Anti-Hate Legislation in Canada:
Necessary Protection or Dubious Limitation?

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Abstract

In Canada, anti-hate legislation continues to be a judicial realm wherein the necessity and importance of freedom of expression for a free and democratic society is weighed against the equality rights of identifiable minority groups. This study argues for the Court's continued vigilance in assessing anti-hate legislation and explores alternative means of combating discriminatory or potentially dangerous expression without compromising important constitutional principles. The analysis involves an examination of relevant historical and contemporary Supreme Court cases that discuss the potential limitation of individual freedom of expression in order to illustrate the delicate constitutional questions at play.

Acknowledgments

I would like to thank Dr. Matt James for inspiring this paper through his engaging lectures and pertinent feedback in Poli 320, which inspired me to push myself academically. I would also like to thank my family and friends for their continued support in my life. Finally, thank you to Simone Rutherford for encouraging me to make this submission and thank you to the On Politics team for their continued work throughout the editing process.

An individual's right to openly exchange ideas, come to one's own conclusions and pursue truth, and express these individual truths through action is arguably the most fundamental and important principle within a free and democratic society.[1] Considering the importance of this freedom for the function of a truly free society and its position as the foundation upon which many other fundamental rights and freedoms are based, any restrictions placed upon freedom of expression must be properly justified. The Supreme Court of Canada (SCC) has acknowledged the fundamental nature of freedom of expression and thus has often openly expressed its goal of maintaining this freedom in as broad a scope as possible.[2] Despite this, the SCC still weighs the value of freedom of expression against Section 1 of The Charter and has largely used this reasonable rights clause as justification in considerations regarding the curtailing of freedom of expression in exchange for the protection of competing rights.[3] Hate speech is a salient yet contentious example of this exchange where the Court is forced to weigh the importance of freedom of expression against equality rights of identifiable minority groups, and historically have often ruled towards the constitutional legality of anti-hate speech laws.[4] When examining the relevant previous rulings relating to the curtailment of freedom of expression in regard to hateful speech, one can see that the SCC has rightfully been extremely hesitant, specific, and restrictive in its decisions to limit expression due to the fundamental nature of this freedom and the controversy surrounding any limitations placed on it.[5] Despite the historical care and thoroughness the Court has shown towards the protection of freedom of expression and the importance of protecting identifiable minority groups from both discrimination and violence, contemporary societal and constitutional changes such as globalization, advances in technology, and Bill C-36, create new questions and challenges wherein the Court must endeavour to continue to walk this fine line between the protection of

1 Kent Roach and David Schneiderman, "Freedom of Expression in Canada," *Supreme Court Law Review* 61, no. 2d (2013): 429–525; Richard Moon, "Hate Speech Regulation in Canada Papers from the First Amendment Discussion Group," *Florida State University Law Review* 36, no. 1 (2009 2008): 79–98; Supreme Court Judgements, R. v. Sharpe, No. 27376 (Supreme Court of Canada January 26, 2001).

2 Supreme Court Judgements, Irwin Toy Ltd. v. Quebec (Attorney General), No. 20074 (Supreme Court of Canada April 27, 1989).

3 Kent Roach and David Schneiderman, "Freedom of Expression in Canada," Supreme Court Law Review 61, no. 2d (2013): 429–525.

4 Emmett Macfarlane, "Beyond the Hate Speech Law Debate: A 'Charter Values' Approach to Free Expression Special Double Issue: The Charter at Forty," Review of Constitutional Studies 26, no. 2 (2022 2021): 145–68.

5 Supreme Court Judgements, R. v. Sharpe; Supreme Court Judgements, R. v. Keegstra, No. 21118 (Supreme Court of Canada December 13, 1990); Supreme Court Judgements, Ward v. Quebec (Commission des droits de la personne et des droits de la jeunesse), No. 39041 (Supreme Court of Canada October 29, 2021); Supreme Court Judgements, Saskatchewan (Human Rights Commission) v. Whatcott, No. 33676 (Supreme Court of Canada February 27, 2013).

equality and the stifling of fundamental human liberties.[6]

While Section 2(b) rights of freedom of expression regarding hate speech has been well balanced by the SCC to maintain the fundamental essence of freedom of expression while protecting the rights of minority groups, any limitations on expression present the continual possibility of a single court case fundamentally threatening Canadian liberty. From this perspective, the Court needs to remain vigilant when considering anti-hate legislation, as while broad anti-hate legislation could have dangerous constitutional consequences, there seems to be other more effective and practical methods to combat the spread of discriminatory and anti-democratic values.[7] To argue this, this paper will first analyze freedom of expression and the anti-hate limitations which have been placed on them from a constitutional perspective to illustrate the fine line being walked by the Court. Subsequently, I will analyze the dangers of restricting freedom of expression in any form, weighed against the arguments for anti-hate legislation. Finally, I will examine two contemporary Supreme Court judgements on the issue and analyze the verdicts to illustrate the delicate constitutional nature of attempting to limit freedom of expression rights and to explore the future trajectory of freedom of expression in Canada.

