CASE STUDIES, INSIGHTS, & DEBATES

Unequal Relations

An Introduction to Race, Ethnic, and Aboriginal Dynamics in Canada

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CHAPTER 1: RACE, ETHNIC, AND ABORIGINAL RELATIONS: PATTERNS, PARADOXES, PERSPECTIVES

1.1   CASE STUDY

The Politics of Genocide: Never Again or Over Again?

With daybreak, pandemonium breaks loose. The silence of a sleepy village is shattered by helicopters, whose guns punctuate the air with explosions and flames. People flee their burning huts as hundreds of men on horseback gallop into the village, their automatic rifles firing, killing everyone in sight. Eventually, only the men and boys are singled out to be shot to death, while the women are rounded up and marched toward the church. Gunmen seize the male children and throw them into the burning buildings—with mothers forced to watch their excruciating deaths in agonizing silence. Once inside the church, the women are forced to undress and are raped repeatedly, often for days on end. Some women, children, and men have managed to escape into the surrounding forests, but the men on horseback relentlessly pursue the escapees and, as a lesson to others, will rape, torture, and kill the unlucky ones in front of everyone. The so-called lucky ones finally emerge from their hiding places after several days only to discover that their homes are burnt to the ground, possessions confiscated, livestock taken, wells poisoned, and the surviving women either infected with disease or impregnated by the rapists. What other choice is there but a forced flight to squalid refugee camps? Along the way the survivors became aware of similar atrocities in hundreds of villages, with the result that everyone is homeless and on the run in a vast desert region the size of France. Even refuge is no guarantee of safety as bands of marauders routinely cross over to the Chad border to hunt down fleeing evacuees (adapted from Saunders, 2005; also Darfur, 2009; Petrou and Savage, 2006).

   Genocide? Ethnic cleansing? Final solution? Crime against humanity? Sectarian violence? Human rights atrocity? Darfur now ranks as the world's most serious humanitarian crisis since the frenzied butchery that claimed nearly a million lives in Rwanda nearly two decades ago (Tatum, 2010). The mind can barely fathom the scope of the mass killings of black farmers by marauding Arab militias known as Janjaweed with the support of the regime at Khartoum (Kumar & Kelly, 2005; Totten & Markusen, 2007). Upward of 300 000 Darfuri have died from fighting, disease, or starvation since 2003, with no end in sight as the situation continues to deteriorate without a political settlement or peacekeeping troop deployment (Associated Press, 2008). Another 2.2 million have been displaced from their homes—in a country that, with 4 million already on the run, has the world's largest number of internally displaced persons and another 500 000

refugees in bordering countries (Kilgour, 2005). Adding to the misery is the widespread rape of women and children, the forced movement of people off the land, and a paralyzing realization that possibly half of Sudan's population of 7 million is on the verge of starvation, including growing rates of acutely malnourished children (Gettleman, 2007). The conflict becomes more violent, unpredictable, and complex as time goes on; rather than a fight between the Sudanese government and its militias on one hand and African rebel groups on the other, both rebel groups and Arab tribes are now fighting each other, with humanitarian groups caught in the middle (Goodspeed, 2007, Rieff, 2007). And yet Sudan refuses offers of international assistance (Reeves, 2007). It has brazenly defied a UN resolution for a 20 000-strong UN force, insisted on the departure of the 7000 troops of the African Union after their mandate expired in early 2008 (Goodspeed, 2007), and sent 10 000 of its own troops to quell the turmoil—a conflict of interest that could hasten a brutal "final solution" (Vallely, 2006).

International outrage over these atrocities is slowly mounting. Unlike the carnage in Rwanda, where the murder and mayhem unfolded quickly and without media exposure, this is genocide in slow motion, well documented and undeniable (Petrou & Savage, 2006). The international community has voiced widespread frustration over the United Nations' failure to intervene, wrung its hands over the slow pace of intervention by the peacekeeping African Union force, and lamented the dearth of meaningful sanctions to bring Sudan's regime to its knees. But outrage is one thing; action is quite another. Canada's reaction to this slow-moving genocide remains long on rhetoric but short on action—a delay all the more remarkable in light of Canada's status as an influential middle power and its promotion of the "Responsibility to Protect" principle (Swan, 2007). According to this doctrine, the international community has a responsibility to protect civilians—even to the point of armed intervention—when governments are unwilling or unable to do so (Heinbecker & Axworthy, 2005; Reeves, 2007). Except to provide aid, Roméo Dallaire argues, how do we explain Canada's meagre commitment of 100 minimally armed peacekeepers to a land the size of Texas? (In all fairness, Canada's armed forces may be stretched to the limit, with nearly 1000 troops stationed in Afghanistan, Bosnia, and Kosovo. In the case of the United States, the quagmire in Iraq undermines any inclination for other large-scale military excursions, especially without Sudanese agreement [Petrou & Savage, 2006]). Does indifference stem from a lack of political will, stonewalling by the Khartoum regime, a lack of intervention resources to deploy, ignorance, fear of involvement in tribal wars, or blatant racism (Kilgour, 2005; Reeves, 2007)?

Debating Genocide: Semantic Wrangling while Darfur Burns

More frustrating still is a reluctance to define the slaughter of Darfuri men, women, and children as genocide, reminiscent of similar slaughters in Rwanda. The conflict in Darfur is so complicated and has gone on for so long that few international powers really care who is killing whom as long as their strategic interests are safeguarded. The United Nations is unwilling to define the situation in Darfur as genocide because such a declaration would necessitate international intervention. And yet anti-genocide conventions that go back to 1948 call on the international community to intervene in jurisdictions where a state is either incapable of curbing gross human rights violations or complicit in the

slaughter of innocents. Much of the problem is based on semantics, namely, a high burden of proof for the word "intent." According to the United Nations, there is no conclusive proof of intent to destroy an ethnic group, only a campaign of retaliation to kill those males whom the marauders regard as rebels while expelling the population from arable land (Saunders, 2005). The Western powers concede that the Darfur atrocities are genocidal in effect but not intentionally so, and without intent there is no legal mandate for foreign powers to get involved—especially in a country that strategically has little to offer in compensation. And in an era when classic conflicts between country and country have been replaced with imploding nations and failed states with poverty-driven hatreds and resentments, the incentive to intervene is further diminished (Swan, 2007).

The irony of such inaction in the face of gross provocation is unmistakable: In May 2005, Europe commemorated the sixtieth anniversary of the end of the Nazi genocide of Jews and other so-called undesirables, although there was barely any reference to the humanitarian crisis in Darfur. Paradoxically, two countries that suffered greatly from the genocidal fascism of Germany—France and Russia—continue to support Khartoum's crimes against humanity because of commercial interests (Gurwitz, 2005). Any move to impose sanctions on Sudan was scuttled by the Chinese, who are the largest supplier of arms to the Khartoum regime and the primary consumer of Sudan's total oil exports (Petrou & Savage, 2006). No less silent—despite an initial labelling of the crisis as genocide, possibly to score political points against international Islam (Totten & Markusen, 2007)—was the president of the United States who, paradoxically, has delivered military support for securing the rights of oppressed people in strategically placed parts of the world. How sadly ironic: Rather than *never again*, as solemnly promised by the international community after World War II, the pampered and powerful are *yet again* closing their eyes to atrocities in Darfur, just as they did a decade ago in Rwanda (Tatum, 2010). Sadly, the more things change . . .

Critical Thinking Question
The anti-genocide refrain "never again" appears to be increasingly challenged by an opposing refrain, "yet again," including a seeming unwillingness on the part of Canada and other major powers to intervene in crisis situations. Which of these reasons—indifference, expediency, calculation, racism, fear, lack of political will—best accounts for the reluctance to intervene in the genocide in Sudan?

1.2   INSIGHT

From Segregation to Integration to "Separation": Reframing Black–White Relations in the United States

All "men" may be created equal according to the American Constitution. But some women and men are born more equal than others, and neither the *Declaration of Independence* nor the Civil War did much to improve the legal and socioeconomic status of African Americans (Horton & Horton, 2004). Blacks and whites were unequal and separated by law and custom prior to the civil rights movement of the 1950s and 1960s. Both *de jure* and *de facto* segregations were enforced in restaurants, public transport, and ma-

jor social institutions such as hospitals, churches, and schools. The labour force was racially stratified. Interracial marriages were prohibited in many states. The colour bar led to uneven levels of development among black people, thereby intensifying patterns of discrimination against a segregated population.

The civil rights movement established a pathway to integration. The movement was largely a struggle for racial equality by dismantling the openly discriminatory features of a segregated social order that had entrenched white supremacy (Estes, 2005; Goldberg, 2005). Desegregation was expected to undo segregation by eliminating legal and social prohibitions, while integration sought to improve the overall participation of African Americans within the society. Integration guaranteed all Americans formal equality before the law by expressly prohibiting discrimination on the basis of race. The promise of integration was predicated on a relatively simple premise: Whites will discriminate in favour of themselves if there is a separation of races. With integration, however, whites cannot self-discriminate without favourably assisting black people in the process. In short, the best way to guarantee black children a good education was to link their fate with that of white children through integrated schools, even if busing had to be mandated (Kennedy, 1996).

The commitment to integration held much promise. The advancement of black people was driven by the 1954 Supreme Court decision to ban separate but equal public school facilities. By striking down the separate but equal concept that had segregated whites and blacks, the *Civil Rights Act of 1964* outlawed racial discrimination in employment and accommodation, while the *Voting Rights Act of 1965* improved black political participation by eliminating all qualifying tests for voter registration (Horton & Horton, 2004). But theory was one thing; reality was quite another. The legal and social progress since the civil rights movement notwithstanding, many African Americans continue to be plagued by the aftermath of segregation (Shapiro, 2004). Conferring legal equality and treating everyone the same in contexts of inequality simply freezes the status quo (or, as Lyndon Johnson observed when introducing affirmative action programs in the late 1960s, you don't shackle a people for 200 years of slavery and segregation and then expect them to start and finish a race on the same footing). Blacks continue to be confined to economic and residential ghettoes, primarily because most lack the wealth (assets such as home equity or savings) to break the cycle of poverty. Worse still, whites continue to hide behind a "wall of ignorance" that ignores the bitter legacy of slavery and those racial injustices that continue to haunt and to hinder (Assante, 2003).

Not surprisingly, the civil rights movement gave way to the Black Pride movement that, in turn, spawned Black Power militants. The shift from "Negro" to "black" as a term of self-description symbolized this rejection of the civil rights integrationist ideals. In making this shift from the politics of distribution ("civil rights") to the politics of recognition ("identity politics") (Morning & Sabbagh, 2005), Black Pride evolved into an identity-building movement that sought to promote a "Black Is Beautiful" image by politicizing the concept of indigenous ghetto culture as the basis for black unity. A demand for affirmative action replaced a commitment to formal equality, as it was no longer sufficient to remove only legal barriers to black advancement but also necessary to remove those social impediments that precluded full and equal participation.

Put bluntly, the United States continues to be a society with sometimes very different sets of histories, experiences, and aspirations: On one side of the narrative is a white

majority that sees America as a land of promise and opportunity. For many whites, racism is a thing of the past, synonymous with lynching, cross burning, and segregated facilities, and at worst restricted to a few bad apples (Wise, 2009). On the other side of the narrative, a black minority is consigned to the margins of the wilderness (Assante, 2003). Many blacks continue to experience racism in everyday life—from police encounters to limited employment opportunities and glaring disparities in health and socioeconomic status. In other words, integration does not appear to be working, as many had hoped, and this belief that blacks and whites cannot integrate—on the assumption that applying equal treatment to unequal contexts tends to perpetuate the inequities—has shattered Martin Luther King, Jr.'s dream of the United States as an integrated country of goodwill and equality. Even the National Association for the Advancement of Colored People (NAACP), founded in 1908 by W.E.B. Du Bois to combat discrimination, appears to be abandoning the principle of integration in the face of mounting black nationalism for separating the races as a basis for cooperative coexistence.

Critical Thinking Questions
Why did the promise of integration prove to be less than what many black leaders had anticipated? Why does a commitment to separation (or segregation from below) appear to hold more promise?

CHAPTER 2: THE POLITICS OF RACE

2.1   INSIGHT

Criminalizing Race, Racializing Crime: The Politics of Race-based Statistics

Racialized minorities and Aboriginal peoples have long been accused of excessive criminal behaviour. From the Irish and Chinese of the nineteenth century to twentieth-century Italians, Jews, and blacks, certain groups have been vilified as inherently criminal and in need of constant supervision and control. Recent incidents in major Canadian urban centres have again singled out racialized minorities for special attention. Although blacks constitute a relatively small proportion of urban Canada's population, they (especially young black males) are disproportionately found in statistics related to victims or suspects. For example, in a year-long study of non-casual police stops in Kingston, Ontario, between October 2003 and September 2004, blacks were stopped four times more frequently than whites relative to their size of the population (Close & McKenna, 2006; Wortley, 2005). Aboriginal peoples may comprise just over 4 percent of Canada's population, but they occupy 18 percent of the federal penitentiary space and about 27 percent of provincial and territorial jail space, including accounting for an astonishing 75 percent of the inmates in Saskatchewan prisons (Statistics Canada, 2005). For Aboriginal women, the figures are even more punishing.

These statistics raise an important question: How do we account for the "overrepresentation of racialized minorities and aboriginal people in Canada's criminal justice statistics" (Roberts, 2000)? Is a tendency toward criminality inherent within certain races—that is, is there a race–crime link? Are higher levels of arrest and incarceration a function of higher levels of offending? Do certain social conditions—from poverty to powerlessness—put some minorities at greater risk vis-à-vis the criminal justice system? Or do racialized minorities, because of their visibility, attract disproportionate attention from the police? Does race cause crime? Or is it more accurate to say that crime is racialized because of a police bias toward some groups rather than others? How does race become criminalized (i.e., how do particular crimes become attributed to particular groups)? In turn, how does crime become racialized (i.e., specific groups are perceived as prone to committing particular crimes) (Jiwani, 2002)? Or do we have a case of playing the race card, a deliberate if somewhat questionable move to introduce race into the debate as little more than a smokescreen to confuse, convince, or distract (Fleras, 2008; also Loney, 2005).

Not surprisingly, there are renewed demands for keeping track of crime rates by racial origins of the perpetrators (see Fleras & Desroches, 1989; Wortley, 2009). In doing so, the data provide a clearer picture of what is going on, thus providing the criminal justice system with information to better deploy its resources. Others are not so sure: Of

what value are crime statistics involving racialized minorities, if the data are inaccurate, subject to abuse, and misused for ulterior purposes? Two opposing questions generate this debate: To what extent will access to this information reinforce bigotry, stereotypes, and excessive policing, especially in a society where blackness is often synonymous with criminality? Or, will these data be employed to foster tolerance, remove discrimination, and improve minority involvement with the criminal justice system (Roberts, 2000)?

Those who support the collection of race statistics argue that problem areas need to be identified to raise awareness, define the problem, customize solutions, and allocate resources appropriately (Appleby, 1999). Analyses of crime statistics by race would produce profiles of suspected criminals and the kind of crimes they commit and contexts behind this criminal behaviour, as well as proposed solutions and recommendations for the prevention of future occurrences. Supporters of racially based crime statistics are not necessarily racist in assuming that certain groups are predisposed to commit certain types of reported crime. Rather, they may be anxious to see if patterns can be discerned for purposes of solutions. Besides, the harm done by statistics may be overstated in light of existing patterns of racial discrimination:

> The truth is, statistics do not stigmatize minorities more than they are labelled by segments of the larger society. Those who engage in this racist practice do not need any statistics to back them up. (Dei, 2004)

Those against the routine collection of racial crime statistics argue that such data are impossible to collect, prone to manipulation, and may do more harm than good (Cryderman, O'Toole, & Fleras, 1998). In an era of quantification, statistical data confer an air of authenticity and objectivity that may be unwarranted because of flaws in collection or interpretation. Statistics reflect incidents of crime that are reported *by* or *to* the police rather than actual rates of criminal offence. Statistical information may trigger a sequence of events that could well culminate in a self-fulfilling prophecy. If police create a statistical profile that results in more intensive monitoring, they will gravitate toward the suspects they are looking for. Police will then conclude that they were justified in conducting more intense surveillance or selective searches (James, 1998). Furthermore, the circulation of this information may (1) reinforce stereotypes and legitimize a racist mindset, (2) promote hidden agendas, (3) distract attention from the real sources of the problem, namely, poverty and powerlessness, and (4) strengthen the intrusive powers of police. In short, the collection of race–crime statistics is problematic for a variety of reasons, both technical and political (Chan & Mirchandani, 2002; Roberts, 2000):

- Only a small proportion of individuals within any community is likely to engage in criminal behaviour. The end result is the stigmatizing of an entire community of law-abiding citizens who have little in common except skin colour.
- Repeat offences by the same person may grossly inflate the scope of criminality within a community.
- Many crimes are never reported to the police, particularly "white collar" crimes, thus distorting the figures.
- The process of racial identification is itself riddled with inconsistencies: Who decides on the appropriate racial category—the victim, the suspect, the police officer? The

high level of subjectivity in making the classification may say more about the measuring and the measurer than about the measured.

- Racial categories themselves (what exactly falls under "blacks"?) are excessively broad to the point of meaninglessness.

In between the critics and supporters are those who accept the relevance of such data but insist on safeguards to prevent abuse. In collecting and analyzing *any* type of information, it is important to know who is gathering the data, how this information will be collected, who wants to know and why, and how the data are to be used. Are the police properly trained and sufficiently impartial to impose labels? Do the police want this information to improve the quality of policing, or do they want to justify more invasive surveillance powers within racialized communities? Do politicians hope to look tough on crime by collecting such data? Will the availability of statistics spur an effort to weed out the criminal element within minority communities? What crimes should be included in the count? Will the inclusion of "white collar" crime and other types of underreported crime provide a more balanced picture of what really happens? Until answers are forthcoming, cautionary discretion is advised.

There is yet another reason for exercising caution in this area. No matter how accurate the survey or how sound the interpretations, a causal relation between race and crime can never be proven. Race is not a cause of crime (Roberts, 2000). To the contrary, the causes of crime are social and cultural rather than biological or race specific. Crime does not correlate with certain races, but cuts across all groups of people. Its detection because of police bias (or profiling), however, may be racially motivated. These distinctions make it doubly important to acknowledge the social dimensions of crime-related behaviour, including poverty, unemployment, hopelessness, police harassment, racism, dysfunctional families, disregard for the law, and absence of meaningful employment opportunities (Hylton, 2002; Jiwani, 2002). Structural barriers that inhibit minority life chances may magnify minority encounters with the criminal justice system. Downward poverty enhances the possibility of crime; crime, in turn, may intensify poverty by discouraging business initiatives, thus inflating minority unemployment (Loury, 1997). The conclusion is inescapable: Yes, race matters. Not because some races carry a crime gene, but because people believe race matters and act accordingly by assigning moral force to statistics that, in the final analysis, can measure only levels of enforcement against racialized minorities.

Critical Thinking Question

Demonstrate how the collection of crime statistics may contribute to the racializing of crime and the criminalizing of race. Do crime statistics involving race or ethnicity have any value in addressing criminality, or should they be discarded?

2.2   INSIGHT

Racializing Sports: Can Black Athletes Jump Higher and Run Faster?

Many rely on the concept of race to explain differences and similarities, successes and failures, and patterns and predictions. It's hardly surprising that race-based explanations possess a certain appeal. They are simple and direct, conform to common-sense logic, tap into prevailing stereotypes, and provide a convenient rationale to exclude, deny, or control. However widespread the popularity of race-based thinking—and there never seems to be a shortage of proponents for it—a commitment to accuracy is not one of its strengths. Reference to race as an excuse or explanation not only plays fast and loose with scientific evidence, but also downplays the social, cultural, and historical dimensions of intergroup relations.

The controversial link between race and sports is a case in point (Powell, 2008). As recently as the late 1940s, black athletes could not participate in professional North American team sports. The colour bar kept white from black in professional baseball until 1947, when Jackie Robinson joined the Brooklyn Dodgers after a minor league stint with the Montreal Royals. The Boston Red Sox were the last major league baseball team to integrate when they signed infielder Pumpsie Green in 1959. Neither professional football nor professional basketball accepted black athletes until the late 1940s, although two blacks did play for now-defunct football teams during the 1920s. The last major league sport to integrate was professional hockey, when in 1958 Willy O'Ree signed with the Boston Bruins of the National Hockey League. To be sure, black athletes could participate in professional minor leagues or in segregated "Negro" leagues. However, owners and players steadfastly refused to integrate teams for fear of alienating sponsors or scaring off audiences.

By the early twenty-first century, a radically different picture had emerged. Black athletes dominated two of the three most popular team sports in the United States. Although comprising about 13 percent of America's population, black Americans represent 42 percent of all athletes in baseball, football, and basketball. They constitute about 67 percent of the gridiron personnel in the National Football League, 65 percent of the hoopsters in the National Basketball Association, and 7 percent of all major league baseball players (Lapchick, 2004). Black athletes also account for approximately half of all basketball and football players in the NCAA Division 1A (Lapchick, 2000). At international levels, sprinting and long-distance running are dominated by Africans and black Americans, while West African–descended blacks hold the 200 fastest 100-metre times, all under 10 seconds, in addition to 494 of the 500 fastest sprint times as of 2008 (Entine, 2000; also Powell, 2008). At the Beijing Olympics in 2008, Jamaican runners won four of six gold medals in individual sprints, while Ethiopian runners took three of four long-distance medals.

How do we explain this astonishing pattern? Race? Genetics? Environment? Culture? Are blacks as a race genetically more athletic than other races? Is there a "sports gene" that explains black accomplishments? Do black athletes possess anatomical features that predispose them to success? Does black culture encourage athletic achieve-

ment? Or, does athletic success reflect one of the few opportunity structures available to black youth? To what extent does success in sports reflect the interplay of biology and culture?

Black Athletic Success: Nature or Nurture?

There is no scarcity of biologically grounded explanations for black success in certain sports (Entine, 1999). A popular explanation is derived from the "theory" of black anatomical advantages. Black athletes perform well because of natural (biological) factors including bone structure, stamina, strength, coordination, and size. Anatomical differences include (1) leg and calf structures more suitable for jumping, (2) faster twitch muscles (muscle fibres that rapidly burn cell glycogen) for sprinting, (3) more sweat glands (more body surface) for dissipating excess body heat, (4) less subcutaneous fat on arms and legs, (5) faster patellar tendon reflex, (6) higher levels of plasma testosterone, and (7) darker eye colours for excelling at reactive sports (Jaret, 1995).

However "valid" each of these factors may be, anatomical differences do not mean that black athletes are racially superior in sports. While superficially appealing, the notion that blacks as a race are better endowed than whites cannot stand up to scrutiny. For example, blacks may excel in certain sports, from boxing to basketball, but not at others such as tennis, golf, volleyball, swimming, or lacrosse (Powell, 2008). Of course, well-known exceptions exist, including Tiger Woods in golf and the Williams sisters in tennis, but the very profile of these athletes tends to prove the rule. Nor can the race concept explain the absence of blacks from professional team sports prior to World War II—unless one reverts to some wildly implausible genetic displacement in an impossibly short time span. That leaves social and cultural factors as alternative explanatory frameworks to account for these shifting patterns.

First, professional sports is one of the few opportunity structures open to black Americans (Edwards, 1971, 2000). Not only do blacks focus on sports to escape inner city poverty, but they also gravitate to sports as a legitimate avenue for power, privilege, and wealth. Success itself creates role models that provide additional incentive for youth. Second, American sports is a big business that extols winning at all costs. This postwar commitment put a premium on attracting the best athletes, regardless of colour or race. Black athletes were able to overcome discrimination by pursuing those sports whose performance levels could be evaluated objectively by way of statistics. Thus, highly quantifiable performances among black athletes (such as pass-catching yardage or batting average) proved pivotal in dismantling barriers. Third, entry occurred in team-oriented sports where black excellence could be diffused among white teammates and rationalized as integral to team success. Fourth, blacks did not excel in all sports. They tended to gravitate toward sports that were relatively inexpensive, did not require special equipment, and were easily accessible regardless of socioeconomic status.

Even so, black success in sports is "skin deep." Blacks may do well in team numbers, but they are not randomly distributed across the playing field. Black players tend to cluster around certain positions in a phenomenon known as stacking. In the NFL, for example, blacks predominate in positions such as running back or wide receiver on offence, and cornerback and safety on defence. Black quarterbacks were a rarity until recently; few black college-level quarterbacks ever made it to the NFL in that position

(usually they were converted to defensive backs), with the first being James Harris of the Los Angeles Rams in 1975. Whites, in turn, prevail at quarterback and kicking on offence, and at the more central positions on defence. Similarly, stacking occurs in baseball where pitchers and catchers are overwhelmingly white, with blacks predominantly in the outfield. And management positions remain stacked in favour of whites, notwithstanding modest changes.

This racialized pattern is not entirely accidental. It reflects a view that whites should monopolize the thinking positions, whereas blacks should concentrate on those positions where they can capitalize on their natural talents. The racial subtext is insidious: Whites succeed as athletes through brain power and strategic reasoning; black athletes are successful because of raw genetic prowess rooted in speed and power. The end result is to reinforce widely held presumptions of innate black athletic superiority yet intellectual inferiority (Edwards, 2000). Not surprisingly, racial tensions have mounted in the professional leagues, especially in basketball, where blacks who are selected for aggressiveness and transformed into instant millionaires invariably come into conflict with authority figures—from coaches to managers to owners—most of whom are white.

In short, the racialization of sports reinforces the theme that race matters. Blacks are overrepresented in certain sports and positions, underrepresented in others, excluded from the spatial centre of team formations, and denied leadership positions both on and off the field (Smith & Leonard, 1997). To be sure, biological factors are not irrelevant in explaining success. Biology is known to intersect with culture and society in ways that are real but have yet to be determined (Powell, 2008). Superiority of racialized groups in certain sports reflects a complex interaction of factors that must also include climate, geography, history, culture, and government and private-sector sponsorships (Lapchick, 2004). Nor is there anything racist in admitting that blacks are better in some sports rather than others because of evolution or genes—even though such an admission runs the risk of opening the floodgates that link brain size with crime or intelligence. But references to genetic or anatomical variations should not be confused with race-based typologies. Race matters when it comes to sports—not because one race has more natural talent than another, but because people's actions are based on a belief that it does—thus creating the conditions for a self-fulfilling prophecy.

Critical Thinking Question
What role does race play in professional sport?

2.3   CASE STUDY

Racialized Profiling or Profiling Policing

Racism is so deeply embedded in society (from history to structure) that racist incidents should come as no surprise. A general discomfort with blatant forms of overt racism, particularly in the public domain, ensures their status as an exception rather than the rule (Wise, 2009). However true that may be, an incident occasionally explodes into the public realm with such ferocity that it rips the scab from issues too awkward or embarrassing to discuss, while prying open space for debate and discussion. Such a "teachable

moment" occurred on July 16, 2009, when a prominent black academic, Henry Louis Gates, Jr., was arrested by a white police officer, James Crowley, for disorderly conduct after a heated argument over allegations of uncooperative behaviour. Earlier in the day, a neighbour had called the police to report suspicious behaviour when Gates (and his driver) had difficulty entering his home in Cambridge, Massachusetts (Kelley, 2009). Although the Cambridge police service subsequently dropped the charges, saying the incident was regrettable and unfortunate, Crowley refused to apologize—despite his status as an expert in racial profiling, with experience in teaching classes on the subject at the police academy.

The arrest of Gates lends itself to endless interpretations of right and wrong that combine to create a teachable moment—that is, an opportunity to discuss where people are positioned with respect to the politics of race (McWhorter, 2009). In acknowledging the elephant in the room that people are increasingly reluctant to talk about, especially in the seemingly postrace era of Barack Obama (Marks, 2009), some of the more recurrent issues include the following:

- Was this an instance of racial profiling? On the surface, it didn't seem so since Crowley was responding to a neighbour's call about a possible break-in. More deeply, however, race may have prompted the call itself, since black Americans are held to a different code of conduct than are whites (Kareem, 2009). Would the neighbour have alerted police about suspicious activity if white men had been involved?

- Would a white man have been arrested under similar circumstances or is Gates a marked target because he is a black man in America (McWhorter, 2009)?

- Why do black males feel threatened by police? Black distrust of police did not arise in a vacuum (Kelley, 2009). Consider the history: from police suppression of the civil rights movement to the beating of Rodney King to recent patterns of shootings of black men whose deaths are recited in speeches and eulogized in tirades (McWhorter, 2009).

- Police distrust of black males is no less grounded in perceived experiences. Blacks are disproportionately represented in the criminal justice system (apparently, the Cambridge community had already experienced 23 break and enters in 2009, many in broad daylight [Gault, 2009]). Media depictions of blacks as victims or victimizers reinforces patterns of negativity, while black interactional styles are thought to challenge police authority and expectations of compliance.

- Postracial USA? With the election of Obama as president, there is mounting hope that racism and racial discrimination are a thing of the past, that any remaining racial inequalities can be attributed to black culture values and individual shortcomings, and that race-conscious programs (or even raising the issue of race for debate [Marks, 2009]) are irrelevant and unnecessary, counterproductive, and themselves racist. Yet skin colour is hardly immaterial since Americans continue to view issues through the prism of race, a point reinforced by President Obama, who conceded "incredible progress" in race relations, nevertheless "this [race] still haunts us."

- Reactions to the episode are seemingly divided along racialized lines, thus painting a rather bleak picture of race relations. Whites backed Crowley, including a Toronto columnist who described Gates as "pompous, prickly, pugnacious" (Gunter, 2009) and

criticized him for mouthing off to the police—a widely perceived no-no regardless of race, age, or gender (Kareem, 2009). Those steeped in a white racial framework tend to believe that if one is respectful to police, nothing bad can happen. If something bad happens, it is your fault unless the police acted with bigoted and racist intent (Wise, 2009). By contrast, blacks overwhelmingly supported Gates, whose arrest hit a nerve. A racialized divide clearly emerges: In response to a question posed by a *New York Times*/CBS news poll of nearly 1800 individuals between July 7 and 14, 2008—"Have you ever felt you were stopped by the police just because of your race or ethnic background?"—66 percent of black males said yes, while only 9 percent of white males agreed (Bow, 2009). In other words, Bow argues, the significance of race as a factor in the arrest may depend on the racialized prisms through which the conflict is viewed.

• Social locations matter. Varying reactions to Gates' arrest confirm the belief that whites cannot possibly understand the implications of what it means to live and work as a black person in what is a wholly racialized society. Nor are whites privy to the depths of despair experienced by blacks who, in addition to police intimidation and constant humiliation, have to suspend emotions by avoiding any disagreement with police officers (Klein, 2009).

• Another incident occurred in Toronto, after which the Ontario Human Rights Tribunal concluded that a police officer was guilty of racial profiling when questioning a black letter carrier who was delivering mail in a tony neighbourhood (*Toronto Star*, 2009). The Tribunal argued that race, whether consciously or unconsciously, was the key factor in the officer's actions. Intent is no longer the deciding factor, consequences are. Police Chief Blair defended the officer's actions by arguing that the Tribunal has "a seriously flawed misunderstanding of the duties of a police officer." First, police are taught that they must secure control of the situation; otherwise, the situation can spiral out of control. Those who disrupt or challenge police efforts to impose control will be dealt with accordingly. Second, police increasingly rely on community members to report suspicious activity, thus creating the potential for such confrontations to occur. Third, many believe that good policing is based on playing hunches and educated guesses—in other words, a suspicious mind not only endorses a guilty-till-proven-innocent theme, but also encourages a preference toward racial profiling.

• Returning to the Cambridge incident, if racial profiling transpired, were Crowley's actions an isolated incident on the part of a rogue police officer? Does it reflect a systemic pattern within the institutional structures of police? Or, is it a case of situational circumstances in which most police officers would react similarly?

Clearly, then, this incident raises many questions, few of which can be answered definitively but often expose a racialized divide in the responses. If nothing else, however, people were reminded of how quickly the insertion of race can inflame any encounter, even when race does not appear to be a factor. When the race card is inserted to distract from the issue at hand, as Murphy (2009) writes, the stereotype of a racial melodrama drowns out all other considerations. While it's possible that the incident enabled Americans to see both sides of this divisive issue through the eyes of the other side (Jonsson & Murphy, 2009), the wildly divergent reactions to these questions confirm the distance yet to travel in defusing politics of race.

Critical Thinking Question

How does the racial profiling incident described here constitute a teachable moment in advancing police–minority relations?

2.4 DEBATE

Black-focused Schools: Segregation or Self-Determination?

The alarmingly high failure rate of black students in the Toronto school system is generating untold controversy. According to Kristin Rushowy, education reporter for the *Toronto Star*, more than half of all young black males have fallen behind by age 16 and are likely to drop out of school. A 2006 study showed that 40 percent of students from the Caribbean did not complete grade 12; the figures for students from East Africa and West Africa stood at 32 percent and 26 percent, respectively. In that desperate times call for desperate measures rather than tinkering with the status quo, critics argue that black-focused schools represent a solution to the long-standing problem of black academic disengagement.

The debate over this issue is fierce: Should the education system be divided on the basis of race and ethnicity (Wallace, 2009)? Some argue that establishing black-focused schools offers the best hope for improving black achievement while providing black youth with choices to improve marks and morale. Others reject the idea of black-focused schools because it seemingly condones a divisiveness and segregation at odds with the principles of inclusive multiculturalism. Opponents fear that public funding of race-based schools may balkanize the school system without preparing black students for the outside world, whereas supporters insist on the importance of providing black students at risk with options beyond the standardized model of education (see Chapter 11 for discussion of faith-based schools).

Determining the validity of each position is proving to be a tricky affair, especially since any race-based initiative often elicits controversy and discomfort (or outrage). The table below provides an overview of the arguments both for and against the proposal.

Against Black-Focused Schools	For Black-Focused Schools
Separatist in outcome	Inclusive in logic
Segregationist (blacks only)	Self-determination (besides, black students already segregated)
Slippery slope	Alternative schools already exist (36 elementary and secondary schools in Toronto)
Marginalize	Empower (eliminate issues of competition and belonging) and enhance engagement
Skills (hard/soft) = key to success	Identity = key to success + provincial standards within a black-focused framework
Defining rationale is race	Defining rationale is choice
Blacks = problem	Whites (Eurocentric curriculum/pedagogy) = problem
Reform as solution	Transformation as solution

Clearly, a decision one way or the other is difficult, in part because of a failure to communicate (Wallace, 2009). The "yes" side tends to frame the debate as one of choice for black youth at risk—to address statistically proven education disadvantages in a system that is failing an identifiable group. That means customizing options for those who have trouble fitting into a one-size-fits-all system. The logic behind these black-focused schools, including more than 100 that exist in the United States, is predicated on a single platform: A Eurocentic focus of public education (from curriculum to administration) can be a profoundly alienating experience for those in a society pervaded by racism and stereotypes (Zine, 2002). Proposed instead is a black-focused environment that not only makes curriculum more relevant and engaging but also secures a sense of engagement ". . . to create a black community of positive adult role models; a kind of urban village that feels like family where children are guided to look past the negative caricatures of blacks in pop culture and see their future as players in the wider world" (Brown, 2007, p. ID3).

The "no" side frames the issue as one inconsistent with the integrative ethos of public school systems and the inclusiveness of Canada's official multiculturalism. The notion of improving black education experiences by creating inclusiveness through reform (see Chapter 11) stands in sharp contrast to the transformative principle inherent in black-focused schools. The danger of schooling by skin colour is threefold: it confuses symptoms with causes, it attributes poor achievement levels to school failures while ignoring factors beyond the control of curriculum, and it assumes that a stopgap solution has solved a complex problem across the whole school system (Simpson, 2008; Strauss, 2008). As well, despite the creation of special First Nations schools by the Toronto District School Board 30 years ago, there are fears of a slippery slope into Punjabi-centric schools, etc. The alternative is to fix the entire school system by making it more inclusive and fair through measures that are reflective of, respectful of, and responsive to "blackness" in Canada—in this case, more black teachers and black-focused curriculum (from history to contributions to society) and black-friendly learning styles.

In short, the debate over black-focused schools provides a litmus test for articulating our concerns over who we are as a multicultural society. Does true equality arise from treating everyone the same, regardless of their differences? Or is true equality based on the principle of treating everyone as equals precisely because of their differences to achieve an equality of results (see Chapter 4)? Is institutional inclusiveness about reforms that modify the existing system? Or, is it about creating fundamental change by way of alternative institutions that reflect, reinforce, and advance minority interests, experiences, and outcomes? In that definitive answers to this debate do not exist, the politics over black-focused schools promises to be bitterly fought.

Postscript: A black-focused school for kindergarten through grade 5, Sheppard Public School, opened in September 2009.

Critical Thinking Question
How does the debate over the value and validity of black-focused schools serve as a proxy ("is representative of") for broader debates over fundamental issues related to the principles of inclusiveness and multiculturalism in Canada?

CHAPTER 3: RACISMS IN CANADA

3.1   CASE STUDY

Chinese Immigration to Canada: "Yellow Peril" or White Xenophobia?

Canada's reaction to early Chinese immigration exposes an embarrassing face that many Canadians would prefer to ignore or forget (Baureiss, 1985; Li, 1998). Canadians may be upset to learn that, historically, racism was openly and ruthlessly directed at non-whites. Both the courts and the legal system were profoundly and institutionally implicated in Canada's racist treatment of immigrants prior to entry and upon settlement (see Backhouse, 1999). For example, courts ruled that preventing Chinese from hiring white women to work in laundries was not deemed discriminatory because the injunction applied to all Chinese males (Walker, 1997). Even more dismaying is an awareness of how Canada-building was built upon and inseparable from institutionalized racism. In that racism persists into the present, albeit in a more subtle manner, the adage of "continuity in change" is confirmed.

Few groups were more subject to racism and discrimination than the Chinese. The earliest Chinese migrants came to Canada in 1858 to take advantage of the gold rush. The second cohort arrived as virtually indentured labour to build the Canadian Pacific Railway, with nearly 17 000 arrivals from the China mainland between 1882 and 1885 (the total population in British Columbia was 53 000 in 1891) (Xiao-Feng & Norcliffe, 1996). Chinese migrants were seen as cheap and exploitable workhorses for the most hazardous sections of the railway, but as expendable once the task was completed (Lee, 1997). A split labour market quickly prevailed: Chinese workers earned $1 a day (only 80 cents if they did not buy provisions from the company store), compared to $2 a day for Canadian workers or $3.50 a day for American workers (*Faces*, 1996).

From the time of their arrival in Canada, Chinese immigrants were subjected to legislation that sought to destroy the community, restrict political activity, and inhibit healthy social growth (Vasil & Yoon, 1996). According to Liu Xiao-Feng and Glen Norcliffe (1996), virtually every industry in British Columbia relied on Chinese labour. Nevertheless, the Chinese were targets of prejudice and discrimination, exploited as cheap labour, and manipulated as strike-breakers in defiance of labour–union relations. They were denied the right to vote, prohibited from working on government projects or in coal mines, excluded from holding hand-loggers' licences, prevented from settling on Crown land, barred from the professions of law or pharmacology, and banned from hiring white women to work in Prairie restaurants or laundries. Numerous tactics were deployed for restricting their entry to Canada; nonetheless, these stalling tactics proved ineffective because of the demand for cheap labour during the period of railway construction (Bolaria & Li, 1988; Satzewich, 2000).

Public antipathy was palpable. Federal plans to import an additional 5000 Chinese for the construction of the Grand Trunk Railway elicited a sharp editorial rebuke in the September 1906 issue of *Saturday Night*:

> We don't want Chinamen in Canada. This is a white man's country and white men will keep it so. The slant-eyed Asiatic with his yellow skin, his unmanly humility, his cheap wants, would destroy the whole equilibrium of industry . . . We cannot assimilate them. They are an honest, industrious, but hopelessly inferior race. (cited in Fraser, 1989, p. 12)

Upon completion of the railway, many Chinese returned to China with their savings. Others were stranded in Canada because of insufficient funds, with few options except unskilled employment in laundries and gardens. Those who stayed behind were subject to caricature and abusive treatment by the general public and provincial politicians. In the same year the railroad was completed, the British Columbia government passed the 1884 *Chinese Regulation Act*, arguing that Chinese "were not disposed to be governed by our laws; are useless in instances of emergency; and desecrate graveyards." The demonization of the Chinese knew no limits. They were frequently subjected to racial invectives by organized labour, which demonized them as strike-breaking "scabs." Others vilified them as a kind of "yellow peril" that would undermine the purity and integrity of a "white man's country." The exploitation of the Chinese as a political football or as electoral scapegoats played into white xenophobia. Even the withdrawal of Chinese into their own communities for protection had the perverse effect of inflaming public hostility by reinforcing suspicion.

With no political voice or representation, the Chinese were vulnerable to victimization. This is not to say that all passively accepted these injustices. Protests, strikes, and lawsuits were often employed in reaction to negative government legislation and discriminatory practices (see Ip, 1998). But resistance proved somewhat futile. Under public pressure, successive governments imposed financial disincentives to deter entry. The first federal *Chinese Exclusion Act* in 1885 imposed a head tax of $50 on Chinese immigrants; this amount was increased by increments until it reached a total of $500 in 1903—a sum equivalent to two years' wages or the cost of a new home in Vancouver. An additional $200 was required in 1910 as landing tax for all Asian immigrants. Between 1886 and 1923, more than $22 million was collected in head tax payments. Admittedly, the first *Immigration Act* of 1869 had imposed a head tax of $1.50 per person on everyone, while a 1914 landing fee of $250 was universally applied, but only the Chinese were singled out for special taxation.

Although the head tax temporarily derailed the flow of Chinese migrants, it did not curb it (Xiao-Feng & Norcliffe, 1996). The federal government curtailed Chinese immigration in 1923 following passage of the *Chinese Immigration Act.* As a result, the Chinese became the only people to be specifically prohibited from entry to Canada because of race. This exclusionary injunction also forced the separation of Chinese men from their wives and partners, in effect aborting any population growth. Only 44 Chinese were granted permission to enter Canada between 1923 and 1946 (Xiao-Feng & Norcliffe, 1996). While this racist ban was lifted in 1947 with the repeal of the *Chinese Exclusion Act* and passage of Canada's first *Citizenship Act*, only spouses and unmarried children of Chinese in Canada were allowed admission until 1962, in contrast to relatively unrestricted immigration from Europe and the United States. The introduction of

the point system in 1967 facilitated ease of entry for Chinese immigrants from either Hong Kong or Taiwan but not from the Communist mainland.

The status of Chinese Canadians has improved in recent years. Successive generations of Chinese have moved from relative social isolation to active involvement in staking a rightful claim to their status as Canadian citizens. Chinese Canadians are increasingly seen as model minorities because of their working habits. However, prejudicial and racist attacks persist (Li, 1998). Instead of being labelled inferior or unassimilable, Chinese Canadians are criticized for cultural practices that are denounced as "un-Canadian." They are chided for creating a host of social problems, from monopolizing spaces in medical schools to driving up real estate prices in Vancouver to establishing ethnic enclaves in the Greater Toronto Area. More recently, in a November 2010 issue of *Maclean's* magazine titled "Too Asian?", Chinese Canadian students were criticized by other students as overrepresented at universities such as University of Waterloo, University of British Columbia, and University of Toronto—in the process increasing competitive levels yet decreasing the fun factor. To be sure, these attacks are less direct than in the past. Nevertheless, the undercurrent of thinly veiled dislike is no less disconcerting, suggesting that racism in racialized societies never disappears, but reappears in a variety of different disguises. *Plus ça change, plus c'est la même chose.*

Critical Thinking Question

The often demeaning treatment of Chinese immigrants in Canada's historical past provides a useful insight into claims that Canada is a "racist" and "racialized" society. Indicate how and why. (Consult Chapters 2 and 3 for assistance if necessary.)

