

## What should Canadians do in the wake of the attack on *Charlie Hebdo*?

*Prince Arthur Herald*, 9 January 2015 (under the headline “Hate speech laws—repeal them”)  
<http://princearthurherald.com/en/politics-2/hate-speech-laws-repeal-them-773>

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One thing we should do to increase our physical safety is repeal our remaining laws against hate speech.

Isn’t that claim outlandish? It might seem obvious that if we want to protect ourselves, we should instead police expression even more vigorously than we do now, so that violent people will be less likely to see or hear something that sets them off.

Well, of course, we know that by giving in to the heckler’s veto, we simply create more hecklers, and more raucous hecklers, at that. So maybe stricter laws against expression isn’t the answer. But how could having no anti-hate laws help us?

I don’t mean to argue here for repealing our laws against the expression of hate on the grounds that they are anti-democratic, or that they deform public discourse, or that they are contrary to the ideal of the moral autonomy of the individual, though I think each of those arguments is sound. I mean to explain how the laws we currently live under, mild though some think them (though Arthur Topham or David Ahenakew would disagree), encourage the offended to take up violence.

Those who lash out physically against people who (they feel) have ridiculed or offended them are lashing out because they believe they have suffered an injustice. My argument is that laws against the expression of hate endanger us because they affirm and encourage that belief.

That is to say, countries that have laws against hate speech proclaim through their laws that some targets of expression are, indeed, victims of injustice. As victims of injustice, they are entitled to restitution through the punishment of their assailants.

The police and the courts don’t always get things right, of course. Someone has defamed you by attacking your religion, and so you complain to the officials, but the officials decide that the speech that offended you didn’t cross the line. But it did, you think; or the line wasn’t properly placed. You believe that you are a victim of injustice, an injustice, moreover, that the state refuses to rectify.

How many times was *Charlie Hebdo* investigated for violating France’s laws against the expression of hate? At least twice, and both times acquitted. What’s left to do but attack it yourself?

If, on the other hand, Canadians were truly to embrace freedom of expression, and get rid of our laws that censor or suppress expression, we would thereby say to the world that being mocked or ridiculed or subjected to expressions of hate is not to suffer an injustice. That you have been insulted, offended, or upset by something someone said does not make you a victim, and you are not entitled to restitution or compensation.

Repealing our laws against the expression of hate would make us safer by removing from our culture official affirmation of the thought that a person's hurt feelings merit official concern. Removing that thought would weaken the desire to take the law into one's own hands when the state refuses to come to one's aid.

My argument is speculative in that it contains a premise about cause and effect for which I cannot cite adequate evidence. According to that premise, removing laws that imply that one who has been offended or demeaned can thereby be a victim of injustice will result in fewer people thinking they are victims of injustice. If that premise is true, then that the attack on *Charlie Hebdo* was committed in France by Frenchmen isn't entirely a coincidence, for France has stronger laws against the expression of hate than most other European countries and enforces them regularly.

But why think that that premise is true? Empirical evidence would be needed to settle the question. All I can say in defence of it right now is that, generally, legal culture affects the mores and attitudes of the individuals who make up a society.

For reasons of safety, then (along with all the other reasons), let us not accommodate even in the slightest demands that people be silenced, no matter what they say or how hurt people are by what they say. That would take offence out of the realm of law and politics, and that would (probably, maybe) lessen the chance that the aggrieved will style themselves victims and their violence justice.