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**FROM THE EDITORS**

Dearest readers both old and new,

Thank you for taking the time to read through our pages about the political goings-on in Canada through the perspectives of its youth. We hope that you, too, will one day join us in some capacity to continue the national conversation.

In fact, some of you have joined us for the first time through written contributions in our second issue. In addition to what we can

only hope to be common names in our journal, we welcome two new writers with thought-provoking stories and talented voices. Our first issue taught us a great deal. Like an expectant mother, we had visions of what our child might grow up to be. But once the infant left the womb, the baby more than definitely developed a momentum and mind all its own.

Since our first issue we have learned that accessibility is of the utmost importance. While it’s all well and good that we provide you with informed political education of our great nation, it’s also important that you shouldn’t dig through hell and high-water to get to it. Thus, we have two new forums in addition to the academic journal for you to digest Canadian political knowledge. For more in-depth analysis, our semi-annual academic journal will gnaw on tough topics that confront our country. For breadth and slightly less depth, our website now has a weekly blog where in 500 words or less, our writers discuss their own opinions of Canadian current events.

Lastly, but certainly not least, we have created a Twitter account. To connect with all Canadian politicians, both official and not, we know that communication, even in short sound bites can make all the difference. Our second issue, perhaps the first creep of a smile on our newborn, is the result of development and re-shaping of what we aim this organization to be. Please, don’t be shy, and join us in raising this shining beam of potential.

Yours most truly,

The Editors

**OUR EDITORS**

**CHRIS BURKE** is in his final year in the Environment and Business co-op program at the University of Waterloo. Currently, he is involved in a project focusing on the issue of conflict mining in the Democratic Republic of the Congo. This work is being done under the advisement of a professor of Waterloo's School of Environment, Enterprise and Development. Chris hopes to pursue a career in journalism, using his studies and work experiences to bring the impact of environmental issues on the business world to the forefront of public discussion.

**ALEX RIPLEY** is in his fourth year of study at Trinity College in the University of Toronto. He is studying Political Science and History. Alex's academic interests include Canadian and American intergovernmental and interregional relations, North American security, naval history and strategy, and the political history of the American Revolution and the antebellum South. Alex is a photographer, skier, runner, and organist. He hopes to pursue a career with the Navy, the foreign service, or in trading and investing. Ultimately, he hopes to make a difference through a career in elected office.

**ALEXANDRA SAVILO** is in her fourth year of study at Trinity College in the University of Toronto. She is studying International Relations and French as a Second Language. Her academic interests include foreign policy, art history, and constitutional law. Alexandra is involved in extracurriculars around the university. She is on the executive board of the European Studies Student Association, the Romanian Students Club and works for the Munk School of Global Affairs. Alexandra hopes to pursue law school for a judicial or ambassadorial career.

*Northern Gateway: Economics or the Environment?**Chris Burke*

The debate over Enbridge's Northern Gateway pipeline (hereafter referred to as "the pipeline") continues to rage on. Proponents and opponents of the pipeline wave around studies and statistics claiming either economic boom or ruin if the pipeline is constructed and goes into operation. This article will begin with an examination of the economic pros of the pipeline before moving on to possible economic cons. Will Canadians herald in a new era of economic prosperity of jobs and billions in economic growth, or will they struggle under increased oil prices and a rise in inflation? From here the article will make the case that the economic debate misses an important point in the analysis of the costs and benefits of the pipeline: the environmental impacts. The environmental consequences of the pipeline, which the government itself has admitted could be dire, will be considered to make the case that we must continue to look beyond economic issues. Whatever economic benefits the pipeline may bring are not worth the environmental risks. Additionally, it will be shown that although the current trend has Canada moving along a path of increased oil development such a trend is not one that ought to be taken. Canada's leaders of today and tomorrow must begin to see the world beyond the narrow frame of economics and plan for a sustainable future.

The line repeated again and again by proponents of the pipeline is that it will bring economic prosperity to the country. "We must use Canada's natural resources to our benefit", they argue. Will the pipeline bring about this prosperity? In a recent study the Fraser Institute argues that it will. The pipeline, they say, would benefit the economy. "(It) will funnel billions of dollars into the national economy and create thousands of

jobs.” Further, their study contends that First Nations communities “would economically benefit from the project (e.g. job growth)”.<sup>1</sup> Gerry Angevine, a senior economist with the Fraser Institute said, “Canada would add \$10.5 billion to its GDP with the construction of the pipeline. Operations would bring at least 1,150 long-term jobs and funnel \$9 billion per year to the country’s GDP”.<sup>2</sup> The report suggests that the manufacturing sector in Ontario and Quebec would, “benefit from supply steel, equipment, and other supplies to the project”.<sup>3</sup> The argument by the Fraser Institute that the pipeline would benefit Ontario and Quebec is interesting to note as it runs in contradiction to comments from NDP Leader Thomas Mulcair who argues that the oil sands are responsible for “Dutch disease” in the Canadian economy.<sup>4</sup> Dutch disease is the term given to the situation in which, “Energy exports from the oil sands artificially raise the Canadian dollar and hollow out the manufacturing industry”.<sup>5</sup> Has Canada