3.2   INSIGHT

Racism 2.0: The Era of Digital Racism

> The Internet has become the new battleground in the fight to influence public opinion. While it's still far behind newspapers, magazines, radio and television in the size of its audiences, the Internet has already captured the imagination of people with a message, including purveyors of hate, racism, and anti Semites. (UN Human Rights Commissioner, 1996, cited in Akdeniz, 2006)

Few saw this development coming. In the internet's initial heyday from the mid to late 1990s, many predicted that race and racism would disappear from "cyberspace." The anonymity of the internet would allow people to escape from negative racial identities and the inequities associated with such embodiment. However, the presence and proliferation of white supremacists online debunks this utopian myth. With the digital era, the cyber-racism of white supremacy is firmly entrenched online as a forum, platform, and communication technology (Rosenthal, 2000). The internet is neither a place without race nor an inherently democratizing medium (Daniels, 2009a). More accurately, the new information age is just as racialized as the industrial age, when white supremacists relied on print and speeches by demagogues to convey and connect (Nakamura, 2002). With the conversion to digital media—thus debunking those stereotypes that typecast

white supremacists as gap-toothed Neanderthals lacking the neural circuitry to handle the technology—the digitalization of white supremacy is increasingly multivocal and sophisticated and more difficult to challenge or to isolate (Daniels, 2009a).

Of course, hate racism was a pressing problem long before the emergence and popularization of digital media (Akdeniz, 2006). However, the advancement of mobile and digital technologies and platforms provides individuals and groups with a new and potent weapon with which to produce, support, and easily and widely disseminate messages of racism and hate. According to the Simon Wiesenthal Centre, only one racist website existed in 1995, although concerns over digital hate go back to the mid 1980s. By 2005, the number had skyrocketed to nearly 5000 websites promoting racism and hatred in a variety of languages, including an increase of 25 percent between 2004 and 2005 (Akendiz, 2006)—clearly indicating that the problem of cyber-racism is deepening rather than atrophying.

Cyber-racism consists of racism on the internet, including racist websites, images, blogs, videos, and comments on web forums (but not text messages or emails) (Australian Human Rights Commission, 2008). The internet provides a powerful new technology for communicating white supremacist racist messages, including its use (a) to spread ideas and propaganda (ideology) (white supremacists are known to reposition content on the internet by twisting ostensibly neutral or positive messages out of context to distort or deceive [Daniels, 2009b]), (b) to interact and organize in a more unobtrusive and decentralized manner than in the past, (c) to sell racist paraphernalia from music to games to Nazi memorabilia, and (d) to mobilize individuals and groups into action (alert system). Contrary to popular belief, the cyber-racism of white supremacists is not entirely devoted to recruiting individuals to the cause. Emphasis is also placed on destabilizing society by challenging the values of racial equality and highlighting racist double standards, while promoting the normalcy and inevitability of a white global supremacy (Daniels, 2009a, pp. 187–188). For example, white supremacists continue to prey on white insecurities by capitalizing on Barack Obama's status as a black president with a "funny" name who cannot be trusted to safeguard either America's interests or those of its white consitutuents (Wise, 2009).

In short, the internet as platform constitutes a major breeding ground for white supremacist racism (Brown, 2009). Although the internet was initially a seemingly colourblind and unwalled community that many saw as a path to world peace and the end of racism, the dynamics of racism easily moved into the digital age, with the result that racial and class divides not only are replicated online, but also reflect what are called digital ghettoes. MySpace is now perceived as a racialized ghetto because of massive white flight to Facebook—not unlike an earlier mass exodus of whites from inner cities—thus reinforcing Facebook's status as a white backstage where racism flourishes in private (Daniels, 2009c). No less auspicious are sites such as Kozmo.com, which operated an on-demand delivery service that red-lined zip codes with predominantly black populations, and the social networking site Orkut, which has allegedly devolved into a haven for racist and hate groups.

The internet as medium can be a major player in challenging the racial hatreds of white supremacists. As the Durban Declaration (World Conference Against Racism, Racial Discrimination, Xenophobia, and Racial Intolerance, 2001) stated, the internet's commitment to freedom of expression is crucial in seeking, receiving, and imparting

information in the fight against racism (Akdeniz, 2006). To be sure, the global, decentralized, and borderless nature of the internet creates a potentially infinite and unbreakable communications complex. Its broad reach, protection from prosecution, and anonymity are no less pivotal in compromising effective regulation at the national level. In addition, as Akdeniz (2006) explains, there is also the challenge of finding a working balance between controlling racism and protecting freedom of expression. Not surprisingly, the jury is still out on how to deter expressions of racism on the internet and how to enlist it in the anti-racism struggle.

Critical Thinking Question

How and why does the internet provide fertile ground for digital racism to flourish?

3.3   INSIGHT

The Banality of Racism: Normalizing Toxicity

In 1963, Hannah Arendt published a book titled *Eichmann in Jerusalem: A Report on the Banality of Evil.* Arendt argued that the greatest evils in history generally, and in the Holocaust in particular, were rarely the result of fanatics or sociopaths. To the contrary, unspeakable crimes against humanity were perpetrated by ordinary people who, uncritically, went about their everyday business with a view that their actions were normal and consistent with societal premises and state priorities (see also Herman, 1995). In the case of Eichmann, a top administrator in the Nazi death camp machinery, his complicity in the mass annihilation of millions of Jews and other undesirables reflected a failure to critically engage in imagining reality from another person's point of view. In other words, concluded Arendt, evil was banal because it was "thought-defying"—uncritical, mechanical, routine, and egocentric.

Arendt's expression "the banality of evil" spawned a number of imitators. Experimental studies from Stanley Milgram's work on obedience to Zimbardo's work on role-playing prison inmates and prison guards sought to put the concept to the test. The expression also triggered philosophical debates over the nature of human nature. That is, to what extent is there a "little Eichmann" in all of us, with the result that everybody is capable of deplorable acts if the situational circumstances encourage and normalize monstrous patterns of torture and abuse—as gruesomely demonstrated most recently in Iraq's Abu Ghraib prison?

A parallel line of reasoning can be applied to racism. For many, racism is perceived as a deviant or irrational act by the unenlightened or the defiant, with an intention to hurt, exploit, or deny. But racism was not always perceived as an aberration. Until the early 1950s racism (as we now know it in the sense of inferiority and hierarchy) was so ingrained and routine in the normal functioning of society that simply drawing attention to it (let alone doing something about it) took volumes of incidents, protests, and traumas to overturn people's deeply embedded biases (Herman, 1995). For example, prior to the 1860s intellectuals defended slavery on grounds of its moral superiority as a service to slaves that imposed a corresponding burden on whites. Stephen Jay Gould, in his *The Mismeasure of Man*, has also demonstrated how science was manipulated by way of IQ

exams ("scientific racism") as proof of black inferiority. Finally, the word "racism" did not even enter the English language until the mid 1930s. As a result, dislike or mistreatment of the "other" was deemed acceptable or unavoidable—and justified in the grounds of divine will, laws of nature, or the relentless march of progress.

Now, of course, people know better. Or, perhaps it's more accurate to say that people know better than to spout racist comments without inviting scorn or risking reprisals. Instead of overt and direct acts of racism and racial discrimination, emphasis has shifted to more covert and indirect forms that are embedded and normalized at individual (subliminal) and institutional (systemic) levels. Incidents of open racism are rare, and rarely the work of depraved or malevolent individuals. Overwhelming racisms are expressed by people who go about their daily lives without much awareness of how their whiteness privileges them and disprivileges others. Or, racism is perpetuated within institutions and by institutional practices, without much thought to the systemic discrimination implicit in a "business as usual" mindset. After all, a commitment to "treating everyone the same around here" may have negative if unintended racist consequences since "a one-size-fits-all mentality" can prove discriminatory when differences need to be taken into account to reverse the legacy of past discrimination.

In short, racism has become "boring." With its focus on consequences (not intent), both systemic (not conscious) and unintended (not deliberate), racism is increasingly seen as banal rather than egregious, predictable rather than exceptional, mundane rather than extraordinary, implicit rather than explicit, and fundamental rather than incidental. The expression "the banality of racism" captures the routinization of racism within the very functioning and foundations of society. Or, as pointed out by Lamoin and Dawes (2010, p. 230), when applied to the Australian context:

> Racism today involves, generally, a more slippery and subtle process. It can be supremely nuanced . . . most Australians behave in racist ways unconsciously and surreptitiously. . . . Exclusion may occur with purportedly good excuses such as refusal to employ somebody because of poor English language competency even when good skills in this area are not a job requirement. But the most common form of racism . . . a kind of racism toward otherness, toward the different outsider who is not seen to belong or could be a potential threat.

To be sure, no one is suggesting that racism is a trivial problem. To the contrary, its "banalization" has rendered it even more problematic in terms of recognition or responses. Nor is there any intent to minimize its destructive impact on racialized minorities. Rather, references to the banality of racism intend to convey its status as thought-defying—especially as people begin to celebrate the emergence of a so-called postracial society that, paradoxically, remains as racialized ("white-centric") as ever in terms of what is normal, acceptable, and desirable.

Critical Thinking Question
What is meant by the statement that contemporary racism tends to be "boring"? Use the concept of the "banality of racism" to assist in responding.

3.4   INSIGHT

Language as Everyday Racism: Racializing "Visible Minority"

Canadians were either shocked or furious to find themselves under criticism by the United Nations for something that caught most people off guard (Edwards, 2007; Kinsella, 2007). In a world swamped with flagrant human rights abuses, from genocide to genital mutilation, the UN body accusing Canada for its mislabelling of minorities amounted to what many saw as little more than playing the race card.

The 70th session of the Committee on the Elimination of Racial Discrimination (CERD) concluded that Canada should "*reflect further*" (emphasis added) on the implications of the term "visible minorities" in line with article 1, paragraph 1, of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD). According to CERD, reference to visible minorities as defined by Canada's *Employment Equity Act* of 1995 was problematic—not because of malevolent intent, but because of the unintended consequences of unconscious ("subliminal") racist assumptions. The core of the criticism was twofold: First, by *problematizing visibility*, reference to visible minorities was thought to normalize whiteness at the expense of "whitewashing" racial minorities; hence the nomenclature was deemed subliminally biasing in light of its racial connotations. Second, by *normalizing invisibility* under a singular typology, specific minority experiences and identities were glossed over, in effect perpetuating the very exclusion under challenge. Rather than advancing Convention goals, the typology in question could be perceived as amplifying patterns of inequality by systemically reinforcing "any distinction, exclusion, restriction, or preference based on race, colour, descent, or national and ethnic origin."

Reaction to CERD's concerns over the use, implications, and appropriateness of "visible minority" generated lively debate (Kinsella, 2007). To be sure, a careful reading of the report did not warrant outrage, although having the UN publicly express concern is tantamount to hanging out one's dirty laundry for the world to see (Go, 2007). Moreover, CERD stopped short of saying that "visible minority" was racist or violated Canada's international treaty obligations. Nor did it expressly prohibit the use of "visible minority" (Kinsella, 2007). However, CERD could not condone use of a term that could be construed as polite racism (coding a dislike in oblique terms), subliminal racism (reflecting unconscious prejudices), everyday racism (the role of language in negatively identifying, naming, and classifying minorities on predominantly physical characteristics), or normative racism (reflecting values that privilege the privileged).

Those who employed this conventional designation counter-argued that they were simply observing standard usage from which no politics can be inferred. Others argued that CERD's comments about visible minorities misunderstood Canada's justification for its use: that is, as a descriptive typology with ascriptive intent in part, as a substitute for existing pejorative put-downs (such as "coloureds" or "non-whites"), as a way to emphasize the commonalities shared by "persons of colour," and as a euphemistic shorthand to identify, name, and categorize those routinely victimized by racism and racial discrimination (Li, 1998; Tepper, 1996). Still others acknowledged the lack of viable alternatives. In that any typology invariably establishes a binary distinction between

"us" and "them," with an implication of whiteness (or the mainstream) as the norm, how possible is any "aggregation without aggravation"? And without a typology for identifying, naming, and classifying the targeted demographic, how can minority equity policies and anti-racist programs be devised (Mayan & Morse, 2001/2002)?

In light of these supportive statements for visible minorities, the criticism by CERD appeared oddly out of character, but consistent with criticism elsewhere. That much could be expected of a typology that classified people on the criteria of skin colour, in the process not only prioritizing race in a Canada that likes to think of itself as colourblind, but also privileging whiteness as the normative standard by which others are judged. Ambiguities prevail: Yes, reference to "visible minority" was positively linked with moves to improve equitable minority participation. However, the typology had the unfortunate effect of aggregating all "non-whites" without making a distinction based on need, history, location, and cultural specifics (Pendakur, 2005). As put by Synnott and Howes (1996, p. 146)

> . . . [visible minority] homogenizes specificities, ignoring differences in power, status, culture, history, and even visibility . . . the ethnic stratification system (both economic and ideological) is far more complex than the simple dichotomy visibility/invisibility would suggest.

For some, the link between "visible minority" and the discredited notion of race (race typology and taxonomy) was too obvious to ignore as thinly veiled racism by virtue of categorizing people on physical grounds. In doing so, the concept subliminally reconstituted those exclusionary mindsets that the creation of the term was designed to correct.

Critical Thinking Questions

Indicate why the expression "visible minority" may be deemed as a form of racism in normalizing whiteness while problematizing visibility. Justify the continued use of "visible minority," or select an alternative expression and justify your choice.

3.5 INSIGHT

The Paradoxes of Racisms in Canada: The Better It Looks, the Worse It Seems

A twenty-first-century Canada must confront an inescapable paradox. To an extent unparalleled even a generation ago, Canadians reject openly racist notions of biological inferiority or genetic determinism as wrong and unacceptable. To paraphrase Dr. Martin Luther King, Jr., albeit in a different time and place, Canadians are generally inclined to judge people by the content of their character rather than the colour of their skin. As proof, consider that Canada possesses human rights legislation, criminal codes against racial hatred, and a commitment to the principles of a multicultural and inclusive society, including a $56 million anti-racism action plan for the departments of Labour, Immigration, Justice, and Multiculturalism (Government of Canada, 2005). And yet, despite the existence of seemingly progressive legislation (from the *Human Rights Act* of 1977 to the 1988 *Multiculturalism Act*), racisms appear to be thriving in ways that perplex and provoke.

The paradox is puzzling: On one side, Canada remains at the forefront in fighting racism at individual, institutional, infrastructural, and ideological levels. On the other side, awareness is mounting that racism is an everyday reality for many Canadians of colour, that racist practices affect individuals in very real ways, and that racism is not some archaic relic from the past but both dynamically invasive and socially toxic. On yet another side is a growing realization that the faces of racism are undergoing change in response to a changing and diverse society. Rather than a vanishing act or staying pat, the politics of racisms are proving a moving target both elusive and enigmatic yet persistent and pervasive (Frederickson, 2002).

Acknowledging the existence of many racisms rather than a single racism raises yet another paradox. How to explain this seeming paradox that the better things become, the worse they seem? Why do there seem to be more racisms in Canada when people should know better, despite massive expenditures to reduce or eliminate racisms because of Canada's commitment to tolerance, inclusion, and multiculturalism? An insightful paper by Joel Best (2001) and work by others (Hier & Bolaria, 2007) provide an interesting clue for solving this puzzle. According to Best, social problems are prone to perceptual paradoxes at both the analytic and the experiential levels. That is, social problems like racism do not necessarily reflect a shift in reality; they often reflect a shift in people's perception of reality, with the result that things invariably seem worse than they are.

Four perceptual frames can be discerned because of a Eurocentric commitment to progress and perfectibility as core values. They include the paradox of (a) perfection (optimistic beliefs in social progress highlight failures to achieve perfectability, thus reinforcing a criticism that conduces problem making), (b) proportion (reducing the big problems exposes smaller problems by making them look relatively larger), (c) proliferation (a belief in social progress encourages recognition of a larger number of problems), and (d) paranoia (moves toward improvement foster fears of societal calamities). References to these paradoxical frames can yield principled insights into the paradox of racisms in Canada.

The Paradox of Perfection: Glass Half Full or Glass Half Empty?

Consider the search for *perfectionism in an imperfect world*. Despite numerous advancements in the quantity and quality of human existence in general (from life expectancy to standard of living), both academics and the general public tend to fixate on the negative as problematic. Compounding the pessimism of the chattering classes is a media-driven negativity that plays fast and loose with people's belief in the attainment of a perfect society—a clearly unrealistic situation despite the ascendancy of a can-do culture as an ideal. In a society that is transformed by rising expectations, a mood of relative deprivation ("the gap between the ideal and the real") generates disappointments where none existed before (Chandra, 2002). A commitment to progress creates pessimism because successful social policies take time to work, they rarely solve the problem but tend to diminish its impact, and they tend to address the symptoms rather than causes—thus prompting pessimists to judge partial successes as failures. Or, as Joel Best explains with respect to the paradox of perfectionism, optimistic beliefs in social perfectibility tend to accentuate failures; after all, in the real world, initiatives invariably fall short of these

high standards, thus promoting and justifying yet more disappointment and pessimism. The end result? Disappointments translate into more problems.

The politics of racisms demonstrate how the paradox—the more things improve, the worse the world seems—is played out. Racisms continue to be seen as a growing problem despite evidence that the situation has improved appreciably for racialized minorities in terms of equity, access, and representation. For example, a half-century ago when blacks in the United States were routinely perceived as inferior or irrelevant, the thought that they might occupy important political offices (much less the presidency) was unthinkable; no one took blacks seriously except as entertainers and athletes, and even the prospect of mixed marriages and interracial relationships was illegal in nearly half of the states in the year that Barack Obama was born of a white mother and black father. The present seems radically different. The social, political, and economic situation has improved so dramatically for so many blacks that Americans increasingly talk about the emergence of a postracial United States—one in which race no longer matters in terms of who gets what (on Canada see Foster, 2005). For racialized minorities, however, improvements such as these are offset by perceptions that reality is moving too slowly for too few, resulting in a sense of relative deprivation because of the gap between ideals and reals. As Orlando Patterson (1995) writes in his article on the "paradoxes of integration," the greater the equality experienced by minorities, the greater their outrage at previous discriminatory treatment, their disenchantment with current gaps, their dismay at the distance yet to be travelled, and their despair that little may change.

The Paradox of Proportion: When Less Seems More

A second paradox is that of proportion. According to the paradox of *proportion,* the reduction or elimination of bigger problems inflates the visibility of smaller problems. Relatively successful public policies create a "void" that exposes formerly unrecognized problems that now loom larger than they once did. For example, racialized minorities once confronted life-threatening situations such as lynching or explicit discriminatory barriers that threatened life chances. These overtly racist contexts no longer prevail. Emphasis instead is on those subtle and covert racisms that are largely invisible to everyone except those who experience them. *The Princess and the Frog* may have been Disney's first film to feature an African American princess, a significant move in its own right, but that didn't stop critics from picking it apart for undercurrents of racism (Kareem, 2009). Or, consider the decision of Vancouver's transit system to curtail late-night public transport, which was criticized as racist because it had a disproportionate impact on racialized workers without private vehicles who were consigned to late-night employment. Presumably no one set out to discriminate against minorities; nevertheless, the consequence of evenly applying policies based largely on "pale male" perspectives may prove discriminatory. Just think: Sixty years ago minorities may have experienced difficulty in getting a seat on a bus. Today, they are mobilizing in the hopes of contesting bus schedules and routes that compromise minority realities and experiences.

To sum up: A perspective of proportion is critical. In societies where hatred toward others is the norm, even the most egregious forms of racial violence or discrimination often go unnoticed or unpunished. But the smallest misdemeanour in a society of saints is said to get blown out of proportion (Levitt, 1997). In a society such as Canada, where

racism and racial intolerance are socially unacceptable and against the law, the slightest provocation is cause for public debate or vigorous rebuke. However, it is precisely this commitment to optimistic standards that invariably instills patterns of pessimism that not only intensify people's perceptions of the problem, but also uncover additional problems that few acknowledged in the past.

The Paradox of Proliferation: Solution as Problems

A similar line of reasoning applies to the *proliferation paradox*. A commitment to social progress encourages a perception of proliferating problems. That is, as once egregious problems are brought under control, awareness or construction of newer and seemingly smaller problems begins to multiply, in the process often superseding the original in magnitude and scope. This paradox is driven by the combination of solutions that generates more problems (a kind of Whac-A-Mole in which whacking one problem causes another to reappear), together with the expansion of media outlets for drawing attention and mobilizing constituents in addressing these problems. In other words, the proliferation of racism reflects an expansion of its parameters in two ways.

- First, racism was once defined as deliberately doing something to somebody that resulted in denial, exclusion, or harm. Since this form of racism is socially unacceptable and legally inadmissible, the focus has shifted toward a racism by omission rather than by commission. For example, according to Mark Steyn (2006), an American congresswoman complained about the racist nomenclature of hurricanes—that is, devastating hurricanes were rarely given African American names. Racisms seem to be proliferating because they increasingly become defined as *not* doing something when something needs to be done to foster (the perception of) inclusion or equity.

- Second, with the discrediting of blatant forms of hate racism, people are activating more subtle forms of racisms as proxies. In a politically correct world where open criticism or dislike is frowned upon as un-Canadian, toxic attitudes toward others must be hidden behind euphemistic expressions. As a result, in this era of political correctness, any criticism of minorities or minority policies may be perceived as a polite racism.

In other words, it's not a case of more racisms in society, despite the illusion that the situation is deteriorating. More to the point, there is greater awareness of those racisms that historically always existed, yet were either ignored or normalized but are now perceived as problematic.

Paradox of Paranoia: In Control as Out of Control

A commitment to social progress has the unintended tendency to foster fears of social decay and collapse. Belief in progress not only makes us conscious of new problems, but also makes these problems seem potentially catastrophic. The greater our control over environment or disease, the more things appear to be out of control when disaster strikes. Despite an array of progressive moves, including improvements in health, greater intregration among societies, and vast technological advances, we perceive ourselves as more vulnerable to terrible threats. Not surprisingly, fears are mounting over

destruction by nuclear war, global warming, resource depletion, pandemic disease, economic collapse, and genetic engineering, among others. In other words, social progress is an illusion: Things appear to be getting better; however, in reality, we are being set up for catastrophic failures.

The politics of paranoia can prove to be a motivating factor. Different agendas have a vested interest in making things seem worse than are ("glass half empty"). Institutions, including the criminal justice system and mass media, thrive on accentuating the chasm between our ideals and reality. Both sociologists and activists are also reluctant to acknowledge social progress for fear of encouraging political complacency, institutional backsliding, or public backlash—or losing their jobs. Applied to racism, this paradox assumes a different dynamic. Repeated and expanded references have reinforced the status of racism as a victim of its own success. Canadians have become so attuned to the evils of racism—at least in public—that references to racism are routinely applied to patterns of (in)activity that in the past would not have been framed as racist. Today, however, charges of racism are associated with any criticism directed at Aboriginal peoples or racialized minorities, in addition to government policies pertaining to everything from multiculturalism to immigration to employment equity. Racism is invoked as an explanatory framework to account for minority failures in society, continued disparities in power and privilege, the imposition of Western standards and moralities when evaluating minority behaviour or beliefs, and failure to be proactive in terms of averting offending minority sensibilities (for example, failure to remove Christmas trees from public foyers). Not surprisingly, there are growing concerns that, no matter how much is accomplished on the anti-racism front, fear persists that its pervasiveness or resurgence could unsettle Canada.

How to account for these paradoxes with respect to racisms in Canada? As noted earlier, anti-racists and activists have a vested interested in foregrounding racism to ensure that the issue remains on the agenda of politicians, institutions, and funding agencies. As well, a media-driven politics of fear plays into the paradoxes of perfection, proportion, proliferation, and paranoia (Best, 2001). Canadians have long been force-fed a media diet of dangers that lurk everywhere, in large part because scary stories sell. Fear is fostered by news coverage that specializes in the hyping of discourses related to risk and danger, including crime and terrorism (Altheide, 2002, 2003). Both print and electronic media routinely frame racialized minorities, immigrants and refugees, and Aboriginal peoples as "troublesome constituents," which elicits a mood of fear—especially when involving undocumented migrants who reinforce perceptions of porous borders or the threat of terrorism. Nor do references to fear require explicit instructions, but simply implied or tacitly assumed ones (for example, reference to "Jane Finch" as synonymous with guns, drugs, and gangs). Consequences follow from news media's preoccupation with framing negativity as newsworthy and newsworthiness as negative. A steady diet of "everything out of control" generates such a level of negativity that fear itself becomes an incubator for problems to multiply. The cumulative effect of this media negativity draws us into the quintessential paradox of our times: The safer society becomes, the more the media feel compelled to ramp up the fears over unlikely dangers (see Skenazy, 2010). Under the circumstances, who can be surprised by the perception that less is more when racism is involved?

Critical Thinking Question

Explain why there appears to be more racism at present, even though logic dictates there should be less.

3.6   INSIGHT

Explaining White-hot Racisms in Europe

The persistence of racism, xenophobia, and intolerance constitutes one of the more serious challenges to democratic citizenship and multicultural inclusiveness (United Nations, 2006). Contributing to this crisis in cooperative coexistence is the pervasiveness of racist violence, political leaders and parties that openly advocate racist political platforms, incidents of religious defamation, and the criminalization of immigration and asylum seekers. Questions naturally arise: Is it hip to hate? Is there a growing culture of racial hatred? Is it possible to explain differences in patterns of racism between countries? Are differences in racial violence the result of economic forces, national character, history and geography, or social and cultural features? This suggests the need to go deep by exploring those structural factors that differentiate expressions of racism between Canada and European countries.

The politics of racial hatred are particularly evident in Europe, where open incidents of interpersonal hate, criminal victimization (assaults), and open institutional discrimation seem to be the rule rather than the exception. In recent months, racist incidents have included the following: moves to ban minarets from mosques in Switzerland; France's threat to remove the burka from public life; the election of two representatives from British National Party (staunchly anti-immigrant and anti-Muslim) to the European Parliament, and developments in Italy to curb the building of mosques and impose restrictions on Islamic call to daily prayer. Ongoing racist actions also include negative and Islamophobic portrayal of Muslims in the media (van Dijk, 2006); expressions of anti-Semitism via attacks on synagogues, cemeteries, and Jewish persons; a continued and intense dislike of Roma and blacks; and a negative climate of opinion toward migrants, refugees, and asylum seekers (ECRI, 2009). No less controversial is the growing sense of unease among Europeans (as manifested in the Swiss referendum to ban minarets on mosques in a country with a celebrated history of religious tolerance) in coming to terms with Islam's growing visibility and its perceived threat to European values. And yet there appears to be a dearth of political debate over the place of Islam in Europe despite widespread perceptions that Muslim immigration is threatening the very foundations of European civilization (Caldwell, 2009).

To be sure, the situation may not be as dire as conveyed by the reports, surveys, or mainstream media. A report by ENAR (European Network Against Racism, 2009) hinted at signs of improvement, including comprehensive legal frameworks and national action plans consistent with principles and proposals of the EU Commission on Human Rights (Hammarberg, 2009). Both EU-wide polls and passage of antidiscrimination legislation in EU countries suggest a majority commitment to abolish racism, racial discrimination, and xenophobia through criminal law. Non-governmental organizations such as ENAR are actively involved in challenging racism and promoting equality in all

European nations. Counterdemonstrations over the presence of neo-Nazi cells, together with vigils in support of racialized victims, point to the prevalence of anti-racism movements across Europe (Eurobarometer, 2008). Moreover, caution needs to be exercised in castigating European racism. Patterns of racism vary across European countries and across generations, making it easy to overgeneralize, while reports indicating high hate crime levels compared to Canada may reflect differences in data collection and interpretation.

However, good intentions are not the same as implementation and enforcement. Nor can they disguise the fact that discrimination and racially motivated violence are far more widespread than official statistics suggest, according to an EU-wide survey by the European Union Agency for Fundamental Rights. On too many occasions, anti-racism and antidiscrimination rights continue to exist as little more than paper rights rather than practical outcomes. Not surprisingly, racialized and religious minorities continue to suffer from racist intolerance, discrimination and prejudice, and treatment as second-class citizens across all indicators from employment and education to housing to policing (ENAR, 2008). Judging by the lack of political will and availability of sanctions, governments appear increasingly reluctant to prevent acts of racial discrimination while even less attention is paid to punishing those who perpetuate these often cowardly yet harmful acts. Or, in the words of the Hate Crimes Survey (Human Rights First, 2009), in describing how governments are failing to keep pace with violent hate crime across the region:

> Racism, anti Semitism, xenophobia, anti Muslim and anti Roma hatred, religious intolerance, homophobia: the list of biases that fuel these crimes is . . . long. . . . Attacks range from lethal assaults, to threats and harassment to vandalism and discretion of religious and community property. The perpetrators are individuals acting alone, or in concert with neighbours, co-workers and fellow students, as well as loosely knit and more organized groups that share ideologies of hatred and act upon them. The violence can ruin lives, or end them . . . terrorize whole communities, driving away vulnerable members or forcing them to stay out of sight.

The end result of this racialized violence and discrimination? A sense of resignation persists among migrants and racialized minorities who either are uninformed about antidiscriminatory legislation or express a lack of confidence in the ability of authorities to protect them.

In short, evidence points to Europe as a racist hot spot. Overt expressions of racism in Europe are forceful and direct, and ostensibly positioned to bluntly remind newcomers that Europe is a white, secular society. By contrast, racism in Canada tends to be relatively muted, politely conveyed, and often reflect the use of coded words to deflect attention away from putdowns that potentially deny, exclude, or anger. To the extent that they exist, explicit forms of racisms (both interpersonal and institutional) are generally of an isolated nature, usually involving slurs rather than violent physical action, and are often met with stern rebuke from both the public and authorities.

How, then, to explain this transatlantic discrepancy: white-hot racisms in Europe versus below-the-radar racisms in Canada? Much can be attributed to structural differences and national discourses as they apply to immigrants and immigration (Fleras, 2009). Canada is, sociologically speaking, an immigration society, with principled rules in place to regulate the intake of immigrants who for the most part (and because of Canada's point system) are liberal, legal, and well equipped in terms of skills and creden-

tials. In addition, an immigration society such as Canada endorses immigrants and immigration as positive contributions to society, expects immigrants to take out permanent residency (citizenship) status, and provides a series of programs such as multiculturalism to facilitate immigrants' settlement and integration. Finally, a national vision is promulgated that includes immigrant Canadians as an integral component of national identity and as critical to Canada-building.

Compare this inclusiveness framework with the exclusionary dynamics that prevail across European countries. European countries tend to see themselves as "complete" societies (Castles & Miller, 2009)—or as the "old continent"—that no longer require permanent newcomers for society-building purposes. Until recently, EU countries rejected any label as immigration societies with a need for programs to regulate immigrant intake, much less to improve either permanent residency or settlement and integration. To the extent that immigrants took root in the postwar reconstruction of Europe, they tended to be descendents and family members of pre-1974 guest workers (who never left) or asylum seekers who tended to be illegal, illiberal, and ill-equipped for Europe's high-powered economy. Nevertheless, despite their seeming lack of fit in a secular and (post)modern society, migrants were rarely expelled—not due to compassion but for fear of besmirching Europe's international image as tolerant (in reaction to its xenophobic and racist past). Nor were minorities put under pressure to discard their social and cultural differences, in part because many assumed they would return "home," in part because of a misguided political correctness that recoiled from saying anything negative about differences for fear of being labelled racist, and in part to protect minority cultures from unfair pressure from the majority culture (Parvin, 2009). The interplay of historical racism and continued racial discrimination in housing and employment further consolidated a black and Muslim drift toward increasingly inward-looking communities of safety.

Clearly, then, Europe's mistake lay in underestimating the structural and cognitive challenges in shifting from complete societies to an immigration society. Pressure to become more immigration-oriented without the appropriate tools resulted in paradigm ambiguities that intensified anxieties and fostered violent behaviour. Without a national vision that defined a place and role for migrants, differences proved to be divisive rather than a basis for integration. Yet the political elite failed to engage the general public in addressing the crisis. Rather than risk public unrest, a minority backlash, or international censure for intolerance, political elites feigned a consensus by implying that they were on the right multicultural track. In advancing the long-standing principle of consociationism (elite cooperation) and consensus democracy for building a stable and ordered democracy across deeply divided societies, the logic behind this governance gambit was straightforward enough: to forge a level of cooperation and consensus among the establishment in the hopes that elite leaders could contain any backlash in reaction to Muslim migration, keep a lid on prejudice by praising the virtues of tolerance, and tamp down extremism by caving into minority demands or paying them to keep quiet. In the equally mistaken notion that the passage of time would transform Muslims into more secular Europeans, European elites mistakenly assumed that the divide between Islam and the West was antiquated and prone to dissolution, with the result that a liberal, multicultural, and relativistic Europe would have little difficulty in absorbing arrivals from traditional and religious-based societies.

Reality proved a wake-up call. Instead of integration and cooperation, Europe was convulsed by terrorist events in London and Madrid, polygamy in Sweden, radical mosques in Britain, riots over affronts to the Prophet, and the murders of prominent Dutch personalities by extremists. Instead of consensus politics, the Swiss referendum on minarets exposed a rift between political elites and popular sentiment. As Christopher Caldwell (2009) writes:

> In no country in Europe does the bulk of the population aspire to live in a bazaar of world cultures. Yet all European countries are coming to the wrenching realization that they have somehow, without anyone actively choosing it, turned into such bazaars.

Politicizing the reality gap between official discourses and the subterranean concerns that rarely make it into public discourse has proven pivotal. In lifting the veil of consensus by political correctness, the politicization has exposed and contested those unspoken assumptions of what was best for European countries (see Caldwell, 2009). Instead of racism-free Europe, what exists is a deeply rooted problem that is likely to intensify in the future (Aziz, 2009).

Critical Thinking Question
How would you explain this transatlantic discrepancy—white-hot racisms in Europe versus below-the-radar racisms in Canada?

3.7 CASE STUDY

If a Racist Tree Falls in the Forest, and No One Is Around to Hear It . . . The Rhetoric of Anti-racism versus the Reality of Racism

Contemporary race relations are characterized by an apparent paradox: Open racism is widely condemned, yet acts of racism still frequently occur (Kawakami, Dunn, Karmali, & Dovidio, 2009; also Yong, 2009). This paradox gives rise to yet another: If there is so much racism, why are there so few racists? One reason for this paradox rests in the tendency for individuals to overestimate people's behavioural responses to racist acts. That is, research indicates that people tend to overestimate how they and others would react upon witnessing an incident of racism. On one side, people believe they would be very upset by a racist act, yet when observing and experiencing such an event they expressed little emotional distress. On the other side, people tend to exaggerate the degree to which a racist comment would trigger an anti-racism response. The results of these findings suggest that racism perseveres because people are poor predictors of their commitment to anti-racism. Even those who aspire to tolerance or anti-racism—and who would consider themselves not racist—may respond with indifference when confronting an act of racism because of unconscious biases that prevent them from acting on their principles or taking action against other people's racist behaviour (see subliminal racism). Such inaction suggests that social deterrents to racism may be weaker than public rhetoric implies; after all, confronting racist individuals can be costly because doing so may be awkward or exact physical retaliation.

In a study to investigate participants' actual and anticipated responses to anti-black slurs, 120 non-black participants ("experiencers" and "forecasters") were chosen and exposed to an incident involving (a) no racial slur, (b) a moderate racial slur, and (c) an extreme racial slur. Upon entering the laboratory, the experimenter introduced the experiencer to two male confederates—one black and one white—who posed as fellow participants. Shortly after the experimenter left the room, the black confederate got up to leave on the pretext of retrieving his cellphone, and gently bumped the white confederate's knee along the way. In the control situation of no slur, the incident passed without comment; in the moderate slur condition, once the black confederate left the room, the white confederate remarked, "Typical, I hate it when black people do that." In the extreme racial slur condition, the white confederate exclaimed, "Clumsy n-word!" The black confederate then returned, followed by the experimenter, who asked the experiencers to fill out a survey assessing the current situation. The experimenter then asked each experiencer to select one of the confederates as a partner for a subsequent task. In another room, the participants known as the forecasters were presented with a detailed description of the events that experiencers actually encountered, then asked to predict how they would feel if they were in the experiencer position and to predict which confederate would be chosen as partner for the word task.

The results deviated from expectations. Put bluntly, the rhetoric of anti-racism did not match the reality of racism. Forecaster predictions of what would happen bore little resemblance to what the experiencers thought or did. In analyzing the racist comment conditions, forecasters were more upset than experiencers, who displayed relatively little distress regardless of the type of comment or no comment. More worrying still, in analyzing the racist comment condition, forecasters rarely selected a white confederate as a task partner, while experiencers *were more likely to pick a white confederate partner—even if he made a racist slur rather than said nothing*.

In short, the rhetoric of predictions did not coincide with the reality of reactions. What egalitarian-minded people say they will do may differ from what they really will do because of non-conscious negative attitudes that shape reaction to spontaneous incidents. Not surprisingly, forecasters substantially misrepresent the extent to which a racist comment would provoke distress or rejection. To be sure, the seeming indifference of experiencers could be explained in different ways. For example, experiencers may have relied on their early socialization to politely look the other way when confronted by deviance, particularly in stressful, awkward, or unfocused situations (Dijker, 2009). Or, although racism carries a heavy stigma, people are less bothered by it than they might expect and are loathe to take issue with racist incidents out of embarrassment, fear, or indifference (Yong, 2009). However true such an assessment, the consequences do not bode well. Racism and discrimination continue to persist in society because of people's failure to do something about it in ways they say they would; they claim to be against racism yet betray themselves by looking the other way, thus failing to censure others who transgress these egalitarian norms.

Critical Thinking Question

Contemporary race relations are characterized by an apparent paradox: Open racism is widely condemned, yet acts of racism still frequently occur. How does the experiment described here assist in addressing this paradox?

INSIGHT 3.8

Theories of Racism: Ideological versus Structural

A seemingly endless array of references to racism exists. Despite this proliferation of references, theories of racisms tend to fall into two *ideal-typical* categories: ideological and structural (Bonilla-Silva, 1997). These theories provide (in theory) mutually exclusive explanatory frameworks for theorizing racism.

Ideological Racisms

Most theorizing tends to frame racisms within an ideological frame of reference. Both micro and macro variations prevail. With micro-level theories, racism is analyzed at the level of social psychology, with individuals and their attitudes and behaviour as a primary focus. Variations in micro-ideological theories of racisms notwithstanding, a pattern can be discerned with widespread applicability. First, racism is defined as a set of ideas (beliefs) and ideals (norms or values). Second, these beliefs induce individuals to formulate negative attitudes (prejudice). Third, these prejudicial attitudes generate the discriminatory actions that constitute racisms in society. Fourth, changing people's attitudes and behaviours are the keys to eradicating racism.

At the macro-ideological level, racisms are conceptualized at societal levels. On one side, racism entails those doctrines of racialized superiority embedded in presumptions of race as real and determinist. On the other side, racism reflects an organizing principle of social organization that shapes both individual identities and the dynamics of societal life. Take Marxist or socialist theories of racism in acknowledging the role of racism in securing a capitalist economy. Those theories that posit class as a central explanatory framework tend to focus on racism as a legitimating ("mystifying") ideology concocted by the propertied to divide or distract the working classes, normalized in everyday actions and communication, and instrumental in perpetuating white privilege (Bolaria & Li, 1988). The equating of racism with false consciousness situates it within an ideological framework of explanation.

Two contrasting traditions inform the study of ideological racism: *attitude research,* which is quantitative in methodology, etic in epistemology, and realist in ontology (assume reality of pre-given object), and *discursive research,* which is qualitative, emic, and anti-realist (see Durrheim & Dixon, 2005). In seeking to measure race-related attitudes (e.g., stereotypes), attitude researchers predefine and fix the object of evaluation—racism—in such a way that it serves as a stable platform for calibrating individual differences for comparative and analytical purposes by assessing similarities that transcend particular instances. By contrast, a discursive approach is both constructionist and subjective. It focuses on how people construct and experience racism—how participants define situations and act on those definitions—rather than resorting to a researcher's definition of racism. In other words, rather than general tendencies and commonalities, emphasis is on contextuality, particularity, and variability as the starting point of analysis (Durrheim & Dixon, 2005).

Both traditions for studying racism can be criticized for lacking what the other expounds. Researcher-supplied definitions of racism under attitude research allow for comparative work but ignore the specifics and dynamics of how people construct the subject matter under consideration in meaningful ways in specific situations. Taking seriously people's lived experiences of racism casts light on ordinary social life in specific and concrete contexts in which everyday practices—from communication (verbal and non-verbal) to daily interaction—are informed by and organized around race relations. Yet by reducing racism to the study of talk, the discursive approach runs the risk of ". . . masking its lived reality as an embodiment of spatial-temporal as well as conversational product" (Durrheim & Dixon, 2005, p. 459).

Clearly, then, a dual focus is required in studying ideological racism. On one side, an approach is needed that incorporates the micro politics of how people define and construct racism through both language talk and located bodily practices. On the other side, an approach is needed that recognizes the materiality of society and human social life. In acknowledging the multidimensionality of the human condition, both lived yet constrained, this approach is conversant with Marx's prescient notion that while people construct the world they inhabit, they are not entirely free to do so as they please but rather must do so under the objective circumstances in which they live.

Structural Racisms

However valid and important these ideological theories are, they are insufficient in conceptualizing the complexities of racism. As Joe Feagin (2006) explains, racism is neither a surface-level feature nor an epiphenomenal byproduct of more fundamental forces. Racism must be seen instead within the broader context of society as a whole, with many interrelated features ("systemic") that pervade and interconnect major social groups, networks, asymmetrical power relations, and institutions. Moreover, as critics argue, racism within the workplace (for example, split labour market) cannot be conflated with class relations. Racism constitutes an organizational system and social dynamic in its own right, while acknowledging its mutually constitutive relations to culture, language, and ideologies of white supremacy (Bonilla-Silva, 1997; West, 2009).

