Corporate Social Responsibility in the Canadian Mining Sector: Rhetoric, Ethics, and the Economy

by
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Abstract

Corporate Social Responsibility (CSR) has been promoted by the Government of Canada and Canadian mining companies as an appropriate model of self-regulation, accountability, and communication with the public since the launch of Canada’s 2009 CSR strategy for Canadian companies engaged in the international extractive sector. This thesis contextualizes CSR in the recent history of Canadian mining activity nationally and internationally, considering broad shifts in government communication and approaches to regulation. It applies a rhetorical analysis to CSR discourse, suggesting that Aristotle’s categories of epideictic (celebratory) and deliberative rhetoric demonstrate how the strategic CSR communication of mining firms and government limits genuine debate and replaces it with a discourse prioritizing CSR's economic benefit over human rights, indigenous land rights, and labour and environmental concerns.

Keywords: Canadian government; corporate social responsibility; public policy communication; mining; rhetorical analysis
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List of Acronyms

BCA    Building the Canadian Advantage
CDA    Critical discourse analysis
CSR    Corporate social responsibility
CTME   Canadian transnational mining enterprise
DFAIT  Department of Foreign Affairs and International Trade Canada
MAC    Mining Association of Canada
PDAC   Prospects and Developers Association of Canada
PMO    Prime Minister’s Office
Chapter 1. Introduction

In recent years, corporate social responsibility (CSR) has proliferated, and efforts to signal responsible corporate behaviour have become routine across industries. At the same time, a discursive struggle has emerged between CSR proponents and skeptics. CSR reporting has the potential to provide valuable information; however, corporate communications tend to focus on positive results, while ignoring or deemphasizing failures (Sullivan, 2011; Vogel, 2005). Insofar as CSR is promoted by corporations and governments as an alternative to regulation, CSR discourse perpetuates and legitimizes existing disparities by crystallizing the view that social and environmental wellbeing can quite naturally be left to corporations. Even in the best of circumstances, there is a tendency for corporations to attempt to discursively downplay contradictions between social responsibility and profitability.

In past research on CSR communications from the oil and gas industry, I have examined CSR reports through the lens of epideictic rhetoric, a classical rhetorical genre in which an orator praised (or more rarely, blamed) an individual in a ceremonial speech. Through this research, I came to the conclusion that in most cases, CSR reports were primarily promotional and celebratory, and ultimately fit within the epideictic genre. In the mining sector, corporations’ CSR discourse functions similarly. For example, in April of 2013 the Government of Chile suspended operations at the Pascua Lama mining project following allegations that Toronto-based mining company Barrick Gold had contaminated a local river (Henao, 2013). In May of the same year, Chile’s environmental agency imposed a $16-million fine on Barrick Gold for breeching its environmental permit, which led to the spill. According to the agency, the company failed to provide a “correct, truthful or provable” account of their activities (Lu, 2013). While a Barrick spokesperson reported that “how we constructed certain things were maybe different than how it was in the permit” (Lu, 2013), Barrick Gold’s 2013 CSR report spends less than 150 words on the disaster, and fails to admit any non-compliance with their environmental permit. At the
same time, the report suggests “Barrick’s conduct is guided by the highest standards of honesty, integrity, and ethical behavior. These values are critical to our success and vital to securing and maintaining the respect and trust of our employees, the communities where we operate, and our shareholders” (Barrick Gold, 2013b, p. 17). A recent report providing an overview of Canadian mining company TVI Pacific’s Canatuan Mine in the Philippines (titled Canatuan: A TVI Success Story) provides a relentlessly promotional account of the mine’s history, adopting the slogan “[b]uilding for the future through our past success…” (TVI Pacific, 2014, p 1). Although the Canadian government had expressed concerns about allegations of serious human rights and environmental concerns at the mine (Canada, 2005), the report fails to provide a single detail indicating anything other than exemplary activity. The only identified “challenge” included in the report that arose during the company’s tenure at Canatuan was a government ordinance banning open pit mines, which TVI successfully challenged in court.

Approximately 75 percent of the world’s mining companies are based in Canada, and nearly all of them communicate about their CSR performance. Numerous transnational Canadian mining companies operate in countries with limited or corrupt governance and resource-related conflicts, and many of these companies have been implicated in serious environmental and human rights abuses despite releasing CSR reports that are almost uniformly glowing (Slack, 2012). To address concerns about the transnational activities of Canadian mining companies, the House of Commons Standing Committee on Foreign Affairs and International Trade human rights subcommittee recommended to Parliament measures including the development of rules for companies operating in conflict zones and legal obligations in terms of human rights and environmental protections (Canada, 2005). As a response to these recommendations, the Canadian government organized a series of national roundtables involving civil society groups, industry, and Canadian government officials, intended to strategize and develop a means of holding transnational mining companies accountable. The roundtables ultimately culminated in a 2007 report recommending several robust oversight mechanisms for the industry. However, most recommendations from the Roundtables were not included in Canada’s 2009 CSR strategy, which focused primarily on promoting voluntary CSR measures. Both Canada’s CSR policy and policy
communications fail to explain how voluntary measures can be expected to ensure more ethical activity; instead, CSR is endorsed primarily on economic grounds.

Scholars in the field of critical discourse studies demonstrate that discourses construct and reinforce ideologies, which in turn play a role in, for example, setting and legitimating government agendas, determining accountability, and ultimately reproducing unequal social conditions. The study of discourse illuminates ideologies, which are then exposed for questioning and critique (see, for example, Van Dijk, 1998). As Hall (1980/2005) suggests, although governments and other powerful institutions attempt to shape discourses and preferred meanings, not all attempts to establish the preferred meaning of a discourse take root. CSR reports are glowing whether or not a corporation’s activities are ethical or sustainable. As a result of this conflict between rhetoric and reality, CSR discourse is often perceived by the public as superficial and self-serving (Bae & Cameron, 2006; Brønn, 2011).

Skepticism regarding corporate motivations notwithstanding, the neoliberal ideology supporting corporate autonomy is deeply entrenched in Western democracies, facilitating a PR-informed approach to corporate responsibility in which social harms continue to be addressed rhetorically. In corporate CSR discourse across industries, the misleading progress narratives presented in CSR reports portray corporate activities in a positive light, regardless of actual performance. Where failures are admitted, redress is framed as the responsibility of corporations, not states; CSR is promoted as a substitute for regulation. For example, Barrick Gold (2013a) acknowledges “operat[ing] mines in highly diverse social, economic and political contexts, including locations where human rights may not fully be recognized or respected to a level set by international norms” (para. 1). The company’s human rights principles include the following commitment: “[w]here we cause or contribute to negative human rights impacts, we strive to remediate them fairly and effectively” (Barrick Gold, 2013a, para. 5). In government discourse about the international extractive sector, CSR is also positioned as a viable alternative to regulatory intervention. For example, in 2011 the Ministers of International Trade (Peter Van Loan) and Foreign Affairs (Lawrence Cannon) responded to a petition to the Auditor General requesting information about the regulation of Canada’s extractive sector by suggesting that in cases where mining companies violate Canadian laws off Canadian
soil, government efforts to promote “voluntary initiatives [are] more effective than punitive measures,” but no evidence is provided to support this claim (cited in Office of the Auditor General of Canada, 2011).

One of the aims of critical discourse analysis is to highlight the ways in which unequal power relations are legitimated through the discourses of dominant institutions (Van Dijk, 1998). In the case of CSR, neoliberal ideology is reinforced through both corporate and government promotion of CSR as an effective substitute for government involvement. In Canadian CSR discourse, this perspective has been bolstered through a semantic shift from the ethical to the economic; in numerous government texts about CSR and the extractive sector, concerns about unethical behaviour are muted or absent, and CSR is upheld instead as a rational choice for financially savvy businesses. For example, Industry Canada recommends that businesses practice CSR solely on the basis of its benefit to the bottom line:

Industry Canada promotes CSR principles and practices to Canadian businesses because it makes companies more innovative, productive, and competitive. CSR helps make Canadian business more competitive by supporting operational efficiency gains; improved risk management; favourable relations with the investment community and improved access to capital; enhanced employee relations; stronger relationships with communities and an enhanced licence to operate; and improved reputation and branding. (Industry Canada, 2011b)

In addition to a critical discourse studies perspective, which provides guidance on interviewing texts and interpreting the social and political implications of discourse, my analytic framework is complemented by rhetorical theory. Specifically, I take a neo-Aristotelian approach, informed by Aristotle’s Rhetoric and by modern rhetorical scholars who have interpreted and applied this work. An application of insights from the Rhetoric is useful in several respects. First, the Rhetoric helps explain how the Canadian government’s CSR policy communications, as currently practiced, fails to serve the interests of the public. For Aristotle, rhetorical analysis is an “offshoot” of ethical studies, and is useful in part because it recognizes and reflects that some rhetorical techniques are more ethical than others (Garver, 1994, 2006; Rowland & Womack, 1985). In functioning democracies, governments are obligated to provide rationales for policy and legislative decisions. The advantage of a neo-Aristotelian rhetorical approach to political
discourse is that it provides a framework for the practical assessment of how persuasion is enacted, highlighting areas that might be improved. As Garver (1994) asserts, politicians need to understand techniques of rhetorical persuasion in order to “subordinat[e] those strategic considerations to higher ends” (p. 52); that is, an understanding of rhetoric—the art of persuasion—enables politicians and other orators to communicate according to rhetorical standards that keep attempts at persuasion ethical. For everyone else, a consideration of Aristotle’s deliberative (political) genre, for example, can highlight questionable rhetorical practices employed in government communication. This is particularly relevant in cases where government communications promote, but do not sufficiently justify, CSR as an alternative to regulation.

The epideictic genre also provides insights in this regard. Just as corporate communications about CSR are self-promotional rather than evaluative, government communications about the mining sector—its economic contributions and the ethics of its practices—are in many cases celebratory rather than explanatory. For example, government media lines regarding Canada’s CSR strategy, obtained through an Access to Information Act request, include the following: “Canadian companies recognize that a commitment to corporate social responsibility is a commitment to their own success” (Department of Foreign Affairs and International Trade [DFAIT], n.d., p. 6); “As our government continues to focus on the real priorities of Canadian workers and their families—jobs and prosperity—ensuring that key sectors of the economy succeed is essential” (DFAIT, n.d., p. 26). By focusing on the professed economic benefits of CSR, Canada’s CSR texts displace discourse about unethical corporate behaviour with discourse about prosperity.

Policy communication includes both rhetorical (persuasive) discourse and illocutionary discourse (discourse that ultimately affects real-world processes by, for example, committing to a future action). Bitzer’s (1968/1992) concept of rhetorical situation provides a useful framework for delineating whether, when, and how policy communication is rhetorical—that is, why and how it works to persuade its audiences. Bitzer’s approach also highlights the context in which rhetoric is constructed, including a consideration of the capacity of the audience to act, the extent to which problems can be addressed discursively, and the constraints affecting the rhetor. Given this last focus, it
is worth noting that government texts are typically not composed or determined by a single agent, but instead are shaped by politicians, senior public servants, and policy and communications advisors. My analysis thus focuses primarily on the texts and talk that make up government policy rhetoric and the context in which these policy communications were created, rather than on the actors who determine the government’s position on CSR.

Broadly speaking, my aim in this thesis is to consider how government establishes and justifies the roles and responsibilities of the mining sector and the government with respect to the social and environmental responsibilities of Canadian mining corporations operating abroad. By first outlining the performance of Canadian mining companies and the limits of CSR, I lay the groundwork for highlighting the contradictions between Canadian companies’ CSR performance and the Canadian government’s progress narrative. Using a critical-rhetorical analytic approach, I then highlight federal government communication practices that are, from an ethical perspective, both inadequate and counterproductive, and that work to prioritize economic over ethical ends.
Chapter 2. Background

In this chapter, I outline the Canadian government’s approach to mining regulation and CSR policy in the domestic and international mining sectors. After first discussing the development and current status of Canada’s domestic mining law and policy, I will examine the international legal framework under which serious allegations continue to emerge against Canadian companies conducting mining operations outside the country. By examining the goals and limitations of CSR, I will demonstrate how a CSR approach to oversight in the international mining sector is insufficient given mining projects’ staggering potential for adverse social and environmental impacts (Coelho, Teixeira, & Gonçalves, 2011). Finally, I will briefly describe Canada’s approach to the issue of CSR in the international mining sector.

2.1 Mining law and regulation in Canada

The mining, trade, and use of minerals in Canada have a long history, and the current system of granting rights to mineral exploration and mining in Canada is complex and entrenched in a history of colonialism. While indigenous people had been mining and quarrying in North America for at least 5,000 years (Martin, 1999), it was just over 300 years ago that Britain decreed that the 3.9 million square kilometres of Rupert’s Land, covering much of the Canadian prairies and the Canadian Shield, belonged to the Hudson’s Bay Company—including the rights to subsurface minerals.

Since the late 19th Century, subsurface mineral rights in Canada have been held primarily by the Crown. A small portion are recognized as owned by First Nations on the basis of treaty rights, and another portion as owned privately as “Freehold Mineral Rights,” initially purchased from the Crown, the Canada Pacific Railway, or the Hudson’s Bay Company prior to 1908 (Hart & Hoogeveen, 2012). The 1867 Constitution Act mandated that jurisdiction over subsurface minerals was to be given to the provinces,
and the transfer from federal to provincial jurisdiction was completed in 1930 with the 
*Natural Resources Transfer Act* (Barton, 1993). However, control over mineral rights in 
the Yukon was not transferred to the territorial government until 2003, and mineral rights 
in Nunavut and the Northwest Territories are still administered through Aboriginal Affairs 
and Northern Development Canada, as set out in the 1985 *Territorial Lands Act* (Barton, 
1993). Throughout Canada, Crown ownership of subsurface mineral rights is actively 
contested by First Nations that have not ceded their territories or that have entered 
treaties but contest the Crown’s claim to subsurface minerals (Hart & Hoogeveen, 2012).

Because mineral rights are overseen by different jurisdictions, policies and 
practices for regulating the mining industry vary. However, most provinces and territories 
in Canada operate under the “free entry” system for exploration and prospecting. This 
system allows anyone to stake a claim for prospecting on any public or privately owned 
land, without the owner’s consent, so long as the land is uncultivated and unoccupied by 
buildings and has not been deemed a “protected area”—primarily federal or provincial 
parks and conservancies. In jurisdictions where a permit is required for exploration, it is 
typically granted on a non-discretionary basis. Because the free-entry system allows 
prospectors to stake mining claims on any lands outside protected areas, it has been 
criticized for undermining land-use planning and taking for granted that mining is the 
best use of land (Environmental Commissioner of Ontario, 2007; Harrison, 2010). 
Mineral claims on First Nations’ traditional territories have also been granted by 
provinces without consultation or consent, sparking numerous constitutional challenges 
to the free entry system—some of which have been successful (Harrison, 2010).

In addition to issues around ownership of mining rights, the social and 
environmental impacts of mining also make the nature and effectiveness of government 
oversight contentious. For example, acid drainage can make local rivers and streams 
inhospitable to wildlife, while the heavy metals released into the environment from 
mining operations, such as mercury, can bioaccumulate across the food chain (Bonar & 
Matter, 2010). In Yellowknife, the N’Dilo and Dettah communities of the Dene First 
Nation have experienced significant negative health and environmental impacts due to 
arsenic trioxide emissions from gold mining operations at the Giant Mine, which began 
fifty years of operation in the late 1940s. Arsenic poisoning from contaminated drinking
water led to the death of a two-year-old Dettah boy in 1951 and to numerous other health problems among the Dene people living at N'Dilo and Dettah (Sandlos & Keeling, 2012).

While environmental regulation in Canada has since become more rigorous, oversight of the environmental impacts of mining is fragmented, typically falling under more general environmental protection laws. Mining projects in Canada are currently subject to federally mandated environmental standards that apply equally to all provinces and territories, such as the Canadian Environmental Protection Act and the Fisheries Act (Chambers & Winfield, 2000). Provincial, territorial, and federal mining jurisdictions also have their own mining acts, though these have been criticized for being relatively ineffective (Hart & Hoogeveen, 2012).

The quality of environmental oversight of mining projects in Canada varies depending on the government body responsible for conducting the assessment. A proposal from Taseko Mines for a copper mining project near Williams Lake, BC, which underwent both a provincial assessment in 2009 and a federal assessment in 2010, demonstrates this disparity in the rigor of environmental assessments. BC’s Environmental Assessment Office, which reviews major projects when it is determined they may have an negative impact in terms of any of “environmental, economic, social, health and heritage” (British Columbia, n.d.) approved the Prosperity Mine project near Williams Lake (the town), citing only the loss of Fish Lake (the lake) as a negative environmental impact (British Columbia, 2009). The Canadian Environmental Assessment Agency (2010) then rejected the same proposal, citing “significant adverse environmental effects on fish and fish habitat, on navigation, on the current use of lands and resources for traditional purposes by First Nations and on cultural heritage, and on certain potential or established Aboriginal rights or title” (p. ii). In this context, there is added resonance to the First Nations Energy and Mining Council’s criticism of BC’s environmental assessment process as “seriously dysfunctional” due to the fact that it does not ensure “First Nations involvement in the process, objectives, standards and principles for delivery for the EA process” (p. 4). In its review, BC’s Environmental Assessment Office conspicuously included economic considerations, such as the expectation that the mine would be “larger than the province’s film and television
industry” (British Columbia, 2009, p. 17) and that the project would be timely, because construction workers who had been employed during preparation for the Vancouver Olympics would be conveniently returning to the job market.

In short, Canada’s mining record is mixed. Canadian mining regulation has inherited features from an era with lower expectations, and there is cause for concern about environmental and social impacts, many of which have fallen disproportionately on First Nations. But while Canada’s approach to regulation of its domestic mining sector could doubtless be improved, it stands in stark contrast to Canadian government regulation of Canadian transnational mining enterprises (CTMEs), which is virtually nonexistent.

2.1. The trouble with transnationals: The legal obligations and infractions of Canadian mining companies operating abroad

In 2013, Natural Resources Canada declared Canada “a global mineral exploration and mining giant,” citing the presence of Canadian mining companies in more than 100 countries. In the same year, concerns about Canadian transnational mining projects led to protests in over 10 countries, including demonstrations of between 1,000 and 10,000 protestors in Greece, Nicaragua, Romania, and Kyrgyzstan (Arango, 2013; Logan, 2013; Saralayeva, 2013). As will be discussed in detail in this section, Canadian mining companies and their subsidiaries operating abroad have been criticized for causing environmental damage, contributing to social conflicts and corruption, disregarding indigenous peoples’ rights, and complicity in human rights abuses. According to a leaked report paid for by the Prospectors and Developers Association of Canada, “Canadian companies have been the most significant group involved in unfortunate incidents in the developing world” (Centre for the Study of Resource Conflict, 2009, p. 11).
When operating outside of Canada, Canadian mining corporations are not subject to Canadian laws and regulations; instead, they are governed by the laws and regulations of the host country and by international law.\(^1\) In many cases, the foreign jurisdictions in which Canadian mining companies operate have far less rigorous laws and regulations governing mining than Canada does (Smith & Rosenblum, 2011). Even in cases where laws governing the social and environmental impacts of mining are robust, lack of political will or resources in a country hosting transnational mining operations can lead to inadequate monitoring, limited or nonexistent investigation of concerns, and lack of prosecutions and an environment of impunity for companies that do not comply with local laws. As acknowledged in a 2007 report resulting from a series of consultations led by the federal government’s Steering Committee on Corporate Social Responsibility,

…[I]n many instances, Canadian extractive companies are operating in countries where governance capacity is weak, where there is corruption and, in some cases, armed conflict. In these circumstances, human rights protections and the enforcement of environmental regulations are often weak or non-existent. (National Roundtables Advisory Group, 2007, p. iii–iv)

In Latin America, Canadian mining activity has been linked to environmental devastation and conflict (Keenan, 2010), leading to popular protests against CTMEs in countries including Chile, Guatemala, and Argentina (Gordon & Webber, 2008; Urkidi, 2010; Urkidi, 2011). Amnesty International (2013) has criticized both the Guatemalan government and mining companies based in Guatemala for failing to meaningfully consult affected communities prior to the start of mining projects and for not meeting international standards on human rights. In particular, Vancouver-based companies Glamis Gold and Goldcorp (now merged) have been criticized for building and operating the Marlin gold mine in San Marcos, Guatemala, in spite of local opposition and legal concerns (Mercer, 2012; Solymon, 2013). Guatemala is party to the legally binding 1989 International Labour Organization Convention 169 Concerning Indigenous and Tribal

\(^1\) An exception to this is the Canadian government’s 1998 Corruption of Foreign Public Officials Act, which applies to large transnational companies. The Act implements Canada’s obligations under the 1997 OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions. However, in 2011 Transparency International ranked Canada among the worst-performing countries of adherence to OECD anti-bribery standards.
Peoples, requiring consultation with indigenous peoples regarding policy and development processes that will affect them; and in a 2005 referendum, members of local communities had overwhelmingly—in most cases unanimously—rejected Glamis’s proposed Marlin Mine (Imai, Mehranvar, & Sander, 2007). In 2005, two people were killed by Marlin Mine security forces (Patterson, 2005), and activists opposed to the mine were allegedly beaten, detained, and threatened by local authorities in 2011 (Amnesty International, 2011). In 2010, both the ILO and the Inter-American Commission on Human Rights (IACHR) requested that the Government of Guatemala suspend operations at the Marlin mine, due in part to the IACHR’s concerns that “mining began without the prior, complete, free, and informed consultation of the affected communities of the Maya people” and to concerns about alleged human rights abuses and suspected adverse environmental effects from the mine (Organization of American States, 2010; Mittelstead, 2010). While the Government of Guatemala agreed to shut down the mine until the matter was settled, this decision was reversed shortly thereafter (“Guatemala Defies Human Rights Body,” 2011).

In 2009, human rights lawyer Sarah Knuckey of the Center for Human Rights and Global Justice at New York University testified before the Standing Committee on Foreign Affairs and International Development (formerly the Standing Committee on Foreign Affairs and International Trade) regarding “serious and consistent allegations of grave human rights abuses,” including sexual violence, at the Porgera mine in Papua New Guinea, owned by Canadian mining company Barrick Gold (Canada, 2009). Knuckey conducted over 250 interviews with alleged victims, residents, police, government officials, and security personnel at the mine, and heard accounts from security personnel about sexual abuse “they ha[d] either witnessed or committed” (Canada, 2009). In response, the company pleaded ignorance: “To our knowledge, there have been no cases of sexual assault reported to mine management involving… security personnel while on duty, since Barrick acquired its interest in the mine in 2006” (Whittington, 2009). In 2010, Knuckey summed up Barrick’s approach to the allegations of sexual assault in Papua New Guinea as “hear no evil, see no evil” (Canada, 2010). It wasn’t until 2011, when Human Rights Watch released a 94-page report examining allegations that police and security personnel had committed gang rapes and other violent acts, that Barrick began an investigation (Barrick Gold, 2011a). In the same year,
Barrick confirmed they had “credible evidence” that police and Barrick Gold security personnel had raped local women near the North Mara gold mine in Tanzania (Barrick Gold, 2011b), eventually confirming in 2013 that fourteen victims of sexual assault would receive compensation packages from the company. Barrick ultimately turned over their findings over to the Tanzanian police in order for the perpetrators to be prosecuted in criminal court; however, as Barrick has acknowledged, police were also likely perpetrators.

