

Ethnocultural Diversity
in a Liberal State:
Making Sense of the
Canadian Model(s)

CANADA IS A “STATISTICAL OUTLIER” AMONG WESTERN DEMOCRACIES IN ITS LEVEL OF ethnic, linguistic and religious diversity (Laczko 1994). The criteria used to measure levels of ethnocultural diversity are contested, but no one, I think, would deny that issues of accommodating diversity have been central to Canada’s history. In the seventeenth and eighteenth centuries, the earliest European settlers had to reach a *modus vivendi* with Aboriginal peoples; in the eighteenth and nineteenth centuries, the British colonial administrators had to learn to live with the long-settled French population; and in the nineteenth and twentieth centuries, Canada had to accommodate successive waves of immigration. At each step along the way, Canada’s stability and prosperity — and indeed its very survival — have depended on its ability to respond constructively to new forms of diversity, and to develop new relationships of coexistence and cooperation, without undermining the (often fragile) accommodations of older forms of diversity, which are themselves continually being contested and renegotiated.

This long history of diversity has resulted in what we might call a palimpsest of federal laws and policies, with new layers continually being added on top of the old. Recent multiculturalism policies for ethnic groups formed by immigration overlie earlier linguistic and territorial accommodations of French Canadians, which overlie earlier historic agreements and settlements with Aboriginal peoples.¹

If we look carefully at these policies, however, a different image may come to mind — not so much three horizontal layers as three vertical silos. One striking aspect of these accommodations is how disconnected they are from each other legally and administratively. These policies not only have different histori-

cal origins, but they are also embodied in different pieces of legislation, they are administered by different federal government departments, they are enshrined in different sections of the Constitution, and they are articulated and negotiated using different concepts and principles. As a result, each forms its own discrete silo, and there is very little interaction between them.

To oversimplify, we can say that in the case of Aboriginal peoples, the historic roots lie in the Royal Proclamation of 1763; the framework piece of legislation is the *Indian Act, 1985*; the key constitutional provisions are sections 25 and 35 of the *Constitution Act, 1982*; the main federal government department responsible for administering and coordinating Aboriginal issues is Indian and Northern Affairs; and the guiding concepts used in articulating claims include treaty rights, Aboriginal rights, common law title, *sui generis* property rights, fiduciary trust, indigeneity, self-government and self-determination.

In the case of French Canadians, the historic roots lie in the *Quebec Act, 1774* and the *BNA Act, 1867*; the framework piece of legislation is the *Official Languages Act, 1969*; the key constitutional provisions are sections 16 to 23 of the Charter; the coordinating federal government agencies are Intergovernmental Affairs (within the Privy Council Office) and the Commissioner for Official Languages; and the main concepts used in articulating claims include bilingualism, duality, (asymmetric) federalism, distinct society and nationhood.

In the case of immigrant/ethnic groups, the historic touchstone is the 1971 parliamentary statement of multiculturalism; the framework legislation is the *Canadian Multiculturalism Act, 1988*; the key constitutional provision is section 27 of the Charter; the coordinating federal government departments are Heritage and Citizenship and Immigration; and the key concepts include multiculturalism, citizenship, integration, tolerance, ethnicity, diversity and inclusion.

Whenever claims relating to the accommodation of ethnocultural diversity are made (or contested) at the federal level in Canada, the political engagement almost invariably takes place within one of these three silos. Each silo has its own well-established entry points and opportunity structures, and anyone who wishes to effectively participate in these political debates must use these access points and master the relevant laws, constitutional provisions and terminology. Political actors frame their claims in terms of the established discourse within each silo in order to influence the implementation of policies or the formulation of laws, guided and constrained by the relevant constitutional provisions.

Given this tripartite structure, it is misleading to talk of “the Canadian model of diversity,” as if there were one overarching policy on diversity from which policies regarding Aboriginal peoples, francophones and immigrant/ethnic groups could be derived or deduced. It’s not as if there were a canonical statement about how Canada accommodates diversity that could be used to formulate policies on more specific forms of diversity. There is no master clause on diversity in the Constitution that stands above the various clauses relating to these three types of groups. There is no superministry of diversity — no diversity czar who oversees the federal ministries that administer policies relating to these groups. There are just the three silos, with their own separate histories, discourses, legal frameworks and governance structures.

To be sure, some commentators have claimed to find a distinctive logic underlying the three sets of diversity-related clauses in the Constitution that distinguishes them from other constitutional provisions. For example, it is sometimes said that what distinguishes the diversity-related constitutional clauses as a category is that all are fundamentally about the status of communities, and hence they rest on a distinctly communitarian logic. Others have argued that their distinguishing feature is that they are all about protecting cultures, and hence they rest on a culturally conservative or preservationist logic. On these views, the diversity-related clauses of the Charter rest on a communitarian-conservative logic, while the rest of the Charter rests on an individualist-liberal logic. Commentators who interpret diversity policies in these ways almost invariably then raise the paradox of the coexistence of these two logics. Critics argue that this paradox can only be resolved by jettisoning the illiberal diversity clauses/policies, while defenders of these policies argue that it is Canada’s distinctive genius to have found a way to balance liberal and communitarian logics in a single constitution.

I believe that this familiar debate is doubly misleading. First, it exaggerates the similarities among the three diversity silos. It’s true that these policies all have something to do with community, and we could even say, with rhetorical flourish, that they embody an idea of Canada as a community of communities. But it would be a mistake to suppose that there is a single idea of community or communitarianism that underpins these three sets of policies. It’s not as if the Canadian government says, “Because we view Canada as a community of communities, all ethnocultural communities shall have the right to X.” There is no singular logic of communitarianism (or of cultural

preservationism) that generates these sets of policies. Ideas of community may arise in all three cases — as may ideas of partnership, say, or recognition, or participation — but, as we will see, these concepts mean different things in each context, and they serve as place-holders for more differentiated principles and norms.

Second, this familiar debate exaggerates the extent to which diversity policies differ in logic from other policy fields. Indeed, I will argue that insofar as there is a common logic underlying diversity policies, it is not the logic of communitarianism or conservatism, but rather the logic of liberal constitutionalism — the same logic that informs the entire Constitution. The values of liberal-democratic constitutionalism motivate, shape and constrain these three sets of diversity policies in much the same way as they inform all other areas of public policy.

This is why I have titled this chapter “Ethnocultural Diversity in a Liberal State.” The first and foremost fact about Canada’s current diversity policies, I believe, is that they are liberal in their goals, in their legal formulation and in their administrative implementation. These policies have been (re)formulated by liberal political elites, supported by an increasingly liberalized public opinion, institutionalized within liberal-democratic governance structures and integrated within the framework of a liberal constitution.

This may seem obvious. After all, Canada is a consolidated liberal democracy, and one would expect its approach to diversity to be determined by liberal-democratic values. I will try to show, however, that this has important implications not only for how we describe these policies, but also for how we evaluate them and how we assess their future prospects.

It is important to emphasize that I am focusing in this chapter on *federal* diversity policies. Many of the trends I discuss would also apply to developments at the provincial or municipal levels (these are covered in other chapters in this volume). But the federal government has a special role in managing diversity, given its constitutional responsibilities and countrywide jurisdiction, and my chapter will focus on understanding and evaluating its policies. I will begin by briefly exploring the main outlines of the three diversity silos, then I will explore how they are rooted in liberal-democratic values. I will conclude with some tentative suggestions about how we should evaluate their current functioning and future prospects.

Three Forms of Diverse Citizenship in Canada

CANADA'S CURRENT APPROACH TO ETHNOCULTURAL DIVERSITY IS LIBERAL, BUT IT HAS not always been so. On the contrary: for most of its history, Canada took an approach that was deeply illiberal and undemocratic. However, there have been dramatic changes in the last 30 to 40 years in relation to all three types of diversity. Let me start with the case of immigrant/ethnic groups.

Immigrant/Ethnic Groups

The first set of policies I will examine concerns the treatment of immigrant/ethnic groups. Ethnic groups are sometimes called “immigrant groups” to emphasize that they are neither indigenous peoples nor colonizers but were admitted under Canada’s immigration policy. However, the term “immigrant group” is potentially misleading, since many of the group’s members may be second, third or fourth generation. This is obviously true of those ethnic groups — such as Ukrainians, Poles or Jews — who have been in Canada for over 100 years. By contrast, other ethnic groups — such as Vietnamese or Somalis — are more recent, having arrived only in the past 30 years, and many of their members are still foreign-born immigrants.

Ethnic groups are a major element in Canadian society. First-generation immigrants — that is, the foreign-born population — formed over 18 percent of the overall population, according to the 2001 Census. If we add the descendants of earlier waves of immigration, the proportion of Canadians who have origins other than British, French or indigenous rises to around 50 percent.² So the issue of the status and treatment of ethnic groups is an important and long-standing one in Canada.

In the past, Canada, like the other major British settler societies (the United States, Australia, New Zealand), had an assimilationist approach to immigration. Immigrants were encouraged and expected to assimilate to the preexisting British mainstream culture, in the hope that over time they would become indistinguishable from native-born British Canadians in their speech, dress, recreation and general way of life.³ Indeed, any group that was seen as incapable of this sort of cultural assimilation (for example, Asians or Africans) was prohibited from immigrating to Canada.

This racially discriminatory and culturally assimilationist approach to ethnic groups was slowly discredited in the postwar period, but it was only officially repudiated in the late 1960s and early 1970s. There were two related changes. First was the adoption of race-neutral admissions criteria (the points system), so that immigrants to Canada are increasingly from non-European (and often non-Christian) societies. This change was completed by 1967. Second was the adoption of a more multicultural conception of integration — one that anticipates that many immigrants will visibly and proudly express their ethnic identities and that accepts an obligation on the part of public institutions (the police, schools, media, museums) to accommodate these ethnic identities. This change was formalized in 1971 with the adoption of the multiculturalism policy by the federal government.

The original goals of the policy were fourfold: to “assist all Canadian cultural groups that have demonstrated a desire and effort to continue to develop a capacity to grow and contribute to Canada”; to “assist members of all cultural groups to overcome cultural barriers to full participation in Canadian society”; to “promote creative encounters and interchange amongst all Canadian cultural groups in the interest of national unity”; and to “assist immigrants to acquire at least one of Canada’s official languages in order to become full participants in Canadian society” (Trudeau 1971, 8546).⁴

There have been various changes to the policy since 1971, primarily in the relative emphasis given to these four goals. Over time, starting in the mid-1970s, the second and third goals have increasingly received the lion’s share of funding under the program.⁵ But the core ideas have remained fairly stable: recognition and accommodation of cultural diversity, removal of barriers to full participation, promotion of interchange between groups and promotion of official languages acquisition. The policy was reaffirmed and given a statutory basis in the *Canadian Multiculturalism Act*, 1988. It was renewed in 1997, after 25 years of operation, following a major policy review.⁶

The policy functions at two levels. First, there is a small multiculturalism directorate within the Department of Canadian Heritage. It has a very modest budget (averaging \$10-15 million per year) to administer a number of funding programs related to ethnic diversity. These include: support for academic research and teaching on ethnicity; antiracism education programs; support for ethnocultural organizations to organize heritage-language education and multicultural festivals, or to assist in immigrant integration services; and support for public institutions to implement reforms

that will remove barriers to the participation of ethnic groups.⁷ Second, multiculturalism is also a government-wide commitment that all departments are supposed to consider in designing and implementing their policies and programs. For example, policies regarding Canada's public radio and television networks are decided by a separate federal agency — the Canadian Radio-Television and Telecommunications Commission (CRTC) — but these decisions are supposed to be informed by the goals of the multiculturalism policy; and to some extent they have been (Zolf 1989). Similarly, citizenship policies and programs to teach official languages are administered by a separate federal department — Citizenship and Immigration — and decisions about these policies are also supposed to be informed by the goals of the multiculturalism policy; one could argue that this, too, has been the case.⁸

Indeed, one reason given for providing the multiculturalism directorate with such a meagre budget is that the task of promoting multiculturalism should not fall on one office, but on all government officials. According to this view, the directorate is mainly a coordinator or clearing house that assists other departments in fulfilling their obligation to promote the goals of the multiculturalism policy. In reality, the extent to which other government departments pay attention to issues of multiculturalism varies, and officials in the multiculturalism directorate have complained about a lack of support from other departments and agencies.⁹ However, the idea of multiculturalism as a pan-government commitment is affirmed in the *Canadian Multiculturalism Act*, which requires the multiculturalism directorate to monitor and report annually on how other government departments are fulfilling this commitment.¹⁰

Multiculturalism is best known as a policy of the *federal* government, and the *Canadian Multiculturalism Act* only covers federal government departments and agencies. However, versions of the policy have also been adopted by provincial and municipal governments, and even by businesses and civil society organizations. As a result, talk about multiculturalism policy in Canada is potentially ambiguous. It may refer to the modest funding programs administered by the multiculturalism directorate, which can be seen as the core of the federal policy. Or it may refer to the general federal commitment to promoting the goals of multiculturalism across all of its departments and agencies. Or it may refer to similar programs and policies at the provincial and municipal levels and within civil society.

