

PAVING THE WAY: A BOOK REVIEW OF MARY JANE MOSSMAN'S *QUIET REBELS: A HISTORY OF ONTARIO WOMEN LAWYERS*

Melis Guzel*

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I INTRODUCTION: A HISTORY OF WOMEN LAWYERS IN ONTARIO

The legal field is gradually and continuously changing, and the profession is shifting away from differentiating between a “lawyer” and a “woman lawyer.” It is therefore crucial to acknowledge the pioneering women who paved the way for future generations of lawyers in Ontario.¹ In *Quiet Rebels: A History of Ontario Women Lawyers*, Mary Jane Mossman, professor emerita at Osgoode Hall Law School, recounts the stories of the early women who paved the way in the legal profession in Ontario. Mossman tells the stories of these women, highlighting the contributions they made that have led the legal profession to where it is now. Mossman has compiled meticulous research on the early women in the legal profession and captures the reader's attention by painting a picture of progress through different eras. Ultimately, Mossman's book, without directly saying it, highlights why the earliest women lawyers decided to remain quiet when being targeted in the profession, as an intentional and necessary strategic move that created the conditions for future generations of women lawyers to be able to speak openly on gender discrimination.

* JD 2026, Bora Laskin Faculty of Law, Lakehead University; BA (Honours) Sociology, Toronto Metropolitan University.

^{1.} Mary Jane Mossman, *Quiet Rebels: A History of Ontario Women Lawyers* (Waterloo: Wilfrid Laurier University Press, 2024) at 20.

This book is an extensive 528 pages and recounts the stories of the 187 women who were called to the Ontario bar between 1897 and 1957.² This review is divided into four parts, in chronological order, and focuses on select lawyers and themes discussed throughout the book. It is recommended that readers read the book in its entirety to understand and appreciate the issues raised that are not covered by this review. This book may be of particular interest to law students and feminist legal scholars, as Mossman provides a clear outline of the progression that has occurred within the Ontario legal field toward accepting women as lawyers, as well as context on the professional culture and how it affects women differently. Awareness of these patterns ultimately demonstrates that inequality within the legal profession is embedded in institutional structures, such as hiring within firms, promotions, pay, and work–life balance.

A. Methodology: How the Story is Told

By using a collective biography framework, Mossman delves into the lives of 187 women and explores how ingrained gendered beliefs were within a culture that upheld male exclusivity—the hallmark of the “gentleman’s profession of law”—for many years.³ The biographies are categorized thematically to highlight the effects of environmental pressures and societal attitudes toward gender that impacted the legal profession and shaped how women reacted to related barriers. This is an effective methodology, because it helps the reader understand the specific barriers women faced in their respective eras while also highlighting common, consistent barriers that remained throughout the years—such as the number of women who left practice once they got married. For example, Frances (Fay) Feldman was asked in an interview why she was looking to work when her husband made enough money “to keep [her].”⁴ Although this book did not explicitly state the reason why each woman decided to leave the practice once married, it can be assumed that reasons were due to lack of funds for childcare and societal pressure to conform to marital gender roles.

To emphasize the changes in the legal profession, Mossman highlights the stories of pioneering women to convey the impact of their resilience and determination throughout the years to break down gender discrimination by examining “the strategies adopted by earlier cohorts of women lawyers to confront them, [which] may have continuing relevance for contemporary women lawyers.”⁵ This book critically examines not only the experiences of the early women trailblazers, but also the experiences of women from diverse backgrounds.⁶

² *Ibid* at 2, 19–20.

³ *Ibid* at 2.

⁴ *Ibid* at 281.

⁵ *Ibid* at 392.

⁶ *Ibid* at 424. In particular, this included the intersection of race, sex, and social class and how it impacted women lawyers who had increased barriers.

