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Letters from the LCC President

By Shauna Van Praagh

June 2023 to May 2024



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Letter # 1

19 June 2023

Two weeks ago, I arrived in Ottawa ready for my first day of work as leader of the renewed Law Commission of Canada. Like anyone starting a new job, I carried with me a combination of optimism, confidence and trepidation. As someone who has taught for three decades, I felt a little like I do at the start of each academic year: ready but a bit reticent, excited but also worried, prepared but somewhat shaky.



Entrance to the LCC office in Ottawa, ON

Transition is always tricky. A move to a new home, or a change in place and type of work, may be potentially exhilarating. It is also necessarily exhausting. It took me less than three hours to drive from Montreal to my new apartment. It took me fewer than the first three days to figure out the walk and alternative bus routes to my office. It will take a little longer to figure out which nearby grocery stores offer the best combination of price and quality, which gardens in the neighbourhood are worth a pause to admire the flowers, which downtown corners hold out a good possibility of bumping into my past law

students now working as jurists in Ottawa. It will take a lot longer to reimagine, rebuild, and revitalize the Law Commission 17 years after its doors closed.

I have suggested to my small and enthusiastic on-site team that it may be helpful to think of the Law Commission as entering the stage of adolescence. 1997-2006 marked its childhood, full of remarkable development and energy. Its earlier incarnation, the Law Reform Commission of Canada, provided a valuable inheritance and a past to be proud of. Now, as it hits its teenage years, the Law Commission of Canada has many directions to consider, much to learn, important friendships to consolidate, multiple associations to try out, and even significant risks to take! Sometimes painful, often turbulent, always intense, adolescence is full of tensions and possibility - a time of emerging autonomy supported and shaped by relationships.

In the same week that I officially put on a new hat, made a move, and took on a new position, out-of-control forest fires meant that many Canadians couldn't stay in their homes or head to their places of work. People across the world continued to be displaced by war, to have their lives and communities disrupted by climate-related crises, to lose their jobs and livelihoods, to struggle



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through precarious transitions on their own or with their families. In all of these contexts, people live with uncertainty. They may identify unfairness or failures of responsibility. And they always show remarkable energy and determination. All of this is inspiration for the constant pursuit of justice by individuals and groups in all kinds of ways and places.

Positive transition for people thrives on hope and hard work, faith and friends. This is likely true for law as well. As I look ahead, I remind myself that moving too fast is not a wise choice in addressing complex and entrenched challenges. Discovery and learning take time. There will be speed bumps in the roads that the Law Commission of Canada will travel. Exploring the shapes and sites of law for people across this land promises to be complicated. To mark the start of this new role I am honoured to take on, I have bought myself two agendas: a bright red one to carry with me on my adventures and a shiny black one for my desk to keep me rooted in my responsibilities. I look forward to filling them up and sharing my notes along the way!



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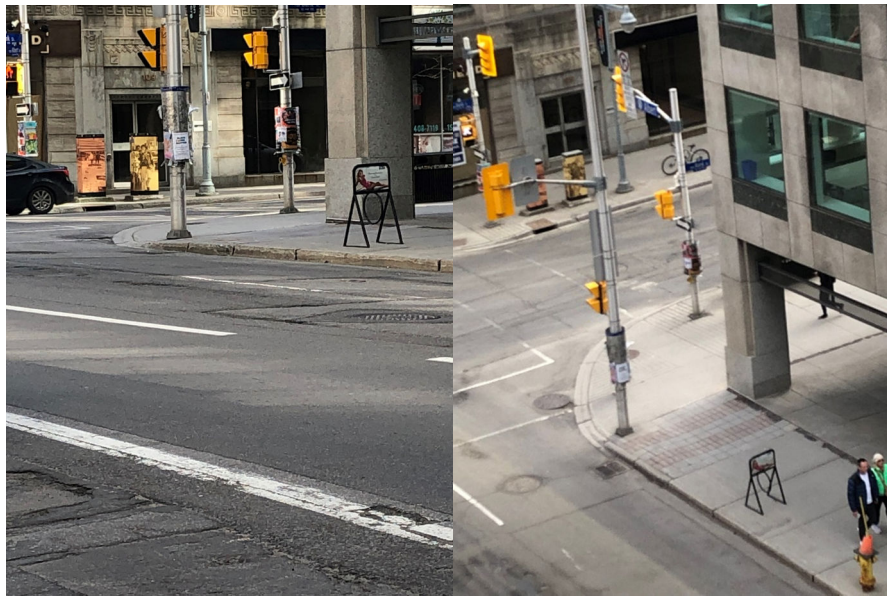
Letter # 2

23 July 2023

On my walk to work early one morning, I passed a man sitting on a piece of sidewalk that had served as a place to sleep overnight. He was speaking with a woman who seemed to be checking on how he was doing. I overheard a little piece of the conversation. "I've read the law", he was saying. He repeated: "I know the law. I know the law."