To analyze the effectiveness of the Canadian constitution in balancing the importance of freedom of expression with the protection of societal equality, one must first examine the underlying constitutional and theoretical mechanisms that create tensions between these competing rights. Freedom of expression is constitutionally guaranteed in Section 2(b) of Canada's 1982 Charter of Rights and Freedoms, which explicitly gives everyone "freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication."[8] The fundamental nature of this right for the function of Canadian society cannot be understated, as freedom of expression is quite literally "the matrix, the indispensable condition of nearly every other freedom."[9] Despite this, limitations on freedom of expression to combat hateful speech have been found constitutionally valid and are present in subsections 1 and 2 of Section 319 of the Criminal Code, which makes it illegal to 1) communicate statements in public which

6 Mathieu Deflem and Derek Silva, Media and Law: Between Free Speech and Censorship (Bingley, United Kingdom: Emerald Publishing Limited, 2021), http://ebookcentral.proquest.com/lib/uvic/detail.action?docID=6546944.

7 Moon, "Hate Speech Regulation in Canada Papers from the First Amendment Discussion Group"; Macfarlane, "Beyond the Hate Speech Law Debate."

8 Department of Justice Government of Canada, "Charterpedia - Section 2(b) – Freedom of Expression," November 9, 1999, https://www.justice.gc.ca/eng/csj-sjc/rfc-dlc/ccrf-ccdl/check/art2b.html.

9 Roach and Schneiderman, "Freedom of Expression in Canada," 429; Supreme Court Judgements, R. v. Sharpe.

incites hatred against an identifiable group where such incitement is likely to lead to a breach of the peace; and 2) communicate statements other than in private conversation that willfully promote hatred against any identifiable group.[10] Additionally, while Section 13 of the Canadian Human Rights Act, which contained restrictions on communicating in a manner that could expose a person to hatred, was repealed in 2013, similar restrictions exist in many provincial human rights laws.[11]

The Supreme Court has repeatedly emphasized that while these anti-hate laws violate Section 2 Charter rights, they are reasonable limits justifiable in a free and democratic society due to the harm hatred causes and hatred's incompatibility with other Charter values such as multiculturalism and equality.[12] The underlying rationale for this assessment is explained by the SCC in the landmark case in regard to the constitutionality of hateful expression: R v. Keegstra (1990).[13] This case involved an Albertan high school teacher who promoted flagrant antisemitism and Holocaust denial to his students and even forced his students to write antisemitic essays.[14] The court ruled 4-3 that a criminal prohibition against hate speech was constitutionally justifiable, with the majority stating that along with the damage they cause through the propagation of hate within communities, hateful expressions had no connection to freedom's underlying values of truth, self-development, or the protection and fostering of an inclusive democracy.[15] In the dissenting opinion however, Justice Beverly McLachlin made a strong case for the position that Section 319(2) too strongly interfered with freedom of expression, as 'hatred' was so broad a term that the law could have a "chilling effect on legitimate activities."[16] She also argued that the censorship of hate speech often gave hatemongers increased publicity which could precipitate more hate towards minority groups than they would be subjected to without censorship.[17] As one can see from the split Keegstra decision and the compelling arguments presented by both

