

Closing Remarks

The Honourable Mr. Justice James M. SPENCE*

I am happy to have this opportunity to thank Mr. Justice Ian Binnie for coming to speak to us today. His remarks to us have been typically spirited, lucid and stimulating, laced or should I say, barbed with a wit that stings most when you laugh. His advocacy is for the cause of justice and he is an eminently forceful advocate in that cause. During the hearing in the Supreme Court on the question of a proposed Quebec referendum on secession, when the submissions were in full flight, Mr. Justice Binnie chose a strategic moment to ask a very demanding question. Counsel paused, and they began his reply by saying :

Excuse me, Your Lordship, but we are not used to hearing your voice in this chamber coming from the bench.

Another judge of the court replied : *Neither are we.* No one could doubt that we would soon become accustomed to the distinctive voice of Mr. Justice Binnie on the court. In the CIAJ, I am pleased to say, Justice Binnie is not stranger to our programs. This is not the first time he has addressed us and I hope it will not be the last.

The conference program advertises that I will provide a conference wrap up and summation. You probably find that prospect as discouraging as I do. Only a seriously deranged person would try to elaborate on these matters after such a speech from Mr. Justice Binnie. I have already provided ample evidence of my derangement but I would not want my condition to be thought serious. Accordingly, let me just say that I adopt in their entirety the remarks of His Lordship, as indeed I do the remarks of all our other speakers over these past three days, except of course where they are inconsistent with each other, which fortunately they frequently were. We have been stimulated, amused, informed and provoked. In our sessions on Justice for the Aboriginals and by Aboriginals we have been moved, indeed disturbingly moved. And, on receiving the news of Chief Justice Dickson's death, we have been saddened with the sudden reminder that the effort for justice always depends on dedicated individuals, of whom Brian Dickson is the exemplary figure.

Twice, our speakers referred to the significance of the activity or, perhaps I should say, the ceremony of the dance. It is said that the Zen Buddhist priest, on being asked to define his doctrine, replied : *We have no doctrine, we dance.* Consider a mental image of the good dancing. It has a necessary measure of formality, to assist the dancers. The dance is a shared experience in which the dancers support and accommodate each

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other with care and with grace. So as we critique our doctrine, and our performance, we would do well to pay heed to the invitation to join in the dance.

I thank all our speaker, on behalf of the CIAJ and thank our co-chairs Mr. Justice Nicholas Sherstobitoff and Madam Justice Gene Anne Smith, their organizing committee and our staff for putting together this fine conference, and our had working excellent translators for their excellent work; and I thank all of you for contributing to making this a superb gathering. We look forward to seeing all of you next October in Quebec City where we will consider "The Judiciary as the Third Branch of Government." Tell all your colleagues. To adapt the old French folk song, *Sur le pont de l'Institut, on y danse, on y danse*. Merci mille fois. À la prochaine.