Diverging Policy Approaches to Diversity in a Bi-National Country: The Case of Canada

Victor Armony

Victor Armony : Professor, Université du Québec à Montréal

Abstract :

This article deals with Canada's policy approach to immigration- and minority-related diversity in light of its federal structure and the contrast between the predominantly French-language province of Québec and the mainly English-speaking rest of the country, with a particular focus on the province of Ontario. While the two parts of the country share many common features, some contrasts are quite significant. Canada is bilingual at the federal level, but French is Québec's only official language and the Charter of the French Language, which regulates the use of language in many areas of social life, has constitutional status in that province. A long-standing agreement lets Québec handle the selection of its own immigrants with a similar system than the one used by the federal government for Ontario and other provinces, but with different weighing assigned to language skills. Also, religious diversity is treated differently in the two Canadian provinces, on account of diverging views on secularism, even if both share a public commitment to the protection of minorities. Likewise, there is a difference in their policy approaches regarding the promotion of cultural expressions and the arts, partly because of the French-speaking people's nationalist outlook. In sum, Canada's case demonstrates that a country can embrace more than a single approach to diversity. Québec has taken a different path and, in a way, showcases a "third way" between North American multiculturalism and European-like integrationism.

Keywords : Canada, Ontario, Québec, policy, diversity

This article deals with Canada's policy approach to immigration- and minority-related diversity in light of its federal structure and the contrast between the predominantly French language province of Québec and the mainly English-speaking rest of the country, with a particular focus on the province of Ontario. As is the case with any federation, public policy at the subnational level can be the object of internal comparative analysis (e.g. between provinces, states, etc.) However, the Canadian case is exceptionally complex as, in some respects, internal comparisons make more sense when they are based on the dual – bilingual, bicultural, even bi-national to a certain extent – character of the country[1]. But, in order to fully grasp it, such duality needs to be considered in combination with Canada's constitutional structure regarding federal-provincial relations. In most federations, those areas of governmental action that are usually associated with key national goals or principles remain in the realm of federal politics, even when decentralization occurs. For example, individual states in the United States have a large degree of autonomy in certain areas, but the federal government retains a considerable authority in the regulation of most spheres (for instance, education is extremely decentralized in terms of curriculum and accreditation, but the U.S. Department of Education enacts national policy regarding issues such as financial assistance or support of disadvantaged students). Canada, on the other hand, instead of leaving to provinces "residual powers" (as is the case with the U.S. model), constitutionally assigns specific powers to provinces, and allows for devolution of federal powers to provinces in "shared jurisdiction", such as

immigration[2]. Moreover, since the late 1950s, the tendency has veered towards a "steady attrition of the power of the central government"[3]. In this context, the French-language province of Québec has gained extraordinary autonomy – unique within Canada, and also extremely unusual compared to any subnational entity in the world – over immigration and integration policy. For similar reasons – the Québécois' own nation-affirming struggles – and regardless of their political leanings, all that province's "governments resist the centralizing and nation-building efforts of Ottawa"[4] in other critical areas as well, including education (an exclusive provincial power). As we shall see in this article, two diverging policy paradigms dominate in Canada, along the English-French cultural divide, framing very different realities and approaches regarding language, religious, and artistic diversity.

1. Diverging Policy Frameworks: Québec vs. English Canada

Multiculturalism in Canada refers to a vast variety of social, political, and legal aspects of collective life[5]. Countless books and studies have been devoted to its history, significance, and effects. The term lends itself to numerous interpretations and debates, both theoretical and ideological. Multiculturalism has variously been described as a "national myth", a "doctrine", a "state of mind", a "Canadian value", etc. but it has also been either promoted or analyzed as a specific policy orientation, a constitutional rights issue, and a dimension of interpersonal trust[6]. Is Canada's multiculturalism first and foremost an "idea" – maybe a shared ideal or, conversely, a collective self-delusion –, a substantial institutional framework (made of state agency, bureaucracies, etc.), a mode of governance (i.e. how things are actually done, a "style" of management), or all of the above? Is multiculturalism a constant in Canada's past half century, or has it fundamentally changed, perhaps weakened and deviated from its sources? Is multiculturalism good for Canada? If so, can it be exported to other countries? This article is not the place to expand on such complex and diverse questions (even if all of them are relevant). The focus here is rather set on the contrast between a widely supported model of diversity-management at Canada's federal level and in the nine English-language provinces, on the one side – but with a particular focus on the largest of them, Ontario – and Québec, on the other. A foreign observer would be struck both by the impressive strength of multiculturalism across most of the country and at virtually all levels (from local communities to the central governments) and, at the same time, by Québec's vigorous and very widely held opposition to Canada's brand of multiculturalism. The same types of questions as before arise: are most Québécois against multiculturalism as a reality (they would feel uneasy with a growing ethnic diversity), as a government approach (they would rather favor a more integrationist model) or as a symbol of Canadian identity (they would reject it as a vehicle of "Anglo" national dominance)?

Of course, multiculturalism has its detractors in English Canada as well, and it can be even argued that the Conservative government led by Stephen Harper between 2006 and 2015 has made Ottawa a much less friendly place for multicultural ideas[7]. Although a visible gap remains between a decisively pro-multicultural English Canada and a markedly anti-multicultural French Québec[8], favorable attitudes towards diversity are reflected nation-wide in political discourse and in public opinion: "Canada is far more open to, and optimistic about, immigration than its counterparts in Europe and the United States", its "federal government [is] bullish about migration – and has been for quite a while", and "this national ethos is supported by government policies of multiculturalism, anti-discrimination laws, and settlement programs that promote integration through public-private partnerships"[9][10]. This in marked contrast with most OECD countries, where "people tend to take a negative view of the economic and cultural impact of migrations and of policies designed to

increase migratory flows"[11]. A report by the Migration Policy Institute published in 2010 noted that "according to the German Marshall Fund's Survey of Transatlantic Trends, the share of people who considered immigration more of a problem than an opportunity increased between 4 and 9 percentage points between 2008 and 2009 in France, Germany, Italy, the Netherlands, the United States, and United Kingdom"[12]. Against that general trend in the wake of the global financial crisis, survey data by Angus Reid showed that "since September 2010, the proportion of Canadians who think immigration is having a positive effect in the country has increased by five points"[13]. While Québec's French-language public opinion is less enthusiastic about the contribution of immigrants to society (9 percentage points below the English-language population's view, according to a 2011 survey by the Association for Canadian Studies), positive opinions still clearly outnumber negative ones.

