

Reasons for barring Jones go up in smoke

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Florida pastor Terry Jones likes to burn Korans. To date, dozens of people have died in violence sparked by fires he's set.

Jones was to have participated in a debate on Islam in Toronto last Thursday evening, but he was turned back at the Canadian border.

The official reason the Canadian Border Services Agency gave him was that Jones had failed to reveal his "criminal history," specifically that he had once been fined in Germany for fraudulently using the title "doctor." Who knows? Maybe that is indeed the real reason.

Let's suppose, though, perhaps counterfactually, that the official reason is a pretext. What might be the real reason?

Perhaps he was kept out of Canada in order to protect people in Pakistan, Gaza, or Libya from coming to harm. If Jones were to burn another Koran, or otherwise to mock or insult Islam, Mohammed, or Muslims, chances are that people in faraway countries would riot, and some would be killed—by accident in the crush, by security trying to settle things down, or by murdering thugs. It's happened before. Border Services officials, then, denied Jones entry so as to prevent violence and to spare lives.

That, though, would be a pretty weak reason for keeping him out of the country, for Jones can easily start riots overseas by burning Korans or insulting Muslims back home in the United States. No life can be saved by denying him any particular location.

Perhaps Jones was kept out of Canada because Border Services officials feared mayhem up here, mayhem that would put the limbs and lives, or at least property, of Canadians at risk.

This reason, unlike the previous one, at least has the merit of being within the scope of Border Services's charge: to protect Canadians. Still, it's not much of a reason, as Canada has no history of violence in the streets for the honour of Islam. Better that border officers refuse entry to hockey players at play-off time.

As far as I can see, there are only two reasons either of which might have been the real reason. Both of them involve Canada sending a message, either to the Muslim world or to Canadians.

Border officers might be telling Muslim countries or Muslims generally that Canada is on their side, that Canadians feel their pain. They might be speaking sincerely. They might, on the other hand, just be hoping to generate good will for Canadian interests in Muslim lands.

Or border officers might be expressing on behalf of Canadians our revulsion towards hate.

Either way, they would also be expressing contempt for the free expression of opinions and emotion.

Canadians stand against hate, yes, but supposedly we also stand for freedom of expression. Sending Jones back says we stand more strongly against hate than we do for expression. Should officers in the Border Services be authorized to declare which of the two Canadians value more?

One argument that they should be so authorized appeals to the fact that Jones is not Canadian. Because he's not Canadian, he can rightly be denied venues in Canada to express his hateful views that Canadians cannot rightly be denied. (I think this is Jonathan Kay's argument.) The idea is that Border Services is not acting against freedom of expression for Canadians, just against this American's freedom to express his particular views in our country.

That, of course, is preposterous. If we value freedom of expression, we value it for everyone, whether Canadian or not, whether inside the country or outside it. Or do we? Perhaps the consensus these days is that China may silence its dissidents how it likes. After all, in China, Chinese values are king and we'd be wrong to say otherwise.

Yet, even granting such an obnoxious reply, there's a difference. Canadians invited Jones to Canada to speak to them. Canadians want to hear what he has to say. (By the way, many of those who want to hear what he has to say also want to tell him off.) Half, more or less, of freedom of expression is the freedom to listen (or to turn away), the freedom to receive and consider the messages one wants. Border Services's contempt for freedom of expression in this case is, after all, then, contempt for the freedom of expression of Canadians.

If Border Services valued the freedom of expression of Canadians, then they would have let Jones in and trusted the police and the courts to make the call as to whether Jones's speech or actions ran afoul of our regulations and laws. That's typically what happens when Canadians want to express themselves.

Whether Border Services is authorized or not to declare that Canadians prefer standing against hate to standing for freedom of expression, it's clear that they got us right. That Border Services would indulge itself as an agent of Canadian values by making the entirely symbolic gesture of denying Jones entry should surprise no one. Canadian society is not hospitable to the peaceful expression of certain opinions or emotions. Think of how accepting university students are of strictures on campus expression, and of how happy university professors and administrators are that they are. Think of the pamphleteers, letter-writers, and magazine journalists who have been brought before human rights commissions or charged criminally. Think of the Canadian Radio-television Telecommunications Commission.

Perhaps most dispiriting, at least to a lefty like me, was the fact that only Conservatives voted in favour of deleting Section 13 from the Canadian Human Rights Act, the anti-free expression section, despite the clear harm this section has caused. (The same Conservatives who muzzle scientists.)

It wouldn't have been surprising, then, if Border Services had interfered with the civil liberties of Canadians in order to express and honour our most deeply held Canadian values. But, of course, Border Services denied Terry Jones entry into Canada because there was some question whether he once claimed to hold a real PhD.