

# LSUC Confers Capricious Dictatorial Powers upon Itself

by Conrad Black



The Law Society of Upper Canada (Ontario) recently advised all members of the bar of Ontario that they must prepare and sign a “Statement of Principles” that would pledge support for equality, diversity and inclusion. This was the result of the findings of a working group created in 2012 within the law society to investigate racism among Ontario lawyers, which after four years of research determined that there was “systemic racism” in the legal profession. It made a number of recommendations to address this moral infirmity in the profession that personifies and administers the rule of law in our society, which, the legal profession endlessly reminds us amid its blizzard of hefty invoices (usually for redundant and self-generated activity) is essentially all that elevates us

above the law of the jungle.

Let us set aside for these purposes the fact that the frequent conduct of the legal profession is less explicable and inherently sensible than the jungle rule that great beasts, and even cunning beasts, can usually address their need for food by devouring less powerful and clever beasts. The concept that a learned profession can purport to extract from its qualified members, as a condition of continued status, the adherence to specific beliefs, is an outrage that makes a mockery of the entire legally based civilization lawyers supposedly uphold and even incarnate.

It comes as no surprise to me that a profession (in which I am officially licensed myself though I never formally practiced it) should take unto itself the totalitarian power to exclude or otherwise punish anyone who declines to declare total fealty to principles enunciated by the professional self-regulator. I have come to recognize the law as a largely venal association of self-serving gougers riveted on the back of society and dispensing a hideously bloated service on a defenceless public as the lawyers jubilate in their 360-degree cartel.

The law is not only necessary (a proposition that, up to a point, I and most people would concede) but an ennobling distinction of man over other species, and of sophisticated over primitive societies. Thus sanctified do lawyers legislate, regulate, argue about, and adjudicate their work, which spews out ever narrower delineations of acceptable behaviour with rules carrying serious sanctions, requiring an ever-greater infestation of lawyers in a steadily rising din of self-laudation, to make the regime they impose on everyone steadily more complicated and expensive.

A large number of lawyers are decent and talented people, as many of them as of other occupations, and some are exceptionally so. But most of them are superfluous, and by

their swarming numbers and ceaseless magnification of their task of legitimate oppression, they are a societal pestilence, and a squandering of human resources that would be more productively employed in more useful occupations that actually add value. This would happen by operation of laws of supply and demand in the labour market if lawyers had not constructed such a mighty collective sinecure for themselves.

There is no shortage of relatively incapable doctors, architects, engineers and ordained clergymen, and these learned professions make a reasonable fist of self-regulation without constantly swaddling themselves in a pious mythos of professional superiority as a criterion of civilization. But none of them, as a profession, prescribe what its members must believe, only how they must execute their vocations. Even a religious minister is free to be a foaming-at-the-mouth racist privately, though expression of such sentiments would, in most circumstances, complicate professional life (though not always, as some Islamists and militant Christian sectarians demonstrate). But other professional bodies do not require an oath of faith and belief in principles espoused by professional self-regulators.

Freedom of thought is guaranteed to everyone in free societies. Freedom of expression is guaranteed short of sedition, defamation, and incitements to criminal or sociopathic behaviour. Yet the Law Society of Upper Canada now imposes as a condition of continued professional practice, that lawyers in this country's largest jurisdiction solemnly swear to believe not only in the equality, in legal rights, of everyone whose freedom has not been lawfully curtailed (minors, mental incompetents, undischarged criminals and so forth). We could almost all sign onto that, but lawyers must also pledge belief in the equality of everyone and of definable groups in all respects.

By some reasoning, that could be swallowed as acceptable, though many would prefer not to have their continued

livelihood made dependent on sworn endorsement of it. Diversity and inclusiveness are other matters. They are faddish and jargonistic concepts and have never been considered obligatory to the beliefs of reasonable people, until the recent triumph of political correctness. This is the cultural enemy that has arisen within, after Western civilization routed the largely external and outright evils of Nazism and international Communism. They are largely methods for the atomization of society into pockets of political identity that are then pandered to by political parties and leaders. The whole process is anti-meritocratic, as affirmative action quotas are given more weight than competitive, talent-based applications for positions.

As long as there is not discrimination against any group for reasons of unjust aversions, there is no good reason why diversity should be unlimitedly desirable or why the desire for inclusiveness should be a condition of continued practice of a distinguished occupation with rigorous standards of admission. Both these words are subject to wide ranges of interpretation and, in requiring the profession to adhere to them, the law society is conferring capricious dictatorial powers on its own administration: the right to determine who is fit to continue in the exercise of a professional career for which a person is otherwise fully qualified.

It is possible, for example, not to desire a law firm to be exactly representative of society as a whole in pigmentation, religious and political beliefs, ethnicity, adult age and sexual orientation (factors which fluctuate and are often hard to calculate accurately), without being a bigot, sexist, racist or moral reprobate. If a senior partner of a law firm wants to hire only beautiful blonde women or only overweight bald men, there is nothing wrong with that, and it does not mean that the individual dislikes people who do not meet those descriptions, who can work at other firms. A managing partner of a law firm with a teeming hatred for all minorities could

yet be completely equivocal in hiring practices, and the private beliefs of the lawyer in question would be of no justified concern to the law society.

People are entitled to their preferences, in hiring and other matters, and authorities have no right and little ability to explore those preferences beyond questions of evident unjust discrimination. If a lawyer's hiring and promotion practices are civilized and reasonably equitable, it is no business of the law society or anyone else what that lawyer thinks of diversity or inclusiveness. The concept is nonsense, except as a weapon for the authorities in the Law Society of Upper Canada, whose propensities for authoritarian injustice are often demonstrated, most conspicuously in the last few years by the heinous oppression of Joe Groia, a respected bencher of the law society who was punished for winning a case in the aftermath of the Bre-X debacle, where his conduct was condoned by the presiding judge.

The legal profession has us all by the throat. We are so accustomed and resigned to its odious exactions that most people unquestionably accept the necessity and cost of legal pettifoggery and regimentation like the vagaries of the weather and the recurrence of the common cold. Now, the administrative bureaucracy of the profession, which is supposedly (but not in practice very genuinely) answerable to the society's members, have accorded themselves the right to extract promises of belief in optional ideals, and to persecute at their whim anyone they claim to suspect of not embracing whatever may be their arbitrary definition of equality, diversity and inclusiveness.

It is a coup d'état within a profession that has already seized and abused the headship of society by staffing its entire legislative, regulatory and judicial apparatus. The profession that has usurped the domination of society is now to be tyrannized from within by a secret elite of enforcers and monitors. It is a hemorrhaging of institutional

corruption. The whole concept threatens not only all lawyers, but, by reasonable extension, everyone. That such unaccountable and anonymous people in such powerful positions should, after four years of deliberation, seize such excessive authority is scandalous. And it has been almost unrecognized by our free press.

The two greatest benchmarks of free society (apart from basic liberties and the free election of governments) are a fair legal system and a free press. This is too vast a lamentation to elaborate here, but the legal profession and the craft of journalism have failed Western society – not completely, of course, but neither receives a passing grade and neither is remotely adequate. This self-aggrandizement of the Law Society of Upper Canada is a fire bell in the night, and the implications of it are very grave. I can't claim to be surprised that almost no one hears it; these are the wages of complacency.

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