On another morning a couple of weeks later, I chatted with the person behind the counter at the place I go for coffee when I take a little break from my overly air-conditioned office in downtown Ottawa. It turned out he was a student interested in law and in going to law school. He had looked up the Law Commission of Canada. There are so many important issues, he observed. "It's great that something's being done about them!"

What does it mean to know the law, to read the law, to do something with and about law? The



Intersection seen from outside (left) and inside (right) the LCC office in Ottawa, ON.

questions are crucial but complicated. The answers are multi-faceted and complex. Reading rules isn't the same as knowing law. Identifying issues doesn't lead to straightforward problem-solving. At the same time, reading texts is often core to understanding law and listening to stories is fundamental to incorporating law into responsive frameworks for change.

One significant contribution the Law Commission of Canada might make is in generating, supporting, and contributing to the engagements we have within and about law. Who are the "we"? "We" might be holders of law degrees, doing all kinds of jobs associated with being lawyers or jurists. We might be policy-makers, tasked with addressing particular contemporary challenges or with anticipating challenges over the horizon. Alternatively, we might be individuals interested in embarking on the study of the shapes and forms and promises of law. We might be people who want - or indeed need - to be aware of how law intersects with our day-to-day lives.



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As I start to imagine the range and scope of potential conversations about the substance and nature of law in Canadian society, I reflect on law's weaving together of text, stories, and experience. Here I share two recent examples in my life as a law professor, an identity central to my new role of leadership of the Law Commission.

One month ago, I served as a jury member for a doctoral thesis produced by Kathy Bellefleur, a legal scholar now teaching at Laval University, keen to initiate fruitful dialogue across Innu and Quebec civil law traditions. Focused on notions of property, she demonstrates the ways in which stories of interactions and relationships create and sustain the law lived within Innu communities. She finds words to relate what does not exist in texts, while simultaneously working with words carefully selected and placed in the process of codification. At the same time, and extraordinarily, she integrates her own photography into the analysis, revealing her identity as artistic observer, powerful narrator, member of the Innu community, and versatile Quebec jurist.

Two weeks ago, I participated in a workshop that brought together the creativity of contemporary dance and the organized space of a law library. Situated in the Institute for Advanced Legal Studies in London, workshop leaders – dance artist and choreographer, Anna Macdonald, and doctoral student, Amy Preston-Samson - invited participants (legal academics at the very start of their teaching careers) to notice how we read and interact with law books. What do we hear, how do we feel, when and why do we move? Do we notice light and space, feel the heavy burden of work, allow ourselves to find joy? Do we give ourselves enough time to read, do we find a rhythm in reading, do we open ourselves to surprise? Participants moved through and with the books on the shelves; they focused on how, why, and where texts create and shape their engagement with law.

The examples are full of important lessons. Reading law can incorporate insights from dance. Writing about law can include stories and artistic photos. The multi-layered ways in which people think about and experience law in their lives are likely reflected in the multi-layered ways in which law develops and evolves. The homeless person on the sidewalk, the barista in the coffee shop, the photographer, and the dancer: all are potential partners in the work of reading, knowing, and re-forming law.



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Letter # 3

06 September 2023

As Canada marks Labour Day and summer draws to a close, there is a feeling of “back-to-school” in the air. Teachers prepare for class, students set off with fresh school supplies and parents wave goodbye at the doors of kindergarten classrooms, at school bus-stops, or at college residences. Even for people who aren’t teachers, students or the parents of students, the back-to-school energy of this time of year generates a sense of transition, anticipation and renewed purpose.

As a law professor, I have welcomed students to the first year of their legal education every September for over three decades. Right from the start, they are encouraged to ask hard questions, to recognize the co-existing forms of response to tenacious challenges or disruptive change in Canadian society, to begin to explore the directions they might take to make contributions in all corners of Canadian society. Generation after generation of law students learns from the past, takes stock of their present, and participates in imagining the future.

Given the fact that I am not at the front of a classroom this fall, “la rentrée” feels very different. Perhaps, however, what I am experiencing early on in this role of leadership of the Law Commission of Canada is not so different from what students always feel as they turn up for school. Like them, I am in intense learning mode, writing in new scribbles, and adjusting to a fresh routine. Like them, the Law Commission is busy meeting new “friends” and creating an identity to project and refine through new interactions and relationships.



View of the shoreline from Charlottetown. PEI

Beyond this tangible experience of “back to school” renewal and restart, however, there are – or should be – clear and strong connections between the teaching and learning of law, on one hand, and the projects and promise of law reform on the other. Law students constantly engage in reflections and processes central to the ongoing evolution and dynamism of law. Their teachers



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incorporate those reflections and processes into the courses they teach and the scholarship they create. Over their legal education, jurists-to-be identify ways in which rules and procedures in various domains – including, for example, criminal justice, commercial practice, and family law – could be more effective, fair, responsive and consistent.