As Reitz[14] points out, Canada's immigration and integration policy is based on three pillars: multiculturalism as the guiding, but mostly symbolic, ideal, the points system of selection for skilled workers, and significant provincial autonomy with respect to settlement programs, "partly because many activities are proposed and operated by local community agencies". Once again, such description is, of course, accurate, but only as long as it is applied to the country *in general* or, more precisely to Canada at the federal level and to the nine English-language provinces and three territories. It does apply to Québec to a significant extent, but the reality of each pillar is considerably different from the national norm: the guiding ideal is called "interculturalism" instead of multiculturalism[15]; the selection of immigrants is achieved in a different manner and produces a different outcome; and the funding, principles and delivery of settlement programs are different as well. These differences stem from Québec's unique status within the national context and, in particular, from a historic agreement signed between that province and the federal government in 1978: the Cullen-Couture Accord. As a recognition of "the distinct identity of Québec" and taking into account "the federal and bilingual character of Canada", the Accord gives Québec full authority to select its independent immigrants (and the federal governments welcomes them unless they are inadmissible by virtue of health or security concerns). Moreover, the federal government withdraws from settlement programs and compensates Québec through a fixed financial transfer (not dependent on immigration levels) so the province can provide all reception and integration services to newcomers. Both Canada's and Québec's governments "undertake to pursue a policy that will allow Québec to receive a percentage of the total equal to the percentage of Québec's population compared with the population of Canada", with the aim of maintaining that province demographic weight within the federation.

A quite common, albeit flawed, approach to Québec's model of integration has been to oppose it to Canada's model by referring to the tension of *ethnos* and *demos*. Québec's separatist thrust would naturally put the emphasis on the ethnic definition of peoplehood, instead of following (English) Canada's path towards civic integration. While certain aspects of this contrast may be founded (historically speaking, much less so politically in today's context), it is important to challenge the simplistic notion that (English) Canada and Québec have contradictory models of integration, as well as the idea that one model (exclusively based on formal citizenship) is right and the other (exclusively based on common identity) is wrong. Regarding the latter, it goes without saying that the *ethnos* needs to be "tamed" for the *demos* to flourish[16].

However, the "shared community of fate" is also necessary for social cohesion and solidarity to exist. This is a complex debate about a fragile balance that any liberal nation-state in the globalization era is bound to address[17]. But here I point instead to the alleged disparity between (English)

Canada and Québec: this French-language province has officially adopted an "intercultural" model, which posits interaction and exchange among ethnic and religious groups rather than maintaining ancestral or faith-based identities. Interculturalism also entails that, in spite of their particular cultures, all communities must adopt a common public culture, defined by the use of the French language and by certain fundamental values (such as secularism and gender equality). But does Canadian multiculturalism not also promote interaction rather than isolation, and seek a convergence in the public sphere around a common language and universal values? Actually, it would seem that there is no significant rift between Canada's multiculturalism and Québec's interculturalism18, either in principle or in practice, other than in a matter of degree (more or less general tolerance to the manifestation of cultural differences in the public realm), societal context and ideological sensibilities (the use of specific words or historical references). Or, if Québec's interculturalism were indeed significantly different from Canada's multiculturalism, as Bouchard19 claims, the latter "would appear [as] slowly evolving in direction of the former".

Actually, in spite of Québec's strong nationalist streak, it can be argued that both English Canada and Québec share a weak *ethnos*. This does not necessarily mean that French Québécois national identity is frail – a majority of them feel quite strongly about their "community of fate" – but rather that their group's claim to peoplehood is effectively contested. Put it simply, no one credibly challenges the fact that "France belongs to the French people". But the question "Does Québec belong to the French Québécois people?" is seen by many as a fair one to debate, and not all answers are unconditionally affirmative (as they would be in France's case.) It can be argued that Canada's multiculturalism and Québec's interculturalism are not opposed, but rather two variations of the same model of integration, one that favors civic inclusion rather than assimilation, plays down public displays of patriotism, values diversity in itself, and judges immigrants' contribution to society as mostly positive. This depiction is supported by abundant research data on Canada and Québec's political and social realities, as well as by many media content analyses and opinion polls. This supports the hypothesis that a weak *ethnos* encourages people to collectively discuss membership rules (the social contract), and when that happens in a highly democratic setting, making multiculturalism (or interculturalism) the privileged optics through which to tackle diversity. But, ironically, the open debate about society's membership may lead to making choices about *who* is wanted as a fellow citizen – and *who is not*. Policy choices regarding linguistic, religious, and artistic pluralism provide an insight into the answers given to such questions. With this in mind, I highlight some distinctive features of the Canadian reality in the following sections, mostly through the contrast between Québec and Ontario, the country's main English-language province.

2. Linguistic Diversity

Section 23 of the Canadian Charter of Rights and Freedoms – which is part of the Constitution Act of 1982 – deals with "Minority Language Educational Rights" and stipulates that Canadian citizens "whose first language learned and still understood is that of the English or French linguistic minority population of the province in which they reside, or who have received their primary school instruction in Canada in English or French (…) have the right to have their children receive primary and secondary school instruction in that language in that province". Put simply, if you are a Francophone – because French is your mother tongue and/or you went to a French-language elementary school anywhere in Canada – you have the right to send your children to a publicly funded French-language school anywhere in Canada. However, this is not an absolute right, as its application is conditional on the "number of children of citizens who have such a right" and

which would justify (or not) the use of public funds to that end. The term used in Section 23 is "where numbers warrant", and its precise interpretation has resulted in political controversy and judicial disputes. The burden of proving the existence of a substantial linguistic minority that would warrant the use of public funds for minority-language education tends to rest with the minority itself, and particularly with the parents wishing to educate their children in that language. Also, given the dwindling number of Francophones living outside Québec, and the decline of (English/ French) bilingualism across English Canada, it becomes politically harder to commit public funds to minority education in communities already suffering from limited resources (all the more in contexts of economic crisis and budget cuts.) Of course, there are different situations and diverging approaches among provinces, often linked to their particular history and demographic patterns.

