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Pacific Spirit: 'Barbaric practices' legislation called racist

Critics say bill targets entire immigrant communities

Pat Johnson / Vancouver Courier

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Ninu Kang, director of communications and development for MOSAIC, says the federal government's proposed act against "barbaric cultural practices" sends the message that "Canadians are humans and have good values and practices and those who come from other parts of the world are barbaric." Photo Dan Toulgoet

Forced marriages of children, so-called "honour" killings and female genital mutilation are about as barbaric as human actions can be. So it should hardly have raised eyebrows when the federal government introduced the Zero Tolerance for Barbaric Cultural Practices Act in Parliament last year, right?

Well, no. More than eyebrows have been raised. Voices and tempers have also been elevated in response to what some advocates for immigrants and women call "racist" legislation.

"This particular legislation targets immigrant communities," says Ninu Kang, director of communications and development for MOSAIC, a non-profit that addresses the settlement and integration of immigrants and refugees. "It targets individuals that come from other parts of the world into this country. It creates the phenomena of us and them — 'us' being Canadians — and somehow that we as Canadians are humans and have good values and practices, and those who come from other parts of the world are barbaric."

I think that Canada should bend over backward to welcome immigrants. But I also think that there are lines that must

not be crossed and that newcomers should be aware of them. Certainly, if the legislation were arbitrarily defining fundamental characteristics of particular cultural groups "barbaric," it could be faulted. Instead, it is identifying behaviours that we are assured are practised by small numbers and declaring them incompatible with our values.

But Kang makes the case that entire communities are being tarred with suspicion even though such practices are rare.

"It targets communities, rather than addressing particular behaviours of a small group of individuals, which obviously is an issue," she says.

"Furthermore, there is legislation that already addresses issues in this legislation around polygamy and so on, so I guess the question is: What is the need for this legislation? What is the purpose of calling this zero-tolerance to barbaric practices and to what cultural group is this targeted?"

Not being an immigrant myself, I am perhaps not adequately sensitive to the subtle unwelcoming messages our society can send to newcomers. But I'm not really onside with the sweeping criticism that the legislation implies that "all" immigrants of a particular type are being accused of barbarism.

That seems like overreach to me. I am more sympathetic to some of Kang's other criticisms.

"Historically, Canada has been plagued with having a history of racist policies that impact marginalized groups," she says.

The most barbaric figures in our recent history — Clifford Olson, Marc Lepine, Paul Bernardo — were natural-born Canadians, remember.

Kang argues that education in relevant communities and support for victims is the way to go, rather than high-profile, "macro level" hysteria.

But I can't help making an inconvenient comparison. Some who oppose this legislation have supported hate-crimes legislation in decades past, when jurisdictions including B.C. and Canada were considering such laws.

At the time, opposing voices piped up arguing that we already have laws against violence. Why do we need more laws against violence motivated by attitudes toward a particular race, religion, sexual orientation, gender or other immutable characteristic?

The answer, simply, is that society expresses itself partly through legislation and we have sought to specifically identify hate-motivated violence as a particularly egregious affront to our values.

On "barbaric practices," though, Kang says that existing laws are adequate for the issues the bill seeks to address. But, addressing the comparison with hate crimes, she returns to what seems to be the biggest affront in the bill: its name.

Hate crime laws were not given hyperbolic names or cloaked in laden terminology, she argues.

"It's not named as the 'White Barbaric Culture Perpetrating Hate on Immigrant or Marginalized Groups,' right?" she says.

Frankly, I'm less concerned about sending a mildly unwelcoming message to some extremely well-informed immigrants (because this is actually still a pretty obscure piece of legislation) than that a single girl suffer so-called "female circumcision" in this country because her parents didn't get the memo when they immigrated.

Still, perhaps because I work in words, the thing that most bothers me about the bill also centres on its title, but it is the qualitative, relative nature of the adjective "barbaric" that bothers me more than the message it might send.

Define barbaric. The term is almost Victorian in its certainty that we all understand what constitutes barbarity. Yet in today's world, hyperbolic terms like barbaric are thrown around to describe anything we don't like.

In the end, I can't really object to the intent of the bill though maybe, like Kang suggests, education is more appropriate than provocatively titled and possibly redundant laws to address the problem.

pacificspiritj@gmail.com

twitter.com/Pat604Johnson

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