

UNIVERSITY OF OTTAWA

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**Bertha Wilson**  
**1923-2007**



Bertha Wilson, the first woman justice on the Supreme Court of Canada, left an indelible mark on her adopted country, writing landmark judgements in the area of women's and refugee rights.

Bertha, born on September 18, 1923 in Kirkcaldy, Scotland, died on April 28, 2007 in Ottawa, 16 years after retiring from the Supreme Court. Bertha was shy but determined, with "a fearless sense of principle," as University of Toronto Professor Kent Roach, her former law clerk, told the *Toronto Star*. She also had a towering intellect, and a dry wit. One of the first changes that had to be made at Canada's highest court to accommodate her arrival was the removal of two urinals in a men's room to create a women's washroom. Subsequent changes included the appointment of other women, including Canada's first female chief justice.

Presiding over the implementation of the Charter of Rights and Freedoms, Wilson wrote the decision for *R. v. Lavallee*, which allowed the battered women's defence, and *R. v. Morgentaler*, which struck down restrictions on abortion. In her decision, Bertha wrote that limiting a woman's access to abortion violated her "right to life, liberty and security of the person...."

Bertha came to Canada in 1949 with her husband, Rev. John Wilson. She enrolled at Dalhousie Law School in 1955 over the advice of Dean Horace Read, who suggested she "go home and take up crocheting." She was the first woman hired, and first woman partner, at Toronto's Osler, Hoskin & Hartcourt. Bertha was also the first woman judge on the Ontario Court of Appeal.

Appointed to the Supreme Court less than a month before Canada enacted the Charter, Bertha cared passionately about the rights it protected, Chief Justice Beverley McLachlin told Bertha's memorial service. "She fought with ardour for the rights of women, and advanced their cause as few others of her generation have," McLachlin said.

Even some of Bertha's dissenting and minority opinions have since become law. She was, as several of her colleagues pointed out, a results-oriented judge, and so a judges' judge. She used the law, Justice James MacPherson pointed out, "to change the way in which governments operate and to raise the expectations of many Canadians, especially disadvantaged Canadians."

Bertha served on the Royal Commission on Aboriginal Peoples after retiring, and also chaired the Canadian Bar Association's Task Force on Women in the Legal Profession. She was a Scholar-in-Residence at the University of Ottawa after her retirement, until 2000. Bertha's many honours included being elected to the Royal Society of Canada and becoming a Companion of the Order of Canada.

Although she was characteristically modest in her time as scholar-in-residence, she provided unparalleled experience for the law school and was much appreciated as a resource for students and faculty alike. She participated in classes when requested and was available to talk to students and provide advice from her wealth of unique and often pioneering experience. Socially she enjoyed chatting about law, although it was difficult to draw her in on her own judgments, but she also enjoyed reminiscing about her earlier years as a Minster's wife in rural Scotland.

According to her friends, Bertha never lost her soft Scots burr – or the humility that made her one of Canada's icons, and an inspiration to Canadian women and to minority groups.