

---

# Hate in the Classroom: Free Expression, Holocaust Denial, and Liberal Education

RAPHAEL COHEN-ALMAGOR

*University of Hull*

This article is concerned with a specific type of hate speech: Holocaust denial. It is concerned with the expression of this idea by educators. Should we allow Holocaust deniers to teach in schools? This article attempts to answer this question through a close look at the Canadian experience. First, I will establish that Holocaust denial is a form of hate speech. Next, I will lay down the main premises of the argument and make some constructive distinctions that will guide our treatment of teachers who are Holocaust deniers. Finally, I will probe three cases—James Keegstra, Malcolm Ross, and Paul Fromm—and argue that hate-mongers cannot assume the role of educators.

Since democracy stands in principle for free interchange, for social continuity, it must develop a theory of knowledge which sees in knowledge the method by which one experience is made available in giving direction and meaning to another. (John Dewey, "Theories of Knowledge," in *Democracy and Education*, 1966, 344–45)

## Introduction

Hate speech is defined as bigoted speech attacking or disparaging a social or ethnic group or a member of such a group. It is contemptuous expression directed at objects of prejudice that perpetrators use to wound and denigrate (Henry 2004). Hate speech presents itself in many different forms, including direct talk, symbols contained in parades, cross burnings, and, more recently, Internet Web sites. It is speech that conveys a message of inferiority, is usually directed against a member or members of historically oppressed groups, and is persecutory, hateful, and degrading (Henry 2004).

Electronically published December 11, 2007

*American Journal of Education* 114 (February 2008)

© 2007 by The University of Chicago. All rights reserved.

0195-6744/2008/11402-0004\$10.00

## Holocaust Denial and Hate Speech

What do we mean by Holocaust denial? Why does this form of speech constitute hate? If you ask people on the street what they know about the Holocaust, and they answer that they have never heard of it, this is not Holocaust denial. Denying reality is not a form of hate. And even if they seem to know, this is not necessarily a form of hate. The component of hate depends on the content of the speech and the intention of the speaker.

Holocaust denial assumes a form of legitimacy to racism in an evil manifestation, under the guise of pursuit of truth. It speaks of an international Jewish conspiracy to blackmail Germany and other nations, to exploit others, and to create Israel. It depicts a picture by which Jews conspired to create a hoax, the greatest fabrication of all time. Adolf Hitler did not plan genocide for the Jews but wished instead to move them out of Europe. No gas chambers ever existed. This is an invention of the Jews to dramatize the mere fact that in every war there are casualties; World War II was no different. People from many countries were killed. Many of them were Germans. And yes, Jews were killed; so were people from other religions.

Holocaust denial is a form of hate speech. It willfully promotes enmity against an identifiable group based on ethnicity and religion. According to the deniers, the Holocaust is the product of partisan Jewish interests, serving Jewish greed and hunger for power. Some Jews disguised themselves as survivors, carved numbers on their arms, and spread atrocious false stories about gas chambers and extermination machinery. It was not Germany that acted in a criminal way. Instead, the greatest criminals are the Jews. The Jews were so evil that they invented this horrific story to gain support around the world and to extort money from Germany. For their extortion and fabrication, for creating the greatest conspiracy of all time, they deserve punishment, possibly even death. Consequently, Jews are conceived of as demonic and crooked

---

RAPHAEL COHEN-ALMAGOR (DPhil, Oxford) is Professor and Chair in Politics, University of Hull. He was the founder and director of the Center for Democratic Studies, University of Haifa (2003–7), and is the author of *The Boundaries of Liberty and Tolerance* (1994), *The Right to Die with Dignity* (2001), *Speech, Media and Ethics* (2001, 2005), *Euthanasia in the Netherlands* (2004), *The Scope of Tolerance* (2006), and *The Democratic Catch* (Hebrew, 2007). In 1999–2000 he was the Fulbright–Yitzhak Rabin Professor at the UCLA School of Law and Department of Communication, and in 2003–4 he was Senior Fellow at the Center for Policy Studies and Visiting Professor at the Zanvyl Krieger School of Arts and Sciences, Johns Hopkins University. Currently he is a fellow at the Woodrow Wilson Center (2007–8). Personal Web site: <http://hcc.haifa.ac.il/~rca>; political blog: <http://almagor.blogspot.com>.

people who deserve to die for making up this unbelievable tragedy. In effect, argues Marvin Kurz,<sup>1</sup> the ultimate purpose of Holocaust denial is to legitimize another Holocaust against Jews. (For an elaborate discussion of this matter, see the appendix in the online version of this article.)

### Context and Premises

Canada has a long history of hate speech and Holocaust denial. This is partly due to the tireless activities of one of the most prolific Holocaust deniers in the world, Ernst Zündel, who from 1977 until 2003 resided in Canada and made Toronto his international headquarters.<sup>2</sup> His Web site is arguably the most valuable resource for Holocaust deniers on the Internet (Cohen-Almagor 2001). As a non-European liberal democracy, Canada is cherishing free expression, diversity, and tolerance and has provided the conditions for the growth and development of Zündel and his ilk.<sup>3</sup> At the same time, Canada is far more sensitive than its neighboring country, the United States, to issues related to its immigrant communities. It strives to preserve pluralism, the mosaic of multiculturalism. Its governmental agencies try to balance free expression and societal, communal concerns. Canada is a country with a communal conscience.

Three of the most notorious Holocaust deniers in Canada were also teachers. In this article I will closely examine each case, arguing that educating and preaching hate come at the expense of each other. You can either educate or preach hate. You cannot do both.

The underlying premises of this essay are as follows: First, in a democracy we live and act under certain basic tenets of liberty and tolerance, from which democracy draws its strength and vitality. Two of the most fundamental background rights underlining every democracy are not harming others (derived from utilitarian ethics, especially from John Stuart Mill) and respect for others (derived from Kantian ethics) (Abel 1998; Cohen-Almagor 1994, 2005; Dworkin 1976, 1985). Indeed, we should see people as ends and not as means—a Kantian deontological approach (Kant 1969). Each individual is conceived as a bearer of rights and a source of claims against other persons.

Second, free expression is a fundamental right and value in democracies. It is the freedom of the individual to realize herself or himself, to form a worldview and an opinion by giving flight to her or his spirit. It is the freedom of the individual and the community to bring truth to light through a struggle between truth and falsity. Furthermore, freedom of expression is necessary for keeping the vitality of beliefs. Freedom of expression is crucial to indicating causes of discontent, the presence of cleavages, and possible future conflicts (Barak 2000; Cohen-Almagor 1994, 89–93; Emerson 1966, 5–15; Mill 1948).

### *Hate in the Classroom*

The third premise holds that the education system on the whole should aspire to be democratic, nonrepressive, humanistic, and nondiscriminating (Costner 1989). It should promote tolerance and offer bridges for understanding of the other, for reducing alienation, and for accommodating differences. As John Dewey (1966, 99) argued, an undesirable society is one that sets up barriers to free intercourse and communication of experience. He explained that a society that makes a provision for participation in the good of all its members on equal terms and that secures flexible readjustment of its institutions through interaction of the different forms of associated life is insofar democratic. In a similar vein, Amy Gutmann (1987, 289) asserted that democratic education supplies the foundations upon which a democratic society can secure the civil and political freedoms of its citizens. Niemi and Junn (1998, 2–3) maintained that “schools, along with their teachers and curricula, have long been identified as the critical link between education and citizenship, as the locus from which democratic citizens emerge.” Thus, democracy depends on liberal education that fosters the underpinning values of democracy, respect for others, and not harming others for its full moral strength. Hate runs contrary to these values.

Fourth, hate speech causes immediate mental and emotional distress to its targets (Lawrence 1999). It might also inflict psychological harm on them (Cohen-Almagor 2006, chaps. 4–5). The Canadian Supreme Court acknowledged this by using a harm-based rationale to justify criminalizing hate speech, arguing that hate propaganda can harm society as a whole (*R. v. Keegstra* 1990).

Therefore, the fifth premise is that with due appreciation for our liberal innate inclination to provide wide latitude to freedom of expression, we must also acknowledge the need for setting limits. There is a need to strike a balance between the right to freedom of expression and the harms that might result from a certain speech. The right to exercise free expression does not include the right to do unjustifiable harm to others (*Canadian Charter of Rights and Freedoms* 1982, sec. 1; *Canadian Human Rights Commission et al. v. Taylor et al.* 1990; *R. v. Butler* 1992; *R. v. Keegstra* 1990).