<sup>1</sup> Vincent McDermott, “Northern Gateway pipeline would inject billions into economy: study”, Toronto Sun, July 17, 2012, <http://www.torontosun.com/2012/07/17/northern-gateway-pipeline-would-inject-billions-into-economy-study>

<sup>2</sup> Vincent McDermott, “Northern Gateway pipeline would inject billions into economy: study”, Toronto Sun, July 17, 2012, <http://www.torontosun.com/2012/07/17/northern-gateway-pipeline-would-inject-billions-into-economy-study>

<sup>3</sup> Vincent McDermott, “Northern Gateway pipeline would inject billions into economy: study”, Toronto Sun, July 17, 2012, <http://www.torontosun.com/2012/07/17/northern-gateway-pipeline-would-inject-billions-into-economy-study>

<sup>4</sup> Mark Gollom, “Is Canada Suffering from ‘Dutch Disease?’”, CBC News, May 18, 2012, <http://www.cbc.ca/news/canada/story/2012/05/18/f-dutch-disease-mulcair.html>

<sup>5</sup> Mark Gollom, “Is Canada Suffering from ‘Dutch Disease?’”, CBC News, May 18, 2012, <http://www.cbc.ca/news/canada/story/2012/05/18/f-dutch-disease-mulcair.html>

contracted Dutch Disease? Mulcair’s concerns are echoed by a study that will now be examined.

Proponents of the pipeline have sung songs of praise for the economic benefits of this project, but are these songs tales of truth or ballads of fantasy? Questions have been raised over the pipeline’s purported economic benefits. Further, arguments have been made that the pipeline will harm Canada’s economy. Robyn Allan, the former president and CEO of the Insurance Corporation of British Columbia, argues that Enbridge’s proposed pipeline “poses a serious threat to Canada’s economic growth and long-term development”.<sup>6</sup> Contrary to the claims of the pipeline proponents, Allan argues that Canadians would not feel a benefit. Instead, “the price of every oil barrel (would rise) by \$2 to \$3 in Canada over the next 30 years” due to the fact that “the price of oil rises to the top global market”, and would cause a price inflation on imported oil in Eastern Canada. What Enbridge is attempting with this project is to capture the “Asian Premium”\* market, which means “transactions for Canadian crude oil supply and demand” will behave as if they were taking place in the Asian market, raising the price of oil.<sup>7</sup> One impact of this price increase would be reduced employment from the “inflationary price shock”.<sup>8</sup> According to

<sup>6</sup> Andrew Nikiforuk, “Economist Calls Gateway Pipeline an Inflationary ‘Threat’”, The Tyee, February 2, 2012, <http://thetyee.ca/News/2012/02/02/Northern-Gateway-Inflationary-Threat/>

\* The Asian Premium is “a form of price gouging by Saudi Aramoco, the region’s central supplier” the assumption by Enbridge is that this premium, “will persist and support Canadian bitumen exports”

<sup>7</sup> Andrew Nikiforuk, “Economist Calls Gateway Pipeline an Inflationary ‘Threat’”, The Tyee, February 2, 2012, <http://thetyee.ca/News/2012/02/02/Northern-Gateway-Inflationary-Threat/>

<sup>8</sup> Andrew Nikiforuk, “Economist Calls Gateway Pipeline an Inflationary ‘Threat’”, The Tyee, February 2, 2012, <http://thetyee.ca/News/2012/02/02/Northern-Gateway-Inflationary-Threat/>

Allan, who also accused Enbridge of having faulty economic benefit models, “90 percent of the project’s benefits come from substantial increases in oil prices”.<sup>9</sup> The higher oil prices would have a ripple effect in the Canadian economy. Allan’s study suggests that there will be:

A decrease in family purchasing power, higher prices for industries who use oil as an input into their production process, high rates of unemployment in non-oil industry related sectors, a decline in real GDP, decline in government revenues, increase in inflation and an increase in interest rates and further appreciation of the Canadian dollar.<sup>10</sup>

Enbridge has not commented on Allan’s study as it is currently sitting as evidence under review by regulators.<sup>11</sup> If the pipeline is approved for development then only time will tell whether the project will lead to an economic boom or bust.

It is evident that a great deal of speculation and debate exists around the possible economic impacts of the pipeline. However, the debate misses another matter surrounding the pipeline: the potential environmental impacts. Opposition to the pipeline has less to do with a dispute regarding the economic benefits and more to do with the concerns over what a spill could do to Canada’s environment.

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<sup>9</sup> Andrew Nikiforuk, “Economist Calls Gateway Pipeline an Inflationary ‘Threat’”, *The Tyee*, February 2, 2012, <http://thetyee.ca/News/2012/02/02/Northern-Gateway-Inflationary-Threat/>

<sup>10</sup> CBC News, “Northern Gateway would hurt economy, study says”, February 2<sup>nd</sup>, 2012, <http://www.cbc.ca/news/business/story/2012/02/02/northern-gateway-oil-price-shock.html>

<sup>11</sup> CBC News, “Northern Gateway would hurt economy, study says”, February 2<sup>nd</sup>, 2012, <http://www.cbc.ca/news/business/story/2012/02/02/northern-gateway-oil-price-shock.html>

Mike Hudema of Greenpeace Canada argues any economic benefits from the pipeline are not worth the environmental risks.