This last endeavour, perhaps the most obvious mode of engaging in law reform, is precisely what the Uniform Law Conference of Canada has engaged in for 105 years. My first trip as leader of the Law Commission was fittingly to the ULCC's annual meeting in August, held this year in Charlottetown, Prince Edward Island. Provinces and territories, along with Ottawa, send delegations of jurists to sit together for a week of intensive reviewing and rethinking laws across civil and criminal domains, with the double-pronged aim of modernization and harmonization. There will be other occasions for me to reflect on this impressive work and on the ways in which the Law Commission's own work might support and intersect with that of the ULCC. For now, I will share – as travellers often do – a special memory of my end-of-summer trip.

On my last morning in Charlottetown, I took myself out to breakfast before the last session of the conference was scheduled to begin. Happy to chat with locals at the next table at the Receiver Café on Victoria Row, I was delighted to make the acquaintance of two teachers from the University of PEI: one from Education and the other from Creative Writing. It didn't take long before we had found colleagues and interests in common. That breakfast encounter was a lovely reminder of the generosity of Canadians and the potential for connection when we spend a little time in conversation. It underscored the possibilities that come with openness to new places, new people and new projects. And it nicely captured the importance of realizing how the world can feel both enormous and very small, something that "back to school" is all about. I might not be in a classroom this fall, but I can try to infuse the work of the Commission with some of the energy and curiosity that characterizes "la rentrée" across this country.



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Letter # 4

16 October 2023

The Canada geese are well aware we've reached mid-October. Here in Ottawa, if we keep our ears open, we know exactly when they're passing overhead on their long journey south. They call us to look up and watch them fly away in V-formation. They invite us through their sense of order and rhythm and collective purpose to reflect upon and value the connection of living beings to each other and to their always changing world.

The month of October begins on the heels of the 30th of September, a day to mark shared commitment to truth and reconciliation across this country. The orange shirts associated with the last day of September share their bright "notice me" colour with the maple leaves and pumpkins that mark the steady rolling in of autumn. Together with the geese, they all contribute to the cyclical feel and character of our Canadian calendar. The fact that we pause for Thanksgiving before we get too far along in October underscores our gratitude for the beauty of nature, the richness of the harvest and the powerful potential of collective movement and direction.

This October marked the first "Listen and Learn Roundtable" organized by the Law Commission of Canada to facilitate and encourage the sharing of ideas about law-related challenges today and on the horizon. As leader of our small but growing LCC team, I hope that these roundtables – the organization of which is still in its very early stages – will offer us opportunities to hear from people keen to share their ideas and projects. Around the table in this first get-together in Toronto, participants suggested exploration of new paths across a spectrum of issues relevant to the lives of Canadians. Those issues included fairness in conflict resolution procedures and evolving contours of corporate responsibility, review of sentencing and assessment of legal frameworks for immigration, quickly changing relationships with artificial intelligence and legal regulation of adaptation to climate change.

The range of areas calling for close examination, innovative thinking and wide-ranging ambition is striking. People, including and beyond the contributors to our roundtable exchanges, are already devoting time and energy to all of them. This fall and beyond, the Law Commission will be in listening mode, learning where and how to invest its own time and energy. We are keen to figure out who and what are calling out "notice me" - even if they're not coloured bright orange and don't honk aloud in the sky to signal their presence. And we give thanks for the individuals and projects dedicated to the never-ending hard work of responding to law and justice related needs.



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Autumnal maple leaves.

Characterized by changing leaf colours and the celebration of Thanksgiving, mid-October is also home to "World Play Day". Whether or not you've heard of it, let alone marked it, its meaning and significance are clear. Play is important enough to warrant special attention: ensuring space for play for young people and even for the not-so-young is crucial to human health, flourishing, and cooperation. This may sound far removed from the vocation of a Law Commission, but it's not. Just like play, engagement with change in and through law includes serious learning, collaborating, experimenting and imagination. Just like law reform, play offers a space for the intertwining of energy, creativity, and movement.

In the middle of this particular October, tragically and traumatically marked by brutal terrorism and the agony of war, it may feel difficult to focus on law reform projects, believe in the power and potential of reconciliation, or take joy in playing in the leaves. But the co-existence of all these things illustrates the fragility and the strength of our communities, institutions, and humanity. It is hard work to hold onto hope, learn from each other, reinforce foundations for justice, and take solid steps forward for change. But that is the task – as inexorable and awe-inspiring as the change of seasons and the taking to the sky of the Canada geese.



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Letter # 5

23 November 2023

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.



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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!



