



The second person of Chinese heritage appointed to a BC court reflects on “belonging”

Retired judge Brent Hoy has been described as “a gracious and humble trail-blazer” and “a model for the pan-Asian legal community”. A keynote speech he gave last fall at the BC Federation of Asian Canadian Lawyers’ gala was very well-received – comments on it included “wise”, “richly insightful” and “beyond inspiring”. In honour of Asian Heritage Month eNews has obtained permission to reprint excerpts of the speech with slight editing for length.

On November 18, 2022, Judge Brent G. Hoy (retired) said:

“I have been asked to speak about “belonging”. Initially I thought this would be pretty straightforward. Google told me that belonging is inclusion; belonging is uniformity, a shared sameness; it is something beyond a mere collection of individuals.

Well, if that’s it, this is going to be a long 20 minutes!

My history

You should know a little about me. I am 71 years old and second-generation Chinese. My parents have told me our first home was on Cordova Street in Chinatown. I don’t remember it, but I do have fond memories of growing up on Duke Street. It was an older home my father was constantly fixing, located behind the iconic Wally’s Burger on Kingsway. This was a blue-collar white neighbourhood on the east side of Vancouver.

When I graduated from Gladstone Secondary in 1969 there were eight Asians in a class of about 300 students. In 1976 my UBC law school graduating class of 214 included 7 Asians. I articulated in Victoria and was called to the BC bar in 1977.

My next move was to Chilliwack. After a short stint with the Crown, I opened a general litigation practice. At the age of 40, in 1991 I became the second person of Chinese heritage to be appointed to the bench in British Columbia.

My family history

I think it important to reflect on the immigrant history and exclusionary policies of government in the early pioneer years of the province. It gives context and shapes who we are today.

My grandmother came from a small village near Guangzhou, China at the age of 14 in the early 1900's. She was essentially a mail order bride. She married a man who was in his 50s. There are laws against that nowadays. She was also subject to the head tax. They lived for several years on the Musqueam Reserve where they farmed a small plot of land. She had 13 children. My mom Renee, who is now 97 years old, was the 3rd youngest.

In 1872, one year after BC joined Confederation and during the province's first Legislative Assembly, the Qualification and Registration of Voters Act was proclaimed. Persons of Chinese heritage were not allowed to vote. They did not obtain that right until 1947 after the federal government repealed the Chinese Exclusion Act.

My father, Charles, fought in World War II. He joined up as many Chinese men did. He wanted to demonstrate his commitment to Canada even though he could not vote. While Canada said "join", it wasn't as if these men were eagerly accepted to fight side by side with other Canadians - they weren't citizens, and they were Chinese.

He became part of Operation Oblivion and was assigned to a group known as [Force 136](#). There are books about them and a [documentary](#). This was an all-Asian group of men from Canada who were under British command. He was sent to Aldershot in Britain and then to Burma through India.

As you undoubtedly know, it's one thing to go to law school but up until 1947 you could not practice law unless you had the right to vote. But things change ...

Belonging

You look like me - well let me preface that a bit - you sort of look like me except most of you are much younger!

We are recognized and recognize others of our group inescapably because of our distinctive appearance. With that we feel safety; there is a familiarity; we understand our past and from that we understand one another. We can navigate with relative ease with others in our group because we know our cultural history and social identity. As such there is an immediate coalition of positive assumptions.

So belonging is a positive emotion. You feel comfortable. It's like your family. It is your cultural and racial make-up that identifies you to the group.

Discrimination and belonging

It's likely you've experienced random discriminatory comments. The COVID years have been particularly rife with vile racialized attacks. It seems the media is filled with messages of intolerance. Insensitive behavior challenges the value of your identity and membership in society. It causes one to recoil with anxiety and seek solace within your safe group. Thus, discrimination is a negative experience regrettably common to Asians that forms an element of belonging.

Confused belonging

While the colour of your skin determines your membership, there are nuances in belonging. How Asian are you? How fluent in your mother's tongue? How adherent to Asian culture? Is a 3rd or 4th generation too main-stream, too Canadian - perhaps too white? What if you are a new immigrant?

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Or what about being asked to define where you're from? For me there's a level of indignation - it passes through my mind that the answer should be obvious - "I have no accent. I grew up here. Can't you tell?"