At the apex of this field of multiculturalism policy is the multiculturalism clause of the Constitution. Section 27 states that the Charter of Rights and

Freedoms will be “interpreted in a manner consistent with the preservation and enhancement of the multicultural heritage of Canadians.” This clause does not guarantee that multiculturalism policies will exist in perpetuity in Canada, or that the funds available for multiculturalism programs will not be cut (Kobayashi 2000). In fact, the clause has limited legal significance.¹¹ But it does provide some symbolic affirmation of the public commitment to the goals of multiculturalism, and it places multiculturalism above the fray of partisan politics.

Most Canadians have no clear idea how this complex of multiculturalism policies operates. They are vaguely aware that the federal government has an official multiculturalism policy, but they have little idea how, or even whether, this federal policy is connected to the adoption of a new multiculturalism curriculum in their local public schools, or to the appearance of a new multilingual ethnic channel on cable TV. In this sense, multiculturalism policies have permeated Canadian public life, with ripple effects extending far beyond their original source in one branch of the federal government. The 1971 federal statement on multiculturalism has initiated a “long march through the institutions” at all levels of Canadian society.

This, then, is a brief account of the basic contours of Canada’s policy toward immigrant/ethnic diversity and of the shift from racial exclusion and cultural assimilation to race-neutral admission and multicultural integration. This shift was remarkably quick, given the breadth of the changes involved. The initial demands by ethnic groups for a multiculturalism policy arose in the mid-1960s, it was declared official public policy in 1971, and the administrative framework for implementing it had been worked out by the mid-1970s. So the contours of this first diversity silo essentially took shape between 1965 and 1975. While the policy was (and remains) contested, for reasons I will discuss later, it quickly became so embedded in Canadian political life that it was seen as appropriate to enshrine a multiculturalism clause in the Constitution in 1982. In short, multiculturalism went from being the bold idea of a few ethnic organizations in 1965 to the supreme law of the land in 1982, and it has since been reaffirmed — in 1988 and 1997 — with only minor changes in emphasis.

Aboriginal peoples

The second set of policies concerns the rights and status of the Aboriginal or indigenous peoples of Canada: the Indians, Inuit and Métis. In the past, Canada,

like all British settler states, had the goal and expectation that its indigenous peoples would eventually disappear as distinct communities as a result of dying out, intermarriage, migration to cities and cultural assimilation. Various policies were adopted to speed up this process: stripping indigenous peoples of their lands; encouraging residential schooling of their children away from their home communities; restricting the practice of their traditional culture, language and religion; making cultural assimilation a condition of acquiring citizenship; and undermining their institutions of self-government (Armitage 1995; Cairns 2000). Any laws that gave Aboriginal peoples a separate legal or political status, such as those defining the system of treaties and reserves, were seen as temporary, paternalistic protections for a vulnerable population unable to cope with the rigours of modern life. They would prevail only until such time as these people were ready to stand on their own as equal and undifferentiated Canadian citizens.¹²

However, there has been a dramatic reversal in these policies, a change that in Canada started in 1969 in response to the federal government's White Paper on Indian Policy. The White Paper declared (in effect) that the need for paternalistic protections had passed, and that it was time for Aboriginal peoples to trade in their special status for the common rights of citizenship as individual Canadians. It therefore proposed to abolish existing treaties with Indians on the grounds that it was inappropriate and anachronistic for the state to stand in a treaty relationship with a group of its own citizens. It also proposed eliminating any special legal status for Indians on the grounds that this was inconsistent with norms of equality. In response, Aboriginal peoples engaged in a massive political mobilization to protect their lands, treaties and rights. They argued that these provisions were not inherently or originally paternalistic. On the contrary — they arose from the exercise of Aboriginal autonomy (that is, they reflected solemn and consensual agreements between Aboriginal peoples and Europeans), and they formed the legal and material basis for ongoing Aboriginal autonomy into the future.

The federal government quickly backed down, and the Aboriginal position was subsequently strengthened by a string of developments in the early 1970s, including the Supreme Court's recognition of Aboriginal title in the 1973 Calder decision;¹³ the 1974 Mackenzie Valley pipeline inquiry's conclusion that resource development must respect Aboriginal interests and have Aboriginal consent (Berger 1977); and the 1975 James Bay and Northern Quebec Agreement with the Quebec Inuit and Cree affirming both land rights and self-government powers.

It is difficult to exaggerate the extent of the shift in thinking about Aboriginal policy over those few years — it was almost a total reversal. In 1969, the federal government was proposing to abolish existing treaties and denying that Aboriginal peoples had any distinctive political status. By 1975, it was not only promising to uphold old treaties, but it was also starting the process of signing new treaties and agreements, since treaties appropriately reflect the distinctive status of Aboriginal communities as self-governing. Since then, we have seen a battery of legal and political processes (land claims commissions, self-government negotiations, constitutional conferences, parliamentary committees, Royal Commissions) attempt to work out the implications of this new approach. Important moments include the entrenchment of Aboriginal rights in sections 25 and 35 of the Constitution, which not only affirmed “existing treaty and Aboriginal rights” but also extended constitutional protection to any land claims settlements or treaty rights that would be acquired in the future; the House of Commons Penner Report in 1983, which formally endorsed the principle of an Aboriginal right to self-government; and the inclusion of the principle of an Aboriginal right to self-government in the 1992 Charlottetown Accord. While the referendum on the Accord failed, the federal government has since declared that it will operate on the assumption that a right to self-government is implicit in the existing Aboriginal rights affirmed in the Constitution. This position was affirmed by the massive, five-volume *Report of the Royal Commission on Aboriginal Peoples* in 1996, and it underpinned the creation of Nunavut in 1999.

This, then, is a brief sketch of the Canadian approach to Aboriginal peoples and the shift away from paternalism/assimilation toward self-government. The Canadian government today accepts, at least in principle, the idea that Aboriginal peoples will exist into the indefinite future as distinct societies within Canada, and that they must have the land claims, treaty rights, cultural rights and self-government rights they need to sustain themselves as such. As with multiculturalism, the changes involved were dramatic and quick. The new contours of this second diversity silo were provisionally drawn between 1969 and 1975. This shift was (and remains) contested in Canada, for reasons I will discuss later. But, as with multiculturalism, it quickly became so embedded in Canadian political life that it was deemed appropriate to codify and entrench it in the Constitution in 1982, and subsequent reports and constitutional proposals have reaffirmed it and elaborated on it.

Francophones/Québécois

The third set of policies concerns the “French fact” in Canada — that is, the status of the French-speaking communities that were initially established during the period of French colonialism, centred in Quebec and New Brunswick, but with long-standing settlements in many parts of Canada. When the British defeated the French to gain control over New France, they were faced with the question of what to do with a long-settled French Canadian population that was accustomed to operating within its own full set of legal, political and educational institutions and that was deeply attached to those institutions. The institutions were shaped by the distinct language, culture and religion of French Canadians, and they served to reproduce a distinct national identity. In short, the British were confronted with the challenge of a “nation within” — that is, a historically settled and regionally concentrated group whose members conceived of themselves as a nation within a larger state and who gave varying levels of support to nationalist movements to defend their autonomous institutions and to achieve recognition of their distinct national identity.

As was true of the rulers of most Western countries, British rulers were nervous about the existence of such a nation within. They saw it as a threat, since it put into question the legitimate authority of the state to speak for and govern all of its citizens and territory. Western countries have historically attempted to suppress these forms of substate nationalism by restricting minority language rights, abolishing traditional forms of local or regional self-government, and encouraging members of the dominant group to settle in the minority group’s territory so that the minority is outnumbered even in its traditional homeland. The British tried this strategy on French Canadians, first under the Royal Proclamation of 1763 and then under the *Act of Union, 1841*, in the hope that the French would be swamped by, and/or assimilated into, a British settler society. But both attempts failed miserably,¹⁴ and by the time of Confederation, in 1867, it was clear that the national aspirations of the French would have to be accommodated through a framework of federalism and bilingualism. Federalism involved (re)establishing the French-majority province of Quebec as a political space within Canada where the French would be masters of their own home and sustain their own institutions. Bilingualism guaranteed the use of the French language not only in Quebec, but also in the federal Parliament and courts, so as to ensure equal opportunities for the French at the federal level.

This basic framework of provincial autonomy and federal bilingualism remains in place today, and in that sense the third diversity silo can be seen as having longer historical roots than either Aboriginal or immigrant/ethnic diversity policies. However, this apparent continuity is potentially misleading, for here too we have witnessed dramatic changes in the past 40 years. By the early 1960s, it had become clear that the sort of provincial autonomy and federal bilingualism available under the *BNA Act* was inadequate. Bilingualism in the federal government, for example, had not led to equal opportunities for francophones. On the contrary: bilingualism was largely token; the federal government operated almost exclusively in English, and as a result French Canadians were dramatically under-represented in the federal civil service. Similarly, provincial autonomy had not enabled the French to be masters in their own home. Instead, they were second-class citizens in their own province, economically subordinate to the English elite that had been privileged under British rule and relegated to the lower rungs of the economy. The accommodations built into the *BNA Act* were sufficient to prevent assimilation and to avoid the “Louisianization” of Quebec, but they were not enough to ensure either linguistic equality or national autonomy.

Faced with this situation, modernizing elites in Quebec in the 1960s engaged in a twofold struggle: first, to acquire the powers of provincial autonomy needed to improve the educational and economic opportunities for the francophone majority within Quebec, and to make the French language a language of social opportunity and mobility; and second, to achieve real linguistic equality within the federal government. In both cases, there was the implicit (and sometimes explicit) threat that if these goals were not achieved, secession was the likely result. If equality and autonomy could not be achieved within Canada, they would be achieved outside Canada.

The basic legitimacy of these two goals was accepted by the federal government’s Royal Commission on Bilingualism and Biculturalism, established in 1963, and a series of reforms were enacted to help achieve them. On the bilingualism front, the key reform was the *Official Languages Act, 1969*, which created one of the strongest systems of federal bilingualism in the world in terms of the duties it imposes on the federal government to accommodate the use of both languages in its administration and public services. This commitment to full linguistic equality was then enshrined in sections 16-20 and 23 of the 1982 Constitution, reaffirmed in the 1988 revision to the *Official Languages Act* and strengthened once again in the 2003 Action Plan for Official Languages.

