The Multicultural Panopticon:

Paradoxes of unity, identity, and equality in Canada

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Canada

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Paradoxes of Unity, Identity and Equality in Canada

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Abstract

This study analyzes the impasse of Canadian unity. Canadians cannot help but search for unity – it is the Canadian imperative – yet, paradoxically, the imperative itself, centred on a logic of identity and the pursuit of cohesion, is the greatest cause of the impasse. To analyze this paradox, the study begins by examining the Canadian approach to diversity, where diversity is celebrated even as it is feared as a constant source of fragmentation. The threat of diversity generates an ongoing search for mechanisms that will bind Canadians together in the unified form of the multicultural mosaic. Drawing from Foucault, the study examines a form of liberal governmentality directed at managing diversity, demonstrating that multiculturalism is a panoptic process, driven by a logic of identity, where Canadians are trained to engage in mutual identity surveillance. This process provides recognizable identities that can then be monitored for deviances that threaten the whole.

Having depicted the logic of identity, the study examines the antagonism at the heart of the Canadian impasse, an antagonism centred on a failure to displace the dichotomous debate between equal and differentiated citizenship, using analyses of the 1969 "Indian White Paper" and the 1997 Calgary Declaration. As attempts to impose equal citizenship to contain Aboriginal Peoples and Quebec, these texts are rejected in favour of differentiation. Yet difference, when opposed to equality, often assumes its own unified and totalizing character, promoting an intractable struggle between sharpened

counter-unities. A critique of Charles Taylor's liberal/communitarian thesis shows that the impasse revolves instead around competing paths to unity that take the form of symmetry (equal citizens and provinces) vs. asymmetry (Taylor's "deep diversity"). The equality/difference dichotomy is reinforced by demands for recognition over mutually exclusive and reified categories of identity and nation. Therefore, the logic of identity and the imperative to unity represent the basis for the Canadian impasse: the unity imperative is self-defeating. To counteract this process, it is necessary to shift the terms of debate so that unity – and attempts to achieve unity – becomes the object of constant critical scrutiny, making a space for the dynamic interplay of equality and difference.

Acknowledgements

As a graduate student, I have been very fortunate to carry out this project with the supportive guidance of many wonderful scholars, fellow graduate students, friends and family in a variety of intellectually stimulating environments.

As academic communities go, the Graduate Programme in Political Science at York University is an intellectual tour de force – certainly the most vibrant and engaging community that I have ever been a part of. The exceptional theoretical breadth and sophistication of my fellow graduate students, not to mention the faculty, have made York an ideal place to pursue research in contemporary social and political thought.

At York, I have been very fortunate to have had excellent supervision. I am especially grateful to Reg Whitaker who oversaw this project with great care; I will always have fond memories of our many engaging discussions (while drinking espresso at his house) as this project slowly emerged. Not one to undertake (or inflict) heavy surveillance, Reg was nonetheless always attentive and conscientious. Ken McRoberts provided incisive comments and demonstrated a knack for helping guide me in areas that needed further development. And Shannon Bell has been a wonderful teacher and an enthusiastic supporter throughout.

Much of the writing of this dissertation was undertaken while I was a Visiting Fellow at the Walt Whitman Center for the Culture and Politics of Democracy at Rutgers University. I would like to thank the Canada-U.S. Fulbright Foundation for making this Fellowship possible as well as Joan Scott, of the Institute for Advanced Study at Princeton, for sponsoring my visit, and helping to guide my research and providing me with wonderfully engaging and insightful comments. At the Whitman Centre, Ben Barber generously provided me with resources that a graduate student could normally only wish for, as well as helpful feedback and an exceptional intellectual environment. Kevin Mattson, Jennifer Gano, and Lenore Ritch made my stay at the Whitman Centre thoroughly enjoyable. In addition, Rutgers also has a remarkable group of political theory graduate students, especially in the area of feminist theory, and I benefited from engaging with a number of them, especially Susan Craig and Karen Zivi.

It is difficult to identify the genesis of any project; the present study is, in important respects, an extension of my attempts to tackle a set of problems that I began examining in my MA thesis at UBC under the supervision of Alan Cairns. Although Alan himself did not engage directly with this stage in my research, I see it as a continuation of our conversations, and his support and encouragement along the way have been very important.

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Preface

This is a study in contemporary Canadian political thought, a study that aims to transform the way we theorize the impasse of Canadian unity. I am well aware that this is a rather grand objective. After all, this is not exactly fresh terrain. Yet it is precisely because so many have written on the topic of Canadian unity that it would not make sense to undertake *yet another study* that aims merely to tinker at the margins of paths already taken. We are now beyond the point of tinkering. The terrain upon which we have been operating is far too worn. Moreover, another Quebec referendum appears likely and demands for Aboriginal self government will only grow louder. We have yet to resolve these matters and so the impasse of unity remains.

Perhaps then it is worth stepping back from the details of our immediate political situation. Perhaps it is worth examining the terrain itself – the terrain of unity. In doing so, we may begin to understand how this terrain generates limitations in our thinking, exhausts our energies, hinders us from recognizing more promising paths. Furthermore, we may begin to recognize how this terrain *is itself* centrally implicated in our increasingly polarized situation. Our outlook thus transformed, we will be in a far better position from which to theorize more productive political alternatives.

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Chapter One

Introduction: The Impasse of Canadian Unity

To argue these days that we are at an impasse in our search for Canadian unity is to risk being labelled an apostle of the obvious. After all, the positions of Quebec and Aboriginal Peoples within the federation continue to be tenuous at best, and the relationships between the Canadian political community and identities such as those based on ethnicity, race, religion, gender, and sexuality remain sources of great anxiety. Despite perpetual attempts at resolving our differences, we cannot seem to find common ground. Indeed, after decades of constitutional negotiations, we are now further than ever from agreeing on how and to what extent – if at all – the Canadian state should acknowledge and give recognition and sustenance to our differences. Paradoxically, the more desperate our drive to achieve cohesion and unity, the more fragmented we seem to become. The search for a mechanism to bind us together – a unifying cement – has generated an unseemly mêlée of identity politics, a festering mix of competing sub-unities. How can we make sense of this paradoxical situation? How might we escape it?

Canadians are a pragmatic and resourceful group of people whose typical response to this impasse has been to search for yet another path to unity, to chart new areas of possible commonality. Because it seems that there are no other options – beyond giving up entirely – it is always worth another attempt. However, as counter-intuitive as it may

appear, this is precisely *not* a situation calling for perseverance. Further resolve in searching for unity is certain to leave us *less united*. The unity game that we have been playing is futile, lost in the very terms of the quest; for it is the imperative to unity itself, centred on a logic of identity and a perpetual search for cohesion, that is the greatest cause of the Canadian impasse.

This is a disturbing conclusion, a conclusion that aims precisely to disturb. We need to examine why the imperative to unity structures so much of Canadian politics, why it is taken for granted as an overriding political goal. We agonize about how unity may be achieved, and what unity might look like, but we rarely ask ourselves whether it is an appropriate object of political desire in the first place. Therefore, we need to begin interrogating the unity imperative in a manner and to a degree not yet undertaken; we need to become aware of the paralysis that it produces, the exclusions that it generates, the intellectual blind spots that it encourages.

What follows, then, is just a first step, a step aimed at generating a more reflective outlook on Canada's perpetual obsession with unity. It will be necessary to guide the reader through what may appear to be unfamiliar territory, although it will almost certainly be territory that he or she has traveled many times. The point is not to depart from the traditional preoccupations of Canadian unity politics; instead, this study is preoccupied quite specifically with these preoccupations – with the territory Canadians have traveled and continuously travel seemingly without end. Indeed, this study is concerned to

understand the *limit* of these preoccupations and, most of all, to disturb and disrupt them. This is a matter of responsibility: to disturb is to act responsibly, because it shows care and respect for what is, even while attempting to criticize and transform.

The equality/difference dichotomy and the impasse of Canadian unity

So where do I begin? I begin with the most familiar level, by depicting the impasse of Canadian unity in what are its most apparent and easily recognizable forms. I am particularly interested in the anxiety Canadians feel, their sense that Canada is becoming increasingly fragmented and thus ungovernable. This anxiety produces an ongoing search for a stronger basis of social and political cohesion – we are preoccupied with the matter of what will hold us all together *as Canadians*. The problem is that, given all our diversity, there is little agreement as to what this basis of cohesion should look like. A consensus on the common form of citizenship – the common conception of the whole to which all of us wish to belong – seems always to elude us. Indeed, there is not even agreement over whether there need be such a common conception in the first place. This lack of agreement is perhaps the most familiar form of the impasse. While the inability to achieve consensus manifests itself in many ways, it has increasingly revolved around a failure to agree over the appropriate meaning and scope of equality and diversity. Should the Canadian state recognize the differences of Canadians and, if so, which differences deserve to be recognized? In what ways? To what extent?

These questions are, of course, central to any discussion of community and citizenship. Still, there is something particularly frustrating about the way debate takes place in Canada since the answers Canadians give to these questions are increasingly polarized. While virtually everyone assumes the equal value of Canadian citizens, as well as their considerable diversity, there is sharp disagreement amongst Canadians as to whether the state should recognize and support this diversity. There seem to be two – and only two – apparently antithetical options. While some Canadians defend a form of "equal citizenship" where everyone is to be treated in the same manner by the state, others propose various forms of "differentiated citizenship" sensitive to the differences amongst us. Some Canadians believe that our citizenship should define us as "un-hyphenated Canadians", equals without distinction, so that the basis of citizenship is the same for all. But others argue that equality necessitates certain forms of differentiated treatment, so that our differences mediate our relation to the Canadian political community. The equal citizenship position is thus pitted against those calling, for example, for a distinct society clause for Quebec, for Aboriginal self government, for affirmative action, or for other forms of differentiation. This very familiar debate is constructed around two opposing visions of citizenship and reflected in a series of more or less parallel binary oppositions: symmetry/asymmetry; uniformity/variability; universalism/particularism; impartiality/ partiality; and – perhaps most importantly of all – *equality/difference*. While all of these binary oppositions are invoked in debates about Canadian citizenship and unity,

and while they are mutually reinforcing, I want to focus on this last dichotomy –

equality/difference – because it is an especially pivotal point of reference, a central axis

around which the impasse of Canadian unity is normatively framed. This dichotomy

structures a wide range of political struggles, including those related to Quebec and First

Nations Peoples as well as to questions of gender, sexuality, culture, race, ethnicity,

territory, and religion.

Certainly, the pervasiveness of the equality/difference dichotomy is not specific to

Canadian politics but appears repeatedly in other liberal democratic societies debating

questions of citizenship and diversity. For example, the dichotomy lines up fairly closely

to American debates over political representation, affirmative action, or the teaching of a

canon in schools. And similar patterns play out in many other liberal democratic societies.

It should not be surprising, then, that the equality/difference dichotomy has, in various

manifestations, been a focal point amongst contemporary social and political theorists,

especially feminist theorists, and I intend to draw from this theorizing in what follows.

Still, there is much to be learned from studying the political dynamics of the

equality/difference dichotomy in Canadian politics. After all, Canada has made great

efforts, perhaps more than any other country, to incorporate notions of diversity into its

national mythology. For example, Canada has, quite famously, embraced diversity in its

policy of "Official Multiculturalism". Canadians have been at the forefront of liberal

democratic experimentation in this area and so it is worth examining how and why we

have embroiled ourselves in the same sorts of dichotomous equality-or-difference debates that occur in other liberal democratic societies. When we examine these questions, we gain a greater awareness of some of the paradoxes involved in attempting to incorporate notions of equality, diversity and identity into a common basis of liberal democratic citizenship.

Although the equal citizenship/differentiated citizenship divide is pervasive in Canadian political culture, and thus not limited to elite political discourse, there are a number of prominent political figures who have been closely associated with each side of the divide. For example, former Prime Minister Pierre Trudeau has perhaps more than any person led the equal citizenship strategy, although Reform Party leader Preston Manning has assumed this role over the last several years; one could even argue that the popular appeal of the equal citizenship discourse has been central to the Reform Party's rise in the 1990s. On the differentiated citizenship side, there is perhaps less of an association with specific politicians, although former Prime Minister Brian Mulroney and former Ontario Premier Bob Rae have spoken in favour of some forms of differentiation, especially where Quebec and Aboriginal Peoples are concerned. Otherwise, group leaders such as Judy Rebick, former President of the National Action Committee on the Status of Women, Ovide Mercredi, Former Grand Chief of the Assembly of First Nations, as well as many federalist or moderate nationalist Québécois leaders have made highly publicized demands for various forms of differentiated citizenship.

Many scholars, public commentators, and intellectuals who take part in Canada's

national unity debates can also be placed in one of the opposing categories. Those taking

an equal citizenship position include Janet Ajzenstat, David Bercuson and Barry Cooper,

Reginald Bibby, Neil Bissoondath, William D. Gairdner, Richard Gwyn, Rainer Knopff,

and Ted Morton.[1] Those pursuing some form of differentiated citizenship include Ian

Angus, Joseph Carens, Will Kymlicka, Kenneth McRoberts, Phil Resnick, Charles Taylor,

James Tully, Jeremy Webber, and Reg Whitaker.[2] Many others could be added to each

category. Certainly, within each category, there is considerable variability in the positions

taken, with some defending differential (or equal) treatment for some groups and not

others. At the same time, it is characteristic of dichotomies to polarize so that in this case

the differences between those in each group are submerged by their common antagonism

toward the opposing position.

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[1] See, for example, Janet Ajzenstat, "Liberalism and Assimilation: Lord Durham Reconsidered," in
Political Thought in Canada. Stephen Brooks, ed., (Toronto: Irwin Publishing, 1984); David J. Bercuson
& Barry Cooper, Deconfederation: Canada Without Quebec. (Toronto: Key-Porter Books, 1991); Reginald
W. Bibby, Mosaic Madness: The Poverty and Potential of Life in Canada. (Toronto: Stoddart Publishing
Co. Limited, 1990); Neil Bissoondath, Selling Illusions: The Cult of Multiculturalism in Canada.
(Toronto: Penguin Books, 1994); William D. Gairdner, The Trouble With Canada. (Toronto: General
Paperbacks, 1990); Richard Gwyn, Nationalism Without Walls: The Unbearable Lightness of Being
Canadian. (Toronto: McClelland & Stewart, 1995).
[2] See, for example, Ian Angus, A Border Within: National Identity, Cultural Plurality, and Wilderness.
(Montreal & Kingston: McGill-Queen's University Press, 1997); Joseph Carens, Culture, Citizenship, and
Community: A Contextual Exploration of Justice as Evenhandedness. (Oxford: Oxford University Press,
Forthcoming); Will Kymlicka, Finding Our Way: Rethinking Ethnocultural Relations in Canada.
(Toronto: Oxford University Press, 1998); Kenneth McRoberts, Misconceiving Canada: The Struggle for
National Unity. (Toronto: Oxford University Press, 1997); Philip Resnick, Thinking English Canada
(Toronto: Stoddart Publishing Co. Limited, 1994); Charles Taylor, Reconciling the Solitudes: Essays on
Canadian Federalism and Nationalism. (Montreal & Kingston: McGill-Queen's University Press, 1993);
James Tully, Strange multiplicity: Constitutionalism in an age of diversity. (Cambridge: Cambridge
University Press, 1995); Jeremy Webber, Reimagining Canada: Language, Culture, Community, and the

My concern here is to understand an extremely turbulent form of political discourse that spans a wide range of political, intellectual, and scholarly arenas, and which is dominated by polarizing polemics. Whatever the specific issue under discussion, we are inevitably pulled towards one of the poles of the debate: equality *or* difference. So how do I proceed? Well, to begin with, it is easy enough to simply "choose sides", and certainly the superior choice is obvious: after all, those pursuing a strategy of differentiated citizenship represent some of the most progressive politicians, activists, and scholars in Canada. Moreover, with a few exceptions, those pursuing equal citizenship have been amongst the most unreceptive to the emancipatory struggles of minority groups. So, there is very good reason to simply join the struggle as it is currently framed, to develop better and more persuasive normative theories of differentiated citizenship. Yet I wish to make the case for resisting this approach, at least as a first step, and instead to begin by concentrating on the framing itself. To be clear, my aim is not to split the difference. Indeed, it is difficult to think of very many politicians, intellectuals, or scholars who pursue an alternative path that successfully bridges these two poles, a path that charts a middle course drawing from each. Perhaps this is because such paths are unlikely to be heard amidst the clamour of those engaged in battle with the "other side". Still, I do not believe that it makes sense to pursue a "balanced" strategy, since, at least in this area of political discourse, such positions tend to reinforce the sorts of premises that generate the

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Canadian Constitution. (Montreal & Kingston: McGill-Queen's University Press, 1994).

polarization in the first place. That is, to attempt "balance" in such situations is often to obscure the debilitating force of these polarizing premises.

My strategy rejects the idea of a "middle path" and focuses on understanding these polarizing premises themselves, which, I will argue, are driven by an imperative to unity and a logic of identity. I will argue that it is the preoccupation with unity and identity that produces the equality and difference positions as *mutually opposed*; thus, although there may appear to be little agreement amongst Canadians on questions of diversity, there is in fact a *common* set of preoccupations and anxieties which generate a search for mechanisms that will bind Canadians together. These anxieties, and the logic which rests upon them, represent the object of analysis in this study. Only by rejecting the logic of identity and the imperative to unity will we be in a position to displace the equality/difference dichotomy altogether, and then we may view equality and difference as *mutually reinforcing*, and thus pursue a politics of difference. To this end, it is necessary to further examine the play of the equality/difference dichotomy in practice.

Three areas of struggle

Thus far, I have suggested that the play of the equality/difference dichotomy is pervasive in Canadian politics; to provide a more concrete illustration of this I will briefly outline the manner in which the dichotomy operates in a range of political struggles. In this study, I examine three areas of struggle – related to Quebec, First Nations, and, to a

lesser extent, struggles over ethnicity and race. I expect that the dichotomous character of

the following three narratives will be familiar to all those with any knowledge of Canadian

politics.

1. Quebec. Although there has been in institutional and political terms *de facto*

"special status" for Quebec for much of Canadian history, tensions have long revolved – at

least in constitutional terms – around whether or not Quebec should be recognized as

distinct and, if so, the institutional character and breadth of this distinction. The

disagreement is between those who hold that Canada is a single nation and those who

argue that it is made up of two (or more) nations. While the one-nation proponents

demand that federalism be defined by equal provinces, each with access to the same

powers and responsibilities, the dualist perspective argues that federalism should be

asymmetrical, with differential powers and responsibilities for Quebec.

Since the 1960s, Pierre Trudeau has been the central political figure attached to the

one-nation position. In order to discourage the notion of Canadian dualism – and

especially Quebec nationalism – Trudeau attempted through Official Bilingualism,

Multiculturalism, and other policies to provide a pan-Canadian basis for the French and

English character of Canada. The 1982 Charter of Rights further entrenched this pan-

Canadian view.[3] However, much to the alarm of Trudeau, attempts to get Quebec to sign

the Constitution Act 1982 took something of a mild dualist approach in the forms of the

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[3] Kenneth McRoberts outlines the various facets of Trudeau's strategy in Misconceiving Canada.

failed Meech Lake (1987-1990) and Charlottetown (1992) Accords. Although, in both

cases, all the provinces would have had access to the additional powers granted to

Quebec, these Accords represented asymmetrical versions of federalism, if only in a

minimal sense, because of the inclusion of a 'distinct society' clause providing recognition

and possibly certain powers specifically to Quebec. The rejection of this 'special status'

for Quebec was led not only by Trudeau, but by others such as Newfoundland Premier

Clyde Wells (with Meech Lake), as well as by Preston Manning and the Reform Party

(with Charlottetown). In sharp contrast to the differentiation and asymmetry that the

distinct society clause represented, those opposed insisted upon the notion of equal

citizens and equal provinces with equal powers. According to Kenneth McRoberts, the

failure of the Charlottetown Accord was a result of two

> ...definitions of political community that are themselves mutually exclusive. More
> specifically, most constitutional proposals from English Canada were framed in
> terms of a conception of Canada that precluded, implicitly or explicitly, the type of
> differentiation between Quebec and the rest of the country upon which Quebec's
> project rests.[4]

Similarly, Robert Vipond describes the situation as follows:

> Recent constitutional debate in Canada has been constructed around the principles
> of equality and fairness, including a form of federal equality, that evokes the same
> deep hostility that affirmative action does. And whatever its source, this way of
> framing the debate over federalism feeds and reinforces a politics of deep regional
> and cultural resentment. Matters that might otherwise be passed off as the routine
> (if somewhat messy) business of democratic politics...have now been elevated to
> questions of high liberal and constitutional principle. And once there, they move
> into the rhetorical rut created by the debates over affirmative action...To that

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[4] McRoberts, "Disagreeing on Fundamentals: English Canada and Quebec," in The Charlottetown
Accord, the Referendum, and the Future of Canada. Kenneth McRoberts and Patrick Monahan, eds. 258.

extent, the discourse of provincial equality has transformed – and I think actually hobbled – Canadian constitutional discourse.[5]

Yet this understanding of provincial equality has only grown stronger and is the central component of the most recent (quasi-constitutional) round, the Premiers' Calgary Declaration (1997). The Calgary Declaration rejected differential powers and instead embraced the general diversity of Canada and the uniqueness of all the provinces, and mandated that each province, including Quebec, must have an *equal* ability to express and develop that uniqueness. This position is of course unacceptable to Quebec, since it does not allow for Quebec's uniqueness to be differentiated.

2. First Nations. Since the mid 1960s, there has been a general consensus that the paternalistic and oppressive régime governing the administration of Natives in Canada since before the time of Confederation needs to be replaced. However, there has been little agreement over what the relationship between First Nations communities and the larger Canadian community should look like. In the late 1960s and 1970s, much of the debate centred on the role of the historic treaties in continuing to structure that relationship and the issue of whether the <u>Indian Act</u> and the Department of Northern and Indian Affairs should continue to exist and in what form. Central to this debate was whether Aboriginals should continue to be differentiated from other Canadians or instead integrated into a version of equal citizenship. Two important government documents of

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[5] Vipond, "From Provincial Autonomy to Provincial Equality (Or, Clyde Wells and the Distinct Society)" in <u>Is Quebec Nationalism Just? Perspectives from Anglphone Canada</u>. Joseph Carens, ed., (Montreal & Kingston: McGill-Queen's University Press, 1995) footnote omitted, 115.

the period diverged on this issue; the Hawthorn Report of 1967 argued that Aboriginal peoples should be considered "citizens plus" because of their historic treaty rights.[6] In contrast, the White Paper of 1969, presented by then Indian Affairs Minister Jean Chretien, insisted that all forms of differentiation be eliminated – including treaty rights and the Indian Act – in favour of equal citizenship.[7] First Nations groups mobilized – quite famously – against the White Paper, calling it assimilative – even genocidal – and embraced, albeit with some important modifications, the Hawthorn notion of "citizens plus".[8] Although very little was actually agreed upon, the White Paper and its equal citizenship position was withdrawn and the position of differentiation prevailed and was eventually constitutionalized in 1982 in the form of s. 35 of the Charter, where "existing aboriginal treaty rights" were "recognized and affirmed".

In the 1980s and 1990s, debate shifted to the question of Aboriginal self government and what it might look like. The failed 1992 Charlottetown Accord included provisions for Aboriginal self-government that generated vigorous debate during the subsequent referendum campaign; as if according to cue, the Reform Party successfully generated strong opposition to these provisions on the grounds that they differentiated

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[6] H. B. Hawthorn and M.A. Tremblay, A Survey of the Contemporary Indians of Canada. (Ottawa: Queen's Printers, 1966).

[7] Statement of the Government of Canada on Indian Policy. (White Paper), (Ottawa, Ministry of Indian Affairs and Northern Development, 1969).

[8] Harold Cardinal, The Unjust Society. (Edmonton: Hurtig Publishing, 1969). For a discussion, see Sally M. Weaver, "Segregation and the Indian Act: The Dialogue of Equality vs. Special Status," in Identities: The Impact of Ethnicity on Canadian Society. Wsevolod Isajiw, eds., Canadian Ethnic Studies Association, Vol. V (1977).

between Canadians on the basis of race. Since Charlottetown, the Royal Commission on Aboriginal Peoples has endorsed a version of differentiated citizenship[9] and, more recently, a new territory, Nunavut, has been created composed predominantly of Inuit people. At the ceremony celebrating the creation of this new territory, Prime Minister Jean Chretien, three decades after the White Paper, stated that Canadians can be "different and equal" at the same time, noting,

> That's what's great about Canada. You can be different and be proud of your differences and express them, and at the same time share the advantages and responsibilities of Canadian citizenship. It could not have been expressed in a better way than here.[10]

Nevertheless, there has been considerable controversy surrounding the Nisga'a Agreement in British Columbia, partly because it entails a form of differentiated citizenship. And, most recently, in its Marshall decision, the Supreme Court upheld differential Native fishing rights based on historic treaties. In each of these cases there has been vociferous opposition to the various forms of differentiation involved, often led by the Reform Party, in favour of some version of equal treatment.

3. Race and Ethnicity. A third case that I will deal with at various points concerns struggles related to race and ethnicity, where the policy of Official Multiculturalism has been central. Multiculturalism grew out of the Royal Commission on Bilingualism and Biculturalism, when certain minorities rejected the idea of biculturalism. The need to

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[9] For a summary of the RCAP Report, see People to People, Nation to Nation: Highlights from the Report of the Royal Commission on Aboriginal Peoples. (Ottawa: Canadian Communications Group, 1996).
[10] Shawn Ohler, 'Different and equal', National Post. April 2, 1999.

preserve and enhance the "multicultural heritage of Canadians" was later entrenched in s. 27 of the Charter. Although it has always been a relatively minor programme in budget terms, the policy has become extremely controversial, especially in the last decade. The debate is not really over diversity itself or the multicultural character of Canada but rather over whether minorities should actually receive government recognition and support to preserve and develop their diverse cultural backgrounds. Opponents of this policy argue that such support means that the relationship between citizens and the Canadian state is in some ways differentiated on the basis of diversity. As a result, Canadian citizenship becomes "hyphenated" and the notion of the undifferentiated Canadian ceases to exist. Similar claims are made with regard to school curricula, public holidays, Canadian Mountie uniforms, affirmative action, qualifications for police and fire fighters, and numerous other issues. Political representation is another especially volatile field. Some people favour an understanding of representation resting on a universalistic premise of impartiality, making irrelevant the race or ethnicity (or other characteristics) of a representative. Others argue that such impartiality is impossible, that the decision-making process is inherently particularistic, so that representatives should reflect, in certain ways, the populations that they represent.

Certainly, in each of these three sketches there is much that I am omitting. Still, their purpose is to demonstrate how each can be read – indeed, how each is often read, at least partially – as a polarized struggle that follows the pattern of equality/difference. In

each case, debates centre on whether or not Canadian citizenship should be differentiated

in certain ways according to a particular identity category – whether based on nation,

language, religion, culture, race, or ethnicity – or whether these sorts of criteria should be

irrelevant to questions of citizenship. This same pattern extends to struggles pertaining to

gender, sexuality, age, religion, and (dis)ability as well; indeed, equality/difference emerges

whenever the relationship between Canadian citizenship, equality, and a form of identity is

a matter of contestation.

I realize that some readers may immediately object that I have characterized these

struggles in an overly schematic manner, that I am interpreting very different types of

conflicts through the lens of equality/difference. Indeed, some might argue that none of

these struggles can be contained within one category as unified struggles – that they are

each extremely diverse internally, and that they are each contingent upon a range of

historical variables. For example, some might argue that I am assimilating into one

problematic struggles rooted in very different political contexts, and directed against

different forms of power, domination, and exploitation. Others might argue that I am

conflating discussions of legal rights and duties, political representation, and forms of

belonging to a community, each involving different types of citizenship: legal, political,

psychological.[11] Still others might suggest that I am failing to differentiate between

struggles aimed at the *inclusion* of certain groups in Canadian society with other struggles

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[11] Joseph Carens makes this distinction in "Dimensions of Citizenship and National Identity in Canada" in The Philosophical Forum. Volume XXVIII, Nos. 1-2, Fall-Winter 1996-97.

directed towards achieving greater *autonomy* for Quebec and First Nations peoples.[12] In

fact, *all* these concerns are central to the larger point that I wish to make. The dramatic

multiplicity of the struggles I have characterized – each in terms of the standardizing

language of equality/difference – demonstrates the overwhelming colonizing and totalizing

power of this dichotomous way of thinking. The play of the dichotomy *does* have a

schematic character – this is one of the major reasons why it is so politically problematic;

it breeds polarization and paralysis. These struggles are not similar – indeed, they involve

very different types of political claims and strategies – yet they are flattened so that they

appear similar.

It is not my intention to force diverse struggles into a uniform analytical

framework characterized by equality/difference. Far from attempting to work within or

reinforce the dichotomy, my goal here is to examine the play of the dichotomy in the

current Canadian political context so as to demonstrate the necessity of displacing its rigid

and dogmatic logic. When we operate within the terms of the equality/difference

dichotomy, our political choices are often structured in unfortunate ways. The most

difficult and pressing questions remain unaddressed, especially where the development of

emancipatory political practices and institutions is concerned. Thus, we need to re-orient

our theorizing beyond the more static options of equality *or* difference towards a

politically-nuanced integration of themes which reverse, traverse, and displace the

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[12] Will Kymlicka makes this distinction in "Three Forms of Group-Differentiated Citizenship in Canada,"
in Democracy and Difference: Contesting the Boundaries of the Political. Seyla Benhabib, ed., (Princeton:

dichotomy. My ultimate goal, then, is to determine what this strategy might look like. What follows – in this study – represents a preliminary step aimed at understanding how and why it is that the course of these struggles so often follows an equality or difference pattern. My argument is that a general cultural logic of identity, unity, and cohesion – within which Canadian discussions of diversity and citizenship take place – forces a wide range of political antagonisms along this dichotomous equality or difference path. My purpose is to describe the various manifestations of this logic in the current Canadian context, to analyze its problematic political effects, and to begin to explore some of the ways in which we might disturb and disrupt its dichotomous operation.

This is not, of course, the first study to examine struggles over equality and difference in Canada. Indeed, a number of prominent Canadian political theorists – such as Charles Taylor, Will Kymlicka, James Tully, and Jeremy Webber[13] – have already explored this terrain in considerable detail. Each proposes a theory of differentiated citizenship in opposition to the demands for equal citizenship common in contemporary Canadian political discourse, thus reinforcing the dichotomous language of the debate. My approach represents an alternative to theirs; where they pursue their normative positions within the terms of the debate, my aim is to analyse and deconstruct these terms.

Princeton University Press, 1996).
[13] Taylor, Reconciling the Solitudes; Kymlicka, Finding Our Way; Tully, Strange multiplicity; Webber, Reimagining Canada.

Particularly notable is Charles Taylor, whose writings have generated considerable

attention in a wide range of academic circles,[14] attention that is especially pronounced in

the field of Canadian politics. And for good reason. Taylor has written – with great

insight and wisdom – about some of Canada's most intransigent political problems,

particularly those that concern the relationship between Quebec and the Canadian

federation.[15] Yet, while Taylor's writings on Canadian politics are widely cited, and while

they have guided the thinking of many scholars in Canada and beyond, his ideas have not

yet been sufficiently questioned and critiqued. There is danger in this. Although Taylor's

depiction of the Canadian impasse – especially in the terms of the liberal/communitarian

debate – appears to be intuitively correct, there are certain ways in which he actually

obscures the character of the antagonism at play. While he presents an attractive and

inviting solution to the Canadian impasse in developing his notion of "deep diversity",

upon careful scrutiny it becomes clear that this solution plays into the dichotomous

character of the debate. Taylor's approach, despite its many strengths, is descriptively

flawed and less normatively attractive than it first appears. There is further danger in this.

Taylor's depiction of the Canadian impasse forms the core of what is, arguably, the most

widely-cited article written on Canadian politics in the last decade, "Shared and Divergent

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[14] The perhaps unparalleled breadth of Taylor's scholarship is demonstrated by the great diversity of topics covered in his collection, Philosophy and the Human Sciences: Philosophical Papers 2. (Cambridge; Cambridge University Press, 1985); similarly, James Tully has edited a wide-ranging collection of critical responses to Taylor in Philosophy in an Age of Pluralism: The Philosophy of Charles Taylor in Question. (Cambridge: Cambridge University Press, 1994).
[15] Taylor's most important Canadian essays are included in Reconciling the Solitudes.

Values".[16] It *also* forms the core of another essay, "The Politics of Recognition,"[17] which

holds (it has been suggested without apparent intended irony) a "canonical place"[18] in the

literature on multiculturalism. There is thus extraordinary weight resting on Taylor's

depiction of the Canadian impasse, especially since he presents it as his central example in

defending a liberal form of communitarianism grounded in a version of multicultural or

differentiated citizenship. Given its widespread influence, Taylor's depiction is deserving

of thorough and extended scrutiny – with this in mind, I engage Taylor in a critical

dialogue that spans this study.

Chapter outline

Thus far, I have emphasized that we limit our understanding of the Canadian

impasse when we operate within the equality/difference dichotomy. I am not suggesting

that such divergent orientations do not exist in Canadian society, nor am I implying that

their polarizing logic has no political effect. Instead, I argue that, to the extent that there

are in fact significant divergences in political orientations of this sort, we should be wary

of operating within their dichotomous terms. For this reason, it is necessary to step back

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[16] In Reconciling the Solitudes. 155-186.

[17] In Multiculturalism: Examining the Politics of Recognition. Amy Gutmann, ed., (Princeton: Princeton University Press, 1994). Note that Taylor covers similar ground in the two essays (indeed, there are overlapping passages), as well as in his 1991 Massey Lectures, published as The Malaise of Modernity. (Concord, Ontario: Anansi, 1991).

[18] Lawrence Blum, "Recognition, Value, and Equality: A Critique of Charles Taylor's and Nancy Fraser's Accounts of Multiculturalism," in Theorizing Multiculturalism: A Guide to the Current Debate. Cynthia Willet, ed., (Malden, Mass.: Blackwell Publishers Inc., 1998) 73-99.

from the dichotomy and begin examining the cultural logic that frames it. This is my task

in Chapter Two, which eases the reader into the problematic and provides the basis for the

more critical analysis that follows in Chapters Three through Five.

Chapter Two   Cementing the Nation: The Paradoxical Cultural Logic of the
Multicultural Mosaic

The alternative to limiting our focus to the equality/difference dichotomy or to

proposing solutions that operate within the terms of this dichotomy is to first attempt to

understand the general cultural logic that generates these dichotomous positions. When

we examine this cultural logic we begin to understand the extent to which the various

"dichotomous" positions are in fact mutually dependent. In particular, we quickly

recognize the degree to which these divergent positions are hampered by the same sort of

anxiety, anxiety of diversity getting out of control; motivated by a common fear, a fear of

political fragmentation and division; and directed towards similar ends, the ends of

cohesion and unity. The impasse revolves around differing visions of how the realm of the

political – the play of identity and diversity – is most appropriately contained so as to

ensure a unified and cohesive community.

In attempting to understand this cultural terrain, my strategy is to probe a very

familiar narrative centred on the mosaic as the Canadian approach to the challenge of

diversity. I begin with a prototypically Canadian paradox: the celebration of diversity is at

once the distinctive Canadian basis for a national community while also representing a

great threat to this community. I explore this paradox by arguing that the support for

diversity central to the multicultural mosaic is in effect a strategy of containment, a

strategy of neutralizing the threat that diversity is seen to represent. With the multicultural

mosaic, the constant fear of fragmentation, of failing to keep all the tiles in place, produces

a perpetual search for a binding mechanism. The mosaic revolves around a search for a

cement, for the basis of cohesion. Yet there is a serious tension here. While Canadians

seek to deal with the problem of diversity in order to guard against fragmentation, they

must do this not by suppressing diversity but by giving sustenance to it. There ensues a

rejection of an overarching identity, since this would cause the tiles of the mosaic to

dissolve. Instead, the binding mechanism must operate to ensure unity while working with

– not against – diversity. Therefore, the solution of "unity in diversity" forever rests on

the threat of diversity.

*Chapter Three The Multicultural Panopticon: The Differentiation, Condensation,
and Cohesion of Identities*

In Chapter Three, I enter into a more critical mode by further examining the logic

of the Canadian multicultural mosaic. Here, I draw on Michel Foucault's later work on

governmentality, which involves the rational application of techniques that regulate the

behaviour of people and the conduct of populations. Foucault theorized a number of

different forms of governmentality and I am especially concerned with the liberal form.

According to Foucault, because of the liberal emphasis on the free subject, governance

must be restrained. Yet, liberal subjects must be conditioned to act freely, taught to behave *as* liberal subjects. With this understanding of liberal governmentality in mind, I examine the parallel manner in which Canadian subjects are conditioned to act multiculturally, taught to express their cultural and political freedom *as* multicultural subjects. In order to depict this process, I utilize Foucault's concept of panopticism, arguing that multicultural subjects are continually produced through the panoptic techniques of mutual surveillance and display. Hence, I speak of the multicultural panopticon.

Key to the operation of the multicultural panopticon is a logic of identity central to the normative theorizing of Charles Taylor and his notion of differentiated citizenship. For Taylor, each identity category is important as a horizon of meaning within which multicultural subjects can develop and pursue their own life plans; identity is central to the process through which individuals achieve authenticity. Diversity is conceived of as reflecting a set of distinct identity categories, each of which can be appropriately analyzed and described as if natural and pre-political. The multicultural panopticon reinforces this understanding of diversity and identity by conditioning Canadians to undertake multicultural study of the Other and to place their own identities on display so that they too can be studied. The multicultural panopticon operates through a universal gaze that encourages Canadians to approach questions of diversity in this manner. At the same time, this universal gaze differentiates between Canadians and thus monitors the

boundaries of particular identity categories. As these identity categories are studied, they become congealed, their borders static. The problem is that this process facilitates the containment of difference and reduces its potential movement. Because diversity is conceived of as an assortment of different identities, the idea of "difference" can only be understood superficially, as meaning difference *between* the various identity categories. Here, an identity is, in effect, a unit of difference. The multicultural panopticon reinforces this form of difference – of differentiation between – so as to limit the operation of another form of difference, difference within *or difference from itself.* In other words, the units of identity are left relatively untroubled, presented as self-contained and more or less internally undifferentiated. By generating knowledge about these categories and by marking the borders between them, the multicultural panopticon produces these identities as political units around which certain forms of politics play out. Diversity politics or identity politics thus takes place between and among these discrete units of identity.

In reality, the categories of identity are always heterogeneous, overlapping, and fluid even as the multicultural panopticon tries to turn them into discrete units; there is always resistance to the operation of the panopticon. The play of difference can never be entirely suppressed, the drive to create homogeneous units never completely successful. Still, what is notable is the way in which forms of "resistance" often follow a course that reinforces the very terms of identity and diversity being rejected. As I demonstrate, this is especially clear where Taylor's politics of recognition is concerned.

Chapter Four Deconstructing Equality/Difference in Canada: The Imperative to Unity and the Failure of Displacement

Having demonstrated the way in which units of identity are differentiated in the multicultural panopticon, it becomes possible to return to an analysis of the equality/difference dichotomy itself. The character of this dichotomy has been subjected to considerable scrutiny in contemporary social and political thought, particularly amongst feminist theorists, for whom it has generated considerable debate as of late.[19] In Chapter Four, I draw from this feminist theorizing in order to deconstruct the play of the equality/difference dichotomy as it relates to the Canadian impasse. I present this process in three steps: the first step is to understand the manner in which the two terms of the dichotomy exist in a relationship of interdependence, even though one dominates the other. In this case, equality has the purpose of containing diversity within a thin layer of uniformity, thus limiting the play of difference. This is the form of equality demanded by Trudeau, the Reform Party, and others with the aim of suppressing Quebec, First Nations, and other groups so as to prevent their fragmenting the Canadian political community.

The second step centres on a reversal of the two terms in the dichotomy. For example, Quebec and First Nations assert their difference in opposition to the idea of equality as uniformity. Equal citizenship is rejected in favour of differentiated citizenship,

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[19] See Joan Scott, "Deconstructing Equality-Versus-Difference: Or the Uses of Poststructuralist Theory for Feminism" in Conflicts in Feminism. Marianne Hirsch & Evelyn Fox Keller, eds., (New York: Routlege, 1990); and Gisela Bock and Susan James, eds., Beyond Equality and Difference: Citizenship, feminist

deep diversity, or asymmetrical federalism. This is a necessary rejection, an important

reversal of the terms of the dichotomy. Still, it is essential to take a third step – to

displace the dogmatic terms of the dichotomy altogether. The newly valued term –

difference – must no longer be placed in an oppositional role; instead, it must be displaced

from the dichotomy so that it is no longer opposed to equality but rather seen as integral

to the meaning and operation of equality.

The problem – which lies at the heart of the Canadian impasse – is that there is a

continual failure to displace the dichotomy. We are left at the second step – in a perpetual

holding pattern – where the reversal has taken place but the dichotomy is still very much in

play. Indeed, the dichotomy has merely shifted directions. The effects of this failure of

displacement are dramatic and far-reaching. Difference, which is now prioritized in

opposition to equality as uniformity, takes on its own unified character; each form of

"difference" is put forward as a self-contained identity, a sub-unity, in sharp opposition to

the attempt to suppress it. Differences within the sub-unity are expelled or suppressed so

that there is yet another attempt to impose uniformity, albeit at another level, *within*

difference. For example, Québécois, Aboriginals, and other groups (women, gays, etc.)

are turned into their own totalizing, essentialized categories, unified in their oppositional

stance to the larger pan-Canadian unity trying to contain and manage them. The struggle

now takes the familiar form of identity politics, a competition between competing unities

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politics and female subjectivity. (London: Routledge, 1992).

and sub-unities. The debates increasingly assume a dogmatic, fundamentalist tone,

revolving around divergent understandings of the basic unit/ies that will structure the

political system. The attempt to impose unity in Canada, a multicultural unity, generates

only disunities.

Chapter Five Liberalism vs. Communitarianism, Equal Provinces vs. Deep Diversity, and the English Canadian Alternative

The deconstructive approach that I take to understanding the Canadian impasse is

very much an alternative approach and so it is necessary to explain what precisely it is an

alternative to. In Chapter Five, I critically engage with a similar, yet distinct,

interpretation of the Canadian impasse as a conflict between individualist and collectivist

political orientations.[20] This framework for understanding ideological divisions in Canada

has been applied to questions involving Quebec, First Nations, ethnic minorities, and

women, all of whom have been taken to be more collectivist, communitarian, or

particularist in contrast to the individualistic majority culture. The most influential version

of the individual/collective divide in Canada has been put forward by Taylor[21] and it his

version that I engage with. What is especially interesting about Taylor's approach, for my

purposes, is that he uses the liberal/communitarian divide, the focal point of Anglo-

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[20] Ramsay Cook, Canada and the French-Canadian Question. (Toronto: Macmillan of Canada, 1966) 146; Janet Ajzenstat and Peter Smith, Canada's Origins: Liberal, Tory, or Republican. (Ottawa: Carleton University Press, 1995).

[21] See, in particular, "Shared and Divergent Values" and "The Politics of Recognition".

American political philosophy from the 1980s into the 1990s, to understand and reconcile the struggle between equal and differentiated citizenship. Yet, in doing so, Taylor obscures, and even reinforces, the antagonisms at play.

Whereas Taylor portrays the liberal discourse as driven by a proceduralist understanding of justice focused on protecting minority rights, I argue that it is motivated far more by nationalist dreams of a cohesive political community. Whether in the form of equal citizens or equal provinces, what Taylor views as a procedural liberal discourse is grounded less in an atomistic world-view and directed far more towards ensuring a layer of uniformity that will suppress the differences of Quebec (as well as other groups) and thus provide a basis of commonality that serves to hold the country together. Those demanding equal citizenship do not reject Quebec's ability to pursue collective goals – instead, they reject Quebec's *special* ability to pursue these goals beyond what is allowed for other collectivities in Canada; what they really desire is a symmetry of communal powers across Canada and so they are hardly anti-communitarian. Against these demands, Taylor presents his proposal of "deep diversity" and it is at this stage that Taylor falters, as do many other scholars pursuing some form of differentiated citizenship. The problem is that deep diversity, in simply opposing equal citizenship, operates within the terms of the equality/difference dichotomy and its logic of identity and thus sharpens and deepens the impasse.

In order to solve this impasse, Will Kymlicka proposes the development of an English Canadian identity as an alternative to the attempts to impose a pan-Canadian unity.[22] While Kymlicka's ideal political scenario is the implementation of something resembling Taylor's notion of deep diversity, he is rather pessimistic about the chances of Taylor's approach being accepted, especially in English Canada, where the imperative to pan-Canadian unity is so strong. That is, he realizes that deep diversity will continually be resisted in favour of equal citizenship. Kymlicka understands – perhaps better than Taylor – the relationship between, on the one hand, the discourses of equal citizens and provinces and, on the other hand, pan-Canadian unity. Kymlicka's alternative is to shift English Canada's preoccupation away from pan-Canadian unity towards a focus on English Canadian identity. Other scholars, such as Philip Resnick, Reg Whitaker, and Ian Angus, have presented similar proposals for the development of an authentic English Canadian identity, an English Canadian nation, existing within a multi-national Canada alongside other nations, such as Quebec or First Nations.[23] The attraction of this proposal is that there would no longer be a movement on the part of English Canadians to suppress or contain Quebec or First Nations with demands for equal citizenship – or any other binding mechanism – since the three entities would no longer exist within the same national

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[22] Will Kymlicka, Finding Our Way.

[23] Phil Resnick, Thinking English Canada; Reg Whitaker, "With or Without Quebec?" in "English Canada" speaks out. J.L. Granatstein & Kenneth McNaught, eds., (Toronto: Doubleday Canada, 1991); Ian Angus, A Border Within.

community. Instead, English Canadians would develop a sense of attachment and belonging to their *own* distinct national community.

While this proposal for "Thinking English Canada" is presented with what are clearly progressive intentions, I do not believe that it is an attractive alternative. In pursuing an English Canadian national identity, this proposal operates within much the same problematic logic of identity so central to pan-Canadian nationalism, and is thus likely to lead to similar problems. Whereas the emphasis now is on developing or preserving a pan-Canadian identity, I am concerned that a desire to discover the essence of English Canadian identity would become the focus. There is good reason to believe that the current preoccupation with "dealing" with the "problems" of diversity would also continue – the problems of diversity being naturally inexhaustible – as would a fear of English Canadian fragmentation, a search for a mechanism of English Canadian cohesion, and a never-ending debate over what this mechanism would look like. In a short time, we (the authentic English Canadian "we") would likely find ourselves back where we started at the unity imperative – with the boundaries of unity (and disunity) simply redrawn.

Towards a politics of difference

Why has there been a continual failure to displace the equality/difference dichotomy, to resolve the impasse of Canadian unity? The answer lies in the prevalence and power of the logic of identity and the imperative to unity central to the multicultural

mosaic, the multicultural panopticon, and the equality/difference debates. While visions of

Canada that follow an equal-province one-nation model are incompatible with those

visions that pursue an asymmetrical three-nation model, there is at least one area of

commonality, and that is the logic of identity itself, the assumption that some units of

identity must be given recognition and not others. While visions of Canada that rest on

equal citizens and equal provinces are incompatible with those visions that pursue a

dialectic of unity-in-difference (or "deep diversity"), there is at least one area of

commonality, and that is the imperative to unity itself – the assumption that some form of

binding mechanism is necessary to guard against fragmentation. These areas of common

ground – identity and unity – are the source of tensions that manifest themselves as the

Canadian impasse. Is it possible, then, to do away with the imperative to unity and the

logic of identity, or at least to moderate their debilitating effects? Are there any

alternatives to the unity imperative available in Canadian politics?

This study focuses on questions of a genealogical rather than a normative

character. Still, my understanding of the Canadian impasse is itself inevitably infused with

normative language and directed toward normative ends. I conclude by setting out the

direction that I believe further normative theorizing should follow in the Canadian context.

Rather than operate on the terrain of liberal multiculturalism, deep diversity, or an

authentic English Canadian identity, we need to shift the terms of political debate

altogether by directing constant critical scrutiny at those who would continue the search

for unity, by struggling against those who would attempt to contain and reify our

identities, and by cultivating a democratic space for the mutually reinforcing play of

equality and difference.

A few clarifications regarding my approach

Although it is conventional in a project of this sort to include a methodology

section in the introduction, such a section would not be appropriate in this particular study

for several reasons. To begin with, the adoption of a methodology usually implies that

there is a given question or set of questions that, once the methodology is applied, yield a

given range of possible answers. In such cases, the chosen methodology often

overwhelms everything else, sometimes to the point that it even produces the questions

and problems to be studied. As Richard Beardsworth notes, following Derrida, "[a]

thinker with a method has already decided *how* to proceed, is unable to give him or herself

up to the matter of thought in hand, is a functionary of the criteria which structure his or

her conceptual gestures."[24] With the method unveiled, it merely remains to be

implemented. In contrast, this study is very much problem-centred; that is, it is rooted in

my preoccupation with understanding the impasse of Canadian unity, especially the

dichotomous equality-or-difference character of the debates, as well as the manner in

which alternative political strategies get entangled by these dynamics. Rather than a

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[24] Derrida & the political. (London: Routledge, 1996) 4.

specific method, then, I employ a number of different lenses or approaches to generate

insights into the problematic, each building in important ways upon the others. Since there

is no single approach taken throughout, each chapter includes a discussion, sometimes

quite a lengthy one, of the specific approach taken.

Still, several clarifications are in order. To begin with a note on terminology, I

should emphasize that when I use the word multiculturalism it should be taken in the

widest possible sense to include all categories of diversity around which there has been

political struggle, whether with regard to Canadian unity, citizenship, or specific areas of

public policy. My focus is thus not limited to questions of race or ethnicity but instead

extends to struggles over diversity and difference in general, including those related to

Quebec, Aboriginals, and other minority and/or marginalized groups. When I speak of

multiculturalism, or the multicultural mosaic, I am referring to a general cultural approach

to questions of diversity as opposed to the federal programme of "Official

Multiculturalism".[25]

In examining the terrain of multiculturalism, rather than focusing on a single case

study, my approach is to draw from a number of high profile political spectacles of recent

decades. These include: recent constitutional politics – especially the Meech Lake (1987-

1990) and Charlottetown (1990) Accords and the 1997 Calgary Declaration; negotiations

between First Nations and the Canadian political community, including debates

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[25] In cases where it is the programme itself that I wish to discuss, I will speak of "Official Multiculturalism".

surrounding the White Paper of 1969 and the Charlottetown Accord; and a variety of

debates that have taken place on issues such as "Official Multiculturalism", minority rights,

and minority political representation. Thus, I draw from a range of political arenas where

fundamental questions regarding the nature of Canada as a political community are being

addressed. To this end, I utilize an assortment of textual materials including newspaper

and magazine articles, television transcripts, government documents, commission reports,

and constitutional agreements.

Of course, the examples and illustrations that I provide are selective. Hence, what

follows does not pretend to be a comprehensive study of the Canadian impasse, if this

were even possible. My primary aim is not to generate comprehensive historical and

empirical information related to the impasse. Since hundreds of books and articles are

already written on the topic, it is unlikely that our understanding of the impasse will

improve simply by generating more information. Instead, it is in the area of theoretical

and conceptual development that we are most deficient and this study is directed towards

filling this gap, with the aim of generating a better theoretical understanding of the impasse

of Canadian unity.

Chapter Two

Cementing the Nation:

The Paradoxical Cultural Logic of the Multicultural Mosaic

"Canadians look down on the United States and consider it Hell. They are right to do so. Canada is to the United States what, in Dante's scheme, Limbo is to Hell."
-Irving Layton[1]

In the Spring of 1998, I was walking through one of the social science buildings

on the campus of McMaster University when I came upon a student sitting behind a table

publicizing a week of anti-racist and anti-discrimination events. The word diversity was

prominently displayed on all the flyers and posters covering the table and one flyer

announced that there would be a "Diversity Lunch" later that week. Another flyer

announced that it was "Unity Week" at McMaster. I found this juxtaposition interesting

and so I decided to ask the student about it. The conversation proceeded as follows:

>   *G.K.:* Why did you call it "unity week"?
>
>   *Student:* We decided to do more than just race – so we called it "Unity Week".
>
>   *G.K.:* Can you explain?
>
>   *Student:* It's about unity because we are uniting diverse people...In Canada, we
>   are very diverse – but we should still be united.

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[1] Irving Layton, The Whole Bloody Bird. as quoted in The Columbia Dictionary of Quotations. (New York: Columbia University Press, 1998).

G.K.: Why the "but" – why do we need a "but" after "In Canada, we are very diverse"?

Student: Because we are not united – diversity scares people.[2]

The point, here, is that by invoking the word "unity" we make the fact of our diversity less threatening; unity is a kind of reassurance to those who might otherwise believe that diversity encourages fragmentation or worse. This student, and the student organization that she is active in, obviously has progressive intentions (anti-racism, etc.), but I am uneasy about this strategy of juxtaposing unity and diversity because it caters to a set of problematic assumptions which has been adopted by many Canadians and, as such, it reinforces the prevailing Canadian approach to the question of diversity. In this chapter, I describe this approach and begin to explain why I find it so troubling.

