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Reasonable accommodation: Round two

An introduction by Bob Chodos

In the spring of 2007, in the face of increasing tensions over the “reasonable accommodation” of religious and cultural minorities, Premier Jean Charest commissioned two of Quebec’s most distinguished thinkers, Gérard Bouchard and Charles Taylor, to study the issue. Inroads took note of the Bouchard-Taylor Commission by inviting four leading observers to comment on the commission’s consultation document and the question of “reasonable accommodation” more generally. The resulting contributions were published in the Winter/Spring 2008 issue.

When Bouchard and Taylor released their final report in Montreal on May 22, we went back to our writers and asked them for comments on the report. Three of them – English Canadian political scientists Alan Cairns and Garth Stevenson and Le Devoir political columnist Christian Rioux – responded. Their comments are presented here. We received a letter to the editor on the same topic, and it is included in this section as well.

The Bouchard-Taylor Report is available in English in both complete and abridged versions on the commission’s website: <http://www.accommodements.qc.ca/index-en.html>

Bob Chodos is managing editor of Inroads

Caught in the crossfire

by Garth Stevenson

Garth Stevenson is professor of political science at Brock University in St. Catharines, Ontario.

In May of this year, 15 months after it was appointed to examine certain incidents involving friction between religious minorities and their neighbours in Quebec, the Bouchard-Taylor Commission submitted its final report. Two men of good will, both distinguished scholars, have done their best to pour oil on troubled waters by examining the facts, listening to the views of Quebecers who attended their hearings and making a number of recommendations. The commissioners claim to have succeeded, at least in part, and perhaps they are right. One possible indicator of success is the fact that support for the ADQ, the party that appeared to benefit the most from public concern over the issue of “reasonable accommodation,” has declined significantly since the commission was established.

The final report is a balanced, reasonable and generally sensible document. The carelessness in the presentation and interpretation of data regarding ethnicity in Quebec that I noted in the preliminary consultation document published last year is not found in the final report.¹ The



recommendations are mainly modest and moderate, reflecting the view, which I also expressed in my comment on the preliminary document, that Quebec has been generally quite successful, compared to other places, in accommodating its religious and ethnic minorities without sacrificing its own distinct identity.

Some issues and problems nonetheless remain. This is not surprising, because the relationship between religion and the state, as I suggested earlier, is one of the most important issues in political theory, and one that has not received a lot of explicit attention in Canada, or specifically in Quebec. The separation of church and state is generally accepted nowadays in Quebec, and has been repeatedly cited in recent months as a part of Quebec's way

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of life that everyone must accept, but what exactly does it mean? In the American version, which I accept, it means that the state should be neutral among religions, but not hostile to any of them or to religion in general. In the hard-line version, preferred by the republics of France, Turkey and Mexico, the hostility is more evident than the neutrality. Some Quebecers, reacting against the conservative Catholicism that pervaded their society in the days of *la grande noirceur*, prefer that version. Yet there is an ambiguity lurking around the

public discussion of the issue over the last two years, and even around the Bouchard-Taylor Report itself. This may be illustrated by referring to two of the report's more prominent recommendations.

The first, which seems simple enough, is the recommendation that the crucifix be removed from the prominent position it occupies in the chamber of the National Assembly. Since the National Assembly is the common property of all Quebecers, whether they are Christians or not, this suggestion seems perfectly just and sensible. One need not be a hard-line secularist to believe that it should have been implemented years ago. Yet the National Assembly itself promptly rejected this recommendation by a unanimous vote!

The second, which is more questionable, is the idea that individual representatives of the authority of the state, such as judges and police officers, should be prohibited from wearing any symbol of their religious beliefs. This unnecessary idea recalls the dreary controversy over turbans in the RCMP that preoccupied many anglophone Canadians several years ago. Unlike the recommendation regarding the crucifix, it seems to reflect a more hard-line hostility to any evidence of religion. Yet this idea, which was apparently first suggested by the Bloc Québécois, has not (at least so far) been rejected. Is it logical to reject a recommendation that reflects the moderate American version of secularism, but not to reject one that seems to reflect a more rigid ideological version?

