

# THE CHARTER AND MULTICULTURALISM

Mohammad A. Qadeer

Multiculturalism is a lived reality in today's global economy and immigrant-dependent society. It is sustained by human rights legislation and democratic constitutions. In Canada, it is driven by the Charter of Rights and Freedoms. Multiculturalism exists within a common ground of political, legal and economic institutions as well as norms, values, behaviours and practices that all members of a society are subject to. The common ground itself is evolving. It is not fixed. Its deliberate reconstruction through an inclusive process is as necessary as a periodic redefining of the scope of multiculturalism.

Réalité incontournable de l'économie mondialisée et des sociétés d'accueil, le multiculturalisme subsiste grâce aux lois sur les droits de la personne et aux constitutions démocratiques. Au Canada, il se déploie sous l'égide de la Charte des droits et libertés et, plus généralement, dans le cadre d'institutions politiques, économiques et juridiques aux visées communes ainsi qu'en fonction de normes, de valeurs, de pratiques et de comportements auxquels tous les citoyens sont assujettis. C'est un terrain d'entente en constante évolution qui n'a rien de figé. Et il est tout aussi nécessaire de reconstruire ce terrain suivant un processus d'inclusion que de redéfinir périodiquement la portée du multiculturalisme.



**M**ulticulturalism is under fire again in Europe as well as North America. David Brooks of the *New York Times* proclaims "the death of multiculturalism." Trevor Phillips, Chairman of the Commission for Racial Equality in the UK, blames multiculturalism for emphasizing cultural differences at the expense of cohesion. The Netherlands has gone from a country held as a model of multiculturalism to a nation that requires its non-Western applicants for citizenship to pass a test on Dutch values. Recently it has banned the face veil worn by a few Muslim women. Terrorism and 9/11 are the new justifications for questioning the sustainability of diversity in the Western countries.

In Canada, the arrest last summer of 17 youth on suspicion of plotting terrorist acts gave new ammunition to the critics of the country's multiculturalism policy. They contend that multiculturalism allows immigrants not to integrate into Canadian society. That multiculturalism lays the ground for terrorism is a contentious speculation. Yet undoubtedly many regard multiculturalism as an impediment to social integration.

The dilemma of multiculturalism is that it is only partially the outcome of public ideology and policy. It is largely a lived reality in contemporary societies of diverging lifestyles and globalizing economies. Societies dependent on immigra-

tion for population growth cannot but be multicultural. Even if Canada could withdraw its multicultural policy, it would still be a multicultural society for all practical purposes.

**H**ow can a democratic society stop its citizens from speaking their mother tongues, establishing communities and social networks, following their religious faiths, all essentially matters of the private sphere of social life? Not even totalitarian states have succeeded in obliterating cultural and ethnic identities; witness the failure of the Soviet-Russian experiment and ethno-nationalism in Yugoslavia.

Everyday life in the US, which notionally is an assimilating society, is as multicultural as in Canada. The expressions of ethnic diversity in the civic life of New York, Los Angeles, Miami or even Minneapolis are as striking as in Toronto or Vancouver. Whether multiculturalism is officially recognized or not, cultural diversity is the lived reality of both societies.

Multiculturalism is a defining condition of urban societies. Cities have always drawn people from nearby regions and distant lands. Even ancient cities were known for their babble of tongues and diverse customs and beliefs. The diversity of ways of life is all the more striking in contemporary cities in these times of multinational corporations, global production and mass tourism.

Furthermore, Western societies have come to depend on immigration for population growth and economic prosperity. Their sharply declining birth rates and aging populations require demographic replenishment by continual immigration. This demographic imperative adds another factor toward the cultural diversity in their cities. The continual flow of large number of immigrants inevitably injects diversity of beliefs, behaviours, languages and races.

What further sustains the post-World War multiculturalism is the legal regimes of civil and human rights. These rights confer on individuals freedoms of conscience and expression as well as the right to equality and civic participation within the bounds of national constitutions.

In Canada, it was the enactment of the Charter of Rights and Freedoms of 1982 which gave muscle to the multiculturalism policy of 1971. Among the freedoms guaranteed by the Charter under article 2 are freedoms of conscience, religion, belief, expression, peaceful assembly and association. Article 15 promises equality before the law to enjoy these freedoms without discrimination based on race, national or ethnic origin, colour, religion, sex, etc. Article 27 directly links the

en from the Charter's guaranteed freedoms and rights. Be it legitimizing the turban as headgear for RCMP officers, allowing prayer rooms in schools, legalizing same-sex marriage, promoting employment equity, or enacting non-discrimination and cultural sensitivity in public affairs, all such major and minor assertions of cultural diversity have come about with the enforcement of the Charter provisions.

