

SUSTAINABLE DEMOCRATIC CONSTITUTIONALISM AND CLIMATE CRISIS

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We know that law is a major enabler of the human activities that cause climate change, biodiversity destruction, and related ecosocial crises. We also turn to the law to regulate, mitigate, and attempt to transform these unsustainable human activities and systems. Yet, these regulatory regimes are often “recaptured” or “overridden” in turn by the very anthropogenic processes causing the crises. The resulting vicious cycles constitute the global trilemma of the twenty-first century that is rapidly rendering the living earth uninhabitable for humans, in radically unequal ways, and for thousands of other species. Integral, non-violent, sustainable democratic constitutionalism is one modest, experimental, trial-and-error response to this trilemma.

Nous savons que le droit est l’un des catalyseurs d’activités humaines contribuant aux changements climatiques, à la destruction de la biodiversité, et aux crises écosociales connexes. Nous nous tournons également vers le droit pour atténuer et tenter de transformer ces activités humaines non durables. Pourtant, troisièmement, ces régimes de réglementation sont souvent « recapturés », voire « supplantés », à leur tour par les processus anthropiques à l’origine de ces crises. Le cercle vicieux qui en résulte constitue le trilemme mondial du XXI^e siècle qui transforme la Terre, de manière inégale, en milieu inhabitable pour les humains et pour les autres espèces. Un constitutionnalisme démocratique durable, intégral, non violent, modeste, expérimental, à tâtonnement, est l’une des réponses à ce trilemme.

* Distinguished Emeritus Professor, University of Victoria. I would like to express my gratitude to the members of the McGill Law Journal editorial board for the invitation to give this lecture and for their wonderful hospitality from the beginning right through to rewriting and publication. I owe special thanks to Aaron Mills for all his insight and help with these complex issues. I would also like to thank the Dean and the Faculty and students who engaged in the lecture and discussions that followed in ways that embody the best of the dialogical seeds and tools mentioned in the lecture. This lecture, rewritten for publication, is my small and inadequate gift in gratitude and reciprocity.