"In Canada, we are very diverse." This rather vague statement is constantly reiterated. It is a frequent starting point of reflections on Canadian politics and society, but what does it actually mean? After all, everyone knows that Canadians are "very diverse". It is necessary to defamiliarize this statement to understand its meaning: even though this diversity is always presented as a self-evident fact about which there need be no debate, the frequent repetition of the statement indicates far more than a description of an agreed-upon empirical reality. Instead, the repetition suggests that the statement is a general expression of collective anxiety of some sort: diversity is that which Canadians must continually deal with or manage. Yet the statement is at the same time typically infused with a warm tone of approval: Canadians *celebrate* diversity; in fact, this is partly

what makes them *Canadian*. How can we make sense of this? Are Canadians so confused that they choose to rejoice in that which threatens them? The Canadian approach to diversity is indeed paradoxical, as will become evident as I probe the cultural logic of the Canadian multicultural mosaic.

In the introductory chapter, I argued that the Canadian impasse revolves around a struggle between those pursuing equal citizenship and those pursuing differentiated citizenship. I also argued that we fail to understand the impasse with any depth unless we examine the broader cultural context within which these dichotomous debates take place. This chapter undertakes this examination. The main positions in the debate operate *within* the parameters of a fairly pervasive and distinctive narrative of Canadian unity. In this sense, they all speak much the same language: each position attempts to deal with the challenges which various forms of diversity represent for Canadian unity, and each does so not by attempting to eliminate diversity but by managing and working through it in various ways. This is a debate amongst nationalists, then, and their disagreements revolve to a considerable degree around the most appropriate method of binding the various components of Canada together.

In order to make this case I will depict the well-known metaphor of the Canadian mosaic. Those who invoke the mosaic wish to make a space for diversity while, at the same time, they constantly fear diversity for its fragmenting potential. This fear produces a continual search for binding mechanisms that will hold all the tiles together. The

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[2] Personal Communication. February 4, 1998. Kenneth Taylor Hall, McMaster University.

problem, however, is that this mechanism must operate so as to ensure "unity in diversity" rather than unity at the cost of diversity. Indeed, Canadian history can be read – has been read[3] – as an ongoing search for the cement of the Canadian nation, and, in particular, a series of struggles over what that cement should look like and how it should operate.

Before beginning, two clarifications are necessary. First, in order to tease out what I am calling the cultural logic of the multicultural mosaic, I will focus on the manner in which Canadians imagine themselves where questions of diversity are concerned. I will examine a familiar Canadian narrative (or set of narratives) that contains both descriptive and normative content. However, in depicting this narrative I am not concerned with whether (or to what degree) it actually reflects a given social and political reality. This narrative operates at the level of mythology. I take for granted that the language of the multicultural mosaic has, in certain senses, mystifying effects.[4] Still, we are mistaken when we simply dismiss this narrative as an ideological façade. In what follows, rather than trying to see through or behind the narrative (if that were possible), I will undertake what may be thought of as a "surface" reading in order to capture some of the anxieties and preoccupations that the narrative expresses – especially with regard to

[3] For example, J. R. Miller argues that, in the context of unity in diversity, the early answer to the question of what will hold Canada together was Macdonald's centralism, and especially "...the gargantuan task of binding the newly acquired and sparsely populated West to the rest of the country with a transcontinental railway." "Unity/Diversity: The Canadian Experiences; From Confederation to the First World War" in Readings in Canadian History: Post-Confederation. R. Douglas Francis and Donald B. Smith eds., Fourth ed., (Toronto: Harcourt Brace and Company Canada, 1994).

[4] This claim is also made by Kogila Moodley, "Canadian multiculturalism as ideology," Ethnic and Racial Studies. Vol. 6, No. 3, July, 1983: 320-331.

questions of diversity, unity, and cohesion. This reading will prepare the ground for the more critical analysis that I undertake in subsequent chapters.

Having said this, a second clarification is necessary to qualify the first. There is (at least) one central element of the mosaic narrative that must be flagged as problematic throughout. The narrative constantly invokes a collective Canadian "we", a "we" which is the basis for the unity that the narrative aims to imagine. The "we" must present itself in pan-Canadian terms – a diverse yet all-inclusive "we" – since the narrative is centrally concerned with the inclusion of all the diverse parts into a single pan-Canadian whole. At the same time, the "we" is always partial and, furthermore, the character and degree of its partiality is constantly shifting. For example, the "we" is predominantly English Canadian, even if it sometimes includes the Québécois; it is Christian, but sometimes expands to include monotheism generally; it is a central Canadian "we", yet it sometimes grows beyond these boundaries to include the West; it is a masculine, heterosexual "we", but may in certain cases include women, gays and lesbians. The point is that the "we" is inevitably majoritarian in one sense or another, as much as it tries to subsume minorities; the "we" defines the mainstream – and thus the margins – even as it tries to become ubiquitous and universal. Paradoxically, then, as much as the "we" seeks to be all-encompassing – a truly pan-Canadian we – it must always remain partial in certain respects. It is a context-specific "we", a "we" forever adapting to ever-changing categories of diversity.

An example will make this point clearer. In the Fall of 1997, all the Premiers –

except for Bouchard of Quebec – agreed to a set of non-constitutional principles, the

Calgary Declaration, which I discuss at some length in Chapter Four. The fourth

principle reads: "Canada's gift of diversity includes Aboriginal peoples and cultures, the

vitality of the English and French languages and a multicultural citizenry drawn from all

parts of the world". [5] While there are a number of explanations for this language,

diversity – as a *gift* – presupposes a Canadian "we" in a position to accept the gift, a "we"

which obviously cannot include that diversity (since otherwise it would simply be

accepting itself). At the same time, the "English" in "the vitality of the English and

French languages" must be included – as if it were a manifestation of diversity – since its

absence would serve to draw unwanted attention to the partiality of the "we" being used.

As I outline the "Canadian" approach to dealing with "diversity", it is important

to keep in mind the shifting and complex partiality of the pan-Canadian "we" constantly

being invoked. Although I will try to dispense with the scare quotes, the "we" – or we –

should always be read as dynamic, contested, and, most of all, necessarily partial.

The challenge of diversity

The term "diversity" is foremost a taxonomic concept. When we speak the

language of diversity, we operate within a logic of identity: we assume that groups of

people exist in different identity categories and that these identities are differentiated

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[5] "Premiers' Framework for Discussion on Canadian Unity," September 14, 1997.

from one another according to such attributes as language, culture, race, ethnicity, gender, sexuality, religion, region, and so on. When we say that Canada is very diverse we suggest that it is made up of a large number of groupings thus categorized, which may vary widely in political importance. One of the central characteristics of the taxonomic process is that the identity groupings categorized are usually taken as given, as if existing in an ahistorical space. While political relations are seen to exist between these categories, or between these categories and the Canadian political community as a whole, the categories themselves are usually treated as if they emerged from a pre-political environment, as if natural or even biological in origin, and therefore not appropriate objects of scrutiny. It is as if Canada has simply been dealt a particular mix of identity categories with which it must deal. I will examine this logic of identity further in the next chapter. In this chapter, I examine the general framing of diversity, which takes the categories of diversity for granted.

Canadians like to think of themselves as a multicultural mosaic and this can usually be taken to mean that they approve of the idea of diversity. Canada is very diverse – "and it's a good thing too". Yet little attention is paid to the question of what motivates this approval and I would like to examine the question of motivation at some length. I argue that the support for diversity central to the mosaic is usually a response – a defence even – to the threat or challenge which diversity is presumed to represent. Put another way, Canada's diversity is usually taken, sometimes quite explicitly, to be a difficult and complex problem that Canada must always manage or overcome. Diversity

has always been a central Canadian challenge, taken as follows: how can Canada maintain a stable and peaceful existence *despite all its diversity* (meaning, for example, a significant French language minority, numerous Aboriginal groups, considerable regional variation, and a heterogeneous citizenry)? This challenge presumes an opposition, an opposition between Canadian diversity (of whatever type) and Canada's continued existence as a stable and singular political community. Throughout Canadian political discourse is the assumption that Canada's diversity always has the potential to encourage division and conflict by exacerbating political antagonisms. It is frequently suggested that diversity can make consensus difficult to achieve, threatening the strength and stability of the country and, since diversity always has the potential to lead to disunity or disharmony, the perpetual Canadian challenge is to triumph over this threat, to achieve some form of harmonious cohesion, a unified polity.[6]

Certainly, Canadians are far from unique in viewing diversity in this manner. Indeed, in most countries, the existence of diversity is thought to be a challenge that must be overcome. Often, it is *the* challenge to overcome. Diversity is typically presented as threatening in certain important respects a communal way of life, a particular culture, or the unity or identity or harmony of the nation. This way of perceiving diversity – as a threat to the identity of a nation or community – is far too common in history to be in need of elaboration and we might say that countries differ partly according to the way

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[6] Kogila Moodley argues that since, "...only non-charter members are seen as a threat to Canadian cohesion" the fear of diversity is often imbued with "unquestioned ethnocentric perceptions." "Canadian multiculturalism as ideology," 325.

that they attempt to deal with this threat. Where some countries attempt various forms of

integration or assimilation, we are all too aware of the violent measures taken by others,

such as deportation, extermination, or, in the current jargon, "ethnic cleansing".

So the fact that Canadians are preoccupied with the challenge of diversity is rather

unextraordinary in itself since one could make the same case about many countries.

Still, Canadians are especially threatened by this challenge since they view diversity as

something which they have a very large amount of, significantly more than most

countries.[7] Whether or not Canada really does have more diversity is irrelevant here.

What is important is that Canada's abundance of diversity is generally taken by

Canadians (and others) to be true. The challenge of diversity, then, is a political

challenge and it is met by managing or containing diversity in a manner that tames

potential antagonisms, thereby ensuring peace, harmony, and unity.

Although one could cite many sources to illustrate this way of looking at

diversity, an especially good example is Will Kymlicka's Finding Our Way: Rethinking

Ethnocultural Relations in Canada since few Canadian scholars have demonstrated

greater *support* for diversity. Kymlicka begins his introduction with the statement: "In

our 130-year existence, Canadians have managed to build a prosperous, tolerant,

peaceful, free, and democratic society in what is one of the most ethnoculturally diverse

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[7] The degree of Canadian diversity has been calculated by Edward Herzberg, among others, Ethnic Groups in Canada: Adaptations and Transitions. (Toronto: Nelson Canada, 1989). Ch. 2.

countries in the world."[8] He then outlines the main forms which diversity takes in

Canada, amounting to a discussion of more or less successful Canadian attempts to

manage the challenges of diversity; thus, he provides as examples Canada's support for

immigration, the "prominent political status" of Aboriginal peoples, and the existence of

bilingualism and federalism to accommodate the French national minority.[9] Kymlicka

argues that Canada has been quite successful in this respect of managing the problems of

diversity and his book has the purpose of describing these successes (as well as some

notable failures). As he puts it, "that we have *managed* to *cope* with all these forms of

diversity simultaneously while still managing to live together in peace and civility is, by

any objective standard, a remarkable achievement."[10] He goes on to say,

> I'm not saying that Canada has 'solved' any of these issues. Far from it. For one thing, ethnocultural relationships are *inevitably accompanied by various strains and tensions for which there is no ultimate solution*. We can only hope to 'manage', not to solve, conflicts arising from ethnocultural diversity. People who seek a 'solution' to ethnocultural conflicts are either hopelessly idealistic or murderously genocidal. Certainly we have serious conflicts and problems...But, for better or worse, so far we have in fact managed these problems.[11]

I tend to agree with Kymlicka that Canada has generally succeeded in "managing"

diversity. Still, for present purposes, I am less interested in whether Kymlicka is actually

able to make this case and more concerned with his assumption (so widely shared) that

this is the case that needs to be made (or disputed). The common assumption is that

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[8] Finding Our Way: Rethinking Ethnocultural Relations in Canada. (Toronto: Oxford University Press, 1998) 1.
[9] Kymlicka, Finding Our Way. 1-2.
[10] Kymlicka, Finding Our Way. 3, italics added.
[11] Kymlicka, Finding Our Way. italics added.

Canada's diversity (here, mainly of an ethnocultural sort) is a threat because it "inevitably" generates "strains and tensions" and "conflicts", and, as a result, it is accepted that Canada needs to deal with its diversity (i.e. with potential political antagonisms) in some way. For Kymlicka, as well as virtually all others who debate such issues, the unity and/or harmony of Canada is placed in tension with its diversity; since the latter creates problems for the former, it has to be managed in the interests of unity. Canadian society must continually attempt to "cope" with its diversity.

Of course, many commentators – usually those far less hospitable to minorities – disagree with Kymlicka, arguing that Canada has in fact failed, indeed miserably, to manage the challenge of diversity. It is commonplace for contemporary commentators to attribute the impasse of Canadian politics (as well as innumerable other social and political ills) to the plethora of diverse voices now heard in various political arenas, especially the constitutional arena. Whereas in earlier times it was the presence of Quebec that needed to be dealt with, the challenge of Canadian diversity has multiplied to include First Nations, women's groups, and ethnic, and other minorities, each of which has grown too vocal and particularistic for some critics and thus threatening to the Canadian political community. For example, during the 1992 Charlottetown Referendum campaign, University of Toronto Economics Professor John Crispo echoed the concerns of many people when he noted, in a television interview,

> My fear is that too many of us are going to be voting as little Canadians when it comes to the referendum vote. What do I mean by little Canadians? I'm talking about little English Canadians, little French Canadians, little Native Canadians,

little new Canadians, little any kind of Canadians. And I guess deep down, what I'm talking about is what I see as a fairly pervasive phenomenon in this country. Everybody is missing the forest for the trees and indeed in many cases I'm not even sure they see the trees. They see a little bush that represents their vested interests and they're kind of saying, "What's in this for me or my group", not what's in it for Canada.[12]

Similarly, according to Samuel LaSelva,

The contemporary crisis has created new obstacles for the Canadian political nationality. Canadians increasingly focus on their differences and have a diminished understanding of their reciprocal obligations and shared commitments...Canada has witnessed far more than the articulation of new differences. What has occurred is a virtual explosion of identities, such that women, gays, ethnics, and Quebec and Aboriginal nationalists vie one against the other..."[13]

For Crispo and LaSelva, this is a situation of diversity no longer under control, a situation where there is insufficient attention to the national interest. A similar unease about diversity is also commonly expressed on the Left – whether by communitarians, civic republicans, social democrats, or socialists. Here, diversity is viewed as one of the greatest challenges facing the development of a communal democratic political space; the problem with diversity is that it always has the potential to undermine the collective projects being undertaken on behalf of everybody.[14]

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[12] The CTV NEWS. October, 4, 1992. (sixth position).

[13] Samuel LaSelva, The Moral Foundations of Canadian Federalism: Paradoxes, Achievements, and Tragedies of Nationhood. (Montreal & Kingston: McGill-Queen's University Press, 1996) 169; see also Alan Cairns, "The Fragmentation of Canadian Citizenship" Reconfigurations: Canadian Citizenship & Constitutional Change. Douglas Williams, ed.. (Toronto: McClelland & Stewart Inc., 1995) 175-176.

[14] Gad Horowitz, "Creative Politics, Mosaics, and Identity" in Everybody's Canada: The Vertical Mosaic Reviewed and Re-examined. James L. Heap, ed., (Don Mills, Ontario, Burns & MacEachern Limited, 1974); Ronald Beiner, Theorizing Citizenship. (Albany: SUNY, 1995) 8; Tod Gitlin has put forward much the same case with regard to the United States in The Twilight of Common Dreams: Why America is Wracked by Culture Wars. (New York: Henry Holt and Company, 1995).

Certainly, the depiction of an out-of-control diversity varies widely. For

procedural liberals, it reflects a radical questioning of the arena within which politics is

supposed to take place. Instead of pursuing their political aims within the pluralist

parameters provided (say, by the constitution and the parliamentary system),

particularistic groups have looked upon these parameters as that which needs to be

contested. Those forms of politicized diversity that previously played themselves out

within the agreed upon rules of the game (and, as such, were "managed") have now

begun to focus on these rules.[15] Politics itself has broken out of its proper boundaries and

the result is that our procedural *bonds* are being broken, and so it is no longer clear what

will hold us together in one unified polity.[16] Instead, our inability to control our diversity

has sent us down the path of cultural relativism, at least according to writers such as Neil

Bissoondath, who argues that,

> Because we have failed to establish the limits of diversity, because we have so
> blithely accepted the mentality of division, we find ourselves lost in a confusion
> of values. Multiculturalism has made us fearful of defining acceptable
> boundaries; it has caused us to confuse the establishment of circumscription with
> a lack of respect. And so we find ourselves in danger of accepting, in its name, a
> slide into ethical chaos.[17]

So while there may be considerable debate about whether or not the challenge of

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[15] See, for example. Janet Ajzenstat "Decline of Procedural Liberalism: The Slippery Slope to Secession," in Is Quebec Nationalism Just? Joseph H. Carens, ed., (Montreal & Kingston; McGill-Queen's University Press, 1995) 120-136; Rainer Knopff and Ted Morton, "Canada's Court Party" in Rethinking the Constitution: Perspectives on Canadian Constitutional Reform, Interpretation, and Theory. Anthony A. Peacock, ed., (Toronto: Oxford University Press, 1996) 63-87.

[16] This is where demands for equal citizenship come in, but I will leave this for Chapter Four.

[17] Selling Illusions: The Cult of Multiculturalism in Canada. (Toronto: Penguin, 1994) 143. This is one of the major themes of Reginald W. Bibby's, Mosaic Madness: The Poverty and Potential of Life in Canada. (Toronto: Stoddart, 1990).

Canada's diversity is being dealt with successfully, as well as disagreement about what the terms of success are, that diversity is presumed to be *the* challenge to the Canadian political community is presented as the epitome of common sense. Diversity is a threat to the unity (or stability, strength, harmony, peace) of the country (or community, society, nation, cause). I am troubled by this presumption, this idea that diversity is a challenge that can be met, overcome, or managed since it generates a disturbing range of political effects, effects that this entire project is devoted to studying. Since my aim is to analyze the polarized debates that form the impasse of Canadian politics, the presumption that diversity is the challenge with which we must deal amounts to the starting point, the place of common ground upon which disagreement takes place. Behind all the disagreement and the various competing positions, virtually everyone seeks to manage the kind of political antagonisms which they presume diversity generates, antagonisms they view as threatening the Canadian political community in some way. As a result, each position rests on a vision of how to integrate all the parts into the whole.

I realize that some may express disbelief at this suggestion. It may be asked, am I suggesting – could *anyone* suggest – that Canada's diversity does not generate political tensions, instabilities, and insecurities? Am I suggesting that the Quebec question or Aboriginal demands for self-government *do not* threaten Canadian unity? Of course not. Undoubtedly, over the last several decades, the spectre of Quebec's separating has constantly hovered over the Canadian federation. Indeed, there can be no doubt that the federation has in fact been close to dissolution, as the remarkably close results of the

1995 Quebec referendum demonstrate. Furthermore, since the Oka crisis in the summer

of 1990, Aboriginal demands have become increasingly confrontational. I am not

suggesting that these struggles have not exacerbated fears of disunity and fragmentation

in Canada. Nor am I arguing that there is anything new in this; after all, when have

Canadians *not* been anxious about diversity and its effects on unity and cohesion? My

purpose, rather, is to examine the stance towards diversity typically adopted, a stance that

involves strategies such as containment, management, control, and often suppression in

the name of harmony and unity. In other words, diversity must be governed. It is this

stance towards diversity, and the governmental strategies that it generates, that result in

the impasse of Canadian unity. I begin to make this case as I turn to the Canadian

approach to governing diversity.

The distinctive Canadian approach to the challenge of diversity

How is diversity governed in Canada? While Canadians may not be distinctive in

viewing diversity as a challenge, they have certainly taken a rather distinctive route to

dealing with this challenge. Canadians have – quite famously – decided to respond to the

challenge of diversity by embracing and celebrating it rather than trying to eliminate it.

Consequently, few Canadians dispute the necessity and value of diversity in Canadian

society and politics. Diversity is a normative stance towards which most Canadians

express strong approval; it is presented as a good, as a source of Canadian pride, and thus

as deserving of recognition and support. The flip side of this support for diversity is a

rejection of proposals for uniformity or sameness, a rejection of the idea that, in order to live together, people must be similar or the same in certain respects. In contrast to most societies, the Canadian approach to the challenge of diversity has been remarkable for its explicitly anti-assimilationist character.

Canadian support for diversity is often presented as reflecting a considerable degree of tolerance and this is no doubt the case. Still, the idea of tolerance does not fully capture the Canadian approach to the challenge of diversity since it implies that Canadians simply put up with the irritants or nuisances that flow from diversity. The Canadian approach to diversity is stronger and more active than this notion of toleration suggests. Canadians do more than "put up with" diversity: they encourage and even celebrate it. Furthermore, they celebrate the fact that they view diversity in this manner; it has become part of the Canadian self-definition. As a result, the word "diversity" is incorporated approvingly into many of Canada's symbols, metaphors, and myths. Recall the Calgary Declaration and "Canada's gift of diversity..." One does not *tolerate* a gift – one cherishes it.

Certainly, the celebration of diversity was not always the norm. Canadian history provides us with many examples of attempts to "solve" the problem of diversity by other means, often by attempting to eliminate it altogether, whether through restricted and targeted immigration, forcible assimilation, and deportation. Still, the story of Canadian history tends to mark certain pivotal moments when assimilation was explicitly rejected as a solution to certain manifestations of diversity and there is a large amount of

historiography on such moments as well as on the roots of the Canadian embrace of

diversity more generally.[18] For example, the rejection of Lord Durham's report, which

called for the assimilation of the French, has achieved near-mythic status.[19] Federalism

itself was not simply an institutional mechanism of decentralization of the sort adopted in

the United States, but was instead designed to make a space for the co-existence of the

English and the French in Canada.[20] Federalism, then, was an early Canadian method of

dealing with the challenge of diversity. Indeed, as Miller argues, out of the

Confederation settlement emerged the notion of "unity in diversity".[21] In a well-known

essay, Alan Smith argues that support for pluralism – or the mosaic – was simply a matter

of necessity from the beginning, since there was never a singular nation to which

everyone could become assimilated.[22] More recently, Howard Palmer has outlined three

stages in the way Canadians have, since Confederation, dealt with the challenges of

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[18] For example, David V. J. Bell argues that Canadian support for diversity has its roots in the migration of the Loyalists. As he puts it "Loyalism was able to tolerate diversity because all ethnic groups and individuals, whatever their background, could join together in loyalty to the Empire. Beyond loyalty itself, there were no ideological requirements that might threaten their own culture and values." The Roots of Disunity: A Study of Canadian Political Culture. Rev. ed., (Toronto: Oxford University Press, 1992) 72.

[19] G. M. Craig, ed., An Abridgement of the Report on the Affairs of British North America by Lord Durham. (Ottawa: Carleton University Press, 1982); For a discussion, see David Cameron, "Lord Durham Then and Now" in Journal of Canadian Studies. 25 Spring, 1990; Janet Ajzenstat argues that the idea of this rejection has, regrettably, become "one of our national teachings, a part of our Canadian political culture." "Liberalism and Assimilation: Lord Durham Reconsidered" in Political Thought in Canada. Stephen Brooks, ed., (Toronto: Irwin Publishing, 1984) 240; see also Ajzenstat's The Political Thought of Lord Durham. (Montreal & Kingston, McGill-Queen's University Press, 1988).

[20] Many have discussed this issue. See, for example, Donald Smiley, Canada in Question: Federalism in the Seventies. Second Edition (Toronto; McGraw-Hill Ryerson, 1976) Chap. 6. Samuel LaSelva emphasizes the importance of George Etienne-Cartier in this respect in The Moral Foundations of Canadian Federalism. 159.

[21] J. R. Miller, "Unity/Diversity: The Canadian Experience; From Confederation to the First World War," in Readings in Canadian History: Post-Confederation Fourth Edition. R. Douglas Francis and Donald B. Smith, ed., (Toronto: Harcourt Brace and Company Canada Inc, 1994) 68-77.

[22] "Metaphor and Nationality", The Canadian Historical Review. Vol. LI, No 3. (September 1970).

diversity, beginning with assimilation to British ideals, and then the idea of mixing

together various peoples to create a new Canadian type, and finally to the current

rejection of an overriding identity in favour of the notion of the Canadian mosaic.[23]

Throughout the postwar period – and especially since the late 1960s – the Canadian

approach to diversity has increasingly been anti-assimilationist in character. Certainly,

the embrace of diversity has been uneven and complex – including only certain

manifestations of diversity at any given time – but the general normative support for the

principle of diversity is not currently a matter of dispute.

Normative support for diversity – diversity as the ideal – means that Canadians

are not expected to adopt a uniform Canadian way, but are instead encouraged and even

expected to retain and express their cultural heritage. Of course, there is constant

struggle over what this actually means; for example, what institutional arrangements

(Official Multiculturalism, etc.) are legitimate to support diversity? Are there to be limits

placed on diversity or is diversity a matter of "anything goes"?[24] Especially crucial, what

is to be the relationship between diverse groups and the larger community? While the

main actors in the debates will provide polarized responses to these questions, all will be

careful to frame their answers within the terms of a positive valuation of diversity.

To illustrate the extent of support for diversity in Canadian political discourse,

consider the Reform Party's approach to the topic. The Reform Party has long been

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[23] Howard Palmer, "Reluctant Hosts: Anglo-Canadian Views of Multiculturalism in the Twentieth Century" in Readings in Canadian History.
[24] David Cameron, "Lord Durham Then and Now," 18-21.

depicted as exhibiting racist and sexist tendencies and – as much as the Party attempts to

distance itself from this image – occasionally a party member is heard making statements

that reinforces this depiction.[25] The Party is also known for its opposition to Official

Multiculturalism, bilingualism, and affirmative action as well as its demands for lower

immigration targets and its insistence on a more stringent Refugee policy – all of which

can be taken to mean that the party is somehow anti-diversity, similar to many right wing

populist political parties in other liberal democracies. What is notable with the Reform

Party, however, is the extent to which it attempts to distance itself from this image by

incorporating an embrace of diversity in its policies and rhetoric. For example, delegates

at the Reform Party's 1996 General Assembly in Vancouver passed the following as part

of its "National Unity Policy":

> The Reform Party commits itself to rebuilding our national home through the
> creation of a new and better Canada built on solid foundations that include
> equality for all provinces and citizens...*respect for cultural diversity*, and
> productive relations with other peoples of the world. [26]

Some might argue that it is easy enough for Reform – or any party – to make such a

statement (i.e. "respect for diversity") in order to generate legitimacy. After all, Reform

party members realize that to present oneself as anti-diversity in Canada usually leads to

being perceived as un-Canadian. Whether or not most Reform members actually respect

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[25] There are far too many examples to list here; a few examples of media coverage include: "MP Sorry for 'wisecrack': Reform leader won't discipline Jay Hill over racist comment" Tim Harpur, The Toronto Star, October 30, 1999 A16; "Manning panders to prejudice" editorial, The Toronto Star. May 22, 1997, A32. "Manning faces demonstrators" Allan Thompson, The Toronto Star. May 22, 1997, A1.

[26] Italics added. Reform Party Web Page, November, 1997. I will discuss at some length in Chapter Four the relationship here between the embrace of diversity and the "equality for all provinces and citizens".

the idea of cultural diversity may be debatable, but surely beside the point. Instead, the

issue here is that general support for diversity is seen *as a route to legitimacy* in Canada,

even for a right wing populist party.[27] The embrace of diversity in Canada is so

ubiquitous[28] that it is worthwhile to undertake further exploration to determine what this

embrace actually involves.

Canadian imaginings and the Canadian mosaic

Thus far, I have argued that the statement "Canada is a very diverse society" is at

once a sign of fear and anxiety as well as something that Canadians cherish. So, as I have

already noted, while it may seem odd that Canadians embrace something about which

they are fearful, this embrace makes sense when we are reminded that it has the specific

purpose of alleviating the fear.[29] This point is central. The support and encouragement

of diversity is in fact a unity strategy based on the assumption that such support will

actually reduce the fragmentation and division which diversity apparently encourages.[30]

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[27] Slavoj Žižek makes a similar point about populism in general in "Multiculturalism, or, the Cultural Logic of Multinational Capitalism" in New Left Review. Number 225, September/October 1997.

[28] Of course, having made this claim, it is obvious that there are still some who favour uniformity over diversity. For example, there remain a few Canadians – say, extremists like racist skinheads or neo-nazis – who seek to build a society centred on an ideal of cultural or ethnic homogeneity, but these people are completely marginalized from the public sphere. Others, less extreme, may feel threatened by diversity and thus call for a national identity grounded in traditional British and/or Christian values. See, for example, William Gardiner, The Trouble With Canada: A Citizen Speaks Out. (Toronto: General Paperbacks, 1990). Although Gardiner's book was a "bestseller", the sorts of ideas he expresses are usually treated as rather dubious, at least in the public sphere.

[29] The juxtaposition of the word multiculturalism with the phrase "challenge of diversity" in the title of Augie Fleras and Jean Leonard Elliott's widely-read text is notable here. Multiculturalism in Canada: The Challenge of Diversity. (Scarborough, Ontario: Nelson Canada, 1992).

[30] Notably, in Official Multiculturalism policy, the traditional support for cultural retention has increasingly been supplemented with strategies to eliminate discrimination and racism. According to Kogila Moodley,

That Canadians encourage diversity does not mean, then, that they – the Reform Party or

anyone else – reject the premise that diversity is a threat to unity but rather that they view

some degree of encouragement as the optimum method of *dealing* with this threat. It is

in this sense that we can best understand one of the most frequently stated of

Canadianisms: *unity in diversity.* Canadians imagine themselves to be united in their

diversity – but this only makes sense given the prior threat that Canadians presume

diversity to represent. Unity is the overarching goal and diversity is the chosen route to

the extent that Canadians believe its fragmenting potential can be appropriately tamed

and re-directed towards the goal of unity. It follows, then, that we judge specific

institutional measures and arrangements designed to make a space for diversity – such as

federalism, Official Multiculturalism, and bilingualism – according to the degree to

which they discourage division and encourage harmony. Unity in diversity then is far

from an oxymoron, but is in fact central to the manner in which Canada is imagined.[31]

To further understand this process of Canadian imagining more deeply, it is

helpful to examine the well-known metaphor of the Canadian mosaic, since it illustrates

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"The image of multicultural harmony that the Canadian state tries to project, however, must not clash too conspicuously with a contrary domestic reality. It is for this reason that the federal bureaucracy has recently become genuinely concerned with issues of racism and discrimination." Moodley goes on to say that since discrimination leads to instability and disunity, multiculturalism "is promoted as an ideological formula for unity." "Canadian multiculturalism as ideology," 329.

[31] When I speak of Canadian imagining, I am drawing – if only loosely – from Benedict Anderson's frequently cited notion of "Imagined Communities". According to Anderson, any community large enough to make ongoing face-to-face interaction impossible must be imagined in certain important senses. The question, for Anderson, is not whether a nation is true or false, artificial or real, but rather the "style in which they are imagined'. As Anderson says, a nation is "...imagined as a community, because, regardless of the actual inequality and exploitation that may prevail in each, the nation is always conceived as a deep, horizontal comradeship." Imagined Communities: Reflections on the Origin and Spread of Nationalism. (London: Verso, 1983) 7.

nicely the parameters within which the embrace of diversity takes place in Canada.[32] The

mosaic metaphor first emerged in Canada in the 1920s and 1930s, but, rather than survey

the development of the metaphor since that period,[33] I focus on one particular example of

its usage – a book written in 1938 by John Murray Gibbon entitled Canadian Mosaic: The

Making of a Northern Nation.[34]

Like so many others, Gibbon believes that Canada is a diverse society and this

diversity is reflected most obviously in the various peoples and cultures that make up the

country. Gibbon writes that there are two routes that Canada can take in dealing with its

diversity. There is the American route where the various peoples are "...merged as

quickly as possible into one standard type" in order to ensure that every citizen becomes

"a 100 per cent American." But there is also a second route that entails preserving "...for

the future Canadian race the most worthwhile qualities and traditions that each racial

group has brought with it."[35] Gibbon clearly rejects the American path and believes that

Canada should instead choose the second path of preserving a space for diversity. With

this in mind he presents the metaphor of the Canadian mosaic:

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[32] There is a second familiar metaphor that describes Canada as a beautiful fabric of interwoven multicoloured threads. For an example of its usage, see Vincent Massey, On Being Canadian. (Toronto, J. M. Dent & Sons Canada Limited, 1948) which has a chapter entitled: "Threads in the Fabric of Unity".
[33] For a widely-cited historical treatment of the mosaic metaphor, see Allan Smith, "Metaphor and Nationality in North America" in The Canadian Historical Review. Vol. LI, No. 3, (1970): 247-275. See also, Richard Day, "Constructing the Official Canadian: A Genealogy of the Mosaic Metaphor in State Policy Discourse" Topia: Canadian Journal of Cultural Studies. No. 2, (Spring, 1998) 42-56; and David Bell, Roots of Disunity: A Study of Canadian Political Culture. (Toronto: Oxford University Press, 1992).
[34] Bell has also discussed Gibbon's book in terms similar to those I present here, Roots of Disunity. 76; See also, Allan Smith, "Metaphor and Nationality in North America".
[35] John Murray Gibbon, Canadian Mosaic: The Making of a Northern Nation. (Toronto: McClelland & Stewart Limited, 1938) vii.

> The Canadian people today present itself as a decorated surface, bright with inlays of separate coloured pieces, not painted in colours blended with brush or palette. The original background in which the inlays are set is still visible, but these inlays cover more space than that background, and so the ensemble may truly be called a mosaic.[36]

While Gibbon embraces the mosaic as an integrative mechanism, his understanding of the forms of diversity to be integrated is limited to a very narrow range. Thus, as Gibbon states, "For various reasons, it was decided to confine this survey to the European racial groups in Canada..." Elsewhere, he says that these European racial groups, in creating a Canadian race, are "...being superimposed on the original native Indian races..."[37] It should be clear, then, that Gibbon's idea of Canada as a mosaic is one in which only certain types of diversity can be properly integrated, showing that as usual it is the exclusions that serve best to define the character of the whole.

Still, Gibbon recognizes that even the encouragement of a very limited (i.e. European) diversity generates an ongoing challenge: how will all the tiles of the mosaic stick together? Recall that the subtitle of Gibbon's book is The Making of a Northern Nation and he is indeed preoccupied with the threat which political fragmentation represents for this process of nation-building. Accordingly, in the concluding chapter, he writes:

> Whether Time, the artist, will ever design and create a masterpiece out of the Canadian scene remains for a mythical judge in some remote future to decide...One contribution that we can deliberately make is to *discover, analyse and perfect the cement which may best hold the coloured slabs in position.*[38]

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[36] Gibbon, vii.
[37] Gibbon, xi.
[38] Gibbon, 413. Italics added.

The logic of cement drives the Canadian mosaic. Diversity (even of a very limited sort) threatens the unity of the whole, yet it is possible to work with this diversity not by suppressing or eliminating it but by finding mechanisms that bind the various manifestations of it together. Gibbon concludes by listing and discussing the various types of cement that he believes serve to hold Canada's diverse groups together. He begins with the "political cements" including wars and the threat of invasion. He then discusses the various "social cements" such as the communities of interest that provide an opportunity for the mixing of different races: these include membership in church organisations and social clubs as well as factory employment, among others. Gibbon considers these sorts of groups, organisations, and institutions to be crucial in the process of "Canadianizing" immigrants from diverse (i.e. European) cultural backgrounds. Indeed, Gibbon dedicated his book to the Home Missions Board of the United Church, the Y.W.C.A. and Y.M.C.A, and the "many other organisations helping to cement this Canadian Mosaic".[39]

To a considerable extent, the governing of diversity in Canada continues to be driven by the logic of the mosaic as outlined by Gibbon, and this logic has remained remarkably constant. There continues to be a preoccupation with generating knowledge about the various tiles of the mosaic, which I discuss at some length in Chapter Three.[40]

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[39] Gibbon, Dedication page.
[40] This is especially evident amongst sociologists and scholars of "Ethnic Studies" who often use the mosaic metaphor to direct their research; for example, Leo Driedger has drawn from the mosaic metaphor as follows: "1) how are the tiles in the mosaic distributed? 2) do the tiles all contribute equally, or are some

Furthermore, the search for the cement that will hold all the diverse elements together is ongoing; indeed, this search is one of our great collective preoccupations. Not everything has remained constant, of course. While there remain important exclusions – the Canadian mosaic has never been open to diversity of just any sort – the look of the Canadian mosaic has obviously been transformed, most notably because it is no longer limited to the "European racial groups" but extends beyond culture, ethnicity, or religion to include identities grounded in sexuality, gender, age, (dis)ability, and other forms of diversity once considered beyond the possibility of integration.

Still, I think the most important difference in contemporary usages of the mosaic metaphor revolves around a preoccupation with the question of what the various tiles are to be integrated into. For Gibbon, the mosaic involves the integration of diverse peoples into what he calls the "Canadian race" or "Canadian people", a process he labels "Canadianization". In the contemporary period, the mosaic is still presented as an integrationist mechanism since its major purpose is to make a space for diverse groups within a cohesive whole. Yet we virtually never hear the term "Canadian race" now, and Canadians are rarely spoken of as a "people" in contrast, for example, with the "American people". So while it is generally clear what the various European groups were being integrated into in Gibbon's time, it is less clear what the mosaic, as an overarching entity, means today. As a result, there is an overriding anxiety surrounding

dominant? And 3) what are the distinctive features of the ethnic tiles in the total design?" "Preface," in The Canadian Mosaic: A Quest for Identity. Leo Driedger, ed., (Toronto: McClelland and Stewart, 1978) 14.

the question, Cohesion of what? What is it that is being unified? How might we describe the Canadian identity to which the various groups are being integrated?

The mosaic vs. the melting pot

Although Canadians are preoccupied with these sorts of meta-questions, their approach to them is rather paradoxical, and perhaps necessarily so. To demonstrate, it is useful to compare the Canadian mosaic with its traditional antithesis, the so-called American melting pot. Canadians often define themselves in relation to Americans,[41] and the mosaic/melting pot comparison is a frequent point of reference. Whether or not the United States really is, in an empirical sense, a "melting pot" is not the issue here;[42] what is important is that Canadians commonly view Americans as having taken the route of the melting pot so that the mosaic can be presented as the Canadian alternative to the American, and thus as a defining aspect of the Canadian identity.

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[41] According to Ian Angus: "All concern with English Canadian identity, formulated abstractly, is engaged in maintaining a *border* between us and the United States." The Border Within: National Identity, Cultural Plurality, and Wilderness. (Montreal & Kingston: McGill-Queen's University Press, 1997) 47.

[42] Former American President Jimmy Carter has noted that America has "...become not a melting pot but a beautiful mosaic. Different people, different beliefs, different yearnings, different hopes, different dreams" October 27, 1976, Pittsburgh, quoted in The Columbia Dictionary of Quotations (New York: Columbia University Press, 1993. According to Alan Anderson and James Frideres, there is "relatively little evidence" to support the American melting pot/Canadian mosaic distinction Ethnicity in Canada: Theoretical Perspectives. (Toronto; Butterworths, 1981) 100. Still, when I speak in terms of the American melting pot or Canadian mosaic, I am not suggesting that these terms are empirically descriptive. After all, just as we can " see" the individual tiles of the Canadian mosaic, we can see the sub-identities that make up the United States. So we are dealing with alternative narratives, each based in a different mythology.

In the U.S., the melting pot is presented (or, rather, was once presented[43]) as the American method of dealing with the problem of diversity, the idea being that the various groups in American society were expected to melt together in order to create a larger unity, an American people. According to Arthur Schlesinger Jr., to facilitate this melting process, a "solvent" is added to the mix — be it in the form of American institutions, the U.S. constitution, the American dream, etc. — resulting in the American people or "America". The solvent is the main ingredient in the United States's ability to solve (for this is the purpose of solvents) its problem of diversity. The various forms of diversity contribute to the construction of a strong and unified whole. Hence, "*E pluribus unum*" or, out of many, one. As Schlesinger says,

> The United States had a brilliant solution for the inherent fragility, the inherent combustibility, of a multiethnic society: the creation of a brand-new national identity by individuals who, in forsaking old loyalties and joining to make new lives, melted away ethnic differences — a national identity that absorbs and transcends the diverse ethnicities that come to our shore, ethnicities that enrich and reshape the common culture in the very act of entering into it.[44]

The American melting pot solves, or is intended to solve, the challenge of American diversity by integrating newcomers into an already existing national identity and, in this process, constantly reshaping this identity.[45]

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[43] The American melting pot metaphor emerged with the play of that name by Israel Zangwill. For an interesting discussion of Zangwill's play, and the American melting pot metaphor in general, see Yasmeen Abu-Laban & Victoria Lamont, "Crossing Borders: Interdisciplinarity, Immigration and the Melting Pot in the American Cultural Imaginary," Canadian Review of American Studies. Vol. 27, No. 2, (1997).

[44] Arthur M. Schlesinger, Jr., The Disuniting of America: Reflections on a Multicultural Society. Revised ed., (New York: W. W. Norton and Company, 1998) 17.

[45] For a theoretical discussions of this process, Leo Driedger, Multi-Ethnic Canada: Identities & Inequalities. (Toronto: Oxford University Press, 1996) Ch. 2.

The Canadian mosaic is also directed towards solving the problem of diversity, but it involves quite a different logic. Diversity is not "melted away" but, instead, Canadians are encouraged to retain and express their cultural heritage. This entails a rejection of an overriding national identity or culture to which all the various groups must conform. After all, if there is a strong Canadian identity or Canadian people into which the various groups become integrated, then this would have the effect of a solvent more akin to a melting pot than a mosaic. According to Alan Smith, "Canada does not possess this basic impulse [as in the U.S.] towards conformity because there has been nothing in Canada to which conformity could be urged. There is no overarching Canadian Way of Life, nor can there be an ideological Canadianism."[46]

Perhaps the most prominent illustration of this is the discourse surrounding the Royal Commission on Bilingualism and Biculturalism. The mandate of the Commission to examine biculturalism meant that uniculturalism had already been disregarded. Subsequently, biculturalism was itself famously rejected by so-called "other ethnic groups" in favour of multiculturalism. In a well-known speech to the House of Commons, Prime Minister Trudeau responded to the recommendations for multiculturalism made by the Commission,[47] stating that, "For although there are two

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[46] Smith, "Metaphor and Nationality" in The Canadian Historical Review. Vol. LI, No 3. (September 1970) 272; see also, "Politics after Nationalism, Culture after 'Culture'" in Canadian Review of American Studies. Vol. 27, No. 3, (1997): 35-50. 41.

[47] Royal Commission on Bilingualism and Biculturalism, Book IV, The Cultural Contribution of the Other Ethnic Groups. (Ottawa: Queen's Printer, 1970).

official languages, there is no official culture, nor does any ethnic group take precedence over any other."[48] On another occasion in 1971, Trudeau elaborated by saying,

> Uniformity is neither desirable nor possible in a country the size of Canada. We should not even be able to agree upon the kind of Canadian to choose as a model, let alone persuade most people to emulate it...There is no such thing as a model or ideal Canadian. What could be more absurd than the concept of an 'all-Canadian' boy or girl?'[49]

A common interpretation of Trudeau's pursuit of multiculturalism is that he viewed it as a way to combat a dualist understanding of Canada; since, for Trudeau, biculturalism represented a threat to Canadian unity, multiculturalism was the best alternative, aimed at dissolving the divide represented by the "two Solitudes".[50] In this sense, Trudeau's embrace of multiculturalism was a unity strategy, and viewed as such in Quebec.[51]

Although the embrace of the mosaic and the official rejection of uniculturalism has always been a matter of vigorous contestation, a frequent misunderstanding of it is that it entails a form of surrender on the matter of Canadian unity. This logic is reflected in the following statement by Gad Horowitz,

> The whole ideology of the mosaic came into being not so much to justify cultural diversity as to *justify the absence of a national community* embracing that diversity.

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[48] House of Commons Debates, October 8, 1971, 8545-8.

[49] P. E. Trudeau, "Speech to Ukrainian-Canadian Congress, Winnipeg, 9 October, 1971" Conversations with Canadians. (Toronto: University of Toronto, 1972) 32-33.

[50] According to Donald Smiley, multiculturalism meant that "...a new irritant has been introduced into these [i.e. English/French] relations. Outside Quebec, particularly in the western provinces, multiculturalism can be and is used as a denial of the cultural duality of Canada by its implicit assertion that the French are no more than one of several ethnic groups." Donald Smiley, Canada in Question: Federalism in the Seventies. Second ed., (Toronto: McGraw-Hill Ryerson, 1976. See, also, Ken McRoberts, Misconceiving Canada: The Struggle for National Unity. (Toronto: Oxford University Press, 1997) ch. 5.

[51] Bloc Québécois MP Christiane Gagnon discusses this in "Bloc Québécois: Integration rather than Multiculturalism," in The Battle Over Multiculturalism: Does it help or hinder Canadian Unity? Vol. 1. Andrew Cordozo and Louis Musto, eds., (Ottawa: PSI Publishing, 1997). 42-45.

We have only *the pluribus, not the unum*. The mosaic ideology is not needed to preserve the diversity; it is a weak and often insincere apology for the absence of unity. What differentiates us from the Americans is not our cultural diversity – they have it too – but our *failure to develop a national community*. That is the meaning of the 'mosaic'.[52]

Certainly, there is much of importance in Horowitz's argument. However, he

misconstrues the motivation behind the embrace of the multicultural mosaic, writing as if

the mosaic involves a rejection of unity (or national community) in favour of diversity:

"We have only the *pluribus*, not the *unum*." Yet, the multicultural mosaic is very much

directed towards ensuring unity and, in particular, dealing with the problem of diversity

in the interests of unity.

Of course, Horowitz is not alone in misunderstanding the imperative to unity

underlying the mosaic. Writing from an altogether different perspective, Bissoondath has

noted the following,

> ...the historical centre and the sense of national self it offered are, for all intents and purposes, no more. A void remains, a lack of a new and definable centre. Multiculturalism, the agent of that change and the policy designed to be the face of the new Canada, has failed to acquire shape and shows no sign of doing so. Without a change in focus and practice, it is unlikely ever to coalesce into the centre – distinct and firm and recognizably Canadian – we so desperately need.[53]

Schlesinger presents his interpretation of the Canadian mosaic in similar terms:

> One reason why Canada, despite all of its advantages, is so vulnerable to schism is that, as Canadians freely admit, their country *lacks such a unique national identity*. Attracted variously to Britain, France, and the United States, inclined for generous reasons to a policy of official multiculturalism, Canadians have *never developed a strong sense of what it is to be a Canadian*.[54]

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[52] "Creative Politics, Mosaics, and Identity" 26.
[53] Neil Bissondath, Selling Illusions: The Cult of Multiculturalism in Canada. (Toronto: Penguin, 1994) 77.
[54] Schlesinger, 17.

The presentation of this argument assumes that the rejection of a national identity or culture and the endorsement of diversity are pursued as ends in themselves so that unity simply disappears. Yet the drive for unity never disappears. The multicultural mosaic is a rejection not of unity but rather a rejection of a particular route to unity requiring the construction of an "identity", "people", or "race". Thus, it operates on the assumption that unity can best be ensured by focusing on methods of *binding* cultures and identities together.

The mosaic is all about cohesion. As Stanley Haidasz, former Minister of State for Multiculturalism once noted, "Multiculturalism is here to stay...because it is an essential element in the government determination to promote unity and protect national identity."[55] The mosaic is a unity strategy — just like the melting pot. The character or identity of the whole can remain vague and without much explicit content — "no official culture" — as long as all of the various parts adhere. Even though both the mosaic and the melting pot are designed to deal with the challenge of diversity, they work on different principles, as I illustrate in Table 3.1:

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[55] The Toronto Star October, 1973. as quoted in Alan Anderson and James Frideres, Ethnicity in Canada: Theoretical Perspectives. (Toronto: Butterworths, 1981) 100.

Table 3.1: Comparing the American melting pot with the Canadian mosaic

	United States	Canada
Preoccupation	unity	unity
Threat/Fear	diversity/fragmentation	diversity/fragmentation
Resolution	*melting* of diverse groups into one	*binding* diverse groups together
Mechanism	dissolving with solvent	cohesion with cement
Result	American melting pot	Canadian mosaic
Defining Phrase	*E Pluribus Unum* (out of many, *one*)	unity in diversity
Identity	America way or the "American people"	identity in non-identity

In the United States, the concern is with the common character and identity of the nation, of the People into which new Americans are continually dissolved; collective anxiety centres on whether the solvent is strong enough. In Canada, the collective anxiety is directed at a search for binding mechanisms, with finding the appropriate cement. How can Canadians find a mechanism (procedural norms, citizenship, universal health care, national symbols, etc.) strong enough to keep us all together but not so strong that it will act like a solvent? If the American solvent dissolves the various groups that make up American society in order to create a single "American people", the Canadian cement keeps the parts intact yet together so that Canada becomes, in Joe Clark's words, "a community of communities".[56] America, then, is a singular entity — a unified people — while Canada is a unity of peoples and communities.

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[56] Quoted in John Robert Colombo, The Dictionary of Canadian Quotations. (Toronto: Stoddart, 1991) 196.

If the American melting pot operates by melting the various groups into a singular identity ("out of many, *one* "), what is the Canadian equivalent? I have suggested that there is a perpetual search for the cement that will hold all the pieces of the Canadian mosaic together. But what (an identity? a nation?) are all the pieces unified into? As much as Canadians are concerned with this question, the logic of the Canadian mosaic makes the identity of the whole elusive. As I have noted above, there can be no imposition of a strong or uniform national identity to which all Canadians must assimilate since this would have the effect of dissolving the pieces of the mosaic into a melting pot, precisely the route that Canadians have rejected. Indeed, Canadians must reject it if their self-determined identity as Canadians is to mean anything. In an important sense, then, the path of not creating – or, at least, not imposing – an overarching identity is, to a considerable degree, the *Canadian way*. The Canadian identity is in its non-identity. Or, put another way, we could argue that the multicultural mosaic is itself Canada's "official culture", a culture that posits "no official culture".

Again, the contrast with the American mosaic is helpful here. As with all identity construction, the Canadian identity is defined not according to any essential qualities but rather as a contrast, a difference (hence, the opposition: identity/difference). Where diversity is concerned, then, Canada = *not* the U.S. (i.e. not the melting pot). The non-identity (some might say emptiness) central to the Canadian identity is filled with content and coherence mainly in its contrast to the U.S. Canadians need to conform to the mosaic (which rejects, in a certain sense, conformity) because it is one of the central

characteristics that differentiates us from Americans. As a result, if Canada is to have a

singular identity, or adopt a particular ideology, this must remain (at least in appearance)

relatively empty of content.[57] Multiculturalism is the national ideology that rejects the

idea of a national ideology.[58]

Of course, to make this case is not to suggest that all Canadians welcome this path

to identity through non-identity.[59] As Smith puts it,

> Circumstances have imposed the pluralist idea, and many nationalists have
> bitterly resented those circumstances. They have been made supremely unhappy
> by the fact that their nationalist conceptualizations, if they are to have meaning in
> all of Canada, must be framed in terms that take account, somehow, of its
> pluralism.

Smith goes on to say, "Only recently have Canadian nationalists shown themselves

willing to accept, and sometimes even celebrate, the paradox that lies at the heart of their

nationalism."[60] Still, it would be misleading to suggest that Canadians are disinterested

in giving, or trying to give, more positive content to the Canadian identity. Indeed, we

might say that their perpetual preoccupation with these issues is itself taken to be a

prototypically Canadian preoccupation. Perhaps as much as any group of people,

Canadians are preoccupied by meta-questions pertaining to their collective identity. This

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[57] To reiterate, this idea of "no official culture" or a nation without content is itself ideological, with mystifying effects. One could argue that Canadian culture is more open, tolerant and flexible than most – yet it is a thoroughly capitalist and liberal democratic culture shaped by European, Christian, and heterosexual norms and, as such, it is far from an empty shell.

[58] Kogila Moodley argues that, "In a country with a vague identity, in a society rich in geography and short of history, multiculturalism is propagated as the lowest common denominator on which all segments may agree." "Canadian multiculturalism as ideology," 329. In addition, see Smith, "Metaphor and Nationality," 274-275

[59] Note the subtitle of Richard Gwyn's Nationalism Without Walls: The Unbearable Lightness of Being Canadian. (Toronto: McClelland & Stewart, 1995).

preoccupation is especially apparent where the place of Quebec and First Nations peoples in the Canadian federation is concerned, as well as with questions of ethnicity and gender. Indeed, over the last several decades, Canadians have had many opportunities to discuss and debate some of these meta-questions of citizenship and identity, especially in the constitutional arena. As a result, the debates that take place on these questions are fairly well developed in Canadian political culture.

