STICKS AND STONES
Rabbi Dan Moskovitz – 5/29/2015

On the schoolyard the old familiar rhyme went like this, "Sticks and stones will break my bones but words will never hurt me."

Of course we have learned from our life experiences that this not true.

Words hurt, words are powerful.

With speech God created the world, *B'resheit bara eloheim* – God spoke and the world was created

With speech we can destroy and tear down, an idea, a person.

BUT – what is our societal obligation to protect individuals or groups from hurtful, even hateful speech?

The Social Contract certainly requires that we protect law abiding citizens and even perhaps law scoffing citizens from Sticks & Stones, but what about from words?

Does our civil society require us to protect people from being emotionally hurt or offended by speech?

I bring this up tonight of course because of Senate Bill C-51, the controversial Anti-Terrorism Act that passed the House of Commons and is currently before the Senate.

There is much in this bill that concerns me, and while it is well intentioned – it is I fear a legal over reach; sacrificing freedom for dubious promises of greater safety and security.

It appears to me to be just as its cousin the US PATRIOT ACT was post 9/11 in the US. A wolf dressed in wolf's

clothing, but as its our wolf we shouldn't worry it will one day bite us.

But we know that it will. We have seen through Edward Snowden, Wikileaks and a host of other revelations how what was intended to protect our freedom has actually endangered if not destroyed it.

Specific to C-51 security experts, lawyers, former prime ministers, former judges and privacy commissioners all agree - bill C-51 is reckless, dangerous and ineffective.

The Canadian Bar Association stated that C-51 brings "the entire Charter of Rights and Freedoms into jeopardy, undermines the rule of law, and goes against the fundamental role of judges as the protectors of Canada's constitutional rights."

I am wary of this bill in general but I am particularly concerned about one provision with regard to the Jewish community and Israel that has become a political wedge issue.

As was reported by the Israeli Daily Haaretz this week, proponents of C-51 are now conflating the advocacy of the boycott, divestment and sanctions campaign, against Israel also known as the BDS movement, with hate speech.

They are able to do this because last year the Canadian government changed the definition of hate speech in the criminal code, adding the criterion of "national origin" to race and religion, making it a crime to disparage someone's country of origin. Not a person from the country but simply the country.

I appreciate and applaud, as I think we all do Canada's steadfast support for Israel in the face of overwhelming

international pressure to marginalize it and label it an international pariah. This week's threatened expulsion of Israel from FIFA and the World Cup is just the latest evidence of the double standard and targeting of Israel by those who seek to delegitimize it.

But what is to be gained and what will be lost if we criminalize criticism of Israel or any other country. There are lots of really poignant and disparaging things I like to say about our nation's enemy's and even some I will say, albeit constructively about my own country of origin and its allies. Should it be a crime to criticize? And who decides what is legitimate criticism and what is nefarious hate speech?

I have spoken from this bima before about the courage Canadian National leaders, of both the Conservative and Liberal party have shown in defense of Israel. I wish that I would hear such clear and unequivocal statements from President Obama, though I appreciated

his remarks last week at the Washington DC synagogue widely circulated in social media where he made a clear statement of his administration's support for Israel in the face of existential threats from Iran, Hezbollah and others.

But when Canadian Public Safety Minister Steven Blaney speaking at the United Nations makes the link between BDS and Hate Speech explicit by linking BDS with anti-Semitic hate speech and even the attack on Charlie Hebdo – which he claimed was an attack against free speech. I appreciate his support for Israel but I think he has gone too far, you can't advocate for and defend free speech and criminalize dissent at the same time.

I want to be 100% clear I am absolutely and fundamentally opposed the BDS movement and its claims. I will not allow pro-BDS speakers, even from the Jewish community to speak in this congregation, nor

will I support organizations that provide any material support for BDS. It is a red line for me. I think that the BDS movement masks a deep seated anti-Semitism and anti-Zionism that wants only one thing, the end of Israel.

But one man's hate crime is another man's conscientious expression of dissent. Letting a government that has already chosen sides sort out which is which is a dangerous idea.

Or as Voltaire once famously stated, "I do not agree with what you have to say, but I'll defend to the death your right to say it."

In the category of words, as opposed to sticks and stones – I believe it should not be a crime to say hurtful and mean things. That is the price we pay for freedom of speech – sometimes you will hear things that offend and upset you. I would prefer that over a society where

it was against the law to say things that might offend another, because I want the right, we need the right to say things that might offend.

The way to fight BDS is not through laws criminalizing its nefarious and disgusting statements. The way to fight BDS, is the same way you defeat the words that can be hurled at you from time to time like sticks and stones, you fight falsehoods with truth. You fight ignorance with reason. Martin Luther King Jr, taught, "Darkness cannot drive out darkness; only light can do that. Hate cannot drive out hate; only love can do that." We must shine a light on the darkness that is BDS, expose it for the fallacy that it is, not criminalize it where it will only go underground and be made stronger in protest. Let it stand or fall on the merit of its claims, they have no merit, and if we speak the truth they will not stand.

Sticks and stones may break my bones, and names they too can hurt me – but we must learn to take a punch, and punch back – not hide behind the apron strings of even the most well-meaning political bubbie. The price is too high, the protection too fleeting and one day the shoe, and the words could be on the other foot and in our mouths.