Consider as well being rebuffed by other Asians - is it perhaps because you're not Asian enough? It can be subtle, and it may not affect everyone to the same degree, but it can negatively affect your sense of belonging. ... I look Asian; I like the food; but really, am I? A fractured sense of belonging can be confusing and unsettling.

Lawyers who are also Asian

In this room I see young professional lawyers who are predominately Asian, pan-Asian. Your sense of belonging is your ethnicity and profession. It is education that defines the parameters of this membership, but it is race that binds you.

As lawyers you have a certain code of understanding. You speak the same language as other lawyers. You have deliberately chosen to belong to this group. By the nature of your profession, you are actively engaged in defining the parameters of belonging. It is what you do - define society's rules.

The source of this cohesion is the shared value of upholding the Rule of Law. It is championing the causes of others who have been wronged and a keen appreciation of the role of public discourse in our liberal democracy.

So, with these lofty principles defining your career, it is not surprising that your sense of belonging can be challenged when you're confronted with barriers due to race. We all want to be accepted and to belong. Rejection causes confusion - especially given the type of education you have received.

Belonging at times can be uncomfortable and messy. But also remember that it is part of our humanity to fear not belonging.

Context, layered belonging, and participation

... My point is that belonging is very dynamic. It is influenced by multiple variables. And so, if one identifies as belonging to a group of pan-Asian lawyers it is likely a very different kind of belonging if you are gay, or a woman, or if you are counsel in a large multinational office as opposed to a solo practitioner, or a litigator versus a solicitor. Your membership is layered. Its value will depend on your own sense of belonging.

Belonging also carries the emotion of “wanting to belong” or “wanting to become”. Simply wanting to belong to something obviously does not make it so. There is a proactive element to it. Consider our institutions, governance, and citizenship - not only the extent to which we identify with them but the degree to which we try to participate in them.

Listening to the message from our politicians there are, for the most part, common themes: law and order, affordable housing, health, sustainability plans, and treatment programs. How these objectives are delivered vary, but they are shared challenges, faced by everyone in our community regardless of race or culture.

This type of belonging casts a much broader net for it embraces a wide range of groups working for everyone’s safety, security, and reasonable accommodation.

The fact that persons of diversity were elected mayor to lead this shared community vision in Vancouver and Prince George in October legitimizes social membership at multiple levels regardless of race - or, from another perspective, because of it. They are also examples of those who have embraced belonging through active participation in citizenship and governance.

We belong!

In our multicultural society, there’s an expectation of equal acceptance that we belong.

As a lawyer who looks Asian, you straddle two places of belonging as suggested in the documentary [“But I Look Like a Lawyer”](#) - your personal view of yourself versus what others see. The expectation that your identity as a lawyer should be plainly evident becomes one of self-doubt when others do not see you in the same manner. There is a niggling voice that creeps in, digging at your self-confidence, asking, “Why can’t I just be a lawyer rather than a brown, red or yellow lawyer? After all, I wear a power suit, carry a briefcase, and drive an expensive car!”

Gaining the legitimacy of equal membership in society can be difficult. To prove your worth and value can be a challenge. Furthermore, we each bring personal history. As we interact with others there are discrete layered elements of exclusion and inclusion that lurk in our own frames of reference. These personal characteristics and experiences shape how we interact with others in our community, institutions, and bodies of governance.

And with all of this, while our institutions and governance bodies have mandates of openness and equality, the stated objectives are not necessarily applied consistently. Personal biases and assumptions based on race make belonging in society unpredictable.

I grew up knowing what it's like to be outside. It is a lived experience for me as it probably is with many of you. But be wary of that inner turmoil calling into question your sense of belonging. Learning how to be inclusive and not taking anything for granted are key.

Pride in your heritage and active participation in citizenship help reset societal impediments based on negative assumptions or stereotypes. It is important to be mindful of your experiences and have them form a positive force in your life and others' lives. It's also important to remind yourself from time to time of your Barristers' and Solicitors' Oath and why you entered the legal profession in the first place.

There are multiple paths you can take, given the types of belonging we've spoken about. Choosing among them is deeply introspective. It takes effort and commitment to reach out beyond your comfort zone to embrace other forms of belonging in your quest for acceptance and equality.

It is about opening doors for yourself and others to come, to be welcomed and to take ownership of belonging.

Belonging beyond one's appearance is an active process. It is dynamic and requires participation socially, in our institutions, our governance, our citizenship. It is exploring and finding the affirmation of the value of yourself with others.

With that, belonging will become something that you own proudly."

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