



CLOSE WINDOW

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## How Ottawa stifles animal activists

By SILVER DONALD CAMERON

"Canada," said the U.S. journalist, "is heading toward becoming an authoritarian state to an extent that surprises observers even in China."

Another comment on Bev Oda and the garrotting of Kairos? Nope.

A reflection on the Harperites' infatuation with harsh sentences and larger prisons? No.

Kyoto, Afghan detainees, the G20 repression, the flouting of the Supreme Court in the Omar Khadr case? Our humiliating defeat in the UN Security Council election? Could have been, but in fact it's none of the above.

No, Merritt Clifton, editor of Animal People, published in Clinton, Wash., is writing about the federal government's denial of free speech to animal welfare charities in Canada. And he's in touch with animal rights activists in China. He knows what they think.

"On February 5, 2011," writes Clifton, the Canada Revenue Agency published "draft regulations governing animal charities which would ensure that any animal charity speaking out against anything that is not already illegal would lose nonprofit status."

One specific example: the regulations make it clear that a Canadian animal charity would lose its charitable status if it opposed vivisection, which is the practice of operating on living animals in order to gain knowledge of pathological or physiological processes. A charity could suffer the same fate if it opposed the fur industry or the seal hunt.

In fact, says Clifton, the draft regulations provide "that an animal charity may only advocate policies and practices which benefit humans more than animals."

Really? I hustled off to the CRA website. Sure enough, that's exactly what the draft regulations say. The logic, if one can call it that, derives from British common law. The courts, says CRA, have determined that "an activity or purpose is only charitable when it provides a benefit to humans. For some purposes and activities, including those relieving the suffering of animals, the courts have decided that the benefit is the promotion of the moral or ethical development of the community."

But don't try to argue that supporting animal welfare is a good thing in and of itself. "Promoting the welfare of animals," the CRA declares, "is only charitable when it results in a benefit to humans."

With respect to vivisection, says the CRA, the courts have decided that "seeking to abolish

vivisection is not charitable. This is in part because, as the courts have put it, despite the suffering inflicted on animals, the 'immense and incalculable benefits which have resulted from vivisection' and the 'positive and calamitous detriment of appalling magnitude' that would result from its abolition, outweigh any possible promotion of the moral and ethical development of the community."

The gaping flaw in the CRA's argument, of course, is that it freezes — indeed, prevents — the evolution of the law. The law reflects the moral consensus of the community at a particular moment in time. When the consensus changes, the law must change as well. The law once decreed that women were chattels, slavery was fine, and petty theft warranted hanging. When society reversed its thinking on these matters, the law eventually reversed its position, too.

The CRA argues, in effect, that charitable purposes can only reflect the past — the decisions that the courts have already made. But the very phrase "the moral and ethical development of the community" concedes that moral and ethical attitudes evolve. That's what the word "development" means. And if moral attitudes have evolved, then someone who demands corresponding changes in the law is very precisely "promoting the moral and ethical development of the community."

A growing body of opinion now holds that we will not achieve our human potential — or even survive — unless we develop a respectful, ethical relationship with the rest of nature. The coyote, the cod and the chestnut have a right to live and flourish, and advocating on their behalf — with or without a benefit to humans — is a deeply moral activity and a legitimate charitable purpose.

Do the Harperites disagree? We'll never know. They ignore ideas, and attack people instead. Lie about them. Impugn their motives. Cut their funding. Dissolve their organizations. Imprison them. Deny them charitable status.

"Canada is heading toward becoming an authoritarian state to an extent that surprises observers even in China."

A chilling remark. I wish I could claim it was wrong.

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