The current discourse about the alleged "ills of multiculturalism" leads to a dead end. Multiculturalism cannot be banished or the accommodation of diversity resisted. Apart from the imperatives of lived reality, the Charter will not permit it.

Yet the question of the appropriate sphere of multiculturalism in civic life has to be addressed. It cannot be answered by merely focusing on the scope and limits of multiculturalism. It requires re-examining the societal framework in which multiculturalism fits. Both have to be examined in tandem. This is the thrust of the present article, beginning with a review of multiculturalism.

The term "multiculturalism" refers to the existence of sub-cultures within a national society. It does not normally extend to the multiplicity of national cultures that characterize the world.

**The term "multiculturalism" refers to the existence of sub-cultures within a national society. It does not normally extend to the multiplicity of national cultures that characterize the world. The culture in this context is not the web of institutions, symbols and meanings enveloping a nation. The "culture" in multiculturalism is composed of the norms, values and practices particular to specific groups and communities within a society. It is of a lower order than a societal culture.**

Charter with "the preservation and enhancement of the multicultural heritage of Canadians."

When one reviews landmark public decisions that have institutionalized cultural diversity in Canada, one finds that most of those have aris-

The culture in this context is not the web of institutions, symbols and meanings enveloping a nation. The "culture" in multiculturalism is composed of the norms, values and practices particular to specific groups and communities within a society. It is of a lower order than a societal culture.

Furthermore, it is largely limited to the private sphere of the social life of individuals and groups, whereas the public sphere, particularly the political, legal and economic institutions, is mostly characterized by national laws, policies and values. The limited scope of the "specialized" culture of a community makes it a sub-culture. And the multiplicity of such cultures in a society makes it multicultural.

The diversity of beliefs and behaviours arise, not only from immigration, but also from the increasing segmentation of people born in a country of distinct lifestyles. Social movements such as anti-racism, civil rights, feminism and evangelism, for example, lay out new contours in the cultural landscape of a society, differentiating soccer moms from feminist singles and black separatists from advocates of racial integration or liberals from neoconservatives, for example.

Of course in individualistic cultures, individuals are free to differ in beliefs and behaviours. What qualifies as multiculturalism is the congealing of individual differences into group characteristics. Multiculturalism refers to Jews, Irish or Chinese, for example, as communities of distinct ways of life in a society and by some accounts differentiating gays, disabled or even pro-life

from pro-choice advocates. Thus multiculturalism is based on socio-cultural differentiation based on race, ethnicity, gender, language and sometimes religion or lifestyle. It is recognition of diverse identities in a society. The recognition of this diversity of identities is the basis of multiculturalism policy. Yet this diversity is ultimately embedded in an

integrative common ground of national institutions.

All groups and communities in a society are subject to the same political, legal and economic institutions, by and large. Often there are also one or more official languages. These are

the common grounds of citizenship. Paralleling these institutions is a sociological common ground of shared social norms, cultural values, national symbols and practices. Among them could be values and beliefs of societal sweep such as tolerance, equality, patriotism, non-discrimination, trust, not resorting to violence and everyday behavioural norms such as mores of food, dress, commerce, gender roles, common courtesies and other public behaviours.

Conversely, common ground also includes norms prohibiting certain practices. For example, in Canada, even parents are prohibited from disciplining their children by beatings, regardless of their (sub)culture.

The common ground exists but it is also being continually constructed and reconstructed. All societies have a dynamic common ground, but pluralistic societies have to cultivate it more deliberately. The structuring and cultivation of a common ground complement the process of multiculturalism.

Arguments about the scope of multiculturalism are usually one-sided. They revolve around the “fitting in” of sub-cultural groups in a presumably “fixed” common ground. The discourse about the integration of culturally diverse groups is largely framed in terms of their adaptation to the presumed pre-existing mainstream structures. Yet integration is a dynamic process in which sub-cultures fit in the mainstream institutions, while the latter absorbs norms and values arising from the imperatives of diversity. By viewing the integration of different groups as a two-way process, the multiculturalism discourse can be rescued from the dead end of the zero-sum positions.