### Pertinent Considerations

The analysis of this intricate subject involves the following considerations:

1. It is appropriate to distinguish between teachers of history and teachers of anything but history. History teachers may be required by the curricula to discuss the Holocaust. However, mathematics teachers are not expected to teach this issue. If and when they do, they sidetrack from the subjects they are qualified to teach even though there is a reasonable expectation that they confine themselves to the matter they were qualified to teach. History teachers

may present different interpretations of history, and thus there might be room to argue that they introduce revisionist argument in class and thereby evoke a debate about history, interpretations, narrative, racism, anti-Semitism, and bias (Schroeder 1986). In any event, when they introduce Holocaust denial in class, they are expected also to present the mainstream history that forcefully argues for, supported by verified data, the existence of the Holocaust. I assume that presenting only Holocaust denial when discussing the horrors of World War II is not in line with the established curricula in Canadian public schools.

2. The preceding sentence emphasizes public schools, where teachers are paid by the government, which provides the leverage of funding. The government may prescribe certain guidelines and ask teachers to adhere to fundamental values. Private schools may generate their own funding and hence modify their curricula and create their own agenda. These agendas should be clarified for the parents and students. In private schools, after such clarification, Holocaust denial might be the only interpretation of history presented in class. Again, I would expect the school management to highlight this before parents enroll their children in such a school so as to allow them to decide whether this is the education they seek for their offspring. Of course, as parents' influence is greater in private schools than in public schools, parents could insist on not having a Holocaust denier in their child's class, and the school management would be required to give close consideration to their demand.

3. Holocaust denial involves more than a challenge to all we know about history and truth. It does more than question well-known facts and historical data. It also involves hate, harm, and offense. We can assume that Jewish students would be highly uncomfortable in a class where Jews are presented as liars, thieves, and conspirators who exist to exploit the world. Therefore, a pertinent consideration is the presence of Jewish students in the school concerned. This is not to say that non-Jewish students are not offended by such hateful speech. This is only to say that Jewish students are more likely to suffer offense when subjected to such teachings.

4. Another relevant distinction is between teachers who discuss their ideas about the existence of the Holocaust at school and teachers who do not discuss such ideas at school. There might be teachers who are Holocaust deniers privately and do not make their views on the subject publicly known. If this is the case, they should be allowed to teach as long as no grounds are found for discriminating against students of Jewish beliefs and/or students whose views on the Holocaust are different from theirs.

5. A further distinction is between teachers who do not discuss their ideas but are known for having such ideas and are notorious for activities in this sphere and Holocaust deniers who remain tacit in their belief. There might be teachers who are Holocaust denial activists yet for various reasons mentioned above (e.g., teach sciences, understand that they should follow the

### *Hate in the Classroom*

curricula, are sensitive to education sponsored by the public purse), they refrain from bringing their views into class. However, Jews and possibly students of other religious beliefs might feel intimidated by the sheer presence of those teachers at school. One can assume that a Jewish student would not feel welcome in a place where a prominent Holocaust denier teaches. Teachers, in most cases, enjoy far more power and influence than students. Their ability to manipulate is most likely superior to the ability of students.

6. The students' age is relevant. When students are younger, their vulnerability is higher, and they are more susceptible to manipulation. Their ability to resist their teachers is relatively limited, and the influence the teacher enjoys over them is markedly higher. High school students may try to refute Holocaust denial, not accepting it as a given. This is unlikely to happen in primary schools.

7. Finally, a relevant consideration is the teacher's reaction when confronted with students who challenge his or her views and do not accept them at face value. Does the teacher allow argumentation in class, counterarguments, and different interpretations of history, or does he or she insist that the students parrot the Holocaust denial mantras and punish those who resist the denier's "truth"? Freedom in the classroom means freedom for the teacher as well as the students (Kraft 1975, 101). One of Plato's educational principles was that good teachers do not put the right answers into the mind or mouth of their students but lead them toward an inquisitive and focused dialogue so that they will themselves discover the truth, the vitality of which, once accepted, will be maintained in their memory (Aloni 2002, 17). Now, given that Holocaust deniers present themselves as the prime champions of a free-expression marketplace of ideas and the search for truth that enables their activities, we can *prima facie* assume a wide latitude for discussion. But if this is not the case, and students are intimidated from voicing countertruths or even punished for insisting on holding the conventional truth, then there are grounds to intervene and stop the one-sided, hateful interpretation of history.

### Case Studies

#### *James Keegstra*

Do free speech and academic freedom provide leeway to deviate from the prescribed curricula and preach hate and teach racism and discrimination? James Keegstra pushed his freedom of expression to the limit and eventually forced the Supreme Court of Canada to address this difficult question.

Keegstra initially taught his areas of specialization: automotive and industrial arts. As with other staff members in the public school of Eckville, Alberta,

he was asked to expand his teaching horizons and teach a wider range of subjects—social studies, law, mathematics, and science—to both junior and senior high school classes (Bercuson and Wertheimer 1985, 17). He taught classes from 1968 to the early 1980s. In 1980, he won the mayoralty of Eckville. In 1982, he was fired from his position at the school after 14 years on the grounds of failing to follow the education department’s social studies curriculum. His main deviation was that he taught the curriculum of the Institute for Historical Review, an institute that was initially founded with the purpose of reviewing one historical truth, that is, the Holocaust.<sup>4</sup>

Keegstra made many statements that denigrated and smeared Catholics, but his focus was on Jews. For almost 10 years, he taught his students that there was an all-encompassing Jewish conspiracy to undermine Christianity and control the world. His version of the world was one in which the major centers of power were controlled by Jews: banks, the media, universities, Hollywood, most publishers, and, of course, politics. Keegstra’s students were expected to recite these teachings in class and on exams. If they did not, they were given lower grades (Matas 2000, 50).

The power of indoctrination that teachers have over their students was clearly apparent in this case. Students that were interviewed about their views and beliefs saw international Jewish conspiracy as historical fact. This idea was not only legitimate, it was an accurate depiction of reality (Reyes 1995, 44).

Robert Mason Lee (1985), who researched Keegstra’s influence at his school, described Keegstra as a person who enjoyed the respect of his students and their parents. Only a few chose to contradict the teacher-mayor with the plain and skilled speech who backed his statements with “facts” and quotes from Christian teachings. He was so eloquent and persuasive that he seemed credible to those students who accepted his interpretations of historical events. These events were illuminated by a new, different light when explained by Keegstra. One of his students, the winner of the school’s highest graduating award, commented, “I’m trying so hard to be open-minded and they’re close minded” (Hare 1990, 377).

In his first warning letter to Keegstra, Superintendent David (1981) wrote that he had not intended to muzzle Keegstra’s academic freedom or limit his intellectual integrity. Controversial interpretations were not to be suppressed, but all positions were to be presented in as unbiased a way as possible. It is a contested question whether tolerance should protect vicious anti-Semitism that speaks of world Jewish conspiracy to control the world and that denies the Holocaust. In contrast to consideration 7 above, the ability of students to express other points of view was extremely limited in Keegstra’s class, even more so when students knew that there would be academic consequences to rejecting his ideas.

After numerous warnings, in December 1982 the school board decided to

### *Hate in the Classroom*

dismiss Keegstra. The reasons for the dismissal were Keegstra's failure to comply with Alberta Education's prescribed curriculum and his failure to modify his teaching and/or approach to reflect the desires of members of the local community and the Board of Education (Bercuson and Wertheimer 1985, 207–8; Reyes 1995, 43).

Evidence showed that a generation of students accepted almost all of the details of Keegstra's views about the international Jewish conspiracy. Keegstra's students came to believe that Judaism and Christianity were mortal enemies, that the Talmud is a perverted and evil book, and that Jews have been taking over the world (Bercuson and Wertheimer 1985, 63). For his students, Keegstra was the major, if not only, source of information about Jews. Very few of the students had ever seen a Jew. There were no Jews in Eckville, and very few in rural Alberta. Almost all of Alberta's Jews, some 10,000 people, lived in Edmonton and Calgary, away from the Eckville area (Bercuson and Wertheimer 1985, 63).

When Keegstra appealed his dismissal to the Board of Reference, the school board's legal representative, Richard McNally, made important observations on the effect of Keegstra's bigotry on his students, saying that the audience was captive, composed of young and impressionable minds (classes 9 to 12), adding that "even grade 12 students are not as mature as might be thought, when dealing with such value laden material" (Bercuson and Wertheimer 1985, 114; see consideration 6 above). McNally rightly noted that the possibility of harm to grade 9 students exposed to such teachings is even more manifest: "The minds of students and their personalities are society's raw materials with which the future is fashioned. To have a doctrine of hate taught to students is not only a betrayal of the trust and respect accorded teachers, but is a betrayal of the hopes of society for a better future" (Board of Reference 1983, 301). This is in accordance with premise 3 above.

