
Citizenship and the Recognition of Cultural Diversity: The Canadian Experience

Response to Jenson and Papillon Backgrounder

Avigail Eisenberg

Multiculturalism and multinationalism present two very different criteria to which institutions and governance practices must respond. Currently in Canada, the more effort expended at emphasizing this difference – both through institutional structures, political commentary and public education – the better. The distinction needs to be emphasized for the following reasons:

1. The national minorities (French and Aboriginal peoples) may understandably feel insecure by the suggestion that their status is similar to other minority groups in Canada. An effective way to improve their security may be to clarify this distinction.
2. The cultural majority is made insecure by the suggestion that polyethnic minorities are seeking or are likely to receive a status similar to national minorities. Clarifying the distinction between the groups may be an effective means to lowering the majority's insecurity and defusing some of the political mobilization against multiculturalism that feeds on this misunderstanding.
3. The groups set to benefit from multiculturalism embrace integration and do not seek a self-governing relation with the state. Therefore, they will not mobilize against clarifying this distinction.

Multiculturalism requires that the State develop and fine-tune means to ensure the fair integration of polyethnic minorities. The terms of integration must respond to considerations of equity and fairness. They must be respectful of individual rights. But the terms are not themselves to be viewed as rights. Rather, multiculturalism is a policy that is grounded in the right to be treated as an equal. It is subject to constant change as the needs of groups change and the sort groups to integrate changes.

The concern raised in the backgrounder, that **recognizing cultural differences leads to fragmentation**, arises partly because critics have an insufficient appreciation that multicultural

policies aim at integration. But this is not the whole explanation. An important aspect of multicultural politics may indeed have a fragmentary effect. To see this, a distinction first needs to be made between *multicultural policy* and *multicultural politics*. From the perspective of the State, multicultural policy may be entirely a matter of integration because, after all, integration is the aim of multicultural policy. But from the perspective of groups whose integration is sought, multiculturalism invites them to critically examine the context into which they must integrate and to challenge the status quo found in that context. In this sense, multicultural politics is partly about dissent. Specifically, as a form of political dissent, multicultural politics involves political action and debate for the purpose of:

1. challenging the way in which an institution excludes or mistreats a particular minority group (e.g. discrimination by the police; exclusion from jobs; discrimination through portrayals on the news media)
2. challenging the claim that an institution or value is culturally or religiously neutral when it is not (e.g. the claim that Canada is a secular society that is equally hospitable to Christians and other religious groups can be criticized).
3. Opposing policies of the state because they are not equitable towards one's group

Dissent as an aspect of multicultural politics has challenged the cultural status quo in Canada since the first human rights legislation in a way that could be and has been described by critics as fragmentary. Today, insofar as the majority fails to see its culture as, in some important ways, biased in favour of particular cultural and religious values that, from some vantage seem imperialist or Christian or racist, minority groups have understandably aimed at pointing this out and at resisting integration to some degree. Therefore, despite the integrationist aims of multicultural policy, the politics of multiculturalism includes resisting integration into some aspects of Canadian culture and further, demanding that the majority alter the terms and context into which groups are expected to integrate. While multicultural policy requires that we revise the terms of integration, multicultural politics requires that we scrutinize the context of integration to ensure that it is one into which ethnic minorities can integrate, that we resist making claims of false neutrality and/or find ways of eliminating it where appropriate. I do not mean to argue that Canadian society and institutions must eliminate all cultural biases embedded in our practices and traditions. However, those practices and traditions that are intolerant or somehow demeaning of some groups, should be the target of reform.

Multinationalism requires that the State assume a disposition of *negotiation* towards national minorities – Quebec and Aboriginal nations– in which new terms of partnership and mutual accommodation are established that are the product of negotiation and compromise. The partnership will entail asymmetrical relations in the sense that the terms by which different Aboriginal nations are part of the Canadian state will differ from each other and from the terms by which Quebec is part of Canada. The result will be a negotiated set of partnerships that is structured partly through federalism, partly through constitutional rights (e.g. language rights) and partly through treaties signed between Canada and each Aboriginal nation.

A negotiating disposition is adopted by ensuring that the process fulfill two requirements. First, participants must be viewed by each other as equals, in the sense that each participant group possesses the right to self-determination. The precise ways in which self-determination can be enjoyed by each group is the subject of negotiation and is based on frankly understanding each other's strengths and weaknesses. But something within the process must contain and uphold the

recognition of the equal right to self-determination. This recognition is distinct from that which is due to polyethnic minorities. Moreover, this recognition is a basic requirement for the success of negotiation with national minorities as can be witnessed in processes such as treaty negotiations in British Columbia.

Second, a negotiation process between self-determining people must be, in some senses, ongoing because the relation between the peoples is ongoing. Establishing an ongoing process is crucial in the case of Aboriginal nations in Canada – many of whom want an ongoing process of negotiation with Canada with permanent institutions through which negotiations can take place. A permanent institution would present many ways for fulfilling the need for symbolically recognizing each participant as an equal while, at the same time, providing a centralized forum through which policies, treaties, agreements, etc. can be constructed and coordinated. For Aboriginal peoples, a permanent institution of this sort might be preferable to reforming the House of Commons in a way that incorporates special representation for Aboriginal peoples.

As it stands, the treaty negotiation process in British Columbia and the Nisga'a Final Agreement provide some clear indication of what works and what does not work in the case of Aboriginal national minorities. First, the treaty process is not a permanent structure. Perhaps it should be. Second, both the treaty process and the Agreement fail to offer the appropriate symbolic recognition to Aboriginal nations as equal partners. The Nisga'a Agreement is being interpreted by some critics as reducing the Nisga'a from a self-governing people to merely a group within Canada with a limited number of special rights. Evidence for this perspective is found within the Agreement itself, specifically within the 'surrender and release' clauses. BC's treaty negotiation process has been criticized for a similar reason. Because the Canadian state is imposing its will without sufficient regard to the outcome or state of play in the negotiations, it is not adopting a negotiating disposition. The Canadian government seems unwilling to recognize the parties with whom it is negotiating as equal partners and, in withholding this type of recognition, may be jeopardizing what could be a very effective way of resolving the relationship between Canada and Aboriginal nations.

One final issue that might be worth considering in the context of our discussions is the need to develop policy about the rights and status of non-Aboriginal residents who live in communities where some form of Aboriginal self-government is being established. In some communities, the governance structures put into place to facilitate Aboriginal self-government are ones that exclude the effective representation of non-Aboriginal residents for understandable reasons (i.e. to ensure Aboriginal people are not dominated by a non-Aboriginal majority in their own community). In this regard, the government may want to consider standard protections or rights for non-Aboriginal residents in newly emerging Aboriginal communities.

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