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HUMAN-RIGHTS COMMISSIONS

Shake that role of policing ideas

There are those who disagree vehemently with Mark Steyn and Ezra Levant. Both men are staunch conservatives whose success is built largely upon the ability to provoke. Mr. Steyn is a brilliant writer who sometimes pushes the boundaries of mainstream opinion; Mr. Levant is an unabashed self-promoter. Yet even those Canadians who take issue with the opinions or methods of Messrs. Steyn and Levant should be more offended by the gross overreaching of this country's human-rights commissions in investigating the two men's work.

Mr. Levant's case is the more straightforward of the two. He has been taken to the Alberta Human Rights Commission by a group called the Islamic Supreme Council of Canada because his now-defunct magazine, the Western Standard, republished controversial Danish cartoons depicting the Prophet Mohammed in an unflattering light.

In Mr. Steyn's case, it is not the writer but his publisher, Maclean's magazine, that is being targeted. Offended by an excerpt from Mr. Steyn's book (*America Alone: The End of the World as We Know It*) in which he claimed that Muslims "hot for jihad" could exploit their religion's high birth rate to conquer the West, the Canadian Islamic Congress demanded equal space in Maclean's - along with full editorial control and promotion on the magazine's cover - to respond. When they were denied it, they took their complaint to the Canadian, Ontario and British Columbia human-rights commissions.

It is easy enough to understand why Muslims took offence in both instances. The Mohammed cartoons, which prompted violent protests elsewhere after their initial publication, were designed to test the bounds of tolerance. And the excerpt from Mr. Steyn was derided by *The Economist* as "an alarmist screed" that is "notable for its simplistic demographic projections."

It is perhaps even understandable that Muslim organizations, seeking to use all of the available channels to make known that they had taken offence, would file complaints with human-rights commissions, if only for the publicity. Less clear is why those commissions would take seriously, even for a moment, the notion that privately owned publications do not have the right to offend or that they are required to give

equal space to both sides of every issue.

Neither Maclean's nor the Western Standard published materials that incited violence or other injustices against Muslims. They did not violate anyone's human rights. Recognizing this, the commissions should have immediately identified the cases brought to them as nuisance complaints and dismissed them. That they have not done so suggests a change in their mandates is much needed.

Reforms of human-rights commissions, notably in Ontario, are currently aimed only at making the complaints process more efficient and eliminating backlogs. More useful would be to change the language of human-rights legislation to remove such clauses as Alberta's protection against publication of material "likely to expose a person or a class of persons to hatred or contempt" - a protection that, based on Mr. Levant's case, commissions are far too zealous in providing. (Liberal MP Keith Martin has talked of introducing a private member's bill to make a similar change to the Canadian Human Rights Act.)

Established in the 1960s and 70s, human-rights commissions were intended to curb such problems as workplace discrimination. While that need has considerably diminished, it may be argued that the odd case still merits the commissions' continued existence. They may still play a valuable role, too, through public education and participation in the shaping of public policy. But they were never intended to serve as thought police, charged with stamping out all unpleasant arguments and ideas.

"It never occurred to us that this instrument, which we intended to deal with discrimination in housing, employment and the provision of goods and services, would be used to muzzle the expression of opinion," Canadian Civil Liberties Association founder Alan Borovoy recently lamented. Yet that is precisely what the commissions are doing - if not through their punishments (typically relatively small fines), then through the public shaming of those deemed to have caused offence, not to mention the legal costs of those who must defend themselves from complaints. It's time to rein them in before further damage is done to Canadians' right to free expression.

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