

Nicole DUPLÉ, *Droit constitutionnel : principes généraux*, Montréal, Wilson & Lafleur, 2004, 603 pages, ISBN 2-89127-659-0

Patricia HUGHES, Patrich A. MOLINARI (eds.), *Participatory Justice in a Global Economy: the New Rule of Law / Justice et participation dans un monde global : la nouvelle règle de droit*, Montréal, Éditions Thémis, 2004, 519 pages, ISBN 2-89400-195-9

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NOTULES

Nicole DUPLÉ, *Droit constitutionnel : principes généraux*, Montréal, Wilson & Lafleur, 2004, 603 pages, ISBN-2-89127-659-0.

Mme Duplé est professeure titulaire à la Faculté de droit de l'Université Laval et commissaire à la Commission des droits de la personne du Québec. Dans cette deuxième édition du livre paru initialement en 2000, l'ouvrage a peu changé. Les grandes divisions demeurent les mêmes. Ses sept chapitres (1- L'histoire, la nature et les sources de la Constitution, 2- L'État de droit et la primauté du droit, 3- La démocratie représentative, 4- Les tribunaux et la séparation des pouvoirs, 5- Le fédéralisme, 6- Les droits et libertés de la personne, 7- L'amendement constitutionnel) sont toujours présents.

Les changements se remarquent principalement dans les chapitres portant sur la démocratie représentative, le fédéralisme et les droits et libertés. On note l'ajout de sous-sections — par exemple, on détaille davantage le droit de vote — et des compléments à la jurisprudence, au profit de décisions plus récentes. Le livre s'est donc enrichi, ce qui en fait un outil de travail et d'apprentissage moderne.

Livre de référence de premier ordre, il saura plaire aux profanes et aux étudiants. Ses annexes comprennent l'essentiel des documents utiles en droit constitutionnel (*Loi constitutionnelle de 1867, Loi constitutionnelle de 1982*, etc.). Elles sont également bien organisées. L'index de la jurisprudence est bien conçu, il rend aisé la recherche de questions concernant cette branche du droit public. On note également la présence d'une table des matières détaillée au commencement de chaque chapitre. Cela permet de repérer rapidement et de connaître, avant de le lire, les grandes lignes de son contenu.

Bref, un livre qui s'impose encore davantage maintenant qu'il est mis à jour.

Julie LADOUCEUR

Patricia HUGHES, Patrich A. MOLINARI (eds.), *Participatory Justice in a Global Economy: the New Rule of Law/ Justice et participation dans un monde global : la nouvelle règle de droit*, Montréal, Éditions Thémis, 2004, 519 pages, ISBN 2-89400-195-9.

At the national Conference held in Banff, Alberta on October 16-18, 2003, hosted by the

Canadian Institute for the Administration of Justice, authors contributed their views on the impact that globalization has on the notion of the rule of law. In particular, what is the significance of an increasingly economic and political internationalism on the Canadian legal system? The rule of law is one of the essential constituents of Canada's liberal democracy. The fact that a constitutional principle in our democracy may be influenced by globalization informs both Canadian international discourses and political sovereignty.

According to Patricia Hughes, the Dean of Law from the University of Calgary, the Supreme Court has construed the rule of law to be associated with three aspects: equality before the law, the existence of a system of positive laws and the need to ground all government action in law. Hughes warns of the challenges posed to the rule of law given a dilution, what Hughes terms the "thinning" down, of the rule by the phenomenon of globalization.

William Neilson, the Director of the Asia Pacific Legal Relations at the University of Victoria, discusses globalization as a historical process with varying intensities between local communities and the global political economy. Neilson writes about antecedents to our modern version of globalism, for example, in the form of the *Lex Mercatoria* and the mercantile courts. What sets our era apart is the speed and intensity of the interdependence between globalism and local communities. A "thick"

interpretation of globalization, to borrow Neilson's phrase, accounts for the influence of supra-national institutions, such as the International Chamber of Commerce (ICC) and the World Trade Organization (WTO), in domestic governance and decision making. The text discusses other manifestations of globalization found in the convergence of domestic laws to fit with international standards and the recognition of international judgements in domestic jurisdictions.

The individual presenters of the Conference delivered papers that attempted to trace the impact of globalization on both the international and domestic contexts. From the international perspective, we find articles dealing with the *Cour pénale internationale* (CPI), the admirable work of Canadian judges in Serbia, and the role of the Corporate Citizen in the global economy. From the domestic perspective articles discussed the impact of international law and international commercial arbitration on the evolution of Canadian labour laws. Finally, Justice Adèle Kent, from the Alberta Court of Queen's bench, and Catrin Coe, a student-at-law, discussed the issues related to the conflicts of laws and the choice of forum in class action litigations at the international and interprovincial levels.

This balanced book tackles some thorny issues in the debates around globalization and the rule of law. For example, how can we determine when the principle of the rule of law has been violated?

In other words, can an organizing or underlying constitutional principle be invoked as a means to strike down the validity of Canadian legislation? These constitutional issues can only increase in complexity given the impact of international norms on the Cana-

dian judicial landscape. I highly recommend this work for its attempt to frame these complex issues for future jurists and litigants.

Hong NGUYEN