The respective spheres of personal and community versus public and national life define the relation between multiculturalism and the common ground. The cultural rights embedded in multiculturalism allow liberty of living one’s life at home and in community according to one’s heritage and beliefs. These rights are both sustained and circumscribed by national and uni-



The Gazette, Montreal

**These kids in Montreal constitute a virtual United Nations in the schoolyard. Many of them lead two lives, as integrated children in a Western society, and as inheritors of another cultural tradition in their family lives. One set of values promotes diversity in the public space, the other the distinct values of various ethnic communities.**

versal laws, values and norms. The critical question is how public values and norms come into being. This is the process of constructing and reconstructing common ground.

As pointed out, there are two distinct parts of common ground: one, the laws, policies and conventions defining rights and responsibilities of citizenship in a national society; two, norms, values and practices that define people’s behaviours in the public space. The former are relatively more enduring, though they do evolve with

changing circumstances and ideologies. They are primarily the product of legislation and public policies. The latter arise from historic traditions, social interactions, media and public discussions and economic/technological developments. Both parts ultimately reflect the evolving social consensus about ways of living and goals of society at any point in time. Yet both change over time, some over a long period and others over a short cycle. This is how common ground is constructed and reconstructed.

As immigration is the largest source of cultural diversity, it is at the centre of the multiculturalism debate. The cultural diversity brought by immigrants spawns new needs and expectations and transforms meanings of the existing values, building political pressure for new legislation and policies as well as reinterpretation of existing laws and ideologies.

The point is that the common ground of citizenship institutions evolves with the changing demographic and cultural composition of the national population. Even the rights and responsibilities of citizenship change under the political pressures of diverse needs and goals, though not smoothly and in time. For example, the current debate in Canada about the viability of “dual citizenship” underlines the changing national perspective precipitated by the evacuation of thousands of Lebanese-Canadians during the recent war in Lebanon.

The process of legislative change has increasingly included measures for citizens’ participation. These measures promote civic engagement of various constituent communities in the process of construction and reconstruction of national laws and institutions. Such a process, if inclusive, can forge a common denominator of laws and policies suitable for most multicultural groups and communities.

It is the second component of the common ground, namely social values and norms of everyday public behaviour, which changes incrementally and obscurely. Its construction and reconstruction has to be more deliberate in a multicultural society. I will illustrate some recent trends with examples from both the US and Canada.

Probably the most obvious impact of multiculturalism is on the mores of food and dress in these two countries. What were “ethnic” foods in the 1960s, such as yogourt, chow mein, stir fry, chicken curry, burritos and

nachos, etc., had become parts of the mainstream menu by the 1990s. In both countries, people’s taste has evolved toward more spicy foods introduced by recent immigrants. Often the first choice for eating out now is an Italian, Chinese, Indian or other ethnic restaurant. These cuisines have been incorporated in cooking at home and a fusion of foods is underway. The national cuisine has been redefined by multiculturalism.

When I came to the US from Pakistan in the mid-1960s, women were required to wear skirts at work and pants were not acceptable. Now the dress code for both men and women is far more informal and wide-ranging. Creaseless pants, collarless shirts, shorts, hijabs and saris are as acceptable as skirts and suits and ties in public places. It is not uncommon to see people clad in ethnic dress in streets and they are not going to costume parties. It is their daily wear and little notice is taken of them, unlike in the 1960s and 1970s.

Feminist, youth and ethnic cultures have opened up the range of national mores of food and dress, normalizing diversity. Similar fusion of forms and functions has also taken place in music, arts and architecture. Strains of the tabla or African drums rise out of popular songs. Even spiritual quests have been influenced by yoga and Zen meditation,

**The process of legislative change has increasingly included measures for citizens’ participation. These measures promote civic engagement of various constituent communities in the process of construction and reconstruction of national laws and institutions. Such a process, if inclusive, can forge a common denominator of laws and policies suitable for most multicultural groups and communities.**

which are being incorporated in religious services. All of these changes show that the sensual and spiritual components of national societies incorporate cultural traits of foreign origins introduced by multicultural communities and globalization. These changes are largely the outcomes of market processes

and cultural diffusion arising from mutual exposures of different groups.

One can say these are superficial matters and they do not represent the “core” national traditions. Regardless of the place of food, dress and music in national identity, changes of these mores and practices indicate the transformation of everyday life with the exposure to diversity of norms and tastes. Similar but subtle changes also occur in other behaviours and values. Diversity affects the socio-cultural component of the common ground in two ways.

