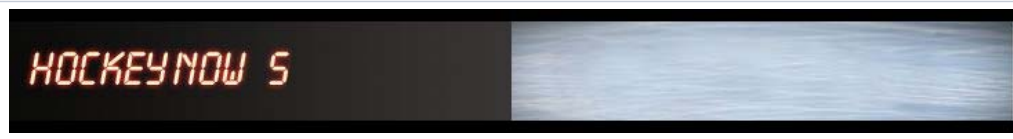


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Censorship not the answer

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KELLY TOUGHILL

Ezra Levant is a tough guy to defend. In general, he cherishes everything I abhor, and abhors everything I cherish. Still, he is mostly right in his quixotic battle against the Alberta Human Rights Commission.

Levant is at the edge of an important debate in Canada. Do we want official government censorship of the press?

Levant is one of two Canadian journalists facing human rights complaints. The other is Mark Steyn, of *Maclean's* magazine.

Two years ago, Levant reprinted controversial cartoons about Muhammad in his Alberta magazine, *The Western Standard*. The Danish cartoons sparked deadly riots around the world when they were originally published. Within days of the Canadian publication, a reader complained Levant had violated the Alberta Human Rights, Citizenship and Multiculturalism Act.

Last fall, *Maclean's* published a polemic by Steyn decrying changes in European society and culture. The Canadian Islamic Congress complained that *Maclean's* violated both the British Columbia Human Rights Code and the Canadian Human Rights Act.

The issue is not whether Levant should have published the cartoons, or whether *Maclean's* has been fair in depicting Muslims. The issue is who gets to decide what the press can publish and what the public gets to read.

We should not give government that power. Human rights commissions are created by government legislation. Members are appointed by politicians. The criteria and standards they enforce are set by politicians.

In this case, the criteria are designed to bolster something that Canadians hold dear: a tolerant multicultural society. But isn't Canada strong enough to withstand free debate on the topic of multiculturalism – indeed on any topic – even if some of the debate is offensive?

Many of us in so-called protected groups are regularly offended by what we read, hear and watch. But I am not willing to risk the freedom to raise my own voice in order to silence those whose ideas I dislike.

This is a bitter truth for some. But if you accept the government's right to censor for the value of tolerance and multiculturalism, you must also accept the government's right to censor for peace and harmony. And that is the justification given for most of the odious censorship laws in the world.

The wording in the Alberta, British Columbia and Canadian legislation is all similar. You can't publish anything that "is likely to expose a person or a class of persons to hatred or contempt."

You don't have to counsel violence to be in violation of the law. You don't have to urge discrimination. You don't even have to express your own hatred of someone to break the law. All you have to do is expose someone to contempt.

The acts also say they shouldn't interfere with freedom of expression, but they already have. It is time-consuming and expensive to defend yourself against a human rights complaint, even if the complaint is eventually dismissed. All three human rights agencies are still in the preliminary stages of the complaint process. None has been referred for formal hearings.

Canadian Civil Liberties Association founder Alan Borovoy is one of Levant's defenders.

"I was involved in campaigns to create the human rights commissions," he says. "It never occurred to any of us that human rights commissions would be used to muzzle the free expression of ideas."

Levant is wrong to focus his wrath on the human rights commissions themselves. They are simply following their mandate, following the law. The responsibility for fixing this problem lies with their

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Would I have reprinted the cartoons if I had been editor of *The Western Standard*? No. Did I agree with Steyn's polemic in *Maclean's*? Not much of it. Do I want to stop them from having the chance to spread their ideas? Of course not. Do I want the government to tell me what I can read, to what ideas I can be exposed? Never.

Kelly Toughill, a former Star reporter and editor, is an assistant professor in the School of Journalism at the University of King's College in Halifax.

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