

Speech of Justice McKinnon: Induction Into the Common Law Honour Society

Colin McKinnon, K.C.

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Article abstract

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Allocution du juge
McKinnon: Intronisation
à la Société honorifique de
common law

Colin McKinnon, c.r.

LES REMARQUES DE l'honorable Colin
McKinnon, c.r., ancien juge de la Cour
supérieure de justice de l'Ontario, à
l'occasion de son intronisation au sein
de la Société honorifique de common
law, à Ottawa, le 13 septembre 2023.

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Speech of Justice McKinnon: Induction Into the Common Law Honour Society

The Honourable Colin McKinnon, K.C.

Chancellor Commanda, Dean Boon, Justice Abella, fellow honourees, dear family and friends, and special guests:

I am deeply honoured to be inducted into the Common Law Honour Society.

The receipt of this high honour has caused me to reflect upon its true significance. It occurred to me that the grand panoply of human history is richly imbued with such honours, whether this achievement is in the arts, academics, military action, science, the professions, or community service. Honours abound. The act of singling out individuals for the receipt of such honours, both as historical habit and present practice, is a hallmark of civilized behaviour.

Given their vast popularity, how should such honours be perceived? In my opinion, they should not be viewed as exalting particular individuals, but rather acknowledging a particular individual's achievement as constituting one example of broader group achievement. Honours should not be regarded as exclusive, but rather inclusive, in the sense that the honour embraces the group to which the individual recipient belongs. Implicit in the bestowing of an honour is the knowledge that others are equally deserving. "Full many a flower is born to blush unseen." Every day, in every way, and everywhere, persons perform deeds, great and small, deserving of honours—acts of mercy, kindness, courage, selflessness, artistic creativity, leadership, or brave quiet suffering—in fulfillment of the highest

1 Thomas Gray, "Elegy Written in a Country Churchyard" in John Bradshaw, ed, *The Poetical Works of Thomas Gray* (London: George Bell and Sons, 1903) 94 at 101.

attributes of human endeavour. Very few are singled out for notice. Far greater are those who also deserve notice. Such is the nature of honorifics.

Now I would not wish these observations to be interpreted as suggesting that honours should be sprinkled about as liberally, say, as election promises. Quite the opposite. Awarded sparingly, the attention of observers will be focused on the true meaning of the honour, and that focus will inevitably lead to reflection on the deep pool of deserving candidates.

Consider previous inductees of the Honour Society: Claudette Commanda, David Scott, Allan Rock, Sheila Block, John Manley, Lise Maisonneuve, Louise Charron, Michel Bastarache, Michelle O'Bonsawin, Monique Métivier, Paul Rouleau, Penny Collenette, Paul Crampton, Lawrence Greenspon, Lee Ferrier, Maureen McTeer, Ronald Caza, Shirley Greenberg, and this list is not exhaustive—each of these impressive and accomplished individuals symbolizes the unique richness, the dazzling achievement, and the immensely fertile ranks of the University of Ottawa's Faculty of Law. Without question, each recipient is deserving. Each is worthy of our collective admiration and respect. Some are personal heroes. Yet all of us must be struck by the many missing names—far more numerous than those named—who have served our profession with great distinction, and have not been singled out for reward. Suffice to say they are in our minds and in our hearts.

To be a member of the Common Law Honour Society should be a symbol of ephemeral qualities and cardinal truths—a reminder that no muscle is so important as the human heart; that an unbridled devotion to personal profit robs the soul of its essence; that the smallest cause is of serious import to the litigant advancing it; that lawyers and judges exist to serve the public, and not the other way around; that no particular form of legal work is less worthy than any other, so long as the work is done well and pursued ethically; that lawyers and judges must be prepared to suffer bitter public derision from time to time in our role as guardians of the *Charter of Rights and Freedoms*;² that the law is not just something written down in a book, but a living, breathing mechanism that can foster “peace, order, and good government”³ and the rule of law among all people who make up this magnificent country; and that to maintain a secure, vibrant, and robust society, things must change constantly. By that I mean to say that we should not steep ourselves so deeply in tradition that we become

2 Part I of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982* (UK), 1982, c 11.

3 *Constitution Act, 1867* (UK), 30 & 31 Vict, c 3, s 91, reprinted in RSC 1985, Appendix II, No 5.

blind to the demands of contemporary society. We must maintain a critical eye on the past, preserve what is good and instructive, and jettison what is base and prejudicial. With this attitude we can develop a living tradition, where dedication to reform infuses our world view.

There is one value that is immune to reform, however: the devotion to doing justice. The exercise of this immutable, irreducible virtue can vouchsafe the life of the law, guarantee fairness for all, and ensure lasting human harmony.

Membership in the Common Law Honour Society should never be regarded as exclusive but rather forever be symbolic of the highest virtue that governs the lifeblood of the law: a never faltering commitment to respond positively to a world that thirsts for justice, a world that will not rest until injustice is conquered. If this ideal remains the goal of its recipients, then the honour shall survive in perpetuity, for perfect justice shall remain and forever be, unobtainable. And so, the honour should be reserved for those who seek it, however difficult their path may be, however imperfect their quest may prove. The reward is in the effort.

And so, I take some pride in the small steps I have taken in the forever frustrating, but never ending, quest for justice. I accept the induction into the Society with profound gratitude, in the somewhat vain hope that its symbolic value will be maintained.