Ontario has a substantial French-speaking minority: over half a million individuals have French as their mother tongue, or about 4.5 percent of that province's population. Its dominant place within the Confederation has led Ontario to go well beyond the constitutional requirements regarding minority language rights. The province has legislated on the government's mandate to provide services in French and generally recognizes the rights of Franco-Ontarians (for example, making both English and French the official languages of the provincial courts of justice.) The province provides services in French in designated areas in which Francophones amount to 10 percent of the population or represent 5,000 people or more. Such thresholds can be said to be relatively low, particularly regarding what they imply in terms of cost and management. Indeed, Ontario does not apply the Charter's criteria about "where numbers warrant", in that it guarantees publicly funded education in French regardless of how many children are eligible to receive minority-language education in a given area. According to a report by the Fraser Institute published in 2012, "the total costs of French-language minority services under the FLSA [French Language Services Act] in Ontario are $52 per provincial resident or $1,275 per minority member or $621 million in total". These amounts are considerable, but no number of measures can supersede the reality of demographic trends: 70.5 percent of Ontarians have English as their mother tongue, and immigrants massively gravitate towards English. Indeed, English is undoubtedly Ontario's *de facto* official language, and the special (legal, even symbolic) status of French hardly translates into social or political relevance, all the more in front of the growing weight of immigrant languages (e.g. Mandarin, Cantonese, Punjabi, Tagalog, Spanish, Arabic etc.)

Québec, of course, has a very different approach to language. French is its only official language, by law, and the Charter of the French Language, which regulates the use of language in many areas of social life, has constitutional status in that province. The English-language population is granted constitutionally protected rights, but they are limited to the extent that Section 23 does not fully apply in Québec. Services may be provided in English in municipalities where more than half of the population – thus, an absolute majority – has English as their *mother tongue* (and not as the usual or only official language understood – an important distinction that frames the application of such collective rights.) English may be used in the legislative assembly, in the courts, in the health system and, of course, in education, but always within very strict and generally highly regulated (as well as closely monitored and enforced) parameters. The use of French is mandatory in the private sector, under certain conditions (for example, depending on the number of employees in a business, or regarding the relative prominence of the French lettering compared to another languages on billboards and commercial signs), and, at a time, Québec's government even invoked the "notwithstanding" clause in Canada's constitution in order to override some individual rights (i.e. freedom of expression) explicitly protected under the federal Charter. Unsurprisingly, language

policy and laws – particularly when they infringe on individual rights and coerce people's behavior and hamper their personal choices – are extremely controversial and politically explosive. Those who support such measures (actually, the majority of Québec's public opinion, although favorable views are naturally less prevalent among non-Francophones) argue that in the absence of proactive, state-driven protection of French, a majority language in Québec but a minority one in Canada, and for that matter in the North American continent, demographic and economic trends will eventually impose English. The decline of French in the rest of Canada, even with the existence of protective measures as found in Ontario, is seen as proof of the fundamentally fragile nature of this minority language and the need to safeguard it even at the cost of divisive and identity-based politics.

A particularly interesting aspect of Québec's language reality is that its population is both the most bilingual (and, in some cases, trilingual) in the country and, at the same time, the least enthusiastic about bilingualism when the issue is raised by pollsters, commentators, or politicians about the future of their province. Opinion polling results published by the Association for Canadian Studies in 2008 showed that 81 percent of Francophones believe that "it is important" to speak both official languages, compared to only 38 percent of Anglophones (and to a feeble 18 percent in the western province of British Columbia)[20]. The same survey revealed that "Francophone respondents are twice as likely to agree that bilingualism keeps the country united (63 percent) than Anglophone respondents (31 percent)". However, even though the French-speaking Québécois praise and practice bilingualism significantly more than their English-speaking fellow Canadians, it is common to read and hear denunciations of the creeping "bilingualization" of Montreal's downtown and public institutions (e.g. the health system)[21]. Institutional "bilingualization" is considered by many as the first step towards "Anglicization", but contradictions abound regarding the status of English in Québec. While nationalist groups, such as the *Mouvement Québec français*, take pains to distinguish between "institutional bilingualism" (which they condemn) and "personal bilingualism" (which they claim to value), the teaching of English as a second language in Québec's schools has consistently been a contentious issue – in what grade to start and how many hours to devote – and a plan to introduce immersion-type intensive English learning in the last year of elementary school is still controversial and, even if already approved in 2012, has not yet been implemented. Other than debatable claims about the supposedly negative consequences of learning two languages simultaneously, the main argument leveled against early (and effective) learning of English in French-language schools is that children, particularly those of immigrant background, will become "Anglicized".

Yet, the Cullen-Couture Accord lets Québec handle the selection of its own "skilled workers" (70 percent of all immigrants in that province) with a similar system than the one the federal government uses, but with different weighing assigned to language skills, giving preference to French (and setting other priorities such as the provincial labor market needs.) That is why most immigrants settling in Québec already possess, at the very least, a basic knowledge of that language. Overall in Canada, the top country sources of immigration in 2012 include China, Philippines, India, Pakistan, and South Korea; in Québec, among the ten top sources, four are in North Africa (Algeria, Morocco, Egypt, Tunisia) and two in Latin America (Colombia, Haiti.) Naturally, given these national origins, the largest minorities in English Canada are South Asian and Chinese, whereas in Québec the largest are Black, Arab, and Latin American. The most spoken non-official languages in English Canada are Cantonese, Punjabi, and Mandarin, while in Québec the most spoken non-official languages are Arabic and Spanish. Integration patterns are also different, usually revealing a harsher reality in Québec. Settlement services are highly centralized: in that province, it is estimated that no more

than 10 percent of public spending on integration programs is done by the NGO sector, while that proportion reaches 70 percent in the rest of Canada. In fact, Québec's government delivers up to 93 percent of language training (7 percent by NGOs) and most support to immigrants is channeled through the ministries of immigration, education, employment, and health[22]. This reality becomes all the more remarkable when we consider that Ontario receives 40 percent of all federal funds while accounting for 50 percent of the national share of immigration, and Québec, the destination of only 18 percent of national immigration, obtains 34 percent of overall federal funding for settlement services[23]. In other words, Québec receives a third of the national budget allotted to the integration of newcomers, not as direct spending by the federal government (which in Ontario and other provinces mostly means paying NGOs to deliver services to immigrants), but as a transfer to the provincial government's coffers, which dedicates most of those funds to provide French language training.