“We’re talking about hundreds of oil tankers, some as long as the Empire State Building, transporting oil in an extremely sensitive area,” Hudema said. “And Enbridge wants to build this pipeline, which would cut through hundreds of streams and a rainforest and the Rocky Mountains. But their history shows they have an atrocious safety record”<sup>12</sup>

Proponents of the pipeline often speak of the job and economic opportunities that will be created, especially for aboriginals who are largely opposed to the construction of the pipeline. This is a narrow argument that views the world through the limited lens of economics. It fails to account for another point of view, which says that there is more to the world than just jobs and economic growth, and that this is not an incentive that justifies the potential destruction of the natural environment that these aboriginals live off of. The economic argument is a demonstration of the “is” vs. “ought” dilemma. Proponents state that increases in oil development are the way of the future, but an “is” is not an “ought”. The current future is one of increased oil development, but it ought not to be for it will come at the cost of a sustainable environment, which is something the world cannot afford to lose.

The government of Canada itself lends credence to concerns of environmental harm. A briefing note prepared for the Minister of Natural Resources, Joe Oliver, detailed benefits of the oil sands industry in terms of what it can provide economically, but the note

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<sup>12</sup> Vincent McDermott, “Northern Gateway pipeline would inject billions into economy: study”, *Toronto Sun*, July 17, 2012, <http://www.torontosun.com/2012/07/17/northern-gateway-pipeline-would-inject-billions-into-economy-study>

also painted a dark picture for the environment:

“But the briefing notes also said that the industry’s greenhouse gas emissions were “set to be the fastest growing source” of heat-trapping gases in Canada over the next decade, and that there were concerns about oil sands development increasing the risk of water contamination and other negative impacts on land, forests and wildlife”<sup>13</sup>

For opponents of the pipeline (and the oil sands in general), possible economic benefits are irrelevant. “Critics of Northern Gateway have said they’re worried about the potential environmental risks it faces within British Columbia and in coastal waters”.<sup>14</sup> One example is the threat the pipeline poses to ecosystems of Northern British Columbia, including the Great Bear Rainforest. The coast is home to a thriving wild salmon industry, which stimulates the provincial economy and is a source of food for many residents. Locals are rightly concerned with the possibility of oil spills.<sup>15</sup>

The health of the environment is essential to everything. The environment encompasses all, including our economic systems. These systems do not exist outside of

the environment. They are a part of it, dependent upon it. Economic arguments for the pipeline cannot be made outside the framework of a sustainable environment. Endless growth has consequences that extend beyond financial ones. What the long-term economic effects of the pipeline will be are not so clear. Arguments can be made for one side or the other. This is not the case for the environmental impacts; here it’s much more cut and dry. There will be environmental consequences if this pipeline is built. Those consequences aren’t worth the money.

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<sup>13</sup>Mike De Souza, “Oil sands ‘landlocked’ due to environmental concerns and market bottlenecks”, Postmedia News, July, 11, 2012, <http://business.financialpost.com/2012/07/11/oil-sands-landlocked-due-to-environmental-concerns-and-market-bottlenecks/>

<sup>14</sup> “Enbridge ready to address Northern Gateway Safety Concerns”, The Globe and Mail, <http://www.theglobeandmail.com/report-on-business/industry-news/energy-and-resources/enbridge-ready-to-address-northern-gateway-safety-concerns/article4430025/>

<sup>15</sup> Bruce Hyer (MP), “Bruce Hyer on the Hill: Northern Gateway Pipeline”, NetNewsLedger, July 19, 2012 <http://www.netnewsledger.com/2012/07/19/bruce-hyer-on-the-hill-northern-gateway-pipeline/>

*The Syrian Uprising**Bogdan Caradima*

To the average Westerner, the Syrian uprising appears uncontroversial and straightforward. For the most part, media outlets have unanimously portrayed the conflict as a courageous uprising suffering under the brutal assault of Assad's repressive regime. While this narrative has some truth, it is merely an oversimplification that is stripped bare of context. For those who wish to appreciate the complexity of the conflict in Syria, the domestic and international forces surrounding the uprising must be understood within a wider framework of international relations. The purpose of this article is to provide a more illuminating political assessment of the powers and interests acting both within and upon Syria.

Observations from the media show that there are concerted efforts by the international community and the United Nations (UN) to intervene or mediate the protracted civil war within Syria. However, these portrayals of concerted international mediation are misleading as they do not acknowledge the competing interests of the individual actors involved in the conflict.

The most important and obvious point to be understood is that every state with interests in Syria is a strategic stakeholder to the outcome of the conflict, and it logically follows that every constituent will therefore pursue these interests, regardless of the diplomatic verbiage spouted at the UN. In fact, the UN and Arab League are often tools of diplomatic theatre that give credence and lend authority to mere words from those states who actually hold power over lesser states. With this reality out of mind, it is easy to forget that efforts by the UN are only effective insofar as participating states enable it to be. A key historical example of this assertion is illustrated by the role of the UN during the

Rwandan genocide in 1994, when the UN Assistance Mission in Rwanda was restrained by the international community from taking action against atrocities. Likewise with respect to Syria, the ability of the Arab League to affect any meaningful progress towards a peace plan was illustrated when vast sums of money and manpower were expended on a meeting in Baghdad (Iraq), a meeting for which more than half of Arab heads of state did not attend<sup>1</sup>. Indeed, perhaps it was not poor judgement that appointed Lieutenant-General Mustafa al-Dabi as an official Arab League monitor, a man wanted for war crimes in Sudan, but rather a desire by some member states that the monitoring effort should fail to produce meaningful results. Thus the apparently ineffectual and self-defeating efforts of international organizations such as the UN and Arab League should come as no surprise when one provides a realistic analysis of the state and non-state actors playing both sides of the Syrian conflict.