II BREAKING BARRIERS: WOMEN TRANSFORMING THE PROFESSION

In the first few pages of *Quiet Rebels*, Mossman shares a quote from a toast delivered by Aileen Silk Bicknell at the 1927 Women's Law Association of Ontario (WLAO)⁷ dinner. The toast stated that by 1987 “only a few stray men would be called to the Bar and . . . all the judges would be women.”⁸ With this quote, Mossman raises an important question: “What was the meaning of this toast for women lawyers” at the 1927 WLAO meeting?⁹ Was the toast simply intended to be a light-hearted joke, or was there a deeper meaning to it: symbolizing the hope and desire for a reimagining of gender roles present in the legal profession?¹⁰

With this quote, Mossman sets the tone of the book: the quiet rebellion of early women in the legal field, who “quietly signal[ed] their hope for a different future for later cohorts of women in law.”¹¹ Although this toast was intended to be humorous, there is much more to uncover. It acknowledges the shared experiences of the early women lawyers who hoped for a future where gender discrimination was eliminated and women outnumbered their male counterparts.¹² The theme of quiet rebellion is consistent throughout the book because it highlights how earlier women had to remain silent to be allowed into the profession.¹³ While their silence prevented them from standing up against inequality in the legal profession, it helped create a space for future generations of women lawyers to be vocal and advocate for equality in the profession. It is the reviewer's opinion that this silence suggests that vocalizing gender discrimination during the earlier years would bring negative attention to these trailblazer women lawyers and prevent them from establishing themselves. Their silence allowed generations of women lawyers to establish a space in the legal field, which eventually allowed future generations of women lawyers to feel comfortable being vocal for women's rights in law.

A. The Beginning of Women Lawyers in Canada: 1897–1918

On February 2, 1897, Clara Brett Martin was officially called to the bar, making her the first woman lawyer in Ontario.¹⁴ For many years, Martin was known as the “one brilliant exception” because she was the only woman in the legal field up until 1900.¹⁵ However, Martin was also seen as a threat to her male counterparts because she challenged the idea

^{7.} *Ibid* at 5–7. The WLAO is an organization that serves to support women lawyers in Ontario (*ibid*). Still to this day, the WLAO continues to serve as a resource that supports women in law by “providing leadership and support to advance the status of women in the legal profession.” Women's Law Association of Ontario, “History” (last visited 15 September 2025), online: <<https://wlao.on.ca/about/history/>>.

^{8.} Mossman, *ibid* at 7.

^{9.} *Ibid*.

^{10.} *Ibid*.

^{11.} *Ibid* at 453.

^{12.} *Ibid* at 452–53.

^{13.} *Ibid*.

^{14.} *Ibid*.

^{15.} *Ibid* at 49–50, 452–53.

of law being a “gentleman’s profession.”¹⁶ In response to her own experiences navigating an almost exclusively male-dominated profession, Martin offered articling positions in her office exclusively to women lawyers, further contributing to paving the way for future generations of women lawyers.¹⁷

Slowly, after the 1900s, the number of women lawyers in Ontario started to increase.¹⁸ As men were called to serve in the military during World War I, women had more opportunities available to them in the legal profession.¹⁹ However, after World War I, women law students faced difficulties in classes, such as indignities by their male classmates.²⁰ Grace Hewson experienced this when her male classmates released a mouse in the lecture hall, with their entire plan hinging on assumptions about how a woman would react (“lack of self-control”) versus a man (“manly dignity and courage”).²¹ Hewson’s reaction in this situation emphasizes the use of silence as a strategy to avoid unnecessary attention so she could continue to “fit in” with her male counterparts.²² This is one of the many stories that must be shared, because they illustrate the changes in gender patterns within the legal profession.²³

B. Women’s Impact During the Interwar Years: 1919–1939

During the interwar years, supportive spaces were created for women in the legal profession, such as legal organizations that encouraged support among the women.²⁴ The WLAO hosted their inaugural meeting, welcoming women who were currently practising law or who had left law, which served as a supportive environment for these women.²⁵ Acknowledging the women who ceased practice hints at the troubling trend of women leaving law upon marriage.²⁶ This was due to society’s encouragement of conforming to gender norms and the public opinion that married women should not need to work.²⁷ Many successful women lawyers during these years were not interested in marriage because it meant giving up their “income and economic independence.”²⁸

Gender discrimination during the Great Depression intensified, because women were blamed for taking opportunities away from returning veterans.²⁹ Due to the struggling economy, it was expected that women would give up their spots in law school and return to

^{16.} *Ibid* at 49.

^{17.} *Ibid* at 50.