But in spite of the considerable resources available, Québec's ample autonomy in setting the integration policy, and the high degree of coordination between government agencies and civil society actors, the outcome is generally seen as rather underwhelming. For example, the unemployment rate among immigrants with foreign postsecondary credentials was, in 2010, 13 percent in Québec, compared to 9.7 percent in Ontario and 7.6 percent in British Columbia[24]. According to Statistic Canada's 2011 census, the prevalence of low income among members of "visible minorities" (non White) was 21.5 percent overall in Canada, compared to 30.3 percent in Québec. What is the explanation for such gaps? Some point to Québec's defensive ethnic-based nationalism (which would foster xenophobic attitudes in the job market.) Others to Québec's less dynamic economy and (comparatively to English Canada and the United States) overbearing state interventionism, or to the fact that, particularly in Montreal, bilingualism is *de facto* required, penalizing French-speaking immigrants with insufficient knowledge of English, which is the case of many Arab skilled workers selected by Québec. Either as an underlying cause or as a reflection of social relations and attitudes, the interculturalist approach, envisioned as an alternative to multiculturalism and intrinsically linked to the French language as a key factor to integration, is undeniably a factor in the disparity between Québec and the rest of Canada.

3. Religious Diversity

To a large extent, Canada was constitutionally founded as an alliance of two peoples: those formed by the French and the British colonists and their descendants[25]. Although we now tend to see these two groups as chiefly separated by language, religion was as important an element as any other aspect of their respective identities. The French were Catholic and the British (or more precisely the English, the Welsh, and the Scottish) were Protestant. Of course, such generalization is somewhat unjust, as some French Canadians were Protestants, and some English-speaking colonists were Catholic (or, in a few cases, Jewish.) But, institutionally, the lines were clearly drawn, and the Constitution explicitly addressed that view. Hence, education—a provincial jurisdiction—was subject to the same kind of minority-rights provisions given to minority languages: French-language public schools would be Catholic, and English-language public schools in Québec would be Protestant. Even with the adoption of the Charter of Rights and Freedoms in 1982, the special status of Christian denominations continued to permeate the education system, creating a tension vis-à-vis the religious freedoms recognized by the Charter. Only in 1997, Québec's school system was formally "deconfessionalized" and School Boards were reorganized along linguistic lines instead of faiths (although, to be fair, religious teachings and practices in public schools

were receding since the 1970s.) But some traces of Canada's religious past still remain embedded in the institutional structures, creating some interesting (and surprising) paradoxes in today's multicultural/intercultural world.

Ontario is indeed extremely multicultural, particularly in urban contexts. Toronto is probably the most ethnically diverse city in the world: half of its population was born outside Canada and most of it belongs to an ethnic minority. More than 30 percent of Toronto's residents speak a language other than English (or French) at home. There are substantial non-Christian groups, including Muslims, Hindus, Jews, Buddhists, and Sikhs among the largest. Remarkably, there are very few incidents of intolerance or tension among them or with the Christian/secular majority. Many see Toronto as a showcase for multiculturalism, and the province of Ontario in general seems to embrace ethnic, linguistic, and religious diversity as an asset and a source of pride. But Ontario, under constitutional obligations regarding its French minority, still maintains a separate system of publicly funded Catholic school boards. Actually, most of those boards are now English (while some are French), but they all remain detached from the secular (non-denominational) public school system. This obvious privilege granted to a specific religion has been challenged in courts, particularly regarding the schools' confessional teachings, as well as their hiring practices and moral codes of behavior (especially when they collide with rights and freedoms protected by the Charter; e.g. issues regarding sexual orientation, marital status, etc.) The courts have already ruled that parents have the right to withdraw their children from religious classes in Catholic schools (as many secular or non-Catholic families choose Catholic schools, instead of costly private schools, because of their usually high academic standards and strict discipline), which some see as an incoherence wrapped into a contradiction: one given religion's schools are exempted from the right to equality for all religions, but some children enrolled in those schools are exempted from religious teachings in the name of religious freedom! The government of Ontario has consistently refused to abolish the anachronistic scheme that provides public funding to Catholic schools, citing constitutional requirements (although it seems likely that electoral considerations are at play.) But this notion has been challenged by those who point out that the intended goal of this provision (adopted in 1867) was only to protect the French minority, in the same way as the English (Protestant) minority in Québec would be protected through a similar arrangement.

In Québec, it could be argued that the opposite paradox exists. If Ontario's extremely multicultural, egalitarian, and laissez-faire model hides a reality where some religious institutions are "more equal" than others, Québec's highly secularist approach has created a situation in which religious, sometimes orthodox private school – including Jewish and Muslim – receive significant public funding, a fact almost unique in the Western world. This is explained by the history of the province: most schools in Québec were Catholic and operated directly under the authority of the Catholic Church. With the modernization and secularization of Québec starting in the 1960s, many schools that were not included in the public boards (hence, they would be "private") continued to receive substantial public funding. Today, most highest-ranked elementary and secondary schools in Québec have a religious background – mostly Catholic, but also Protestant and Jewish. A majority of private Catholic schools have downgraded their religious character, to the point where they are secular to all intents and purposes (except for the use of symbols, the name of the school, the "values" in their mission, etc.) But, ironically, even if only formally, they do keep their faith-based identity. And, in such context, equal subsidies are given to any private school, a measure that, in practice, has favored the consolidation of a Jewish-faith school network mostly (albeit not entirely) funded by the general public. But all subsidized schools must follow the government's teaching guidelines – which

include compulsory courses on religious diversity – and are subject to Québec's language laws the same way public schools are. In other words, French ought to be their main language of education. Some see this as a convenient trade-off: accessible good education in French for all, while allowing for cultural groups to preserve their respective heritage. Others object to the arrangement as it can unfairly undermine the public system, and also promote ghettoization (not to mention the alleged hypocrisy of a society that purportedly values integration and secularism above all, while actively supporting religious schools.) In brief, Québec's education system, like Ontario's, has not completely shed off its deeply rooted religious underpinnings, in spite of its self-representation as a (post-)modern society committed to building a truly inclusive citizenship.