On the provincial autonomy front, a series of intergovernmental agreements was signed to strengthen Quebec's autonomy, starting with the 1964 agreement to allow Quebec to run its own pension scheme (which was crucial in enabling the modernization of the economy), and the 1977 Cullen-Couture Agreement to allow Quebec to run its own immigration program (which was crucial in ensuring that immigration was a benefit, not a threat, to Quebec's francophone majority). This commitment to honouring Quebec's distinctive needs for provincial autonomy is also implicitly reflected in the 1982 Constitution, with its guarantees of compensation in case of transfer of jurisdiction over language and culture (section 40), and its reservation concerning education in Quebec (section 59) so as to protect Bill 101. Since then, further intergovernmental agreements have been reached with Quebec to protect and expand its autonomy, most recently the 2004 health care agreement.¹⁵ The federal government has also made other efforts to affirm Quebec's distinctiveness and protect its autonomy, such as the 1995 parliamentary resolution recognizing Quebec as a distinct society and the *Constitutional Amendments Act, 1996*, granting Quebec a veto over future constitutional changes. As a result of these developments, Canada today has one of the most decentralized federal systems in the world, ensuring Quebec a high level of autonomy, which it has effectively used to improve the status and opportunities of its historically disadvantaged francophone majority.

There remains disagreement within the federal government about how best to satisfy Quebec's aspirations for autonomy. Some have endorsed asymmetric agreements that would grant powers to Quebec that are not available to the other provinces; others have argued that any powers offered to Quebec must be offered to the other provinces. Some have endorsed amending the Constitution to confirm Quebec's increased autonomy (as occurred with the 1964 pension agreement); others have argued that nonconstitutional intergovernmental agreements are sufficient to satisfy Quebec's legitimate interests. But despite these disagreements about strategy, there has been a broad consensus since 1964 that the federal government must not be seen to be trampling on Quebec's autonomy and must be willing to negotiate a more cooperative, flexible or renewed federalism in response to Quebec's aspirations.

This, then, is a brief outline of Canada's approach to the French fact and of the shift from second-class citizenship to full linguistic equality and strong provincial autonomy to accommodate the national(ist) aspirations of a distinct

society within the state. Here, again, the shift was fairly quick. The new contours of this third diversity silo were essentially drawn between 1964 and 1977.¹⁶ The shift was (and remains) contested, as we will later see. But, as with multiculturalism and Aboriginal rights, it quickly became so embedded in Canadian political life that core elements of this package were included in the 1982 Constitution, and subsequent developments have largely affirmed it.

The extent to which this model has been constitutionalized is more contested and complicated than in the first two cases. Official bilingualism is explicitly enshrined in the Charter, and, as I mentioned earlier, some other sections are clearly (albeit implicitly) a response to Quebec's concerns about provincial autonomy. But attempts to include a reference in the Constitution to Quebec's distinctiveness, as proposed in the 1987 Meech Lake and 1992 Charlottetown accords, have been decisively rejected by Canadians. The idea of formally entrenching in the Constitution any principle of asymmetry, special status or distinct society (let alone nationhood) for Quebec remains wildly unpopular in most of Canada.

Despite these constitutional rebuffs, the federal government has declared that its approach to federal-provincial relations will be premised on the assumption that Quebec is a distinct society, thereby confirming what is clear to any observer. Whatever the constitutional niceties, the federal government has understood the need to negotiate Quebec's claims for autonomy, particularly where these are seen as essential to Quebec's national project, if only because refusing to do so would likely increase support for secession. Even more striking, the Supreme Court has recently said, in its 1998 *Reference re Secession of Quebec*, that Quebec's distinctness must be taken into account in interpreting the Constitution, that protecting its distinctness is one of the justifications for federalism in Canada, and that failure to honour this constitutional value could provide legitimate grounds for secession. This is as close as one could come to the de facto constitutionalization of the third diversity silo.

T H E L I B E R A L F O U N D A T I O N S o f t h e C A N A D I A N M O D E L S

THESE OVERVIEWS OF THE THREE DIVERSITY SILOS ARE OBVIOUSLY HIGHLY SCHEMATIC. They ignore the many ebbs and flows of federal policies. A careful analysis of any of these policy domains would reveal a multitude of advances and retreats in

response to shifting political coalitions and public opinion, or to the determination and power of individual ministers. Funding for multiculturalism programs goes up and down; the federal government toughens and relaxes its bargaining position when negotiating Aboriginal land claims and self-government agreements (just as the Supreme Court expands and contracts its interpretations of Aboriginal rights)¹⁷; the commitment to implement or extend federal bilingualism waxes and wanes, as does the openness to negotiate new agreements with Quebec.

Such day-to-day fluctuations are important, and much of our political and intellectual energies are spent trying to decipher them and attempting to predict which way the wind is blowing. But an exclusive focus on these short-term variations may obscure the fact that there has been a dramatic shift — a veritable sea change — in the baseline from which these advances and retreats are made. The federal government may play hardball when negotiating Aboriginal land claims, for example, but the obligation to negotiate land claims is now constitutionally entrenched, as are the principles of multiculturalism and bilingualism. There is no route back to the 1969 Indian policy White Paper,¹⁸ or to the Anglo-conformity model of immigrant incorporation, or to the days when francophone Quebecers were hewers of wood and drawers of water, barred from the corridors of power.

Once we stop and think about this sea change in each policy field and notice the similarity in the timing of the changes, a different image of Canada's diversity policies may come to mind — not so much a horizontal palimpsest, or a set of vertical silos, but rather a tidal wave. Canada's current policies are, in large part, the result of a wave of reform that was concentrated essentially in a single decade — from 1965 to 1975. With all three types of diversity, this wave overturned the presuppositions of earlier policies and defined the basic parameters of multiculturalism, Aboriginal self-government and bilingualism/provincial autonomy that remain with us today.¹⁹ This coincidence in the timing of reforms suggests that there must, after all, be some important common sources for these different policies. The outcome of the tidal wave was three discrete silos, each with its own norms, laws, historical references and governance structures. But it seems likely that there were similar forces at work generating the modern reforms in all three cases.

What name can we give to this tidal wave that swept over Canada between 1965 and 1975 and that profoundly reconstructed the three diversity silos? I believe that there is only one plausible answer to this question: liberalization. The decade 1965-75 was the most concentrated period of social and political liberalization that

Canada has ever witnessed. Liberalizing reforms were instituted across virtually the entire range of social policy — reforms that, among other things, liberalized abortion laws, divorce laws and access to contraception; abolished the death penalty; prohibited gender and religious discrimination; and decriminalized homosexuality. This era is often characterized as reflecting a human rights revolution in Canada, and indeed it saw the establishment of human rights commissions in virtually every province and at the federal level in 1977. Others have characterized it as the triumph of a rights-based liberalism, or a civil rights liberalism, in Canada.

All of these legal reforms were the manifestation of a much wider process of liberalization in civil society and public opinion. In 1960, Canada was a more conservative, patriarchal and deferential society than the United States. By 1975, Canadians had become more liberal, egalitarian and autonomous than Americans. And one product of this liberalization of society and policy was, of course, the 1982 Charter, widely viewed as one of the most liberal constitutions in the world, and enormously popular in Canada for that reason.

The reform of diversity policies in 1965-75 is related in some way to this more general process of liberalizing reform. But we can imagine two different interpretations of the relationship. One interpretation — the one I will defend — is that the reform of diversity policies is simply one more example of this liberalization, inspired by the same liberal ideals and principles, and enacted by the same liberal reformist coalitions. But there is an alternative explanation — namely, that these new diversity policies arose precisely as a reaction against liberalization, and as an attempt to contain its corrosive effects on traditional authorities and practices. According to this view, the new diversity policies were demanded by communitarian or conservative elites who worried that newly emancipated individuals would use their human rights and civil rights to question and reject traditional authority structures and cultural practices. Diversity policies, in short, were intended to set communitarian brakes on liberalization. This is the view upheld by those who say that the diversity clauses in the Constitution reflect a communitarian or preservationist logic different from the liberal and individualist logic of the rest of the Charter.

This alternate explanation has played an important role in Canadian debates, in part because Pierre Trudeau himself apparently believed in some version of it. His initial vision of the Charter did not include multiculturalism, Aboriginal rights or any recognition of Quebec's distinctness. He had supported

the original 1969 White Paper abolishing Aboriginal rights, was deeply ambivalent about multiculturalism and was a lifelong opponent of Quebec nationalism.²⁰ He seemed to believe that these were all communitarian deviations from a pure liberalism, and that they reflected an inward-looking and backward-looking form of group-think that was at odds with the autonomous individuality underlying the liberal tradition.

The credibility of this alternate view is reinforced by its links to larger, worldwide debates in political philosophy and international law. Some political philosophers have argued that ideas of multiculturalism and minority rights represent a communitarian reaction against universal human rights and civil rights liberalism (for example, Barry 2001). Similarly, some commentators (for example, Finkelkraut 1988) have argued that while the UN's original 1948 Universal Declaration of Human Rights was predicated on the values of the Enlightenment, the UN's subsequent support for indigenous rights, minority rights and multiculturalism reflects the values of the Counter-Enlightenment. Despite the assertions of these venerable sources and authorities, I believe that this alternative view is demonstrably false, at least in terms of the motivations for Canada's current diversity policies. Virtually everyone involved in reforming the diversity silos — from the political activists and civil society organizations that initially mobilized for the reforms, to the segment of the public that supported them, to the legislators who adopted them, to the bureaucrats who drafted and implemented them, to the judges who interpreted them — was inspired by the ideals of human rights and civil rights liberalism and viewed the reforms as part of a larger process of social and political liberalization.

To be sure, once these policy structures were in place, conservative and patriarchal elites within various communities attempted to gain control over them — or at least influence their implementation and direction. This is a universal phenomenon: once new powers or resources are made available, competition will arise for control over them. For example, once multiculturalism funds were made available and multiculturalism advisory councils established, conservative elites within immigrant/ethnic groups sought access to them. Once certain institutions of Aboriginal self-government were established, and once Quebec's provincial autonomy was strengthened, conservatives sought to use these new powers to protect their traditional authority. This sort of political contestation is inevitable. Indeed, it would violate every known law of political science if it didn't happen.

It is even possible that these policies have sometimes, unintentionally, served to strengthen the hand of conservative elites against the forces of liberal reform within various communities. So one important question we need to ask is whether conservative/patriarchal elites have been successful in capturing these policies, and what safeguards are in place to ensure that the original emancipatory goals and ideals are not subverted. I will return to this question in the next section when discussing how we should evaluate the actual operation of these policies and their future prospects.

But my focus in this section is on the foundations of the policies — the normative principles and political coalitions that underpinned their adoption in Canada. And here, I think, it is undeniable that they are an expression of the human rights revolution, not a reaction against it. This can be shown in many ways, but let me focus on three key links — genealogical, attitudinal and legal — between the human rights revolution and diversity policies.

Genealogy

Diversity policies can only be understood, I believe, as a stage in the gradual working out of the logic of human rights, and in particular the logic of the idea of the inherent equality of human beings, both as individuals and as peoples. In 1948, through the adoption of the Universal Declaration of Human Rights (UDHR), the international order decisively repudiated older ideas of a racial or ethnic hierarchy, according to which some peoples were superior to others and thereby had the right to rule over them. It's important to remember how radical these ideas of human equality are. Assumptions about a hierarchy of peoples were widely accepted throughout the West up until the Second World War, when Hitler's fanatical and murderous policies discredited them. Indeed, the colonial system was premised on these assumptions, and they were the explicit basis of domestic policy and international law throughout the nineteenth century and the first half of the twentieth century (such as Canada's racially exclusionary immigration laws).