Probably not, but the lack of logic reflects the ambiguity and confusion surrounding Quebec's recent preoccupation with secularism.

For some Quebecers, the preoccupation is based on rejection of the hegemonic position that the Catholic Church occupied in Quebec society a few decades ago. For others, it is based on hostility to certain religious minorities, or at least to the ways in which those minorities express their beliefs. Some Quebecers perhaps combine both sets of attitudes and do not bother to distinguish them. Still others may not be entirely honest in explaining why they consider secularism so important, since hostility to the Catholic Church is apparently considered more respectable, in some quarters at least, than prejudice against minorities.

While Quebecers are not the only Canadians who worry about defining their "identity," or who are confused about precisely what that identity consists of, they certainly share in this Canadian preoccupation. Meanwhile, as Quebec attempts to define its values, maintain its coherence as a viable society and come to terms with its somewhat troubled past, religious minorities, most of them recent arrivals in Quebec, are being caught in the crossfire between Quebec's ideological camps. That is the real significance of the Bouchard-Taylor Report, and of the controversy which it tried to address.

Notes

1. See my article "Religion is the elephant in the room," *Inroads*, Winter/Spring 2008, pp. 53–56.

The end of Canadian exceptionalism

by Christian Rioux

Christian Rioux is a political columnist and Paris correspondent for the Montreal daily *Le Devoir*. He is the author of *Voyage à l'intérieur des petites nations* and *Carnets d'Amérique*, both published by Boréal.

One summer evening, a young Latin American died – shot by a policeman who apparently was trying to protect a fellow officer. The incident quickly inflamed the tense neighbourhood in which it took place, and groups of young people torched police cars and fire trucks. The shot fired this summer in Montreal North was heard around the world, as the events in the Montreal suburb were widely reported in the press outside Canada. These events evoke, in a minor key, the agitation that followed the murder of Theo van Gogh in Amsterdam in 2004, the unrest sparked by the death of two youths whose motorcycle was hit by a police car in Villiers-le-bel near Paris in November 2007, and the scuffles in the South American neighbourhood of Alcorcón south of Madrid in January of the same year.

Let's face it. If the Montreal North riots had occurred a little earlier this year, they probably would have brought about a radical change in the deliberations of the Bouchard-Taylor Commission, which submitted its report in the spring. Just a few months after the report's release, the riots



brutally contradicted the commissioners' idyllic portrayal of the integration of immigrants in Quebec. We have to acknowledge that what happened in Montreal North may signal the end of a kind of Canadian exceptionalism.

Everywhere in the world, until recently, Canada was considered an exception in the area of immigration. While there was massive immigration to Canada, it didn't seem to have the same effects in these vast northern landscapes as it did in the suburbs of London, Lyon or Los Angeles. Whether it was because of the wide horizons, the cold temperatures or the proverbial pleasant disposition of the local population, in this broad and beautiful multicultural country new immigrants appeared to integrate without difficulty and old antagonisms seemingly disappeared as if by magic. That's what we were told time and again by multicultural propaganda from Ottawa and Quebec City, endlessly relayed by mass-circulation European magazines with no mitigating stories or counterexamples. And foreign correspondents from Quebec have

repeatedly had to answer questions from French, British or American colleagues eager to find out some of the ingredients in the Canadian miracle.

The miracle doesn't look so miraculous any more. This is what Commissioners Bouchard and Taylor, longtime supporters of Canadian multiculturalism (or its Quebec version, interculturalism), have obstinately refused to consider. But was there ever a Canadian

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miracle? In the spring, the French demographer François Héran explained to this correspondent in Paris that Canada's record of receiving immigrants in an atmosphere of relative social peace was probably not due to its wonderful multicultural policies. Rather, he attributed this phenomenon to the vast buffer zone represented by the United States, which prevents Mexican illegal immigrants from settling in Canada. Héran wondered how long this geographical advantage would last, and what Canadians would say when Canada was receiving as many illegal immigrants as the United States or France. Would they be so different from the French or the Dutch?

