

Got a complaint? Call 1-800-Human-Rights.



ANDREW COYNE

I should declare an interest off the top. In 2002, I was named in the Canadian Islamic Congress's "Fifth Annual Report on Anti-Islam in the Media." Under the heading "How the *National Post* was endangering

the well-being of Canadian Muslims," the CIC included a reference to my Oct. 29, 2001, column. I reprint the offending passage in full, with a warning that sensitive readers may wish to exercise discretion:

"... the massive backlash against innocent Muslims that failed to materialize..."

That would be, um, it: the only reference to Muslims in the entire piece. To deny, even in passing, that Muslims are being oppressed is, apparently, to "endanger their well-being."

It is for this sort of exquisite sensitivity that the CIC is justly famed in newsrooms across the land. Reporters and columnists have grown used to being accused by the CIC of anti-Muslim bias on even flimsier grounds than I was. And not only reporters. The well-known spokesman for a rival Muslim organization, the Muslim Canadian Congress, resigned his post last year after the president of the CIC, Mohamed Elmasry, accused him publicly of "smearing Islam"—a charge, essentially of apostasy, that left him fearing for his safety.

To most of us, however, the CIC has seemed little more than a nuisance. They do not speak for Islam, and they are not the last word on the subject. They are entitled to their views, of course, but so, in a free and democratic society, are those with whom they take issue.

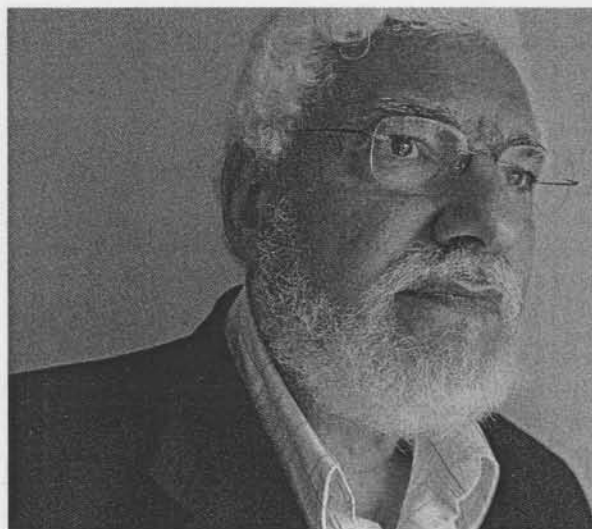
Or were, until recently. For of late the CIC has found a new partner in its campaigns: the state. Not content with tossing around incendiary charges of religious bias, the CIC has enlisted the force of the law to press its case. It has done so, what is more, not through any of the traditional legal means by which freedom of speech may be limited, nor with any of the legal system's usual requirements

of due process, but through a new and seemingly open-ended mechanism: the human rights commission. To be specific: the organization has launched a complaint against *Maclean's* before the federal, Ontario and British Columbia human rights commissions, alleging that an article the magazine published last year, excerpted from Mark Steyn's book *America Alone*, "subjects Canadian Muslims to hatred and Islamophobia."

The case is not without precedent. Two years ago, the president of yet another Muslim group, the Islamic Supreme Council of Canada, brought a similar complaint against the *Western Standard* before the Alberta Human Rights and Citizenship Commission (AHRCC), after the magazine published the famous "Danish cartoons," a collection of mild satires on Islamic extremism that offended some, but by no means all, Muslims. The commission begins hearings next month.

Nor are Muslim groups the only complainants to seek the human rights commissions'

The Canadian Islamic Congress has a new partner in its censorship campaign: the state



MOHAMED ELMASRY: Canadian Islamic Congress president

aid in suppressing speech they find offensive. Just last week, the AHRCC ruled a pastor from Red Deer, Stephen Boisson, was—is guilty the word?—of writing a letter to the editor of the local paper that said rude things about homosexuals. The chairwoman of the commission said she found "a circumstantial connection" between the letter and the beating of a gay teenager two weeks later.

That the CIC and other charter members of the Association of the Perpetually Offended should seek to express their revulsion by such means is unsurprising. There are a great many people in this country who seem to have no clue about what freedom of speech means, or why it was invented. What is astonishing

is to find so many of them in the employ of the human rights commissions.

No: rather, I wish I were astonished. What's truly astonishing is that the commissions should have been granted such powers to begin with. As Alan Borovoy, general counsel for the Canadian Civil Liberties Association, argued recently, "during the years when my colleagues and I were labouring to create such commissions, we never imagined that they might ultimately be used against freedom of speech." To be acting as censors, he wrote, was "hardly the role we had envisioned for human rights commissions."

Amen. Yet the commissions have been allowed to stray, far from their original purpose of preventing discrimination in employment and housing, into the nebulous world of expression. They succeeded, largely because their early targets were so odious, marginal figures who scribbled letters to the editor or left hateful messages on their answering machines: who wants to defend racists and

homophobes? Emboldened, they are now going after mainstream media organizations—*Maclean's*, for heaven's sakes.

And so, rather than give the back of their hand to the CIC's complaint, we are treated to the spectacle of not one but two human rights commissions—Ontario's may yet join them—agreeing to launch inquiries. Had the CIC sought remedy under Canada's hate speech law, as over-broad as it is, they would at least have had to persuade a prosecutor to take their case, and to prove it beyond a reasonable doubt.

But as it is they can tie up the magazine and its lawyers before one commission or another for months. The chill this should send through the nation's newsrooms is obvious.

I don't propose to get into the merits of their complaint: suffice to say I think it is baseless. The point is, I shouldn't have to. *Maclean's* shouldn't have to. There is only one proper outcome for this affair: not merely that the CIC's complaint should be thrown out, but that the commissions' power to hear such cases should be removed. They have no business meddling with speech. M

ON THE WEB: For more Andrew Coyne, visit his blog at www.macleans.ca/andrewcoyne