With its antecedents in critical race theory and studies of whiteness and power, the term "structural racism" has gained traction in analyzing the playing out of racial dynamics in the twenty-first century (Kubisch, 2006). Structural racism refers to a social system whose values, institutions, and constitutional order combine to reflect, reinforce, and promote both race-based inequities and patterns of white privilege (Kirwan Institute, 2010). It also can refer to a holistic framework of analysis to examine how the interplay of historical legacies and contemporary barriers operates to allocate material rewards and symbolic advantages along racialized lines. Both the interaction of institutions and the discriminatory treatment based on non-race factors (from class status to religious beliefs to public policy decisions) form the leading edge in bringing a structural analysis to work (Kubisch, 2006). To be sure, structural theories of racism do not reject the importance of ideological theories. To the contrary, racism is theorized as the *legitimating ideology* of a *racialized society* (Bonilla-Silva, 1997). That is, racialized societies are structured around the placement of racialized actors into preconceived categories for purposes of control or exploitation. The totality of these racialized social relations and

practices constitutes the racialized structure of society, including a racialized hierarchy that benefits some and burdens others. Several characteristics inform a structurally based theorizing of racism:

- The enduring and systemic character of racism must be situated within the bigger picture, namely the reality that society is *founded on* the principle of creating a white society, *grounded in* the exploitation and oppression of Aboriginal peoples and racialized minorities, and *bounded by* the need to preserve the prevailing and racialized distribution of power and privilege (Feagin, 2006, p. 47). According to critical race theory, society (and its constituents from the legal system to the constitutional order) is neither value-free nor neutral. More to the point, all societies are biased, value-laden, and racialized insofar as they reflect the privileged subjectivity of those in power. Appeals to neutrality or objectivity are neither realistic nor attainable; after all, both the substance and the process of law (and other institutions as well) are structured in dominance. To maintain the supremacy of white privilege, Eurocentricity permeates national narratives and institutional discourses, in the process creating duplicitous fictions that subvert the cause of racial equality in the name of ensuring white privilege (Valdes, Culp, & Harris, 2002). Preserving the interests of power rather than pursuit of justice also constitutes the guiding force behind legal judgments and institutional processes.

- For ideological theories of racisms, racism is normally perceived in terms of individual prejudice and its expression in hostile words or discriminatory deeds toward those racially or ethnically different. For structural racists, society as a whole and the relations between different strata or groups are racialized as well, including patterns of exclusion and power in which some benefit at the expense of the subordination of others. This institutional (or structural) view of racism draws attention to the paramountcy of laws, conventions, practices, historical dimensions, group experiences, and interaction with other forms of oppression such as gender and sexuality.

- Racism is inextricably linked with the politics of racialization. Once society is raced by way of racialized categories, racism assumes an ideological life of its own, thus securing its own organizing principle of social relations. Placement of racial ideologies within racialized institutional frameworks serves to distinguish structural racism from Marxist theorizing of racism as epiphenomenal to class relations. As a result, racism is a form of exclusion or exploitation in its own right that cannot be reduced to other forms of oppression such as class.

- Racism is not some irrational activity or deviant departure from the normal functioning of society. For structuralists, racism constitutes a "normal" outcome of societal processes since society's social, cultural, economic, and political institutions are embedded within a racialized social system and inextricably racialized.

- Racism is relational not only in relating ideology to structure but also in establishing a dynamic between dominant groups (the so-called superior race) and subordinate groups (the so-called inferior race). Or, to put it bluntly, racism constitutes a complex system of intergroup relations that stand in oppositional and asymmetrical relationship—enriching and empowering some while disempowering and impoverishing others.

- A structural theory focuses on racism with respect to the outcomes it produces rather than content or intent (Kubisch, 2006). From this conceptual vantage point, the legacies of the past remain deeply implicated in the production and reproduction of racism, particularly those values, beliefs, and norms deeply embedded in the Eurocentric foundational principles of a society's racialized constitutional order. What is defined as societally normal, desirable, and superior, according to structural racism, tends to reflect, reinforce, and bolster core values, opportunity structures, reward systems, and hidden agendas.

- In demonstrating the systemic and interrelated causes of racism and racialization, a structural racism lens demands a re-examination of basic assumptions in bringing about social changes (Kubisch, 2006). Reference to structural racism may also explain why racisms continue to persist despite initiatives to remove and destroy them. The foundational principles of a society's institutional order are rarely problematized, much less challenged, but remain largely intact because of the complexities involved (Feagin, 2006).

Critical Thinking Question

Compare ideological racism and structural racism as competing models for explaining racism.

CHAPTER 4: ETHNICITY EXPERIENCES: POLITICS, IDENTITY, AND POWER

4.1   CASE STUDY

Growing Up South Asian–Canadian: Negotiating Identities

It is tough enough being an adolescent in a society that simultaneously if paradoxically reveres yet reviles youth (Anisef & Kilbride, 2003). It is tougher still for second-generation immigrant youth who must confront the paradoxes of negotiating their way through Canadian society without trampling on parental tradition (Handa, 2003; also Biswas, 2003; Garroutte, 2003). The process of identity formation is especially vexing for immigrant youth who confront a number of tensions that play themselves out at school; with family, friends, and peers; and in the labour market (Nazroo & Karlsen, 2003). The tragic murder of Aqsa Parvez in December 2007 by her father and brother attests to the terrors of wanting to "fit in." A juggling act comes into play because of the often conflicting challenges of fitting in and settling down within the context of a so-called culture clash. Admittedly, references to the concept of culture clash are misleading. What transpires is not a clash of cultures per se; after all, such a model has a tendency to reify culture as fixed and static and assumes the equivalence between cultures, when clearly the reality of white Canadian power dynamics prevails. More accurately, what we have is a negotiated process involving a clash between selective aspects of modernity and tradition within contexts of power and politics (Handa, 2003).

Youth on the High Wire

The oppositional tensions that youth confront are formidable. On one side, youth must balance the demands of home, family, and tradition with the challenges of performing well at school, forging healthy relations with peers and friends, developing a sense of belonging, and seeking employment opportunities. On the other, they are pushed to identify with the mainstream, thus compromising their relationship with parents who may want them to become Western but not so Westernized as to lose respect for tradition and family values. Yet again, they must also resist, even rebel, against identifying too closely with the norms of mainstream society for fear of being accused of selling out (Anisef & Kilbride, 2003). Compounding the difficulties is the creation of diverse social strategies and psychological mechanisms for coping with disadvantage and discrimination in culturally appropriate ways (Ghuman, 2003). For example, more time spent with one's "own ethnic kind" can provide a sense of security and belonging because of shared perspectives on issues, experiences, and aspirations (Johal, 2003). And yet too much of this in-group affiliation can prove to be a social death knell.

In short, immigrant youth confront some tough challenges (Desai & Subramanian, 2003). They are seen by some as having problems because of adjustment difficulties and by others as creating problems because of a tendency toward anti-social or un-Canadian behaviour (Rathzel, 2003). Problems also arise from conflicting expectations: Children of racialized immigrant parents may be fluent in the official languages and share educational attainments, yet perceive high levels of discrimination despite an official multiculturalism, resulting in greater alienation from Canada (Ali, 2008; Reitz & Banerjee, 2007). Immigrant youth may want to maintain some connection with their parents and cultural tradition, but not at the expense of precluding full participation in society. Conversely, most want to identify with mainstream Canada but not if this leads to wholesale abandonment of what makes them distinctive and authentic (Berry, 2006). For some, coping with the demands of opposing value systems is exciting and rewarding. For others, the perpetual tug between their immigrant roots and Canadian soil is confusing and frustrating; as aptly articulated by Puneet Parhar: "We grow up in the confusion of different morals, different values, and the fear of another culture" (as cited in Sandhu, 2003).

Still tougher challenges await immigrant girls and young women, especially those from traditional societies (Tastsoglou, 2008). Not only do many often experience a conflicting set of standards compared to their brothers and boyfriends, but young immigrant girls and women are also expected to shoulder an unfair share of the burden in walking the high wire between "here" and "there" by way of the "in between." They are routinely framed as custodians of cultural tradition with an obligation to family honour, yet simultaneously they must attend to the demands and expectations of living in the modern world outside the home. In walking the tightrope between modern and traditional, the parental and peer group, and community and culture, young second-generation women struggle to fashion an identity that reflects their experiences and realities of being Canadian in Canada (Handa, 2003).

Navigating Bicultural Identities in a Multicultural Context

Consider the promises and perils of growing up Canadian for a South Asian youth whose parents migrated to Canada in search of opportunity (Handa, 2003; Sodhi, 2008). As often happens, second-generation South Asian youth are better off than their parents. Many are relatively free from the fears and frustrations their parents had to endure, such as obligations to support family and relatives back home. They are also less likely to be ambivalent about the nature of their belonging to Canada, as the majority has no interest in returning to their parents' homeland. As explained in 2004 by Riad Saloojee, executive director of Council on American-Islamic Relations Canada, in acknowledging an emergent and positive Muslim Canadian youth identity:

> They see themselves as being firmly entrenched here. There are less emotional ties to the home country, in some cases none at all. They have a distinct Canadian and Muslim identity and many people see that as being perfectly compatible and harmonious.

Yet, unlike their parents, South Asian youth face a unique and equally baffling set of problems. Growing up in a multicultural society is fraught with pitfalls and paradoxes in negotiating answers to the question of "who am I?" (Ghuman, 2003). Their parents may

be secure in their personal and social identities because of a rootedness in tradition, but the younger generation confronts a bewildering set of options and choices as well as constraints and criticism. South Asian youth must constantly compare themselves to others in school in negotiating acceptance, yet worry about appeasing parents while saving face among peers (Johal, 2003). What other choice do they have except to compartmentalize language and culture by speaking English to friends but reverting to their heritage language at home? For some, this code-switching is no problem; for others, the balancing act is a nerve-racking affair.

Many of the challenges that confront young South Asians arise from tensions between competitively different value systems—namely, those of home and community versus those of school and society at large. The former emphasizes the religion, culture, and tradition of the sending society, while the latter emphasizes mainstream norms, beliefs, and values. One endorses customs and traditions such as extended family values, including the possibility of arranged marriages. The other promotes a competitive and freewheeling individualism—those very virtues that parents simultaneously reject yet endorse as keys to success in Canada. Contradictory demands are imposed on South Asian youth: ethnic emphasis versus ethnic rejection; mainstream acceptance versus mainstream resistance; ethnic and parental deference versus peer group conformity. Also imposed are the paradox of obedience (parents want them to obey and be deferential without losing the initiative and drive to succeed), retention of parental culture against the backdrop of Canadian expectations and normative standards, and parental ambivalence toward success (be successful but not too successful).

In short, South Asian youth are caught in a dilemma. They are confronted by the challenges of integration and full participation in the host culture, but they are equally challenged by the prospect of losing their religious and cultural identities (see Alvi et al., 2003). They do not want to be left "out of the loop" from the activities such as dating or parties that frighten or repulse their parents. Intergenerational conflicts between parents and offspring are inevitable. Parents are perceived as out of touch with the realities their children must confront on a daily basis. Youth, by contrast, rarely consider the social sacrifices and economic pressures that parents must contend with in a secular and liberal Canada that often devalues their skills, culture, and values—leaving parents with little choice except to project their hopes for success on their children by making the appropriate sacrifices (Anisef & Kilbride, 2003).

The end result is nothing short of confusing or infuriating. What constitutes proper behaviour is constantly compromised by mixed messages about irreconcilable differences between "the here" and "the over there" (Ghuman, 2003). Youth identities must be negotiated in relation to "whiteness" as the normative reference point. South Asianness may be officially tolerated in Canada's multicultural matrix, but too much difference may compromise acceptance into the mainstream. The challenge lies in finding a middle or hyphenated way, one in which there is a fusion or synthesis of two cultures (hybrids) without discarding the realities of both cultures.

Double Lives, Double Standards?

Not all South Asian youth confront the same problems. South Asian girls tend to experience additional difficulties in negotiating identities because of differences in gender ex-

pectations between "the home" in which they live and the wider society in which they participate (Ghuman, 2003). Put bluntly, because of double standards, young South Asian women do not have as much freedom as their brothers and boyfriends. South Asian families in Canada have tended to be more indulgent with sons, even to the point of overlooking social taboos related to dating, curfews, partying, drinking, food preferences, and dress codes. Yet daughters and sisters are expected to conform religiously to the dictates of the culture. They are seen as symbols of tradition—custodians of culture and moral guardians—who must be protected from the polluting influence of the modern. Notions of women's sexuality—especially innocence, purity, and modesty in dress, behaviour, and body functions—are employed as a statement of virtue in marking the boundaries between the East and the West. Nor do young South Asian women have as much autonomy as their white classmates because of parental "paranoia." While dating and premarital sex may be routinely accepted by middle-class Canadian parents as part of the growing-up process, South Asian families condemn such behaviour for fear of exposing their children to the risk of disease, sexual exploitation, and family dishonour in the case of unwanted pregnancies—not to mention the risk of not finding a suitable South Asian marital partner (Hai, 2003).

The consequences of this protectiveness may prove highly awkward. To secure and negotiate their reputations, young South Asian women must create a comfort zone where there is constant masking of truths as the price for upholding family and community honour in a sometimes hostile environment (Handa, 2003). The codes of femininity and femalehood associated with South Asian cultures are so narrow that there is little wiggle room for crafting an identity that captures the complexities and nuances of living in modern Canada. Yet peer pressures are constantly mounting to "move with the times." As expressed by one young South Asian woman in dismissing the old-fashioned notion of saving virginity for marriage, "Sex is part of our culture now. Plus, there's a lot of pressure from the boys" (as cited in Hai, 2003).

Double standards complicate life for young South Asian women. No less complicating is the challenge of leading double lives by walking the tightrope of gender. They are under pressure to lead a life that embraces being traditionally South Asian at home but a thoroughly modern Canadian against the backdrop of community scrutiny and parental restrictions. Young South Asian women must quickly learn what is acceptable for "good" daughters. They are aware that their behaviour, especially in sexual matters, will have an impact on how they and their families are viewed by the community, in that the community and relatives closely monitor their reputation and the family honour. Young South Asian women have little recourse except to wear masks, safeguard secrets, tell "white" lies, protect reputations, and in general engage in subterfuge of such daring and precision that a spy agency would be duly impressed (Hai, 2003). Admittedly, there may be guilt about lying, but as one 18-year-old put it, "We live in fear of upsetting our parents, but we have to get on with life. We can't become isolated like your generation was" (as cited in Hai, 2003).

To say that young South Asian women are experiencing a crisis of identity is surely an understatement. They must learn to walk the tightrope of everyday life in constructing identities that balance the modern with the traditional within a predominantly white context of power, inequality, and racism. They must also learn to walk a cultural high wire in negotiating their reputation, as openness can inflict shame on the community,

risk family criticism, or foster alienation from one's roots. Young South Asian women may have difficulty in balancing the impossible: on one side, belonging to a particular religion and culture; on the other side, citizenship in a Canada that continues to harbour colonial perceptions about South Asia against the backdrop of extremism in the Muslim world (Alvi et al., 2003). Not surprisingly, tension and confusion mount because of the double standards imposed on them by both parents and society at large. Of course, no one said that growing up South Asian in Canada was going to be easy. But some have it more difficult than others in navigating and negotiating the challenge of living within one's differences.

Critical Thinking Question

The confusion and frustrations associated with immigrant and minority youth is nicely summed up by this statement: "We grow up in the confusion of different morals, different values, and fear of another culture." Indicate how this is true for South Asian youth, with particular attention to young South Asian women who find themselves doubly disadvantaged.

4.2   DEBATE

Is Whiteness an Ethnicity?

In popular usage, references to ethnicity are usually reserved for minorities. However, in the social science literature there is growing acknowledgement that everyone is ethnic or has ethnicity because of group belonging, rootedness somewhere, and identification with something (Castles & Miller, 2009). This recognition raises a set of interesting questions: Is whiteness an ethnicity? Do "whites" constitute an ethnic group?

Everyone agrees that Canada is ethnically robust. The myriad ethnic groups and attachments attest to that. Yet for many, ethnicity in Canada applies only under certain conditions, that is, if it (1) is ancestral or roots-based, (2) exudes an air of authenticity, (3) originates in some faraway homeland, or (4) applies to racialized minorities (see Howard-Hassmann, 1999; also Foot, 2000). Migrants from countries such as China and Somalia are generally perceived as having a distinctive ethnicity ("Chinese" or "Somalian"), as are Aboriginal communities across Canada. English-speaking Canadians might label the Québécois an ethnic group, even though both Quebecers and Aboriginal peoples prefer to define themselves as peoples rather than as ethnic minorities. Yet white Canadians appear reluctant to define themselves as an ethnicity because, frankly, ethnicity is something for immigrants. They prefer to conceal their "ethnicity-ness" by attributing ethnicity to "minorities," in effect implying "whiteness" as the tacitly accepted centre that masquerades as the norm.

Debates over whiteness as an ethnicity are increasingly polarized. Some argue that whiteness is not an ethnicity, others say that it is, and still others say that it may depend on the context. On one side are those who argue that mainstream whites lack an ethnicity because most are unaware of their shared identity as a conscious distinction. They just *are*, and labelling them as ethnic is inconsistent with commonly accepted definitions of ethnicity as a shared awareness of in-group distinctiveness and out-group commonal-

ities. On the other side are those who contend that everybody, including whites, is ethnically located, whether or not they are aware of it. To be sure, the "whitestream" does not represent a classic case of ethnicity. However, in a world where there is no position from nowhere, because everyone is ethnically located, whiteness qualifies as an ethnicity, regardless of approval or awareness (Gillespie, 1996; Hall, 1996). In between these poles are those who concede a potential for white ethnicity. Emergence of a politicized ethnic consciousness among Quebec's English-speaking minority clearly reveals an ethnicity-in-waiting under conditions of duress. Finally, there is a feeling that whiteness must be interpreted as an ethnicity for purposes of living together with differences. Only when whites acknowledge their embeddedness as part of the mosaic rather than a normative grout that consolidates and confines will a truly multicultural society emerge.

Two points prevail in rethinking white ethnicity. First, definitions of ethnicity as a conscious awareness of differences may need to be modified to include the idea of "potential" awareness as a defining characteristic. That is, whiteness may be defined as ethnicity, but this ethnicity is properly described as hidden or dormant, with the potential to be activated when necessary or challenged. Whitestream members are rarely reminded of their uniqueness on a day-to-day basis because (1) they are unlikely to have their ethnic identity challenged by mainstream institutions; (2) they are much less likely to have encountered prejudice, discrimination, or disadvantage because of ethnicity or race; and (3) they rarely find themselves in a position of having to defend a threatened ethnic identity (Doane, 1997). By contrast, those in positions of disadvantage routinely and sharply experience the dynamics of being different, of having to defend their differences, and of being disadvantaged because of them.

Second, refusal to acknowledge white ethnicity may be more problematic than acknowledging it. Denial of white ethnicity may have the effect of elevating whiteness as the universal norm rather than just another manifestation of the human experience. Refusal to "ethnicize" the dominant sector tends to privilege the mainstream as the hidden centre—the unmarked standard of normalcy—but at the cost of masking the socially constructed nature of "white-centric" society. In other words, to ignore white ethnicity runs the risk of reinforcing its hegemony by naturalizing whiteness as normal and necessary (Spoonley, 1993). In that consciousness of one's own ethnicity must precede an understanding of the ethnic other (Karner, 2007), this denial also has the consequence of privileging whiteness by making ethnicity synonymous with being a minority, with a corresponding trivializing of status or achievement. That makes it doubly important to (1) render visible the invisibility of the mainstream as an ethnicity, and (2) question the status of white-as-ethnicity as the normative standard by which to judge, compare, and criticize (Garner, 2007).

Critical Thinking Question
In exploring the arguments both for and against whiteness as an ethnicity, to what extent can these arguments be used to defend or oppose the idea that whiteness is a race?

4.3   INSIGHT

Ethnic Enclaves: Ghettoes or Comfort Zones?

Concerns are mounting over some 371 ethnic neighbourhoods in Toronto with relatively high concentrations (30 percent or more) of a single ethnicity—an increase of 55 percent from 239 neighbourhoods in 2006 and 6 in 1981 (Keung, 2009). Almost 25 percent of Brampton's 400 000 residents describe themselves as South Asian, while neighbourhoods such as Springdale are almost exclusively Punjabi. An estimated 100 000 Chinese Canadians live in Markham, north of Toronto. Admittedly, these ethnic clusters are not new to Canada. Some of Canada's most clustered ethnic enclaves are found in the more tony districts of Toronto, including 140 000 Jews who arrived in the late nineteenth century and the city's half million Italians who arrived after World War II (Saunders, 2009).

Is this a blessing or a curse? Social unity or detached coexistence? Fractured cultural mosaic or centres of power for the marginalized (Grewal, 2008)? Anxieties over the proliferation of self-contained ethnic enclaves are palpable. According to Ryerson professor Mohammed Qadeer and colleague Sandeep Kumar (2006), who have tracked enclave growth in the Greater Toronto Area, perceptions are mounting that new immigrants are refusing to integrate because of self-imposed isolation, thus diminishing a sense of shared values and Canadian commonality (see Yelaja & Keung, 2005). Worse still are fears that these enclaves will morph into American-style ghettoes.

However close the resemblance, enclaves are not ghettoes. There is little evidence of ghettoization in Canadian cities. Nor is there any indication that a high degree of minority concentration is synonymous with poverty and powerlessness (Walks & Bourne, 2006). Ghettoes tend to be marked by an inner-city segregation based on race and not by choice, according to University of Ottawa social geographer Brian Ray. They are associated with crime, poverty, unemployment, dense population, restricted social services, and limited opportunities for social advancement.

By contrast, enclaves emerge in self-sustaining neighbourhoods, with a full range of professional and community services that are culturally and linguistically sensitive to the dominant ethnic group (Qadeer & Kumar, 2006). Enclaves consist of chosen destinations for those new Canadians who could afford to live elsewhere if they wanted to, but who demonstrate a preference for their "own kind" (Grewal, 2008; Yelaja & Keung, 2005). They provide migrants and minorities with a high comfort level by offering a context in which they can convene with their "own kind," dress and act without explaining themselves, establish businesses that cater to minorities, have proximity to shops and culturally relevant services, benefit from the creation of social capital and economic networks, and improve their chances of preserving their language and culture. In other words, a relatively high degree of "institutional completeness" (Breton, 1964) provides community members with mutual support, access to networks of goods and services, and a source of identity and meaning. Or, to cite Krishna Pendakur (2005) in his discussion of Chinese-born immigrants in Vancouver: "To the extent that ethnicity is correlated with preferences, behaviours, and language, our lives may be better, cheaper, and easier, if we live, work, and socialize within ethnic groupings."

Ethnic Enclaves versus Ethnic Ghettoes

Ethnic Enclaves	Ethnic Ghettoes
• Voluntary	• Imposed
• Self-sustaining	• Poverty and powerlessness
• Full range of services	• Limited range of services
• Culturally response	• Culturally disintegrated
• Upwardly mobile	• Downward spiral

Admittedly, enclaves may be more dynamic than the table above suggests. Urban residential patterns over time demonstrate a traditional assimilation and relocation model—that is, initial settlement in low-income enclaves followed by out-migration by the younger and more affluent into higher-income communities (Banting, Courchene, & Seidle, 2007; Saunders, 2009). Nor should potential problems be glossed over. A social and cultural inwardness can foster old-world mentalities among older immigrants who remain stuck in a space and time warp, often at the expense of intergenerational conflicts. Moreover, the spatial concentration of immigrants when combined with an explosive mix of poverty and powerlessness can lead to social exclusion (Papillon, 2002). However, there is no proof that younger immigrants and ethnic minorities are rejecting Canada or Canadian citizenship (Bloemraad, 2006; Kymlicka, 2010). Evidence also suggests that uni-ethnic neighbourhoods may prove the quickest route to cultural and economic integration and membership in mainstream society (Saunders, 2009; also Simpson & Finney, 2009). With the benefits outweighing the costs, the enclavization of ethnic communities in urban Canada is likely to add a new twist to the politics of living together with our differences (Murdie & Ghosh, 2010).

Critical Thinking Question

Is the emergence of ethnic enclaves in parts of urban Canada a sign that official multiculturalism is working or not working?

CHAPTER 5: RACIALIZED INEQUALITY

5.1 CASE STUDY

Being Discredited/Getting Accredited

> You can't get a job in your field without Canadian experience, and you can't get that experience without a job (Naomi Alboim, School of Policy Studies, Queen's University, as cited in Taylor, 2005, p. 34).

Much is made of Canada's loss of highly trained talent ("brain drain") into the United States. Nevertheless, Canadians are less likely to acknowledge that Canada is the recipient of a "brain gain," thanks to an immigration policy that poaches the "best" from those countries that can scarcely afford to lose their "brightest." Paradoxically, however, Canada practises its own version of a brain drain by rejecting immigrants' skills once they are in Canada (Conference Board of Canada, 2004). Canada's inability to effectively integrate professionally trained immigrants into the regulated-professions labour market is of growing concern (PROMPT, 2004). To be sure, the licensing of professional and regulatory bodies—including some 400 bodies in Canada whose rules for qualifications and standards of practice vary from province to province (Perkel, 2008)— may have been introduced to protect public safety (Hagopian, 2003). But the recertification process seems unduly harsh and restrictive. Foreign-trained professionals are poorly informed about accreditation procedures prior to entry into Canada, including the lack of a national body for recognition of foreign degrees and credentials, with each province setting a different standard for certification. Many have to repeat the educational requirements and undergo costly and time-consuming retraining. Risk-averse Canadian employers are reluctant to hire skilled newcomers because of perceived gaps in their professional knowledge or lack of language skills (Taylor, 2005). Not surprisingly, new Canadians may be trapped in a vicious Catch-22 cycle of systemic bias, or as John Samuel (2004) contends:

> Employers do not hire foreign-trained people unless they have attained membership in appropriate professional associations while professional associations do not grant membership unless the individual applicant has some proven amount of Canadian work experience.

In other words, without Canadian experience, many cannot get certified even with extensive retraining; however, without a certificate, they cannot get the Canadian experience to secure employment or peer acceptance (Van Rijn, 1999).

How many times have we heard this before: New Canadians with professional and medical degrees are driving taxis instead of designing buildings, or delivering pizzas instead of delivering babies? The proverbial immigrant taxi driver with a doctorate from a developing country reflects a key contradiction in Canada's immigration trends: Immigrants may be increasingly skilled and highly educated, yet many cannot get a break

because they are penalized by the very qualifications that gained them entry to Canada in the first place (Kunz, 2003). Yet, despite this untapped potential of underused labour, Canada is experiencing a skills shortage that borders on the scandalous. For example, while thousands of foreign-trained doctors cannot gain accreditation to practise in Canada, including an estimated 4000 in Ontario alone, hundreds of thousands of Canadians are suffering from gaps in healthcare delivery, including up to one in seven Canadians who cannot find a family doctor and must rely on emergency services.

To be sure, more foreign doctors were licensed in Ontario in 2006 than ever before. According to a new report, fully 42 percent of the 2961 new licences were granted to internationally trained medical graduates, although only a third (469) were certified for medical practice, with the rest receiving education licences to teach (Mahoney, 2007). However, a licensing bottleneck persists because accrediting institutions such as the College of Physicians and Surgeons of Ontario say they lack the resources to inform, assess, and provide additional training or spaces (Urbanski, 2004). Foreign-trained doctors encounter frustrating roadblocks en route to accreditation, ranging from costly retraining programs to a restricted number of residencies (from two to seven years of training in hospitals upon graduation), despite a doubling to 200 of residency positions in Ontario for foreign-trained doctors. Consider the process involved in becoming licensed for international medical graduates, according to the Association of International Physicians and Surgeons of Ontario:

Step 1: An acceptable medical degree

Step 2: Equivalency exams—Must pass the Medical Council of Canada Evaluating Exam

Step 3: Post-graduate training—Entry into one of the 200 residency training spots

Step 4: Licentiate of Medical Council of Canada—Must pass qualifying exam

Step 5: Specialty certification—Upon completion of residency, must pass certification

Step 6: Ontario registration—Must be registered by College of Physicians and Surgeons

Not all foreign-trained medical graduates must jump through hoops to practise in Canada. For example, foreign-trained doctors from the so-called Category 1 countries (New Zealand, Australia, South Africa, England, and the United States) can bypass the internship requirement and practise medicine immediately after an evaluating exam. By contrast, foreign-trained doctors from elsewhere have to pass equivalence and evaluating exams before applying for a limited number of positions in the mandatory internship program (Bains, 1999). Even Canadian-born students who have trained abroad may be considered foreign-trained by medical authorities in Ontario, with the result that they too must compete with foreign-born doctors for those coveted residency spots at university teaching hospitals (Carey, 2004). To add insult to injury, many foreign-(re)trained doctors cannot practise in Ontario even after passing all required exams, although they may be qualified to teach at medical institutions (Mahoney, 2007).

Foreign-born doctors are not the only ones who must undertake a gruelling period of pre-internship and internship training designed to evaluate and upgrade clinical skills (PROMPT, 2004). The situation is no less stressful for foreign-trained dentists who, to

obtain a certificate to practise in a particular province, must pass a taxing certification exam before attending a two-year qualifying program at one of five Canadian dental schools that accept foreign-trained dentists (Nazir, 2004). Similarly, foreign-trained lawyers must return to school for up to two years, article with a law firm, then enter a provincial bar admission program. Engineers of "non-accredited" universities must demonstrate a fixed period of satisfactory practical experience and completion of exam requirements before accreditation (PROMPT, 2004).

The exclusion created by this discrediting process does not bode well for Canada's future. Admittedly, the federal government has unveiled an internationally trained workers initiative to expedite the entry of new Canadians into the job market. In the 2006 federal budget, the government allocated $18 million toward establishing an agency to expedite the entry of foreign-trained professionals into the Canadian labour force. In the 2007 budget, the federal government set aside another $30 million over five years for a Foreign Credentials Referral Office to provide prospective immigrants and newcomers with information about the Canadian labour market while helping those trained abroad to get their credentials processed more quickly (Alboim & McIsaac, 2007). As well, business leaders have vowed to hire more immigrant recruits because, as put by the CEO of the Royal Bank of Canada, "Governments can attract skilled immigrants to Canada but, once they arrive, businesses have to pick up the ball. And to date we have not. In fact, we are dropping it" (as cited in Abraham, 2005).

Let's be honest: To encourage the highly skilled to move to Canada and then deny them access to good jobs is an inexcusable waste of human talent. Even more conscionable is the fact that Canada is poaching talent from countries who can scarcely afford to lose their brightest and best (whose training costs they have absorbed as well) is unconscionable. For example, for many poor countries, the percentage of skilled nationals residing in the global north is stunning, including 41 percent from the Caribbean region (for example, the island of Grenada must train 22 physicians to secure the services of 1) and 27 percent from Western Africa, in effect dooming these regions and countries to poverty (Kapur, 2005). Soon the word will get out that Canada's welcome mat is not what it seems to be, that Canada is big on seducing immigrants to Canada but then stranding them to fend for themselves. In the end, the inevitable is inescapable: Canada's underused brain gain will yield another brain drain (Kapur, 2005).

Critical Thinking Question
It has been said that unless better use is made of immigrant skills and credentials, Canada's underused brain gain may well lapse into a brain drain. Explain what is meant by this statement by pointing out what is going on and why with respect to the brain gain–brain drain paradox.

5.2   CASE STUDY

Rethinking the Socioeconomic Status of Blacks in the United States

How does the situation in Canada compare with elsewhere? Studies clearly indicate similar patterns of exclusion and exploitation in New Zealand (Fleras & Spoonley, 1999) and Australia (Vasta & Castles, 1996). Here, too, a multilayered inequality has evolved, at least in terms of income, with whites at the top, indigenous peoples at the bottom, and visible minority immigrants and Pacific Islanders sandwiched in between. Patterns of racialized inequality and stratification prevail in the United States as well. Evidence points to growing gaps in the income status of whites and non-whites. The table below based on U.S. Census Bureau data indicates both the income differences and the poverty levels among major racialized groups in the United States.

Median Income and Poverty Rates, United States, 2003

	Median Income	Poverty Rate
Asian Americans	$55 089	10 percent
Whites	$47 951	10 percent
Native Americans	$34 740	23 percent
Latinos/Latinas	$33 915	23 percent
African Americans	$29 987	23 percent
Adapted from the U.S. Census Bureau.		

According to the table, both Asian Americans and whites are doing well in terms of median income and rates of poverty. By contrast, African Americans continue to perform poorly, much as they do in Canada.

In 1903, W.E.B. Du Bois predicted that the problem of the colour bar would be the key issue of the twentieth century. A Swedish observer of American politics, Gunnar Myrdahl (1944), reiterated this observation by declaring the race problem the quintessential paradox in challenging American democracy. Nearly 100 years after Du Bois's prediction, the colour bar remains no less a central challenge in the twenty-first century. The civil rights struggle that secured legal equality for blacks achieved much, but it does not appear to have dismantled the stubborn inequalities that appear immune to laws or to affirmative action programs (Loury, 1998). As a result, opinion is divided: Some say blacks are better off than before; others say this is not the case. Some believe affirmative action has fostered racial progress; others disagree (Shipler, 1997). Who is right, and on what grounds can this be proven?

For blacks, the socioeconomic figures are dismaying. Nearly 40 years after civil rights legislation and affirmative action programs, the colour bar continues to exact its toll: crime, drug addiction, family breakdown, imprisonment, welfare dependency, and community decay that are virtually unrivalled in scale and severity by anything in the industrial West (Loury, 1998). The struggle for equal treatment and civil rights against the backdrop of a colour-blind society has not reaped dividends (Sleeper, 1997). The corridors of power look much the same as before: 95 percent of senior corporate man-

agement remains white. Similar percentages apply to members of Congress, state governors, tenured faculty, daily newspaper editors, and TV news directors. The annual income of African Americans employed in full-time jobs amounts to about 60 percent of that of whites. While 40 percent of white households earn $50 000 (US) per year or more, only 21 percent of black families do. The black unemployment rate is double that of the whole nation; one-third of all blacks, including one-half of all black children, live below the poverty line. Homicide is the leading cause of death for black males between the ages of 15 and 24, with the result that the life expectancy of 65 years for American black men is equivalent to rates in some developing countries (D'Souza, 1995).

Inequality is expressed through income differences. Yet this emphasis on earnings may be misleading since high expenditures can neutralize or deplete the benefits of income. The possession of wealth or assets is a more reliable measurement of "who gets what" (Oliver & Shapiro, 1995). For example, most university students living away from home may be income-poor according to the federally regulated poverty (low-income cut-off) line. Nonetheless, they are asset-rich because of the marketability of their pending degrees. The distinction between wealth and income is key: Income is what people earn from work or receive from government transfers for purchase of goods or services; wealth is what people own (from investment in stocks and bonds to home ownership). Whether through inheritance or savings, wealth signifies command over financial resources that now can be used to create opportunities, generate investment incomes, or enhance inheritance packages for children. In the explanation of racial disadvantage, then, wealth matters.

Focusing on wealth rather than income also casts a new light on inequality and racial stratification: Minority women and men may possess similar levels of income compared with the mainstream. Yet many are asset-poor, thus foreclosing opportunity structures. Consider how nearly 60 years after the civil rights movement, the United States remains split along the racial lines of black and white—and divided by the "colour of green"— with black families as a whole owning only 10 percent of wealth compared to white families (Associated Press, 2005). About 18.2 percent of white families owned $500 000 (US) in net worth, according to the Federal Reserve, compared to only 2.4 percent of black households. Fewer blacks than whites own their own homes, invest in the stock market, sit on corporate boards, or have much clout over the trillions of dollars circulating in the financial markets. Even adjusting for social class does not dramatically improve the picture. Middle-class American blacks may earn about 70 percent of white middle-class incomes yet own only about 25 percent of the wealth of middle-class whites.

Black–white gaps have been variously explained. Those of a liberal persuasion tend to attribute the chasm to a combination of white racism, racial segregation, black poverty, and inadequate funding of black schools. The causes of black poverty are both social and cultural, in other words, and solutions must focus on corresponding adjustments in preparing blacks for the new economy (Gates, 1998). Conservatives generally rely on "blaming the victim" explanations, including genetic differences, the culture of poverty, single motherhood, poor educational attainment because of negative peer pressure, preoccupation with money and consumerism, and disdain for conventional avenues of success (see Hinsliff & Bright 2000; Jencks & Phillips, 1998). The distinction is useful if easily overstated. Whereas the conservatives believe that success would follow if blacks

would only "get their act together," liberals are more inclined to link black impoverishment with deeply rooted political, economic, and legal practices in American history. Radical conflict theorists point to capitalism as the cause, with blacks rarely owning or controlling the means of production. Finally, for black nationalists, white domination is the problem (Marable, 1998). Black nationalisms differ in detail, but include a belief that African Americans are an oppressed minority trapped inside a white society. Survival in such a hostile environment must be based on becoming self-reliant by constructing their own institutions, supporting their own enterprises, establishing black homelands, and espousing black cultures and values.

However, improvements are unmistakable even if the results are mixed and ambiguous (Shipler, 1997). This social transformation in American race relations since 1945 has yielded positive outcomes: Official segregation and a caste system of domination have been eradicated, black demands for equal citizenship rights and equal opportunity are upheld by law and embraced by political institutions, and black participation in economic and political life of the nation has expanded impressively (Loury, 1998). Consider the contrasts: In 1940, 60 percent of employed black women worked as domestic servants versus only 2.2 percent at present; today, a large percentage of black women hold white-collar jobs. The number of black college and university professors has doubled since 1970, the number of physicians has tripled, the number of engineers has almost quadrupled, and the number of attorneys has increased nearly sixfold. The shift in public attitudes is no less impressive. In 1958, 44 percent of whites said they would leave if a black family moved in next door; today the figure is down to 1 percent. As recently as 1964, only 18 percent of whites claimed to have a black friend compared with 86 percent who say they do now (Thernstrom & Thernstrom, 1998). According to a 1994 National Conference survey, whites feel most in common with blacks who, paradoxically, feel little in common with whites (conversely, Latinos feel most in common with whites who in turn feel little in common with them) (Hochschild, 1998).

However deplorable the black–white gap, it would be misleading to fixate exclusively on this divide. An equally distinctive and widening rift can be discerned between a downward-spiralling black underclass and an increasingly upwardly mobile black middle class. On one side, more than 40 percent of blacks now consider themselves to be middle class; 42 percent own their own homes (75 percent if only black married couples are included); 33 percent live in suburbs; and black two-parent families earn only 13 percent less than those who are white (Thernstrom & Thernstrom, 1998). In short, middle-class blacks have never had it so good, argues Henry Louis Gates, Jr. (1998). On the other side is the curious plight of the black underclass. Both media and government have stereotyped and stigmatized it because of its purported criminality, sexual excesses, and intellectual deficiencies, to the point of being an object of public derision and cast into a pariah status (Loury, 1998). Paradoxically, however, both public and media preoccupation with ghetto culture, hip hop, and gangsta rap conveys the impression of the black underclass as the "essence" of black America (Thernstrom & Thernstrom, 1998). Conversely, those who achieve success in the "whitestream" are seen as sellouts—in effect dismissing the achievements of those so-called Uncle Toms who have hurdled the colour bar.

In short, the colour bar may be real, but its reality should not blind us to the fact that blacks are no less heterogeneous than whites when it comes to socioeconomic status.

There is a growing disparity between the top fifth and the bottom fifth of African Americans with respect to income, education, victimization by violence, occupational status, and electoral involvement (Hochschild, 1998). Interestingly, a similar situation exists in post-apartheid South Africa, where the income gap between blacks and whites is narrowing, but widening within the black population (Roberts, 2000). True, the civil rights movements created a more positive social and political climate for black Americans. Nevertheless, abolishing legal racism has proven insufficient in advancing meaningful equality without a corresponding move to remedy the disadvantages inherited from the past as well as create the conditions for success in the future.

Critical Thinking Question

Demonstrate how the socioeconomic status of blacks in the United States is prone to contradiction and misunderstanding.

CHAPTER 6: GENDER DIFFERENCE/GENDERED INEQUALITY

6.1   CASE STUDY

The Politics of the Hijab

> My scarf covers my head, not my brains. (Hayrunisa Gul, wife of Turkish President Abdullah Gul, as cited in *Economist*, 2007)

What is it about people's appearances that incite both provocation and perplexity? Clothing fulfills a basic human need in many climates, including Canada's, where covering up is understandably a life-affirming rule rather than a frigid exception. However, clothing also possesses significant social and political functions as a non-verbal medium of ideological communication—either intended or unintended (Hoodfar, 2003). The symbolic value of clothing should never be underestimated, despite parental admonition never to judge people by their appearances. As a marker of identity and an indicator of status, clothing conveys messages of sharing cultural values with others similarly attired, thus providing a visual means of creating community. By contrast, minor differences in clothing detail may convey individuality. Clothing as an identity and status marker may easily symbolize political expression. For the powerful, clothing is used to reinforce power; for the subdominant group, clothing can be manipulated to shift the balance of power. In contexts where visibly identifiable groups experience rejection or alienation, clothing serves as a symbol of resistance in politicizing both individual and collective identity.

Of those items under contestation, few have been so heavily politicized as the hijab in both the Muslim and the non-Muslim world (Naved, 2007). Political and public reaction to the head scarf varies: Dominant voices in the Muslim community see veiling as the only legitimate means of female resistance to Western hegemony; by contrast, voices in the Western world see unveiling as the best means of resisting Muslim patriarchy (El-Kassem, 2007). Neither position does justice for women who fall outside these polemics. At one end of the debate are the religious ideologues: In Saudi Arabia, a woman cannot appear in public with more than her face or hands showing. Under the Taliban regime in Afghanistan, women were mandated to completely cover themselves by donning a burka—the most extreme form of female covering with only a mesh net for the eyes. Al Qaeda operatives in Iraq want women to wear gloves and a niqab, which resembles a burka but with narrow slits for vision. At the other end of the spectrum are secular ideologues such as Tunisia and Turkey. Both ban female civil servants and (until recently) university students from wearing head scarves (*Economist*, 2007). For example, in 1999, a duly elected woman wearing the veil was removed from the Turkish Parliament, sub-

sequently stripped of her citizenship, and remains in exile in the United States (Kavakci, 2004). The recent decision to lift the head scarf ban in universities has generated controversy, although the struggle may reflect a clash between the resurgent forces of conservatism and tradition and the entrenched interests of modernism and liberal secularism (*Economist*, 2008).

Veiling in Canada: The Micro-Politics of Identity

How does Canada balance the foundational principle of secularism with the demands and rights of religious minorities to freely embrace religious practices? In the aftermath of the events of September 11, 2001, which spotlighted Islamic dress codes and veiling, many Muslims were shocked and dismayed to find that they were "otherized" as the "enemy within" (Hoodfar, 2003; Karim, 2002). In theory, there should have been little to fear. The rights to free religious expression and freedom from religious discrimination are constitutionally protected human rights issues. Public support is strong: A survey of 1500 adult Canadians in June 2004 by the Centre for Research and Information on Canada indicated that two-thirds of all Canadians would *oppose* laws preventing students from wearing religious symbols or clothing, including the Islamic veil, in public schools (CRIC, 2004). Nor would an official multiculturalism take issue with the hijab; after all, Canada's official multiculturalism is predicated on the belief that all Canadians have a right to identify with the religious and cultural symbols of their choosing, provided that religious and cultural practices do not violate the law of the land, interfere with the rights of others, or challenge core constitutional values.

So much for the theory; how about the practice? First, Canada is not immune to pitched battles over religious symbols, including bitter debates over the feasibility of Sikh turbans in public institutions from the RCMP to Canadian Legion halls. Second, Canada has a history of compromising minority rights when majority interests are at stake. Restrictions on anglophones in Quebec using English as a language of public communication is one case in point. Third, Canadians indicate a willingness to accommodate others if the concessions are perceived as reasonable. Canadians are much less tolerant of diversity if cultural differences are seen to threaten core Canadian values or erode national security, challenge widely accepted Canadian practices, or impose an unacceptably high cost. Not surprisingly, Canadian reaction to the hijab debate is mixed: On one side, especially in English-speaking Canada, the practice of veiling is tolerated as part of the multicultural mosaic. On the other side, reference to the hijab has become highly politicized in other parts of Canada (see Chapter 11 and McDonough, 2003 for controversies involving the hijab in Quebec schools), culminating in suspensions and expulsions from both private and public schools.