^{18.} *Ibid* at 49–50.

^{19.} “[T]wenty women were called to the bar in just three years between 1919 and 1921”: *ibid* at 76.

^{20.} *Ibid* at 81, 93.

^{21.} *Ibid* at 92.

^{22.} *Ibid* at 92. Grace Hewson remained quiet as the mouse was running over her boots (*ibid*).

^{23.} *Ibid* at 81.

^{24.} *Ibid* at 131, 134.

^{25.} *Ibid* at 134.

^{26.} *Ibid*.

^{27.} *Ibid* at 235, 241–42.

^{28.} *Ibid* at 241–42. There were some exceptions to this, as Mossman references a few women lawyers between 1919 and 1939 who continued to work at firms with their spouses (*ibid* at 241).

^{29.} *Ibid* at 121.

their “traditional female jobs.”³⁰ However, women gained valuable skills during these years, further proving that they served as more than just an alternative to their male counterparts.³¹

Between 1919 and 1930, women were beginning to take on more prominent roles in the legal profession. For example, Vera Parson was the first woman defence lawyer in Ontario to work on a murder case, and Edith Sheppard became the first woman to work at a big firm in downtown Toronto.³² Although these accomplishments are celebrated now, they were not easy to achieve back then. In 1926, during the call to the bar, Justice Logie commented that it was “constitutionally impossible” to openly welcome women into a profession where there was “no room” for them.³³ Two women were in attendance during this ceremony, and yet they remained silent despite negative comments made about their hard work and continued to enjoy the ceremony.³⁴ Mossman excellently illustrates the power of using silence as a form of rebellion to ensure women did not jeopardize their position in the legal profession during those years.³⁵

Notably, the theme of silence as oppression versus silence as rebellion is explored throughout the book. Biographies written about men are adopted as a “quest plot,” where there is a hero who must overcome difficulties through “courage, endurance, cunning, and moral strength.”³⁶ However, women’s stories are written differently, because they had to conform to the acceptable stereotype of women, which resulted in downplaying their accomplishments, avoiding highlighting strategies, and making it seem like success “just happened.”³⁷ Women often avoided openly acknowledging the discrimination they dealt with to conform with their environment and become successful—that is, to get law school acceptances, work promotions, or new clients. That is why, when reading Mossman’s book, the reader must read between the lines of these women’s experiences and not simply look at what is written, but also what is missing in their stories and to question how silence played a role in their success. The earlier silence of women was what allowed them to enter the legal profession, by “fitting in.” Some women were using silence to reach success and be accepted, while other women, such as Emily Murphy and her four colleagues, who were working on the “Persons” case, vocally fought to give women rights.³⁸ Put together, these two different forms of activism allowed women to enter the profession and continue to expand the inclusion of women lawyers.

^{30.} *Ibid.*

^{31.} *Ibid* at 122, 130.

^{32.} *Ibid* at 166, 169.

^{33.} *Ibid* at 170–71.

^{34.} *Ibid.*

^{35.} *Ibid.* “[Margaret] Hyndman reported that she and [Ruby] Wigle ‘stood there smiling and said nothing,’ although Hyndman later learned that her father had been irate at the judge’s remarks” (*ibid*).

^{36.} *Ibid* at 15.

^{37.} *Ibid* at 15–17.

^{38.} *Ibid* at 192–93.

C. War And Post-War Reforms: 1940–1957

By 1940, during World War II, women had increased opportunities in the legal profession to expand their skills and gain confidence, largely because their male counterparts were leaving to serve in the military once again.³⁹ However, upon the return of the male veterans, women were expected to return to their domestic responsibilities, and they continued to experience discrimination for being in the legal profession after World War II.⁴⁰

Surprisingly, most women reported that prejudice from their male classmates during law school was not a common occurrence.⁴¹ Rather, prejudicial treatment came mostly from male counterparts in the professional world, with one lawyer, Wong Grant (1946), sharing her experience of being “elbowed out” by her peers.⁴² Additionally, gender discrimination was common among male and female clients who refused to seek help from a woman lawyer.⁴³

