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CANADIAN JEWS AND FREE SPEECH



By Stephen Scheinberg

Emeritus professor of history, Concordia University, Montreal Canadians are deeply attached to our traditions of civil liberties and free speech and Canadian Jews have been counted among their most ardent defenders. We honour such heroes of Canadian liberty in our past such as Justice Bora Laskin, David Lewis, and more recently Alan Borovoy, soon to step down as leader of the Canadian Civil Liberties Association. Yet, in the last months Canadian Jewry has played an unfortunate role in setting back the cause of free speech in a series of unfortunate events.

First, we must remind the reader that the defence of civil liberties sometimes entails battling for the rights of those we are deeply opposed to whether neo-nazis, communists, or even pro-Palestinian and non-Zionist elements. Rights and liberties are indivisible and cannot be sacrificed to one's personal political preferences. There was a time when I debated Alan Borovoy and maintained that Canada could, unlike the United States, safely impinge on free speech via our Supreme Court's limited restrictions on hate propaganda.

When Human Rights Commissions investigated two right-wing writers, who I most emphatically differ with (Ezra Levant and Mark Steyn), for alleged hate propaganda violations, I recognized that I was wrong and Canadian liberties would be safer with a more absolutist standard such as the American First Amendment.

Some of our Jewish community institutions have gone off-track when in their zeal to defend Israel, they have imposed serious limitations on speech both within the Jewish community and in Canada.

The first such instance occurred last January when a group called Independent Jewish Voices (IJV) booked the Federation's Gelber Center for a presentation by Israeli leftist Jeff Halper, a critic of his nation's Gaza operation. Federation cancelled the booking, citing, I believe, specious security concerns for doing so. The talk had to be relocated to the Unitarian Church where no disruption took place. According to Canadian Dimension, Federation officials refused to meet with IJV to discuss "a mutually satisfactory outcome, one that would ensure...Jeff Halper's freedom of speech." The Halper episode was the first, but not an isolated event.

A more prominent event took place when British Member of Parliament George Galloway was barred from entering Canada, ostensibly because he is a supporter of terrorists. It is more likely that his tirades against Israel, opposition to NATO in Afghanistan and even words of support for Saadam Hussein have cultivated strong enemies. In other words, it is his speech that has been offensive to some. The immediate decision was supposedly taken by border officials but the Minister of Citizenship and Immigration, Jason Kenny, declined, as was within his authority, to reverse his bureaucrats' ruling. However, I find it difficult to believe that low level bureaucrats took it into their own hands to make a decision impacting on important political and policy matters.

Mr. Kenny is not only a minister, he is also a political operative charged with, among other matters, cultivating the Jewish and other ethnic communities. His ties to the Jewish community are both personal and political. I cannot say whether Kenny initiated the decision to bar Galloway or whether, more likely, he was urged to take such action by Canadian Jewish Congress and B'nai Brith, since both groups track upcoming activities in the pro-Palestinian network. We do know that both groups were in the minority applauding the government's position because in the words of CJC, "Canadians abhor terror and those who support terrorists."

I will not rehearse at length the arguments of all those who condemned Kenny's decision, but they range from right-wing columnists Jonathan Kay of the National Post, and Lorne Gunter of the Edmonton Journal to the NDPs Olivia Chow and the Liberal Party's Bob Rae and Michael Ignatieff. All, or most of them, understood that safeguarding free speech in a democracy takes primacy over one's own political preferences, and that Mr. Galloway did not support terrorists when he gave food and medical aid to Gaza. Would Kenny and his Jewish supporters next bar British Prime Minister Gordon Brown and his Foreign Minister David Milliband, since they have decided to deal directly with Hezbollah? Sooner or later even the governments of Israel and the U.S. will be forced to deal directly with Hamas. Meanwhile, Galloway and his supporters gained immensely more from his banning than they would have if he had quietly been allowed to speak. Their meetings were jammed full with those who saw the British MP on closed circuit television and the media gave him excessive attention. In other words, our Jewish organizations once again joined with a Conservative government which was all too ready to suppress free speech in the name of fighting terrorism. They barred an individual who gained entry to the U.S., with its even more stringent anti-terror rules, and who lives freely in the UK, with anti-terror legislation similar to our own. Terror was never the issue, it was always free speech.

CJC Co-President Rabbi Reuben Bulka, characterized the banning as safeguarding "Canada's values of tolerance." I believe that Rabbi Bulka or the press release writers fail to understand that real "tolerance" necessitates that Canadian audiences must be exposed at times to some rather unpleasant views. I was part of the crowd pushed around by some belligerent young Arabs when Benjamin Netanyahu was prevented from speaking at Concordia. I took pride, not in defending Bibi's greater Israel ideology,

but in advocating his right to speak in a free and open society. Of course, there were other Jewish leftists there to support the effort to shut Bibi down, and thereby demonstrating their own selectivity on free speech. It is noteworthy that Laith Marouf, one of the most militant of the Arab student leaders, on that sad occasion, was the organizer of Galloway's recent tour. That enemy of Netanyahu's free speech was now more than ready to profit from the suppression of Galloway. What goes around seems to usually come around.

Frankly, I was puzzled by the response of CJC but not that of B'nai Brith (BBC). The latter and its omnipotent leader Frank Dimant are always ready to close down the free speech of those they oppose. B'nai Brith profits from a militant right-wing stance, often drawing on funding from individuals who respond more viscerally than thoughtfully. Actually, CJC's first response, from Executive Director Bernie Farber, was that "George Galloway has every right to speak here in Canada, no matter how offensive most Canadians would find his views and actions. " Later he would tell the Toronto Star's Thomas Walkom that he "now fully supports Kenney's decision." Too bad, Farber's initial and proper reaction seems to have been opposed by others at CJC who forced a reversal. I doubt that he suddenly had a change of heart, but he instead bowed to the wrong-headed demands of other lay and professional leaders. Only the proverbial "fly on the wall" could tell us if CJC was pushed into matching B'nai Brith's militancy, or that some in the group argued that they must stand with Kenney and the Conservatives. In any case, CJC chose to stand with a government that has a sorry record on defending our basic liberties.