Over 20 Canadian mining companies currently operate in the Democratic Republic of the Congo; according to the Government of Canada, Canadian “investments and assets in DRC’s mining sector were estimated at $1.73 billion in 2010, making DRC a major African target for Canadian mining investments” (Canada, 2011). As of 2011, the World Bank’s Worldwide Governance Effectiveness rankings placed the DRC in the 2nd percentile globally for government effectiveness and in the 3rd percentile for control of corruption—a stark contrast with Canada’s respective rankings in the 97th and 95th percentiles. Transparency International’s (2013) Corruption Perceptions index reveals a similar disparity between the countries. In 2004, as many as 100 people were killed by the Congolese army during a mining-related conflict in the city of Kilwa in Southeast Congo’s Katanga province, where Canadian/Australian mining company Anvil Mining Limited operated the Dikulushi copper mine. Anvil was implicated for its alleged role in providing logistical support to the army during the massacre (“Supreme Court won’t hear appeal,” 2012). In 2007, a military court in the DRC acquitted all alleged perpetrators, including three Anvil employees. The UN High Commissioner for Human Rights criticised this decision, citing “the presence at the trial of substantial eye-witness testimony and material evidence pointing to the commission of serious and deliberate human rights violations” (“DR Congo,” 2007).

All of this has occurred despite the Canadian federal government’s longstanding acknowledgement of the controversies surrounding CTMEs. In 2005, the Standing Committee on Foreign Affairs and International Trade reported that “mining activities in some developing countries have had adverse effects on local communities” (Canada, 2005), and expressed concerns about the impact of Canadian mining company TVI Pacific’s operations in the Philippines in terms of indigenous land rights; security and
human rights; and environmental impacts. The Committee recommended that Canada “[e]stablish clear legal norms… to ensure that Canadian companies and residents are held accountable when there is evidence of environmental and/or human rights violations associated with the activities of Canadian mining companies” (Canada, 2005).

So what has been done? In a few cases, CTMEs have been tried in criminal and civil hearings. In 2010, criminal charges were filed in Honduras against executives from Goldcorp subsidiary Entre Mares for their role in creating “dangerously high acidity and metal concentrations in water flowing into a local stream” from the San Martin gold mine (“Goldcorp staff face criminal charges,” 2010). In a landmark decision in June of 2013, the Ontario Superior Court ruled that a lawsuit could be brought against Canadian mining company HudBay Minerals for alleged murders and gang rapes committed by HudBay subsidiaries’ security personnel in Guatemala (Collenette, 2013). But this is by no means a guarantee of further prosecutions, and many serious allegations against Canadian mining companies have not been dealt with appropriately. Community members affected by the Kilwa massacre in the DRC filed a petition in Quebec to start a class-action lawsuit against Anvil for its alleged role in providing logistical support during the massacre. The Quebec Court of Appeal denied this petition in 2012 on the grounds that the case could be heard in the DRC or Australia, but not in Canada—a problematic decision given the mass acquittal that had already taken place in the DRC and Anvil’s place on the Toronto Stock Exchange (“DR Congo,” 2007).

Rather than address the problem of impunity through regulation or litigation, the Canadian government has responded to allegations against CTMEs by developing and promoting a corporate social responsibility strategy for the mining sector. Specifically, Canada’s approach has been to promote voluntary corporate self-regulation as the most effective means of making corporate activities more ethical, rather than by directly addressing the regulatory or legal deficit. Ministers Van Loan and Cannon acknowledge that “issues with Canadian companies operating abroad do sometimes arise,” but their position (and Canada’s in general) is that voluntary CSR initiatives “are the best means to promote good and responsible practices, and ensure Canadian companies continue to play a positive role in communities around the world” (Office of the Auditor General of Canada, 2011). Is there merit to this claim?
2.2. The promise and limitations of corporate social responsibility

This section outlines current CSR practices and evaluates the extent to which CSR can be expected to fulfill the promises made on its behalf. I argue that while CSR may lead to beneficial changes to corporate practices in some contexts, in its current Canadian iterations, CSR is not a reliable means for ensuring ethical and sustainable behaviour—particularly on the part of Canadian mining companies. By sketching some of the claims made on behalf of CSR, my goal is to demonstrate that CSR is insufficient as a policy response to problems in Canada’s mining sector. I will also discuss the unreliability of the central means of corporate CSR communication, CSR reports, which in many respects parallel the Canadian government’s CSR discourse.

2.2.1. What is CSR?

“Corporate social responsibility” means many things to many people, and there is no general consensus on a definition (Freeman & Hasnaoui, 2010). To whom is a corporation responsible? And what do its responsibilities entail? Since the 1980s, most CSR definitions have tended to reference stakeholders, society, financial performance, voluntariness, and the environment (Dahlsrud, 2008). However, CSR definitions may include (or not) any number of these dimensions. For example, marketing experts and CSR proponents Kotler and Lee (2005) describe CSR largely in terms of philanthropy, while Industry Canada’s (2011a) definition is descriptive rather than normative, and is broad enough that virtually any company could be said to practice CSR, though not necessarily well: “Corporate Social Responsibility is defined as a company’s environmental, social and economic performance and the impacts of the company on its internal and external stakeholders” (para 4). In contrast, Albareda, Lozano and Marcussio et al. (2008) assert that “there is no such thing as CSR, but rather a social dimension inherent in all the company’s responsibilities, just as there is an economic dimension…” (p. 15). However, CSR strategies and reports rarely discuss financial performance in detail as part of their publicly available CSR strategies and reports, let alone how social and environmental responsibility intersects with the bottom line. Although financial performance remains a central consideration, for the purposes of this
thesis, CSR refers to voluntary measures taken by corporations to reduce or mitigate
social or environment harms that result from business operations and to efforts made to
improve positive social or environmental conditions beyond what is required by law.

In most countries, governments promote and facilitate, rather than mandate, CSR initiatives (Albareda, Lozano, & Ysa, 2008). As a result, the focus and robustness of CSR programs varies from industry to industry, as well as from firm-to-firm. In some cases, companies might choose to focus on only a few key areas, such as workplace safety and environmental management. Companies are also responsible for determining how their programs will be implemented and monitored; some firms develop their own guidelines for some aspects of their CSR strategy (e.g., philanthropic activities) while adhering to industry, national, or international standards for other aspects (e.g., CO2 emission monitoring). In the case of transnational mining, CSR programs are highly state-specific. When operating in states with limited regulatory oversight, mining companies may perform functions under the auspice of CSR that would elsewhere be undertaken by the state, such as building community infrastructure, providing healthcare, and operating sizable security forces (Campbell, 2012). Broadly speaking, the Canadian extractive sector’s CSR activities and reporting tend to focus on human rights, labour, community development, and environmental management (including, for example, emissions monitoring and mine reclamation).

While the Canadian government does not require corporations to follow any particular guidelines with respect to CSR, in its 2009 CSR Strategy *Building the Canadian Advantage: A Corporate Social Responsibility Strategy for the Canadian International Extractive Sector* (BCA) produced by the Department of Foreign Affairs and International Trade (DFAIT), the government announced its support for five sets of international voluntary CSR approaches, three of which were recommended specifically for the extractive industries:

- The Global Reporting Initiative, which provides standards and guidelines for CSR reporting. According to the Government of Canada, this Initiative increases transparency and “encourage[s] market-based rewards for good CSR performance” (DFAIT, 2009, p. 8).
• The International Finance Corporation Performance Standards on Social and Environmental Sustainability, which International Finance Corporation clients must adhere to “for projects with potential adverse social or environmental impacts” regarding risk assessment; indigenous land rights; labour; sustainability; community health and safety; and cultural heritage (DFAIT, 2009, p. 8).

• The Voluntary Principles on Security and Human Rights, which provide guidance in terms of conducting risk assessments and preventing human rights abuses for extractive sector firms that employ private security forces.

This list represents only a fraction of the possible principles, guidelines, standards, and codes of conduct that might be adopted by mining companies.

2.2.2. What can CSR accomplish?

CSR is ubiquitous. In 2013, 83 percent of Canada’s top 100 companies reported on CSR, up from 79 percent in 2011 (KPMG, 2013). There is considerable debate, however, about the extent to which CSR programs actually benefit the communities in which companies operate. Approaches taken by companies to their CSR programs are diverse, with some firms’ CSR programs seeming comprehensive and others more like window dressing. Even among companies that have adopted externally developed CSR frameworks, the requirements of the framework can range from stringent to nonexistent, such that companies with widely divergent practices can all claim to meet a CSR standard (Chatterji & Listokin, 2007). According to the Canadian Centre for the Study of Resource Conflict (2009), of the Canadian mining corporations that have been involved in unethical practices, nearly 80 percent had CSR policies in place. The OECD’s Principles of Corporate Governance, which has been recommended to Canadian businesses as an “authoritative source” for social and environmental issues (Hohnen & Potts, 2007, p. 16), has also been critiqued for having a “ruthless focus” on the bottom line for shareholders (Ireland & Pillay, 2010, p. 91). In terms of the environmental implications of CSR programs, companies that adhere to voluntary environmental programs or standards but that self-monitor their own compliance actually seem to have worse environmental performance than companies that do not adhere to environmental
standards (Darnall & Sides, 2008). Clearly, simply adopting a CSR standard is no guarantee of ethical activity.

Despite widespread uptake of CSR by Canadian mining companies (KPMG, 2013), the towns in which Canadian mining companies operate tend to suffer increased levels of poverty (North, Clark, & Patroni, 2006), a well-documented result of resource extraction, which has led scholars to search for ways to mitigate the “resource curse” that afflicts resource-rich communities (Kolstad & Wiig, 2009). Although CSR is often advocated for on the basis that it will encourage stable development, Frynas (2005) finds that CSR strategies in the oil and gas sector are limited by factors including the prioritizing of financial performance over CSR objectives, overly technical/managerial approaches to CSR from company staff, and failure to consult sufficiently with the intended beneficiaries of a CSR program possessing limited technical and HR resources. And as Frynas (2005) argues, even when a company does CSR well, this can “divert attention from broader political, economic and social solutions for developmental problems” (p. 583). In terms of the potential for CSR in the mining sector, a 2002 Environmental Resource Management report following a two-year review process, including interviews with managers of 32 mines, concluded that voluntary CSR measures were insufficient for improving sustainable development in the mining sector: “[W]hen there is a compelling social priority but no business case to justify the additional expenditure required… [t]wo options remain: collective action on a voluntary basis (enforced internally by a collective) or government intervention” (Walker & Howard, 2002, p. 4).

**Transparency and accuracy in CSR communication**

One of the espoused benefits of CSR is increased transparency through reporting that details companies’ environmental and social performance. But while CSR reporting is increasing (KPMG, 2013), the quality of companies’ CSR reporting still varies considerably (Parboteeah & Cullen, 2012; Vogel, 2005). Out of 4,100 companies surveyed in 2013, the auditing firm KPMG found that only 34 percent of Canadian companies’ CSR reports included a statement indicating that their CSR or sustainability data had been externally assured. Industries practicing CSR also differ in terms of what
they choose to focus on (or reveal) in their CSR reporting. Data provided in CSR reports, such as emissions estimates, are typically not accompanied by a discussion of the methods used to collect the data or by a disclosure of uncertainties about data accuracy (Sullivan, 2011). The mining sector has a comparably high reporting rate to that in other industries, but at the same time has ranked low for transparency and balanced reporting, rarely discussing challenges or failures in detail (KPMG, 2013). KPMG’s (2013) assurance that “[f]ew companies practice ‘total greenwash’ these days” is not particular reassuring (p. 38).

The fact that CSR reports in Canada are based on voluntary disclosures has led to concerns about the reliability of CSR reporting (Bouten, Everaert, Van Liedekerke, De Moor, & Christiaens, 2011). Jenkins and Yakovleva (2006) suggest that the problem of CSR “laggards”—companies with perfunctory CSR strategies that merely profess to maintain high social and environmental standards—can be resolved at least in part through leadership from companies with strong CSR records. However, there is good reason to believe that without stringent requirements, the problem of unsatisfactory reporting will continue. In France, where minimum CSR reporting standards are required by law, CSR reports are more transparent and accurate than in the US, where disclosure is voluntary (Crawford & Williams, 2010). Although companies’ CSR performance is increasingly being ranked by external CSR rating agencies, receiving a negative rating does not appear to increase the likelihood that a company will address the event(s) that led to a poor ranking (Scalet & Kelly, 2009).

Instead of addressing the most problematic issues, CSR reports tend to cover positive news and to focus on less severe problems or avoid discussing problems entirely (Bouten, Everaert, Van Liedekerke, De Moor, & Christiaens, 2011; Scalet & Kelly, 2009; Vogel, 2005). Take, for example, the recent allegations that have come up against the Vancouver-based Nevsun Resources, which operates the Bisha Mine in Eritrea. Nevsun is one of more than ten mining companies currently based in Eritrea, despite the well-documented repressive nature of the Eritrean government and its use of conscripted labour for indefinite terms (Human Rights Watch, 2013a; United Kingdom, 2014). Recently, Nevsun has been accused of failing to ensure that forced labour was not used during the building of their mine in 2008 in Eritrea. In a 2013 report, Human
Rights Watch alleged that Segen, the subcontractor Nevsun had hired to build the Bisha Mine, had used conscripted labour. In the same report, Human Rights Watch (2013b) suggests, “Nevsun appears to feel that it has no power to confront its own politically-connected contractor about allegations of abuse at its own mine site. Instead its response… has been one of quiet acceptance” (p. 2). Nevsun issued a press release in advance of HRW’s report, admitting that they had become aware of allegations that Segen had been using forced labour as early as 2009. Nevsun’s statement on the matter ultimately points to their 2011 CSR report as proof of their “commitment to corporate social responsibility” (Nevsun, 2013, para. 3-4). This brief report covers everything from traffic and noise management to ensuring biodiversity and planning for mine closure, in just over thirteen pages. But although Nevsun acknowledged they had been aware in 2009 that conscripted workers may have been working at their mines, the section from their (unaudited) 2011 CSR report on employment practices (spanning just over half a page) fails to even hint at past failures to ensure workers were not forced labourers—or to discuss any problems whatsoever (Nevsun, 2012).

Finally, most CSR reports have a fairly narrow audience. Before information about a company’s social and environmental performance reaches the public, it is typically filtered through the media. Unfortunately, journalists often do not have the time (nor news agencies the resources) to look into the accuracy of CSR press releases and reports (Hamilton, 2002). Corporate-sponsored news services like CSR Wire publish wholly uncritical press releases about CSR, which may lead journalists to reproduce misleading information or, to avoid this risk, to ignore CSR stories altogether. Unfortunately, most media coverage about CSR reports tends to be shallow, focusing, for example, more on the aesthetics of reports than on actual details (SustainAbility, Ketchum, & UNEP, 2002). When journalists are interested in covering CSR stories in depth, they are often met with the argument that this type of story is likely to bore—or even repel—their audience (SustainAbility, Ketchum, & UNEP, 2002).

Arguably, CSR reporting can inspire movements toward more ethical behaviour—even when reports are more aspirational than factual—because they can shape internal approaches to decision-making and perceived hypocrisy can increase external pressures to improve (Christensen, Morsing, & Thyssen, 2013). On the other
hand, false promises and limited transparency can be harmful, allowing companies to obtain the social license needed to operate through promotional efforts rather than legitimately responsible behaviour.

**The value of CSR for business**

The idea that businesses have an ethical responsibility to the public is not new. Proponents of the “socially responsible corporation” in the 1950s and 1960s argued for corporate reforms that would limit the power of shareholders, with the view that the corporation was a social institution (Ireland & Pillay, 2010). Until recently, it remained an open question whether or not businesses should be expected to go beyond their legal responsibilities—and if so, to what extent (Lee, 2007)—but this question has arguably been resolved. The acceptance of CSR is relatively recent, and has coincided with the increasingly accepted belief that CSR will contribute to financial performance (Lee, 2007). While early justifications for corporate philanthropy were, at least purportedly, altruistic, the most celebrated aspects of CSR are now the benefits acquired by companies themselves. By 2005, the link between CSR and profits was present in “virtually all contemporary writing on CSR” (Vogel, 2005, p. 19). In 2008, Grant Thornton reported that the most commonly cited factors for taking steps toward CSR were recruitment/retention of staff (65 percent); cost management (63 percent); and public attitudes/building the brand (56 percent).

Most CSR proponents and many CSR scholars suggest a clear association between profits and CSR efforts. However, this link is far from absolute. While CSR may be beneficial for some businesses, there is limited data to support the claim that strong CSR performance has a positive causal effect on profitability for the majority of firms (Sagebien & Whellams, 2010; Swaen & Vanhamme, 2004; Vogel, 2005). Instead, it may be the case that more profitable firms simply have more resources to devote to CSR or that CSR has become part of well-managed (and thus more profitable) companies’ comprehensive strategies (Vogel, 2005). A recent examination of the correlation between social performance and financial performance among Canadian firms revealed that better employee management and environmental performance (in terms of regulatory compliance, good use of resources, and lower pollution) seems to lead to
lower financial performance, at least in the short term (Makni, Francoeur, & Bellavanc, 2009). The authors conclude that environmental sustainability measures in particular “appear too costly and do not seem to be considered as sound investments by the Canadian market,” suggesting that “[g]overnment subsidies may be necessary to compensate for the short-term negative impact on financial performance that these firms suffer” when implementing sustainability measures (Makni, Francoeur, & Bellavanc, 2009, p. 420). There are numerous obvious examples that suggest acting ethically may require eschewing the bottom line. For example, a genuine concern with “social license” may necessitate that a mining company close a mine due to community opposition. Metrics used to measure and evaluate CSR can also be ambiguous. Fortune includes fiscal performance as one dimension of CSR, which as Vogel points out, ensures “that any link between CSR [fiscal performance] and profitability is tautological” (Vogel, 2005, p. 31).

When CSR does improve a company’s performance, it seems to need to meet certain conditions to do so. Namely, CSR tends to increase long-term profitability only in cases where CSR activities are well publicized (Lin, Yang, & Liou, 2009). Companies also need to apply CSR policies consistently in order to benefit (Tang, Hull & Rothenberg, 2013). L’Etang (1994) found that good publicity is often viewed as the main benefit of CSR, and notes that in a survey of 800 UK companies, “preserving corporate image” ranked as the top motivation for CSR. L’Etang’s (1994) conclusion is difficult to deny: “measuring the effectiveness of corporate social responsibility in terms of the amount of publicity received suggests (though does not necessarily prove) a self-interested motivation” (p. 118).

If good publicity is in fact the primary motivator for CSR, this implies that many corporations will not practice CSR unless the expected benefits (e.g., improved reputation, avoidance of a scandal that could bring about stricter regulation) outweigh the expected costs (e.g., increased expenses for greater environmental precautions). Crucially, there seems to be even less financial incentive for industries working further down the supply chain—such as the resource extraction sector—to move beyond PR to the voluntary adoption of stringent CSR measures. With the notable exception of consumer boycotts of “blood diamonds,” the mining sector’s viability does not depend
heavily on reputation. This is because supply chain managers tend to continue to buy from unethical suppliers, even when they are aware of questionable business practices (Preuss, 2005; Vogel, 2005). In cases where the rationale for CSR is based on corporate self-interest, the increased costs incurred by certain types of responsible behaviour constrain how “responsible” corporations will actually be.

The perceived link between CSR and profitability has led to an environment in which firms have little choice but to publicly address social and environmental practices. As Ihlen, Bartlett and May (2011) suggest, failure to do so could “be interpreted as poor strategizing and/or callousness regarding the consequences of business” (p. 565). However, as Sullivan (2011) points out, practicing CSR to avoid negative fiscal repercussions only need go so far. In both ethical and standard funds, once CSR efforts have met or appear to have met a certain level—e.g., the company has earned a social license which makes its projects more likely to succeed or is included in an ethical fund—investors’ decisions are guided primarily by financial performance. The fact that companies are not necessarily rewarded for going beyond the minimum set by investors can incentivize irresponsible activities if they are more profitable (Sullivan, 2011). As Slack (2012) argues, “[i]t costs companies little or nothing to voice support for CSR principles” (p. 180), but the benefits can include increased access to capital and less potent criticism from governments, NGOs, and communities. The multiplicity of unregulated CSR frameworks gives companies the opportunity for a “free ride”—the option of claiming adherence to a CSR standard, and perhaps being viewed as more ethical or greener, regardless of actual social and environmental performance. This means that companies with genuinely more rigorous standards will not necessarily be recognized as such, despite incurring higher costs (Chatterji & Listokin, 2007; Darnall & Sides, 2008). If the disconnect between free riders’ CSR claims and reality is severe enough, this erodes public trust, further limiting the economic benefit of CSR (Darnall & Sides, 2008).

The promise to companies that CSR makes good business sense is not a guarantee. The cost of making meaningful improvements can outweighs the benefits to shareholders, and in some cases it may be in shareholders’ best interest for corporations to attempt to rhetorically and politically manage the contradiction between
social responsibility and profit, rather than risk making costly improvements that may not pay off.

2.2.3. CSR as an alternative to regulation

Despite the fact that CSR cannot guarantee genuinely responsible or ethical business practices, it is often advocated for by businesses specifically as a replacement for government regulatory interventions (Carroll & Shabana, 2010; Ireland & Pillay, 2010). Most CSR discourse conspicuously excludes a role for governments, and CSR scholars and practitioners strongly emphasize corporate social responsibility as a voluntary, value-added practice. However, commonly employed CSR instruments are typically much weaker than governmental laws or regulations, and typically do not include mechanisms for investigating compliance or disciplining non-compliance (Ireland & Pillay, 2010; Nadesan, 2011).

Despite this, corporations argue that CSR measures are more effective at ensuring ethical behaviour than regulation. For example, in 2007 a consortium of companies, including Shell and British American Tobacco, submitted a memorandum to the UK Parliament championing fair trade as “an enterprise-led solution to poverty reduction,” and arguing that “an emphasis on continuous learning and progress will ultimately be far more effective than regulation or a box-ticking, compliance-based approach” (United Kingdom Parliament, 2007). This is of course a false dichotomy, as nothing prevents the implementation of regulation alongside continuous learning. The positioning of regulation as onerous and inflexible also occurs in the Canadian government CSR discourse: A “key message” obtained through an Access to Information Act request for CSR media lines from DFAIT (2014) declares, “[i]t is Canada’s stance that voluntary initiatives advance public policy objectives in a more flexible, expeditious, and less costly way than regulation or rigid legislative regimes” (p. 14)

The ideology of neoliberalism, which suggests that markets will provide widely distributed social and economic benefits given minimal government interference, has played an integral role in “the ‘depoliticization’ of economic life” (Ireland & Pillay, 2010).
At its core, neoliberal theory recommends states' activities be reduced primarily to protecting private property rights and contracts and to securing and opening markets. Increased privatization, decreased social welfare spending, and diminished environmental and labour protections are promoted on the grounds that limiting state interference frees individuals and the private sector to be optimally flexible and innovative, ultimately maximizing wealth and social welfare. In practice, neoliberal policies have increased and entrenched economic disparities (Harvey, 2007; Navarro, 2007).