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Letter # 6

18 December 2023

On the morning of the 6th of December, I looked up as I crossed Elgin Street in downtown Ottawa. There, projected on the wall of the National Arts Centre, was a list of names, spelled out in huge, brightly lit letters. I began to read the names, initially only vaguely registering them as strangely familiar. Then I realized whom they belonged to. They were the names of the fourteen women murdered at École Polytechnique in Montreal exactly 34 years earlier.

I was 24 years old in late 1989. Many of the students targeted on the 6th of December by an angry, resentful killer in their classrooms and corridors were about the same age. They were studying to become engineers; I had finished law school in the spring of that year. We belonged to the same cohort, the same generation. If they had lived, they would be in their late 50's now. The intervening three decades would have included adventures and discovery, pursuits and people, love and loss. I might have crossed paths with some of them in Montreal as I took the bus, picked up children at primary school, visited the neighbourhood library, or waited in line to buy my groceries. Their names would have been known and referred to for so much more than sad and urgent reminders of violence against girls and women.

Spelled out in brightly lit letters and listed on the side of the National Arts Centre, the names underscore the importance of visibility, memory, and hope. This is a time of year marked by all three. The darkness of the winter solstice calls out for the light and brightness associated with December holidays. Families gather, often remembering past celebrations and individuals whose presence is missed. We wish each other a good new year and express our hope for health and happiness.

An anniversary is an appropriate moment to shine a light, pause to remember, and look to the future. An Arts Centre - home to music, theatre, and dance, all three intertwined with the complexity and capacity of human beings - is an appropriate place for fresh insight, commemoration, and commitment to change. Visibility, memory, and hope are also tied up with law, law reform and the role of a law commission. Law provides a distinctive and important lens for seeing people and problems. Remembering the past offers a significant vantage point for dreaming of and working on reform. An agency that shines a light on law, and ensures we learn from where we come as we move forward, joins hands with others in offering and nourishing collective hope.

The list of women's names also reminds us of the significance of individuals and their uniqueness. Yes, they are tied together as young women, as women associated with engineering, as women at university; they were subjected to horrific and lethal hate aimed at them because of that collective identity. We are right to remember the 6th of December as a moment in the shared narrative of



this country. At the same time, each name is attached to a particular person with a distinctive set of friends, family members, interests, abilities, plans, and dreams. The highly visible list of their names, projected once a year and accompanied by the invitation to read each one in turn, serves as imperative to connect projects and plans to real people.



Snow covered treetops.

It's a compelling message. For anyone working with law, it's a message intertwined with the exercise of power and responsibility that comes with the varied jobs that lawyers or jurists do. The stories and experiences of individuals inform and enrich our understanding and knowledge of communities, institutions, and entire societies; conversely, the rules and regulations by which society is governed, institutions are organized, and communities are sustained, affect people in ways that reflect their remarkable diversity.

Whatever our age or generation - whether close to the students who lost their lives at École Polytechnique 34 years ago, or to the middle-aged women they would be if they were still with us, or to their parents now in their 80's – let us find light to dispel darkness, remember the people who have made a difference to our paths, and share hope with those around us. Warm wishes from the Law Commission of Canada for the holiday season and for 2024.



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Letter # 7

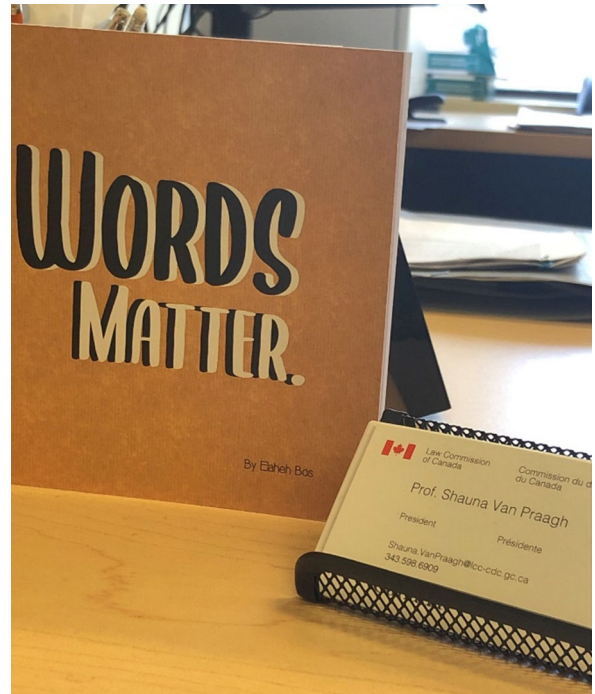
01 February 2024

Words Matter. That is the title of a tiny soft-cover book by Elaheh Bos, standing up and propped open on my desk at my Law Commission of Canada office.