If there is a Canadian exception, it may have to do with a kind of naiveté toward what might well be called the ills of immigration. I'm talking about the ethereal quality of the Canadian immigration debate, of which the Bouchard-Taylor Report constitutes an eloquent example: the commissioners refused to propose anything that would either strengthen Quebec's language laws or enhance the integration of immigrants. The right still peddles the myth that new immigrants immediately become synonymous with economic progress.

We read this summer in the press that Quebec needs 300,000 immigrants a year. Has anyone realized that that would mean a doubling of Quebec's population in a little more than 20 years? Such demographic madness is beyond words. The left too often persists in portraying the immigrant as an eternal victim, through whom we can expiate our Western guilt. It's not the first time that neoliberal thinking and left-wing orthodoxy are in bed together.

However, the major democracies are beginning to pull back from these mythologies. Most European countries and the United States have reexamined their immigration and integration policies, or are in the process of taking a fresh look at them. This is particularly true of the Netherlands and Britain, which are now being confronted with the abject failure of multicultural policies that until recently encouraged the development of ethnic ghettos and closed communities.¹

It is astonishing that a commission that preaches the virtues of being "open" would place so little emphasis on experience in other countries. Bouchard and Taylor have refused to seriously examine comparable experiences elsewhere in the world. If they had looked



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beyond the borders of Quebec, they would have been forced to recognize that Quebecers are not alone in feeling insecure about their culture and identity in the face of an influx of new immigrants. The Bouchard-Taylor Report's shameless attribution of Quebec's malaise to media exaggeration alone would have been impossible.

Strangely, this provincial point of view doesn't prevent the authors from putting forward a stereotyped vision of French secularism, which they characterize as "integral," "rigid" and "restrictive" without any rigorous examination of the complex reality of France.² Many people in Britain and the Netherlands, however, are pointing to France as an example. Home to the largest Muslim community in Europe, France has continued to defend the need for a strong national identity as the foundation of a living democracy. If they had taken the trouble, the commissioners would have discovered that Muslims are more willing to proclaim their new nationality in France than in most other European countries. In France, 42 per cent of Muslims consider themselves French first, while barely 7 per cent of Muslims in multicultural Britain consider themselves British.³

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though immigration has clear advantages, it also leads to social fragmentation, which has major social costs.⁴ Charles Taylor and Gérard Bouchard have refused to confront these questions, but they are of vital importance for a small nation such as Quebec whose future and indeed survival in North America are far from being assured.

Notes

- ¹ See my article "L'échec du multiculturalisme néerlandais" (The failure of Dutch multiculturalism), *Le Devoir*, June 28, 2008, p. C1.
- ² French secularism, or *laïcité*, is much more open than is generally believed. For example, cafeterias in French schools and hospitals have long accommodated Jews and Muslims by offering them pork-free menus. Nor has there ever been a problem with respecting religious holidays. Despite the exclusion of religious teaching and the ban on wearing conspicuous religious symbols such as the Muslim headscarf in French schools, religious culture has been reintroduced into the schools through history courses. Many secondary schools and lycées have chaplaincies. The government even takes care of maintaining all religious buildings built before 1905, thus making sure that they are not converted into condos as sometimes happens in Quebec.
- ³ "Choisir ses immigrants?" (Choose your immigrants?), interview with Patrick Weil, *Le Nouvel Observateur*, February 7, 2008, p. 34.
- ⁴ Robert D. Putnam, "E pluribus unum: Diversity and community in the twenty-first century," the 2006 Johan Skytte Prize Lecture, *Scandinavian Political Studies*, Vol. 30, Issue 2 (June 2007), pp. 137-74.

Integrating diversity in a small nation

by Alan Cairns

Alan Cairns teaches in the Department of Political Science at the University of Waterloo.