In October 1983, Keegstra was defeated in the Eckville mayoral contest by a 278 to 123 vote margin (Bercuson and Wertheimer 1985, 177). In January 1984, he was charged with unlawfully promoting hatred against an identifiable group as defined under section 319(2) of the criminal code. Keegstra argued that this charge violated his freedom of expression under section 2b of the charter, in that he was prevented from speaking his mind.<sup>5</sup> Outside the classroom, Keegstra was by far more supportive of free expression than inside the classroom.

In February 1984, a three-person Teaching Profession Appeal Board upheld the Alberta Teachers' Association (ATA) decision to terminate Keegstra's ATA membership and recommend the suspension of his license. In April, his license was revoked, making it impossible for Keegstra to teach in an accredited school in Alberta (Bercuson and Wertheimer 1985).

Keegstra saw the Jews as responsible for every historical atrocity that had

ever taken place, including wars, revolutions, and depressions. They all were the result of the Jews' relentless attempt to achieve world power. He suggested to his students that Jews formed a worldwide conspiracy to promote their own cause. Keegstra described Jews as revolutionists, treacherous, impostors, communists, secret, sneaky, manipulative, deceptive, subversive, barbaric, sadistic, materialistic, money loving, power hungry, and child killers. Jews purportedly created the Holocaust to gain sympathy. The Jews had assassinated Abraham Lincoln and Franklin D. Roosevelt. The Jews were behind the Russian and French Revolutions as well as the Industrial Revolution and the 1930s Depression. They had started both world wars. Keegstra also taught that, hundreds of years ago, a Jewish group held a "feast of reason," during which young girls were murdered and their blood poured over the bodies of prostitutes (Bercuson and Wertheimer 1985, 114, 180).

The Jews created Marxism and modern capitalist economics. The Jews perpetrated the Holocaust hoax to blackmail support for the establishment of Israel. Further, the Irish Republican Army had been a communist organization, and the troubles in Ireland had been fomented by German Jews (Bercuson and Wertheimer 1985, 60–74). Keegstra advised students that they were to accept his views as true unless they were able to contradict them. Encyclopedias were viewed as false or tainted. Students who echoed his views generally received better grades than those who didn't. Keegstra made the statements in public, in his capacity as a teacher. He made them to attack the Jewish people and not in any effort to generate discussion for public benefit. In his subjective mindset, Keegstra might have considered his advice and ideas to be discussion for the public benefit. I argue that objectively this was not the case.

Section 319(2) of the Canadian criminal code states:

Willful promotion of hatred—Everyone who, by communicating statements, other than in private conversation, willfully promotes hatred against any identifiable group is guilty of

- a. an indictable offence and is liable to imprisonment for a term not exceeding two years; or
- b. an offence punishable on summary conviction.

Eventually, Keegstra was charged and convicted by the Supreme Court. *R. v. Keegstra* (1990) and *R. v. Andrews and Smith* (1990) were decided concurrently in 1990. The Court upheld by a four-to-three margin the constitutional validity of the crime of willfully promoting hatred. It also upheld the antihate provisions of the Canadian Human Rights Act in the *Taylor* case (*Canada (Human Rights Commission) v. Taylor* 1990; Cotler 2000), which had been joined with *Keegstra* and *Andrews* for hearing. In *Keegstra*, the majority of the Supreme Court agreed

### *Hate in the Classroom*

that a crime that prevents communication (even communication that promotes hatred) is an infringement of freedom of expression as defined in section 2b of the charter. However, the majority stated that freedom of expression could be limited under section 1 of the charter, where the expression involves the promotion of hatred against an identifiable group.<sup>6</sup> The Supreme Court limited Keegstra's freedom of expression because of the harm that can flow from hate propaganda. The Court stated that the objective of criminalizing the promotion of hatred is an attempt to reduce racial, ethnic, and religious tensions (and possibly violence) in society. The majority of the Supreme Court, therefore, concluded that "few concerns can be as central to the concept of a free and democratic society as the dissipation of racism, and the especially strong value which Canadian society attaches to this goal must never be forgotten in assessing the effects of an impugned legislative measure" (*R. v. Keegstra* 1990).

Chief Justice Dickson, who delivered the opinion of the Court, said that hate propaganda seriously threatened both the enthusiasm with which the value of equality is accepted and acted upon by society and the connection of target group members to their community. The Court said that "hate propaganda contributes little to the aspirations of Canadians or Canada in either the quest for truth, the promotion of individual self-development, or the protection and fostering of a vibrant democracy where the participation of all individuals is accepted and encouraged" (*R. v. Keegstra* 1990). The Court characterized Keegstra as an enemy of democracy who did not deserve the right to free speech to undermine the fundamental rights of others (Dyzenhaus and Ripstein 1998, chap. 9; Moon 2000b; *R. v. Keegstra* 1990, S.C.J. No. 131, 763–69).<sup>7</sup>

There was no marketplace of ideas in Keegstra's classes. There were no variety and choice to enable the students to develop their personality and capacities for sensibility, sensitivity, and compassion. They were systematically biased to inculcate the Jewish conspiracy theory. Keegstra did not welcome open-mindedness, serious thinking, and erudite debate. None of the viable "trustworthy" sources to which Keegstra directed his students proposed a different viewpoint than his. When students ventured to draw on sources other than those of which Keegstra approved, their work was either not assessed at all or assessed adversely (Bercuson and Wertheimer 1985, 61–62, 66). There was no point doing independent research because the other books, those that were not authorized by Keegstra, were said to be censored by conspirators (Bercuson and Wertheimer 1985, 98). What Keegstra wanted to achieve was more adherents to his views. He did not want rational critics. He wanted parrots.

Another relevant issue is the effect that revisionist teaching has on the teachings of fellow instructors. Essentially, Keegstra was saying, "forget everything you were told before. Ignore all that is taught by other teachers. All they say is patently false. I bring you the truth." Should history and social

studies teachers be allowed to teach falsehoods and dress major events of modern history with twisted interpretations that betray historical facts, falsifying their origins and outcomes? Isn't this a misuse of public money? Can this be called education?

Observing the pertinent considerations mentioned above, Keegstra was a social science teacher at a public school and was paid by public money. He had to adhere to a certain curriculum but abandoned it altogether because, to his mind, it was biased, the result of Jewish manipulation. Public school teachers assume a position of influence and trust with respect to their students and must be seen as impartial and tolerant. They are inextricably linked to the integrity of the school system and exert considerable influence over their students. For some students, they serve as role models. Keegstra's students, in grades 9 to 12, were clearly influenced by his persona and impressed by his antiestablishment teachings. There were no Jews in Eckville. After Keegstra's dismissal it was claimed that Keegstra would not have been tolerated for long if there had been Jewish students in his classes exposed to his bigotry and prepared to complain to their parents (Bercuson and Wertheimer 1985, 69). Keegstra was very open and clear in his blatant anti-Semitism and in describing the Holocaust as a hoax. Keegstra's replacement, Dick Hoeksema, told Robert Mason Lee that many students and some fellow teachers defended Keegstra's views: "I would say World War II started because Hitler invaded Poland and they'd (students) say, 'No, Hitler liberated Poland' . . . I was starting to think that I was crazy. That I was the only person who thought this way" (Burke 2005).

### *Malcolm Ross*

Malcolm Ross, executive director of the maritime branch of the Christian Defence League, worked as a modified resource teacher for language and math for grades 7–9 at Magnetic Hill Junior High School in Moncton, New Brunswick, from September 1976 to September 1991. Throughout this period, he published several books and pamphlets and made other public statements, including a television interview, reflecting controversial, allegedly religious opinions. His books *Web of Deceit* (1978), *The Real Holocaust* (1983), *Christianity vs. Judeo-Christianity* (1987a), and *Spectre of Power* (1987b) were concerned with issues such as abortion, conflicts between Judaism and Christianity, and defense of the Christian religion. Local media coverage of his writings contributed to his ideas gaining notoriety in the community. Since the publication of his first book in 1978, the school board was aware that Ross's views were, to say the least, controversial. In his writings, Ross denied the Holocaust and denounced Jews as the synagogue of Satan, alleging that the Christian faith and way of

### *Hate in the Classroom*

life were under attack as a result of an international conspiracy headed by Jews. In one of his books, Ross wrote, “as we look at the Conspiracy in the component parts—International Communism, International Finance, International Zionism—we also see three unclean spirits which are working in unison and are actually three heads of one body, an evil organization now working to destroy Christian civilization” (1978, 11).<sup>8</sup> In another book, Ross proclaimed, “I believe there is an international conspiracy in which the leaders of Jewry are prominent. I believe its purpose is the destruction of our Western Christian Civilization and the establishment of a world socialist state which will be subject to Jewish control” (1987b, 161).<sup>9</sup> This conspiracy, according to Ross, is a highly organized group made up of columnists, international financiers, Zionists, clergy, the education system, the mass media, and the Canadian government. It controls nearly all the mass media and “propaganda machines” of the world (1978, 3).