Here are some of the sentences that a reader of *Words Matter* would find as they turn the pages:

- “You can’t build a house with words, but words can make a home feel safe.”
- “Words can inspire an idea, a person, a generation, a nation.”
- “Words become stories, recounting the tales of the old, or the courage of the bold.”
- “Words can bemuse, confuse, entrance, and amuse.”
- “They hint, they spell, they say, or scream. They help us dream.”

With the words she chooses to talk about words themselves, the author invites reflection, conversation, and questioning. Readers might implement the ideas they find on the pages. Or they might start to write their own sentences. They might take time to consider how they select their own words; they might slow down to assess the potential impact of what they say and how they say it.



This isn’t a letter grounded in travel to a different place or to meet with people outside the LCC. Instead, perhaps because I started writing it in January, a month that sometimes feels like it’s at a standstill, this diary entry is situated firmly inside our Ottawa office. It is focused on how our small team has instituted a routine for sharing words and stories related to the promise and work of the Law Commission.

Once a week, a staff member shares a news item in which they see some connection to the vocation of the LCC. Every four weeks, someone shares their pick for book of the month. Beyond offering an opportunity to strengthen our team through the sharing of insights and commitment, the exercises underscore the connections among journalism, fiction-writing, and law reform. Reporting by journalists, whether from around the corner or around the world, can offer deep, critical understanding of contemporary issues. Offering the news depends on and invites serious engagement with individuals and communities. The stories shared each week come from a wide variety of news sources and locations; each



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one gets us thinking about the ways in which norms and expectations, whether formal or informal, intersect with people's lives and trajectories.

The understanding, knowledge, and grappling with complexity at the heart of journalism are also found, albeit in different ways, in works of fiction or creative non-fiction. Here too words serve to recount, inspire, and help us dream. We have had two book picks so far. In December, we were introduced to Jesse Thistle's *From the Ashes – My Story of Being Métis, Homeless and Finding my Way* (2019). The author traces a path of hope intertwined with stories and reflections of identity, belonging, and struggle, and offers a narrative inspiring for any project tied to law and justice. In January, the selected book was *From Far Away* (1995), written by Robert Munsch with Saoussan Askar who shares her account of moving to Canada at age 7 from what had been a "very nice" place to live until the moment "when a war started". The words and pictures provide a compelling portrait of what arrival feels like and of the crucial impact of kindness and understanding on the part of individuals in our lives.

In both books – one about "finding my way", the other about coming "from far away" – we see the importance of telling one's story, counting on supporters, and choosing direction. One situates Canada in the world; the other underscores the existence of worlds within Canada. Both nourish and rely on the reader's imagination, curiosity, and compassion. As the LCC team looks forward to the February book pick, we can already see how the preoccupations tied to change and evolution in law might intersect with those expressed by creative writers. Words in both contexts guide and shape the work of listening, learning, gathering, mapping, planning, and constructing.

Readers may not be surprised by the sketching of connections among the distinctive forms and methods of journalism, fiction, and law. They might find a little more challenging the specific links between children's literature on one hand, and the shape and promise of law reform on the other. Below I share some of my favourite excerpts from two authors of books for children who underline ways in which children's literature is composed of compelling stories, structures for understanding and questioning the world, and insights into human behaviour and interactions. These are all, of course, elements characteristic of law.

Philip Pullman (from "Magic Carpets - The Writer's Responsibilities" and "Children's Literature Without Borders" in *Daemon Voices – On Stories and Storytelling*):

- "I take it that art, literature, children's literature, do *not* exist in an ivory tower; I take it that we're inextricably part of the world, the whole world; and that we have several kinds of responsibility that follow from that..."
- "Knowing that our readership includes children – notice, I don't say *consists of children*, because every children's book is also read by adults – but knowing that there are children reading us, what should our attitude be? Where does our responsibility lie? ... My feeling is that whatever we depict in our stories, we should show that actions have consequences.

Isaac Bashevis Singer (from "Are Children the Ultimate Literary Critics" in *Stories for Children*):

- "Children are the best readers of genuine literature...No matter how young they are, children are deeply concerned with so-called eternal questions...Children think about and ponder such matters

as justice, the purpose of life, the why of suffering...Many adults read and enjoy children's books...They, too, are serious children."

A couple of years ago, I discovered a reference to something American legal scholar Robert Cover used to say: "I went to law school to make the world a safer place for poetry." There is so much to contemplate in that statement – whether about the necessity of imagination and ideas, the importance of ensuring the safety of poets, or the intertwining of learning law and recognizing the power of words. All of that explains the presence of a child's book entitled *Words Matter* on the desk of the LCC president - just waiting to be picked up and read by visitors.



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Letter # 8

04 March 2024



Listen and Learn Roundtable at Western University.

Mid-February took me to London, Ontario for two distinct, yet connected, Law Commission “Listen and Learn” roundtable discussions. London is home to Western University and its Faculty of Law. Significantly for the Law Commission of Canada, the city is also home to Sarah Elgazzar, one of the LCC’s part-time Commissioners.