10 "Wilful Promotion of Hatred | Criminal Code, RSC 1985, c C-46 | Federal Statutes / Lois Fédérales," accessed March 22, 2023, https://qweri.lexum.com/w/calegis/rsc-1985-c-c-46-en#!fragment/sec319subsec2/BQCwhgziBcwMYgK4DsDWszIQewE4BUBTADwBdoJC4BmARgE4JEAjSuAJgEoAaZbUwhACKiQrgCe0AORTulMLgQixkqeAEACCAAdCVELPmKQAZTykAQpIBKAUQAytgGoBBAHIBhW91Jhm0Umw4Tk4gA; Julian Walker, "Hate Speech and Freedom of Expression: Legal Boundaries in Canada," no. 2018 (n.d.).
11 Walker, "Hate Speech and Freedom of Expression: Legal Boundaries in Canada," 2.
12 Walker, 2.
13 Roach and Schneiderman, "Freedom of Expression in Canada"; Government of Canada, "Charterpedia - Section 2(b) – Freedom of Expression."
14 Supreme Court Judgements, R. v. Keegstra.
15 Supreme Court Judgements; Roach and Schneiderman, "Freedom of Expression in Canada," 463.
16 Supreme Court Judgements, R. v. Keegstra; Walker, "Hate Speech and Freedom of Expression: Legal Boundaries in Canada," 10.
17 Supreme Court Judgements, R. v. Keegstra; Roach and Schneiderman, "Freedom of Expression in Canada," 464.

the majority and minority, contention surrounding anti-hate legislation is largely due to the fine line between limiting freedom of expression to protect vulnerable minorities, and fundamentally damaging the efficacy of the Charter.[18]

Much of the contention surrounding the limiting of freedom of expression stems from the question of to what extent the promotion of discriminatory expression necessarily leads to the spread of hateful thoughts and actions.[19] As the majority in the Keegstra ruling pointed out, hateful speech is invariably connected to the spread of hatred, and to address the fine constitutional line between protecting minorities and threatening the efficacy of the Charter, they would limit the scope of restriction to the most blatant and extreme promotion of hatred within a community.[20] The problem with this selective approach is not the underlying logic surrounding the importance of protecting minorities, but the pragmatic constitutional problem the regulation of hateful expression presents. As Moon points out, issues arise when attempting to determine whether a particular instance of discrimination caused hatred within a community, as there was likely no particular instance which generated it, yet a wide range of discriminatory statements from extreme to extremely mild may contribute to the spread of hate within a community.[21] From this, the causation question leads to the conclusion that either no hateful expression should be restricted (as no statement alone inherently causes discrimination in a community) or all discriminatory expressions should be restricted (as part of the discriminatory speech which spreads hate).[22]

This issue illustrates the general moral and political polarization between advocates of both sides of the question of anti-hate legislation; as supporters of legislation often simply agree with the latter, and argue that every hateful expression is inherently toxic to society and could be associated with violence; while critics of legislation argue that it is unconstitutional for states to punish individuals for exercising their freedom of expression, no matter how offensive, unless there is explicit intent to incite physical violence against a minority group.[23] The polarizing political nature of these two sides seems to point to a larger political rift within society,

18 Roach and Schneiderman, "Freedom of Expression in Canada."
19 Moon, "Hate Speech Regulation in Canada Papers from the First Amendment Discussion Group," 83.
20 Moon, 83; Supreme Court Judgements, R. v. Keegstra.
21 Moon, "Hate Speech Regulation in Canada Papers from the First Amendment Discussion Group," 83.
22 Moon, 83.
23 Macfarlane, "Beyond the Hate Speech Law Debate"; Kathleen Mahoney, "Hate Speech, Equality, and the State of Canadian Law Articles & Essays," Wake Forest Law Review 44, no. 2 (2009): 321–52.

wherein members on each side have fundamentally different moral views, which are unlikely to be reconciled through the presentation of evidence and logical argument.[24] Despite this difference in fundamental views, scholarly advocates for hate speech legislation have presented evidence surrounding the global legitimacy of anti-hate legislation, claiming a "wide acceptance of hate speech restrictions both in international law and in every Western democracy other than the United States" to combat arguments that anti-hate legislation is undemocratic.[25] On the other hand, much of the arguments against anti-hate legislation focus on maintaining faith in human reason, a principle that both freedom of expression and democracy are built around. These arguments are targeted against the Court's views that the problem with hateful expression is the concern that audiences cannot always use rational judgements when considering these claims, and as a result, these claims could gain social traction and spread anti-minority discrimination and violence.[26] Critics of this view argue that if one cannot trust the individual's ability to recognize truth and exercise reason, then censorship should simply be reduced to the moral determinations of unelected judges to determine an expression to be good or bad for society and subsequently censor the latter.[27] This argument, which claims that "a commitment to freedom of expression means protecting expression for reasons more basic than our agreement with its message, for reasons independent of its content," is compelling in its presentation of the possibility of anti-hate legislation devolving into the total rejection of constitutional freedom of expression rights.[28]