The wider regional conflict that was previously discussed can be described as a proxy war being fought between the Sunni monarchy of Saudi Arabia and the Shia theocracy of Iran. While this proxy war is waged in order to promote ideological and strategic interests by both sides, it should be noted that it is split along sectarian lines as well as the existing order of international relations. On one hand, the Shia theocracy of Iran and its allies aim to keep Assad's Alawite (a Shia offshoot) minority in power, while the Sunni regime in Saudi Arabia and its respective allies seek to depose Assad and establish a government based on the Sunni majority within Syria. This goal of removing Assad should not be mistaken for democratic sympathies on account of the Sunni majority, as Saudi Arabia is hardly democratic itself and instead wishes to eliminate one of Iran's most

<sup>1</sup> Associated Press. "Most Arab League Leaders missing from summit." Canadian Broadcasting Corporation, March 29, 2012. Retrieved from: <http://www.cbc.ca/news/world/story/2012/03/29/ar-ab-league-summit.html>

important allies. Just as Saudi Arabia has regional interests with the allied Sunni regimes found among the Gulf States, so too does Iran seek to protect the many benefits of maintaining Shia-dominated governments in neighboring countries, such as Iraq, Syria, and Lebanon. With these Shia regimes, these four nations form an Iran-Iraq-Syria-Lebanon “axis” alliance that is geographically contiguous and yields many political, economic, and geostrategic advantages<sup>2</sup>. Among these benefits are significant trade relations (valued in the billions), military cooperation and arms, as well as a logistical route of supply to Lebanon’s Hezbollah. Thus the fall of Assad’s regime would be a significant strategic blow to Iran; a key regional ally would be lost, and Iran’s ability to supply arms and other materiel to Hezbollah (allowing the Lebanese to threaten northern Israel) would also be cut off.

Canada is an insignificant player in the Syrian civil war, as world powers such as the United States support the Sunni states in toppling Assad while Russia and China seek to counter these efforts. Although the British have opted to supply the Free Syrian Army with non-lethal military equipment, the Canadian government has been wise to send only humanitarian aid in a conflict where the only innocents are refugees. Following the simplification of the Syrian civil war by viewing Assad as a brutal dictator would suggest that Canada would have a moral reason to play a role in deposing the regime. However, it should be noted that there are global powers using Syria as a proxy battleground, and that neither the Syrian state or the Syrian National Council or the Free Syrian Army are entities worthy of Canadian support.

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<sup>2</sup> BBC. “Syria crisis: Iran pledges support for ‘vital partner.’” British Broadcasting Corporation, August 7, 2012. Retrieved from: <http://www.bbc.co.uk/news/world-middle-east-19160410>

Ironically, Iran’s rise in regional influence is largely due to the clumsy foreign policy of the post-9/11 Bush administration. With the United States invading both Iraq and Afghanistan, Iran has had no significant regional competitors to speak of, allowing it to expand its influence well beyond into borders and into other nations. Moreover, the massive US military presence there has undoubtedly played key motivating role in Iran’s strong determination to develop nuclear technology and the *potential* for nuclear weapons. Although American forces have since left Iraq, Iranian influence in the politics of Iraq has transformed the government from an anti-Iranian, Sunni dictatorship to a pro-Iranian Shia government led by Nouri Maliki. Furthermore, Iran’s leaders, pressured on all sides by the belligerent economic, cyber and covert war waged by Israel and the United States, have used the political capital from these provocations to gather widespread domestic support among the poor majority in the country<sup>3</sup>. Even under severe economic sanctions, the Iranian regime has endured and continues to pursue the development of nuclear technology, likely in order to secure its sovereignty against US and Israeli threats. To a significant extent, the American and Israeli strategy in the region has exacerbated and enabled these developments. At the same time, it is important to recall that Saudi Arabia’s position with respect to Syria and Iran align with those of its American ally for different reasons.