The Listen and Learn roundtable coordinated and chaired by Sarah, and held at London’s City Hall, marked the first time the LCC has brought together and engaged directly with community organization representatives. The individuals around the table shared the work they do related to children and youth, environmental challenges, welcome of refugees and other newcomers, post-incarceration reintegration, elder care, preparation of Gladue reports on behalf of Indigenous individuals in the criminal justice system, and housing needs. Joined by individuals from municipal government focused on anti-racism initiatives and community liaison work, the participants underscored how important they found the promise, feeling and culture of “justice”. At the same time, they identified significant challenges to justice within their domains/sectors and in the lives of the people they work with. Around the table, they offered concrete examples of the kinds of support needed by individuals and communities to build and sustain hope for the future.

We heard stories of effective capacity building and community education. We also heard considerable frustration over limited resources and support for funding applications. Lack of legal literacy and limited charitable funding were noted as key barriers to effective work. Interesting and potentially fruitful concrete observations and suggestions included the teaching of law to agency leaders (who could then become “law teachers” themselves); the impact on equality in society of offering inspiring play and green space for all children in all neighbourhoods; and the need for building and sustaining trust between police and communities. One participant shared the heartbreaking experience of asking a teenager who had recently arrived what she would like to do when she grew up - and then realizing that the young newcomer had no way to answer and no capacity for imagining that far into the future.



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At the Faculty of Law at Western University, our Listen and Learn session was integrated into an ongoing Legal Education series and thus attracted a cohort of scholars particularly interested in the teaching and learning of law. Host professor David Sandomierski kicked off the discussion with selected excerpts from an article by an Australian legal scholar focused on connections between law reform and legal education. As participants responded to the question of where they see law reform in their work as legal scholars and educators, four kinds of reform notions or projects appeared to emerge, each attached to specific underlying values or objectives: critical change (distributional justice), coherent codification (efficiency), change through judgments or policy (internal evolution), and harmonization (integration, unity). We discussed the challenge of making law more understandable to the Canadian public, and the desirability and feasibility of citizen interaction with law and legal texts. As Canadian legal education engages in ongoing self-analysis, there is an interesting opportunity to make explicit connections to the multi-faceted, justice-driven project of law reform. We ended with a reminder of the observation by Harry Arthurs, a leader in the field of Canadian legal education for decades, that "law schools are knowledge seeking, critique generating, change making institutions".

Three lessons or takeaways stand out from the two roundtable events that made this visit so enriching and enjoyable. First, there were significant points of overlap between what were expected to be very different discussions. In particular, the challenge of comprehension of law was raised by members of both circles. Legal academics realize that the judgments, pieces of legislation, codes, and pieces of academic writing with which they work all the time are largely inaccessible to non-jurists. That doesn't mean they don't have true value, but it may indicate a space for more effective "translation" in some cases. The fact that community-based groups note that the people they serve may need or want greater "legal literacy" or basic understanding of law in this country, highlights the important work done by public legal education organizations and invites the LCC to support their initiatives.

Second, it emerged that perhaps the greatest value of ongoing Listen and Learn roundtables comes from the LCC's providing of space for exchange and sharing. Participants realize the Commission doesn't have simple solutions to the problems they see and live with, but they appear to appreciate the opportunity to articulate those problems and to make connections to the work and ambitions of the Commission. In a nice coincidence, both the Chief Justice of Canada and the newest Justice of the Supreme Court, the Honourable Mary Moreau, spoke of the importance of education and outreach at Justice Moreau's swearing-in ceremony held on February 19th. Their words reaffirmed for me the priority for the Law Commission of finding ways to support critical comprehension and innovative engagement.

Third, over two busy days in London, Sarah Elgazzar and I were constantly surrounded by "law reformers", whether they wore the hats of community organization leaders, law teachers, policy actors, or academic scholars. It was both striking and crucial to be reminded that the work of law

reform, far from the exclusive domain of a federal agency, is shared across this country by a remarkable range of individuals, communities, and institutions. As we repeated to participants, the Law Commission of Canada does not have law-making authority or magical repair capabilities. But it can do powerful work in facilitating connections, grounding serious reflection, and envisaging fresh directions for law - hand in hand with its fellow law reformers across Canada.



Letters from the LCC President

by Shauna Van Praagh

Letter # 9

03 April 2024



Spring daffodil in Vancouver, BC

Early March took the Law Commission west to Vancouver, Regina, and Saskatoon. I was delighted to discover cheerful daffodils blooming next to the Pacific Ocean, and equally delighted to watch Arctic hares playing in the still-deep Saskatchewan snow. The striking range of springtime images was matched by that of the people who made time to meet with us, share their preoccupations and projects, and offer suggestions for the LCC's future directions. Together with Kirk Shannon, Director General of the LCC and fellow traveller, I have returned to Ottawa both energized and inspired by exchanges with individuals and organizations we now include among our friends and neighbours.