How does the hijab play itself out at the micro level? Contrary to public perceptions that it marginalizes, the veil (hijab) plays a critical role in advancing the integration of young Muslim women into Canada (Hoodfar, 2003). The veil allows them to participate in public life without compromising cultural values or rejecting religious morals, while resisting those patriarchal beliefs and practices imposed in the name of Islam. A veiled woman can defend her right to choose a spouse and reject arranged marriages without alienating family and community support. Wearing a veil allows daughters to engage in unconventional practices for Muslim women, such as going to university, mingling with

men, travelling long distances, living alone, or seeking non-conventional employment. Insofar as the veil symbolizes a continued commitment to tradition within the context of Canadian society, veiled daughters may be seen as publicly asserting their Muslim Canadian identity without abdicating their involvement in Canadian society. To be sure, the negative portrayal of Islam and Muslims has prompted some Muslim women to don the hijab for the express purpose of openly asserting the presence of a viable Islamic community in Canada. For other Muslim women, veiling symbolizes piety, modesty, and spirituality, as well as individuality and freedom. As Saleemah Abdul-Ghafur (2005, p. 5) writes:

> . . . some wear it because they believe it is mandated by God, others to demonstrate solidarity or resistance, and still others to follow familial and community mores . . . Some don't because they don't want to distinguish themselves in Western society; others don't believe that Islam requires hijab of its female followers, believing that modesty is required of all Muslims . . .

For many, then, its demonization as a symbol of oppression is just as unacceptable as its elevation by extremists as a marker of Muslim identity and resistance (Alvi et al., 2003).

That many see the hijab as a symbol of female oppression is beyond doubt. Yet proof is thin that wearing the head scarf is synonymous with backwardness or patriarchy. For young Muslim girls, the symbolic value of the hijab is not the same as that of their mothers or grandmothers who grew up in "the old country." Many are integrating quickly into Canadian society but, paradoxically, may rely on the hijab and Islam to soften the transition. The hijab allows young Muslim women to maintain connections with their parents through the more progressive aspects of religion rather than through the more archaic and repressive village traditions such as arranged marriages (Heneghan, 2004). To be sure, some Muslim women are forced to wear the veil; such an imposition is to be expected of an internally diverse religion (Coleman, 2006). But many Muslim women don it as a matter of choice and dignity (Kavakci, 2004). They choose to wear the hijab for the sake of modesty, out of religious conviction, from rebelliousness because of parental pressure, and as liberation from sexist and consumerist cultures. As one Muslim woman put it:

> There are quite a lot of Muslims who don't classify themselves as feminists, but they are adamant that at the end of the day, the wearing of the head scarf is a way of choosing to decide who gets to see their body and who doesn't . . . And it's a matter of personal conviction rather than a form of oppression or something that's imposed on them (as cited in Heneghan, 2004).

In short, far from being a static symbol of female inferiority in Canada, the veil can mean different things in different contexts in a lived experience—ranging in scope from religious conviction, resistance to the forces of assimilation, escape from control by men and senior family members, and assertion of identity (Hoodfar, 2003; Meshal, 2003). In some contexts, veiling remains a means of controlling women's lives; in other contexts, women use the veil to empower themselves, bring about positive reforms within the community, and challenge those cultural and patriarchal practices that have denied, silenced, or excluded women. The decision to wear the veil also reinforces how women use Islam as a flexible resource to support their own views and practices (Predelli, 2004). In other words, while the veil may have originated in patriarchal circumstances to control women, Muslim women have appropriated the symbol in ways that are both empowering and subversive. Reference to the veil symbolizes a turning of the tables—of

actively asserting identity and defining themselves in relationship to others as opposed to being identified as different by exclusion or ostracism (Hoodfar, 2003).

Put simply, when it comes to veiling, Muslim women are not passive victims; to the contrary, they increasingly assume a role as active agents who want their difference to be taken seriously in a society that claims to be multicultural in principle but too often is monocultural in practice. At the same time, many are growing weary of the hijab debate and look forward to a time when people can move beyond judgments of women with or without head coverings (Abdul-Ghafur, 2005).

Critical Thinking Question

Demonstrate how the expression "appearances are deceiving" or "never judge a book by its cover" appear to be invaluable in describing the politics of wearing a head scarf by young Muslim women.

6.2 CASE STUDY

Finding Dawn: Empowering Aboriginal Women

Finding Dawn is an award-winning 2006 National Film Board documentary about the violence inflicted on Aboriginal women in Canada. Produced and directed by the acclaimed Métis filmmaker Christine Welsh,[1] the film focuses on the fate of 3 Aboriginal women—Dawn Crey, Ramona Wilson, and Daleen Kay Bosse—among some 580 murdered and missing Aboriginal women in Canada over the past 30 years. In addition to honouring those who have passed, Welsh emphasizes how the living (from survivors of sexual violence to family and community members of the murdered and missing) are taking life-affirming steps to commemorate the forgotten, communicate beyond the silence of the silenced, and construct a society that respects Aboriginal women's rights to dignity and safety. Or, as Welsh comments toward the end of the film, "I set out on this journey to find Dawn. But I also found Faye, I found Janice, I found people who strike, who search and hope."

In an effort to put a human face on this national disgrace, the title of the film itself touches on the story of Dawn Crey, whose remains (numbered 23 by the authorities) were found on the property of serial killer Robert Pickton. In Welsh's hands, Crey becomes more than a number, but a daughter and sister in the throes of moving beyond a life of drugs and "prostitution." The film then moves from Vancouver's Skid Row to British Columbia's Highway 16, or the Highway of Tears, which runs from Prince Rupert to Prince George. Nine women (all but one Aboriginal), including Ramona Wilson, have died or disappeared along that stretch of road since 1990. Filming in Saskatoon focuses on Daleen Kay Bosse, who disappeared in 2004 and whose disappearance or murder was unresolved at the time of filming. (Bosse's remains were discovered in 2008 and legal proceedings are now under way.) Along the way, Welsh makes it clear that the tragedy of murdered and missing Aboriginal women persists because of (1) societal and institutional indifference to those who are poor and Aboriginal, (2) a belief by predators that nobody will miss the weakest and most vulnerable members of society,

and (3) historical, social, and economic factors that conspire to inflame this epidemic of gendered violence.

The documentary is more than a series of depressing vignettes about the dead or disappeared. To the contrary, the overriding theme is one of empowerment: Aboriginal women and men mobilizing to challenge, resist, and transform. Though painful to watch at times, rather than dwelling on the dark heart of Aboriginal women's experiences in Canada, *Finding Dawn* resonates with messages of resilience and strength. Rays of courage and outrage are conveyed by Aboriginal rights activists Janice Acoose and Fay Blaney, each of whom are survivors of abuse, violence, and the dangers of life on the streets. Hope and optimism are also demonstrated through the annual Women's Memorial March in Vancouver, community mobilization and vigils along the length of Highway 16, and local family commemoration of missing and murdered daughters and sisters. The film ends with a photo shoot of a large Aboriginal family, with Welsh's voice-over posing a beguiling question: "What is it about numbers?"

Finding Dawn won a Gold Audience Award at the 2006 Amnesty International Film Festival in Vancouver. It was screened for the 2007 International Women's Day celebrations at the United Nations in New York. It's hardly surprising: *Finding Dawn* is exemplary as a striking testimony to the power of images by highlighting a worldwide culture of impunity that allows the murder of women who are poor, indigenous, and working in high-risk occupations to go unsolved and unpunished. Its usefulness as an indictment of society is further sharpened by the eloquent testimonials of strong parents and caring siblings as they struggle to cope with the devastation of lost daughters and sisters. Welsh relies largely on interviews with family members and relatives who talk movingly about never forgetting those who have gone missing or been murdered, about their own personal experiences as drug-addicted sex trade workers, and about the need to change attitudes that dismiss Aboriginal women as disposable. In demonstrating how Aboriginal women (and men) are organizing and demonstrating to combat violence, *Finding Dawn* shatters conventional media stereotypes of Aboriginal women as passive or as victims. In the final analysis, however, as many have implored and as *Finding Dawn* implicitly pleads, women can march and demonstrate but it is men who must change.

Critical Thinking Question

Discuss the possible reasons why the news media may underreport violence toward Aboriginal women.

1 Christine Welsh has written and directed films for 30 years, is an associate professor at the University of Victoria, and teaches courses in indigenous women studies and indigenous cinema.

CHAPTER 7: ABORIGINAL PEOPLES IN CANADA: REPAIRING THE RELATIONSHIP

7.1   CASE STUDY

Residential Schools: Assimilation or Genocide?

> The burden of this experience has been on your shoulders for far too long. The burden is properly ours as a government and as a country. There is no place in Canada for the attitudes that inspired the Indian residential-schools system to ever again prevail. You have been working on recovering from this experience for a very long time and in a very real sense, we are now joining you on the journey. (Prime Minister Stephen Harper, as cited in Rolfsen, 2008)

On June 11, 2008, Prime Minister Stephen Harper stood in the House of Commons and apologized for the failings of the residential school system—from the treatment and deprivation of Aboriginal students to its lasting impact on Aboriginal families, culture, and language (Rolfsen, 2008). It was the latest salvo in a string of attempted atonements, including formal apology in 1998 for decades of systematic assimilation, theft of lands, suppression of cultures, and the physical and sexual abuse of Aboriginal children in an atmosphere of neglect, disease, and death. "To those who suffered the tragedy of residential schools," Minister of Indian Affairs Jane Stewart announced, "we are deeply sorry." According to the statement of reconciliation, the government acknowledged its role in enforcing policies that forcibly removed children from their families and placed them in residential schools often hundreds of kilometres from their community, leaving behind a legacy of emotional scars because of intense homesickness and pain. To be sure, central authorities were reluctant initially to apologize for past misdeeds—after all, admitting liability would encourage lawsuits—but there was little choice except to plea bargain to limit damages (Coyne, 1998). As a token of atonement, the government pledged $350 million to fund counselling programs and treatment centres for residential school victims of emotional and physical abuse.

For many Aboriginal peoples, the violence, mismanagement, and perversion of the residential school system is the defining moment in a 500-year history of oppression and assimilation (Rolfsen, 2008). The federal government and Canada's major churches formalized the residential school system as a way to remake Aboriginal children along white lines, thus solving the Indian problem for once and for all, as pungently put in 1920 by Indian Affairs deputy superintendent Duncan Campbell Scott. Rather than assisting Aboriginal youth to find a place in society, the residential school system proved to be a thinly disguised instrument of coercive assimilation that proved genocidal in its consequences. Admittedly, not everyone agreed with this assessment and with the apology that equated the schools with forced assimilation and a cultural genocide. To de-

monize all residential schools as symbols of cultural genocide tended to accentuate the negative at the expense of the positive, dismissed the testimony of those who profited from the experience, relied heavily on vague and unsubstantiated testimony, stigmatized the schools as scapegoats for Aboriginal suffering, and fed into white liberal guilt by cultivating grievances.

Which interpretation is correct? Should the system be judged on the intent of the residential school system or on the basis of unintended consequences from well-intentioned actions? Should the system be assessed on the grounds of hindsight and the standards of the twenty-first century, or should evaluation be based on the historical context that informed its existence?

Content

Founded and operated by Protestant and Roman Catholic missionaries but funded primarily by the federal government from 1874 onward, residential schools (or industrial schools, as they were called initially because of the emphasis on manual and agricultural skills acquisition) were established in every province and territory except Prince Edward Island, Nova Scotia, and Newfoundland, with the vast majority concentrated in the Prairie provinces. From 2 residential schools at the time of Confederation, the number of schools expanded to 80 by 1931: 44 Roman Catholic schools, 21 Anglican, 13 United Church, and 2 Presbyterian (Matas, 1997). By the time the system wound down in the 1990s, a stocktaking revealed the following: There had been 70 Roman Catholic schools with 68 250 students (or 65 percent of the total), followed by 37 Anglican schools with 23 100 students (22 percent), 14 United schools with 10 500 students (10 percent), 4 Presbyterian schools with 1050 students (1 percent), and 7 government-run schools with 2100 students (2 percent). About 100 000 Aboriginal children entered the system before closures during the 1970s, although four residential schools operated until 1996 under Aboriginal jurisdiction (Miller, 1996). To be sure, Canada was not the only country to compulsorily (after 1920) remove children from their parents for resocialization in schools or foster families. From the 1910s to the 1970s, about 100 000 part-Aboriginal children in Australia were placed in government or church care in the belief that Aborigines would perish without intervention, a practice that was deemed tantamount to cultural genocide, according to Australia's Human Rights Commission.

Rationale

From the mid-nineteenth century onward, the Crown engaged in a variety of measures to assert control over the indigenous peoples of Canada (Rotman, 1996). The *Indian Act* of 1876 was ultimately such an instrument of control—a codification of laws and regulations that embraced the notions of European mental and moral superiority to justify the dispossession and subjugation of Aboriginal peoples. The *Indian Act* provided a rationale for misguided, paternalistic, and cruelly implemented initiatives to assimilate Aboriginal peoples into white culture. The mandatory placement of Aboriginal children in off-reserve residential schools fed into these racist assumptions of white superiority and Aboriginal inferiority. With the assistance of the RCMP when necessary, the government insisted on taking Aboriginal children away from their parents and putting them in

institutions under the control of religious orders. The rationale for the residential school system was captured in an 1889 annual report by the Department of Indian Affairs:

> The boarding-school dissociated the Indian child from the deleterious home influence to which he would otherwise be subjected. It reclaims him from the uncivilized state in which he has been brought up. It brings him into contact from day to day with all that tends to effect a change in his views and habits. (as cited in Roberts, 1996, p. A7)

The guiding philosophy embraced the adage that "how a twig is bent, the tree will grow." Federal officials believed it was necessary to capture the entire child by segregating him or her at school until a thorough course of instruction was acquired. However, the residential school system had a more basic motive than simple education: The removal of children from home and parents was aimed at their forced assimilation into non-Aboriginal society through creation of a distinct underclass of labourers, farmers, and farmers' wives (Rotman, 1996). This program not only entailed the destruction of Aboriginal language and culture, but also invoked the supplanting of Aboriginal spirituality with Christianity in the hopes of "killing the Indian in the child" for future preparation in a non-Aboriginal world (Royal Commission, 1996). Sadly, the system ended up killing both.

Reality

This experiment in forced assimilation through indoctrination proved destructive. Many of the schools were poorly built and maintained, living conditions were deplorable, nutrition portions barely met subsistence levels, and the crowding and sanitary conditions transformed them into incubators of disease. Many children succumbed to tuberculosis and other contagious diseases. A report in 1907 on 15 schools found that 24 percent of the 1537 children in the survey had died while in the care of the school, prompting the magazine *Saturday Night* to claim: "Even war seldom shows as large a percentage of fatalities as does the education system we have imposed upon our Indian wards" (as cited in Matas, 1997). Or, as Duncan Campbell Scott ruefully noted, ". . . 50 percent of the children who passed through these schools did not live to benefit from the education which they have received therein" (as cited in Rolfsen, 2008). Other reports indicate that disciplinary terror by way of physical or sexual abuse was the norm in some schools according to the Royal Commission (1996). As one former residential school student told the Manitoba Aboriginal Justice Inquiry:

> My father, who attended Alberni Indian Residential School for four years in the twenties, was physically tortured by his teachers for speaking Tseshalt: they pushed sewing needles through his tongue, a routine punishment for language offenders. . . . The needle tortures suffered by my father affected all my family. My Dad's attitude became "why teach my children Indian if they are going to be punished for speaking it?" . . . I never learned how to speak my own language. I am now, therefore, truly a "dumb Indian." (as cited in Rotman, 1996, p. 57)

Punishment also included beatings and whippings with rods and fists, chaining and shackling children, and locking in closets and basements. Reports of abuse appeared in anecdotal form by the 1940s, went public during the 1960s and 1970s, but did not capture public indignation until Phil Fontaine, the National Chief of the Assembly of First Nations, disclosed his personal experiences in 1990. Admittedly, some Aboriginal chil-

dren profited from the residential school experience, but many suffered horribly in the long run: Children grew up hostile or confused, caught between two worlds but accepted in neither. Young, impressionable children returned to their communities without a sense of value or worth because of verbal abuse that made them feel inferior or worthless. Many lost fluency in their own language or a sense of identity with community ways (Rotman, 1996). Adults often turned to prostitution, sexual and incestuous violence, and drunkenness to cope with the emotional scarring from the residential school system. Worse still, the legacy of residential schools continues to negatively influence relations both across generations and within generations (Mohammed, 2010). Jennifer Llewellyn (2002) writes to this effect:

> The painful legacy of residential schools continues to affect the survivors of residential schools. The effect of the abuses are not however limited to these individuals, but extend to their families, communities, culture, and reach across generational lines. The harms caused by residential schools thus are not limited to the physical and emotional scars from sexual and physical abuse. Rather, fully comprehending the harms of residential schools requires one to understand the relational nature of these harms. The harms of residential schools are at their most fundamental and enduring level harms to the relationships between Aboriginals and non Aboriginals and within the Aboriginal community itself. The harm, and the legacy of the residential schools, is the perpetuation of relationships of oppression and inequality.

Implications

This misguided and destructive experiment in social engineering makes disturbing reading when judged by the more enlightened standards of contemporary Canada with its commitment to human rights, government accountability, participatory democracy, and Aboriginal self-determination. Admittedly, it is easy to judge and condemn actions in hindsight, especially when implemented by people who genuinely believed in the superiority and inevitability of their own culture and values. Negative impacts may stem instead from the logical consequences of well-intentioned programs that are based on faulty assumptions ("progress through education"), an inaccurate reading of the situation ("Indians are inferior"), or cultural misunderstanding ("they want to be like us"). Many may have believed that they acted as good Christians by improving the lot of First Nations and congratulated government initiatives as enlightened or necessary. Nor should the role of Aboriginal parents be ignored: According to Miller (1996), many insisted on a European-style education for their children, although no one would condone the conditions or extreme punishment. Finally, incidents of abuse and violence are likely, especially during an era when corporate punishment was routinely accepted as part of the "spare the rod, spoil the child" mentality.

Still, the Royal Commission concluded that the residential school system was an "act of profound cruelty" rooted in racism and indifference and pointed the blame at Canadian society, Christian evangelism, and policies of the churches and government. The apology and proposed reparations may prove to be a useful starting point in acknowledging the injustices in the past that denied recognition of the moral and political stature of Aboriginal people as full and complete citizens and human beings (Editorial, *Globe and Mail,* 8 January 1998). In April 2006, Ottawa signed a $1.9 billion agreement with former students to settle their class action lawsuits out of court, to compensate for the loss

of language and culture, and to settle claims of physical and sexual abuse. Terms of the settlement include a lump sum of $10 000 for most former students for the first year in school, followed by $3000 in compensation for every subsequent year. Those who suffered abuse are entitled to additional payments based on an independent assessment process that calibrates the scope of suffering (Rolfsen, 2008). It remains to be seen whether psychologically scarred natives, broken families, and dysfunctional Aboriginal communities will respond to the balm of compensation packages, counselling centres, and healing programs to reverse the genocidal consequences of the residential school experiment. But if one takes seriously that residential school harms are relational in nature, according to Llewellyn (2002), justice demands a restoration of these relationships in ways both fair and just.

Critical Thinking Question
By contemporary standards the residential school system stands out as profoundly cruel and unjust. Some have argued, however, that it is unfair to judge such a system outside of its historical context. Discuss.

7.2 CASE STUDY

The Kasechewan Water Crisis: First Nations or Third World Nation?

Who would have thought of Canada as home to a crisis of Third World proportions? Canadians watched in stunned disbelief upon learning that many in a remote Aboriginal community of 1900 along the shores of James Bay were suffering ill effects from polluted tap water. Despite a water-boil advisory that had been in effect for two years, the residents of the Kasechewan (or Kashechewan) Nation found themselves afflicted with serious skin infections, including impetigo (a bacterial skin infection) and scabies (a nasty parasite), because of impurities in the drinking water. Painful skin rashes were further aggravated by shockingly high levels of chlorine that were added to purify the putrid water from a federally funded water treatment plant that was built only a decade ago. The treatment plant was 135 metres *downstream* from the reserve's sewage lagoon, but incapable of servicing a growing population, resulting in overuse and breakdowns. The end result? Sewage water flows from residential drinking taps as contaminants from the sewage plant flow past the intake valve that feeds raw water into the purification system. Compounding the problems were fears of an outbreak of *E. coli*—the potentially lethal bacteria that killed seven people and sickened thousands of others in Walkerton, Ontario, in 2000—prompting an emergency medical evacuation of vulnerable residents to safety in Sudbury or Timmins.

Kasechewan Nation is not the only reserve in crisis. Poor water quality is endemic to many Aboriginal communities across Canada. About three quarters of the 858 Aboriginal communities experience levels of water quality that pose a "risk," according to an Indian Affairs report in 2001 as well as the federal auditor's report in September 2005. To add insult to injury, Health Canada statistics reveal that 95 of these communities, including 50 in Ontario, were under a water-boil order, including 7 communities that had

had water-boil warnings for 5 years or more. Not surprisingly, despite federal initiatives to address the issue, a 2003 report by the Ontario Clean Water Agency concluded that some reserves were literally "Walkertons-in-waiting." It is not a case of out of sight, out of mind. Parts of the Six Nations reserve near Brantford have reputedly been under a boil-water order for two years because of contamination by *E. coli* and fecal coliform.

As often happens, a turf war erupted over responsibility for the tainted water crisis. The Cree of Kasechewan fall through the cracks between federal responsibilities as articulated in the Constitution and provincial capacity for program delivery. Predictably, federal authorities blame Ontario for the deplorable conditions, while Ontario claims that federal authorities have a fiduciary obligation to look after reserve Aboriginal peoples, including healthcare and water standards. Apart from scoring political points at each other's expense, neither the federal nor the provincial authorities took much notice until intense media coverage blew their cover. Evidence suggests that both governments knew about the problem but waffled and dithered, until publicly embarrassed into taking action by a slick media campaign. That said, what else but callous political indifference to the plight of Aboriginal peoples could possibly have accounted for this explosive cocktail of jurisdictional wrangles, intergovernmental buck-passing, and inexcusable neglect that put people's lives in danger?

To be sure, the government has responded to this public relations nightmare by airlifting thousands of 18-litre bottles of water into the stricken community, in addition to promising to relocate residents of the flood-prone community to higher ground. The decision to send in the Canadian Armed Forces mobile water filtration machine—often used for emergencies in countries such as Pakistan and Sri Lanka—should provide a measure of instant relief, even if the process itself inadvertently reinforces an image of Kasechewan as remote and removed. And, yes, there is much to commend in federal promises to upgrade and rebuild. As Kasechewan chief Joe Friday observed, "This is a precedent for Indian Affairs to start listening to the people that have problems in other communities." With the federal government's announcement of a $4 billion cash injection to raise Aboriginal living standards, this place the local residents call "Kash" (how ironic: a package of wieners costs more than $11 while a mickey of bootlegged booze can fetch upward of $80) may well prove the tipping point that galvanizes governments to act.

For Canadians, the bitterness and squalor that has afflicted the "Kash" peoples has been deeply disturbing. Many Canadians have little difficulty intellectualizing the "Indian problem" in abstract ways, but nothing could prepare them for searing media images of the Third World in their own backyard, including overcrowding, derelict housing conditions, non-existent hygiene and sanitation, garbage and liquor bottles strewn about, and punishing levels of unemployment with estimates as high as 90 percent. As one journalist put it in linking the water crisis in post-Katrina New Orleans to Kasechewan, it's as if a stake was driven into the collective hearts of Canada's national smugness, once it was learned that government actions were driven not by compassion and rights but by shame-induced damage control. With yet another evacuation in the spring of 2008—the fourth since 2004—it's as if the more things change, the more they stay the same.

Yet, uncomfortable truths must be addressed that go beyond the quick fix. Stronger medicine than a commitment to fix the cesspool engulfing Kasechewan must confront

the core problem of any isolated Aboriginal community: namely, too many people chasing too few resources in a resource-poor region too far removed from the Canadian economy (also Howard & Widdowson, 1999). Even stronger medicine will be needed to erase the stench of racism that lingers throughout this odious process. In the end, the Kasechewan crisis has done to Canada what Hurricane Katrina inflicted on the United States: exposed deep divisions of race and class in societies that deny both. One can only wonder if the governments would have responded any differently if it were white folk who had to bathe their babies in chlorinated sewage water.

Critical Thinking Questions
Who or what is responsible for the predicament in which the Kasechewan peoples find themselves? Which solution would work best to address the situation?

7.3   DEBATE

Nisga'a Self-Governance: Assimilation, Accomodation, or Autonomy?

References to the "Indian problem" may be a misnomer, but public perception of Aboriginal peoples as having problems or creating problems will not be discarded easily. Proposed solutions to the so-called "Indian problem" are no less puzzling and provocative. On one side are those proponents who believe that assimilation is the key. According to the "assimilationists," the Indian problem reflects the isolation of Aboriginal peoples from society because of reserves, special status, treaties, and welfare handouts. If only they would modernize and become "more like us"—that is, urban, individualistic, and private property owners—all of their problems would disappear (Fiss, 2004; Flanagan, 1999). On the other side are those who believe that less is more and that solving the Indians' "Canada problem" lies in becoming less "like you" because "we are not you" (Denis, 1997). For "autonomists," relations repair is the key: A restructuring of Aboriginal peoples–society relations must acknowledge Aboriginal peoples as a political community with a corresponding right to Aboriginal models of self-determining autonomy over land, identity, and political voice as part of a new social contract for living together separately (Maaka & Fleras, 2005).

Not surprisingly, government policy has come under attack because of these proposed solutions. Some accuse the government of impeding the transformation of Aboriginal peoples into becoming "more like us" by conceding too much to Aboriginal difference. The end result of discouraging modernization is more of the same, namely poverty and powerlessness. Others believe the opposite is true: The government appears ruthlessly wedded to a "more like us" philosophy at the expense of a "less like you" framework. The end result is even more control over Aboriginal lives and life chances. In other words, is the government taking Aboriginal peoples (nationhood) too seriously by promoting "racially" conscious preferential treatment, thereby fostering divisiveness and deprivation? Or, alternatively, is it not taking aboriginality seriously enough, by insisting on ever more clever ways of fostering self-sufficient assimilation to solve the "Indian problem"?

The politics of polarization received a good workout with ratification of the Nisga'a Final Agreement in May 2000—the first treaty settlement in British Columbia since 1859 and the first of 50 outstanding land claims encompassing the entire province. The Final Agreement (the federal government prefers not to use the term "treaty") did not materialize overnight. Since 1885, the Nisga'a First Nations of central British Columbia have looked to Ottawa for compensation for the Crown's unilateral confiscation of their land. They petitioned the British Privy Council in 1913 and in 1968 took their case to court, where the Supreme Court ruled against the Nisga'a in 1973 (on a technicality rather than on substance). Nonetheless, the Calder decision (as it came to be known) conceded the possibility of something called Aboriginal title to unsurrendered land, culminating in the historic agreement. The conclusion is inescapable: The Nisga'a have come a long way since Pierre Elliott Trudeau denied the existence of Aboriginal rights by declaring that no country could be built on "historical might have beens."

The actual terms of the agreement are clearly articulated, but subject to diverse interpretations. The Nisga'a Final Agreement provides 5500 members of bands who live 800 kilometres north of Vancouver with a land base of 1900 kilometres (a fraction of the amount originally proposed). They have control over forest and fishery resources; $200 million in cash; release from *Indian Act* provisions without loss of Indian status; a supramunicipal level of government, including control over policing, education, community services, and taxes; and eventual elimination of on-reserve tax exemptions (Matas, 1998). To help pay for this infrastructure, the Nisga'a will receive forest and timber cutting rights, oil and mineral resources, and a fishery conservation trust as well as 26 percent of the salmon fishery plus $21.5 million to purchase boats and equipment. This transfer in wealth and jurisdiction is expected to alleviate community dysfunctions, including high levels of unemployment, criminal activity, and crowded homes. In 2010, the Nisga'a celebrated ten years of self-governance, with some advances in material prosperity from new construction to new rules for business engagement offset by the losses due to the collapse of the forestry sector (Hunter, 2010).

A wave of reaction greeted the settlement of British Columbia's first land claims test. According to critics, an "extraordinary agreement" with the Nisga'a First Nations has "raised the spectre of racially separate development across Canada" because of provisions that (1) provide the Nisga'a with more autonomy and self-government than they constitutionally deserve; (2) empower the Nisga'a to pass laws on any matter other than defence, currency, and foreign affairs; (3) allow specific Aboriginal rights to challenge Canadian citizenship rights; (4) confer benefits unavailable to other Canadians based solely on culture or colour; and (5) prohibit non-Nisga'a from voting for the region's administration, thus disenfranchising local residents who continue to pay taxes but lack representation. Critics charge that the agreement has entrenched a new legislative body (Nisga'a Lisims Government) with constitutionally protected powers to create laws that will trump federal and provincial legislation, while greasing the slippery slide toward a patchwork of semi-sovereign states—a de facto third order of government—where citizens live by different rules than do other Canadians (Fiss, 2005; Flanagan, 2001; Widdowson & Howard, 2008). Unlike other self-governing arrangements (the Sechelt, for example) where provincial authorities prevail, the Nisga'a Final Agreement is shielded by a protected land claim agreement that Parliament cannot revoke (Chwialkowska, 1999). The more vociferous critics persist in playing the "race card." The agreement is

vilified as another apartheid in dividing Canadians from each other, nothing less than the once detested Bantustans of South Africa.

How do these accusations stand up to scrutiny? Is the Nisga'a Final Agreement another form of racial apartheid? Or, is it about the collective and inherent rights of the Nisga'a? Is it about racial entitlements or about Aboriginal rights for self-determining autonomy? Is it about living apart in segregated enclaves or about living together separately through cooperative coexistence? And if not the Nisga'a, then what? How exactly do Canadians hope to live together amicably when the political space they share reflects those very mindsets and structures that created the problem in the first place (also Weisbrod, 2002)?

How potent are the powers and authority of the Nisga'a nation? Critics tend to overestimate the aura attributed to the Nisga'a. True, Nisga'a self-governing powers are protected under section 35 of the Constitution—a status that no municipality can claim at present. As well, Nisga'a laws are subject to override except by mutual agreement with federal and provincial authorities (Walkom, 1998). The Nisga'a government will have exclusive jurisdiction in matters related to language and culture in addition to citizenship and property, even when these conflict with federal and provincial laws. Nevertheless, the federal government can infringe (even extinguish) these constitutionally protected rights, provided that (1) there is a compelling and substantial objective for the interference, and (2) its actions are consistent with the special trust relationship between Aboriginal peoples and the Crown (Harris-Short, 2007).

In other words, appearances are deceiving. Nisga'a powers do not reflect an "anything goes" formula, but are circumscribed and consistent with those articulated by federal recognition of Aboriginal peoples' "inherent right to self-government" (Maaka & Fleras, 2005). Nisga'a powers are restricted to those of a super-municipality, including authority over policing (but not the federal *Criminal Code*), education, taxes, and community services, with a few provincial bits thrown in for good measure. The *Canadian Charter of Rights and Freedoms* still applies; so do federal and provincial laws, although any conflicts or inconsistencies must be reconciled with Nisga'a autonomy. As well, health, education, and child welfare services must meet provincial standards. In short, Nisga'a governance will reflect a "concurrent jurisdiction"—that is, shared and overlapping jurisdictions rather than watertight compartments—as both Nisga'a laws as well as federal and provincial jurisdiction will continue to apply to communities, citizens, and lands (Gosnell, 2000).

It is true that voting in Nisga'a will be restricted to Nisga'a citizens. According to critics, a government based on race is wrong and contrary to Canada's territorially based federal system where individual voting rights are acquired by residence; that is, if you live in Toronto, you can vote in Toronto even if born in Bissett, Manitoba (Fiss, 2004b). In contrast, rights in the Nisga'a nation are based on aboriginality, with the result that only the Nisga'a can claim rights of citizenship or vote for government. But Nisga'a are not the only jurisdiction in Canada to restrict voting rights. The proposed *Tlicho Land Claim and Self-Government Act* is also restrictive in terms of who can hold office (Ivison, 2004). Nearly 2600 reserves across Canada also restrict voting to membership in one of 633 bands. Besides, what is the point of self-government if "others" can vote, thereby undermining the very point of self-rule (Peach, 2005)?

Even more disconcerting is critics' penchant for "racializing" the Nisga'a pact. Nisga'a is not about racially separate development or race-based governments in the mould of apartheid (Fiss, 2004a, 2004b). Apartheid was forcibly imposed on South African blacks to exclude, deny, and exploit. By contrast, Nisga'a is about *Aboriginal rights* rather than entitlements by race, including the right of Aboriginal peoples to construct self-governing models because of their constitutional status and treaty settlements (Fontaine, 2005). It is about the rights of six generations of Nisga'a who, since the late nineteenth century, have tried to establish Aboriginal title to ancestral land that had never been surrendered to European powers (Dufraiment, 2002). It is about shifting the yardsticks for advancing Canada-building—away from a monolithic project with a singular culture and identity toward engaging constructively as a basis for living together separately (see also Saul, 2003).

Let's put it into a broader context: Canada is widely renowned as a country constructed around compromises. The Nisga'a settlement is but another compromise in crafting an innovative political order in which each level of government—federal, provincial, and Aboriginal—is sovereign in its own right, yet shares in the sovereignty of Canada as a whole by way of multiple and interlocking jurisdictions. A settlement of such magnitude is not intended to be divisive or racial. The objective is to find some common grounds for constructive re-engagement between founding peoples. The challenge is formidable: How to reconcile Aboriginal rights to self-determining autonomy with the legitimate claims of the Crown to govern and regulate? How to balance these seemingly valid but mutually exclusive claims without eroding a commitment to Canada? Is it possible to construct future Nisga'a-like arrangements that are safe for Canada yet safe from Canada? Answers to these postcolonial conundrums rarely elicit agreement. But then nobody said that living together separately would be easy.

Critical Thinking Question
Demonstrate why the creation of Nisga'a self-governance has been interpreted by some as an exercise in assimilation, by others as a form of racialized separation, and by still others as a kind of accommodation (or integration)?

7.4   CASE STUDY

The Caledonia Reclamation Crisis: A Canary in the Mine Shaft of Canada–Aboriginal Peoples Relations

The storyline is all too familiar: Aboriginal peoples confronting non-Aboriginal Canadians over competing agendas and contested land claims. In this case, the contested issue was a housing development site at Caledonia, Ontario, next to the Six Nations ("Haudenosaunee") reserve. News media images and reports of this clash and others like it are familiar, including irate citizens, masked warriors, police in riot gear, plumes of black smoke, barricades that inconvenience, government waffling, and a cacophony of apoplectic voices. In framing news media coverage of Caledonia around the confrontational theme of law and order, the inevitable happens: Spectacle and drama prevail over the political and prosaic. Underlying issues rarely make the evening news because they

lack eye-popping visuals or a storyline that can be compartmentalized into bite-sized pieces. However, emphasizing the episodic and sensational at the expense of the contextual and thematic is not without consequence: Instead of information we get entertainment (or, more correctly, "infotainment") that decontextualizes the crisis to the level of the personal, isolated, or random (Blatchford, 2010). Inasmuch as a few hotheads on both sides of the divide drive the frenzy that feeds the news media beast, little is done to probe the "why" behind the "what," leaving many Canadians angry and confused (Campbell, 2006).

In many ways, the long-simmering crisis in Caledonia (now entering its fifth year of occupation at the time of writing, with no resolution in sight) raises some key questions: Why is the crisis persisting for so long? Is it because of government foot-dragging or a politically correct fear? Is it because of the Six Nations' willingness to right the wrong regardless of the timeline (Austerberry, 2008)? Four themes prevail: What do the Haudenosaunee (Six Nations Confederacy) want? What is the government willing to give? What will the public tolerate? What is the "elephant in the room" that many prefer to ignore? In that responses to these questions are critical in exposing the "underlying issues," the crisis in Caledonia is proving to be both a litmus test and a metaphor—a litmus test in exposing rising anxieties and growing debates over the relational status of Aboriginal peoples and a metaphor symbolizing the bitterness that continues to provoke this largely tempestuous relationship at local and national levels (Walkom, 2006).

To be sure, Caledonia is hardly alone as a contested site. High-profile territorial standoffs like the one at Lubicon Lake in northern Alberta are no less provocative, as are the struggles of the Secwepemc people over the conversion of their territory into a ski resort in British Columbia, the deforestation of the homelands of the Haida in British Columbia and the Anishinabek (Grassy Narrows First Nations) in Ontario, and the jailing of six KI (Kitchenuhmaykoosib Inninuwug First Nations of Ontario) for protecting traditional lands from mining exploration (Couture, 2008). And with 87 percent of Ontario land under Crown ownership (most of which is subject to continuing claims and counterclaims), Caledonia is proving to be the flashpoint for anger—both Aboriginal and non-Aboriginal—across Canada (Russell, 2006).

Contesting the Context: Reclamation or Occupation?

Two major and competing narratives define the Caledonia crisis. First is the question of who owns what along the Grand River. According to the wording of the 1784 Haldimand Tract Grant, the Six Nations could "take possession of and . . . settle in" the Grand River lands, a turn of phrase that conferred a right to occupy the land but with legal title remaining with the Crown. Agents of the British Crown acknowledged Six Nations ownership but with strings attached: namely, (1) the lands were purchased for Six Nations use only, (2) they could not be sold by them, but only by the Crown on their behalf, and (3) ownership did not concede Six Nations political sovereignty. However, Joseph Brant, the legendary Mohawk chief who led the Six Nations into Ontario, saw things differently, arguing that the Haldimand Grant was a de facto recognition of Iroquois sovereignty with an unfettered right to sell or lease as they or he saw fit (Newbigging, 2006).

A second narrative revolves around the "reclamation" of 40 hectares of land under housing development that the government sold to Henco Industries in 1992 despite an ongoing Six Nations claim over the disputed land. The Six Nations demanded compensation for ownership of the land, which they claimed was leased rather than sold and then wrongly appropriated, leaving them with nothing to show for it (Powless, 2006). Their resentment remained relatively low key until the land in question came under active construction, prompting direct action over both ineffective Six Nations leadership and federal foot-dragging (Coates, 2006).

However, not everyone agrees with this assessment. As far as many Caledonians are concerned, the land in question was sold fair and square. A court injunction ruling to that effect entitled the developers to unimpeded ownership of the land and rights over its development (Campbell, 2006). As well, federal authorities concluded that the Six Nations do not have legal title to the disputed land based on 1844 documents indicating surrender and sale (Nolan, 2006). Regardless of who is right and whatever the outcome, Ottawa is under pressure to negotiate a deal (through consultation, consent, and compensation) that reconciles Aboriginal rights with Crown interests.

Timeline: The Caledonia Crisis in Historical Context

In 1784, the British Crown granted to the Six Nations Confederacy—as compensation for their loyal military service during the American Revolution—a 20-kilometre swath of land on either side of the Grand River from its headwaters to Lake Erie. The size of the compensation has generated controversy since then, with the government arguing that the tract extended only to Fergus and the Six Nations claiming that the land north of Fergus was wrongly excluded from the package (Outhit, 2006).

In the end, size didn't matter: To cope with the growing influx of settlers, the colonial government began to whittle away at the land and sell it off. Officials found a willing seller in Joseph Brant who, in turn, wanted to challenge the British position that prohibited Six Nations from selling or leasing their land without Crown consent. While the Six Nations appear to have granted Brant the power to sell the land (in violation of Crown law), according to historian Charles Johnson in his book *The Valley of the Six Nations* (1964), the consequences of this boldness reverberate into the present. Complicating the issue is yet another twist: The Six Nations are now asserting ownership over the beds of the Grand River, which they claim were never sold—a scenario implying the centrality of Six Nations input for future river-related projects (Outhit, 2006).

Murkier still were moves made between 1840 and 1843. A reserve of about 20 000 hectares for the Six Nations was eventually established, with the rest of the tract transferred and the proceeds held in trust by the Crown. Beyond these "facts," consensus dissipates. The Six Nations may have agreed to lease land to the Crown for construction of Plank Road (now Highway 6), but the land was eventually sold by the lieutenant-governor to third parties (Patrick, 2006). No less contentious are Six Nations' assertions that they were swindled by the Canadian government and intimidated into signing and that the land was expropriated without compensation and the proceeds were illegally withheld or fraudulently squandered.

In 1982, the Six Nations filed the first of 29 separate land claims, including the now disputed Caledonia lands. After endless delays and little progress in settlement, the Six

Nations decided to sue the federal government in 1995 on 14 counts of malfeasance, demanding an accounting of the sale of lands and the $800 billion owed to them under the Crown trust (Powless, 2006). The lawsuit was dropped in 2004 because of cost over-runs, interminable delays, and government stonewalling. Negotiations were resumed over two small claims, neither of which went anywhere in two years, in effect paving the way for the current round of civil disobedience.

Can the Caledonia protest be justified in light of outcomes? Let's put it this way: Twenty-five *years* of pursuing land claims through legal channels resulted in one small victory in 1985: 108 hectares of a railway right of way. The first 25 *weeks* of civil disobedience culminated in two victories: First, the land under dispute in Caledonia was purchased by the government, to be held in trust pending resolution of its legal status. Second, the Six Nations received rent-free use of 153 hectares of disputed Brantford area land (Walkom, 2006). Who says the squeaky wheel doesn't get the grease?

Caledonia Crisis: The Tip of the Iceberg

For most Canadians, the Caledonia reclamation crisis leapt out of nowhere (Coyle, 2006). In reality, the crisis has deep historical roots based in government duplicity and delays in settling outstanding land claims. The Six Nations had already contested owner-ship over 30 such claims along the Grand River corridor, albeit with limited success (Outhit, 2006). Another 40 Aboriginal land claims have been lodged across Ontario, including one encompassing much of Toronto and another stretching from Algonquin Park to Ottawa. Altogether, there are nearly 1000 outstanding claims across Canada. With an average of ten claims resolved per year, including only one in the first seven months of 2006, backlogs and bottlenecks are inevitable (Ferguson, 2006). For example, the Toronto claim was filed in 1987 by the Mississaugas of the New Credit, whose re-serve is near Hagersville, but was only officially acknowledged in 2002, resulting in one-day-per-month talks. For the government, tardiness is a virtue: Given the billions of dollars at stake in sorting through these claims, federal authorities deem it more prudent to move slowly, thereby spreading the costs over time (Coates, 2006). Not surprisingly, land claims take an average of 27 years to negotiate, a pace that everyone concedes is unacceptably slow (Curry, 2006).

