

**SPEAKING NOTES
THE HONOURABLE NOËL A. KINSELLA
SPEAKER OF THE SENATE**

**ON THE OCCASION OF A LUNCHEON FOR THE VISIT OF THE
FEDERAL CONSTITUTIONAL COURT OF GERMANY
(BUNDESVERFASSUNGSGERICHT)**

**SPEAKER'S DINING ROOM, OTTAWA
OCTOBER 30, 2012**

President Vobkuhle,
Chief Justice McLaughlin,
Honourable Justices,
Honourable Senators and Members of the House of Commons,
Distinguished guests,
Ladies and gentlemen,

It is my pleasure to welcome our distinguished visitors from Germany – Herzlich willkommen – as well as our distinguished jurists from Canada. Such a learned group will have a particular appreciation of these Speaker's Chambers, wherein you will observe that words drawn from the renowned Roman writers Cicero, Horace, Livy, Seneca, and Tacitus are carved in to the wood. These Latin inscriptions are part of the heritage our countries share, imparting a wisdom that overcomes barriers of language and culture.

This common inheritance can be seen in law, where Latin maxims are a *lingua franca* for lawyers and judges. In architecture, the four-horse statue atop the Brandenburger Tor, borrowed from the Greeks and Romans, has, in turn, been borrowed to grace the Bolshoi Theatre in Moscow and the Wellington Arch in London, among many others. For our governments, these inscriptions impart a sense of ancient learning that can still benefit those who make difficult decisions today.

A maxim carved in my own office applies to both the German and Canadian Supreme Courts: *Plus apud nos vera ratio valeat quam vulgi opinio* (“Let reason prevail with us more than popular opinion”). Cicero argues that people should not be biased by the fashionable opinion of the day but, rather, by what they have reasoned to be the truth. Going against the popular will can be the unenviable task faced by judges when the reasoned application of the law demands a result that may not be obvious or expected.

Unpopular judgments must occasionally be made in the process of upholding the rule of law. Since its foundation in 1951, the Federal Constitutional Court’s task has been to ensure that all institutions of the state obey the constitution of the Federal Republic of Germany or the Basic Law. A similar function is performed here in Canada by our Supreme Court. In both countries, determining the legal limits of state power can, at times, be an unpopular task but it is essential. The rule of law is a core principle to which both Germany and Canada have committed themselves.

It is also a pleasure to recall the close ties of friendship between our two countries. Canada has been fortunate to receive many immigrants from Germany over the years. Today, about 10% of Canadians claim German ancestry, making them the third largest ethnic group (after the British and the French) in the Canadian mosaic. Famous Canadians of German descent include former Prime Minister John Diefenbaker, Nobel Prize-winning scientist Gerhard Herzberg and architect Eberhard Zeidler.

The impact of German immigrants is readily seen on a map of Canada, which has included many German place-names for centuries. In 1753, to cite just one example, 1,400 Germans started the community of Lunenburg, Nova Scotia. Arriving without marine skills, by the next generation they had become expert fishermen, sailors and boat builders. The legacy of the German founders of Lunenburg is not only

fine ships but also Canada's first illuminated Christmas tree. This medieval German custom was introduced in 1781 by General Friedrich Riedesel, commander of the German troops in North America. I thank Germany for this custom which brings light and cheer at a cold and dark time of the year. Aside from the Christmas tree, Canadians have taken advantage of the enormous cultural legacy of Germany in the fields of music, literature, and film, to name but a few.

A symbol of the importance we attach to our relations with Germany is our magnificent new embassy on Leipziger Platz, south of the Brandenburger Tor and the Reichstag, right in the heart of Berlin. The building is a statement of our confidence in our strong relations with Germany today. As the native people of Canada said when signing treaties, it is also a symbol of our hope that strong, friendly relations between our countries continue "as long as the sun rises and the river flows."

In diesem Sinne möchte ich sie noch einmal ganz herzlich in Ottawa willkommen heißen und ihnen einen interessanten Aufenthalt wünschen.

Zum Wohl!