Another more pragmatic and less theoretical issue with hate speech legislation is that due to the importance of courts walking this fine constitutional line to protect both minorities and constitutional rights, only the most vile, extreme, and public forms of hate speech can be legally restricted.[29] While this sounds desirable in practice, these extreme claims are often the most easily dismissed by members of society, while small "rote, day-to-day microaggressions, coded language, dog whistles, and other forms of rhetoric" are much more prevalent and are also more damaging to society

24 Macfarlane, "Beyond the Hate Speech Law Debate," 153.
25 Robin Edger, "Are Hate Speech Provisions Anti-Democratic: An International Perspective Academy on Human Rights and Humanitarian Law: Articles and Essays Analyzing the Right to Freedom of Speech and International Human Rights Law," American University International Law Review 26, no. 1 (2011 2010): 119–56.
26 Moon, "Hate Speech Regulation in Canada Papers from the First Amendment Discussion Group," 89.
27 Moon, 89.
28 Moon, 90.
29 Macfarlane, "Beyond the Hate Speech Law Debate"; Moon, "Hate Speech Regulation in Canada Papers from the First Amendment Discussion Group"; Mahoney, "Hate Speech, Equality, and the State of Canadian Law Articles & Essays."

due to the way their unthreatening nature makes it easy for them to sneak into social discourse.[30] This type of language is also prone to escalation into more threatening and blatant discriminatory expression and is related to the systemic societal discrimination the Court seeks to prevent through the regulation of expression. This serious issue means that while on one hand, the protection of minorities is a priority of Canadian society, and hate regulation is widely accepted throughout Western democracies, on the other hand, restricting freedom of speech is an extremely slippery slope, and when legislation is made meticulously to account for this slope, it is often rendered somewhat ineffective. The need for these extremely restrictive definitions of hate expression, and the current standard for defining 'hate' is illustrated in later sections by examining two contemporary court rulings.

Saskatchewan (Human Rights Commission) v. Whatcott is a 2013 case involving four flyers which were distributed publicly by anti-homosexual activist Bill Whatcott.[31] The first two were titled "Keep Homosexuality out of Saskatoon's Public Schools!" and "Sodomites in our Public Schools!" while the other two were reprints of the same online advertisement with handwritten comments added alongside.[32] The Saskatchewan Human Rights Commission claimed that these flyers violated S.14 of The Saskatchewan Human Rights Code by exposing people to hatred due to their sexual orientation.[33] In this ruling, the SCC was forced to weigh Whatcott's Charter rights to freedom of religion and freedom of expression under S.2(a) and (b) against the restriction against hatred presented by Saskatchewan's provincial human rights code.[34] The SCC ruled unanimously that while the provincial legislation did constitute a violation of Whatcott's S.2 Charter rights, S.14 of Saskatchewan's Human Rights Code was a reasonable limit justified through the importance of protecting vulnerable groups from facing discrimination due to the publication of hatred.[35] The Court went on to specify that for future cases, the expression at issue must rise to the level of "detestation and vilification" towards an identifiable group to qualify under the law as hatred.[36] The Court further elaborated that the objective of anti-hate speech legislation was not to protect individuals of targeted groups from emotional harm, but instead focus on how reasonable individuals not

30 Macfarlane, "Beyond the Hate Speech Law Debate," 154.
31 Supreme Court Judgements, Saskatchewan (Human Rights Commission) v. Whatcott.
32 Supreme Court Judgements.
33 Supreme Court Judgements.
34 Supreme Court Judgements.
35 Lauren Dancer, "Supreme Court of Canada Delivers Judgment in Hate Speech Case | OHRH," Oxford Human Rights Hub (blog), March 20, 2013,
36 Macfarlane, "Beyond the Hate Speech Law Debate," 150.

involved in the targeted group might "reconsider the social standing of the group."[37] This ruling was important considering how the SCC narrowed the scope of anti-hate legislation by specifying the extreme emotions required for an expression to constitute hatred and by making it clear that free expression rights will be protected unless the expression seeks to affect the broader social status of an identifiable group negatively.[38] Ultimately, the SCC has done a good job of avoiding the slippery slope presented by too broadly limiting S.2 rights, while still protecting marginalized groups from the most extreme forms of hateful expression in this ruling. Despite the narrow scope and clarity regarding the definition of hate expression, the Court has elucidated in this ruling, scholars have expressed concerns regarding the Court's elimination of arguments taken from a religious point of view.[39] While the Court has been successful in prohibiting the most extreme renditions of hateful speech, the narrow definition afforded to hatred still falls victim to previous scholarly arguments regarding the damaging nature of "day-to-day microaggressions" and "coded language," as well as assertions regarding the constitutional importance of maintaining faith in the ability of individuals to recognize truth and exercise reason.[40]