Thus far our analysis has roamed from the domestic to regional scale, considering internal and external forces acting upon the Syrian uprising. In support of Assad, the Shia-governed nations of Iran, Iraq, and Lebanon stand in opposition to the Sunni monarchy of Saudi Arabia and its allies. The Sunni-Shia

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<sup>3</sup> Mayer, Andre. “Incidents suggest Israel-Iran ‘Cold War’ intensifying.” Canadian Broadcasting Corporation, March 2, 2012. Retrieved from: <http://www.cbc.ca/news/world/story/2012/02/29/f-israel-iran.html>

divide is highly relevant to understanding the politics of the Middle East, as sectarian conflict has created factions within Syria. Russia has also protected Assad by using its diplomatic powers at the UN to block harsh resolutions against the Syrian regime. Among Western powers, the United States and EU states have been calling for Assad to remove himself from power. When Russia and China vetoed UN Security Council resolutions proposed by the Western powers, US Ambassador Rice condemned the move in the strongest diplomatic words possible, describing the vetoes as “disgusting”<sup>4</sup>. While China’s motives for its veto are less clear, the Russians opted to thwart the United States largely in order to protect their naval base in Syria, the only port allowing the Russian Navy access to the eastern Mediterranean. Amusingly, even as Ambassador Rice condemned this action as “disgusting”, there had been no objection from the United States when its close ally Saudi Arabia intervened to militarily crush the popular Shia uprising in Bahrain. This silence was doubtlessly deemed necessary to protect American military interests in Bahrain, namely the naval base that hosts the Fifth Fleet in the Middle Eastern theatre. The conflict in Bahrain is thus in many ways a reflection of a wider conflict driving the Syrian uprising as well.

Proponents of multilateral intervention have clearly fallen silent on the question of Syria, as the uprising has progressed into a full-blown civil war. Multiple demands, resolutions, vows, declarations, pleadings and negotiations by the Arab League and United Nations have yielded no changes on the ground in Syria. A candid assessment of the Syrian uprising has revealed a reality that is quite apart from the portrayal of the conflict by Western media outlets and

politicians. Rather, a kind of amorality persists throughout the international order as powerful states perceive the instability in Syria as an opportunity to pursue strategic interests by means of force. The true victims of this conflict are lost in a complex web of dynamic human relations that have overshadowed their suffering completely. Now that Syria has become a humanitarian crisis as well as a conflict zone, the foreign policy of all strategic stakeholders in the fate of Assad’s regime will change as events unfold on the ground. As newsreaders continue to monitor the situation in Syria, they would do well to remember the greater complexity and wider international relations acting upon the conflict before reaching a conclusion.

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<sup>4</sup> CBC. “UN vetoes on Syria resolution ‘disgust’ U.S.” Canadian Broadcasting Corporation, February 4, 2012. Retrieved from: <http://www.cbc.ca/news/world/story/2012/02/04/syria.html>

*The Need of Commonwealth Leadership for  
Zimbabwe*

*Vicar Rizvi*

The announcement on 23 July 2012 by the European Union (EU) and Australia to end sanctions on Zimbabwe with the exception of those against President Robert Mugabe has come as a late achievement for Prime Minister Morgan Tsvangirai of the Movement for Democratic Change (MDC). The latter figure began his toughly attained leadership in 2008 with hopes that renewed cooperation between his party and Mugabe's Zanu-PF (Patriotic Front) could foster fresh economic recovery and international investment in his country. Unfortunately for the Zimbabwean people and his party, the international community has remained rightly mistrusting of Mugabe's continuing presidency.

Numerous individual accounts from within Zimbabwe and the region portray the President, his party, and vast domestic intelligence apparatus as one with absolutely no tolerance for dissent and an easy willingness to use armed force to crush such opposition.<sup>1</sup> Indeed, this characteristic of his leadership was evident at the very start of his term in the early 1980s when he fought off his original rival, Joshua Nkomo.<sup>2</sup> However, Western governments, in particular the UK, have not always taken the heavy-handed attitude towards the Zimbabwean government as they have over the past decade. Some have attributed this to their sympathy with Mugabe as the leader having helped end Ian Smith's Rhodesian government, which had frustrated London in 1976 with its unilateral declaration of independence. However, a more robust analysis reveals a certain ambivalence

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<sup>1</sup> Peter Orner, *Hope Deferred. Narratives of Zimbabwean Lives*. (San Fransisco: McSweeney's Publishing, 2010).

<sup>2</sup> Richard Bourne, *Catastrophe. What went wrong with Zimbabwe?* (London: Zed Books, 2011), p. 97-99.

on the part of the Commonwealth to the effects of their policies on Zimbabwe's economy, politics and people.

The purpose of this article is to determine the degree of involvement that can and should be applied by Commonwealth governments towards bringing about political change and economic recovery in Zimbabwe. It does so by examining the stance taken by US administrations to Mugabe's regime over the past decade, the shifting rhetoric and policies pursued by Commonwealth governments over the past thirty years and the role played by South African leaders in bolstering the Zanu-PF regime. Ultimately, it becomes clear that a more consistent and thoughtful destabilisation of Zanu-PF by the Commonwealth combined with the EU has been and remains the most viable means to help Mugabe's rivals revitalise Zimbabwean prosperity.

Firstly, US administrations have never given more than token acknowledgement of the seriousness of the Zimbabwean political crisis to consider it worthy of an American humanitarian intervention, even on a small scale such as the current administration's deployment of 100 US military advisors to assist and train in the fighting against the Lord's Resistance Army (LRA) in central Africa. The one instance during the Bush Administration when Zimbabwe figured prominently at all was in 2005 when Secretary of State Condoleezza Rice listed it as one of the world's six "outposts of tyranny" along with North Korea, Cuba, Myanmar, Iran and Belarus.<sup>3</sup> Needless to say, only two of those countries continue to attract the regular indignation and hostile rhetoric of the US president and foreign ministers. Scholars are not at all surprised by the low priority accorded to Zanu-PF's atrocities by the State Department, as the country does not possess any strategic resource, is landlocked, and

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<sup>3</sup> Danielle Sapa, "Condoleezza Rice a slave, spits Bob," *Harare Mail and Guardian*, 12 February 2005.

therefore poses absolutely no consequences on US interests anywhere. As a result, it is a moot point for more concerned countries such as the UK and Australia to claim that US resolve is desirable before getting more involved themselves.