In Canada, the positioning of voluntary CSR measures as the primary response to problems in the transnational mining sector presupposes the market’s capacity to ensure corporations behave ethically. KMPG Chairperson Yvo de Boer, for example, acknowledges that CSR reporting can mislead, but suggests this problem is resolving itself through criticism from an increasingly skeptical public:

Yes, greenwash can be a risk, but as time goes on, stakeholders from NGOs and pressure groups to customers and investors – are all becoming more adept at knowing the difference between PR spin and [corporate responsibility] performance. It is not so easy to pull the proverbial wool over people’s eyes anymore. (KMPG, 2013, p. 10)

Bill C-300, introduced by Liberal MP John McKay in 2009, provides an interesting case study of the Canadian mining industry’s attempts to frame voluntary CSR measures as superior to regulatory intervention. Bill C-300 was based on recommendations from the 2007 National Roundtables report, and included provisions that would ensure the ombudsperson position recommended by the Roundtables had the necessary resources and authority to pursue complaints and that mining corporations with operations in developing countries follow a set of CSR guidelines. The Bill was endorsed by human rights and environmental groups, academics, as well government officials from countries hosting Canadian mining corporations (Amnesty, n.d.), but was ultimately not accepted by Parliament.

These guidelines were to be based on standards established by the International Finance Corporation and the Voluntary Principles on Security and Human Rights, as well as other human rights standards.
The debate around Bill C-300 was shaped largely by industry’s desire to avoid regulation. For example, the Mining Association of Canada (MAC) and the Prospector and Developer’s Association of Canada (PDAC) lobbied against the bill, specifically expressing concern that it would institute a grievance mechanism. In a note to its members, PDAC criticizes the bill on the grounds that it approximates “a punitive approach to CSR...” clarifying that PDAC’s perspective “is that progress in CSR can only result with a collaborative, sophisticated approach” in which mining companies are assisted rather than penalized (“PDAC says,” 2009). This briefing also criticizes the provision allowing citizens and NGOs to file extra-judicial complaints:

...Bill C-300 will allow anyone with a grievance against your company to file a complaint. The government would then be called in to investigate — at a significant cost to your company. Regardless of the outcome of an investigation, the reputation of the industry and your company would immediately come under suspicion and you would be considered guilty until proven innocent in the court of public opinion. (“PDAC: C-300,” 2010)

The briefing contained misleading inaccuracies, suggesting that the bill “requires every complaint to be investigated by the Minister,” despite the fact that the bill specifies that “[i]f the Minister who receives the complaint determines that the request is frivolous or vexatious or is made in bad faith, he or she may decline to examine the matter” (“PDAC: C-300,” 2010). A nearly identical lobby document produced by MAC threatened that the binding regulations contained in the bill “will send a strong message internationally that the Parliament of Canada has lost confidence in Canadian mining companies” (Mining Associate of Canada, 2010) and argued that the measures included in BCA are sufficient. Essentially, MAC argues that government’s role in corporate activity should only be that of “enabler”; regulatory power on the part of government suggests an attempt to chastise an industry that has gone rogue.

Neoliberal issue framing has also shaped the discourse from Bill C-300’s supporters. Voluntary CSR measures cannot necessarily be expected to improve fiscal performance for CTMEs, and yet arguments for CSR are frequently based on the financial benefits that ethical behaviour apparently provides. In a report drafted for the Canadian Network on Corporate Accountability, law professor Richard Janda (2009) responded to the criticism that Bill-C 300 might hurt CTMEs financially by arguing the bill
was “likely to create a regulatory environment that would make Canada and Canadian extractive sector companies world leaders in the area of CSR, resulting in a competitive advantage for those Canadian companies when operating internationally” (p. 2).

Ultimately, Bill C-300 was unsuccessful. While it is clear why mining industry associations prefer the status quo, it is less obvious why the Canadian government adopted the same position—that Canada is already a “socially responsible global leader” and that problems in the mining sector are best addressed through CSR. If self-regulation is only marginally effective, many local governments are ill-equipped or unwilling to ensure that Canadian corporations behave ethically, and corporations are using CSR primarily as a way to build their reputation and increase profits, then why are concerns about harmful behaviour among CTMEs addressed through “corporate social responsibility”?

2.3. Developing a CSR strategy for Canadian transnational mining companies

In 2005 the Standing Committee on Foreign Affairs and International Trade, under the federal Liberal Party, issued the report *Mining in Developing Countries and Corporate Social Responsibility*. The report acknowledged that some Canadian mining companies lacked “the resources, knowledge or incentives to adequately address issues arising from the social, cultural, political, or environmental context in which they seek to operate in developing countries” (Canada, 2005). The report also affirmed “that Canada does not yet have laws to ensure that the activities of Canadian mining companies in developing countries conform to human rights standards, including the rights of workers and of indigenous peoples” (Canada, 2005). The Standing Committee’s report included numerous recommendations for increasing oversight in Canada’s international mining sector, including developing new or strengthened mechanisms for monitoring Canadian mining companies operating in developing countries, and for addressing allegations regarding “socially and environmentally irresponsible conduct and human rights violations” (Canada, 2005). The Standing Committee thus urged the government to bring together experts, mining industry associations, and NGOs with the goal of creating policies and programs that address the problems the Committee had identified.
In response to this report, the Canadian government organized a series of national roundtables, which involved in-depth consultation between government representatives and an Advisory Group composed of representatives from NGOs, labour organisations, universities, the financial sector, mining companies, and the industry associations MAC and PDAC (Keenan, 2010). The Advisory Group’s recommendations were developed through consensus, and included, for example, the establishment of Canadian standards and reporting requirements for CTMEs, an independent ombudsperson’s office, and a standing tripartite Compliance Review Committee that would investigate issues of “non-compliance with the Canadian CSR Standards,” making the results of their investigation public (National Roundtables Advisory Group, 2007, p. vii). The report also recommended linking financial support to companies’ compliance with Canadian standards. Before making its recommendations, the Advisory Group (2007) took into account 260 oral presentations and written submissions from NGOs, the mining industry, labour organisations, research institutes, and the public, and “spent 70 hours hearing from invited experts during Issue Focus Sessions dedicated to in-depth, face-to-face discussion on each theme” (p. 3). Having been developed through a consensus process that directly involved government and the extractive industries, the Advisory Group’s recommendations were applauded by civil society. However, the government’s policy response to Roundtable recommendations discarded or implemented weakened versions of each of the suggestions noted above.

Released two years after the advisory group’s report, Building the Canadian Advantage: A Corporate Social Responsibility (CSR) Strategy for the Canadian International Extractive Sector (BCA) focuses on promoting optional CSR guidelines to Canadian corporations and on promoting Canadian companies as ethical to both the Canadian public and to potential foreign investors and other stakeholder groups. The strategy includes provisions for the creation of a CSR Centre of Excellence and a CSR Counsellor’s office, as well as support for initiatives designed to increase the capacity of developing countries hosting Canadian mining companies and plans to promote international CSR performance guidelines. BCA has been described as “woefully inadequate” (Keenan, 2010, p. 33).
Devoid of context, the Strategy may appear to be a positive development. However, in contrast to the recommendations made by the Steering Committee, and within the context of the serious allegations against CTME, BCA is clearly insufficient. The Strategy does not include any mechanisms for investigating allegations against mining companies, nor for linking CSR to government financial support, nor for more robust CSR reporting, despite the fact that, as noted above, voluntary self-reporting about CSR has been shown to be only marginally successful. In mid-December of 2013, the Government of Canada invited comments on Canada’s CSR Strategy. Although the final report has yet to be released, Canadian NGO Mining Watch pointed to a litany of flaws: the fact that CSR measures in the strategy are entirely voluntary; the limited mandate of the CSR Counsellor’s office; and “the use of Official Development Assistance (ODA) as a corporate subsidy and to fund programs aimed at facilitating resource extraction by Canadian companies” (Coumans, 2014).

The role of the CSR counsellor has been particularly contentious. Rather than following through with the Roundtables report’s recommendation to create an ombudsperson’s office with the power to investigate claims, order restitution, or report on possible unethical or illegal practices without permission from mining companies, the CSR counsellor’s role was to work as an advisor and facilitator. According to the Office of the CSR Counsellor,

The Office's review mechanism is a voluntary dialogue process designed to explore interests and generate creative options in order to resolve and reduce disputes. This process was built to enhance the ability of Canadian extractive sector companies operating overseas to manage their social and environmental risks, including the risk of unresolved social or community disputes. Such a process requires good faith on all sides, mutual commitment, and two way responsibilities. (Office of the Extractive Sector Corporate Social Responsibility Counsellor, 2013)

In the four years that Marketa Evans filled the role of the CSR Counsellor (2009–2013), six requests for mediations were submitted. Of these requests, half failed to reach mediation as Excellon Resources, McEwen Mining, and Silver Standard Resources each refused to engage in the process. According to the CSR Counsellor’s closing reports, reasons for refusal to participate included the claim that “the value of the Office’s
process is not sufficiently high” (Office of the Extractive Sector, 2013). Evans left the position in April of 2013, and it remains unfilled.

Most of the steam behind the CSR Centre for Excellence has also run out. The Centre was created “to help Canadian companies doing business around the world to improve their social and environmental practice and enhance their capability to address CSR in their operations,” focusing on the extractive companies operating abroad (Centre for Excellence, 2011). However, government funding to the Centre was cut in 2012 (Laverdière, 2013).

BCA states that the government will promote, for example, “CSR performance consistent with the IFC Performance Standards and the Voluntary Principles on Security and Human Rights” (DFAIT, 2009, p. 15). But what and how much can promoting a standard accomplish? In terms of the former, the International Finance Corporation already requires that companies adhere to their Performance Standards on Social and Environmental Sustainability in order to receive financing for projects with potential negative environmental or social impacts. In terms of the latter, the Voluntary Principles on Security and Human Rights—the only framework that directly addresses human rights in the extractive industries—does not ensure sufficient monitoring or oversight. Companies that agree to adopt the Voluntary Principles are not held responsible for non-compliance; progress reports submitted by participating companies are kept confidential, and there is no grievance mechanism for complaints (Ruggie, 2008). Adherents to the Voluntary Principles include Barrick Gold (which joined in 2010) and BP (which joined in 2000), both of which have been accused of serious human rights violations (Human Rights Watch, 2011; “BP violating human rights,” 2011). At the same time, given that frameworks such as the Voluntary Principles are—as the name suggests—voluntary, if they were to become more robust there would be nothing preventing corporations from quietly adopting a less burdensome CSR approach.

BCA does touch on host-country capacity-building to some extent, stating that natural resources in developing countries provide “an important path to their sustainable economic growth, job creation and long-term poverty reduction,” at the same time recognizing that “capacity challenges in implementing extractive sector strategies,
legislation and regulations that ensure investments and operations are socially and environmentally responsible; support the protection of human rights; and, produce sustainable benefits for communities and industry” (DFAIT, 2009, p. 5). However, five years later, numerous CTMEs remain embroiled in conflict.

2.4. Conclusion

The social and environmental risks posed by mining projects require care, planning, and oversight. Given the serious allegations against CTMEs and the lack of transparency and accountability in CSR practice, a CSR approach to CTMEs is insufficient. While some CSR strategies may lead to more sustainable and ethical business practices in some cases, as the participants in the CSR National Roundtable concluded, the Canadian government should intervene in a meaningful way in the international mining sector. In the next chapter, I outline my theoretical approach for analysing the Government of Canada’s communication about its CSR Strategy.
Chapter 3. Analytic Framework

Despite repeated calls for more robust regulation of CTMEs, Canadian corporate social responsibility practices are not monitored or regulated by government. As I will discuss in more detail in the next chapter, the Canadian government has instead attempted to entice businesses to become more socially and environmentally responsible and transparent by focusing on the benefits companies can attain by practicing CSR, while the ethical imperative for doing so receives comparatively little attention. This section outlines my critical-rhetorical approach to the analysis of policy communication. I will use this approach to document how government communication about CSR in the mining sector reframes problems previously viewed in terms of issues including environmental sustainability and indigenous rights in economic terms, eliminating through discourse the government’s role in ensuring that corporations behave ethically—or even adhere to minimum standards. In particular, my analysis of how CSR policy discourse can be understood in terms of epideictic and deliberative rhetoric will highlight contradictions between government’s policy communication and the limits of CSR policy and practice.

3.1. Why analyse policy communication?

When introducing new laws, policies, and programs, democratic governments are expected to provide clear and well-reasoned justifications for their decisions. The Government of Canada’s communications policy, published in 2006 and updated in 2012, outlines this commitment:

[T]he government has a duty to explain its policies and decisions, and to inform the public of its priorities for the country. Information is necessary for Canadians – individually or through representative groups or Members of Parliament – to participate actively and meaningfully in the democratic process. The public has a right to such information. (Treasury Board Secretariat, 2006/2012)
Where policy decisions are contentious, and even (as with the Canadian government’s approach to CSR) argued to be inadequate, policy communication provides governments with the opportunity to make the best possible case for their decisions. Although the Canadian government has committed to explaining its policies, this does not mean that its explanations are rhetorically, logically, or ethically adequate. In many cases, governments’ communication efforts are focused on persuasion rather than explanation or justification—an approach that tends to be counterproductive, eroding public trust in government discourse (Sanders, 2009).

Majone (1989) points out that policies can be determined by factors such as personal convictions that are unlikely to be presented to or accepted by the public as the primary justifications for those policies. When this occurs, arguments need to be developed “after the decision is made to provide a conceptual basis for it, to show that it fits into the framework of existing policy, to increase assent… and to anticipate or answer criticisms” (Majone, 1989, p. 31). Although it is not possible to know the exact chain of reasoning that leads individual public servants and politicians to a particular course of action, it is possible to gain a better understanding of a government’s reasons for a particular policy by considering, for example, external constraints and dominant ideologies, rather than merely accepting the rationales communicated to the public. As will be discussed later in this chapter, a critical-rhetorical analysis provides an ideal means both for assessing the quality of policy discourse and for considering how the context in which policy rhetoric is created shapes policy communication.

Communication is transformative not only in the sense that it can influence individuals’ beliefs and perceptions (Bandura, 2001; Lakoff & Johnson, 1980/2008; Shotter, 1994), but also in that it portrays events and social conditions in a particular way, reinforcing, altering, or undermining real-world systems and potentially leading to real-world changes—an insight reflected in the works of many scholars across disciplines (Bazerman, 1990; Burger & Luckman, 1966; Searle, 1995, 2010). Beliefs, ideologies, and social realities are shaped and entrenched through communication, which means that policy communication merits consideration.
At the same time, political ideologies inform discourse and action (see Van Dijk, 1998), and to varying degrees, ideologies are tacit—as is the way in which they inform policy decisions. For example, the point at which environmental risks are said to be unacceptable may be influenced in part by adherence to the values intrinsic to neoliberal ideology, such as prioritizing economic growth. In Canadian parliamentary debates, participants (i.e., Members of Parliament) are free to critique and question proposed policies and laws, and to call into question the beliefs, motivations, and facts that may have informed these decisions. In contrast, the government of the day determines how information about policies and laws is communicated to the public, both before and after they are passed, and how they and the social realities that inspired them are framed. For practical reasons, such as the need to make a policy and its rationale quickly and easily understandable, policy communication necessarily highlights particular aspects of a policy and its rationale while downplaying or ignoring others. For example, problems in Canada’s mining sector have largely been addressed in government policy communication in terms of economic implications, as will be discussed in greater detail in the following chapter. While no policy communication is neutral, the way issues and policies are framed in government communication merits attention.

Framing, the way that certain facts and ideas are organized and construed in texts to highlight certain aspects of reality and downplay others (Lecheler, de Vreese & Slothuus, 2009), has been shown in some contexts to influence audiences’ beliefs about particular issues, opinions about what should be done, and how important it may be to act (De Martino, Kumaran, Seymour & Dolan, 2006; Nelson & Oxley, 1999). Empirical research suggests that the influence of framing can persist over time (Lecheler & de Vreese, 2011), although issue framing is less likely to have an immediate impact in situations where audience members already hold an opinion about a particular issue or consider the issue in question to be important (Lecheler et al., 2009); framing effects also seem to be diminished following exposure to opposing positions in conversations that take place after exposure to framing (Druckman & Nelson, 2003). The psychological model of priming suggests that even in cases where individuals’ beliefs and opinions are not changed as a result of framing, exposure to framing “primes” audiences to later recall key messages (Chong & Druckman, 2007). As Lakoff (2010) suggests, “[a]ll of our knowledge makes use of frames,” and the neural link between language and frames can
be strengthened through repetition: “[S]ince language that is repeated very often becomes ‘normally used’ language, ideological language repeated often enough can become ‘normal language’ but still activate that ideology unconsciously in the brains of citizens and journalists” (p. 71–72). Although audiences may not agree that the framing of a particular issue accurately reflects reality, its repetition and subsequent recall can eventually reify new concepts, which in time come to be taken for granted as true, or at the very least, as legitimate definitions or perspectives (Lakoff, 2010).

Much of the research done on issue framing has looked at media effects. However, policy communication also frames issues in ways that support particular ideologies, and the arguments used to support ideological positions can be misleading. For example, the federal government’s news release announcing Building the Canadian Advantage, was less than transparent:

The new strategy was informed by consultations undertaken with a number of stakeholders, including the National Roundtables on Corporate Social Responsibility and the Canadian Extractive Sector in Developing Countries, as well as recommendations made by the former Standing Committee on Foreign Affairs and International Trade. (DFAIT, 2009)

While the strategy may have been informed by the Roundtable consultations, what’s missing from this account is that Building the Canadian Advantage discarded the suggestions from these bodies that could be expected to hold mining companies accountable—for example, by implementing an ombudsperson or by withdrawing government’s financial and insurance support from mining companies that are not compliant with Canada’s (never implemented) CSR standards (National Roundtables Advisory Group, 2007).

The way that governments define the problems that policies are intended to address also has significant implications for whether, when, and how those problems will be responded to (Rochfort & Cobb, 1994). As Vatz (2009) notes, “one of the paramount issues in rhetoric is the responsibility that the source of rhetoric has for the agenda he/she has chosen, and the interpretation of that agenda” (p. 4). In the case of CSR communication about the mining sector, is the problem negative environmental impacts and human rights violations? Harm to mining companies’ (or Canada’s) reputation? Are
there merely a “few bad apples” or is there an industry-wide crisis? Are problems caused by insufficient knowledge on the part of corporations or systemic failure due to limited host government capacity? Problems in the international mining sector are multifaceted, and have been defined and re-defined depending on context and goals. Nevertheless, as documented in the previous chapter, opposition parties in Parliament have highlighted serious problems in Canada's international mining sector, and government reports produced by the National Roundtables on CSR and by the Standing Committee on Foreign Affairs and International Trade have acknowledged the risks that Canada’s extractive sector brings to developing countries (Canada, 2005).

As will be discussed in more detail in the following chapter, in policy communication about CSR, the problem being addressed—that is, the reason Canada’s CSR policy was developed in the first place—has been reframed by government in more ambiguous and superficially neutral terms that obscure the underlying facts and focus on the benefits of CSR for companies—ostensibly, as a means of improving an already exemplary industry. Industry Canada, for example, recommends that businesses practice CSR primarily on the basis of its benefit to the bottom line. In the following sections, I will discuss how a critical-rhetorical lens can be used to explore how government has reframed problems in Canada’s international mining sector and has avoided dialogue about the government’s role in ensuring—as opposed to promoting—genuinely responsible behaviour on the part of CTMEs.

3.2. Critical discourse analysis

I am approaching my analysis from a critical social theory perspective, inasmuch as my purpose is both explanatory and normative (Horkheimer, 1937/1972) and is aimed at identifying and highlighting pernicious communication practices that help reproduce inequality. A critical social theory analysis is one that takes into consideration the social context in which texts are produced, focusing on whether and how discourse marginalizes certain groups and maintains unequal power relations, for example by making explicit the necessary but unstated premises (facts, beliefs, ideologies) that must be held in order to arrive at a particular conclusion (Martin, 2014). Understanding the extent to which policy communication effectively justifies (or does not justify) policy
decisions provides a starting point for analysing and critiquing both individual policies and government communication practices.

One of the criticisms of research informed by critical social theory is that it does not offer a practical or coherent strategy for addressing the problems it identifies, and indeed, specific recommendations for improvements to government communication practices, about CSR or in general, are outside the scope of this thesis. However, as Dant (2003) suggests, “[t]he praxis of critical theory is in its provocation to thought—thinking differently about the social world will lead to change in the way society is lived” (p. 160). Calling into question communicative practices that reinforce unequal power relationships is a necessary step in changing these practices. Critical theory helps accomplish this by highlighting latent biases and assumptions that uphold the status quo (Toth, 2009).

Critical discourse analysis (CDA), an application of the insights of critical theory to discourse analysis, is particularly well suited to this goal. CDA highlights the role of texts in creating and maintaining unequal power relations and is focused on better understanding and challenging social problems through the analysis of discourse (Van Dijk, 1993). For Van Dijk (1993), CDA “should deal primarily with the discourse dimensions of power abuse and the injustice and inequality that result from it” (p. 252). Aspects of power relations that CDA attempts to uncover include the way in which texts “naturalize” ideologies and obscure power relationships, for example, by highlighting figures of speech that represent particular ideas as “common-sense thinking.” When only certain voices are heard and come to constitute the dominant discourse, they become, as Hall (1988) puts it, “the horizon of the taken-for-granted: what the world is and how it works, for all practical purposes” (cited in McKerrow, 1989, p. 93). Once an ideology becomes “common sense,” it is less likely to be questioned (Gramsci, 1971, cited in Martin, 2014). In my analysis of CSR policy communication, I will examine both explicit and tacit positions and assumptions about, for example, the appropriate roles for government, the government’s expectations of businesses, and the purpose of CSR practices in Canada’s transnational mining sector. Given CDA’s focus on social change, methods of analysis are chosen based on their usefulness for the issue at hand (Van Dijk, 1993). As will be discussed in the next section, rhetorical analysis, conducted from
a critical perspective, is useful because it can highlight problematic features of policy communication.

3.3. Rhetorical analysis

This section will outline my approach to rhetorical analysis, which is informed largely by Aristotle’s *Rhetoric*. First, I will describe how Aristotle’s approach to rhetoric can provide insights when analysing policy communication. I will follow this discussion with an overview of two important features of the *Rhetoric*: rhetorical modes of persuasion and rhetorical genres. While the *Rhetoric* provides tools for analysing rhetoric, the situations for which Aristotle’s approach to rhetoric was developed are radically different from the contexts in communication about CSR is delivered today. Lloyd Bitzer’s (1968) concept of rhetorical situation provides a framework for considering the context in which policy communication about CSR has been produced.

3.3.1. Policy communication and Aristotle’s *Rhetoric*

Not only in modern but also in classical accounts of rhetoric, the term is often used as pejorative. Just as political or corporate communication today is often dismissed as “mere rhetoric,” Aristotle’s *Rhetoric* can be viewed as a response to criticisms of rhetoric that were prevalent during his lifetime. For example, in the comedy *Clouds*, Aristophanes satirizes rhetoric as a method employed by the Sophists—intellectuals-for-hire commonly employed by wealthy Athenians to write speeches used in political deliberations and in legal contexts—for its ability to prevent just outcomes (Nichols, 1987). In Plato’s *Gorgias*, Socrates argues that rhetoric can never be considered a true art (or *techne*) as rhetors can craft persuasive rhetoric without having a genuine understanding of the subject matter being discussed.