The Holocaust occupied a great deal of Ross’s attention. On this issue, he was argumentative and illuminating, with new ideas and fresh data. For instance, “the leaders of the Nazi movement may well have been part of the Conspiracy” (1978, 52); thousands of Jews, certainly not millions, might have been killed during World War II (1978, 52–53); the Anne Frank diary was a hoax (1978, 19); the Nuremberg war crimes trials were a travesty of justice (1983, 28);<sup>10</sup> and the international Red Cross three-volume report on German concentration camps (Geneva, 1947) found no evidence of genocide (1987a, 29).<sup>11</sup>

Controversy around Ross grew and, as a result of publicly expressed concern, the school board reprimanded him (on March 16, 1988) and warned that continued public discussion of his views could lead to further disciplinary action, including dismissal. In this context, it should be noted that the Nova Scotia Teachers Union Code of Ethics states, “the teacher should avoid giving offence to the religious and political beliefs and moral scruples of the teacher’s pupils and/or their parents” (Acadia University School of Education 2005).

Ross was, however, allowed to continue to teach, and this disciplinary action was removed from his file in September 1989. On November 21, 1989, Ross made a television appearance and on November 30, 1989, was again reprimanded by the school board.<sup>12</sup> The fact that Ross resumed his anti-Semitic polemics on television only two months after the letter of reprimand was withdrawn from his file seemed to indicate that the school board had abandoned its attempts to stop Ross’s discriminatory conduct.

Meanwhile, on April 21, 1988, after the provincial government refused to charge Ross under the criminal code, David Attis, a parent of three students in district 15 (where Ross taught), filed a complaint with the Human Rights Commission against the school board. The appellant Attis alleged that the

school board, by failing to take appropriate action against Ross, condoned his racist, discriminatory, and bigoted statements.

On September 1, 1988, a human rights board of inquiry was established to investigate the complaint. The commission's board of inquiry, headed by Brian D. Bruce, ordered the school board to immediately place Malcolm Ross on a leave of absence without pay for a period of 18 months and to appoint Ross to a nonteaching position if, within the period of time that he was on leave of absence without pay, a nonteaching position became available. The inquiry board further ordered that Ross's employment would immediately be terminated if he published or wrote anything that mentioned a Jewish or Zionist conspiracy or attacked followers of the Jewish faith.<sup>13</sup>

After a long legal battle, the Canadian Supreme Court ruled that Ross's Holocaust denial and anti-Semitic publishing resulted in creating a "poisoned environment" for his students by his very presence. The school bore responsibility for dismissing Ross as a teacher because his off-duty writings and activities greatly interfered with the educational services provided to the complainant and his children (*Ross v. New Brunswick School District No. 15* 1996, 1 S.C.R. 825; *Ross v. New Brunswick School District No. 15 and Attis* 1993). In other words, if a poisoned environment within the school system is traceable to the off-duty conduct of a teacher that is likely to produce a corresponding loss of confidence in the teacher and the system as a whole, then the off-duty conduct of the teacher is relevant and should be taken into consideration. This is in accordance with consideration 5 above. Ross was not allowed to teach anymore.

Unlike Keegstra, Ross did not bring his controversial views to class. He did not mix his thoughts on Holocaust revisionism with his classroom work as a mathematics teacher. But his students knew about his views, which he expressed in public outside of the class (Weinfeld 2001, 334). The board of inquiry held that, given the high degree of publicity surrounding Ross's publications, it would be reasonable to anticipate that his writing was a factor influencing some discriminatory conduct by the students. Indeed, students gave evidence of repeated and continual harassment in the form of derogatory name-calling of Jewish students, carving of swastikas by other students into their own arms and into the desks of Jewish children, drawing of swastikas on blackboards, and general intimidation of Jewish students. Jewish students were unsettled by the very presence of Ross. They feared attending school events when he was in charge. The appellant's daughter, Yona Attis, testified that she was planning to attend a gymnastic competition at Ross's school when she was advised to stay away because "the teacher who hates Jews" works there (*Ross v. New Brunswick School District No. 15* 1996, par. 40, Justice La Forest's judgment). Attis attended the competition but said she felt scared and threatened while being there, anxious that "someone was going to come up behind and grab [her] and beat [her]" (*Ross v. New Brunswick School District No.*

### *Hate in the Classroom*

15 1996, par. 40, Justice La Forest's judgment). Further evidence of taunting and intimidation of Jewish students was disclosed. There were incidents of shouting and signaling of the "Heil, Hitler" salute. The board of inquiry and the human rights committee that were called to reexamine the issue, therefore, correctly concluded that this evidence disclosed "a poisoned educational environment in which Jewish children perceive the potential for misconduct and are likely to feel isolated and suffer a loss of self-esteem on the basis of their Judaism" (*Ross v. New Brunswick School District No. 15* 1996, par. 40, Justice La Forest's judgment). The human rights committee concluded that it was reasonable to anticipate that there was a causal link between Ross's expressions and the poisoned school environment experienced by Jewish children in the school district. In that context, the removal of Ross from a teaching position can be considered a restriction necessary to protect the right and freedom of Jewish children to have a school system free from bias, prejudice, and intolerance (Canadian Human Rights Commission 2007).

A teacher's conduct is evaluated on the basis of his or her position, rather than whether the conduct occurs within or outside the classroom. A school board has a duty to maintain a positive school environment for all persons served by it. Schools are arenas for the exchange of ideas and are premised upon principles of tolerance and impartiality so that all persons within the school environment feel equally free to participate (under premise 3 above). This was not the case in Ross's school.

Thus, the board of inquiry as well as the court accurately found that the school board failed to maintain a positive environment and concluded that the school board had discriminated in its failure to take a proactive approach to the controversy surrounding Ross, thus suggesting the acceptance of Ross's views and of an impossible learning environment for the Jewish students in his district when they had to attend district events and encounter Ross (*Ross v. New Brunswick School District No. 15* 1996, Discrimination, sec. 2).

Observing the pertinent considerations underpinning the analysis, Ross taught language and math and, accordingly, had no scope to teach history in general or the Holocaust in particular. Indeed, there is no evidence that he diverted from what he was assigned to do and instead offered historical revisionism. Obviously, in a democracy, the state should not penalize individuals for their political, moral, or religious views. If Ross was able to keep his anti-Semitic views to himself in the classroom and did not allow them to influence his conduct toward his students, then he would have a strong case for contesting his dismissal under consideration 4. However, once his views became public—in this case, because he himself made them public—it is doubtful that he would have been able to keep them only outside the classroom. In accordance with premise 3 above, which holds that the education system should aspire to be democratic, nonrepressive, and nondiscriminative, teachers are expected

to adhere to these principles both inside and outside of school. Whether or not to keep racist authors on as teachers is a judgment call of the sort that school boards are called upon to make in the best interests of the children. It might be legitimate to require public school teachers to refrain from publishing racist tracts as long as they serve as educators. In any event, the costs of free expression should be weighed and examined carefully.

In accordance with consideration 2 above, the government may prescribe certain guidelines and ask public school teachers to adhere to fundamental values. As previously stated, these teachers serve as role models. By his or her conduct, a teacher, as a medium of the educational message (the values, beliefs, and knowledge sought to be transmitted by the school system), must be perceived as upholding that message. Indeed, the board of inquiry argued that teachers play a broader role in influencing children through their general demeanor in the classroom and through their off-duty conduct. Also, the court found that teachers occupy positions of trust and confidence and exert considerable influence over their students as a result of their positions (*Ross v. New Brunswick School District No. 15* 1996, 25 C.H.R.R. D/175 (S.C.C.)).

Unlike the Keegstra case, where no Jews were present, here Jewish students were present, and they felt harassed and intimidated by Ross and the environment he created at school. Indeed, it is unpleasant, to use an understatement, to be denounced as the synagogue of Satan. Understandably, Jewish students would dread going to school to face the person who detested them so much merely because they were the offspring of the “wrong” religion. It is hard to digest, especially for children, that the mere association with a particular religion would generate so much hate toward them, even more so when their conduct was perfectly normal and moral. The evidence established that there was a lack of equality and tolerance in Ross’s classes, which reinforced the need to remove him from his teaching position.

