

## Censorship is a double-edged sword

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He wanted to prove a point about double standards. Jerry Reddick, also known as the Dawgfather (he operates a hot-dog van), wanted to show that hate-filled nonsense about Muslims gets a pass while such nonsense about Jews doesn't. And so he tweeted a set of anti-Semitic calumnies.

A day later, around 15 January of this year, the police showed up at Mr Reddick's Halifax home. Someone had filed a complaint of hate speech against Mr Reddick. The police investigated and, last week, said that the tweets "do not constitute a hate-related offence and the investigation into this matter has been concluded" ("Dawgfather won't be charged for anti-Semitic tweets," *Halifax Chronicle Herald*, 30 March).

Mr Reddick supports the law under which he was investigated for a crime. He just thinks that the law should be applied uniformly. If questioning or mocking the Holocaust constitutes criminal hate speech, then so, too, he said in a recent interview, should displaying a cartoon portraying the prophet Mohammed with a bomb in his turban.

I would have hoped his experience had led Mr Reddick to change his mind about the law to which he fell victim. The problem with laws against the expression of hate is not their uneven application, if, in fact, they are applied unevenly. The problem, rather, is that such laws affront our dignity and deform public discussion.

Mr Reddick's experience should signal to all of us the dangers of allowing the state to regulate, let alone criminalize, the peaceful expression of opinion or emotion.

The best argument against hate-speech laws is that such laws prevent us from expressing ourselves as we wish. They run counter, that is, to the value of moral autonomy, to our desire to be the sort of person who has her own views for her own reasons and is happy to let the world know what's on her mind.

This argument doesn't impress many people as conclusive, though, for they note that what we say can affect the well-being of others. Our freedom, they say, must be balanced against people's interest in not being targets of bigotry or discrimination.

So the matter, then, is to find the balance. Do laws against the expression of hate create more good than harm? Pretty clearly, I think, the evidence is that they create more harm than good, much more harm than good.

First of all, notice how tone deaf the police were in the Reddick case. Mr Reddick wasn't expressing anti-Semitism. He was using anti-Semitic tropes to draw attention to what he believes is a double standard.

Should we expect the police to be alert to quotation and irony? How would a demand for such alertness get written into laws and procedures? And, if it were to be written in, wouldn't actual hate mongers simply make air quotes before speaking?

If Mr Reddick can be investigated for quoting anti-Semitic nonsense to make a point, what about a teacher in a classroom? A caller to a radio show? Any serious discussion is now at risk of attracting a complaint and the police.

One might respond that the investigation of Mr Reddick has ended without charges, indicating that the system worked as it should, with the innocent vindicated. Is that true? Mr Reddick, note, is still, according to what the police said, an anti-Semite. His tweets were "distasteful, shocking, and offensive," the police tell us. They just don't rise to the level of criminality. The investigation over, Mr Reddick continues to find himself falsely marked an anti-Semite.

And, of course, for two months Mr Reddick lived daily under the threat of being charged and prosecuted.

Now think of the effect Mr Reddick's having been investigated will have on candour in public discussion. Who will want to say what is on their mind if they fear their speech might be interpreted, even willfully misinterpreted, as hate-filled?

Think of the effect it will have on those who want to control what people say. They now have a terrific tool at their disposal—threats of complaining to the police. Those who complained about Mr Reddick should, of course, have tried to engage in discussion with him, perhaps to enlighten him, if he actually was anti-Semitic. At least they should have answered him. Much easier, and effective, though, to summon the police.

Suppose that Mr Reddick really did speak hatefully. What good would have come from prosecuting and convicting him? How would such an ending have promoted good will among people?

Canada is no better a place in which to live as a result of our many hate-speech prosecutions and convictions than it would have been otherwise. That actual hate-speakers have been fined and jailed in this country has not improved the condition of marginalized Canadians one iota.

Canada should be free of laws against the expression of hate just because these laws are inconsistent with the value of moral autonomy. But if that is not enough, look at what these laws do. They put serious discussion of important matters at risk. They encourage people to hide their meaning. They are enemies of candour and openness. They are used by people to shut people up. And they do all that without bringing any benefit to the people they are intended to protect.

It is way past time for us to repeal our laws against the expression of hate.