Since 1948, however, we have lived in a world where the idea of human equality is unquestioned, at least officially, and this has generated a series of political movements that contest the lingering presence or enduring effects of older ethnic and racial hierarchies. We can identify a sequence of such movements. The first was decolonization, lasting roughly from 1948 to 1966. Some Western countries that signed the UDHR (for example, France, Spain and Portugal) did not

believe that endorsing the principle of the equality of peoples would require them to give up their colonies. But this position was unsustainable, and the link between equality and decolonization was made explicit in the UN's 1960 General Assembly Resolution 1514 on decolonization.

The second stage was racial desegregation, which lasted from approximately 1955 to 1965, initiated by the African American civil rights struggles. When the United States signed the UDHR in 1948, it did not believe that this would necessitate abandoning its segregationist laws. But this position too became unsustainable, and the link between equality and racial discrimination was made explicit in the UN's 1965 Convention on the Elimination of All Forms of Racial Discrimination. The African American civil rights struggle subsequently inspired historically subordinated ethnocultural groups around the world to engage in their own forms of struggle against the lingering presence of ethnic and racial hierarchies. We can see this in the way indigenous peoples adopted the rhetoric of Red Power, or in the way national minorities (such as the Québécois or the Catholics of Northern Ireland) called themselves "White niggers" (Vallières 1971), or in the way Caribbean immigrants to the UK adopted the rhetoric and legal strategies of American Blacks (Modood 2003). All of these movements were profoundly influenced by American civil rights liberalism and the commitment of its proponents to defend the equality of disadvantaged and stigmatized minorities through the enforcement of countermajoritarian rights.

However, as civil rights liberalism spread, it had to adapt to the actual challenges facing different types of minorities around the world. For American theorists, the very ideas of civil rights and equality have been interpreted through the lens of antidiscrimination in general, and racial desegregation in particular. For most American theorists, the sorts of countermajoritarian rights that civil rights liberalism must defend are therefore rights to undifferentiated citizenship within a civic nation that transcends ethnic, racial and religious differences.

In most countries, however, the sorts of minorities needing protection are different, and so too are the sorts of civil and political rights they require. African Americans were involuntarily segregated solely on the basis of race, excluded from common institutions that they often wanted to join. Many minorities, however, are in the opposite position: they have been involuntarily assimilated, stripped of their language, culture and self-governing institutions. They too have faced oppression at the hands of their cocitizens and have had their civil rights denied to them, often

with the enthusiastic backing of large majorities, on the grounds of their inferiority or backwardness. They too need countermajoritarian protections. But the form these protections take is not solely antidiscrimination and undifferentiated citizenship, but also various group-specific accommodations.

In the Canadian context, as we've seen, these include bilingualism and provincial autonomy (for the Québécois), land claims and treaty rights (for Aboriginal peoples), and various sorts of multicultural accommodations (for immigrant/ethnic groups). The struggle for these differentiated minority rights in Canada must be understood as a local adaptation of civil rights liberalism, and hence as a third stage in the human rights revolution.²¹ Just as decolonization inspired the struggle for racial desegregation, so racial desegregation inspired the struggle for minority rights and multiculturalism.

As I noted earlier, some commentators have tried to argue that this shift toward recognizing group-differentiated rights represents a reaction against human rights and liberalization. According to this view, the first two stages in the human rights revolution — decolonization and racial desegregation — were inspired by Enlightenment liberalism, but the third stage represents a conservative reaction against civil rights liberalism.²² This, however, is a gross misreading of history, at least in Canada. The third stage was inspired by the civil rights liberalism of the second stage (as well as the decolonization struggles of the first stage), it shared the second stage's commitment to contesting ethnic and racial hierarchies, and it sought to apply that commitment more effectively to the actual range of exclusions, stigmatizations and inequalities that existed in Canada.

Attitudes

The link between liberalization and diversity policies is also reflected in the nature of the political coalitions and public opinion that supported these reforms in Canada. If the alternative communitarian view of diversity policies were correct, then we would expect to see two competing political camps: a liberal camp in favour of liberalizing reforms on issues of gender equality, abortion, divorce and gay rights, so as to emancipate individuals; and a conservative camp in favour of multiculturalism, Aboriginal rights and accommodating Quebec, so as to protect communities from liberalizing reforms. In reality, the situation is just the opposite. There are liberal and conservative camps in Canada, but they line up very differently on these issues.

On the one hand, we have patriarchal cultural conservatives who believe that society is changing too fast and that more weight should be given to traditional authorities and practices. This is the group Michael Adams has characterized as the “Father knows best” crowd (1997, 2000); he estimates that about 35 percent of the Canadian population belongs to it.²³ Predictably, these people strongly oppose liberalizing reforms related to women’s equality and gay rights. But they equally oppose multiculturalism, Aboriginal rights and accommodating Quebec. Indeed, the emergence of these diversity policies is one of the changes that they find most distressing. There has been no significant level of public support for these diversity policies among cultural conservatives.

Of course, having lost the battle to block these policies, patriarchal conservatives have not simply disappeared. As I noted earlier, they are regrouping in order to see how they can exploit the opportunities created by the policies. For example, conservative Protestants, who initially fought tooth and nail to block multiculturalism in the public schools since it would strip Christianity of its privileged position, are now regrouping to see whether they can invoke multiculturalism to regain some lost privileges (Davies 1999). But this *ex post facto* strategic appeal to multiculturalism must be distinguished from support for the policy’s adoption, which patriarchal conservatives strongly opposed.

On the other hand, we have the liberal component of the Canadian populace, which has become increasingly egalitarian, antiauthoritarian and individualistic. Predictably, these people strongly support gender equality and gay rights, but they equally endorse diversity policies and view both sets of reforms as expressions of a single logic of civil rights liberalism. So both camps have operated on the assumption that diversity policies are an integral part of a larger process of liberalization, although they differ on how to evaluate this larger process; and changes in support for diversity policies over time track changes in support for liberal egalitarian values more generally (Dasko 2005).

Legal definition

The link between liberalization and diversity policies can be confirmed by examining the way these policies have been legally drafted and judicially enforced. One of the most striking things about the new diversity silos is how tightly and explicitly they are connected to broader norms of human rights and liberal constitutionalism, both conceptually and institutionally. Consider the preamble to

the *Canadian Multiculturalism Act*. It begins by saying that because the Government of Canada is committed to civil liberties, particularly the freedom of the individual “to make the life that the individual is able and wishes to have,” and because it is committed to equality, particularly racial and gender equality, and because of its international human rights obligations, particularly the international convention against racial discrimination, it is adopting a policy of multiculturalism. It goes on, in the main text, to reiterate human rights norms as part of the substance of the multiculturalism policy.²⁴

You could hardly ask for a clearer statement that multiculturalism is to be understood as an integral part of the human rights revolution, and as an extension of — not a brake on — civil rights liberalism. There is not a whiff of cultural conservatism, patriarchalism or preservationism in this statement. It is the very milk of Enlightenment liberalism and universal human rights. In fact, this point had already been clearly made in the original, 1971 parliamentary statement on multiculturalism, which declared that “a policy of multiculturalism within a bilingual framework is basically the conscious support of individual freedom of choice. We are free to be ourselves” (Trudeau 1971, 8546).

These formulations are obviously intended as an instruction to the relevant political actors — from minority activists to bureaucrats — that multiculturalism must be understood as a policy inspired by liberal norms. Nor was this left to chance or to the goodwill of political actors. The *Canadian Multiculturalism Act* is located squarely within the larger institutional framework of liberal-democratic constitutionalism, and hence it is legally subject to the same constitutional constraints as any other federal policy. Any federal action performed in the name of multiculturalism must respect the requirements of the Charter, as interpreted and enforced by judicial bodies such as the Canadian Human Rights Commission and the Supreme Court.

So the way in which multiculturalism in Canada has been legally defined makes it clear that it does not exist outside the framework of liberal-democratic constitutionalism and human rights jurisprudence, or as an exception to it or deviation from it. Rather, it is firmly embedded within that framework. It is defined as flowing from human rights norms, as embodying those norms and as enforceable through judicial institutions whose mandate is to uphold them. The same is true, I would argue, of federal policies in relation to Aboriginal rights, bilingualism and provincial autonomy. In all of these cases, there has been a conscious decision to

link these policies, at both the conceptual and the institutional levels, to ideals of civil rights liberalism and the protection of human rights norms.

Why has this link between diversity policies and liberalism not been more visible? Part of the explanation is a conceptual confusion about the term “group rights.” Diversity policies are often labelled as “group rights” or “collective rights,” and on that basis they are considered inconsistent with the individualist foundations of liberalism. But the term “group rights” is misleading, since it covers two very different types of claims. A group may claim countermajoritarian rights against the larger society in order to reduce its vulnerability to the political and economic power of the majority (what I have elsewhere called “external protections”). Or it may claim the right to restrict the basic civil and political liberties of its own members in order to suppress dissent, impose traditional cultural practices or enforce religious orthodoxy (what I call “internal restrictions”). The latter claim is in conflict with liberalism’s commitment to individual freedom, but the former need not be — it may actually enhance individual freedom by providing choices that would otherwise be precluded or stigmatized by the larger society.²⁵

Whether diversity policies reflect liberal goals therefore depends on whether they are intended to function as external protections or internal restrictions. The legal provisions I discussed earlier demonstrate that, in the Canadian case, these policies are not intended to justify the violation of the human rights of individuals or to restrict their fundamental rights and freedoms. Insofar as these policies empower groups to control resources and exercise decision-making powers, they are expected to do so within the limits set by the Charter and by international human rights norms.

There are, of course, debates about how to define these limits — they occur in all areas of liberal reform. Just as liberals disagree over when to prohibit pornography in order to protect gender equality, so they disagree over when to prohibit hate speech in order to protect ethnic and racial equality. Just as liberals disagree over when to limit campaign donations to reduce the unequal political influence of wealth, or when to compel private golf clubs or charitable associations to admit women, so they disagree over when to employ affirmative action to overcome barriers facing racial minorities. These sorts of tensions and disagreements are endemic to civil rights liberalism, given its twin goals of reducing inherited status inequalities and upholding individual freedom. To overcome deeply entrenched inequalities, we must pay special attention to the impact of laws and policies on

disadvantaged groups, since even apparently gender-blind or colour-blind laws may have disproportionate effects on such groups, and special protections or preferential status may therefore be needed. But prominority policies are themselves limited by principles of fundamental freedoms and human rights. In short, one set of liberal goals may conflict with another set of liberal goals, resulting in ongoing disputes about the appropriate forms and limits of diversity policies. The Supreme Court has a well-established framework for addressing disagreements about which forms of differential treatment, and which limitations on individual civil liberties, are demonstrably justified in a free and democratic society as a way of overcoming inherited inequalities. The key point, for our purposes, is that these familiar disputes are between two dimensions of civil rights liberalism, not between the claims of liberalism and the claims of traditionalism or cultural conservatism.²⁶

This is not to say that everyone in Canada is happy about the way in which diversity policies are underpinned by liberal norms.²⁷ As we will see in the next section, there have been attempts to test the bounds of liberal constitutionalism and to push diversity policies in directions that were not intended for them by their original drafters and supporters. But, at least in their current form, diversity policies in Canada can only be understood as the product of a tidal wave of liberal reform inspired by an international human rights revolution, supported by liberal public opinion and governed by liberal-democratic constitutional norms.