One, the existing norms and values are invested with new meanings and symbols within existing national institutions. This has happened to some institutions. For example, the status of the Christian church as a religious institution has changed radically. Religious services are being offered in Korean, Chinese, Spanish and other languages, as congregations increasingly are composed of immigrants. Apart from churches, temples, synagogues, mosques and gurdawaras have found a place in the national pantheon of religious institutions. Municipal and provincial policies have been revised to include all these places of worship as acceptable elements of urban landscape.

Two, cultural diversity requires discarding some old mores and instituting new ones. To take an example from everyday life, it used to be that ethnic

languages spoken in public places drew sneers. It was not uncommon to be shouted at for speaking an ethnic language in the earshot of others, with the remark, “This is America (Canada), speak English.” Now ethnic languages are being loudly spoken in streets, offices and schools and on cellphones

in public. No one objects openly. The norm for language spoken in public places has been revised. ESL, English as a second language, is a big business and

How can both the inclusiveness and clarity of an evolving common ground be promoted? This is the policy challenge in societies of increasing diver-

**In the same vein of normative change, women now do jobs previously thought to be masculine. Now the sight of a policewoman evokes no surprise. Even the military has been recruiting women soldiers. The ideology of gender equality and feminism has revised the norms of femininity. Similar revisions of functions and meanings have occurred in such basic values as equality, tolerance, order and conformity. These abiding values retain the form, but their scope, meanings and functions change with new needs and ideologies.**

heritage languages are finding a place in the educational curricula.

In the same vein of normative change, women now do jobs previously thought to be masculine. Now the sight of a policewoman evokes no surprise. Even the military has been recruiting women soldiers. The ideology of gender equality and feminism has revised the norms of femininity. Similar revisions of functions and meanings have occurred in such basic values as equality, tolerance, order and conformity. These abiding values retain the form, but their scope, meanings and functions change with new needs and ideologies. The words remain the same but contents change. Thus while the mainstream values and practices change, their clarity is compromised and expectations of conformity from immigrants confounded.

The point is that cultural traditions do not have a permanent "natural order" and they are affected by changing needs and diffusion of new beliefs and behaviours. The transformation of common ground is not a smooth process(es). It has time lags and coilbacks resulting in controversies and uncertainties, but it tracks an evolutionary path in dynamic societies. Ultimately its effectiveness is reflected in the inclusiveness and clarity of common ground. Collectively societies of high levels of immigration need to focus as much on cultivating and constructing common ground as on defining the scope and limits of multiculturalism.

The answer lies in promoting a deliberative process of forging, clarifying and instilling common values and expectations among all citizens, native and immigrant. In societies of increasing diversity and pluralism, changing values and norms cannot be entirely sorted out by incremental modes of muddling through. They have to be openly and consciously discussed to build broad consensus around national norms and values. Such a national conversation about common ground should involve not only the historic majority but also social and cultural minorities.

The following are the suggested organizing principles of this process:

- The process of deliberative construction and reconstruction of common ground has to be multi-centred. It cannot be located in one set of institutions. Many norms and values are laid out by legislation and public policy. Others arise from judicial decisions. Most of the everyday behavioural norms and practices come out of the media and social interactions.
- The task of articulation and interpretation of national values and norms has largely fallen to legislation such as the Charter of Rights and Freedoms, human rights codes and, in the US, civil rights laws. Such generic legislation, rather than multiculturalism policies, concretizes national ideals and goals into public norms for situations aris-

ing from diversity. These laws have to be periodically reviewed.

- The process of deliberative reconstruction of everyday norms needs to be made both more inclusive and directive. Community forums organized at local levels can be useful instruments of promoting wide-ranging discussions of common values and norms around day-to-day practices and behaviours. Questions such as Muslim women's niqab or Christian symbols in public space, for example, could be openly discussed, without hate talk. They should not be just left to the stereotyping polemics of the media. They should be widely discussed in a variety of fora. From such participatory public discussions, balanced and consensual norms could emerge.
- Common values and norms could be transformed into codes of behaviour that schools, businesses, community organizations and public institutions may actively promote. They should form a part of an organized and ongoing program of civic education for both immigrants and Canadian-born citizens.
- The freedom of individuals and groups to live their private life according to their chosen cultures, within the bounds of common ground, is assured in a democratic society. The discourse about these rights should also promote the awareness of public responsibilities.

The sum total of these suggestions is that a conscious and deliberate process of constructing and reconstructing common ground is essential for societies of diverse cultures, as is the dissemination of common values and norms among all citizens. The Charter can serve as the beacon for this process.

*Mohammad A. Qadeer is Professor Emeritus, Queen's University, Kingston. qadeerm@post.queensu.ca*