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Free speech for all

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THERE are three high-profile hate-speech cases being played out in Canada right now. One is taking place in a Saskatchewan criminal court where the attorney-general has decided to retry David Ahenakew on charges of hate speech that date back to comments the native leader made in 2002.

Mr. Ahenakew's original conviction was overturned on the grounds that the trial judge failed to take into account whether he had the intent of promoting hatred against Jews, as the law requires, when he made his anti-Semitic remarks. The attorney-general believes that the charge meets the standard and is worth pursuing. On that last part, at least he is wrong -- this is simply a bad law -- but selling the idea that hate speech should not be an offence under the Criminal Code in Canada is no easy task in a society that increasingly believes that free speech is not for everyone.

The other two cases are being acted out before various human rights commissions, one in Alberta, where publisher Ezra Levant stands accused of promoting racial hatred for printing cartoons depicting the prophet Muhammad; the second before the Canadian Human Rights Commission as well as commissions in Ontario and British Columbia. The complaint is against *Maclean's* magazine and journalist and author Mark Steyn over an excerpt from one of his books which, the complainants say, leaves Muslims open to hatred and contempt.

Mr. Steyn and Mr. Levant probably don't have as much of a chance as Mr. Ahenakew -- human rights commissions do not even have to prove the intent to incite hatred. Pretty well all they have to do is show that the offence caused offence to the person who claims to be offended. Increasingly, Canadians find this spreading attack on free speech dangerous.

Liberal MP Keith Martin is one of them. He has sponsored a private member's bill in Parliament that would repeal the section of the Human Rights Act that makes it discriminatory to exchange words that are "likely to expose a person or persons to hatred or contempt." Many people, including human rights activists, would go further and strip hate speech provisions from the Criminal Code as well. Even though the courts may offer more protection than human rights commissions, they are, with their heavier sanctions, a more insidious threat.

Hate speech is, of course, exactly that -- hateful. It is hurtful to the people at whom it is aimed and deeply offensive to decent people who are exposed to it. But it should not, in any society that values its fundamental freedoms, be a crime under the Criminal Code nor should it fall under the purview of human rights commissions that have turned into little more than kangaroo courts. Mr. Martin's bill deserves the attention and support of Parliament.

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