Evaluating the Canadian Models and Their Future Prospects

AT THIS POINT, SOME READERS MAY FEEL IMPATIENT. THEY MAY BE THINKING THAT THE key question here is not what the naive or pious hopes were of the people who advocated or drafted these policies — after all, the road to hell is paved with good intentions. The key question is, rather, whether the policies are a success or a failure. In order to answer that question, however, we must first determine what they were aiming to achieve. In the story I am telling, they were primarily intended to contest inherited ethnic and racial hierarchies through the recognition and accommodation of ethnocultural diversity, inspired and constrained by norms of human rights and civil rights liberalism. As such, they fit together with

other policies aimed at contesting status hierarchies, such as gender and sexual orientation, as part of a larger package of liberal-democratic reforms.

It should be immediately clear that this goal is not only different from but also contradictory to the goal of preserving cultural identities and heritages intact and unchanged. These diversity policies are, inevitably and intentionally, transformational. They demand that both dominant and historically subordinated groups engage in new practices, enter new relationships, and embrace new concepts and discourses, all of which profoundly transform people's identities and practices. This is perhaps most obvious in the case of the historically dominant British population in Canada, which has been required to renounce fantasies of racial superiority, to relinquish claims to exclusive ownership of the state and to abandon attempts to fashion public institutions solely in its own White Christian image. Much has been written about the transformations this has demanded and the backlash it has sometimes provoked.²⁸ But Canada's diversity policies are equally transformative of the identities and practices of historically subordinated groups. Many of these groups have their own histories of ethnic and racial prejudice, of anti-Semitism, of caste and gender exclusion, of religious triumphalism and of political authoritarianism, all of which are delegitimized by the norms of liberal-democratic multiculturalism and minority rights.

One way to think of this is to recognize that the human rights revolution is a double-edged sword. It has created political space for ethnocultural groups to contest inherited hierarchies. But it also requires groups to advance their claims in a very specific language — namely, the language of human rights, civil rights liberalism and democratic constitutionalism. This is not necessarily the language that members of minority groups would naturally use. Some people may wish to contest their subordinate status vis-à-vis the British while still asserting their superiority over other groups. Some East Asian groups in Canada, for example, vocally protest against any racism they suffer, yet they show higher levels of racism than British or French Canadians in relation to Black and Aboriginal Canadians. Some upper-caste Hindu immigrants from India decry the fact that Whites have not fully accepted them, yet they desperately try to avoid contact with lower-caste immigrants from their home country. Some North African men object to discrimination in the job market, yet they refuse to hire or work under a woman. One could extend this list indefinitely. It is not only the British in Canada who have had illiberal and undemocratic tendencies.

For all such people, Canada's diversity policies offer both opportunities and challenges. As I noted earlier, these policies provide clear access points and legal tools for nondominant groups to challenge their status. But they must pay a price for this access — namely, they must accept the principles of human rights and civil liberties and the procedures of liberal-democratic constitutionalism, with their guarantees of gender equality, religious freedom, racial nondiscrimination, gay rights and due process. They can appeal to diversity policies to challenge their illiberal exclusion, but those very policies also impose upon them the duty to be inclusive.

Put another way, Canada's diversity policies are centrally concerned with constructing liberal-democratic citizens in a multiethnic state. They are forms of "citizenization," to use sociological jargon. They start from the reality that ethnocultural and religious diversity in Canada has historically been defined by a range of illiberal relationships — including relations of conqueror and conquered, colonizer and colonized, settler and indigene, racialized and unmarked, normalized and deviant, civilized and backward, ally and enemy, master and slave — and that this complex history will inevitably generate group-differentiated ethnopolitical claims. However, they seek to transform this catalogue of uncivil relationships into relations of liberal-democratic citizenship, both in terms of the vertical relationship between the members of minorities and the state, and the horizontal relationships among the members of different groups. And this means filtering and framing these differential claims through the language of human rights, civil liberties and democratic accountability.²⁹

With these aims in mind, we can finally ask how well these policies are doing in practice. I will subdivide this question into three parts. First, liberalism: Have these policies succeeded in ensuring that the accommodation of ethnocultural diversity occurs within the boundaries of liberal values, consistent with human rights and civil liberties? Second, equality: Have these policies succeeded in reducing inherited ethnic and racial hierarchies (and preventing new hierarchies from emerging)? Third, sustainability: Are these policies sustainable over time, or are they eroding the sort of trust and solidarity needed to maintain them?

Other papers in this volume address these questions in more detail in relation to particular policies, so here I will only try to make a few schematic points, more as a way of framing the discussion than as an attempt to provide definitive answers. I will address the three questions in turn.

Liberalism

I have repeatedly emphasized that the people who enacted these policies were inspired by human rights and civil rights liberalism and intended them to operate within that framework. But have these intentions been fulfilled? Or have illiberal forces managed to gain control over the powers and resources made available by these policies and use them to restrict human rights and civil liberties? These are crucial questions, but it's important to remember that this problem is not unique to diversity policies. It is a systemic problem that arises from the very structure of liberal democracy. Liberal democracy gives the vote to communists who want to abolish parliamentary democracy, just as it gives free speech to those who would refuse free speech to others. This paradox has been a feature of liberal-democratic theory and practice since its origins in the seventeenth century.

As a result, there is a long history of discussion about how to prevent illiberal and undemocratic forces from abusing the rights and powers that liberal democracy extends. The solution, in all of these cases, is a combination of (1) civic education and political socialization to help develop and sustain a broader political culture of human rights and civil rights liberalism; (2) mechanisms for identifying and publicizing actual or potential abuses — including freedom of speech, freedom of the press, and freedom of information policies, and the requirements for reporting, consultation and accountability — so as to bring issues into the court of public opinion and to expose and marginalize illiberal tendencies; and (3) legal and constitutional safeguards that empower the state to prevent or remedy these abuses. These are the sorts of strategies used in all Western democracies to grapple with the problem of the illiberal and undemocratic abuse of liberal democratic rights, and they apply as well to the case of diversity policies in Canada.

Are these strategies working in Canada? I believe that they are. In the case of multiculturalism, for example, we have seen a series of potential conflicts since the 1980s related to the illiberal and undemocratic practices of various ethnic groups. These have included demands to ban or censor various artistic productions, the use of intimidation to suppress dissent within a community, the customary use of violence against women or children, honour killings, gender discrimination in employment, female genital mutilation and coerced arranged marriages. In each case, the question has arisen of whether illiberal elements within particular communities would attempt to use the discourse and institutions of multiculturalism to defend these practices. Would traditionalists argue that the

Multiculturalism Act entitles them to maintain these practices, and would they seek funding under the multiculturalism program, or representation on multiculturalism advisory boards, in order to advocate for these practices? For example, would traditionalist leaders from East Africa sitting on hospital advisory boards demand that female genital mutilation be permitted in the hospital? Would patriarchal conservatives from South Asia sitting on police advisory boards demand that the police not investigate or prosecute cases of family violence, honour killings or coerced arranged marriages?

In all of these cases, illiberal forces have failed completely to gain a foothold in the multiculturalism silo. So far as I am aware, no agency, board or program established or funded under the multiculturalism policy has endorsed any of these practices. If patriarchal conservatives hoped to gain control over the institutions and funding programs created under the multiculturalism policy in Canada they have not succeeded. In one sense, this is what one would expect, given the intentions of the policy. Its underlying philosophy, explicitly stated in the 1971 statement and the 1988 Act, is one of human rights and civil rights liberalism, and the policy is only intended to support organizations and activities that will advance that agenda.³⁰ However, our concern here is not with intentions, but with (potentially unintended) outcomes. In particular, why haven't illiberal elements been able to capture the infrastructure of multiculturalism? The answer, I think, is that the three safeguard strategies I mentioned earlier work reasonably well in Canada.

First, the processes of civic education and political socialization in Canada work to diffuse and reproduce basic liberal-democratic values. There is, in fact, a remarkably high degree of consensus across ethnic, religious and linguistic lines on human rights norms, and we seem to do a reasonably good job in integrating newcomers into this consensus. The political values of immigrants converge with those of native-born Canadians over time, and the convergence is complete by the second generation. In this sense, it seems there are good grounds for the so-called liberal expectation — that is, the assumption that ethnocultural minorities will come to embrace the basic values and principles of liberal democracy.³¹ As a result, there is relatively little support for illiberal forces within most ethnic communities.

Second, because of this political culture, insofar as illiberal forces have attempted to capture the infrastructure of multiculturalism, it is usually possible to stop them in their tracks simply through public exposure. Once it has become

publicly known that a group or organization is seeking to use multiculturalism in a way that could subvert its liberal intentions, there has been widespread public opposition, increased vigilance by public officials and ultimately a retreat by illiberal forces.³² So long as we have robust mechanisms of public exposure (for example, firm protections of freedom of speech, a free media, accountability rules for publicly funded agencies and institutions), this is likely to be the outcome.

Third, even if these first two safeguards were to fail and illiberal forces gained control over some part of the multiculturalism silo, any attempt to use this control to give legal protection to illiberal practices would quickly be struck down by the courts (or by human rights commissions).³³ The courts represent the final line of defence against abuses of public policy, and since the adoption of the Charter in 1982, the courts have established a clear and consistent record of upholding human rights. As I've repeatedly emphasized, the multiculturalism silo is embedded within, and subordinate to, the Charter, and in the unlikely event that patriarchal conservatives managed to take political control over parts of the silo, they would still be blocked by the ability of citizens to seek judicial protection of their rights.

In short, the familiar strategies that have been developed over many years to safeguard liberal democracy more generally seem to be working in this field too.³⁴ The same story can be told about the Quebec and Aboriginal silos. The development of a human rights culture, combined with robust mechanisms of public exposure and legal safeguards, have ensured that the interpretation and implementation of diversity policies remain within liberal channels.³⁵ In fact, the Québécois are now more liberal than English Canadians on issues such as gender equality and gay rights. They may seek greater autonomy in order to build and sustain a distinct society, but the distinct society they wish to build is, if anything, more liberal than that of the larger Canadian society.

Equality

Let's turn now to the second question: Have the three sets of diversity policies succeeded in reducing inherited racial and ethnic hierarchies? This may have been the intended result, but has it occurred in practice? Critics have expressed skepticism. Some have argued that whatever the policy-makers' intentions, diversity policies have, at best, no effect on ethnic and racial hierarchies and simply paper over their enduring reality; at worst, they actually reinforce these

hierarchies by further stigmatizing the Other as different, dependent and needy (see, for example, Das Gupta 1999). Others argue that diversity policies may indeed remedy some inequalities, but in ways that are under- and overinclusive, creating new and equally arbitrary hierarchies in the process.

It is difficult to evaluate these criticisms, in part because we have no clear or agreed-upon metric for measuring equality. Equality is a multidimensional concept: it has economic, political and cultural dimensions. Nonetheless, I think we are in a position to make some preliminary judgments about the success of the three diversity silos in reducing inequalities.

The case is clearest, I think, regarding the French Canadian silo — at least with respect to the 80 percent of Canada's francophones who live in Quebec. Since the mid-1960s, francophone Quebecers have achieved a dramatic equalization with English Canadians in all dimensions, whether measured in terms of economic opportunities and standard of living, or in terms of effective political representation and voice, or in terms of the public status of language and culture. The historic patterns of economic disadvantage, political subordination and cultural marginalization have essentially disappeared. And both dimensions of this diversity silo — that is, federal bilingualism and provincial autonomy — have been central to this process. Indeed, we have reached the point where even some commentators who are sympathetic to Quebec nationalism have started to ask whether we have overcompensated for these historic inequalities, particularly in relation to political representation.³⁶

The situation with respect to francophones outside Quebec is more complicated. Here too there have been important improvements in terms of access to public services, control over community institutions (such as the right to govern French-language schools), enhanced employment opportunities in the federal civil service, and the public affirmation of French as a defining characteristic of Canada from sea to sea. All of these changes have helped to reduce pressures for linguistic assimilation. However, the long-term future of francophone communities outside Quebec remains unclear. For example, the linguistic retention rate continues to decline in many of these communities. According to the 2001 Census, only 63 percent of people outside Quebec whose mother tongue is French actually use French most often at home (down from 73 percent in 1971), and only 74 percent pass on French as a mother tongue to their children. The Acadian community in New Brunswick is an exception — its territorial concentration and electoral

strength in the province protect it from assimilation. But the numbers in other provinces are alarming; for example, only 25 percent of francophones in Saskatchewan maintain the language (Landry 2005).