Still, while Canadians may discuss these issues frequently, we do not seem to get very far in our attempts to resolve them (hence, the impasse). The problem is that as soon as we find our national identity (in strong terms), we cease to exist. As a result, the search for a national identity is one that must forever remain in process. To return to the (perhaps too easily appropriated) language of Benedict Anderson, to the extent that Canada imagines itself as a mosaic, it is as a community of imaginers. This is at once the Canadian pastime, and the Canadian paradox. Having chosen the path of the multicultural mosaic, we are destined to be forever a community in process, failing necessarily to actualize with any finality our desire to be imagined, to be part of a single cohesive political community. David Cameron puts this nicely when he notes that, "[u]nderstanding Canada has about it the flavour of exploration and discovery, even invention, because it is not implausible to believe that the thing being studied is in part being created by the process of enquiry itself."[61] We are successfully imagined only to

[60] Smith, "Metaphor and Nationality," 273.
[61] David Cameron, Taking Stock: Canadian Studies in the Nineties. (Montreal: Association for Canadian Studies, 1996) 3.

the extent that we view ourselves as engaged in a process of perpetual imagining.

The common parameters of the Canadian debate

So far, it may seem that I have presented the Canadian multicultural mosaic – and its logic of cement – as if it were a relatively uncontroversial space within Canadian political discourse. But this is far from the case. Still, one could argue that this is now an *especially* volatile political terrain, as illustrated by the increasingly vocal opposition to some of the programmes associated with the multicultural mosaic, especially "Official" Multiculturalism and Bilingualism. There is also growing tension surrounding other Canadian attempts to deal with diversity, such as Aboriginal land claims – especially as they relate to distinct fishing, hunting, and logging rights – and Aboriginal self government generally, not to mention the apparently unshakeable opposition to recognizing Quebec as a distinct society and related proposals for some form of constitutionalized asymmetrical federalism. It seems obvious, despite my portrayal, that when it comes to the relationship between Canadian diversity and the Canadian state, there is only *disagreement*. I do not wish to dispute that there is considerable disagreement on all of these and related issues. Indeed, this study is directed towards understanding these disagreements and, in particular, towards understanding why it is that they so often take a polarized form (e.g. in favour of equal *or* differentiated treatment, symmetry or asymmetry). Still, the purpose of this chapter has been to argue that these disagreements take place *within* a common logic characterized by the

multicultural mosaic and the search for a binding mechanism. To a considerable extent, then, those taking part in these debates are in fact speaking the same language, driven by the same anxieties, preoccupied with the same challenges – all integral to the operating logic of the mosaic.

Having said this, a growing number of Canadians seem to be calling for the basic terms of the multicultural mosaic to be rejected in favour of pursuing some form of authentic national identity to which all Canadians will integrate. Whereas previously these calls were usually marginalized, they are now increasingly prominent, arguing that the problem of diversity can only be solved with the development of a unified Canadian culture.[62] Still, while such proposals for national authenticity are more common, and while they certainly place the basic ideals of the multicultural mosaic in question, they usually fail to present any sort of coherent unicultural alternative. Although I strongly doubt that such a unicultural alternative is in fact possible in Canada or elsewhere – or desirable for that matter – it is clear that these commentators are far more successful at expressing their frustrations at the limitations of the multicultural mosaic than in giving content to their unicultural Canadian ideal. In any case, what is perhaps most remarkable is not that such alternatives are proposed in Canada, but rather that they are proposed so rarely.

In sharp contrast, in the United States there is serious discussion as to whether there should be an umbrella American culture or identity into which the various groups

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[62] See, for example, William D. Gairdner's, The Trouble With Canada.

would be expected to integrate. Some Americans insist on common symbols, norms, and practices to ensure American unity and to guard against fragmentation. Integral to this is the idea of a common understanding of "what being an American is". In Canada, although we may have similar discussions, the idea of constructing a Canadian melting pot, a "Canadian people", or a common "Canadian way" to which all would be expected to conform is simply not taken very seriously in contemporary discourse. In contrast to the American case, then, the Canadian debates are more moderate since they take place *within* the terms of the multicultural mosaic itself, the general principles of which are not seriously challenged. Still, because there is a rejection of a singular Canadian overarching identity, there is an even greater fear of fragmentation and thus an especially determined search for the basis of Canadian cohesion – this is a crucial point that must be highlighted.

To illustrate this fear, let us take as an example the ongoing debate over Official Multiculturalism. While the policy has obviously been heavily criticized on many fronts, an especially common criticism is that it encourages division and fragmentation. Writers such as Reginald Bibby, Neil Bissoondath, and Richard Gwyn argue that multiculturalism "ghettoizes" groups of people, weakening the bonds that hold Canadians together. Instead of encouraging attachments to the Canadian political community, Official Multiculturalism encourages group membership in particularistic communities, resulting in the rise of a disruptive and divisive identity politics. According to Bissoondath,

> Multiculturalism, with all its festivals and its celebrations, has done – and can do – nothing to foster a factual and clear-minded vision of our neighbours. Depending on stereotype, ensuring that ethnic groups will preserve their distinctiveness in a gentle and insidious form of cultural apartheid, multiculturalism has done little more than lead an already divided country down the path to further social divisiveness.[63]

Bissoondath, the Reform Party, and others argue that the Canadian state should exit the arena of Official Multiculturalism in favour of ensuring equal treatment for all Canadians. In sharp contrast, supporters of Official Multiculturalism, such as Will Kymlicka, argue that the policy has an *integrationist* effect, thereby enhancing cohesion and unity.[64] Rather than exacerbating tensions resulting from Canada's diversity, the policy manages tensions – and that is its purpose – by encouraging the integration of diverse communities in the social and political life of Canada. According to Cardozo and Musto,

> If the Federal government abandoned multiculturalism tomorrow, racial and cultural tensions remain. This reality is not the result of the policy. Indeed, the policy creates a context within which to address these issues. For all their fire and brimstone, the critics have yet to define a viable alternative.[65]

Thus, the critics and supporters of Official Multiculturalism present diametrically opposed interpretations of its *effects*. Yet what is most remarkable about these competing positions is their use of the same criterion of judgment, Does Multiculturalism appropriately manage the challenge of diversity and does it enhance or weaken Canadian

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[63] Bissoondath, Selling Illusions 89-90: see also, Bibby. Mosaic Madness; Gwyn, Nationalism Without Walls.

[64] Finding Our Way. Part I.

[65] "Introduction" The Battle Over Multiculturalism: Does it help or hinder Canadian Unity? (Ottawa: PSI, 1997) 13.

unity?[66] However much they may disagree, the critics and supporters take for granted

that *this* should be the criterion of success or failure.[67] As polarized as the debate on

Official Multiculturalism is in Canada, both sides are driven by much the same cultural

anxiety – a fear of fragmentation – and are thus directed towards finding the most

appropriate vehicle to make a space for diversity while also managing and containing it

for the good of unity.

These are the terms of the multicultural mosaic, with the real struggle taking place

over the character of the cement that will ensure that all the groups are appropriately held

together. So even while Canadians cannot really do without the multicultural mosaic or

the notion of unity in diversity that has become central to Canadian self-understanding,

the original fear of diversity and its fragmenting potential remains. Indeed, far from

being transcended, the fear of diversity is merely perpetuated. Diversity is at once the

basis for Canadian identity (the multicultural mosaic) as well as the pre-eminent threat to

Canada as a single cohesive community and, as a result, the desperate search for a

binding mechanism must take place within these paradoxical terms. In light of this

tension, the rise of identity politics represents the break down of the cement, the

realization of our worst fears of fragmentation of the multicultural mosaic. Although

they operate according to a different logic, the American solvent and the Canadian

cement are designed to serve much the same purpose: each involves a marking out of the

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[66] Hence, the sub-title of Cardozo and Musto's book, Does it help or hinder Canadian Unity?

[67] Of course, they disagree on other things as well, such as the cost of the programme, its support amongst minorities, etc., but these disagreements are not the central ones.

appropriate limits of politics and of the spaces where the politics of diversity are to be

played out. In both cases, then, the rise of identity politics amounts to the failure to

properly contain the realm of the political. The need to "manage diversity" is merely one

manifestation of the characteristically liberal urge to neuter the realm of the political.

Given the aim of ensuring harmonious, non-conflictual relations, the question revolves

around the most appropriate method of keeping diversity in-line and under control.

Conclusion

It is no wonder that Canadians are frustrated. To the extent that their identity, as

Canadians, is always in process – always in a state of being imagined – the unimaginative

character of this imagining is rather disconcerting. It is a stunted form of imagining

because it is propelled by fear, fear of the sort of unruly politics that diversity is seen to

generate. It is mediocre because it desires a form of cohesive unity that can only be

attained by the taming of diversity, the binding together of all of its manifestations into

one harmonious whole. It is a repressed imagination because it is driven by the logic of

cement, the logic of holding in place, the logic of containment.

There should be no misunderstanding that there is a profoundly conservative

imagination at work in the Canadian multicultural mosaic. Furthermore, it should be

very clear that the sort of diversity that this imagination aims to tame *does* in fact involve

tensions, antagonisms, and fragmentations. After all, the politics of diversity is really just

a manifestation of deeper relations of power and domination. It *does* threaten existing

norms and rules – and it will always do so. The drive to guard against fragmentation, to

ensure unity, amounts at a certain level to a defence of these relations – but it cannot

imagine the antagonisms away. Instead, attempts to contain them, to suppress them,

generate precisely the kinds of political effects that so many commentators now point to

as signs of political breakdown and crisis. For this reason, those who wish to pursue a

transformative politics should be wary of following the logic of the multicultural mosaic.

For when we operate within this logic, we may find our political categories recognized in

certain ways, but our energies are likely to be routed into static categories of identity in

the process, where significant gains are difficult to achieve.

This is the case that I shall make in the remaining chapters. In this chapter, I

depicted the mosaic metaphor to describe how Canadians think about diversity and the

anxiety of fragmentation and disunity that it perpetuates. It is precisely the fear of

diversity – and especially the efforts to suppress the antagonisms within which it is

grounded – that generates the sorts of competing sub-unities that we now commonly

speak of as identity politics. In the next two chapters, I examine two manifestations of

the search for binding mechanisms and demonstrate their problematic political effects. In

Chapter Three, I examine the differentiating gaze of the multicultural panopticon, where

we are trained to act multiculturally by engaging in the mutual study and surveillance of

our various identity categories. I explain how it is that the mosaic – based as it is on

differentiation – can be a unity strategy. In Chapter Five, I proceed to examine the use of

equal citizenship as a second type of binding mechanism.

Chapter Three

The Multicultural Panopticon:

The Differentiation, Condensation, and Cohesion of Identities

...the government will promote creative encounters and interchange among all Canadian cultural groups in the interest of national unity.

-Pierre Trudeau[1]

The ultimate goal, then, is a cohesive, effective society enlivened by cultural variety: *reasonable diversity within vigorous unity*. We already have the first. Now we must seek the second, even if that would mean – as it must – a certain diminishment of the first.

-Neil Bissoondath[2]

The multicultural has itself become a 'floating signifier' whose enigma lies less in itself than in the discursive uses of it to mark social processes where differentiation and condensation seem to happen almost synchronically.

-Homi Bhabha[3]

Like many North American cities, the city of Toronto is characterized by a large number of ethnic, racial and religious demarcations. Neighbourhoods are defined as, for example, Polish, Jewish, or Chinese. Although this is a familiar pattern, the spatial categorization of people in Toronto is especially pervasive – and it is seen by many

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[1] House of Commons Debates, October 8, 1971: 8545-8. Trudeau made this comment in the context of responding to the recommendations made by the Royal Commission on Bilingualism and Biculturalism.
[2] Selling Illusions: The Cult of Multiculturalism in Canada. (Toronto: Penguin Books, 1994) 224. Italics added.
[3] "Culture's in between" in Multicultural States: Rethinking Difference and Identity. David Bennett, ed., (London: Routledge, 1998) 31.

Torontonians to be pervasive.[4] Perhaps as much as any city, a large number of groups

defined by ethnicity, race, culture, religion, and sexual orientation are concentrated in

specific neighbourhoods. Thus, as we walk or drive through the city, we see areas

marked out as Chinese, Ethiopian, Greek, Italian, Jamaican, Jewish, Korean, Polish, and

Portuguese and other areas are defined as "alternative" and "gay"; when we look at the

city, we often do so through a taxonomic lens. Torontonians take great pride in this

pattern, often viewing the physical spaces of the city as a celebration of Toronto's

abundant diversity. There is indeed much to celebrate in this diversity and little doubt of

its contribution to making the city vibrant and alive. The spatial concentration of groups

of people in Toronto suggests a considerable amount of group-based freedom. Reflecting

the general emphasis of the multicultural mosaic described in the previous chapter,

various ethnic, cultural, or "lifestyle" groups are not forced to reject their assorted

backgrounds but are instead given a space to practice the sorts of behaviours typical of

their group. Torontonians tend to view the group-based demarcations of the city as

reflecting a generous spirit that moves beyond mere tolerance, a spirit of mutual respect

and recognition. It is a spirit that we should not be too quick to dismiss.

Of course, the spatial reality of Toronto is in fact far less clear-cut and far more

vague, uneven, and shifting than most people realize. That certain groups are in fact

concentrated geographically is often a matter of their being forced into particular spaces

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[4] For a discussion of residential concentration in Canada's cities, see Edward N. Herberg, Ethnic Groups in Canada: Adaptations and Transitions. (Toronto: Nelson Canada, 1989) Chapter 6; and Leo Driedger, Multi-Ethnic Canada: Identities & Inequalities. (Toronto: Oxford University Press, 1996).

for economic or other reasons rooted more in relations of power and domination than in a generous spirit of multiculturalism. This extremely important issue, although I will not focus on it here, is in large part the backdrop to this chapter. However, my focus is directed at another level altogether, for there is something rather peculiar and even troubling about Toronto's spirited display of cultural space. I am thinking especially of the way in which Toronto's neighbourhoods take on the character of exhibits, with multilingual street signs and other cultural demarcations, as if they were living multicultural museums.[5] Much the same is true of other Canadian cities, although perhaps to a lesser degree, where diverse cultures are not simply *allowed* to exist and express themselves in geographically concentrated configurations; they are encouraged and even *expected* to do so, to place themselves on permanent public display, where they may demand – and usually receive – recognition as important groups in Canadian society. There is what we might call an epistemic régime[6] in operation here, a preoccupation with the spatial generation and presentation of knowledge about the various identity groups that comprise Canada's urban spaces. This depiction of Toronto as a process of ethnic or cultural knowledge production is merely a spatial reflection of a more general epistemic régime central to the operation of the Canadian multicultural mosaic. The questions, then, are, Why is it that this type of knowledge production is so central to the practice of

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[5] There is even a guide to this "museum", by Robert Kasher, Ethnic Toronto. (Toronto: NTC Publishing Group, 1996).
[6] This concept is examined by Lorraine Code in Epistemic Responsibility. (Hanover, N.H.: University Press of New England, 1987) and in What Can She Know? (Ithaca: Cornell University Press, 1991).

Canadian multiculturalism? And what are the effects of this epistemic preoccupation?

In this chapter, my aim is to describe and analyze this epistemic régime in order to probe the manner in which it reinforces the multicultural mosaic's problematic logic of identity. Drawing from Michel Foucault's work on governmentality and panopticism as well as from current feminist theorizing on identity and difference, I argue that the multicultural mosaic is a form of liberal governmental rationality designed, at least partly, to manage Canada's diverse population. This management occurs by constructing a taxonomic framework within which Canadian subjects are produced *as multicultural* subjects and through which these subjects can take part in a process of mutual surveillance and display to monitor the boundaries of their identities. There is a form of violence in this governance, an epistemic violence,[7] because the play of differences is suppressed and the complexity of identities concealed, resulting in the condensation of multiple and overlapping identities into overly static units, each with a recognized space in the multicultural mosaic.

I argue further that, even as the panopticon acts to differentiate, it is also a basis of cohesion since it produces normalized and universalized individuals who can separate themselves from their necessarily shallow particularities in order to take part in the collective process of mutual identity surveillance. Following Homi Bhabha's reflections above, the multicultural panopticon incorporates mutually reinforcing processes of

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[7] For a discussion of this term, see Gayatri Chakravorty Spivak, A critique of post colonial Reason: Toward a history of the vanishing present. (Cambride, Massachusetts: Harvard University Press, 1999).

condensation, differentiation, and cohesion. Condensation operates within the logic of identity, meaning condensation of free-flowing differences into concrete identity categories, thereby leaving them relatively untroubled and stable; differentiation means differences *between* specific identity categories; and cohesion involves the cementing together of these differentiated identities of the mosaic through the attempts to achieve a common interpretive framework that allows each to study the Other.

A final point of clarification is necessary. My aim in this chapter is to demonstrate how the governing of diversity in Canada centres on the production of taxonomic knowledge about Canadians, thereby condensing them into concrete identity categories to provide the basis for their differentiation and cohesion. However, in making this argument I do not wish to suggest that Canadians are ever fully contained within these identity categories or that the powerful taxonomic régime that I describe operates completely and without resistance. Instead, there is always a struggle between the increasingly refined strategies and techniques of this taxonomic régime and the disordered, overlapping, and fluctuating identities of Canadians. Still, I argue that certain forms of resistance to the multicultural panopticon actually reinforce its logic of identity – and this is especially so where struggles over recognition are concerned. To make this case, I examine Charles Taylor's defence of the politics of recognition, especially his

well-known argument that the granting of recognition must only take place after serious

study of the Other.[8]

Taylor, the politics of recognition, and multicultural study

One of the central arguments in Charles Taylor's essay "The Politics of

Recognition" is that the politics of difference often involves a demand for recognition on

the part of a particular group of people. An obvious example is Quebec's demand to be

recognized as a distinct society. According to Taylor, while they may "...plead other

factors, like inequality, exploitation, and injustice, as their motives," Québécois leaders

now make explicit demands for recognition. Taylor holds that these demands are rooted

in the idea that our identities are formed by recognition and, as a result, "..misrecognition

has now graduated to the rank of harm."[9] For Taylor, the politics of difference is directed

towards eliminating this harm by turning misrecognition into recognition.[10]

Of course, Taylor is doing far more here than simply explaining why the politics

of difference often takes the form of demands for recognition – his aim is to present a

defence of these demands. Yet he wishes to distinguish between moderate demands for

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[8] I should note that I am dividing Taylor's approach to the politics of recognition into two sections, focusing in this chapter on its relationship to the multicultural panopticon and in Chapter Four on its relationship to the equality/difference dichotomy.

[9] Multiculturalism: Examining the Politics of Recognition. Amy Gutmann, ed, (Princeton: Princeton University Press, 1994) 64. Subsequent page references to this essay will be placed in parentheses in the text. For a discussion of the relationship between recognition and identity, see Reg Whitaker, "Sovereign Division: Quebec Nationalism Between Liberalism and Ethnicity" Clash of Identities: Essays on Media, Manipulation, and Politics of the Self. (Toronto: Prentice Hall, 1996) 77-78.

[10] For Taylor, the politics of difference is sometimes motivated by other sorts of demands, such as cultural survival, which I shall discuss in the next chapter.

recognition in the form pursued by Quebec and First Nations groups and other more extreme demands that he views to be unjustified. Although Taylor examines these more extreme demands in the context of debates over the role of multiculturalism in American education – especially over the widening of the canon to include non-European cultural output – he does so in order to make a more general point about the politics of recognition, and it is in this general sense that I engage with him. Taylor argues that moderate demands for recognition take the form of a presumption that "all human cultures that have animated whole societies over some considerable stretch of time have something important to say to all human beings".[66] The problem with many defenders of the canon is that they seem to suggest, a priori, that the cultural output of non-European societies is likely to be inferior or unworthy. Taylor argues that this assessment can only be rooted in Eurocentric prejudice and an intolerable sense of superiority. This leads to his general willingness to operate within a moderate presumption of equal respect for all cultures. Or, perhaps more accurately, Taylor is willing to bracket the deficiencies of this moderate presumption because he believes that it often takes a far more extreme form. In this more extreme form, there is a further demand that "...we all *recognize* the equal value of different cultures; that we not only let them survive, but acknowledge their *worth.*"[64] Taylor finds this further demand inherently relativistic. It is one thing to demand equal respect, but it is quite another thing to demand "as a matter of right" that the final judgment of value will be favourable and equal to those of other cultures.[68-69] This can only lead to a patronizing Euro-

centric stance since "the last thing one wants at this stage from Eurocentred intellectuals is positive judgments of the worth of cultures that they have not intensively studied".[70-71]

For Taylor, those demanding recognition "want respect, not condescension" and his alternative to simply granting positive judgments whenever they are sought is to actually undertake serious study of the other cultures.[70]   In presenting this alternative, Taylor is well aware of the problems of interpretation that intercultural study involves; we bring to the study of another culture a range of particularistic interpretive assumptions, including those related to value and cultural worth, that may distort our judgment. To deal with this problem Taylor draws from Gadamer's notion of a "fusion of horizons" so that, instead of simply importing criteria of value specific to our own culture, we enter into a broader horizon where these criteria can be placed alongside other criteria, such as those specific to the culture being studied. The resulting "fusion of horizons" transforms us, Taylor believes, allowing us to develop more sensitive vocabularies of comparison and contrast so that we do not merely judge the Other using our old unexamined standards and criteria. As Taylor says,

> ...if and when we ultimately find substantive support for our initial presumption [i.e. of equal value], it is on the basis of an understanding of what constitutes worth that we couldn't possibly have had at the beginning. We have reached the judgment partly through transforming our standards.[67]

Taylor realizes that some critics reject this type of approach, but he argues that "neo-Nietzschean" relativists can only exacerbate and reinforce the problem by arguing that objectivity in intercultural study is impossible:

> [They] hope to escape this whole nexus of hypocrisy by turning the entire issue into one of power and counterpower. Then the question is no more one of respect, but of taking sides, of solidarity. But this is hardly a satisfactory solution, because in taking sides they miss the driving force of this kind of politics, which is precisely the search for recognition and respect.[70]

Without some form of multicultural study, the conferral of a positive judgment upon another culture must inevitably represent an act of extreme condescension.

I do not engage with Taylor on the question of whether it is in fact possible to make valid and accurate judgments of the worth of another culture since this question diverts attention from the central issue. Indeed, I would argue that this is where Taylor seriously distorts and mystifies the central issue and, furthermore, I think his distortions are rather telling. Before making this case, I should be clear that I do not disagree with Taylor that our identities are formed in important respects by the process of recognition or that misrecognition constitutes a harm. Furthermore, there are clearly some people who demand recognition of the value of their cultures or groups – as well as others who grant it – in the manner Taylor describes. Indeed, I agree wholeheartedly with Taylor that the facile granting of this form of recognition often involves an unbearably patronizing stance.[11] Finally, if judgment of the Other is in fact *necessary* (and not simply inevitable) as Taylor suggests, then it seems to me that on a pragmatic level

Gadamer's "fusion of horizons" is a far better ideal than the various monological

alternatives, even if it is very difficult or impossible to achieve in practice.[12]

However, my disagreement with Taylor lies elsewhere, for it seems to me that

Taylor fails to take seriously the discursive effects of this process of (mis)recognition and

knowledge production. Following Foucault, I am far less interested in the value of a

given cultural output, or even whether it is possible to determine this value, and more

interested in Taylor's overarching premise, *the Other is to be studied.* If Taylor requires

that demands for recognition be treated with appropriate respect, they must be followed

by a process of cultural knowledge production. In this sense, the type of Canadian

multicultural study that I depict in this chapter would seem to take us in the general

direction of Taylor's proposal. In important respects, the preoccupation of Canadian

multiculturalism with identity-related knowledge production represents the partial

realization of Taylor's quest for a Gadamerian "fusion of horizons" – partial in that the

necessary study of the other is sometimes passed over in favour of, in Taylor's terms, a

premature recognition of the equal cultural value and worth of the other. Taylor is, of

course, troubled by this tendency since it reflects a patronizing Euro-centric stance. Yet

multicultural study is troubling for additional reasons and this is especially the case

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[11] Slavoj Žižek has made much the same point in "Multiculturalism, Or, the Cultural Logic of Multinational Capitalism" in New Left Review. No. 225. (September/October 1997) pp 28-51.

[12] For a somewhat sympathetic critique of Taylor on this question, see Ian Angus, A Border Within: National Identity, Cultural Plurality, and Wilderness. (Montreal & Kingston; McGill-Queen's University Press, 1997) 151-154. While Code draws on Gadamer to some degree, she suggests that "...the potentially engulfing, merging potential of a fusion of horizons is not unequivocally desirable, and Gadamer does not take power into account, either as a given or as a goal." What Can She Know? 201. She goes on to draw from Foucault as a corrective to these flaws.

where its disciplining effects are concerned; multicultural study is directed towards

defining and constructing identity categories. Taylor believes that this is a good thing,

that this is precisely what is required, since these identities provide a "horizon of

meaning" within which multicultural subjects can pursue their chosen life plans.[13]

However, in taking this position, he refuses to take seriously the political implications of

this logic of identity so central to multicultural study, which is driven by a requirement

for clear and stable identities rather than any desire to ensure that recognition be

distributed in an appropriate manner. By defending the politics of recognition with a

proposal for multicultural study Taylor merely reinforces some of these problematic

political effects, an aspect I return to in the conclusion of this chapter. At this point it is

necessary to take a detour through some of Michel Foucault's work on governmentality,

within which I situate the multicultural panopticon.

Foucault on governmentality

Michel Foucault's theorizing on the subject of power[14] has had a profound effect

on contemporary social and political thought over the last two decades, no doubt because

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[13] See, for example, "Atomism", Philosophy and the Human Sciences: Philosophical Papers 2. (Cambridge; Cambridge University Press, 1985). This has become a common theme in recent liberal work on this topic, pursued most vigorously by Will Kymlicka, Liberalism, Community and Culture. (Oxford: Oxford University Press, 1989) and Multicultural Citizenship: A Liberal Theory of Minority Rights. (Oxford: Clarendon Press, 1995). See, also, Joseph Raz, "Multiculturalism: A Liberal Perspective" in Dissent. (Winter, 1994) 67-79.

[14] In particular, see Discipline & Punish: The Birth of the Prison. Alan Sheridan, Trans., (New York: Vintage Books, 1977); The History of Sexuality: Volume I: An Introduction. (New York: Vintage Books, 1978); Power/Knowledge: Selected Interviews & Other Writings 1972-1977. Colin Gordon, ed., (New York: Pantheon, 1980).

it departs so radically from earlier understandings. Instead of thinking of power at a

macro-level, Foucault describes it as acting at a micro or "capillary" level; instead of

seeing power as concentrated, Foucault describes it as dispersed and in constant flux;

instead of understanding power as being primarily negative or repressive, Foucault

describes it as frequently productive, as constructing subjects. These have become very

familiar Foucaultian themes, and they have generated similarly familiar criticisms. One

criticism is that that Foucault's micro techniques of power are omnipresent and are thus

of questionable interpretive, or indeed political, use. Another criticism is that Foucault's

understanding of power is politically dubious given its unclear relationship to macro level

structures of domination. Still another is that Foucault's understanding of freedom and

resistance is doubtful, suggesting that resistance would be impossible given his

discursively constructed political subjects.[15] These sorts of criticisms are themselves too

frequently criticized and debated[16] to merit discussion here, except for noting that critics

often rely on a fairly limited range of Foucault's work. Foucault did, however, embark

upon a somewhat different, or perhaps supplementary, course in a series of lectures

delivered in 1978 and 1979 by examining the "art of government", involving a more

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[15] A few examples of these and other criticisms include: Nancy Hartsock, "Foucault on Power: A Theory for Women" in Feminism/Postmodernism. Linda Nicholson, ed., (New York; Routledge, 1990); Terry Eagleton, Ideology: An Introduction. (London: Verso, 1991) Charles Taylor, "Foucault on Freedom and Truth" in Political Theory. Vol.12, No.2. (May, 1984) 152-183. Nancy Fraser, Unruly Practices: Power, Discourse and Gender in Contemporary Social Theory. (Minneapolis: University of Minnesota Press, 1989) chs 1-3.

[16] For examples of those who defend a Foucaultian approach, see: Michele Barrett, The Politics of Truth: From Marx to Foucault. (Stanford: Stanford University Press, 1991) ch. 6; Jon Simons, Foucault & the Political. (London: Routledge, 1995); Mitchell Dean, Critical and effective histories: Foucault's methods and historical sociology. (London: Routledge, 1994).

general analysis of the way in which populations are governed.[17] Although scholarship in

this area of Foucault's work is less developed than others, it has received considerable

attention lately[18] and I wish to draw from it in what follows.

Governmentality operates somewhere between Foucault's earlier notion of power

and the more traditional concept of domination. Foucault describes its operation as

follows:

> We must distinguish the relationship of power as strategic games between
> liberties – strategic games that result in the fact that some people try to determine
> the conduct of others – and the states of domination, which are what we ordinarily
> call power. And, between the two, between the games of power and the states of
> domination, you have governmental technologies...[19]

If one assumes that domination is a stable or fixed system where one person or group

exerts extreme control over another, then Foucault's notion of power is different in that it

works *through* the freedom of others, and is thus a contingent process characterized by

fluctuation and frequent disruptions. Foucault's concept of governmentality, then,

occupies the complex space between power and domination. Governmentality involves

the "conduct of conduct" or the rational application of techniques designed to regulate

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[17] Perhaps the most important of these is "Governmentality" which, along with several other essays on the topic by Foucault and his students, is included in G. Burchell, C. Gordon, P. Miller (eds). The Foucault effect: studies in governmentality. (Chicago: University of Chicago Press, 1991).

[18] For example, see Andrew Barry, Thomas Osborne and Nikolas Rose, Foucault and Political Reason. (Chicago, University of Chicago Press, 1996); Kirstie M. McClure, "Taking Liberties in Foucault's Triangle; Sovereignty, Discipline, Governmentality, and the Subject of Rights" in Identities, Politics, and Rights. Austin Sarat and Thomas R. Kearns, eds., (Ann Arbor: The University of Michigan Press, 1997). For a case study on governmental practices in India, see Dipesh Chakraparty, "Modernity and Ethnicity in India" in Multicultural States: Rethinking Difference and Identity. David Bennett, ed., 91-110. For a critique of Foucault's later work, see Ronald Beiner, "Foucault's Hyper-Liberalism" in Critical Review.Vol. 9, No. 3 (Summer, 1995).

[19] As quoted in Barry Hindess, Discourses of Power: From Hobbes to Foucault. (Oxford, Blackwell Publishers, 1996) 99.

people and their actions: it involves directing individuals, groups, and populations to

regulate their own behaviour and the behaviour of others.

Foucault believes that in modern times government has become less preoccupied

with maintaining sovereignty and more preoccupied with the conduct of populations. As

he says, "...population comes to appear above all else as the ultimate end of government.

In contrast to sovereignty, government has as its purpose not the act of government itself,

but the welfare of the population, the improvement of its condition..."[20] However,

Foucault does not present governmentality as limited to the regulating actions of

governments or states;[21] instead, the term should be considered in the widest possible

sense to include all institutions, practices, and techniques which operate upon a

population. In presenting his notion of governmentality, Foucault does not privilege the

typical distinction between state and non-state institutions and practices. His theory of

governmentality contrasts sharply with those traditions of political theory that emphasize

questions of consent, legitimacy, and the sovereignty of the state.[22]

Foucault differentiates between a number of different manifestations of

governmentality, and I am especially interested in his understanding of the liberal form.

Liberal government ensures the functioning of, for example, the domestic sphere,

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[20] Foucault, "Governmentality", in The Foucault Effect. 100.

[21] While she understands his lectures on governmentality to be something of an exception, Wendy Brown criticizes Foucault for not focusing enough attention on the bureaucratic state itself, as well as capitalist modes of production, in producing subjects. States of Injury: Power and Freedom in Late Modernity. (Princeton: Princeton University Press, 1995).

[22] Foucault does not reject questions of sovereignty but instead attempts to understand the relationship between sovereignty, disciplinary society, and government, which he describes as a triangle. Foucault, "Governmentality", 102. See also, McClure, "Taking Liberties in Foucault's Triangle".

capitalist markets, and other liberal institutional forms by directing individuals to express themselves within certain parameters. It is important to emphasize the kind of freedom involved in this form of governmental power, given that some scholars have cast doubt on the possibility of agency in Foucault's theorizing. Yet Foucault theorizes power as operating *through* the behaviour of free subjects. As Gordon puts it, Foucault believes that, "Power is defined as actions on others' actions': that is, it presupposes rather than annuls their capacity as agents; it acts upon, and through, an open set of practical and ethical possibilities."[23] If subjects are not free in important respects, then we are speaking of a situation of domination rather than governance.

Foucault believes liberal government inevitably rests on a serious tension. On the one hand, liberal governance emphasizes certain types of freedom for liberal subjects and so it must itself be a restrained form of government; liberalism involves a critique of power and so it must be a reflective form of government. On the other hand, the government must have enough power to ensure that the freedom of its subjects is properly secured. As a result of this tension, Foucault believes that freedom itself becomes the focus of management. In particular, it is necessary to secure the sorts of conditions likely to induce liberal subjects to express their freedom in certain ways and this often involves a training or regulation of these subjects. Liberal governance must operate on and through the freedom of individuals since, as Barry Hindess puts it,

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[23] Gordon, "Governmental rationality: an introduction" in The Foucault Effect. 5.

"...members of the relevant population cannot always be expected to have developed the thought and behaviour habits of 'free' and 'independent' persons."[24]

This tension within liberal governmentality parallels that which I outlined in the previous chapter with the multicultural mosaic. I noted that the conduct of the Canadian population – as a *diverse* population – is the object of pervasive governmental scrutiny, because diversity generates considerable cultural anxiety, and thus represents a problem that must be acted upon so as to ensure cohesion. This process of acting upon a diverse population is a governmental process central to the purpose of the multicultural mosaic. Yet, as a distinctly liberal governmental strategy, it is subject to important limitations since it must take seriously the freedom of the multicultural subject. Rather than eliminate diversity, then, the multicultural mosaic acts *through* the multicultural subject, to facilitate the playing out of diversity along certain less threatening paths. Diversity is not simply allowed to thrive; it is encouraged to do so – *taught* to do so. But how does this occur?

Taxonomic discourse and panopticism

If the object of liberal governmentality is the construction of the normalized *liberal* subject, then multicultural governance has the purpose of constructing normalized *multicultural* subjects within a taxonomic régime of identity and diversity. Taxonomic discourse is epistemic in character in that it is directed towards the production of

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[24] Hindess, Discourses of Power. 130. See also Gordon, "Governmental rationality: an introduction" 47.

knowledge through the sorting and categorizing of information. While there are innumerable manifestations of taxonomic discourse with varying degrees of political relevance, the taxonomic character of multicultural governance contains a number of interesting facets that I examine here. Most notably, it rests on an assumption crucial to the theorizing of Taylor, among others, that the multicultural subject develops and exists within specific identities and these identities are the basic units of categorization and knowledge production. Diversity amounts to a collection of identity categories differentiated from one another according to such attributes as language, culture, race, ethnicity, gender, sexuality, religion, region, and so on. To emphasize Canada's diversity, then, is to reinforce the idea that it is composed of a large number of groupings thus categorized, which vary widely in political importance.

So how does this taxonomic logic of identity operate in the context of the Canadian multicultural mosaic? While the categories of identity are taken as given, they are in fact constructed, at least partly, through a wide range of discursive interactions. Multicultural governance does far more than protect the spaces within which diversity can flourish – it helps create these spaces. While multiculturalism may seem to illustrate the functioning of a kind of negative cultural freedom (i.e., freedom from state intrusion), multicultural governance actually constructs the framework within which this freedom may play out, operating on the population so that the spaces of diversity are in fact occupied, and ensuring that cultural freedom is expressed in an appropriate manner. The liberal subject cannot know *a priori* how to express himself or herself as a multicultural

subject, but must instead be trained as such; the taxonomic discourse of multiculturalism

must be instilled in Canadian subjects so that they can understand, and operate within, the

categorization process involved. With training, multicultural subjects will learn to

understand and express their ethnic, cultural, gender, or other identities within the

principle of diversity reflected in the multicultural mosaic.

This process of multicultural subject construction operates through a range of

disciplinary practices and techniques. For Foucault, disciplinary power is just one of a

range of overlapping rationalities through which governmentality operates:

> ...discipline was never more important or more valorized than at the moment
> when it became important to manage a population; the managing of a population
> not only concerns the collective mass of phenomena, the level of its aggregate
> effects, it also implies the management of a population in its depths and its
> details.[25]

Although the relationship between disciplinary power and governmentality may be

understood in a number of different ways,[26] I locate their interaction within the context of

Foucault's concept of panopticism.

The panopticon itself originated not with Foucault but in the late eighteenth

century with the utilitarian reformer Jeremy Bentham. In Discipline and Punish, Foucault

presents Bentham's panopticon as a central technique in what was at the time an

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[25] Foucault, "Governmentality", 102.
[26] According to Hindess, "Displinary techniques were now regarded, in other words, as generalizable instruments of what, in his later writings, he would call 'government'." Discourses of Power, 114.

emerging form of disciplinary power.[27] Bentham designed the panopticon as a prison

with a very peculiar architecture: the building was circular – like a ring – surrounding a

central guard tower; the prison cells were located around the ring and were completely

open to the view of the disciplinary gaze of the guards, putting the prisoners under

constant surveillance; furthermore, the guard tower was designed so the prisoners could

not see inside and, as a result, would never know when the guard was actually watching.

Eventually the gaze of the guard, which the prisoners know can be upon them at any

time, is internalized. As the gaze turns inward, the prisoners begin to discipline

themselves. Thus, for Foucault (as for Bentham, who was preoccupied with efficiency),

the panopticon involves a remarkably efficient and detailed form of disciplinary power.

As Foucault says, "Thanks to its mechanisms of observation, it gains in efficiency and in

the ability to penetrate into men's behaviour..."[28] The disciplinary gaze is not only

efficient, it produces and constructs as it analyses, categorises, and differentiates the

characteristics and behaviours of the prisoners.

It is important to emphasize that, while Bentham designed the panopticon as a

prison, Foucault argues that its techniques – panopticism – function as a more general

process of society. Indeed, he says that, "The panoptic schema, without disappearing as

such or losing any of its properties, was destined to spread throughout the social body; its

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[27] Discipline and Punish. See, in particular, Part III, Chapter 3. Foucault elaborated on his use of the panopticon in an interview with Jean-Pierre Barou and Michelle Perrot, "The Eye of Power" in Power/Knowledge.

[28] Foucault, Discipline and Punish, 204.

vocation was to become a generalised function."[29] It is in *this* sense that I wish to present

Foucault's understanding of panopticism as a generalized disciplinary technique of

government in the context of what I call the *multicultural panopticon*,[30] a peculiarly

Canadian form of liberal governmental rationality.[31]

The Canadian mosaic as multicultural panopticon

As noted above, multicultural governance involves more than ensuring a space for

cultural freedom – it also attempts to make certain that this space is properly filled with

multicultural subjects. Yet what does the process of constructing multicultural subjects

actually involve? It is a complex and variable process and, sketched here in an idealized

manner, it will be impossible to provide appropriate attention to its specificities and

particularities, its failures and excesses.

The multicultural panopticon centres on the construction of knowledge about the

various identity groups that comprise the Canadian mosaic. Certainly, this practice is far

from novel as is demonstrated by the depiction of the Canadian mosaic put forward in

1938 by John Murray Gibbon and discussed in Chapter Two. The bulk of Gibbon's book

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[29] Discipline and Punish, 207.

[30] The concept of panopticism and the phrase "multicultural panopticon" have also been used in a somewhat different context by Reg Whitaker. His usage centres on the relationship between new information technologies and consumer capitalism and the ways in which certain identities are differentiated and fragmented even as they are unified into global capitalism. The End of Privacy: how total surveillance is becoming a reality. (New York: The New Press, 1999) Chapter 6.

[31] While I am setting up the multicultural panopticon as a specifically Canadian form of liberal governance, I will bracket the question of whether we can generalize what follows to fit the American, Australian, or other "multicultural" cases. Having said that, I do think we can learn much by comparing the different ways in which diversity is managed in these societies.

centres on describing in great detail the character of each of the cultures (or, "coloured

pieces") that constitute the mosaic. Indeed, there are eighteen cultures (one chapter for

each) that are nation-based (France, England, Poland), regional (Scandinavia, the Eastern

Baltic, Italy and the Spanish Peninsula) or religious (the Hebrews). In each chapter,

Gibbon discusses such topics as the historical background of the group, the reason why it

left the Mother country, the timing of its migration, its rituals and customs, art, music,

handicrafts and so on. Gibbon argues that this type of ethnographic project is crucial for

the construction of a cohesive polity; indeed, he says that "all we can do today is to

collect and separate and perhaps ourselves fabricate the tesserae or little slabs of colour

required for what the artist seems to have in mind as a mosaic."[32]   In describing each of

Canada's cultural groups in such detail, Gibbon depicts the Canadian mosaic.

The Canadian mosaic is an even more significant object of study today. Indeed,

the concept of the mosaic is itself a heuristic device, a containing framework that

facilitates the study of each of its component parts. Certainly, the techniques of

multicultural study have developed significantly since Gibbon's time; then, multicultural

knowledge was produced by a few government bureaucracies, academics, journalists,

independent writers, church groups and charities and the groups themselves.[33] Since

then, multicultural study has become much more elaborate with the wide-scale

development of institutions and practices geared towards categorizing Canadians and

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[32] Gibbon, Canadian Mosaic: The Making of a Northern Nation. 413 italics added.
[33] For a discussion, see Herzberg, Ethnic Groups in Canada: Adaptations and Transitions. (Scarborough, Ontario, Nelson Canada, 1989) 303.

generating detailed knowledge about these categories. Indeed, it is impossible to depict

the full range and scope of these practices, since they operate in so many overlapping

spheres of activity. As a result, what follows is merely an overview, a sampling really, of

some of the diverse institutional forms and practices that multicultural study assumes in

the contemporary Canadian context.

In the last few decades, there has been an explosion of information generated by

various branches of the Canadian government on specific segments of the Canadian

population. Much of this takes a taxonomic form, the most obvious example being the

Canadian Census.[34] But there have also been several large-scale commissions directed

towards studying particular groups of Canadians, including several important Royal

Commissions[35] along with numerous smaller commissions of enquiry, each generating

massive amounts of information about the groups in question and their relationship to the

larger society and the state. During the same period of time, a number of federal and

provincial departments and programmes have emerged with the purpose of facilitating

and studying various facets of Canada's diversity. These include bureaucratic

apparatuses associated with the Official Multiculturalism and Bilingualism programmes

as well as initiatives related to the status of women, youth, and the dis-abled, among

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[34] Among others, John Porter has discussed the moulding potential of the Canadian census, suggesting that "…in Canada ethnicity may be a statistical artefact arising from census definitions and procedures.' "Canada: Dilemmas and Contradictions of a Multiethnic society" in Ethnicity and Ethnic Relations in Canada: A Book of Readings. Jay E. Goldstein and Rita M. Bienvenue, eds., (Toronto: Butterworths, 1980) 333.
[35] Most notably, the Royal Commission on Bilingualism and Biculturalism, The Cultural Contribution of the Other Ethnic Groups. (Ottawa: Queen's Printer, 1970); the Royal Commission on the Status of Women.

others. Each department or programme has generated large bodies of knowledge on their

particular populations as well as commissioned studies and reports analyzing their

populations' characteristics, behaviours, problems, and disadvantages.[36] One has only to

peruse the government documents sections in any Canadian government or academic

library to experience the massive amount of information generated about various groups

in Canadian society.

The Department of Indian Affairs and Northern Development (DIAND) deserves

special mention here. It has long been preoccupied with generating information about

Aboriginal peoples within what are widely understood to be artificial categories.[37] Given

the astonishingly detailed information available on the cultural traits and habits of every

Aboriginal community, one could easily make the argument that these represent the most

thoroughly studied and analyzed groups of people in Canada.[38] It is possible to examine

statistics on every conceivable demographic indicator.[39] Interestingly, even though

Aboriginals are under federal jurisdiction, the information and statistics produced by

(Ottawa: Ministry of Supply and Services, 1971) and most recently the Report of the Royal Commision on Aboriginal Peoples. (Ottawa: Canada Communications Group, 1996).

[36] Some of this data is discussed in "Postscript on Ethnic Methodology" in The Canadian Mosaic: A Quest for Identity. Leo Driedger, ed. (Toronto: McClelland and Stewart Limited, 1978).

[37] The separation of Canada's diverse Aboriginal communities into the artificial categories of "Indian" (status and non-status), Inuit, and Métis has been widely discussed. For a discussion, see Alan Cairns, "The past and future of the Canadian Administrative State," Reconfigurations: Canadian Citizenship & Constitutional Change. Douglas E. Williams, ed., (Toronto: McClelland & Stewart Inc, 1995) 89.

[38] As an indication of this, see Thomas S. Abler and Sally M. Weaver, A Canadian Indian Bibliography 1960-1970. (Toronto: University of Toronto Press, 1974) which contains over twelve hundred sources for one decade alone, many of them produced by government bureaucracies.

[39] The Statistics Division at DIAND has published thousands of statistical tables, with titles like, "Progress of registered Indian students enrolled in federal and provincial schools in grades 9-13 by region, 1965/1966 to 1972/1973 school years," (Ottawa: DIAND, Department of Statistics Division, February 23, 1972) 1630.

DIAND is usually regionalized and/or provincialized in a variety of ways. One example

is a series of booklets produced by the Indian Affairs Branch that describes the history

and demographics of the "Indians of the Prairie Provinces" or "Indians of Ontario"[40]

directed presumably at the general public.

Another DIAND publication from the late 1960s, entitled Indian Summer, offers

flowery prose and pretty pictures of generic "Indians". The book begins,

> Summer in Canada comes quickly,
> It comes when winter is newly gone,
> and it comes pushing, hot and strong,
>
> It comes with light and life and laughter.
> It comes with blazing suns and hazy afternoons
> And long soft evenings.
>
> Indian people in Canada have known
> the happiness of a Canadian summer
> for many hundreds of years.
> For them it has a special meaning,
> a special way of being enjoyed.
> To them it is a special time.
> 'Indian Summer' is the story of that time.[41]

The reader is then treated to assorted images of typical-looking "Indians" taking part in

traditional-looking dances; the building of teepees, the preparation of food; men fishing;

children playing in the fields – all of which are accompanied by explanatory text. For

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See also, Indian Affairs Facts and Figures. (Ottawa: DIAND, 1970) which provides statistical information on dozens of indicators "liquor Privileges for Indians by Province", "Education", and "Income of Indians".
[40] (Ottawa: Indian Affairs Branch, 1966).
[41] (Ottawa: Queen's Printer, 1969). Interestingly, the publication was "Issued Under the Authority of the Honourable Jean Chrétien" the same year he presented his "White Paper" which I discuss in considerable detail in Chapter Four.

example, next to pictures which portray children playing, swimming and fishing, the text

reads,

> An Indian childhood may not be rich in physical comforts, but it is rich in another
> way unknown to a city child. Here the strong bonds of the Indian community
> have their roots. Here the Indian child learns what it is to be an Indian in the
> golden summer sun.[42]

At no point is there any indication of which First Nations community is being discussed,

or where it is located, nor are the names of those photographed given. Instead, the

(presumably non-Aboriginal) reader is provided with generic images and text defining

the essential qualities of the Canadian "Indian": "Indian dancing is more than just

keeping old ways alive, because it brings out the meaning of what it is to be an Indian."[43]

Three decades later, DIAND has shifted away from the totalizing images of

Indian Summer, but there continues to be an emphasis on the production and distribution

of detailed knowledge about Aboriginal communities. In particular, there is now a

greater tendency for DIAND to differentiate Aboriginal communities and, perhaps not

surprisingly, its knowledge régime has now moved into the information age.

Remarkably, DIAND now has a "Community Profile" web site where it is possible to

enter the name of a particular First Nation community and be presented with detailed

information about its demographics (drawn from census statistics), band number, Official

name, reserves and settlements, governance, Tribal Council Contact Information, and the

size of the registered population. According to the introduction to the web site,

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[42] Indian Summer. (Ottawa: Queen's Printer, 1969).
[43] Indian Summer. (Ottawa: Queen's Printer, 1969).

> The Community Profile Site is a user friendly site which allows quick and easy access to current national First Nation community profiles. The site extracts information from a number of databases at the Department of Indian Affairs and Northern Development (DIAND). Profiles include information of general interest about the First Nation, as well as specific information on the First Nation's government and reserves...The Department collects a great deal of information about First Nation Communities; this site is a means of making most often requested information readily available.[44]

The Canadian government – or DIAND in particular – is not unique in the sense of generating particularized knowledge about the population it governs.[45] Nor is this process limited to government operations; instead, it is an increasingly widespread process that pervades virtually every arena of public (and often private) life. Within academe, traditional fields such as "folklore studies" have existed for some time, but we have seen recently the rapid emergence of interdisciplinary fields such as ethnic studies, native studies, and women's studies. In addition, there are numerous academic associations related to each, such as the Canadian Ethnic Studies Association, Folklore Studies Association of Canada, the Canadian Institute of Ukrainian Studies, and the Canadian Women's Studies Association, to name just a few.[46] While these academic fields and associations undertake many forms of enquiry, often with very progressive and even emancipatory scholarly and political agendas, one of their combined effects is the

[44] Downloaded April 30, 1999 from www.inac.gc.ca/fnprofiles/FNProfiles_Introduction.htm

[45] It would be interesting to undertake comparative study of this matter, to determine how prevalent this process is in other liberal democracies.

[46] For a comprehensive list, see the Directory to Canadian Studies in Canada. Fourth ed. Joanne McNair, ed., (Montréal: Association for Canadian Studies, 1993) which, in addition to associations with regional and provincial foci, lists associations under headings such as "Ethnic and Multicultural Studies", "Folklore Studies" "Native Studies", "Urban Studies" and "Women's Studies".

intensive study of specific identity categories.[47] Much of this academic research is

funded by related state bureaucracies, such as the Canadian Ethnic Studies Programme of

Multiculturalism and Citizenship Canada[48] or Status of Women Canada.[49]

The accumulated knowledge produced by state bureaucracies, academics, and

other researchers is directed at multiple audiences. Primary and secondary school

students are a common target, especially given the dramatic pedagogical shift towards

incorporating questions of diversity and identity into classrooms. Textbooks in fields

such as Canadian social studies now routinely include sections on various ethnic or

religious groups. Furthermore, there are a large number of books catering to school

children written on specific ethnic groups, usually with titles such as "The [ethnic group]

Canadians"[50]; books on Aboriginals are by far the most numerous of these.[51] There are

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[47] This focus on specific categories such as "women" or "Aboriginals" or "Ethnic groups" has itself been a matter of considerable contestation within these fields because, some argue, it takes these categories as given. For this reason, we are starting to witness a shift towards fields with relational focuses, such as "gender" or "sexuality" studies.

[48] For an annotated list of all of the research projects funded, see Research Projects Supported by the Canadian Ethnic Studies Program, 1973-1992. (Ottawa: Minister of Supply and Services Canada, 1993). Interestingly, the guide also includes an index listing all of the projects by ethnocultural group, listing fifty-nine in total, thus illustrating the extent to which specific projects tend to focus on specific groups. If page citations are any indication, there has been extensive study of "Italians", "Japanese" and "Jewish" Canadians while, in contrast, the "English" or "British" Canadians are amongst the least studied groups in this programme.

[49] A list of research projects is available on the Status of Women internet website.

[50] A few of the many examples include, Lawrence Hill, Trials and Triumphs: The Story of African-Canadians. (Toronto: Umbrella Press, 1993) which is part of Umbrella Press' "Peoples of Canada Series"; Velma Carter and Levero (Lee) Carter, The Black Canadians: Their History and Contributions. (Edmonton: Reidmore Books Inc., 1989) which is part of Reidmore's "Multicultural Canada Series" and was funded, partially, by the Multiculturalism Program of the Secretary of State; Heather Harris and Mary Sun The Chinese Canadians. (Scarborough, Ont.: Nelson Canada, 1982) which is part of Nelson's "Multicultural Canada Series"; Nancy Wartik, The French Canadians. (New York: Chelsea, 1989). Interestingly, since Chelsea is a U.S. publisher, this is part of its "The Peoples of North America" series.

[51] One of the "classics" is Eileen Jenness' The Indian Tribes of Canada. (Toronto: Ryerson Press, 1933); more recent books include David F. Pelly, Inuit of the North. (Toronto: Grolier Limited, 1988) which is

also books that incorporate isolated descriptions of each of Canada's ethnocultural groups, essentially updated versions of Gibbon's Canadian Mosaic, discussed above. A notable example is The Canadian Family Tree: Canada's Peoples, the third edition of a series produced by the Multiculturalism Directorate.[52] This book includes detailed descriptions of seventy-eight ethnic, religious, and racial groups, comprising country of origin, timing of immigration to Canada, demographic information, geographic concentration, development of political associations, degree of community organization, type of social clubs, relationship to country of origin, and so on.