As I review the notes with which I filled an entire notebook over the week away from the office, it seems to me that the voyage was marked by meetings with "adventurers", "teachers" and "stewards". In this letter, I will simply point to examples of each and demonstrate the LCC's embrace of all.

The "adventurers" include the Justice Education Society (JES) and First Nations University (FNU). Based in downtown Vancouver, JES does its work at digital, local, and increasingly international sites. Originally founded as a provider of public education about law courts, and still driven by a people-centred approach to justice, JES currently develops and offers an incredibly broad array of



Arctic hares in Saskatchewan.

programs and resources that tackle, for example, youth suicide, human trafficking, changing family forms, justice sector capacity-building, and victim support services. First Nations University (FNU) exists and extends in four directions. I met the university's president, Professor Jacqueline Ottman, at the beautiful Regina campus designed by Douglas Cardinal; students, 90% of whom are Indigenous, can pursue their education here or in three other ecosystems or campus locations across Saskatchewan. FNU offers meaningful programs and support through a focus on Indigenous knowledge systems integrated into discipline-specific and interdisciplinary learning. Both "adventurers" – FNU and JES – are growing in size and ambition, aware of their past and



excited for their future. Ready to carve new paths, meet new partners, and experiment with new projects, they exude a love of exploration and a willingness to chart daring courses if and as necessary.

The “teachers” we met include members of the faculties of law at the University of British Columbia and the University of Saskatchewan, and the director of the Johnson Shoyama Graduate School of Public Policy. Perhaps less obviously, the British Columbia Law Institute and the Law Reform Commission of Saskatchewan – our provincial counterparts – also perform roles and responsibilities of teachers as they develop legal literacy and direct wide-ranging research and recommendations. In our “listen and learn” mode, we heard about projects related to regulation of emergencies, criminal justice and artificial intelligence, Indigenous laws and legal traditions, reproductive rights, religious education, and shifting parameters of municipal government. Keen to teach about their own areas of exploration or publication, everyone was also keen to share ideas about how the Law Commission of Canada could welcome young scholars pursuing graduate degrees in law or related disciplines, encourage and provide a home for collaborative exchange, and support crucial links among ideas, understanding, and positive change.

The “stewards” we discovered include the provincial law societies of British Columbia and Saskatchewan, who oversee the legal profession and its members within their respective provinces, and Regina’s Intercultural Grandmothers Uniting (IGU) group whose members explain they have been quietly and determinedly practicing reconciliation for three decades. All shared their wisdom and their worries, and all carry the significant burden of leaders, guides, and role models. The law societies worry about the independence of the legal profession in a free and democratic society; they offer wise counsel as to areas of law or projects of reform where a Canadian Commission might make some difference; they acknowledge the heavy responsibility of ensuring varied and responsive competencies on the part of lawyers. In a very different register, the members of IGU share a commitment to demonstrating mutual support and constructive listening, particularly to children and youth in Regina. The Intercultural Grandmothers meet in a circle once a month to share ideas and energy, discuss projects and discoveries, and nourish the ongoing recounting of stories among Indigenous and non-Indigenous friends.

While the labels of adventurer, teacher and steward are meant to convey distinctive roles or perspectives, considerable permeability exists across the categories. All our interlocutors demonstrated the courage and curiosity associated with an adventurous spirit. All engage in some kind of teaching, whether through educational programs, modelling and leadership, or production of study papers and reports. All exhibit stewardship through the care and investment they pour into the sustained wellbeing of people and projects. From all of them, we heard about the richness and challenges associated with the fact that their province is home to many distinct Indigenous communities and Nations. The associated multiplicity of issues, experience, sites, and perspectives can feel overwhelming. But it also fosters patience, determination, and passion.

We carried many messages, insights, and expectations back home to the Law Commission's office in Ottawa. We have been invited to try to stitch together what can feel like disparate and lonely law reform endeavours. We were asked to consider convening unexpected conversations; we were encouraged to provide steady, credible leadership in a contemporary context that feels polarized and fractured. We were entrusted with working across statutes and regulatory frameworks, rather than confining ourselves to usual and well-worn categories and spaces. And we were reminded of the importance of shaping and nurturing the promises of law and of building durable bridges between global and local, between ideas and practices, and between theory and engagement.

I bring this letter to an end in April, firmly situated in a season of springtime celebrations associated with reflection and revival. The transition from one season to the next serves as reminder of the cycle of life and the rhythm of intergenerational renewal. The people we discovered on this trip capture that cyclical rhythm in their ongoing and always evolving work. A little like spring sunshine - whether encouraging the flowers or melting the snow - their projects radiate energy and inspire hope.



