

Convocation Address

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Volume 29, Number 4, September 1998

URI: <https://id.erudit.org/iderudit/1035649ar>

DOI: <https://doi.org/10.7202/1035649ar>

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Publisher(s)

Éditions Wilson & Lafleur, inc.

ISSN

0035-3086 (print)

2292-2512 (digital)

[Explore this journal](#)

Cite this document

Pharand, D. (1998). Convocation Address. *Revue générale de droit*, 29(4), 485–488. <https://doi.org/10.7202/1035649ar>

Convocation Address*

DONAT PHARAND

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Mr. Chancellor, Mr. President, members of the Senate, Board of Governors and Faculty, honoured guests and dear fellow graduates :

Before beginning my brief address, permit me to say how so very grateful I am for the singular honour bestowed upon me today. The greater the university the greater the honour, and Dalhousie University is unquestionably one of the greatest. And you, the graduates of today, are part of this greatness, since you had to meet the test of excellence for which this Law School is well known. I congratulate you for your success, each and everyone of you. And I would like to congratulate, in particular, the women graduates who make up half of this class of 147; you stood at the top of the class and reaped most of the prizes. What a wonderful change from my class 50 years ago, when we had only two women in a class of 57. That was a time when the rule for women was, as expressed in French Canada, “sois belle et tais-toi” (Look nice and shut up). Now, the rule is or should be : be yourselves and speak up. I think this is real progress toward gender equality.

I also want to congratulate most sincerely the family members of the graduates : parents, wives, husbands and life companions. Your moral support, and quite often your financial support as well, were absolutely crucial to the success of the graduates of today. You should all be proud of that success and of this University and Law School.

On a personal note, I hope you will allow me to join in that pride. When I came here exactly 50 years ago to register as a First Year law student, I could never have imagined the honour which I am receiving today. The son of a father who never had the chance to go to school at all, I attended a small Jesuit college but did not complete any degree before joining the army. However, after the war, I wanted to study law and wished to do so in a university setting. At that time, Osgoode Hall was the only recognized law school in Ontario, under the sole control of the Law Society of Upper Canada, not part

* Graduation Ceremony of the Faculty of Law, Dalhousie University, 28 May 1999.

of a university and strictly practitioner-oriented.¹ So I applied at Dalhousie, and Dean Vincent MacDonald took a chance and admitted me to this very special law school. It is special, because of its well-known Weldon tradition, named after the founding Dean, Richard Chaplan Weldon. This tradition is a source of pride for all graduates of this law school and I think it is only fitting that, on this great day, we recall the basic characteristics of that tradition. These are three in number : high academic and professional standard, unselfish public service and an open door policy.

HIGH ACADEMIC AND PROFESSIONAL STANDARDS

In his address on the inauguration of the Law School in October 1883,² the founding Dean expressed his dream as follows : “To build up in this city of Halifax a university with faculties of arts, medicine, applied sciences and law [...] that shall influence the intellectual life of Canada, as Harvard and Yale have influenced the intellectual life of New England”.³ And Weldon knew the import of his words, since he had obtained a Ph.D. from Yale a few years before. Throughout his 31 years as Dean, Weldon and his few colleagues, particularly his good friend Benjamin Russell, who can be considered co-founder of the Law School, worked tirelessly to attain their goal. On mentioning the name Russell, I cannot miss the opportunity to pay tribute to your Dean, Dawn Russell, about whom I have heard only good things and who is giving such excellent leadership. Weldon and his colleagues made sure from the start that the program of studies met high academic and professional standards. They believed that not only must law students learn the techniques of the law, but they must particularly learn the ethics of the law and its broad underlying principles as a social science.

On examining your own program of studies, I was pleased to note that, aside from having a number of compulsory subjects on what I could call “legal culture” such as “Orientation to Law”, you have one specifically on the “The Legal Profession and Professional Responsibility”. To underline its importance, it is the only compulsory course in third year and Dalhousie is one of only a few law schools in Canada where it is compulsory. Unfortunately, lawyer-bashing has become somewhat commonplace because of the misconduct of a few, and we must absolutely ensure that our professional

1. For a description of the conditions of legal education in Canada (outside Québec) at that time, see J. WILLIS, *A History of Dalhousie Law School*, Toronto, University of Toronto Press, 1980, pp. 149-169.

2. This marked the beginning of the first Common Law School in Canada. Three Civil Law Schools already existed in Québec : McGill (1848), Laval (1854) and Montréal (1878).