Of course, there is also considerable effort on the part of many ethnocultural groups to generate information about their own traditions, rituals, and histories, which can then be passed down to future generations. This effort is not surprising, especially given the enthusiastic support of Canada's multiculturalism policy for cultural preservation. Ethnocultural communities have developed sophisticated resources and institutions that allow them, in effect, to study themselves and then to place this knowledge on public display.[53] Thus, according to Anderson and Frideres,

> One doesn't have to look very far to find ample evidence of multiculturalism in Canada. Each year hundreds of thousands of Canadians attend ethnic gatherings across Canada, including Scottish Highland Games in most provinces, Caribana and Caravan in Toronto, Mosaic in Regina, Folklorama in Winnipeg, "Our

part of Grolier's "Native Peoples Series"; Hope MacLean, Indians, Inuit, and Métis of Canada. (Toronto: Gage Publishing Limited, 1982); and Palmer Patterson, Indian Peoples of Canada. (Toronto: Grolier Limited, 1982) which is part of Grolier's "Focus on Canadian History Series".

[52] (Don Mills, Ontario: Corpus Information Services Limited, 1979). The first edition was published in 1960 and the second in 1967.

[53] The extent of this is evident from the wide-ranging study, commissioned by Multiculturalism Canada, entitled "Preliminary Listing of Ethnic Libraries, Museums, Archives and Research Centres" Elizabeth Boghossian, compiler, (Ottawa: Multiculturalism Canada, September 1984).

Heritage" — a multicultural festival in Saskatoon, a Greek street festival in Vancouver, an annual Icelandic celebration in Manitoba — not to forget the "Frog Follies" in a French community in Manitoba, to mention but a few.[54]

Often these activities are covered in the media, which constantly disseminates information about religious and cultural holidays and events central to the histories of particular groups. Typical of this is an article from The Toronto Star[55] that introduced an upcoming First Nations' event as follows:

> When the early settlers arrived on Turtle Island, as some First Nations people called North America, they were invited to great gatherings. The settlers witnessed these spectacular shows of singing, drumming and dancing, and called them pow wows. They assumed the term meant gathering because that's what they heard used so often at these events; it actually referred to medicine man, who was greeted by just about everyone there. But pow wow it was, and pow wow it remains. This vibrant native tradition can still be witnessed in all its glory at Skydome this weekend at the sixth annual Canadian Aboriginal Festival. The Toronto International Pow Wow, the centrepiece of what is Canada's largest aboriginal festival, is expected to attract more than 1,000 dancers as well as drummers and singers.[56]

The invitation here is to the larger (i.e. non-Aboriginal) community to attend the event and learn about Aboriginal culture, implying that there is a "culture" (in the singular sense) to be studied.

Another newspaper article announces a fundraising event in Mississauga designed to celebrate Canadian diversity and "help newcomers learn about Canada". The theme of the event was a multicultural fashion show with models dressed in attire typical of

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[54] Alan Anderson and James Frideres. Ethnicity in Canada: Theoretical Perspectives. (Toronto; Butterworths, 1981) 100.

[55] This newspaper even has a "diversity reporter"; see for example, Maureen Murray, Diversity Reporter, "Roots" The Toronto Star. December 26, 1999, J1.

[56] "Pow wow in the here and now", The Toronto Star. December 4, 1999, B2.

cultures from around the world. In the finale of the show, "...three 'brides' in East

Indian, Jamaican and Middle Eastern gowns will join their 'grooms' on stage." The

organizer of the event is quoted as saying, "The 'marriage' symbolizes the union of all

cultures in this country and that's what we hope to see as Canada enters the next

millennium." Furthermore, the article notes that organizer had "pored through books and

cultural references in the library for ideas to choreograph the fashion show."[57]

Beyond the print media, there are now many programmes and even speciality

television and radio channels directed at exploring the cultures of specific groups of

Canadians.[58] One example that encapsulates rather nicely the flavour of the multicultural

panopticon is the CBC Newsworld programme "Culture Shock" described on its web

page as follows:

> This show is about discovery.
> Discovering the true personality of a neighbour you barely know after 200 years.
>
> This show is about exploration.
> Exploring the lifestyle and the values that make up Canada's cultural diversity.
>
> A group of bilingual young Canadians, from all regions of Canada, trade places and experience the reality of living in a different milieu, using a different language...
>
> As they explore each other's culture and lifestyle, they discover the differences that make each part of Canada unique. They share their feelings and their emotions with us on a very personal level.
> Tune-in to Culture Shock and discover a cultural reality you knew little about.[59]

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[57] "Ethnic diversity to be celebrated at 'wedding': couples embody coming together of many cultures," The Toronto Star. December 10, 1999, B2.
[58] In Toronto, there is a multicultural station, CFMT.
[59] Downloaded on December 18, 1999 from: www.cbc.ca

The "Culture Shock" web site also includes a number of "episode" descriptions, such as

the following:

> Who are the real indians? A new immigrant from India, Sachin Deshpande
> travels to Manitoulin Island in Ontario where he attends an aboriginal pow-wow.
> Sachin tries to figure out who are the real Indians...He compares native customs
> with the spiritual beliefs of his own country.[60]

> Gay World: Nicolas Desrosiers explores the reality of living in the gay world.
> Now that the gay lifestyle is widely acknowledged by marketing firms and the
> political apparatus, Nicolas wondered if everything was rosy in the gay world.[61]

> A true culture shock: A young reporter of South Asian origin, Shachi Kurl leaves
> her multicultural Vancouver to immerse herself in the francophone culture of the
> Saguenay-Lac-Saint Jean. For the first time in her life she is exposed to a society
> that is culturally and linguistically homogeneous.[62]

Interestingly, one "episode" that I saw depicts a "Culture Shock" reporter wondering

whether "...sometimes cultural accommodation can go too far?" She proceeds to

investigate an arrangement for her local pool to be rented out on a regular basis by a

group of Muslim women, who insist that all the windows looking onto the pool area be

covered and the doors locked so that men cannot see them with their bodies

inappropriately uncovered. After having outlined the religious justification for the

behaviour, the reporter asks the lifeguard at the pool what she things of the matter and

she responds that she had not problem with it since, after all, everyone has a religion

(indeed, she herself has a religion) – even if this one is more "extreme".[63]

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[60] CBC "Culture Shock", November 20, 1999.
[61] CBC "Culture Shock", November 27, 1999.
[62] CBC "Culture Shock", October 23, 1999.
[63] CBC "Culture Shock", December 18, 1999.

Often operating through the media as well as through new information

technologies, new forms of consumer capitalism, directed not at mass markets but rather

at "niche markets", are also emerging as capital attempts to identify and cultivate specific

ethnic or "life style" (i.e. gay and lesbian) markets. For example, Reg Whitaker has

discussed the manner in which a "consumer" panopticon targets specific populations,

focusing its gaze on any group with disposable income:

> The consumer Panopticon can legitimize previously marginalized groups by
> linking them and their disposable dollars to consumer capitalism, not as mass
> consumers whose specific identity is lost or hidden, but specifically in terms of
> what differentiates them from other groups and the mainstream. In addressing
> gays *as gays*, not as mass consumers who happen to be gay in their off-hours, as it
> were, the panoptic gaze recognizes and validates their differences.[64]

We are seeing the commercialization of the multicultural panopticon as well as the

production of multicultural consumers.[65]

Given multinational capital's interest in diversity, a number of commentators

have begun presenting Canada's knowledge in this area as a national asset, as a valuable

commodity in itself. For example, Victor Ujimoto argues that Canada's experience with

and knowledge of diverse cultures in conjunction with advances in new information

technology should make Canada a world leader:

> Through information technology, linkages between diverse cultures can be
> facilitated so that other cultures will become familiar in our daily lives. This will

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[64] The End of Privacy. 149.

[65] My analysis differs from Whitaker's in important respects, especially where he suggests that the panoptic gaze "...does not create these constituencies, of course, but by encouraging and rewarding differentiation and individualization, it deepens tendencies to fragmentation already present." The End of Privacy. 148. In contrast, I emphasize the manner in which identity categories are actually constructed in important ways by the panoptic gaze.

decrease barriers between various ethnocultural groups and, ideally, prevent open conflicts regardless of the specific issues. Understanding and respect for diversity must be the basic building blocks of the multicultural global society.[66]

In other words, the Canadian experience with multicultural study will mean that Canadians will be able to understand manifestations of these cultures elsewhere in the world thus giving Canadians a cultural advantage.

In all of these different ways, the techniques and practices of multicultural study are developing quickly and becoming increasingly refined and pervasive as Canadians are categorized and studied.[67] Certainly, the form of the knowledge production differs considerably across these institutions and practices. There is no single technique or lens, and the political motives behind multicultural study vary widely. A large portion of the "multicultural" activity that I have been depicting is driven by state bureaucracies, the media, academics, group elites, or multinational capital. As Kogila Moodley notes:

Both at the level of political and social reality, Canadian multiculturalism greatly

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[66] Ujimoto, Victor K., "Multiculturalism and the Global Information Society," in Deconstructing a Nation: Immigration, Multiculturalism & Racism in '90s Canada. Vic Satzewich, ed., (Halifax: Fernwood Publishing, 1992) 357. Richard Gwyn has made a similar point, The Toronto Star. January 1, 2000. For a critical discussion of the commodification of multiculturalism, see Moodley, "Canadian multiculturalism as ideology," 328.

[67] Although he takes a rather different approach than the one I have outlined here, Alan Cairns also examines these sorts of taxonomic discourses. Thus, according to Cairns,

> We approach the state through a multiplicity of classificatory systems (derived from state policies, state agencies, and the discretion of administrators) that define us by gender, age, ethnicity, region, and producer or consumer status and whether we are French-speaking or English-speaking. We are politicized and fragmented simultaneously. Some of our traits are privileged; others are ignored. We approach the state as fragmented selves, calculating the advantages of stressing our ethnicity, our age, our gender, our region, our language, our sexual preferences, our doctorates, or our disabilities.

"The Embedded State" in Reconfigurations: Canadian Citizenship & Constitutional Change. Douglas E. Williams, ed., (Toronto: McClelland & Stewart Inc., 1995) 54. Although it is not my project here, a comparison of Cairns' neo-institutionalism and Foucault's concept of governmentality would produce interesting and useful insights into the study of Canadian politics.

resembles the emperor's new clothes. Only unlike the emperor's audience, Canadian professional ethnics, cultural entrepreneurs and a coterie of academics are more directly and amply rewarded for their fantasies. It is they who benefit most from multiculturalism and the big business of culture.[68]

Still, while some forms of multicultural study may be politically dubious, it would be

misguided to present all or even most of the activities constituting multicultural study as

folkloric. There are many feminist, anti-racist, gay and lesbian, and other equality-

seeking groups that have also generated large amounts of information to facilitate their

struggles to achieve social, political, and economic justice. For example, umbrella

organizations such as the National Action Committee on the Status of Women (NAC)

frequently commission different types of studies, with the aim of understanding various

forms of discrimination and disadvantages for women. Some of this activity is funded

directly by state agencies,[69] motivated by the anomalous (i.e. given liberal principles of

equality) manner in which the various groups in question have been discriminated against

in Canadian politics and society. The assumption is that in order to understand and

eliminate these disadvantages we need to study the behaviours and characteristics of

these groups.[70] Furthermore, there is no question that many of the forms of multicultural

study that I have depicted have the purpose of increasing toleration through awareness of

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[68] "Canadian multiculturalism as ideology," 321
[69] Leslie Pal examines the relationship between the state and the feminist movement in Interests of State: The Politics of Language, Multiculturalism, and Feminism in Canada. (Montreal & Kinston: McGill-Queen's University Press, 1993) Chapter Nine; and Sylvia Bashevkin, True Patriot Love: The Politics of Canadian Nationalism. (Toronto: Oxford University Press, 1991).
[70] For a discussion of feminist legal activism, the Charter, and the construction of certain forms of knowledge, see Sherene Razack, Canadian Feminism and the Law: The Women's Legal Education and Action Fund and the Pursuit of Equality. (Toronto: Second Story Press, 1991).

other cultures.[71] It is indisputable that multicultural study can have many positive, even

emancipatory, political effects. Still, it also creates some very serious political dilemmas

that I discuss below.

Despite the wide range of motivations, assumptions, and techniques behind

multicultural study, it is still possible to delineate some of its general features. In

particular, the study of diversity takes place through a multicultural gaze, and the

taxonomic objects of this gaze are specific identity categories. The multicultural gaze

constantly monitors and patrols these identity categories, producing knowledge of a

taxonomic character: as it studies identities, it attempts to fix them into categories, to

compare and contrast them. In categorizing identities and creating knowledge about

them, the multicultural gaze carries with it the crucial assumption that the identities that

make up the Canadian mosaic are more or less stable and thus categorizable. Indeed, the

process attempts to construct these identities *as such*, to contain them in their stable

categories. In setting out the parameters and the characteristics of each identity, then, the

multicultural gaze endeavours to produce safe culturally docile (*because* they are

categorizable and knowable) multicultural subjects. Although identities are always

complex, interwoven, and overlapping, the multicultural gaze struggles against disorder

by placing each individual and group into particular identity categories. As the gaze

monitors the borderlines of each identity, it marks signs of deviation and disciplines

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[71] The widespread assumption is that people are more tolerant of that of which they have knowledge. See, for example, Michael Ignatieff, "The Narcissism of Minor Difference" in Clash of Identities: Essays on Media, Manipulation, and Politics of the Self. (Toronto: Prentice Hall, 1996) 41-54.

hybridity. Instead of seeing a teeming mix of overlapping identities, the multicultural

gaze sees a mosaic, made up of tiles with sharp boundaries and clearly discernible

characteristics. Especially important, the multicultural gaze constructs what it sees; it

creates order out of the mix since each identity – each tile of the mosaic – is premised on

a sub-unity, the essence of which is given and remains relatively unproblematic.

This process of knowledge production may seem counterintuitive since, when one

thinks of multiculturalism, one thinks of the valorization of certain identities considered

different, mysterious, exotic, and foreign. Paradoxically, as enticing as "mystery" may

be, the practices of multicultural governance attempt to make the mysteries wither and

dissolve. The exotic is valorized, but only when it becomes transparent. Multicultural

governance fails to the extent that the characteristics of a particular group remain

unknown, its borders uncharted, its customs and habits left unexamined. It is, after all,

difficult to build a mosaic with identities that are unstable, overlapping, and constantly

shifting in unpredictable ways. The multicultural panopticon attempts to provide such

stable, recognisable, clear-cut identities, and it monitors these identities for signs of

deviance and fragmentation, patrolling the boundary between the kinds of diversity that

are to be celebrated within the Canadian mosaic and the forms of difference that threaten

the character of the whole.[72]

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[72] While I have been examining the construction of identities that are included in the multicultural mosaic, there are always identity categories that are excluded altogether. Until recently, gays and lesbians were treated as such, yet other categories of exclusion still remain.

The logic of identity

The process of constructing unified and internally simplified identities has been

an ongoing focus of recent scholarship in social and political thought. I will follow Iris

Marion Young in calling this the "logic of identity", which "...consists of an unrelenting

urge to think things together, in a unity, to formulate a representation of the whole, a

totality...Through the notion of an essence, thought brings concrete particulars into a

unity."[73] Elsewhere, Young argues that

> Rational totalizing thought reduces heterogeneity to unity by bringing the
> particulars under comprehensive categories. Beneath these linguistic categories,
> totalizing thought posits more real substances, self-same entities underlying the
> apparent flux of experience. These substances firmly fix what does and does not
> belong within the category, what the thing is and is not.[74]

This logic of identity is grounded in a refusal of alterity, a denial of complexity, in favour

of reified and simplified identity categories. Each identity category is, by definition,

mutually exclusive, that is, "different" from every other identity category. It is in this

sense that the diversity of the multicultural mosaic involves a collection of different self-

contained identities, so that each tile is differentiated from all the other tiles. The

complexities and internal differences of the categories, their overlapping and intertwined

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[73] Throwing Like a Girl and Other Essays in Feminist Philosophy and Social Theory (Indiana: Indiana University Press, 1990) 95-96. Here, Young follows Adorno and Derrida. For a discussion of the differences between Adorno's Negative Dialectics and Derrida's deconstruction with regard to the logic of identity. See Peter Dews, "Adorno, Post-Structuralism and the Critique of Identity" in Mapping Ideology. (London: Verso, 1994). 46-65

[74] Together in Difference: Transforming the Logic of Group Political Conflict" in Will Kymlicka, ed. The Rights of Minority Cultures. (Oxford: Oxford University Press, 1995) 159. For a thoughtful discussion, see Janet R. Jakobsen, Working Alliances and the Politics of Difference: Diversity and Feminist Ethics. (Bloomington: Indiana University Press, 1998) 11.

character, are simplified out of existence. This logic of identity is typical of multicultural

discourses; according to Bonnie Honig, these discourses

> ...tend to domesticate or conceal this sort of difference by taking group identities
> and affiliations as their starting point. Treating difference as simply a different
> identity enables them to affirm a diversity that is potentially unruly but that is also
> reassuring insofar as it does not threaten to be ungovernable...and yet
> ungovernablity is precisely what difference threatens us with.[75]

The logic of identity reflects an attempt to contain difference, to reduce its fluctuations

and fragmentations.

Multicultural pedagogy

As noted above, the challenge for multicultural governance is to provide certain

conditions of liberal freedom for groups without at the same time undermining these

conditions. Thus, Canadians must be trained (in a broad sense) to think and act

multiculturally – to be good multicultural citizens. Canadians must be taught to do three

things in particular:

First, they must be taught to place themselves within the taxonomic logic of

identity central to the multicultural mosaic. Here, the multicultural gaze is directed at an

individual and says, in effect, "this is who you are" (i.e. Ukrainian, Korean, Jamaican,

Gay, disabled). Canadians are "hailed" or called into specific identity categories,[76] as if

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[75] "Difference, Dilemmas and the Politics of Home' in Seyla Benhabib, ed., Democracy and Difference: Contesting the Boundaries of the Political. (Princeton: Princeton University Press, 1996) 258.
[76] The process of interpellation was originally theorized by Louis Althusser, "Ideology and Ideological State Apparatuses (Notes Towards an Investigation)" in Lenin and Philsosophy and Other Essays Ben

to say, you are this and she is that, and this is how we differentiate between people. Canadians are taught to appreciate and understand the general principles of the mosaic, its taxonomic processes, categories, and dynamics. Certainly, not all Canadians are "hailed" in the same manner or to the same extent: the primary purpose of the multicultural gaze is to categorize the margins – not the mainstream. Furthermore, while Taylor frames this process in terms of a demand for recognition of an individual as a member of a particular identity category, I am speaking of what is really a prior process of constructing the identity categories themselves, which Taylor takes as given. I discuss this process further below.

Second, multicultural Canadians must learn to place their own identity groups on permanent public display. So, in contrast to the prisoners of Discipline and Punish, who do not enter the prison voluntarily, multicultural Canadians must be taught and encouraged to offer themselves for perpetual inspection. It is here that the process of recognition becomes especially important. Canadians must learn how to demand recognition: *this* is who we are, and we wish to be understood and recognized as such. Moodley puts this nicely, when she notes that, with multiculturalism, "[t]he fear that ethnic groups in sustaining their respective cultures will undermine national unity is mitigated by a meek plea to share these cultures with the rest of Canadian society, thereby enriching the whole."[77] To return to my earlier example of Toronto's

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Brewster, trans., (New York: Monthly Review Press, 1971). It has recently been elaborated upon by Judith Butler, among others. The Psychic Life of Power. (Stanford: Stanford University Press, 1997) chs. 3 &4.
[77] Moodley, "Canadian multiculturalism as ideology," 320.

neighbourhoods, there are numerous ways in which particular groups engage in self-display. Thus, there are multilingual street signs, ethnic restaurants, and grocery stores supplemented by fairs or parades. In each case, there is an invitation to the larger community, as if to say: *come and see us, study us, understand us as we undertake activities typical of our community; we may look and behave differently, but we are civilized and we are not a threat.*[78]

In this sense of self-display, the multicultural panopticon may be distinguished from Bentham's panopticon as understood by Foucault. With Bentham, the panopticon is a prison, meaning that its inhabitants are forced to be there – yet, as a distinctly *liberal* form of governmentality, it is incorrect to think of multicultural subjects as unfree but rather as encouraged and conditioned to express their freedom within the taxonomic terms of the mosaic. In important respects, the panopticon operates in an epistemic sense by producing the containers for the various identity categories, within which they develop and flourish. So while people are very much "free" to express their identities, they are conditioned to express them in certain ways and, as such, they are disciplined.

Third, in addition to learning the importance of self-display, individual citizens are expected to themselves become multicultural taxonomists, to take part in the disciplining surveillance of the population. Thus, the multicultural panopticon involves a

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[78] A well known illustration of this in the Toronto context is the annual event called "Caravan", a festival of multiculturalism where each ethnic or cultural group sets up an "embassy" where various facets of the particular culture (food, dance, costumes, history, etc.) are on display. A purchase of a common "passport" entitles Torontonians (or tourists) to visit all the embassies located throughout the city. Neil Bissoondath discusses this as well, Selling Illusions. 82-83. Other examples include the "Gay Pride" parade or other

generalized mutual surveillance. While there is no doubt a considerable degree of large-scale institutional monitoring of the population and its diversity – whether from the perspective of state bureaucracies, academe, the media, and the corporate sector – the monitoring itself is ubiquitous. While some institutions, organisations, and groups of people are clearly far better situated to undertake this monitoring, it would be misleading to think of the surveillance as derived from any single source. Here, the multicultural panopticon differs once again from Bentham's panopticon, where it was always clear who was doing the gazing (i.e., the guard in the central tower).[79] In the prison, even when the gaze turns inward, the prisoners remain the focal point of observation. The multicultural gaze differs because it is rarely clear exactly who is observing, and so it is more accurate to think of it in a generalized sense. There is no guard tower, and *everyone* is encouraged to take part in the process of surveillance as both observer and, to some extent, observed.

It should by now be clear that the generalized character of multicultural surveillance is premised on a form of epistemic universality, but one that differs from the traditional notion of the impartial and undifferentiated Ideal Observer who is presumed to be able to attain a position of detached neutrality.[80] According to Bhabha, "Liberal discourses on multiculturalism...anxiously acknowledge the attenuation in the authority

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group-specific parades.
[79] Foucault does note the possibility, however, that citizens from the town may observe the prisoners as well and that these citizens will themselves be observed while observing. Discipline and Punish.
[80] Iris Young has critiqued this idea of impartiality in, "The Ideal of Impartiality and the Civic Public" Justice and the Politics of Difference. (Princeton: Princeton University Press, 1990) Chapter 4.

of the Ideal Observer, an authority that oversees the ethical rights (and insights) of the liberal perspective from the top deck of the Clapham omnibus."[81] Yet multiculturalism replaces this impartial Ideal Observer with a somewhat parallel Ideal *Multicultural* Observer. Here, the Observer is differentiated – yet notwithstanding a specific group identity, as well as the relations of power and domination within which this group has been formed, there is an assumption that individuals should be able to attain the sort of universalistic multicultural perspective that allows them to "study" and monitor the particularities of all the other identity groups.[82] Members of each group should be able to take part in the process of group knowledge production and so it is necessary that each differentiated individual be able to attain the perspective of detached neutrality so as to understand, appreciate, and respect members of other cultures. Instead of the normalized impartial universal individual, we now have normalized impartial groups of people able to examine other groups with appropriate detachment.

In a sense, this process necessarily assumes something of a split self with a dominant universal moment as well as a disciplined particularistic moment. While the multicultural gaze particularizes us into our various categories, it does so from the universal yet differentiated perspective of the taxonomic process that we are all supposed to be able to operate within. Thus, as universalized "Canadians", we monitor our

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[81] Bhabha, "Culture's in between", 30.

[82] Ian Angus discusses, in a sympathetic manner, a similar concept that he calls the "universality of particularism," in A Border Within: National Identity, Cultural Plurality, and Wilderness. (Montreal & Kingston: McGill-Queen's University Press, 1997) 155.

particularistic Italian, Muslim, or Gay identities. Another way of thinking about this is in the familiar terms of the public/private divide. Here, the autonomously reasoning individual takes part in the public process of surveillance and monitoring of the particularistic private self. What is notable here, however, is that the private self must, in effect, be put on public display for it is this private self that is potentially threatening, representing that which is unknown. So while the rhetorical emphasis of multiculturalism is on group identities, the multicultural gaze has a universalizing as well as a particularizing effect. The universality of the multicultural gaze itself provides an important basis of commonality for the individual Canadians whose groups make up the Canadian mosaic. The common act of placing one's group on display, as well as the universal perspective of identity surveillance, constructs and reinforces a more general basis for cohesion and unity. In terms of the mosaic, the particularistic selves are compartmentalized into tiles that are simplified and made transparent. These tiles are bound together by the universal moment of detachment and distance that is presumed to exist at the foundation of each particularism. As members of a particular group, we place ourselves on display in the mosaic; as Canadians, we distance ourselves from our particularistic identity in order to monitor the other particularisms.

The problematic implications of the logic of identity

It may seem at this point that I have presented the Canadian multicultural mosaic as a closed system, a sinister prison that offers little room for freedom and resistance. To

pre-empt this objection, I must reiterate that the multicultural panopticon is not a

technique of domination (although it may be appropriated by forces of domination) since

it operates with and through what most people would consider "free" conduct. It allows

for certain types of actions of individuals, groups, and populations by providing the

categories and differences within which these groups can negotiate their behaviour. In

this sense, multicultural behaviour plays out within what I have been calling the logic of

identity, and this has some very problematic implications, which I will describe here.

To begin with, although I have emphasized that the multicultural gaze does not

emanate from any particular place, it is directed at minority and/or marginalized identity

categories for the most part.[83] The multicultural gaze is limited or partial in that it

differentiates the margins of society; at the same time, while the mainstream generates

the multicultural gaze, it is only rarely on display.[84] In a sense, however, the mainstream

is always on display, but only rarely in the form of particularistic identity categories. To

illustrate this, consider the treatment of religious rituals in the mainstream media. The

print and television media provide numerous "studies" of Muslim, Jewish, Hindu, and

Sikh religious rituals especially on the eve of a given religious holiday when a brief

description of the ritual and its religious and/or historical significance usually appears.

For example, The Toronto Star recently introduced Ramadan in the following manner,

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[83] Several examples concerning the arts in Canada are discussed in Carol Tator, Frances Henry, and Winston Mattis, Challenging Racism in the Arts: Case Studies of Controversy and Conflict. (Toronto: University of Toronto Press, 1998).
[84] Attempts to resist and reverse this process are discussed in Himani Bannerji, ed., Returning the Gaze: Essays on racism, feminism, and politics. (Toronto: Sister Vision Press, 1993); and Sherene H. Razack,

> Muslims around the world, including 350,000 in the Toronto area, will rise before dawn tomorrow to welcome the holy month of Ramadan – a time to fast, pray, repent and express compassion. From dawn to dusk for 30 days, they will abstain from food and water. Evenings are filled with family gatherings and prayers in mosques. Muslims are urged to avoid gossip, unkind thoughts and actions and to practice self-control. Sexual activity and smoking are also forbidden during the daylight hours.[85]

Similar descriptions are provided for other religious rituals; yet only rarely are there

equivalent studies of Christmas (or other major Christian holidays) – since its practice

infuses virtually every aspect of public life.[86] The point is that the display and study of

the Other is for the benefit of the mainstream (the universal moment) and so there is no

similar need to monitor the practices of Christianity.[87]

The multicultural gaze then may be characterized by its partiality. Yet it has other

somewhat elusive characteristics that are deserving of attention. In particular, while

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Looking White People in the Eye: Gender, Race, and Culture in Courtrooms and Classrooms. (Toronto: University of Toronto Press, 1998).

[85] Leslie Scrivener, "Holy month dawning for Muslims: Ramadan a time to fast, pray, repent, express compassion," The Toronto Star. December 8, 1999 C1. Scrivener is listed as The Star's "Faith and Ethics" Reporter.

[86] The exception to this is particularized minority Christian rituals. See, for example, "Mexican Christmas a hit with the kids," Karen Palmer, The Toronto Star. December 11, 1999, C2. which describes a party at Toronto's Harbourfront Centre celebrating "Posoda Navidena, the Mexican Christmas Tradition"; the article quotes one of the organizers who says that visitors "will see something different than what they're used to...This is a city with so many different cultures, and this is one of them."

[87] Joanne St. Lewis illustrates a somewhat different yet parallel situation where race is concerned. She notes that,

> In order to define black consciousness in a manner relevant to my experience, I have had to examine white consciousness and how it operates in my life. My first discovery was the absence of awareness of white consciousness, in spite of the endless white fascination with "How do you identify yourself – are you African-Canadian, black or just Canadian? Where are you from?" This confidence, this centeredness, the presumption of belonging within white consciousness fascinates me.[87]

"Identity and Black Conciousness in North America" in Clash of Identities: Essays on Media, Manipulation, and Politics of the Self. (Toronto: Prentice Hall, 1996) 21-30. In the same collection, Judy Rebick makes a somewhat similar point, "Bridging Identity: A Creative Response to Identity Politics" 31-30.

taxonomic discourse occasionally presents its categories as being of human invention,
they are far more commonly perceived as natural, eternal, and ahistorical. While political
relations are seen to exist between these categories, or between these categories and the
political community as a whole, the categories themselves are usually treated as if they
emerged from a pre-political environment, as if natural or even biological in origin, and
therefore not themselves appropriate objects of scrutiny. Thus, the artificiality of the
categories is often masked or even invisible. As Joan Scott says,

> 'Diversity' refers to a plurality of identities, and it is seen as a condition of human
> existence rather than as the effect of an enunciation of difference that constitutes
> hierarchies and asymmetries of power. When diversity is seen as a condition of
> existence, the questions become whether and how much of it is useful to
> recognize; but the stakes people have in the answers to those questions are
> obscured, as are the history and politics of difference and identity itself.[88]

In terms of the Canadian mosaic, it is as if Canada has simply been dealt a certain mix of
identity categories with which it must deal – Québecois, First Nations, a large number of
ethnic, racial, and cultural groups, regional identities, gays and lesbians, etc. – and these
categories are the building blocks of the multicultural mosaic.

The problem is that, since the taxonomic process infuses each category with a
natural unchanging quality, it discourages us from thinking of these categories as
historically and politically constituted. It makes us less likely to pay attention to the
relations of power and domination within which they have been formed. By presenting
these categories as eternal, substantive, authentic, and whole, we often mystify the social

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[88] Scott, "Multiculturalism and the Politics of Identity," October. Vol. 61 (1992) 14.

relations within which they are formed: rather than thinking of these categories as historically contingent, we examine them as if they were the actualization of some authentic, even teleological, process. In shunting aside these concerns, then, the taxonomic process manages to obscure much of the politics involved. These groups simply "exist" and so we need to categorize and recognize them in order to "deal" with them. As a result, the taxonomic process tends to reproduce and reaffirm the relations of power of which these groups are a product.

Thus far, I have described the governance of diversity in Canada in the panoptic form of multicultural study and I have begun to outline some of the problematic effects of this form of governance. Still, I do not wish to suggest that the categorisation process is always and necessarily neat and tidy (i.e., "successful") because the construction of identities is a contingent and unpredictable process. Identity always presumes differences in that there are always differences that fall beyond the grasp of identity, beyond identity's attempt at closure. As much as identity may appear full, complete, and unified, it is always troubled and jarred by difference – even as it attempts to expel difference.[89] Still, to the extent that the operation of the multicultural panopticon is "successful" in actualizing the logic of identity and suppressing complexity and hybridity, it is worth enquiring as to whether there are certain conditions that strengthen and intensify this panoptic process. In particular, I would like to return to Charles Taylor's proposal for

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[89] For a discussion of this, see Bonnie Honig, "Difference, Dilemmas and the Politics of Home," 258.

multicultural study, to show how his treatment of the politics of recognition reinforces

and exacerbates some of the troubling effects of the logic of identity.

Taylor's politics of recognition: reinforcing the logic of identity

To begin with, compare the Ideal Multicultural Observer depicted above with

Taylor's proposal for multicultural study outlined at the beginning of the chapter. Taylor

argues that what the presumption of equal worth

> ...requires of us is not peremptory and inauthentic judgments of equal value, but a
> willingness to be open to comparative cultural study of the kind that must displace
> our horizons in the resulting fusions. What it requires above all is an admission
> that we are very far away from that ultimate horizon from which the relative
> worth of different cultures might be evident.[90]

While Taylor accepts that we cannot completely detach ourselves from our particular

interpretive biases, he believes that it is possible and necessary to distance ourselves from

them to some degree and if we can all do this then we will be ready for a form of

multicultural study. This study will allow each of us to determine the characteristics and

behaviours of other groups and thus whether they are of value. As a result, we will be

able to advance a respectful and appropriate form of mutual recognition.

Taylor's main premise is that groups demanding recognition have an authentic

basis, inhabit a definable cultural space, within which they may be studied and judged.

After all, for a judgment of worth to be possible, these cultures or identity categories

must be more or less complete and intact, much like museum pieces ready for study. The

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[90] "The Politics of Recognition," 73.

demand for recognition and the subsequent study of the Other presupposes and reinforces the logic of identity that I have argued is problematic. We demand (or grant) recognition in the context of categories of identity presented as whole and authentic, thus reinforcing the solidity of these categories. Even though Taylor emphasizes that identities are formed dialogically, he understands this formation in terms of one coherent identity group's constructing itself in relation to another, thereby taking their solidity and unified character for granted.

What is most notable is that Taylor excludes from the politics of recognition those identity categories that are *not* unified, solid, and coherent. This exclusion is illustrated by the manner in which Taylor places limits on the sorts of groups worthy of taking part in the politics of recognition. He says that,

> ...the claim is that all human cultures that have animated whole societies over some *considerable stretch of time* have something important to say to all human beings. I have worded it in this way to *exclude partial cultural milieux* within a society, as well as *short phases* of a major culture. There is no reason to believe that, for instance, the different art forms of a given culture should all be of equal, or even considerable, value; and every culture can go through phases of decadence.[91]

Here, Taylor explicitly excludes, by definition, many minority cultures as well as "hybrid" identities from his politics of recognition.[92] He thus brackets complexity in favour of an overly superficial and totalizing understanding of identity and difference. Taylor's politics of recognition is limited to the dialogical relations between distinct,

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[91] "The Politics of Recognition," 66, italics added; see also, 72.
[92] Homi Bhabha has also critiqued Taylor on similar terms for writing margins and minorities out of this process. "Culture's in between," 32-33.

longstanding, and unified groups of people and, as such, it parallels the logic of the

multicultural mosaic with its distinct tiles, each representing a major culture or group that

undertakes relations with others.

Recognition as a form of resistance?

I have emphasized throughout this chapter that the multicultural panopticon never

operates fully in constructing Canadians into their distinct categories, that there is always

resistance to this process. In recent years there has been a rather vigorous movement

amongst scholars and activists away from understanding identities as static and stable

towards more complex notions that emphasize the contingency of identity construction.

Rather than viewing identities as unified and coherent, we are now more likely to think in

terms of hybridity and the interwoven and overlapping play of identities and

differences.[93]

Still, it would be premature to suggest that Taylor's understanding of identity has

somehow been eclipsed, at least in the Canadian context. Indeed, I would argue that, to

the extent that the politics of recognition does in fact play out in Canada in the manner

that Taylor suggests, the logic of identity that I have been describing is perpetuated.

Consider Taylor's understanding of misrecognition: the Other is hailed as in some

respects inferior, as an example of a less developed cultural form. Taylor rightly

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[93] This work has been undertaken by theorists such as Judith Butler, Gender Trouble: Feminism and the Subversion of Identity. (New York: Routledge, 1990) and William Connolly, Identity\Difference: Democratic Negotiations of Political Paradox. (Ithaca: Cornell, 1991).

understands this to be a type of harm and so he defends and justifies the subsequent

demand for recognition. Yet this demand for recognition – as an attempt to resist the

process of misrecognition – has rather paradoxical results. The dialogue of

(mis)recognition takes the following form: *We are not how you describe us* [i.e. inferior,

less civilized, criminals, etc.] – *quite the contrary, we are* [an important and contributing

group in society with such and such characteristics and values] *and we wish to be*

recognized as such. The dialogue of misrecognition and recognition consequently has

the effect of defining the group, displaying its characteristics and essential qualities.

Whether a group is recognized or misrecognized, it is always defined. Even resistance to

misrecognition reinforces the logic of identity upon which the original misrecognition

was itself based; the gaze may take on a positive shine, but the gaze remains. I would

take this even further: recognition can be freely granted at least partly because the truth

value of the judgment is rarely the only issue under contestation; when a marginalized

group sees a demeaning image of itself depicted by the dominant culture, it tries to

become empowered by replacing that image – but the process of categorization and

knowledge construction proceeds apace. Even if identities are never totalistic but instead

fluid, overlapping, and internally diverse, they are in important respects constantly

constructed and reconstructed *as whole* through the demand for recognition and the

process of multicultural study.

Furthermore, as Taylor notes, misrecognition is the result of relations of power

and domination. It is usually the misrecognized group that reinforces its "groupness" in

the attempt to gain recognition – a variant of what in feminist theory has been called the "dilemma of difference"[94]. A group marked out as inferior or of lower status attempts to achieve equality by resisting this marking out and presenting a more positive marking. Yet, in either case, the group is marked and the process of resistance serves to reinforce the marking, to reinforce the group as a totality.[95] Dominant groups are not, by definition, misrecognized in this way, and thus do not need to have the lens of multicultural study focused on them: they are far less likely to be marked out in totalizing categories and thus they have greater freedom to pursue overlapping and hybrid identities.

If Canadian multiculturalism is centred on the sort of politics of recognition that Taylor describes, is it fair to say that the governing of diversity in Canada entails the conditioning of Canadians to play the politics of recognition, to engage in multicultural study in Taylor's sense? Probably, at least to the extent that multiculturalism involves conditioning groups who feel that they have been misrecognized to attempt to achieve recognition. (Mis)recognition is dispensed in an arbitrary manner, but the main issue is not whether a particular group deserves or does not deserve the recognition. The main issue is that the group actually seeks recognition, for, in order to seek recognition, a group must become integrated into the taxonomic terrain of multiculturalism. I am simplifying this process considerably; struggles over recognition are often very important

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[94]Martha Minow, Making All the Difference: Inclusion, Exclusion, and American Law. (Ithaca: Cornell University Press, 1990) Ch. 1.

[95] I would like to thank Karen Zivi for helping me work through this point.

in their own right, with wide-ranging effects, and I do not wish to dismiss them completely as potential acts of resistance. I merely wish to accent one of the results of this entire process – the continued categorization of marginalized groups.

There is a further aspect that I have not dealt with in this chapter: while I have discussed the politics of recognition and the manner in which it encourages a form of multicultural study, the issue gets more complicated when we start speaking of differential recognition, recognition as "equal" or "differentiated". Where the Canadian impasse is concerned, the problem is not simply that Quebec desires recognition but that, with the Distinct Society Clause, Quebec insists that this recognition itself be differentiated. To examine this complex issue, I turn in the next chapter to the equality/difference dichotomy.

Chapter Four

Deconstructing Equality/Difference in Canada:

The Imperative to Unity and the Failure of Displacement

I think that this [Calgary Declaration] statement makes it clear that citizens are equal in Canada, provinces are equal in Canada, but there is diversity in our society that has been the trademark for Canada, this ability to have diversity but unity at the same time.
        -Prime Minister Jean Chretien[1]

...in a sense, there is nothing unique about Quebec's uniqueness. Nor is there anything unique about the Quebec government's responsibilities toward its uniqueness.
        -Government of Saskatchewan[2]

But we are unique, they say, by the language of our majority, by our culture and our civil-code tradition...So what? What will it give us? What will it change? Nothing! What a stroke of inspiration. Quebecers are unique. We could be tempted to add; 'Like everyone else!'...'unique' like SkyDome, Cape Breton, Labatt Blue or Wayne Gretzky. This expression would render us both socially unique and a political eunuch.
        -Premier Lucien Bouchard[3]

I began this study by describing the most familiar and apparent manifestation of

the Canadian impasse in terms of a debate over divergent conceptions of equality: while

some believe that diversity should be expressed within a framework of equality, in which

all citizens are treated equally (i.e., the same), others argue that diversity can only be

properly accommodated within a framework of differentiated citizenship, in which

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[1] The Toronto Star. September 16, 1997, A10.
[2] Government of Saskatchewan, internet web site, November, 1997.
[3] As quoted in Rhéal Séguin, "Bouchard reviles unity proposal" The Toronto Star. September 17, 1997, A1.

equality is achieved through differential treatment. I argued that the debate takes a dichotomous equality or difference form. I suggested further that, to a considerable degree, the impasse of Canadian unity revolves around the seemingly endless struggle between these two competing discourses, whether on the topic of the place of Quebec or First Nations in the Canadian Federation, the meaning of Official Multiculturalism, or the importance of gender, sexuality, and race in Canadian political institutions. Finally, I argued that rather than focusing on the dichotomy itself, it was first necessary to examine the cultural logic within which these dichotomous debates take place. Now that I have completed this examination, it is appropriate to return to the equality/difference dichotomy itself.

In the first section of this chapter, I deconstruct the equality or difference framing of the Canadian impasse. This process is organized into three steps: the first involves recognizing the hierarchical interdependence of equality and difference; the second entails reversing these terms so that difference is emphasized and valued instead of equal treatment; finally, the third involves displacing the dichotomy altogether so that the two terms are no longer opposed, allowing us to pursue equality and difference as mutually reinforcing. I argue that the Canadian impasse is the result of a failure to take this third step of displacement, leaving us with a never-ending struggle between competing unities and sub-unities.

To illustrate this pattern, in the second and third sections of this chapter I undertake two case studies. In the first case, I examine the 1969 Indian White Paper, as

well as its precursor, the Hawthorn Report, and the Aboriginal response that the White

Paper generated, and build on this analysis with a review of the provisions for Aboriginal

self government contained in the 1992 Charlottetown Accord. The second case study

focuses on the struggle between equal provinces and asymmetrical federalism in the

Meech Lake and Charlottetown Accords and, in particular, the recent Calgary

Declaration. Taken together, these two case studies illustrate the dynamics of the

equality/difference dichotomy as well as the problematic implications of the failure to

displace its dichotomous terms.

The equality/difference dichotomy in contemporary feminist theory

The equality/difference dichotomy has been a focus of analysis in several streams

of contemporary social and political thought, especially within recent feminist

theorizing,[4] and for this reason it is appropriate that I contextualize my discussion with a

brief examination of this theorizing. Feminist theorists have long debated whether to

strive to achieve equality with men, where this means equal citizenship, or whether to

reject this form of equality as inevitably imbued with masculine norms, and instead

struggle to ensure that women's differences are acknowledged and valued. Much

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[4] For discussions of the role of the equality/difference dichotomy in feminist theorizing, see Joan W. Scott, "Deconstructing Equality-Versus-Difference: Or the Uses of Poststructuralist Theory for Feminism," and Ann Snitnow, "A Gender Diary", in Conflicts in Feminism. Marianne Hirsch & Evelyn Fox Keller, eds., (New York: Routledge, 1990); Gisela Bock and Susan James, eds., Beyond Equality and Difference: Citizenship, feminist politics and female subjectivity. (London: Routledge, 1992), especially the essay by Carole Pateman, "Equality, difference, subordination: the politics of motherhood and women's citizenship".

feminist theorizing has taken place within, and thus reinforced, this either/or framework.

For example, just as Charles Taylor has provided a philosophical and political history of

discourses of equality and difference in his essay, "The Politics of Recognition", Nancy

Fraser has depicted U.S. feminist debates as structured around the equality/difference

dichotomy, recently undertaking a genealogy of these debates by tracing the manner in

which the equality and different positions have each evolved. While she believes that

these dichotomous positions have moved feminist theory forward in a generally positive

direction,[5] she also argues that the failure to resolve these debates have left U.S.

feminism "with a truncated problematic." However, Fraser's alternative is not to dismiss

the dichotomous character of these debates but rather to "...construct a new

equality/difference debate, one oriented to multiple intersecting differences."[6] This

would allow for a reconstruction of struggles for cultural recognition that, because they

tend to emphasize difference, contradict equally important struggles for socio-economic

justice, which emphasize equality. Fraser's reframing of the equality/difference

dichotomy in the terms of an economic (or redistribution) vs. culture (or recognition)

distinction has been the subject of widespread criticism, and rightfully so.[7] Interestingly,

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[5] Rita Felski views this feminist trajectory in far less positive terms, since she believes that it has led towards increasingly fragmented and multiple differences; her alternative is to "dislodge at least partially this narrative of feminism's evolution from identity to difference." "The Doxa of Difference," in Signs. Vol. 23, No. 1 (Autumn, 1997) 2.

[6] Justice Interruptus: Critical Reflections on the "Postsocialist" Condition. (New York: Routledge, 1997) 186-187.

[7] See, in particular, Iris Marion Young, "Unruly Categories; A Critique of Nancy Fraser's Dual Systems Theory" in New Left Review. No. 222. (March/April 1997), 147-160 with a response from Fraser, "A Rejoinder to Iris Young" in New Left Review. No. 223. (May/June 1997); and Judith Butler, "Merely Cultural" in New Left Review. No. 227. (January/February 1998), 33-44 also with a response from Fraser,

Fraser follows Taylor in making this distinction, although Taylor's focus is on the

difference, culture, and recognition sides of the dichotomy. In contrast, Fraser argues

that the main task is to reject taking one side *or* the other and instead to develop a

mutually reinforcing relationship between the cultural and economic spheres, which

would involve taking more radical approaches in each. While there is much to commend

in Fraser's approach, it is crucially flawed in its attempt to build emancipatory strategies

upon dichotomies such as economy/culture, redistribution/recognition, or equality/

difference.

Some feminist theorists reject Fraser's attempt to operate within the terms of the

equality/difference dichotomy, pursuing instead a deconstructive approach that

problematizes the dichotomy itself. In what follows, I will draw from this deconstructive

approach, especially as presented by Joan W. Scott. According to Scott,

> When equality and difference are paired dichotomously, they structure an
> impossible choice. If one opts for equality, one is forced to accept the notion that
> difference is antithetical to it. If one opts for difference, one admits that equality
> is unattainable...Feminists cannot give up 'difference'; it has been our most
> creative analytic tool. We cannot give up equality, at least as long as we want to
> speak to the principles and values of a democratic political system. But it makes
> no sense for the feminist movement to let its arguments be forced into pre-
> existing categories, its political disputes be characterized by a dichotomy we did
> not invent.[8]

Scott argues that the tendency to read feminist history in the terms of equality/difference

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"Heterosexism, Misrecognition and Capitalism; A Response to Judith Butler," in New Left Review. No. 228, (March/April 1998), 140-149.
[8] Scott, "The Sears Case," Gender and the Politics of History. (New York: Columbia University Press, 1988) 172.

(as Fraser and many others do) actually reinforces the play of the dichotomy.

Conversely, by deconstructing the equality/difference dichotomy altogether, we can re-orient these concepts so that they are no longer opposed but mutually reinforcing.[9]

According to Scott, "Instead of framing analyses and strategies as if such binary pairs were timeless and true, we need to ask how the dichotomous pairing of equality and difference itself works."[10]

In examining the Canadian manifestation of the equality/difference dichotomy[11] – and the impasse that it generates – it will be clear that I have been deeply influenced by feminist theorizing on the subject, especially Scott's deconstructive approach. At the same time, I recognize that there are important differences between the play of the dichotomy in the context of feminist theory and the Canadian impasse. Most obviously, to the extent that the dichotomy has in fact structured debate amongst feminist theorists and activists, it is at least a debate between people who, presumably, all have emancipatory intentions. Yet this is far from true in Canada, where it is easy enough to depict the debate as taking place between an oppressive use of equality and a progressive use of difference. While there is certainly some truth to this depiction, especially where

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[9] Feminist theorists who have pursued this deconstructive project include, among others, Drucilla Cornell, The Imaginary Domain: Abortion, Pornography and Sexual Harassment. (New York: Routledge, 1995); Jane Flax, "Beyond Equality and Difference: gender, justice and difference," in Gisela Bock and Susan James, eds., Beyond Equality and Difference. See also the exchange between Judith Butler and Ernesto Laclau, "The Uses of Equality" diacritics. 27, 1:3 (1997) 12.

[10] Scott, "The Sears Case," 168.

[11] For an analysis of a quite different manifestation in the Canadian context, see Margaret Hobbs, "Equality and Difference: Feminism and the Defense of Women Workers During the Great Depression," Labour/Le Travail. (Fall, 1993), 201-223.

the equality discourse is concerned, it does not get us very far. Instead, we need to

analyze the form of the dichotomy itself. In undertaking this analysis, I shall argue that

the "difference" position, however progressive its motives, has its own problematic

tendencies *when stuck within the terms of the dichotomy.*

Deconstructing equality/difference in Canada

What is meant by dichotomous thinking? Dichotomies posit binary oppositions,

presenting two terms as if mutually exclusive; dichotomous oppositions are

commonplace: good/bad, light/dark, subject/object, mind/body, man/woman. Each

presents a static either/or scenario, without middle ground. Lorraine Code explains this

as follows,

> Dichotomies are especially problematic in that they posit exclusionary constructs,
> not complementary or interdependent ones that could shade into one another or
> function as 'mixed modes' rather than absolutes. In dichotomous thinking the
> opposed terms are like Aristotelian contradictories, which must conform to the
> principle of the excluded middle. Everything has to be *either* A *or* Not-A, for A
> and Not-A exhaust all possibilities. Continuity between the terms is a logical
> impossibility.[12]

With equality and difference, the two terms are commonly presented as binary opposites

in political discourse, as representing two mutually exclusive choices for structuring the

relationship between Canadians citizens. Either Canadian citizens are treated equally or

they are differentiated; equal treatment or Aboriginal self government; equal provinces or

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[12] What Can She Know? (Ithaca and London: Cornell University Press, 1991) 29.

asymmetrical federalism. Since there is no middle ground in these dichotomous

presentations, Canadians must necessarily choose one route *or* the other. Or, at least, this

is how the equality/difference dichotomy, and dichotomies in general, appear to operate.

Yet this simplicity becomes suspect when we deconstruct the equality/difference

dichotomy; indeed, we begin to see opportunities otherwise mystified by the dichotomy's

dogmatic either/or terms.

As presented by Jacques Derrida,[13] deconstruction is a notoriously difficult and

complex process and it is beyond the scope of this project to describe it in any detail.[14] In

what follows, I am less concerned with remaining "true" to the practice of deconstruction

(this would be, in any event, rather at odds with this practice[15]) and more focused on

harnessing some of its conceptual insights to better understand the problem at hand. I

will simplify my argument considerably by arranging the deconstruction of the

equality/difference dichotomy into three steps:[16] first, the recognition of the two terms in

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[13] See, for example, Of Grammatology. Gayatri Chakravorty Spivak, trans. (Baltimore: The Johns Hopkins University Press, 1976); "Structure, Sign, and Play in the Discourses of the Human Sciences," Writing and Difference. Alan Bass, trans. (Chicago: University of Chicago Press, 1978).

[14] The secondary literature on Derrida is enormous. Two recent studies are Rodolphe Gasché, Inventions of Difference: On Jacques Derrida. (Cambridge, Massachusetts: Harvard University Press, 1994); and Richard Beardsworth, Derrida & the political. (London: Routledge, 1996).

[15] See, for example, Richard Beardsworth, Derrida & the political. 4.

[16] In following this path, I have been influenced by a number of scholars who have applied deconstruction to the study of history and politics, particularly Joan W. Scott. See "Deconstructing Equality-Versus-Difference: Or, the Uses of Poststructuralist Theory for Feminism," in Conflicts in Feminism. Marianne Hirsch and Evelyn Fox Keller, eds., (New York: Routledge, 1990) and Gender and the Politics of History. (New York: Columbia University Press, 1988).

the dichotomy as existing in a mutually dependent hierarchical relationship; second, the reversal of the two terms; and, third, the displacement of the opposition.[17]

Step One: recognizing hierarchical interdependence

In deconstructing a dichotomy, it is first necessary to recognize the hierarchical interdependence of the two terms. Although it is the tendency of a dichotomy to accentuate their distinctiveness so as to emphasize their mutual exclusivity, each term in fact exists in a relationship with the other. Thus, while equality and difference appear to be polar opposites, they are mutually reliant upon one another. The dominant term – equality – actually derives its force from a suppression of the other term – difference. Consequently, the suppressed term is demonstrated to be the condition of possibility for the dominant term; equality suppresses difference – even while difference is what makes equality possible. Scott puts this rather well, showing that equality has the purpose of negating its own condition of existence, difference,

> [Equality]...presumes a social agreement to consider obviously different people as equivalent (not identical) for a stated purpose...The political notion of equality thus includes, indeed depends on, an acknowledgment of the existence of difference. Demands for equality have rested on implicit and usually unrecognized arguments from difference; if all individuals or groups were identical or the same there would be no need to ask for equality. Equality might well be defined as deliberate indifference to specified difference.[18]

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[17] I am using the term "steps" as a heuristic device, to assist in the presentation of my analysis, rather than to suggest a strict sequential or chronological process. For a somewhat different, although not contrary, organization of deconstruction as a practice of reading historical texts, see Shannon Bell, Reading, Writing & Rewriting the Prostitute Body. (Bloomington and Indianapolis: Indiana University Press, 1994) Ch. 1.
[18] "Deconstructing Equality-Versus-Difference", 142.