These trailblazers made strides in the legal profession, building the path for later generations of women lawyers.⁴⁴ For example, Van Camp served as a Superior Court judge until 1995, and Laura Down (later Laura Legge) established a sole practice to have more flexibility with her family, later becoming the first woman to be elected as a Benchers of the Law Society.⁴⁵ And, although it is important to recognize the progress of women in the legal profession during these years, it is also necessary to acknowledge that these accomplishments did not come easily; they came with obstacles of ingrained sexism in the profession and the prioritization of returning male veterans.⁴⁶

D. Making A Change In Gender Patterns: After 1957

In 1957, there was a significant change: Osgoode Hall introduced its three-year program, followed by York University adding an additional program in 1968.⁴⁷ This contributed to the increase in women lawyers: Women began to attain positions as senior partners, benchers, and judges, symbolizing an exceptional shift in the hierarchy of the profession.⁴⁸

However, gender disparities persisted in the legal profession in many areas, including parental and maternity leave policies.⁴⁹ Despite the Law Society of Upper Canada (now the Law Society of Ontario) introducing maternity benefits in 1944, these benefits disproportionately affected women who still felt the need to prove themselves in the work environment.⁵⁰ This also disproportionately affected women’s ability to maintain status in

^{39.} *Ibid* at 251, 253.

^{40.} *Ibid.*

^{41.} *Ibid* at 284–85, 289.

^{42.} *Ibid* at 293.

^{43.} *Ibid* at 318.

^{44.} *Ibid* at 386.

^{45.} *Ibid* at 302, 310–12.

^{46.} *Ibid* at 331.

^{47.} *Ibid* at 352, 378.

^{48.} *Ibid* at 392–93.

^{49.} *Ibid* at 416.

^{50.} *Ibid* at 415–16, 418.

the workplace, ultimately finding themselves at the bottom of the professional hierarchy.⁵¹ Additionally, during the 1960s and 1970s, sex discrimination was recognized as a human rights issue through the impact of second-wave feminism.⁵² It is the reviewer's opinion that this is where a shift occurs, with women lawyers slowly beginning to vocalize discrimination against gender, rather than remaining silent.

Moreover, diversity within the legal profession continued to be a serious problem. Women entering the bar were predominantly middle-class white women.⁵³ Women such as Myrtle Blackwood (1960) and Marva Jemmott (1971) not only dealt with gender discrimination but also had to overcome racial bias in the profession.⁵⁴ In a 1977 press report, Jemmott expressed that she had not experienced any barriers in the profession.⁵⁵ In later years, Jemmott was more candid on her experience of racial discrimination, which suggests her comment in 1977 was guarded and used as a strategy to “fit in” to the profession, rather than a reflection of her actual experience.⁵⁶

In 2024, a statistical snapshot of Ontario lawyers was released to compare the representation of Indigenous and racialized lawyers to see whether the legal profession reflects broader societal diversity by comparing it to the population of university graduates in 2021.⁵⁷ As of 2024, Indigenous lawyers (including First Nations, Inuk, and Métis) make up 1.75 per cent of all lawyers, 54 per cent of whom are women, in comparison to the 1.10 per cent of Indigenous university graduates working.⁵⁸ Racialized lawyers make up 30.3 per cent of all lawyers, with 58 per cent of them being women, in comparison to the 45.66 per cent of racialized university graduates working.⁵⁹ White lawyers make up 68 per cent of all lawyers, with 50 per cent being women, in comparison to the 53.25 per cent of university graduates working.⁶⁰ These data suggest that there is increased participation of women in the profession and the profession is becoming more diverse, but it still does not reflect the diversity of Ontario's educated population and there are still gaps that need to be addressed, especially among Indigenous and racialized groups.

Although Mossman's book analyzed the general experience of early women lawyers, it should be noted that Indigenous women also encountered unique barriers when entering the legal profession. Marion Ironquill was called to the bar in the 1970s and created organizations such as the Indian and Métis Friendship Centre in Canada.⁶¹ Helen Pierce (1982) became the first Métis woman lawyer in Ontario to be appointed to the Superior Court of Justice.⁶² Although there were milestones accomplished among women in general in the legal

^{51.} *Ibid* at 416, 418.

^{52.} *Ibid* at 408.

^{53.} *Ibid* at 424.