Admittedly, the Caledonia land claim differs from conventional land claims, either comprehensive or specific. In parts of Canada such as Quebec or British Columbia where few treaties are in place, Aboriginal peoples have filed comprehensive claims to reclaim title over land they never lawfully ceded. While costly and complex (the Nisga'a Settlement ran to about 600 pages), these modern-day treaties provide a degree of cer-tainty for Aboriginal peoples, including financial compensation, a land and resource base, and a foundation for self-governance (Coates, 2006). By contrast, most claims in Ontario and the Prairie provinces involve disputes over specific breaches to negotiated treaties. Specific claims also arise when aggrieved Aboriginal communities accuse the government of reneging on their legal responsibilities as spelled out in agreements or the *Indian Act* (Coates, 2006). However, unlike specific or comprehensive claims, the Six Nations' challenge is fundamentally different, concludes Darlene Johnston, a Toronto law professor specializing in indigenous peoples' affairs (cited in *The Globe and Mail*, 24 April 2006). The Six Nations' claims are about the return or payment of unlawfully

taken, government-purchased land as compensation for their loyalty to the Crown during the American Revolution. Contrary to public perception, the return of occupied private land is not the driving issue. Of central importance is the return of unoccupied Crown land that rightfully belongs to them, as well as compensation for unlawful sales and misplaced proceeds (Powless, 2006).

Delays in settling land claims tend to provoke an already incendiary situation. The ponderous pace of land claims in general, but the Six Nations' claim in particular (negotiators are now meeting once every three weeks; Urquhart, 2006), bolsters the probability of protest and civil disobedience. According to Dawn Martin-Hill, a Six Nations scholar who heads the Indigenous Studies program at McMaster University, resentment is mounting over a perceived double standard (Ferguson, 2006): While private initiatives that encroach on disputed land receive seemingly speedy clearance, Aboriginal claims languish in a legal limbo of Byzantine proportions (Coates, 2006). To prod the government into action, what other options are there except to resort to civil disobedience? Unless Canadians are inconvenienced, says Cynthia Wesley-Equimaux, an Aboriginal studies professor at the University of Toronto, nothing happens (as cited in Puxley, 2006). Patience and diplomacy are eroding as well because of an expanding Six Nations population (currently at 24 000) and shrinking land base—especially with developmental pressures from nearby Hamilton (Powless, 2006). Finally, anger is widespread and mounting because of punishing levels of poverty and powerlessness, in addition to squalid living in conditions that reflect poorly on Canada's much ballyhooed quality-of-life standards.

What the Government Is Willing to Concede: No More Ipperwashes

To say that governmental responses span the spectrum from the muted to the mushy is surely an understatement. Government (in)actions appear to be predicated on preventing another Ipperwash, where enforcement of the rule of law resulted in the shooting death of Dudley George (Puxley, 2006). While there is growing evidence that governments are willing to "wheel and deal" by returning disputed land to Aboriginal claimants, the spectre of another Ipperwash continues to haunt and handicap. Whether such indecisiveness reflects a matter of principle or one of expediency remains to be seen. Perception is everything: What the government calls conciliation and compromise is dismissed by critics as cowardice, a sign of spineless and vacillating leadership, and abdication of responsibility. Desperate to avoid a repeat of Ipperwash by working behind the scenes to avoid direct confrontation at the barricades, the government appears mealy-mouthed and rudderless (*Toronto Star*, 2006).

As proof, consider the Ontario government's decision to justify Aboriginal protesters on disputed land. Despite a court order for their removal as a precondition for any negotiations, why didn't the police remove the protesters and enforce the rule of law as per court injunctions, asked Justice T. David Marshall? According to Marshall, those "squatters" who disobey injunctions are little more than "scofflaws" because they mock the very statutory basis of Canada's democratic traditions. Yet both the federal and Ontario governments contested the ruling. In convincing the Ontario Court of Appeal to quash the injunction, they argued that Justice Marshall overstepped his jurisdiction by demanding a suspension of talks until the Aboriginal protesters complied with the law. Predicta-

bly, the Court of Appeal decision to allow the Six Nations to legally occupy the disputed land—after all, the province purchased the land and doesn't object to the occupation—has prompted criticism of yet another double standard at play (Canadian Press, 2006).

Predictably, then, everyone seems to be passing the buck: Ottawa insists that Caledonia is a provincial matter while Ontario insists that it's a federal obligation (Campbell, 2006; Runciman, 2006). The municipality of Caledonia is caught somewhere in between, partly because no one knows who is in charge or who speaks for whom (Patrick, 2006). The range of occupiers from different reserves across North America complicate any consistent process, with decisions seemingly reflecting whoever happens to be on the site that day (Dobrota, 2006). Part of the confusion reflects competing patterns of tribal leadership: On one side is an elected band council, a pattern of governance imposed by the federal government in 1924 yet lacking widespread legitimacy. On the other side is the governance structure of traditional Confederacy chiefs and clan grandmothers who insist that they are the true authority (Powless, 2006). Moreover, in contrast to the elected band council, which endorses the claim but not the occupation, the Confederacy chiefs support the protest. To resolve the standoff, the elected council has voted to transfer authority over negotiations to their counterparts, with the council playing a supportive role (Outhit, 2006). Yet the process remains as convoluted as ever, in part because the negotiating table is crowded with federal and provincial governments, elected council and traditional chiefs, and four additional parties with vested interests (Patrick, 2006).

What the Public (Caledonians) Will Tolerate

Of all the issues surrounding the occupation in Caledonia that rankle and dismay, few incited Caledonians' ire as much as the belief that they have been unfairly treated (Blatchford, 2010). There remains a grave sense of unfairness: As far as community members are concerned, no one is doing anything for them or explaining what is happening—in effect reinforcing a public perception of governments shirking their duties while bungling the ongoing occupation (Rusk, 2006). At best, Caledonians felt inconvenienced by the disruptions to the local economy because of the barricades that were erected immediately after the botched police raid on April 20. At worst, they feel betrayed—little more than pawns caught in the middle and held hostage in a political game of appeasement (see Campbell, 2006). Or, as a member of the Caledonia Citizen's Alliance groused in acknowledging that Caledonians are bearing the brunt of a confrontation not of their making and beyond their control, "We don't have a sense that anyone in a position of authority is really accomplishing anything. We're just stuck in this quagmire" (as cited in Patrick, 2006). Federal authorities continue to dither, deke, or deny. Whereas Caledonia takes priority at Queen's Park in Toronto, the opposite is true in Ottawa, where the members of Parliament from Ontario ridings have largely avoided addressing the issue (Urquhart, 2006).

Community outrage is also mounting over a perceived double standard in applying the rule of law (Blatchford, 2010). According to Caledonia residents, while they must abide by the rule of law, Aboriginal protesters seemingly flout it. An editorial in the *National Post* (Editorial, 2006) commented to this effect: "The idea of justice is to be blind to the colour of a person's skin. But in the Caledonia standoff, the law has only been

blind to the alleged infractions committed by some natives." Paradoxically, moves to appease Aboriginal protesters in the name of tolerance may well have the perverse effect of intensifying the aggression because of perceived weaknesses. Not surprisingly, the police have been accused of dereliction of duty by turning a blind eye to the willful damage of property, illegal blockades and occupation, and physical assaults.

What Nobody Is Saying: Caledonia as the Tip of the Iceberg

The Caledonia crisis has raised two awkward questions with far-reaching implications. First, does the land claims settlement process elevate Aboriginal peoples above the law? In seeing themselves as Haudenosaunee rather than as Canadian, Six Nations leaders claim that Canadian law does not apply to them because, as a sovereign nation, their own laws and conflict resolution mechanisms must prevail (Delisle, 2008; Powless, 2006). Disputes involving Aboriginal land claims must be conducted on a nation-to-nation basis rather than measured by the yardstick of Canadian law or played out in Canadian courts. Consider, for example, the Mohawk of Kahnawake (south of Montreal) who subscribe to the "two row wampum" treaty—a belt with two parallel rows—negotiated with the Dutch in the 1600s (Tully, 1995). According to this doctrine, the two societies must live in peaceful coexistence, never intersecting or imposing laws on one another—although, as John Ivison (2008) points out, the 7000 members of the Kahnawake reserve received $48 million from the federal government in 2006–07. The implications of such claims are provocative. Is a cooperative coexistence possible when Canadians tend to dismiss the legitimacy or lawfulness of Aboriginal politics? Or, as the Ontario Conservative Party leader put it, "The Caledonia occupation is about what happens when a group of people conclude that the process doesn't work for them and go on to conclude that the laws don't apply to them" (Canadian Press, 2007). In that the dispute is no longer about ownership, but about applying different laws to different peoples while curbing the rule of law, there is indeed an elephant in the room—sovereignty—that nobody wants to talk about.

Second, how serious is the Canadian government about resolving land claim issues (Walkom, 2006)? According to Supreme Court rulings, governments are obligated to consult Aboriginal communities over disputed land claims, even when claims are still years away from being proven or settled in court (Maccharles, 2005). Yet Ottawa cannot afford to be seen as soft on Six Nations' demands; after all, if the federal government capitulates to protester demands and aggressive actions, what message will this convey to other Aboriginal peoples with comparable grievances (Coates, 2006)? Still, David Ramsay, Ontario's minister for Aboriginal affairs, has repeatedly promoted negotiations as the best option for a resolution (Leeder, 2006). To facilitate the negotiation process, the Ontario government purchased the disputed land parcel from Henco Industries for $12.3 million, preceded by a $1 million compensation package for Caledonia businesses. Time will tell if throwing money at a problem (estimated cost of the crisis to date: $55 million and mounting) will pay off in the end.

Perhaps another spin can unravel the complexities of Caledonia. In advancing their agenda through a collective show of strength, the Six Nations are relishing unprecedented levels of attention and action. However, what some see as a fight to the finish may reflect a relational shift in Aboriginal peoples–Canada relations. A new social con-

tract is gradually being forged, one that acknowledges the primacy of Aboriginal peoples as de facto political communities with inherent rights to Aboriginal models of self-determining autonomy over land, identity, and political voice (Maaka & Fleras, 2005). In other words, the Caledonia crisis is neither a legal conundrum nor a law and order issue, as Linda McQuaig (2006) points out in her weekly column in the *Toronto Star*. As an exercise in relations repair, Caledonia is evolving into a litmus test of the kind of relationship Canada wants with its First Peoples. Do Canadians flex their muscles, impose rule of law, and send in the militia (Tactical Response Unit) to restore order? Or, do they recognize the special relationship that exists with "the nations within" by resolving this standoff through consultation, consent, and compensation? Changes are clearly emerging.

How will history judge Caledonia? Consider the possibilities in shaping Canada's political contours in the foreseeable future. Is this crisis a kind of Greek tragedy, one in which equally valid rights compete with each other, thus putting the onus on balancing these oppositional rights through compromises that may satisfy no one? Will Caledonia prove to be yet another staged event, full of sound and fury but signifying nothing? Or, alternatively, will this crisis advance a wider discursive framework for repairing the relationship between the colonizer and the colonized? Or, will Caledonia prove to be a wakeup call for a restless grassroots, with the crisis as a catalyst for mobilizing the disaffected and desperate into direct action by defending what little they have?

Critical Thinking Questions
What are the fundamental issues that underpin the standoff in Caledonia? What kinds of solutions are most likely to work in light of these fundamental issues?

7.5   INSIGHT

Indigenizing Policy Making: Toward an Indigenous Grounded Analysis (IGA) Framework

Pressure is mounting to dislodge the primacy of Eurocentric policy models as grounds for framing Aboriginal peoples–Canada relations. A more flexible and principled approach is advocated that emphasizes negotiation over litigation, engagement over entitlement, relationships over rights, interdependence over opposition, cooperation over competition, reconciliation over restitution, and power-sharing over power conflict (Maaka & Fleras, 2005). Several innovative routes have evolved for improving indigenous peoples–state relations, including indigenization of policy and administration, devolution of power, and decentralization of service delivery structures. In particular is the incorporation of indigenous perspectives—including the core rubrics of representation, recognition, rights, and resources—within policy-making circles. Admittedly, many of the initiatives involve little more than a bureaucratic or managerial exercise in offloading government responsibility to indigenous communities, with minimal transfer of power or authority (Posluns, 2007). Nevertheless, indigenous-grounded policies not only work toward alleviating alienation and marginality, but also enhance the participation of

indigenous peoples in the policy process, thus providing first-hand knowledge of the complexities associated with policy making (see also Karim, 2009).

The implications are inescapable: In the same way a gender-based analysis (GBA) framework acknowledges a principled way of neutralizing the gendered basis of policy and policy making, so too should central authorities discard the Eurocentric policy-making conventions by endorsing an indigenous grounded analysis (IGA) model for indigenizing policy making along the principled lines that parallel a GBA model (Health Canada, 2000). The benefits of an IGA policy-making framework include:

• Acknowledges the value of democratizing the full participation of indigenous peoples in decision making in matters of concern to them.

• Recognizes the legitimacy of and equal weight to indigenous peoples' knowledge, values, experiences, and aspirations.

• Promotes the following first principles as a prism for indigenizing policy making: indigenous difference, indigenous rights, indigenous sovereignty, indigenous belonging, and indigenous spirituality (including traditional knowledge).

• Concedes that a "one-size-fits-all" policy-making approach may exert an unintentionally negative impact on those whose differences must be taken seriously.

• Admits that in a deeply divided society with competing rights and contested entitlements, difference is as important as commonality, resulting in equal (the same) treatment as a matter of course but treatment as equals (differently) when required.

• Provides a channel for indigenous peoples to identify their concerns and priorities in the design and implementation of policies, programs, and legislation.

• Establishes grounds for better understanding the challenges and complexities in redefining indigenous peoples–state relations.

• Results in more effective interventions and initiatives by improving the capacity of government structures to coordinate, monitor, support, and make policy through constructive engagement (Maaka & Fleras 2005).

• Contributes to the attainment of greater equity and cooperation through meaningful consultation, constructive engagement, and collaborative involvement.

• Assesses the differential and systemic impacts of policy, programs, and legislation that when evenly and equally applied generate an exclusionary effect.

• Confirms the status of indigenous peoples as "nations within" who are sovereign yet sharing sovereignty with a corresponding right to self-determining autonomy over land, identity, and political voice.

An IGA policy-making framework is anchored on the bedrock principle of a duty to consult and accommodate. The UN Declaration on the Rights of Indigenous Peoples stipulates the necessity for free, prior, and informed consent of indigenous stakeholders when introducing or implementing legislative, policy, and administrative measures that involve any development affecting traditional lands and resources or that affect the health and well-being of indigenous communities. As well, both the federal and provincial governments in Canada have a legal and constitutional duty to consult and accommodate Aboriginal and treaty rights in a timely manner and in good faith in cases where

Aboriginal rights and title have not yet been extinguished. The legal duty to consult arises from section 35(1) of the 1982 *Constitution Act*, whose protective clause seeks to reconcile the existence of Aboriginal societies with the sovereignty of the Crown. To ensure that Crown decisions do not constitute a unilateral exercise in absolute authority but are informed by Aboriginal priorities, realities, and experiences, a duty to consult and accommodate constitutes an enforceable legal principle for facilitating a reconciliation between Aboriginal people and the Crown. The courts have also ruled that both First Nations and Métis communities possess a reciprocal onus to participate in the consultation process to secure mutually satisfying solutions. Government funds have been allocated specifically for this purpose. In Saskatchewan, for example, a $2 million Consultation Participation Fund exists to facilitate both First Nations and Métis participation in the consultations (Morellato, 2008).

The principle of a duty to consult and accommodate is taking practical effect. Consider the recent decision by the Walpole Island First Nations (WIFN) to pass its own Consultation and Accommodation Protocol in hopes of incorporating culture, environmental respect, and certainty into all government policy making and industry development across its territory (Press Release, 27 October 2009). The territory of WIFN encompasses Sarnia and related areas that sit downstream and downwind from Chemical Valley and its pollutants, widely regarded as one of the most industrialized and toxic risk zones in all of Canada. The Protocol lays out what WIFN expects from government policy decisions that affect their homeland while clarifying the practical steps that companies must take if they intend to conduct business with them. The preamble makes this abundantly clear:

> Purpose and Application: The Protocol sets out Walpole Island First Nation's (WIFN's) rules, under its laws and its understanding of respectful application of Canadian law, for the process and principles for consultation and accommodation between WIFN, the Crown and Proponents, about any Activity that is proposed to occur in WIFN's Traditional Territory or that might cause an Impact to the Environment or Health therein or WIFN rights. WIFN expects the Crown and Proponents to respect this Protocol in all such interactions with WIFN.

In defending the legitimacy of this duty to consult and accommodate, the Protocol touts its value for assisting the government and industry to do the right thing in respecting WIFN rights and land, in addition to advancing positive relation-building by mainstreaming indigenous law and custom with those of non-Aboriginal neighbours.

Policy Making from Below: Advancing Indigenous Models of Self-Determining Autonomy

Indigenous peoples are gradually breaking free of colonial structures and Eurocentric strictures (Cadena & Starn, 2007; Xanthaki, 2008). In Aotearoa, New Zealand, the articulation of treaty principles secures a Maori-centred framework for national governance, while in Canada the courts have articulated a series of enforceable legal principles that protect and promote Aboriginal and treaty rights (Morrelato, 2008). The politics of indigeneity and aboriginality in challenging and transforming a settler constitutional order have also proven critical in mainstreaming an indigenous policy-making perspective (see also Marscheke, Szablowski, & Vandergeest, 2008). Moreover, an IGA frame-

work enhances policy making by assisting policymakers to engage collaboratively and constructively through the prism of indigeneity-tinted spectacles.

However, the politics of mainstreaming an IGA policy-making framework is likely to encounter resistance and resentment. The potential for social friction is particularly ripe within the context of conflicting constitutional orders involving competing models of determination: state versus self (Maaka & Fleras, 2008). State-centred models define self-determination in ways that reflect, reinforce, and advance state interests over those of indigenous peoples. Not unexpectedly, too much of what passes for state determination endorses policies, laws, and agendas that are no longer appropriate for the postcolonizing realities of the twenty-first century. By contrast, indigenous models of self-determining autonomy challenge this arrangement by proposing a radical policy-making alternative. Indigenous peoples demand the broadest interpretation of self-determination on the grounds that all other rights flow from it. Predictably, central authorities want to limit this discursive framework for precisely the same reason, namely, a fear that too expansive a recognition of self-determining autonomy rights may prove corrosive (Charters, 2005).

State Determination Governance Models: Top-Down Policy Making

Models of state determination are not what they claim to be. Internal contradictions pervade the logic of state determination, including incongruities between modernity ("changing" indigenous peoples to reduce inequality) and the culture of indigenous peoples (maintaining "difference" to improve equality) (Kowal, 2008). A statist policy agenda promotes the self-sufficiency of indigenous peoples, but only within the confines of an existing institutional framework. Such a policy agenda cannot allow any self-determining arrangement to challenge the principles of territorial integrity and the final authority of the state as the supreme sovereign over the land. Central authorities prefer to micromanage the policy-making discourse along those socioeconomic dimensions that typically compress indigenous peoples' rights into state-defined programs (Cornell, 2005; Humpage, 2004). Sham consultations and cosmetic reform are established for reducing social and economic disparities, if only to paper over those colonial paradoxes with potentially subversive overtones. Tossed into the "too hard" basket are any meaningful efforts that grapple with the complex task of balancing the often incompatible goals of socioeconomic equality and recognition of indigenous peoples' status as the "nations within" (Fleras & Elliott, 1992). Not surprisingly, as Stephen Cornell (and others, including Altman, 2009) concludes, state determination discourses—from "capacity building" to "closing the gaps"—tend to conflate the politicized concerns of indigenous peoples with the integrative agenda of immigrant populations.

The policy-making logic of state determination is animated by the collusion of national and vested interests. For the state, a one-size-fits-all policy-making approach is thought to ensure bureaucratic control, managerial efficiency, or administrative convenience (Cornell, 2005). However well intentioned or beneficial these initiatives, the state project of determination is deeply flawed conceptually and empirically by virtue of relying on state solutions (including social indicators that reflects dominant social norms) to solve deeply entrenched (often state-created) problems (Altman, 2009). Indigenous peoples' concerns and aspirations are either ignored or suppressed. Alternatively, they are

refracted though the prism of a Eurocentric policy-making lens, thus negating how indigenous peoples' rights constitute a *sui generis* class of political rights in their own right. Their voices and philosophical perspectives are dismissed as well, despite distinctive ways of understanding and responding to reality (Maaka & Andersen, 2006). While this dismissal is costly—will making indigenous peoples more equal make them less indigenous? (also Kowal, 2008)—its opposite (inclusiveness) can also prove contradictory. Without an indigenous-grounded policy-making framework, indigenous peoples' demands for self-determining autonomy must be articulated within a policy-making framework that often reinforces those very colonialist discourses under attack (Turner, 2006).

Indigenous Models of Self Determining Autonomy: Policymaking 'From Below'

Opposing state-centric models of "determination" are indigenous models of self-determining autonomy. Indigenous peoples' experiences continue to be defined and distorted by their forcible confinement within the liberal universalism of a neocolonialist framework. Proposed instead of a state determination model is a commitment to an indigenous self-determining autonomy approach to policy making that entails (1) recognition of indigenous peoples as possessing distinctive ways of looking at the world; (2) respect for indigenous difference and distinctiveness through its incorporation into policy making; (3) an acknowledgement that they alone possess the right to decide for themselves what is best; and (4) endorsement of their status as sovereign in their own right, yet sharing in the sovereignty of society at large (Fleras, 2000). The challenge is unassailable. Indigenous peoples' rights to constitutional status as original occupants and sovereign political communities convey a corresponding right to shape the policy-making context of which they are part, as well as the right to control land and resources that sets them apart (Cornell, 2005).

The mainstreaming of indigenous self-determining models for policy making purposes appears to be paying dividends (Niezen, 2003). The policy-making dimensions of indigenous self-determining autonomy models go beyond a commitment to moving over and making space. The focus is on challenging those foundational principles that initially created the problem, first by resisting the centralizing tendencies of a top-down ("one size fits all") policy-making model and second by advancing the principle of mainstreaming indigeneity by indigenizing policy making as grounds for a new constitutional governance. Such a transformative commitment stands in contrast to Eurocentric policy notions, understood as formal initiatives that are initiated and imposed from above in the "best interests" of those defined as problem people or special interests (Poole, 2008). To the contrary, policy making must be rethought in a different register than that of problem or interest, in terms of a peoples who are actively redefining the landscape of both politics and policy making.

In short, the policy-making models associated with the principle of indigenous self-determining autonomy transcend a simple decolonization in which the incumbents change places while the rules of the game remain intact. Little can be gained by simply changing the conventions referring to the rules yet leaving untouched the rules that inform the conventions. Advocated instead of a "business as usual" syndrome is fundamental rule-realigning change that acknowledges the centrality and salience of

mainstreaming indigeneity by indigenizing policy making along the lines of an IGA framework. At the core of this transformation in mainstreaming indigeneity are the politics of power. In that the politics of power focus on indigenizing the policy-making principles of a yet-to-emerge postcolonial constitutional governance, no one should underestimate their potency in advancing an indigenous-centred approach for living together differently.

Critical Thinking Question

How is an IGA framework consistent with the principles of Aboriginal models of self-determining autonomy?

INSIGHT 7.6

Aboriginal Peoples as Indigenous Peoples

In sociological parlance, Canada's Aboriginal peoples can be conceptualized as indigenous peoples because of their historical, structural, cultural, and social commonalities. Despite debates over who to include in a definition, indigenous peoples are neither ethnic or immigrant minorities nor special interest groups. To the contrary, they are peoples, nations, and political communities who have been forcibly incorporated (colonized) into someone else's political project (Maaka & Fleras, 2005). Unlike ethnic or immigrant minorities who are looking to get in, settle down, and fit into the existing system, indigenous peoples are looking for ways to get out by challenging the existing political arrangement. A new constitutional order is proposed, anchored on the primacy of indigenous rights and the postcolonial principles of self-determining autonomy through power-sharing, partnership, participation, and property return.

In historical terms, indigenous peoples constitute the descendents of the original inhabitants who, historically, were coercively forced into colonial systems not of their choosing (Maaka & Andersen, 2006). Colonialism was more than a simple displacement of one population by another. As a fundamentally exploitative and controlling relationship involving their domination by the invading colonists who unilaterally asserted their right to superiority and sovereignty, colonization imposed a monocultural order rooted in ethnocentric notions of "white is right" and "might is white" (Maybury-Lewis, 2002). Indigenous peoples were routinely perceived (either pitied or pilloried) as a remnant population in the throes of extinction because of forces beyond their control. Government policy was predicated on the premise of indigenous peoples as a vanishing race in dire need of ameliorative measures either to smooth their demise or to facilitate assimilation into the mainstream (Kowal, 2008). The fact that indigenous peoples survived the colonialist juggernaut—and flourish at present—is itself a testimony to human endurance and hope.

In descriptive terms, it is estimated that some 5000 indigenous groups exist, totalling between 250 and 350 million in population and living in every imaginable habitat (from desert to tropics to tundra). As a rule, they have been pushed with relative impunity into the margins of their once-sustainable homelands because of colonialist pressure for land settlement or transnationally driven resource exploitation. Indigenous peoples may differ

in the specifics of language, history, and culture; nevertheless, they share significant commonalities, including a historical continuity to their homelands and deep attachment to land and cultures, but most notably a degree of colonial displacement that has pushed many to the edge (Cornell, 2007; Durie, 2004, 2008). They also share commonalities related to a lack of basic health care, limited access to education, loss of control over land, poverty, displacement, human rights violations, and social and economic marginalization (Maaka & Anderson, 2006).

In structural terms, indigenous peoples in settler societies occupy an encapsulated status as disempowered and dispossessed enclaves or subjects of a larger political entity. To be sure, most egregious manifestations of colonialism have been abolished; nevertheless, a neo-colonial context persists insofar as the foundational principles of a settler constitutional order remain racialized and "Eurocentrized." Only the incumbents change positions, in effect leaving unchanged the rules of the game (Fleras, 2009). In seeking a new political arrangement based on a postcolonial model of cooperative governance, indigenous peoples are challenging the foundational principles that govern colonial constitutional orders. Indigenous peoples define themselves as fundamentally autonomous nations with inherent and collective rights to self-determining autonomy over unceded jurisdictions pertaining to land, identity, and political voice. They also are seeking a new social contract for living separately together as co-sovereigns, in a spirit of partnership and power-sharing, and a relationship based on respect, reconciliation, recognition, and restoration of what rightfully belongs to them. The UN Declaration on the Rights of Indigenous Peoples in 2007 confirmed this recognition, although Australia and New Zealand as well as Canada and the United States refused to sign it.

The politics of indigeneity yield three inescapable dynamics (Wood, 2010): (1) the continuing discourses and strategies by governments to control and contain indigenous peoples; (2) the equally persistent moves by indigenous peoples to reassert their sovereignty over land, identity, and political voice, and (3) the resultant constitutional tensions between a liberal universal democracy and the challenges of indigenous citizenship. In light of such revolutionary claims, it's no surprise that central authorities have underestimated or misunderstood the politics of indigeneity as a transformative force that shows no sign of dissipating.

Critical Thinking Question
Why are Canada's Aboriginal peoples conceptualized as indigenous peoples?

7.7   INSIGHT

Unblocking The (Neo-)Colonial Impasse: Constructive Engagement as Power-sharing Partnership

Aboriginal struggles to sever the bonds of colonialist dependency and underdevelopment are gathering momentum. Several innovative routes have been explored to improve Aboriginal peoples–state relations, including constitutional reform, indigenization of policy and administration, comprehensive and specific land claim settlements, constitutional reform, *Indian Act* amendments, devolution of power, decentralization of service

delivery structures, and, of course, self-government arrangements. An Aboriginal "wish list" is varied, as might be expected in light of diverse constituencies and specific histories, but typically involves demands for jurisdictional control at local and national levels. Yet the politics of jurisdiction are not without costs and typically engender consequences that may inadvertently reinforce the very colonialisms they are trying to undo.

Pressure is mounting to transcend confrontational models as a blueprint for framing Aboriginal peoples–Canada relations. Proposed is a more flexible approach that emphasizes negotiation over litigation, engagement over entitlement, relationships over rights, interdependence over opposition, cooperation over competition, reconciliation over restitution, and power-sharing over power conflict (Maaka & Fleras, 2005). Advocated, too, is a principled approach that acknowledges the importance of working together by standing apart as grounds for belonging separately. Emergence of a constructive engagement model may provide respite from the interminable bickering over "who owns what" while brokering a postcolonial social contract for cooperative coexistence. The following foundational principles secure a framework for constructive engagement:

1. *De facto sovereignty:* Aboriginal peoples do not aspire to sovereignty per se. Strictly speaking, never having surrendered their sovereignty by explicit agreement, they already possess it by virtue of original occupancy. The fact that Aboriginal peoples are sovereign for purposes of entitlement or engagement (a de facto sovereignty) would imply only the creation of appropriate structures for putting these principles into practical expression. To the extent that Aboriginal peoples are sovereign in their own rights, yet share in the sovereignty of society at large, they must have the right to participate in the political and legal process of the state, including a veto power over unfavourable laws, without loss of sovereignty or the right to have their aboriginality incorporated at all decision-making levels (Wilmer, 1993).

2. *Relations repair:* Aboriginal peoples are not looking to separate or become independent. Except for a few ideologues, appeals to sovereignty are largely about establishing relationships of relative yet relational autonomy without dominance (Scott, 1996; Young, 2005). Repairing the relationship goes beyond a few cosmetic changes. Bolstering the relational status of Aboriginal peoples challenges the rules upon which governance is based, rather than requiring simple changes to the conventions that refer to governance rules (Maaka & Fleras, 2008).

3. *Peoples with rights:* Aboriginal peoples are neither a problem to be solved nor a need to be met. To the contrary, they are peoples (or nations) with collective and inherent rights to Aboriginal models of self-determining autonomy.

4. *The nations within:* Acceptance of Aboriginal peoples as fundamentally autonomous political communities is critical in crafting a constructive engagement. Unlike ethnic and immigrant minorities who are looking to settle down, fit in, and move up within the existing social and political framework, Aboriginal peoples constitute the nations within who want to "get out" of colonial political arrangements.

5. *Power-sharing:* Power-sharing is pivotal in advancing cooperative engagement and coexistence. Deeply divided societies that have attained some degree of stability en-

dorse a level of governance that involves a sharing of power that is constitutionally or statutorily entrenched (Linden, 1994). Precise arrangements for rearranging power distributions must be predicated on the principle of giving and sharing rather than taking and monopolizing.

6. *The politics of jurisdictions:* Concerns over jurisdiction cannot be taken lightly. Control and power must be allocated along clear lines by carefully calibrating what is mine, what is yours, and what is ours. In allocating a division of jurisdictions, parties must enter into negotiations not on the basis of jurisprudence but on the grounds of justice, not by cutting deals but by formulating a clear vision, and not by litigating but by listening.

7. *Self-determination versus state determination:* The principle of Aboriginal self-determining autonomy over jurisdictions related to land, identity, and political voice is key. By contrast, government-imposed models of self-determination for self-sufficiency and development may reinforce the very colonialisms under question.

8. *Belonging as citizenship:* Innovative patterns of belonging such as dual citizenship are critical when two peoples share the same political and territorial space but neither is willing to be dominated by the other (Oberschall, 2000). Aboriginal proposals for belonging to society are anchored in primary affiliation with the group rather than as individual citizens, thus implying that Aboriginal peoples can belong indirectly and differently to Canada (through group membership rather than as individual citizens) without necessarily rejecting citizenship or loyalty.

9. *Partnership:* Rather than framing Aboriginal peoples as a competitor to be jousted and defeated, emphasis must focus on Aboriginal peoples as a partner to work through differences with in a spirit of mutual accommodation (Royal Commission, 1996). Placing partnership at the centre of a relationship entails a fundamental rethinking in living together separately—not just in the narrow sense of consultation between a senior partner and a junior partner, but within the framework of two peoples sharing the land as co-equals while decision making is generated from below ("duty to consult") rather than imposed unilaterally from above.. In acknowledging that "we are all here to stay," as former Chief Justice Antonio Lamer once observed, is there any other option except to nurture a partnership?

10. *Aboriginal difference:* To date, a settler constitutional order tends to endorse a pretend pluralism that has had a controlling effect in distorting Aboriginal peoples–state relations. However, Aboriginal peoples *are* different because of their constitutional status as original occupants with rights. Aboriginal difference must be taken seriously as a basis for recognition, reward, and relationships, and these differences must be taken into account in establishing a framework for living together separately. As well, differences within the category of Aboriginal peoples in terms of age, sex, location, historical context, level of development, and so on must be recognized and respected.

11. *Reconciliation:* An apology and expression of regret for the deplorable acts of a colonial past is not meant to humiliate, embarrass, or extract reparations. A commitment to reconciliation is meant to exorcise the pain and humiliation endured by Aboriginal peoples. The atonement is intended to create the basis for the healing and restoration of Aboriginal pride and dignity (Maaka & Fleras, 2005).

12. *Aboriginal rights:* Aboriginal peoples possess rights of self-determining autonomy that must be recognized as inherent and not "granted." These collective and inherent rights flow from their relational status as descendents of the original occupants, from the law of nations on which government-to-government relations are based, from international legal norms that uphold human rights in general, and from the Creator. All state relationships and initiatives must begin by premising Aboriginal peoples as peoples with rights rather than as problems with needs.

Adherence to constructive engagement transcends the legalistic (abstract rights) or restitutional (reparations), however important these concerns for identity construction, nation-building, and resource mobilization. Increasing reliance on contractual relations for sorting out ownership may have elevated litigation to a preferred level in resolving differences (Spoonley, 1997). However, this reliance on the legalities of rights and reparations tends to emphasize continuities with the past at the expense of the situational and evolving (Fleras & Spoonley, 1999). By contrast, a new social contract based on the constitutional principles of constructive engagement goes beyond restitution or cutting deals. Emphasis is focused on advancing a relationship on a principled basis by taking into account shifting social realities in sorting out who controls what in a spirit of give and take. Policy outcomes based on a postcolonial social contract cannot be viewed as final or authoritative any more than they can be preoccupied with "taking" or "finalizing," but must be situated in the context of "sharing" and "extending." That is, wisdom and justice must precede power, rather than vice versa (Cassidy, 1994).

Critical Thinking Question

How is a constructive engagement model consistent with the concept of a postcolonial social contract in repairing the relationship between society and indigenous peoples?

CHAPTER 8: THE QUEBEC QUESTION: A CANADIAN QUANDARY

8.1   CASE STUDY

Dueling Nationalisms and Intersecting Sovereignties

As an ideology of national identity based on ethnicity, ethnic nationalisms threaten the territorial integrity of many societies (Lane & Ersson, 2005). Central authorities fear the balkanizing effect of ethnic nationalisms, with their capacity to fraction the country like pieces of a jigsaw puzzle. However, from the vantage point of ethnic nationalisms, a centralized system that craves control by standardizing differences is no less divisive. Quebecers may be politically divided, according to this line of thinking, but many are unhappy with federalist arrangements that deny or demean. But Quebecers are not alone in advocating a fundamental rethinking of their sovereign status. The indigenous peoples of Quebec have also claimed sovereign rights as a fundamentally autonomous political community with controlling ownership over much of Quebec's land and resource base. These competing nationalisms clash over the question of who is more sovereign than the other. Whose sovereignty trumps the other in terms of priority and power? Or, does the territorial integrity of a sovereign Canada supersede all counterclaims? Can contending visions of sovereignty and nationalism be reconciled when two different peoples lay claim to the same territory (Turpel-Lafond, 1996; also Shipler, 2001)?

The peoples who compose the 60 000-strong First Nations in Quebec (including the Cree [Eeyouch], Inuit, Mohawk, Huron, and Algonquin) are adamant in rejecting Quebec's legal claim to their lands. They see themselves as being no less sovereign as nations, with as much right to remain in Canada as Quebec has the right to secede. Aboriginal leaders also argue that up to 80 percent of Quebec remains under Aboriginal control because lands have never been ceded while other land claims have yet to be resolved through treaty settlements. The unsettled claims to land that Quebec had slated for resource development, combined with Cree claims that they have as much right to leave Quebec as Quebec has to leave Canada, have firmed Cree resolve to reject forcible confinement in an independent Quebec (Harty & Murphy, 2005).

Clearly, then, Quebec's Aboriginal peoples argue that if Canada can be divided, so can Quebec. If Quebec can unilaterally leave Canada, the Cree can leave Quebec if the original occupants exercise their indigenous right to remain in Canada (Grand Council of the Crees, 1995). The 1996 Cree document *Sovereign Injustice* reinforced their refusal to be unwillingly absorbed into an independent Quebec, arguing that their fiduciary relationship with the Crown cannot be extinguished or unilaterally transferred from Ottawa to Quebec. After all, the federal government is obligated to protect Aboriginal interests because of the special trustee relationship between Aboriginal peoples and the

Crown. Any unilateral secession on the part of Quebec would terminate constitutionally protected Aboriginal and treaty rights; hence any constitutional amendment on Quebec independence is contingent on Aboriginal consent. To think otherwise is both offensive and insulting. Aboriginal peoples are not simply assets and liabilities for negotiation as part of any divorce settlement, but a peoples with an inherent right to self-determination over where they belong and how they relate:

> The Cree people are neither cattle nor property, to be transferred from sovereignty to sovereignty or from master to master. We do not seek to prevent the Québécois from achieving their legitimate goals. But we will not permit them to do so on Cree territory and at the expense of our fundamental rights, including our right to self-determination. (Matthew Coon Come, Chief, James Bay Cree Nation, quoted in *This Magazine*, June 1994)

The Quebec government disagrees. Quebec's boundaries are inviolate, as far as the Québécois are concerned, and its territoriality is sovereign and beyond negotiation or division. As far as Quebec's leaders are concerned, Aboriginal rights to Quebec's land no longer exist. They were extinguished when the Canadian state transferred Ungava (the northern half of Quebec) to Quebec's jurisdiction at the turn of the twentieth century. The James Bay Agreement in 1975 also signed away Aboriginal "interests" (although a federal act in 1977 also said that the Cree and Inuit would retain the "benefits and rights of all other [Canadian] citizens"). In short, Quebec's territorial integrity is not on the agenda, even with recent provincial initiatives to address Aboriginal peoples' concerns involving development- and revenue-sharing plans, nation-to-nation relations, comprehensive land claims, and initiatives toward self-government (Harty & Murphy, 2005). Quebec's reaction is understandable: It can hardly afford to capitulate to Aboriginal peoples (and indirectly to Ottawa) for fear of losing those untapped reserves of surface and subsurface resources that would underscore Quebec's credibility as a sovereign society.

What does international law have to say about the legitimacy of these contested claims? Under international law, colonial peoples (those who live in a defined territory but under an overseas power) have the right to secede. However, this right to independence and self-determination does not apply to either Quebec or the Cree—despite both having co-opted the language of nationhood in pressing forward their claims. Only "saltwater" (overseas) colonies have the right to unilaterally seek independence under international law. Such a restricted reading should come as no surprise. Both international law and the United Nations are constructed around the inviolability of sovereign states. There is little enthusiasm for compromising state interests by extending secessionary rights to Aboriginal peoples. Yes, there remains an obligation to respect minority rights, albeit within limits. Yes, a "people" may have the right to self-determining autonomy, but not the right to secession except under exceptional circumstances, and even then only through negotiation and compromise (UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities).

How, then, does federal Canada reconcile competing nationalisms within a single state? The inclusion of Aboriginal peoples as a founding peoples and a foundational member may complicate an already complex balancing act involving the two charter members. But the clash of these dueling nationalisms may yield new possibilities and alliances (Whitaker, 1997). The federalist strategy rests with playing one group off the

other in the hopes of neutralizing the combined impact. Ottawa sees the Cree as allies and a negotiating chip in bargaining with Quebec (Widdowson, 2003), even if the government generally rejects any constitutional recognition of Aboriginal peoples as sovereign "peoples." However, Canada may have no choice but to close ranks with Quebec because neither side wants to transfer vast tracts of disputed land to Aboriginal ownership. In other words, dangers await whatever course of action is chosen by federal authorities. Siding with the Québécois against the Cree could spark an Aboriginal backlash that might make the blockades and occupations of 2007 seem like a light-hearted rehearsal. Yet playing off one against the other might play into Québécois hands; after all, if the federal government can recognize Aboriginal peoples as "peoples" with an inherent right to self-government, why can't it do the same for Quebec?

Nevertheless, there is room for optimism. The politics of the past may no longer be applicable. Perceptions of Canada as two founding nations not only complicated the goals of compromise and accommodation, but also undermined the possibilities for coalition-building. The potential for conflict increases when policy issues revolve around a zero-sum game of winners and losers. But the addition of another key player enhances the possibility of new patterns, including strategic alliances, policy tradeoffs, coalition shifts, and negotiated settlements. Or, as Georg Simmel once observed in analyzing the power of numbers, there are more possibilities with three than with two. If several nations are competing for power, it becomes possible to compromise, deflect demands, co-opt allies, or conceal disadvantages by allowing each party to be part of a winning coalition on particular issues. How ironic: Quebec's First Nations' demands for autonomy may yet prove to be the buffer that blunts Quebec's separatist aspirations and secures national unity.

Critical Thinking Question

In the debate over whose nationalism should prevail should Quebec decide to leave Canada—Aboriginal Cree or Québécois—which position advances the strongest argument in deciding who owns what? Indicate how the Canadian government finds itself sandwiched in between these contested nationalisms.

8.2   INSIGHT

Crisis, What Crisis? Reasonable Accommodation of Ethnocultural Religious Diversities in Quebec

Quebec may be regarded as one of the more socially liberal provinces. Yet seemingly pejorative attitudes toward immigrants and multiculturalism often appear at odds with its liberal principles and with the rest of Canada. (Quebec's immigrants comprise 11.5 percent of the total population, compared to Ontario and British Columbia at 28 percent and Alberta at 16 percent.) Points of controversy range from the controversial Herouxville code of conduct aimed at (Muslim) immigrants, to the equally controversial Bouchard-Taylor hearings on reasonable accommodation, to the meteoric rise of the *Action démocratique du Québec* party, which significantly increased its representation—from 4 to 41 seats in the March 2007 provincial election—ostensibly on a platform that Quebec

should stop accommodating minorities (Delaney, 2008). Other evidence is no less damning. According to an annual survey by B'nai Brith, anti-Semitic incidents in Quebec rose by 30 percent to 291 between 2006 and 2007, compared to an increase of 11.4 percent nationally (1042 incidents) (Canadian Press, 2008). As well, a recent study by the Association for Canadian Studies suggests that Quebecers are twice as prejudiced against Jews compared to the rest of Canada based on (1) Jews making important contributions to Canada (74 percent of Canadians agreed versus 41 percent of Quebecers), (2) Jews wanting to participate in society (72 percent versus 34 percent), and (3) Jews wanting to impose their customs on other people (11 percent versus 41 percent) (Gagnon, 2008).

