

# Courts not the place to fight hate

After a series of problems and appeals in his first round of battles with the Crown, Ahenakew faces a new trial under Canada's hate laws. The former national chief of the Assembly of First Nations was initially charged in 2002 for uttering vile comments about Hitler and the Jews. He was convicted in 2005 but that ruling was overturned a year later. Its dismissal was reconfirmed last month.

Some of the country's leading Jewish organizations called for an appeal to the Supreme Court of Canada, but the Saskatchewan justice ministry has opted to retry the case in provincial court.

On the other hand, the Canadian Civil Liberties Association has always called for an end to all hate-speech prosecutions, saying they chill freedom of expression. Doug Christie, Ahenakew's lawyer (who also, by the way, represented Toronto's own one-time publisher, Ernst Zundel), has called the decision to retry his client "vindictive."

After several years of dead-end legal manoeuvres, the question for Canadians is what to do next.

There is little doubt that Ahenakew's words assaulted Canadian sensibilities. The Saskatchewan Court of Appeal called his speech "shocking, brutal and hurtful," a characterization with which the civil liberties advocates and Jewish community spokespeople both agree. Ahenakew was removed, quite rightly, from the Order of Canada in 2005, since whatever else his words indicate, they did not reveal a character that the country needs to honour with its highest award. And although Ahenakew has apologized for his remarks, he has also repeated them. At his 2005 trial, Ahenakew said he believed in the truthfulness of his earlier comments and blamed "the Jewish-controlled media" for his troubles.

The problem with the debate is that it has focused on the question of free speech. But Ahenakew isn't just a speaker, he's a believer. Even if Saskatchewan prosecutors pursue their legal action and eventually get a conviction and even if a fine is imposed, it won't lead to Ahenakew changing his mind.

Where's the upside here? In other criminal cases, punishment is supposed to work together with efforts to rehabilitate. While it seems obvious that bad ideas can't be pounded out of existence, do we just give up? Is it not possible to turn around Ahenakew and his like-minded audience?

Let me make myself clear: I am the daughter of a Holocaust survivor. My late

father, who in 1992 testified in a Nazi war crimes case in Australia, witnessed first-hand the way brutal words can turn into brutal deeds. I would never trivialize hate speech. My point, however, is that in 21st-century Canada, words and thoughts should be countered first and foremost by education.

As I look back on my own schooling, I am reminded of a Talmudic lesson about a woman named Bruria, a scholar noted for her wisdom. When her husband began to pray for the punishment of certain sinners, she urged him to pray that they change their ways instead.

Does Bruria's point apply here?

It's hard to ignore the irony of anti-Semitism flowing out of a northern Saskatchewan aboriginal community where contact with Jews seems to have been almost non-existent. I propose that any potential fines imposed on Ahenakew be spent on a ticket to Israel. There, he can visit Yad Vashem in Jerusalem and speak to survivors who have rebuilt their lives.

A week in a nation filled with Jews and Jewish history is one way, perhaps the only way, to build a bridge across the chasm of ignorance.

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