

Where is the outrage?

The web-site Blazing Cat Fur, 7 July 2008

<http://blazingcatfur.blogspot.com/2008/07/guest-post-by-mark-mercerof-st-marys.html>

Mark Mercer
Department of Philosophy
Saint Mary's University
Halifax, NS B3H 3C3
(902) 420-5825
mark.mercer@smu.ca

Back in November, a human rights panel in Alberta found Stephen Boissoin and the Concerned Christian Coalition to have contravened Section 3 of Alberta's Human Rights, Citizen and Multiculturalism Act. Mr Boissoin's letter in the *Red Deer Advocate*, said the panel, had exposed homosexuals to hatred or contempt in virtue of their homosexuality. On 30 May, the panel issued its remedy.

Mr Boissoin is to pay up to \$7,000 to people the panel acknowledges he did not harm, he is to apologize, whether sincerely or insincerely, for writing the letter the *Advocate* published, he is not to disparage his persecutor, and, finally, he is to refrain from expressing his opinions and feelings on matters gay and lesbian for the rest of his life.

That a human rights commission decided to investigate a case having nothing to do with discrimination or harassment but simply the peaceable expression of opinion is troubling enough. This remedy, though, is outrageous. If you thought "Made in China" is a label found only on consumer goods in Canada, think again.

The remedy is outrageous, but where is the outrage?

Now it might be that people don't know about Mr Boissoin and the Alberta commission. Few newspapers outside Alberta have reported the story. Yet it is a story of national importance. It involves a government agency penalizing a person financially for commenting on matters of public interest and seeking to make him a pariah in his community. Worse, it involves a government agency stripping a Canadian citizen of his freedom to speak his mind. That government agency, moreover, is a human rights commission, and so has siblings all across the country.

The case might well have an additional significance. The Alberta government has remained mute on it. Further, as with all governments in Canada, it has remained mute on the general matter of suppression of expression by human rights commissions. Mr Boissoin will most likely appeal the remedy to the courts. We could be about to witness another sad affair of politicians shirking their responsibilities by allowing law to be set by judges.

The case of Stephen Boissoin is not the only case being ignored by main-stream media. *Peace, Earth and Justice News*, an online journal, has been harassed by the BC Human Rights Commission. A complaint against *Catholic Insight* magazine was only recently dropped by the Canadian Human Rights Commission, after costing the magazine \$20,000. The mayor and town counsellors of Truro have been frogmarched into sensitivity training by the Nova Scotia Human Rights Commission. This case, having to do with the town's refusal to fly a gay pride flag and the mayor's comments on the matter, is particularly important, for the commission has usurped both the prerogative of Truro's elected officials to set policy and the responsibility of Truro's citizens to

discipline—or not—those officials, as they see fit. No doubt this bit of meddling will boost our politicians' resolve to speak to us candidly.

Other cases: Marc Lemire, Ciran Paul Donnelly, an editorial cartoon in the *Halifax Chronicle Herald*, Jim Pankiw....

Newspapers and other main-stream news outlets have given some space to one or two cases of speech that have come before human rights commissions. We've seen a few editorials and opinion pieces stemming from cases involving *Maclean's* magazine and the *Western Standard*. But even here we have not been offered much straight reporting.

It might be that Canadians would be outraged by the remedy issued in the Stephen Boissoin case if they knew of it, but it is also possible that Canadians don't much care. The shallow and sporadic coverage assaults on freedom of expression get in the main-stream media could well reflect accurately the level of concern Canadians have for this issue. After all, censorship is nothing new in Canada. Group defamation laws appeared in this country as early as the 1930s. Maybe we're used to it. Maybe most of us accept it.

In any event, those of us who advocate a free, democratic, and open Canada have our work cut out for us. The free speech contingent in this country has always been small, and has not always been vigorous. (Its record of wins rivals that of the Leafs.) We must encourage Canadians not to focus, or not to focus exclusively, on the unfair procedures of the commissions, or on the specific ideological commitments of the commissioners, or on particular bad rulings. We must encourage them to focus on the fundamental question whether a government agency ought to have any powers at all to suppress or punish expression.

Stephen Boissoin wrote a letter to the editor of a paper on a matter he thought crucially important for his community to consider. For that, if the remedy handed down sticks, Mr Boissoin is permitted never again to say publicly what is on his mind. Does it matter what he wrote in that letter? Are you unmoved by the knowledge that you, too, could be muzzled not for biting anyone, but merely for something you said?