

The multicultural diversity gene: Reality or myth?

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LEGIONS OF SORROWS

“When sorrows come, they come not single spies, but in battalions”. This wisdom of Shakespeare in Hamlet, may easily be said today of the concepts of peaceful multiculturalism and diversity around the world. Examples abound: the July 7, 2005 bombings in my childhood home town of London, England; the fires and destruction in the banlieus of Paris; the murder of Dutch Filmmaker, Theo Van Gogh, which has turned a tolerant Netherlands into a society in turmoil; the Madrid train bombings, and cartoons in Denmark that turned that country into a meeting ground for the clash of civilizations within its boundaries and with the Muslim world.

But has Canada escaped, from these battalions of sorrows of peaceful multiculturalism and diversity? Some have argued that we have escaped most of the sorrows because we are the only real global template for peaceful multiculturalism and diversity. We need to examine whether this is myth or reality.

Before September 11, 2001, the largest terrorist attack in North America occurred against Canadians in the Air India tragedy. More recently Canadian complacency has been somewhat shaken by the arrest of the alleged 18 jihadist terrorists in Toronto who were plotting to bomb targets in Toronto and commit acts of violence elsewhere. In addition, we have seen Amed

Ressam use Canada as a base to attempt his millennium bombing of Los Angeles airport and a Canadian Momin Khawaja was convicted under the Anti-Terrorism Act with conspiring with British jihadist to commit very serious terrorist offences in Britain.

A HISTORY LESSON

When Canada's Multiculturalism policy was first developed and promoted some thirty three years ago as a world class model for the integration of ethno-cultural communities into the mainstream of Canadian society it was a product more of political necessity and expediency than one of global leadership.

The origins of our multiculturalism policy was the backlash by these same communities against the mandate and the findings of the Royal Commission on Bilingualism and Biculturalism (the title gave it away) in 1963 whose goal was to provide a response to the demands of French-Canadian nationalism. The demands against second class citizenship and for equal treatment by the so called "Third Force" lead to the Trudeau government proclaiming on October 8, 1971, the official policy of multiculturalism within a bilingual framework. There is no doubt that the growing electoral strength of the third force was a major motivator for the Trudeau government.

ENTER THE CANADIAN STATE

However, the official goal of the new policy was to promote unity among different cultural groups while combating discrimination against these groups and ethno-cultural rivalries. The underlying philosophy of some of the promoters of the new policy was that State promotion of inclusion and recognition of the equal worth and value of each culture would lead to greater

tolerance and respect of other cultures in the growing cultural mosaic that Canada was evolving into.

What happened in 1971 was primarily the establishment of Multiculturalism as an essential **ideological component** of the State, not the origin of the “diversity gene” that allowed the notion of multiculturalism to be entrenched in Canadian society. That occurred through trial and much error through much of the relatively short history of the country. These earlier origins is what I suggest have shielded Canada, at least for now, from the worst of the sorrows of multiculturalism and diversity. But the shields are very fragile and constantly need some careful reinforcing on an ongoing basis. So without multiculturalism and diversity building on the Canadian “diversity gene”, there is more vulnerability to the battalions of sorrows that plague multiculturalism and diversity today around the world.

CULTURAL DIFFERENCES AND THE BNA ACT

The origins of our diversity gene started as early as 1763 with the Royal Proclamation that granted the status of protected nations with the right to their own form of governments to the First Nations of British North America, a treatment very different from that meted out to First Nations in the Americas by the Portuguese, the Spanish and the later the Americans. In Canada, the Proclamation became the basis of the legal nature of Indian title and an historical root of the treaty process.

The Proclamation described the Aboriginal nations as autonomous political units living under the Crown's protection against the “great frauds and abuses” that had been meted out to them in

other parts of British North America. The Proclamation portrayed the links between Aboriginal peoples and the Crown as broadly 'confederal' in nature that would respect their diversity. Its provisions underlie the surrenders and designations of reserves for the First Nations of Canada.

This early manifestation of the constitutive fact of diversity continued with the Quebec Act of 1774 that unlike the results of military conquests anywhere else in the world at that time, bestowed the most fundamental of diversity rights to the French colonists that protected their religion and legal systems. In part this was a realisation of the inevitable failure of the assimilationist policies of the British against the French population in the Royal Proclamation. The impending American Revolution and the fear that the "Canadiens" might join them in the revolt, led the British government to entrench the French fact in British North America.

The Quebec Act was a unique recognition of diversity in the British Empire. Roman Catholics were emancipated in Quebec a full half century before Catholics in Britain received similar benefits. The concessions made in the Quebec Act persuaded the Canadiens from not joining the American Revolution; had Britain not granted the Quebec Act it is possible to imagine that Canada would not exist today.