But this "double duality" – Catholic/Protestant and confessional/secular – that underlies Canadian society, particularly in its two main provinces, becomes even more complicated by the rising presence of other religious faiths brought by immigration, such as Islam and, in some cases, by the growing prominence (often only due to increased awareness by the public) of ultraorthodox groups (e.g. among Hassidic Jews and Sikhs.) Ontario's multiculturalist approach has consistently given religious affiliation and beliefs an ample recognition as grounds for what has been defined by that province's Human Rights Commission as the "duty to accommodate" since 1996, conceptually and legally linked to the right of minority individuals to be free from discrimination in the workplace, schools, and public services and facilities in general. In this context, their "creed" is considered to be a strictly subjective matter, not a doctrine or a set of rules set by a given religious authority. In other words, a person's beliefs and observances need to be assessed on the basis of that person's claims (as long as they are recognized to be sincerely held.[26]) The past two decades have seen their share of controversies regarding certain instances of religious accommodation, but generally the social climate has been mostly favorable towards issues such as paid leave and holidays, dress codes and special dietary requirements. In the years after 9/11, any reference to Sharia law engendered widespread anxiety, even if the discussion was about religiously based arbitration bodies aimed at resolving family disputes. This kind of mediation practice was relatively common among Jewish and Catholic communities, and their operation was strictly regulated by the provincial legislation. However, when Muslim communities demanded the same allowance to their traditional customs in 2005, demonstrations erupted in several cities in Ontario, and the government promptly introduced legislation forbidding all faith-based tribunals (thus removing previously recognized rights of Jewish and Catholic minorities.) A decade later, what arguably started as an emotional reaction to geopolitical factors (leading to the perception of Islam as inherently incompatible with Western values and intrinsically intolerant) has evolved into a wider malaise regarding religious accommodation in the public space. In 2015, Ontario's Premier declared that "safety trumps religious freedom" when she justified denying to Sikhs an exception to keep their turbans (instead of wearing a helmet, as they are allowed to do in other provinces, such as British Columbia) while riding a motorcycle. This seemingly minor aspect of the province's highway traffic regulations became emblematic of mounting tensions between secular and religious principles. The recent turn in public mood vis-à-vis religious accommodation also appears evident around some incidents that have generated heated debate and, in some contexts, stern condemnation: in 2014, York University in Toronto accommodated a male student's request to be excused from interacting with female students on the basis of his creed. While such accommodation was (at least according to some interpretations) permissible under Ontario's Human Rights Code, it was widely seen as violating the more fundamental right to gender equality.

Quite ironically (most notably if we consider the barrage of criticism addressed to Québec's alleged

lack of openness towards minorities), it could be argued that Ontario – and the other English-speaking provinces, as well as Canada's federal government – are now following on Québec's footsteps with regard to "common values trumping (minorities') religious freedom", to paraphrase Ontario's Premier. In 2001, the Québécois lived through their first major debate on secular versus faith-based values. The controversy over the wearing of a kirpan (a ceremonial dagger) by a student in a Montréal public school – deemed unacceptable under the school's code of conduct regarding safety but later authorized by the courts – pitted parents against parents and divided public opinion, although the French-speaking media and public opinion tended to side with the ban. The debate quickly spread beyond the particular case and focused on the ostensible disagreement between secular values and the demands of religious (usually very conservative) groups, and more fundamentally on the notion that "immigrants" had to accept the common rules instead of asking for exemptions from them. This call for integration (some would say assimilation) into the mainstream societal life led a few years later to a "crisis of reasonable accommodation"[27]. The question of unity versus diversity, majority versus minorities, universal values versus religious beliefs, even history versus demography, fueled media frenzy, and provoked a political upheaval across the province. In 2007, Québec's Premier established a Commission led by two highly respected scholars and a vast consultation was carried out[28]. The Commission's final report concluded that a "crisis of perceptions" had taken place. In other words, the main problem was extensive ignorance (about the facts of diversity), mutual misunderstanding (among groups and individuals who do not interact with each other), gross exaggeration (of a small number of rather insignificant conflicts), and a general lack of clarity in the rules and regulations that should guide institutions and authorities when managing religious pluralism. The reaction to such portrait was generally unfavorable, as it was felt by many that the Commission had underestimated the "real" problems of coexistence between a secular majority and religious minorities (and that it had placed the "blame" of the crisis on an "overreacting" majority rather than on the "over-demanding" minorities.)

Québec's government all but discarded the Commission's recommendations and, in a theatrical gesture (the very same day that report was tabled), it passed an unanimous motion at the province's legislative assembly declaring that the large crucifix behind the Speaker's chair was to remain there in order to acknowledge Québec cultural heritage (the Commission had pointedly recommended that the Christian symbol be removed from chamber as a sign of true secularism and inclusiveness.) In 2013, a short-lived pro-independence government unveiled a so-called Charter of Values that would have seriously restricted the use of "ostentatious" religious symbols by government employees and public servants (widely defined as including teachers, health professionals, etc.) This proposal attracted much attention—and significant support among French-speakers in Québec (65 percent approval rate[29]) and anti-multiculturalists elsewhere in Canada—but in the end led the nationalist party to a historic electoral defeat. These events convinced many Québécois and other Canadians that European-style (i.e. French, Belgian, Swiss) coercive measures aimed at imposing secularism on certain observant minorities were too harsh for their (even if somewhat abating) multicultural/intercultural inclination. But if coercion is felt as excessively un-Canadian by most, including in secularist Québec, the extent of accommodation varies from one province to the other: Ontario's universities still recognize faith-based associations and generally consent to the use of some facilities for prayer and rituals, while Québec's universities stay adamant about keeping religion out of their campuses[30].