That the Bouchard-Taylor Report, *Building the Future*, was researched, written and published in slightly more than a year is an extraordinary achievement, credit for which must go to the two authors. When the Swedish academic Gunnar Myrdal wrote the classic *An American Dilemma: The Negro Problem in Modern Democracy* (1944), he somewhat egotistically attributed its high quality to the fact that he was an outsider, who brought the gift of initial ignorance to his task. He saw himself, so to speak, as an anthropologist trying to understand a strange tribe. Bouchard and Taylor, by contrast, are the consummate insiders, deeply knowledgeable about the society they were commissioned to analyze.

The commission's focus

The report is deeply conscious of the democratic world external to Quebec, where historic definitions of statehood are challenged by immigration-fed diversification of the civic

community. This is one of the major contemporary challenges facing Western democratic states. Although it would be an exaggeration to say that the report reeks of pessimism about the likelihood of inclusive provincewide social cohesion in Quebec, its optimism is guarded. It leaves the correct impression that we and our fellow democracies in the Western world are moving into new territory where our past experience offers limited guidance.

Although on the one hand the authors conclude that most of the “incidents” of cultural-religious tension over the last 22 years in Quebec, which triggered the striking of the commission, were based on startling discrepancies between public perceptions and the facts – misunderstandings fed by the media – they are apprehensive that inflammatory rhetoric in the future could drive the population into its ethnic solitudes. The thesis that the recent “crisis appears to have existed more in perceptions than in real life,” which is repeated again and again, seems to suggest that the perceptions are less real than the facts they distorted – a difficult distinction to sustain.

The overriding focus of the report is a small Quebec nation, a minority in Canada and an even smaller minority in North America, facing the globalization challenge of integrating ethnocultural populations arriving from the four corners of the world. The small size of the Quebec nation is a recurring theme. It compounds the challenge of integrating human diversity, a difficult enough task for large nation-states. For Quebec, a further complicating factor is a francophone birthrate which, if not reinforced by immigration, will result

in a shrinking population and the negative consequences it entails.

The commission, therefore, needed to propose ways to avoid the fragmentation that might emerge from diversification, and to foster social cohesion so that the Quebec nation will not be weakened. This is no small challenge given the insecurities and angst that the report tells us prevail in the majority francophone community, which “is apparently unsure of itself and subject to outbursts of temper.” These insecurities are also present in the anglophone community, in the cultural communities and among Aboriginal peoples. This is the raw material out of which the conditions of survival – integration and an inclusive solidarity – must be fashioned. The report asserts that the stakes are high. Crossing one’s fingers is an appropriate response.

Who and what got left out of the commissioners’ world?

There are exclusions and ambivalences in the report that deserve attention if its specificity is not to be overlooked. With the exception of a few references, the anglophone community, which is part of the host society, and the 11 Aboriginal nations are excluded. This greatly simplified the commission’s task, as it removed the dramatic, and possibly embarrassing, decline of the anglophone population (30 per cent since 1976) from the commission’s agenda. This exclusion is especially regrettable because the report notes that “the English-speaking community in Quebec has displayed

a general attitude of openness to accommodation,” in apparent contrast to the francophone majority. An analysis of this contrast would have been instructive. It also removed the issue of First Nations nationalism, which mobilized against Quebec independence in the 1980 and 1995 referendums. These two exclusions gave the commissioners a clearer, simpler focus than they otherwise would have had. While understandable, this tremendous simplification meant that the commission’s view of Quebec was unavoidably and admittedly partial.

The commission’s dominant concern was the relationship between the immigrant population and Quebecers of French Canadian origin, who were most prone to react negatively to requests for accommodation. This focus, however, also came at a price. The relations among ethnocultural communities were not examined. Since the commission reports 100 or 130 cultural communities in Quebec,¹ it would have been a monumental, indeed impossible, task to examine their relations with one another.² While this (probably inevitable) exclusion further simplified the commission’s task, it did so at the expense of overlooking tensions that might weaken the social cohesion that was the focus of the commission’s attention – between Hindus and Sikhs, for example, or between Muslims and Christians from Lebanon. An unfortunate additional nonappearance in the report is the

extent of intermarriage, a helpful indicator of social cohesion. Who marries whom is information that is extremely sensitive to relations between intercultural communities and between them and the francophone and anglophone host societies.