Much has been written about the difficulties facing francophone minorities outside Quebec and what can be done to resolve them. But it is worth noting that the tendency for linguistic minorities to survive where they are territorially concentrated, and to assimilate where they are territorially dispersed, is a global one. This linguistic territorial imperative is rooted in many sociological and economic factors, and while it can be lessened by prominority public policies, it is not easy to fully counteract. In fact, efforts undertaken by the federal government to enhance the linguistic retention rates of francophones outside Quebec are among the most advanced in the world. They include not only funding for minority-language schools, services and community organizations, but also (since the passing of the *Immigration and Refugee Protection Act, 2001*) an explicit commitment to use immigration as a tool for strengthening francophone minority communities outside Quebec (Quell 2002). That is, the federal government is committed not only to encouraging native-born francophones to retain their language, but also to recruiting immigrants who would be able and willing to integrate into francophone communities. I am not aware of any comparable policy in other countries.

Under these circumstances, one could argue that federal policies have enhanced the opportunities and status of francophones outside and inside Quebec, although they have not equalized the prospects for long-term ethno-linguistic retention and perhaps cannot do so. There are limits to how extensively government policies can counteract the territorialization of linguistic communities, and while there is more that can and should be done in Canada to assist francophone minorities, the required initiatives often fall under provincial rather than federal jurisdiction.³⁷

The Aboriginal silo is more complicated to assess. The package of land claims and self-government agreements has certainly enhanced the political voice and representation of some Aboriginal communities — particularly status Indians with treaties — and the Inuit. And these agreements have also enabled many communities to at least take the (halting and inadequate) first steps toward economic improvement and cultural renewal. But the progress of land claims and self-government agreements has been very slow and uneven, particularly in

British Columbia. And there are doubts about whether the kinds of self-governing entities currently being created are capable of providing effective governance and economic opportunities. Many of them are too small and/or remote to provide the services and opportunities needed.

Moreover, this silo is arguably underinclusive, unresponsive to the needs of Aboriginal groups that do not fit the inherited bureaucratic categories and assumptions of the *Indian Act*, such as nonstatus Indians, the Métis and urban Aboriginal people. These groups have suffered just as much from colonialism, but in many respects they fall between the cracks of the Aboriginal diversity silo.³⁸ One possible response to both of these problems is aggregation: exercising some Aboriginal self-governing powers at a regional or provincial level rather than at a band level (Institute on Governance 2000). This would not only create larger and more viable units of self-government but also make it easier to incorporate off-reserve populations. This is a promising idea, but at the moment it is largely untested.³⁹

The immigrant/ethnic silo also has its complexities. It has clearly helped many disadvantaged groups achieve greater equality. It helped remove the glass ceilings and cultural stigmatization affecting the White ethnics who originally demanded the policy in the 1960s, and it has also proven helpful to the newer, non-White immigrant communities whose needs have been the policy's focus since the mid-1970s. There is strong evidence, for example, that the policy has helped to improve the political integration of newcomers to Canada, unlike the more laissez-faire approaches of the United States and Continental Europe.⁴⁰ And the fact that Canadians exhibit higher levels of comfort with ethnic diversity and less fear of immigration compared to the citizens of virtually all other Western democracies is likely due, in part, to the policy framework.

However, one could also argue that the policy framework is insufficiently sensitive to the widely varying conditions of different immigrant groups. It may be overinclusive, providing significant benefits to those who are not actually disadvantaged. The most obvious example of this is affirmative action, which extends preferential treatment to all visible minorities — including, for instance, Hong Kong Chinese immigrants who have above-average levels of education, income and wealth. Not only are they not in need of this benefit, but because they already have high levels of human capital they are also better able to take advantage of the benefit, leaving fewer opportunities for truly disadvantaged groups, such as Jamaican Canadians. This is a familiar problem: the people most

able to take advantage of newly created opportunities are often those who need them the least.⁴¹

More generally, the immigration/ethnic silo was built on the assumption that the category of visible minority is coextensive with the category of disadvantaged, stigmatized, discriminated-against or excluded. There are good historical reasons for this association, but I think we need to ask whether it is still valid today. We may need more precise categories that do a better job of tracking the patterns of prejudice, discrimination and disadvantage in society. We need to recognize that anti-Black racism, for example, is qualitatively different from prejudice against other racial groups,⁴² and that Islamophobia is qualitatively different from prejudice against other minority religions. Put another way, we need to pay more attention to the potential for increasing inequalities between different visible minorities as well as inequalities between visible minorities in general and White Canadians.⁴³ In short, we have unfinished business with respect to equality for all groups, and further progress may require rethinking some of the categories used in these diversity silos.

Sustainability

Finally, let me turn to the third question, which relates to long-term sustainability. I've argued that Canada's diversity policies reflect in part a progressive commitment to reducing inherited ethnic and racial hierarchies. As such, they depend on a sense of pan-ethnic solidarity and responsibility, which in turn depends on some sense of community and shared citizenship. And this raises questions: Are we doing enough to sustain these feelings of solidarity? Is it possible that diversity policies, by emphasizing our differences, are undermining the feelings of shared citizenship that generated them in the first place?

These are immensely complicated questions, and I can only gesture at an answer here. We first need to clarify what we mean by "feelings of shared citizenship." This goes beyond the sharing of citizenship in the formal legal sense (that is, a common passport) to include such things as: feelings of solidarity with cocitizens, and hence a willingness to listen to their claims, to respect their rights and to make sacrifices for them; feelings of trust in public institutions, and hence a willingness to comply with them (pay taxes, cooperate with police); feelings of democratic responsibility, and hence a willingness to monitor the behaviour of the political elites who act in our name and hold them accountable; and feelings of belonging to a community of fate (that is, of sharing a political community).

Successful diversity policies, and indeed progressive social policies of any sort, depend on developing and maintaining a sufficient level of these feelings among citizens. It is important, therefore, to ask what strategies are available for sustaining these feelings and whether our diversity policies are consistent with them. In many Western democracies, a single basic strategy for encouraging feelings of shared citizenship has been adopted — namely, nation-building. These democracies have essentially nationalized political life. They have created a common national system of mass compulsory public education and used it to inculcate a common national language, identity and loyalty; created a national public sphere centred on national radio and television networks that have the mandate of nurturing a national conversation in the national language; created a common national legal system to replace forms of legal pluralism; created a common national welfare state — and so on. Such nationalizing policies were intended to ensure that all citizens, wherever they live, would have certain identical experiences and expectations of national citizenship, and that these would be the source of feelings of solidarity, trust, democratic responsibility and community of fate.

This strategy was never possible in Canada, given our bilingual and federal structure. We cannot have a single monolingual public sphere, given our bilingualism commitments, and we cannot have a unitary national education system, welfare state or legal system, given the federal structure. We do, of course, employ fragments of the strategy — for example, a common army, flag, passport, currency, postage stamp and set of constitutional rights. Some commentators maintain that these fragments of the standard nation-building model must bear all the weight of promoting shared citizenship. Since we have few such identical citizenship experiences, we need to protect and promote them (for example, by distributing Canadian flags). The idea is to come as close as we can to the standard nation-building model, given our particular circumstances; but we are continually fearful that we can't come close enough.

In my view, this is not the right strategy for Canada, or for any multilingual federal country. These fragments of the standard nation-building model are too few, and they are not in fact experienced in identical ways by all Canadians. Given the bilingual structure of Canada, even pan-Canadian institutions like the CBC and the army are divided along linguistic lines. And given Canada's federal structure, even pan-Canadian constitutional rights reflect provincial idiosyncrasies (consider variation in access to abortion across Canada). In fact, these alleged

instances of identical citizenship experience are as likely to be sources of political contestation as instances of group-differentiated experience. As our history demonstrates, the assumption that promoting pan-Canadian institutions inevitably produces harmony and unity, whereas accommodating linguistic/regional diversity produces conflict and division, is generally false.

We need a different way of approaching this issue. If we assume that the only way to promote shared citizenship is to mimic as best we can the standard nation-building model, we are painting ourselves into a corner, blinding ourselves to other possible strategies and condemning ourselves to a state of permanent frustration. What are the alternate strategies available to a multilingual federal state? The experience of other countries suggests a few possibilities, although they are not necessarily applicable to Canada. In the case of Switzerland, for example, a key factor in producing a sense of common citizenship was the threat of war and a shared fear of external enemies — that is, a sense of shared citizenship was built by focusing on a common foe. This may have occurred in Canada, as well — for example, *vis-à-vis* the US in 1867 — but it is unlikely to occur in the foreseeable future, since we have no neighbouring enemies. In the case of other multilingual federations, like Belgium and Spain, some commentators have argued that the monarchy has played a unifying role. But that is a non-starter in Canada, no matter how politically astute the choice of governor general. So the experiences of other multilingual federations do not offer any clear formula for addressing this issue.

My suggestion would be to rephrase the question, or at least to change the baseline from which we ask it. I believe that well-functioning liberal-democratic institutions tend to generate their own bases of support. If public institutions are trustworthy, people will trust them. If public institutions coordinate fair schemes of social cooperation, then people will feel a sense of obligation to other participants. If mechanisms for democratic accountability exist, then political leaders who claim to speak in the name of the people will be held accountable by the people. If public institutions provide an effective forum for deliberating and addressing pressing issues, then people will come to view those institutions as the locus of collective agency and so come to feel a sense of common fate with other citizens. In short, well-functioning liberal-democratic institutions have a gravitational pull. History suggests that this pull exerts force not only on the ethnic/national group that initially established those institutions, but also on their descendants,

who are socialized into them, and to immigrants, who often emigrate to a liberal democracy precisely because they want to live in a country with well-functioning public institutions. Immigrants didn't leave unstable countries with dysfunctional public institutions in order to come and destabilize Canadian institutions.

So rather than asking what the instruments for promoting shared citizenship are, I would first ask what the factors are that prevent or weaken this gravitational pull, thereby eroding feelings of shared citizenship in Canada, and what we can do about them. To discuss strategies for promoting shared citizenship without making a specific assessment of the threats to shared citizenship pushes us toward centralizing, homogenizing nation-building policies, and these are a dead end in Canada. Instead we need to ask what the specific factors are that inhibit the everyday gravitational pull by which liberal-democratic institutions generate feelings of solidarity, trust, democratic responsibility and common fate.

Let me mention three such factors that are relevant in the Canadian context. First, while well-functioning liberal-democratic institutions typically exert a strong gravitational pull on the historically dominant group and its descendants (for whom these institutions were initially designed) and on voluntary immigrants, the pull is weaker for conquered and colonized groups. They may view these public institutions as external impositions, part and parcel of an ongoing historic injustice. To uncritically assume that such groups are part of a single community of fate is tantamount to uncritically accepting the legitimacy of that initial act of conquest or colonization. Building a sense of common fate between settlers and indigenous peoples, or between conquerors and conquered, requires its own specific strategy, one that involves turning historic relations of force into relations built on consent. This will not happen spontaneously — it requires acknowledgment of the historically incorporated group as a collective political actor and constituent partner in restructuring the state. This is the principle underpinning theories of multinational federalism or of treaty relationships.

