



Letters from the LCC President

Letter # 11

6 June 2024

As the Law Commission and I mark our one-year anniversary together, it is a moment to reflect, rejoice and look ahead with optimism. In my first letter, written shortly after my arrival in Ottawa on June 6th of last year, I underscored the fact that discovery and learning take time. I shared my anticipation that reimagining, rebuilding, and revitalizing the Law Commission – like any positive transition - would require hope and hard work, faith and friends. Twelve months later, the Commission is thriving on exactly that combination of elements.

Along the way, our Executive Director at one point characterized our team and the Commission with words that resonated and have stayed with me. She referred to our “uncertain awesomeness”. The words also work in reverse order to label our existence one of “awesome uncertainty”. Either way, the Law Commission of Canada combines uncertainty with awe, powerful potential with existential fragility. Its history is one of impermanence and renewal, of revival after hibernation. I have the extraordinary honour of harnessing the awesome energy and creativity invited by uncertainty.

In an article from 2022 entitled “Two Standards of Repair: Restoration and Resilience”, Erik Encarnacion referred to the Japanese practice of Kintsugi to suggest an inspiring approach to repair:

“Shattered ceramics usually show cracks even when the shards are glued back together. So discarding them is tempting. But a Japanese practice called Kintsugi counsels a different response: reassemble the shards using adhesive infused with gold dust. The results are stunning, with the cracks glowing like lightning, giving ceramicware new life. Kintsugi turns a lamentable event—someone’s having dropped some pottery—into an opportunity for artwork, a blessing in disguise. Kintsugi seeks repair but does not seek to erase the evidence of the breakage. It is a repair that creates something new, a mode of repair that seeks to make something in some respects *better* than before it broke, without erasing all traces of injury. Call this ideal of repair, which Kintsugi realizes, *resilient repair*.”

To date I have heard many words starting with “re” used to describe the task of leading this Law Commission of Canada. Re-creation, restart, restoration, renovation, resurrection, resuscitation, renaissance: all are situated along a broad spectrum of meaning and imagery. The notion of Kintsugi invites us to add *resilient repair* to that vocabulary. Perhaps the 17-year gap in the existence of the Law Commission is an invitation to fill the cracks with gold dust, to rejoice in the opportunity for artwork, to find a blessing in disguise.





At age one, this Law Commission of Canada continues to meet with individuals and groups wearing many kinds of law reform hats as they engage with justice, change and hope. Some present themselves as practitioners, others as scholars, still others as policy makers. All work in spaces and at sites where change or evolution in law is ongoing and necessary. Law reform and law reformers are usually associated with the mode of restorative repair, the standard in contrast to which the Kintsugi-like version is offered. The alternative mode of resilient repair, replete with cracks that can't be eliminated, might be better suited to the problems and potential associated with law and legal institutions. As a legal scholar from Nigeria reminded participants in a recent LCC Listen & Learn conversation, well-worn and often invisible foundations of a democratic society require ongoing trust and constant care.



The Law Commission's visual presence, launched via our new website on the cusp of this first anniversary, aims to capture this notion. The asymmetrical maple leaf, multi-coloured and veined with gold, is at the same time irregular and beautiful. The design is inspired both by nature and by human interaction: the intersecting gold lines can be seen as cracks or veins in the leaf and at the same time as segments of intersecting circles of encounter. Our job at the Commission is to help fill the cracks with knowledge, understanding, collaboration, and possibility. It is a task of building relationships and connections. It is work that requires imagination, humility, participation, and responsiveness.

Members of the LCC team have offered a birthday present to the Commission in the form of ideas, hopes and dreams as we head into year two. They emphasize the obligation to be visionary, they underscore curiosity and innovative interactions, they point to the special vantage point from which the LCC can initiate and support ongoing conversations. Their wishes for the Commission include the words "bold", "unconventional", "meaningful", "productive", "collaborative" and "valuable". They see how their work dedicated to the building of foundations and capacity has resulted in an entity that is serious, surprising, and sustainable. In their hands, the LCC presents itself with confidence and resilience, ready to engage in the initial series of research projects identified over the course of this first year. Awesome in an inevitably uncertain world, we are ready to celebrate!

