

## John Dixon / BAD FREE SPEECH DAY: The Sunera Thobani fuss and unfuss

The Thobani Affair began with the videotape of a speech, climaxed in the threat of criminal prosecution of the orator, and ended as the country recalled itself to its democratic principles. Along the way, there were some spectacular misjudgments, one outbreak of minor villainy, and a few instances of reassuring common sense.

First the facts, which, even if they can be assumed to be now widely known, will as certainly be forgotten within a few months. Sunera Thobani is an Associate Professor of Women Studies at the University of B.C., and a former president of the National Action Committee on the Status of Women. She made her notorious speech on October 1st — a little more than two weeks after the terrorist attacks of September 11th — at a federally-financed conference of non-governmental agencies (NGO's) working in the areas of women offenders and victims of sexual assault.

It must be said — or, more accurately, I will insist upon saying — that the substance of Thobani's presentation was, in the context of its special and specific audience, utterly devoid of controversial content. In saying that the foreign policy of the United States is “soaked in blood,” or that the U.S. is “the most dangerous . . . force unleashing prolific levels of violence all over the world”, or that the American “racination” of the war against terror cemented the shared fate of First and Third World women, or even in implying that the moral position of the September 11th terrorists was superior to that of the U.S. government, Ms. Thobani was operating well within the borders of leftist feminist Canadian thought. If any confirmation of this judgment is needed, a review of the videotape of the speech, showing the many enthusiastic outbursts of applause from her audience, would dispel any possible doubt.

The Videotape — its existence and eventual broadcast — is perhaps the single most important “fact” in the Thobani Affair. From Thobani's perspective, as she explained in a subsequent press

release, network broadcasts of the tape “de-contextualized” her remarks in ways that invited misunderstanding. But it might as fairly be said that, by taking her speech out of a marginalized and parochial setting, and “re-contextualizing” it within a general audience, the tape played the kind of revelatory role that can generate genuine culture clash.

Where mass media is concerned, if there is no picture there is no story; and Thobani’s speech of October 1st was routinely taped by the Canadian Public Affairs Channel (CPAC). CPAC dutifully records almost all Ottawa happenings, from Question Period in the House of Commons (its real mainstay) to the proceedings of legislative committees, announcements in the National Press Gallery (which are almost hourly occurrences when Parliament is in session), to the sessions of the most obscure NGO conferences. Network media routinely review the offerings of CPAC, and depending upon the exigencies of the newsday, they may repackage and broadcast some portion as a “story.” In the Thobani case, the speech story quickly and universally crystallized around a double-edged narrative of “exposure” and “reaction.”

In defense of the media slant, it must be admitted that although Ms. Thobani did not actually announce that she was become Shiva, destroyer of worlds, she certainly gave an arresting impression of that fierce Goddess — or perhaps even Kali — at the podium. (I am indebted for this insight to Stan Persky’s essay *War and Peaceniks*, which may be found on the indispensable [www.dooneyscafe.com](http://www.dooneyscafe.com) site.) On at least a rhetorical level, she seemed to share a biblical taste for “the healing power of holy hatred” with some of the radical mullahs interviewed by the Arab language Al Jazeera television network. The spectacle of flashing eyes, eschatological rhetoric, the relentless “working” of her cheering audience, and the proximity of all of this to the terrible events of September 11th, deeply shocked the national audience.

That shock produced fierce public reaction which was enthusiastically channeled by politicians, newspaper columnists, editorialists, and TV pundits. Part of this was fair, critical commentary: like most sermons to the converted, Thobani’s speech didn’t play very well among the infidels. The ironic tension between



the federally-financed exercise of her freedom of expression (and that of her audience) while she cheerfully dismissed and denounced the entire free speech tradition of the West, got the scathing attention it deserved. But there were several tub-thumping “love your country (and its allies) or leave it” commentaries, suggestions that Thobani be shipped off to share the repressive conditions of women in the countries she seemed to prefer to her own, many admonitions to U.B.C. to fire her, and a great deal of just plain ad feminam slagging. In the colorful prose of one correspondent to *The Vancouver Sun* (dutifully printed by that fine journal) Thobani was instructed “to hijack an airplane and fly it up one of her bodily orifices.” Ultimately there were instances, reported by Thobani, of hateful email and even a possible death threat.

