

# Introduction to Panel Discussion on "Who is the Public and How Are Perceptions Created"

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The Honourable Madam Justice Rosalie S. ABELLA\*

This panel is designed to round out a morning devoted to trying to define what "justice" is and whether the public thinks we have it. Which charges us with trying to figure out who the public is and why, increasingly, it — or they — seem to feel that justice must not only be seen to be done, it must be seen to be believed. Which obliges us to try to understand how the public decides whether justice is being delivered by the system responsible for delivering it. And even when all of that emerges into increasing focus like a Polaroid photograph, even when we understand who the public is or who the many publics are and what it or they want us to do and know, we still have to decide to which of the public's many opinions we ought to respond.

It is a constantly evolving process of mutual judgment and misunderstood mythologies. The justice system listens and selectively responds. The public watches and selectively censures. Both the public and the justice system want the system to retain its credibility, its integrity and its independence, but they appear to have different views on how this is best achieved. The public or publics want the justice system to be intimately familiar with all of its concerns; the justice system wants to reserve the right to be more reserved about some of them. Clearly, we cannot please everyone, and sometimes we should not even try to please anyone.

But how do we ensure that we remain at least sufficiently aware of the realities of the public, that the gap between public need and justice delivery remains comprehensibly bridgeable? If the gap between the two begins to feel overwhelmingly wide to the public, the justice system's credibility is at serious risk. Any dissonance between us as providers and the public as observant consumer usually comes from divergent expectations : the result-oriented justice system, on the other hand, knows that one person's law can be another person's injustice. To both, justice is the ideal. The public thinks its reach to the ideal should exceed its grasp. The more realistic justice system is happy just to be able to keep the ideal in its line of vision. Neither is being deliberately disrespectful.

There is no absolute. But because justice and the public are indefinable, there is an incomplete conversation between us. And because the ideal is elusive, and because the

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\* Court of Appeal for Ontario, Toronto, Ontario.

definition of the public is similarly elusive, the ground is fertile for confusion and controversy — all around. We have judges who want to remain impartial and above the fray of public importunings, and yet we have a public who thinks there is a difference between an open mind and an empty one. We have lawyers who want to take every available procedural advantage in their clients' interests, and yet we have bewildered clients who want their day in court, not their years. We have Ministers of Justice and their bureaucracies who want to promulgate laws for the wider public and yet we have narrower publics who want special treatment or dispensation. And, possibly most importantly, watching all of this with a mixture of amazement, awe, and scepticism, is the media, which tells the public and the players in the justice system what they should know, and therefore inexorably helps shape what they think of each other. Add to this issues like race, gender, deficits, globalization, unemployment, and so on, and the magnitude of the task of delivering justice is intensified.

And so the stage is set for this morning's panel discussion.