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# Introduction

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Introduction



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# Introduction

## **Abstract**

This special edition of the Osgoode Hall Law Journal presents a collection of articles originally delivered at a symposium in 2013 celebrating John McCamus's 40 years as a professor at Osgoode Hall Law School of York University. The conference might equally have celebrated other milestones in John's remarkable professional life: forty years—give or take—since his first venture in law reform as a member of a research team; twenty years since his appointment as a member (subsequently Chair) of the Ontario Law Reform Commission; twenty years or so as Chair of the Canadian Civil Liberties Association; twenty years as well since the publication of his monumental work, *The Law of Restitution* (with the late Peter Maddaugh); ten years since his even more monumental work, *The Law of Contracts*, appeared; and five years as Chair of Legal Aid Ontario, the logical culmination of his work in the field reaching back to 1996 when he was appointed to head up a review of the province's legal aid scheme.

## **Keywords**

McCamus

## Introduction

HARRY ARTHURS\*

THIS SPECIAL EDITION OF THE OSGOODE HALL LAW JOURNAL presents a collection of articles originally delivered at a symposium in 2013 celebrating John McCamus's 40 years as a professor at Osgoode Hall Law School of York University. The conference might equally have celebrated other milestones in John's remarkable professional life: forty years—give or take—since his first venture in law reform as a member of a research team; twenty years since his appointment as a member (subsequently Chair) of the Ontario Law Reform Commission; twenty years or so as Chair of the Canadian Civil Liberties Association; twenty years as well since the publication of his monumental work, *The Law of Restitution* (with the late Peter Maddaugh); ten years since his even more monumental work, *The Law of Contracts*, appeared; and five years as Chair of Legal Aid Ontario, the logical culmination of his work in the field reaching back to 1996 when he was appointed to head up a review of the province's legal aid scheme.

While these markers all help to explain the timing of the symposium and of this special issue, by no means do they fully capture the range of John's professional interests and contributions: as a lead author or supervisor of dozens of law reform studies ranging from the protection of privacy and freedom of information, to the system of civil justice, to the regulation of paralegals, to family and property law, to damages and charities; as an adjudicator in labour and human rights

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controversies; as counsel and expert witness in important litigation; as Associate Dean and Dean of Osgoode Hall Law School; and especially as a much-loved teacher and highly productive and widely respected scholar.

Quite deservedly, honours have come his way. John was awarded the Walter Owen Book Prize and the Mundell Medal for his brilliant books and articles. The Law Society of Upper Canada conferred on him its medal for distinguished service to the profession as well as an honorary doctorate. He holds an honorific University Professorship at York and was elected as a fellow of the Royal Society of Canada and a member of the American Law Institute.

However, John's good deeds have not gone entirely unpunished. His tenure as Chair of the Ontario Law Reform Commission ended peremptorily in 1996 when the government of the day announced that it would no longer fund that agency. His excellent relationship with Ontario's legal aid clinics was imperilled when a government budget crisis in 2013 required that he impose an in-year reduction in their funding. And he has suffered the fate of Prometheus for his productivity, high standards, generosity, and civic mindedness. Readers will recall that the titan Prometheus stole fire from the gods and gave it to humanity. For this transgression, he was chained to a rock where each day an eagle was sent to gnaw on his liver. John, a titan of a different sort, has given us the legal equivalent of fire; he has been bound to the rock of a daunting workload—a rock 1095 pages high, in the case of *Contracts*—and he has suffered the daily torments of self-imposed commitments. (The metaphor must have occurred to him as well: he has published two articles entitled, respectively, *Prometheus Bound* and *Prometheus Unbound*.)

Despite these tribulations, John remains a man of remarkably even temperament and good nature. These personal qualities were very much in my mind when I asked him to become my Associate Dean early in his career. They served him in good stead during his own deanship in the 1980s, and they have helped him to navigate the turbulent waters of government consulting and public administration without attracting partisan animus or bureaucratic resentment. As I revealed to a group of incredulous dinner guests, convened to celebrate his achievements, I once heard John refer to someone as a "lounge lizard." This is the worst epithet he ever uttered in my hearing. However, if he is short on insults, he is long on humour. At this same dinner, he was by far the wittiest, most engaging speaker on the program—and so he is on any occasion when he is asked to address an audience. But make no mistake, despite his good humour, charm, and wit John is a man of sharp intellect, strong opinions, and moral courage. By

no means is he reluctant to challenge conventional wisdom, speak truth to power, or take decisive action when the situation requires that he do so.

Writers often insist that they should not be confused with the characters they create. Academics claim to occupy the high ground of objectivity and rationality, and lawyers are supposed to advocate a client's cause to the best of their ability without personally endorsing it. But I will argue, to the contrary, that literature, scholarship, and advocacy inevitably involve important elements of autobiography. The careers people choose to pursue, the professional specialties they develop, the methodologies that seem most congenial to them all reflect who they are and what they value. My exhibit A: John McCamus's career as an academic, public servant, and legal professional has been grounded in, and enriched by, his character and personality. Consider the evidence: He has devoted his life to education, he writes about fairness in both private transactions and public governance, he advocates passionately for law reform, he has given many years to the cause of civil liberties, and he has been a principal architect of Ontario's legal aid scheme. It is no coincidence that each of these activities testifies to his strong personal commitment to social justice and his deep engagement with both its theory and its practice. The man and his work are, at some deep level, inseparable.

As their contributions make clear, the authors of the essays that comprise this volume share my opinion. So do John's academic colleagues and students. So do those who have encountered him in other aspects of his professional life. So does everyone who knows him as a friend, neighbour, or fellow citizen.