Other factors play into the United States' relative ambivalence about Mugabe's leadership. Before Rice headed the State Department, many of her staff at the National Security Agency (NSA) were sympathetic to Mugabe's regime, as several prominent Zanu-PF members had studied in the US. Most notably, the senior director for African affairs, Dr. Jendayi Frazer, was close friends with Jonathan Moyo, who went on to become Zimbabwe's minister of information from 2000 to 2004.<sup>4</sup> According to the UK's *Sunday Times*, this caused the NSA to oppose the State Department's tougher line on Zimbabwe.<sup>5</sup> Similarly, the Congressional Black Caucus in Washington has traditionally supported Mugabe due to Harare's cultivation of African American support during the Clinton presidency.<sup>6</sup> In these ways, the US political structure presents a rather heterogeneous mix of constituencies that Zimbabwe has long been able to exploit to avoid the kind of resoundingly hostile attitude that the UK and others in the Commonwealth have been able to craft. Therefore, especially considering the enormous involvement of the US in the developing world, it is understandable that the US is quite impotent to intervene in the Zimbabwean situation.

Across the Atlantic, the UK has a much more historic relationship with Zimbabwe, and its population and politics are

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<sup>4</sup> Daniel Compagnon, *A Predictable Tragedy. Robert Mugabe and the Collapse of Zimbabwe*. (Philadelphia: University of Pennsylvania Press, 2011), p. 232.

<sup>5</sup> Dingilizwe Ntuli, "Cosatu, SACP mystified as Zanu-PF joins protest," *The Sunday Times* (UK), 13 July 2003.

<sup>6</sup> Compagnon, p. 232.

more universally in opposition to the Mugabe regime. However, British governments over the past few decades have shifted dramatically in the level of condemnation they have heaped on Zanu-PF. Further, whenever the rhetoric is more antagonising, the effect, and probably the motive, is electoral gain for the British government without any real impact on the situation in Zimbabwe. To begin, the Thatcher and Major governments adopted a consistently supportive policy, even in light of Mugabe's killing of political opponents, such as his former ally Joshua Nkomo.<sup>7</sup> Nkomo was initially removed from cabinet in 1982, and the war between his Zapu party and Zanu lasted until 1987, at which time Mugabe changed the constitution to make himself 'executive president'.<sup>8</sup> Despite all of this, British journalists and diplomats were explicitly instructed to ignore the major atrocities that took place during this war.<sup>9</sup> The rationale was that the Thatcher and Major governments were simply too pleased with Mugabe's adherence to economic structural adjustments in line with International Monetary Fund (IMF) prescriptions that they felt compelled to turn a blind eye.<sup>10</sup> All of this helped give Mugabe a sense of false security from the Commonwealth until his policies in the later 1990s affected the interests of white Zimbabweans.

That the UK only shifted its policy on Mugabe after the start of the economic crisis of 1998 and the invasion of white farms in February 2000 helped bolster Zanu-PF's claims that so-called neo-colonial motives were involved. In turn, South Africa under Thabo Mbeki decided that Mugabe was simply under attack from the white members of the Commonwealth, and opposed any direct

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<sup>7</sup> "Zimbabwe timeline." Last updated 31 May 2012. <http://www.bbc.co.uk/news/world-africa-14113618>.

<sup>8</sup> *Ibid.*

<sup>9</sup> Compagnon, p. 225.

<sup>10</sup> *Ibid.*

actions against his regime at all Commonwealth Heads of Government Meetings (CHOGM) and at the UN.<sup>11</sup> For example, after the CHOGM decided to suspend Zimbabwe from all Commonwealth organs for at least a year, it was Mbeki who campaigned for its reinstatement as soon as possible.<sup>12</sup> The timing of London's change of policy has fed into Mbeki's view that the Commonwealth is divided on black-white lines over Zimbabwe, with the UK, Canada, Australia and New Zealand on one side, and the African members on the other. While Australia and the UK have indeed been the more vocal and active members on the Zimbabwe file, the swift adherence of Canada and New Zealand to their policy has only enhanced that perception.

It is widely believed that Mugabe uses almost every policy statement coming from Whitehall on Zimbabwe as an example of Britain's continuing neo-colonialism and struggle to reassert white control over Zimbabwe. The party certainly uses the most poignant criticisms as features in their propaganda material, giving rise to the question as to whether the Blair government's heavily moralistic rhetoric has been counterproductive. Blair's Labour Party was elected in 1997 on a manifesto that called for an "ethical foreign policy", hence Blair's publicly snubbing Mugabe at the 2002 CHOGM.<sup>13</sup> Even the sanctions agreed on by the UK, Dominions and the EU in 2002 and thereafter have been used by Mugabe as another example of how Zimbabweans' interests are at loggerheads with the West. The notion that the sanctions themselves impede on Zimbabwe's economic recovery is questionable, as they only target specific agencies, military leaders and ministers. Regardless, the approach by which the Blair government unveiled them and the low level of

professionalism with which they showed Mugabe as the leader of a country has been good for politics in Britain but extremely negative for Zimbabweans' perception of modern Britain.

