

In Memoriam: The Right Honourable Bora Laskin

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IN MEMORIAM

THE RIGHT HONOURABLE BORA LASKIN

The death of the Right Honourable Bora Laskin, Chief Justice of Canada, is deeply mourned at Osgoode Hall Law School, as elsewhere in the country. Knowledge of Chief Justice Laskin's achievements as a scholar and jurist is not confined to the legal community — his academic brilliance, his passion for justice and fairness and his important contribution to the development of Canadian law, especially constitutional law, earned him a justly deserved international reputation. Perhaps, though, he will be best remembered for the progressive and liberalizing spirit that informs the voluminous number of decisions and dissents that he wrote as a member of the Ontario Court of Appeal and the Supreme Court of Canada.

In the law school community, of course, we are especially aware of Chief Justice Laskin's contributions to academic life. He was not only a fine scholar but also an innovative educator who did much to bring Canadian legal education into the modern era. A graduate of this school, and then of the Harvard LL.M. programme, Chief Justice Laskin returned to the School as a member of the faculty during the Deanship of Cecil A. Wright. Together, these two long-time friends and colleagues contributed much to the development of an LL.B. curriculum and pedagogical approach which was better suited to contemporary Canadian circumstances than its precursors. Threatened in 1949 with the adoption of the Law Society recommendations to reduce the Osgoode programme to one of part-time study, Wright and Laskin, along with a third colleague, Professor John Willis, moved to the University of Toronto, and continued their programme of educational reform. In so doing, they prepared the ground for the creation of the modern university

law faculty which is now the established model in Ontario.

The Chief Justice continued to take an interest in the fortunes of his former school. Indeed, in the mid-sixties, he accepted an invitation from the Law Society to assist in the process of affiliating this law school with York University. Until his move to Ottawa in 1970, he continued to have an interest in and influence on law school affairs as a member of the Board of Governors of York University.

Chief Justice Laskin's academic contributions were not restricted to the law school environment. Somehow, he found time to produce lengthy and thoughtful reports on various matters at the University of Toronto and at York University. As well, he participated in the activities of the Canadian Association of Law Teachers and the Canadian Association of University Teachers. His staunch defence of academic freedom on various occasions led the CAUT to make him the first recipient of its Milner Award in recognition of his lasting contribution to academic life.

Unquestionably the most accomplished legal scholar of his generation, Chief Justice Laskin was the first major academic figure to assume high judicial office in Canada. This opportunity to forge important links between the two worlds of academic research and judicial decision-making was not lost. Although adequate assessment of his contributions, both as a scholar and judge, must await the passage of time, this important aspect of his life's work will surely be of enduring value. Similarly, the impact of Chief Justice Laskin's attempts to increase public understanding of the nature and function of the Court seems irreversible. Even without the Canadian Charter of Rights and Freedoms, it is unlikely that the Court would ever have returned to its previous status of relative obscurity in the public consciousness.

The loss of Chief Justice Laskin's wisdom and leadership as the Court enters the era of the Charter is an especially cruel turn of fate. As Rabbi Plaut said at the Chief Justice's funeral, it was as if his life's work had been designed to prepare him for this mighty task. Certainly, he was most eminently suited to that challenge: his contribution will be most sorely missed.

It is not, however, only the Chief Justice's professional achievements and contributions which lead us to grieve his passing so deeply. To those who had any personal contact with him, his abundant warmth, humanity, gentle sense of humour, unyielding integrity, fierce sense of independence, tireless devotion to public service and palpable commitment to excellence in everything to which he turned his hand were conspicuous aspects of his personality. He inspired, and returned in kind, great affection and loyalty from those who knew him. His pass-

ing is an irreparable loss.

Chief Justice Laskin's abiding humanity and his understanding of legal institutions and their potential infused his opinions and enhanced the quality of his judicial craftsmanship. It is not too much to expect that his life and work will be a continuing source of wisdom and inspiration for current and future generations of law students, lawyers and judges.

Dean John D. McCamus
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