

FREEDOM OF EXPRESSION IN CANADA

Position of the Canadian Secular Alliance
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It has long been recognized by enlightened philosophers and thinking citizens of western liberal-democracies that society is best served by ensuring the maximum freedom consistent with good order. The founding documents of the United States speaks of some of these freedoms as "self-evident" truths, meaning truths that apply to humans simply because they are humans and not truths derived from some celestial revelation. Such freedoms are considered human rights.

They may be self-evident, but it was a long and difficult journey to get them enshrined in our laws.

Of all the fundamental freedoms we enjoy in our society, freedom of expression is the keystone. Indeed, several of the others: freedom of assembly, freedom of religion, etc., are really derivatives of freedom of expression.

Unfortunately, through some progressive-thinking social engineering combined with a failure to grasp philosophical fundamentals throughout the last decade or so we find a rapidly diminishing scope for free expression in Canada.

Members of Christian churches, Catholic and evangelical, have found themselves subjected to expensive and one-sided investigative and prosecutorial action in various human rights tribunals, for writing what their religion teaches respecting the moral question of homosexuality. When freedom of religion conflicts with gay rights, religion loses.

On the other side of the religious issue, publications of general interest, Mclean's magazine and the Western Standard, and a widely-read columnist and author, Mark Steyn, have also been subjected to the same government sponsored and funded speech-police procedures for allegedly "offending" Muslims. The cost of defending these actions is enough to put a free expression chill into the offices of any publisher.

Alberta publisher, Ezra Levant, has been prosecuted for simply publishing the famous Danish cartoons of Mohammed to inform Canadians of an issue of international significance. The Halifax Chronicle newspaper is facing an investigation for publishing a political cartoon that bore a striking resemblance to a Muslim activist.

Somehow, it has crept into the thinking of some well-placed social advocates that free expression, rather than being a human right, is actually adverse to human rights. Jennifer Lynch, the Chief Commissioner of the Canada Human Rights Commission, has stated that she believes in free speech *but* she also believes in

human rights: they are not one and the same as far as she is concerned. Dean Steacy, the chief investigators for the CHRC on offending speech issues has claimed that free speech is an American concept that has no value to him.

What now stands in the place of freedom of expression in Canada is a new human right, overpowering the right of free expression, overpowering the right of religious freedom: it is the right not to be "offended" by some other person's exercise of free speech or expression. Yet, unless we are free to be offensive, we really do not have freedom of expression.

It is wrong to use freedom of expression to advocate harm to any individual or identifiable group and there are criminal laws that protect citizens from this type of activity. Likewise, civil laws permit individuals to sue for damages to reputation because of the publication of falsehoods.

However, the Canadian human rights tribunals' notions of circumscribed speech makes no allowance for truth, for any proveable damage, or even for the standing of the complainant (i.e., he or she doesn't even have to prove they were offended -- they only have to say they were). What we now have are government bureaucrats, unelected and unaccountable, making critical decisions about what citizens can and cannot say. It goes further. When they investigate these kinds of complaints they want to know what you were thinking when you uttered your allegedly offending expression. They have become the thought police.

Sadly, this erosion of the sanctity of free expression at the top has trickled down to educational institutions, like York University in Toronto, where the student governing body banned pro-life advocates from campus presentations, and like Wilfrid Laurier University, where an atheist group was delayed ratification.

Today, pro-lifers, Catholics, Christian evangelicals, publishers, writers, cartoonists and authors are being shut down from open and free discourse about subjects and viewpoints that some other people simply don't want to hear. Tomorrow, it could be atheists and humanists prevented from advocating their viewpoints.

The CSA believes that it is vitally urgent for all citizens in our liberal-democracy to renew our respect for freedom of expression and to act to stop the accelerating erosion of this fundamental human right. This is why the CSA is a proud supporter of the Centre for Inquiry's Campaign for Free Expression.