



## **Rule of Law at the Law Commission of Canada**

### **Contemporary Rule of Law Conversations**

At the outset of 2026, “rule of law” continues to receive intense and deserved attention. People across Canada hear, talk and ask questions about the rule of law and its importance in our free and democratic society and throughout the world. Concern and curiosity exist hand-in-hand. Our country ranks highly with respect to rule of law in its institutions, structures and culture. Even so, public literacy, confidence and participation related to rule of law require constant investment.

It can be easy to think of law primarily in the form of orders – some which prescribe certain desirable behaviours and others which ban activities deemed problematic or dangerous. But much of law is intertwined and concerned with process: the “how” rather than the “what”. There are principles and guidelines that govern how law develops, how rules are adopted or modified, and how we organize and oversee encounters and relationships. This is the domain of rule of law – a complex concept subject to perpetual negotiation among coexisting and sometimes competing values and interests across a full range of actors and settings.

Elements of rule of law generally include structure and stability, consistency and fairness, accountability and restraints on the exercise of authority. Foundational in nature and thus somewhat invisible, these are notions that require ongoing attention for their vitality. They can be identified and implemented in all corners of our lives: from kindergarten to high school, sports teams to workplaces, townhalls to legislative assemblies to international bodies. People are subject to the rule of law, but they are also and importantly responsible - individually, collectively and institutionally - for shaping and nourishing it. In other words, sustaining the rule of law as foundation and framework is an undertaking shared by all of us: a collective obligation exercised in our daily lives and interactions.

In Canada, the multi-faceted meaning and potential of rule of law is underscored by the coexistence of several legal traditions. All legal traditions, including common law, civil law, and Indigenous legal orders, have their own stories and sources, formats for decision-making, modes of ensuring structure, and mechanisms for change. All provide constraints in the name of strength and sustainability while supporting constant and creative adaptability. Together they reflect and reinforce a plural, always shifting, and even multi-directional, reality and promise for rule of law in our country – perhaps captured more accurately by “rule(s) of law(s)”.

### **Connections between “law reform” and “rule of law”**

As an independent, non-partisan agency engaging the people of Canada in the ongoing and dynamic evolution of law, the Law Commission of Canada reflects our nation’s commitment to the rule of law. In turn, the Commission plays a significant and unique role in supporting enriched



understanding and perpetual renewal of the notion. There exist deep connections between the evolution or reform of law on one hand, and the functioning and promise of the rule of law on the other. Both rely on trusted mechanisms and processes of change; both recognize and nourish action and participation within effective parameters.

The three parts of the *raison d'être* of the Law Commission of Canada – living law, pursuing justice, renewing hope – resonate with the central tenets of rule of law.

*Living law:* Our everyday lives offer obvious evidence of rule of law. Customers pay the posted price for groceries, cars stop at red lights, tenants know the amount of next month's rent, soccer players keep their hands away from the ball. Rule of law helps ensure clear expectations and meaningful promises.

*Pursuing justice:* The shared pursuit of justice across society relies on rule of law to discourage and call out abusive exercise of power. Rule of law links power to responsibility, authority to accountability. It helps shape effective responsiveness to harm produced by wrongdoing.

*Renewing hope:* Rule of law promotes trust and stability, while providing paths for public participation. It promises to place people - with their individual and collective needs and aspirations - at the centre of systems and processes. And it supports continuous imagination on the part of humanity.

The overlapping vocations of the Law Commission of Canada – *dream, repair, build and share* – are likewise connected to the value and promise of rule of law in our free and democratic society. Robust commitment to rule of law guides dreams, provides scaffolding for repair, offers foundations for building, and facilitates meaningful sharing and collaboration.

Over the course of 2025, the Commission's outreach engagements have underscored the desire to nourish public understanding of, and participation in, rule of law. We have heard that Canadians are keen to think and talk about rule of law in concrete and productive ways. Finding space for real dialogue, rethinking processes and systems, paying attention to margins of social life, exploring creative and constructive potential for rule of law: all have been articulated to the Law Commission as priorities. We have been urged to open space for deeper and more nuanced understandings of rule of law – going beyond reference to trust in state institutions to ways in which our everyday lives incorporate meaningful principles and structures of law and justice. We take seriously the insights and suggestions shared with us throughout these often-inspiring conversations and aim to incorporate them into the Commission's rule of law commitment.

## **The Law Commission of Canada's Rule of Law Commitment**

Contemporary rule of law projects and initiatives on the part of fellow institutional law and justice actors demonstrate a wide range of priorities and preoccupations. Some take stock of how nations are doing with respect to rule of law as assessed by established indicators. Others emphasize public and educational outreach. Still others work hard to demonstrate the value of



and significance of our independent judiciary or of the legal profession in Canada. [LINK](#) (separate page of rule of law resources, initiatives)

The Law Commission understands these initiatives to be mutually reinforcing and complementary. Stewardship of the rule of law in Canada and beyond is a broad, never-ending, and necessarily shared endeavour. Within this context, the Law Commission of Canada offers a unique and multi-pronged contribution. Through its **Rule of Law Commitment**, the Law Commission aims to nourish knowledge, connection, exploration, reflection and participation related to the meaning and practice of rule of law.

The Law Commission of Canada's **Rule of Law Commitment** includes interlocking initiatives and projects, some newly launched and others already in place, aimed at enriching rule of law understanding and participation.

"Teaching and learning together is a key element in the communities of legal practice that constitute law, and they then build or destroy our understanding of the rule of law in our society."

– Stephen J. Toope, *A Rule of Law for Our New Age of Anxiety* (2023) at 234