

LSUC LL.D. Doctorate *honoris causa*

Ottawa Call to the Bar

Tuesday, June 12, 2007

It is a privilege for me to be with you this morning and to be receiving an honorary Doctorate of laws at the same time as you are being called to the bar. Il y a 35 ans, à la fin de mes études en droit, j'ai quitté le Canada pour aller obtenir un doctorat en droit criminel à l'Université de Paris où j'étais détenteur d'une bourse du gouvernement français. Pour de multiples raisons, j'étais obligé de revenir au Canada après une année, ayant terminé les cours préparatoires au doctorat, mais je n'ai jamais pu retourner aux études pour le compléter. When the Treasurer advised me that I would be receiving a Doctorate, I was delighted. I would like to take this opportunity to express my gratitude to the Law Society of Upper Canada and in particular to Treasurer Gavin Mackenzie for this singular honour.

I appear before you today in some respects as an historical artifact, not simply because of my age or because my own call to the bar took place 32 years ago. I feel in some small way like the Forrest Gump of the Canadian Constitution. I will explain. When I was just about your age, I worked for ten months as a parliamentary intern in the parliament of Canada, beginning in the fall of 1970. What that meant was that I was a privileged, albeit petrified, observer of the events of October 1970. I was in the gallery of the House of Commons on October 16th, 1970, within hours of the proclamation of the *War Measures Act*. I saw a country in shock, a government in complete disarray and I witnessed the whole of the parliamentary debates following the proclamation. Twelve years later, together with thousands of other Canadians, this time in a festive and family setting, I was present, again on parliament hill, this time to witness the patriation of the Canadian Constitution and the birth of the *Canadian Charter of Rights and Freedoms*. The first event was stunning in its magnitude. While there had been acts of terrorism in Quebec, nothing to that time had prepared either the governments of the day or the people of

Canada for the events of the autumn of 1970. I had at the time a B.A. in political science and had completed two years of law school, yet little of what I saw or heard in that parliamentary debate had any resonance with the principles that I thought I had learned in school or the society in which I had always assumed I was living. In contrast, the patriation ceremony on April 17th, 1982 was a much lower-key event, with some pomp, but none of the drama that had the whole of Canada holding its breath in 1970. The kidnapping of James Cross followed by the kidnapping and murder of Pierre Laporte are the kinds of events that register forever within the psyche of those who lived through that difficult period. By comparison, almost no one would have any reason to have remembered where they were on April 17th, 1982. And yet, the second event was very much the product of the first. It also has had a much greater impact on our society and will continue to influence the development of our nation for generations to come. As you know, this year marks the 25th anniversary of the *Charter* and you are among the first generation of lawyers to have known nothing other than our constitutional democracy, to have lived your entire lives in Canada under the guarantees of the rights and freedoms of the *Charter*. You know from your studies the profound impact and the significant changes that the *Charter* has made in every area of our lives.

If you are looking for a thesis or a message in these remarks, it is simply this: your training and your special knowledge, combined with the obligations that you are undertaking today in repeating the barristers oath create an obligation on you that is different from that of any other profession. Our democracy is founded in essence upon the principles of the rule of law, laws that you have studied, laws that you will learn or those that some of you may eventually help to create. The rule of law is not simply the law of rules. Since the beginning of constitutional democracy in Canada in 1982, our society is one in which the Constitution is supreme: where a law is constitutional only where it does not unreasonably infringe the rights of individual citizens, where minorities enjoy the full protection

of the law and where an entire nation through its Constitution has banned the arbitrary exercise of authority. Principles of constitutionality involve considerations of rationality, proportion and justification against the background of the shared values of our society. What are the enduring values of Canadian society? They are those expressed in our Constitution: they include freedom of conscience and religion, of thought and expression; democratic rights; life, liberty and security of the person; freedom from arbitrary or unreasonable state intrusion; the right to an independent and impartial tribunal; equality, tolerance and justice. As lawyers, you have not only the ability, but also now the obligation to ensure the protection of those values. The oath that you will take today is neither a hollow promise nor a simple, technical pre-requisite to becoming a lawyer. It is the essence of our obligation as lawyers in society. You are undertaking a professional career which requires integrity and commitment and you are promising to uphold both the Constitution and the law.

While it may sound trite at this time and in this place, a life in the law is far more than just a job. Whether you know it or not, you will all inevitably be involved, to a greater or lesser extent, in matters that go to the heart of the rule of law. For some of you, rule of law issues will truly become a passion, for others, simply a backdrop to what you do. For all of us here today, for our children and grandchildren I am convinced that this country will be a better place, because you have today assumed your responsibilities as members of this venerable yet vital profession.

It will probably be sometime before you appreciate what becoming a lawyer really means. Some of you will end up doing jobs that do not even now exist; the opportunities that this call presents to you are almost limitless and are probably only constrained by the limits of your imagination. You have worked extremely hard to reach this point; many of you have made real sacrifices as have members of your family; for some, you will be continuing a proud, family tradition, for others, you will be

breaking new ground and fulfilling an ambition that has been in your family for years. It is a proud and a glorious moment for all of you and I invite you to celebrate it and to revel in it. I see your futures with optimism and promise. For me, the ceremony today is both gratifying and humbling. No one can tell what life holds in store for any of us, but I can predict that your lives will be forever enriched by the fact that you have today become a lawyer. I am envious of your youth, your energy, your abilities and of the possibilities that a career in the law now holds for each one of you. Je vous remercie de m'avoir permis de participer à cette cérémonie aujourd'hui. Je suis fier de faire partie de la promotion de 2007. I congratulate you all on your choice of career and wish you well.