Ever since he took on the newly created post of Prime Minister in 2008, Tsvangirai has done some truly impressive work in opening up Zimbabwe and trying to get international investment flowing in his country once again. About a year after he was installed, the BBC and CNN were allowed to return to Harare, allowing Zimbabweans a small glimpse of the outside world.<sup>14</sup> He has pleaded for aid money from all Western countries at various forums, though the only country that has acceded to his request so far has been Australia under Kevin Rudd.<sup>15</sup> The announcement by the EU on 23 July represents his biggest achievement so far. Considering how difficult it is to bring about any kind of change in his country, what he has done is nothing short of incredible, and it's simply unfortunate Western leaders won't pay him the respect of taking his efforts more seriously. A more thoughtful approach on Zimbabwe means abandoning the rhetoric, being consistent in support for the MDC, and following Australia's lead with a few bucks.

<sup>11</sup> Compagnon, p. 226.

<sup>12</sup> "Mugabe will only talk to opposition in parliament," *Zimbabwe Herald*, 12 July 2005.

<sup>13</sup> Compagnon, p. 222.

<sup>14</sup> John Plunkett, "Zimbabwe lifts reporting ban on BBC and CNN after eight years" *The Guardian* (UK), 29 July 2009.

<sup>15</sup> Joel Negin, "Rebuilding Zimbabwe: Australia's role in supporting the transition" *Lowy Institute for International Policy*, October 2009.

*A Defence of Hate Speech Laws in Canada*

Michael Scott

The repeal of Section 13 of the Canadian Human Rights Act has been hailed by many as a victory for freedom of expression.<sup>1</sup> The section gave the Canadian Human Rights Tribunal the power to sanction individuals for speech deemed to promote hatred towards recognizable groups. The power to sanction such hate speech is now solely in the hands of the judiciary. However, this decision highlights fundamental tensions between individual and collective rights and interests which often emerge in human rights debates. Some commentators argue that repealing Section 13 does not go far enough in removing restrictions on free expression. For example, the noted columnist Andrew Coyne argues that Section 319.2 of the Criminal Code of Canada should be similarly appealed and free speech should only be limited where it causes an identifiable harm to a specific individual.<sup>2</sup> Is Andrew Coyne right to conclude that harm should be the singular impetus to override free expression? Or can a democratic society reasonably impose greater limitations on the civil discourse than those flowing solely from the harm principle? This article will argue that, greater limitations are not only legally permissible but may also be desirable.

<sup>1</sup> See for example the editorial in the Toronto Star, "Canada's Parliament is right to repeal Section 13 of human rights act," (*Toronto Star*, June 10, 2012, <http://www.thestar.com/opinion/editorials/article/1208647--canada-s-parliament-is-right-to-repeal-section-13-of-human-rights-act>, and Ezra Levant's column, "No more witch hunts," (*Toronto Sun*, November 19, 2011, <http://www.torontosun.com/2011/11/18/no-more-witch-hunts>).

<sup>2</sup> Coyne, Andrew, "Why does Canada still have a hate speech law?" *The National Post*, (published: July 9, 2012; updated: July 10, 2012), <http://fullcomment.nationalpost.com/2012/07/09/andrew-coyne-why-does-canada-still-have-a-hate-speech-law/>, retrieved on 2012-08-10.

It is clear under Canadian law that all non-violent actions which transmit or attempt to transmit a meaning fall within the scope of expression and are thus protected under Section 2(b) of the Canadian Charter of Rights and Freedoms which guarantees "freedom of thought, belief, opinion and expression."<sup>3</sup> Most significantly, the Supreme Court of Canada has reaffirmed in several decisions, including *R. v. Keegstra*, that "The type of meaning conveyed is irrelevant."<sup>4</sup> This is to say, certain speech is not excluded from protection under Section 2 of the Charter merely because it is hateful or obscene.

In *R. v. Keegstra*, the Supreme Court upheld the conviction of an Albertan public school teacher who had been charged under the Criminal Code for teaching his class that the Holocaust was a fraud and various other anti-Semitic views. While the Supreme Court did find that hate speech laws were an infringement of the right to free expression, it determined that these laws were reasonable under Section 1 of the Charter. The court has noted the overriding importance of Parliament's objectives in enacting hate speech laws. There are significant social problems which can result from the promotion of hatred. In the majority decision of *R. v. Keegstra*, the justices noted, "Parliament has recognized the substantial harm that can flow from hate propaganda and, in trying to prevent the pain suffered by target group members and to reduce racial, ethnic and religious tension and perhaps even violence in Canada, has decided to suppress the wilful promotion of hatred against identifiable

<sup>3</sup> Section 2(b), *Canadian Charter of Rights and Freedoms*, Part I of *The Constitution Act, 1982*, Schedule B to the *Canada Act 1982 (UK)*, 1982, c 11, <http://laws-lois.justice.gc.ca/eng/charter/page-1.html>, retrieved on 2012-08-10.

