

## Marni Soupcoff: Dumping bacon outside a mosque isn't a hate crime

By Marni Soupcoff | Oct 3, 2012 12:31 PM ET

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Was it a hate crime when an unknown party dumped several piles of bacon outside a Port Coquitlam, B.C., mosque for the second time in 19 months? Police aren't sure. The Canadian Press (CP) reports that "investigators haven't been able to eliminate the possibility that the two incidents were motivated by hatred."

I'd argue that this quote neatly sums up why we'd be better off without "hate crime" legislation in the first place.

Was whoever dumped the bacon trying to offend the Muslims attending the Islamic Society of British Columbia mosque and Islamic centre? It's highly likely. Muslims are prohibited from eating pork products, and there seem few other reasons for choosing that particular location as a spot to pile up a bunch of cured pig meat than causing insult.

It wasn't a friendly gesture.

But the idea that police, and eventually courts, should now have to determine whether the culprit harboured hatred in the deepest recesses of his (or her) heart when he unloaded the bacon is absurd.

Simply put, I think it's dangerous to allow the government to criminalize ideas and emotions rather than actions, and elevating dumb pranks to "hate crimes" only lends an aura of gravitas to what would otherwise rightly be dismissed as small-minded acts of idiocy.

According to the CP, the Islamic Society of British Columbia's president, Saad Bahr, "would welcome the opportunity to speak to those responsible to have them learn more about Muslim beliefs." He's got the right idea. There's no guarantee that talking to whoever did this would actually make the guilty party more tolerant (or improve his sense of humour, if a joke was intended). But given the level of severity of the act (low), that kind of open approach would at least be more commensurate with the offense than sending the culprit to jail for a hate crime. And it would have the virtue of showing that the Islamic Society is grown up enough to resort to reasonable discussion to solve its problems and disputes — as opposed to the offender, who prefers to anonymously deposit foodstuffs on private property to make a point.

There are, it's worth remembering, already laws on the books that cover minor crimes like this one, as well as major crimes like a violent attack on a minority, that allow the justice system to dole out appropriate punishments without having to get into a defendant's head and decide whether what he had going through his mind at the time of his offense was beyond the pale.

It makes a lot more sense to use the badness of the act, rather than a subjective conclusion about the badness of the actor's motivation, to decide on how a crime should be addressed.

A few years ago, David Rittgers, a legal analyst at the libertarian Cato Institute think tank, published an article in the Christian Science Monitor that made a good point about this issue. In cases where you're dealing with extremist ideologues, he argued, charging them with hate crimes only plays into their hand by allowing them to characterize themselves to their equally deranged supporters as martyrs. "When the whole point of their violence is to stir up like-minded people," Rittgers says, "hate-crime charges are so counterproductive they border on the insane." Stick instead to punishing such people with run of the mill criminal charges and suddenly they are "no longer heroes, freedom fighters, nor revolutionaries. They are criminals."

Whoever put the bacon outside the B.C. mosque is an idiot. The existence of hate crime provisions in our criminal codes only serves to increase the likelihood that this idiot will be elevated to a more serious-sounding status — an event that will do his victims no good, but may help legitimize his own pathetic cause.

Hate crime laws are supposed to prevent crimes motivated by hate. Does anyone really believe their existence will stop someone from committing a crime, when the regular criminal laws wouldn't?

I don't. And apparently whoever unloaded the breakfast meat on the doorstep of the B.C. mosque doesn't either.