

Suing for silence

The right to free expression of opinion and belief — though constrained in its extremes during wartime — is not something that can be negotiated in a free country. For it is the most fundamental right — the queen bee in the hive, as it were. Every other freedom depends on this freedom. Take it away, and we no longer have a free country.

A misunderstanding about this is at the root of much conflict between East and West. When cartoonists were invited by a Danish provincial newspaper to present their graphic notions of the Prophet Muhammad, there were riots right across the Muslim world. Danish, or what were believed to be Danish, targets were struck. (The right to riot, with the attendant rights to assault, vandalism, pillage, arson and so forth, are not among our fundamental rights.) Boycotts were placed on Danish products, and diplomats from Saudi Arabia, Egypt, and other Muslim countries pressured both the Danish government and the European Union of which it is a member, to punish the cartoonists. They demanded new legislation across Europe that would criminalize any future blasphemy against Islam.

The Danes, and the few allies who would stand with them in the heat, found themselves hopelessly explaining that in Denmark the government does not tell journalists what to write, or cartoonists what to draw. It is not in the power of a government to do that — the courts are there to prevent a government from trying — and the system can't be changed without overthrowing everything. You might not like what is expressed — and you have the freedom to express your revulsion, even ignorantly — but you have, and ought to have, no power to silence the people with whom you disagree.

This is an idea quite incomprehensible in Saudi Arabia, and nearly incomprehensible in Egypt. Their representatives were sincerely outraged by the failure of the Danish government to "take decisive action." In their own countries, decisive action would have been taken.

We, in the West, do not legislate for the Dar al-Islam (the Muslim realm). On the contrary, we endure the fallout from countries in which, because the right to free speech is not secure, opposition to authority must be expressed through violence.

I make this hard point because it is necessary to understand. "Freedom of expression" did not develop in the West from purely idealistic motives. Nor is it necessarily a pretty thing. Like so much in civil society, we put up with it because the alternative is worse, and we'd rather cope with free speech, than with the free intimidation that results from its suppression.

And I make this point in light of the case that has been brought against Mark Steyn and *Maclean's* magazine, before human-rights commissions for Canada, British Columbia, and Ontario, by the Canadian Islamic Congress, led by Mohamed Elmasry. The first two commissions have already agreed to hear the case, and thus rule on whether Mark Steyn had the right to express the opinions and beliefs in his bestselling book, *America Alone*, and specifically in the excerpt entitled, "The Future Belongs to Islam," which ran in *Maclean's* last year. According to



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the complaint, by expressing his opinions and beliefs, Mark Steyn "subjects Canadian Muslims to hatred and Islamophobia."

That not all Muslims agree has been made clear by members of the Muslim Canadian Congress, who have entered the fray in defence of Steyn and *Maclean's*. But that is a tactical side issue.

For more than twenty years, in this column and elsewhere, I have been writing against the human rights commissions, which have quasi-legal powers that should be offensive to the citizens of any free country. They are kangaroo courts, in which the defendant's right to due process is withdrawn. They reach judgments on the basis of no fixed law. Moreover, "the process is the punishment" in these star chambers — for simply by agreeing to hear a case, they tie up the defendant in bureaucracy and paperwork, and bleed him for the cost of lawyers, while the person who brings the complaint, however frivolous, stands to lose nothing.

My hope is that this case against Mark Steyn and *Maclean's* will be fruitful. It will be, if it inspires enough people — especially journalists, of all political persuasions — to express outrage at what has been done; and inspires Canada's free citizens into the necessary political action to put an end to the human rights commissions themselves. The worst possible result is if the case fails to produce this response.

David Warren's column appears Sunday, Wednesday and Saturday.

Buffling in of Broken

Whatever happened to "Hockey Brawl"? It vanished over the papers. And it's disappeared, and I don't even know what happened. Where did it go? Now that you ask, it's the Boneyard of Broken Stories, the place where stories that don't quite have it live out their declining years, hoping against hope for a reprieve.

Wander around the Boneyard and you'll find all kinds of scandals that didn't break. Some have the suffix "-gate" attached to them. One was about income trusts and a Liberal net minister that surfaced during the last election. Everyone was very excited about it at the time.

That story joins many smaller scandalous overnight ones about Hollywood celebs having career-ending brushes with the law in subsequent stories about the same Hollywood celebrities having further career-ending brushes with the law.

The Boneyard also has a sports section. The most recent entry is about whether the Conservative Senators might make people forget the legendary Montreal Canadiens teams of the '40s and '50s.

Every day there are new arrivals. Just last week came the story of James Moore, the Conservative MP, and the pictures that were taken of him to be on his laptop. The story had a brief airing on afternoon TV. After the New Democrat MP made the allegations apologized for, the story reached the Boneyard without ever seeing page one the next day. This may be the record for quickest trip to the Boneyard.

Many inhabitants of the Boneyard of Broken Stories share the characteristic of having earned some gentle prodding from the news to lift them onto the front page. A good form of prodding is called "ask the professor."

For example, no one is exactly sure what happened in Minor Hockey Brawl, with those year-olds at the tournament at Guelph. Some people said it was an all-out brawl. Others said it was minor scuffling. Many of the people described it as one thing or another didn't.

However, the brawl/scuffle — let's call it that — captured the imagination of the media, which enthusiastically went looking for people to take newsworthy positions. Some people said the whole thing was being blown out of proportion, but others were quick to blame hockey coaches, hockey itself or even Canadian society at large for what happened, if it did happen, on the ice in Guelph.

Although the buffle in Guelph was not

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