On the surface, it would appear that Quebecers possess more negative attitudes toward ethnocultural religious minorities than in Canada at large. Of course, it's quite possible that Quebecers are no more racist than other Canadians; they simply are more open in admitting it. A passive double standard seems to prevail: In a Léger & Léger poll of 1001 Quebecers conducted in August 2007, a large majority disapproved of open expressions of religion, suggesting approval of a separation-of-church-and-state style of secularism that can accommodate mainstream Christianity but not religious minorities (Heinrich, 2007). Fears appear to be driven by a belief that too much freedom of religion (which is a protected right under the *Charter of Rights and Freedoms*) may be used to justify practices that oppose core Quebecer values. However, the situation is considerably more complex, as other surveys demonstrate. A CROP poll on Quebecer attitudes toward immigrants in the workplace (1002 polled) demonstrated patterns of likes and dislikes based on levels of interaction and familiarity (Gagnon, 2008). Those most likely to interact with immigrant co-workers tended toward positive experiences:

- 90 percent say they have good relations with immigrant co-workers.
- 75 percent believe these workers deserve special accommodation with respect to religious and cultural differences.
- 33 percent believe immigrant co-workers add a positive element to their professional life.
- 5 percent believe that the presence of immigrants has a negative effect.

By contrast, those who rarely interacted with immigrant co-workers demonstrated a decidedly negative slant:

- 80 percent say there should be no religious symbols in the workplace.
- 55 percent are opposed to special holy days off.
- 43 percent say it is difficult or very difficult to integrate newcomers.

Evidence indicates that negativity toward immigrants arises predominantly from those who rarely interact with minorities on a regular basis. Not surprisingly, some of the most xenophobic reactions to minorities throughout the Bouchard-Taylor hearings originated in the rural regions of Quebec, while respondents in urban domains such as Montreal tended to be more positive. This pattern is reinforced by suggestions that English-speaking Quebecers are more receptive to accommodation than French-speaking (francophone) Quebecers, as revealed in a SOM survey conducted in September and October 2007 (cited in Kay, 2008). Clearly, when it comes to race and ethnic relations, ignorance is not bliss; more accurately, it breeds bias (Gagnon, 2008).

No less important a factor is age. According to a Léger Marketing poll for the Montreal *Gazette* in collaboration with the Association of Canadian Studies, the older a person, the more negative the attitudes to immigrants and minorities such as Muslims. Compared to those over 65 years of age, those under age 24 tend to be most tolerant and less fearful of change, with those in between exhibiting intermediate levels of bias and tolerance (Heinrich, 2007). Of those between the ages of 18 and 24, only 15 percent think Quebec takes in too many immigrants; by contrast, the figure rises to 36 percent for those aged 45 to 54. When asked whether immigrants should abandon their traditions by become more Quebecer-like, only 29 percent of the 18- to 24-year-olds agree, compared to 70 percent of those aged 65 and over, while opinions of people aged 25 to 64 ranged from 48 percent in agreement to 65 percent, rising progressively with age. Young people were also less fearful of Quebec changing too quickly because of minorities, with 31 percent agreeing compared to 56 percent for those aged 65 and over. Finally, Quebec youth appear to be much more comfortable with Muslims. Just less than 70 percent of the 18 to 24 bracket say they have a favourable opinion of Muslims, in contrast to only 37 percent of people aged 65 and over who see them as a problem. These figures prompted the Bouchard-Taylor Commission on Reasonable Accommodation to claim:

> The young people of today are so mature, politically and culturally, they're so open to diversity, so engaged in the new Quebec that's in the process of being built. Frankly, you get the impression that, for them, the problem of reasonable accommodation is not such a fundamental thing. (as cited in Heinrich, 2007).

The ambiguities implicit in these findings are not entirely surprising. Quebec's commitment toward accommodation reflects a "tree trunk" model of multiculturalism (known as interculturalism). According to the tenets of interculturalism, immigrants are welcome; however, they must abide by the following rules: (1) the primacy of the French language, (2) prevailing cultural norms, (3) the rule of law, and (4) democratic principles and practices (Gagnon & Iacovino, 2007). In other words, you can be Haitian, but always a Haitian in Quebec. However, the growing profile of religious minorities appears to violate this moral contract. In that Quebecers have spent the last 50 years eradicating Catholicism from the public domain, only to see a resurgence in minority religious practices, resentment is mounting over (1) the imposition of religious menu requirements in public institutions; (2) the provision of prayer space in public facilities for religious groups; (3) denying fathers right of access to prenatal classes with expectant mothers because of cultural taboos; (4) designating girls-only sessions at public swim pools, including drawing of curtains across observation windows; (5) a ban on male doctors treating female patients (MacDonald, 2007); and (6) exemptions that allow Muslim women to vote in federal by-elections without removing their traditional face coverings. In other words, the fear is that minorities may be using religion as a cover for un-intercultural practices.

Does establishing a social code of conduct constitute reasonable accommodation—keeping in mind that these debates must be situated within the context of Québécois nationalism (Cairns, 2007)? Or, should such draconian measures be seen for what they really are: a socially acceptable smokescreen for those who resent public displays of difference and fear that societies have gone too far in accommodating religious and cultural practices (Whyte, 2007)? Insecurities over Quebec as a beleaguered francophone

minority engulfed by voracious English-speaking assimilationists are said to intensify the province's discomfort with religious and cultural minorities (Ha, 2007). Yes, francophones in Quebec constitute a majority at 72 percent of the population, but the 5 million or so francophones are also a minority in Canada, engulfed by a large English-speaking majority in North America. Furthermore, as noted by Pierre Martin, professor of political science at the University of Montreal, insecurities are intensified when the proportion of immigrants who integrate into the French language—especially on the island of Montreal—is smaller than the proportion of Quebec's francophone populations (as cited in Delaney, 2008). In other words, Quebecers as a North American minority cannot let their guard down if they want to preserve their language and culture. The ambiguities associated with a majority or minority status generate a heightened sensitivity and defensiveness to any perceived threats to their identity and integrity as a French-speaking island in the sea of English-speaking North Americans. Or, as Bouchard and Taylor (2008) concluded, as the quintessential lesson from the accommodation "crisis"

> French-speaking Quebec is a minority culture and needs a strong identity to allay its anxieties and behave like a serene majority.

Moreover, it is quite possible that a combination of sensationalist media accounts and opportunistic politicians is fuelling perceptions of negativity toward minorities. By fixating almost exclusively on the negative and on conflicts, as indicated by the report of the Bouchard-Taylor Commission in May 2008, both English and Quebec media tend to distort the situation by conveying the impression that Quebecers are intolerant or unreasonable. Not surprisingly, says Valerie Raoul, professor of women's studies and French at the University of British Columbia, the English media sensationalize anything in Quebec involving even a whiff of racism or xenophobia (as cited in Delaney, 2008). Or, as Daniel Weinstock, professor of philosophy at the University of Montreal, puts it when pointing to a hidden agenda:

> When you're in a political conflict with someone else or a situation where you have to compromise, it's much easier to view the other side as being unreasonable, because that way you don't even have to think about how to accommodate them. (as cited in Delaney, 2008)

In short, as the Bouchard-Taylor Commission concluded, there is no evidence that Quebecers are less accommodating or more racist and xenophobic than other Canadians. To the extent that Quebecers appear to be more racist, the issue is blown out of proportion. Nevertheless, there are grounds for concern, as reflected in some of the key findings, conclusions, and recommendations of the Commission:

- The accommodation crisis is largely a crisis of perception and misinformation fed by inflammatory and distorted news media coverage.
- To the extent that Quebecers reflect ambivalence toward certain religious minorities, the reaction can be justified. Quebec is a special case when confronting the challenges of accommodating immigrants: namely, a minority in North America itself in need of special accommodation to survive.
- Quebecers should continue to support a policy of "interculturalism" with its emphasis on immigrant integration around a common culture and centrality of French. By contrast, the federal policy of multiculturalism with its commitment to "laissez-faire" diversity is unsuitable because of Quebec's special challenges and the specific realities

of English Canada (namely, no threatened language, no minority insecurity because English speakers are the majority, and less concern for protecting a founding nation than for national cohesion).

- Both immigrants and francophones must reasonably and mutually accommodate by way of a moral contract. Immigrants have a responsibility to learn French and accept core values (from gender equity to state neutrality), while Quebecers must take steps to facilitate immigrant integration.

- A continuing commitment to an open secularism, that is, a separation of church and state, is needed to ensure public perception of state neutrality for discharging obligations and rewards. As well, state impartiality is needed in helping (not hindering) to encourage the right to religious freedom and the right to put this freedom into expression.

- Who are the "we" in Quebec? The French-Canadian identity inherited from the past can no longer exclusively occupy Quebec's identity space, but must incorporate other identities in a spirit of interculturalism. The term "Québécois" is rejected as more exclusionary than francophone Quebecers or Québécois of French-Canadian origin. However, insisting that everyone living in Quebec is a Québécois regardless of race, ethnicity, or religion (Seguin, 2008) appears to be inconsistent with long-standing political wisdom.

- Reconciliation between contradictory positions and competing values is central to any reasonable accommodation. In that the burden of inclusion rests with Quebecers to be more understanding and tolerant, the accommodation of minorities must be conducted in a spirit of equality and reciprocity, inspired by a search for balance and fairness as well as negotiation and compromise.

Reaction to the Bouchard-Taylor report has varied. For some, it didn't go far enough in allaying the fears of religious and cultural minorities. While immigrants are key to constructing a vibrant Quebec society and creating a more inclusive Quebec identity, religious and cultural minorities themselves are vulnerable, worried about their future, and trying to find their feet in their adopted country. For others, including Québécois nationalists, the report went too far: Too much interculturalism (or accommodation), they argued, poses a threat to Quebec's distinct yet threatened identity. For still others, the report could be interpreted as a moderate and thoughtful—yet contradictory— response to the challenges of squaring the circle, that is, of trying to do the impossible by simultaneously linking the principles of pluralism (and the diversity and equality that it entails) with that of interculturalism (with its premise of majority dominance) (Siddiqui, 2008). Only time will tell if the report will dampen Quebecers' anxieties or raise the ante over accommodating reasonably.

Critical Thinking Question
Describe the nature of the debate involving the crisis over reasonable accommodation of religious diversities in Quebec.

8.3   INSIGHT

Interculturalism as Multicultural Governance in Quebec

Canada's federal multiculturalism is not the only governance in town. With the possible exception of Newfoundland and Labrador, each of Canada's ten provinces has established formal policies, laws, advisory boards, or commitments that often overlap with federal commitments. Of these provincial multiculturalisms, few have attracted as much attention—or notoriety—as Quebec's multicultural governance model. Called interculturalism (or transculturalism), it arguably shares similarities with Canada's federal multiculturalism yet also reflects differences in tone and emphasis (Gagnon & Iacovino, 2007), with some arguing the case for fundamentally different governance agendas in integrating immigrants while others dismiss any governance differences as largely semantic (Gagnon, 2008).

Quebec's commitment to interculturalism as governance and minority integration was first articulated by the 1990 Policy Statement on Immigration and Integration. An interculturalism commitment reflects what might be metaphorically called an "arboral" model of multiculturalism—that is, the tree trunk is unflinchingly French in language and culture while minority cultures represent the branches grafted to the trunk. According to the tree-trunk tenets of interculturalism, immigrants and their contributions are welcome. However, they must enter into a "moral contract" involving a reciprocal exchange of rights, duties, and obligations between newcomers and the peoples of Quebec. They must also abide by the primacy of French as the language and culture of Quebec, observe prevailing cultural norms and rule of law, actively participate as citizens in Quebec's society, become involved in community dialogue and exchanges, and respect democratic principles and practices (Gagnon & Iacovino, 2007). With interculturalism, in other words, limits are explicit: You can be Haitian but always a Haitian in Quebec with a corresponding commitment to its values, institutions, and norms as set out in laws and constitution. As of January 2009, future immigrants to Quebec will be required to sign a declaration promising to learn French and respect Quebec's shared values, including gender equity, separation of church and state, non-violence, rule of law, democracy, and protection of individual rights and freedoms (Hamilton, 2008).

Clearly, then, both federal multiculturalism and Quebec's interculturalism share a core theme: namely, a common commitment to incorporate newcomers into the larger community by way of an inclusive governance (Gagnon, 2008; Salee in Banting et al., 2007). Two broad governance agendas prevail (Banting et al., 2007):

1. A difference agenda that seeks an inclusive citizenship by encouraging migrants and minorities to recognize, express, and share their cultural identities.

2. An integrative agenda for incorporating migrants and minorities into the mainstream while strengthening the bonds of solidarity, community, and support.

For some, the major difference lies in Quebec's willingness to be more explicit about what it expects of migrants and what they can expect in return, what constitute the limits of acceptable behaviour, and the unassailable primacy of French language and culture. For others, the governance models appear to reflect a distinct society-building project.

Canada's multicultural governance model is aimed at constructing a universal citizenship based on nominal recognition of diversity and difference. In promoting the governance principle of unity within diversity, Canada's multiculturalism resembles a planetary model—that is, minority cultures orbiting around a mainstream centre. By contrast, Quebec's arboreal governance model aims at articulating a distinct political community whose cultural and language priorities supersede ethnic diversities. This governance establishes French as the language of intercultural communication, cultivates a pluralistic notion of society that is sensitive to minority rights, preserves the creative tension between minority and migrant difference and the continuity and predominance of the French culture, and emphasizes the centrality of integration and interaction to the interculturalism process (Bouchard & Taylor, 2008)

The logic behind federal and Quebec multicultural governance makes it difficult to mix or merge. According to the Bouchard-Taylor Commission on Reasonable Accommodation (Bouchard & Taylor, 2008), the federal multiculturalism policy cannot be duplicated in Quebec. The paradox of Quebec's majority and minority status—a majority within Quebec, but a minority within Canada and North America—generates a heightened defensiveness because of perceived threats to its identity and integrity as a French-speaking oasis in an ocean of English-speaking North Americans (Gagnon, 2008). The paradox of reconciling a growing pluralism with preservation of a small cultural minority in North America undermines any move toward Canada's so-called laissez-faire multiculturalism. To do so would be tantamount to linguistic and cultural suicide. Yes, Quebec can be a society that is pluralistic and open to outside contributions, but this pluralism can flourish only within the limitations imposed by Quebec's French character, its democratic values, and the need for intercommunity dialogue and exchanges (Bouchard & Taylor, 2008). Or, as the Commission concluded when acknowledging that Quebec and English-speaking Canada are playing by different rules:

> French-speaking Quebec is a minority culture and needs a strong identity to allay its anxieties and behave like a serene majority.

In other words, as the Bouchard-Taylor Commission implored, Quebecers should continue to support the intercultural principles of pluralism, equality, and reciprocity. With its emphasis on immigrant integration around a common culture, a moral contract, and centrality of French, a commitment to interculturalism as governance provides Quebecers with the best chance for survival as irrevocably French yet unmistakably cosmopolitan.

Critical Thinking Question

Compare Canada's model of official multiculturalism with Quebec's intercultural model as strategies for managing diversity.

CHAPTER 9: IMMIGRANTS AND IMMIGRATION

9.1 DEBATE

Assessing Immigration: What for, How Many, Where from, What Class?

Canada's immigration program is subject to constant scrutiny and endless criticism. The questions are fairly straightforward: What kind of immigration program do Canadians want? (Thompson, 2005). What are the objectives of Canada's immigration system? (Drummond & Fong, 2010). Is the system working; if not, why not, and what can be done to improve it? In that Canada's current immigration policies are thought to be fraying at the edges, a dialogue on this topic cannot come too soon. Four key questions go to the very heart of immigration debates in Canada: What for (why does Canada need immigrants)? How many? From where? Which class is preferred (see Knowles, 2007; Hiebert & Ley, 2006; also Chomsky, 2007 for the United States)? Answers are plentiful but agreement non-existent, with the result that debates over immigration remain as contested as ever.

1.   What For? Does Canada Need Immigrants?

Why does Canada accept immigrants and refugees? What is immigration for in the short term or the long term (Reitz, 2010)? Canada may want more immigrants because of tradition, openness, obligation, or compassion for the less fortunate, but does Canada need more immigrants (Stoffman, 2002, 2008)? Some say no: Immigration policy appears to be driven by the well-intentioned but possibly mistaken belief that size matters—that is, that increasing the size of Canada's population will make it bigger and better (Collacott, 2007). Other cited rationales are no less problematic. For example, why not make use of largely untapped Aboriginal labour (or underemployed permanent residents) rather than recruiting yet more help from overseas? Others say yes to controlled immigration. Immigrants and society-building are strongly linked and of proven benefit that Canadian-born residents cannot possibly address.

2.   How Many? Does Canada Accept Too Many Immigrants?

Critics say that Canada is stretching its "absorptive capacity" by accepting too many immigrants and refugees. Immigration to Canada is currently in the range of 250 000 people per year. Some argue for an increase in numbers to about 300 000 (reflecting about 1 percent of Canada's population, a figure the Liberal government continues to endorse [Clark, 2005]); others propose 150 000 as the preferred annual total, a figure that brings Canada in line with its postwar yearly average and with worldwide propor-

tions. Others suggest that Canada should allow an unlimited number of immigrants; after all, immigration controls are racist, inefficient, and costly and tend to perpetuate a kind of global apartheid (Hayter, 2001; Richmond, 1994). Which answer is acceptable? What is "too much" or "not enough," and how can we determine an acceptable figure? On what grounds? When is the absorptive capacity stretched to the limit? Is there a principled way to justify any proposed levels?

3.   Where From? Does Canada Take in Too Many "Non-Conventional" Immigrants?

Since the 1980s, the largest percentage of immigrants to Canada has been from so-called non-conventional countries, including about 60 percent from Asia. Should Canada seek more European or American immigrants, or is that pipeline largely closed? What is the proper proportion, and can any ratio be justified or attained, keeping in mind that Canada no longer has the luxury of cherry-picking whom it wants from where? Not only is Canada in competition with other industrialized countries for the brightest and best, but immigration is increasingly controlled by powerful global forces that are difficult to align with national policy initiatives (Suarez-Orozco & Suarez-Orozco, 2001).

4.   What Kind? Does Canada Recruit the Wrong "Class" of Immigrants?

Canada's immigration quotas are unevenly divided among the family reunification class, the economic class, and refugees. Some argue for more immigrants with the social and economic skills to contribute directly to Canada, but does Canada really need highly skilled personnel whose foreign qualifications are not readily accepted or are in direct competition with professional bodies and Canadian-born university grads (Collacott 2007)? Can Canada justify skimming off the best and the brightest from the developing world, to that world's detriment and cost, without cautioning immigrants about the obstacles in finding employment consistent with their skills, experience, and credentials? Perhaps the focus should be on bringing in less-skilled immigrants who are willing to do the work—from service jobs to manual labour—spurned by many Canadian-born residents (Grubel, 2005; Grubel & Grady, 2011).

Others believe that upping the family reunification category is critical since a prolonged family separation has costly consequences. Reuniting new Canadians with their families to create extended family networks is a crucial part of any settlement process, especially in the context of lengthy labour market integration (Wayland, 2006). It should be noted that in the spring of 2008, the Conservative government tabled a bill that would empower the federal immigration minister to fast-track categories of immigrants that it desires ("skilled class") while delaying or even freezing those who are seen as less desirable ("family class"). What about refugees who are most in need of Canada's protection? Why even take refugees, critics argue; after all, unlike immigrants, many refugees are not pre-selected on the basis of making a direct contribution to Canadian society, but are perceived as imposing a heavier demand on Canada's health, welfare, housing, social assistance, and public sector programs; having less education and lower employment earnings; being less likely to speak an official language; and experiencing more turmoil-

related stress (Dempsey & Yu, 2004; see also Adelman, 2004). What is the proper mix of categories? On what basis is an answer justified?

Critical Thinking Question

Assume that you are the minister of immigration for Canada, with unlimited powers to determine how many, what kind, and where from? How you would you respond to these questions and justify them to the Canadian public.

9.2   INSIGHT

Deconstructing Popular Perceptions of Immigrants, Refugees, and Immigration

The domain of immigration, immigrants, refugees is littered with popular perceptions. These precepts range in scope from exaggerated claims and unfounded beliefs to a host of myths and misconceptions that often conceal or distort more than they reveal or inform. Not surprisingly, separating fact from fiction has proven tricky. Supporters of immigration tend to be just as polemical and ideologically slanted as critics, with both camps disingenuously selective in how they collect and interpret data in defending their positions. To be sure, these popular perceptions both for and against are not entirely without foundation; rather, they are partially rooted in different dimensions of this perceived reality. As a result, the responses that inform the topic of immigration are a lot more complex and nuanced than suggested by either critics or supporters. To put this assertion to the test, below is a selective list of popular perceptions about immigration and immigrants in Canada that masquerade as exaggerated claims or myths and misconceptions. Varied responses to these perceptions demonstrate how criticism or support is not a case of right or wrong but should be viewed as alternative conceptual frameworks that can examine the same issue from different angles (Satzewich & Liodakis, 2010). The possibility of multiple responses to these perceived realities also exposes the multiple and conflicting realities underlying immigration and immigrants.

Perception 1

Immigrants are an economic burden to society, especially family class entrants who add minimal value to the economy.

Response A

According to the Canadian Council for Refugees, immigrants contribute positively to the Canadian economy by creating jobs, participating in consumer spending, establishing entrepreneur ventures, and increasing government revenue. They constitute an invaluable resource that secures a competitive edge for Canada in global markets. Immigrants are also consumers who spend thousands settling into Canada. As proof, Canada's economy grows during periods of high immigration. Furthermore, family class immigrants can positively contribute to Canada indirectly (immigrants establish themselves more

easily if they are supported by family) and in non-economic terms as caregivers to community workers.

Response B

As this chapter has demonstrated, immigrants may be good for some sectors of the economy (real estate or car sales), bad for those sectors of the economy that must compete with immigrants for work and wages, and neither good nor bad for those parts of Canada outside the main urban centres.

Response C

Nearly 80 percent of immigrants to Canada are not tested for their economic contribution (from education levels to experience to language competence). With such figures, the risk of being an economic burden (from reliance on welfare to taxing existing services) cannot be casually dismissed (Grubel & Grady, 2011).

Response D

A 1991 study by the Economic Council of Canada concluded that immigrants add little to the economy. Moreover, the fastest growth in per capita income occurred when net migration was zero or negative (Weld, 2011).

Response E

The immigration program is not designed for the benefit of average Canadians. To the contrary, it is beholden to the growth and immigrant industries and designed to attract immigrant votes in swing ridings in urban areas (Weld, 2011). How else to explain that continued high levels of immigration persist despite punishing levels of unemployment across Canada, with a corresponding loss of full-time jobs (Stoffman, 2008)?

Response F

Why is it that highly skilled and educated immigrants are having difficulty finding work in their fields, yet employers cannot find the people they need (Alboim, 2009)?

Perception 2

Immigrants take jobs away from Canadian-born workers while driving down wages.

Response A

According to the Canadian Council for Refugees, immigrants create jobs by starting companies and investing capital. They also complement the skills of the Canadian-born workforce by taking on dirty, dull, and dangerous jobs that Canadian-born workers with

equivalent qualifications will not take. Wage levels of Canadian-born workers are not significantly affected by increased immigration. Besides, the real cause of job losses is the profit-driven market dynamics of downsizing or outsourcing.

Response B

Canadian-born workers with few skills and low educational levels may find themselves in competition with those new Canadians who must accept whatever they can get just to survive. In a buyer's market, the dampening of worker wages is a real possibility for the unskilled and undereducated, especially when supply exceeds demand.

Response C

Young people entering the labour market as well as some racialized minorities may suffer because of competition for work from immigrants willing to work for low wages and in poor working conditions (George Borjas concluded this for the United States as well) (Weld, 2011).

Perception 3

Immigrants cannot speak English or French, thus exerting pressure to increase costly English as a second language (ESL) programs.

Response A

According to the Canadian Council for Refugees, the vast majority of immigrants either speak one of the two official languages or acquire competence in one of the languages soon after arrival.

Response B

According to Alan Simmons (2010), about 43 percent of Canadian newcomers do not speak French or English as their first language. This figure includes children of immigrant parents who quickly acquire language competence in one or both official languages. Insofar as the major stumbling block to success in Canada is lack of language skills, immigrants without access to ESL classes will have difficulty integrating into the Canadian economy.

Perception 4

Immigrants are not integrating into Canada.

Response A

More than 80 percent of newcomers eventually become Canadian citizens.

Response B

The spectacular growth of ethnic and immigrant enclaves in urban Canada (an enclave is a census tract in which at least 30 percent of the population is of a single ethnicity) may delay the integration of new Canadians.

Perception 5

Immigrants, especially illegal immigrants, commit more crimes.

Response A

There is little proof of greater criminal offending among immigrants. Most are too busy settling into Canada to actively seek out criminal activity. However, it's possible that because of their visibility and poverty, racialized immigrants may be more likely to be arrested, charged, and incarcerated at rates that exceed those for the general population. Even the notion of illegal immigration when applied to asylum seekers is a misnomer; after all, the *Criminal Code* does not list migration (asylum seeking) as a crime. Perhaps the focus should be on the "criminality" of Canada in perpetuating conditions that prompt people to flee for their lives.

Response B

Immigrants come to Canada to pursue opportunities and build a better life for themselves and their children. As a result, they (and especially undocumented immigrants) have little to gain but much to lose by breaking the law.

Response C

Canada's immigration program is influenced by organized crime, reflecting corruption at Canadian consulates (Weld, 2009).

Perception 6

Canada is swamped with refugees because it received more than its fair share of refugees.

Response A

According to the Canadian Council of Refugees, many Western countries receive more refugee claimants than Canada—both in absolute and relative numbers. In contrast to global proportions, only a small number of asylum seekers make refugee claims in Canada or in the world's richest countries. In that 83 percent of asylum seekers only go as far as a neighbouring country, 7 of the top 10 refugee host countries are in the developing world, including 33 percent of all refugees who remain in Asia. According to the United Nations High Commission for Refugees, in 2006 Tanzania hosted more refugees

than the combined totals in Canada, France, Australia, the United States, Germany, Spain, and Japan.

Response B

Although numbers may vary from year to year (for example, 45 000 claims in 2001 but only 20 000 claims in 2005), the total number of refugee claims in Canada is modest compared to other countries. Syria is hosting more than 1 million Iraqi refugees (Canadian Council for Refugees, 2007).

Response C

Canada accepts a far higher percentage of refugee claimants (in recent years, about 45 percent) than all other OECD countries, which average about 10 to 15 percent acceptance rates.

Response D

Is it morally acceptable for affluent countries of the North and West to bar the door to those less fortunate and in need of protection or escape from grinding poverty?

Perception 7

Almost all refugee claimants in Canada are accepted, while those who are refused rely on numerous appeal channels.

Response A

Less than half of all refugee claimants are granted refugee status. Failed claimants have no appeal options based on merit, although the Federal Court will hear appeals based on law. Failed claimants also have available to them pre-removal risk assessment, but according to the Canadian Council for Refugees, 95 percent of applicants are rejected.

Response B

Failed refugee claimants may lack an official appeal court. Nevertheless, they can pursue their claim in Federal Court (based on matters of law rather than on merit), insist on a pre-removal risk assessment to determine if it's safe to return to their countries, or ask for refugee status on a humanitarian or compassionate basis.

Perception 8

Refugees who come to Canada using false documents are bogus (or illegal) refugees and should be categorically rejected.

Response A

For many refugees fleeing persecution, a false travel document is the only means of escape. Refugees are rarely in a position to acquire necessary identity papers; after all, their governments may refuse to issue passports to known dissidents or, alternatively, may imprison them if they apply. To staunch the flow of refugees from seemingly "safe" countries, the Canadian government also requires traveller's visas, putting more pressure on the use of false documents. According to the Canadian Council for Refugees, international law prohibits governments from penalizing or not recognizing the legitimacy of refugee claimants using false documentation.

Response B

There are fears that some so-called refugee claimants are really economic migrants with fraudulent documents who have been coached by unscrupulous immigrant consultants on how to apply for refugee status in Canada.

Perception 9

Refugees in overseas camps are more deserving of selection than those so-called refugees who register a claim in Canada.

Response A

All refugees are equally deserving of protection because of human rights abuses, regardless of how they arrive or apply, argues the Canadian Council for Refugees. Besides, is it fair for refugees who want to save their lives and the lives of their families to wait passively for someone to help them? As well, Canada has specific obligations to any refugees on Canadian territory under the Convention Relating to the Status of Refugees and the UN Convention Against Torture.

Response B

Instead of squandering time and money on often fraudulent refugee claims, Canada should focus its attention on offering refuge to those in overseas camps, while drastically reducing its commitment to processing refugee claimants except as necessary. The focus on overseas refugees is justified on grounds that the process is more humane, less costly, and of greater benefit to Canada.

Perception 10

Refugee claimants pose a security risk, especially since they are allowed to go free on the promise of attending a formal hearing to determine their status.

Response A

It's doubtful whether a person intent on terrorism would expose him- or herself to the refugee determination process. All refugee claimants must undergo a front-end security screening process in place since November 2001, including security checks by CSIS and the RCMP, fingerprinting, and interviews. The 2002 *Immigration and Refugee Protection Act* excludes claimants on the basis of security, serious or organized criminality, or human rights abuses.

Response B

Refugee claimants may be detained if they are considered a flight risk, deemed a danger to the public, or pose a security threat.

Response C

Migrants may use the host country as a launching pad for recruitment, fundraising, and staging grounds for terrorist attacks both abroad and at home (Moens & Collacott, 2008)

Perception 11

Canada has a generous refugee program that rewards those who jump the queue and receive special treatment.

Response A

The refugee program and the immigration program run on two separate tracks. An increase in the number of successful refugee claimants will not necessarily affect the projection and processing of immigrants on the conventional immigration track. It's true that asylum seekers who have cleared security, health, and criminal checks and are entitled to make a refugee claim do receive a lump sum of money (about $2500 for a family), access to basic social services, emergency healthcare, education for their children, and a permit to work. In facilitating their settlement into Canada, what other options are there? After all, who would want to see them starve or bleed to death on the streets (Canadian Council for Refugees, 2007)?

Response B

The federal government assists in defraying the costs of immigration settlement. However, in Canada's two most populous immigration provinces, each immigrant receives about $900 worth of services, compared to the almost $7000 directed at each status or registered Aboriginal person in Canada.

Perception 12

Canada should accept more refugees and immigrants because it's largely under-populated.

Response A

Canada's immigration policy has an adverse effect on the environment, from greenhouse gases to rampant consumerism (Weld, 2009). Canada is not underpopulated because the vast majority of migrants settle in Canada's 12 largest urban centres, resulting in problems from sprawl to smog because of rapid and unplanned growth. Hence, controlling population growth is crucial to addressing environmental problems.

Critical Thinking Question
In addition to those listed, are there additional myths or beliefs about immigration, immigrants, and refugees that you can think of? What are possible responses to these new myth-conceptions?

9.3   INSIGHT

Canada's Refugee Determination Process

Step 1: Eligibility Determination

On entry into Canada, an asylum seeker can claim status as a refugee (or inland protected person). Within 72 hours of entry, a senior immigration official from Citizenship and Immigration Canada (CIC) must interview and assess the eligibility of the claim for review by the Immigration and Refugee Board (IRB). Eligibility may be denied on grounds related to security, human rights violations, serious criminality, and costly health concerns, among other criteria. As well, eligibility may be revoked if the claimant lied or if new information emerges that renders the person inadmissible. Also ineligible are those who have made a previous refugee claim in Canada, have refugee status in another country, or have arrived through a safe third country (Canadian Council for Refugees, 2008). To avoid the possibility of false claimants entering Canada, the government insists on proper documentation to prove identity. Without documents, refugees can be temporarily detained until proof of identity is established. However, unless they pose a serious criminal, security, or health risk, or have been previously deported, refugee claimants are free to go once interviewed, photographed, and fingerprinted—pending an IRB hearing to consider their claims to refugee status (Crepeau & Janik, 2008). This perceived laxity, critics argue, provides refugees with terrorist links to evade detection or deportation.

Step 2: Refugee Determination

Once identity has been established and forms have been completed, refugee claimants must attend a more formal hearing by the Refugee Protection Division of the IRB. The IRB constitutes a quasi-independent tribunal and quasi-judicial decision-making body independent of CIC whose primary function is to hear refugee protection claims (Crepeau & Janik, 2008). Created in 1989 following a scandal involving political and diplomatic interference in the refugee determination process, this administrative tribunal is less formal than its judicial counterparts, thus allowing claimants to present their cases in a simpler manner (Fleury, 2004). The 210 members of the IRB are political appointees appointed by Order in Council for a period of seven years. Following extensive training and access to the refugee documentation centre for assistance in making decisions, board members are charged with determining whether asylum seekers (refugee claimants who arrive unannounced) are genuine (fleeing persecution) or in need of protection because of dangers to their lives if returned to their homelands (Jimenez, 2004). The difficulty of the job should not be underestimated. Many of the claims are complex, allegations are often difficult to document or verify, and many claimants must speak through an interpreter. By the end of 2007, nearly 30 percent of the positions in the IRB remained vacant, thus adding to delays in processing claimants (from a backlog of 20 000 persons pending decision in 2006 to 42 000 in 2008 to as many as 84 000 in 2010) (No One is Illegal, 2008).

The definition of a refugee complicates the debate. In theory, defining a refugee seems straightforward. According to the UN Human Rights Convention of 1951 (to which Canada is a signatory), convention refugees constitute a class of individuals who have left their countries and cannot return because of a well-founded fear of persecution for reasons of race, religion, nationality, group membership, or political opinion. Signatories are obliged to ensure the safety of asylum seekers, for example, by not sending them back to unstable (or "failed") countries where they may face persecution. However, unless claimaints have been explicitly singled out for persecution, defining who is a refugee is more complex than ever (Kumin, 2004). Those who have fled environmental disasters or civil wars, endured atrocities, or suffered the death of family members may not qualify as convention refugees under international law, but may be admissible on compassionate grounds. Moreover, it has become more difficult to distinguish between outright persecution and ordinary discrimination, between institutional harassment and generalized violence, and between state hate and public scorn. Even the distinction between refugee (political persecution) and immigrant (economic opportunity) is getting fuzzier as the threat of political persecution often dovetails with economic hardship. Finally, the concept of conventional refugee is giving way to rulings involving the notion of a "person in need of protection," that is, someone who is in danger of cruel and unusual punishment or risk of torture or death (Showler, 2006).

In step 2, the refugee claimant has an oral hearing before a single member of the IRB Refugee Protection Board. The claimant has the right to be represented by legal counsel and to be provided with an interpreter. The average time to complete this step is 12 to 18 months, during which claimants can apply for temporary work or study permits. They can also qualify for basic healthcare and social services if they possess a valid work permit (although both employment and rental accommodation may prove difficult be-
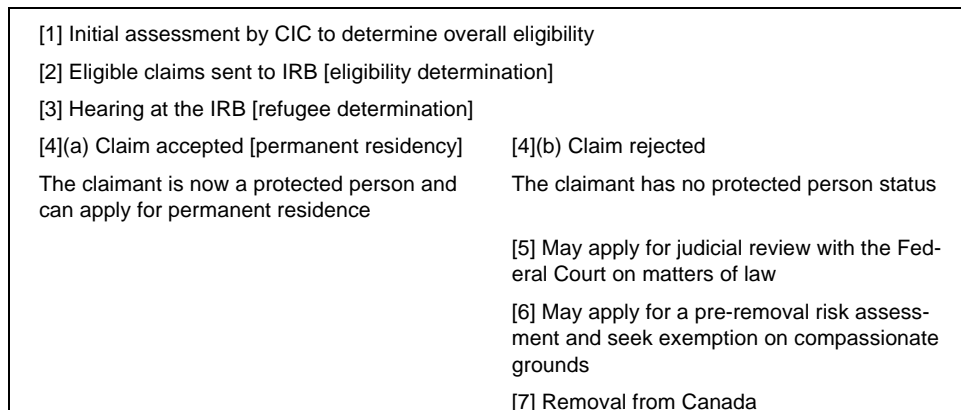
cause of their insecure status). Those claimants who are almost certain of entry receive an "expedited hearing" to hasten the process and prevent a backlog. If the claimant is not given expedited treatment, another hearing is convened before a member of the IRB.

Step 3: Permanent Residency

Once cleared and conferred "protected person" status, claimants can then apply for permanent residency. Accepted refugee claimants who are not conferred permanent resident status find themselves in a legal limbo and must wait for additional security and medical checks, confirmation of family relationships, and payment of processing fees. Delays in processing can occur for a variety of reasons, with the result that waiting times can drag on for years and years. Those granted permanent resident status are issued a social insurance number and a record of landing (identity papers), which allows them to open a bank account, find proper employment, and travel freely within Canada. The entire three-step process takes a minimum of three years (Wayland, 2006).

Of course, not all claimants are successful. If the IRB rejects an application, the claimant must leave within 30 days or face arrest and deportation. Claimants may also appeal by applying for a judicial review in Federal Court within 15 days, but only on matters of procedure (serious mistakes in law), not on the merits of the case, making Canada one of the few industrialized countries that lacks an appeal process (although the *Immigration and Refugee Protection Act* of 2002 did make provisions for a Refugee Appeal Division (Fleury, 2004). Those who have exhausted all appeal routes are destined for deportation. Nevertheless, they may be exempted because of compassionate grounds (married and children born in Canada), administrative bungling, or probable risk of returning home (assuming, of course, the countries in question will allow failed claimants to re-enter) (Jimenez, 2005). Unless deportees indicate their exit plans—and the time lapse between refusal and removal can take years, during which no one assumes responsibility for the file (Peter Showler, as cited in Keung, 2010b)—CIC has no way of confirming who leaves and who stays. Not surprisingly, CIC confirmed that in 2008 Canada had lost track of nearly 38 000 persons slated for deportation, while another 15 000 failed refugee claimants were ready to be removed (McDowell, 2010).

Flow Chart: Processing Refugees in Canada

[1] Initial assessment by CIC to determine overall eligibility	
[2] Eligible claims sent to IRB [eligibility determination]	
[3] Hearing at the IRB [refugee determination]	
[4](a) Claim accepted [permanent residency]	[4](b) Claim rejected
The claimant is now a protected person and can apply for permanent residence	The claimant has no protected person status
	[5] May apply for judicial review with the Federal Court on matters of law
	[6] May apply for a pre-removal risk assessment and seek exemption on compassionate grounds
	[7] Removal from Canada

Those whose claims are rejected and go underground rather than leave Canada become "non-status." It is estimated that at least 200 000 undocumented workers live in Canada (including those who overstay their visitor or work visas). While contributing to Canada as workers and consumers, they face numerous barriers in accessing basic rights and protections to healthcare (hospitals), social services (food banks), and educational services (schools); experience harassment at women's shelters by immigration officials; and live in constant fear of being "outed" and deported (Wayland, 2006). According to the interest group No One is Illegal (2010), the situation for non-status persons is more precarious than ever because of changes to immigration law and renewed immigration raids. In 2008, Canada Border Services Agency removed 12 732 persons, about three-quarters of whom were failed refugee claimants, a 50 percent increase over the 8361 who were deported in 1999 (Cohen, 2009). Initiatives to issue a moratorium on removals as well as to regularize the status of undocumented residents are not moving quickly.

Critical Thinking Question

Briefly describe the three-stage process for determining which refugee claims are legitimate. Do you think the process can be improved by modifying the system in ways that respect the interests of both Canada and those in need of protection?

9.4   INSIGHT

Fair, Fast, and Final: Reforming Canada's Refugee System

Canada's refugee claim and determination system is seen as too slow for genuine refugees, but not quick enough in weeding out ineligible claims (Keung, 2010b). With a backlog of 60 000 claims, it may take 18 months for a first decision by the Immigration and Refugee Board (IRB). Up to eight years may be required to finalize a claim because of delays and appeals. A large number of poorly reasoned decisions often clog up the multiple levels of appeal, resulting in thousands of refused claims in limbo for a decision or for removal from Canada. To be sure, determining who is a refugee requires close examination of the individual claim and cannot be decided reliably by objective criteria. Nevertheless, delays hurt legitimate refugees, attract frivolous claims, and rob Canada of its credibility in protecting the deserving.

Former IRB chair, and now lecturer in refugee law at University of Ottawa, Peter Showler proposes a different approach based on three main pillars: good first decision, a reliable appeal, and prompt removal of failed claimants. The proposal builds on the strength of the current system because (a) it's accessible, (b) it provides a good first decision, and (c) it grants permanent residence to legitimate refugees. It also addresses weaknesses in the existing system, including (a) IRB members as political appointees, (b) lack of appropriate appeal procedures, and (c) an excessive number of ineffectual administrative stages (from pre-removal risk assessment to humanitarian and compassionate applications) before removal. Showler recommends a more streamlined approach that involves the creation of a new Refugee Tribunal with two divisions (the Refugee Claim Division and Refugee Appeal Division would replace the IRB) and members appointed solely on merit. Refugee claims would be decided in six months and reviewed

and appealed in four months, and claimants would be removed within three months of a negative ruling. By reducing the process to 13 months, the new system would ensure accurate and fair decisions and prompt removal of failed climates, thus achieving the goal of fast, fair, and final.

Interestingly, the Conservative government appears to be moving in this direction. In late March 2010, Immigration Minister Jason Kenney introduced more streamlined rules for the due processing of refugee claimants and protected persons, including more rapid removal of those deemed to be from safe countries. Proposed changes to the refugee system include the following (Galloway, 2010):

Making a Claim

Present	Proposed
Claimants must submit a Form 28 days after their claims are deemed eligible according to basic criteria (no criminal record, etc).	With the assistance of an IRB official, claimants must file a claim within eight days of being found eligible (subsequently extended to 15 days).

Judging Eligibility

Present	Proposed
Federal officials rule on eligibility and that decision is reviewed by a politically appointed adjudicator. Average wait time is 19 months.	A public servant (rather than a political appointee) rules on eligibility within 60 days (subsequently extended to 90 days for most claimants, but 60 days for those from safe countries of origin).

Appealing the Decision

Present	Proposed
No appeal system at present. Rejected claims can seek an appeal with the Federal Court, but only on matters of law.	A distinction is introduced based on country of origin. A new refugee appeal system will hear failed claims of those from *non-safe* countries of origin within four months of filed appeal. Those from a list of *safe* countries can make an appeal, but it must be conducted quickly to avoid lengthy delays (subsequently capped at 30 days). Both can access the Federal Court.

Removal Orders

Present	Proposed
Rejected claimants must leave the country within a specified period of time. If they do not leave, they may be forcibly removed at their own cost.	Rejected claimants will be offered a free plane ticket and $2000 to assist in resettlement.

Final Option

Present	Proposed
Failed claimants can apply for a pre-removal risk assessment to determine the risk of returning home. They can also apply for permanent residence on humanitarian and compassionate grounds.	Both options apply, but applications must be made within a year of arrival.

There is much of value in these proposed changes to what many regard as a costly and unworkable system that does little to deter or determine (Editorial, *Globe and Mail*, 1 April 2010). Under Bill C-11 (passed in June 2010 as the *Balanced Refugee Reform Act*) the goal is to clear up the massive backlog of refugee claimants, remove failed claimants more quickly, and resettle or sponsor more refugees from refugee camps (McDowell, 2010). Yet critics are concerned. Much of the criticism is directed at operationalizing the concept of safe versus non-safe countries, a distinction that will prove tricky and diplomatically sensitive. For example, Mexico would be regarded as a safe country since it has a democratically elected government and generally subscribes to international protocols on human rights. Yet, for many, the level of gang violence and generalized criminality that the state seems incapable of controlling makes Mexico anything but a safe country for some (Showler, as cited in Galloway, 2010). Critics also point out that the focus on real (non-safe country) claimants versus phony (safe country) claimants will compromise the legitimacy of asylum claims because of the built-in bias (Janet Dench, as cited in McDowell, 2010). Other criticisms include the timeline for assessment, appeal, and removal, arguing that compassion and thoroughness cannot be sacrificed for the sake of speed. For example, under the proposed timeline, there may not be enough time for claimants to find a lawyer and prepare for their hearing (McDowell, 2010). For others, the proposed changes are regressive, inasmuch as they are packaged in enforcement-oriented language about cracking down on bogus claimants and imposing firm deadlines on decisions (Thompson, 2010).