Another pertinent consideration is the age of Ross’s audience. Magnetic Hill School is a kindergarten to grade 8 school. Young children are particularly vulnerable to messages conveyed by their teachers. The court argued that while the importance of education of all ages is acknowledged, of principal importance is the education of the young. One cannot underestimate the effect on young people of statements and writings. Education awakens children to the values a society hopes to foster and to nurture. Young children are more dependent on their teachers; they are less likely to scrutinize and make an intellectual distinction between comments a teacher makes in the school and those the teacher makes outside the school (consideration 6 above). They are therefore more likely to feel vulnerable and secluded by a teacher who makes comments that denigrate personal characteristics of a group to which they belong. Furthermore, young children are unlikely to distinguish between falsehoods and truth and are more likely to accept derogatory views espoused by

### *Hate in the Classroom*

a teacher they trust. The court was right in emphasizing the importance of ensuring an equal and discrimination-free educational environment and the perception of fairness and tolerance that is paramount in education (*Ross v. New Brunswick School District No. 15* 1999, 25 C.H.R.R. D/175 (S.C.C.), para. 82). These help foster self-esteem, dignity, concern, and respect by others.

### *Paul Fromm*

Paul Fromm is another teacher who has been involved in far-right activities for the past 30 years. Compared with Keegstra and Ross, Fromm is a far better known activist, involved with hatemongers for the last three decades. In 1967, Fromm founded the Edmund Burke Society with Donald Clarke Andrews and Leigh Smith. The Edmund Burke Society was a rabidly anti-communist, anti-sex education, antigay, anti-immigration, antiwelfare, and antiabortion group whose activities were constrained mainly to picking street fights with Vietnam War protesters and publishing the article "Straight Talk," which was infamous for, among other things, describing Africans as "completely primitive" and referring to the Holocaust as an "allegation." The Edmund Burke Society later evolved into the Western Guard, drawing most of its members from the ailing Canadian Nazi Party and attracting luminaries such as Edgar Foth, Wolfgang Droege, John Ross Taylor, and Klansmen such as Paul Hartmann.<sup>14</sup>

In 1979, Fromm, by then a Toronto-area high school teacher, formed the innocuous-sounding Citizens for Foreign Aid Reform (C-FAR), a Canada First group that opposed foreign aid to third-world nations. C-FAR published books supporting apartheid, Holocaust deniers, and pseudosciences such as eugenics. The same year, Fromm also founded Canadian Friends of Rhodesia to support the white minority rule regime of Ian Smith and his Rhodesian Front.

In 1980, Fromm founded the Canadian Association for Free Expression (CAFE), which was created in opposition to the establishment of the Canadian Human Rights Commission. CAFE has devoted itself almost entirely to defending and supporting Holocaust deniers and other hatemongers, such as Jim Keegstra and Malcolm Ross. Fromm also invited Ross to speak in Toronto in 1991 at a hall frequently used by the Heritage Front for meetings and rallies.<sup>15</sup> Among the books he helped to promote was David Duke's *Jewish Supremacism*,<sup>16</sup> described by Fromm as "absolutely scholarly and based on very well-documented research."<sup>17</sup> CAFE and C-FAR have often interacted with Ron Gostick's Canadian League of Rights, perhaps Canada's most durable anti-Semitic and racist organization. Fromm has also been a member of the World Anti-Communist League (Farber 1997, sec. 2.2).

Another group that Fromm founded was the Canada First Immigration

Reform Committee, which advocates reduced immigration and opposes immigration by nonwhites. In the mid-to-late 1980s, Fromm's organizations were involved in advocacy on behalf of South Africa's apartheid regime, opposing the movement to impose economic sanctions on the country.

C-FAR, CAFE, and the Canada First Immigration Reform Committee still exist today and are still led by Fromm. Their membership and mandates overlap, and they are essentially a single organization.<sup>18</sup> Fromm is a relentless activist who devotes most of his time to promoting white superiority, friction, and discrimination. He publishes three regular newsletters: one on foreign aid and government affairs generally, called the *C-FAR Newsletter*, which comes out monthly; the *Canadian Immigration Hotline*, which comes out 10 times a year and deals exclusively with immigration issues; and the *Free Speech Monitor*, another newsletter that comes out 10 times a year and deals with attacks on free speech in Canada. In addition, Fromm runs two online e-mail lists, one dealing with immigration and one with free speech,<sup>19</sup> and within C-FAR he publishes *Crime Watch*, which includes only negative articles about visible minorities and highlights the place of origin or color of the individual in the headlines (*Peel Board of Education and O.S.S.T.F. (Fromm) Re Peel Board of Education and Ontario Secondary School* 2002). *Crime Watch* has the potential to develop and reinforce racist attitudes toward minorities. Fromm's favorite themes are immigration to Canada; the need to remedy the situation to the effect of not allowing further immigration to Canada; combating the policy of multiculturalism, which he deemed to be "insane"; and the Jewish lie regarding the Holocaust.<sup>20</sup> He has been associated with white supremacist, neo-Nazi groups and individuals; took it upon himself to represent Ernst Zündel, whom he described as "a lifelong pacifist"; and since 1974 also taught at Applewood Heights Secondary School in the Peel Region.<sup>21</sup>

Fromm's presence in the school created an atmosphere of intimidation and fear and fueled racial tensions in the school (see consideration 5 above). The Peel Board of Education received complaints about his conduct but refused to take action against this longtime racist activist. All the board did was to issue two reprimands, with a warning that Fromm's participation in further activities could result in his dismissal. Fromm ignored this and continued his racist activities.

In November 1992, Education Minister Tony Silipo appointed an independent advisor, Jeff G. Cowan, a Toronto lawyer, to investigate Fromm's effect on the school community. The Cowan Report was released on March 17, 1993 (*Canada NewsWire* 1993). The report stated that Fromm's racist activities violated the Education Act and breached the Peel Board of Education's Multicultural and Race Relations Policy as well as the regulations of the Ontario Teacher's Federation. The report stated that Fromm "is not committed to the policies respecting ethnocultural equity, multiculturalism and

### *Hate in the Classroom*

antiracism that are fundamental to the educational system in this province” (Cowan 1993; *Peel Board of Education and O.S.S.T.F. (Fromm) Re Peel Board of Education and Ontario Secondary School* 2002, 25). As a teacher and as an employee of the Peel Board, Fromm had a duty to promote respect for human rights and ethnocultural equity and to set a positive example by his conduct. His publicized activities and conduct outside the classroom were inconsistent with the fulfillment of that duty (see premises 1 and 3 above). Cowan concluded that Fromm’s presence as a teacher had an adverse effect on the school community.

This report and the supporting documentation showed that the individuals and groups with whom Paul Fromm was closely associated, and the Web sites, newsletters, and books that Fromm actively promoted and advertised for sale, were racist. Indeed, many of the individuals and groups with whom Fromm was associated make no pretense of hiding their allegiance to National Socialism and actively promote the view that Hitler was a great leader whose ideas of racial superiority were scientifically correct and that genocide, or a “racial holy war,” is necessary to preserve the white race (*Peel Board of Education and O.S.S.T.F. (Fromm) Re Peel Board of Education and Ontario Secondary School* 2002, 35).

Despite the report and warnings, Fromm continued his racist activities and his association with “white power” organizations. He attended an Illinois rally organized by the white supremacist National Alliance.<sup>22</sup> He also attended a racist symposium in British Columbia (Calleja 1996; Lungen 2002). On February 25, 1997, after six years of lobbying, the Canadian Jewish Congress and the League for Human Rights of B’nai Brith succeeded in pressuring the Peel Board of Education to fire Fromm from his position as an English instructor, after a 24-year career, over his alleged associations with the white supremacist groups. Fromm’s political activity and statements demonstrated “profound disrespect for the principles of multiculturalism and ethnocultural equity, which are fundamental values of the education system, and the Peel Board of Education.”<sup>23</sup> The Ministry of Education finally took action, ordering Fromm out of the classroom. However, Fromm continued to teach at the Britannia Adult Education Centre.