These models of multinational federalism and treaty relationships are often seen as an obstacle to building shared citizenship, and indeed they drastically reduce the scope for standard nation-building strategies. But to describe this as a conflict between diversity strategies and shared citizenship is misleading: these diversity policies are intended to address the fact that there was no sense of shared citizenship between colonized and colonizer, or between conqueror and conquered.

It is important to note that even when models of multination federalism and treaty relations are implemented, they do not necessarily succeed in building a secure sense of shared fate, as witnessed by high levels of distrust among Aboriginal Canadians and support for secession among francophone Quebecers.⁴⁴ The sorts of diversity policies needed to overcome a history of colonization or conquest typically consolidate a sense of nationhood among historic minorities, and states containing such minorities (nations within) are inherently more fragile than mononational states. This remains the most important challenge facing Canada's diversity policies, and there is no magic formula for meeting it. It is a challenge confronting many Western multination federations — think of secessionist movements in Scotland, Catalonia and Flanders — and multination states around the world.

The second factor that erodes feelings of shared citizenship in Canada is that while most immigrants have historically felt the gravitational pull of liberal-democratic institutions — they often express higher levels of commitment than native-born Canadians to paying taxes, learning an official language, voting, informing themselves about political affairs, obeying the law and so on⁴⁵ — there can be localized difficulties in generating feelings of trust and solidarity, particularly where immigrants face racism or religious prejudice. When public debate over the welfare state becomes racialized, solidarity is threatened. When public debate over crime becomes racialized, relations with the police and courts are polarized, and some groups start to see the police and courts as agents of oppression, not as upholders of their rights. When a particular religious group is perceived as a security threat, state agencies are likely to have antagonistic relations with that group. All of these are examples of how the normal gravitational pull of liberal-democratic institutions can fail as ethnic relations become polarized around issues of poverty, crime and national security.

A wide range of policies may be needed to prevent the racialization of poverty and crime or the stigmatization of a particular religious group. These include affirmative action, hate-speech legislation, antiracism campaigns, funding of ethnic organizations, multicultural education reforms — in short, many of the policies that are currently found in the immigrant/ethnic diversity silo. Here, again, although these policies are sometimes said to be an obstacle to shared citizenship, they are in fact an attempt to overcome an existing obstacle to shared citizenship.

In addition to these group-specific obstacles to feelings of shared citizenship, a third factor involves more generalized dynamics that may also diminish the sense of solidarity, trust, democratic responsibility and common fate. There may, for example, be a general decline in trust of public institutions, or in the feeling among citizens that they are able to ensure the democratic accountability of political elites. Indeed, there appears to be a problem with declining trust, solidarity, participation and civility across the Western democracies (Putnam and Pharr 2000).

Why are these trends occurring? The answer, I suspect, is not that well-functioning liberal-democratic institutions are losing their gravitational pull, but rather that our institutions simply aren't functioning as well as they used to. For example, money may be corrupting the political process, such that paid lobbyists are displacing democratic input into the policy process. If so, feelings of democratic responsibility are likely to diminish. Or public institutions may be unable to effectively fulfill their mandates due to several years of budget cuts, creating perceptions of arbitrariness or incompetence in the provision of public services. If so, trust in public institutions is likely to diminish.

There are many proposals in the literature for rebuilding feelings of shared citizenship. They include developing new forms of enhancing effective and deliberative public participation (for example, e-democracy, citizens' juries, citizen initiatives and referenda);⁴⁶ or developing new forms of citizenship education and citizenship ceremonies that highlight liberal-democratic values and virtues; or embarking on new flagship programs that can be a source of common pride (for example, space missions or Canada Corps); or strengthening public information and accountability requirements to make government less opaque; as well as a more general reinvestment in the institutions of government and civil society.

There is little consensus on the likely effect of these proposed policies on trust, solidarity, civility and participation. However, the key point, from my perspective, is that none of them is inconsistent with any of the three diversity silos in Canada. On the contrary, we have reason to believe that the more active in, and informed about, political life Canadians become, and the more they listen with civility to each other and internalize liberal-democratic values, the more likely they are to endorse the basic principles of our diversity policies.⁴⁷ Put another way, insofar as there is a generalized decline in feelings of solidarity, public trust and participation, there is no evidence that this is due to, or exacerbated by,

Canada's diversity policies. There is, in fact, fragmentary evidence that the problem is more acute in countries that have weaker diversity policies (Banting and Kymlicka, forthcoming). And the most plausible and commonly proposed remedies to the problem of declining trust and solidarity are not inconsistent with the main contours of Canada's diversity policies.

In short, there are serious issues related to long-term sustainability: weak feelings of shared fate among Canada's nations within; the danger of racial and religious polarization; and a generalized decline in feelings of solidarity, trust and civility. We need to think long and hard about how to promote shared citizenship in light of these three challenges. But in doing so, we must make sure we are asking the right questions. In particular, it is important for us to contextualize debates about shared citizenship. The goal shouldn't be to promote shared citizenship in the abstract, since this pushes us in the direction of the standard centralizing and homogenizing model of shared citizenship that cannot work in Canada. Instead, we need to identify specific factors that are reducing feelings of shared citizenship, and we must view these factors as challenges or obstacles to the normal gravitational pull of well-functioning liberal-democratic institutions. Under what conditions does this gravitational pull weaken, for which groups, in relation to which aspects of shared citizenship? Once we have identified the specific challenges, we can then think of appropriate instruments for dealing with them. And these will often include diversity policies, along with many other reforms, ranging from labour market policies to antidiscrimination strategies to reinvestment in public services to democratic reforms (and perhaps even flag distribution).

Once we contextualize questions of shared citizenship in this way, it becomes clear that there is no inherent trade-off between diversity policies and shared citizenship policies. In none of these cases is it plausible to argue that diversity policies are the source of the problem, and in many cases they are part of the solution. In fact, it is a mistake even to attempt to distinguish diversity policies from shared citizenship policies as if they belonged to different categories. As I noted earlier, diversity policies are themselves policies of citizenization — turning a historical welter of uncivil relations among ethnic groups into relations of democratic citizenship. As such, promoting diversity policies and promoting democratic citizenship are not competing projects, but rather they stand or fall together.

C o n c l u s i o n

THIS OVERVIEW OF CANADA'S THREE SETS OF DIVERSITY POLICIES PRESENTS A VARIED picture. The policies have been inspired by legitimate liberal-democratic goals, but they have had mixed success in practice. They have largely operated within liberal parameters, but they remain in danger of misuse by illiberal and undemocratic forces. They have helped reduce some inherited inequalities, but in under- and overinclusive ways, and the benefits have often been reaped by those who were not most in need. The categories and classifications used to identify beneficiaries are crude and out of date and trapped in bureaucratic inertia. And they presuppose a level of trust, solidarity and civility that may be eroding.

Different observers are likely to come to different conclusions about how serious these problems are, or how difficult they may be to remedy. Some will view the glass as half full; others will see it as half empty. However, what strikes me about the problems I've just mentioned is that they are not unique to diversity policies; they are endemic to public policy in general. Everything I have just said — about the dangers of illiberalism, the over- and underinclusiveness of target categories, the tendency for policies aimed at the needy to help those least in need, the tendency to bureaucratic inertia — could be said about every area of social policy in Canada. These are the systemic limitations of public policy in a liberal democracy.

And this brings me back full circle to the start of this chapter. The politics and policies of ethnocultural diversity in Canada today are simply part and parcel of liberal-democratic politics generally — no different in character from any other field of democratic politics. They are inspired by the same overarching principles and subject to the same systemic distortions. And that, in itself, is no small accomplishment, given the illiberal and undemocratic character of ethnic relations in our history, and in much of the world.

Notes

- 1 For the palimpsest image, see Green (2005). There are no universally accepted terms to designate these types of ethnocultural groups. For the purposes of this paper, I am distinguishing between ethnocultural groups whose roots in Canada predate European colonization (Aboriginal peoples); ethnocultural groups rooted in projects of European colonizing settlement (French and British); and ethnocultural groups that have emerged in Canada as a result of immigration. In Canadian public discourse, the term “ethnic groups” is often reserved for the latter category, although all of them qualify as “ethnic” groups as that term is defined by most academic social scientists. It would be more accurate, therefore, to describe this third category as “ethnic groups formed through immigration.” As shorthand, I will often use the term “immigrant/ethnic group,” although it’s important to emphasize that many members of these groups may be second-, third- or fourth-generation descendants of the original immigrants. It is also worth noting that these groups are rarely if ever called “foreigners,” even in the first generation, since they have quick access to citizenship (after three years), and most immigrants naturalize. So immigrants in Canada are seen as citizens — or, at least, as citizens-to-be — not foreigners.
- 2 See the 2001 Census figures at <http://www12.statcan.ca/english/census01/products/highlight/Ethnicity/Index.cfm?Lang=E>; a more detailed breakdown of ethnic origins was done as part of the 2002 Ethnic Diversity Survey, available at <http://www.statcan.ca/bsolc/english/bsolc?catno=89-593-X>
- 3 This is often called the “Anglo conformity” model of immigration. Historically, only a relatively small number of immigrants integrated into Quebec’s French-speaking society, and prior to the 1970s, immigration was not seen as a tool of nation-building in Quebec the way it was in English Canada.
- 4 These goals are quoted from Prime Minister Trudeau’s 1971 statement to the Canadian Parliament in which he declared the multiculturalism policy.
- 5 When people talk about the “retreat from multiculturalism” in the Netherlands, they often cite the decision to shift funding away from monoethnic organizations to multiethnic ones that promote cultural interchange and political cooperation across ethnic lines. This shift had already taken place in Canada by the late 1970s, but in Canada it has been understood as an evolution guided by the original goals of multiculturalism, not as a retreat from them.
- 6 For historical overviews of the origins of the multiculturalism policy, see Jaworsky (1979); Pal (1993); Blanshay (2001); and Day (2000). For the 25-year review, see Canadian Heritage (1996), and commentary in Kordan (1997).
- 7 For a detailed analysis of the types of projects and organizations that have received funding under the multiculturalism directorate, see McAndrew, Helly and Tessier (2005).
- 8 See Bloemraad (2002) and Kymlicka (2003) for a discussion of the linkage between multiculturalism and citizenship policies in Canada.
- 9 See Jaworsky (1979) on the reluctance of the CBC and CRTC to adopt multiculturalism reforms.
- 10 For the latest annual report, see Canadian Heritage (2004); for doubts about the effectiveness of this reporting mechanism, see Kordan (1997).
- 11 Its main impact has been to buttress the legitimacy of certain laws that probably would have been upheld anyway. For example, the Canadian Supreme Court upheld a law prohibiting hate speech on the grounds that this was a “reasonable limitation” on freedom of speech. It cited section 27 in support of the idea that this law