Critical Thinking Question

Do the proposed reforms to the refugee determination process address the "refugee crisis" in Canada?

9.5 CASE STUDY

Canada's Temporary Foreign Worker Program: Fine Tuning or Fatal Error?

Similar to the much criticized guest worker programs that prevailed in Europe, Canada's Temporary Foreign Worker Program (TFWP) consists of several streams (including live-in caregivers, elder care workers, and seasonal agricultural workers) reflecting patterns of lesser- and higher-skilled occupations (Sweetman & Warman, 2010). The Mexican Seasonal Agricultural Workers Program, which originated in 1966, allowed employers to hire temporary workers for up to eight months each year to address labour shortages in the agricultural sector (Sweetman & Warman, 2010). In 1973, a TFWP was established that targeted those with highly specialized skills (from academics to engineers) in short supply in Canada (Nakache & Kinoshita, 2010). In the same year and in response to employer demand for lower skills in construction and the oil and gas industry, Canada introduce the Non-Immigrant Employment Authorization Program (NIEAP). The program originated to address skill shortages by facilitating the operation of businesses that would be profitable if resident workers could be hired at the going market rate (Worswick, 2010). However, because it tied a worker to a job specified on

the visa and required the worker to leave Canada once the visa expired (sometimes described as a "bonded forced rotational system"; Wong, 1984), the concept of and commitment to temporary workers as little more than commodified (indentured) labour was reinforced (Sharma, 2007).

In 2002, the federal government expanded the TFWP. Employers were allowed to bring in a wide range of high- and low-skilled foreign workers in hopes of matching immigrants with labour market needs. Under the Low Skill Pilot Project, employers can hire workers for 12 months from outside the country if they can demonstrate that no qualified Canadian applied for the job. To be granted admission, temporary migrant workers must be in possession of an official temporary employment authorization ("a foreign work visa") from the Canadian government that constitutes a labour contract specifying occupation, residence, and length and terms of employment (Nakache, 2010). With a valid temporary work permit, which can now last up to two years (although workers can stay only as long as permitted by a valid work permit), low-skilled workers can address labour shortages in agriculture, the hospitality industry, food services, and construction and manufacturing as identified by employers and Human Resources and Skills Development Canada. Insofar as the work permit is a precondition for admission, most temporary workers are restricted to a particular occupation, location, or employer (Thomas, 2010), although some non-permanent residents, most notably refugee claimants, receive open work permits that allow movement across Canada to accept any job without restriction. Finally, most temporary workers with work permits can bring in family members provided they can demonstrate the financial capacity to support these family members while in Canada, although live-in caregivers may not (Thomas, 2010) and low-skilled workers may not have the resources to do so.

The numbers speak for themselves: In 2008, a total of 192 000 temporary work permits were issued—nearly double the number in 2003 without debate in Parliament—thus boosting the number of temporary workers residing in Canada to just over 251 000. Not only have the numbers increased, as well as the number of occupations under pressure (now at 170), the time a job has to be advertised in local papers has been reduced from six weeks to seven days (in a federal job centre) in hopes of fast-tracking recruitment (Goar, 2010). The ratio between skilled and unskilled workers has also changed. In 2002, 57 percent of temporary foreign workers were in skilled occupations such as management and engineering, while 26 percent were low skilled. By 2008, the percentage of highly skilled temporary workers dropped to 37 percent (most of whom were from Europe or the United States), while the number of low-skilled and uneducated workers rose to 34 percent (most from Asia, the Caribbean, and Latin America, with few opportunities to integrate or settle as permanent residents) (Keung 2010a; Nakache & Kinoshita, 2010; Siemiatycki, 2010). Not surprisingly, the ongoing proliferation of TFWPs is increasingly tailored to meet the very specific needs of employers, with a widening range of occupations from bait worm collectors, dishwashers, and oil sands drillers to elder care workers, security guards, and computer programmers (Goldring, Hennebry, & Preibisch, 2009).

Non-Permanent Resident Population and Workers: Facts and Figures

- While Canada remains a country of immigrants, there is a growing number of foreign nationals (or non-permanent residents) who come to Canada on a temporary basis.

- Non-permanent residents may account for only about 1 percent of Canada's workforce, but they are important in the labour market in some regions, occupations, and sectors, including 20 percent of those employed as nanny's helper, 14 percent of those in postsecondary teaching and research assistants, 9 percent of harvesting labourers, and 6 percent of physicists and astronomers.

- In 2006, 265 000 non-permanent residents resided in Canada, including foreign nationals on temporary work visas and student visas. Thirty percent of these had been in Canada for five years or more.

- Temporary workers are admitted to Canada to address specific labour shortages, to facilitate staff transfers within multinational corporations, to fulfill Canada's obligations under foreign trade agreements (NAFTA), as refugee claimants, on special temporary resident permits, and as students attending a Canadian university.

- Of these residents, 230 000 were 15 years of age and older, a majority (84 percent) of 112 000 employed under the TFWP worked full time (30 hours or more per week), 46 percent were university educated, 90 percent could speak either French or English, and about a third lived in Toronto.

- Sixty-two percent of non-permanent residents were members of at least one visible minority group, with Fiipino accounting for 14 percent, followed by South Asian at 11 percent, Latin America at 9.7 percent, and black at 9.6 percent.

- Most are young and male, but 41 percent are female. The most common occupations are caregiving and domestic (babysitters, nannies, and parent helpers). Men from Mexico and Latin America tended to work in the agricultural industry, while men from Europe and the United States dominated highly skilled jobs as professors or computer programmers.

- Private households (9.2 percent) and universities (9.0 percent) were the top two occupation locations for non-permanent residents working full time.

- Twenty percent of foreign workers were in low-skilled jobs (labourers, cleaners, cooks). Temporary workers from Europe and the United States were more likely to work as academics or senior managers.

- About 40 percent of temporary foreign workers are women in low-paying and government-defined low-skill sectors such as caregiving, domestic and hotel work, and entertainment that not only render them more vulnerable but also decrease their chances of permanent residency (Gibb, 2010).

(Statistics Canada, 2010; Thomas, 2010)

Critical Thinking Question
Discuss the pros and cons of Canada's increased reliance on temporary foreign workers.

CHAPTER 10: MULTICULTURALISM AS CANADA-BUILDING GOVERNANCE

10.1 DEBATE

The Politics of Drawing the Multicultural Line

One of the best things about living in Canada is our general willingness to abide by the principle of agreeing to disagree. Multiculturalism is famed for its commitment to "accommodate" diversity by acknowledging the legitimacy of disagreements as long as people play by the rules. But there is a hitch: A willingness to agree to disagree is simple enough when the differences are superficial and choices are easy. Shall we order Szechuan tonight? How about a falafel? Anyone care for perogies? Tensions become more complex when people disagree over what is acceptable. Consider how the logic of multiculturalism is stretched to the limit when seemingly sexist practices such as female genital mutilation clash with core cultural values and women's constitutional rights. Even more perplexing are situations in which values not only clash, but in which one set of values also disagrees with the principle of agreeing to disagree. True, a tolerance for the intolerable may be logically consistent with the precepts of multiculturalism. But putting this theory into everyday practice may prove incompatible with the prospects of living together with differences.

The gap between principles and practice raises a number of awkward questions: Should Canada's official multiculturalism reject those cultural practices at odds with Canadian society, even if the very act of doing so exposes the hypocrisy of unilaterally imposing Eurocentric standards on a society that advocates tolerance? Or, does the logic of multiculturalism involve a tolerance even for those cultural traditions incompatible with Canada's constitutional values, ranging from compulsory arranged marriages to wife beating to female clitoridectomy (Kostash, 2000)? Is there a danger that an "anything goes" multiculturalism will become the Trojan horse that erodes the very principles of freedom and equality on which multiculturalism is based (Biles, Tolley, & Ibrahim, 2005)? A dilemma of such perplexity raises the issue of what is tolerable in a multicultural society. Should Canada's multiculturalism be tolerant of those who are intolerant of others? Are there limits to tolerance or can immigrants import illiberal practices at odds with Canadian multiculturalism? If so, where do we draw the line between what is acceptable and what is not? Who decides? And on what principled grounds can such a line be drawn?

The politics of drawing the multicultural line is driven by incidents involving minority conflicts with the law. The concept of "cultural defence" is increasingly employed as

an excuse for explaining people's law-breaking behaviour. According to a cultural defence line of argument, people may be ultimately responsible for criminal behaviour but these deviant actions do not occur in a cultural or social vacuum. As a result, the criminal justice system must take cultural differences into account when sentencing people for actions that reflect an offender's cultural tradition but run afoul the law. Reaction to this course of action is mixed because of the problems involved. For some, the recourse to "cultural defence" to explain and justify criminal actions reflects a logical reflection of multiculturalism. For others, however, this strategy of using culture as a defence is nothing less than the last refuge of those scoundrels who hide behind the smokescreen of multiculturalism to justify law breaking or human rights violations.

Consider the controversy that came to light when two Haitian Canadian males were found guilty of sexually assaulting a young Haitian Canadian woman in July 1996. The two received what many regarded as a "slap on the wrist," including an 18-month sentence, to be served at home, in addition to 100 hours of community service and a 10 p.m. curfew for one year. Many were shocked—even outraged—by the leniency of the sentence for a crime that normally is punishable by jail. According to the judge, Monique Dubreuil, mitigating circumstances justified the leniency, including the age of the victim (she was an adult), the status of the rapists (one was at university, the other had a job), and lack of previous conviction for a similar crime. That the men "behaved like two young roosters in need of sexual pleasure without caring about the young woman" (*Toronto Star,* 28 January 1998, p. A26) may have confirmed their guilt, ruled Dubreuil, but left open the questions of motive and personal responsibility. Of greater interest was the judge's willingness to invoke the disclaimer of "particular cultural context," primarily because of the lack of remorse shown by the men over their actions (*The Globe and Mail,* 29 January 1998, p. A1). In the words of Dubreuil, "The absence of regret of the two accused seems to be related more to the cultural context, particularly with regard to relations with women, than a veritable problem of a sexual nature" (*Kitchener-Waterloo Record,* 28 January 1998, p. A3).

This ruling and its implications did not sit well across Canada. Many argued that the decision (1) was racist and sexist, (2) sent out mixed messages about Haitians as insensitive to violence and victims of violence, (3) insulted Haitian women by suggesting their complicity in rape, (4) further deterred women from seeking justice in court, (5) played "fast and loose" with so-called cultural values that did not necessarily exist, and (6) conveyed a grossly misleading impression that Haitian Canadians are not real people, but subhumans without value for human life. Even the logic proved baffling: It was not an instance of arguing that "culture made me do it." Rather, the cultural defence was based on inferential deduction—that is, if men behave badly and reveal no remorse, it must be due to culture. The underlying subtext becomes astonishingly clear: Haitian culture dictates how men relate to women, and if Haitian males are not contrite for their actions, it must be culturally "normal" for them to gang rape.

It's not our intent to second-guess either the ruling or its rationale. Rather, we need to explain the reasoning behind such a decision within the broader framework of an official multiculturalism. Do cultural defence arguments stand up to scrutiny in a multicultural society, especially if certain groups are rendered vulnerable in the process (see Okin, 1999)? Should Canadian multiculturalism draw a relatively narrow line by tolerating only those cultural practices consistent with constitutional values and mainstream

institutions? Or, should Canada's official multiculturalism tolerate a broader range of culturally diverse practices consistent with the ethos of multiculturalism? Does the logic of multiculturalism compel us to tolerate those cultural practices that themselves are intolerant of others? Where does multiculturalism draw the line on so-called offensive cultural practices? Is there a principled rationale for doing so? Answers to these questions will become increasingly important as Canada diversifies, while diversity, in turn, becomes increasingly politicized in the competition for recognition and rewards.

Canada is not alone in confronting these conundrums. A Communitarian Network (2002) has emerged in the United States whose stated goals are to create a workable society by addressing the challenge of balancing diversity within unity. According to the Communitarians, the politics of diversity require a principled response that explores the middle ground between unity (assimilation) and diversity ("anything goes" multiculturalism). For Communitarians, individuals are free to maintain their distinct cultures as long as (a) cultural values do not clash with the shared cultural core (e.g., gender equality), laws of the land and democratic institutions, or UN-defined human rights, (b) loyalty to society supersedes loyalty to the homeland should these loyalties come into global conflict, (c) all minorities (including Aboriginal peoples) are equal before the law and cannot expect special treatment (e.g., territorial autonomy), rights, or exemption, and (d) people challenge conventional ways of balancing unity and diversity through conventional channels. Clearly, then, the Communitarian Network espouses a liberal universalism position, one in which denying differences may violate a person's equality rights; conversely, however, singling out people's differences for special treatment is equally wrong because of our commonalities as individuals.

Similarly, Canada's official multiculturalism provides a principled response for engaging diversity. According to an official multiculturalism, a person's cultural differences cannot be allowed to stand in the way of equality before law, full institutional participation, and equal democratic citizenship rights. Under multiculturalism, each individual has the right to abide by the cultural tradition of his or her choice as long as the corresponding practices do not contravene the laws of the land, interfere with individual rights, or reject core constitutional values. If the behaviour in question falls within the parameters of these limits, it is acceptable; if not, then it is not acceptable, although there are democratic channels in place to contest the line by challenging the Eurocentric conventionality that informs existing laws, institutions, values, and policies. Canada is not alone in setting limits: Australia's multicultural policy requires all Australians to accept the basic structures and principles of Australian society (from parliamentary democracy to English as the national language); to acknowledge obligations as well as rights, including the right of others to express their views and values; and to ensure that all Australians have an overriding commitment to Australia, its interests, and its future (Jakubowicz, 2005; McGauran, 2005). More recently, in response to the July 7, 2005, bombings in London, England, former Prime Minister Tony Blair confirmed that acceptance into British society is conditional on becoming British:

> That duty is to share and support the values that sustain a British way of life. Those who break that duty and try to incite hatred or engage in violence against our own country have no place here. (as cited in Manji, 2005)

Based on the principles of multiculturalism, then, Judge Dubreuil was logically consistent in finding the defendants guilty but reducing the punishment to acknowledge the importance of culture in framing behaviour. This ruling is consistent with the social sciences, which also acknowledge the importance of culture as a key variable in influencing people's behaviour. Culture is so ingrained within individuals that it predisposes them to act in ways that may bring them into conflict with the law. Furthermore, to withhold recognition of a peoples' culture is tantamount to robbing them of the symbolic order necessary for survival or to make informed choices (Kymlicka, 1995; Taylor, 1994). Not surprisingly, judges in Canada are under strict instruction to take cultural differences into account when sentencing, in part to acknowledge Canada's multicultural commitments, in part to trim the skyrocketing costs of incarceration.

To be sure, the cultural defence argument can be taken too far. Critics argue that a cultural defence position may condone the oppression of vulnerable groups, puts tradition on trial, reinforces stereotypes, constitutes a form of cultural racism in the guise of cultural sensitivity, and ignores the dynamic nature of culture by reifying particular customs (Okin, 1999). In other words, there is a regrettable tendency to essentialize (treat something as a singular, fixed, and homogeneous entity by freezing it in time and space) what increasing is fluid and flexible, dynamic and variable, and situationally relevant (Kurien, 2006). Culture may provide a blueprint for behaviour, but this conceptual map is provisional, contextual, socially constructed, and, more often than not, consulted after the fact to justify or excuse actions. With cultural defence, moreover, there may be tendency to promote the rhetoric of grievance and victimhood, in which every minority is oppressed, every white person is racist (consciously or unconsciously), every institution is discriminatory, and no government program is to be trusted. Despite these caveats and concerns, if official multiculturalism is about constructing a Canada of many cultures, Canadians will have to be become a lot more attentive to taking culture seriously as a basis for living together with differences in a postcolonial time.

Critical Thinking Questions

Does the logic of multiculturalism in general compel us to tolerate those cultural practices that (a) pose a risk to others in society, (b) themselves are intolerant of others, and (c) sharply disagree with mainstream norms and values? Does the logic of Canada's official multiculturalism tolerate those cultural practices that involve (a), (b), and (c)?

10.2   DEBATE

Is a Commitment to Multiculturalism a Betrayal of Women?

An official multiculturalism is widely regarded as a principled framework for constructively accommodating diversity. With an inclusive multiculturalism, individuals are allowed to affiliate with the cultural tradition of their choice (within limits), without having to forfeit their right to full and equal participation in society. However, what if not all individuals are equal beneficiaries of an official multiculturalism? In the name of tolerance and respect for diversity, a commitment to multiculturalism may condone cultural practices that systemically exclude women from the full and equal exercise of their

rights (Okin, 1999). Multiculturalism is thought to be bad for women in those contexts where the principle of gender equality clashes with the collective claims of racialized groups to preserve culture and identity—even if claims for cultural preservation and group rights undermine the individual rights of women (Reitman, 2005). The "badness" of multiculturalism is particularly acute where faith-based groups insist on beliefs that compromise a woman's equality rights. A multicultural tolerance toward ethnoreligious diversity that trumps women's equality rights is a situation that many believe is unacceptable in a liberal democracy (Liebert, 2007).

The politics of inclusiveness increasingly pivot around those faith-based groups whose beliefs and practices clash with constitutional guarantees of gender equality. These competing claims and conflicting equalities pose a multicultural dilemma: In a society committed to multicultural principles, how do we reconcile the rights of minorities to protect and preserve their religion and culture with prohibiting those practices the state deems to be illiberal, including those that deny or violate the equality rights of women (Stein, 2007)? Can societies endorse multiculturalism policies of tolerance toward religious diversities, while at the same time preserving a commitment to gender equality? Is it possible to reconcile the tension between respecting rights (both religious and women's) and respect for difference when these conflicting equalities collide? Where does a commitment to difference and gender equality stand in relation to practices such as female genital mutilation, forced marriages, and honour killings?

This challenge is sharply pronounced in Canada, where debates over inclusiveness are inextricably linked with an official multiculturalism, constitutional protection of individual rights, and a commitment to equality before the law. Put bluntly, how do we balance Canada's constitutional commitment to equality with its multicultural commitment to diversity without penalizing either women's rights or the right to freedom of religion? As it stands, faith-based groups from Christian fundamentalists to Muslims and Jews endorse religious and scripture-based beliefs that tend to diminish the status of women or erase their presence. Or, as John Ibbitson (2006) writes, in reinforcing the paradox between tolerance and equality while assuming that separation automatically equals inequality: "Whether you are Jewish or Christian or Muslim or Hindu or whatever, if you hold on to a strict interpretation of the tenets of your faith, you will not accept the full equality of women in society, or of homosexuals. . . ." This gender bias elicits debates over accommodation: Should universities allocate prayer space to faith-based groups who segregate women in worship (Scrivener, 2007)? Should places of worship be given tax privileges when they discriminate against women (for example, in Judaism, women are not counted as part of the ten people who must be present for prayers to begin) (Stein, 2007)? Can the Catholic Church continue to receive special state entitlements and charitable tax status when it refuses to ordain women as priests?

In that a commitment to multiculturalism can be manipulated as justification for diminishing women's rights, a conflict of interest prevails. Are the rights to freedom of religion (whether mainstream religions or ethnically based religions) compatible with women's equality rights within the church, synagogue, or mosque (Stein, 2007)? If not, why not, and what, if anything, can be done to balance competing rights and conflicting equalities in a Canada officially committed to the principles of inclusiveness and diversity (see Omidvar, 2007)? The challenge appears relatively straightforward: how to mediate the dispute among competing constitutional rights in a diverse and changing

Canada that abides by concurrent equalities ("rights") of multiculturalism (including the claims of cultural and religious minorities) on one side, the right to freedom of religion on another side, and the equality rights of women on yet a third side. The paradox is palpable: On the one hand are those who want gender equality within a faith as set out in the equity provisions of the *Charter of Rights and Freedoms*. On the other hand are those who believe that the dictates of their faith that have endured for centuries outweigh gender equity rights (Siddiqui, 2006).

While recognizing the dilemma is a start, doing something about it is a much trickier affair. Why is faith-based gender discrimination permitted even when it contravenes the gender equality rights enshrined in the Charter (Stein, 2007)? To date, neither the courts nor the legal system have been much help in sorting out the impasse. Both tend to work on the assumption that religious bodies are largely private, voluntary associations. As such, central authorities exert less control over their activities unless there are coercive restrictions on exiting, unacceptable levels of abuse, or public outrage over norms that apply to the public domain. Consider how authorities prefer to acknowledge places of worship as sanctuaries that must be respected, even when criminal behaviour is involved. (Similarly, federal authority over employment equity or official bilingualism is generally restricted to federal jurisdictions.) As long as members are free to join and equally free to leave if they so choose, governments are reluctant to interfere. If women find that their equality rights are compromised by a particular religion, according to this line of reasoning, they are under no obligation to stay and can vote with their feet. In theory, this is true; in reality, however, how plausible is leaving a congregation after a lifetime of involvement in that faith? Is leaving really an option for those minority women who find themselves literally ostracized not only by the congregation, but also by circles of friends and support networks?

In short, while multiculturalism may be bad for and biased against women in those societies that endorse group rights, perhaps the gender equality backlash has prematurely thrown the diversity baby out with the multicultural bathwater (Phillips, 2007). Is it possible to create a female-friendly multiculturalism? One solution lies in rejecting a reified (something treated as real that is not) concept of culture in a primordial and essentialist sense of fixed, uniform, uncontested, and determined. Proposed instead is a model of culture as a social construct (i.e., culture per se doesn't exist or possess reality except in its material manifestations; rather, it represents a logical fiction to account for relatively consistent patterns of thought and behaviour at individual and group levels) that is continually evolving, constantly contested, and internally diverse as well as aspirational rather than determinative. With a more fluid notion of culture as a logical fiction, collective interests can no longer call on something that doesn't really exist to justify the denial or exclusion of women—hence the expression "multiculturalism without culture" in Anne Phillips' 2007 book of the same name.

Second, a rejection of group-based multiculturalism can sort through the impasse. As long as multicultural regimes exist that explicitly condone group rights, there remains a tension between women's individual rights to equality and the collective rights of the group for survival, even if this means compromising women's rights in the process. However, Canada's multiculturalism provides a working alternative: According to this inclusive multicultural model, a society of many cultures is possible provided that no one is excluded from full and equal participation because of his or her culture. Yes,

members of a group have the right to protect and promote their culture, but only if these cultural practices do not violate individual rights, break the law, or contravene core constitutional values such as gender equity. An inclusive and pragmatic multiculturalism suggests the possibility of a different spin than that of the critics: Instead of being bad for women, Canadian multiculturalism may prove to be a protective ally for racialized and immigrant women—at least in theory if not always in practice.

Critical Thinking Question

Explain the line of argument that says multiculturalism is bad for women. Does this line of thinking apply to Canada's official multiculturalism?

CHAPTER 11: MULTICULTURALISM AT WORK: INSTITUTIONAL INCLUSIVITY AS REASONABLE ACCOMMODATION

11.1   INSIGHT

Processing Aboriginality: Criminal Injustice System

What passes for justice in parts of Canada is a travesty. A white judge sits at the front of a non-descript community centre room, surrounded by several white lawyers, a Crown prosecutor, some legal aid workers, and several burly white RCMP officers. In the back of the room sits a row of grim-faced Aboriginal youth in ski jackets and track shoes. Over the next three days, up to 150 accused will be processed and sentenced, with most being charged with alcohol- and solvent-related assaults, break and enter, domestic abuse, and public disorder. Many of those charged with break and enter rarely do much significant damage. They are just as likely to break into stores for snacks or pop—simply for something to do or perhaps intending to get caught for a ticket out. The goal is imprisonment in a comfy "southern" jail, which provides at least temporary respite from the bleak combination of boredom, despair, and anger.

Court is held every other month. The ensemble fly in from Yellowknife; after several days they shift to other outposts in northern Canada. Sessions are assembled in a gym or community centre, on plain folding tables, with most of the town turning up to watch. In contrast to the measured pace of southern courts, court proceedings move at an astonishing rate to accommodate a packed docket of backlogged cases. The legal aid workers spend only a few minutes with each accused before cases are called. Stock arguments are routinely circulated about the defendant seeking counselling or conflict management therapy. Community reaction to the court proceedings is muted regardless of the severity of the crime or sentence. Most youth appear only vaguely aware of their legal rights, and they do not show much interest in the court processes. Many plead guilty because they do not understand the issues at hand or prefer not to exercise their rights, preferring instead the path of least resistance (CCJA, 2000). Emotions are rarely expressed, with most youth speaking in a flat, emotionless style to describe even traumatic events, which the court then interprets as indifference or guilt. Those who are sentenced fly out with the judge to a Yellowknife jail or to a detention centre in Hay River (adapted from Stephanie Nolen, *Globe and Mail*, 2000).

Aboriginal peoples may have high expectations of the criminal justice system (LaPrairie, 1999). However, the criminal justice system continues to miscalculate Aboriginal realities and cultural needs by squeezing them into a Eurocentric box (CCJA, 2000). The statistics speak disapprovingly. Compared to the general population, Aboriginal

accused are more likely to be denied bail and to spend more time in pretrial detention, less likely to have adequate legal representation, and more likely to be incarcerated for even minor offences. Not surprisingly, while Aboriginal people represent only 3 to 4 percent of Canada's population, they comprise around 18 percent of the inmates at federal prisons. No less disturbing are regional differences: Aboriginal inmates constitute 64 percent of the federal penitentiary population in western Canada, according to Statistics Canada, but only 12 percent of the Prairie population. Predictably, then, most Aboriginal males will have been incarcerated in a correctional centre at some point in their lives by age 25. Admittedly, some degree of caution must be exercised: Statistics may be misleading since offenders may be convicted for petty offences and serve time for offences that require only a fine, or the numbers may be inflated by a small number of individuals who repeatedly get in trouble with the law (Buckley, 1992). Nevertheless, the revolving door of incarceration and recidivism has stripped many Aboriginal peoples of their self-esteem, in effect leading to cycles of despair and destructiveness.

Efforts to improve the relationship of the criminal injustice system to Aboriginal peoples have taken several routes. Proposed changes for improving effectiveness range from reform of existing arrangements to radical alternatives that challenge the foundational principles of Canada's criminal justice system. Questions about the place of Aboriginal peoples within Canada's criminal justice system remain sharply contested: Should attention be devoted to reforming the existing criminal justice system or to establishing parallel or even separate structures that take Aboriginal differences seriously? These initiatives, in turn, raise additional questions about the place of aboriginality in Canada's criminal justice system. Should there be one set of rules for all Canadians, or should justice be customized to reflect diverse Aboriginal realities? Should all crime be punished equally, or must Aboriginal social and cultural differences be taken into account when decisions are made? Is it racist and paternalistic to imply that a racial or ethnic background merits special consideration in sentencing? "Restoring Justice," below, will attempt to clarify these issues.

Restoring Justice

To say that Canada's criminal justice system has experienced a profoundly troubled relationship with Aboriginal peoples is surely an understatement (Royal Commission, 1996). For some, being processed through the criminal justice system is an intimidating and terrifying experience. Emphasis on incarceration as punishment has had a detrimental effect on those Aboriginal offenders for whom confinement is embarrassing or awkward (CCJA, 2000). For others, however, their level of indifference to white-man justice stymies the deterrent value of prisons. Rather than a stigma, prison time represents a badge of honour and resistance.

To circumvent this impasse, Aboriginal peoples have endorsed an alternative criminal justice system. Canada's largely retributive criminal justice system is organized around the process of determining blame and administering pain in a contest between lawyers and the state along procedural lines. Only the rights of the accused are involved within the context of an adversarial system in which offenders are coaxed to look out for themselves by creating distance from the consequences of their actions. Both the victim and the community are largely ignored in this contested battle since crime is defined as

an offence against the state. The result is a no-win situation for many: Victims and their family are deeply scarred, the offender's family is in turmoil, the community is angered and frightened, and the social fabric is irreplaceably frayed.

Aboriginal justice initiatives have much in common with a restorative model (La-Prairie, 1999). The central premise of both is a belief that crime is a violation of a relationship, and that the goal of the justice system should be to restore the harmony by repairing the breach (Clairmont, 2001). A punitive and adversarial style is superseded by holistic approaches that embrace the principles of community, relationships, healing, recovery, reparations, reconciliation, and atonement. Under Aboriginal justice, the victim is incorporated into the overall process, offenders take responsibility for their actions, the community closes ranks around disruptive individuals, and community resources are brought to bear to restore community equilibrium. Community participation is encouraged in sentencing and supervision by way of innovative alternatives that divert the offender from courts and jail. Consider how sentencing circles—or family group conferences in other contexts (Cobban, 2005)—as a sentence diversion can include the following stakeholders: the accused, the accused's family and members of the community, community elders, and victims. The victim can express his or her pain, the group encourages the offender to understand the seriousness of the violation and the need to make some reparation to the victim, and all participants take responsibility for monitoring the follow-through. The key is simple: Aboriginal people dealing with Aboriginal people in culturally appropriate ways that may get through to the offender in ways that the court system cannot.

Differences between Aboriginal and criminal justice could not be more striking, in theory if not in practice. These differences are captured in this pithy aphorism: The criminal justice system asks three basic questions of a criminal act: What law was broken, who did it, and what penalty should be handed out? An Aboriginal justice approach asks who was harmed, what harm was done, and whose responsibility is it to make things right? Yet despite impressive-sounding principles for healing the hurt, critics are not convinced of its effectiveness, especially in reducing the number of Aboriginal peoples in correctional institutions (Daly, 2000; LaPrairie, 1999). On one side, Aboriginal initiatives are criticized as politically expedient strategies for conveying the impression of improvement without diminishing state control over criminal justice (Tauri, 1999). On the other side, Aboriginal justice principles sound good in theory but may not be effective in dysfunctional communities. Without adequate resources, in other words, specific justice programs are nothing more than quick-fix solutions to complex problems with a risk of aggravating the situation. Still, no matter how flawed Aboriginal justice is in principle or in practice, compared to the travesty that exists today almost anything would be an improvement.

Critical Thinking Question
Compare Canada's criminal justice system with the principles of restorative justice in terms of underlying assumptions, procedures for arriving at justice, and anticipated outcomes. Indicate why the principles of restorative justice are more likely to resonate with meaning in Aboriginal communities.

11.2   INSIGHT

Policing Racialized Youth: Crisis in Communication

That urban police and certain sectors of the minority community do not mix well is an established fact (Ungerleider, 1993). To some extent, conflict is inevitable; after all, the police are perceived as the most visible embodiment of a white establishment that criminalizes people on the basis of colour, in effect racializing "them" as the undeserving "other" (Holdaway, 1996; Ungerleider, 1995). As cited in Charles Smith (2003, p. 2):

> The police in all societies are charged with maintaining public order and protecting public safety [and crime fighting], and that generally means conserving the status quo in whatever form it may take. The police are inherently conservative in both their actions and predispositions. They represent the vested economic and political interests and values of the societies in which they perform their policing duties. Where countries are changing and adding cultural and ethnic multiplicity, the police are most likely to be aligned with the old cultural and ethnic guard, or they may be perceived as such by new or newly empowered constituents.

Police attitudes are condemned by the powerless as controlling and obstructing service delivery that minorities would define as "safe" (Ramsden, 1995). Crimes by the poor are more likely to attract police attention, in contrast with white-collar crime, which is neither as visible nor as easily detected. Such selective enforcement would suggest that minorities are not more criminal but more likely to be criminalized because of their visibility in the public domain.

Police–minority encounters tend to augment stereotypes and prejudices on both sides of the interactional divide (Henry & Tator, 2006). The police employ styles of communication, both verbal and non-verbal, that inadvertently reinforce negative stereotypes about themselves as aggressive defenders of white privilege. Conversely, black interactional styles may confirm police perceptions of male youth as surly, defiant, uncooperative, disrespectful, deceptive, deviant, and deserving of increased surveillance. With such mutually contemptuous views of each other, who can be surprised by the schism in police–minority youth relations?

At the core of this interactional breakdown are stereotypes, none of which flatter the other side (Forcese, 2000). Black youth see police as racist for enforcing the law in a discriminatory and insensitive fashion. Police are accused of double standards. Black people believe that they are harassed, charged, arrested, and convicted more often than white people, and that a higher number of stops result from police preconceptions and preoccupations with highly visible street activities that inflate charge and arrest rates. The police tend to reject these accusations as unwarranted. As far as they are concerned, their job is to enforce the law evenly and without prejudice. Higher crime rates can reflect only greater criminal activity among black people, in turn justifying special police attention.

Not unexpectedly, the police are seen by some sectors as the "enemy," as a Toronto race relations consultant once reminded us, whose status is that of an "occupying army" and who are not to be trusted. By mandate and by action, police are perceived as agents of coercive control in contexts both unequal and dominating. They are also seen as overzealous in policing black youth because of preconceived notions that make it easier to

racialize minority encounters. In other words, the police are likened to just another gang in the city, black youths argue, with uniforms, patches, weapons, and an internal code of ethics. Only the legal right to wield force in staking out their "turf" distinguishes the police from the "hood."

Police stereotypes are equally one-sided. The police tend to see black people as problem people whose frequent brushes with the law must be quashed before chaos appears. Black people are rarely viewed as normal and adjusted, but labelled as criminals, drug pushers, pimps, welfare cheats, or malcontents, even if evidence suggests that the actions of a small proportion of youth are blowing things out of proportion, in effect demonizing an entire community for the actions of a few (Henry, 1995). Black teens are seen as criminally inclined, with a predisposition toward guns, gangs, and drugs, along with a taste for violence imported to some extent from the violent street cultures of the Caribbean. Rarely is much consideration given to perceptions of black youth as alienated and underprivileged, without much stake in a system where few seem to care if they live or die. Black activists are also denounced as self-serving malcontents whose loose rhetoric and grandstanding tends to inflame public resentment toward the police. And ironically, police argue, while minority communities want the police to fix the guns, drugs, and gangs problem, they are just as likely to accuse the police of racial profiling when steps are taken to solve this problem.

Many of the stereotypes on either side of the profiling divide are subculturally driven. By positioning themselves in opposition to a white society and everything that it symbolizes (Henry, 1994), animosity toward the police may be part of defining a young male identity (Neugebauer-Visano, 1996), what Elijah Anderson (1994) calls an oppositional culture that reflects the code of the street with its craving for respect, power, bravado, and deference. As one 19-year-old male youth acknowledged in his interview with University of Toronto professors Scot Wortley and Julian Tanner (2004),

> I like the respect. I like the power. You walk into a place with your boys, and people notice you, ladies notice you. You got status, you can swagger. People know you aint no punk.

Desmond Ellis, a York University professor, suggests that black youth reject society's standards of success or status, preferring instead to adopt street values where status is based on respect, where disputes are settled directly and violently, and where the mildest "diss" can lead to confrontation (*The Globe and Mail,* 2 November 2002). In the absence of real job prospects (except flipping burgers), with little in the way of education, and where easy access to guns and drugs transforms every indiscretion into a confrontation, status and respect among their peers is all that matters (Slinger, 2005). Because making their mark is the only way they know how, few are willing to back down from a challenge for fear of being seen as a "punk" or as "weak," especially when group colours or personal honour are at stake (Wortley & Tanner, 2005). This assertiveness is given a menacing edge because of the growing presence of guns and drugs. Complicating the relationship is a fatalistic perception that life is cheap, even disposable—at least judging by the 52 handgun deaths in Toronto in 2005, most of which were gang-related. According to a 24-year-old Toronto male,

> If I thought I could get out and get a real job that pays good, I would. But I'm not some spoiled kid. . . . My mom don't have no money to send me to university. See, I got no chance.

So I do what I have to do. At least I have my pride. I can be brave and fight and make some real money . . . but really I've just kind of given up. (as cited in Wortley & Tanner, 2006)

In other words, the very masculinities that evoke deference and respect among peers often bring minority youth into conflict with the law.

Police occupational subcultures are also concerned with the virtues of toughness, assertiveness, and control (Desroches, 1998; Fitzgerald & Hough, 2002). Subcultural values are organized around a perception of police as the "thin blue line" between the civilized "us" and the hordes of "them." Core values within the occupational subculture include the following: deference to police authority and control, respect for the badge, a dislike of uncertainty or disorder, an endorsement of even extreme police tactics, a limited tolerance for deviance, a relatively rigid definition of right versus wrong, and a suspicion of those who criticize police authority (Ungerleider, 1995). To be in charge and in control at all times is pivotal for enforcing law and maintaining order (James & Warren, 1995). To no one's surprise, the police fiercely resent those segments of the community that defy police authority or resist arrest for any offence. Police overreaction is likely in situations that (1) challenge police conception of normalcy and order, (2) invoke disrespect for their status as legitimate authority, or (3) involve those who are perceived as deviant, dangerous, complaining, and discredited (James & Warren, 1995). Thus patterns of police abuse are often triggered by interactions that influence the manner in which everybody is policed, black or white.

Put bluntly, both police and minority youth display stereotypical perceptions of each other. However inaccurate and unrealistic they may be, these misconceptions do not make them less real in terms of their consequences. Perception *is* reality where interaction and communication are involved. Failure of police to go beyond stereotypes may take a toll by marginalizing minority youths' lives and life chances. The criminalization of minority street behaviour amplifies the labelling of youth as potential troublemakers, while the racialization of crime has the effect of perpetuating the criminal injustice cycle. Interactional patterns are further hampered by ineffective race-awareness training. Few police services have the resources—or the political will—to conduct anti-racist training for uprooting the racist and discriminatory aspects of police behaviour. What little training most officers receive has been conducted by poorly trained, sometimes unmotivated, officials. On some occasions diversity training is perceived as a punishment to discipline unruly officers. Much of the education has been geared toward cultural sensitivity rather than race relations. Rather than improving police–minority relations, such a focus may have the effect of reinforcing stereotyping by essentializing differences or rationalizing deviant behaviour (Kivel, 1996). Even in those contexts that foster dialogue and learning, the question remains: How do police transfer this knowledge to the street and apply it to crisis situations (Lopez, 2001)?

In short, police in Canada have come under pressure from different quarters. In urban police work under already stressful conditions, split-second decisions have to be made over matters of life and death in environments that rarely appreciate the pressures of contemporary policing. The combination of low police morale, high suicide rates, and increased attrition rates may reflect the costs of incorrectly reading the situation. Police appear to be alienated from both minority youth and minority communities, according to Clayton Ruby (2004), who writes of the problems that confront a predominantly white police service whose members live far from race-related gangland contexts:

Witnesses in these communities are reluctant to assist the police—because they rarely see the police except when officers drive around in their big cars, and because the communities feel too threatened to help.

Police are accused of losing the fight against crime because of outdated workplace styles. Allegations of harassment, brutality, double standards, intimidation, abuse, corruption, and racism have fuelled the fires of criticism of the police. Additional questions arise over police effectiveness and efficiency in a diverse and changing society. The concept of community-oriented policing may provide a solution to this legitimacy crisis by restoring public confidence in the thin blue line.

Critical Thinking Question
Explain how the tension in police–minority youth relations can be attributed in part to mutually disabling stereotypes and the corresponding breakdown in communication.

11.3   INSIGHT

COPS: Community Oriented Policing as Inclusivity Policing

The criminal justice system should be at the forefront of moves toward institutional inclusiveness. People's lives depend on it, and mistakes because of miscalculations are not always measured by inconvenience but in deadly consequences. For this reason, the slow and erratic nature of its response has proven cause for concern. Such an indictment is especially evident at the level of policing of minority communities. The police have been criticized for underpolicing (i.e., slow response rates), for overpolicing (i.e., excessive and unnecessary coverage), and for mispolicing (i.e., prejudicial and discriminatory enforcement) (CRRF, 2003; Holdaway, 1996). For example, compared to their proportion of the population, blacks are ten times more likely than whites to be shot at by the police (Wortley, 2005). Not surprisingly, according to the Manitoba Human Rights Commission, both black and Aboriginal youth accuse the police of racist and abusive treatment despite initiatives to repair the breach (Friesen, 2007). The consequences of this interactional breakdown have had the effect of racializing crime while criminalizing minorities (Henry & Tator, 2006). The breakdown also raises the question of whether policing in a multicultural society should treat everyone equally (i.e., in exactly the same way regardless of differences). Or, should differences be taken into account to ensure that people are treated as equals when necessary?

Varying reaction to the criminal justice system exposes a profound perceptual rift. Whites tend to accept the criminal justice system as a pillar of civilized society. Their children are taught that the police are their friends and protectors, with the result that white experiences with the law have proven generally satisfactory, even if occasional miscarriages of the law invite criticism or scorn. By contrast, minority experiences along all dimensions of the criminal justice system have proven distressful. The criminal justice system is particularly harsh on young black males, who tend to be disproportionately stopped, charged, and arrested (Neugebauer, 2000; Wortley, 2005) (see also case study in Chapter 2 on Racial Profiling). They are also more likely to be locked up, to be denied bail, and to receive unfavourable treatment in detention (*Report of the Commis-*

sion on Systemic Racism, 1995). Rather than a friend to be trusted, the police tend to be vilified as a menacing symbol of white power establishment over communities of colour. Not surprisingly, black parents must instruct their children on how to survive interactions with police; after all, without "police-proofing" even normal body language may be misinterpreted and prove deadly. As one black youth put it in articulating the damned-if-you, damned-if you-don't paradoxes of a lose-lose situation:

> Any normal reaction is taken as an over-reaction, any quietness of temperament is taken to be arrogance. You see a black person as being, for lack of a better term, "cool," under the circumstances, it's taken to be arrogance. So you can't win. You either say something and be termed violent or you say nothing and be termed arrogant. (as cited in Britton, 2000, p. 704)

Both internal and external pressures have exposed anomalies in police–minority relations (Cryderman et al., 1998). An increasingly fractious policing environment is evolving because of changing demographics, new legislation, racialized communities, minority activism, and public demands for accountability. Police–minority relations continue to reflect interactional patterns that lead to miscommunication at best and crisis and chaos at worst (Wortley & Tanner, 2004, 2007). Minority parents and community leaders contend that mispolicing is not an isolated case but reflects an institutional pattern of police harassment, brutality, or indifference. Police are accused of being preoccupied with the belief that minorities are predisposed to crime, yet underoccupied in their attention to ethnic communities when their services are needed (Kivel, 1996; Neugebauer, 2000). The police reject this assessment of their relationship with targeted minority communities. Racially motivated profiling may exist, they concede, but excesses reflect a small number of "rogue" officers rather than any institutionalized pattern. Besides, the police argue, the apprehension of minority youths is not a case of discriminatory policing, but a response to those spiralling street crimes that necessitate police attention. To the extent that police target minority youth, such profiling is based on behaviour rather than on race and reflects the growing menace of guns, gangs, and drugs. (See Chapter 2.)