Canada makes only a fleeting appearance in the report, which asserts that Quebecers have decided “until further notice” to belong to Canada. The occasional references to Canada mention the Supreme Court, the Canadian Charter, the ethnic diversity of Toronto and the policy of multiculturalism, which is recurrently excoriated. Canadian federalism was excluded from the analysis. Overall, a reader could be forgiven for believing that Canada exists outside Quebec, but not in Quebec.

The report says many wise things about how to travel on the road to social cohesion, identity transformation and integration, an analysis and message which, with appropriate modifications, deserve careful reading in that other nation the report locates outside Quebec.

Notes

- ¹ The Commission Scolaire de Montréal has a student population from 180 countries and 150 languages.
- ² Muslims were most frequently cited, and occasionally Africans.

For Quebec, a further complicating factor is a francophone birthrate which, if not reinforced by immigration, will result in a shrinking population and the negative consequences it entails.



Letter to the editors

Don't let pluralism erode liberalism

Dear Inroads editors,

As someone who appreciates your journal, I would like to make an extra effort to thank you for an excellent edition in Winter/Spring 2008. I was pleased to come across your treatment of the issue of reasonable accommodation. Your timely edition shed light for me on an issue that had been presented in other sources simply as a confrontation between value-pluralism and liberalism. So I thank you for your reason, moderation and editorial leadership on this issue. However, as much as I appreciate your work, I do have additional points that I think are worth making.

I am so far reassured by the commissioners' recommendations, as they seem to have been responsible in their stance. To me, advocates of more or stronger "value-pluralism" are not part of liberal renewal but are, rather, illiberal in word if not in deed and effect. So I have held some reservations as to how value-pluralists

would present their case and some concerns as to what they might want to discard about liberalism in the transition to a more plural Canada. I have at some level been a bit more than just intellectually interested as to what was in play for these folks.

For me pluralism is a deeply cherished element of liberalism. But my concern is that more or greater pluralism will come at the expense of other elements of a liberal democracy, and the balance of liberalism will be thrown off, as it often seems to be in Canada (at least for a while) when we confront some large issue, threat or opportunity. My concern with value-pluralism is that its advocates, whether in the courts or in the intellectual elite, would ultimately seek to make communities and groups the primary rights-bearers in Canadian society – at least through interpretation and opinion formation, and perhaps more explicitly. Such

is the goal of value-pluralism, and I am curious as to how committed to this project our everyday Canadian pluralists are.

Thus, I was reassured by the stance of moderation and responsibility alive in the work of Bouchard and Taylor. And I had been looking, in some sense, for the exact statement that David Goodhart makes in your edition: that “liberalism and pluralism are normally close allies. But when they conflict, it is liberalism that must prevail.” Ensuring that this is the case would be an important step for liberals to take.

Advocates of more pluralism appear illiberal to my mind, or at least appear to come to illiberal conclusions, for two mutually reinforcing reasons. The first is that they are all too willing to hasten the “post-Enlightenment” death of liberal neutrality. Liberal neutrality may have been utopian and not fully realizable, but that does not mean to me that we should hasten its cremation and scatter its ashes before we have had a proper mourning period.

As the commission points out, accommodation will require a nuanced, flexible conception of rights and freedoms that “focuses more directly” on the situations and individuals in questions or at issue. So, the state must be made fully cognizant of each of our ethnicities, religious affiliations, personal beliefs and any other group identity we can conjure to give our lives meaning in the mirror. In more pluralism, the state is even more interested in our particularities. Pluralism is so utterly prohibiting of any neutrality that it awakens the giant of the state, and then crosses its fingers and hopes the giant is a really nice guy

