

Book Review: *Democracy Off Balance: Freedom of Expression and Hate Propaganda Law in Canada*

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Stefan Braun, *Democracy Off Balance: Freedom of Expression and Hate Propaganda Law in Canada*. Toronto: University of Toronto Press, 2004; pp. 384, \$35.00 paper, ISBN: 0802086365.

Do you support hate? Do you want hate in your community? From a political standpoint, what official seeking re-election would support hate propaganda and the freedom to express such sentiment? It sounds bad, really bad. By phrasing the issue of hate propaganda as one of either supporting hate or supporting public welfare, supporters of hate censorship laws create an obvious choice. Nobody would choose hate, at least not if it were phrased in such a way. It is exactly this conflict that enabled Canada to pass hate propaganda laws that criminalized hate speech. Fear of hatred and its effects upon communities was sufficient to justify passing laws censoring anything that sounded of hate. The problem is whether democratic societies, by choosing censorship as the method for dealing with hate, curtail one of the most critical elements of democratic freedom—freedom of expression.

Stefan Braun's book, *Democracy Off Balance: Freedom of Expression and Hate Propaganda Law in Canada*, gives an in-depth analysis of hate propaganda law in Canada, from its history to its contemporary effects, masterfully weaving together multidisciplinary views along the way. Braun's purpose is clear from the start: censorship is a problem. He uses his book to piece together how our democratic neighbor arrived at censorship as a solution to a particular type of offensive speech. He concludes that censorship has more far-reaching effects upon democracy than hate speech ever will. He reframes the issue from one of supporting hate to one of supporting expression, and by doing so enables readers to see a more accurate illustration of what is truly at stake in Canada.

Braun presents his interpretation of Canadian hate laws using a tripartite method of analysis that contextualizes the problem of censorship by examining legal, political, and communicative perspectives. The structure is harmonized with content, as Braun divides up his discussion so that it tackles each of the three viewpoints. Braun acknowledges that there is some amount of overlap in his discussions. His multidisciplinary approach makes overlap a necessary component. The alternative would be to focus on the impact of one area instead of many, which

would certainly reduce overlap, but would also significantly diminish the strength of his analysis. That said, the overlap functions to consistently reinforce Braun's thesis.

*Democracy Off Balance* begins by delineating background information on the competing views surrounding the hate speech problem in Canada. Braun discusses the meaning of democracy and the importance of freedom of expression in maintaining democracy. He then moves into a discussion of the purpose of hate propaganda law. The first chapters are used to identify the situation and the two values that are in the balance: freedom of expression and protection of community. Second, after presenting the context in which the Canadian laws were developed, Braun moves into a series of chapters designed to examine different types of problems associated with hate censorship law. He identifies three main areas problematic areas: political, legal, and practical. Finally, Braun discusses a set of alternative solutions to hate propaganda.

As the title suggests, *Democracy Off Balance* takes the position that democratic societies forsake some of their democratic ideals when they choose to limit freedom of expression in favor of speech censorship laws. Society must deal with hate, not merely keep it out of the public's gaze. Hate is a problem in all societies, not just democracies. However, the fact that a democratic state such as Canada has chosen to outlaw such speech is significant. Canada has chosen the law as the sole vehicle for social change, necessarily forcing a specific viewpoint on all Canadians. Thus hate propaganda laws in Canada not only censor specific speech, but promote specific speech as well, seemingly achieving a homogeneous environment for communication. However, the legal and social effectiveness of such laws is questionable. Ultimately, Braun exposes the political and legal support of censorship as an ineffective way to deal with hate because it fails to achieve the goal of removing hatred from society.

Given the ease with which a subject like freedom of expression could be swept into a more rhetorical treatment, Braun's analysis is quite fair. While there is no doubt that Braun sees hate propaganda as an ineffective way to deal with hate, his position is developed by examining the goals of the lawmakers and the actual effects of the laws. Absent from his analysis are the hackneyed phrases of entrenched notions of speech, expression, and hatred, while instead *Democracy Off Balance* retains equilibrium between communicative and legal paradigms of understand free expression.

There are a few troubling aspects as to how Braun chooses to present his analysis. First, the book's use of citations is at times disruptive to the overall flow of ideas. Just as Braun is developing a point, a citation drawing the reader to the back of the book serves to pull the reader away from the topic. This citation device is part of the scholarly approach taken by Braun, but in choosing this method Braun loses presence in favor of authority. If Braun fails, it is in the use of so formal an approach that he potentially alienates readers, such as citizens, who are less interested in authority than in being informed. If the purpose of the work is to give academics a comprehensive analysis of the hate censorship law of Canada, then the format will not truly be a hindrance. However, the less formalistic the format, the more accessible the subject matter would be. The concerns raised by censorship law in a democratic society are not concerns only for academics, even though *Democracy Off Balance's* format appears to be aimed at that audience. Also, if Braun intended to reach only academic readers, a book might be less appropriate than a lengthy journal article.

At the same time, a better development of the background of these laws would be helpful, at least, for the non-Canadian audience. The time Braun spends to acquaint the reader with the history and purpose of the laws would be aided by more specific information about the laws themselves. However, this likely is another reflection of Braun's intended audience. It seems that Braun directed the book toward those who already were aware of the situation and the laws surrounding Canadian hate censorship.

As Braun shows, good intentions cannot save bad laws. The desire to eliminate hate brought about censorship rather than a real solution. The laws act as concealer, hiding hatred from the public gaze without neutralizing the source of such sentiment. As a result, the dialogues that could potentially arise after expressions of hatred are unable to do so because the subject matter has become taboo. Braun illustrates why this ultimately is a flawed solution that only diminishes democratic values and never succeeds in removing hatred from society. Law promulgated for societal harmony is difficult to challenge. Given the expansive role the U.S. federal government has taken in recent years, looking to Canada as an example of how such governmental control ends in skewed results would be not only a useful exercise but a necessary one. Whenever a democratic government steps in and takes rights away from its people, democracy loses. Braun's treatment of Canadian hate law serves as a trial-and-error analysis that

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reaffirms the importance of freedom of expression in a democracy, and the need to resist social structuring that forsakes freedom in favor of external pleasantries.