- was a reasonable limitation (*R. v. Keegstra*, [1990] 3 SCR 697). However, most experts agree that the courts would have come to the same decision, even in the absence of the multiculturalism clause, as have most other Western democracies (Elman 1993). Section 27 has also been invoked in defence of the idea that hate-motivated crimes should receive stiffer punishment (Shaffer 1995).
- 12 This was often a deliberate misinterpretation of the treaties, which were explicitly formulated as determining permanent rights and relationships, not temporary protections (“for as long as the sun shines and the rivers flow,” and so on).
- 13 *Calder v. Attorney General of British Columbia*, [1973] 1 SCR 313. As John Borrows puts it, this decision invited Canadians to “seriously contemplate the possibility that Aboriginal peoples would be a permanent part of the political and legal landscape” (Borrows 2001, 18).
- 14 The assimilationist approach of the Royal Proclamation of 1763 lasted about a decade, until it was abandoned in the *Quebec Act, 1774*; the assimilationist goals of the *Act of Union, 1841* were abandoned even more quickly, replaced by consociational power-sharing and bilingualism in the legislature, put in place by the late 1840s.
- 15 The text accompanying this agreement talks about “asymmetrical federalism that respects Quebec’s jurisdiction,” and about “flexible federalism that notably allows for the existence of special agreements and arrangements adapted to Quebec’s specificity.” For the debate generated by these “asymmetrical” agreements, see the 2005 Special Series on Asymmetric Federalism on the Web site of the Institute of Intergovernmental Relations, at http://www.iigr.ca/iigr.php/site/browse_publications?section=43
- 16 It’s difficult to set a clear terminus for the consolidation of this third silo. Bilingualism was in place by 1969, but it’s more difficult to say when the federal government committed itself to a policy of negotiating Quebec’s claims for greater provincial autonomy. The 1964 pension agreement set the precedent, and greater autonomy was part of the negotiations around the (failed) Victoria Charter in 1971. However, it was perhaps only after the election of the first PQ government, in 1976, that it became a clear commitment of the federal government (witness, for example, the immigration agreement of 1977).
- 17 It did so most spectacularly in its twin Marshall decisions. See *R. v. Marshall*, [1999] 3 SCR 456, which was seen as articulating a very broad understanding of Aboriginal treaty rights, and its hasty “clarification” in *R. v. Marshall*, [1999] 3 SCR 533, which limited those rights. While the Supreme Court’s interpretations of Aboriginal rights have clearly expanded since the early 1970s, the court has also been accused of unduly narrowing these rights by requiring evidence of essential continuity with precontact indigenous communities, practices and territories. Given the inevitable disruptions, displacements and adaptations prompted by European colonization, this test makes it difficult for many Aboriginal communities to assert Aboriginal rights in ways that address their current needs and situation.
- 18 Matthew Coon Come has stated that the proposed *First Nations Governance Act*, introduced by Indian Affairs Minister Robert Nault in 2002, reflected a “neo-colonial, assimilationist and extinguishment agenda” (2003, 72). This is an understandable reaction to Nault’s reforms (now withdrawn), which emerged from a deeply flawed consultation procedure, and to the fact that the archaic *Indian Act* still permits such defective processes of unilaterally amending self-government policies. But, notwithstanding their inadequacy, Nault’s proposals were not an attempt to return to

- the White Paper; they were premised on the recognition that Aboriginal governments are a permanent fixture of the political and legal landscape.
- 19 This continuity in the basic direction of federal policy from 1975 to 2005 is especially remarkable when one considers that it spans both Liberal and Conservative governments, both majority and minority governments, both economic boom times and economic recessions.
 - 20 Trudeau is sometimes seen as an advocate of multiculturalism, since it was he who introduced the policy in the House of Commons in 1971. However, that was the last time he gave a public talk on multiculturalism, and he showed no interest in the policy afterwards.
 - 21 I develop this argument in more depth in Kymlicka (forthcoming).
 - 22 According to Finkelkraut, the first two stages were “conceived under the implicit patronage of Diderot, Condorcet or Voltaire,” whereas the third stage is driven by the chauvinistic and relativistic thinking of Herder and Spengler (1988, 54, 64).
 - 23 Adams subdivides this group into “traditionalists” and “Darwinists” but maintains that these subdivisions share the fear that liberal reforms are undermining the social order and cite diversity policies among these destabilizing liberal reforms.
 - 24 The Act is reprinted as an appendix in Kymlicka (1998).
 - 25 For more on this distinction, see Kymlicka (1998, chap. 4).
 - 26 The case of Quebec’s language policy may seem an exception to this generalization. Critics argue that by limiting the choice of parents regarding the language of their children’s public school education, Bill 101 restricted a basic liberal freedom in the name of cultural preservation, and thereby qualifies as an illiberal internal restriction. However, it is not clear that liberal principles require that parents be permitted to choose the language of their children’s public school education. In fact, neither liberal political philosophy nor international human rights standards imply that parents have a right to make such a choice, and most liberal democracies do not offer it. In that sense, the scope for choice under Bill 101 is comparable to that available to the citizens of most Western democracies, and the Supreme Court of Canada has rightly concluded that it meets international human rights standards. For a good discussion, see Carens (1995).
 - 27 The liberal foundations of diversity policies have been criticized not only by cultural conservatives, but also by some radical or postcolonial critics (for example, Day 2000; Dossa 2002, 2005).
 - 28 For a discussion of White backlash against multiculturalism in the British case with comparisons to Canada, see Hewitt (2005) and the chapter by Randall Hansen in this volume.
 - 29 This distinguishes diversity policies in Canada from other forms of multiculturalism that aren’t historically tied to ideas and relationships of democratic citizenship — for example, the Ottoman millet system. Critics have suggested that the Dutch model of multiculturalism, while creating patronage relations between the state and various minorities, did not seek to develop relations or practices of democratic citizenship. For a discussion of the Dutch model and the way it has been criticized for neglecting citizenship, see Christian Joppke’s chapter in this volume.
 - 30 This helps explain Bloemraad’s finding that multiculturalism in Canada has nurtured the development of a more gender-balanced and representative elite within ethnic communities than is found in the United States (forthcoming).
 - 31 For evidence regarding political attitudes within minority communities generally, see Frideres (1997), Ungerleider (1991) and the chapter by Stuart Soroka, Richard Johnston and Keith Banting in this volume.

For a discussion of minority elites, see Howard-Hassman (2003), who emphasizes the way support for multiculturalism among majority and minority elites is connected to broader ideals of human rights. It may have helped, in this regard, that multiculturalism in Canada was initially demanded by, and designed for, long-settled White ethnics (especially Ukrainians), whose liberal credentials were not in doubt. They had served loyally in the Second World War, were staunchly anticommunist during the Cold War and were generally seen as fully integrated into the liberal-democratic consensus at the time when their claims for multiculturalism were first advanced. Subsequent waves of immigrants have therefore inherited a discourse and practice of multiculturalism that are deeply liberal and that offer no encouragement for making illiberal claims. For discussion of the role of White ethnic groups in mobilizing for multiculturalism in the context of (and in response to) the Royal Commission on Bilingualism and Biculturalism and its implications for the policy that was ultimately adopted, see Kymlicka (2004).

- 32 The recent *sharia* debate in Ontario is an example of this. The public exposure of potential abuses in the name of multiculturalism led to widespread public opposition and a renewed commitment to ensure that norms of freedom and equality are respected. However, I should emphasize that the adoption in Ontario of the *Arbitration Act, 1991*, which created legal space for religious family law tribunals, had nothing to do with the multiculturalism policy and did not emerge from the multiculturalism silo. The establishment of religious family law tribunals was not recommended or funded by the multiculturalism program. While the program has funded many institutional innovations and pilot projects relating to the accommodation of ethnocultural and religious diversity,

this was not one of them. There was no institutional, financial or legal connection between the *Arbitration Act* and the multiculturalism policy. Indeed, had the Ontario government asked for the assistance of the multiculturalism program in drafting the relevant provisions of the Act, the result almost certainly would have been different (or so I argue in Kymlicka 2005). So, while it is not an example of illiberal forces attempting to capture the infrastructure of the diversity silo, the mechanism of public exposure is similar.

- 33 For the case of female genital mutilation, see Hussein and Shermarke (1995); and Ontario Human Rights Commission (1996).
- 34 This doesn't mean that various illiberal practices, such as female genital mutilation (FGM) or coerced arranged marriages, don't occur in individual families, hidden from public view, sometimes with the encouragement of conservative community leaders (Azmi 1999; Levine 1999). And this, too, reflects another long-standing and systemic dilemma of liberal democracy — namely, the difficulty in a free and democratic society of protecting vulnerable individuals from family members. This is a structural weakness of liberal democracies, and it exists regardless of whether a country adopts multiculturalism policies. It exists, for example, in Britain with respect to coerced marriages (Phillips and Dustin 2004), and in France with respect to FGM, despite the latter's strident opposition to multiculturalism (Dembour 2001). However, as I noted earlier, any attempt to use the multiculturalism policy to shield such practices, or to inhibit police investigation or prosecution, has failed in Canada. On the contrary, the liberalized form of multiculturalism that is enshrined in public policies clearly delegitimizes these practices and marginalizes any community authorities who publicly support them, and this will shape private attitudes and practices as well.

- 35 Some Aboriginal leaders have argued that imposing the Charter on Aboriginal governments without their consent is inconsistent with their inherent right to self-determination. There are indeed powerful legal arguments for this position, but these jurisprudential arguments do not necessarily reflect deep disagreement over political values. See Tim Schouls's account of the depth of liberal rights consciousness within Aboriginal communities and the growing expectation among Aboriginal peoples that their leaders respect these values, enforced either through the Charter or some functionally equivalent rights-protecting mechanism (2003, 93, 100-5, 167-71).
- 36 See Resnick (1994) on the "West Lothian" question (as the British call it in the context of Scottish devolution). If Quebec achieves asymmetric provincial autonomy, should it give up some of its voice at the federal level in return?
- 37 For example, the federal government has long encouraged various provinces to declare themselves officially bilingual — without success, apart from New Brunswick. At a more practical level, advocates have argued that provincial preschool, early-childhood services should be provided in French. This is not covered by constitutional minority language education rights, and so it falls under the discretion of provincial governments (Landry 2005).
- 38 On the urban Aboriginal population, see the chapter by Evelyn Peters in this volume.
- 39 The "made in Saskatchewan" model discussed in the chapter by Joyce Green and Ian Peach moves in this direction.
- 40 See Irene Bloemraad's fascinating comparison of the integration of Vietnamese and Portuguese immigrants in Canada and the United States (forthcoming). Despite having similar socioeconomic and cultural profiles upon arriving in the two countries, the immigrants' subsequent trajectories differ significantly in terms of levels of political participation and feelings of inclusion. Bloemraad argues that this is due, at least in part, to the multiculturalism policy.
- 41 For example, middle-class Canadians make more use of the health care system than lower-class Canadians, despite the fact that they typically have better health to begin with. (In India, this is called the problem of the "creamy layer" — the more advantaged skim off the cream intended for the genuinely needy.)
- 42 On the specificity of anti-Black racism, see Henry (1994) and the conclusions of the Commission on Systemic Racism in the Ontario Criminal Justice System (1995). There is an argument to be made for distinguishing Blacks as a separate category in the employment equity program, as was initially proposed in the Abella Report (Abella 1984), which recommended employment equity.
- 43 I am here disagreeing in part with the analysis in Daniel Salée's chapter, which treats the White/non-White distinction as the singular foundational source of inequality and hierarchy. While there is indeed evidence that all visible minorities suffer an ethnic penalty, the severity of this penalty and the extent to which it is passed on to subsequent generations vary.
- 44 See the data cited in the Stuart Soroka, Richard Johnston and Keith Banting chapter.
- 45 See the data cited in the Stuart Soroka, Richard Johnston and Keith Banting chapter and in the Paul Howe chapter.
- 46 This has been the focus of Matthew Mendelsohn's work, first as an academic (Mendelsohn and Parkin 2001), and now as deputy minister for democratic renewal for the province of Ontario.
- 47 Recall, for example, the citizens' juries for the Charlottetown Accord. When average citizens had an opportunity to sit down and discuss the federal government's proposals for the Accord, with access to the relevant information and expertise, support for the diversity-related clauses increased substantially.

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