In sum, religious diversity is treated differently in the two Canadian provinces, but both share a public commitment to the protection of minorities (deeply grounded in multiculturalism or, in

Québec's case, interculturalism, and explicitly upheld in legislation and by the courts) and in both we can see the undercurrents of a developing discontent about the balance to strike between the majority's common ethos and the values of religious groups. The debate is usually framed by the idea of rights and freedoms, but it often also revolves around immigration issues and the duties of those who come from abroad to settle in a new country. The discussion about choice – of immigrating, of integrating, of prioritizing certain values over others – can quickly stray from civil discourse, and Canada has not been exempt from xenophobic, racist, and heinous rhetoric in such context. However, it is worth underscoring that politics in both Ontario and Québec stay, as well as mainstream public opinion (as measured by polls), well within an ultimately positive understanding of diversity, including religious pluralism.

4. Artistic Diversity

Canada, like many other countries, commits significant public funding to the arts and the cultural industries. Given its particular history and configuration, Canada's state-funded and centrally regulated institutions have played an important role in strengthening the sense of nationhood, and telecommunications were a key part of such endeavor: for example, during the 1940s and 1950s, public radio theater produced in, and broadcasted from, Toronto (in English) and from Montréal (in French) contributed to building a common cultural identity[31]. But nation-building is not a thing of the past. At the federal level, Canada faces two important challenges regarding the aims and resources for artistic and cultural development. On the one hand, the English-language space is vastly dominated by the United States' production and distribution of cultural goods and services (obviously, when the oral or written word is involved: book and magazine publishing, cinema and television; and, to a certain extent, also music and the performing arts; but even if the visual arts are not, in principle, confined by language barriers, artistic networks and markets, funding opportunities, and access to institutions or to the general and specialized public are often influenced by linguistic settings.) This reality means that Canada struggles to maintain a distinctive national identity in the realm of art and cultural production in English within the North American context. In this regard, Corse[32] has described Canadians as having "a strong sense of fear about the 'Americanization' of their country". On the other hand, Canada's bilingual character obliges the federal government to actively foster the French-language cultural and artistic environment, mostly but not exclusively in Québec. In order to grasp the scope of that involvement, let's mention that Ottawa spent 144 million dollars in 2006-2007 in direct or indirect (e.g. through tax credits) funding for cinema and television production in Québec[33]. It goes without saying that, for Québec's government and population, this issue represents much more than a minority-rights situation: the vast majority of French-speaking Québécois consider themselves a nation – and one threatened in its very survival. In their view, the arts express and expand their national heritage and shared ideals. Naturally, then, the provincial government provides hefty support to cultural creations and manifestations, unparalleled among the Canadian provinces: in 2006-2007, Québec spent over 122 million dollars to support the audiovisual industries[34]. Another comparison sheds light on Québec's acute interest in fostering the arts and cultural production: its provincial Council of Arts and Letters spent 85 million dollars in grants in 2013-2014, while Ontario's Arts Council spent a much lower 52 million dollars the same year (with a population 62 percent larger that Québec's—and a higher per capita income.)

Unsurprisingly, culture is one of the few matters on which Canada disagrees with the United States in international affairs. Mulcahy[35] argues that culture, for Americans, "is about the profit-making

entertainment industry", while for Canadians it is rather "about the politics of national identity", a discrepancy that explains "the propensity for mutual misunderstanding concerning any exempt status for cultural industries in free-trade agreements". Challenging the United States' rejection of any protectionist measure, Canada sponsored, in 2005, the adoption of the international Convention on the Protection and Promotion of the Diversity of Cultural Expressions, which, among other objectives, seeks to "reaffirm the sovereign rights of States to adopt cultural policies". In 2006, under an agreement with Ottawa, Québec appointed a representative to the Canadian Permanent Delegation to UNESCO, thus granting the province a privileged status in recognition of its particular cultural interests and duties within Canada. As opposed to the United States' approach to cultural production and consumption, not only does Canada's government sustain cultural industries, but it also regulates the cultural markets through, for example, the imposition of quotas of "Canadian content" in radio and television programming (60 percent) or the enforcement of rules of Canadian ownership of radio and television businesses (80 percent)[36]. Québec has adopted even stricter rules, such as requiring foreign film distributors to partner with local companies and, of course, to comply with linguistic norms (e.g. the obligation to offer a French version of all films released in theaters.) In fact, Québec's legislation on cinema posits, as its main goal, to promote "a film industry that will reflect and develop the distinctive culture of the people of Québec". In brief, Canada's focus on diversity in the arts and culture production reflects a concern about maintaining a social space for expressions that might otherwise be silenced (or simply would not exist) outside of a market-driven environment. The paradigm of multiculturalism/interculturalism reinforces the sense that the state must play a crucial rule in fostering a plurality of voices and ideas. Consistent with such a view, in Canada (and particularly so in Québec) large public media conglomerates (especially the Canadian Broadcasting Corporation and its French-language counterpart, Radio Canada) openly compete – some would say unfairly in a free market setting – with the private sector.

A somewhat different analysis about diversity in the arts and culture would look into the presence of minorities in those areas. One can indeed ponder about *whose* artistic or cultural expression governments tend to support. Is "Canadian content" truly reflective of the Canadian society in all its diversity? This kind of question is certainly relevant in Québec, where the promotion of Québécois culture is intimately linked to French-speaking people's nationalist outlook. The federal government has implemented specific funding programs in order to "build stronger citizen engagement in communities through the performing and visual arts" (such as the one called "Building Communities Through Arts and Heritage Program", endowed with a 22- to 24-million-dollar yearly budget.) While this kind of targeted initiative allows minority artists to get material support for projects related to their community and heritage, its impact on the larger population is rather negligible. Conversely, the mainstream media may be seen as society's projected self-image, and can serve as an indication of the degree to which a given country effectively reveals or hides its cultural heterogeneity. A study on daily newspapers in Canada showed that "the gap between minorities in the newsroom and in the communities they serve has widened during the last 10 years", and underlined the fact that "there was only one journalist representing the second-largest non-white group in the general population—Aboriginal people, at 3.29 percent"[37]. A study carried out in Québec by the provincial Council of Intercultural Relations for the Ministry of Immigration in 2009 confirmed with various statistical analyses what many already perceived: the presence and treatment of ethno-cultural diversity in the medias and in advertising left much to be desired. The results showed that members of minorities were systematically underrepresented in television programming (relative to what their demographic presence in society would warrant), and their participation was often framed by stereotypical attitudes. The situation was deemed to be worse than what could be