For Aristotle, rhetoric is in fact an art, and this is what makes Aristotelian rhetorical analysis a worthwhile pursuit. Rather than viewing rhetoric merely as the process or art of persuasion, Aristotle made a subtle distinction, and suggested viewing rhetoric as “the faculty of observing in any given case the available means of persuasion” (Aristotle, 1355b). This focus on rhetoric as a cognitive faculty and analytical
tool, in addition to the persuasive discourse that forms the product, is useful for the purpose of examining policy communication practices. As Garver (2006) notes, in the *Rhetoric* Aristotle also distinguishes between rhetoric as an art and as sophistry based on the idea that artful rhetoric focuses on internal ends (understanding the means of persuasion) and implies a limitation of means, whereas sophistical rhetoric is focused exclusively on external ends (persuading the audience), at whatever cost. For Lockwood (1996) and Garver (1994), Aristotle’s analogy of a doctor who treats a patient expertly but fails to heal her or him (Aristotle, 1355b) highlights Aristotle’s focus on praxis rather than persuasion as the ultimate goal, as “[p]resumably, it is possible to give a theoretically excellent speech even to those who can never be persuaded” (Lockwood, 1996, p. 57). Rhetorical analysis involves considering rhetorical processes with a view to documenting how arguments are made and what issues are given priority—in this case, how the Canadian government explains and presents its case for its CSR strategy. For Garver (1994), this distinction between means (or internal ends) is key when considering the *Rhetoric* as a guide for “legislators who need to understand the place of rhetoric in the polis” (p. 24).

In Plato’s *Phaedrus*, a more obscure criticism emerges: the concern that rhetors may convince their listeners to hold true (or untrue) beliefs, but that this cannot lead to real knowledge. For Plato, knowledge of immutable truths—or “first principles,” as Aristotle puts it—can only be acquired through the recollection of truths previously grasped by the soul in the world of forms, prior to incarnation in a human body. Recollection cannot occur through rhetoric alone; it requires philosophic discourse via dialectic. Rather than being aimed at uncovering foundational knowledge, the *Rhetoric* outlines what Aristotle considered to be the most effective methods for communicating and deliberating about aspects of political life—particularly with an audience of non-experts. That is, in contrast to Plato, who criticized rhetoric for its inability to lead to true knowledge, for Aristotle rhetoric was useful because it is in the “realm of the contingent” or probable (Gaonkar, 2008, p. 7): “Most of the things about which we make decisions, and into which therefore we inquire, present us with alternative possibilities…. [I]t is about our actions we deliberate and inquire, and all our actions have a contingent character…. ” (Aristotle, 1357a). Like Aristotle, I do not take the position that objective truths can be revealed through dialectic or rhetoric, but I do take the position that there is
both a place and need for well-argued policy deliberation and rhetorical discourse in communicating governments’ rationales for their decisions to citizens. For Aristotle rhetoric is a civic art, in which deliberation is central (Garver, 1994; Nichols, 1987), and it is from this perspective that rhetorical analysis provides insights when analysing present-day government policy communication.

Given the importance of deliberation to rhetoric for Aristotle, the *Rhetoric* opens with the assertion that “[r]hetoric is a counterpart of dialectic” (Aristotle, 1354a). But what exactly does this mean? The *Topics*, Aristotle’s primary work on dialectic, opens by defining dialectic as procedural method of reasoned argument in which interlocutors reason “deductively from reputable opinions (*endoxa*) about any problem… [and] when sustaining an argument, avoid saying anything self-contradictory” (Aristotle, cited in Spranzi, 2011, p. 14). In the *Topics*, Aristotle recognizes dialectic as either contributing or central to diverse practices, including scientific demonstration, the deduction of first principles, the training of mental faculties, and making informal discussions more productive. In the *Rhetoric*, Aristotle’s rationale for relating the dialectical and rhetorical is based on their functions: specifically, he defines both disciplines as an art or skill (*techne*), rather than science (*episteme*). Both dialectic and rhetoric are considered to be “faculties for providing arguments” and neither can tell us about any definite subject (Aristotle, 1356a). And while this may not have been Aristotle’s focus, developing the ability to argue on both sides of an issue does not simply provide a way to discover the “stronger” argument—it can also help cultivate the ability to simultaneously consider more than one viewpoint, allowing for the recognition of problems and values across perspectives (Meyer, 1994).

Brunschwig (1967) argues that for Aristotle, rhetoric performs the same practical function in civic discourse as dialectic does in “private, conversational, and dialogical discourse” (cited in Spranzi, 2011, p. 12). In deliberative rhetoric, *phronesis* (practical wisdom) is used to find the most pragmatic means of achieving a particular end. This is

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3 One of Aristotle’s primary philosophical projects, outlined in *Metaphysics*, was an attempt to use dialectic to understand and categorize first principles: immutable and universalizable truths that are known for the sake of knowing (i.e., that serve no immediately practical ends), and upon which scientific knowledge (*episteme*) could then be based.
relevant for modern communication scholars because, as Majone (1989) notes, policy analysis/formulation and policy communication can be viewed, respectively, as modern counterparts of dialectic and rhetoric. Both policy analysis and Aristotelian dialectic are based largely on evidence, necessarily entail uncertainty, and use arguments to reach persuasive conclusions. Like policy analysis, dialectic cannot prove anything (except in cases where it shows a particular premise or conclusion to be unfounded), but an understanding of dialectical principles can help create strong arguments. Behind the scenes, policy argumentation and dialectic both begin from (ideally) plausible premises, including values and *endoxa* (a term that refers to expertly vetted opinions in dialectic), but also *doxa*, which includes assumptions, opinions and beliefs which may or may not be shared by the audience. Analysing the dialectical components of rhetoric entails, for example, analysing the acceptability of premises or soundness of arguments, with a view to identifying and refuting unconvincing arguments that make rhetoric less persuasive. However, under Aristotle’s schema, the degree to which rhetoric overlaps with dialectic varies depending on the rhetorical genre and the persuasive techniques employed. With this in mind, I will briefly sketch the components of Aristotle’s concept of rhetoric that I will use to analyse Canada’s CSR policy communication.

### 3.3.2. Modes of persuasion: Ethos, logos, and pathos

Analysing texts in light of Aristotelian rhetorical genres requires a brief explanation of the three modes of persuasion identified in the *Rhetoric*: *ethos* (the speaker’s character), *pathos* (emotional appeals that aim at “putting the audience in a particular frame of mind”) and *logos* (logical and evidentiary “proof, or apparent proof, provided by the words of the speech itself”) (Aristotle, 1356a).

The use of *logos* was a particular area of interest for Aristotle. As the rhetorical mode central to reasoned argument, *logos* is associated primarily with deliberative (or political) rhetoric and forensic (legal) rhetoric. Johnstone (1980) argues that *logos* encapsulates the concept of practical wisdom, which for Aristotle entails “discovering through deliberation ‘truth’ about rightness in action… to determine the true or best means of desired ends” (p. 3). In rhetorical discourse, *logos* is supported through the rhetorical counterparts of the fundamentals of dialectical reasoning: induction and
syllogism. Induction, which entails providing sufficient evidence (e.g., expert testimony or eyewitness account) to reach plausible conclusions, Aristotle refers to in the *Rhetoric* simply as “examples” (1356b). A syllogism, a deductive argument in which the conclusion is necessarily true provided all premises are correct, finds its rhetorical counterpart in the enthymeme, which is explicitly described by Aristotle as a rhetorical syllogism (1356b). The enthymeme was for Aristotle the “substance of rhetorical persuasion” (1354a), which highlights the importance Aristotle placed on rationality in efforts to persuade. The enthymeme differs from a syllogism in that it is not a “complete” argument; it is missing premises that do not ultimately affect the logic of the argument, as it can be assumed these premises will be understood and accepted by the audience (Bitzer, 1959). Aristotle advised that rhetorical proofs be presented in a manner that is less complex than in dialectic, and suggests that in an enthymeme, if a proposition can be considered a “familiar fact, there is no need even to mention it; the hearer adds it…” (1357a). This appears to be largely a practical (and perhaps obvious) piece of advice, as Aristotle clarifies that lengthy chains of syllogistic reasoning are difficult for most people to follow. For Bitzer (1959), a skilled rhetorician uses the enthymeme to forge a relationship with her audience through the process of co-producing meaning, resulting in “the strongest possible proof” (p. 408). In contrast, Aristotle’s example of a proposition that should be eliminated in an enthymeme is one that seems entirely benign, meriting little attention:

...to show that Dorieus has been victor in a contest for which the prize is a crown, it is enough to say ‘For he has been victor in the Olympic games,’ without adding ‘And in the Olympic games the prize is a crown,’ a fact which everybody knows. (Aristotle, 1357a)

While missing implicit premises did not appear to be a concern for Aristotle, a critical-rhetorical perspective necessarily questions the extent to which it is appropriate or misleading to abridge arguments to create more compelling (or less controversial) rhetoric. As McGee (1990) points out, the enthymeme is rooted in doxa, culturally specific knowledge and beliefs. Doxa includes presumed facts thought to be common sense that have not necessarily been subjected to scrutiny. Because all discourses rely to some extent on doxa, texts necessarily “presuppose taken-for-granted cultural imperatives...” (McGee, 1990, p. 281). But while enthymemes and doxa are a necessary part of rhetoric, they can, for example, inadvertently conceal assumptions or purposefully
suppress premises, thereby contributing to the rhetorical (that is, persuasive) power of a text—however illegitimately, from a logical, ethical, or dialectical perspective. In cases where a hidden premise or ideology, if stated, would detract from the persuasiveness of an argument, “we can infer that the discourse derives its rhetorical power more from the silence of the cultural imperative than from the imperative itself” (McGee, 1990, p. 281). For example, an enthymeme might make the case that a particular policy will save money, and thus should be chosen. In order for the argument to be intelligible, the audience must fill in the logical gap with the suppressed premise, “we should choose the policy that saves money.” The unstated premise or ideology may be familiar enough to be accepted provisionally (consciously or unconsciously) for the sake of following the argument, but rejected if featured prominently. Considerations outside the logical structure of the enthymeme, such as the purpose of the policy, may also go unstated if they detract from the argument.

Doxa can be problematic when assumptions that could (or should) be disputed remain unstated or when rhetoricians rely on premises that are unsubstantiated. Aristotle cautioned against building an argument based on premises that are not proven or generally accepted to be true, on the basis that such an argument is unlikely to be accepted by the audience (1357a). However, from a dialectical perspective, misleading premises are intrinsically problematic, and arguments based on this type of premise are unsound. From a CDA perspective, it is crucial to highlight and challenge misleading premises. Locating missing premises—and considering what their effect might be if stated outright—can be central to understanding what assumptions must be held in order for the conclusions drawn to be persuasive. In political discourse, enthymemes can stimulate or repress action and debate around normative ethical responsibilities; considering their use can help us evaluate the adequacy of policy argumentation.

In rhetoric focused on political life—deliberative rhetoric—ethos and pathos have a more limited (but not absent) function. Much of the appeal and usefulness of Aristotle’s approach to rhetorical analysis stems from the emphasis on ethos; the character of the rhetor matters both as a means of making rhetoric more persuasive, serving as the “controlling factor in persuasion” and the differentiating factor between rhetoric as a civic
art practiced according to internal standards and what Garver (2004) calls “professional rhetoric,” which seeks foremost to please and persuade its audiences.

In *epideictic* (praise or blame) rhetoric, persuasion is effected primarily by pathos and ethos rather than logos. With regard to pathos (emotional appeals), by Aristotle’s account a just approach to speechwriting would ideally entail avoiding purposefully stirring negative or positive emotions, instead relying on “the facts themselves” (Aristotle, 1404a). A consideration of pathos includes evaluating whether a text seems designed to manipulate its audience through, for example, faulty argumentation that plays on the emotions. When writing about controversial matters, rhetoricians may attempt to avoid arousing negative emotional responses, such as anger. This is not to say that rhetoric that evokes an emotional response is necessarily antithetical to reason. For Aristotle, emotions are often cognitively linked to beliefs (e.g., someone may be angry or afraid that a proposed course of action will escalate a situation to violence), and because rhetoric can persuade audiences to hold new beliefs, emotional responses to rhetoric can be rationale responses (Fortenbaugh 1975/2002). As Livingstone (2012) argues, visceral reactions play an important role in politics, and “the kinds of understandings that provoke disgust are part of a lifeworld that reproduces itself through the exchange of reasons” (p. 288).

In the case of ethos, rhetoric relies on the character of the speaker (Aristotle, 1356a). Much of the appeal and usefulness of Aristotle’s approach to rhetorical analysis stems from the emphasis on ethos; the character of the rhetor matters as a means of making rhetoric more persuasive, serving as the “controlling factor in persuasion” (1356a). Ethos is also the differentiating factor between rhetoric as a civic art practiced according to internal standards and what Garver (2004) terms “professional rhetoric,” which seeks foremost to please and persuade its audiences (p. 50). Fortenbaugh (1992) notes that Aristotle’s conception of the role of ethos was of “persuasion through character that does not aim at working an emotional effect. It aims at giving the unemotional and impartial auditor good reason for paying attention and possibly deciding in favor of the speaker” (p. 228). This should be contrasted with well-known rhetors of Aristotle’s time, who linked ethos with pathos, suggesting that emphasis on a speaker’s character might stir the emotions in order to persuade (Fortenbaugh, 1992). Instead, for
Aristotle, a persuasive ethos requires the perception that the rhetor has “good sense, good moral character, and goodwill” (1378a). In terms of CSR, corporations’ CSR reporting is arguably deficient in these areas as corporate rhetors lack ethical agency; instead, the primarily motivation for CSR reporting are reputational (L’Etang, 1994), and as a result persuasion through ethos seems implausible. Because the end goal of CSR (i.e., improving reputation) is predetermined and self-interested, this necessarily diminishes ethos. However, despite the fact that corporations are overtly self-interested, public trust in government is in fact lower than in businesses overall, and CEOs tend to rank above government officials as a trusted source of information (Edelman, 2013). This difference even holds in terms of perceptions of ethics. While trust in both businesses and government is low, businesses are believed to be more likely to “solve social or societal issues”; “make ethical and moral decisions”; and to “tell you the truth regardless of how complex or unpopular it is” (Edelman, 2013).

As is the case with corporate communications, in policy communication, there is likewise often no individual speaker. Instead, policy communication may be conflated with policy per se, and understood as a direct transposition of the key arguments that have emerged through an objective, though perhaps politically informed, policy analysis process. The credibility of policy communication is based, to some extent, on the credibility of the government of the day. One means of considering ethos is to consider the extent to which the speaker attempts to rely on or bolster their organization’s reputation or the extent to which an audience might expect a text’s source (in this context, the government) to be publishing facts that are true and well-argued.

Examining the ways government policy communication employs or relies on any mode of persuasion can help elucidate important rhetorical features, such as whether the evidence provided is sufficient or whether there is an overreliance on authority or emotional appeals. In the next section, I will outline Aristotle’s three rhetorical modes: epideictic, deliberative, and forensic rhetoric.
3.3.3. Rhetorical genres: Forensic, deliberative, and epideictic

Given my contention that deliberative rhetoric, with its integral use of logos and ethos, is the most appropriate means developing appropriate and persuasive policy communication, in this section I will outline Aristotle's tripartite division of rhetorical genre, laying the groundwork for my analysis of whether and how government policy communication about CSR aligns with the epideictic and deliberative genres. I will then discuss the usefulness of rhetorical genres in analysing CSR policy communication.

Overview

Aristotle classified rhetoric into three genres, which provide a valuable framework for examining and highlighting contradictions in government communication about CSR: forensic, deliberative, and epideictic rhetoric. Forensic rhetoric deals with making judgments about past actions, is typically delivered in legal contexts (e.g., before a jury), and either accuses or defends (Aristotle, 1358b). Deliberative rhetoric builds a case to convince members of the polis that a certain future course of action is correct. Epideictic rhetoric takes the form of a ceremonial address or pamphlet (Rountree, 2001), assigns praise or blame, and is present focused (Aristotle, 1358b). But while Aristotle points to differences between the genres in terms of the ends, audience role and response, style of argumentation, and rhetorical content, pinning down exactly what “counts” as epideictic, deliberative, or forensic rhetoric is by no means straightforward.

According to Aristotle, deliberative and forensic rhetoric both have clear external ends (e.g., respectively, to ensure that policy X is chosen or to ensure that person X is found guilty or innocent of a particular crime). In contrast, an epideictic rhetorician’s intentions may be largely benign, for example, in the case of a perfunctory ceremonial occasion. On the other hand epideictic rhetoric may, for example, include a furtive attempt to compel an audience to hold particular beliefs.

For many scholars, the significance of epideictic rhetoric is rooted in its social function. According to Balot (2013), epideictic rhetoric was the site wherein the rhetorician attempted to instill in the public a particular ethos, and the genre was used in Athenian society to construct the “discursive foundation upon which a regime could be
organized and upon which its self-image could be constructed” (p. 277-278). Similarly, for Perelman and Olbrechts-Tyteca (1958/2008), the genre “strengthens the disposition towards action by increasing adherence to the values it lauds” (p. 50). More recently, epideictic rhetoric has been identified as the genre used, for example, in 19th century dictionaries, wherein definitions served a prescriptive function, upholding and reinforcing cultural norms (Ramsey, 2013). For Beale (1978), reinforcing values is an implicit function of the epideictic genre, but what distinguishes it primarily from forensic and deliberative rhetoric is that it is performative. The goals and potential accomplishments in the epideictic genre go beyond providing reasons for possible actions or judgments; epideictic rhetoric actually participates in the situation it refers to (Beale, 1978). Rather than attempting to defend a position, the goal is to “subsume [the audience] to a larger cause, appealing to the loyalties, pride in, and obligations owed to the entire community” (Beale, 1978, p. 225). Hauser’s (1999) position is complementary to Beale’s, arguing that epideictic rhetoric serves a didactic, as well as persuasive, function; the rhetorician attempts to instruct and instill moral norms that are not necessarily inherent in the action itself being praised, but that emerge as qualities highlighted as important by the rhetorician.

Epideictic rhetoric can also be identified by examining the expected role of the audience in contrast with those of deliberative and forensic rhetoric. Because of their end goals, deliberative and forensic rhetoric were necessarily open for discussion, and require action from the audience—casting a ballot, for example—following what they have read or heard. Epideictic rhetoric, however, lacks form or content conducive to debate, and in classical epideictic rhetoric, audiences were not directly encouraged to act. Rather than active participants in a political process, they were spectators (Rountree, 2001).

Conley (1979; see also Lockwood, 1996) argued that Aristotle’s three rhetorical genres were not developed based on an observed set of patterns or rules consistent within each genre, but rather follow directly from three different types of audiences assembled for distinct purposes and with distinct expectations.

[R]hetorical genre can better be thought of as a congeries of expectations which the audience brings to the occasion. In fact, it would probably be
accurate to say that, in the *Rhetoric*, “genre” is a function of the conditions of the reception of the work rather than anything distinctive of the work itself. (Conley, 1979, p. 47–48)

This insight will shape my analysis. Aristotle does hold that rhetoricians develop speeches based on their audience, which ultimately determines each speech’s “end and object” and which of the three genres it will be designed to correspond with (Aristotle, 1358a). However, the incompatibility between audience expectations of government communications about CSR (that it will consist of deliberative rhetoric) and what the government has actually delivered (largely consistent with the generic properties of classical epideictic rhetoric) makes documenting the epideictic aspects of policy communication a worthwhile pursuit.

While epideictic rhetoric is not a call to action, it is nevertheless designed to be persuasive. However, its persuasiveness is of a different order from that of forensic and deliberative rhetoric, and it can be differentiated from them in terms of the content and style of argumentation, and the structure of techniques. Both forensic and deliberative rhetoric include an emphasis on constructing credible arguments. In the case of forensic rhetoric, the goal of successfully prosecuting or defending someone is done by “establishing the justice or injustice of some action” (Aristotle, 1358b). In the case of deliberative rhetoric, for instance, where the goal is urging members of the polity (specifically, in Aristotle’s case, the Athenian General Assembly) to “accept or reject proposals for action,” this is done by “establishing the expediency or the harmfulness of a proposed course of action,” based on factors including whether the proposal is (e.g.) just or harmful (Aristotle, 1358b). In contrast, in the epideictic genre, the goal and style of argumentation are one and the same: rhetoricians “develop [their] case mainly by arguing that what has been done is, e.g., noble and useful. The facts themselves are to be taken on trust; proof of them is only submitted on… rare occasions” (Aristotle, 1417b). This is accomplished through the “amplification” of a subject’s positive qualities and actions (Balot, 2013). For example, Aristotle notes praise is more effective when successes are attributed to skill rather than luck, and by emphasizing that the subject of an epideictic speech has accomplished something utterly unique or rare “or that he has done it better than anyone else” (1368a).
As Garver (2009) suggests, the deliberative genre in particular offers practical value in that it “tells us what rhetoric should and can be” by emphasizing both politics and logical reasoning as fundamental to persuasive rhetoric (p. 18). While deliberative rhetoric relies on logos, building arguments through the use of enthymemes and examples, epideictic rhetoric is aimed at instilling the belief that the subject of praise possesses positive characteristics without relying on explicit argumentation (Sullivan, 1993). In Book II of the *Rhetoric*, Aristotle outlines logically inadequate arguments, such as the spurious enthymeme, in which a conclusion is asserted as though it was the result of a reasoning process, although no such process has occurred (1401a), or in which causal connections are assumed but not proven (1401b). With regard to persuasive epideictic rhetoric, for instance, Aristotle notes that rhetoricians may mislead audiences by listing “coincidences and accidents” as though they were intended such that the audience attributes positive qualities to whomever incidentally or accidentally acted constructively.

The root of epideictic—*epideixis*—refers to speeches crafted for display or competition, and the epideictic genre is often typified by stylistic elements. Sullivan (1993) emphasizes the genre’s poetic and literary qualities, pointing to its origins in religious rites, while Aristotle says the epideictic genre “is the most literary, for it is meant to be read” (1414a). The stylistic features of epideictic rhetoric can imbue the rhetor with the authority to state opinion as facts, without reference to evidence or appeals to experts (Sullivan, 1993). And since the epideictic genre’s goal is not only to explicitly commend a person (or institution) but also to increase the audience’s esteem for the rhetor, a rhetorician’s success at gaining support for endorsed beliefs and values depends largely on the audience’s perception of his or her own character, or ethos (Sullivan, 1993). When delivered by a government or other secular power, both modern and classical epideictic rhetoric rely on the perceived (legitimacy of the) authority of the speaker, whether or not the text itself has compelling literary qualities.

