

McGILL  
LAW  
JOURNAL



REVUE DE  
DROIT DE  
MCGILL

SPECIAL ISSUE ~ NUMÉRO SPÉCIAL

The Legacy of *Roncarelli v. Duplessis*

1959~2009

L'héritage de l'affaire *Roncarelli c. Duplessis*



**SPECIAL ISSUE ~ NUMÉRO SPÉCIAL**

The Legacy of *Roncarelli v. Duplessis*, 1959-2009  
L'héritage de l'affaire *Roncarelli c. Duplessis*, 1959-2009

|   |                               |     |
|---|-------------------------------|-----|
| Préface   | <i>Geneviève Cartier</i>      | i   |
| <i>Roncarelli v. Duplessis</i> :<br>Art. 1053 C.C. Revolutionized (reprint)   | <i>Claude-Armand Sheppard</i> | v   |
| <b>ARTICLES</b>   |                               |     |
| L'héritage de l'affaire<br><i>Roncarelli c. Duplessis</i> , 1959-2009   | <i>Geneviève Cartier</i>      | 375 |
| Was Duplessis Right?  | <i>Roderick A. Macdonald</i>  | 401 |
| Building a Law of Human Rights:<br><i>Roncarelli v. Duplessis</i> in<br>Canadian Constitutional Culture                                   | <i>Eric M. Adams</i>          | 437 |
| The Public/Private Distinction in<br><i>Roncarelli v. Duplessis</i>   | <i>Derek McKee</i>            | 461 |
| Rand's Legal Republicanism  | <i>David Dyzenhaus</i>        | 491 |
| Democratizing Common Law<br>Constitutionalism   | <i>Evan Fox-Decent</i>        | 511 |
| <i>Roncarelli's</i> Green Card:<br>The Role of Citizenship in<br>Randian Constitutionalism  | <i>Matthew Lewans</i>         | 537 |
| Legality as Reason: Dicey, Rand,<br>and the Rule of Law   | <i>Mark D. Walters</i>        | 563 |
| <i>Roncarelli v. Duplessis</i> and Damages<br>for Abuse of Power: For What Did It<br>Stand in 1959 and For What Does It<br>Stand in 2009? | <i>David Mullan</i>           | 587 |

|   |                            |     |
|---|----------------------------|-----|
| Some Australian Reflections<br>on <i>Roncarelli v. Duplessis</i>  | <i>Mark Aronson</i>        | 615 |
| Les rapports entre le droit administratif<br>et les droits et libertés : la révision<br>judiciaire ou le contrôle constitutionnel ? | <i>Stéphane Bernatchez</i> | 641 |
| The Unfinished Project of <i>Roncarelli<br/>v. Duplessis</i> : Justiciability, Discretion,<br>and the Limits of the Rule of Law     | <i>Lorne Sossin</i>        | 661 |
| Witnessing Arbitrariness:<br><i>Roncarelli v. Duplessis</i> Fifty Years On  | <i>Mary Liston</i>         | 689 |
| Complexifying <i>Roncarelli's</i> Rule of Law   | <i>Robert Leckey</i>       | 721 |