

There's no room for unacceptable behaviour like this in the legal profession

Opinion: The addition of such derogatory terms as 'racists' should not deter those opposing the Law Society's Statement of Principles

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By Thomas Mathews

Although the Law Society of Ontario's battle over the Statement of Principles issue has galvanized opinion across the bar the past two years, more concerning are the personal attacks being launched within the debate. While one side argues that the other is wrong, many on the competing side do not rest at disagreeing, but often level accusations of racism, even white supremacy, against the other. This is unacceptable behaviour among the bar, reflecting poorly on the profession and serving as a dangerous example to society at large.

The Law Society proposed a measure to combat [alleged systemic racism](#) in the legal profession by mandating that all lawyers and paralegals create their own Statement of Principles (SOP), acknowledging their obligation to promote equality, diversity and inclusion. While SOP supporters argue that it is a necessary measure to combat racism, those against the SOP (StopSOP) argue that it is a dangerous exercise of coerced thought, unconstitutional, and outside the mandate of a regulator primarily tasked with ensuring the professional competence of its members.

Given the myriad of issues at play, a reasonable person might see that both sides have valid points. Indeed, as the SOP issue works its way through the courts, it is easy to see that decisions from the Court of Appeal for Ontario, even the Supreme Court of Canada, may well be split decisions.

The SOP was the ballot-box question in the Spring 2019 bench election, which selects the directors that will run the law society for a four-year mandate. Going

into the election, there was an underlying attempt by many to paint the StopSOP slate of candidates and their supporters as “extremists,” “racists,” and the ever popular “old, rich, white men.” The StopSOP slate was decisively elected by their peers, sending all 22 of its candidates to Convocation as benchers. Again, accusations of racism and white supremacy surfaced, even used as an explanation of the result. At the June 27 Convocation where benchers debated the fate of the SOP, these accusations continued, especially on Twitter.

Instead of giving the benefit of the doubt to their learned friends, trusting that the issue and competing arguments were carefully considered and ballots thoughtfully cast, ugly accusations of racism are levelled. The lack of charity in painting one’s colleagues as motivated by the basest of human impulses is regrettable. (One may question how so many “racists” can enter the profession in the first place. Further, as only 30 per cent of practitioners voted, it is surprising that such an overwhelming number of “racists” were diligent enough to be among the minority to exercise their franchise.)

Another fact complicating the racism narrative is that there are many visible minorities, such as myself, who oppose the SOP. Some SOP proponents have argued that StopSOP is denying their “lived experience” as persons of colour and the challenges they face. Well, many persons of colour have publicly declared their opposition to the SOP: what about their “lived experience?” Despite facing similar challenges, they staunchly oppose the SOP as an acceptable measure in a free and democratic society.

It is demeaning to suggest that the minorities who support StopSOP would be blind and oblivious to the racism and white supremacy that allegedly runs rampant within our ranks. Our “lived experience” equally matters in talking and debating with like-minded StopSOP colleagues.

Finally, the StopSOP benchers and supporters include people of Jewish, Christian, or no faith, survivors of Soviet communism, and others who have fled totalitarianism for refuge in Canada. Many have lived through or understand the dangerous consequences of coerced thought and are familiar with persecution and discrimination based on religious and political beliefs. Do they not have a right, perhaps even an obligation, to stand up against a policy they recognize as dangerous? Surely their “lived experience” — whether personal or familial — is worthy of consideration. That perspective, especially when it stands for the independence of the law profession, which is seen as the last hope for assistance when facing oppression from the state, or taking on the difficult case, seems to accord with the noblest traditions of the bar.

Emotions surrounding the debate are raw, and it is unfortunate that some young, discouraged SOP supporters do not see a future for themselves in the profession. No serious person is denying that racism exists, either within society or the bar. But one can recognize that racism exists and should be combatted, yet still adamantly oppose the SOP as an acceptable measure.

Throughout history, lawyers have been called a lot of things, and not all of them nice. The addition of such derogatory terms such as “racists” and “white supremacists” — this time launched by certain members within the bar — should not deter those opposing the SOP in good faith. Lawyers arguing amongst themselves is nothing new, but there is no place for such empty, ad hominem attacks within our learned profession. One suspects that those needing to resort to such attacks are reflexively masking the intellectual poverty of their position on the Statement of Principles.

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