargement. The author is a Professor of Law and political science at the University of Aix Marseille III and is Director of the International and European economic integration. Bourrinet's work is an exceptional addition that utilizes an array of economic data to predict the impact of enlargement. The quantitative study is well organized into legible charts and quickly summarizes findings of the European Commissions. Bourrinet uses longitudinal studies to predict the potential economic growth of the European Union in several sectors. Matched with economic data are lucid explanations that highlight the most relevant issues. For example, Bourrinet notes that the market of the European Union represents over 500 million consumers. This practical chapter on the economic cost and benefits of European enlargement is a wealth of information and a valuable resource.

The strength of this book lies in the pairing of analysis with case studies documenting the significant legal challenges from the perspectives of both new members and the European Union. A prime example is the chapter that deals with the accession of Turkey. Harun Arikan's chapter "Post-Helsinki: Is Turkey in the EU Accession Process" is an exemplary model of the dialogue between theoretical inquiries and the practical realities a country faces. Arikan's contribution as the Head of the Department of International Relations at Kahramanmaraş University in Turkey are a welcome addition. Arikan begins with a section that contextualizes the historical relationships between Turkey and the EU community. This section outlines the major Treaties and Conventions that preceded the application for membership, such as the Ankara Agreement signed in 1964. The historical details are springboards to highlight some of the current obstacles to negotiating the accession of Turkey. Arikan discusses issues such as the political reforms to conform to the *acquis*, the Cyprus disputes with Greece, building capacity for economic reforms, and cultural differences. Arikan then explains some of the important overtures between the EU and Turkey since the Helsinki Summit of 1999. To conclude the case study, Arikan demonstrates the shifts and responses to each of the obstacles and indicates the benefit that Turkey brings to the EU as a candidate member.

The case studies allow the authors to study complex potential

outcomes while testing their hypotheses against current and available information. In Snejana Maleeva's article on "Bulgaria's Accession to the European Union", this model is easily accessible. Snejana Maleeva's perspective as Director of European Legal Integration Directorate in the Ministry of Justice of Bulgaria lends insight into the practical aspects of integration. At certain instances Maleeva writes in "talking points" to disseminate information in a quick and logical fashion. For example, the author divides Bulgaria's accession on legal matters into two aspects: "the accelerated approximation of the Bulgarian legislation with the *acquis*; [and] the establishment of a modern administration and of a stable judicial system capable of efficiently applying the harmonized legislation". This synthesis of Bulgaria's legal reform allows Maleeva to efficiently outline the actual progress, in each of the categories, Bulgaria has undertaken since the European Commission's Regular Report 2002. As a guide for policy analysts, this book is immediately accessible, with salient information that is efficiently organized.

Notable aspects of the book that deserve mention are the research material that accompany the book. The bibliography leads prospective researchers towards a wealth of journal articles that touch on both the particular candidate nations and general overviews of the future for the European Union. The footnotes in each of the corresponding essays are invaluable tools for research. The case studies of the candidate

members aggregate a wealth of pertinent information on the accession process of that country. This kind of exemplary research can be seen in the works of Lenka Anna Rovna, a professor of Political Science at Charles University in Prague, and Professor Stanislaw Biernat of European Law at Jagiellonian University in Poland.

Lenka Anna Rovna's and Stanislaw Biernat's articles on the Czech and Polish perspectives are examples of precious information contained both in their text and footnotes. Rovna uses many articles unavailable to English readers, with impressive finds such as polling data from the Czech communities about their relationship to the EU. Biernat compares Poland, the Czech Republic, and Republic of Slovakia for their individual constitutional preparedness in the transition to EU membership. The history Central and Eastern European nations share as ex-Communist states threads the comparative approach that analyses their constitutional status. Biernat's article provides excerpts and translations of all three nation's constitutions and amendments. These research details are signs of the usefulness and relevancy of this book for future writers and policy analysts.

It is often noted that the growth of the European Union is a historic event, a "Big Bang" that is unprecedented. These claims tend to elide the actual history of the event, and in effect ignore the decisions, circumstances, and difficult costs that surround the historical process. *European Enlargement* :

Law and Socio-Economic Changes goes a long way to correcting these oversights. This book is an engaging reminder that the historical details of accession are played out on the stage of the people who will form this new community. The social actors who participate in the process of integration are not just states, but rather citizens. The paradigm of the book depends on multiple voices and disciplinary perspectives to describe the process of ratification. The strength of this analytic methodology is to combine legal modes of inquiry with economics, security policies, cost and risks assessments, and identity discourses. Implicit in the

term accession is the notion of a transcendence or improvement. Just as accession takes a nation into a new future, it also imparts a bit of the past, a bit of the struggle and the path that was already embarked upon. This book reminds us that while the European Union may be historic, it also possesses a past and a history that is worth reflecting upon.

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