It is important to point out here that, while it always operates to suppress certain differences, there is no *inherent* political problem with equality; after all, in so many contexts equality has emancipatory effects by eliminating differential treatment that has a racist (or other discriminatory) basis. An obvious example is the granting of the franchise to women and Aboriginal peoples in Canada, where the previous "difference" was rooted in relations of domination. To help us distinguish between using equal treatment to undermine an oppressive hierarchy and using equality to impose dominant – yet particularistic (e.g. Anglo-centric or Euro-centric, etc.) – norms on every member of a society, it is essential that we determine the power relations involved.

So what does this hierarchical mutual reliance between equality and difference tell us about the contemporary Canadian case? In its current dominant manifestations – as expressed, for example, by the Reform Party – the equality discourse is hardly rooted in a progressive desire to emancipate those who have been "differentiated". The resentment and anger that pervade Reform's framing of the language of equal treatment demonstrate that it is instead grounded in a mixture of fear (of difference) and a desire to achieve national cohesion by diminishing or even denying the aspirations of Québécois (as well as those of Aboriginal Peoples, ethnic minorities, women, gays and lesbians, etc.). The equality discourse has the purpose of suppressing certain differences in order to create a common basis of Canadian citizenship. Still, the vigour with which the equality discourse is pursued demonstrates the wide-ranging play of difference in Canada – otherwise, there would be no need for the equality discourse in the first place.

However, some peculiarities in the Canadian case complicate the argument considerably. In particular, what are we to make of the demand for equality in conjunction with preserving and even celebrating diversity? If the equality discourse has the purpose of *suppressing* difference, how is it that equality and diversity are usually presented together as if mutually reinforcing, even (or especially) by the Reform Party? The answer, a crucial one, lies in the distinction between diversity and difference. In order to illustrate and explain this distinction, it is necessary to return to the relationship between unity and diversity described in Chapter Two. There I argued that underlying much of Canadian political discourse is the threat that diversity – as an endless source of fragmentation and division – represents for Canadian unity; the unity imperative is directed towards dealing with this threat. However, instead of attempting to eliminate diversity through assimilationist policies, I argued that the dominant Canadian approach is to pursue unity by managing and controlling diversity. The threat of diversity is reduced through certain mechanisms designed to tame diversity, by making diversity worthy of celebration, by directing it towards the ends of unity. This is the strategy of the multicultural mosaic, described in Chapter Two, and in Chapter Three I described another mechanism that takes the form of the multicultural panopticon.

Despite these strategies, the threat of diversity remains and it should now be clear that "difference" or differentiation represents the realization of this threat. Difference is diversity no longer under control, no longer properly tamed. Where diversity can be directed towards unity, difference is seen to leave the multicultural mosaic fragmented,

the community uneven and splintered. Equality as equal treatment is a second binding mechanism, one designed to ensure that diversity is directed towards unity and cohesion by suppressing difference. Equality operates in conjunction with diversity because it has the purpose of keeping diversity in line, of making sure it does not become an unruly form of difference. The idea of equality – "we are all equal" – represents a space within which diversity can play out without overflowing its boundaries. This explains why the Reform Party must place its support for diversity within a framework of equal treatment: if Canada must follow the path of diversity, then equality is all the more necessary in guarding against fragmentation.

Let me clarify further how equality is designed to work in the context of the multicultural mosaic. Equality standardizes certain aspects of how we all belong, as citizens, to the Canadian political community; it constructs a layer of uniformity in the way citizens relate to Canada, a layer which applies to all of us no matter how "diverse" we are; it unites us because it represents a uniform basis of belonging. As a result, Canadians are free to celebrate their diversity in a general sense. But the Canadian state must not recognize, endorse, or give sustenance to any one instance or form of diversity as compared with any other, for this is when diversity turns into difference (or "special treatment"), thereby jeopardizing the basis for national unity. Diversity can and should play itself out – but only within the confines of the layer of uniformity represented by equal treatment. Only by making sure that we are all treated in the same way by the

Canadian state can we prevent the much-feared transformation of diversity into differential treatment, and thus fragmentation and disunity.

Step Two: reversal

As I outlined above, even as difference is suppressed by the equality discourse, it provides its condition of existence; equality presumes difference. Given this, the second step of deconstruction involves a reversal of the two terms in the dichotomy, as well as the hierarchical value attached to each. Thus, we now prioritize and value difference in a manner that breaks the hold exerted by equality as a layer of uniformity. In opposition to the uniform basis of belonging enforced by equal treatment, we now acknowledge and even encourage differences in the relationship between citizens and the Canadian political community. This approach has driven much recent political strategizing on the part of many activists, new social movements, group leaders, and politicians. In practice, demands for difference, or differentiation, take many different forms and are directed towards different goals, and so it is impossible to frame them within any one model or theory. They include processes, practices, and institutional forms as varied as the distinct society clause, group-based Charter rights, asymmetrical federalism, Aboriginal self government, affirmative action, and group-based representation. Furthermore, they have been defended in a number of distinct Canadian theories of differentiated citizenship,

including Will Kymlicka's theory of multicultural citizenship,[19] James Tully's idea of the

recognition of cultural diversity,[20] and, finally, Charles Taylor's notion of "deep

diversity"[21] (which I examine at length in Chapter Five).

However, despite these varied practices and theories of differentiated citizenship,

they share at least one commonality: an opposition to uniformity or equal treatment. To

be clear, when we speak of difference in this way, we are not speaking of a shallow

diversity in the mode of liberal pluralism. Instead, as Taylor puts it, "To build a country

for everyone, Canada would have to allow for second-level or 'deep' diversity, in which a

plurality of ways of belonging would also be acknowledged and accepted."[22] Taylor

believes that while some Canadians might decide to maintain a common relationship with

the Canadian political community in the form of the multicultural mosaic, others might

choose to see their way of belonging pass through their membership in sub-national

communities (Cree, Quebec, etc.). However one chooses to belong to the Canadian

political community, one would respect the choices of others; differentiated treatment, in

a multiplicity of forms, would prevail over equal treatment. Similar discourses of

difference have always been present in Canadian political discourse, and they are

especially apparent in current debates. In their opposition to the perpetual attempts to

[19] Will Kymlicka, Multicultural Citizenship: A Liberal Theory of Minority Rights. (Oxford: Oxford University Press, 1995).
[20] James Tully, Strange Multiplicity: Constitutionalism in an age of diversity. (Cambridge: Cambridge University Press, 1995).
[21] Charles Taylor, "Shared and Divergent Values" Reconciling the Solitudes: Essays on Canadian Federalism and Nationalism. (Montreal & Kingston: McGill-Queen's University Press, 1993).
[22] "Shared and Divergent Values", 183.

achieve some form of unity through uniformity, they represent an important and necessary reversal of the equality/difference dichotomy. As such, with the help of scholars such as Taylor, Kymlicka, and Tully, we are now firmly on the road to a politics of difference – but we are not quite there yet.

Step Three: displacement

Instead, we must take a crucial third step, which involves the displacement of the dichotomy altogether. The newly-valued term must be displaced from its binary opposite so that it is no longer set within an oppositional role. Thus, while we now value difference in numerous ways, we must refuse to do so in opposition to equality. We need to displace the dichotomy itself not by theorizing difference in opposition to equality but, as Scott says, by viewing "...differences as the very meaning of equality itself".[23] Rather than eliminate either of the terms, we need to rework them in order to dissolve their opposition.[24]

Unfortunately, but perhaps not surprisingly, this third step is especially difficult in practice and there is often a failure of displacement, with rather troubling results. What seems to happen is that, even where there is a successful reversal of the two terms and the values attached to each, there is often a failure to displace "difference" beyond its

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[23] "Deconstructing Equality-Versus-Difference", 142.

[24] According to Code, "...the dissolution of a dichotomy does not render its terms meaningless. Rather, it denies both terms the absolute force that the oppositional structure of the dichotomy confers." What Can She Know? 30.

oppositional role. Far from being freed from the dichotomy, our struggles around difference are fed back into the same logic, leaving Canadians with political choices that continue to be rigidly polarized. Because the necessary displacement of the dichotomy does not occur – indeed, the dichotomy is perpetuated – there is a continued opposition of difference to equality. The consequences of this opposition are great. When difference remains opposed to equality, then equality as uniformity becomes the condition of difference's operation; the movement within the dichotomy merely switches directions, feeding the tension rather than dissolving it.

The effects of this switch in directions are often both disturbing and paradoxical. In opposition to the totalizing uniformity of equality, the drive for a politics of difference becomes transformed into a problematic form of identity politics. "Difference" itself often becomes totalizing and uniform in its oppositional stance toward equality. A category of difference – for example, Quebec or Aboriginal peoples – becomes essentialized and standardized in the form of an "identity" in opposition to attempts to impose a more general uniformity in the name of the whole (i.e. Canada). As a result, we speak of "The Québécois Nation" or "The Aboriginal People" or "Women" or "Gays" in totalizing and exclusive, as opposed to internally complex and pluralistic, terms. Instead of the displacement of the dichotomy, its continued existence seems to lead to the displacement of uniformity to another level, *within* difference. As a result, in response to the fundamentalist flavour of the equality discourse, the difference discourse – now as a

competing identity discourse – begins to take on its own fundamentalist flavour, in the

form of a dogmatic identity politics.

Finally, with the failure of the displacement of the equality/difference dichotomy,

we reach the Canadian impasse. To summarize, on the one hand, the unity imperative,

and the attempt to achieve unity through equality, inevitably implies difference, and

generates a response from difference. The imposition of equality, of a layer of

uniformity, necessarily and by design suppresses heterogeneity and complexity. Even

though a space is made for a degree of diversity, the Canadian attempt at unity inevitably

fails. According to Bonnie Honig, difference,

> ...resists or exceeds the closure of identity. It signals not a difference *from* others
> but a difference that troubles identity from with*in* its would-be economy of the
> same. Difference is what identity perpetually seeks (and fails) to expunge, fix, or
> hold in place. In short, difference is a problem for identity, not one of its
> adjectives...[25]

Yet, on the other hand, the pursuit of difference in opposition to the imposition of unity

through equality generates distinct categories of difference – or units of difference –

through which this opposition is expressed. It is not long before the search begins for the

authentic identity of each unit of difference, a search that generates yet another set of

exclusions, and suppresses the internal heterogeneity and complexity of each category of

difference. In our opposition to a uniform basis of belonging, in our quest for a politics

of difference that breaks free of the shallow diversity found in the multicultural mosaic,

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[25] "Difference, Dilemmas and the Politics of Home' in Democracy and Difference: Contesting the Boundaries of the Political. Seyla Benhabib, ed., (Princeton: Princeton University Press, 1996) 258.

we find ourselves seeking yet another basis of unity, another identity, another layer of uniformity. The unity imperative, the fear of diversity and fragmentation, and the attempt to impose uniformity instead generate multiple and competing unities and sub-unities. This is the Canadian impasse, this is where the unity strategies of the multicultural mosaic lead us, not to unity but to disunities.

I have presented something of a worst-case scenario where the failure to displace the equality/difference dichotomy is concerned. While Canadian politics has reached this point in many respects, I do not mean to suggest that the equality/difference dichotomy *always* leads to this result. Within feminist theory, as well as in the political practices of some radical social movements, attention has long been focused on this need to displace the dichotomy, although it is not necessarily expressed in these terms. At the same time, there are far too many cases where we are not able to move in this more positive direction. Certainly, the relationship between Quebec and the Canadian federation is one of them – and there are other periodic examples involving some First Nations, feminist groups, and others. The question is why does this happen? Why does the politics of difference often fail to displace the dichotomy and instead become congealed in the form of an essentialist and totalizing identity politics? I will take two approaches to this extremely complex question. First, in the balance of this chapter, I will examine two cases where we seem to get caught, in varying degrees, in this failure of displacement. Second, in Chapter Five, I will examine two of Charles Taylor's attempts to resolve this

impasse as well an alternative attempt developed by Will Kymlicka, and I will illustrate the manner in which each attempt fails to displace the dichotomy.

Thus far, I have deconstructed the equality/difference dichotomy at a high level of abstraction. Perhaps this is unavoidable – yet, in doing so, I have obviously simplified what is an extremely complex process. For this reason, to highlight the historical variability of Canadian struggles over equality and difference, I will present case studies concerning the 1969 White Paper on "Indian Policy" and the 1997 Premiers' Calgary Declaration. While these two documents are drawn from different historical periods, each proposes a version of equal citizenship. Thus, it is useful to examine both their premises as well as the political responses that they have triggered in order to provide a sense of the hazards of strategizing around difference and equality on the liberal terrain of the multicultural mosaic.

Case study I: deconstructing White/Red

Canadian scholars typically present the late 1960s as a period when the impoverished situation of Aboriginals in Canada first rose to public consciousness. At this time, the media began presenting dramatic images of poverty and despair amongst Canadian Aboriginals, and charitable groups geared towards aiding Aboriginals told Canadians about the appalling conditions on reserves and amongst Aboriginals living in the cities. Given the apparently anomalous character of this situation in the context of

Canada's increasingly wealthy liberal-democratic society, the so-called "Indian problem"

became a major concern of Canadian politicians, bureaucrats, and the general public.

In 1969, the Liberal government of Pierre Trudeau responded to this rising

concern with its "Statement of the Government of Canada on Indian Policy", known as

the White Paper. The reaction amongst Aboriginal peoples that the White Paper

generated has been examined in great detail by many scholars; literally dozens of articles

and several books touch upon it in a substantive manner.[26] This attention is not

surprising given that most scholarship on the topic regards the release of the White Paper

– especially the ensuing rejection of its "assimilationist" policy proposals – as a pivotal

moment in Canadian/First Nations relations. It is seen as pivotal because Trudeau's

vision of equal or undifferentiated citizenship was decisively rejected by Aboriginal

groups in favour of "special status" or differentiated citizenship. The mobilization

against the White Paper led to a degree of Aboriginal political organization that had not

previously existed in Canada. One could even argue that the response to the White Paper

represents the birth of the modern Aboriginal rights movement and thus a crucial turning

point in the history of Aboriginal/non-Aboriginal relations in Canada.[27]

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[26] Most notable here is Sally M. Weaver, Making Canadian Indian Policy: The Hidden Agenda 1968-1970. (Toronto: University of Toronto Press, 1981); see also Loretta Czernis, Weaving a Canadian Allegory: Anonymous Writing, Personal Reading. (Waterloo, Ontario: Wilfrid Laurier University Press, 1994); J. R. Miller, Skyscrapers hide the heavens: A History of Indian-White Relations in Canada. (Toronto: University of Toronto Press, 1989) Ch. 12 and 13; Jeremy Webber, Reimagining Canada: Language, Culture, Community, and the Canadian Constitution. (Montreal & Kingston: McGill-Queen's University Press, 1994) 67-69.

[27] Mary Ellen Turpel argues that "It was this [White] paper, and the Aboriginal outrage that it unleashed, that led to the formation of national Aboriginal political organizations. So Trudeau can only take credit for shocking Aboriginal peoples into action years ago – not for finding answers." "The Charlottetown Discord

The focal point of this section is the White Paper and the debates that took place

following its release in June of 1969 and withdrawal a year later. In what follows, I

analyze the discursive terrain upon which the White Paper, and the debates surrounding

it, played out. However, we cannot properly understand the White Paper without paying

close attention to another document, "A Survey of the Contemporary Indians of Canada",

known as the Hawthorn Report and released three years earlier. The White Paper does

not mention the Hawthorn Report and its proposals appear to reject all of the Hawthorn

Report's recommendations for differentiated citizenship. Still, I will emphasize the way

in which each text is in certain important respects implied in the other. The strategy of

the Hawthorn Report, contained in its famous slogan suggesting that Aboriginals should

be considered 'citizens plus', involves supplementing equal citizenship with a limited

form of Aboriginal differentiation (hence, the 'plus') with the purpose not of separating

Aboriginals but of integrating them into the norms of Canadian citizenship. In contrast,

the White Paper – driven by a fear that Aboriginal expressions of difference might

fragment the Canadian political community – opts for an alternative strategy of taming

this fragmenting potential by forcing Aboriginals to develop their cultures within a

common Canadian framework defined by equal citizenship. Aboriginal peoples rejected

this proposal for a common framework, preferring to adopt the Hawthorn Report's

"citizens plus" terminology. As a result, the equality/difference logic of the debate was

and Aboriginal Peoples' Struggles for Fundamental Political Change," in Kenneth McRoberts & Patrick
Monahan, eds., The Charlottetown Accord, the Referendum, and the Future of Canada. (Toronto:
University of Toronto Press, 1993) 137; see also J. R. Miller, Skyscrapers hide the heavens. 232.

reinforced in a manner that continues to manifest itself three decades later. To illustrate this point, I conclude this section by discussing the self-government provisions of the Charlottetown Accord.

The Hawthorn Report

The Hawthorn Report represents the findings of a group of Canadian academics centred at the University of British Columbia. Commissioned in 1963 by the federal government, the research was directed by H. B. Hawthorn and M. A. Tremblay, with the main author of the political sections being political scientist Alan Cairns. The very wide mandate which Hawthorn and his colleagues were given resulted in a two-volume report which covers considerable ground. The first volume dealt mostly with economic and political concerns and the second focused on education. While the tone of the Report is rather measured and analytical, it is easy enough to discern the moral outrage felt by the authors over the poverty and despair pervasive amongst Aboriginals in Canada, and evident throughout is the desire to construct a realistic set of solutions to this situation.

Although the final report makes 151 recommendations in all, the most important theme of the Report, at least for my purposes, revolves around its notion that Aboriginals should be considered "citizens plus" – a slogan which became the signature of the Hawthorn Report. The stated goal of the report as outlined in the introduction is "to review the arguments establishing the right of Indians to be citizens plus, and to spell out

some of the ways in which this status can be given practical meaning."[28] The actual

meaning of the phrase is defined in the seventh recommendation, which notes that "...in

addition to the normal rights and duties of citizenship, Indians possess certain additional

rights as charter members of the Canadian community."[29]

It is worth analyzing this intriguing phrase – 'citizens plus' – in some detail. The

defence of the phrase is central to the Report's introduction, which suggests that its

authors were preoccupied with the political reaction they expected the phrase to generate.

The authors stress the historical relationship between Aboriginals and non-Aboriginals in

Canada, noting that "the right [to be regarded as 'citizens plus'] derives from promises

made to them, from expectations they were encouraged to hold, and from the simple fact

that they once occupied and used a country to which others came to gain enormous

wealth in which the Indians have shared little."[30] While the Report acknowledges that,

for many, the word 'plus' is in tension with the 'egalitarian' character of Canadian

society, it says that "...the reverse status Indians have held, as citizens *minus*, which is

equally repugnant to a strongly egalitarian society, has been tolerated for a long time..."[31]

Elsewhere, the Report says that "[b]y every calculation they have been disprivileged and

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[28] H. B. Hawthorn and M. A. Tremblay, <u>A Survey of the Contemporary Indians of Canada: A Report on Economic, Political, Educational Needs and Policies</u>. (Hawthorn Report) Vol. I, October. (Ottawa: Queen's Printers, 1966) 6.

[29] Hawthorn Report, 13.

[30] Hawthorn Report, 6.

[31] Hawthorn Report, 6. Italics added.

low-cost citizens up to the present time and many services will need to be increased for them before they catch up."[32]

As is evident in the phrase 'catch up', the defence of the 'plus' centres on an appeal for a kind of equality. The 'plus' is designed to reverse the historical disadvantages of Aboriginals, much like a typical affirmative action programme. Still, the 'plus' carries only limited play: where its effects may be deleterious to the interests of the Aboriginals, it must be bracketed in favour of equal treatment. This flexible and pragmatic mixing of differential and equal treatment in the Hawthorn Report is set out in recommendation seventy-one: "It is not incumbent on Indians to give up their special community status for the sake of equal treatment in areas in which that status is irrelevant."[33] In other words, differential treatment in certain areas and equal treatment in others need not conflict; instead, both avenues should be pursued in moving Aboriginals towards equality with other Canadian citizens. As the Report says, "We assumed that the justification for any continuing differential in the services provided for the Indian must be that they are better, not worse, and that they make greater contributions to his well-being than could be made by the services available to other citizens."[34]

In institutional terms, the 'plus' is reflected most strongly in the recommendation for retaining the Indian Act and the Indian Affairs Branch.[35] The Report notes that "For

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[32] Hawthorn Report, 7.
[33] Hawthorn Report, 18.
[34] Hawthorn Report, 7.
[35] Hawthorn Report, 8, recommendation 69; see also 18, 72.

quite a long time the special needs of the Indians and the special status they should

maintain will require the sponsorship and backing of the Indian Affairs Branch."[36]

Furthermore, according to Recommendation 6, the Indian Affairs Branch should assume

the role of "national conscience" so as to facilitate the socio-economic equality "between

Indians and Whites".[37] This insistence on maintaining the Indian Affairs Branch and

other institutions of Aboriginal governance such as the Indian Act itself was controversial

since these institutions were widely viewed as paternalistic and backward in their

treatment of Aboriginals.[38] However, the Hawthorn Report justified retaining the Indian

Affairs Branch on the basis that the Aboriginals were not yet competent to initiate on

their own the sorts of economic and social improvements required. According to the

Report, "[t]hey [the Indians] call for independence from the special controls of the federal

government but the management skills required to replace the sponsorship and support of

the Indian Affairs Branch are at this time not often enough in evidence."[39]

The point, then, is that the 'plus' — the 'special treatment' — is to be designed and

directed more by federal bureaucrats than by Aboriginals themselves. For the most part,

the 'plus' kicks in for those areas where Aboriginals are seen as inexperienced or

incapable of pursuing their own needs, in the manner considered typical of other

Canadian citizens. For example, according to Recommendation 49, "The Indian Affairs

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[36] Hawthorn Report, 12. The eighth recommendation goes on to say that "The Indian Affairs Branch has a special responsibility to see that the 'plus' aspects of Indian citizenship are respected..." 13.
[37] Hawthorn Report, 13.
[38] See, for example, R. W. Dunning, "The Hawthorn Report" in The Canadian Forum. (June, 1967) 52-53.
[39] Hawthorn Report, 5.

Branch has, and should assert, a legitimate right to represent Indians and advocate their needs at policy-making levels of government. This is necessary to counterbalance the political underrepresentation of Indians in the overt political system."[40] While the 'plus' is presented as an Aboriginal right, in reality it legitimates the paternalistic efforts of federal bureaucrats to help improve the situation of the Aboriginals.

The notion of 'plus' is designed as an alternative route to Canadian citizenship, not as a means for maintaining or facilitating "separate" Aboriginal cultures or communities. The 'plus' only relates to separateness in the sense that it assumes the need, in certain areas, for separate institutions that would raise the socio-economic condition of Aboriginals to approximately that of other Canadian citizens. Only when substantial socio-economic improvements have been achieved will Aboriginals be in a position to make meaningful choices about whether, or to what degree, they would like to live a cultural existence that is different from that of other Canadian citizens. This understanding of the work that the 'plus' is intended to do is important because, at first glance, it could be viewed as an endorsement of differentiation for its own sake, as making the case for a more far-reaching and permanent differentiated citizenship.

This potential misinterpretation of the 'plus' as encouraging differentiation would appear to be consistent with the Hawthorn Report's attempt to communicate a strong anti-assimilationist position, expressed as follows:

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[40] Hawthorn Report, 17.

> Because the issue is a burning one, and at certain junctures in the analysis it is a complex one, it is worth reiterating clearly and simply that the research group do not think that the Indians should be required to assimilate, neither in order to receive what he now needs nor at any future time...Almost certainly some Indians will choose not to accept what we regard as the benefits of our society and will choose instead what they regard as the benefits of theirs.[41]

In opposition to assimilation, the Report emphasizes choice, "The whole direction of the Report argues towards increasing the scope for decision by Indians and this includes a decision either to reside in separate cultural communities or to leave them temporarily or permanently."[42] But it is not simply the right to make such choices that is at issue; rather, the *ability* to make meaningful choices, so central to liberal citizenship, is the main preoccupation here. As the Report notes, "No choice by Indians, neither to accept nor to reject Canadian values and opportunities, can have a sequel of purposeful action and successful result unless they have certain capacities to sustain it".[43]

It is important to emphasize that what the Hawthorn Report is opposing is *forced* assimilation – it is not opposing a milder form of assimilation or integration into liberal citizenship *per se*. It would be misleading to interpret the Report as indifferent to the sorts of choices Aboriginals may decide to make. Instead, the Report goes to considerable lengths to argue why, in a range of areas, it is actually in the best interests of Aboriginals to pursue paths more in line with Canadian norms. To some degree, this is merely a matter of political realism, since, as far as the Report is concerned, the realities

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[41] Hawthorn Report, 6.
[42] Hawthorn Report, 10.
[43] Hawthorn Report, 6.

of living in the context of a modern society inevitably limit the degree of separateness

which Aboriginals could possibly achieve. Thus, the Report says that, "...quite apart

from their intention, the effect of implementing the recommendations in the Report, like

the effect of the governmental programs now in question, is not neutral towards the

maintenance of autonomous Indian societies within the Canadian nation."[44] The reality is

that a host of modern influences and pressures such as the judicial sphere, the dominant

languages of Canada, and the costs and benefits of waged work, all have a profound

effect on Aboriginals so that even to the extent that "separate Indian cultural forces

continue to operate, they can only do so while accepting and adjusting to these

influences."[45] Three important areas where the Report recommends the integration of

Aboriginals into Canadian norms as being in their own best interests are waged

employment,[46] Canada's system of democratic pluralism,[47] and the provincial

administration of social programmes.[48]

Once again, the Report's anti-(forced) assimilation position does not amount to an

endorsement of separatism or even some form of deep differentiation. Instead, this

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[44] Hawthorn Report, 10.

[45] Hawthorn Report, 10.

[46] "...we have found that such primary resource-based modes of livelihood as trapping, fishing and farming exert a negative influence on Indian prosperity. This influence is contrasted to the great contribution to prosperity made by steady wage and salaried employment off the reserve. We consider the support offered by such findings for vocational training and job placement services on a massive scale, for special assistance to those who choose to seek work off the reserve, and for creation of opportunities for industrial and other urban employment." Hawthorn Report, 7.

[47] Hawthorn Report, 12.

[48] The Hawthorn Report argues that Aboriginals should be entitled to the same quality of services as other citizens in their provinces, and this will only occur if these services are provided through the same

position leads the Report to adopt measures that involve differential treatment for Aboriginals as it believed such treatment would help Aboriginals achieve conditions that other Canadian citizens enjoy. The point, then, is that the emphasis of the Report is on liberal citizenship. The emphasis is not 'citizens *plus*' but instead: "*citizens* plus". Even though the word 'plus' is the inevitable focus of attention in the Report, and the debate surrounding it, it is the word 'citizens' that propels the Report forward. Because they are *citizens*, the disadvantaged position of Aboriginals can no longer be tolerated; because they are *citizens*, Aboriginals have a right to something like an equality of (cultural) opportunity. The word 'plus' kicks in at the level of implementation; if the word 'citizens' defines the goal, the word 'plus' is merely a means to achieve that goal, through state-directed differential treatment in certain limited areas. The poverty and despair amongst Aboriginals is considered anomalous enough within a liberal society (because Aboriginals are *citizens*) that it is necessary to keep this group separate for administrative purposes (the '*plus*') so that politicians and bureaucrats can provide the necessary support, resources, and monitoring.

The citizenship that the Report speaks of is precisely liberal citizenship in the sense that it is designed to provide Aboriginals with the freedom to make certain kinds of choices. However, the framework within which these choices are made is far from neutral. In particular, Canadian citizenship is explicitly racialized in the Report. The

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provincial channels. See Recommendations 32-35, 73; see also Chapter XI of Volume I, entitled "The Canadian Federal System".

Report takes what it calls "White Norms"[49] as an unproblematic given, and these norms

define Canadian citizenship. "Indians" are presented as an undifferentiated totality,[50] as

the Other to the White basis of citizenship. The Report rests on a preoccupation with this

Other. Achieving citizenship for Aboriginals means more than the elimination of socio-

economic differences, more than improving the standards of Aboriginal life so that they

are in line with White standards; it also means encouraging the adoption by Aboriginals

of liberal norms – economic and political. Although the 'plus' is a form of

differentiation, it is *differentiation as a vehicle of assimilation to racialized liberal norms.*

This route is justified on the grounds that only from within this liberal framework can

Aboriginals make real decisions about the cultural path they wish to follow.

Upon its release, the Hawthorn Report was effectively shelved. However, it

would be inaccurate to suggest that the Hawthorn was somehow forgotten. Even though

it was not mentioned in the subsequent White Paper, its presence was everywhere and,

furthermore, the Aboriginal rejection of the White Paper was framed using the "citizens

plus" terminology of the Hawthorn Report.

The White Paper

The White Paper was unveiled by Jean Chretien, then Minister of Indian Affairs

and Northern Development, in June 1969. Although the Liberal government had been

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[49] Hawthorn Report, 14.
[50] Only in a very few exceptions is the Native totality differentiated in the Hawthorn Report, as with recommendation 16.

promising to place Aboriginal issues on its policy agenda, and although it had undertaken

a series of consultations with Aboriginal bands throughout Canada, the release of the

White Paper – and especially its contents – was a shock to Aboriginal leaders.

Apparently, the consultations had little connection with the development of the policy,

which was constructed with secrecy behind closed doors. Sally M. Weaver has described

the process of developing the White Paper in great detail. According to Weaver, the

undemocratic process was driven by a network of long-time bureaucrats in the

Department of Indian Affairs and Northern Development working with Chretien and

Trudeau.[51] The aggressive and heavy-handed attempt by Chretien to impose the policy

on Aboriginals represents the backdrop for the textual analysis that follows.

The text of the White Paper, just thirteen pages long, centres on the following five

principles proposed by the government:

1. *that the legislative and constitutional bases of discrimination be removed;*
2. *that there be positive recognition by everyone of the unique contribution of Indian culture to Canadian life;*
3. *that services come through the same channels and from the same government agencies for all Canadians;*
4. *that those who are furthest behind be helped most;*
5. *that control of Indian lands be transferred to the Indian people.*

Furthermore, the White Paper announces that the government will take a number of steps

to create such a framework, setting out four measures for implementation. It will:

1. *Propose to Parliament that the Indian Act be repealed and take such legislative steps as may be necessary to enable Indians to control Indian lands and to acquire title to them.*

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[51] Sally M. Weaver, Making of Canadian Indian Policy: The Hidden Agenda, 1968-1970. (Toronto: University of Toronto Press, 1981).

2. *Propose to the governments of the provinces that they take over the same responsibility for Indians that they have for other citizens in their provinces. The take —over would be accompanied by the transfer to the provinces of federal funds normally provided for Indian programs, augmented as may be necessary.*
3. *Make substantial funds available for Indian economic development as an interim measure.*
4. *Wind up that part of the Department of Indian Affairs and Northern Development which deals with Indian Affairs. The residual responsibilities of the Federal Government for programs in the field of Indian affairs would be transferred to other appropriate federal departments.*

The central thrust of the White Paper revolves around the first principle —

eliminating legal and constitutional discrimination — that amounts to the termination of

the legal distinction between Aboriginals and non-Aboriginals in Canada. Instead, the

federal government proposes a version of undifferentiated citizenship grounded in the

legal and constitutional equality of all citizens, making equal treatment the constant focal

point of the White Paper:

> Services ought not to flow from separate agencies established to serve particular groups, especially not to groups that are identified ethnically. Separate but equal services do not provide truly equal treatment. Treatment has not been equal in the case of Indians and their communities.[52]

According to the White Paper, the application of the principle of equal treatment

requires a dramatic shift in the governance of Aboriginal peoples in Canada. The treaties

need to be eliminated as well as the Indian Act and all the specialized federal agencies

that deal with Aboriginals, especially the Indian Affairs Branch. Reserve lands would no

longer be held in trust by the Crown for Aboriginals, as is required by the treaties and the

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[52] Statement of the Government of Canada on Indian Policy (White Paper), (Ottawa, Ministry of Indian Affairs and Northern Development, 1969) 9.

Indian Act, but would instead be dealt with by individual bands as each saw fit.

Furthermore, for the first time Aboriginals would be integrated into the federal system in

that all social and educational programmes would be administered to Aboriginals by the

provinces, as they are to other Canadian citizens.

In institutional terms, with the exception of the provincial administration of social

programmes, the White Paper's demand for the termination of 'special' Aboriginal

institutions contrasts sharply with the Hawthorn Report, which recommends the

maintenance of separate legal and political structures as a vehicle for the differential

resources and services which Aboriginals were to receive. The White Paper argues that

these sorts of separate legal structures have led to a situation of dependency and were the

cause not the solution to the problem. As the White Paper says, "The policies proposed

recognize the simple reality that the separate legal status of Indians and the policies

which have flowed from it have kept the Indian people apart from and behind other

Canadians."[53] This justification is presented in rather strong terms throughout: the legal

distinction between Indians and non-Indians has acted to disadvantage Aboriginals in a

variety of ways. Justice demands that this legal distinction be eliminated; however,

rather than actually demonstrating this point, the government relies on a fairly

commonsensical connection. On the one hand, it points out that Aboriginals are

disadvantaged according to virtually every social, economic, or political indicator. On

the other hand, it notes, Aboriginals have always been legally differentiated from other

Canadians, most notably through the treaties, the Indian Act, and the role of the Indian

Affairs Branch. Social, economic and political disparities follow logically – as cause and

effect – from the longstanding legal/constitutional distinction. As the White Paper puts

it, "Canada cannot seek the just society and keep discriminatory legislation on its statute

books. The Government believes this to be self-evident."[54] There is only one route to

justice and equality, and this involves equal treatment.

As adamant as the White Paper is about the elimination of all legal distinctions, it

does make limited space for differential treatment based on its fourth principle, that

"those who are furthest behind be helped most". In the text of the White Paper, this

principle falls under the heading "enriched services", where it is acknowledged that

"[e]quality before the law and in programs and services does not necessarily result in

equality in social and economic conditions."[55] Special treatment may thus be necessary

in certain limited cases. However, the White Paper notes that many economic problems

faced by Aboriginals are in fact regional in nature so that "[i]n many situations, the

problems of Indians are similar to those faced by their non-Indian neighbours."[56]

Presumably, to the extent that 'special treatment' may be necessary, its administration

would be regionalized – as opposed to racialized – wherever possible.

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[53] White Paper, 5.
[54] White Paper, 8.
[55] White Paper, 10 "In addition, and as an interim measure, the Government proposes to make substantial additional funds available for investment in the economic progress of the Indian people."10.
[56] White Paper, 10.

In examining the relationship between the White Paper and the earlier Hawthorn

Report, it is easy enough to understand it in terms of a dichotomy between equality and

difference. Whereas one document proposes a version of citizenship that allows for

differentiated treatment, the other insists on equal treatment. This much is obvious and

these are the terms typically used when comparing the two documents. Still, how do we

get from the Hawthorn Report to the White Paper, from 'citizens plus' to citizens equal,

from difference to equality? Is the White Paper assimilationist in the straightforward

manner presumed, and how does it contrast with the Hawthorn Report in this respect?

Furthermore, does the distinction between the 'plus' and the 'equal', or differentiated and

equal citizenship, correspond to different positions on assimilation?

Having already examined the position of the Hawthorn Report on assimilation, I

will focus now on the White Paper, which was rejected precisely because it was seen as

assimilationist, as an attempt to eliminate Aboriginal cultures and practices, and thus as a

form of cultural genocide. At the time, this was the dominant understanding of the White

Paper, and three decades later similar terms are still used to describe it. For example,

according to Alan Cairns:

> ...the White Paper espoused a straightforward assimilationist strategy/philosophy.
> Its underlying thesis was that separate status contributed to economic
> backwardness, social isolation, and retrogressive cultural enclaves. The White
> Paper, in fact, was a late twentieth-century version of the Durham Report of the
> previous century, with Indians substituted for the backward, unprogressive
> Quebec peasantry.[57]

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[57] Alan C. Cairns, "Aboriginal Canadians, Citizenship, and the Constitution," in Douglas E. Williams, ed., Reconfigurations: Canadian Citizenship & Constitutional Change. (Toronto: McClelland & Stewart, 1995) 244.

James Tully also uses the language of assimilation, saying, "In 1969 the Prime Minister of Canada, Pierre Trudeau, announced his plan to abolish the treaty system and assimilate all Aboriginal people into the modern Canadian society for the sake of their improvement."[58] The White Paper now has become – like the Durham Report more than a century earlier – an unproblematic short form for assimilationist policy, to be derided and rejected as the political option Canadians decided *not* to take (as I discussed in Chapter Two). Because this interpretation leaves out many of the nuances of the White Paper we need to develop a deeper understanding of its assimilationist logic.

Let us take the White Paper, and Chretien's defence of it, at face value; if it were a straightforward assimilationist document, what are we to make of Chretien's (and Trudeau's) attempts to justify it on the grounds of Aboriginal cultural *preservation*? Notice how Chretien responds to his White Paper critics: "Some have gone so far as to say that integration is equivalent to cultural genocide. All these doubts must be put to rest through discussion and consultation, for they are the antithesis of what is being proposed." Chretien goes on to say: "Assimilation is a word which should be abolished from Canadian usage. Canada is a country with many different peoples; this is our strength. Canadians, however, do not have to have a separate status to have a different

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[58] James Tully, Strange multiplicity: Constitutionalism in an age of diversity. (Cambridge: Cambridge University Press, 1995) 208.

identity and to have a pride in their own particular cultures and traditions."[59] What are

we to make of this response?

To begin with, Chretien is, in effect, inviting Aboriginals to join the Canadian

multicultural mosaic and believes that their inclusion will make for a more interesting

Canadian cultural landscape. Accordingly, the White Paper notes:

> The Indian contribution to North American society is often overlooked, even by
> the Indian people themselves...Too often, the art forms which express the past are
> preserved, but are inaccessible to most Indian people. *This richness can be
> shared by all Canadians. Indian people must be helped to become aware of their
> history and heritage in all its forms, and this heritage must be brought before all
> Canadians in all its rich diversity.*[60]

Without the display of Aboriginal culture in Canada, Canadians would be deprived of the

opportunity to admire and appreciate it. Chretien's invitation is an example of the

panoptic qualities of multicultural governance described in Chapter Three.[61] Here,

Canada is to be a living multicultural museum that can only operate as long as all the

various cultures are willing to place themselves on display.

Chretien's logic proceeds as follows: you (Indians) must have faith in our

(Canadian) game – the game of liberal equality – because it is designed to provide you

with the space to play your game (the game of being "Indian"). Notice Chretien's

language, "The Indian people are ...entitled to an equality which preserves and enriches

Indian identity and distinction; an equality which stresses Indian participation in its

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[59] Globe and Mail. July 8, 1969, 7.
[60] White Paper, 9.
[61] In this context, the DIAND publication, Indian Summer, put out in the same year as the White Paper and discussed in the previous chapter, takes on added meaning. (Ottawa: The Queen's Printer, 1969).

creation and which manifests itself in all aspects of Indian life."[62] Certainly, by

manifesting 'itself in all aspects of Indian life', equality (as a commonality) would seem

to be in tension with the expression of 'Indian identity and distinction'. However, as

Chretien would apparently have it, diversity best flourishes within a framework of

equality considered as a layer of commonality. Therefore, far from directing itself

towards assimilation, the equality that the White Paper proposes is defended as the best

hope for the continued vitality of Aboriginal culture. As Chretien says, "The goals of the

Indian people cannot be set by others; they must spring from the Indian community itself

– but government can create a *framework* within which all persons and groups can seek

their own goals."[63] Equality, then, or undifferentiated citizenship, is designed to be a

multicultural framework in that it is supposed to provide individuals with the space

necessary for them to express their cultural traditions as they wish. According to the

White Paper, it represents a third route which explicitly rejects the extremes of separatism

or assimilation and instead "...offers great opportunity for Canadians to demonstrate that

in our open society there is room for the development of people who preserve their

different cultures and take pride in their diversity."[64]

If this is what Chretien in fact means, then the critics of the White Paper are

correct to a point: it *is* an assimilationist document to the extent that it entails assimilation

to a common framework defined by equal treatment. Still, this is only a partial answer,

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[62] Globe and Mail. July 8, 1969, 6.
[63] Globe and Mail. July 8, 1969, 6. Italics added.
[64] White Paper, 8-9.

for this common framework is specifically designed to allow for, and encourage, multiculturalism. In this sense, we are speaking of assimilation to the liberal terms of the multiculturalism panopticon. Diversity is to be encouraged – but only when developed *within* the common framework (or, perhaps, common *limit*) of equal citizenship and *within* the terms of the multicultural panopticon.

In certain respects, then, the attitude of the White Paper towards assimilation is not dramatically different from the Hawthorn Report, except that the Hawthorn Report's common framework of equality is supplemented in certain important areas by forms of differentiation. I have already argued that the Hawthorn Report is pragmatic where the question of equal or differential treatment is concerned, favouring whichever mixture works best in specific contexts. In most cases, such as with the provision of social services, equal treatment is recommended. But in those cases where the Hawthorn Report recommends differential treatment, this is usually for paternalistic – as opposed to democratic – reasons. The contrasting dynamic of the White Paper and its preoccupation with equal treatment becomes clearer when one looks at what Chretien and Trudeau were trying to accomplish. Despite its stated objectives, the main problem that the White Paper aims to solve does not concern the socio-economic conditions of Aboriginals so much as the threat that they represent for the Canadian nation.

In order to make this argument, I will examine further the White Paper's preoccupation with a common framework of equality. I have already surveyed the White Paper's claim that differential treatment invariably disadvantages the differentiated. Still,

this position is superseded by the White Paper's even stronger claim that – whatever their economic or political effect – legal distinctions are simply intolerable. The language of the White Paper is important here, "The treatment resulting from their [the Indians] different status has been often worse, sometimes equal and occasionally better than that accorded to their fellow citizens. *What matters is that it has been different.*"[65] So the path of difference (real difference – not just a shallow diversity) is wrong simply *because it is a different path.* This is a rather striking argument and it is worth inquiring why it is the distinctions themselves that should matter; why, as the White Paper puts it, can we "...no longer perpetuate the separation of Canadians"?[66]

In attempting to eliminate the legal distinction between Aboriginals and non-Aboriginals, the White Paper is trying to solidify a particular understanding of Canada as a cohesive political community. As with any community, the criteria of belonging are central, and in the White Paper Chretien is presenting equal treatment as the main criterion, as the framework of belonging. For example, regarding the proposal that "services come through the same channels and from the same government agencies for all Canadians," the government says, "[t]his is an undeniable part of equality. It has been shown many times that separation of peoples follows from separate services. *There can be no argument* about the principle of common services. It is a right."[67] Of course, the phrase 'there can be no argument' suggests that there very often is argument about such

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[65] White Paper, 5. Italics added.
[66] White Paper, 6.
[67] White Paper, 9.

things, in Canada, as in other liberal democratic societies. But in stating otherwise in the White Paper the government is presenting equal, or undifferentiated, citizenship as the basic framework of the Canadian political community, about which there can be – must be – no argument. According to the White Paper, "The Government does not wish to perpetuate policies which carry with them the seeds of *disharmony and disunity...*"[68] Differentiation threatens the basic framework of cohesion in Canada and so, on these terms alone, it must be rejected.

In the White Paper, the government is outlining the terms of belonging, and thus deciding who is in and who is out. The language in the following White Paper statement is instructive: "This government believes in equality. It believes that all men and women have equal rights. It is determined that all shall be treated fairly and that no one shall be shut out of Canadian life, and especially that no one shall be shut out because of his race."[69] To be differentiated on legal grounds amounts to being "shut out of Canadian life" so that "Canadian life" is defined precisely by the common framework of equality. Those who are not allowed or are unwilling to conform to this framework must remain beyond the limit of the Canadian community. Indeed, since they are not part of the community, their existence must inevitably threaten it.

If the strategy of the White Paper centres on a common framework of equality which guards against the fragmentation of the community, how might we understand the Hawthorn Report's openness to a framework of citizenship defined by a mixture of

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[68] White Paper, 5. Italics added.

equality *and* difference? How do we explain the markedly different tone of the Hawthorn Report, for which the preservation of the Canadian community seems to be a non-issue, especially given the differentiation that it insists upon? Perhaps it is because the Hawthorn Report's 'plus' — the differentiation of Aboriginals — does not encourage the sort of separateness that might lead to fragmentation, and thus the question of unity never arises. As I have argued, the 'plus' provides a space for politicians and bureaucrats to encourage and monitor the integration of Aboriginals *into* Canadian citizenship in certain areas where equal treatment alone would not have this desired effect. For the Hawthorn Report, then, the differentiation that comes from the 'plus' would not be construed as a potential threat to the cohesion of Canadian citizenship; indeed, the 'plus' is a *vehicle towards* Canadian citizenship. In contrast, the White Paper is willing to take a leap in jettisoning the sort of paternalistic differentiation central to the 'plus' of the Hawthorn Report. Yet it must present an alternative strategy in order to preserve the Canadian community — to making sure that the multicultural mosaic does not get out of hand — and it does this by forcing Aboriginals into a common framework of equal treatment.

The Aboriginal response

The aggressive and forceful manner in which Aboriginal peoples responded to the White Paper caused the federal government to withdraw its proposal. Although the Aboriginal response took many forms, including intense grassroots mobilization and

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[69] White Paper, 6.

public protests, a particularly important and well-known response was presented to Prime

Minister Trudeau a year after the release of the White Paper by the Indian Chiefs of

Alberta, in the form of a document entitled "Citizens Plus". This report, which came to

be known as the "The Red Paper," includes a devastating point-by-point critique of the

federal government's proposal.[70]

The critique begins following a brief preamble where the Red Paper presents a

"Counter Policy" arguing, "[j]ustice requires that the special history, rights and

circumstances of Indian People be recognized."[71] The main theme is a critique of the

White Paper's pursuit of formal equality in favour of an understanding of equality that

involves treating people differently or "specially". The Red Paper notes, "Every group

gets special treatment, concessions – even special status. We need and are entitled to

special consideration – at the very least we expect that the promises made when we

signed the treaties ceding our lands will be honoured."[72] The Red Paper rejects the White

Paper's position that differentiation invariably leads to disadvantage, noting that it is the

paternalistic Indian Act – and not the treaties themselves – that have long disadvantaged

Aboriginals.[73] The importance of the treaties is emphasized throughout the Red Paper

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[70] One of the main authors of "Citizens Plus", Harold Cardinal, presented a similar argument in his well-known book, The Unjust Society: The Tragedy of Canada's Indians. (Edmonton: Hurtig Publishing Ltd, 1969).
[71] The Indian Chiefs of Alberta, Citizens Plus. 9.
[72] The Indian Chiefs of Alberta, Citizens Plus. 19.
[73] Notably, the Red Paper argues that the Indian Act and the Indian Affairs Branch should be retained, albeit not in the paternalistic and repressive form that has existed previously.

and the Federal government is condemned for attempting to unilaterally eliminate these treaties, especially since they were the product of negotiation and mutual agreement.

It is notable that the Red Paper framed its response to the White Paper by using the Hawthorn language of "citizens plus", as is apparent in its original title. Indeed, the Red Paper begins by quoting the Hawthorn Report's central position, discussed above (i.e. "Indians should be regarded as 'Citizens Plus; in addition to the normal rights and duties of citizenship, Indians possess certain additional rights as charter members of the Canadian community.")[74] In adopting the notion of "citizens plus", the Indian Chiefs of Alberta make a point of emphasizing that they take the "citizens" element very seriously. They argue that their different ways of living (i.e. the "plus") can operate *within* the Canadian context, as long as Canada makes sufficient space for diversity and pluralism:

> The cultures of the Indian peoples are old and colourful strands in that Canadian fabric of diversity. We want our children to learn our ways, our history, our customs, and our traditions. Everyone should recognize that Indians have contributed much to the Canadian community. When we signed the treaties we promised to be good and loyal subjects of the Queen. The record is clear – we kept our promises.[75]

This statement emphasizes that the Indian Chiefs of Alberta have no desire to separate from the Canadian political community, although they wish to maintain their Aboriginal identities.

At one level, the Red Paper may be seen as successfully displacing the

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[74] The Indian Chiefs of Alberta, Citizens Plus in Waubageshig, ed., The Only Good Indian: Essays by Canadian Indians. (Toronto: New Press, 1970). 5.
[75] The Indian Chiefs of Alberta, Citizens Plus. 10.

equality/difference dichotomy. In rejecting the attempt to impose equality in a uniform manner, the Red Paper proposes a blend of equality (as "citizens") *and* difference (the "plus"). Here it follows the Hawthorn Report. But at another level, the appropriation of the Hawthorn Report's language of "citizens plus" can be seen as reinforcing the equality/difference dichotomy. Consider the following. When presented in the form of a "plus", difference is set within the terms of a hierarchy; difference means more or less than "citizens", which represents the dividing line of equality. Previously, Aboriginals were "citizens minus"[76] (i.e. less) and now they demand to be "citizens plus" (i.e. more). Since all hierarchies are relative, it follows that any difference leads to the upgrading or downgrading of those who are merely "citizens". Therefore, "citizens plus", since it takes the form of more, amounts to the misrecognition of all other Canadian citizens who are otherwise merely "equal" (i.e. less). It is not too difficult to see that when difference is set within this hierarchical language it breeds invidious comparison: if "they" get more, "we" get less.

There is a further element to this, for the language of "citizens plus" reinforces the development of counter-unities. The White Paper attempts to impose unity through equality, and this generates a counter-unity through difference. Hence, the rejection of the White Paper constructed a national Aboriginal consciousness that had not existed previously, or at least not to the same degree. As J. R. Miller says,

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[76] Hawthorn Report, 6.

> In their uniformly hostile reaction to it [the White Paper], Indian leaders found a basis for a pan-Canadian unity they had long sought but failed to achieve...The white paper had given them a common enemy against which to mobilize, and the prime minister's retreat had encouraged their troops.[77]

When looked at in this way, it is clear that the White Paper does not simply lead to the

Red Paper – indeed, White *produces* Red as a cohesive sub-unity; in this context, Red is

inconceivable without White.

Where the unity of those who demand the 'plus' is concerned, one of the most

interesting arguments in the Red Paper comes in response to the White Paper's proposal

for a kind of affirmative action, where "those who are furthest behind should be helped

most". Here, the Red Paper insists that,

> We do not want different treatment for different tribes. These promises of enriched services are bribes to get us to accept the rest of the Policy. The Federal Government is trying to divide us Indian people so it can conquer us by saying that poorer reserves will be helped most.[78]

Putting aside questions of whether the White Paper intended to divide Aboriginal

peoples, this statement appears contradictory since it seems to undermine the initial

justification for Aboriginal differentiation. Yet, at another level, it demonstrates that the

basis of difference – the "plus" or special treatment – must itself be equal, suggesting that

all Aboriginals should relate to the rest of Canada in the uniform fashion of a sub-unity.

This language is reinforced throughout the Red Paper, which constantly emphasizes the

unity of Aboriginal peoples, or at least treaty Indians.[79] The White Paper's attempt to

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[77]Skyscrapers hide the heavens. 232.
[78] The Indian Chiefs of Alberta, Citizens Plus. 12.
[79] For a discussion, see Cardinal, The Unjust Society. Chapter 10.

create unity through equality not only generates a counter-response that asserts difference, but a difference that takes the form of a counter-*unity*, a unified difference: equality/difference or White/Red. The result is that invidious comparison is encouraged and fears of fragmentation are exacerbated – as will become clear with present-day responses to Aboriginal self government. There is a logic here – a logic of equality vs. difference – that is very difficult to displace, especially when set within the imperative to unity. In the next section, I will examine the manner in which this logic plays itself out in the current context.

The current context: Aboriginal self government

In the three decades since the White Paper was presented – and rejected – there is little doubt that contemporary relations between Aboriginals and non-Aboriginals have been transformed in crucial respects. Some of the pivotal events include: the insertion of s. 35 in the 1982 Charter of Rights, recognizing and affirming existing Aboriginal and treaty rights; an agreement to hold federal-provincial conferences in the mid-1980s to discuss self government and the eventual failure of these negotiations; the exclusion of Aboriginal issues from the Meech Lake Accord in 1987, leading Elijah Harper to help bring down the Accord in the summer of 1990; in the same summer, the Oka crisis; the inclusion in 1992 of First Nations representatives at the Charlottetown negotiations and the successful negotiation of general guidelines for Aboriginal self government in the Charlottetown Accord, followed by the eventual rejection of the Accord by a majority of

Aboriginals and non-Aboriginals; the massive Royal Commission on Aboriginal Peoples

(1991-1995), calling for a new relationship between Aboriginals and non-Aboriginals in

Canada — quickly shelved by the Liberal government; and, most recently, the signing of

the Nisga'a Treaty and the coming into being of Nunavut, two indications of the forms

which Aboriginal self government might take in the future. Of course, most of the

problems that Aboriginal peoples have suffered with the presence of Europeans remain

prevalent in the form of extreme poverty, unemployment, inadequate housing, and high

levels of incarceration. Still, it is clear enough that the politics of Aboriginal/non-

Aboriginal relations have shifted dramatically since the late 1960s: First Nations

organizations are now far better organized and more influential and their struggles have a

much higher profile.

