

A TALE OF TWO METAPHORS: A NARRATIVE TAKE ON THE CANADIAN CONSTITUTION

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This article sheds light on the fundamental role that narratives and metaphors play in shaping how we think, talk, and argue about the Canadian Constitution.

More specifically, the article makes the case that two competing types of metaphors—dynamic and static—largely fashion Canadian constitutional law. The influential metaphors of the “living tree” and “constitutional architecture” represent prime examples of these central conceptual categories.

This article argues that each of these categories stands for different views of the Constitution and, as such, influences the types of stories we tell about it. The case studies undertaken here show that each metaphor sustains dominant narratives about the Constitution, narratives whose structure mostly correspond to the archetypal “birth” and “rescue” stories.

As narratives and metaphors influence our cognition and help us reason about abstract concepts and ideas (a large part of our work as jurists) we would be wise to pay closer attention to them. This article is a call, in short, for greater narrative awareness.

Cet essai met en évidence le rôle fondamental que jouent narratifs et métaphores en façonnant la manière que la Constitution canadienne est conceptualisée, discutée, et débattue.

Précisément, l’essai soutient que deux importantes catégories de métaphores, statiques et dynamiques, sont au cœur du droit constitutionnel canadien. Ces deux catégories sont exemplifiées respectivement par les métaphores de l’architecture constitutionnelle et de l’arbre vivant.

Chacune de ces catégories représente une vision différente de la Constitution et, en tant que telle, elle influence le type d’histoires que nous en racontons. Chacune soutient un narratif particulier sur la Constitution, un narratif qui renvoie, en règle générale, soit à la « naissance » ou au « sauvetage » de notre texte fondateur.

L’idée derrière cet essai est que, dans la mesure où les narratifs et les métaphores influent sur notre cognition et nous aident à raisonner dans l’abstrait, soit une grande partie du travail juridique, nous serions avisés de leur prêter une plus grande attention. C’est, en somme, un appel à une prise de conscience narrative.

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