In 1998, Fromm appealed the decision to disqualify him from his insurance benefits under section 30.1 of the Employment Insurance Act, which provides that misconduct might lead to such an infringement. Quoting from *Abbotsford School District 34 Board of School Trustees v. Shewan* (1987), Umpire Houston explained the reason why off-the-job conduct may amount to misconduct by saying, “a teacher holds a position of trust, confidence and responsibility.” If he or she acts in an improper way, on or off the job, there may be a loss of public confidence in the teacher and in the public school system, a loss of respect by students for the teacher involved and for other teachers generally,

and a “controversy within the school and within the community which disrupts the proper carrying on of the educational system” (*Abbotsford School District 34 Board of School Trustees v. Shewan* 1987, 97). If a “poisoned” environment within the school system is traceable to the off-duty conduct of a teacher that is likely to produce a corresponding loss of confidence in the teacher and the system as a whole, then the off-duty conduct of the teacher is relevant.<sup>24</sup> Umpire Houston explained that it is not necessary that the misconduct be committed at work, in the workplace, or in the course of the employment relationship with the employer, emphasizing that when one chooses a profession in the public domain, one must obey the terms of employment while engaged in one’s duties. As judges ought not make political speeches while they serve in office (at least one Canadian judge resigned for expressing certain views), teachers ought to conform to the terms of their employment when they make public statements. Boards of education are entitled and indeed required to impose certain conditions of employment on teachers. In the case at bar, Fromm breached his contract of employment, express or implied, and was properly dismissed. Houston concluded that Fromm did not demonstrate, on a balance of probabilities, that any of his charter rights had been infringed.<sup>25</sup> The decision of the board of referees was thus correct, and the appeal was dismissed.

In 2002, Fromm filed a union grievance against his dismissal. A labor arbitration panel dismissed his appeal, arguing that Fromm consorted with known racists, publicly made racist comments, and spoke in favor of known racists. It was argued that restrictions on Fromm’s charter rights to free speech and free association were justifiable given his position as a role model and the requirement of all teachers to comply with the underpinning principles of education, which include multiculturalism and ethnocultural equity (Lungen 2002; Sokoloff 2002). For the Peel Board to hire someone who publicly espouses the view that some individuals are worth more or less than others implies that the board condones such discriminatory views. A teacher represents the power and the policy of the board. Emotional and psychological safety comes from knowing the teacher is the student’s advocate and not just a purveyor of information. Fromm could not provide a safe learning environment for any student of color or minority background who became aware of his views (*Peel Board of Education and O.S.S.T.F. (Fromm) Re Peel Board of Education and Ontario Secondary School* 2002, 35). According to his public actions and public comment, Fromm conducted himself in a manner that had as a reasonable and probable consequence the undermining of public confidence in the ability of the Peel Board to provide all of its students a school system free from bias, prejudice, and intolerance (*Peel Board of Education and O.S.S.T.F. (Fromm) Re Peel Board of Education and Ontario Secondary School* 2002, 70).

In January 2005, Fromm defended himself at a disciplinary hearing of the

### *Hate in the Classroom*

Ontario College of Teachers against charges including failure to maintain professional standards; not complying with college regulations and bylaws; disgraceful, dishonorable, unprofessional, and/or unbecoming conduct; and practicing while in a conflict of interest (Ferenc 2005). College lawyer Caroline Zayid remarked that Fromm's off-duty political activities attacked the "principles of multiculturalism and tolerance" and had a negative effect on students, colleagues, and the community at large. She acknowledged that Fromm has the right to freedom of speech, but she rightly noted that "it doesn't mean he can also be a teacher."<sup>26</sup> After a long legal struggle, Fromm lost his teaching license.

Like Ross, Fromm was careful not to bring his racist ideas into his school. Like Ross, his outside-of-school activities created a poisonous and virulent atmosphere at school. Fromm not only published many bulletins and newsletters and ran the Immigration Hotline (better described as an anti-immigration hotline), which are a testament to his blunt racism, but he is also engaged in intensive political activities that are essentially discriminatory in nature. Like Keegstra and Ross, Fromm taught in a public school that is supposed to adhere to liberal-democratic principles. Afterward, he was transferred to adult education, where half of his students were from visible minorities.<sup>27</sup> How should Jewish and children of immigrants feel in his presence? Can it be remotely assumed that they could feel comfortable in Fromm's company, knowing what he thinks and writes about Jews and immigrants? Fromm is free to express his anti-immigration and Holocaust denial views in public, but he cannot claim the guise of an educator. One comes at the expense of the other.

Transferring Fromm to adult education classes was not a solution. Adult education classes are largely composed of those who, for various reasons, have not completed secondary school. In Canada, there has been for many years a relatively larger proportion of recent immigrants and refugees in these classes than in regular schools, as these classes have provided opportunities for upgrading educational qualifications, achieving recognized certification, and developing English language skills. Evidence shows that classes in adult education are generally more diverse than in other schools. Furthermore, adult students would be at least as aware of the implications of public statements or opinions on race and culture as children or adolescents, and probably more aware. Many students of color who are neither recent immigrants nor refugees are often in adult schools because of "systemic barriers to success, which have produced inequities and which have been linked to students' low self-esteem, placement in inappropriate academic programs, lower career expectations and a high dropout rate" (*Peel Board of Education and O.S.S.T.F. (Fromm) Re Peel Board of Education and Ontario Secondary School* 2002, 37). These individuals are often aware of inequities in society and of the influence of persons in authority who

hold discriminatory and prejudicial views. Many of these students identify prejudice and discrimination as being, in part, the reason for their lack of academic success as adolescents.

Nora Allingham, who was called as an expert witness with respect to the effect of Paul Fromm's activities on students in an educational institution or system, testified that many adult education students are either refugees or recently arrived immigrants who have experienced oppression and abuse at the hands of individuals and systems in their land of origin, often because of their race or ethnicity. They tend to be highly aware of the power of the language of discrimination and very vulnerable to its effect. Their response to the activities of organizations such as the Heritage Front, in their recruiting and leafleting drives in schools, is a combination of astonishment and shock that it occurs and fear that it is condoned by the board of education. Some of them have lived through terrible experiences including torture, have observed the killing of their family members, or have lost entire families. To know that a teacher such as Fromm identifies them as contributing to the "complete degeneracy" of the population and identifies "the ideal of a multicultural, multiracial population as being one that will work" as "preposterous" would be a frightening and destabilizing experience for those who are in great need of a safe and secure environment. For students who have recently arrived in Canada, the teacher represents a cultural interpreter, a kind of guardian who will assist them in adjusting to and participating in society. In Nora Allingham's opinion, to hear that a teacher, who represents the authority of the education system and the values of their new home, thinks that such students should not have equal place in Canadian society is a fundamental betrayal (*Peel Board of Education and O.S.S.T.F. (Fromm) Re Peel Board of Education and Ontario Secondary School* 2002, 38).

## Conclusion

Schools should help pupils to develop values that give them a sense of direction, that help them to make intelligent decisions, and that enable them to follow a wholesome code of conduct. Schools should provide pupils with insights for understanding difference, the needs and feelings of others, and respect for the rights of others. Schools should provide opportunities to develop individually satisfying and socially acceptable ways of utilizing or reducing tensions created by a rapidly changing society and students' own developing individuality (Kraft 1975, 19–20). The cultivation of hate runs counter to respecting others and to mitigating tensions. It exacerbates disrespect and tensions. Teachers occupy a unique position of influence and trust in democratic societies, and they must

### *Hate in the Classroom*

handle such trust and the instruction of young people with great care (*Sterzing v. Fort Bend Independent School District* 1972, 661).

Indeed, teachers work in sensitive areas in which they shape the minds of young people to the society in which they live, history, and politics. Teachers are situated in a crucial crossroads, spending many hours with students and having the potential to become role models. They play an important role in inculcating values and ideas. Teachers who aspire to be humanist should be concerned for the well-being of all people, should be committed to diversity, and should respect those of differing yet humane views. They should work to uphold the equal enjoyment of human rights and civil liberties in an open society and maintain that it is a civic duty to participate in the democratic process (American Humanist Association 2003). Teachers may present controversial issues in class, and they are not invariably required to remain neutral regarding them. They may display strong enthusiasm for the subject at hand. They may have an agenda. Indeed, I do not believe it is possible not to have an agenda in teaching. By the very making of the curricula, the process of selection of readings, and the way teachers present the issues, they create an agenda. They promote certain ideals, undermine others, and direct and lead the way for students to follow. But the liberal curricula should be committed to universal humanism, moral reasoning, empathetic imagination, democratic principles, and multicultural pluralism (Nussbaum 2000).