But what about the equality/difference form of the debate so evident at the time of

the White Paper? Remarkably, by the mid-1980s, Douglas Sanders considered the

rejection of the equal citizenship position for First Nations so strong that he could write

the following,

> The general acceptance of Indian special status in Canada is clear. In the post-
> war period it is the dominant theme in national law and policy under both
> Conservative and Liberal governments. The White Paper on Indian policy of
> 1969 was a brief exception. All three national parties officially support the
> recognition of Indian rights and decry the failures of past governmental policies.
> No federal or provincial politicians can be identified in Canada today who
> publicly oppose Indian special status as such.[80]

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[80] Douglas Sanders, "The Renewal of Indian Special Status" in Ann F. Bayefsky and Mary Eberts, eds., Equality Rights and the Canadian Charter of Rights and Freedoms. (Toronto: Carswell, 1985).

However, by the early 1990s, the White Paper and its equal citizenship discourse would appear far from dead, even though the difference position (in the form of self government) is now clearly hegemonic in Canada. What is troubling is that the logic of much of the current debate has not changed very much since the White Paper; these debates continue to play out within the terms, albeit reversed, of the equality/difference dichotomy. I will now examine the debate surrounding the self-government provisions in the Charlottetown Accord to substantiate this claim.

Self government and the Charlottetown Accord

According to the Charlottetown Accord of 1992, "The Aboriginal peoples of Canada have the inherent right of self government within Canada."[81] Although this provision received considerable support during the Charlottetown Referendum Campaign, a number of the themes in the debates surrounding this provision are worth examining.[82] Throughout the campaign, the media provided a platform for First Nations leaders to justify the self-government provisions. For example, the Chief of the Poundmaker reserve in Saskatchewan, Blain Favel, stated:

> What the Constitution does for our people is it provides us with a shield, not a sword, a shield which we can [use to] protect our culture, so that we can

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[81] Section 29 (1) Draft Legal Text, October 9, 1992.

[82] In what follows, I will draw from national television news transcripts from the Charlottetown Referendum campaign. These transcripts, created by the National Media Archives, are drawn from the CBC news programs The National, The Journal, and Sunday Report as well as from The CTV News. Included in these transcripts are all the reports that make any reference to the constitution during the seven-and-a-half week period beginning September 3, 1992, when the referendum date was officially announced, and ending on October 25, 1992, the day before the referendum vote was held.

determine and develop our own laws according to our culture...A lot of this stuff has happened because we haven't had the right to say, 'look, we have the right to control our lives on the reserve.[83]

Arguments of this kind for democratic control were presented frequently during the campaign.

At the same time, there was considerable dissension within First Nations communities.[84] Questions of representation were particularly controversial. For the first time, Aboriginal leaders had gained inclusion in the constitutional negotiation, which had previously been limited to the First Ministers.[85] During the Charlottetown negotiations, four Aboriginal groups – the Assembly of First Nations, the Inuit Tapirisat, the Native Council of Canada, and the Metis National Council[86] – were included, since it was felt that no *single* Aboriginal leader could legitimately speak for all Aboriginal peoples. Still, the four Aboriginal groups included were clearly apprehensive that they might be silenced by one another. Similar concerns emerged from *within* these Aboriginal sub-

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[83] The National. October 19, 1992, Placement 5.

[84] As a whole, Aboriginals themselves gave only mixed responses to the self-government provisions during the referendum campaign and support from within the Status-Indian community was especially weak. This lack of support did not reflect a rejection of self government; instead, Aboriginal people expressed concern that the process moved too quickly and did not allow enough time for rigorous study of the complex issues involved. Notably, Elijah Harper advised Aboriginal people not to vote – and a majority of those who did vote opposed the agreement

[85] As it turned out, Aboriginal inclusion came only after a vigorous struggle between several key constitutional actors. Most notably, Premier Bob Rae of Ontario actively supported Aboriginal inclusion, and his position eventually prevailed. Still, Federal Constitutional Affairs Minister Joe Clark was a vociferous opponent, so much so that Ovide Mercredi, Grand Chief of the Assembly of First Nations said, "What surprised me was not our inclusion ultimately, but Joe Clark's passion for our exclusion." The Journal. October 12: Placement 1. Clark, as well as other constitutional actors, argued that increasing the number of negotiators would decrease the chances of reaching an agreement.

[86] The negotiators were Ovide Mercredi of the AFN, Rosemarie Kuptana of the Inuit Tapirisat, Ron George of the NCC, and Marc LeClair representing the MNC.

communities as well – especially within the Status-Indian community. At one point,

Ovide Mercredi expressed some discomfort over the burden of representing the entire

Status-Indian population during the negotiations:

> I can't represent all the Indian people. It's impossible and I don't want to be put into a position of being the person who compromised the rights of my people. I want to make sure there's ten, fifteen, thirty other people who'll be there.[87]

Despite this sentiment, Mercredi was generally insensitive to the diversity of the Status-

Indian community. He would often speak in terms of "my people" or, "the people I

represent" as if Status-Indians were a homogeneous entity. Many Aboriginal peoples

resented this tone, as is the case in the following exchange between Mercredi and

Mohawk Chief Billy Two Rivers:

> *Chief Billy Two Rivers*: It's not good for the Mohawks.
>
> Chief Ovide Mercredi: It's good for the Mohawks.
>
> *Chief Two Rivers:* No sir, you can't say that, Ovide, because you don't have the authority or the jurisdiction to say that for the Mohawk people.
>
> *Chief Mercredi:* I will say it.
>
> *Chief Two Rivers:* Ovide, you can't say that.
>
> *Chief Mercredi:* I will say it.
>
> *Chief Two Rivers*: ... all this, because you don't have the mandate to speak on behalf...
>
> *Chief Mercredi:* I have the mandate. I have the mandate.
>
> *Chief Two Rivers:* Oh no![88]

[87] The Journal. October 12, 1992, Placement 1.
[88] The Journal. October 14, 1992, Placement 1.

This exchange illustrates the kind of universalistic attitude that Mercredi frequently

displayed towards the Status-Indian Community. This attitude also extended to questions

of gender. As far as Mercredi was concerned, he could legitimately represent both

Status-Indian men *and* women, as reflected in the following statement:

> The Assembly of First Nations represents Indian people, regardless of their
> gender, men, women, and children, and at the table we represent the interests of
> all our people...The Assembly of First Nations as an organization, represents all
> these people and the women who belong to our societies can participate in that
> process and that's how we conducted our affairs so far.[89]

This tone is especially significant given that the Native Women's Association of Canada

(NWAC) had already put forward strong opposition to his assumption of gender

impartiality,[90] going so far as to take legal action to stop the referendum vote since

NWAC had been excluded from the negotiations.[91]

In addition to resisting their exclusion from the negotiations, NWAC also

criticized the Aboriginal self-government provisions, as illustrated in the following CBC

report:

> *CBC News Reporter Karen Webb:* Zellah MacDonald is an Aboriginal woman,
> who says her experience with the Native justice system has convinced her that
> Self-Government could be bad for women. She says she was told by Native men
> to forget about laying a sexual assault charge. She's afraid that if Self-

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[89] Sunday Report. October 18, 1992, Placement 10.

[90] Ironically, there were also claims that NWAC itself was acting illegitimately in bringing forth its protest, on the basis that it could not speak for all Status-Indian women. For example, on the CBC, Wendy Grant, Chief of the Musqueam Nation stated: "...the Native Women's Association, although they have concerns, do not speak on behalf of the traditional women within our societies." The National. October 13, Placement 3.

[91] According to NWAC lawyer Mary Eberts, "They [NWAC] were given a court order August 20th, saying they were entitled to participate, they have been ignored since then by the Federal government, and we say that the violation of their rights continues down to the present day." The National. October 13, 1992, Placement 3.

Government perpetuates that attitude, women like her could lose their legal rights to Canadian justice.

NWAC member Zellah McDonald: ...and if we make the choice that we want it through the criminal justice system of Canada, as it pertains to everyone else in Canada, that's our choice.[92]

NWAC members and lawyers figured prominently in the media, expressing concerns that the Aboriginal self-government provisions would jeopardize the protections they had achieved with the Charter of Rights. While NWAC did not oppose self government *per se*, it argued that any defensible model of self government had to include provisions to ensure that Aboriginal women would be protected by the Charter as well as have a voice in Aboriginal decision-making processes; otherwise they would continue to be dominated by Aboriginal men.

Amongst non-Aboriginals, Aboriginal self government received considerable support during the Charlottetown referendum campaign. Throughout the campaign, proponents defended the need for Aboriginal self government on grounds of justice, often in response to interviewers and commentators who asked questions that had a "but isn't difference dangerous" tone to them. In response to one such question, Prime Minister Mulroney stated: "You want to say "NO" to justice for Aboriginal peoples? I don't think you should...The Aboriginal peoples have fought for justice for 125 years, and now it's

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[92] *The National.* September 22, 1992, Placement 3.

their turn."[93] Similarly, then Justice Minister Kim Campbell defended the provisions as

follows:

> ...the Charlottetown Accord...empowers people, it brings people fully to the table of participation in Canadian governance. It provides an opportunity for Native people for the first time to do what other Canadians have been doing for a long time, mainly governing themselves, and I can tell you as a, you know, former Minister in the Department of Indian Affairs, the existing paternalistic relationship between the government of Canada and Aboriginal people is one that is a complete anomaly in this day and age and is demeaning to both parties.[94]

In another exchange, CBC News Anchor Peter Mansbridge questioned Ontario Attorney

General Ian Scott as follows:

> *Peter Mansbridge:* I live next door, say, to Elijah Harper. Will he have different rights as a result of this [Charlottetown] agreement than I do? Does he live under a different set of laws...?

> *Ian Scott:* ...The thing to note about Elijah Harper is that for 200 years his people have been living under a regime of different rights and lesser rights than we've had...[95]

These excerpts show that the differentiated citizenship discourse was clearly dominant

during the referendum campaign.

Still, those pursuing equal citizenship did express strong resistance to the self-

government provisions on numerous occasions. Gordon Wilson, the leader of the British

Columbia Liberal Party was especially forceful, arguing, "We should have one Canada,

indivisible, in which every Canadian is equal to every other Canadian regardless of their

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[93] The CTV News. September 21, 1992, Placement 1.
[94] The Journal. October 22, 1992, Placement 1.
[95] The National. October 11, 1992, Placement 11.

race, colour, creed, language, religion, gender or the province in which they live."[96]

Historian Michael Bliss also achieved considerable presence in the media, with statements such as the following:

> Does our feeling that the Natives of Canada have had a bad deal justify us making this kind of leap, and do we have the faith and the trust necessary, or, are we gonna wake up 40 years from now and find out that we've got an order of government based on race, that Aboriginal people are more separate than ever before.[97]

Others also presented similar arguments during the campaign, such as the following statement by newspaper columnist William Johnson:

> ...rather than do away with the colonialism of the Indian Act, what it [Aboriginal Self-Government] does is it perpetuates forever a form of apartheid and a form of colonialism where the different laws, different governments, only now it's natives who are giving the orders and doling out the welfare.[98]

These arguments – expressing a vision of equal citizenship – were by far the most common form of opposition to the Aboriginal self-government provisions put forward by non-Aboriginals during the referendum campaign.[99] What is especially interesting here is the manner in which both Bliss and Johnson utilize a form of inversion to undermine the differentiated citizenship discourse; by suggesting a connection between Aboriginal self government, race, and apartheid, they attempt to invert the difference discourse and

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[96]The CTV News. October 7, 1992, Placement 1.
[97]The Journal. October 5, 1992, Placement 1.
[98]The Journal. October 7, 1992, Placement 1.
[99] At no point in the transcripts was such an argument put forward by an Aboriginal person.

present it as a form of pre-liberalism.[100] Following the referendum, Mary Ellen Turpel

responded to these types of comments as follows:

> The equality-for-all argument, coupled with concerns about hierarchies of rights, are, in my view, empty yet troubling strains of opposition to Aboriginal peoples' status and rights in Canadian society. They were powerfully appealing to the public, as suspicion that some Canadians would not be equal to others was effective for the opposition campaign during the referendum debate. These concerns will endure because a discourse was created during the referendum campaign that will be with us for some time to come.[101]

As we know, the discourse of equal citizenship was not "created during the referendum

campaign," but Turpel's fears regarding the emerging strength of the equal citizenship

argument were certainly warranted.

Since Charlottetown, and the Royal Commission on Aboriginal Peoples that

followed, there have been a number of important steps taken toward achieving forms of

Aboriginal self government. The creation of the territory of Nunavut and the signing of

the Nisga'a Agreement are the most obvious examples. In this sense, one could argue

that forms of differentiated citizenship remain dominant today – at least where First

Nations are concerned. Yet despite significant support for these initiatives, they have

generated considerable controversy, often driven by the Reform Party and its equal

citizenship platform. While Reform remains somewhat marginal in this respect, its equal

citizenship provisions appear to have gained additional strength in the wake of the

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[100] For an interesting discussion of a somewhat similar tendency to use inversion in the United States, see Ronald Dworkin, Taking Rights Seriously. (Cambridge, Massachusetts: Harvard University Press, 1977) 229.
[101] "The Charlottetown Discord," 138.

Nisga'a Agreement. Furthermore, there is little new in this equal citizenship discourse;

indeed, it is, in effect, a return to the White Paper of 1969, almost explicitly so. For

example, Reform Party MP Garry Breitkreuz made the following statement during

Question Period in the House of Commons in 1996:

> Mr. Speaker, in 1969, back when our Prime Minister was Minister of Indian
> Affairs, the Liberals had a policy based on the fundamental principle of equality
> and 'non-discriminatory participation of Indian people in Canadian society'. If
> they had stayed on the equality track, maybe there would have been no OKA, no
> Gustafson Lake, no Ipperwash. I ask the Minister of Indian Affairs, when will he
> repeal the Indian Act which divides us on the basis of race and replace it with new
> legislation based on the principles of equality, democracy and accountability?[102]

Future opposition to Aboriginal self government will likely reflect the terms of the past,

as I illustrate below where I discuss the Reform Party's equal citizenship position at

greater length.

Since I began this case study with the Hawthorn Report, it is appropriate to

conclude by returning to one of its co-authors, Alan Cairns, and his recent suggestion that

we should attempt to revive the Hawthorn concept of "citizens plus". To be clear, Cairns

does not object, on the whole, to some form of differentiated citizenship in general or

Aboriginal self government in particular. What is notable however is Cairns' concern

with the fragmenting potential of self government as it is currently put forward and

defended. According to Cairns, in most discussions of self government,

> Although the saving clause 'within Canada,' is typically noted, relations with
> Canada are often described in instrumental terms. A pan-Canadian community
> engaged in common tasks, a coast-to-coast shared citizenship which knits us

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[102] News Release, November 22, 1996, Reform Party website.

together in one of our dimensions as a single political people exists at best as a shadowy background reality with little substance. In much of this literature there is a deep, if implicit strain of separatism.[103]

Remarkably, in response to what he believes is the fragmenting potential of treaty

federalism, Cairns suggests a return to the Hawthorn Report's notion of 'citizens plus'.

He notes, "citizens plus" had the purpose of integrating Aboriginal peoples *into* Canadian

citizenship; in contrast, those who defend treaty federalism – especially legal scholars –

do not pay sufficient attention to the question of how Aboriginal peoples will continue to

relate to the whole. Cairns' argument here reinforces my interpretation of the Hawthorn

Report above where I suggested that the "plus" was a tool to be used by federal

bureaucrats in order to facilitate the integration of Aboriginal peoples *into* Canadian

citizenship, and was thus never designed to encourage separation. The main difference

with treaty federalism is that, although Aboriginals will continue to be Canadian citizens,

the "plus" aspect takes the form of democratic autonomy. This autonomy would seem to

extend to the manner in which Aboriginal peoples relate to Canada in general and so

there is no binding mechanism, no safeguard to ensure political cohesion, because the

relationship cannot be controlled from above. It is quite revealing that the absence of a

binding mechanism makes Cairns uneasy, and that he believes that we should be

scrutinizing this relationship of Aboriginals to the whole, suggesting yet again the

perpetual preoccupation with cohesion and unity. In the second case study, it will

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[103] Cairns is speaking here of legal scholars in particular, "Political Science and What Holds Us Together: Aboriginal Peoples and the Canadian State," paper presented at the annual meetings of the Canadian Political Science Association, Sherbrooke, June 6-8, 1999, 296.

become clear that concerns with differentiated citizenship for Quebec are also grounded

in fears of fragmentation.

Case study II: Deconstructing equal provinces/asymmetrical federalism

In this case study, I examine the play of the equality/difference dichotomy in

recent attempts to bring Quebec into the post-1982 constitutional fold. Rather than

survey the wide-range of complex issues involved in these attempts,[104] I continue my

focus on the central axis of the impasse, which follows a symmetry/asymmetry pattern

where Quebec is concerned. The focal point of this section is the most recent quasi-

constitutional agreement, the Calgary Declaration. With the Calgary Declaration, the

irreconcilability of the impasse – when it takes the form of equality/difference or

symmetry/asymmetry – comes into clearest view. In order to contextualize my

discussion of the Calgary Declaration, I will begin with brief discussions of the Meech

Lake and Charlottetown Accords as well as the growing influence of the Reform Party

and its equal citizenship discourse.

The Meech Lake Accord (1987), the product of the "Quebec Round", was a

response to five minimum conditions, put forward by the Liberal Government of Quebec,

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[104] For extended discussions, see Peter Russell, Constitutional Odyssey: Can Canadians be a Sovereign People? (Toronto: University of Toronto Press, 1992); Alan C. Cairns, Disruptions: Constitutional Struggles, from the Charter to Meech Lake. Douglas E. Williams, ed., (Toronto: McClelland & Stewart Inc., 1991); Patrick J. Monahan, Meech Lake: The Inside Story. (Toronto: University of Toronto Press, 1991); Michael Behiels, ed., The Meech Lake Primer: Conflicting View of the 1987 Constitutional Accord. (Ottawa: University of Ottawa Press, 1989); Kenneth McRoberts & Patrick Monahan, eds., The Charlottetown Accord, the Referendum, and the Future of Canada. (Toronto; University of Toronto Press, 1993).

for Quebec's signing <u>Constitution Act 1982</u>. These five demands included, "the explicit

recognition of Québec as a distinct society; a guarantee of increased powers in

immigration matters; the limitation of federal spending power; recognition of a right to

veto; Québec's participation in the appointment of judges to the Supreme Court of

Canada."[105] The First Ministers were able to accommodate Quebec's demands, with

some variations, by ensuring that all of the powers delegated to Quebec were also

provided to all the other provinces. The key to the Accord, then, was provincial equality

or symmetry. The one exception, of course, was the Distinct Society Clause (DSC),

which took the following form:

> 2.(1) The Constitution of Canada shall be interpreted in a manner consistent with
> (a) the recognition that the existence of French speaking Canadians, centred in
> Quebec but also present elsewhere in Canada, and English-speaking Canadians,
> concentrated outside Quebec, constitutes a fundamental characteristic of Canada;
> and (b) the recognition that Quebec constitutes within Canada a distinct society.[106]

This presentation of the DSC was, not surprisingly, the result of considerable negotiation.

Quebec wanted to have its French character accented, yet there was considerable

resistance to this or to any deep form of Quebec differentiation.[107] Instead, with the

exception of the DSC, the Meech Lake Accord was grounded in strict provincial equality.

As David Milne argues,

> Any realistic look at the Meech Lake Accord itself would surely show that, with
> the single exception of the 'distinct society' clause, the equality principle trumped
> on every element of the package in the so-called Quebec round. Despite the fact

[105] Gil Rémillard, "Quebec's Quest for Survival and Equality via the Meech Lake Accord," in <u>The Meech Lake Primer</u>). 29. For further discussion, see Peter Russell, <u>Constitutional Odyssey</u>. 133-135.
[106] Constitutional Accord, June 3, 1987 (Meech Lake Accord).
[107] Monahan, <u>Meech Lake: The Inside Story</u>. 242-248.

that Quebec had tabled proposals providing for asymmetry over the veto in the amending formula and some other subjects, first ministers reasserted equality at every turn.[108]

Equality acted as a container for difference, ensuring that the distinctiveness of Quebec remained relatively shallow. However, despite the attempts to surround the DSC with equality, it generated explosive reactions in English Canada.

There were certainly other reasons for the unpopularity of the Meech Lake Accord and its failure in the summer of 1990. For example, the negotiation process, a form of executive federalism, and the ratification process, where no amendments would be entertained, were considered undemocratic and elitist by many – an affront to the new "citizens constitution" that had emerged with the Charter of Rights.[109] Another problem was that the idea of the "Quebec Round" antagonized groups such as First Nations, whose demands were entirely marginalized from the process.[110] And some expressed concern that, given all the powers it provided for the provinces, the Federal government would be weakened and national standards jeopardized. Still, it is generally believed that opposition to the DSC was the greatest cause of the Accord's downfall.

Some of the opposition to the DSC took the form of a defence of the Charter of Rights. For example, concerns were expressed on the part of feminist groups, among

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[108] David Milne, "Equality or Asymmetry: Why Choose?" Options for a New Canada. Ronald L. Watts and Douglas M. Brown, ed., (Toronto: University of Toronto Press, 1991) 297. See also, Jeremy Webber who discusses equal citizenship and the Meech Lake Accord at some length. Reimagining Canada. 141.

[109] See Alan Cairns, "Citizens (Outsiders) and Governments (Insiders) in Constitution-Making: The Case of Meech Lake," in Disruptions.

[110] See Alan Cairns, "Constitutional Minoritarianism in Canada," in Reconfigurations: Canadian Citizenship & Constitutional Change. Douglas E. Williams, ed., (Toronto: McClelland & Stewart Inc., 1995).

others, that certain Charter rights would be infringed or weakened as a result of the DSC.[111] Similar concerns resulted with regard to Quebec's Anglophones after the Quebec government's use of the notwithstanding clause in response to the Supreme Court's striking down Quebec's sign law, Bill 101. When the Quebec government put forward a new sign law, Bill 178, shielding it from the Charter with the use of the notwithstanding clause, opposition to the Meech Lake Accord solidified.[112] Many scholars and commentators have focused on this issue, most notably Charles Taylor, arguing that opposition to Meech Lake took the form of a defence of individual rights. Still, as I will argue in the next chapter, the central antagonism surrounding the DSC has not taken an individual vs. collective rights form. Robert Vipond has also made this case noting, especially with regard to Newfoundland Premier Clyde Wells, that:

> ...the conflict at the heart of Meech therefore was not between the Charter and federalism, or between individual and collective rights, much less between those who respect rights and those who don't. The conflict rather was exactly what he and the Quebec government said it was: a collision between two understandings of community, one tied to the universal implications of equality, the other more sensitive to the diversity that follows from autonomy.[113]

The main opposition to the DSC did not take the form of a defence of individual rights but instead centred on a rejection of asymmetry. Prominent Canadians such as Clyde Wells criticized the DSC on the grounds that it undermined the equality of

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[111] Mary Eberts, "The Constitution, the Charter and the Distinct Society Clause: Why Are Women Being Ignored," in The Meech Lake Primer.

[112] Kenneth McRoberts notes that opposition to the Accord was strong before the Quebec government's use of the notwithstanding clause. Misconceiving Canada: The Struggle for National Unity. (Toronto: Oxford University Press, 1997) 202-203.

[113] Robert Vipond, "From Provincial Autonomy to Provincial," 108.

Canadian citizens and provinces.[114] Throughout the English Canadian public sphere,

belligerent citizens rejected the idea that Quebec should be given "special treatment" –

they argued that the DSC was unfair and instead all Canadians and their provinces had to

be treated equally. While it was not the first time it had entered the Canadian public

sphere, one could certainly argue that this version of the equal citizenship discourse was

as aggressive and influential as any similar equality discourse in Canadian history.[115] So

strong was the opposition to the asymmetry entailed with the DSC that in the period

leading up to the Accord's failure in 1990 attempts were made to dilute the already

diluted asymmetry through amendments to the original agreement.[116] While these efforts

failed, further attempts to weaken the asymmetry entailed by the DSC would follow in

subsequent constitutional rounds. Given the vehemence with which English Canadians

rejected recognizing Quebec as a distinct society, it is not surprising that support for

Quebec sovereignty reached very high levels in the months following the failure of the

Accord. The result of English Canada's attempt to impose equality on Quebec was the

further strengthening and sharpening of a competing sub-unity.

In comparison with the Meech Lake Accord, the Charlottetown Accord was a far

more wide-ranging document that attempted to deal with many of the criticisms made by

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[114] For a fascinating discussion of Wells, see Robert Vipond, "From Provincial Autonomy to Provincial Equality (Or, Clyde Wells and the Distinct Society)" in Joseph Carens, ed., Is Quebec Nationalism Just? (Montreal & Kingston: McGill-Queen's University Press, 1995); for Trudeau's rejection to the Meech Lake Accord on similar grounds, see With a Bang, Not a Whimper: Pierre Trudeau Speaks Out. Donald Johnston, ed., (Toronto: Stoddart, 1988).

[115] Indeed, one could also argue that its populist flavour helped precipitate the emergence of the Reform Party.

[116] These attempts are discussed by David Milne, "Equality or Asymmetry: Why Choose?" 297-298.

English Canadians (as opposed to Quebecers) of the Meech Lake Accord. The strategy

of the First Ministers in constructing the Charlottetown Accord was, in effect, to include

a DSC but to surround it with even more equality provisions so as to ensure that only a

minimal degree of asymmetry resulted. Most of the relevant provisions were included

up-front in the "Canada Clause", where the "fundamental characteristics" of Canada were

outlined. Thus, the third provision of the Canada Clause states, "Quebec constitutes

within Canada a distinct society, which includes a French-speaking majority, a unique

culture and a civil law tradition."[117] This clause is then balanced and contained by an

equal provinces clause, the eighth provision of the Canada Clause, which reads as

follows, "Canadians confirm the principle of the equality of the provinces at the same

time as recognizing their diverse characteristics."[118] Following the list of "fundamental

characteristics" of Canada is a second DSC that states, "The role of the legislature and

Government of Quebec to preserve and promote the distinct society of Quebec is

affirmed"[119] Potential asymmetry resulting from the two distinct society clauses is then

limited by a further provision that appears towards the end of the Charlottetown text

which states that any agreement between the Federal government and one province must

be available to all the other provinces in order to "accord that other government equality

of treatment..."[120] While Quebec is recognized as a distinct society, then, there is a clear

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[117] Charlottetown Accord, Draft Legal Text, October 9, 1992. 2. (1) (c).
[118] Charlottetown Accord, Draft Legal Text, October 9, 1992. 2. (1) (h).
[119] Charlottetown Accord, Draft Legal Text, October 9, 1992, 2 (2).
[120] Charlottetown Accord, Draft Legal Text, October 9, 1992, 126A. (5).

effort to set this within an equal provinces framework so that all the provinces have access to the same powers.

Still, this solution failed to resolve the impasse since English Canadians rejected even this diluted and contained distinct society clause. Perhaps more than anyone, Pierre Trudeau was responsible since, as he had done previously with the Meech Lake Accord, he spoke out widely against the DSC of the Charlottetown Accord. For example, in his famous "Maison Egg-Roll" speech, Trudeau responded to the equal provinces provision as follows:

> That's really something: they confirm the equality of the provinces, after having said in the same article, in a sub-clause, that Quebec is a *distinct* society and it is the *only* distinct province in the Constitution. So what is this now about telling the provinces they are all equal?[121]

The reaction against the DSC was exacerbated by another provision that guaranteed Quebec a minimum of twenty-five percent of the seats in the House of Commons,[122] a provision that was vigorously rejected during the referendum campaign. Many commentators objected to the provision because it was seen as antithetical to the notion of representation by population and was therefore unfair. This objection is apparent in the following television exchange during the Charlottetown Referendum, when a CBC reporter asked a member of the public what she thought about the Quebec guarantee of seats:

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[121] Trudeau: "A mess that deserves a big NO". (Toronto: Robert Davies Publishing, 1992).
[122] Section 51A(2)(b) of the Charlottetown Accord states "Quebec shall always be entitled to a number of members in the House of Commons that is no fewer than twenty-five per cent of the total number of members in the House of Commons." Charlottetown Accord, Draft Legal Text. October 9, 1992.

CBC Reporter Jerry Thompson: First-aid attendant, Eileen Bonagaro likes 90-percent of the deal and wants to vote 'YES'...But, there are things she really doesn't like. She says Quebec should not be more equal than the rest of Canada.

Eileen Bongaro: I feel very strongly that each person in Canada should have exactly the same say in the government, and at the moment with Quebec getting 25-percent of the collective votes, the person in Quebec at the moment has more say than I do, and I don't think that anyone, regardless of their nationality, creed, whatever, should have any more say than anyone else in Canada, whether they be French or Indian or German or Japanese, or me. [123]

Similarly, in another example, a British Columbian was asked to comment on the

provision:

Lawrence Bellmore: I think B.C here is getting the rotten end of the stick.

CBC Reporter Alison Smith: Why is that?

Lawrence Bellmore: Why is that? Well, why should Quebec get 25-percent of the representatives? What's so special about them? [124]

During the referendum campaign, B.C. radio commentator Rafe Mair, a prominent

spokesperson for the "NO" side, became well-known for expressing similar views:

Quebec has got special status...The 25% for Quebec in the House of Commons, that means something very much to people in British Columbia. We see ourselves in the next 25 or 30 years as being as big as Quebec, and the fact that we have not got the same seats or anywhere near the same seats in the Commons is a problem. [125]

In response to this argument, many referendum actors commonly defended the

provision on the grounds that Quebec's culture was fragile and thus in need of protection

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[123] The Journal. October 2, 1992, Placement 2.
[124] The National. October 13, 1992, Placement 11.
[125] The Journal. September 17, 1992, Placement 2.

in a way that distinguished it from other provinces such as B.C.[126] As Prime Minister

Mulroney put it: "If you do not have these kinds of arrangement in a confederation,

French Canadians inevitably will become Cajuns and they don't want to become dancers

in Louisiana, with Banjos."[127] The equal and differentiated citizenship positions clashed

throughout the referendum campaign, as in the following exchange between Jim Nielsen,

former B.C. politician, and then federal Justice Minister Kim Campbell:

> Jim Nielsen: I think it would be dreadfully wrong for the country to introduce a
> system whereby the provinces and the people of the country are not to be treated
> equally...
>
> Kim Campbell: But they've never been treated equally...The whole, the whole
> principle of Canadian confederation...is that we treat people differently to ensure
> that they can be equal. And that is the great fallacy in this debate, that somehow
> equality is sameness. It's not sameness.
>
> Jim Nielsen: Of course it's not sameness, it's...
>
> Kim Campbell: If you treat me the way you are treated, as a woman...the result
> will be that I will be unequal in many, many circumstances.
>
> Jim Nielsen: No, I appreciate that, but we have to be practical too. We can't
> obviously give someone a distinct advantage. We and other parts of the country
> are distinct too.[128]

Nielsen equates the equality of individuals with the equality of provinces. Yet what is

especially notable in this framing of the issue is that Nielsen (as well as Mair and the

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[126]In response to these objections, those supporting the provision argued that Canada has never really had true representation by population. The case of P.E.I. and its historical over-representation in the House of Commons in relation to its population was consistently used to support this claim. The Journal. October 2, 1992, Placement 2. Thus, the guaranteed minimum for Quebec was considered legitimate because it did not depart from prior practice.
[127]The CTV News. October 19, 1992, Placement 2.
[128]The Journal. October 16, 1992, Placement 2.

other proponents of equal citizenship) does not express any concern with Quebec's

having the ability to preserve and develop its distinct culture. Instead, he objects to the

idea that Quebec should have a special ability to do so. This position – what might be

called procedural *communitarianism* – was to become especially dominant in the Calgary

Declaration.

The Calgary Declaration

As with any constitutional proposal, the Calgary Declaration has a diverse array

of political roots beyond the constitutional realm. Since I will be focusing on the

conception of equality contained in the Declaration, it is appropriate that I begin with a

brief look at the role of the Reform Party, since it is currently the most prominent

Canadian proponent of equal citizenship.[129] Equal citizenship represents the ideological

backdrop for a range of high-profile Reform Party policies on Quebec, immigration,

Official Multiculturalism, Aboriginal self government, and affirmative action. During

the 1997 federal election campaign, Reform's posture towards Quebec was aggressive: in

direct opposition to any recognition of Quebec as a Distinct Society, the Reform Party

put forward a vision of Canada based, according to its election guide, "...on equality for

all citizens and provinces rather than special status for some."[130] As the election

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[129] The outcome of the Calgary meetings was influenced by the Reform Party on a number of fronts including issues related to democratic process and decentralization. However, I focus specifically on the equality provisions.

[130] "1997 Reform Party Election Platform Guide", Reform Party Web Page, November, 1997.

campaign progressed and it became increasingly likely that Reform would form the

Official Opposition, the media were more open to Reform's attempt to present its vision

of equal citizenship in a positive manner. What is especially notable is that Reform was

able to advance this vision with little explicit opposition. Indeed, the dominance of

Reform's equal-citizenship model was reflected in the failure of any party, with the

obvious exception of the Bloc Québécois, to offer a competing vision of citizenship.[131]

Having become the Official Opposition, after the federal election, it became clear

that the Reform Party would now play an especially pivotal role on the "National Unity"

front. Manning exerted his influence almost immediately: before the premiers' meeting

in Calgary, he wrote a letter to them outlining the kind of approach he thought they

should take. He urged them to develop "…a vision of a 21st-century Canada which

appeals deeply to all Canadians, including Quebecers. This vision must reconcile and

integrate the values and aspirations of importance to Canadians in every part of the

country." Manning emphasized the need to construct a common vision in order to

"strengthen the unity of the country", insisting that there be "…a strong commitment by

the federal government to the equality of citizens and provinces in law." At the same

time, Manning argued, each province must be given the "those tools required to protect

and develop the unique features of their economies and societies. This will *ensure that*

Quebec has the tools needed to protect and develop its unique language, culture, and

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[131] While there may have been some support expressed for a Distinct Society Clause, Aboriginal self government or asymmetrical federalism, it was rarely presented within a broader understanding of how Canadian citizenship might be constructed (e.g. as a form of "differentiated citizenship").

civil law tradition."[132] As will become clear below, the premiers eagerly followed Manning's advice.

The Calgary Declaration was negotiated by all the premiers and territorial leaders except for Bouchard of Quebec. The Prime Minister was not present nor were Aboriginal leaders or other group leaders. The negotiations centred around two competing requirements. On the one hand, the premiers had to provide some recognition to Quebec so as to strengthen the position of Quebec Liberal Opposition Leader Daniel Johnson against the separatist Parti Québécois. This requirement remained more or less unchanged from earlier constitutional rounds, although the sense of urgency may have been stronger for some of the premiers because of the narrow victory of the federalists in the 1995 Quebec referendum. On the other hand, however, there was the need to satisfy the equal-citizenship parameters set forth by the Reform Party. As Rosemary Speirs of The Toronto Star put it, "...the provincial leaders tried to find a formula so innocuous even a Manning couldn't object."[133] According to Maclean's:

> Fearful of starting what one premier called 'a political grassfire in the West,' the nine [premiers] made sure the document would be acceptable to Reform party Leader Preston Manning, who is so in tune with hard-line opinion towards Quebec separatists. They even chose to use many of Manning's own words...As the premiers prepared to leave Calgary's stately McDougall Centre to tell the country of their accomplishment, Ontario Premier Mike Harris phoned Manning to tell him: 'You won'.[134]

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[132] Preston Manning, "Letter to Premiers" July 21ˢᵗ, 1997. Reform Party Web site, November, 1997. Italics added.

[133] Rosemary Speirs, The Toronto Star. September 16, 1997, A17.

[134] Maclean's. Sept 29, 1997, 15. According to Globe and Mail columnist Jeffrey Simpson, "Mr. Manning's hand was not on the premier's pen, but his handwriting is nevertheless all over the document." Globe and Mail. September 16, 1997, A16.

That this is actually so is clear from the wording of the Calgary Declaration itself which

is as follows:

> *1.All Canadians are equal and have rights protected by law.*
>
> *2.All provinces, while diverse in their characteristics, have equality of status.*
>
> *3.Canada is graced by a diversity, tolerance, compassion and an equality of opportunity that is without rival in the world.*
>
> *4.Canada's gift of diversity includes Aboriginal peoples and cultures, the vitality of the English and French languages and a multicultural citizenry drawn from all parts of the world.*
>
> *5.In Canada's federal system, where respect for diversity and equality underlies unity, the unique character of Quebec society, including its French speaking majority, its culture and its tradition of civil law, is fundamental to the well being of Canada. Consequently, the legislature and Government of Quebec have a role to protect and develop the unique character of Quebec society within Canada.*
>
> *6.If any future constitutional amendment confers powers on one province, these powers must be available to all provinces.*
>
> *7.Canada is a federal system where federal, provincial, and territorial governments work in partnership while respecting each other's jurisdictions. Canadians want their governments to work cooperatively and with flexibility to ensure the efficiency and effectiveness of the federation. Canadians want their governments to work together particularly in the delivery of their social programs. Provinces and territories renew their commitment to work in partnership with the Government of Canada to best serve the needs of Canadians.*[135]

According to media accounts, the real sticking point in the negotiations was the

form and relationship between what was to become clauses five and six. In order to

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[135] Premiers' "Framework for Discussion on Canadian Unity" (September 14, 1997).

satisfy federalists in Quebec, the phrase: "unique character of Quebec society" was proposed as an alternative to the "distinct society clause" included in the Meech Lake and Charlottetown Accords. Much of the negotiations – driven by Premiers Clark of British Columbia and Klein of Alberta – centred on how to ensure that this statement as well as the accompanying phrase "the legislature and Government of Quebec have a role to protect and develop the unique character of Quebec society within Canada" would be appropriately channelled. The key for these premiers was to make sure that clause five did not confer, or appear to confer, special treatment upon Quebec. There was considerable disagreement as to whether a qualifying statement should be part of clause five, or should make up its own clause six.[136] According to Maclean's, the third draft of the declaration, proposed by the "hard-line" premiers, included the following:

> It is not the intention of this proposal to confer additional powers, but if any powers are conferred on one province as a result of this proposal, then these powers should apply equally to any other province in comparable circumstances.[137]

However, this clause was seen as too confrontational by several of the premiers and a compromise, brokered by Premier Harris of Ontario, enabled Clark and Klein to adopt a less aggressive posture toward Quebec.[138] Eventually, the clause was re-written as its own sixth clause, taking the form: "If any future constitutional amendment confers

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[136]Globe and Mail. September 16, 1997, A4.
[137] Maclean's. September 29, 1997, 15.
[138] In return, Harris agreed to contact the Prime Minister to arrange a First Minister's meeting on social programmes, including the issue of devolution of powers to the provinces. Globe and Mail. September 16, 1997, A4.

powers on one province, these powers must be available to all provinces." The recognition of Quebec's uniqueness thus became firmly situated within the confines of provincial equality.

The premiers were forced to deal with the same tension when placing the Calgary Declaration before their provincial constituents. As a result, the premiers constantly emphasized that the Declaration was designed to allow Quebec space to preserve its "uniqueness" without providing it with anything beyond what other provinces may also receive. Here, the premiers attempted to pre-empt cries of "special treatment".[139] The web site of the Saskatchewan government illustrated this sentiment well. The government itself posed the dreaded, but expected, question: "Aren't the Premiers just coming back at us with another special deal for Quebec?" Its response: "The answer is NO. This isn't a special deal for any one province." It then goes on to say,

> People in Quebec who believe in Canada need to hear the rest of us say that they can be in Canada and protect their language, culture and legal system – that's principle 5...The rest of us need to hear that there will be no special deals for any one province...that's principle 6.[140]

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[139]The single exception to this emphasis that I came across was in a background paper included on the government of Saskatchewan's "Unity" Web Site: (November, 1997) which acknowledged that differential treatment is sometimes necessary:

> Equality under the Charter does not necessarily mean sameness of treatment. The law recognizes that in order to guarantee equality for all Canadians it is sometimes necessary to treat individuals in a way that takes into account their unique needs and characteristics. For example, a person who is physically challenged may need special arrangements in the workplace in order to ensure that he or she is treated equally.

[140] Government of Saskatchewan, "Unity Web Site", November, 1997. The Government of Newfoundland presents the matter similarly: "Q. Will there be separate powers for any province? A. No. Principle 6 states clearly that if the Constitution is amended to give a power to one province, that power must be available to all provinces. Principle 5 recognizes that Quebec has a role to protect and develop its unique character, but no special powers are associated with that role". Government of Newfoundland web site, November, 1997.

Not surprisingly, the premiers were also extremely cautious in framing the much-

publicized shift from "distinct society" to "unique character". The following radio

exchange between Newfoundland Premier Brian Tobin and a telephone caller illustrates

this well:

> -Caller: ...I really don't agree with the statement because I think you're actually appeasing Quebec people again by the inclusion of the word "unique"...I mean its really – you know – that seems to be quite clear to everybody. Now I must say I don't have any allegiance to any particular party, but I do pick out the issues that I like and one of the things at the last election – I appreciated Preston Manning's statement – that he thought all Canadians should be treated equally.

> -Newfoundland Premier Brian Tobin: But, you know, Preston Manning supports the Calgary Declaration...the first words of the statement, the Calgary Declaration, are: "All Canadians are Equal"

> -Caller: Yes – but by asserting the word unique, it sort of – it cancels that out.

> -Brian Tobin [goes on to respond]:...I think we've got to bear in mind that these are premiers from provinces that are certainly not in the business of appeasing Quebec: British Columbia and Alberta and so on.[141]

Perhaps the real message is contained in the phrase "not in the business of appeasing

Quebec".[142]

The Calgary Declaration is important on a number of levels but, in the context of

this study, it is significant because it illustrates the logic behind the discourse of equal

citizens and provinces. The Calgary Declaration deals with the problem of diversity by

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[141] CBC Radio. As it Happens. "For the Record" replayed from CBC radio St. Johns, Crosstalk. Thursday, November 13, 1997.

[142] The Concise Oxford Dictionary of Current English. Eighth Ed. defines "appease" as "...1 make calm or quiet, esp. conciliate (a potential aggressor) by making concessions. 2 satisfy (an appetite, scruples)." (Oxford: Oxford University Press, 1990).

tethering it to a layer of equal treatment. The word equality (or equal) is mentioned in

clauses 1, 2, 3, 5, and implied in clause 6. The word "diversity" (or diverse) is mentioned

in clauses 2, 3, 4, and 5. The prominent usage of the word diversity demonstrates that the

Calgary Declaration is not an assimilationist strategy in the strong sense but rather

operates within the logic of the multicultural mosaic that I outlined in Chapter Two. The

word "diversity" is used to describe the uniqueness of *each* of the provinces (e.g.,

Quebec), and of Aboriginal Peoples, and ethnic groups. Equality is used to make it clear

that these manifestations of diversity are to be appropriately managed and/or controlled

by equal treatment. Thus, it is not surprising that the word "difference" is not mentioned

at all because it reflects the threat of diversity getting out of hand, of not being properly

controlled. The layer of uniformity implied by equality presumes that, whatever the

character of Canadian diversity, it does not go deeper – or must not go deeper – than this

layer.[143] Difference (or "deep diversity" in Charles Taylor's usage) must be suppressed

altogether.

While the Calgary Declaration proposes a general understanding of equal

treatment, it is particularly concerned with provincial equality. We are, once again,

speaking of equality in the sense of a layer of uniform treatment. There is a jump here

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[143]Preston Manning would probably argue that diversity (or difference) does not run deeper than this layer or, if he could be convinced otherwise, he would probably argue that it *should* be suppressed and that equality best performs this role. According to Thomas Flanagan, Manning's approach to politics is influenced by his "philosophy of oneness" or monism. Thus, "...Manning believes that there are, or should be, no fundamental distinctions between aboriginals and racial minorities and other Canadians, and that there are no distinctive women's issues." Waiting for the Wave: The Reform Party and Preston Manning. (Toronto: Stoddart, 1995) 34.

from the principle of equality of citizens to the principle of equality of provinces.[144] Just

as the citizens are diverse *but* equal, so are the provinces: all the provinces must have a

uniform degree of leeway in charting their relationship with Canada as a whole. Quebec

can do much to preserve its "unique character" but nothing that other provinces cannot

also do. We all have an equal ability — as citizens of provinces — to preserve our unique

provincial character through whatever efforts we choose. Quebec, is effectively put in its

place as just one of ten provinces (rather than one of two nations), making it possible for

Stephane Dion, the federal "Unity" Minister, to say, "The premiers have destroyed the

'special status' argument".[145]

Following the release of the Calgary Declaration, the premiers were preoccupied

with demonstrating to their constituents that they had indeed destroyed "special status".

For example, on its web site, the government of Saskatchewan attempted to frame

discussion of the phrase "unique character" by beginning, once again, with the expected

question, "Why should the 'Framework for Discussion on Canadian Unity' refer

specifically to Quebec's unique character?" The answer:

> ...in a sense, there is nothing unique about Quebec's uniqueness. Nor is there
> anything unique about the Quebec government's responsibilities toward its
> uniqueness. Nevertheless, this Principle is in accord with Canada's oldest
> constitutional traditions...This practice reflects the particular sense of
> vulnerability felt by North America's only French-speaking jurisdiction to being
> assimilated and, thereby, to being eradicated as a society with a unique character.

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[144] It is important to point out that, although provincial equality is presented as a self-evident truth, there is nothing in the logic or morality of the concept federalism nor in federalism as it has been practiced in Canada or elsewhere that requires that the units be treated "equally" (i.e. in a uniform manner).
[145] The Toronto Star. September 20, 1997, A1.

It then goes on to say, "Naturally, it is not only Quebec that has unique characteristics. The *same claim* can be made for all the provinces and territories of Canada."[146] As a result, Quebec is not receiving special treatment since it is merely one example of Canada's provincial diversity.

Not surprisingly, the premiers also emphasize the shift from "distinct society" to "unique character". For example, the Newfoundland government's web site poses the question, "In dealing with Quebec, why is "unique character" used instead of "distinct society"?" Its answer:

> ..."distinct" suggests a "separateness" that *is inconsistent with the concept of unity*. By contrast, "unique character" suggest something special which does not undermine unity. Therefore, "unique character" more accurately describes what is meant.[147]

The point, then, is that the two terms are to be judged according to whether or not their presence poses a threat to national unity. According to this criterion, the distinction between "distinct" and "unique" is spurious at best.[148] The real difference is one of political baggage since "distinct" has come to mean "special treatment" for Quebec and thus differentiation or "deep diversity". Still, what is crucial is that the term unique would develop much the same connotation as has the term "distinct" if it did not come heavily tied down by the frequent usage of the term "equality". The term "equality" has the effect of suppressing the force that the word "unique" would otherwise have. That

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[146] Italics mine. Government of Saskatchewan, "web site", November, 1997.
[147] Government of Newfoundland, "web site", November, 1997.
[148] For an interesting discussion of the differences between the two terms, see Globe and Mail. "Wordplay" September 20, 1997, D6.

this connotation is by design is evident in the way Preston Manning frames his support

for the Calgary Declaration, where he endorses the premiers' use of the phrase "unique

character" because: "...they linked the acknowledgment of uniqueness to the principles

of equality of citizens and provinces..." He goes on to warn that some will try to turn

this back into a "...modified distinct society clause by decoupling it from the equality

principle."[149] Diversity is presented as a given and whatever words are used – distinct or

unique – it must be appropriately channelled by the layer of uniformity brought with

equality.

In Canada, there *are* meaningful and important differences that go deeper than the

threshold of shallow diversity presumed by the layer of uniformity imposed in the

Calgary Declaration. Difference *is* suppressed by equality (as a layer of uniformity).

When the Calgary Declaration imposes equal treatment, our deep, untetherable

differences are invoked (and provoked). This is clearly illustrated in the responses to the

Calgary Declaration, where politicians from Quebec and Aboriginal leaders attempted to

reverse the direction of the dichotomy by making "difference" the dominant term. For

example, Premier Bouchard of Quebec reacted to the Calgary Declaration by calling it

"...a trap...an attempt to make Quebec's national reality disappear...the more we

examine it, the more we see that our Canadian neighbours' text belittles us, holds us

back, reduces us."[150] According to Quebec Intergovernmental Affairs Minister Jacques

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[149]Preston Manning, "Let the people in: Opposition leader calls for grassroots voice" Guest Editorial, Calgary Herald. September 23, 1997.
[150] Globe and Mail. editorial, September 18, 1997, A24.

Brassard, "They are intent on not recognizing a clearly visible and easily identifiable

reality: the Quebec people."[151]

Phil Fontaine, National Chief of the Assembly of First Nations, rejected the

Calgary Declaration on similar grounds. One newspaper article quotes him as stating

that, "We accept with generosity and kindness, multicultural groups and visible

minorities...But we are different − we are as well unique." In other words, Aboriginal

peoples cannot be constrained within the shallow notion of diversity implied by the

multicultural mosaic. The article then goes on to note that Fontaine,

> ...criticized the declaration for promoting equality of all citizens and blamed
> the Reform party for making it the norm in Canadian politics. "It's an attempt
> to deny the fact that we were here first, that we are unique, that we have our
> own languages, our own traditions, our own values, our own history."[152]

For Fontaine, then, equal treatment is an attempt to suppress difference, a move that he

resists by reasserting the differences of First Nations Peoples.

These comments represent a necessary rejection of the equality discourse in order

to reverse the direction of the dichotomy. But it is not enough to simply reverse the

values of the two terms in the dichotomy. Instead, as I argued above, it is necessary to

displace the dichotomy altogether. Otherwise, the struggle between competing unities is

simply perpetuated and the identities of Quebec and First Nations communities are put

forward in totalizing and exclusive terms. Yet it is not easy to displace the

equality/difference dichotomy. This is especially so when struggles for equality and

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[151] Robert McKenzie, "PQ criticizes premiers' plan," The Toronto Star. September 16, 1997, A6.
[152] Canadian Press, "Fontaine attacks unity declaration," The Toronto Star. November 4, 1997, A10.

difference are driven by a politics of recognition and set within an imperative to unity.

As I will argue in the next chapter, it is precisely this set of conditions that exacerbates

the Canadian impasse. To make this case, I will examine Taylor's attempt to resolve the

equality/difference dichotomy with his proposals for substantive liberalism and deep

diversity as well as Will Kymlicka's alternative proposal of a multinational Canada.

Chapter Five

Liberalism vs. Communitarianism, Equal Provinces vs. Deep Diversity, and the English Canadian Alternative

"...the people of Quebec must also understand the rest of the country has a soul too."
-Clyde Wells[1]

"The extreme positions always seem to win out here."
-Charles Taylor[2]

In the last chapter, I argued that the Canadian impasse is perpetuated by a failure

to displace the equality/difference dichotomy. Instead of rejecting the either/or framing

of equality/difference, many group leaders, politicians, activists, and scholars have

reinforced the terms of the dichotomy – and thus the Canadian impasse – by proposing

various forms of differentiated citizenship in opposition to the homogenizing tendencies

of equal citizenship. In this chapter, I extend this analysis by examining the relationship

between the equality/difference dichotomy, competing conceptions of community, and

the politics of recognition. I argue that the displacement of the dichotomy is especially

difficult where the relationship between Quebec and the rest of Canada is concerned

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[1] Testimony to Beaudoin-Dobbie Committee, 14 Jan. 1992, Minutes, 40:26 as quoted in Robert Vipond, "From Provincial Autonomy to Provincial Equality (Or, Clyde Wells and the Distinct Society," in Joseph Carens, ed., Is Quebec Nationalism Just? (Montreal & Kingston: McGill-Queen's University Press, 1995) 115.

[2] Quoted in Guy Laforest, "Philosophy and political judgment in a multinational federation," in Philosophy in an Age of Pluralism: The Philosophy of Charles Taylor in Question. James Tully, ed., (Cambridge: Cambridge University Press, 1994) 203.

since the terms of the dichotomy are reinforced by demands for recognition that revolve around mutually exclusive conceptions of the Canadian political community.

In recent years there have been several important scholarly attempts to understand the dichotomous positions that frame the Canadian impasse and to develop normative alternatives that aim to resolve it. I examine three of these alternatives here, two of which have been put forward by Charles Taylor and the third by Will Kymlicka, as well as by other scholars. In my view, each of these three alternatives fails – yet they still represent rich sources from which to draw insight into the Canadian impasse and to understand why it is so difficult to displace the dichotomous form of the debates.[3] The chapter is organized around descriptions and critiques of each of the alternatives, followed by a general discussion of the problematic logic of identity to which each succumbs.

In his first thesis, Taylor attempts to deal with the equality/difference dichotomy by framing it in terms of a conflict between procedural liberals (or liberal-individualists) in English Canada and substantive liberals (or liberal-communitarians) in Quebec. Taylor defends the substantive version of liberalism, but, since he believes that the two versions are philosophically incompatible, he argues that English Canadians must simply allow the substantive liberalism of Quebec to co-exist with procedural liberalism. With this influential interpretation, Taylor attempts to demonstrate why there is no real solution to the Canadian impasse, that it can only be managed so that we might learn to

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[3] It is, perhaps, the sign of a theorist's importance that we can learn much from his or her work even where we deem it to be flawed.

live alongside those with profoundly divergent worldviews. In contrast, I argue that Taylor misinterprets the impasse here, that it has little to do with competing liberal and communitarian philosophies, but that it instead revolves around competing visions of the Canadian political community. What Taylor describes as a procedural liberal discourse is in fact far from anti-communitarian; instead, its rhetoric of equal treatment is directed towards defending and extending its own conception of a unified and cohesive community in opposition to the conceptions of community put forward by many Québécois and Aboriginal peoples.

