

EDITORIALS

The CJC's disingenuous stance



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Yesterday, Bernie Farber and Len Rudner, two officials of the Canadian Jewish Congress, were given space in these pages to defend Canadian human rights law from the frequent criticisms it has received from *National Post* editorialists and contributors. Why would a newspaper do such a thing? Because unlike Messrs. Farber and Rudner, it believes that a wide-open marketplace of competing ideas is the best guarantee a liberal democracy has against the spread of noxious and nonsensical doctrines. I suppose that after the authors' naked pandering to fears of violence and vandalism, and their hilariously revealing hints at possessing some special expertise in the super-science-sounding field of "anti-hate," one could say, "Q.E.D., gentlemen," and be done with the subject.

But responsible journalism demands, if nothing else, that the record be set straight about the example they used of how strong protections for free speech — the kind we are promised in the Charter of Rights and Freedoms, but not granted in the practise of federal and provincial human rights commissions — can lead to bloodshed. Farber and Rudner begin their piece by throwing the placid appeal to reason out the window at once and memorializing Pamela Waechter, who was fatally wounded in a mass shooting at the offices of the Jewish Federation of Seattle in July, 2006. "Her crime, and that of five wounded co-workers, was being

Jewish," they write. And they are right.

But could there be any relevant details they left out? With all their talk of swastikas on synagogue walls and "white supremacists," one might imagine that Pamela Waechter was murdered by some rampaging neo-Nazi skinhead. The perpetrator was in fact one Naveed Afzal Haq, whose Pakistani father founded the local Islamic centre and who shouted at his victims, "I am a Muslim American, angry at Israel." In a call to 911 operators Haq also said, "These are Jews and I'm tired of getting pushed around and our people getting pushed around by the situation in the Middle East." It is bizarre, and definitely in questionable taste, for officials of the CJC to use such a case as a pretext for defending laws which have become controversial because Muslims have

inescapable conclusion, if you believe them, is that the recent empowerment of those commissions to cut hatred off at the root, in the realm of texts and images, has completely failed to protect the public. But statistics of the sort they cite are not of much use anyway: police are still learning to look for elements of "hate" in investigating assaults and vandalism, and it is impossible to distinguish the effects of that expensive, onerous education process from any actual increase in racist or interreligious violence.

What the CJC fails to appreciate is that any belief about the changing quantity of hostility in Canadian society is compatible with strong views in favour of free speech. It's true that there is a tendency within the "anti-hate" community to conjure up a Nazi bogeyman whenever human rights commissions are criticized: Farber and Rudner's Tuesday op-ed, in its calculated misrepresentation of Pamela Waechter's demise and its self-glamourizing claptrap about "barricades," provides an outstandingly shameful example of the practice — all while denying that it ever occurs.

But if our streets were flooded with real Nazis, our devotion to the spirit of free expression, and our determination to resist illiberal ideas, would become the more important, not less. The original Nazis, after all, didn't exterminate the Jews of Europe and only then suppress free speech and the press; Hitler had the relevant guarantees in the Weimar constitution suspended in 1933, just one month into his chancellorship. An expert on hatred ought to have figured out that genocide, far from being prevented by governments and their instruments of control and censorship, almost inevitably takes place under their concealing shadow.

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been using them to suppress implied criticism of their faith. Hate laws that are only ever used against the official-language media, and that essentially stop at the door of the family home and the mosque, won't do much to save Jews from Muslim fanatics. Some free, frank and timely discussion of Islam's compatibility with Western society just might.

In support of human rights commissions, Farber and Rudner paint a picture of a rising tide of "hate crime" as defined under the Criminal Code — i.e., otherwise illegal acts conjoined with signs of prejudicial motivation. This is another weird argument for them to make. The