***Ottawa Public Law Tour – Track 8 Concluding Remarks***

**Transcription of podcast**

Track 8: Concluding Remarks. There is one last landmark. Look west along Wellington Street to the large brownstone building across Wellington from the East Block. This is the Langevin Block. It is the home of the prime minister’s office, and so this is our final stop in the journey through the branches of government. Here we are looking at the *de facto* apex of the executive branch of government. The prime minister is a Member of Parliament who by reason of being able to depend on the support of a majority of Members of Parliament exercises the powers of the prime minister. In practice, he or she therefore wields the authority of the executive branch, although in formal respects, the governor general, and ultimately the queen, is the titular head of the executive government. By constitutional convention, however, these two people almost never exercise autonomous authority, and act on the advice of the prime minister or cabinet.

But don’t forget Baldwin and LaFontaine and responsible government. We often think of the prime minister and the executive branch as powerful, and they are, but that power is almost always delegated power. It exists because a sovereign Parliament has delegated swaths of authority to the executive branch through its statutes. As we shall see, there are many reasons why Parliament has done this, and many political reasons, and even some unfortunate legal reasons why parliamentarians rarely exercise their formal legal powers over a prime minister and the executive. But those reasons do not change the nature of our constitutional system of governance into one of executive branch supremacy. These are matters that you will discuss in your public law classes.

But for our purposes here, it is important not to forget this truth. And your job in law school is to learn and honor and defend rules that sometimes others are quick to discount. Look around you and you see the physical manifestations of power in a thriving and very successful democracy, one of the oldest and most successful democracies in the world, possessing one of the oldest uninterrupted constitutional traditions in the world – all this despite the relative youth of this country.

There are many reasons for that, but let me end with raising the indispensable public law issue I haven’t mentioned today. Because one of the reasons for our success as a country, maybe among the most important of those reasons, certainly amongst the most indispensable of them, is the Rule of Law, the idea that all are equal before the law, and that the law binds all, no matter what their station. Public law depends on this doctrine, as does any functioning system of justice, as does any sustainable economic order.

In 2015, a copy of the medieval *Magna Carta* travelled from England to a temporary display in the Museum of History that you passed by on the other side of the river. The *Magna Carta*, or at least the myth of the *Magna Carta*, is generally considered the genesis of the Rule of Law in ours and many other societies. But sadly, Ottawa has no permanent memorial to the Rule of Law. There is no building named after it. I can’t take you anywhere to show you the Rule of Law. It is invisible and almost intangible, but like a shared grammar, it structures the relationship between all the institutions you see around you. In many important respects, if you look across the street at the War Memorial, it is a reminder of events arising when human conduct is not governed by a Rule of Law smoothing social relations and smothering conflict. It is a reminder that in international relations and international law, one of the areas that I teach, the Rule of Law is underdeveloped.

But if you look down the east and back at the old Union Station, the site of the Canadian Constitution patriation discussions and the negotiation of the Canadian Charter of Rights, you should appreciate what can be achieved when people of good faith choose consciously to elevate law as the arbiter of conflict and disagreement, to subordinate power to regulation, and open the door to its exercise, being scrutinized by judges asked to impartially evaluate the evidence justifying the exercise of that power.

If you turn and take a few steps across the bridge, and look toward the skyline of Quebec, you should appreciate that even on the most foundational and elemental of issues, issues that tear countries apart, and over which many in many countries have died, the very persistence of the state, we have committed to the path of compromise and settlement conducted in the shadow of the Rule of Law.

Law is flawed, of course, and so are all we who practice it. We have much left to do, including within Canada itself as the not-so-distant events on nearby Victoria Island suggest. I don’t teach law because I think it is perfect. I teach it because it is necessary. And because it is necessary, it is important. I teach it as an act of conscious optimism. I teach it because it is one of society’s greatest intellectual adventures. I teach law in the hope of relentless forward progress. I am excited that you are here to share that vision.

And so welcome to Ottawa, my home for most of my life. And welcome to the University of Ottawa Law School. I am honored you are joining us and learning about and then helping to defend the Rule of Law. And in the interim, take the time over your legal studies to learn more about the physical spaces around you and how they shape and have been shaped by the law. What you learn in law school will often strike you as abstract, and at times obtuse, and sometimes it is. But more often than not, it is grounded in physical reality, and if you scratch the physical world around you carefully enough, you can quickly find laws imprimatur in almost everything, sometimes for bad, but often, and I hope more and more often, for good. And so our public law tour comes to an end and you start a new and different journey. I look forward to meeting many of you, and in the meantime, thank you for your time.

<end of Track 8>