

Opinion

'Activist lawyers' like me who defend refugees are the new 'Enemies of the People'

When politicians and government departments are challenged, lawyers seem to be the convenient people to blame

By **Colin Yeo**

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The Home Office blamed 'activist lawyers' for lodging 'vexatious claims' preventing the removal of refugees (Photo by Ben Stansall/Getty)

"ENEMIES OF THE PEOPLE" declared [the front page of the Daily Mail in the heady days of 2016](#), a few months after the Brexit referendum. Three judges had ruled that the Government would need the consent of Parliament to depart from the European

Politicians have been more circumspect about directly criticising judges since that episode. But now they have found a new target: “activist lawyers”. Like me.

The phrase was first [used by Theresa May at the Conservative Party conference in 2016](#). Applause erupted amongst the political activists as she claimed that: “we will never again in any future conflict let those activist left-wing human rights lawyers harangue and harass the bravest of the brave: the men and women of our armed forces.” It was a step down from being muesli-munching tree-huggers, I felt.

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An anonymous government spokesperson revived the words last month in response to the [increase in the number of asylum seekers crossing the Channel in small boats](#). Instead of addressing the fact that the world is complex, desperate people want to move, and there is no queue to join since the refugee resettlement programmes were closed at the start of the pandemic, the spokesperson blamed “activist lawyers” for lodging “vexatious claims” preventing the removal of asylum seekers from the UK.



Former Prime Minister Theresa May at the Conservative Party Conference in 2016 (Photo: Carl Court/Getty)

Sarah Atherton, former soldier and now Conservative MP for Wrexham in north Wales, jumped in to criticise “unaccountable human rights lawyers who do not have our country’s best interests at heart.”

Now, civil servants at [the Home Office](#) — who are supposed to be politically neutral — this week put together a cute cartoon video reminiscent of the opening credits of *Dad’s Army*. Airplanes lifted off from the United Kingdom and penetrated Europe,

“activist lawyers to delay and disrupt returns.” [The video has now been removed from social media.](#)

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Whether the attacks are against judges or on lawyers, they are really attacks on the law and on the rule of law. Judges do not make the law, they interpret and apply it. Lawyers do not make the law, they argue it on behalf of their clients. It is politicians who make the law. But when their competence and indeed their impotence is in danger of being exposed, it becomes convenient for them to find someone else to blame.

This brand of authoritarian, populist politician kicks against the constraints imposed by a system of laws on their freedom to do what they want. No-one likes to think of themselves as the bad guy. Rather, they believe in their own righteousness, integrity and judgement. When some obstacle arises to their mission of national improvement, they attack it in moral terms.

As Thomas More asks in *A Man For All Seasons*, “when the last law was down, and the Devil turned round on you – where would you hide, Roper, the laws all being flat?” It is perhaps too much to claim that the devil of unrestrained executive power will come for the likes of Theresa May, Dominic Cummings and Boris Johnson. But it was the same “activist lawyers” who acted on [behalf of Windrush victims](#) when they faced removal on deportation flights to Jamaica and elsewhere and who continue to represent them today.

Good lawyers are active on behalf of their clients; if the Government comes for you and breaches your legal rights, would you want an active lawyer or one who is yielding, submissive and apathetic?

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