

In Memoriam The Honourable Jean Beetz

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IN MEMORIAM

THE HONOURABLE JEAN BEETZ

The death in the early autumn of 1991 of the Honourable Jean Beetz, retired Justice of the Supreme Court of Canada, is deeply mourned by the faculty and students of Osgoode Hall Law School. Justice Beetz's career as a teacher, scholar, dean, adviser to governments, and jurist was marked by distinction and accomplishment. Yet the high quality of that career was exceeded, if that is possible, by the magnificent human qualities he possessed.

Justice Beetz's career is well known to the academic community. He was a brilliant young student whose education culminated in studies at Oxford University as a Rhodes Scholar. Upon returning to Canada, he embarked upon a career as a law teacher at the University of Montreal. He was known there as a reflective and meticulous scholar and a wise and caring teacher. He loved the life of scholarship and teaching, but was persuaded at one point to assume the deanship in difficult times at the University of Montreal.

Jean Beetz was not, however, a monkish scholar. He had a broad network of friends, former colleagues, and students who assumed positions of importance in the federal and Quebec governments. He left his academic position in Montreal from 1966-1971. During that time, he served in Ottawa, first as Assistant Secretary to the Cabinet and Assistant Clerk of the Privy Council, and then as Special Counsel to the Prime Minister on Constitutional Affairs, where he was deeply involved in the Victoria Charter constitutional reform process.

In 1973, Jean Beetz was appointed to the Quebec Court of Appeal and a year later to the Supreme Court of Canada where he served for fourteen years until his retirement, caused by ill health, in 1988. During his tenure on the Court, he established a reputation as a leader in two domains – as an interpreter of the Quebec *Civil Code* and of the Canadian Constitution.

Justice Beetz's years on the Court were a time of great constitutional turmoil. The Pearsonian conception of executive or

diplomatic federalism, wherein federal-provincial conflicts were resolved by political negotiation, had given way to battle between the logical and legalistic Pierre Trudeau, and, perhaps for the first time in our history, an equally confident and combative *coterie* of provincial Premiers, especially Lougheed, Blakeney, and Peckford. As a result, most of the major federal-provincial issues of this period — communications, language, national economic policy, natural resources, the administration of justice — eventually found their way to the Supreme Court.

Fortunately, the Court was up to the task of umpiring the federal system during these difficult years. Chief Justice Bora Laskin and Justice Jean Beetz had spent their professional lives thinking and writing about Canadian constitutional law. They did not see the country through the same eyes — Chief Justice Laskin was a strong centralist, while Justice Beetz was an articulate exponent of the traditional Quebec view of a relatively decentralized federation. This difference meant that they were often on opposite sides in major constitutional cases. The result was that constitutional lawyers, academics, and students were regularly treated to two scholarly, beautifully reasoned, and eloquent — but in the end — opposing judgments. Put simply, Professors Laskin and Beetz, as Chief Justice and Justice, elevated the level of discourse in Canadian constitutional law. Indeed, for fifteen years, I have told my first year constitutional law students on some cold February morning: "In preparation for tomorrow's class, would you please read the *Anti-Inflation Act Reference*. You will be reading what is, in my opinion, the single best written judgment in a distribution of powers case in the history of Canadian constitutional law — the dissenting judgment of Justice Jean Beetz."

It is also appropriate to note that for all his great professional accomplishments, the almost unanimous view of those who knew him would be that his personal qualities were even greater. In the words of Chief Justice Antonio Lamer at the ceremony in memory of the Honourable Jean Beetz: "*Jean, mon ami, pour le dire le plus simplement possible, était un homme bon.*" Kind, modest, quiet, gentle, wryly humorous at times — Justice Beetz was always the scholarly gentleman. He touched everyone he met with his integrity and his spirit. In the words of a former dean of

Osgoode Hall Law School, retired Supreme Court Justice Gerald Le
Dain:

As a person, Jean Beetz was a gentleman of the old school, of unfading courtesy and charm in personal relations. He was highly cultivated, had a delightful sense of humour, and behind his great personal dignity, revealed a capacity for warmth and affectionate friendship.

Justice Beetz's jurisprudence is greatly respected by students and scholars of Canadian constitutional law. Moreover, he was deeply admired and esteemed by those who knew him. I venture to predict that both his professional and personal legacies will endure for many decades.

James C. MacPherson
Dean of Osgoode Hall Law School