*Applying classical rhetorical genres to modern discourse*

So what is the modern relevance of these classical rhetorical genres and their contexts, and what are the potential pitfalls of applying them in our own context? As
Conley (1979) cautions, a reliance on classical genres in rhetorical analysis can translate to “tiresome and useless taxonomies that seem to draw critics farther and farther away from the objects of their critical attention” (p. 47). Given my purpose in this thesis, Conley’s criticism needs addressing. It is true that genre claims based on an Aristotelian framework are too general to be directly applicable today (Miller, 1984). However, as Miller (1984) points out, an Aristotelian approach to “[g]enre study is useful not because it might permit the creation of some kind of taxonomy, but because it emphasizes some social and historical aspects of rhetoric that other perspectives do not” (p. 151). For Miller (1984), and for my purposes, applying genre analysis to contemporary texts serves to highlight unique aspects of those texts, such as the role of the audience or the problem being addressed (Miller, 1984). Mohramn and Leff (1974) argue that a focus specifically on genre reinvigorates Aristotelian rhetorical analysis, allowing for more abstract consideration of rhetorical elements—including audience and situation—which prevents “neo-classical tyranny” (p. 465). Among scholars in the “new” rhetoric, a tradition which seeks to reclaim classical rhetoric through a focus on audience, context, and ideology, as well as a rejection of positivism, genres are socially constructed, “temporarily stable, yet flexible responses to recurring rhetorical situations” (Grubber, 2013, p. 31). An analysis of genre against these recurring inherent patterns “locates the abstract rhetorical problems confronting the speaker and points to an intrinsic standard for judging a particular kind of discourse” (Mohramn and Leff, 1974, p. 463). While deliberative rhetoric is the rhetorical mode that could ostensibly be expected in political discourse, much of Canada’s communications about CSR can be equally or more accurately viewed as epideictic rhetoric, as I will document in the next chapter. In this sense, the fact that Aristotelian rhetorical genres do not offer a rigid system for generic classification increases their applicability to modern discourse.

Modern government rhetoric encompasses many communicative acts by many (government) entities for many purposes in many contexts, and as such could not be expected to fit wholly with any genre (modern or classical). For example, Mohramn and Leff (1974) argue that it is senseless to consider modern forms of persuasive political discourse, such as campaign oration, to be epideictic “since the speaker’s goal is to effect a decision, and listeners are asked to judge, not merely to sit as spectators” (p. 464), arguing that a new genre of “campaign oratory” is needed. In the same way, policy
communication could arguably be said to have a more explicit political function than epideictic rhetoric does in its traditional conception, since the audience will, eventually, have the opportunity to vote against the government of the day if they are dissatisfied with the policies being communicated. In both campaign oratory and policy communication, a decision will ultimately be made. However, the role of the audience in relation to this decision is still widely debated. Judgment is a key characteristic of rhetoric for Aristotle, and while epideictic audiences were not called upon to immediately judge in the same way as deliberative or forensic audiences, they arguably did judge the persuasiveness of epideictic rhetoric (Rountree, 2001). According to Harpine (2004) although the epideictic genre is not oriented toward an audience making an immediate decision, "it might nudge an audience toward a way of thinking" (p. 18). Thus, there's nothing inherently contradictory about examining modern discourse in ways that cut across the grain of Aristotelian genres; as Aristotle acknowledges in Book 1 of the Rhetoric, elements from each genre can be found in the others. And as Miller (1984) argues, there is considerable overlap between classical rhetorical and contemporary texts.

In recent years, epideictic rhetoric has been identified as playing a constructive role in numerous modern public discourses: for example, as necessary for sustaining mutual respect and tolerance in multicultural societies (Danisch, 2008) and, further, for its revolutionary potential, as promoting new ways of seeing things can challenge the predominant values and culture (Richards, 2009). However, the social role of the epideictic genre is not without criticism. According to Vivian (2006), neoliberal epideictic rhetoric consists "of seemingly nonpolitical speech intended to annul the myriad cultural, political, and economic disparities," and is increasingly a part of civic ceremonies, as well as other discourses (p. 8). Epideictic rhetoric has also been identified as the primary genre in greenwashed or otherwise hypocritical corporate communications (Bostdorff & Vibbert, 1994; Crable & Vibbert, 1983) and as playing a role in deflecting much-needed criticism against the Iraq War (Bostdorff, 2011).

The epideictic genre has enduring appeal for politicians because it facilitates subtle attempts at persuasion (Bostdorff, 2011; Bostdorff & Vibbert, 1994). Audiences are unlikely, Bostdorff argues, to expect a public policy position to be embedded in a
public ceremony or eulogy. When audiences are not anticipating attempts to alter their values, their “defenses may be down, making them more open to epideictic rhetoric and the deliberative directions that it supports” (Bostdorff, 2011, p. 297). But while many rhetorical scholars have looked at the epideictic in areas like political speeches (Bostdorff, 2011; Harpine, 2004) and corporate advertising (Blakely, 2011; Crable & Vibbert, 1983), each of these discourses has in common the audiences’ expectation that this discourse will be celebratory or promotional. In the context of policy communication, why consider epideictic rhetoric, when deliberative rhetoric is the expected form? Canada’s CSR policy communication could be expected to be deliberative in the sense that one of the purposes is to secure buy-in from mining companies, industry associations, NGOs, host country governments and citizens, and the Canadian public. However, as Bostdorff (2011) puts it, the epideictic appeals to political leaders because “it persuades on deliberative questions without seeming to do so” (p. 297).

As will be discussed further in the next chapter, while government CSR communication is deliberative in that it is attempting to persuade mining companies that CSR is good for business and citizens that CSR is good for the Canadian economy, it is epideictic in that it is primarily celebratory in its messaging to industry groups, Canadian citizens, NGOs, and citizens and governments of countries that host Canadian mining companies. In a political and government communications environment in which Canada’s Conservative government increasingly portrays its strategies and policies triumphantly, as reason for celebration rather than deliberation or critical thought, it is worthwhile to consider the extent to which policy communication about CSR qualifies as epideictic rhetoric. For example, a recent 400-word press release about International Trade Minister Ed Fast’s 2013 speech outlining Canada’s CSR Strategy Canada fails to even hint at challenges in the mining sector, declaring Canadian mining companies to be “world leaders” no less than three times: “Canada’s mining sector—which employs more than 300,000 Canadians—leads the world in responsible mining practices”; “Canadian mineral exploration and development companies are leaders in CSR programming”; “Canadian companies are world leaders in corporate social responsibility and are involved in projects around the world” (DFAIT, 2013b).
3.3.4. Bitzer’s rhetorical situations

While Aristotle’s *Rhetoric* provides an effective tool for analysing government policy communication, Bitzer’s (1968/1992) concept of the rhetorical situation provides a useful framework for examining the context in which Canada’s response to problems in the international mining sector has occurred. According to Bitzer, a rhetorical situation—the context in which rhetorical discourse takes place—is a necessary condition for the existence of rhetorical discourse. A situation can be considered rhetorical, according to Bitzer, if perceived problems can be eliminated or diminished through discourse. Specifically, a rhetorical situation is a complex of persons, events, objects, and relations presenting an actual or potential exigence which can be completely or partially removed if discourse, introduced into the situation, can so constrain human decision or action as to bring about the significant modification of the exigence. (Bitzer, 1968/1992, p. 3)

Bitzer focuses on three constituent parts of the situation: the exigence, the audience, and the constraints influencing the rhetor. For example, in terms of mining companies’ CSR programs, the primary exigence is to persuade governments, shareholders, and other stakeholders that the company is acting ethically; the audience includes anyone who might read or be influenced by their CSR reporting; and the constraints on the rhetor could include the directive to portray a positive image, fulfill certain reporting requirements, and so on.

For Bitzer, an exigence is an urgent problem “which strongly invites utterance” (Bitzer, 1968/1992, p. 5). Arguably, the primary exigence for the Canadian government in relation to challenges in the international mining sector is a concern for legitimation through public opinion, rather than the mitigation of corporate harms. In order for an audience to be part of the rhetorical situations, audience members must be capable “of being mediators of change” (Bitzer, 1968/1992, p. 8). While mining companies and citizens are certainly capable of changing their CSR practices, the extent to which policy communication encourages this is debatable. Other audience members, such as individual Canadian citizens, have considerably less power to bring about potential changes. The constraints on the rhetor include, but are not limited to, an increasingly promotional approach to communications in which government expends considerable
efforts to ensure that government officials and staff stay “on message” (Gutstein, 2014; Maher, 2011).

When a problem or social issue arises, there are multiple rhetorical situations, not a single situation. The circumstances that are understood by the rhetor to constitute an exigence may also be poorly understood or even contrary to reality (Bitzer, 1968/1992), and I would argue are ultimately unknowable. In the case of a mining company polluting local waterways, the primary exigence may be the harm done to wildlife, reduced usability of farmland, or the threat of reduced profits for the company, perhaps as the result of environmental fines or loss of social license. In this hypothetical situation, the mining company’s interpretation of the exigence may or may not be discernable if it chooses to address the exigence(s) rhetorically. For example, a CSR report focused on increasing transparency around carbon emissions may be motivated by a desire signal that the company should be reinstated in a sustainable investment funds or may be part of an effort to foster a more sustainable corporate culture. CSR programs also include both real-world actions and purely rhetorical attempts to promote (in, for example, the mining industry) the benefits of particular programs, mines, or the industry in general.

Rhetorical exigences are also often determined as the result of external pressures. Problems are identified and government agendas are set as the result of rhetorical acts, including media reporting (Cook et al., 1983; Walgrave, 2008) and lobbying (Austen-Smith, 1993; Berger, 2001; Yackee, 2012). Governments of course will not take action on all issues that make it onto their agendas, but at the same time, whether or not politicians and policymakers consider a situation to be problematic or worth addressing in and of itself, constituents’ belief that a problem exists puts governments in a position where they do not wish to be viewed as “doing nothing” (Coombs & Holladay, 2011). In these cases, problems may be addressed rhetorically, either exclusively or in part, and rhetoricians may attempt to frame and resolve the exigence on their own terms. For Bitzer (1968/1992) a work of rhetoric is pragmatic; it functions ultimately to produce action or change in the world; it performs some task… rhetoric is a mode of altering reality, not by the direct application of energy to objects, but the creation
of a discourse which changes reality though the mediation of thought and action. (p. 3)

Vatz (1973) has argued that Bitzer's rhetorical situation is fundamentally rooted in a “realist philosophy of meaning” (p. 154) that assumes an objective determinable reality in which we can locate discrete exigences to which rhetoric then responds, with the goal of at least partly resolving or reducing the exigence. This perspective, according to Vatz, ignores the socially constitutive role of rhetoric. Instead of rhetoric responding to problems, rhetoric actually shapes and defines them; it is through rhetoric that we come to view a set of circumstances as an exigence. However, this criticism may not be entirely fair, since according to Bitzer, the components of a rhetorical situation include not only “objective, real, historic and observable or detectable” facts, but also “attitudes, beliefs, perspectives, aspirations, [and] values” (Bitzer, cited in Tompkins et al., 1981, p. 101). Rhetoric is always responding to “something,” but exactly what that something is is open to interpretation. That is, an exigence may be informed by particular events, but it is also interpreted through and ultimately mediated and defined by rhetoric, based on the particular goals and understanding of the rhetorician.

In terms of the Canadian government's policy communication about CSR, a consideration of how epideictic and deliberative rhetoric are employed in a given rhetorical situation can demonstrate how problems that prompted the formulation of CSR policy (that is, serious allegations against Canadian mining companies) have been reframed (as the problem of improving Canadian businesses profitability), seemingly with the ultimate goal of rhetorically reducing criticisms against CTMEs, thereby eliminating the need for concrete action.

3.4. Legitimation as a constraint and a controlling exigence

Policy communication also plays a role in establishing legitimacy. A government’s legitimacy, or right to authority, can be understood in several ways, and opinions differ about the conditions that must be met for a government to be considered legitimate. According to Lipset (1960), a government can legitimate itself superficially by creating the perception that it holds the same values as the public (cited in Ninalowo,
Conversely, for Stillman (1974), legitimacy is best measured by considering whether its laws, policies, and communication are genuinely consistent with the public’s key values. According to this definition, validity and public opinion are distinct spheres. For Habermas (1973/1975), legitimation requires public participation: policy is legitimate if it is based on the collective will of citizens, determined through non-hierarchical discursive reasoning. In practice, the government typically legitimates policy decisions discursively, after policy decisions have been made; communication is thus focused primarily on justifying policies already selected. As Dean (2009) asserts, the belief that decisions in the marketplace accurately reflect consumers’ needs and approval has transferred to the mainstream concept of political legitimation, making electoral outcomes the unique determinate for the legitimacy of government. Whether or not citizens are involved in the policy making process, reliable communication is critical for its role in informing citizens and media about new policies and the government’s rationale for their implementation, and policy justifications can be more or less appropriate. Government communication provides two key opportunities: an opportunity to legitimate policies discursively and an opportunity to influence whether citizens will support the current government for re-election.

Rose (2000) documented the increasing use of advertising by the Canadian government, looking specifically at ad campaigns that are defended as necessary for informing the public yet in practice seem to focus primarily on improving the public’s perception of various policies. Through a discourse analysis examining a 1990s ad campaign launched when support for the Goods and Services Tax (GST) was low, Rose found that ads tended to focus on features of policy anticipated to be perceived as most attractive individuals (such as GST rebates) rather than on the government’s reasons for instituting the new tax. Rose (2000) argued that this type of advertising has “debased the relationship governments have had with citizens by reducing complex issues of public policy to 30-second sound bites… it discourages a genuine conversation about the merits of government actions. It is very difficult to converse with an advertisement…” (p. 2-3). Since then, the Canadian government has developed an increasingly defensive approach to communications. A former public servant at the Privy Council Office during the Harper Administration reported that the office “discussed every single issue and micromanaged every news release – everything” (“PMO holds grip,” 2010). This
approach has also been documented by journalists who have complained about the shift from open-ended interviews under the Liberal government to email-only responses from Conservative politicians and senior public servants (Maher, 2011). Two re-brandings of the Government of Canada—“Canada’s New Government” and the “Harper Government”—similarly demonstrate an obsessive focus on controlling all aspects of image; a public servant who was critical of attempts to enforce the use of the title “Canada’s New Government” was fired in 2006 (Cheadle, 2011).

Communicating in the public service thus increasingly seems to be an exercise in public relations. And as the CEO of a public relations firm put it, in the PR world there are few choices when asked to communicate in dubious circumstances: “PR practitioner[s] must decide whether to abandon their ethics and bend to unscrupulous management, or to leave the organization” (Kim & Reber, 2008, p. 340). These problems are not restricted to Canada, and as a result, government communication in general tends to be viewed sceptically by the public. The UK Secretary of the Office of Public Service Robin Mountfield argued that the politicization of public communication regarding the government’s policies and services had eroded the public’s trust: “‘spinning’ has so far overreached itself that it has become almost counter-productive” (cited in Sanders, 2009, p. 86). The UK officially mandates political neutrality in the public service, and is one of the few countries that, like Canada, does not make political appointments to top-level positions in the public service (Sanders, 2009). In 1998, the UK’s Select Committee on the Public Administration (1998) advised that although “it is difficult to avoid some advantage naturally accruing to the Party in power from the use of public money to present the Government’s policies in their best light,” it would be improper “to expressly to advocate policies as those of a particular political Party,” ultimately requesting that Government Communication and Information Service explain how it “distinguishes between legitimate activity on behalf of the Government and activity which could unduly advantage the party of government” (sec. 25). In Canada, the positioning of policies as political advertising has become standard. In 2011, a search for the phrase “Harper Government” for the year 2011 on the government press service, the Canada News Centre, brought up 522 hits. These articles celebrated the work of the Conservatives: On December 22, 2011, the “Harper government announce[d] faster, more convenient air travel to the United States for passengers and their baggage”
(Transport Canada, 2011), and on November 25, 2011, the “Harper Government [took] action to support jobs and growth” (Department of Finance Canada, 2011).

This explicit politicization is related to the rhetorical situation in two ways. First, it suggests a state of perpetual campaigning in which policy communication is designed to promote rather than engage. That is, it is concerned with procedural legitimation via reelection rather than discursive reasoning. Second, this approach entails a lack of autonomy for public servants, who seem less able than ever to remain politically neutral as government communications within Canada increasingly constitute a strictly managed exercise in public relations. This is arguably a powerful constraint, limiting the potential of both public servants and politicians from discursively legitimating policy.

3.5. Content analysis

In addition to a conducting a critical-rhetorical analysis of government policy communication, my analysis will include key results from a quantitative content analysis of government CSR communication. As Krippendorff (2004) points out, “texts do not have independent meanings that can be ‘found,’ ‘identified,’ and ‘described’ for what they are” (p. 22). The analysis of discourse becomes useful and coherent when considered both within context in which it occurs (McGee, 1990) (through qualitative analysis) and in accordance with a consistently applied analytic framework (Krippendorff, 2004). Content analysis provides a useful means for summarizing trends in texts, corroborating findings, and—like qualitative discourse analysis—is useful for studying sensitive topics in which it may be difficult to find appropriate interview subjects.

According to Krippendorff (2004), content analysis is a scientific tool that should be reliable, replicable, and open to scrutiny. For Neuendorf (2002) as well, content analysis has a place within the scientific method. Neuendorf suggests that in order to be valid, the research design for content analysis must be determined deductively—prior to examining texts. According to Neuendorf, (2002), “[t]oo often, content analysis involves choosing and measuring variables after the messages were observed. This wholly inductive approach violates the guidelines of the scientific endeavour” (p. 11). While less severe, Krippendorff (2004) similarly recommends beginning content analysis with
research questions, as this makes content analysis more efficient, as well as empirically grounded. My analysis began with an inductively generated hypothesis—that there is a trend toward epideictic neoliberal rhetoric in Canadian government CSR communications, and my coding protocol was developed through an iterative process. To corroborate the findings from my critical-rhetorical discourse analysis, I have developed research questions that will aid in determining: 1. To what extent is CSR presented as ethically or fiscally necessary? 2. To what extent is government’s CSR discourse celebratory or critical/evaluative? To answer these questions, I have, where relevant, documented the number of mentions in key government texts for ethical or financial reasons for practicing CSR, as well as positive and negative comments about the business practices of Canadian companies operating in foreign jurisdictions. With these questions in mind, I use content analysis to document cases in which government communication functions as epideictic rhetoric, as well as trends toward neoliberal policy discourse.

3.6. Conclusion

As Cohen (2004) puts it, for Aristotle, “rhetoric provides a method by which political communities can harness reason and persuasion together in order to deliberate collectively” (p. 33). At least, this can be the case for deliberative rhetoric carried out according to internally coherent rhetorical principles. In the next chapter, I will examine the extent to which government communication about CSR can be understood as deliberative or epideictic rhetoric, using both qualitative and quantitative textual analysis. Informed by the perspective that political legitimation—rather than policy justification—is the controlling exigence of the Canadian government’s rhetorical situation, my analysis in the following chapter will highlight harmful discursive practices that serve to reinforce unequal power relationships and perpetuate business as usual.
Chapter 4. Results

Given the many allegations facing Canadian transnational mining enterprises (CTMEs), there is a clear need to improve accountability and transparency in the mining sector. Regulatory interventions seem suited to addressing the problem of impunity; however, the Canadian government has rejected or curtailed policies and legislation recommended by the government-sponsored National Roundtables on CSR and the House of Commons Standing Committee on Foreign Affairs and International Trade that would have held Canadian mining companies accountable. Instead, as discussed above, the government has focused its efforts on promoting voluntary CSR measures.

In this chapter, I present my findings from a critical-rhetorical discourse analysis of key Canadian government texts and debates on CSR, documenting the federal government’s approach to communicating about CSR in Canada’s international mining sector. Where relevant, I have also included findings from content analyses of some of the same texts. The texts under focus include Industry Canada’s 2006 handbook, Corporate Social Responsibility: An Implementation Guide for Canadian Business; Foreign Affairs and International Trade Canada’s 2009 CSR Strategy Building the Canadian Advantage (BCA); Minister for International Trade Ed Fast’s speech discussing BCA before the Prospectors and Developers Association of Canada (PDAC) in March 2013; and finally, several parliamentary debates regarding proposed CSR legislation.

As discussed in the previous chapter, Aristotle’s Rhetoric is informed by his perspective on ethics and politics; the former is focused on activities undertaken for their own sake, the latter undertaken to achieve a desirable end (Garver, 2006). The art of deliberative rhetoric brings together these aims, as rhetors attempt to convince others that a particular course of action is justified, limiting themselves primarily to rational means of persuasion, as “not everything that tends to achieve the given ends of
persuading counts as an ‘available means’” (Garver, 2006, p. 17). With this in mind, my analysis demonstrates that government’s CSR rhetoric has been crafted to avoid debate regarding normative ethical responsibilities and to promote CSR as an economic tool; I draw particular attention to use of self-promotional epideictic and questionable deliberative rhetoric.

4.1. Persuading businesses to adopt CSR measures

Due to the voluntary nature of Canada’s approach to challenges in the international mining sector, Canada’s trade-oriented departments and agencies have produced numerous texts that attempt to persuade Canadian companies to adopt CSR practices. In this section, I will consider how Industry Canada and the Canadian Trade Service Commissioner have attempted to woo Canada’s transnational and domestic firms with the promise of bettering the bottom line and improving perceptions of their businesses.

In the 2006 document Corporate Social Responsibility: An Implementation Guide for Canadian Business, Industry Canada takes a somewhat measured position on the economic benefits of CSR. The Guide acknowledges that companies can misbehave and that the economic benefits of practicing CSR are unproven, noting that “conclusive causal links” between CSR and financial performance have not been established (Industry Canada, 2006, p. 10). In contrast, however, later industry-focused communications aimed at increasing CSR uptake abandon any such expressions of uncertainty. Instead, it is taken for granted that the rational motivation for adopting CSR is profitability rather than preventing harm. For example, Industry Canada’s CSR homepage lists a host of benefits for companies practicing CSR, but fails to mention any social or environmental reasons for doing so:

[CSR] makes companies more innovative, productive, and competitive. CSR helps make Canadian business more competitive by supporting operational efficiency gains; improved risk management; favourable relations with the investment community and improved access to capital; enhanced employee relations; stronger relationships with communities and an enhanced licence to operate; and improved reputation and branding. (Industry Canada, 2011b)
Similarly, the Canadian Trade Commissioner Service has attempted to persuade businesses to adopt CSR measures using a strictly economic justification (while at the same time commending Canadian companies’ current practices as exemplary).

4.1.1. CSR: An implementation guide for business

In 2006, Industry Canada released *Corporate Social Responsibility: An Implementation Guide for Business* to provide information for companies in all fields interested in adopting CSR measures. The *Guide* provides recommendations regarding things like planning a CSR program, reporting on social and environmental performance, and engaging with stakeholders. Here, I focus on the explicitly rhetorical sections of the *Guide* to demonstrate how government promotes CSR to companies through deliberative and epideictic rhetoric.