^{54.} *Ibid* at 424, 426, 432.

^{55.} *Ibid* at 428.

^{56.} *Ibid*.

^{57.} Law Society of Ontario, *Statistical Snapshot of Lawyers in Ontario* (Ontario: LSO, 2024) at 3.

^{58.} *Ibid*.

^{59.} *Ibid*.

^{60.} *Ibid*.

^{61.} Mossman, *supra* note 1 at 432–33.

^{62.} *Ibid* at 436.

profession at this point, Indigenous women lawyers continued to face discrimination in the legal profession.

While there were notable changes for women in the legal profession post-1957, these changes were often not extended to women who faced racial discrimination.⁶³ When advocating for equality for women in the legal profession, there needs to be an ongoing acknowledgement of the intersectionality of inequalities that women may face.⁶⁴

III POINTS FOR CONSIDERATION

A critical question persists: Have we truly created a legal profession where disparities between men and women no longer exist?

In short, the answer is no. The Women in Law Summit in 2020 stated that gender disparities still remain within the legal profession.⁶⁵ Notably, throughout the book Mossman highlights marriage as a barrier for women lawyers. Ruhana Chowhan points out that although the treatment of women in workplaces has improved, women in law still face challenges in maintaining work-life balance, especially after becoming a mother.⁶⁶ These challenges often involve being responsible for daycare and having other obligations related to family and household responsibilities.⁶⁷

Furthermore, Chowhan's study reveals a decrease in female lawyers holding senior positions at law firms.⁶⁸ Firms must implement programs and strategies that support women in advancing their careers within the workplace.⁶⁹ In fact, an Ontario study revealed that only 1,770 out of 17,982 women lawyers were partners at firms, compared to 5,168 out of 23,596 men lawyers.⁷⁰ Additionally, even if women were promoted, they are more likely to be assigned to less prestigious salary positions or non-equity partnerships.⁷¹ To address this issue, firms must implement programs and strategies that support women in advancing their careers within the workplace. These programs could include encouraging senior positions for women within firms, mentorship programs, embracing the continuous changes in the legal profession, and adapting to those changes.⁷² Overall, although earlier women lawyers worked hard to lead the way for future generations of women lawyers, there are still barriers and disparities that need to be addressed.

^{63.} *Ibid* at 439.

^{64.} *Ibid* at 440.

^{65.} *Ibid*.

^{66.} Ruhana Chowhan, "The Rise of Female-Led Law Firms in Canada," CBA (8 April 2025), online: <<https://www.cba.org/sections/women-lawyers/member-articles/the-rise-of-female-led-law-firms-in-canada>>.

^{67.} *Ibid*.

^{68.} *Ibid*.

^{69.} *Ibid*.

^{70.} *Ibid*.

^{71.} Margaret Thornton, *Law and the Quest for Gender Equality* (Canberra: ANU Press, 2023) at 200–01.

^{72.} Chowhan, *supra* note 66.

IV CONCLUSION: FINAL THOUGHTS ON MOSSMAN'S BOOK

Quiet Rebels is an excellent and thought-provoking read. It reminds us to be aware of the experiences of earlier generations of women lawyers because they can help us recognize patterns and make changes for current and future generations. Mossman does an exceptional job of illustrating not only how the earlier women lawyers fought against inequalities in the legal profession, but also how they used silence as a form of rebellion and the impact it had. In earlier decades, women often remained silent in the legal profession to avoid being perceived as a threat and to continue to advance their careers. Ultimately, these silent rebels are the reason why so many women were able to enter the legal profession in Ontario today, and they illustrate how we got to where we are today.

“Knowledge of the past can fortify us in the present.”⁷³ While we should recognize and celebrate the achievements of the pioneering women in law, this book also serves as a reminder that the journey to equality is far from over. Mossman demonstrates that disparities still exist in the profession, such as bias in hiring or promotions at firms, pressure to fit into work culture, as well as barriers with race, class, religion, and disability.⁷⁴ As the legal profession continues to change, we should not only be aware of the inequalities embedded in the legal profession, but also take steps to address them.

⁷³. Mossman, *supra* note 1 at 392.

⁷⁴. *Ibid* at 440–42.