Taylor's second, and related, interpretation of the impasse centres on a conflict over Canadian federalism, which he believes can be easily resolved through institutional means since the competing positions are not in fact opposed. Here, Taylor's solution takes the form of what he calls "deep diversity", which is in effect a form of asymmetrical federalism. I argue that by presenting the impasse in institutional terms Taylor diverts attention from the heart of the antagonism, which is an equality/difference struggle that takes the form of demands for symmetry vs. asymmetry. While Taylor presents the difference discourses of Quebec and First Nations communities as reflecting a desire for recognition, he is unwilling to consider the equal citizenship discourse in similar terms. Drawing from Taylor's own theorizing on the historical roots of the equal citizenship discourse, I maintain that the equality discourse is also grounded in a longing for community, albeit one laden with resentment. Both the equality and difference discourses involve recognition claims, and the problem is that these claims are tied into

mutually exclusive conceptions of the Canadian political community. Therefore, deep

diversity recognizes one conception of the Canadian political community and necessarily

misrecognizes another, reinforcing the antagonism at the core of the impasse.

The third proposal, put forward by Will Kymlicka among others, builds on

Taylor's notion of deep diversity. Where Taylor diverts attention from the

equality/difference form in which the competing visions of community are pursued, the

third proposal strikes at the basis of this antagonism. Here, the equal citizens and

provinces discourse is understood as a recognition discourse, having the purpose of

reinforcing a pan-Canadian political unity where all Canadians are recognized as equals.

Kymlicka proposes a shift in English Canadian political identification away from a pan-

Canadian nation towards a focus on English Canada itself. With the development of an

English Canadian nation, the drive for recognition and community can be pursued

simultaneously and compatibly by English Canada, Quebec, and First Nations

communities. Ignoring the difficulties of actually developing an English Canadian

identity – which Kymlicka is well aware of – I argue that his approach is highly

problematic. It may well resolve the impasse as we know it, or at least moderate some of

its force, yet it is likely to simply displace the most unfortunate characteristics of the

impasse to another level – especially *within* English Canada. It is not too difficult to

imagine the scenario: with the development of an English Canadian nation, there will be

those who search for its authentic foundation, its basis of unity and cohesion. The

identity of English Canada will become a preoccupation, and there will be a search for

mechanisms of unity and cohesion. Threats to unity will be identified and suppressed, presumably through the imposition of some form of equality, generating sharp counter identities. Although it is impossible to know how such a situation would play out, we would likely – at least in certain respects – find ourselves where we started.

Like Taylor's deep diversity, the English Canadian alternative represents an important and sophisticated attempt to resolve the impasse of Canadian unity. Still, both proposals obscure important facets of the Canadian impasse and reinforce the character of the tensions at issue. The central problem with both is that they operate within and reinforce a logic of identity. Each centres on reified understandings of identity and community, a course which is extremely problematic since this logic of identity is itself the breeding ground for the dichotomous equality/difference struggles over recognition so central to the Canadian impasse. Rather than pursuing deep diversity or English Canadian nationalism, each of which reinforces specific categorizations of people, it is more sensible to reject the logic of identity altogether, and instead develop a politics of difference centred on the constantly shifting and overlapping play of Canadian identities.

From Hartz/Horowitz to liberalism vs. communitarianism

In order to contextualize the emergence of the liberal/communitarian thesis, which I will be discussing at some length, it is useful to begin this chapter by depicting briefly what has until recently been the most influential understanding of the historical origins of Canadian political culture: Gad Horowitz's adaptation of Louis Hartz's

fragment thesis to the Canadian context.[4] Horowitz believes that the key fragment in

Canadian political culture is liberalism, but he seeks to explain the presence of a socialist

fragment in Canada since no similar fragment exists in the United States. Horowitz

argues that the roots of Canadian socialism are in the tory fragment brought to Canada by

the Loyalists. Hence, Horowitz's famous notion of the "tory touch", based on the idea

that toryism always had the potential to develop into socialism since both ideologies are

organic in character in contrast to the individualistic underpinnings of liberalism.

Perhaps as a reflection of its widespread influence amongst Canadian scholars, the

Hartz/Horowitz thesis has been debated, scrutinized, and criticized from virtually every

conceivable angle.[5] Still, as influential as the Hartz/Horowitz thesis has been, it is no

longer the focal point of debate.[6] Instead, a different yet somewhat parallel

understanding is now becoming dominant. Where the Hartz/Horowitz thesis has the

primary purpose of explaining the historical roots of the Left/Right ideological make-up

of Canada, it has been overtaken in Canadian scholarly circles by a thesis that presents

Canadian history as revolving around a struggle between individualistic and collectivist

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[4] "Conservatism, Liberalism, and Socialism in Canada: An Interpretation," Canadian Journal of Economic and Political Science. 32: May 1966. Horowitz responds to some of his critics in "Notes on 'Conservatism, Liberalism and Socialism in Canada'", Canadian Journal of Political Science. XI:2, June 1978.

[5] The list of secondary literature on the Hartz/Horowitz thesis is a long one. See, in particular, Donald Forbes, "Hartz/Horowitz at Twenty: Nationalism, Toryism and Socialism in Canada and the United States", Canadian Journal of Political Science. XX:2, June, 1987; Nelson Wiseman, "A Note on 'Hartz-Horowitz at Twenty': The Case of French Canada", Canadian Journal of Political Science. December, 1988; and David V. J. Bell, The Roots of Disunity: A Study of Canadian Political Culture. Rev. ed., (Toronto: Oxford University Press, 1992) Chapter one.

[6] This is not to suggest that it is no longer engaged with, however. A recent examples is Elizabeth Mancke, Early Modern Imperial Governance and the Origins of Canadian Political Culture," Canadian Journal of Political Science. XXXII:1, March 1999, 2-20.

political orientations. To be sure, this is not a new thesis; for example, one could look

back to Ramsay Cook's interpretation of the French/English divide as reflecting

Rousseauian (i.e. collectivist) ideas in Quebec and Lockean (i.e. individualistic) ideas in

English Canada.[7] Yet the entrenchment of the Charter of Rights in 1982 has given the

thesis greater prominence so that the collectivist or communitarian demands of Quebec,

First Nations, women's groups, and ethnic groups are presented as increasingly coming _

up against a liberal-individualistic ideology.[8]

Janet Ajzenstat and Peter Smith have recently placed a version of the

individual/collective thesis in direct opposition to the Hart/Horowitz thesis, arguing that

there has never been a significant tory fragment in Canada. Instead, they suggest that the

divide is best understood in terms of liberalism opposed to various forms of civic

republicanism or communitarianism. Furthermore, they believe that this divide has deep

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[7] Canada and the French-Canadian Question. (Toronto: Macmillan, 1966) 146. As well, Seymour Martin Lipset has long argued that much the same divide reflects the different political orientations of Canada and the United States, where Canada is far more organic and collectivist than America. Continental Divide: The Values and Institutions of the United States and Canada. (New York: Routledge, 1990). It is commonplace for Canadian scholars to debate the extent to which long-term exposure to American political culture has left Canadian political culture Americanized and the entrenchment of the Charter of Rights in 1982 has only sharpened this discussion. See, for example, David Elkins "Facing Our Destiny: Rights and Canadian Distinctiveness," Canadian Journal of Political Science. XXII: 4 (December, 1989).

[8] Avigail Eisenberg critiques this view, especially with regard to Aboriginal/non-Aboriginal relations, arguing that "...the common characterization that Canada's governing and representative institutions are viewed as illegitimate among Aboriginal peoples because Aboriginal peoples subscribe to collectivism while Canadian political institutions reflect individualism is mistaken, and, further, it is insidious." "Domination and Political Representation in Canada," in Painting the Maple: Essays on Race, Gender, and the Construction of Canada. Veronica Strong-Boag, et. al. ed., (Vancouver: UBC Press, 1998) 49. In contrast, Darlene M. Johnston operates within the parameters of the liberal/communitarian divide, "Native Rights as Collective Rights: A Question of Group Self-Preservation," in Will Kymlicka, ed., The Rights of Minority Cultures. (Oxford: Oxford University Press, 1995). For further discussion, see Mary Ellen Turpel, "The Charlottetown Discord and Aboriginal Peoples' Struggles for Fundamental Political Change," in Kenneth McRoberts & Patrick Monahan, ed., The Charlottetown Accord, the Referendum, and the Future of Canada. (Toronto: University of Toronto Press, 1993) 135-138.

historical roots: in various guises, it has been the fundamental division in Canadian

politics since the nineteenth century, and is, in effect, the historical precursor to the

contemporary conflict between individualists and collectivists.[9] According to Ajzenstat

and Smith,

> It is time to reject the notion, so often reiterated in Canadian text books, and so
> well entrenched in Canadians' hearts, that the political thought of the modern era
> is marked by a conservative-liberal-socialist progression. Rather the political
> thought of the [Canadian] modern period moves between two poles, one reflecting
> the liberal philosophy of Enlightenment thinkers like John Locke and his
> successors, and the other the argument of thinkers like Jean-Jacques Rousseau,
> who rejected the Enlightenment's central tenets.[10]

Although I do not wish to engage with the historical argument of Ajzenstat and Smith

here nor do I attempt to determine whether the liberal/communitarian thesis is in fact

more historically accurate than the Hartz/Horowitz thesis, I would like to point out that

the two theses converge on one key issue. Both theses posit a divide between, on the one

hand, an individualistic liberal ideology and, on the other hand, an organic, collectivist, or

communitarian ideology. They differ, then, over the historical presence of toryism and

thus over the political roots of contemporary Left, socialist, communitarian, or civic

republican ideology. However, what is crucial, at least for my purposes, is the common

assumption in both theses that however defined (tory, socialist, communitarian, civic

republican) a collectivist ideology is in conflict with an individualistic liberalism and the

presence and character of the latter ideology is generally assumed. Yet it is rather odd

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[9] See, in particular, the first chapter by Janet Ajzenstat and Peter J. Smith in their edited collection, Canada's Origins: Liberal, Tory, or Republican. (Ottawa: Carleton University Press, 1995).
[10] Ajzenstat and Smith, Canada's Origins. 11.

that significant debate has been limited to the character of the ideological position doing

battle with Canadian liberalism, with less attention paid to the character of Canadian

liberalism itself.[11] In particular, I wonder whether this liberalism is in fact far less

individualistic and, indeed, far more organic than is typically thought to be the case, at

least in its popular contemporary variant. To probe this hypothesis, I shall turn now to

the work of Charles Taylor and what is certainly the most influential version[12] of the

liberal/communitarian thesis yet put forward in Canada.[13]

Taylor's first thesis: procedural vs. substantive liberalism

There is certainly much to recommend in the liberal vs. communitarian

understanding of Canadian political culture since it does seem to identify a major division

continually playing itself out in a wide range of political struggles. But does it really help

us understand the impasse of Canadian politics? Certainly Taylor believes it does and his

ideas have been very influential. Yet I think Taylor seriously distorts the character of the

antagonism central to Canada's unity struggles when he presents it in these liberal vs.

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[11] Janet Ajzenstat is an exception. See The Political Thought of Lord Durham. (Montreal and Kingston: McGill-Queen's) and the chapters in Part IV of Canada's Origins.

[12] Michael Ignatieff presents the Quebec/English Canada divide in much the same terms as Taylor, although he comes at it from a different perspective. Blood and Belonging: Journeys into the New Nationalism. (Toronto: Penguin Books, 1993) 168-169.

[13] Taylor's work in this area has been widely discussed. See, for example, Janet Ajzenstat, "Decline of Procedural Liberalism: The Slippery Slope to Secession" in Is Quebec Nationalism Just? Joseph H. Carens, ed., (Montreal & Kingston; McGill-Queen's University Press, 1995) 120-125; Ian Angus, A Border Within: National Identity, Cultural Plurality, and Wilderness. (Montreal & Kingston: McGill-Queen's University Press, 1997) Chapter 6; Raymond Bazowski, "Canadian Political Thought," in James P. Bickerton and Alain-G. Gagnon, Canadian Politics: 2nd edition. (Toronto: Broadview, 1996). 105-106; Guy Laforest, "Philosophy and political judgment in a multinational federation".

communitarian terms. The liberal-individualistic orientation is far from atomistic in its

politics but is instead driven, much like Taylor's own liberal-communitarian orientation,

by the desire for recognition within the context of a cohesive and unified community.

Rather than thinking of the debates in the terms of individualism *or* collectivism, we can

more profitably try to understand the ways in which they revolve around mutually

exclusive understandings of community and nation. In this section, I focus specifically

on Taylor's thesis since he has more than anyone influenced Canadian scholarship in the

direction that I wish to dispute.

In his "Politics of Recognition" essay Taylor presents his liberal/communitarian

understanding of the Canadian impasse as an illustration of his more general analysis of

the divide between equal and differentiated citizenship. Although Taylor does not

actually use the term "equality/difference dichotomy", his description of the two

positions reflects the way that I use the term:

> For one, the principle of equal respect requires that we treat people in a
> difference-blind fashion...For the other, we have to recognize and even foster
> particularity. The reproach the first makes to the second is just that it violates the
> principle of nondiscrimination. The reproach the second makes to the first is that
> it negates identity by forcing people into a homogeneous mold that is untrue to
> them.[14]

Taylor argues that this divide has a deep and somewhat paradoxical history since both the

equal and differentiated citizenship positions are rooted in what he calls a "politics of

equal recognition" that emerged out of the philosophical enquiries of Rousseau, Hegel,

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[14] "The Politics of Recognition", 43.

and Herder, among others. Indeed, he argues that the difference position in fact emerges

out of the equality position. As Taylor says, there is great irony here, for "…even though

one politics springs from the other, by one of those shifts in the definition of key terms

with which we're familiar, the two diverge quite seriously from each other."[15] Hence, we

are left with Taylor's version of the equality/difference dichotomy.

My aim here is not to engage with Taylor's presentation of the philosophical roots

of the equality and difference discourses, but rather to examine the way he draws from

this philosophical lineage to depict their current usage. Taylor notes that with the

contemporary politics of difference there is a familiar charge that the equal or same

treatment of everyone inevitably leads towards discrimination against certain

disadvantaged groups, whether on the basis of gender, race, or other criteria, since equal

treatment has an inevitable homogenizing effect. Thus, in order to reach a situation of

non-discrimination and equal respect for all, it is necessary to acknowledge various

citizenship-based distinctions and justify certain kinds of differential treatment.[16] This

sometimes takes a weak form, such as with affirmative action or "reverse

discrimination," where the eventual goal is to reach a point where equal treatment can

prevail without discrimination. But it also takes a stronger form, pursued by Taylor

himself, where cultural survival is itself the main goal.

Taylor examines three versions of the politics of "equal recognition" to determine

whether they are in fact guilty of homogenizing difference: the Rousseauian, the neo-

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[15] "The Politics of Recognition", 41.
[16] "The Politics of Recognition", 39.

Kantian (or procedural liberal), and his own proposal for substantive (or communitarian) liberalism. Taylor interprets Rousseau as driven by the premise that our dependence on others, as in the realm of opinion, leads to a condition of slavery. Where hierarchy exists, invidious comparison is inevitable and thus we are all enslaved. Rousseau's solution is to enforce a situation of equality, a situation of "freedom-in-equality".[17] In such a situation, although we will continue to crave the honour and esteem given by others and in this sense continue to depend on others, this dependence will be equal. In other words, Taylor interprets Rousseau as arguing that, "[a] perfectly balanced reciprocity takes the sting out of our dependence on opinion, and makes it compatible with liberty."[18] In addition to equality and reciprocity, Taylor suggests, Rousseau's vision also requires a tight unity of purpose: "[t]his unity makes possible the equality of esteem, but the fact that esteem is in principle equal in this system is essential to this unity of purpose itself."[19] The logical outcome is to reject citizen-based categories and instead to ensure that all citizens exist in a relationship of equal treatment; as Taylor sees it, Rousseau's insistence on a tight unity of purpose requires a rejection of differentiation altogether and is thus likely to be homogenizing and totalitarian.[20]

There are, of course, other interpretations of Rousseau – but what is important here is that Taylor not only rejects Rousseau, he also rejects without explanation the possibility that the contemporary equal citizenship discourse may best be interpreted in

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[17] "The Politics of Recognition," 45.
[18] "The Politics of Recognition," 48.
[19] "The Politics of Recognition," 49.
[20] "The Politics of Recognition," 50-51.

Rousseauian terms. Instead, in turning to the Canadian manifestation of the equal citizenship discourse, he puts Rousseau aside altogether and attempts a neo-Kantian interpretation. I think Taylor is quite mistaken here. While there is no doubt a neo-Kantian flavour to the Canadian equality discourse, it is driven by a rather un-Kantian — indeed a rather Rousseauian — desire for cohesion and unity.

To demonstrate, I turn now to Taylor's depiction of the Canadian impasse contained in "The Politics of Recognition" and "Shared and Divergent Values". Although there is considerable overlap between the two pieces, in the latter essay Taylor frames his discussion in somewhat different terms. Here, his central preoccupation is with understanding and reconciling Quebec's and English Canada's[21] conflicting answers to the question: what is Canada for? Paradoxically, Taylor notes that their answers to this existential question increasingly diverge as their values become more similar. For English Canadians, Canada has the purpose of ensuring law and order, a commitment to collective provisions and regional equalization, bilingualism, multiculturalism, and the Charter of Rights.[22] While there is clearly a great deal in this list that Quebec also values, for the French, Canada exists primarily as a space in which the Québecois nation can survive and flourish.[170] The problem is that Quebec's desire for cultural survival —

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[21] Taylor does not use the term "English Canada" preferring "Canada outside Quebec" or "COQ". I will use "English Canada" in order to be consistent with the rest of this study and because I believe that doing otherwise obscures the politics involved — especially given that "COQ" includes First Nations and other collectivities that make "substantive" claims similar to those put forward by Quebec. In contrast, the borders of "English Canada" are more porous.

[22] "Shared and Divergent Values," 157-162. All subsequent page numbers to this article will be included in parentheses in the text.

often taking the form of a demand for a Distinct Society Clause (DSC) in the constitution – has long been rejected by English Canada. Hence the impasse, which Taylor argues demonstrates the "genuine philosophic difference" of the liberal/communitarian divide.

Taylor depicts this philosophically-based divide as reflecting the debate that has taken place between what he calls substantive liberals (like Taylor himself) and Kantian-inspired procedural liberals (like Rawls and Dworkin), where substantive liberals are moderate communitarians whose liberal credentials Taylor seeks to emphasize and defend.[23] By charting the real-world conflict in these sorts of liberal/communitarian philosophical terms, Taylor is able to demonstrate the size of the political gulf that divides Quebec from the rest of Canada.[174] I argue below that this first thesis is seriously flawed, but first I will present Taylor's case.

According to Taylor, over the last few years a version of individualistic liberalism rooted in American-style proceduralism has become increasingly dominant in English Canada. This type of liberalism is procedural – as opposed to substantive – because it is based on the premise that the state must remain neutral in its relations with citizens. The state must not endorse, nor can it support, any one person or group's conception of the good life since this type of support might discriminate against individuals who wish to pursue an alternative conception of the good. Individual rights and especially the principle of non-discrimination (where all individuals are treated equally as equals) are

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[23] Taylor does not use the term "communitarianism" here, preferring to use the term substantive liberalism. Presumably, he does so in order to emphasize the liberal character of the communitarianism that he endorses in contrast to some other less liberal (and sometimes anti-liberal) forms.

the two pillars of this approach. Together they ensure that the state will provide as much room as possible for each individual to search out and live his or her own conception of the good life without privileging some conceptions over others. [174]

The problem as Taylor presents it is that Quebec's political culture is rooted in a "substantive" form of liberalism that is philosophically incompatible with the procedural liberalism common in English Canada. Whereas in English Canada there is an emphasis on the state's remaining neutral on the question of the good, in Quebec, the emphasis is on state intervention and in particular the explicit encouragement of the survival of the French language and thus the Québécois nation. The Quebec state must inevitably valorize some ways of living over others – that is, those geared towards preserving or enhancing the French language – thereby contravening the neutral imperative of procedural liberalism.[177] Although it may appear that Official Bilingualism already has the purpose of protecting the French language throughout Canada, it does not in fact conflict with procedural liberalism because it can be defended in terms of individual rights; that is, all Canadians have equal access to the French and English languages. In contrast, as Taylor says, "The collective goal [of Quebec] goes beyond this. The aim is not only that Francophones be served in French but that there still be Francophones there in the next generation."[165] Of course, Taylor wishes to defend this collective goal.

The clash between the two versions of liberalism manifests itself most clearly in the rejection by English Canada of the Distinct Society Clause for Quebec, which was included in the failed Meech Lake Accord of 1987, discussed in the last chapter.[24] According to Taylor, English Canadians view the DSC as having the purpose of providing the government of Quebec with enhanced power and the legitimacy to carry forward its substantive brand of liberalism. This is not acceptable to those English Canadians whose version of procedural liberalism is antithetical to the kind of substantive project of cultural survival that Quebec seeks to pursue. The DSC would make it easier for the government of Quebec to pursue substantive policies (say, to increase the usage of French) that might be seen as discriminating against minorities in Quebec (i.e. Anglophones). Indeed, English Canadians have already reacted with anger at the discriminatory effects of Quebec's language laws and, in particular, to the Quebec government's blanket usage of the notwithstanding clause of the Charter of Rights. English Canadians view the DSC as enhancing the possibilities for such usage and at minimum endorsing Quebec's substantive brand of liberalism.

Taylor sees no philosophically available compromise, no middle ground, between these two versions of liberalism. Their fundamental goals cancel each other out.[25] As

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[24] Presumably, although Taylor's discussion is limited to Quebec, he would make much the same case where the demands of First Nations for cultural survival are concerned.

[25] Given this, it is rather odd that Fred Dallmayr presents Taylor as having moved beyond the liberal/communitarian debate:

> ...although often labelled a 'communitarian' and hence accused of collectivist tendencies, Taylor's approach in that study ["The Politics of Recognition"] is highly nuanced and circumspect...his argument completely sidesteps established school doctrines, especially the conundrums of individualism-collectivism.

such, procedural liberals in English Canada must simply acknowledge the liberal

credentials (i.e. commitment to minority rights) of substantive liberals in Quebec. In

Taylor's view, then, if Canadian federalism is to survive it must be flexible enough to

allow these two versions of liberalism to coexist, and this means that English Canada

must stop attempting to impose its own version of liberalism on Quebec.[26][178-179]

Taylor is well aware that this philosophical non-solution is unlikely to satisfy the

procedural liberals of English Canada, especially those who live in Quebec. But he is

dismissive of the kinds of critiques that procedural liberals make of the substantive

liberalism of Quebec, especially where the protection of minorities is concerned, because

he rejects the idea that procedural liberalism is the only form of liberalism worthy of

philosophical allegiance.

So this is not a compromise position nor does Taylor frame it as such. The

question for Taylor is, what are the chances of the procedural liberals in English Canada

tolerating the practice of a substantive liberalism in Quebec? Taylor argues that the

prospects of English Canada's making such a concession are seriously diminished by one

looming factor. As proceduralism becomes more and more ingrained in the culture of

English Canada, it begins to play a unifying role, becoming a central basis for Canadian

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"Democracy and Multiculturalism" in Democracy and Difference: Contesting the Boundaries of the Political. Seyla Benhabib, ed, (Princeton, Princeton University Press, 1996) 285.
[26] Samuel LaSelva argues that Canadian federalism is flexible enough to accommodate these divergent orientations, that the original design of federalism had the purpose of recognizing Quebec's distinct ways. The Moral Foundations of Canadian Federalism. (Montreal & Kingston: McGill-Queen's University Press, 1996) Chapter 7.

cohesion. Taylor puts this as follows, "[a]s the country gets more diverse, we are more

and more acutely aware of the divergences in our conceptions of the good life. It then

appears that what can and ought to bind us together are precisely the procedural norms

that govern our interaction."[165] Furthermore, it is in the growing prominence of the

1982 Charter of Rights that this procedurally-based unity is most clearly manifested,

since the Charter exists to protect individuals from state intrusion, and ensure an area of

state neutrality. According to Taylor,

> The special status for Quebec is plainly justified on the grounds of the defence
> and promotion of *la nation canadienne-francaise*...But this is a collective goal.
> The aim is to ensure the flourishing and survival of a community. The new
> patriotism of the Charter has given an impetus to a philosophy of rights and of
> non-discrimination that is highly suspicious of collective goals.[172]

For Taylor then it is on these grounds of Canadian unity that the clash between English

Canada and Quebec occurs. After all, if the Charter is to be the basis for Canadian unity,

procedural liberalism as manifested in the Charter must apply to everyone. But the DSC

undermines this uniform application since it could mean that the Charter would not apply

to the same extent in Quebec; instead it would allow, and even encourage, the

government of Quebec to undertake the kind of substantive projects that the Charter is

supposed to guard against. Just as so many people in English Canada reacted with

outrage when Quebec Premier Robert Bourassa invoked the notwithstanding clause, thus

undermining the Charter rights of Anglophone Quebecers, there was concern that the

DSC would make such infringements even more common. Resistance to the DSC is

therefore based on the fear that it would limit the scope of proceduralism in Canada and

undermine the basis for Canadian unity. As Taylor puts it, "...if the Charter is really serving as common ground, it is hard to accept that its meaning and application may be modulated in one part of the country...the Charter of all things had to apply in the same way to all Canadians."[178]

To summarize, Taylor's first thesis is that procedural liberalism in English Canada (or unity achieved through the uniform application of the Charter) conflicts with substantive liberalism in Quebec (or asymmetry as a result of the DSC, which has the purpose of ensuring cultural survival). Certainly, Taylor's first thesis is attractive in that it does seem to correspond in certain respects to the impasse of Canadian unity, yet it contains several weaknesses that are important enough to warrant extended attention. Before turning to these, it is worth pointing out that Taylor wrote "Shared and Divergent Values" in 1990, just after the failure of the Meech Lake Accord. For this reason, his argument revolves specifically around Quebec's rejected demands for a DSC to be included in the Accord and, as such, it focuses on a particular moment in Canadian constitutional history. Having said this, as I illustrated in the last chapter, a similar DSC was also included in the Charlottetown Accord of 1992 and it was rejected in much the same manner in the subsequent referendum. Nor have the terms of the debate – especially where the DSC is concerned – changed very much since that time; indeed, they have only become sharper. For this reason, Taylor's analysis has continued relevance beyond the specific rejection of the Meech Lake Accord.

Flaws in Taylor's first thesis

What are we to make of Taylor's first thesis, especially his failure to resolve the

philosophical divide that he has depicted? There are several possibilities. Some scholars

have examined the normative principles of procedural and substantive liberalism to

determine whether they can be reconciled or bridged in a manner that Taylor himself may

not have recognized. Will Kymlicka has attempted this exercise to some extent by

rooting what resembles a substantive liberal position in a classical liberal foundation.[27]

However, those who have followed Taylor in seeing the Canadian impasse in terms of

procedural and substantive liberalism (or liberalism and communitarianism) have been

unable to come to a resolution, not surprisingly since Taylor himself presents them as

philosophically incompatible.[28]

Given this incompatibility, another option is to pursue further normative work, to

determine whether one of the two positions can actually prevail amongst philosophers as

well as in the Canadian public sphere. Of course, Taylor himself has developed the

substantive liberal position in his scholarly work and in his role as a leading public

intellectual.[29] In contrast, Canadian procedural liberals have cast doubt on the liberal

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[27] For Kymlicka's most philosophical treatment of this question, see Liberalism, Community, and Culture. (Oxford, Clarendon Press, 1989). Of course, for most procedural liberals, this is far from a compromise position.

[28] For example, Sam LaSelva suggests that, "The dilemma may simply be irresolvable," The Moral Foundations of Canadian Federalism. 125.

[29] A pivotal early essay in the liberal/communitarian debates is "Atomism" in Philosophy and the Human Sciences: Philosophical Papers 2. (Cambridge: Cambridge University Press, 1986) 187-210; Taylor defends the substantive liberal position in the Canadian context in "Why Do Nations Have To Become States," in Reconciling the Solitudes: Essays on Canadian Federalism and Nationalism. (Montreal & Kingston: McGill-Queen's University Press, 1993).

credentials of Quebec's substantive liberalism.[30] In this way, a version of the liberal-communitarian debate is now playing out amongst Canadian scholars with regard to Quebec as well as to conflicts involving First Nations communities and other minorities. For the most part, the scholarly debate takes a less extreme form than the American-based philosophical one, especially given the milder (i.e. liberal) version of communitarianism proposed by Taylor. Still, there is no reason to believe that Canadian scholars will cease debating their liberal and communitarian positions anytime soon and, to the extent that Taylor is correct to argue that there is no philosophically available compromise between the two sides, we are left with disturbing implications for future relations between Quebec and the rest of Canada, not to mention struggles concerning other minorities. It would mean that the impasse is inherent in the makeup of Canada and that managing the tension is the most we can hope for.

Yet I wonder whether Taylor — and the proceduralist scholars who engage with him — is simply on the wrong track here. Indeed, I will argue that it does not make sense to try to resolve the philosophical liberal/communitarian divide in the Canadian context, since there is very good reason to doubt that the impasse between Quebec and English Canada actually takes this form in the first place.[31] The real-world ideological struggle is

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[30] Janet Ajzenstat has suggested that "...it is not always easy to see how substantive liberalism in Taylor's schema differs from the illiberal, closed regime." "Decline of Procedural Liberalism," 122; David J. Bercuson and Barry Cooper, Deconfederation: Canada Without Quebec. (Toronto: Key-Porter Books, 1991).

[31] Others have criticized Taylor's liberal/communitarian interpretation of the Canadian impasse on grounds similar to those I will propose here. For example, Joseph Carens suggests that Taylor "overstates the difference" between the political cultures of Quebec and English Canada: "Whatever its validity, the distinction marks a political, not a moral, divide, at least if fundamental principles of liberal democracy are

far more philosophically vague than Taylor acknowledges. In particular, the competing

philosophical preoccupations of liberals and communitarians have only indirect and

superficial relevance to the Canadian impasse, meaning that we gain little from studying

the impasse in the normative terms set out by Taylor and his proceduralist critics. As I

will argue, the terms of this philosophical debate actually distort our understanding. For

this reason, it is necessary to challenge Taylor's first thesis altogether and this challenge

could take several different paths. In what follows, I evaluate a number of potential flaws

in Taylor's approach, before presenting what I take to be the most important arguments

against his liberal/communitarian thesis.

One general problem with Taylor's approach is that he depicts the philosophical

contrast between the two versions of liberalism as too clearly in sync with the conflict

between Quebec and the rest of Canada. As Taylor himself surely realizes, neither

Quebec nor English Canada is ideologically or culturally homogeneous. Indeed, the

same sorts of debates that Taylor depicts between competing forms of liberalism seem to

play out in a similar manner *within* Quebec[32] and *within* English Canada in struggles

involving a wide range of minority groups. The political culture of each is thus always a

matter of significant contestation in a manner that often resembles the competing

rightly understood." "Immigration, Political Community, and the Transformation of Identity: Quebec's Immigration Policies in Critical Perspective," in Joseph H. Carens, Ed., Is Quebec Nationalism Just? 72-74. Similarly, Guy Laforest has suggested that "...the conflict between Canada and Québec is not about two models of liberalism..." "Philosophy and political judgment in a multinational federation," 205.

[32] For example, many commentators have argued that it is wrong to depict Quebec as somehow illiberal. As Joseph Carens points out, "...Quebecers often point with pride to the fact Quebec was the first jurisdiction within Canada to adopt a charter of rights and freedoms." "Immigration, Political Community, and the Transformation of Identity," 73.

positions Taylor depicts. As soon as we acknowledge the inherently messy, overlapping, and often-contradictory character of the political debate, we will become less inclined to view the impasse in the stark terms presented by Taylor. This may weaken Taylor's argument but it does not negate it since he merely has to show that procedural liberalism is a significant enough force in English Canada to lead to the ongoing rejection of the DSC in particular or asymmetry in general.

A similar line of argument is to suggest that resistance to the DSC, although proceduralist in character, is merely an anomalous response and that, generally speaking, there is no widespread culture of proceduralism in English Canada. If only a small number of English Canadians oppose the DSC on proceduralist grounds, and if these people are not themselves consistently proceduralist, then proceduralism could not represent a serious cause of the impasse in a more general sense. However, Taylor does not speak of mild, limited, or sporadic proceduralist opposition. Instead, he depicts the impasse as a general cultural conflict where proceduralism is prevalent throughout English Canada in opposition to substantive liberalism in Quebec. Thus, it is the strong case that Taylor aims to prove.

Given this strong case, the obvious empirical question is: *is* procedural liberalism really a significant force in English Canada? With the limitations of survey research on questions of this complexity, any answer will inevitably be impressionistic in character.[33]

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[33]Even in what is likely the most thorough quantitative study of Canadian attitudes towards rights, it is difficult to determine the degree of procedural (as opposed to substantive) liberalism in English Canada from the data provided. Paul M. Sniderman, Joseph F. Fletcher, Peter Russell, and Philip E. Tetlock, The

Yet Taylor himself notes the importance of "collective provisions" for English

Canadians, arguing that they are central to the manner in which they understand

themselves as Canadians. Furthermore, scholars such as Seymour Martin Lipset have

argued that Canadian political culture can be differentiated from American political

culture precisely on the grounds that there is a more organic or collectivist emphasis in

Canada. In contrast to American individualism, Canada has an Official Multiculturalism

policy, a stronger welfare state, universal health care, Canadian content provisions in the

cultural sphere, and so on.[34] It may seem then that Canadian political culture is at root

collectivist and organic as opposed to procedural liberal. However, one should not reach

this conclusion too prematurely since many of these forms of collective provision do not

necessarily conflict with procedural liberalism. Procedural liberalism does not oppose all

claims of the collective good that are agreed upon through democratic processes – except

in certain cases, such as where they are discriminatory and/or infringe upon individual

rights. For procedural liberals, the principle of non-discrimination is infringed when the

collective good is decided upon *prior* to democratic politics; that is, where the rules

governing politics are themselves geared towards fulfilling a substantive, potentially

discriminatory, goal.[35] Nevertheless, even given this more stringent test of

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Clash of Rights: Liberty, Equality, and Legitimacy in Pluralist Democracy. (New Haven: Yale University Press, 1996).

[34] Many people have made this point. See, for example, Ignatieff, "The Narcissism of Minor Difference" in Clash of Identities: Essays on Media, Manipulation, and Politics of the Self. (Toronto: Prentice Hall, 1996) 47.

[35] See Ajzenstat, Canada's Origins. 273 and "Decline of Procedural Liberalism," 122.

proceduralism, one could certainly make the case that Canadian politics has long been

infused with a considerable amount of substantive liberalism.[36]

Even if it is the case that liberal proceduralism in Canada has somewhat uneven

historical roots, and even if it is today a matter of considerable contestation, Taylor could

argue that proceduralism is emerging rapidly in English Canada, largely as a result of the

entrenchment of the Charter of Rights in 1982. After all, he might suggest that the

individualistic emphasis of Charter rights is an American phenomenon rooted in

procedural liberal principles and previously foreign to Canadians. So even if English

Canadian political culture was not previously proceduralist, one could argue, as Taylor

does, that the embrace of the Charter is making it far more so. Yet the fundamental

problem with this interpretation is that the Charter is anything but a straightforward

proceduralist document. While it certainly contains individual rights clauses typical of

liberal proceduralism, there are other clauses that conflict with strict liberal

proceduralism.[37] Indeed, whereas Taylor criticizes the Charter for its proceduralist

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[36] Examples include the Indian Act as well as the Constitution Act 1867 which includes language rights, minority language education, and religious schooling. For discussion of these and other collectivist provisions, see David J. Elkins, "Facing Our Destiny: Rights and Canadian Distinctiveness," in Canadian Journal of Political Science vol. XXII: 4, (December) 1989; and Michael Hartney, "Some Confusions Concerning Collective Rights," in Will Kymlicka, ed., The Rights of Minority Cultures. (Oxford: Oxford University Press, 1995).

[37] These include: language rights (s. 22); the ability to deny mobility rights in certain instances (s. 6.4); Aboriginal and Treaty rights (s. 25 and s. 35); multicultural rights (s. 27); and the override or "notwithstanding clause" (s.33). For discussion, see Hartney, "Some Confusions Concerning Collective Rights," 220 and Elkins, "Facing Our Destiny". One could also argue that the Charter's preamble referring to the "supremacy of God" is in violation of procedural principles of non-discrimination.

emphasis, some procedural liberal scholars decry the existence of substantive clauses.[38]

While we may debate the balance between the presence of procedural and substantive

liberalism in the Charter, and even agree that the scale tips toward proceduralism, we

seriously distort the character of the Charter by suggesting, as Taylor does, that it is a

straightforward proceduralist document. The tension between proceduralism and

substantive liberalism is manifested in the Charter itself to the point that even the

Charter's main non-discrimination or equality clause contains what can be interpreted as

a substantive sub-clause.[39] It is thus reasonable to suggest, following Guy Laforest, that

"the 1982 Charter of Rights and Freedoms, as well as the political culture of English-

speaking Canada, make ample room for Taylor's two models of liberalism".[40]

In response to this claim, Taylor may very well agree that the Charter is not

uniformly proceduralist. Still, he might suggest that whether or not the Charter reflects

(in reality) a procedural or substantive liberalism can be left for the constitutional experts

to decide, because what is really at issue is that the Charter has been embraced by

Canadians on proceduralist grounds. If Canadians view the Charter in proceduralist

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[38] Rainer Knopff and Ted Morton, "Canada's Court Party" in Rethinking the Constitution: Perspectives on Canadian Constitutional Reform, Interpretation, and Theory. Anthony A. Peacock, ed., (Toronto: Oxford University Press, 1996) 63-87.

[39] Section 15. (1) of the Charter of Rights says that "Every individual is equal before and under the law..." and section 15. (2) says that "Subsection (1) does not preclude any law, program, or activity that has as its object the amelioration of conditions of disadvantaged individuals or groups including those that are disadvantaged because of race, national or ethnic origin, colour, religion, sex, age or mental or physical ability".

[40] "Philosophy and political judgment in a multinational federation," 204; Similarly, Louis Balthazar notes that "Canadians have always understood, through their history and traditions, that individual rights, as primordial and precious as they may be, are empty if they are not complemented by collective rights..." "Identity and Nationalism in Quebec" in Clash of Identities: Essays on Media, Manipulation, and Politics of the Self. (Toronto: Prentice Hall, 1996) 102.

terms, and if the DSC were interpreted as weakening the Charter since it operates in the realm of collective rights, it would follow that the rejection of the DSC would be proceduralist in character. As Taylor says of the Charter, "First, it protects the rights of individuals in a variety of ways. Second, it guarantees equal treatment of citizens in a variety of respects; or, put another way, it defends against discriminatory treatment on a number of irrelevant grounds, such as race and sex." While he acknowledges that other provisions may be interpreted as giving power to collectivities, he suggests that these first two "dominate in the public consciousness".[41] Thus, whether or not Canadians have an accurate understanding of the Charter they have embraced a proceduralist image of it and it is *this* image that generates the antagonism toward the DSC.

But have Canadians really embraced the Charter in the terms of procedural liberalism? Taylor suggests that they have, yet he does not present adequate evidence of this embrace. This lapse in argumentation is itself suggestive since, taken as a whole, scholarship in this area suggests that the embrace of the Charter by Canadians is rooted in, at best, a conflicting assortment of beliefs and goals.[42] In contrast to Taylor's depiction, it is widely believed that the Charter has provided greater impetus for a variety of groups – feminists, Aboriginal peoples, ethnic groups, the disabled, and others – to

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[41] "Shared and Divergent Values," 172.
[42] For a discussion of the range of critical approaches to the Charter, see Richard Sigurdson, "Left- and Right-Wing Charterphobia in Canada: A Critique of the Critics," International Journal of Canadian Studies. 7-8 (1993): 95-115.

pursue legal strategies for collective change.[43] Although some scholars and activists

doubt the efficacy of these strategies,[44] to the extent that they typically have the effect of

prioritizing group-based concerns, they are clearly outside the parameters of procedural

liberalism; indeed, they are often antithetical to them. Therefore, even if the Charter has

been embraced by some in English Canada on account of its proceduralism, it is equally

the case that many groups have embraced it because it facilitates the pursuit of their

collective, or substantive, goals.[45] For this reason, if there is a tension between

procedural and substantive liberalism in Canada, it makes more sense to see this tension

as rooted *within the Charter itself*. In other words, the two positions that Taylor views as

philosophically incompatible co-exist (albeit uneasily) within what is one of Canada's

most pivotal legal documents. One could even take this a step further and suggest that

Charter-based struggles do not necessarily involve conflicting moral claims at all, but are

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[43] Alan Cairns has made this argument in a number of essays, for example, "Constitutional Minoritarianism in Canada," Reconfigurations: Canadian Citizenship & Constitutional Change. Douglas E. Williams, ed., (Toronto: McClelland & Stewart Inc., 1995) 119-141; also, see Knopff and Morton, "Canada's Court Party".

[44] Michael Mandel, The Charter of Rights and the Legalization of Politics in Canada. Rev. ed. (Toronto: Thompson Educational Publishing, 1994). Judy Fudge, "The Public/Private Distinction: The Possibilities of and the Limits to the Use of Charter Litigation to Further Feminist Struggles," Osgoode Hall Law Journal. 25, 1988: 485; Sherene Razack is somewhat more optimistic about the radical possibilities of Charter-based strategies, Canadian Feminism and the Law: The Women's Legal Education and Action Fund and the Pursuit of Equality. (Toronto: Second Story Press, 1991).

[45] To complicate matters further, some of the most vocal critics of the DSC have been feminist groups, such as the National Action Committee on the Status of Women, concerned that the clause will undermine women's equality rights; this was evident during both the Meech Lake and Charlottetown rounds. Yet NAC is generally far from procedural liberal in orientation nor does it object to giving additional powers to Quebec so that it can preserve and develop its culture. National Action Committee on the Status of Women, "NAC's Reponse to the Report of the Special Joint Committee on 'A Renewed Canada' (Beaudoin-Dobbie)" and "NAC says 'NO': The Charlottetown Agreement Threatens Equality Rights,"; Robert Vipond makes a similar point, "From Provincial Autonomy to Provincial Equality (Or, Clyde Wells and the Distinct Society". 111.

often political struggles acted out through various Charter provisions. In their important

book on the rights-based values of Canadians, Paul M. Sniderman, Joseph F. Fletcher,

Peter H. Russell, and Philip E. Tetlock make precisely this point, suggesting that

"...group rights are about groups, not rights, and this applies both to those who favor

them and those who reject them. Their natural effect, therefore, is to sharpen cleavages

between groups, whether one has in mind the group that loses under them or the group

that benefits from them."[46]

In making this case, I do not mean to imply that the Charter has not impacted the

conflict between Quebec and English Canada at all. Nor do I doubt that the Charter

encourages a form of national unity since many scholars have argued that it was designed

partly for that purpose.[47] Furthermore, I do not disagree with Taylor's claim that the

DSC has been rejected in English Canada partly in defence of the Charter. However, I

differ with Taylor in that I believe that the Charter is defended primarily *because* it has

become a basis of Canadian unity rather than for proceduralist reasons (i.e. defending

individual rights). To make this argument convincing, I still need to explain the intuitive

appeal of Taylor's depiction, which rests on the fact that the rejection of the DSC is

typically clothed in rhetoric that sounds very much like a defence of proceduralist liberal

principles. We have all heard the complaints of English Canadians who reject the DSC

using language such as "why are *they* so special?" and "we should all be treated equally".

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[46] Paul M. Sniderman, et. al., The Clash of Rights. 250.
[47] Peter H. Russell, "The Political Purposes of the Canadian Charter of Rights and Freedoms," The Canadian Bar Review. Vol. 61, 1983: 30; Rainer Knopff and F. L. Morton, Charter Politics. (Toronto: Nelson Canada, 1992) Chapter 13.

This rhetoric, repeated endlessly, clearly resembles procedural liberal principles – yet the rhetoric and the philosophical principles are often far from the same. There is always a danger when attempting as Taylor does to interpret political conflict within the terms of a complex philosophical debate. It is unlikely that the worldviews of Canadians – whether in English Canada or in Quebec – are as philosophically coherent as Taylor's depiction implies. Indeed, the views of those pursuing notions of equal treatment are characterized far more by inconsistency and contradiction than by philosophical clarity. For example, the Reform Party has clearly led the way in its antagonism toward recognizing Quebec as a Distinct Society and this has often taken the form of demands for equal treatment. However, although the Reform Party often utilizes a rhetoric that *sounds* much like procedural liberalism, it can hardly be said to follow Dworkin-style liberal principles of justice. Instead, the Reform Party exhibits many examples of what resembles substantive liberalism such as with matters concerning the sanctity of the heterosexual nuclear family form or the "the supremacy of God". Even so, this counter-argument can only take us so far. Those pursuing procedural liberalism may very well exhibit contradictory positions in situations where they are blind to the discriminatory effects of their positions (i.e. given the potency of social norms) or where they seek to justify discrimination by arguing, for example, that the nuclear family form is natural and thus inviolable. Such contradictions are inevitable; yet while they may cause us to doubt the possibility of a truly procedural liberalism, they do not necessarily mean that procedural liberal opposition to communitarian projects is any less procedural.

So even if the philosophical clarity of actual political discourse is in doubt, this does not mean that we should therefore ignore any resemblance between philosophical and political debate or that we should not attempt to determine how one influences the other. As Laforest says concerning Taylor's depiction of the Canadian impasse, "[t]here is indeed a peculiarly theoretical quality to the Canadian debate, which is largely about the meaning of justice in a federal society".[48] Nevertheless, despite this very strong resemblance, the connection may very well be superficial and misleading. The philosophical position may be rooted in assumptions and preoccupations of limited relevance in the political domain. Indeed, even where we appropriate precise philosophical language in a given political debate, we may be motivated by ends antithetical to the philosopher's reasoning.[49] A disjuncture of precisely this sort is evident where the appropriation of the procedural liberal language of non-discrimination is concerned.

Not anti-communitarianism but *equal* communitarianism

Taylor depicts the equal citizenship discourse as anti-communitarian even though those demanding equal citizenship frequently attempt to demonstrate support for Quebec or First Nations communities' attempts to preserve their own cultures. English

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[48] Guy Laforest, "Philosophy and political judgment in a multinational federation," 203.
[49] At the same time, philosophical reasoning is no doubt far more influenced by current political anxieties and preoccupations than many students of political theory believe. My point, here, is not to suggest that real world debates and philosophical reasoning take place in separate spheres without interaction. This sort of claim would be absurd. Instead, the point is that we cannot simply assume a clear and unproblematic relationship between the two.

Canadians who reject the DSC do not typically reject the idea of collective rights or cultural preservation. For example, the Canada Clause of the Charlottetown Accord included the following language: "Canadians are committed to a respect for individual and collective human rights and freedoms of all people."[50] Yet this clause did not engender opposition, or indeed discussion, during the Charlottetown Referendum campaign. Furthermore, as discussed in the previous chapter, the Calgary Declaration states, "the legislature and Government of Quebec have a role to protect and develop the unique character of Quebec society within Canada."[51]

I realize that there are some people in Canada whose rejection of the DSC does take place on more or less proceduralist principles. For some, the process of undertaking cultural preservation will automatically involve activities that infringe the individual rights of certain members of that community, such as the freedom of speech of Quebec's Anglophone minority who wish to advertise their businesses predominantly in English. This type of response is commonly put forward by the minority populations themselves (such as within Quebec[52] or amongst Aboriginal women[53]). What is interesting, however, is that the issue here is less one of discrimination or non-discrimination and

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[50] "Canada Clause", Consensus Report on the Constitution, Charlottetown, Final Text, August 28, 1992.

[51] Premiers' "Framework for Discussion on Canadian Unity" September 14, 1997, provision five.

[52] In 1989 the Equality Party of Quebec was formed in order to mobilize against Bill 178, the Quebec sign law. According to the Party's website, "Equality is a *civil rights* party dedicated to protecting all Quebecers of *all* ethnic and linguistic groups." Notably, the party rejects the DSC because it will encourage "the erosion of civil rights in Quebec" *as well as* because "The equality of the provinces would be adversely affected." Quoted from the Equality Party website: www.equality.qc.ca See also, Mordecai Richler, Oh Canada! Oh Quebec! Requiem for a Divided Country. (Toronto: Penguin Books, 1992).

[53] For example, as discussed in the previous chapter, some Aboriginal women (led by NWAC) opposed the Charlottetown Accord because they were concerned that their Charter rights would be weakened or overridden by the Aboriginal Self-government provisions.

more specifically about concerns that individual rights will be infringed. It is considered

reasonable and acceptable to pursue collective conceptions of the good, even though this

will mean prioritizing some conceptions of the good over other (usually minority)

conceptions. Yet this is only half of the procedural position, at least as depicted by

Taylor.

What is remarkable, however, is the *infrequency* with which even this mild

proceduralist position is put forward in Canadian political discourse. When rights are

discussed, it is usually in passing – with the periodic exception of Quebec's language

laws. Outside Quebec, the equal citizenship rejection of the DSC only rarely mentions

individual rights at all. As Janet Ajzenstat says,

> The true – and, I would argue, sad – fact about Canada today is that the rest of
> Canada is not vitally concerned about Quebec's treatment of its citizens, or any
> other issues relating to that province's internal policies…What those opposing
> Meech feared was not that Quebec would act autocratically, but that its gains in
> the constitutional area would be their loss, that Quebec would recover its
> 'favoured-child' status. [54]

In English Canada, the anti-DSC rhetoric of unfairness is not centrally concerned with the

treatment of Anglophones *in* Quebec. Instead, it amounts to a rejection of the idea that

Quebec should be allowed a *greater* ability to preserve its culture than other groups of

Canadians or that it is somehow *more* important that Quebec's culture be preserved.

"Why are they so special" amounts to a claim that – whether as British Columbians,

Albertans, or Ukrainians – Canadians should be able preserve and develop their cultures

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[54] Ajzenstat goes on to say that "Women's groups, multicultural groups, and Aboriginal people believed that the distinct society clause would detract from or dilute the constitutional status that they and their clients and member had acquired in 1982."Ajzenstat, "Decline of Procedural Liberalism," 129.

and furthermore there must be recognition of the equal importance of these collective projects. These beliefs are far from anti-communitarian; indeed, they are better interpreted as involving clashing forms of communitarianism.

Those pursuing equal citizenship wish to pursue collective projects, to ensure the cultural preservation and development of their communities, yet they insist that there be an equal or uniform basis for these collective projects. What is behind this insistence? To answer this question, it necessary to return to the imperative to unity and cohesion and to analyze the manner in which equal citizenship operates as a mechanism of unity. Taylor makes a connection between procedural liberalism and unity. As he puts it, "Dworkin claims that a liberal society is one which, as a society, adopts no particular substantive view about the ends of life. Rather, the society is *united around* strong procedural commitments to treat people with equal respect."[55] Given this, it seems to follow that the equality discourse would become a basis for unity. But is unity merely the *result* of the application of equal treatment, or is unity its main *purpose*? Procedural liberals such as Rawls and Dworkin might agree that the end result of the principle of non-discrimination could be cohesion and unity, and they would likely view this unity in positive terms. However, they would never suggest that unity is the overriding *purpose* of the procedural liberal application of equal treatment. The purpose of procedural

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[55] "Shared and Divergent Values," 174 italics added.

liberalism is to ensure freedom and human dignity, as they understand these concepts.

Unity (of certain types) may be welcomed, but it represents at best a derivative good.[56]

In contrast to the theorizing of Dworkin and Rawls, the Canadian version of the

equal treatment discourse is driven centrally not by principles of liberal justice, but by

dreams of a cohesive political community. Consider the following: few serious

philosophical accounts of procedural equality argue that equality necessarily entails *same*

treatment at all times. For Dworkin, "...the right to treatment as an equal is fundamental,

and the right to equal treatment, derivative. In some circumstances the right to treatment

as an equal will entail a right to equal treatment, but not, by any means, in all

circumstances."[57] This means that sometimes, in order to treat people as equals, it will

mean treating them differently in certain respects. Yet in the Canadian case, the

dogmatic insistence upon uniformity in the application of the Charter betrays the equal

citizenship discourse, demonstrating that it is primarily interested in a cohesive

community as opposed to liberal principles of justice. The Charter – *because it is a basis*

of unity – must be applied in the same or uniform manner to all Canadians. Dworkin

would never endorse this strategy since it is aimed not towards ensuring justice, or even

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[56] Key here is the distinction, central to procedural liberalism, between goal-based (teleological) and rights-based (deontological) theories of justice. Whereas Rawls and Dworkin ground their theories of justice in the latter, I am arguing that the Canadian equal citizenship discourse is driven by the former (the primary goal being unity). As Rawls explains, with teleological theories, "the good is defined independently from the right, and then the right is defined as that which maximizes the good." A Theory of Justice. (Cambridge, Mass.: Harvard University Press, 1971) 24; Ronald Dworkin, Taking Rights Seriously. (Cambridge, Mass: Harvard University Press, 1977) 171-177.
[57] Taking Rights Seriously. 227.

equal respect, but rather towards keeping everyone in line. The equal citizenship

discourse aims to suppress the different ways of certain groups in order to ensure unity.