Another salient and more recent Supreme Court case regarding anti-hate speech legislation is Ward v. Quebec (Commission des droits de la personne et des droits de la jeunesse) (2021). This case involves comedian Mike Ward, who had a segment in his comedy show performance wherein he would make fun of the "sacred cows" of Quebec: members of Quebec's artistic community one cannot laugh at due to their societal position.[41] During this segment, Ward mocked Jeremy Gabriel, a deaf international child singer with a visible physical disability.[42] In this performance, Ward made multiple comments relating to Gabriel's disability and his physical appearance, segments of which were posted online and prompted many of Gabriel's peers to use the same lines to bully him.[43] On behalf of Gabriel and his parents, the Commission des droits de la personne et des droits de la jeunesse presented Gabriel's case to courts, claiming that Ward had discriminated against him under the Quebec Charter. Ward claimed that

37 Supreme Court Judgements, Saskatchewan (Human Rights Commission) v. Whatcott.
38 Supreme Court Judgements.
39 Dancer, "Supreme Court of Canada Delivers Judgment in Hate Speech Case | OHRH."
40 Macfarlane, "Beyond the Hate Speech Law Debate," 154; Moon, "Hate Speech Regulation in Canada Papers from the First Amendment Discussion Group," 89–90.
41 Jennifer Laws, "Free Expression and the Duty to Tolerate," TheCourt.ca, November 17, 2021, http://www.thecourt.ca/a-duty-to-tolerate-scc-on-free-expression-in-ward-v-quebec/; Supreme Court Judgements, Ward v. Quebec (Commission des droits de la personne et des droits de la jeunesse).
42 Laws, "Free Expression and the Duty to Tolerate."
43 Laws.

his expression was protected through free expression rights.[44] The SCC ruled 5-4, with the majority finding that Gabriel had not been discriminated against due to his disability (which would be protected grounds) but because of his status as a celebrity. Moreover, the majority went even further to state that even if it had been because of his disability, Gabriel's right to equally safeguard his dignity had not been impaired.[45] The majority's underlying rationale for this ruling and for future rulings concerning one's right to safeguard their dignity and the right to free expression was the question of whether a reasonable person would see this expression as motivating hatred towards the person or group targeted, and further, if a reasonable person would view the expression as likely to lead to discriminatory treatment of the person targeted.[46] While this ruling does not enter much-uncharted territory in regard to the constitutionality of anti-hate legislation, I believe it exemplifies the difficult questions and fine constitutional lines the SCC is forced to traverse in such cases. The contentious and controversial nature of such cases can be seen from the strong dissents which were made by the minority in this ruling, wherein they focused on the impact of Ward's conduct and mentioned the cruelty and "dehumanizing notions" surrounding the taunting of a disabled child and the bullying he faced as a result.[47] Despite the dissent's focus on the abhorrent nature of Ward's remarks, this case illustrates the fine constitutional line being walked and the slipperiness of the slope involved when placing constitutional limits on free speech, as it is important to consider the overarching societal impact judicial rulings can have on the constitutional future of Canada, regardless of the morality of the specific expression in question.

While the Supreme Court of Canada has been extremely precise, deliberate, and nuanced in its historical rulings to balance the rights of free expression with rights to equality, the proliferation of the internet in combination with the proposed Bill C-36 reforms could present the SCC with new and novel constitutional problems in the near future. Through the increasing interconnectedness associated with globalization, scholars have noted exponential increases in hate speech on the internet worldwide.[48] This is logical, as this interconnectedness allows hateful persons to share similar views, spread hate, and connect with one another on the

44 Laws.
45 Supreme Court Judgements, Ward v. Quebec (Commission des droits de la personne et des droits de la jeunesse).
46 Supreme Court Judgements; Laws, "Free Expression and the Duty to Tolerate."
47 Laws, "Free Expression and the Duty to Tolerate"; Supreme Court Judgements, Ward v. Quebec (Commission des droits de la personne et des droits de la jeunesse).
48 Mahoney, "Hate Speech, Equality, and the State of Canadian Law Articles & Essays," 322.