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Letters from the LCC President

by Shauna Van Praagh

Letter # 10

10 May 2024

The month of May began with a trip to St. Catharines, Ontario, for a Listen & Learn roundtable conversation chaired by Commissioner Aidan Johnson. Aidan had brought together remarkable individuals, invited for their varied responsibilities and roles in criminal law practice, policing and decision-making. We gathered in the library of the Welch Court House for a lively, insightful, and thought-provoking discussion focused on today's challenges and tomorrow's possibilities with respect to Canadian criminal justice.

On the walk from the St. Catharines train station – a tiny red brick building badly in need of some restorative care – I noticed two thriving businesses. Both offered auto collision repair services. Passersby are invited to assume that car accidents in the region are plentiful enough not only to sustain business but to allow for competition. For the Law Commission of Canada, auto collision repair might serve as a useful metaphor for a particular approach to law reform: one that responds to structural breakage, promises to smooth out the dents, and offers to apply a fresh coat of paint.



Listen and Learn Roundtable, Welch Court House (St. Catharines, ON) 6 May 2024

As the roundtable discussion started, it wasn't surprising that the initial observations with respect to fairness in criminal law and justice focused on crisis, damage, and the need for urgent repair. This was the Law Commission's first Listen & Learn with a circle of professionals whose paths have included extensive practice-based experience. That experience provided a special and rich vantage point from which participants deplored inadequate resources, insufficient support for criminal defence work, sometimes floundering initiatives with respect to opioid addiction, and lack of consistency and effective coordination. It seemed easy to compare the situation to a car wreck.

As the discussion developed, however, it became obvious that the auto collision repair image for law reform, while evocative, doesn't quite work. It's simplistic to wish that the criminal justice system could be towed like a broken-down car to specialists who would send it back in fully functioning order. The metaphor isn't only unsatisfactory or unrealistic; instead, it risks being dangerously misleading. Desire for complete overhaul directed by an imagined institution with omnipotent power can turn into greater despair, brokenness, and sense of disempowerment. Yes,



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as participants around the table agreed, governments at every level could and should be more aware and responsive. But the repair might come in the form of somewhat messy patchwork, partnerships, educational programs, and grassroots cooperation involving a wide range of individuals, communities, and institutions.

It is interesting to realize that another route to the same conclusion might take the form of research and scholarship, sometimes from domains beyond law. Four weeks earlier, the Law Commission hosted French sociologist Jacques Commaille in our Ottawa office. Professor Commaille also turned to the vocabulary of crisis as he shared with us his critical analysis of ongoing transformations in how we know and understand law. In Canada to present his most recent book, *L'esprit politique des savoirs: Le droit, la société, la nature*, he is particularly concerned with the place and potential contributions of citizens to their societies. For him, citizens must be empowered to participate in necessarily pluri-dimensional problem solving. He underscores what he refers to as "les connaissances situées": knowledge and understanding situated in context and experience. If law itself is fundamentally about structures for social flourishing, the processes in which citizens participate must both be grounded in, and nourish, the renewal of hope.

The juxtaposition of these encounters – one in our Ottawa office as host to a French scholar, and the other in a small city centre with Commissioner Aidan Johnson and a varied group of actors in criminal law and justice – reminds us that theory and practice in law are not as far apart as they might sometimes seem. It would be easy to label one as "high theory" in sharp contrast to the "on the ground practice" character of the other. It might even be easy to see them as competing auto collision repair businesses, each sure that their approach offers the best service! But together they offer sophisticated and intertwined responses to the question found in the title of one of Jacques Commaille's books: *À quoi nous sert le droit?* They refute the often-assumed dichotomy between theory and practice and instead embrace their co-existence and connections.

Yet another meeting, situated between these two in late April, showed how that insight and embrace can inform the work of law reform. On a stop to our office as part of a visit to Ottawa from Vancouver, Executive Director Peter German and Chair of the Board Neil Boyd shared the history and current initiatives of the International Centre for Criminal Law Reform and Criminal Justice Policy. Launched in the early 1990's as an informal successor to the disbanded Law Reform Commission of Canada, ICCLR identifies and leads criminal law reform projects that necessarily combine theory and practice. The Centre's impact relies on the coming together of actors including lawyers, criminologists, and judges: people are front and centre in the design and implementation of their work related to change in law. In both substance and format, they illustrate a complex and in-depth approach to law reform, dependent on the inextricable links between theory and practice and between people and processes.

The Law Commission's ongoing reflections on potential paths for research related to criminal justice reform in Canada rely on outreach to, and engagement with, thinkers and actors, ideas and practices, scholars and policymakers. We may have a unique role and responsibility in encouraging and supporting conversations that focus on collaboration rather than crisis, participation rather

than distance, trust rather than despair. On future travels, I will be on the lookout for metaphors more promising than that of auto collision repair!