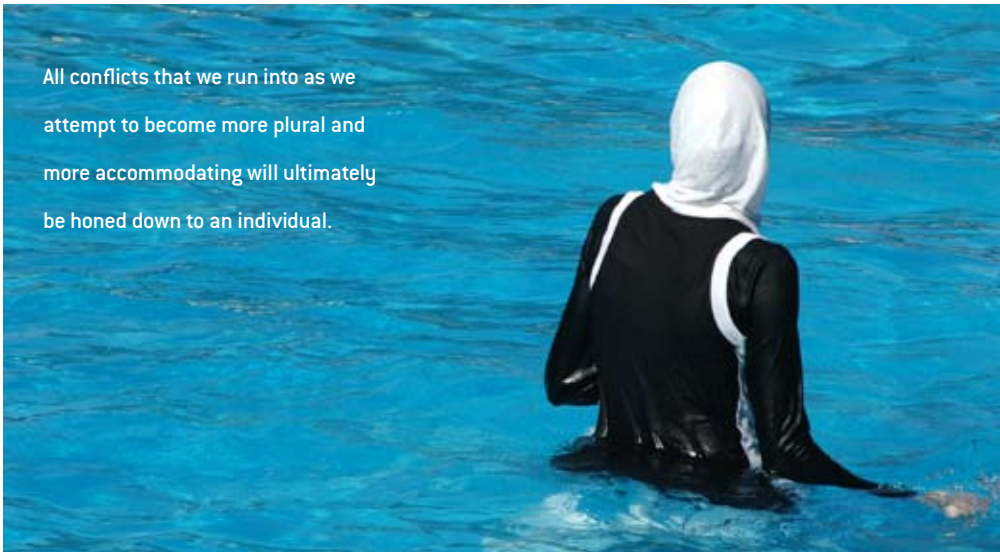
(the very sort of earnest do-goodery to make any liberal cringe).

But again we need the balance. We do achieve it through the same positive liberal nonneutrality in the economy and enjoy a high quality of life, decent productivity and respectable competitiveness, all the while with economic freedoms that still make people want to live here. So let’s hope that a nonneutral state, acting in our interest in our society and civil associations, religions and cultural interactions, will be as equally enlightened and balanced. I hope it’s a kind giant too.

The second aspect of strong pluralism’s illiberalism is its conception of the harm principle. When thinking of how reasonable accommodation as a practice might be asked to navigate tension between more pluralism and liberalism, I got stuck on the harm principle and can’t get off it. My concern is this: we have come to interpret the liberal principle of harm so broadly as to leave it with no meaning. I don’t want to advocate some purist liberal stance of negative liberty only,

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All conflicts that we run into as we attempt to become more plural and more accommodating will ultimately be honed down to an individual.



but I am concerned for a liberal balance, and part of this concern stems from how broadly we interpret “being harmed.” For me, being harmed still means that you were actually harmed – not dissatisfied, dejected or left with hurt feelings, but *harmed*.

It is my hope that as we look toward granting exception or special adaptation to rules in order to, I think rightly, accommodate a diversity of worldviews in Canada, we do not at the same time continue to erode the notion of freedom from harm to such a point where our freedoms to live as individuals are constantly obstructed. Such a project becomes illiberal by distorting liberalism to the point of meaninglessness.

To me it is the singular danger for liberalism that we continue to erode the notion of neutrality while at the same time extending the notion of harm to address and arbitrate most interhuman relations. For me, the more actively the state must be engaged in society

to achieve its outcomes, the more staunchly we require protection for individuals. So it’s a bit of a journey around the bush. All conflicts that we run into as we attempt to become more plural and more accommodating will ultimately be honed down to an individual. When I hear people advocating stronger or more radical pluralism, I keep my tongue in cheek and point out that an argument for more pluralism is ultimately a very compelling argument for greater individual rights. If you don’t believe me, wait until a group is no longer pursuing its continuity against the mainstream and begins to pursue its continuity against its internal membership. We will require deep individual rights then, and liberalism, its heritage and institutions, will remain failsafe mechanisms in our culture.

— Brad McKenzie
Saskatoon, Saskatchewan



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