In early May it was again IJV that pushed the buttons, with Montreal and Toronto productions of the controversial play "Seven Jewish Children". In Montreal, Sara-Saber Freedman of Canada Israel Committee and attorney Adam Atlas of CJC attacked the play. I may not share all their opinions of Caryl Churchill's provocative work but they had an undeniable right to criticize it. I would have preferred it if their criticisms had been published after the production, so as not to appear like premature censorship but their pre-production comments may have been provoked by journalists.

However, in Toronto it was once again B'nai Brith that called for the play to be denied a city-owned venue, Theatre Passe Muraille. Does B'nai Brith ever worry that they are giving the best free publicity to IJV? Certainly in terms of attracting audience, IJV did better than their expectations and had to schedule additional performances. The most recent incident, reported on May 10 in the Toronto Star, occurred when the Koffler Centre for the Arts withdrew its "association" from an exhibit about life in Kensington Market because they didn't like visual artist Reena Katz's political positions.

Now, according to the report, there was nothing about Israel in the exhibit, only a celebration of Yiddish in the Market and the history of organized labor. Katz had however, supported the, to my mind noxious, Israel Apartheid Week. This brought down the wrath of the Koffler people who dissociated the foundation from the artist, withdrew advertising from its website but allowed the exhibition to continue. The relevance of Ms.

Katz's political positions to her work as an artist is dubious.. If the Koffler directors had known in advance of her politics would they have denied her funding and invoked such extraneous criteria? It is symptomatic of the kind of thoughtless, knee-jerk defences of Israel that have unfortunately come to typify our community in recent months.

Finally, a recent York University conference, originally organized to promote "one state" stirred our community organizations to action once again. In fact, Neil Caplan and I, writing as leaders of Peace Now, (National Post, June 23) entered the fray but to grapple with the fundamental idea informing the organizers, rather than to criticize York University. As usual, B'nai Brith exhibited little concern for academic freedom and was particularly vigorous in its criticism of the University. The organization also appealed to the Conservative government to reverse the Social Science and Humanities Research Council's (SSHRC) financial support for the meetings. Science Minister Gary Goodyear was responsive to BBC but was unsuccessful in getting SSHRC to reverse itself. Goodyear and BBC earned the wrath of the Canadian Association of University Teachers which condemned their interference in the academic process and called for the Minister's resignation.

The Canadian Council for Israel and Jewish Advocacy (CIJA), closely allied to Congress, was more judicious in its public statement, in which it called, not for the cancellation of the conference, but for pressure on University President Mamdou Shoukri not to sanction such events in the future. Moreover, they pledged to continue working with York on "other issues related to anti-Semitism and anti-Israelism."

This is not to say, that both BBC and CIJA did not have legitimate concerns. The major concern was that this conference, unlike standard academic conferences, was to be used as a platform for advocacy rather than professional and civil exchanges of ideas on the one state issue. Professor Stuart Schoenfeld of York University was one of the presenters. He put the issue, fairly I believe, as one of conflicting understandings with some attendees believing "the conference was held to examine the one-state proposal; the other understanding was that the conference was held to advocate the one-state proposal and marginalize its critics." There were then some high level presentations of papers but there were also ad-hominem attacks on presenters, including the University of Haifa's Na'ama Carmi whose psychological state was questioned. She witnessed other presenters labeled racist if they were not in accord with the more radical views of many participants.

York President Shoukri, in defending his institution, declared that since issues such as one state are the stuff of discussion all over the world, then "there is no reason why they should not be discussed at a university in Canada." He was correct, to a point, but he should have added that the University, in sanctioning and supporting an academic conference has the responsibility to insure that it is not politicized and turned into an instrument for one-sided advocacy.

Professor Schoenfeld puts it well: "what is at issue at York is not only and not primarily,

academic freedom to explore controversial issues but the responsible use of that freedom.” That responsible use excludes advocacy, insulting of presenters, and establishing of an intimidating atmosphere for those holding differing views.

Unfortunately it is often those who claim the banners of free speech and academic freedom who do not extend those rights to others.

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We now seem to have a strain of repressive, anti-civil libertarianism in our Jewish community.. I cannot stress too much how this flies in the face of our Canadian tradition of free speech and undermines it.

When elements of the community seek to bar provocative speakers from the country, close our halls to them, seek exclude controversial opinions from public facilities, censor artists for their politics, or challenge academic freedom, then we will alienate essential supporters. Journalists, artists, and academics and even our own Jewish youth are especially sensitive to free speech issues and they may come to the understanding that the defence of Israel within Canada has become intimately related to the suppression of free expression. Such a conclusion would be harmful to Israel and hurtful to Canada’s Jewish community.

There is no centrally directed Jewish campaign to deny free speech to Israel’s critics. Most of the community’s leadership, outside of B’nai Brith, is far too sophisticated to support such an unproductive and illiberal assault on Canadian rights. However, it is undeniable that in some quarters of Canadian Jewry, the defence of Israel has taken precedence over free speech and good sense. Alan Borovoy has only recently stepped down, after many years, from the leadership of our major civil liberties organization. Perhaps one of our senior community agencies should name him as a consultant on free speech issues. We have the expertise within our community but will we have the good sense to draw on it?