observed elsewhere in Canada, or even in Québec's own English-language outlets. This portrait is compounded by the existence of a highly concentrated "star system" – French-language Québécois celebrities form an intertwined network across different media – loyally followed by a massive audience. The disconnection between French-language and English-language artists (and between their respective spectators) has sometimes been highlighted by a curious phenomenon: the use of blackface (i.e. wearing makeup to represent a Black person) in some French-language TV programs and theater plays (generally in a comedic setting.) After several such incidents, Québec's English-language artists and commentators almost unanimously expressed their revulsion at the racist overtones associated with any use of blackface, while Québécois artists and most French-language media remained flabbergasted by that sort of reaction. Some columnists argued that the deep disagreement actually boiled down to the existence of "different cultural codes and taboos" in Québec as opposed to the rest of the North American continent38. In other words, even notions and sensibilities about ethnicity that frame artistic production and consumption might prove culturally untranslatable across Canada's rift with its French-language minority.

5. Conclusion

The Canadian immigration system has been lauded as being one of the most generous and fair-minded in the world, and many have proposed that it should be adopted in other countries39. However, exporting the Canadian model might prove to be extremely difficult, not in the least because of the country's very particular geography: Canada is a vast territory with relatively scarce population, most of it concentrated in the south, stretched from ocean to ocean within a hundred kilometers from its only international border. The United States, while attracting millions of Latin American immigrants, shields Canada from any mass population movement, a reality that allows Canada to exert maximum control on who enters the country. This location advantage translates into the ability to develop a rational, highly selective, planned immigration policy, particularly for a country where the legacy of slavery (or colonial rule) has not left insurmountable racial injustices, as is the case in the United States (and, to a certain extent, in former European imperial powers.) Ironically, the dark past of restrictive – and often racially motivated – immigration laws that prevailed in Canada until the 1960s contributed to weaken racial tensions within the country (ensuring the European-descent population kept an unchallenged demographic majority), a context that allowed Canadians to react favorably to a groundbreaking immigration policy that was framed as a vital lever of economic development. Almost fifty years later, Canada remains an outlier, as a country "where one in five persons is an immigrant, and several of the largest cities can claim that half of the population was born abroad, [and] public opinion about immigration is largely positive"40.

Not surprisingly, one of the key features of Canadian society is the colossal challenge that it faces in order to simply hold together such an "improbable country", as the cliché goes41. Canada is a highly decentralized federation with constitutionally enshrined bilingualism and multiculturalism. The link that bonds together the ten provinces is much more tenuous than the one that connects the American states42. For some years now, Canada displays the first or second highest per capita immigration rate in the developed world. In 2011, Ottawa delivered 280,000 immigration visas, and has admitted a quarter of a million newcomers each year for the past two decades (proportionally, twice the number of legal immigrants admitted in the United States.) Today, more than 20 percent of the Canadian population is foreign-born, and it will reach 25 percent by 2030, compared to 12.5 percent currently in the United States. Despite this reality and given Canada's

notoriously weak national identity, it is actually surprising that internal diversity has not generated any serious social or political rifts. Furthermore, the province of Québec, with almost one quarter of Canada's population, has acquired a quasi-state status over the past four decades, becoming a sort of "nation within the nation", formally recognized as such by the federal parliament. As we have seen, the government of that province, supported by a majority of the French Québécois people, imposes restrictions on the choice of language of business and education, openly rejects Canadian-style multiculturalism, and enforces different selection and integration criteria for immigrants, based on Québec's particular interests rather than Canada's. This raises the question: how such a disjointed, fragmented country can even exist, never mind be an example of tolerance and peaceful cohabitation where "compared to other countries there appears to be a relatively smooth integration of immigrants into the mainstream", who themselves "have become an integral part of the Canadian community, and their social and cultural contributions are frequently celebrated"[43]?

Addressing the comparative success of the "Canadian way" – or what some call "Canadian exceptionalism"[44] entails, first, ensuring that the assessment is based on facts rather than discourse and myths. Canada's story is complex and, behind the appearances, contradictions and failures to live up to its own declared standards abound. But it would be unfair to underrate the actual accomplishments: Canada shows not only how cultural, linguistic, and religious diversity can thrive in relative harmony, but also that a single country can embody more than a unique approach to such diversity. Québec has taken a different path – with its own pitfalls – and, in a way, showcases a "third way" between North American multiculturalism and European integrationism. A different balance of individual and collective rights is stricken in that context, which some find unacceptable and others audaciously progressive. Only time will tell. But the Canadian experiment will undoubtedly remain one of the most fascinating for years to come.

Notes

1 In November 22nd, 2006, Canada's House of Commons approved a motion recognizing that "the Québécois form a nation within a united Canada."

2 FIELD (M.), "The differing federalisms of Canada and the United States", *Law and Contemporary Problems*, vol.55, n°1, 1992, p.107-120.

3 WATTS (R.L.), "The American Constitution in Comparative Perspective: A Comparison of Federalism in the United States and Canada", *The Journal of American History*, vol.74, n°3, 1987, p.769-792.

4 Ibid.

5 JEDWAB (J.), *The Multiculturalism Question: Debating Identity in 21st Century Canada*, Montreal, McGill-Queen's University Press, 2014.

6 See, for example, BILES (J.), BURSTEIN (M.) and FRIDERES (J.), *Immigration and Integration in Canada in the Twenty-First Century*, Montreal, McGill-Queen's University Press, 2008.

7 ALBOIM (N.) and COHL (K.), *Shaping the Future: Canada's rapidly changing policies*, Maytree, Toronto, 2012.

8 Louise Beaudoin, a leading figure in the nationalist Parti Québécois and a member of the

National Assembly famously declared, in 2011, that "multiculturalism… is not a Québec value."