internet through various anonymous mechanisms without accountability. Bill C-36 proposes to change this by amending the Canadian Human Rights Act to explicitly include online hate speech (under the new definition of "detestation or vilification" outlined in the Whatcott (2013) case) as a discriminatory practice.[49] While the ratification of this bill would address the noted proliferation of online hate speech and the issue of unaccountability, it would also introduce a host of both constitutional and pragmatic issues.[50] Macfarlane specifically notes the pragmatic difficulties that would be associated with trying to regulate hate speech on social media, as the incredible scale of online traffic combined with issues involving anonymity and jurisdiction would make any attempt at online regulation "either undesirable or impractical."[51] Furthermore, American scholars have already noted the somewhat subjective and ineffective methods Canada has in regard to anti-hate legislation and have considered the government's poor track record of actually convicting individuals of hate speech under the Criminal Code as evidence of this.[52] In consideration of the difficulties presented by allowing any legislation that limits freedom of expression, many scholars have argued that instead of narrowing the scope of hate speech to such an extreme level that almost no expression qualifies and attempting to police expression through social media, that the best approach would be to simply focus on ensuring members of society are educated.[53] These arguments contend that instead of censorship, societies should be educating the public on minority issues, history, and the importance of equity, diversity, and difference within a free and democratic society so that citizens can ultimately have faith in the public's judgment to not be moved by hateful rhetoric.[54] While thoroughly educating the public on these issues would be a difficult endeavour, arguments such as these seem to be the most straightforward and relevant solutions to combat the spread of hate due to the constitutional dilemma governments are presented with when trying to craft effective anti-hate legislation.

49 "Government Bill (House of Commons) C-36 (43-2) - First Reading - An Act to Amend the Criminal Code and the Canadian Human Rights Act and to Make Related Amendments to Another Act (Hate Propaganda, Hate Crimes and Hate Speech) - Parliament of Canada," accessed March 24, 2023, https://www.parl.ca/DocumentViewer/en/43-2/bill/C-36/first-reading; Macfarlane, "Beyond the Hate Speech Law Debate," 155.
50 Mahoney, "Hate Speech, Equality, and the State of Canadian Law Articles & Essays"; Macfarlane, "Beyond the Hate Speech Law Debate."
51 Macfarlane, "Beyond the Hate Speech Law Debate," 156.
52 Peter J. II Breckheimer, "A Haven for Hate: The Foreign and Domestic Implications of Protecting Internet Hate Speech under the First Amendment Note," Southern California Law Review 75, no. 6 (2002 2001): 1493–1528.
53 Macfarlane, "Beyond the Hate Speech Law Debate"; Moon, "Hate Speech Regulation in Canada Papers from the First Amendment Discussion Group."
54 Moon, "Hate Speech Regulation in Canada Papers from the First Amendment Discussion Group"; Macfarlane, "Beyond the Hate Speech Law Debate."

As one can see from the constitutional challenges and wide range of perspectives present in the consideration of anti-hate legislation, Canadian courts have been forced to sacrifice the practicality of a broad ban on hateful expression to account for the potential constitutional dangers which surround any limiting of Section 2(b) Charter rights of freedom of expression. Overall, the Court has been largely successful in protecting the essence of freedom of expression while still managing to maintain legislation banning the most extreme forms of hate speech. While the anti-hate legislation that currently exists may not be the most practical for the pursuit of the Supreme Court's objective to prevent the spread of hate and discrimination towards minority groups, it undoubtedly still provides some legal protections to vulnerable minorities.[55] Ultimately, while other avenues such as the spreading of inclusive values and broader public education surround the negative effects of systemic oppression and discrimination within democratic society, there are no alternatives to the constitutional right to freedom of expression and the fundamental significance this right represents within a free and democratic society.[56] This difficult concept is what has caused the Court to exercise so much caution when assessing the constitutionality of anti-hate legislation, and it is also this concept which presents the Judiciary with such a difficult task in the wake of advances in technology and the effects of globalization on freedom of expression.

55 Breckheimer, "A Haven for Hate"; Macfarlane, "Beyond the Hate Speech Law Debate."mac
56 Moon, "Hate Speech Regulation in Canada Papers from the First Amendment Discussion Group"; Macfarlane, "Beyond the Hate Speech Law Debate."

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