The problem is that English Canadians view special recognition for Quebec or

any other group as weakening the common basis of belonging, the bond that binds

Canadians together. The equality discourse operates in the terms of what Foucault calls

the Rousseauian dream of "a transparent society, visible and legible in each of its parts,

the dream of there no longer existing any zones of darkness, zones established by the

privileges of royal power or the prerogatives of some corporation, zones of disorder."[58] It

is driven by a need for simplicity and clarity, so that everyone understands how all of the

others relate in the context of the whole. In the face of anxieties that result from

Canada's diversity, equal citizenship offers a degree of transparency to assure Canadians

that there is in fact a common basis of belonging. Put another way, citizenship-based

distinctions are rejected not because they infringe liberal principles of justice, but because

they undermine the sense of community that undifferentiated citizenship is supposed to

cultivate.

To summarize, even if procedural liberalism is present in Canadian political

culture, it is not central to the antagonism between Quebec and English Canada. Instead,

the impasse rests on competing visions of the basis of community in Canada. According

to the equal citizenship discourse, the Charter (whatever its individualistic or collectivist

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[58] Foucault in an interview with Jean-Pierre Barou and Michelle Perrot, "The Eye of Power" Power/Knowledge: Selected Interviews & Other Writings 1972-1977. Colin Gordon, ed., (New York: Pantheon, 1980) 152. Iris Marion Young discusses this Foucaultian theme in Justice and the Politics of Difference. (Princeton: Princeton University Press, 1990) 229.

characteristics) needs to be applied in a uniform manner, since otherwise it cannot act as a binding mechanism in Canadian politics. The liberal/communitarian debate is not in fact the pivot upon which the Canadian impasse rests, and Taylor confuses the issue by presenting it in these philosophical terms. Although the impasse does *resemble* this conflict in that some of the rhetoric used incorporates the language of these philosophical perspectives, it is more accurate to describe the impasse as *ideology* draped in philosophical clothing. In this case, focusing on the clothing only serves to obscure matters.

Taylor's second thesis: equal provinces vs. deep diversity

Having critiqued Taylor's first thesis, I will now turn to his second interpretation, where he depicts the impasse as revolving around a conflict between, on the one hand, the demand for greater autonomy for Quebec via the DSC and, on the other hand, more power for certain regions and provinces at the federal level in Ottawa. Depicted in this way, Taylor is correct to suggest that these demands are institutionally compatible and that this is in effect not a real tension at all. However, as I will demonstrate, Taylor has once again misinterpreted the antagonism at play. In doing so, his institutional solution of "deep diversity" is far more likely to reinforce, rather than resolve, the impasse between Quebec and the rest of Canada.

Taylor frames the second tension as follows: "One side [i.e. Quebec] wants to take a greater distance from the central government and legislature. The other [especially

those in Western Canada] wants a weightier place within them."[179] But, Taylor says,

"these demands are not logically opposed". Asymmetrical federalism can provide

Quebec with more autonomy (i.e. so it can pursue its substantive liberalism) and this can

easily co-exist with a reformed Senate, thereby providing the West with more power at

the federal level in Ottawa. These two changes are institutionally compatible because, as

Taylor puts it, "special status (for Quebec) has nothing to do with having more clout at

the centre."[180] They involve different types of attachment to the centre – neither better

or worse – that accommodate different, but not opposing, needs; at least, this is how

Taylor presents his second interpretation of the impasse.

Taylor's institutional solution of "deep diversity" (or what amounts to

asymmetrical federalism "plus") is one of the most widely discussed and appropriated

concepts in contemporary scholarship in Canadian politics.[59] The idea of deep diversity

is that different groups of people – provinces or First Nations or ethnic groups – would be

allowed to develop their attachment to the Canadian political community in different

ways and to different degrees. Taylor presents this as follows:

> To build a country for everyone, Canada would have to allow for second-level or
> "deep" diversity, in which a plurality of ways of belonging would also be
> acknowledged and accepted. Someone of, say, Italian extraction in Toronto or
> Ukrainian extraction in Edmonton might indeed feel Canadian as a bearer of

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[59] Joseph Carens, "Citizenship and the Challenge of Aboriginal Self-Government: Is Deep Diversity Desirable?" Culture, Citizenship, and Community: A Contextual Exploration of Justice as Evenhandedness. (Forthcoming: Oxford University Press) Chapter Eight; Will Kymlicka and Wayne Norman, "Return of the Citizen: A Survey of Recent Work on Citizenship Theory," in Ronald Beiner, ed., Theorizing Citizenship. (Albany: SUNY Press, 1995) 308-309; Daiva Stasiulis, " 'Deep Diversity': Race and Ethnicity in Canadian Politics," in Michael S. Whittington and Glen Williams, eds., Canadian Politics in the 1990s. Fourth Ed., (Toronto: Nelson Canada, 1995) 211-212.

individual rights in a multicultural mosaic. His or her belonging would not "pass through" some other community, although the ethnic identity might be important to him or her in various ways. But this person might nevertheless accept that a Québécois or a Cree or a Déné might belong in a very different way, that these persons were Canadian through being members of their national communities. Reciprocally, the Québécois, Cree, or Déné would accept the perfect legitimacy of the "mosaic" identity.[60]

For Taylor, a framework of deep diversity does not mean that some groups are privileged over others; all individuals and groups are of equal value but, because their needs vary widely, there must be an institutional mechanism flexible enough to accommodate these differences. Taylor thus presents deep diversity as a route to accommodating the differential needs and demands of Quebec, the Western provinces, First Nations, and other categories of people in Canada.

Before turning to some of the weaknesses in Taylor's second thesis, it is important to point out that Taylor is well aware that many will reject deep diversity on the belief it will lead to fragmentation. Thus, he asks,

> Is this [deep diversity] utopian? Could people ever come to see their country this way? Could they even find it exciting and an object of pride that they belong to a country that allows deep diversity? Pessimists say no, because they do not see how such a country could have a sense of unity. The model of citizenship has to be uniform, or people would have no sense of belonging to the same polity.[61]

Yet Taylor is in fact preoccupied with fragmentation and disunity.[62] Far from dismissing the problem of fragmentation, Taylor believes that those who attempt to pursue unity

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[60] "Shared and Divergent Values," 183.

[61] "Shared and Divergent Values," 183.

[62] Taylor concludes The Malaise of Modernity with a chapter entitled, "Against Fragmentation," (Concord, Ontario: Anansi, 1991). For a discussion of Taylor's concerns with fragmentation, see LaSelva, The Moral Foundations of Canadian Federalism. 186.

through a symmetry of equal citizens and provinces are far more likely to exacerbate disunity. For Taylor, deep diversity is the best way of countering fragmentation, and thus ensuring unity, and here his theorizing takes on a mild teleological flavour. Although he does not present things in precisely these terms, Taylor's conception of deep diversity implies a vision of Canada as an organic ensemble within which the dialectic of unity-in-difference may play out.[63]

Flaws in Taylor's second thesis

As a form of asymmetrical federalism, deep diversity is open to a number of criticisms. A common worry is that if Quebec distances itself from the centre by assuming greater powers, some of the other provinces will do the same, leading towards not only asymmetry but also decentralization. And Aboriginal self-government would only reinforce this process. Brian Schwartz has labelled this situation "buffet federalism".[64] Still, Canadian federalism has long been asymmetrical in practice, and there is no reason to believe that it cannot become even more so without the prospect of all the provinces demanding greater powers. Furthermore, while some Canadians argue that the provinces should have more powers in certain areas, this demand obviously

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[63]William Connolly argues that while Taylor rejects a strong form of teleological philosophy along the lines of Hegel, "Taylor proceeds from a rhetoric of self-realization within community, through a rhetoric of communal realization, to a rhetoric of progressive attunement to a harmonious direction in being." Identity\Difference: Democratic Negotiations of Political Paradox. (Ithaca: Cornell University Press, 1991) 89. For further discussion of Taylor's teleological tendencies, see William Corlett, Community Without Unity: A Politics of Derridian Extravagance. (Durham, North Carolina: Duke University Press, 1989) 51-53.

[64] "Canada Cannot Be Held Together By Taking It Apart," in "English Canada" speaks out. 342-344.

varies considerably by province. At any rate, there is no reason why this question should

not be open to democratic negotiation – even if it results in greater decentralization in

certain provinces and more federal powers in specific areas.

A number of scholars have also criticized Taylor for presenting the institutional

changes necessitated by deep diversity as relatively unproblematic. For example, David

Milne has argued that the institutional problems are serious and potentially difficult to

overcome.[65] Certainly, there would be many institutional matters to work out and we

cannot know in advance whether these institutions will work very well or whether we

will find ourselves in a situation of semi-permanent experimentation. Furthermore,

although we already have a form of asymmetrical federalism, a greater degree of

asymmetry may very well produce problems of democratic accountability and

legitimacy.[66] Nevertheless, while these challenges are real, these sorts of institutional

criticism miss the main point: the purpose of asymmetrical federalism or deep diversity is

not to appeal to scholars of federalism, constitutional lawyers, or federal-provincial

bureaucrats. The threshold of success centres not on institutional clarity but on whether it

resolves the impasse of Canadian politics – that is, whether Quebec, Aboriginal peoples,

English Canadians, and other groups can actually agree that this is the most suitable path

to follow. Canada's considerable experience with constitutional negotiation suggests that

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[65] "Equality or Asymmetry: Why Choose?" in Ronald L. Watts and Douglas M. Brown, ed., Options for a New Canada. (Toronto: University of Toronto Press, 1991).
[66] For example, if a given province assumes power in a certain area, does this mean that federal MPs from that province should not be able to play a role in this area?

reaching this type of agreement is the difficult part and questions of implementation, since they are less politically charged, will eventually be settled one way or the other.

Still, all of these institutional questions, however legitimate in their own right, divert attention from the central issue – the impasse of Canadian politics – which does not revolve around an institutional problem. Indeed, this is an area characterized by significant *agreement* in recent constitutional rounds. As illustrated in the previous chapter, Quebec has repeatedly demanded greater powers and, in response to these demands, the formula for agreement has been simple: keep it symmetrical, at least in principle. Give Quebec the powers that it demands – and provide all of the other provinces with access to them as well. With the Meech Lake Accord, this formula involved actually giving all the provinces the same powers demanded by Quebec. With the Charlottetown Accord and the Calgary Declaration, it involved clauses that would allow each province to assume powers given to any other province. In these latter two cases, symmetry is maintained in principle – since every province has access to exactly the same powers – even though asymmetry would certainly result in practice, since some provinces would choose to formally assume more of the available powers than others. Once again, this formula has been, and will continue to be, contested by many who worry that it would lead to extreme decentralization and thus limit the federal government's ability to ensure national standards. These concerns are real. Yet what is important in the context of this study is that all of the provinces (including Quebec at Meech Lake)

have continually been able to reach agreement on this question, meaning that this institutional issue cannot be the cause of the impasse.

The distribution of powers within the federal level is somewhat more complicated since it represents a zero-sum game where seats in the House of Commons and a reconstructed Senate are concerned; if one province gets more seats then others must get fewer. The Western provinces and the Reform Party have long demanded a triple-e Senate (i.e. elected, effective, equal) and, with regard to seat distribution, debate has generally centred over whether "equal" should mean equal seats for each province or region. The Charlottetown Accord contained equal numbers of seats for each province and a minimum guarantee of seats in the House of Commons for Quebec. This minimum guarantee eventually became a target of considerable criticism in English Canada during the referendum campaign on the grounds that it was unfair to provinces whose populations were growing and would thus end up having fewer representatives than Quebec in proportional terms. But even if the specifics of this provision were poorly conceived,[67] this minimum guarantee was not demanded by Quebec in the first place (since it was absent from the negotiations) and so it is unlikely to be a central issue in future constitutional talks.

Therefore, even though Taylor presents deep diversity as an *institutional* solution, the institutional distribution of powers is *not* the issue around which the impasse

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[67] Reg Whitaker, "The Dog that Never Barked: Who Killed Asymmetrical Federalism," in Kenneth McRoberts and Patrick Monahan, eds., The Charlottetown Accord, the Referendum, and the Future of Canada. (Toronto: University of Toronto Press, 1993) 108.

revolves. Instead, the impasse revolves around the one demand by Quebec that *cannot* be distributed symmetrically: that is, the distinct society clause. This demand reflects a clash over competing visions of the Canadian political community that follow a symmetrical/asymmetrical (or equality/difference) pattern. Quebec's demand to be recognized as distinct creates a symbolic asymmetry, and it is on this basis that it is rejected by English Canada since it amounts to a denial of its own symmetrical view of the pan-Canadian community. English Canada attempts to reassert symbolic symmetry by insisting that all of the provinces must be equal. Here, there is no problem with Quebec's having increased powers to preserve and develop its culture; indeed, this is considered Quebec's *responsibility*. Yet this cannot be a *distinct* responsibility since it applies to other Canadian communities as well; to say that Quebec is a distinct society is to imply that its project of cultural survival is more important than other such projects in Canada. Hence the shouts of "why are they so special?" In the Calgary Declaration, the English Canadian premiers attempted to respond to this concern by designating all the provinces as "unique" (i.e. equally unique). Yet this necessarily fails to accommodate Quebec's recognition demand and so we have an endless recognition struggle between symmetry and asymmetry – merely another manifestation of the equality/difference dichotomy. *This* is the ideological site of the impasse, which no amount of institutional manoeuvring can possible solve since the two conceptions of community pursued are mutually exclusive.

What is perhaps especially frustrating about Taylor's argument in this respect is that he understands that this is the main site of contestation – this question of symmetry or asymmetry – yet he presents the equality discourse as simply unworthy of critical engagement. As he puts it:

> ...the task [of resolving the impasse] will be utterly impossible if we persist in describing the problem in the misleading and often *demagogic language* of equality versus inequality of provinces. Put in these terms, the problem is a false one, and the present importance of this formulation is a sign of our lack of lucidity and the decline of good will.[68]

Finally, Taylor has come upon the heart of the impasse, and yet he can do little more than dismiss his opponents as demagogic – which does not get us very far in terms of developing an understanding of the antagonism at issue or displacing its dichotomous terms. Certainly, Taylor is correct to suggest that the demand for equal provinces is an attempt by English Canadians to suppress Quebec, but we have reason to expect from him a more sensitive understanding of the desire for community underpinning this attempt.

Mutually exclusive demands for recognition and community

Thus far, I have argued that both of Taylor's interpretations operate within the dichotomous equality/difference character of the impasse since his proposals, especially deep diversity, necessarily clash with the pan-Canadian vision of equal citizens and provinces put forward by English Canadians. Taylor understands this, yet he obscures

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[68] "Shared and Divergent Values," 181, italics added.

matters by framing his proposal of differentiated citizenship within the logic of a liberal/communitarian divide and then as an institutional solution to the impasse. Nevertheless, deep diversity is merely a defence of the "difference" side of the dichotomy and thus a rejection of the "equality" side. As soon as Taylor dispenses with his two interpretations and acknowledges, at least implicitly, that the impasse revolves around divergent conceptions of community and unity, he becomes less interested in compromise and more inclined to be dismissive: those on the equality or sameness side are characterized by Taylor as using "demagogic language", as presenting a "false" problem, as reflecting a "lack of lucidity" and as demonstrating a "decline of good will". Presented in these terms, the choice is clear, but the result is that deep diversity is, in effect, a non-solution where the Canadian impasse is concerned. As I argued in the previous chapter, the terms of the equality/difference dichotomy presuppose and nourish one another; given this, perhaps it is not surprising that Taylor's solution to the Canadian impasse is to reject one extreme by proposing another.

How then can we attain a better understanding of the equal citizenship discourse and its insistence on a form of symmetrical communitarianism? Consider, once again, Taylor's overarching question in "Shared and Divergent Values," "What is a country for?" Taylor suggests that, in the case of Quebec, recognition is a crucial part of the answer. Quebec demands to be recognized as a distinct society within Canada and Aboriginal peoples make similar demands for recognition; for each, as well as for other collectivities, Canada is a community where these sorts of recognition claims can be met.

But here we come upon Taylor's rather awkward lapse: he only considers and takes seriously demands for recognition emanating from the "difference" side of the impasse. This may be because of his mistaken assumption that, whereas Quebec and Aboriginal peoples are communitarian, English Canadians are liberal-individualists whose sense of self is not tied into claims of recognition as members of a community. But, as I have argued throughout this chapter, English Canadian discourse also has a communitarian – even nationalist – flavour. When we examine the English Canadian answer to the question "Why Canada?", we begin to see the extent to which the equality discourse is also a type of recognition claim. For English Canadians, Canada is the political entity, the community, within which all must have equal status as Canadian citizens. While Taylor frames this demand for equal status in the neo-Kantian terms of procedural liberalism, I think it is better understood in Rousseauian and Hegelian terms. Special status for Quebec undermines the English Canadian pursuit of a kind of Rousseauian freedom in political equality. It misrecognizes the self-understanding of English Canadians by, in effect, downgrading the way they relate to the Canadian political community.

Taylor might very well respond that what he is objecting to is the insistence upon strict *provincial* equality, which has little philosophical connection to the equal treatment of individual Canadians. However, as citizens of Canada, our belief in equal citizenship overflows into our conceptions of provincial equality as well since our citizenship is divided by federalism. As a result, in order to ensure equal respect as citizens of

provincial communities, each province must have an equal status within the federation.

As soon as one province or community is labelled a "Distinct Society", it is viewed to

have achieved a privileged status (even if this is not meant to be the case), which thereby

(via the power of invidious comparison) downgrades the status of all other provinces and

their citizens.[69] As Jeremy Webber has noted, "we have fallen into the habit of treating

any distinction as an element in a hierarchy."[70] Deep diversity does not attend to the

problem of invidious comparison. It fails to resolve Rousseau's problem – the one

towards which equal treatment was directed in the first place. Just as Quebec pursues the

DSC for reasons of recognition, English Canada rejects it because it conflicts with its

own pursuit of recognition and community. The two sets of recognition demands

inevitably clash in a zero-sum battle since the basis of community upon which each

pursues recognition is antithetical to the other. There is no possible institutional solution

available. Either the importance of Quebec within the Canadian political community is

downgraded (one of ten equals) or the importance of the other nine provinces is

downgraded to a secondary layer of belonging to the Canadian political community.

I do not mean to imply that the desire for recognition and community being

expressed through the equality discourse is in any sense justified. Indeed, it is obviously

extremely problematic since it is designed as a club to keep minorities in line, to deny

them distinct recognition within the context of the Canadian political community. This

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[69] For a fascinating discussion of this dynamic, especially with regard to former Newfoundland Premier Clyde Wells, see Robert Vipond, "From Provincial Autonomy to Provincial Equality (Or, Clyde Wells and the Distinct Society."
[70] Webber, Reimagining Canada. 27.

situation is clearly exacerbated by the resentment felt by many English Canadians

towards Quebec and other minorities, resentment rooted in numerous social, economic,

and political causes.[71] However, in the context of this study, one explanation for the form

in which the resentment is expressed (i.e. through equal treatment) is that the existence of

Quebec and to a lesser degree other minorities has meant that Canada has had to follow

the route of the multicultural mosaic that I described in Chapter Two, thereby forgoing

dreams of a common national identity. In psychoanalytic terms, this takes the form of a

theft of national enjoyment.[72] English Canadians have sacrificed these dreams and

instead, largely out of necessity, pursued an embrace of diversity as a route to unity.

Even so, this embrace of diversity has never been deemed adequate for Québécois or

Aboriginal peoples, who insist on moving beyond mere diversity to pursue various forms

of differentiation. As a result, the equality discourse is about drawing lines, saying: we

(English Canadians) have been willing to sacrifice much (i.e. national enjoyment) in

order to make a place for you, yet you cannot expect us to give up on our dreams of

national community *altogether*.[73]

I have presented the two sets of recognition demands as incompatible, as mutually

exclusive, but it is important to emphasize that this is not some unfortunate coincidence,

it is not a situation where the two sets of demands *happen* to conflict. The two demands

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[71] For an interesting discussion of similar manifestations of resentment in the American context, see William Connolly's essay, "Fundamentalism in America," in The Ethos of Pluralization. (Minneapolis: University of Minnesota Press, 1995).

[72] Slavoj Žižek, "Multiculturalism, or, the Cultural Logic of Multinational Capitalism," New Left Review. Number 225, September/October 1997.

[73] This is implied by Richard Gwyn, Nationalism Without Walls. Chapter nine.

presuppose one another as mutually exclusive. Neither demand has meaning or force outside of the opposition. The more Quebec desires recognition as a distinct society, the more crucial equal citizenship is for English Canadians. Each demand gains in importance as it is denied. Similarly, if either of the opposing demands were freely or flippantly agreed to, then the resulting recognition would have little meaning. Quebec's demand for a DSC then – like English Canada's demand for equal provinces – is an attempt to limit and even downgrade the other, to destroy the other's route to national enjoyment.

"Thinking English Canada"?

These are Taylor's two main approaches to understanding and resolving the Canadian impasse. As I have argued, both approaches fail because they reinforce the dichotomous form that the impasse takes: in particular, Taylor's proposal for deep diversity presupposes a framework for community and identity diametrically opposed to the pan-Canadian position of equal citizenship. Each side of the impasse pursues recognition in terms that preclude the conception of community and belonging sought by the opposing side. There is little cause for optimism here.

Nevertheless, there is an alternative that involves what Philip Resnick has called, "Thinking English Canada".[74] This alternative takes a number of different forms in the

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[74] Philip Resnick, Thinking English Canada. (Toronto: Stoddart, 1994).

work of Resnick, Ian Angus, Reg Whitaker, and other scholars,[75] but its most persuasive

recent expression is found in Will Kymlicka's book, Finding Our Way, and I shall focus

on this version here. Although Kymlicka approves of Taylor's proposal for deep

diversity and asymmetrical federalism, he is rather pessimistic about the chance of its

being accepted in English Canada. Since asymmetry is premised on a multinational

conception of Canada, it clashes with pan-Canadian nationalism. In terms analogous to

my analysis in the previous sections of this chapter, Kymlicka argues that:

> While English-speaking Canadians often express their opposition to special status
> in the language of equality, this concern grows out of an even deeper concern
> with nationhood. That is, English-speaking Canadians interpret 'equality' as
> requiring identical rights and powers for all provinces because any other
> conception of equality would undermine their sense of a common Canadian
> nationhood.[76]

Kymlicka thus believes that it is necessary to target the unitary conception of citizenship

pursued by pan-Canadian nationalists:

> To persuade English-speaking Canadians to endorse the multination conception of
> Canada, therefore, we need to directly confront and challenge the ideal of a
> unitary Canadian nationality...[we need to] show not only that the dream of a
> common national identity is impossible to realize, but also that it is not worth
> aspiring to.[77]

Rather than simply dismiss the dream of pan-Canadian nationalism outright, as Taylor

does, Kymlicka's approach is to shift its terms by replacing it with a stronger more

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[75] Ian Angus, A Border Within; Reg Whitaker, "With or Without Quebec?" in "English Canada" speaks out. J. L. Granatstein & Kenneth McNaught, eds., (Toronto: Doubleday Canada, 1991); see also Kenneth McRoberts, ed., Beyond Quebec: Taking Stock of Canada. (Montreal & Kingston: McGill-Queen's University Press, 1995).
[76] Finding Our Way. 154-155.
[77] Finding Our Way. 155.

developed English Canadian identity. The reasoning here is that as soon as English

Canadians see themselves as a coherent national community they will be far less likely to

reject the multinational understanding of Canada required by deep diversity. They will

take a less antagonistic stance toward the differentiated ways of Quebec and Aboriginal

peoples precisely because these ways would be accommodated outside the horizon of the

English Canadian community. Kymlicka's alternative is to remove the main obstacle to

deep diversity by redirecting English Canada's sense of community so that it no longer

overlaps with – and hence is no longer threatened by – the understanding of community

pursued by Quebec and Aboriginal peoples. Instead of clashing in a zero-sum struggle

for recognition, the English Canadian nation would follow a path of mutual recognition

with its national partners. Because no community would feel downgraded by another, the

hostility engendered by Taylor's approach would be avoided or at least reduced.

Variations of Kymlicka's proposal have long been put forward by many

Québécois and English Canadian intellectuals who have expressed frustration at the lack

of a coherent English Canadian identity. For example, André Laurendeau once suggested

that,

> it is possible to imagine that to protect itself against the troubles in Quebec,
> English Canada might forge a new sense of unity and learn to define itself once
> again. Then we would have *someone to talk to* and they could talk back, and the
> battle would be fierce. But that would be better, it seems to me, than messing
> around in the kind of swamp we are all bogged down in now.[78]

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[78] Quoted by Alain-G Gagnon, "Andre Laurendeau: The Search for Political Equality and Social Justice" *Quebec Studies*. Volume 27, Spring/Summer 1999, 88.

Similarly, Ian Angus has spoken of the need to develop an English Canadian self-consciousness. As he says,

> ...the entity 'English Canada' is nearly impossible to grasp...Who we will be in the future will be determined in large part by how we negotiate with these two external groups...Instead of discovering ourselves mainly on the rebound from our encounters with others, we may also define ourselves through the coming to self-consciousness of the cultural and political identity of English Canada itself, through our own definition of our national identity. In this way we may at last begin to appreciate the claims and desires of the other two main groups.[79]

This is not unlike the position pursued by Kymlicka; indeed, it is not unlike the positions pursued by many progressive scholars, commentators, and activists in Canada today.[80]

Flaws in the English Canadian alternative

Of course, none of those proposing the development of an English Canadian nationalism is unaware of the difficulty of actually bringing such an identity into existence. English Canadians cannot simply be told to identify with one community instead of another and, as Kymlicka notes, "It would take many years to change this attitude."[81] Furthermore, as Reg Whitaker points out, this proposal will be resisted strongly by the "Ottawa National Unity industry" which will insist "...on the unbending assumption that there is a Canada, which by definition includes Quebec, but that English Canada has no legitimate existence." Still, Whitaker argues that "English Canadians

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[79] Angus, The Border Within. 26-27.
[80] For example, a group of academics and writers expressed support for a three nations view of Canada in, "Three Nations in a Delicate State," Toronto Star. February 4, 1992.
[81] Finding Our Way. 165.

should ignore these admonitions and get on with the task of *defining themselves* as a community, with or without Quebec."[82]

Even assuming that it were possible to coax English Canadians into leaving their quest for a pan-Canadian nation behind and instead pursue an English Canadian identity or nation, this proposal has a number of troubling implications. Of course, *any* proposal that encourages the development of nationalism has troubling implications – and so it is not at all surprising that Kymlicka himself makes this proposal cautiously. He is wary of presenting English Canada in nationalist terms at all, preferring to speak in terms of developing a common English Canadian identity. Still he does use the word "nation" and it is difficult to imagine English Canadians considering themselves as an "identity" within the context of a "multinational" partnership with Quebec and the First Nations. Whatever language is used, we are speaking of the substitution of one form of nationalism (i.e. pan-Canadian) for another (i.e. English Canadian). As Kymlicka notes, this is a trade-off and the price is the "dream of a single Canadian nation."[83]

Even accepting the development of a multinational Canada, it would still be necessary to make some arrangements concerning the relationship between each nation and Canada as a whole. Certainly, the current preoccupation with finding binding mechanisms to ensure social cohesion would be dulled somewhat in the context of a multinational society. Presumably, there would be a much greater openness to forms of differentiated citizenship between the nations and greater flexibility for each nation to

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[82] Whitaker, "With or Without Quebec?" 19 italics added.
[83] Finding Our Way. 164.

pursue different paths and different ways of belonging to Canada as a whole. After all, this is the rationale for the multinational alternative to begin with. Remarkably, however, Kymlicka still seems preoccupied with the basis of social unity amongst the nations of a multinational Canada. Thus he asks, "Is multinational federalism a stable form of political organization? Or is it too fragmented and divided to be capable of producing the sort of allegiance, trust, and solidarity among its citizens that a stable democracy requires."[84] While Kymlicka attempts to downplay the extent of unity necessary in a multinational context, he is nevertheless concerned to discover ways of guarding against fragmentation. Unfortunately, he argues, we cannot look to our history, since this tends to divide us, nor can we expect to unite around "shared values". Instead, the route to social unity must be found in some form of shared identity. Kymlicka realizes that this is a rather vague concept and so he discusses a range of factors that might help to cultivate a shared identity, eventually settling on Jeremy Webber's notion of "the Canadian conversation" and Charles Taylor's belief that Canadians would take pride in the idea of deep diversity itself. But what is notable here is that Kymlicka finds it necessary to embark upon this route, to continue the search for a basis of cohesion. It seems that as long as unity remains imperative, at some level, there will always be attempts to define the whole and there is good reason to believe that one nation's vision will clash with the others, replicating (albeit in a less extreme form) the antagonisms that we now have in our search for a pan-Canadian unity.

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[84] Finding Our Way. 168.

Still, the whole purpose of Kymlicka's proposal is to get beyond these problems –

especially the current symmetry/asymmetry dilemma – and he wishes to emphasize the

consequent benefits for English Canadians. As soon as English Canada develops a sense

of itself as a nation and is no longer opposed to asymmetry, it will be in a far better

position to maintain a strong central government even as Quebec assumes certain

additional powers, in contrast to the present situation where demands by Quebec for more

powers are met by making these powers available to *all* the provinces, thus encouraging

decentralization in order to preserve symmetry. Accordingly, Kymlicka says,

"[asymmetry]...would, in effect, enable English-speaking Canadians to act more

forcefully in defence of their common interests and national identity."[85] But is this really

something that we should be encouraging? How will the "common interests" of English

Canadians be defined and precisely who will be in a position to "act more forcefully in

defence" of them? The progressive answer to these questions is that the common

interests would be defined and acted upon inclusively and democratically. This answer

would seem to follow from Kymlicka's English Canadian nationalism since it is directed

towards reducing the tendency of English Canadians to suppress Quebec and Aboriginal

peoples in the name of unity.

Yet there are other proposals for English Canadian nationalism rooted in quite

different motivations; here, the reasoning is not that Quebec and Aboriginal peoples have

been *suppressed* but rather that they have been continually *appeased* to the detriment of

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[85] Finding Our Way. 163.

English Canada. One could make the case that a good deal of the resentment expressed

by English Canadians towards Quebec and other minorities is driven by the idea that,

given the need to accommodate Quebec in order to keep it in Canada, English Canadians

have always had to hold back from pursuing their own national vision, making them

weak and apologetic, as Richard Gwyn has argued.[86] The willingness of English

Canadians to abandon their passive pan-Canadian dreams would hinge on their being able

to purse dreams of a single and unified English Canadian nation instead, without the

hindrances of Quebec or Aboriginal peoples. This is obviously not Kymlicka's

motivation, but one can readily believe that, if English Canadians were to embrace a

multinational Canada, they would do so on *these* grounds. And one can imagine, without

difficulty, what English Canadian nationalism might look like once unleashed. "Finally",

English Canadians would be able to pursue their "authentic" national vision without

having to temper it at the risk of appearing overbearing to Quebec and Aboriginal

peoples. Mechanisms of English Canadian moderation such as the multicultural mosaic,

bilingualism, and the celebration of diversity generally could be put aside in the vigorous

pursuit of English Canadian authenticity.[87]

We can also approach this in another way. To the extent that there is now an

English Canadian identity already present in the pan-Canadian form of the multicultural

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[86]*Nationalism Without Walls: The Unbearable Lightness of Being Canadian.* (Toronto: McClelland & Stewart, 1996). Chapter 7.

[87]Presumably, this is the English Canada of the Reform Party, the English Canada of author William Gairdner. In his book, *The Trouble With Canada: A Citizen Speaks Out.* Gairdner makes an explicit call to unity through homogeneity since he cannot imagine any other solution to the problem of diversity. (Toronto: General Paperbacks, 1990) Chapter 14.

mosaic or "unity in diversity" (discussed in Chapter Two), this identity cannot be presented as "English" Canadian without undercutting the basis upon which the identity has been thought. The identity is in the non-identity. Hence, Resnick speaks of English Canada as "a nation that dare not speak its name".[88] The great danger of the proposal for English Canadian nationalism is that, once English Canada does in fact "speak its name", it ceases to exist in the form that we have known it. The enunciation "English Canada" amounts to a break with the past and, as a result, English Canada becomes something altogether different – no longer the old pan-Canadian English Canada (which was feeble and apologetic in the form of the mosaic, or seen as such). Presumably the new English Canada would be in a better position to act with greater clarity and aggression in its quest for national authenticity.

I have presented the worst-case scenario. Yet even if the English Canadian nation were not defined by extremists, but by progressive politicians and intellectuals, the identity and unity of the English Canadian nation would still be at issue. English Canadians might successfully disentangle their recognition claims from Quebec and First Nations, but similar problems would remain within English Canada (and Quebec and First Nations communities as well). In order to pursue the sorts of "common interests" that Kymlicka speaks of, there would be a need for some identifiable form of social unity. The 'problem' of diversity would not disappear with the shift away from pan-Canadian nationalism – it would only be shifted to another level. Of course, scholars such as

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[88] Thinking English Canada. Chapter 12. Richard Gwyn also uses this phrase in Nationalism Without Walls. Chapter 7.

Kymlicka, Whitaker, Angus, and Resnick will insist that the new English Canadian community would embrace diversity and pluralism, not assimilation or uniformity, yet the anxieties surrounding the question of diversity in a *future* English Canada have already been expressed in the writings of English Canadian intellectuals. Consider the following statement made by Gad Horowitz in the early 1970s: "Instead of giving the French alone a special status, we are disintegrating the country by giving all ethnic groups and provinces special status....We must have the courage to combine *accommodation* of the French particularism with *resistance* to intra-English particularisms."[89] Similarly, while Resnick views multiculturalism as central to any future conception of English Canada, he notes that "...there comes a point beyond which multiculturalism could become a threat to the viability of an English-Canadian nationality."[90] This language is troubling, and not less so because it is so familiar to us in the current context of pan-Canadian nationalism. I suggest that the disentanglement of English Canada from Quebec and First Nations would merely displace anxieties about diversity to another level, within each of the three nations.

Given these anxieties, it is not too difficult to imagine English Canadian politics polarizing between those asserting some form of pluralist unity through diversity (i.e. multiculturalism and differentiated citizenship) and those asserting a stronger form of unity through equal treatment or some other binding mechanism. As long as we operate

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[89] "Creative Politics, Mosaics, and Identity" in everybody's Canada: The Vertical Mosaic Reviewed and Re-examined. James L. Heap, ed., (Don Mills, Ontario, Burns & MacEachern Limited, 1974) 23.
[90] Thinking English Canada. 72-73.

on the terrain of unity (whether national or sub-national), this polarizing dynamic will continue to be replicated. Anxieties about cohesion and fragmentation will continue to be expressed, as will concerns about the character and identity of the nation. There will be a search for some set of values or practices or ways of belonging common to all English Canadians and to which all will be expected to adhere. Attempts will be made to suppress certain differences in order to bind everyone together into a cohesive and symmetrical whole, leaving some groups marginalized, excluded, and misrecognized.

We cannot know for certain what English Canadian nationalism will look like once unleashed. But there is good reason to believe it will resemble the situation we have been trying to escape: the great Canadian search for the elusive binding mechanism, the basis of cohesion, the form of national unity; all would continue. Given this, I think we need to reject the idea of developing an English Canadian identity – or any other form of national or sub-national unity for that matter. The English Canadian alternative does not solve the real problem but merely shifts its terms from one unit of identity to another. The problem is not limited to the imperative to *pan-Canadian* unity but rather extends to the preoccupation with identity and unity generally. As long as we operate within this logic of identity, we will fail to displace the dichotomy and instead see it reappear at another level.

Conclusion: the failure of displacement

Where have we come and what conclusions can we draw? Why is it so difficult to displace the equality/difference dichotomy in the manner that I argued in the previous chapter is necessary? I conclude this chapter by suggesting that the failure to displace the equality/difference form of the Canadian impasse is exacerbated by three interrelated factors: the imperative to unity, the logic of identity, and the politics of recognition.

To begin with, it is clear enough that the Canadian impasse is set within an imperative to unity. We disagree over what unity should look like and the best way of guarding against fragmentation. These disagreements manifest themselves in the form of divergent ways of belonging: whereas the equal citizenship vision insists on a form of belonging premised on symmetry, uniformity, and universality, the deep diversity vision pursues asymmetrical, uneven, and multiple forms of belonging. Still, while these visions of Canada are mutually exclusive – equality *or* difference – they suggest at least one area of common ground, and that is the imperative to unity itself.

It is also clear that the impasse is set within a logic of identity. Each of the competing positions presents a vision of a unified whole – yet each vision of the whole is centred on a particular array of identity categories, emphasizing some units of identity over others. Of course, there are significant disagreements about which units of identity are worthy of serious consideration and why: should we think in terms of a singular national unit of identity, ten provincial units, two (or three) national units, or numerous multicultural units? What is to be the legal and political basis of each of these identity

units? In particular, how should these units of identity relate to one another and to the whole? While there is little consensus on these questions, there is at least one important area of common ground, and that is the logic of identity itself.

The imperative to unity and the logic of identity represent areas of common ground but, the question is, how do we understand the sharp *disagreement* over the most appropriate route to unity, over the precise configurations of identity – disagreement over what the parts and whole(s) should look like and how they should relate to one another? Specifically, why do the competing visions take such a sharp equality *or* difference form? The main conclusion to be drawn from this chapter is that the failure of displacement – the continued opposition of difference to equality – is exacerbated when demands for recognition play out on this terrain of unity and identity. When difference is demanded in the form of recognition, then it *must* be opposed to equality (considered as another form of recognition); as a recognition claim, equality inevitably cancels out distinctions – this is precisely its purpose. In important respects, then, the imperative to unity and the logic of identity are mutually reinforcing; together, they represent the breeding ground for the sorts of insurmountable problems that characterize the Canadian impasse.

Given all this, the lesson is that our problems will not be solved by (re)configuring the categories of people that will compose the Canadian federation; each configuration – pan-Canadian citizenship, equal citizens, equal provinces, asymmetrical federalism, deep diversity, three nations, etc. – invariably clashes with other configurations. Our problems will not be solved by operating either within certain

specific identity categories or within none in particular – for each approach will lead to

recognizing some identity categories and thus misrecognizing others. Nor will our

problems be solved by reducing the overlap between the categories so that they no longer

conflict; separate configurations will encourage the replication of the same problems

within each sub-unity. Indeed, the problem will not be solved by shuffling the deck of

unities, categories, and configurations at all. Instead, we need to stop thinking in these

terms altogether. We need to stop debating whether to pursue *this* or *that* basis of

identity, *this* or *that* route to unity. We need to shift the terms of Canadian political

discourse so that it is no longer set within the logic of identity and the imperative to unity.

Conclusion

Must Unity Be Imperative?

Is 'unity' necessary for effective political action? Is the premature insistence on the goal of unity precisely the cause of an ever more bitter fragmentation among the ranks?

-Judith Butler[1]

How can Canadians achieve unity? We cannot seem to stop ourselves from asking this question. Indeed, we are so preoccupied with the question that when no satisfactory answer materializes we become more even more diligent and industrious in searching out new forms of commonality, new mechanisms for binding us together, new visions of unity. The purpose of this study is to depict some of the problematic effects of our preoccupation with this question, with the effects of the imperative to unity in Canada. I have argued that the paradoxical result of our preoccupation with unity is a form of identity politics that centres on a perpetual struggle between increasingly sharp and oppositional unities. To conclude this work, I will begin by summarizing and discussing this paradoxical result before turning briefly to the question of future research, Must unity be imperative?

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[1] Gender Trouble: Feminism and the Subversion of Identity. (New York: Routledge, 1990) 15.

The case against the unity imperative

The central argument of this study is that the impasse of Canadian unity is intractable because the search for unity is self-defeating. The argument is complex – made yet more complex because I have come upon it from several different angles, thus making a review of the route that I have taken in reaching this conclusion appropriate.

Instead of beginning my examination of the Canadian impasse by focusing on the form in which it is most commonly manifest (i.e., in the terms of the equality/difference dichotomy), I began by stepping back from the impasse and examining the more general cultural anxiety felt by many Canadians (Chapter Two). Canadians see diversity as a problem, a threat, because they fear its fragmenting potential. While some societies that have felt similarly threatened have dealt with diversity through assimilation or even outright exclusion, Canadians – especially English Canadians – have long seen themselves as taking quite a different approach. This involves dealing with diversity by embracing and celebrating it, and doing so in the name of unity. This approach – which takes the mythological form of the Canadian multicultural mosaic – rests on a paradox: diversity is at once a continual threat to unity and a path to unity. Put differently, the problem for Canadians is that while diversity is always a latent threat to unity it cannot be entirely eliminated or suppressed since this would, in effect, undermine what has come to be seen as one of Canada's defining features. For this reason, efforts to achieve unity must operate through diversity, not against it. Instead of dissolving or melting elements of Canadian diversity into a "people", the various manifestations of Canadian diversity

must be bound together so that they form a unity while at the same time maintaining their distinct characteristics. The eternal quest for Canadian unity, for the basis of cohesion, thus amounts to a search for mechanisms that will operate through diversity in order to achieve unity.

The first of two distinct, yet related, binding mechanisms is the multicultural panopticon, which operates through processes of differentiation, condensation, and cohesion in order to govern Canadian diversity and encourage unity (Chapter Three). The multicultural panopticon is a form of liberal governance that acts on and through the behaviours of Canadians so that they are conditioned and trained to behave multiculturally, to seek recognition as multicultural subjects. In response to demands for recognition, the Other is studied. Canadians are encouraged to place their identities on public display as well as to take part in the mutual surveillance of other identity categories. The result is a common Canadian approach to diversity: in a sense, to be *Canadian* is to participate in this process of multicultural study where, despite their diversity, Canadians are expected to achieve the kind of universal multicultural perspective necessary for them to study one another. However, in spite of its universal flavour, the multicultural gaze does not level out identity categories, but is instead preoccupied with analyzing, categorizing, and defining them. I argue that there is a logic of identity in operation here, and this logic has a range of problematic effects. As it defines and categorizes the identities of Canadians, the multicultural gaze attempts to construct and contain them. Furthermore, the logic of identity obscures the manner in

which identity categories actually emerge out of relations of power and domination, leading us to view these categories as if natural or ahistorical. Since marginalized groups are most likely to be misrecognized, and thus to demand recognition, the multicultural gaze is most repeatedly directed at them. Thus, forms of resistance that operate through the politics of recognition often serve to reinforce the ways in which those who are marginalized are defined, categorized, and contained.

This logic of identity extends to the second binding mechanism, the equal citizenship discourse (Chapter Four). Equality, or equal citizenship, represents an attempt to assert unity through a layer of uniformity, an attempt that many minority groups understandably reject on the grounds that it suppresses their differences. As a result, the dichotomy is reversed and difference is valued over equality. Still, it is necessary to displace this dichotomy altogether. When difference remains opposed to equality it takes on its own unified flavour. "Difference" becomes unified against the attempt at suppression, leading to the development of congealed and totalizing units of difference. The failure to displace the equality/difference dichotomy perpetuates and exacerbates the logic of identity, leading to increasingly static and dogmatic counter-unities.

To examine further the failure to displace the equality/difference dichotomy, I argue contra Taylor that the Canadian impasse does not in fact revolve around the liberal/communitarian divide, but instead amounts to a struggle between alternative conceptions of the Canadian political community (Chapter Five). This struggle –

between equal provinces and asymmetrical federalism (or deep diversity) — represents the clearest manifestation of the impasse, at least where Quebec is concerned. The conflict is between two competing routes to unity, one centred on equal citizens and provinces (symmetry), and the other premised on the dialectical play of unity-in-difference, which is seen to evolve into a harmonious whole (asymmetry). To further complicate the issue, these two conceptions of community are driven by recognition claims rooted in mutually exclusive understandings of which units of identity should be valued in the context of the whole. As a result, this manifestation of the impasse is irresolvable. Understanding this, Will Kymlicka and others who propose a multinational vision of Canada try to solve this problem by shifting the terms of the English Canadian nation away from pan-Canadian unity so that the two visions can be pursued in a mutually-reinforcing and non-conflictual manner. Yet I argue that this solution merely replicates the dynamic at another level, within each of the nations, since Kymlicka's proposal continues to operate within an imperative to unity and a logic of identity.

The equality vs. difference struggle takes the dichotomous form it does because it is set within a search for cohesion, a logic of identity, an imperative to unity. Together, the logic of identity and the imperative to unity generate the difficulties central to the Canadian impasse. Everyone has a conception of the "units" that should be institutionalized and prioritized and around which recognition should be demanded and granted. While there is considerable disagreement over what the core units should be and how they should interact, that we must prioritize units of some sort is never really placed

in doubt. Consequently, the logic of identity prevails throughout. The tensions that result from the logic of identity are exacerbated since demands for recognition are pursued within mutually exclusive units of identity. Therefore, it does not make sense to search for new configurations of identity, nor does it make sense to search for alternative routes to unity. As long as the Canadian impasse is set within the parameters of a search for unity, then it will remain unresolved, since these parameters are self-defeating, creating not unity but further disunity.

Must unity be imperative?

To return to the question I asked at the beginning of this conclusion, How can we achieve unity? I have argued that this question, this concern for the whole, has paradoxical effects, that it has exacerbated the Canadian impasse. Given this, several other questions follow: Do we need unity (or do we need to pursue unity) in order to have a healthy democratic community? If not, what would an alternative politics (i.e. one where unity is not pursued) look like? I do not deal with these normative questions in this study, preferring to bracket them in order to view more clearly the *effects* of the unity imperative. But now I ask, Must unity be imperative? This question is important yet only rarely is there an attempt to explain *why* we should be seeking unity in the first place. Given all the time, energy, and passion Canadian politicians, activists, intellectuals, and scholars have expended trying to develop some formula for unity, it is odd that this quest has so rarely been defended or justified. We are stuck in an ongoing –

and frequently extreme – disagreement about what unity should look like in Canada, how unity might be achieved, and disagreement over precisely what it is that needs to be unified. Yet is it not possible that we are unable to escape from this situation precisely because we take the imperative to unity for granted?

Certainly, just because people accept unreservedly the need for unity does not mean that they are necessarily wrong to do so. Could it be that to justify the goal of unity is to justify the obvious? In particular, since much of the debate about unity revolves around the question of whether Quebec will remain a part of Canada, the quest for unity may simply reflect a desire for Canadian survival. As long as there is a chance that Quebec will separate, Canada's continued existence seems precarious. Thus, to place the quest for unity in doubt is really to jettison the idea of Canada as an ongoing political community.[2]

But does Canada have to be centred on an imperative to unity? Is unity a precondition for the survival and health of a political community? If the answer is yes, then the findings of this study become especially paradoxical since I have demonstrated that it is precisely the imperative to unity that has generated the Canadian impasse. If survival entails a quest for unity that instead generates disunity, then the very foundation of the political community we are trying to construct rests on this paradox. Perhaps this is simply a paradox that we have to live with and deal with. Perhaps there is no real solution here, and instead we simply have to manage the situation, to resolve it at least to

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[2] For an example of this type of charge, see Robin Mathews, Treason of the Intellectuals: English Canada in the Post-Modern Period. (Prescott, Ontario: Voyageur Publishing, 1995).

the point that a basis of unity is developed that does not generate excessive hostility from Quebec and First Nations and other groups. Although some Canadians might be willing to see the unity imperative as a problem, they might argue that rather than trying to eliminate the unity imperative altogether we should instead aim for as thin a conception of unity as possible. Indeed, they might argue that Canada is already an excellent example of this paucity as reflected in the Canadian approach to the mosaic, where the identity of the whole is left undefined. Yet I have demonstrated that even this minimalist approach to unity generates exclusions and antagonisms. The Canadian impasse exists despite — indeed, because of — our chosen path of unity in diversity (i.e. the path of the multicultural mosaic).

Rather than ask how we can achieve unity, it makes more sense to ask once again, Should we desire unity in the first place? Is unity a necessary *goal*? Given the preoccupation with the first question, How unity? it is rather remarkable that we seem to have skipped asking the second, Why unity? Or, if we have not exactly skipped it, we have not focused sufficient scrutiny on the answers usually provided. Thus, it is assumed that without unity our existence will always be in doubt or the country will be perpetually unstable. Without unity, we cannot live together in peace. Without unity, there will be no basis for solidarity, and we will thus be unable to pursue social justice and the collective good. Without unity, we will lack mutual concern, and so we will be unwilling

to sacrifice for one another in difficult times.[3] Unity implies trust, toleration, public

spiritedness, civic virtue – each is important and worthy of pursuit, yet does each require

unity? I believe that it can be shown that the constant pursuit of unity is actually

undermining our ability to achieve these goals. Still, as I have said, my focus has been

the problematic effects of the unity imperative, and so I have not engaged with these

normative questions. I am well aware that it is necessary for future research to

demonstrate that those who defend the need for unity are wrong to do so, to show that we

will be more successful in pursuing justice and equality once we have displaced our

concerns with unity. Future research must demonstrate that the struggle for unity is not

only damaging, but that it is also *unnecessary*.

But if unity need not be imperative, what would an alternative politics look like?

Over the last decade, a number of theorists have proposed versions of what has come to

be known as a politics of difference.[4] Generally speaking, this theorizing attempts to

move beyond liberal pluralism (or liberal multiculturalism) to embrace instead alternative

forms of community characterized by critical pluralism, where difference is prioritized.

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[3] For example, see Charles Taylor's chapter, "Against Fragmentation," in The Malaise of Modernity. (Concord: Ontario, 1991); Will Kymlicka has put forward a cautious defence of certain forms of unity in several works. See his chapter "The Ties that Bind," in Multicultural Citizenship: A Liberal Theory of Minority Rights. (Oxford: Oxford University Press, 1995) as well as a similar discussion focused on the Canadian context in a chapter entitled "The Bonds of Social Unity," in Finding Our Way: Rethinking Ethnocultural Relations in Canada. (Toronto: Oxford University Press, 1998).

[4] For example, Homi K. Bhabha, The Location of Culture. (London: Routledge, 1994); William Connolly, The Ethos of Pluralization. (Minneapolis: University of Minnesota Press, 1995); William Corlett, Community Without Unit: A Politics of Derridian Extravagance. (Durham and London: Duke University Press, 1989)); Drucilla Cornell, The Philosphy of the Limit (New York: Routlege, 1992); Janet R. Jakobsen, Working Alliances and the Politics of Difference: Diversity and Feminist Ethics. (Bloomington and Indianapolis: Indiana University Press, 1998); Iris Marion Young, Justice and the Politics of Difference. (Princeton: Princeton University Press, 1990).

Although they are sometimes conflated, the politics of difference is an alternative

to identity politics, or what I have described in the Canadian case as the problem of

competing unities. Yet, in rejecting identity politics, the politics of difference does not

attempt to revive the notion of the detached universal individual – for we know that this

is impossible, that any such attempt is inevitably infused with particularisms and

exclusions. Nor does the alternative mean rejecting identity altogether – instead, it means

rejecting the logic of identity, where identities are reified in the form of static categories

whose borders are "overcoded"[5]. It means rejecting the idea of the mosaic and the

multicultural panopticon, where each identity is set out, defined, categorized, normalized,

and sanitized. It means encouraging forms of identity where difference can receive full

play – not simply difference as a stark differentiation (difference between identities) but

rather a more complex form of difference, difference from itself, the constant working of

difference into identity. It means making a greater space for the hybrid character of our

identities, instead of attempting to formalize them to ensure that their borders are

carefully delineated and contained.[6]

Furthermore, the politics of difference does not reject unity outright. Such a

rejection would, in any case, be neither possible nor desirable since there must be some

form of gathering together, some way of relating with one another, and some type of

setting within which communication can occur. The alternative is not to reject unity in

all of its forms, but rather to focus constant attention on unities that congeal and become

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[5] This term has been used by William Connolly, The Ethos of Pluralization.
[6] For a discussion of this, see Homi Bhabha, The Location of Culture.

the basis for exclusion, narrow-mindedness, fundamentalism, and intolerance. It is to reject the *preoccupation* with unity, to reject the idea that unity is something that we always need to work towards, that unity should be an overriding goal. Rather than seek unity, we need to place all manifestations of unity – as well as all efforts to achieve unity – under constant critical scrutiny. This vigilance will mean taking a very different approach to diversity, fragmentation, and contestation, a different approach to the presence of the Other. Instead of approaching the realm of the political with the aim of containing, suppressing, or minimizing it, the politics of difference acknowledges that there will always be contestation, splintering, and struggle.

Of course, there are many difficult questions involved in this type of alternative critical project. How do we get there? How would a politics of difference deal with questions of citizenship, distributive justice, solidarity, rights, and political representation? I do not pretend to have answered any of these questions. My purpose has been to show why they must be asked differently – in a manner that shifts the terms of political discourse beyond the logic of identity and the imperative to unity.

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