9 BLOEMRAAD (I.), *Understanding "Canadian Exceptionalism" in Immigration and Pluralism Policy*, Washington, Transatlantic Council on Migration, 2012.

10 Ontario boasts itself as "the most multicultural province in Canada where half of all new immigrants make their home" (http://www.ontarioimmigration.ca).

11 OECD International Migration Outlook 2010.

12 THE TRANSATLANTIC COUNCIL ON MIGRATION, *Prioritizing Integration*, Washington DC, Migration Policy Institute, 2010.

13 ANGUS REID INSTITUTE, *Canadians are Divided on the Actual Effect of Immigration*, Vancouver, 2012.

14 REITZ (J.), "The Distinctiveness of Canadian Immigration Experience", *Patterns of Prejudice*, vol.46, n°5, 2012, p.518-535.

15 BOUCHARD (G.), *L'interculturalisme. Un point de vue québécois*, Montréal, Boréal, 2012.

16 ARMONY (V.), 'Multiculturalism, interculturalism, and the effects of a weak *ethnos*', *Candian Diversity / Diversité canadienne*, vol.9, n°2, 2012.

17 POST (R.), *Another Cosmopolitanism: Hospitality, Sovereignty, and Democratic Iterations*, Oxford, Oxford University Press, 2006.

18 WINTER (E.) and SIMKHOVYCH (D.), "Intercultural dimensions in the Canadian context", *Canadian Diversity*, vol.9, n°2, 2012, p.9-12.

19 BOUCHARD (G.), *op.cit.*

20 JEDWAB (J.), "Bilingualism in Canada: Definetly, Maybe?", Association for Canadian Studies, March 3rd, 2008.

21 See, for example, the report presented by Québec's leading nationalist association (Société Saint-Jean-Baptiste de Montréal) in 2014 during the parliamentary hearings on the reform of the provincial provision of health and social services: "Pour une société unie et des services à la population efficaces: mettre un terme à la bilinguisation du système de santé du Québec."

22 REICHHOLD (S.), "Quebec's immigration agreement and settlement services", presentation at the Forum of Federations, Toronto, January 28th 2011.

23 MEINHARD (A.) *et al.*, "Immigrant integration and inclusion: investigating the Canadian partnership model from a complex-system perspective", Ottawa, presentation at CIC National Headquarters, June 28th 2012.

24 BOUDARBAT (B.), "Labour market integration of immigrants in Quebec: a comparison with Ontario and British Columbia", *Project Report*, Montreal, Cirano, 2011.

25 It goes without saying that the Indigenous peoples were left out from this scheme.

26 See ROBITAILLE (D.) and GRAMMOND (S.), "Les processus d'accommodement religieux et autochtone dans les institutions publiques canadiennes: quelques comparaisons", *Cahiers de Droit*, vol.50, 2009, p.75-119.

27 LEFEBVRE (S.), "Between Law and Public Opinion: The Case of Québec", in BEAMAN (L.G.) and BEYER (P.) (eds), *Religion and Diversity in Canada*, Leiden, Brill, 2008.

28 Political philosopher Charles Taylor and sociologist and historian Gérard Bouchard.

29 According to poll results published by the Journal de Québec on August 25th 2013. Only 25 percent of English-speaking residents of the province were favorable to the Charter of Values.

30 LEFEBVRE (S.), *op.cit*.

31 JACKSON (J.D.), "La radiodiffusion publique et l'imaginaire national: une étude de cas", *L'Annuaire théâtral: Revue québécoise d'études théâtrales*, n°9, 1991, p.53-68.

32 CORSE (S.), *Nationalism and Literature: The Politics of Culture in Canada andthe United States*, Cambridge, Cambridge University Press, 1997.

33 POIRIER (C.), "L'industrie cinématographie québécoise. Enjeux culturels, économiques et politiques", in MARTIN (C.), DE LA DURANTAYE (M.), LEMIEUX (J.) and LUCKERHOFF (J.) (eds), *Enjeux des industries culturelles au Québec. Identité, mondialisation, convergence*, Québec, Presses de l'Université du Québec, 2011.

34 *Ibid*.

35 MULCAHY (K.), "Globalization and Culture: The Case of Canada and the United States", *Journal for Communication Studies*, vol.3, n°5, 2010.

36 MONIÈRE (D.), "Télévision et identité nationale au Canada", Working Paper n°197, *Institut de Ciències PolítiquesI Socials*, Barcelona 2002.

37 MILLER (J.) and COURT (C.), "Who's telling the news? Race and gender representation in Canada's daily newsrooms", *Diversity Watch*, Toronto, Ryerson School of Journalism, 2004.

38 LAGACÉ (P.), "French Quebec has its own take on blackface", *The Globe and Mail*, January 22nd, 2015.

39 The Canadian-style point system was seriously considered by the U.S. Congress in 2007, even if the whole immigration law reform was eventually rejected. The point system was mainly criticized here (including then Senator Obama) because it would seemingly favor higher-skilled, better-educated applicants, shifting the focus away from reuniting families, the main thrust of legal immigration in that country. This criticism is understandable, given the reality of millions of undocumented immigrants and the fact that many Latinos from underprivileged background would not attain the score required in order to be admitted into the Unites States.

40 GUSTIN (D.) and ZIEBARTH (A.), "Transatlantic Opinion on Immigration: Greater Worries and Outlier Optimism", *International Migration Review*, vol.44, 2010, p.974–991.

41 For example, Thomas Walkom, a *Toronto Star* columnist, recently wrote: "It's been 141 years

since this improbable country was created from a collection of disparate British colonies, with little linking them other than the fact they were not the United States. And yet we persist" (May 24th, 2014).

42 Canada does not have a federal Department of Education, because education from kindergarten to university is under exclusive provincial jurisdiction.

43 REITZ (J.), "Multiculturalism Policies and Popular Multiculturalism in the Development of Canadian Immigration", in JEDWAB (J.) (ed.), *The Multicultural Question. Debating Identity in 21st Century Canada*, Montreal, McGill-Queen's University Press, 2014.

44 KAZEMIPUR (A.), *The Muslim Question in Canada. A Story of Segmented Integration*, Vancouver, University of British Columbia Press, 2014.