The search for truth is certainly desirable. It is achieved by presenting different, often conflicting, conceptions and beliefs (Cohen-Almagor 1997). The concern for truth does not mean promoting one truth but, rather, clashing different truths in the marketplace of ideas and allowing students the scope to seek and adopt the truth that appeals to them the most. Education does not mean indoctrination, nor is it free from responsibility. The responsible teacher is required to contest his/her own beliefs and allow students to do exactly the same thing. When teaching about nature and the planet in which we live, teachers may mention the Flat Earth Society.<sup>28</sup> But teachers should inform their superiors, and their superiors, in turn, should inform the students' parents, if they intend to concentrate all or most of their teaching around the Flat Earth Society's worldview. Then, parents can decide whether this is what they want their children to know about the world in which we live or whether to send their children to another school where time is devoted to science in a more conventional way, in accordance with coherent methodology. In any event, such teaching should, at the very least, be monitored closely and remain open for scrutiny and counterarguments.

Teaching malice, falsehood, hatred, and dubious conspiracy theories is a different matter altogether. It is not only that tax money should be spent in a more prudent way, as the above example illustrates; such teachings are, simply put, not educational. They do not espouse any values that democracies

should promote, and the search for truth is a red herring to plant seeds of disrespect, disharmony, discrimination, and discredit against the target group in question. Holocaust deniers thus pose a special pedagogic problem. They have chosen hate and lies over reason and facts. Their tone is evasive, sometimes threatening. Protected by ideas of free expression, academic freedom, and liberal tolerance, combined with bureaucratic ineptitude and moral myopia, Keegstra was allowed to teach students hatred for nearly 10 years. He shaped a generation of young, impressionable minds with lies, malice, and hatred.

To be sure, Keegstra, Ross, Fromm, and others like them do not pose a tangible threat to the Jewish community or to the stability of Canada as a nation. However, parents do not send their young to school to learn unfounded theories and to subject their minds to racial bigotry and hateful propaganda. Students need to feel comfortable in schools, where they spend a good portion of their days. They should not feel intimidated because of their origins or because they fail to parrot the “right” views. Every individual has the right to a school system free from bias, prejudice, and intolerance.

## Notes

I am most grateful to Bruce Elman, Orit Ichilov, Fred Lawrence, Rod Macdonald, David Matas, Herb Marx, Dick Moon, Steve Newman, Avi Ravitzky, Gabi Salomon, Steve Scheinberg, Wayne Sumner, William Boyd, and three referees of the *American Journal of Education* for their illuminating comments and criticisms. I also thank Eli Dunker, Sharon Amir, and Iris Agra for their excellent research assistance and the Bogliasco Foundation for furnishing near-perfect conditions, in the lovely Villa dei Pini, to complete the writing of the first draft of this article.

1. Marvin Kurz, interview by the National Legal Counsel for B’nai Brith League for Human Rights, Toronto, July 15, 2002.

2. See Anti-Defamation League 2005; [http://en.wikipedia.org/wiki/Ernst\\_Zundel](http://en.wikipedia.org/wiki/Ernst_Zundel).

3. On Canadian free speech doctrine, see Cohen 1966; Elman 1994; Kinsella 2000; Moon 2000a; Sumner 2004.

4. See <http://www.ihr.org> and [http://en.wikipedia.org/wiki/Holocaust\\_denial](http://en.wikipedia.org/wiki/Holocaust_denial).

5. Section 2 of the charter holds: “Everyone has the following fundamental freedoms: a) freedom of conscience and religion; b) freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication; c) freedom of peaceful assembly; and d) freedom of association.” See <http://laws.justice.gc.ca/en/charter>.

6. Section 1 of the charter holds: “The Canadian Charter of Rights and Freedoms guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.” See <http://laws.justice.gc.ca/en/charter>.

7. For a critique of *R. v. Keegstra*, see Braun 2004, 26–29; Heinrichs 1998; Newman 2005.

8. Quoted in *Beutel v. Ross* (2001, par. 17).

### *Hate in the Classroom*

9. *Ibid.*, par. 71.
10. Quoted in Hunnings (1994, 38).
11. This is blatantly false. See International Committee of the Red Cross (1948, 641).
12. See *Views of the Human Rights Committee under Article 5, Paragraph 4, of the Optional Protocol to the International Covenant on Civil and Political Rights*, Human Rights Committee Seventieth Session CCPR/C/70/D/736/1997 (October 18, 2000), <http://www.unhcr.ch/tbs/doc.nsf/MasterFrameView/29712c8ddea3414dc12569ad003d0316?Opendocument>.
13. *Ibid.*
14. See the Nizkor Project Web site, at <http://www.nizkor.org/hweb/people/f/fromm-paul/paul-fromm.html>.
15. *Ibid.*
16. For information about the notorious hater David Duke and his various activities, see <http://www.davidduke.com> and [http://en.wikipedia.org/wiki/David\\_Duke](http://en.wikipedia.org/wiki/David_Duke).
17. See <http://www.nationalvanguard.org/story.php?id=3412> [no longer available].
18. See [http://en.wikipedia.org/wiki/Paul\\_Fromm](http://en.wikipedia.org/wiki/Paul_Fromm).
19. See <http://www.nationalvanguard.org/story.php?id=3350> [no longer available].
20. *Ibid.*
21. See <http://www.nationalvanguard.org/story.php?id=3350> [no longer available] and <http://www.nationalvanguard.org/story.php?id=3412> [no longer available].
22. See <http://www.natall.com>.
23. *In the Matter of the Employment Insurance Act and in the Matter of a Claim by Frederick Paul Fromm and in the Matter of an Appeal to an Umpire by the Claimant from a Decision by the Board of Referees*, given on September 11, 1997. Decision by E. J. Houston, umpire (Ottawa, Ontario, December 21, 1998).
24. *Ibid.*
25. *Ibid.*
26. See <http://www.nationalvanguard.org/story.php?id=4529> [no longer available].
27. *In the Matter of the Employment Insurance Act and in the Matter of a Claim by Frederick Paul Fromm and in the Matter of an Appeal to an Umpire by the Claimant from a Decision by the Board of Referees*, given on September 11, 1997. Decision by E. J. Houston, umpire (Ottawa, Ontario, December 21, 1998).
28. See [http://www.alaska.net/~clund/e\\_djublonskopf/Flatearthsociety.htm](http://www.alaska.net/~clund/e_djublonskopf/Flatearthsociety.htm).

### References

- Abbotsford School District 34 Board of School Trustees v. Shewan* [1987] 21 B.C.L.R. (2d) 93.
- Abel, Richard L. 1998. *Speaking Respect, Respecting Speech*. Chicago: University of Chicago Press.
- Acadia University School of Education. 2005. "Guidelines for Professional Conduct," [http://ace.acadiau.ca/fps/educ/news\\_students\\_alumni/undergrad/professionalism.html#set1](http://ace.acadiau.ca/fps/educ/news_students_alumni/undergrad/professionalism.html#set1).
- Aloni, Nimrod. 2002. *Enhancing Humanity: The Philosophical Foundations of Humanistic Education*. Dordrecht: Kluwer.
- American Humanist Association. 2003. "The Humanist Manifesto III," <http://www.americanhumanist.org/3/HumandItsAspirations.htm>.
- Anti-Defamation League. 2005. "Ernst Zundel," [http://www.adl.org/learn/Ext\\_US/zundel.asp?xpicked=2&item=zundel](http://www.adl.org/learn/Ext_US/zundel.asp?xpicked=2&item=zundel).