**Deliberative rhetoric in the Guide**

The title of the *Implementation Guide*’s introduction, “Responsible Business is Good Business,” accurately conveys the message that follows. Industry Canada produced the *Guide* in response to the “regular requests it [received] for information about corporate social responsibility….” (Industry Canada, 2006, p. iv)—meaning that it was produced with positively disposed companies in mind. As a genre, deliberative rhetoric argues for or against a particular course of action by “establishing the expediency or the harmfulness” that would result from that action (1358b). In Book I of the *Rhetoric*, Aristotle writes that “the political or deliberative orator’s aim is utility: deliberation seeks to determine not ends but the means to ends, i.e. what it is most useful to do. Further, utility is a good thing” (1362a). The *Guide* focuses on persuading Canadian companies to adopt CSR measures based on expediency using deliberative rhetoric, providing evidence and examples to persuade business to act to implement CSR measures, primarily on economic rather than ethical grounds.

The evidence provided in the *Guide* relies on doxa (opinion or beliefs), consisting largely of testimonies suggesting that businesses can derive economic benefits from practicing CSR. For example, the *Guide* quotes *Report on Business Magazine*’s assessment that “many business leaders now believe that doing good for others means
doing good for shareholders as well” (Industry Canada, 2006, p. 1). In terms of the benefits of CSR, the Guide’s Overview and Introduction contains twenty-three references to the economic and reputational benefits of CSR for business but only six references to the social or environmental reasons for adopting socially or environmentally responsible practices. Similarly, the opening section of the Guide includes four references to the financial and reputational risks to businesses that arise from failing to implement CSR measures, but just one reference to potential negative external impacts of poor CSR performance. That is, the Guide suggests companies may suffer tarnished reputations if they fail to implement CSR measures, the effect of which “extends far beyond that one firm: entire sectors and, indeed, nations can suffer” (p. 2). This is arguably still an economic rather than an ethical argument for CSR, as it justifies CSR as a means of protecting industry from harm.

As Katz (1992) points out, deliberative rhetoric’s focus on expediency can come at the expense of ethics; rather than deliberating about the best political goal, debate may instead focus on the most pragmatic way of achieving a predetermined goal. As we have seen, CSR is certainly promoted by government to companies and rationalized by companies to shareholders in terms of expediency, in this case an end that trumps ethical considerations. The government’s use of arguments based on economic expediency as the primary rationale for CSR may decrease the likelihood that companies will question whether CSR is the best approach; and by focusing on the financial benefits of CSR, the Guide implicitly endorses the notion that a corporation is not expected to behave ethically if ethical behaviour does not contribute to its bottom line (directly or indirectly).

Although the Guide was produced by the Canadian government, Canadian law is mentioned in only one instance, and even in this case CSR is presented as a means of avoiding regulatory or legal intervention. The Guide encourages companies to view CSR “as a proactive method of addressing potentially problematic conduct before it attracts legal attention” (p. 14). In the Guide’s preface, Industry Canada (2006) clarifies that CSR “is only one aspect of a comprehensive multi-party effort to improve environmental and social conditions and prevent harm”; however, rather than mentioning relevant laws or regulations, the Guide simply includes a vague statement about “the complementary
actions of governments, non-governmental organizations, citizens and others” (p. v). As Edelman (1964) suggests, policies and legislation function symbolically to communicate the government’s intent to defend particular groups’ interests; government communications extolling self-interest as the rationale for CSR and the lack of binding CSR legislation signal that mining companies have little to worry about if they keep CSR costs as low as possible while using PR to reap the benefits of an improved image and decreased government regulation.

Unlike forensic and epideictic rhetoric, which function for the benefit of private individuals, deliberative rhetoric is a civic art, aimed at increasing social wellbeing (Nichols, 1987). If rhetoric is to serve its civic function, the rule of law is essential; Nichols (1987) notes that Aristotle recommends that “laws as much as possible define everything and leave as little as possible to the judges” and also implicitly the rhetors, leaving less scope for “love, hate, and private interest” (p. 661). In contrast, the Guide poses the question, “So what can be done to increase the likelihood that Canadian firms will enhance their good reputation, and continue to demonstrate positive social and environmental performance?” (Industry Canada, 2006, p. 2). Implicit in this question is the assumption that companies themselves are best suited to set the terms of their social and environmental “performance” and that government’s role is to persuade them to take “positive” actions—an idea that in turn rests upon the belief that the free market can be expected to function ethically without government involvement. In this spirit, although this is a government document, it does not represent authority as lying within government ethos, but instead locates authority largely in the opinions of experts in the private sector. The government’s and the national interest in ensuring that businesses behave responsibly is not explicitly addressed.

The Guide acknowledges that corporations will at times fail, and that this will have negative repercussions; however, these failures do not affect the primacy of the free market. The main potential impact of CSR failures seems to be losses for business:

There are several notorious examples of corporations losing their footing as a result of questionable behaviour, with many others subsequently being the victim of the collateral damage. These firms frequently expend considerable time and money attempting to regain their reputation, with mixed results. (Industry Canada, 2009, p. 2)
By focusing primarily on expediency—which ultimately means profitability—Industry Canada downplays the social and environmental problems that come along with corporate irresponsibility; if the fundamental reason for practicing CSR is that failing to do so is costly, then businesses are the primary agents that should be concerned about social and environmental impacts. This focus weakens the urgency with which government is expected to curtail irresponsible corporate activity, framing responsible corporate behaviour, at best, as ethically desirable rather than essential. Toward the end of the Guide, a section titled “Reality Check” speaks to businesses that fail to see a reason to engage with stakeholders such as NGOs. Industry Canada (2006) poses a question on behalf of businesses that might be skeptical about the benefit of engaging with stakeholders as part of a CSR program: “I don’t know why we would do this, given that our competition doesn’t bother and their share price isn’t doing any worse than ours in the market today” p. 70). Industry Canada’s (2006) counterargument is again based on economic expediency: “There are many examples of companies who have done this, and gained a competitive advantage over other firms as a result” (p. 70).

This appeal to corporate self-interest acknowledges the power of corporations to help or harm themselves. But while the government implicitly approves corporate autonomy in the Guide, there seems to be a submerged conflict implied in the text between corporations and consumers, shareholders, investors, and potential investors. Industry Canada (2009) asks that Canadian companies “stop being defensive and start thinking systematically about corporate social responsibility” (p. 1). But given that CSR is optional, whom are corporations defending against? The answer may be “Canadians.”

Industry Canada (2006) asserts that “Canadians have high expectations” in terms of CSR and “expect goods and services to reflect socially and environmentally responsible business behaviour at competitive prices” (p. 1). However, no evidence is provided to suggest that meeting both expectations in terms of responsible behaviour and competitive prices is achievable. Instead, the Guide merely lists examples that are meant to indicate the public’s support for CSR practices:

[A]ccording to a 2003 Environics poll conducted for Environment Canada, 9 out of 10 Canadian shareholders wanted fund managers to take environmental and social performance into account when valuing companies. In a 2004 GlobeScan survey, while 17 percent of Canadian
respondents indicated that they had read a corporate social or environmental report, 77 percent indicated an interest in learning more about corporate social responsibility. In addition, 71 percent noted their belief that consumers can make a difference in how responsibly a company behaves. (Industry Canada, 2006 p. 1–2)

While this information suggests that Canadians are interested in CSR, this interest does not demonstrate that consumers or shareholders make choices based on perceived social or environmental responsibility to such an extent that businesses’ expenditures on CSR will be financially advantageous. Rather than addressing this contradiction directly—that is, rather than discussing how at times economic, social, and environmental concerns are competing—the Guide and later government CSR discourses instead makes vague references to “balancing” economic and ethical concerns, arguably a tacit acknowledgement of the inherent ethical–economic trade-offs that must be made to remain competitive under capitalism.

In deliberative rhetoric, examples are the crux of argumentation, and it is worthwhile to assess their appropriateness. Given that companies are weighing the costs and benefits of CSR, to convince companies to adopt CSR measures, Industry Canada (2006) builds an inductive argument for CSR on fiscal grounds, providing examples of companies that seem to have done well by implementing CSR measures. American mining company Newmont Mining is mentioned as a company that has “found that one of the benefits of good reporting is that sharing credible performance information provides a foundation for future dialogue” (p. 71). Vancouver-based mining company Placer Dome International is cited as an example of a company that has successfully used a stakeholder management tool (during the closure of an open-pit gold mine on Misima Island in Papua New Guinea) to “monitor and increase levels of social capital in communities and improve the relationship between the company and its stakeholders” (Industry Canada, 2006, p. 71). However, the Guide’s accounts are incomplete. Between 2004 and 2006, while the guide was being prepared, the Indonesian Ministry of Environment was in the process of suing Newmont Mining for environmental damages (Casey, 2004), and the Misima mine closure resulted in protests from civil society groups and NGOs who argued that Placer Dome International’s mine closure plan had essentially been to “cut and run away from the mine” (“Trouble in paradise,” 2004).
Epideictic rhetoric in the Guide

Inductive arguments are integral to deliberative argumentation; however, to the extent that the above examples are intended to demonstrate that CSR is “win–win,” these examples are questionable at best. The discussion of CSR efforts at Misima and Placer Dome can be situated within the epideictic genre, as a celebration of businesses’ CSR performance. According to Aristotle, epideictic rhetors list the positive actions of an individual (or in our case, companies practicing CSR), leaving the audience to make the connection that the nobility inherent in the act was intentional (1367b). As Aristotle suggests, to praise a particular act (e.g., the implementation of a comprehensive mine reclamation plan) is in epideictic rhetoric “akin to urging a course of action... whenever you want to praise any one, think what you would urge people to do; and when you want to urge the doing of anything, think what you would praise a man for having done” (1367b–1368a). While these companies may not in fact be exemplary, their activities as described constitute the type of CSR uptake Industry Canada is trying to encourage.

Industry Canada (2006) states that the Guide was produced to “share information about best practices and provide guidance to firms concerning systematic approaches to meeting economic, environmental and social objectives in a balanced manner” (p. 3), but there are some indications the Guide may have been prepared with other audiences in mind—which may also explain the Guide’s epideictic elements. For example, the Guide notes that “[r]esearch by global organizations, including the World Economic Forum, the International Institute for Management Development, and Transparency International, indicates that Canadian business leaders are considered to be among the most credible, most ethical, least corrupt and most value-driven in the world” (Industry Canada, 2006, p. 2). This could be viewed as a congratulatory message to Canadian companies or as a promotional line for foreign investors, the media, NGOs, or Canadians who are interested in or concerned about CTMEs’ activities. This type of statement implies that Canadian CSR practices are adequate and seems purposefully crafted to reflect well on the Canadian government. As Bostdorff and Vibbert (1994) argue, in promoting particular values the epideictic genre can serve to improve the rhetor’s image—regardless of whether the values lauded are analogous to the actions of the rhetor.
Through its epideictic elements, the Guide perpetuates a progress narrative that suggests increasing profit and ethical behaviour simultaneously is attainable, without providing a rationale for this claim. The idea that CSR, if done correctly, can benefit companies’ bottom lines is reinforced throughout the Guide via references to “win-win opportunities” and the potential to “gain a competitive advantage from corporate social responsibility” (Industry Canada, 2006, p. 1–2). When the Guide poses a so-called rhetorical question about how Canadian businesses might improve, the answer embedded in the question is that they are already doing extremely well: “So what can be done to increase the likelihood that Canadian firms will enhance their good reputation, and continue to demonstrate positive social and environmental performance?” (p. 2). Given that the document is intended to serve as a guide, it might be expected that examples of failures to implement CSR measures might also be provided—both to highlight potential problems to be avoided and to persuade corporations that adopting CSR measures is worthwhile. However, in the few instances where harmful business practices are mentioned, references to misconduct are vague. For example, Industry Canada suggests that “[t]here are several notorious examples of corporations losing their footing as a result of questionable behaviour, with many others subsequently being the victim of the collateral damage” (Industry Canada, 2006, p. 2), but fails to name these companies or explain how they went wrong.

Through epideictic rhetoric, rhetors promote and reinforce cultural values. The primary values signalled through the Guide include rationale self-interest, corporate autonomy, non-interventionism, and economic growth. This reading is supported by the repeated positioning of social and environmental efforts as a stepping stone to increased profits: the Guide notes that “[i]t is also becoming increasingly clear that firms can contribute to their own wealth and to overall societal wealth by considering the effect they have on the world at large when making decisions” (Industry Canada, 2006, p. 1) and that companies “…can build better communities, stronger communities and, frankly, better places to operate business” (Industry Canada, 2006, p. 1). Throughout the Guide, profitability and ethics are presented as complementary rather than oppositional. However, in later government CSR texts—particularly the following article from the Canadian Trade Commissioner Service—economic concerns eclipse arguments for responsible corporate behaviour grounded in ethics.
4.1.2. “Why CSR makes good global business sense”

The values established through Industry Canada’s *Implementation Guide* have proliferated in more recent government communications aimed at businesses. In a 2014 article titled "Why CSR makes good global business sense," the Canadian Trade Commissioner Service’s online magazine *CanadExport* promotes CSR solely on the basis of self-interested economic pragmatism. The article includes 10 mentions of financial or reputational benefits and two mentions of the risks to businesses caused by inadequate implementation of CSR measures. For example, the article advises, “by acting responsibly in your global operations, you’ll help ensure that your customers, suppliers and key influencers support you in the marketplace” (Canadian Trade Commissioner Service, 2014, para. 12). In terms of warnings, the article suggests that “[w]hile cutting corners now may save you money, you’ll lose out in the long run” (Canadian Trade Commissioner Service, 2014, para. 16) and that “the availability of information on the Internet means that your reputation in Canada can be hurt or helped by your actions in other markets” (para. 10). The answer to a question in a short FAQ section asking whether CSR is “worth doing” frames the response in economic terms:

Yes. In fact, it's often expected. With a CSR strategy in place, you'll have an edge over other firms looking to gain a foothold in foreign markets. Through responsible business practices, you'll build and protect your brand. While cutting corners now may save you money, you'll lose out in the long run. (Canadian Trade Commissioner Service, 2014, para. 16)

In the sole instance where altruistic reasons for practicing CSR are provided, these reasons are vague and presented as subordinate to the business case for CSR, highlighting the tension identified by Katz (1992) between ethics and expediency in deliberative rhetoric:

Employees want you to do it and your customers and investors expect you to do it. When you commit to CSR, you’re taking a win-win approach. You and everyone you do business with will benefit from the shared value that comes with doing business responsibly from an environmental, social and economic perspective. (Canadian Trade Commissioner Service, 2014, para. 13)

While in the 2006 *Implementation Guide for Business* Industry Canada clarifies that CSR is just one aspect of a broader approach to “improv[ing] environmental and
social conditions and prevent[ing] harm” (Industry Canada, 2006, p. v), by 2014 the landscape appears to have changed considerably. Despite the fact that “Why CSR makes good global business sense” was posted by a Canadian governmental agency and is intended for Canadian businesses, the government’s roles and expectations around businesses’ obligations are conspicuously absent. In fact, the Canadian government is not mentioned explicitly. Instead, the article includes the following vague statement: “Canadian companies working around the world are expected to respect all applicable laws and international standards, to operate transparently and in consultation with host governments and local communities, and to conduct their activities in a socially and environmentally responsible manner” (Canadian Trade Service Commission, 2014, para. 2). The article’s omission of both relevant laws and ethical considerations from a discussion of CSR—the government’s primary means of ensuring responsible business practices abroad—highlights government’s efforts to frame and promote CSR in such a way that economic performance is central, while ethical concerns and the government’s responsibilities are nearly invisible.

Government communications about CSR aimed broadly at Canadian businesses implicitly acknowledge that the Canadian government not only permits but expects corporations to expend their efforts primarily or solely on profitability. But does this also hold true for government communications about CSR policy for the extractive sector?

4.2. Building the case for a CSR regime

Due to concerns about allegations against CTMEs, the majority of Canada’s CSR policy and policy discourse has focused on the extractive sector. In 2009, DFAIT released Building the Canadian Advantage: A Corporate Social Responsibility Strategy for the Canadian International Extractive Sector (BCA). The strategy contains a mix of deliberative and epideictic rhetoric, while other communications about Canada’s CSR policy have relied more heavily on the epideictic genre, praising Canadian corporations and feigning censure, framed in terms of a progress narrative. This is contrary to expectations of policy discourse, which is created to explain and provide a rationale for policies using primarily deliberative rhetoric. As I have previously discussed how the policies announced in BCA fail to address problems in Canada’s international mining
sector, in this section I will focus primarily on the strategy’s rhetorical elements. I will then consider how BCA has been used in subsequent government communication as a promotional tool and as a means of deflecting criticism of CTMEs and the government.

4.2.1. **Building the Canadian advantage: A corporate social responsibility strategy for the Canadian international extractive sector**

The Canadian government has a duty to justify its policies, which makes DFAIT’s arguments in support of BCA worth considering. Although policy communication is inherently rhetorical (Majone, 1989), and BCA is the policy response to a contentious issue, DFAIT fails to provide strong justification for its dramatically hands-off approach, and BCA is arguably the least oriented toward persuasion of any of the federal government CSR communications included in my analysis. Thus, in this section I will examine how Canada’s CSR strategy is rhetorically framed and justified.

**Policy as rhetoric**

According to Bitzer (1968/1992), “discourse is rhetorical insofar as it functions (or seeks to function) as a fitting response to a situation which needs and invites it” (p. 6), and is brought into existence as the result of an exigence. For Bitzer, an exigence is any pressing problem that can be altered, and an exigence is rhetorical only if rhetoric could modify the situation such that the exigence would be mitigated or eliminated. In contrast to the primary rhetorical exigence for Industry Canada’s *CSR Implementation Guide*—increasing Canadian companies’ uptake of CSR practices—because BCA is a policy document, one rhetorical exigence that is certain to apply is convincing mining companies, NGOs, foreign governments, citizens (and so on) that BCA presents an appropriate policy. Public pressure on the federal government to address allegations of bad behaviour on the part of CTMEs also constitutes a rhetorical exigence: this pressure could be reduced through rhetorical acts including convincing corporations to behave responsibly or convincing citizens that government efforts are sufficient. Two critical (non-rhetorical) exigences that motivated BCA include allegations against CTMEs and limited enforcement of human rights and environmental protections in some jurisdictions.
in which CTMEs operate, neither of which are likely to be modified rhetorically through BCA.

Arguably, in order to prepare a fitting response to the rhetorical exigences outlined above—public pressure on the federal government and the duty to appropriately explain government policy—BCA should identify the (non-rhetorical) exigences that necessitated the policy and outline how BCA will respond to these exigences. BCA does refer to "complex situations" and "unique social and environmental challenges," but provides few very details about the conditions that motivated the policy—e.g., the social and environmental problems mining can create and the weak governance capacity in many of the countries in which mining companies operate. About halfway through the document, BCA includes the first and only mention that CTMEs have been accused of irresponsible behaviour, noting that "[w]ithin the wider community, increasing concerns have been raised about the human rights impacts of the activities of Canadian extractive companies with respect to their operations abroad" (p. 8). Underemphasizing this exigence suggests an attempt to avoid pathos: feelings of anger or pity in response to harms caused by CTMEs that could highlight the absurdity of merely promoting and encouraging voluntary measures.

At the same time, by mentioning these allegations, however vaguely, DFAIT (2009) acknowledges that concerns about irresponsible behaviour motivated the creation of BCA. This single mention of allegations against CTMEs is followed by the disclosure that international human rights conventions apply to states rather than corporations, as if absolving the Canadian government of accountability. This appears to be a defensive response to the (partially) rhetorical exigence of public pressure on the government to reign in CTMEs. Although BCA admits “the international legal environment is under pressure for change and adaptation” (DFAIT, 2009, p. 8), the role of the Canadian government appears minimal. BCA simply states that by funding the Global Peace and Security Fund since 2005, DFAIT has supported the UN Secretary-General’s Special Representative for Business and Human Rights, who presented a framework on the human rights duties of state parties and corporations that was endorsed by the Human Rights Council. While is arguably a positive development, BCA does not provide any details about the framework or its implications (if any) for CTMEs,
and a 2012 report from the Mining Association of Canada pronounced “it remains to be seen how the UN Protect, Respect and Remedy Framework and Guiding Principles on Business and Human Rights will be incorporated into Canadian CSR standards” (Lipsett, Hohn, & Thomson, 2012 pp. 4–5).

For Bitzer (1968/1992), audiences are part of the rhetorical situation if they might be influenced to take a particular course of action as a result of discourse. BCA is ineffective rhetorically in part because audiences members interests’ and potential responses are divergent. Corporations are in the best position to act on BCA, and considerable effort is put into convincing them that BCA is to their benefit. For example, the Extractive Sector CSR Counsellor’s position outlined in BCA was originally envisioned as an ombudsperson’s office, imbued with the power to investigate allegations against CTMEs and intended to help achieve redress for those negatively impacted by mining operations (National Roundtables Advisory Group, 2007). In BCA, this role was recast as that of a dialogue facilitator without any investigative or punitive powers. Given this shift, it might be expected that BCA would present a strong case for this particular aspect of the strategy. Instead, DFAIT’s description of the office focuses on benefits anticipated for CTMEs, noting that “unresolved disputes directly affect businesses through expensive project delays, damaged reputations, high conflict management costs, investor uncertainty, and, in some cases, the loss of investment capital” (p. 10). This evokes a common theme seen also in Industry Canada’s CSR communications—that CSR is about business rather than ethics. This description of the CSR counsellor’s office is designed to appeal to CTMEs, who may potentially interact with the counsellor, but is unpersuasive for anyone concerned with the ethical implications of “unresolved disputes.” Although Canadian citizens in general do not have the power to act on BCA’s policies, citizens are part of this rhetorical situation insofar as citizens’ support for the current government is influenced by government policy; DFAIT suggests both self-interested economic and altruistic rationales for Canadians to approve of both the mining sector and BCA. For example, DFAIT (2009) states, “Canadian investment in the extractive sector abroad can result in a win-win outcome both for the economy of Canada and those of resource-rich developing countries” (p. 3). But when discussing social and environmental aims, the strategy fails to provide convincing rationales.
Classical rhetorical genres in BCA

Perhaps as a result of the disparate audiences, BCA contains few overt attempts to persuade readers that Canada’s CSR Strategy adequately addresses the problems in the mining sector it presumably was designed to resolve. This may be because audiences of policy rhetoric seem to have more in common with epideictic than deliberative audiences. In contrast to the epideictic audience, which judged only the success or failure of a speech, in the classical political rhetorical genre of deliberative rhetoric citizens had the opportunity to respond to orators, either directly in the Athenian assembly or by casting their vote for particular policies. Because policies today are typically fixed before they are announced, and are aimed at least in part at diverse audiences, policy rhetoric is inherently epideictic in at least one respect: Its primary rhetorical purpose is to gain citizens’ passive approval rather than to compel citizens to actively indorse a particular policy. Nevertheless, just as policies can be more or less well reasoned and appropriate, so too can policy communication. By virtue of, for example, how successfully the context and rationale for policies is explained, policy communication can facilitate or stifle understanding, critical dialogue, and political action.

Unfortunately, the controlling rhetorical exigence of BCA—both as policy and as policy communication—seems to be to reduce public pressure to address allegations of bad behaviour on the part of CTMEs rather than to convince disparate audiences that BCA is an appropriate policy response to these allegations. To a great extent BCA is promotional (or epideictic) rather than argumentative (or deliberative). BCA includes 13 mentions of positive financial aspects of Canada’s extractive international extractive sector, most of which could be described as “celebratory.” For example, “Extractive industries (mining and oil and gas) make a major contribution to Canadian prosperity”; “In 2008, over 75 percent of the world’s exploration and mining companies were headquartered in Canada”; and “Canadian companies play a major role in the extractive sector worldwide” (DFAIT, 2009, p. 3). However, throughout BCA only two evaluative statements find the industry’s social and environmental performance in any way lacking.