3. J. WILLIS, *op. cit.*, note 1, p. 34.

behaviour is above reproach.⁴ I know that this Law School can count on you to maintain that high level of professional behaviour.

UNSELFISH PUBLIC SERVICE

Again, in his Inaugural Address, Weldon specified that: "In drawing up our curriculum we have not forgotten the duty which every university owes to the state, the duty which Aristotle saw and emphasized so long ago — of teaching the science of government". "We may fairly hope," he added, "that some of our students will, in their riper years, be called upon to discharge public duties".⁵ And the curriculum did reflect that vision by including Constitutional History, Constitutional Law and International Law. Today, your own curriculum includes not only Constitutional Law and Fundamentals of Public Law but, as well, a wide range of subjects responding to our society's emerging preoccupations and needs. I refer particularly to Environmental Law, Health Law, Human Rights Law, Children and the Law, Education Law, Immigration and Refugee Law, Alternative Dispute Resolution and Internet and Media Law. Whith this kind of preparation, it is not surprising that we find graduates from this law school everywhere in the upper echelons of the public service and the political life of this country. If the developing cynicism about politics is to disappear, we need more unselfish public leadership and we count on you to provide that kind of leadership.

OPEN DOOR POLICY

It is said that Dean Weldon kept his office door open and enjoyed having students come in and "chew the fat", By the thirties, when John Willis came on the Faculty, this policy had developed into a rigid rule: a professor's door had to be physically open.⁶ This was still the basic rule when I was here. Today, in spite of a large student body, I am pleased to note that professors have remained very accessible to students. When you reach a position of authority, which you will certainly do, I ask you to remember the ready accessibility of your professors when you were students.

4. In late 1998, *The Ottawa Citizen* published a series of articles that appeared every day for some three weeks with headlines such as "How crooked lawyers dodge justice" and "Legal System Protects Its Own", leaving the impression that lawyers can steal their clients and get away with it. See an excellent reply by G. MACKENZIE titled "A distorted portrayal", *The Ottawa Citizen*, 10 February 1999, page A-17. Mr. Mackenzie is a bencher of the Law Society of Upper Canada and the author of *Lawyers and Ethics: Professional Responsibility and Discipline*, Toronto, Carswell, 1993.

5. J. WILLIS, *op. cit.*, note 1, p. 35. Dean Weldon set the example of unselfish public service himself by serving as a Member of Parliament for nine years (1887-1896), all the while continuing his duties as professor and dean.

6. *Id.*, p. 8.

The Weldon tradition, which I have just squeezed in a nutshell so uncomfortably, has been the hallmark of this law school throughout its 116 years of existence. You — the graduates of today — are now the living embodiment of that great tradition and I know that you will carry its spirit across this country. And I mean “right across”, since this has now become a truly National Law School, as was the dream of Dean Vincent MacDonald.⁷ The proof is that a good half of you come from outside the Maritimes, from every single province of Canada, including the province of Québec. In addition to those of you from Québec who took the regular LL.B. program, some have come here with a Civil Law degree, from a Québec Law School or from the Civil Law Section of Ottawa University, to complete the one-year special Common Law program.⁸ *Je suis sûr que vous serez d'accord avec moi que vous avez fait un excellent choix. Vous en ressortez extrêmement enrichis et je vous en félicite.*

In closing, allow me to urge you to be forever proud of this great Law School and this great University.⁹ And, if I may add, remember the motto inscribed on the emblem of Dalhousie: *Ora et Labora*. It reminds us that we must not only work hard, but we must also ask for divine guidance. God bless you all.

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7. See V. MACDONALD, “A National Law School” in Appendix III of J. WILLIS, *op. cit.*, note 1, pp. 264-267.

8. Ottawa University also has a similar program whereby a Civil Law graduate may obtain a Common Law degree by completing an additional year, and a Common Law graduate may obtain a Civil Law degree in the same way. As well, the McGill Law School has had a National Program leading to both degrees ever since it was instituted in the sixties by the late Maxwell Cohen when he was dean. In addition to the special Common Law program, Dalhousie has an exchange program with Laval and Sherbrooke, initiated by Dean Ronald St. J. Macdonald in the early 1970's, whereby third year students may do one term at these law schools and obtain credits at Dalhousie.

9. For two excellent recent publications on the history of Dalhousie University and its Law School, see R. ST. J. MACDONALD (ed.), *Dalhousie Law School, 1965-1969: An Oral History* Halifax, Dalhousie University 1996, and P.B. WAITE, *The Lives of Dalhousie University*, VOL. 2, 1925-1980, Montreal & Kingston, McGill-Queen's University Press, 1998.