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Going Beyond the Law

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The legal profession is a high and noble calling that is grounded in skill, knowledge and honour. Lawyers are officers of the Court, enrobed with its dignity, and are compelled by a code of professional conduct and discipline to discharge their duties with integrity, courtesy and respect. As Mr. Justice Felix Frankfurter wrote: "From a profession charged with such responsibilities there must be exacted those qualities of truth-speaking, of a high sense of honour, of granite discretion, of the strictest observance of fiduciary responsibility, that have, throughout the centuries, been compendiously described as 'moral character'".

Lawyers are "ministers of justice" who, in the competent and honourable performance of professional duties to every sector of society, significantly contribute to justice in our legal system and safeguard our way of life. "True", John W. Davis said, "we build no bridges. We raise no towers. There is little of all that we do which the eye of man can see. But we smooth out difficulties; we relieve stress; we correct mistakes; we take up other men's burdens and by our efforts we make possible the peaceful life of men in a peaceful state." Lawyers - those men and women who maintain and arouse public confidence in the law and in the administration of justice - are an essential part of our civilization.

Lawyers are the dedicated guardians of the ideals and traditions of the legal profession; and they are bounded by honour to exemplify them. This is no easy task. As George Sharswood appreciated:

There is, perhaps, no profession, after that of the sacred ministry, in which a high-toned morality is more imperatively necessary than that of the law. There is certainly, without any exception, no profession in which so many temptations beset the path to swerve from the line of strict duty and propriety; in which so many delicate and difficult questions of casuistry are continually arising. There are pitfalls and man-traps at every step, and the youthful adventurer needs often the

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Lord Chesterfield defined manners as "trifles, little attentions, mere nothings [which] will make you liked or disliked." Manners are the means or tools to attain the goals of etiquette.

Etiquette (from the French word meaning "ticket") is a code of behaviour; a system of rules and customs that regulate correct behaviour in society. It is based on courtesy, graciousness, kindness, and consideration for others in everyday life. Etiquette means good manners; it regulates relationships by inducing people to act one way and restraining them from acting another way; and it establishes a system of enforcing these regulations. As Arthur Train said "For every statute in print there are a hundred that have no tangible existence, based on our sense of decency, of duty and of honour, which are equally controlling and which it has never been found necessary to reduce to writing, since their infraction usually brings its own penalty or infringes the more delicate domain of private conscience where the crude processes of the criminal law cannot follow. The laws of etiquette and fair play are just as obligatory as legislative enactments - the Ten Commandments - as efficacious as the Penal Code." Etiquette provides guidelines for our relationships with others with a view to the improvement of society as a whole.

"Beneath its myriad rules", wrote Emily Post in her guide entitled *Etiquette* (1922), "the fundamental purpose of etiquette is to make the world a pleasanter place to live in, and you a more pleasant person to live with." The foundation of manners and etiquette is simple: treat others as you would have them treat you - with kindness, respect, and dignity. These qualities are at the heart of the social contract that governs proper conduct in society.

Indeed, civilized jurisprudence, says the esteemed Ahron Soloveichik, is based on the doctrine of human rights which derives from the Scriptures, and, in particular, from the concepts of "the dignity of Man" and the "image of God in which He created Man." Every human being is endowed with Divine dignity. Consequently, all persons are entitled to be treated with equal concern, respect, and dignity. The precept to love your neighbour as yourself becomes in law, you shall not injure your neighbour who is to be dealt with on a footing that reflects the preciousness of human life.

This fundamental principle that all human beings be treated with equal respect and dignity constitutes the basis of the guaranteed rights and freedoms now enshrined in The Canadian Charter of Rights and Freedoms. It is significant that the Charter itself proclaims that "Canada is founded upon principles that recognize the supremacy of God and the

rule of law." The doctrine of human rights emanates from the moral and ethical attributes of God and from modern jurisprudence.

Manners and etiquette lay out a path to the ideals of kindness, respect, and dignity. Understanding manners and etiquette and the principles underlying them is the first step on the journey; striving to cultivate within ourselves their essential qualities is the second. The third step is training ourselves to identify with and be responsive to the sensitivities and needs of others. The final step is promoting the honour and dignity of our fellow human beings and seeking ways to procure peace and harmony within society at large. By following this path, the intrinsic and inviolable dignity of every person may be realized and the aims of manners and etiquette may be achieved.

Manners can change lives and transform people; impel people to perform moral and ethical obligations that cannot be imposed by law; imprint sensitivity and a sense of kinship so that people may discern the sanctity and value of human beings; and guide people through the stormy seas of modern life. Manners maintain the law; they promote order in society; and they can take each and everyone of us beyond the law.

Lord Moulton, a great English jurist, said that it is the extent to which we observe the laws of the Unenforceable - manners and etiquette - that the quality and height of our civilization will be measured. If we are guided by these principles and devote ourselves anew to the ideals and traditions of the legal profession, our ethical standards and moral character will improve and respect for and confidence in law and justice will be enhanced. Society will be enriched and our objectives will be achieved. We only have to make the effort.