Aristotle’s description of the enthymeme (or “rhetorical syllogism”) is imprecise, but nevertheless provides a useful basis for analysing the deliberative aspects of BCA.
Unlike a logical syllogism, a type of deductive argument in which two or more factual premises necessarily lead to a particular conclusion, enthymemes typically lack a formal argument structure; premises and conclusions may be merely implied. As Raymond (1984) points out, enthymemes can include both implied and unproven premises; in this way, the premises that make up enthymemes can be thought of as “assumptions both in the sense that they may be left unstated and in the sense that they may be accepted by the speaker and the audience without being proven” (Raymond, 1984, p. 144). The use of doxa as either explicit or implied premises stands in contrast to the premises of dialectical arguments—endoxa, or reputable beliefs that are agreed upon experts (Spranzi, 2011). Implied premises based on doxa are familiar, and thus can be provisionally accepted for the sake of argument; however, this does not mean premises based on doxa are uncontroversial.

BCA introduces its CSR policies by noting the government “recognizes that, while most Canadian companies are committed to the highest ethical, environmental and social standards, those that lack this commitment can cause harm to communities abroad and undermine the competitive position of other Canadian companies” (p. 4) BCA then goes on to list the four pillars of Canada’s voluntary CSR strategy, which suggests that the conclusion to this problem is DFAIT’s new CSR Strategy.

However vague this may seem, these statements constitute BCA’s central justification. Thus, it is worthwhile to consider this passage as an enthymeme, which requires explicating the implied premises and conclusion. The explicit premises include the following:

1. Most Canadian companies are committed to the highest ethical, environmental and social standards.
2. CTMEs that lack a commitment to the highest ethical, environmental and social standards can cause harm to communities abroad and undermine the competitive position of other Canadian companies.

The implied conclusion is that BCA is an appropriate policy, but there are numerous implied premises that must be conceded in order to lead to this conclusion:
3. Some CTMEs are not committed to the highest ethical, environmental and social standards.

4. The Canadian government wants to prevent mining companies from causing harm to communities abroad and undermining the competitive position of other Canadian companies.

5. CTMEs that are committed to the highest ethical and environmental standards do not cause harm.

6. The policies contained in the CSR Strategy will compel Canadian companies who are causing harm to commit to the highest ethical, environmental and social standards.

Implied premise 3, that some CTMEs are not committed to the highest ethical, environmental and social standards, is obvious and uncontroversial. However, while this implied premise is essential to the meaning of the argument, it also works to undermine the plausibility of implied premise 6: The policies contained in the CSR Strategy will compel Canadian companies who are causing harm to commit to the highest ethical, environmental and social standards. If harm is caused by a lack of commitment to ethical, environmental, and social standards, then how likely is it that voluntary standards would resolve this problem? The stated premises are also convoluted and controversial. For example, premise 1 suggests that most Canadian companies are committed to the highest ethical standards, but allegations against CTMEs suggest otherwise. Taken all together, this argument for Canada’s CSR strategy is unpersuasive.

Aristotle divides enthymemes into two types: real and apparent. There is no formal criteria for distinguishing between real and apparent enthymemes, but as Garver (1994) notes, Aristotle’s examples of apparent enthymemes are united by spurious reasoning that does not adequately support the proposed conclusions and which are developed foremost in an effort to persuade audiences—even if the argument is ultimately invalid. Garver typifies the real and apparent enthymeme as creations of the rhetor or sophist, respectively. A sophist’s first aim is to persuade, and as such the apparent enthymeme is guided by an ulterior motive (Garver, 1994). Conversely, a rhetor works to find and present the most effective means of persuasion, using real enthymemes in accordance with rhetoric as a techne.
In addition to the apparent enthymeme parsed above, BCA is justified through a spurious implied premise. BCA states that the strategy “was informed by a series of consultations with industry, civil society and other stakeholders held in 2006 (the National Roundtables)…. It has taken into account recommendations raised in the June 2005 Standing Committee on Foreign Affairs and International Trade” (DFAIT, 2009, p.4). This arguably creates the impression that the strategy incorporates significant feedback from and is endorsed by members of these groups. However, BCA disregarded most recommendations from the Roundtables. An assessment of the government’s implementation of the Roundtable’s recommendations found that by 2012, only three of recommendations had been fully implemented: clarifying the Canada Investment Fund for Africa’s standards; joining the Extractive Industries Transparency Initiative; and joining the Voluntary Principles on Security and Human Rights (Lipsett, Hohn, & Thomson, 2012). Despite this, to a great extent the legitimacy of BCA rests on the illusion that it is the product of rational debate.

As discussed in terms of Industry Canada’s (2006) and the Canadian Trade Commissioner Service’s (2014) promotion of CSR, spurious deliberative rhetoric can miss ethical questions due to its focus on achieving a particular end. However, in the case of Canadian government policy communication, a rhetoric of pure expediency—as opposed to a rhetoric of praise mixed with spurious deliberative rhetoric—would be an improvement, provided the government clearly elucidated the policy’s objectives and the (non-rhetorical) exigences the policy was intended to address. The fact that DFAIT fails to sufficiently explain and justify its CSR strategy is significant because in many cases government relies on BCA to divert questions about whether Canada is meeting its ethical obligations. Rather than responding to criticisms about Canada’s approach to CTMEs or of CTMEs themselves, government officials and official government communications simply point back to the BCA.

4.2.2. “Extracting value out of responsible business conduct”

In March of 2013, Minister of International Trade Edward Fast spoke at a session put together by the Canadian Government at PDAC’s annual trade convention. The session, titled “Extracting Value out of Responsible Business Conduct,” was held to
provide information about Canada’s CSR strategy, and opened with speech by Minister Fast described as providing an overview of Canada’s CSR activities. Through an Access to Information Act request submitted to DFAIT, I received a copy of the speech and the Message Event Proposal (including talking points) provided to Minister Fast for his visit to PDAC’s convention. My analysis highlights spurious rhetorical practices both in the speech and in the talking points prepared for Minister Fast.

Although expectations of Athenian orators differed significantly from those of politicians today, Minister Fast’s speech is nevertheless similar to epideictic genre in several respects. While in the deliberative genre speakers launched directly into the topic at hand, in epideictic speeches the rhetor’s introduction began “with some piece of praise or censure” and was intended to make the audience “feel included” (Aristotle, 1414b) Minister’s Fast’s speech begins by framing modern-day CSR as part of a longstanding tradition of responsible business practices:

[Although CSR]… has only been part of our lexicon for the last couple of decades, the notion of responsible business practices, both social and environmental, is as old as business itself. In fact, there appears to be some evidence dating back as far as 5,000 years ago which suggests that loggers were required to act according to laws written to protect the forests. In ancient Mesopotamia King Hammurabi’s famous code included a provision to protect citizens against irresponsible innkeepers, farmers, and home builders. (DFAIT, 2013a, p. 20).

This anecdote esteeming a regulatory approach to corporate social responsibility seems out of place in a speech ostensibly outlining a scheme for supporting and promoting voluntary CSR measures—particularly since the government is resolutely opposed to legislative intervention. However, praising a long-since passed government allows Fast to both place Canada’s CSR approach within a noble lineage and imply a progress myth. Early forms of legislated corporate responsibility may have been helpful in ancient Mesopotamia due to, e.g., “irresponsible innkeepers,” but CTMEs in contrast “understand that CSR is good for business” (DFAIT, 2013a, p. 22). While beginning with an anecdote is one thing, almost half of the Minister’s speech is dedicated to celebrating historical entities for integrating ethical elements into their business practices. Fast also points to Hudson’s Bay Company traders “spend[ing] a great deal of effort providing medicines to First Nations people” as an early positive example of a responsible
Canadian business. As Aristotle notes, in classical Greek epideictic rhetoric, the introduction was where rhetors with a weak case tended to focus, as “it pays them to dwell on anything rather than the actual facts of it” (Aristotle, 1415b).

Diverging from previous CSR texts that avoid mentioning the ethical imperative to prevent harm, Fast acknowledges the principle that corporations have social and environmental obligations, noting that “the notion of social and environmental stewardship plays a significant role in many of the world’s great moral, religious and cultural traditions” (DFAIT, 2013a, p. 20). In contrast to this acknowledgement of a possible ethical imperative for CSR, the remainder of the speech shifts to a self-interested rationale for practicing CSR. After framing the actions of HBC traders as altruistic, Minister Fast suggests corporations now consider First Nations as stakeholders because as they have been forced to do so, endorsing the view that CSR provides a market-based solution to an ethical problem:

Indigenous communities and indeed societies in general are asserting themselves on issues of sustainability like never before. And that is exactly why there remains a strong desire on the part of Canadian businesses to play a positive, constructive role in the communities in which they operate. (DFAIT, 2013a, p. 21)

The Minister’s comments about CTMEs are relentlessly celebratory, and include numerous compliments regarding the industry’s economic clout and the “Canada Brand,” which Fast references four times. At the same time, CSR’s importance is softened. An earlier draft of the speech opened by referring to CSR as “a theme of critical importance to the Government of Canada—and indeed all Canadians” (DFAIT, 2013a, p. 6). In the final version delivered by the Minister, CSR is described merely as “a topic that is of importance to all of us here in this room” (DFAIT, 2013a, p. 20). As noted, in epideictic speeches, rhetors attempt to make the audience feel included in the message. But Minister Fast is speaking on behalf of the government, and removing a mention of the government’s interest in CSR, as well as the downgrading of CSR as a “theme of critical importance” to merely “a topic of importance,” exemplifies the government’s preference for corporate autonomy and its apathetic approach to ensuring responsible behaviour.
Since coming into office in 2006, Canada’s Conservative government has adopted a highly politicized approach to government communications. Under this government, the Prime Minister’s Office instituted a requirement that departments receive prior approval from the office through a “Message Event Proposal”—which outlines the government’s messaging strategy—for most events, announcements, or interviews (“PMO holds grip,” 2010). As the CBC reports, Message Event Proposals are “literally putting words in the mouths of cabinet ministers, federal bureaucrats, low-profile MPs on the barbecue circuit and seasoned diplomats abroad” (“PMO holds grip,” 2010, para. 4). Prepared for Minister’s Fast’s visit to PDAC’s convention, a document titled “Meeting Context” advises that before the Minister delivers his speech he will meet with sixteen representatives from Latin American civil society groups. The only guidance for this interaction seemingly instructs the Minister to disregard the expertise of the delegation regarding the impact of Canadian mining companies in their home countries, recommending instead to praise CTMEs: “You can use this opportunity to highlight Canada’s view that Canadian companies are overwhelmingly committed to responsible business practices and can play an important role in creating employment and prosperity in the countries in which they are active” (Industry Canada, 2013, p. 23).

The Message Event Proposal also includes a list of talking points for the Minister. Excluding lines focused on thanking individuals directly for their work, the provided lines are repetitive and defensive, as well as praise-oriented and ultimately epideictic. The lines are balanced evenly between assertions that CSR and Canada’s CSR Strategy are beneficial for sustainability (four mentions) and economic growth (three mentions) and celebratory statements about CTMEs’ current CSR performance (one mention) and economic clout (one mention). Although transparently an attempt to show that BCA has been a success, the talking points are extremely generic and fail to provide any evidence of responsible behaviour. In terms of the epideictic elements, under the list of talking points intended for the NGO delegation from Latin America we find the line, “Canada helps foster and promote sustainable development and responsible business practices in countries where Canadian extractive sector countries operate” (Industry Canada, 2013, p. 24). While it may seem surprising that this generic celebration of Canada’s mining industry was not tailored to be relevant to Latin America, this is characteristic of talking points. The only factual piece of information provided to
the Minister is that Canada’s mining sector “employs more than 320,000 Canadians”—a fact which was inexplicably also included as part of a talking point intended for the NGO delegation from Latin America.

Part of the problem with talking points is, of course, that they necessarily need to be kept general—conversations can go in a variety of directions, and it would be impossible to prepare scripted lines for all eventualities. However, the Minister was also provided with a fairly generic, fact-free “defensive line” to be provided in the event questions were raised about the possibility of creating new legislation to govern the activities of Canadian mining companies operating abroad: “Canada believes that voluntary initiatives, based on internationally recognized standards, can advance public policy objectives in a more flexible, expeditious and less costly way than regulation or legislative regimes” (DFAIT, 2013a, p. 24). As a response to a serious inquiry that has been brought forward many times to the federal government by, for example, environmental and indigenous rights NGOs in Latin America, debated in Parliament, and recommended by the Standing Committee on Foreign Affairs and International Trade, this suggested response fails to address any of the concerns that motivate requests for legislation of CTMEs. How do voluntary initiatives address weak governance capacity in host countries?

According to Habermas (1973/1975), the increasing instrumental rationality of bureaucracies has limited discourse and led to political alienation. As organizations grow, bureaucracies cease to make case-by-case decisions, and pre-existing policy and procedure begins to stand in for rational deliberation. In the case of the Canadian government, a preoccupation with keeping MPs on message precludes deliberation, rational or otherwise. In contrast, for Aristotle rhetoric was an art to be cultivated, imbuing rhetors with the skills to speak on both sides of any issues; when practiced in political context, the art was to be practiced to achieve virtuous ends. While briefings may be necessary for Ministers to be kept up to speed on the wide variety of issues they need to deal with on a daily basis, the offering of generic, epideictic “talking points” for the Minister’s private interactions with civil society exemplifies the government’s PR-based approach: genuine dialogue and deliberation between the government and the public is carefully avoided.
4.2.3. Reviewing Canada’s CSR strategy

BCA stipulated that a review of the strategy would take place five years after its launch, and in 2013 DFAIT began soliciting comments to support this review. Surprisingly, the 300-word media release requesting feedback on the strategy says nothing about the policies that make up BCA or about social or environmental aspects of CSR. In fact, the release does not even refer to the strategy by name. Instead, it focuses primarily on celebrating Canada’s mining industry. For example, in two short quotations provided, attributed to the Minister of International Trade and to the Parliamentary Secretary to the Minister of International Trade, CTMEs are described as “world leaders” or “world class” three times. In total, each of the six evaluative statements about or descriptions of Canada’s mining industry included in the release are positive (or glowing). For example, the release claims, “Canadian extractive companies are world leaders in responsible business practices” (DFAIT, 2013c, para. 5). Rather than focusing on CSR, the majority of positive mentions are focused on lauding the size of the industry, noting for example, “Canadian extractive-sector companies account for almost half the mining and exploration activity in the world” (DFAIT, 2013c, para. 4). Under the heading “quick facts,” rather than providing details about BCA or about CSR, the release lists facts demonstrating that Canada has a large and seemingly very profitable international mining industry, noting that “[e]xtractive-sector (mining and oil and gas) exports generated $124 billion in 2012, accounting for over 28 percent of total Canadian domestic exports” (DFAIT, 2013c, para. 4). Both in the Ministers’ quotations and throughout the release, the values and rationales provided for the strategy and its review are strictly financial or reputational. When external-to-CTME benefits of the strategy are mentioned, they are summarized in purely economic terms: “Key objectives of the review include creating jobs and opportunities, and further enhancing Canada’s strong reputation as a global leader in mining” (DFAIT, 2013c, p. 1).

The common thread in this and past government communications regarding BCA is the contribution of CTMEs to Canadian and host country economies. In epideictic rhetoric, texts reinforce cultural values, and as Perelman and Olbrechts-Tyteca (1958/2008) point out, appealing to values can be an argumentative tactic adopted to justify particular decisions or increase adherence to a way of thinking; anyone who
disagrees is then put in the position of having to argue against the values espoused (Perelman & Olbrechts-Tyteca, 1958/2008). Challenging these values becomes even more difficult when they appear to be broadly or universally accepted. Perelman and Olbrechts-Tyteca (1958/2008) suggest that by structuring arguments such that integral values are kept vague, “values appear to be universal values and lay claim to a status similar to that of facts” (p. 76). Challenging general neoliberal values is more challenging and has less obvious payoff than challenging particular policies adopted in support of those values, such as voluntary self-regulation, which is why it matters that government’s defense of BCA focuses primarily on celebration of deregulation and economic growth at the expense of rational justification for this strategy.

In soliciting comments for a review and the eventual revision of Canada’s CSR strategy, the government is ostensibly beginning a deliberative, legitimating process. At the same time, the explicitly celebratory comments I have outlined exemplify Aristotle’s description of amplification, a rhetorical technique used in epideictic rhetoric to heighten positive qualities: “There are, also, many useful ways of heightening the effect of praise: … point out that a man is the only one, or the first, or almost the only one who has done something, or that he has done it better than any one else; all these distinctions are honourable” (Aristotle, 1368a). Because amplification is occurring in the context of a discussion regarding Canada’s approach to CSR, Canada’s primary means of addressing CTMEs’ ethical obligations regarding the mining sector, the significance of the framing of this issue goes beyond the questionable celebration of neoliberal values.

The celebration of CTMEs’ economic success in the context of a media release with the ostensive purpose of soliciting feedback on a CSR strategy can partially be explained as an attempt to establish ethos, which as Martin (2014) points out is typically done implicitly. By stressing the economic strength of Canada’s mining sector, the release seems designed to establish the current government’s credibility in terms of its current agenda for CTMEs. The strictly economic focus provides an example of what Vivian (2012) refers to as “epideictic forgetting”; the transgressions of both the mining industry, and arguably Canada (insofar as BCA was a failure), are cast aside in favour of a new narrative that positions CSR as a means of better enabling mining companies, which are presented as blameless and heroic, to be economically successful. By
censoring past wrongs, epideictic forgetting attempts to establish a new historical understanding, which may in turn be used to ground future policies (Perelman & Olbrechts-Tyteca, 1958/2008; Vivian, 2012). Through the avoidance of any mention of ethics or responsible behaviour, this call for comments functions to expunge the exigence (or ethical imperative) initially requiring a response from government, grounding future policy in economic pragmatism.

4.3. Debating CSR legislation

In Westminster democracies such as Canada, House of Commons debates provide an opportunity to examine government’s choices, offering a means of legitimating decision-making in this system of governance. Recently, however, MPs from across party lines have lamented that most government decision-making occurs primarily outside the structured and recorded House of Commons debates, and have expressed concerns that directives from party leaders to read scripted statements preclude genuine deliberation (Anderson, Blidook, & Hilderman, 2013; Blidook, 2010). Former Liberal party leader Michael Ignatieff described the House of Commons as an “empty, pointless debating chamber,” suggesting outcomes were “all stitched up in advance” (Anderson, Blidook, & Hilderman, 2013, p. 18). MP Brent Rathgeber, formerly of the Conservative Party, recalls being reprimanded by the PMO for going off script, noting that during debates on private members bills MPs were asked to read prepared texts, making the process more like “bad theatre” (p. 65) than a debate. Rathgeber puts a fine point on how this practice prevents deliberation:

It is almost unheard of for a member to address points raised by the previous speaker, which real debate would require. This is the obvious limitation of any “debate” advanced by prepared text, written by staffers, days before the “debate” has even commenced. (Rathgeber, 2014, p. 66)

Perhaps as a result of the Harper administration’s partiality for message control, debate in the Commons about Canada’s role in regulating CTMEs has consisted of a consistent stream of epideictic discourse promoting neoliberal values. In the following sections, I will look at Conservative MPs’ response to two private members’ bills proposing CSR legislation: Bill C-300 and Bill C-584.
Although the form of parliamentary debates is deliberative, as with texts about CSR, debates in the Commons make questionable use of both epideictic and deliberative discourse. CTMEs are frequently positioned as unimpeachable, and arguments from opposition parties outlining the need to address problems in Canada’s international mining sector are often ignored or dismissed through repetitive, superficial discourse. A variation of the phrase “Canada expects Canadian mining companies to follow local laws” is repeated with such frequency that it often occurs multiple times in the same speech (Carmichael, 2014; Hoback, 2014)—despite the fact that Canada’s expectations vis-à-vis CSR are not backed by anything. Rather than challenging the allegations against CTMEs or providing arguments that support the assertion that voluntary CSR measures can be expected to resolve these problems, Conservative MPs often merely reassert that voluntary measures are the best approach. While there’s much to be said about CSR debates in the Commons, I have limited my analysis to two snapshots that exemplify the disconcerting lack of genuine engagement with the issues up for debate—CSR legislation for CTMEs that is intended to address weak governance and corporate impunity—by examining responses to proposed private members’ bills from Ministers Erin O’Toole and Peter Van Loan.

4.3.1. Bill C-300: The Corporate Accountability of Mining, Oil and Gas Corporations in Developing Countries Act

Bill C-300 was a private member’s bill proposed in 2009. If passed, the bill would have required DFAIT to create guidelines for Canada’s international extractive sector and to annually report on CTMEs’ CSR compliance, as well as to establish a complaints mechanism. As noted in section 2.3.3, Bill C-300 provided an opportunity to implement many of the recommendations from the National Roundtables Advisory Group report that were missing from BCA, and could have to some extent have assuaged concerns about CTMEs operating in companies with weak governance. Excluding pressure from industry groups to reject the bill based on economic arguments, Bill C-300 had widespread support. Minister Peter Van Loan’s speech is worth considering in terms of how it positions CSR as a possible option only when economically expedient, and in terms of its epideictic elements, which are arguably counterfactual. Van Loan begins with a rhetoric of praise:
The fact is that Canadian mining companies are overwhelmingly good corporate citizens, model leaders that we can be very proud of. We can be proud of the fact that Canadian mining companies have moved into a position of global leadership. They are regarded as a focus of talent and also a focus of good corporate citizenship. (Van Loan, 2010, para. 8)

Van Loan goes on to suggest that “it is easy to look for recent examples” of good corporate citizenship (para. 8). Given the context, this might imply that what follows will be a series of examples refuting the claims that CTMEs require additional oversight. Instead, Van Loan’s epideictic speech provides just one example, which seems designed to stir feelings of sympathy and national pride to highlight the nobility of CTMEs, praising Canadian mining companies for providing resources during the rescue of 33 Chilean miners trapped underground following a 2010 mine collapse at the San José Mine in Chile:

I was in Chile on day 17, following the mining accident in which the miners were trapped underground. On day 17 when the sun rose, there was not very much hope left for those miners. For two and a half weeks, efforts to try to reach them had been without success.

It was not a Canadian mine that was involved, but Canadian mining and equipment companies were already there as good corporate citizens doing their bit to help. They were providing airlift for the families of trapped miners. They were generating support. They were providing satellite communications equipment that was necessary in that remote area, and of course, they were providing some of the critical drilling equipment that was necessary in the effort to try to reach the miners.

On the day I was there, halfway through the day the news broke that a note had been brought to the surface that indicated they were there, all 33 alive. It was an exciting time to be there. Everyone I talked to was exuberant. The nation rallied around, and hope sprung that a miraculous rescue could occur, which ultimately did, a miraculous rescue that occurred with the help of Canadian companies that were good corporate citizens, that did so because it was the right thing to do and showed the kind of leadership Canadian companies always have. They were the same kind of Canadian companies that are targeted by this legislation with the suggestion that somehow they are bad corporate citizens.

