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Letters from the Law Commission of Canada

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Like the thirty days that fill it, the month of November can feel intense, short, and grey. In the academic cycle, November is typically crammed with mid-term tests and assignments for students, and non-stop conferences and workshops for their teachers. As it turns out, my first November at the LCC has also been marked by back-to-back conferences. Familiar in terms of format and academic community, those conferences hold distinctive significance this year as I reflect on the links between legal research and law reform, and between academic presentations and stories from practice.

In an unusual and thought-provoking way, Benjamin Perrin began his presentation at McGill's Centre for Human Rights and Legal Pluralism on the 13th of November by sharing a quote from Harold Johnson's book, *Peace and Good Order: The Case for Indigenous Justice in Canada*: "Stop holding conferences. Stop with the symposiums. Give it up. You are wasting air." Ben Perrin used the challenge in that imperative to introduce his newly published book, *Indictment. The Criminal Justice System on Trial*, and the importance of grounding his writing in interviews with a wide range of people, including individuals directly affected by the rules and processes of Canadian criminal justice. It was an honour for me to engage him in dialogue about his impressive project.

If conferences were necessarily out-of-touch, exclusive and elitist sites for empty discussions, then the argument for putting an end to them would be obviously persuasive. And yet Perrin was speaking in a university seminar room packed with listeners keen to learn about overlooked experiences and listen to often unheard voices of people whose lives are intertwined with criminal law and process. That fact offered a striking argument in favour of concrete academic interaction and against casting conferences as a waste of air. Perhaps we can acknowledge and guard against the risk of disengagement from experience while at the same time embracing the potential held by conferences for inspired ideas and practice.

Inspired ideas were front and centre in a conference focused on evolving approaches to constitutional interpretation held November 8th to 10th at the University of Ottawa's Public Law Centre. Conference participants explored the aspiration for coherence in the work of interpretation combined with the need for flexibility and the connection to community. Interpretation of constitutional text might seem like a particularly abstract topic for discussion, precisely the kind of thing that seems disconnected from real lives and reality. But a focus on the Canadian "constitution" invites us to go beyond reading words in foundational documents to examine how national identity and narrative are "constituted" in dynamic, never-ending ways.

That kind of research work is nicely connected to *inspired practice*, described and shared throughout the Symposium on Indigenous Courts held November 21st-22nd in Ottawa and

organized by the Canadian Institute for the Administration of Justice. As Indigenous communities across an incredible range of sites, histories, sizes, and priorities engage with law and justice, many are designing institutions, spaces, and systems responsive to and reflective of community values and traditions. This was a high-activity and participatory conference full of constructive conversations, sharing of initiatives, naming and confronting hurdles, and finding new friends and potential partners.

My conference circuit took me far from Ottawa and Montreal for a few mid-November days. I headed to Paris as an invited participant in the first annual rendez-vous of the « Réseau international de l'innovation en justice », a partnership between the French « Institut des Études et de la Recherche sur le Droit et la Justice » and l'Institut Québécois de Réforme du Droit et de la Justice in Quebec. Topics included accountability and management of institutions of justice, procedural and participatory innovations with respect to justice, evolution in governance and education, technological transformations, and restorative models of justice. The final roundtable, discussion to which I was invited to contribute, focused on productive collaboration between researchers and legal professional actors. Speakers emphasized the importance of connecting ideas to actions, the necessity of listening to people and organizations working with justice “on the ground”, and the richness of projects that reach across both academic disciplines and sectors of society.



Stravinsky Fountain in Paris, France

Travel is something common to conferences given that participants typically converge in a space away from their usual workplaces. At first glance, this might seem like an additional reason to eschew conferences, to condemn them as limited to people and institutions with adequate resources. While there are indeed questions to ask and justifications to

articulate for the travel costs associated with many conferences, displacement can be an important source of new knowledge and deep reflection. As I always do when far from home, I visited local museums each evening of my conference-related stay in Paris, keen to explore and learn from the permanent collections and temporary exhibits. Across from the grand entrance to the Centre Pompidou, I spent time enjoying the colourful fountain-garden, full of moving sculptures all tied to the modern and contemporary artists whose work fill the Centre. And then I used that experience to inform my remarks as a roundtable participant: I suggested that, as a metaphor for innovative collaboration possibilities in the world of law reform, the sculpture garden inspires

imagination, courage, non-conformity, questioning, and new ideas about the relationship of individuals to mechanisms of justice.

As November draws to a close, I am back in my Ottawa office sorting through the souvenirs of my multi-stop conference voyage. The very fabric of a law commission headed by a law professor is collaboration between research and action, between ideas and practice. I will look forward to future conferences - as long as the people, the projects, the images, and the ideas continue to make those conferences truly worthwhile!