<sup>4</sup> Majority Opinion (Dickson C.J. and Wilson, L'Heureux-Dubé and Gonthier JJ) *R. v. Keegstra*, 1990 CanLII 24 (SCC), [1990] 3 SCR 697, <http://canlii.ca/t/1fsr1>, retrieved on 2012-08-10.

groups.”<sup>5</sup> These harms justify a response by Parliament in a free and democratic society.

It is clear from the Supreme Court decision in *R. v. Keegstra* and others<sup>6</sup> that such restrictions are justifiable under Canadian law; however, the question remains as to the extent of the clash between hate speech laws and the principle of free expression. The arguments used in support of a principle of free expression generally fall into two categories: consequential and non-consequential arguments. Consequential arguments maintain that the benefit to interests or values served by speech outweigh any costs. The most important consequential justifications of free speech pertain to self-fulfillment and the finding of truth. Non-consequential arguments, in contrast, hold that some regulations of speech impermissibly infringe a speaker, bystander or audience member’s rights. Citizen participation in democracy and citizen autonomy are arguments which fall within the category of non-consequential justifications.<sup>7</sup>

Only some of these justifications of the principle of free expression are particularly relevant to the discussion of Canadian hate propaganda prohibitions. We can easily dismiss the truth justification in the context of Canadian hate speech laws. Section 319.3(a) of the Criminal Code provides the defence of truthfulness in the case of a charge under Section 319.2.<sup>8</sup> In the case of hate speech “where such incitement is likely to lead to a

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<sup>5</sup> *Ibid.*

<sup>6</sup> See for example *R. v. Andrews*.

<sup>7</sup> Yong, Caleb, “Does Freedom of Speech Include Hate Speech?” *Res Publica* vol. 17 (2011), 389-390.

<sup>8</sup> We ignore here the conflict with Section 11(d) of the Charter of Rights and Freedoms (presumption of innocence) that results from the transfer of onus indicated in Section 319.3(a). In *R. v. Keegstra*, the Supreme Court held that this was a reasonable limit under Section 1 of the Charter.

breach of the peace”<sup>9</sup> (a charge under Section 319.1), it is self-evident that the consequential argument does not hold as the benefit from this speech is outweighed by the harm it generates.

Similarly, the argument concerning citizen participation in democratic government is not particularly relevant in this case. This argument specifically privileges democratic political communications. Deliberate attempts to incite hatred generally do not fall within the range of these communications. Furthermore, the promotion of hatred within society can be understood to reduce the ability of the targets of this hatred to participate in democracy. If these communications are in the public interest and the speaker has a reasonable belief in their truthfulness, the speech is protected under Section 319.3(c) of the Criminal Code.<sup>10</sup> Thus hate speech laws do not unreasonably infringe upon the right to free expression necessary for effective democratic participation.

Thus only arguments stemming from individual autonomy are relevant to the debate surrounding Canadian hate speech laws. The concern this argument raises is however mitigated by several factors. Section 319 of the Criminal Code places no restrictions on private conversation thus ensuring some measure of personal autonomy and clearly preserving freedom of opinion.<sup>11</sup> Furthermore, we already accept numerous and often far more onerous infringements on individual autonomy. For example, actions, such as chemical dumping, which cause harm to other individuals or society in general, are often prohibited. Even interactions that do not harm other individuals may be restricted. Child labour is an example of this type of prohibited interaction. As has been

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<sup>9</sup> Section 319.1, *Criminal Code of Canada* (R.S.C., 1985, c. C-46).

<sup>10</sup> *Ibid.*, Section 319.3(c).

<sup>11</sup> *Ibid.*, Section 319.

highlighted by numerous scholars, human rights and, in fact, the range of actions available to agents in society is socially constructed and subjectively determined.<sup>12</sup> We collectively determine which actions are appropriate and thus place limits, both legal and normative, on individual autonomy. Seen in this way, the infringement of free speech represented by hate speech prohibitions appears not unreasonable.

While clearly justifiable on the basis of the harms they prevent, hate speech laws also provide normative benefits to society. These laws communicate and promote the norms of tolerance and equality which are embodied in Section 15 of the Charter and in Canada's international commitments.<sup>13</sup> Furthermore, such restrictions also ensure that all individuals enjoy equal protection under the law. If we accept that equality is foundational to liberal society, then hate speech laws help to construct a free democratic society.

On this basis, it is clear that hate crimes legislation serves an important function in society. The restrictions on freedom of expression contained within the Criminal Code of Canada are not simply justifiable in a democratic society; they also provide significant protections and benefits to our democracy. While it may be beneficial to remove the power to enforce such restrictions from the human rights tribunals, their exercise by the courts has been both reasonable and vital in building a more democratic society.

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<sup>12</sup> See for example: Stammers, Neil, "Social Movements and the Social Construction of Human Rights," *Human Rights Quarterly* vol. 21, no. 4, (November 1999), 980-1008; Chang, Ha-Joon, *23 Things They Don't Tell You About Capitalism*, (New York: Bloomsbury Press, 2010), 1-10.

<sup>13</sup> *R. v. Keegstra*, 1990.

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