We know that story ended well. It was a triumph of the human spirit, a triumph of technology and something I think all Canadians can be proud of, that our mining companies played a part in delivering a successful ultimate outcome. (Van Loan, 2010, paras. 8–12).
Aristotle distinguishes between deliberative and epideictic rhetoric based on the goals of the rhetor, suggesting that when praising an individual (or in our case, industry) the focus is not on the expediency of any particular act, but that rhetors portray an act as praiseworthy when the subject “has neglected his own interest to do what was honourable. Thus, they praise Achilles because he championed his fallen friend Patroclus, though he knew that this meant death, and that otherwise he need not die” (Aristotle, 1358b–1359a). Insofar as Minister Van Loan’s account is persuasive in the attempt at establishing Canadian mining companies as honourable, this account persuades through pathos. As Aristotle suggests, because emotions are linked to beliefs, emotions are an inevitable element of political discourse; rhetors’ purposeful appeals to pathos are thus not inherently manipulative provided emotions stirred as the result of reasoned argument (Fortenbaugh, 1975/2002; Garver, 1994). The efforts of Canadian mining companies to rescue the miners are no doubt commendable and presumably required neglecting immediate self-interest. Van Loan’s attempts to instil a sense of pride in their efforts fail insofar as they are an inductive argument attempting to establish that Canada’s mining industry should be exonerated from all allegations and left to their own devices. As a reasoned appeal for the nobility of CTMEs, and thus for corporate autonomy, this argument falls short. The proposed Bill under debate, Bill C-300, did not rely on the premise that Canadian companies are uniformly malevolent, nor did it imply that Canadian companies never do good. Instead, it was intended to enable the Canadian government to address problems that inevitably arise as the result of transnational mining in countries with weak governance. By suggesting a single example of self-directed, fragmented altruism as the standard for responsible corporate behaviour, Van Loan implicitly demonstrates government’s support for a development model that ignores systemic inequalities.

To make my own appeal to pathos, as a narrative the Chilean mining collapse demonstrates one of many possible risks posed by poorly regulated mining operations, demonstrating a need for increased oversight. After an investigation into the company operating the collapsed mine, the Chilean government ultimately determined not to charge the owners, a decision which current and former Chilean government officials described as “painful” and “unbelievable” (Franklin, 2013). Three years after the accident, the rescued miners reported being blacklisted from most local mining
companies. One of the rescued miners, Omar Reygadas, reported that “[m]ost mine owners are afraid to hire us because they think that if there’s ever a problem everyone will immediately find out about it since we get a lot of press” (Franklin, 2013).

Van Loan ends his account of the Chilean mining accident by suggesting Canadian mining companies would leave Canada if Bill C-300 were passed:

That is the kind of story that we might not have if a bill like Bill C-300 became law, because those would not be Canadian mining companies anymore. They would be Australian mining companies or Chilean mining companies or Brazilian mining companies. (Van Loan, 2009, Para. 13)

First, the Minister’s response seems hyperbolic given that only mining companies shown to have breached the proposed guidelines would be negatively affected, and mining companies in violation of guidelines would not be criminally charged; instead, they would lose access to government funds and support provided through the Canada Pension Plan, DFAIT, and the Export Development Corporation (Janda, 2009). This is precisely the approach recommend by UN Special Representative of the UN Secretary-General for Business and Human Rights, John Ruggie, whom BCA (2009) mentions having supported since 2005. Ruggie argues that “the option of denial of public advantages must be kept on the table” for cases of “egregious violations” or wilful noncompliance with human rights standards (OECD, 2012, p. 180). Second, to consider this argument as an enthymeme, the implied conclusion seems to be that it is worthwhile to avoid regulation to avoid losing “this kind of story.” Even if mining companies were to pack up and leave as the result of the accountability imposed through Bill C-300, the suggestion that Canada should avoid regulation to prevent their leaving on these grounds is perplexing. Van Loan’s account also neglects to mention that mining companies from South Africa and Australia also provided assistance to the miners, and in the end it was an American company that rescued them. If Canadian mining companies were based elsewhere, the possible loss according to this narrative would seemingly be the loss of national pride that comes with being the home base for CTMEs that acted altruistically. Finally, this argument can arguably only be accepted due to neoliberal frames that have established the priority of economic over ethical concerns. If Canada is genuinely concerned with “good news” generated from CTMEs’ good behaviour, this provides further support for Bill C-300, which was designed to improve
social, environmental, and human rights accountability. Instead, for Minister Van Loan, the mere suggestion that economic growth may be hindered through regulation acts as a rebuttal. Van Loan (2009) ends his comments by suggesting that Bill C-300 “is too great a risk to consider” (para. 27). That is, the bill may pose an economic risk, and thus should be rejected on these grounds.

4.3.2. Bill C-584: The Corporate Social Responsibility of Extractive Corporations Outside Canada Act

Since BCA was adopted in 2009, there have been new allegations against CTMEs, as well as extensive criticism of the strategy. Nevertheless, Conservative MPs continue to rely on BCA to refute requests for regulatory interventions. This occurs despite the fact that some aspects of the strategy (e.g., the CSR Counsellor) are no longer functioning at even a minimal level, leading to some seemingly disingenuous arguments against proposed CSR legislation. In October 2013, NDP MP Ève Péclet proposed private member’s Bill C-584, the Corporate Social Responsibility of Extractive Corporations Outside Canada Act. If passed, the bill would have led to the creation of guidelines for mining companies operating in developing countries and the creation of an ombudsperson’s office that would investigate allegations against CTMEs.

Minister Erin O’Toole’s speech against the adoption of Bill C-584 provides an example of the government’s apparent lack of critical reflection in its continued public support for BCA, made possible due to government communications that have established Canada’s relationship to CSR in economic terms. Although Canada’s CSR strategy was not a success, rather than responding directly to criticisms of the strategy or the reasons provided for Bill C-584, O’Toole simply repeats and reframes the four “pillars” of BCA—which he calls “ambitious”—praising the strategy’s economic benefits. For example, in his discussion of the first pillar, host country capacity building, BCA notes “many countries face considerable capacity challenges in implementing extractive sector strategies, legislation and regulations that ensure investments and operations are socially and environmentally responsible; support the protection of human rights; and, produce sustainable benefits for communities and industry” (DFAIT, 2009, p. 7). In
contrast, O’Toole’s treatment of the first pillar ignores social, environmental, and human rights concerns entirely, instead focusing on its economic aspects:

The CSR strategy’s first pillar is capacity-building within countries internationally to make sure that the investment is not just in a mine or an operation but that capacity is built around the economic activity generated by the investment in that country. (O’Toole, 2014)

Although witnesses brought allegations of serious human rights abuses before Parliament, (Canada 2009, 2010), O’Toole (2014) reframes these testimonies in economic terms, cautioning that “we have to remember, as witnesses have told us at committee and as I have been told in my consultations, that in some of these countries there is massive unemployment and a big disparity in wealth,” going on to suggest that local procurement strategies led to the hiring of local employees (para. 7). This is unpersuasive for several reasons. While Canadian mining companies do form “some of the largest investors and employers” as Minister O’Toole notes, the implied conclusion—that the presence of new, large corporations will decrease wealth disparities—does not follow. Mining activity can also increase income inequality. It is also worth noting that O’Toole fails to explain the role that government played in facilitating responsible procurement. In fact, O’Toole’s praise for the government’s host country capacity building efforts is dubious. In PDAC’s (2014) comments to government regarding BCA, the first pillar was described as “under-conceptualized, under-resourced and undervalued” (p. 4). Nevertheless, O’Toole presents this pillar as a triumph.

4 As Heisler and Markey (2012) found, in Canada the benefits of mining for local communities are increasingly determined by mining companies through CSR initiatives, including charitable donations, infrastructure development, and procurement strategies favouring local residents, rather than redistributed by government through taxes. Mining companies tended to distribute these benefits unevenly, primarily developing CSR projects and providing funding only to local and regional jurisdictions that had input in whether a project would go forward as a means of “securing a social license to operate” (p. 387), ignoring adjacent communities that were not recognized as having a legal right to contest development. Even the best CSR efforts may not succeed in environments where governments have failed to in provide basic services or where there is corruption and limited sustainability and human rights protects (Vives, cited in Bandeira & Lopéz-Parra, 2009).
To demonstrate the success of the second pillar, CSR Performance Guidelines and Reporting, O’Toole’s argument seems to be that there are a lot of guidelines out there:

The second pillar is promoting international corporate social responsibility guidelines. There are many of these guidelines in operation right now that many corporations in Canada and abroad use to try to bring best practices to their own operations. The World Bank has guidelines. In Canada, the Prospectors and Developers Association of Canada has published its guidelines. Those guidelines are among some of the most ambitious out there, and they try to encourage their members to follow them. (O’Toole, 2014, para. 9)

As for the third pillar, the Office of the Extractive Sector CSR Counsellor, O’Toole (2014) provides an oddly worded statement considering that five years had passed since the launch of the counsellor’s office: “Conflict resolution through dialogue can be the goal of the CSR counsellor” (para. 12). In fact, conflict resolution was the goal of the CSR counsellor, but as noted (see 2.4.2), the counsellor left the role after four years without having successfully resolved a conflict. Despite initially arguing against the implementation of Bill C-300, by the time of Minister O’Toole’s speech, PDAC recommended the government consider strengthening the counsellor’s mandate (PDAC, 2014).

O’Toole concludes his tour of BCA by discussing the CSR Centre of Excellence, which he suggests

…plays well on our strengths that I already referred to: Canada as a centre of excellence in terms of the financial capital markets for mining and the extractive industries, and some of our Canadian players that are also large employers in our economy (O’Toole, 2014, para. 13).

DFAIT’s (2009) rationale for the center was likewise economic. In BCA, the Centre for Excellence is introduced with the claim that “corporate social responsibility makes good business sense since it enables companies to better manage the social and environmental risks of their operations” (DFAIT, 2009, p. 10). However, as PDAC (2014) found, the centre was also established to “disseminate high-quality CSR information [but] this valuable goal was not realized” (p. 7). In April of 2012, five members of the
Centre’s executive committee representing civil society resigned, citing a lack of funding provided to the Centre as the reason for their resignation (Laverdière, 2013).

Each of O’Toole’s efforts to position BCA as an appropriate response to the exigence of allegations are epideictic insofar as they “argu[e] that what has been done is, e.g., noble and useful. The facts themselves are to be taken on trust” (Aristotle, 1417b). O’Toole is not alone in this approach. When CTMEs’ or Canada’s approach to oversight are challenged, MPs in numerous parliamentary debates have pointed back to the strategy as an example of having “done something,” and thus the government’s rational for a voluntary approach to oversight in the mining sector does not require defending—despite the strategy’s many failings. This approach falls short of Aristotle’s observation that in order to convincingly refute a proposal in a political debate it is necessary to either “maintain that a proposal is impracticable; or that, though practicable, it is unjust, or will do no good, or is not so important as its proposer thinks” (1417b).

As Bostdorff and Vibbert (1994) suggest, epideictic rhetoric—which they refer to as “values advocacy”—can later be relied upon by organizations to create a perception of virtue, thereby “discourag[ing] criticism for anyone who attacks the organization may also appear to be attacking the values the organization claims represent” (p. 149). In parliamentary debates, this occurs when critical questions about regulating CTMEs or about Canada’s CSR strategy are met with accusations of being against, for example, the economic benefits of mining. O’Toole’s (2014) attempt at directly refuting Bill C-584 rests on an economic rather an ethical imperative inasmuch as it suggests that by proposing this type of bill, “opposition parties show a profound lack of understanding of the extractive industry here in Canada and globally” and that this “should not be surprising, coming from a party that is essentially opposed to private sector job creation” (para. 1). The implication is that regulating CTME operations in foreign jurisdictions would lead to a loss of jobs. The process by which this is expected to occur is unclear; perhaps the requirements of the bill, such as abiding by CSR guidelines and reporting on CSR performance, would be so costly that companies would be forced to lay off employees; or perhaps the bill would lead mining companies to move their base of operations away from Canada. But instead of explaining why Bill C-584 exemplifies an
anti-job stance, Minister O’Toole simply, as noted, extolled Canada’s 2009 CSR Strategy. As a piece of deliberative rhetoric, MP O’Toole’s comments fall short.

4.4. Conclusion

In summary, my examination of the deliberative aspects of CSR texts aimed at Canadian businesses in general—Industry Canada’s (2006) CSR Implementation Guide for Business and the Canada Trade Commissioner Service’s (2014) “Why CSR makes good global business sense”—demonstrates how government promotes CSR as primarily an economic tool, despite mixed evidence that CSR can increase profits. Content analysis of these same texts likewise revealed that government’s discussion of CSR relied on economic and reputational rationales for practicing CSR. In examining policy texts focused on CSR in the mining sector—Building the Canadian Advantage and supplementary texts and speeches promoting the strategy—a consideration of epideictic and deliberative rhetorical elements illustrated the government’s use of self-promotional rather than genuinely persuasive policy communication. Even in contexts that facilitate deliberation, Minister O’Toole and Minister Van Loan’s responses to proposed CSR legislation, as well as talking points provided to Minister Edward Fast for his interactions with members of civil society groups, convey the government’s commitment to scripted, primarily epideictic responses that stifle the possibility of productive engagement.

Through this analysis of government discourse and debates about CSR, I have shown that CSR policy communication works to deflect criticism and avoid meaningful action by evading ethical questioning. Although concerns about irresponsible corporate behaviour in the mining sector formed an exigence that required a non-rhetorical response from the Canadian government, government policy communications and debate regarding CTMEs avoids considering the government’s and corporation’s roles and responsibilities in preventing harms. Perhaps more importantly, the government’s response to the exigence of citizens’ concerns about corporate harm is primarily rhetorical. This is not to deny that Canada has dedicated resources to CSR support and promotion; however, CSR communications have worked to reframe a call to end impunity as a call for support.
Through an Aristotelian lens, we can see that this deflection has been accomplished through a variety of spurious rhetorical practices. Because deliberative rhetoric is oriented to expediency, it can be used to uphold or denounce both ethical and unethical ends; in the case of CSR, rather than employing deliberative rhetoric to justify laws aimed at enforcing responsible behaviour, the government merely states that Canada “encourages and expects” corporations to behave whilst addressing problematic practices through an appeal for CSR uptake on economic grounds, ultimately abdicating responsibility. The message in both CSR policy and policy communication that government’s role is primarily to support and encourage corporations serves to bolster neoliberal ideology in which, as Dean (2009) describes, freedom is protected at the expense of justice and equality, and the role of government is reduced to defending and opening markets. In addition to being ethically questionable, the government’s deliberative arguments for a market-based solution to concerns about corporate harms were rhetorically deficient. In the case of the speeches by Ministers O’Toole and Fast, BCA was portrayed as providing evidence of Canada’s success in addressing these harms—despite the strategy’s inefficacy.

As a response to the exigence of unethical behaviour, as distinct from the rhetorical exigence of public concern over unethical behaviour, Canada’s voluntary, market-based policy response is inadequate. The government’s failure to implement policies preventing corporate harms explains in part its reliance on epideictic rhetoric celebrating both the mining industry’s profitability and CSR performance. As with deliberative rhetoric, in which support for a market-based policy approach to an ethical issue was supported with economic arguments, epideictic rhetoric celebrating the mining industry’s economic and CSR successes implicitly defends values such as corporate autonomy. In terms of ethical obligations, the government’s appraisal of the mining industry’s performance has been either absent or glowing. As Fischer (2003) points out, defending capitalist practices was far more difficult before Adam Smith offered his account of the virtues of a free market (p. 83), and it is “[t]he winner of the discursive struggle [who] will define what will be taken to be reality with categories that will at the same time suppress alternative conceptions” (p. 87). The reframing of concerns about irresponsible behaviour and weak governance in the international extractive sector as primarily an economic matter is significant because it has enabled the government to
evade what should be a central question in *Building the Canadian Advantage* and other CSR communications: How will the Canadian government prevent harms caused by Canadian companies?
Chapter 5. Conclusion

In this thesis, I set out to demonstrate that Canada’s CSR communications are discursively limiting, in effect diminishing the scope for deliberation about corporations’ ethical obligations and about the government’s role in ensuring that corporations act ethically. While policy discourse could and should play a role in a larger social dialogue about CTMEs’ responsibilities, government CSR discourse instead functions to sustain existing power imbalances and inequalities. By reframing an ethical debate as a neoliberal progress narrative, policy communication works to establish corporate autonomy as a public good.

To highlight the contradiction between the claims about CSR’s efficacy and the reality, I have shown CSR to be insufficient as a policy response to problems in Canada’s transnational mining sector. Because corporations practice CSR to improve their reputations and increase profits, CSR strategies are fragmented, focusing on promotable, individualized contributions, and thus cannot sufficiently neutralize the role mining plays in producing income inequality, environmental damage, negative health impacts, violations of human rights and indigenous land rights, and violent conflict. Mining industry support for a CSR regime is understandable, as CSR can help secure a social license and preclude unwanted regulation. But it is troubling that the Canadian government has likewise adopted this approach. Not only does CSR fail to ensure ethical behaviour, but inasmuch as it is promoted as the primary means of addressing problematic practices it is counterproductive, legitimizing and bolstering a neoliberal development model that proposes market solutions for ethical problems and prioritizes private interests (Ireland & Pillay, 2010; Sadler & Lloyd, 2009; Soederberg, 2007). In short, Canada’s CSR approach takes the inequities inherent in globalized capitalism for granted, tacitly endorsing power imbalances between affected communities and multinational corporations.
It is inevitable that governments will at times create policies that fail to adequately resolve the problems they set out to address. However, Canada’s CSR policy discourse fails not only to resolve the general problem of impunity in transnational mining but also to address the specific allegations against Canadian mining companies in response to which CSR measures are being promoted in the first place. This troubling approach to policy communication can be clarified by considering the government’s apparent failure to attempt to establish ethos, which Aristotle considered to be an indispensable prerequisite for rational persuasion. In corporate CSR communications, the foremost goal is to promote companies’ interests, and as such, corporate rhetors’ potential to persuade through ethos is limited. Policy communication, on the other hand, is ostensibly the result of an analytic process that has sought to discover the ideal means of solving a real-world problem. My analysis demonstrates that BCA and other CSR communications from the Canadian government fail in several respects to establish ethos, which for Aristotle consisted of good sense (phronesis), good moral character, and goodwill (Garver, 1994). Canada’s failure to sufficiently justify BCA through deliberative rhetoric demonstrates a lack of phronesis. In many cases arguments in favour of BCA are unsound or absent, substituted with epideictic rhetoric. This occurs in part due to constraints on government rhetors, which in turn limit the government’s potential to create the perception of goodwill. The highly controlled and defensive communications atmosphere in which public servants prepare and politicians deliver superficial scripted responses reduces the likelihood that anyone will consider government communications to be trustworthy.

The government’s moral character is called into question as the result of both its policies and its policy discourse. As policy, Canada’s CSR strategy is inadequate, failing to resolve significant ethical problems. In terms of policy discourse, government’s CSR communications are evasive, failing to acknowledge significant ethical concerns. Rather than responding to genuine and pressing problems, government texts discursively obscure the contradiction between corporate autonomy and ethics by reframing problems in the mining sector as opportunities through epideictic rhetoric celebrating CTMEs for their economic contributions and CSR measures for their economic utility. That is, in lieu of providing real solutions for real ethical problems, epideictic rhetoric is
used to endorse neoliberal values—a response that would be difficult to justify through deliberative rhetoric.

Although it is beyond the scope of this thesis to recommend changes to Canada’s approach to policy communication and debate, this research has implications beyond CSR as a case study, providing a critique applicable to government communications in general. In the case of CSR communication, given the volume of negative coverage of Canada’s mining sector, the government’s focus on the resource extraction sector was arguably unavoidable. But although the government releases a considerable quantity of CSR communications, it is often of questionable value, as this thesis has demonstrated; in a broader sense, increased government messaging does not necessarily ensure a more transparent or democratic approach to communications. As seen in BCA, policy communication about CSR fails to clarify if and how Canada’s approach actually addresses the harmful side of transnational mining—at least, adequate arguments in favour of a voluntary approach to problems in the extractive sector have not been meaningfully articulated through policy text or debate. Government’s evasiveness in this regard, supported by the adoption of both a neoliberal epideictic rhetoric and a deliberative rhetoric of economic expediency, deflects criticism of BCA’s inadequacy—despite the Canadian government’s duty to explain its policies and “meaningfully participate in the democratic process” (Treasury Board Secretariat, 2006/2012).

Rather than providing convincing justification of policy, government communications about CSR provide an example of an attempt to control messaging. The rationales provided for CSR are, according to Aristotelian standards, more sophistical than genuinely rhetorical, and crucial questions are left not only unanswered but unasked. Rather than attempting to produce well-argued and sufficiently justified policy communication and debate that informs, engages, and persuades citizens, government messaging works to self-promote, as well as to tacitly publicize values that reinforce the government’s policy approach. But to what end?

In government policy communication, the controlling rhetorical exigence seems to be legitimation rather than justification. This interpretation is supported by a
consideration of the role of the audience, as per Bitzer’s rhetorical situation. At present, government communication may be used to persuade citizens that government policies are defensible or to prevent or diminish potential criticisms as a means of increasing the likelihood of re-election. The focus on self-promotion and the lack of care taken to justify policies suggests the controlling exigence is a concern for maintaining the popular support required for procedural legitimation via re-election, rather than for persuading citizens that policies are appropriate and better enabling citizen engagement in the policy process.

In 2004, the UK Cabinet reported having found a culture in the public service in which communication was often thought of primarily in terms of “media handling,” and in which policy communication “tend[ed] to be tagged on to the end of policy formulation, not treated as an integral part of it” (Phillis, 2004, p. 9). That is, policy was justified after the fact, discursively. This is precisely the problem in Canada. If we accept that deliberation leads to better or more legitimate decisions, government communication should at minimum adequately explain policies. Instead, policy communication and debate frequently lean more toward epideictic rhetoric and inauthentic deliberative rhetoric, making it seem implausible that Canada’s policy communication will accurately reflect the policy development process or appear to be the product of rational deliberation. While government-instigated deliberation about corporate responsibility in the mining sector, such as the discussions held through National Roundtables, is frequently cited by the government as proof of the discursive legitimation of the strategy, in practice this deliberation has had little impact on policy formation or communication.

The erosion of political neutrality within government and the resultant defensive communications environment impose a significant constraint on the autonomy of public servants and politicians who are responsible for drafting or delivering government policy communication. When permanent campaigning is the controlling exigence that public communication is intended to address, and assertions in debate are framed consistently in ideological terms without sufficient evidence, policy communication works against the possibility of correcting serious ethical problems. Identifying means of improving and depoliticizing government communication practices is thus an important area for future study. As a first step, this critical questioning of the Canadian government’s rhetorical
practices with a focus on one economic sector has identified aspects of the federal government’s communications philosophy that require meaningful transformation, and has given some sense of the stakes.
Works Cited


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Toth, E. L. (2009). The case for pluralistic studies of public relations. In Rhetorical and critical approaches to public relations (pp. 48–60). New York [u.a.: Routledge


