WE CAN NEVER FORGET HOW THE WORLD LOOKS TO THOSE WHO ARE VULNERABLE

ROSALIE SILBERMAN ABELLA

Rosalie Silberman Abella is the Samuel and Judith Pisar visiting professor of law at Harvard Law School and is a former justice of the Supreme Court of Canada. She was the first Jewish woman and first refugee to serve as a justice with Canada's top court.

This article is adapted with her permission from a speech she gave upon receiving the 2023 Ruth Bader Ginsburg Medal of Honor from the World Jurist Association at the United Nations in New York in July 2023. A version of the speech was also reprinted in the Washington Post. Ruth Bader Ginsburg served on the U.S. Supreme Court from 1993 to until her death in September 2020.

In introducing Madame Justice Abella to receive the award at the UN in July, Canada's Ambassador to the United Nations, Bob Rae, recalled first meeting her at the University of Toronto in autumn 1967 and described her as "truly a force of nature." He added: "It is no exaggeration to say that Rosie Abella has been changing the world since childhood… No one person in my country has done more to explain the importance of equality, of justice and of equity — and to ensure their impact on the real lives of Canadian women and men — no single person has done more than Rosalie Silberman Abella."

You have just heard from one of the most extraordinary, most brilliant, and most admired lawyers and public servants in Canada. He's been a close friend for almost 60 years, and I think now you can see why. He is also proof that with hard work and patience, even men can make it to the top. (Laughter)

Happy 60th birthday to the World Jurist Association and thank you for the magnificent honour of awarding the Ruth Bader Ginsburg award to me.

The incandescent Ruth Bader Ginsburg was a jurist, a woman and a Jew. It was a defining combination that shaped her vision and her passions, transforming her from distinguished U.S. Supreme Court justice to iconic global metaphor.

When she pursued justice on the Supreme Court, she was a judicial juggernaut who was catapulted into international orbit by two forces: enthusiastic gratitude for her ever-bolder judgments, but also, as time went on, by the vituperative reaction of an increasingly regressive climate in which those progressive judgments were anathema.

Regrettably, that regressive climate is where we find ourselves today, especially about the judiciary. Critics call the good news of an independent judiciary the bad news of judicial autocracy. They call women and minorities seeking the right to be free from discrimination special interest groups seeking to jump the queue. They call efforts to reverse discrimination "reverse discrimination." They say courts should only interpret, not make, law, thereby ignoring the entire history of common law. They call the advocates for diversity "biased" and defenders of social stagnation "impartial." They prefer ideology to ideas, replacing the exquisite democratic choreography of checks and balances with the myopic march of majoritarianism.

All this has put us at the edge of a global future unlike any I've seen in my lifetime. We're in a mean-spirited moral free-for-all, a climate polluted by bombastic insensitivity, antisemitism, racism, sexism, islamophobia, homophobia and discrimination generally. Too often, law and justice are in a dysfunctional relationship. Too often, hate kills, truth is homeless and lives don't matter. Too many governments have interfered with the independence of their judges and media, too many people have died, too many people are hungry, too many people have lost hope and too many children will never get to grow up period — let alone grow up in a moral universe that bends toward justice.

We need to put justice back in charge, and to do that, we need to put compassion back in the service of law and law in the service of humanity. We need the rule of justice, not just the rule of law. Otherwise, what's the point of law? Or lawyers? Or a legal system? What good is the rule of law if there's no justice? And to make justice happen, we can never forget how the world looks to those who are vulnerable. It's what I consider to be the law's majestic purpose and the legal profession's noble mandate.

In 1948, having seen the horrendous cost of discrimination in World War II, the global community — here at the United Nations — made a commitment through the Universal Declaration of Human Rights that it would protect the world from inhumanity. Yet more and more, the arc of the moral universe is bending away from, not towards, justice.

For me, this is not just theory. I was born in a displaced-persons camp in Germany on July 1, 1946. My parents, who got married in Poland on Sept. 3, 1939, spent most of the war in concentration camps. Their two-year-old son and my father's whole family were murdered at Treblinka. Miraculously,

my parents survived and, after the war, ended up in Stuttgart, where my father, who was a lawyer, taught himself English and was hired by the Americans as counsel for displaced persons in southwestern Germany. When we came to Canada in 1950 as Jewish refugees, he was told he couldn't practice law because he wasn't a citizen.

He died a month before I finished law school and never lived to see his inspiration take flight in his daughter or the two grandsons he never met who also became lawyers, but he knew it would turn out all right because he was confident in Canada's generosity. And how right he was.

A few years ago, my mother gave me some of my father's papers from Germany. One of the most powerful documents I found was written by my father when he was head of the displaced-persons camp in Stuttgart. It was his introduction of Eleanor Roosevelt when she came to visit our camp in 1948. He said: "We welcome you, Mrs. Roosevelt, as the representative of a great nation, whose victorious army liberated the remnants of European Jewry from death and so highly contributed to their moral and physical rehabilitation. We shall never forget that aid rendered by the American people and army. We are not in a position of showing you many assets. The best we are able to produce are these few children. They alone are our fortune and our sole hope for the future."

As one of those children, I am here to tell you that the gift of hope is the gift that keeps right on giving, propelling me from a displaced-persons camp in Germany all the way to the Supreme Court of Canada.

My life started in a country where there had been no democracy, no rights, no justice. No one with this history does not feel lucky to be alive and free. No one with this history takes anything for granted. And no one with this history does not feel that we have a particular duty to wear our identities with pride and to promise our children that we will do everything humanly possible to keep the world safer for them than it was for their grandparents, a world where all children, regardless of race, colour, religion or gender, can wear their identity with dignity, with pride and in peace.

I am very proud to be a member of the legal profession but I'll never forget why I joined it.