While some historiographers would argue that these diversity rights given to the First Nations and the conquered French populations were done for reasons of fear of new conflicts with First Nations and conquest from the South rather than for profoundly valuing diversity, these actions nevertheless established the beginnings of what I term **“the Canadian diversity gene”**.

THE DIVERSITY GENE: CURSE OR BLESSING?

The Canadian diversity gene was further strengthened by the underlying rationale and structure of Canadian confederation as established by the Quebec resolutions in 1864 and at Charlottetown in 1867. The guiding principles behind the British North America Act were the protection and promotion of regional and cultural differences while ensuring a strong enough central government to be the glue of that diversity. The goal was to give the central government sufficient resources and powers to expand the new state westwards and deal with regional disparities. As a constitutional lawyer, I have long argued that diversity and indeed the protection of the distinct society in Francophone Canada is written into the fundamental constitutive document of this country.

The BNA Act was based on the seventy-two 1864 Quebec resolutions strongly influenced by the francophone founding architects of Confederation. The goal of these architects of Canada, such as George-Étienne Cartier was to ensure “la survivance” of the French population living in Quebec by keeping their control over their language, schools and laws. The Act enabled each province to have their own specified powers to control their own distinct societies. The Provincial legislatures are given under the BNA Act the power to make their own laws in fifteen specific subject categories that allowed provincial diversity to flourish, especially through the provincial jurisdiction over all matters dealing with property and civil rights in section 92(13) of the Act.

These provisions were designed to entrench the pre-existing diversity gene in the fundamental constitutional document of the new country. The genius of the founding architects of Canadian

nationhood was to entrench asymmetry up to the limits of the politically possible, but then to permit differences to flourish under other symmetrical provisions I suggest that this constitutional diversity gene is also the historical origins of the desire for what is termed asymmetrical federalism by Quebec federalists today.

INTOLERANCE AND RACISM

However, the foundational constitutive facts of diversity in Canada was greatly undermined since 1867 by vicious and overt governmental and societal acts of racism and discrimination against aboriginal peoples, racial minorities and indeed women from the dominant culture. The litany of such acts have filled the pages of Canadian history from the abuses of Indian residential schools, racist immigration laws, including the Chinese head tax, and the denial of the equal occupational rights and the franchise to Asian immigrants, First Nations and women. Added to these shameful annals of the antithesis of diversity are the expropriations and internments of the Japanese Canadians and other immigrant communities whose only sin was to have origins in an enemy country and the denial of European Jewish refugees before and during the Second World War due to rampant anti-Semitism.

Has this tragic record of racism and xenophobia from the earliest beginnings of the Canadian state undermined its diversity gene and so opened it up to the battalions of sorrows today? There is no definitive answer, but it is safe to say that the reinforcement of the diversity gene in Canada has come from a more recent non-discriminatory immigration policy.

THE ETHNIC PENALTY OF NON-EUROPEAN IMMIGRATION

The ethnic composition of the Canadian populace has also changed rapidly, reinforcing the diversity gene of the country. In 1957, European countries accounted for the top ten sources of immigrants, with the United Kingdom proving one-third of all immigrants. Forty years later in 1997, non-European countries accounted for the top ten sources of immigration.

With such a dramatic change in the diversity of immigration, the issue of labour market discrimination against the new immigrants would inevitably arise. To avoid the worst of these problems, immigration policy favoured the skilled worker immigrant class. This class was sought after to provide the technical and other skills needed in the professions and to fill labour gaps.

However, the first early warning signs of the deconstruction of the diversity gene in Canada are the emergence of the ethnic penalty in the labour force in Canada. Several studies of ethnic and racial discrimination in labour markets have been conducted in Canada. These studies seem to indicate that existing wage gaps between white and non-white workers can not be accounted for by reference to differences in education or occupations or other demographic factors of certain ethnic communities and some have fared better than others. While the evidence may not be foolproof, it may point to these wage gaps being the result of racial discrimination in all aspects of the labour market. These ethnic and racial penalties may be producing isolated communities that could well be the wellspring of our present and future battalions of sorrows coming to the Canadian diversity.

EYES WIDE OPEN

We can not afford to be blind to the possibility and even the probability that our immigration and settlement policies, our citizenship and cultural policies, our discriminatory labour markets, our aboriginal policies and our criminal justice laws and policies could well turn our diverse society into a multicultural and racial boarding room house. In this house each stays within their own rooms, some faring better than others. Some are descending into a spiraling crisis of gangs, guns, youth murders and vicious criminal activity. There is always the possibility of some of these morphing into highly dangerous organized crime with the capacity to disrupt vital public transportation and other systems and ultimately even terrorist activities. We need to pay much more attention to the common living spaces of shared and engaged citizenship.

The promise of a substantial multiculturalism and the protection and promotion of our diversity gene should become the core of a radical national project for the 21st Century.