The climactic reactive event came, however, not from some beer-swilling lout of the lumpen proletariat, but from the offices of the R.C.M.P. Hate Crime Unit. On October 10th, the *Sun* reported that Corporal Labossiere of the unit had revealed to their reporters that they had received, and were investigating, a complaint accusing Thobani of the criminal code offense of inciting hatred against an identifiable group. Police do not ordinarily reveal the existence of an investigation, and by way of explanation for this extraordinary departure from standard procedure, Labossiere identified the Thobani case as presenting a teachable moment: “Here we have a complaint against someone who is obviously from a visible minority, whom the complainant feels is promoting hate. Normally, people think it’s a white supremacist or Caucasians, promoting hate against visible minorities. . . . We want to get the message out that it’s wrong, all around” (*The Vancouver Sun*, October 10, A8).

After the morning appearance of the *Sun* story, I immediately (as president of the B.C. Civil Liberties Association) faxed R.C.M.P. Commissioner Zaccardelli in Ottawa, demanding an apology. I pointed out that there could be no conceivable merit in law to the complaint against Thobani, and that the Labossiere blunder produced two considerable evils. Firstly, it would certainly act to chill legitimate public debate on Canadian domestic and foreign policy — sensible people avoid being accused of stigmatizing criminal offenses, however baseless the accusations; and secondly, the “it’s

wrong all around" remark by Labossiere was clearly presumptive of the guilt of the accused. Both Ms. Thobani specifically, and Canadians in general, were misled and harmed by the Labossiere interview, and both, I insisted, were owed a remedial disclaimer and apology. B.C.C.L.A. lawyers telephoned Zaccardelli's staff, and emphasized that the situation required action before the end of the newsday.

With no response from the police forthcoming by noon, the B.C.C.L.A. called a press conference for 3:00 pm. Informed of this by television reporters, the R.C.M.P. quickly issued a media alert for a press conference of their own at 2:00. At that time, Corporal Labossiere announced that "The information related to Ms. Thobani unfortunately came out in a casual, unguarded comment. . . . It was an unfortunate incident, and I apologize." Presented with this development at 3:00, I pointed out to the assembled press that "a casual, unguarded comment" is hardly consistent with Labossiere's stated desire of the previous day to "get out the message that it's wrong, all around." But at least there had been an apology of sorts — a large concession from the R.C.M.P. — and we decided to let the matter rest.

And that was that. The fuss around the announcement of the criminal investigation, and the reasonably quick R.C.M.P. retreat, had a marked, chastening effect on the chattering classes. The following morning, the *Sun* ran an editorial entitled "The right to speak out," admonishing the police to drop the hate complaint "like a hot brick"; and on October 12th, columnist Pete McMartin, who had been very much in the vanguard of the initial media assault on Thobani, had a moderate piece entitled "It's all about free speech — hers and ours."

However much the media had enjoyed the initial ride, they were horrified to discover that they were not only playing around with the naifs and rustics of their audience, but had also aroused the censoring authority of a politicized police. This, they realized, was playing with dynamite. Recalled to their democratic senses, they made brief citizenly noises and fell silent. Thobani was not fired from her position at U.B.C., ill-treatment of "Arab-looking" persons was limited to a few, isolated acts, and all in all, Canada deserves two

cheers for its civic poise in the first, minor crisis of the post-September 11th environment.

Whether we will be equal to larger, forthcoming challenges remains to be seen. The recent passage of the politically popular, but terribly flawed terrorism laws is not a reassuring omen. But the real test of the democratic mettle of Canadians will come as these new laws are applied by policing and other government authorities. Then, to paraphrase Burke, all that will be necessary for the diminution of our freedoms will be for the readers of *The Capilano Review* to do nothing.