- Barak, Aharon. 2000. "Freedom of Expression and Its Limitations." In *Challenges to Democracy: Essays in Honour and Memory of Professor Sir Isaiah Berlin*, ed. Raphael Cohen-Almagor. London: Ashgate.
- BBC News. 2006. "Holocaust Denier Irving Is Jailed." February 20, <http://news.bbc.co.uk/2/hi/europe/4733820.stm>.
- Bercuson, David, and Douglas Wertheimer, eds. 1985. *A Trust Betrayed: The Keegstra Affair*. Toronto: Doubleday.
- Beutel v. Ross* [2001] New Brunswick Court of Appeal 62 (May 31).
- Board of Reference. (1983) 1985. In Bercuson and Wertheimer 1985.
- Braun, Stefan. 2004. *Democracy Off Balance*. Toronto: University of Toronto Press.
- Burke, David. 2005. "Searching for Truth in Confusing Times." *Whistler Question*, October 5.
- Calleja, Frank. 1996. "Teacher Still with Racists, Group Charges." *Toronto Star*, December 13, A32.
- Canada (Human Rights Commission) v. Taylor* [1990] 3 S.C.R. 892.
- Canada NewsWire*. 1993. "Education and Training Minister Releases Report on Activities of Peel Board Teacher." March 17.
- Canadian Charter of Rights and Freedoms*. 1982. Department of Justice, Canada, <http://laws.justice.gc.ca/en/charter/index.html>.
- Canadian Human Rights Commission. 2007. "The Right to Freedom from Discrimination," <http://www.chrc-ccdp.ca/en/timePortals/milestones/138mile.asp>.
- Canadian Human Rights Commission et al. v. Taylor et al.* [1990] 75 D.L.R. (4th).
- Cohen, Maxwell. 1966. *Report to the Minister of Justice of the Special Committee on Hate Propaganda*. Ottawa: Queen's Printer.
- Cohen-Almagor, Raphael. 1994. *The Boundaries of Liberty and Tolerance*. Gainesville: University Press of Florida.
- Cohen-Almagor, Raphael. 1997. "Why Tolerate? Reflections on the Millian Truth Principle." *Philosophia* 25 (1–4): 131–52.
- Cohen-Almagor, Raphael. 2001. "Ethical Considerations in Media Coverage of Hate Speech in Canada." *Review of Constitutional Studies* 6 (1): 79–100.
- Cohen-Almagor, Raphael. 2005. *Speech, Media and Ethics*. London: Palgrave-Macmillan.
- Cohen-Almagor, Raphael. 2006. *The Scope of Tolerance: Studies on the Costs of Free Expression and Freedom of the Press*. London: Routledge.
- Costner, Herbert, ed. 1989. *New Perspectives on Liberal Education*. Seattle: University of Washington Press.
- Cotler, Irwin. 2000. "Holocaust Denial, Equality and Harm: Boundaries of Liberty and Tolerance in a Liberal Democracy." In *Liberal Democracy and the Limits of Tolerance*, ed. Raphael Cohen-Almagor. Ann Arbor: University of Michigan Press.
- Cowan, J. G. 1993. *Report to the Minister of Education Re Paul Fromm*. Toronto: Weir & Foulds.
- David, R. K. (1981) 1985. "A Letter to Keegstra (18 December)." In Bercuson and Wertheimer 1985, Appendix, Document 1.
- Dewey, John. 1966. "The Democratic Conception of Education." In *Democracy and Education*. New York and London: Free Press and Collier-Macmillan.
- Dworkin, Ronald. 1976. *Taking Rights Seriously*. London: Duckworth.
- Dworkin, Ronald. 1985. "Liberalism." In *A Matter of Principle*. Oxford: Clarendon.
- Dyzenhaus, David, and Arthur Ripstein, eds. 1998. *Law and Morality*. Toronto: University of Toronto Press.
- Elman, Bruce P. 1994. "Combating Racist Speech: The Canadian Experience." *Alberta Law Review* 32 (4): 623–66.

### *Hate in the Classroom*

- Emerson, Thomas I. 1966. *Toward a General Theory of the First Amendment*. New York: Random House.
- Farber, Bernie M. 1997. *From Marches to Modems: A Report on Organized Hate in Metro Toronto*. Toronto: Municipality of Metropolitan Toronto.
- Ferenc, Leslie. 2005. "On Trial for Political Views, Ex-Teacher Says." *Toronto Star*, January 26.
- Goldberg, David. 2000. "Protecting Wider Purposes: Hate Speech, Communication, and the International Community." In *Liberal Democracy and the Limits of Tolerance*, ed. R. Cohen-Almagor. Ann Arbor: University of Michigan Press.
- Gutmann, Amy. 1987. *Democratic Education*. Princeton, NJ: Princeton University Press.
- Hare, William. 1990. "Limiting the Freedom of Expression: The Keegstra Case." *Canadian Journal of Education* 15 (4): 375–89.
- Heinrichs, Terry. 1998. "Censorship as Free Speech! Free Expression Values and the Logic of Silencing in *R. v. Keegstra*." *Alberta Law Review* 36 (4): 835–904.
- Henry, Frances. 2004. "On the Complaint of Richard Warman against the Canadian Ethnic Cleansing Team, Kulbashian, Richardson, and the Tri-City Skins." Expert Report for the Canadian Human Rights Commission, April 24.
- Hunnings, David. 1994. "Malcolm Ross: Truth, Hatred, and the Teacher." Master's thesis, Simon Fraser University, Canada.
- International Committee of the Red Cross. 1948. *Report of the Committee of the Red Cross on Its Activities during the Second World War, September 1, 1939–June 30, 1947*. Vol. 1, Geneva.
- Kant, Immanuel. 1969. *Foundations of the Metaphysics of Morals*. Indianapolis: Bobbs-Merrill.
- Kinsella, Warren. 2000. "Challenges to Canadian Liberal Democracy." In *Challenges to Democracy: Essays in Honour and Memory of Professor Sir Isaiah Berlin*, ed. Raphael Cohen-Almagor. London: Ashgate.
- Kommers, Donald P. 1997. *Constitutional Jurisprudence of the Federal Republic of Germany*. Durham, NC: Duke University Press.
- Kraft, Arthur. 1975. *The Living Classroom: Putting Humanistic Education into Practice*. New York: Harper & Row.
- Lawrence, Frederick M. 1999. *Punishing Hate*. Cambridge, MA: Harvard University Press.
- Lee, Robert Mason. 1985. "Keegstra's Children." *Saturday Night* 100 (May): 38–46.
- Lungen, Paul. 2002. "Fromm Dismissal Upheld." *Canadian Jewish News*, March 21.
- Matas, David. 2000. *Bloody Words*. Winnipeg: Bain & Cox.
- Mill, J. S. 1948. *Utilitarianism, Liberty, and Representative Government*. Everyman's edition. London: J. M. Dent.
- Moon, Richard. 2000a. *The Constitutional Protection of Freedom of Expression*. Toronto: University of Toronto Press.
- Moon, Richard. 2000b. "The Regulation of Racist Expression." In *Liberal Democracy and the Limits of Tolerance*, ed. Raphael Cohen-Almagor. Ann Arbor: Michigan University Press.
- Newman, Stephen. 2005. "Ahenakew's Views Are Wrong, but So Is Silencing Him." *Globe and Mail*, July 13.
- Niemi, R. G., and J. Junn. 1998. *Civic Education: What Makes Students Learn*. New Haven, CT: Yale University Press.
- Nussbaum, Martha C. 2000. *Cultivating Humanity: A Classical Defense of Reform in Liberal Education*. Cambridge, MA: Harvard University Press.
- Peel Board of Education and O.S.S.T.F. (Fromm) *Re Peel Board of Education and Ontario Secondary School* [2002] 105 L.A.C. (4th) 15 Ontario (March 8).
- R. v. Andrews and Smith* [1990] 3 S.C.R. 870.

- R. v. Butler* [1992] 1 S.C.R. 452.  
*R. v. Keegstra* [1990] S.C.J. No. 131; 3 S.C.R. 697.  
Reyes, Allison. 1995. "Freedom of Expression and Public School Teachers." *Dalhousie Journal of Legal Studies* 4:35-72.  
Ross, Malcolm. 1978. *Web of Deceit*. Moncton: Stronghold.  
Ross, Malcolm. 1983. *The Real Holocaust*. Moncton: Stronghold.  
Ross, Malcolm. 1987a. *Christianity vs. Judeo-Christianity*. Moncton: Stronghold.  
Ross, Malcolm. 1987b. *Spectre of Power*. Moncton: Stronghold.  
*Ross v. New Brunswick School District No. 15* [1996] 1 S.C.R. 825, <http://www.canlii.org/ca/cas/scc/1996/1996scc35.html>.  
*Ross v. New Brunswick School District No. 15* [1996] 25 C.H.R.R. D/175 (S.C.C.).  
*Ross v. New Brunswick School District No. 15 and Attis* [1993] 19 C.H.R.R. D/173 (N.B.C.A.).  
Schroeder, William R. 1986. "A Teachable Theory of Interpretation." In *Theory in the Classroom*, ed. Cary Nelson. Urbana: University of Illinois Press.  
Sokoloff, Heather. 2002. "Firing of Teacher Upheld for His Opinion on Race." *National Post*, March 13, A1.  
*Sterzing v. Fort Bend Independent School District* [1972] 376 F. Supp. 657 (S.D. Tex.).  
Sumner, L. W. 2004. *The Hateful and the Obscene*. Toronto: University of Toronto Press.  
Tsesis, Alexander. 2002. *Destructive Messages*. New York: New York University Press.  
Weinfeld, Morton. 2001. *Like Everyone Else . . . but Different*. Toronto: McClelland & Stewart.