Clearly, what we have here is a failure to communicate. Minority youth stake out their patch by challenging the legitimacy of the police as the public face of white establishment power. The police, in turn, encircle the wagons even more securely against what they perceive as unwarranted attacks by aggressive youths, community activists, an unsympathetic press, opportunistic politicians, a revolving-door court system, and the forces of political correctness. The cumulative effect of this miscommunication is worrying. The legitimacy of the police in certain multicultural communities is withdrawn, the community closes ranks, lawlessness flourishes, constables in cruisers disengage from meaningful involvement, and the estrangement spirals out of control. The fact that neither side can arrive at any mutual agreement because of these communication breakdowns magnifies the potential for confusion and confrontation.

Bridging the Gap: Community Policing

Police throughout Canada want to avert the decline of their credibility in multicultural communities. Recruitment of minority police officers is widely heralded as a first step in restoring community confidence in law enforcement. Proactive recruitment strategies

have been designed and implemented to secure a proportion of visible minority officers commensurate with their numbers in the local population. Outreach programs from organized leisure activities to neighbourhood watches involving police and community members have shown promise. Of those initiatives at the forefront of multicultural policing, however, few have achieved the profile or popularity of community policing (Cryderman, O'Toole, & Fleras, 1998). Broadly speaking, community policing represents a reaction to those limitations in conventional policing styles that historically isolated the police from community involvement (Bayley, 1994). More specifically, community policing is about redefining the nature of police work by constructing more responsive relationships between police and communities as partners in crime prevention (Jain et al., 2000; Nancoo, 2004).

Community policing differs in principle from conventional policing (Fleras, 1998). Emergence of professional crime-fighting models promoted a view of police as a highly trained and mechanized force for crime control and law enforcement. Police work could be described as incident-driven and complaint-reactive, and its effectiveness was measured by random car patrols, rapid response rates, and high conviction and clearance rates. Structurally, police were organized into a paramilitaristic model of bureaucracy involving a top-down chain of command and control. Rewards and promotions were allocated on the basis of the big catch or unswerving loyalty to the force. By contrast, community policing is about transforming the police from a "force" to a "service" by establishing a more meaningful partnership with the local community as part of a broader collaborative strategy in preventing crime through proactive efforts in problem solving. The partnership is reciprocal. The community is defined as an active participant in crime prevention rather than as a passive bystander. The police, in turn, discard their "crime-buster" image for proactive styles that embody a willingness to communicate and cooperate (see Shusta, 1995). Four principles define the ideal of community policing:

1. *Partnership*: A partnership is committed to the ideal of police working with the community to prevent crime. A working partnership rejects the view of the police as experts with exclusive credentials for crime control. In its place is an image of police as "facilitators" and "resource personnel" who cooperate by working alongside citizens.

2. *Problem solving*: Many have criticized the futility of much police work because of its preoccupation with repeated responses to recurrent incidents in the same area by a small number of repeat offenders. A strategy is proposed that diagnoses the underlying causes rather than just responding to symptoms. A problem-solving strategy seeks to (1) isolate and identify the underlying causes of recurrent problems, (2) evaluate alternative solutions, (3) respond by applying one or more solutions, (4) monitor the impact, and (5) redesign solutions if feedback is negative.

3. *Prevention/proactive*: Arguably, all policing is concerned with crime prevention. Whereas conventional policing endorsed law enforcement as the main deterrent to criminal offending, community policing endorses prevention through collaborative problem solving as the preferred alternative.

4. *Power-sharing*: A commitment to power-sharing with the community is essential to community policing. Without a sharing of power, community policing is simply tokenism or calculated expediency in offloading burdensome tasks to the community.

In short, this clash of visions—community as problem versus community as solution—makes it difficult to envisage two more opposing ways of policing. Community policing culture endorses the virtues of trust, familiarity, cooperation, and respect. The community is perceived as a "resource" with unlimited potential for dealing with local issues. Opposing this is the traditional approach of the police with its disdain for community involvement except as sources of information. The community is perceived as uninterested in social control work, indifferent and passive (waiting to be policed), incompetent to carry out even simple tasks, too disorganized to act in unison, and misinformed about the pressures and demands confronting the police. This proposal to transform the police from a professional crime-fighting force to a customer-driven and customized service that is community responsive, culturally sensitive, problem oriented, and "user-friendly" may sound good in theory, but what about the reality?

Barriers to Community Policing

The popularity of community policing has expanded to the point where a commitment to its principles adorns the mission statement at all policing levels in Canada (from the RCMP to provincial and regional police). However, good intentions notwithstanding, initiatives in community policing are fraught with perils and pitfalls. Not everyone is supportive of this shift in priorities from crime fighting and law enforcement to public service, collaboration, and peacekeeping. Principles clash with personal self-interest, structural barriers, entrenched interests, established values, and organizational inertia (Fleras, 1998). Expediency prevails: More police are being put back into cruisers as resources dwindle, demand increases, and priorities shift.

Resistance is to be expected: Community policing principles appear to be at loggerheads with conventional police work. Many perceive community policing as inconsistent with long-standing police practices, contrary to "real" police work, a threat to cherished values and images, an impediment to career enhancement, and an erosion of police powers and autonomy. Its endorsement by senior administration simply reinforces rank and file resentment over a management out of touch with reality and beholden to political rather than police interests (Gillmor, 1996). The warning signs are all too clear. Implementation of community policing will invariably challenge vested interests; it will also encounter resistance from bureaucratic structures and occupational subcultures (Chan, 1997).

People who work in a similar occupation may develop distinctive ways of perceiving and responding to their social environment (Chan, 1997). The grounds for a police occupational subculture are not difficult to uncover. Most police officers in Canada are male, white, able-bodied, French- or English-speaking, and of working-class origin. This homogeneity in gender, social class, ability, and ethnicity is reinforced by similar socialization pressures related to common training and peer group influence. Such inward solidarity not only reflects but also reinforces patterns of exclusion from minority communities. Perception of the public as ignorant and unsupportive of law enforcement activities is fostered as well. Suspicion of those outside the profession compounds the

tendency toward isolation, mutual distrust, and alienation. Police solidarity and estrangement from the community are further reinforced by the requirements of the job, including shift work and patterns of socialization outside the workplace (Desroches, 1998).

Equally detrimental is the pervasiveness of police bureaucracy. The police as an institution are organized around bureaucratic principles whose paramilitaristic overtones rarely coincide with community-based initiatives. Day-to-day activities are governed by a central command and control structure, with a ranked hierarchy, complex division of labour, impersonal enforcement of formal rules, carefully stipulated procedures, and the provision of a rationally based service. These bureaucracies exist to control a large number of persons (both internally and externally) without displaying favouritism or making any exceptions. This control function is attained through a combination of rational control procedures, standardization, conformity through rule following, and accountability to the organizational chain of command. The police may not deliberately set out to control, but the nature of their mandate as bureaucratic "functionaries" exerts a controlling effect when discharging their obligations.

The principles of bureaucracy and community policing appear to be diametrically opposed. The partnership ethos inherent in community policing clashes with the imperatives of bureaucratic control. Community policing emphasizes collaboration, creativity and thinking outside the box, joint problem solving, answerability to clients, and co-responsibility for crime control and order maintenance (Normandeau & Leighton, 1990). Bureaucracies, by contrast, are destined to be remote, isolated, and case-oriented; they are also bound by standardization, strict organizational procedures, and a stifling hierarchy. A fundamental reorientation is called for that de-bureaucratizes roles, status, functions, reward structures, operational styles, training programs, and objectives. But talking of change is one thing; doing it is another. How can creative problem-solving techniques flourish under organizational conditions that expect obedience and compliance while discouraging questioning, self-motivation, and innovation (Tomovich & Loree, 1989)? Can innovative—even possibly risky—solutions be reconciled with a managerial mindset based on "not rocking the boat" or "shut up and do as you're told"?

Despite problems and obstacles, the principles of community policing appear to offer the best multicultural option for doing what is workable, necessary, and fair (Shusta et al., 2002). However, community policing will succeed only as part of a broader inclusiveness package across all institutional levels. Police from top to bottom must become better acquainted with the multicultural community in terms of its varied needs, entitlements, demands, and expectations. Isolated strategies proposed by higher echelons will not work, according to the Canadian Association of Chiefs of Police, nor will simply adding another box to the organizational chart. The success and failure of community policing will also depend on its capacity to convince front-line officers of the vision of an "inclusive blue line." Community policing will miss its mark unless police are convinced of its credibility and effectiveness. Without a collective mindset shift toward acceptance of minorities as partners in pre-empting crime before it starts, the crisis in police–minority relations will persist. Nor will community policing make much of an impact until its goals are shown to be attainable, realistic, and rewarding. As long as individual officers believe that they have nothing to gain from community policing because rewards lie in "kick-ass policing," the prospect of commitment is remote.

Critical Thinking Question

What is it about the concept of community policing that makes it so popular yet also so disliked?

11.4   INSIGHT

News Media Framing of Racialized Minorities: Objective Truth or Eurocentric Propaganda?

Rulers and elites in democratic societies confront an age-old conundrum (Media Lens, 2003): how to ensure that those who govern isolate the governed from the levers of power without brazenly doing so. In democratic societies that eschew open brainwashing and an explicit police state, the uncritical acceptance of the status quo must be indirectly inculcated. With their capacity to define or dismiss, mainstream news media are critical to this indoctrination process. In some cases, the exercise of media power is blatant; in others, media power is sustained by an aura of impartiality, objectivity, and balance while establishing agendas in ways that bolster the prevailing distribution of power and privilege. As discourses in defence of dominant Eurocentric ideology, news media coverage of minorities is systemically biasing rather than a systematic bias. That is, news media don't go out of their way to deny or exclude; nevertheless, in applying equal standards to unequal contexts, they end up doing what they never intended. To the extent that coverage of minorities as troublesome constituents is relentlessly one-sided in its negativity, the salience of propaganda as an explanatory tool cannot be discounted.

Propaganda may be defined as a process of persuasion by which the few manipulate the many. Symbols are manipulated by vested interests in an organized manner to modify attitudes or reshape behaviour (Jowett & O'Donnell, 2000). To be sure, propaganda is not necessarily the evil opposite of truth (Ellul, 1965). All communication involves the manipulation of persuasion toward a particular point of view, resulting in the circulation of half-truths, incomplete truths, and truths out of context. In that propaganda inheres in all levels of communication, there is much to commend in the postmodernist stricture that, in a mind dependent world, there is no such thing as truth but only discourses about truth that reflect social location and power relations. The need to depoliticize propaganda makes it doubly important to heed Nancy Snow's (2007) admonition when citing Jacques Ellul: "The best way to study propaganda is to separate one's ethical judgements from the phenomenon itself. Propaganda thrives and exists for ethnical and non ethnical purposes."

A distinction between institutional and institutionalized propaganda is useful. Institutional (or systematic) propaganda involves a purposeful distortion of facts for the "spinning" of evidence to make a point (Warry, 2007). Institutional actors act on behalf of the institutions in reshaping how people will think and behave by regulating what they see or hear. In taking this perspective of coercive persuasion, institutional propaganda conjures up images of blatant brainwashing or crude displays of totalitarian censorship. Or, alternatively, institutional propaganda in democratic societies may reject flagrant forms of indoctrination preferring, instead, an air of openness, balance, and fairness to enhance credibility and effectiveness (Fleras & Kunz, 2001). For example, news media complic-

ity in supporting the Iraq War may be seen as institutional propaganda. In uncritically accepting government claims of a pending danger in the Middle East, news media in the UK and the U.S. may have colluded in legitimizing government actions and marginalizing dissent.

Opposed to institutional propaganda is the concept of institutionalized propaganda. Unlike its counterpart, institutionalized propaganda does not reflect personal motives, deliberate initiatives, or explicit commitments. Neither equivalent to deliberate lying nor something that is consciously inserted into the media, institutionalized propaganda reflects persuasion that is inherent, impersonal, and unconscious. Messages are wired ("structured") into the system without malice or deceit, are hidden by neutral rules or well-intentioned policies, and are absorbed by the public without much awareness of their complicity. Yet by virtue of which topics are addressed, and how, news media function in a manner that secures dominant interests and the prevailing status quo (Herman & Chomsky, 1988).

The model proposed by Herman and Chomsky (1988) constitutes an institutionalized propaganda. According to their political economy approach for analyzing news media performance, news media are instruments of power that mobilize consensus for advancing state and corporate interests (see Klaehn, 2002, for detailed analysis). In perpetuating an ideological hegemony, news filters are employed that exclude dissenting voices while ensuring the internalization of those norms that self-discipline the remaining voices. The fact that elite, agenda-setting news media are known to interlock with other corporate sectors not only compromises any claims to neutrality, but also reinforces their status as agents of thought control in establishing the ideological underpinnings of a corporate–state nexus.

In short, news is not really about news. It's about pre-existing packages of power by ruling elites who "orchestrate hegemony" around a preferred agenda (Green, 2007; Hier & Greenberg, 2002). By filtering out reality to ensure the priority of government and commercial interests, news media focus on manufacturing consent by generating compliance and marginalizing dissent. Neither free nor open, news media fix the premises of discourse by circumscribing the outer limits of acceptable debate while excluding the viability of alternative viewpoints. For example, news media outlets may differ in acknowledging the relevance of "more" or "less" government in a market economy; they never question the legitimacy of democratic governance with respect to the rules governing the relationship between the ruler and the ruled. This self-censorship process is accomplished through news filters that (a) suppress information at odds with powerful interests, (b) consolidate the status quo as normal and necessary, and (c) secure an elite bias and ruling-class interests (Herman, 2003a, 2003b). These structural filters are so powerfully embedded within the professionalized ideology underlying the newscasting process that alternative news options are not imaginable (Herman & Chomsky, 1988, p. 2). Even the emergence of the internet, which has lowered the cost of entry for previously excluded voices while blurring the distinction between broadcaster and audiences by way of generated content, is unlikely to dislodge the primacy of the propaganda model (Chomsky, 2007).

Clearly, then, the root causes underpinning a manufacturing of consent are structural (Herman, 2003b). As a "brainwashing under freedom" involving an Orwellian use of language, elite news media function as propaganda in consolidating the prevailing dis-

tribution of power and resources. To be sure, as acknowledged by Herman and Chomsky (2002; also Herman, 2003b), the propaganda model is neither infallible nor universally applicable as an explanatory framework. Rather, it offers a broad framework for analysis, a first approximation that may require modification or discard. Nor do the news media act in monolithic collusion when manufacturing consent. News media sources are known to disagree with each other, criticize powerful interests for actions inimical to the best interests of society, expose government corruption and corporate greed, and bray against measures to restrict free speech and other rights. Yet disagreements are more apparent than real (Herman & Chomsky, 1988), often reflecting dissensus within a shackled framework of assumptions that constitute an elite consensus (Herman, 2003b). In other words, the illusion of diversity is fostered, but the underlying corporate agenda remains largely untouched so that debates are limited to squabbles over details instead of interrogating the substance.

Toward a Systemic Propaganda Model

A systemic propaganda model is equally dismissive of intent or consciousness in manipulating persuasion. Biases qualify as systemic and controlling when institutional outcomes reflect the logical consequences of applying seemingly neutral rules that deny or exclude when evenly and equally applied. Adherence to a pro-white, Eurocentric agenda underpins the systemic propaganda model. Pro-white-centrism is conveyed not in the blatant sense of open white supremacy, but by privileging whiteness as the normative standard by which to evaluate and criticize. With Eurocentrism, the superiority and normalcy of conventional institutional practices are promulgated in sufficiently unmarked ways so as to escape detection. Reality is routinely and automatically framed from a "mediacentric" point of view as natural and necessary, while other perspectives are dismissed as interior or irrelevant (Shohat & Stam, 1994).

In refusing to take differences seriously because of this Eurocentrism, mainstream news media have proven diversity-aversive. Coverage continues to be distorted by the ethnocentric assumption that migrants and minorities are like "us" or want to be like "us" or must be like "us" if they hope to prosper. Or, diversity is marginalized by an unquestioned commitment to liberal universalism: There is much to commend in acknowledging that our commonalities as freewheeling and morally autonomous individuals should prevail over divisions because of membership in racially different groups. Difficulties arise, however, when differences really do make a difference in shaping experiences, identities, and opportunities. True, news media can easily address surface diversity when framed as a cultural tile in Canada's multicultural mosaic. However, news media lack the ideological resourcefulness to address the complexities and challenges of "deep differences."

Yet failure to take differences seriously exacts a controlling effect. This controlling effect is expressed by news frames that select and reinforce some aspect of reality by promoting a particular problem definition, diagnosis (or causal interpretation), judgment or moral evaluation, and solution (Entman, 1993). Not surprisingly, refracting deep diversities through a monocultural lens and imposing a singular and standardized ("one size fits all") lens on complex and diverse realities is controlling by virtue of conflating—and confusing—equality with sameness. In that a pretend pluralism endorsed by

mainstream media neither takes differences seriously (except as a problem to be solved) nor takes difference into account (except as a source of conflict and confrontation), this one-sidedness amounts to systemic propaganda. In that news media tend to focus on conflict as newsworthy or to frame issues around a conflict narrative, thus advancing institutional interests rather than the public good, news media are systemic propaganda. In that all newscasting defines consensus, order, and social stability as the norm while framing protest, rapid social change, and chaos as deviant and newsworthy, mainstream media are systemic propaganda. In that whiteness is routinely privileged as the tacitly assumed norm by which others are judged, the news media do systemic propaganda. In that minorities are invariably stereotyped as problem people who have problems or create problems at odds with Canada's national interests, the whiff of systemic propaganda is all too real. To be sure, no one is saying that news media are propaganda per se. Perhaps it's best to say that mainstream news media may be interpreted *as if* they were systemic propaganda if judged by what they do rather than by what they say they do.

A systemic bias prevails as well, both impersonal and unintentional yet no less invidious or invasive. Its unobtrusiveness makes it that much more difficult to detect, let alone to isolate and abolish. Unlike its systematic counterpart with its deliberate slant and explicit agenda (Soroka & Maioni, 2006), systemic bias involves the unpremeditated consequences of seemingly neutral institutional rules that can prove discriminatory when evenly and equally applied. Policy programs and institutional actions may prove systemically biasing if informed by well-intentioned yet ultimately flawed assumptions about what is normal, preferred, or acceptable (Shkilynk, 1985). As a "discrimination without prejudice," the defining feature of systemic bias is its perceived normalcy, that is, a "business as usual" framework that unwittingly denies or excludes—even if the controlling actors and institutional routines themselves are free of open prejudice because of their commitment to the seemingly progressive principle of "treating everyone the same around here." With systemic bias, in other words, discrimination is much more subtle and oblique, and reflects those institutional practices because of its insistence on applying uniform standards to unequal contexts, thereby freezing an unequal status quo.

In short, systemic bias differs from its systematic counterparts at critical junctures: one is impersonal, the other is deliberate; consequences prevail over intent; routine over random; normal rather than deviant; and structural rather than attitudinal. How, then, are news media systemically biasing? Put simply, news media engage in systemic bias because of a mediacentric inclination toward one-sided and one-size-fits-all coverage that is pro-white, conflict-driven, and diversity-aversive. Just as Eurocentrism reflects an unconscious tendency to interpret reality from a mainstream point of view as natural or superior, and to assume that others do so as well (or want to be), so does a mediacentric bias reflect an institutional tendency to privilege its way of framing reality as normal, necessary, and inevitable. For instance, newsworthiness embraces a media-centred bias toward the abnormal over the normal, the negative over the positive, deviance over normative, conflict over cooperation, the sensational over substance, and the episodic over the thematic. Furthermore, coverage that is systemically biasing arises when assigning priority to (a) blaming the victim over system blaming, (b) personalities over structure or context, (c) conflict over consensus or cooperation, (d) a racialized status quo over citizenship and justice, and (e) the episodic and human interest stories over the thematic and contextual.

Insofar as this mediacentric focus exerts a differential impact on vulnerable minorities, a systemic bias prevails. Consider how news media stereotypes are systemically biasing. While the absence of minorities from the news media is the most glaring stereotyping of all, when minority women and men make the news they are associated with conventional stereotypes of crime, sports, or entertainment (Gallagher, 2005). Media stereotyping of minority women and men is not necessarily a perceptual problem by prejudiced individuals. Rather, media stereotyping is intrinsic to the operational dynamic of an industry that must simplify information by tapping into a collective portfolio of popular and unconscious images. In the same way that people depend on stereotyping to simplify those aspects of everyday reality with which they have little direct contact, so too do news media rely on stereotypes for codifying reality and processing information. Limitations in time and space prevent complex interpretations of reality across the spectrum of human emotion, conflict, or contradiction. Moreover, stereotyping is critical in creating human interest stories, driving plot lines, demarcating boundaries and opposing factions, and developing characterization. While stereotyping is systemic to newscasting, its impact varies. Unlike the mainstream, vulnerable minorities lack positive media messages or powerful roles in society to offset or neutralize news media negativity.

Critical Thinking Question

It's been said that negative media coverage of minorities is not a case of systematic bias but consists of coverage that is systemically biasing. Explain what is meant by this distinction by reference to the concept of media as systemic propaganda.

11.5 INSIGHT

Ethnic Media: Bridging and Bonding

They respond to the needs of ethnic and racialized minorities; they provide a voice in advancing the welfare of the community; they challenge social injustices; they foster a sense of cultural pride; and they articulate the essence of their communities (Gonzales, 2001). The "they" refers to ethnic media whose collective objectives address the informational, integrative, and advocacy needs of those historically disadvantaged or diasporically situated.

Ethnic media consist of mostly small broadcasters, cable channels, newspapers, and magazines that target racial and ethnic minority audiences, including Aboriginal peoples, racialized women and men, and immigrants and refugees (also Lieberman, 2006). Many are "mom and pop" startups, published in basements on a weekly or intermittent basis in languages other than English (or French) and distributed free of charge. Other ethnic media tend to resemble mainstream media, that is, sophisticated in operation, content, and distribution and employing sufficient resources to publish on a daily basis for profit (Lin & Song, 2006). While some ethnic media are meant to be cross-cultural in the sense of generating intergroup dialogue, many cater to a single target group. There are those that speak to specific groups (e.g., Share, which targets the Caribbean and African communities), while others are directed at immigrants in general (e.g., New Canada). Some are printed in English, many in native ("foreign") languages, and others in both.

Internal variations prevail, with some ethnic media directed at the distinctive needs and concerns of immigrants, while others target native-born minorities and still others address different community demographics.

The centrality of ethnic news media in Canada is beyond dispute. Ethnic media have expanded significantly over the last decade, playing a much larger role in the lives of the fastest-growing ethnic groups (Chinese and South Asian Canadians) than traditional media measurements would indicate (Karim, 2006). Hundreds of ethnic newspapers publish on a daily, weekly, or monthly cycle, including some that are increasingly sophisticated in operation and quite capable of competing with the mainstream press. Estimates at present suggest there are up to 550 ethnic papers (a definitive tally is impossible due to the nature of these startups and dropouts) that cater to their audiences on a daily, weekly, monthly, quarterly, or biannual basis. Most papers are local or regional in scope, but a few are national, including the Chinese-language version of Canada's national newsmagazine *Maclean's*. In British Columbia, the Indo-Canadian *Punjabi Times* competes with three English-language weeklies and four Punjabi weeklies that address Indo-Canadian issues, while in southern Ontario there are seven Punjabi weeklies and a twice-monthly English-language newspaper targeted to the same audience. Their collective impact is immeasurable, argues Ben Viccari (2007), president of the Canadian Ethnic Journalists' and Writers' Club: "These media keep their readers and audiences informed about Canada as well as providing a vehicle for expression of freedom of thought that many editors and broadcasters never found in their country of origins."

No less significant are radio and television broadcasting. In contrast to the ethnic print media that are relatively free to come and go as they please, ethnic broadcasting is tightly micromanaged on the assumption that airwaves belong to the public and must serve public interests. The Canadian Radio-television and Telecommunications Commission (CRTC) drafted its first ethnic broadcasting policy in 1985, based on the multicultural premise of strengthening immigrants' sense of belonging through programming from within their community and in their own language (Whyte, 2006). Since the CRTC issued Canada's first licence for ethnic broadcasting to CHIN radio in 1966, the number of licensed ethnic radio and television services has grown dramatically. At present, licensed ethnic and third-language services consist of 5 over-the-air TV stations in the MTV cities (Montreal, Toronto, Vancouver), 18 ethnic radio stations that offer nearly 2000 hours of third-language programming each week, 10 specialty audio services that require special receivers, 5 analog specialty services, 11 launched category 2 digital specialty services, and 50 approved but not yet launched services (as cited in Lincoln, Tasse, & Cianciotta, 2005; also Cardozo, 2005). (Category 2 services are digital, pay, and specialty services that are not obligated to be carried by cable or satellite distributors; Kular, 2006.) OMNI 1 and OMNI 2 are world leaders in this field in producing in excess of 20 hours of original programming per week, including 60 percent that is non-French or non-English. Vision TV, a national broadcaster, also hosts about 30 programs on different religious faiths and practices. Inroads are also evident in the private sector, where multicultural issues since 1984 have been addressed by Toronto's City-TV station through two large blocks of non-English, non-French programming. Ethnic radio programming is present in most Canadian cities, ranging in scope from time slots at mainstream stations to ethnic radio stations in third languages. Foreign-based services are

available as well, either through specialty cable channels or satellite television, thus reinforcing how ethnic media quickly adapt to new communication technologies to secure access to often small and frequently scattered audiences (Karim, 2003). Finally, the emergence of the internet as a vital media option and communication tool for ethnic groups should not be underestimated (Solutions Research Group, 2006).

How do we account for the popularity of ethnic media? Ethnic media prevail for a variety of reasons, both *reactive* and *proactive* as well as *outward* and *inward*. On the *reactive* side, ethnic and racialized minorities resent their exclusion from the mainstream news media (deSouza & Williamson, 2006; Husband, 2005). Against this backdrop of negativity and the problematic, ethnic media *proactively* strive to celebrate minority successes, accomplishments, and aspirations. They operate in a counter-hegemonic manner by providing the missing social and cultural context for understanding the complex social realities that minorities must endure. By amplifying a sense of culture and community, ethnic media secure a haven from the stereotyping and distortions that abound in mainstream media. Ethnic media also constitute an information system about the homeland that is crucial for adaptation; after all, news from or about home taps into an immigrant's longing for content about the "there" as basis for fitting in "here" (Lin & Song, 2006). No less critical is their role in supplying specific information needs, including information about settling down, fitting in, and moving up (Whyte, 2006). Consider the potential benefits: Ethnic media may prove more accessible than mainstream outlets when publicizing free services or fundraising events; a range of information about upcoming events and visits from overseas dignitaries; in-depth stories about their communities; advice on how to book a vacation or find legal representation; or a window to catch up on the latest cricket matches or rugby scores. Of particular importance are information tip sheets for manoeuvring one's way through government bureaucracies and service agencies (Georgiou, 2002). In that people pay attention to media that pay attention to them, it is this dedication to community service that anchors the credibility of ethnic media (Husband, 2005).

Ethnic media also play both an *outward-* and *inward-looking* role. *Outwardly*, by supplying information of relevance and immediacy to the intended demographic, including how to navigate the labyrinth of a strange new world. Ethnic media provide communities with a voice to articulate their concerns with the wider public, while providing a counterweight to an increasingly corporate mainstream news media (Hsu, 2002). This building of bridges with the outside world reinforces and advances the social capital of minorities as both individuals and community members. *Inwardly*, as a marker of identity by reporting news of relevance to the community through a perspective and tone that resonates meaningfully with these audiences. Focusing on homeland news or events in the immigrant's native language strengthens identity, heritage, and culture, especially since mainstream media tend to ignore minority issues or unnecessarily problematize them. In offering an alternative view to mainstream media, ethnic media focus on issues related to social justice, institutional inclusion, and the removal of discriminatory barriers. By providing local news of direct and immediate relevance, ethnic media acquire the potential to mobilize residents to act on injustices and problems within the community (Lin & Song, 2006). Clearly, then, ethnic media play a critical role in community-building (bonding) and Canada-building (bridging), thus reinforcing their status as an important tile in Canada's media mosaic (Lincoln et al., 2005).

Critical Thinking Question

It's been said that mainstream news media are really white ethnic media when it comes to coverage of issues. How would you respond to this claim, based on the logic that underlies ethnic media in general?

11.6   INSIGHT

News Media Coverage of Massed Asylum Seekers: *Plus ça change, plus c'est la même chose*

The sight of a rusting ship berthed at Victoria, British Columbia's Ogden Point in October 2009 with 76 migrants and asylum seekers on board brought back memories of a similar incident a decade ago. In the summer of 1999, four boats carrying 599 migrants and asylum seekers from the Fujian province in China arrived on the shores of British Columbia, with the first boat arriving on July 20, the second on August 11, the third on August 31, and the fourth on September 8. Most of the migrants arrived without proper identification, claiming instead to be refugees on grounds of political and religious persecution. The majority of migrants from the first boat were released after a series of interviews with a promise to appear at their refugee hearing dates. Migrants from the other boats were not so fortunate. They were taken into custody, housed in Canadian Forces barracks, and detained to await the processing of their refugee claims. In addition, nine Korean crew members from the second boat were charged with smuggling but eventually acquitted, while three Chinese crew members from another ship were subsequently sentenced to four years in prison. No high-level smugglers were ever convicted (*The Province*, 18 October 2009). In the end, about 35 asylum seekers from boats 2 to 4 were allowed to stay in Canada, 330 were deported back to China, and the rest simply disappeared—presumably to seek their fortunes in the United States.

The arrival of consecutive boats of Chinese asylum seekers ignited media hyping that induced a near public panic (Cohen, 1973; Hier & Greenberg, 2002). Massive coverage of the "crisis" on television and in local and national newspapers was understandable (Greenberg, 2000); after all, news decisions had to be made under conditions of great uncertainty with regards to what had happened, how things would unfold, and the magnitude of the crisis (see also Olsson, 2009). Media coverage initially focused on the health of the migrants, which was generally good despite the ordeal they had endured. Media coverage portrayed the migrants from the first boat as victims of international smuggling rings rather than as active agents in the asylum-seeking process.

However, coverage quickly shifted from caution to stridency with the awareness that additional boats had illegally evaded federal border authorities. A victim-oriented perspective rapidly faded as news media coverage increasingly veered toward the exclusionary, accusatory, and racist (albeit in coded or through implicit assumptions). Events were framed around the generic "bad news" themes of public disorder and conflict, transgression of norms and values, and confrontation (Greenberg, 2000). Issues pertaining to sovereignty and security drew considerable attention, as did the need to combat smuggling and trafficking, tighten Canada's lax refugee laws, and secure its unprotected borders. Migrants, in turn, were reframed as active agents in the process, then racialized

and dehumanized accordingly as the "other," that is, as illegal, aliens, criminals, dishonest queue jumpers or gatecrashers, threats to health and safety, and a financial drain on existing social and welfare services. A media-hyped hysteria over security threats to Canada's porous borders by "invading aliens" or so-called "illegal migrants" fuelled a panic that resounded with references to floods, waves, deluges, "inv-Asians," and boatloads (Vukov, 2003), as demonstrated below:

> No Name Ship Found Crammed with Asians (*The Globe and Mail*, 21 July 1999)

> Illegal Human Cargo Believed on Ship Heading to BC (*The Globe and Mail*, 11 August 1999)

> Ship Dumps Human Cargo (*The Globe and Mail*, 12 August 1999)

> A Crate of China Dolls Arrives in the West (*The Globe and Mail*, 7 August 1999)

> A new shipful of migrants will tax the already thinly stretched resources of federal agencies (*Times Colonist*, 13 August 1999)

> Police Hunt for Fugitive Migrants (*Times Colonist*, 26 August 1999)

In short, over a period of two months, Canadian news media helped to construct a crisis that contested Canada's immigration and refugee determination system (Hier & Greenberg, 2002). The fear-mongering conveyed by news coverage of the 1999 Fujian Chinese landings in British Columbia proved a catalyst for more restrictive controls. Tamara Vukov (2003, p. 346) of Concordia University explains:

> The media framing of the Chinese migrants as "human cargo" signaled the inauguration of a Canadian public discourse on migrant trafficking that is now being governmentalized in highly repressive ways. . . . Media myths such as the trope of "human cargo" act as culturally resonant sites of conflicting values and social tensions, as well as focal points of popular and political affect. In the news media such myths further work through the processes of inflation and amplification, focusing on a single case and intensifying it until it takes on a representative or realist status . . .

Perhaps it was no coincidence that passage of the 2002 *Immigration and Refugee Protection Act* focused more on protecting Canada from unwanted migrants and human smugglers than on securing protection for those more vulnerable than us.

In October 2009, a dilapidated freighter with 76 Tamil asylum seekers aboard was intercepted in Canadian waters and anchored in Vancouver harbour. All 76 were taken into custody for processing to determine their eligibility for refugee status due to danger, displacement, or persecution in Sri Lanka. Virtually all of the claimants were detained indefinitely by federal authorities in correctional facilities (jail) on grounds that, without proof of identification, it would be a daunting task to figure out who were legitimate refugees and who were terrorists to be barred from entry into Canada. (It should be noted that Canada accepts about 93 percent of all Sri Lankans who file refugee claims; Canada is also home to more than 300 000 Sri Lankan Tamils, mostly in Toronto.) The government also appeared reluctant to release the men on their own recognizance, seemingly out of spite to punish them for daring to abuse entry protocols by paying human

smugglers up to $45 000 for back-door entry into Canada. Or, as Immigration Minister Jason Kenny put it in taking a tough stand on the issue:

> We don't want to develop a reputation of having a two-tier immigration system—one tier for legal law abiding immigrants who patiently wait to come into the country, and a second tier who seek to come through the back door, typically through the asylum system. . . . We need to do a much better job of shutting the back door of immigration for those who seek to abuse that asylum system.

As well, fears were circulated that more vessels carrying Liberation Tigers of Tamil Eelam (LTTE) gun-running and human trafficking agents could be headed for Canada as part of a larger network of boats for fanning out Tamil asylum seekers to other countries.

Despite significant differences between the events of 1999 and those of 2009 (most notably, four ships versus one ship), few changes in news media coverage could be detected (see also Suro, 2008). Headlines and headers were scanned for a six-week period from both *The Globe and Mail* and the *National Post*, in addition to three B.C. papers, *The Province*, the *Vancouver Sun*, and the Victoria *Times Colonist*. (It should be noted that the *National Post* and the B.C. dailies are owned by Canwest, with the result that the same story, albeit sometimes with different headlines and headers, appeared in all four papers.) The results proved unsurprising: *The Globe and Mail* carried 10 items, 7 of which were negative, 2 neutral, and 1 positive; the *National Post* had 5 stories, 4 of them negative; and the B.C. papers had a total of 17 stories, with 8 negative, 8 neutral, and 1 positive. The total for all papers was 32 items, including 19 negative, 11 neutral, and 2 positive. As before, the language that informed the headlines resonated with the menace of negativity or problems.

> Latest migrant ship recalls waves of "refugees" in 1999 (*The Province*, 18 October 2009)

> Canada now part of the global smuggling pipeline (*The Globe and Mail*, 20 October 2009)

> Deported Toronto gang member found aboard migrant smuggling ship (*Vancouver Sun*, 10 November 2009)

> Minister determined to fight "human smuggling" (*Vancouver Sun*, 21 October 2009)

> Sri Lankan migrant wanted for smuggling (*Times Colonist*, 27 October 2009)

As in 1999, a key discursive trope focused on the issue of smuggling. However, a post- 9/11 narrative was no less apparent, with increased reference to the threat of terrorism because of alleged migrant ties to the banned terrorist group LTTE. This was hardly surprising, since news coverage of the Tamil community is routinely couched in terrorist narratives—from organizations that are fronts to fundraising campaigns for supporting homeland terrorism (Henry & Tator, 2002, p. 123)—in the process legitimizing national security discourses while naturalizing state intervention. No less noticeable were repeated references to the large sums of money that were paid to the smugglers, thus undermining the legitimacy of the refugee claimants.

> Ship of Tamils stirs fears of hidden Tigers (*The Globe and Mail*, 22 October 2009)

> Cargo ship passengers wanted in Sri Lanka for terrorism (*National Post*, 23 October 2009)

Expert claims migrants are Tamil Tigers (*The Globe and Mail*, 11 November 2009)

Still, the headlines appeared to be more muted than in the past. For example, references to *illegal migrants* never appeared in a headline, although some of the stories did make this reference (Seeking a safe haven, finding a closed door, *The Globe and Mail*, 20 October 2009; Minister determined to fight "human smuggling," *Vancouver Sun*, 21 October 2009). The pejorative expression "boat people" was also excluded. Nevertheless, questions abound. Why such massive and negative coverage over a relatively small number of migrants when between 30 000 and 40 000 asylum seekers arrive quietly and unobtrusively in Canada each year at ports, land crossings, and airports? Is it something about the "massed spectacle" of ocean-going freighters that sensationalizes coverage, in the process transforming negative stereotypes and discourses into a sharpened sense of moral panic and state of crisis (Hier & Greenberg, 2002)? Is media coverage of government stonewalling intended as a message to the world that Canada is no longer a patsy that can be pushed around with impunity because its openness and generosity are mistaken for weaknesses? Several lessons can be gleaned:

• First, the power of the media. News media can control public discourses by tapping into collective anxieties (e.g., too many Chinese in Canada, lax refugee controls) through language that seeks to influence what audiences think about, and how, in terms of defining the problem and corresponding strategies for resolution (Entman, 1993; Hier & Greenberg, 2002). Of course, news media have become adept at rewording racist imagery and racialized assumptions in carefully articulated ways that deny any racism intent or even overt racial descriptions, evaluations, and prescriptions (Spoonley & Butcher, 2009).

• Second, both Canadians and Canada's mainstream news media possess deeply conflicted attitudes toward refugees, according to Francois Crepeau, a professor of international law at McGill University (as cited in Scott, 2009; also O'Doherty & Augostinos, 2008). Good refugees are those that Canada chooses because they are the kind of newcomers Canadians want or can identify with. Or, good refugees include those who escaped evil communist regimes for the friendly confines of Canada, including Hungarians in 1956 or Vietnamese in 1979. Or, as Harald Bauder (2008) explains, they are the deserving other, worthy of Canada's compassion and rewarded accordingly, namely through refugee status and permanent residency. By contrast, there are bad refugees who began to arrive unannounced in the 1980s. They were framed as queue jumpers who abused both Canada's generosity and Canada's refugee system, who rarely possessed the values or skills commensurate with a modern Canadian society, and who came from societies plagued by poverty and violence. In representing them as racialized, illegal, and non-belonging, the news media legitimated their rejection while reaffirming a white-centric Canadian identity (also Bauder, 2008).

• Third, despite some improvement in the tone of coverage, there is little to suggest any transformative change in the news norms pertaining to the prevailing news paradigm. As Roberto Suro (2008) points out in a different context, news media's approach to immigration and immigrants can be defined as a continuity in change, in some cases exaggerating long-standing tendencies to the point of extremes. For example, a journal-

ist's continuing reliance on official sources of information (from police to bureaucrats) ensures that nothing positive is ever said about the Tamil community in Canada (Henry & Tator, 2002). References to Tamil asylum seekers seem to imply that Canada's entire Tamil community is negatively tainted by association with the terrorism agenda of a few. In the end, Tamils are otherized as the outsiders within.

In short, comparable reactions to disparate asylum-seeking spectacles ten years apart reinforce a hoary cliché: When it comes to news media coverage of immigrants and refugees, the more things change, the more they stay the same.

Critical Thinking Question

Comparable news media reactions to disparate asylum-seeking spectacles ten years apart reinforce a hoary cliché: When it comes to news media coverage of immigrants and refugees, the more things change, the more they stay the same. Explain.

11.7 CASE STUDY

Schooling as Empowerment: Islamic Schools

Islamic schools are testing the boundaries of multicultural education in Canada (Memon, 2010; Seljak, 2005; Zine, 2008). In that the tenets of Islam may prove incompatible with the secular liberalism of Canada's education system, this disconnect exposes a multicultural conundrum. How can Islamic beliefs be incorporated into the school system without eroding its core mission? How valid is a commitment to the multiculturalism in multicultural education if Islamic beliefs and practices are rejected? Does the creation of separate Islamic schools advance or detract from the integration of Muslim Canadian youth into Canadian society (see also Pipes, 2005; Tolson, 2005)?

To accommodate the religious practices and beliefs of Muslim students, some schools in Toronto have already made a number of adjustments. These include an acknowledgment that (1) students must dress modestly and cover their heads; (2) depictions of human and animal figures are inappropriate; (3) special dietary restrictions must be observed; (4) the playing of stringed instruments is prohibited; and (5) boys and girls should not be in close contact, even on group projects (Scrivener, 2001). Yet problems arise when moves toward inclusiveness clash with the stricter Islamic tenets. Equity policies on sexual orientation have proven a flashpoint for Muslim parents. Such inclusiveness is perceived not only as encouraging a gay lifestyle at odds with their beliefs, but also as privileging secularity as the normative standard, in the process minoritizing Muslim students as the "other" (Seljak, 2005). For Muslim parents, the politics of inclusiveness is proving double edged. The school system is *not inclusive* enough to take their differences seriously. At the same time, it is proving *too inclusive* by accommodating practices that contravene their beliefs. Islamic schools reflect one way of circumventing this awkward situation. Nevertheless, there is evidence that, in contrast to the more insular and inward-looking focus of schools prior to 9/11, there has been a distinct shift in discourse with a more forthright emphasis on civic participation—if only to correct the public image of Islam through active outreach (Memon, 2010).

According to Memon (2010), there are currently 37 Islamic schools in Ontario (mostly in Toronto), including Islamic Society of North America (ISNA) Elementary School, which in 1982 became the first organized Islamic elementary school in Canada and possibly North America (Rushowy, 2007). Waiting lists continue to swell even though these schools tend to be short of equipment, staffed by underpaid and sometimes uncertified teachers, and supported by annual fees and volunteer help rather than government funding. For example, ISNA Elementary School charges a monthly tuition of $350 per student, but discounted rates for each additional sibling (Rushowy, 2007). As with all independent schools (in 2001, Ontario boasted about 725 independent schools, the vast majority of which are Christian-based), each school must register with the Ministry of Education, but unless they confer high school diplomas, independent schools are exempt from regulation or inspection. Teaching certificates are not required by law, although the more established schools may require them as a matter of policy (Scrivener, 2001).

The popularity of Islamic schools is unquestioned: By serving as bridging and bonding tools, these schools empower pupils by improving their social capital (see Tolson, 2005). Students are taught the full Ontario curriculum in ISNA Elementary School, including evolutionary theory in science classes, as well as Islamic studies, Arabic, and Qur'an studies (Rushowy, 2007). The popularity of these schools also arises from a belief that they provide a "cocoon" of safety for Muslim pupils. In providing both containment and protection within the context of an Islamic environment, the cocooning serves a dual purpose (Meadows/Bridgeview, 2005). First, Muslim students are insulated from a public school system that is widely perceived as excessively secular and undisciplined. Second, by providing a cultural and religious sensitivity not available elsewhere, Islamic schools emphasize a God- and prayer-centred curriculum focused on an interplay of religion, morality, discipline, and Muslim family values.

Public reaction to these schools is mixed. For some, Islamic schools represent multiculturalism in action. They can play a critical role in fostering a new Muslim identity, one that combines being a good Muslim and a good citizen in a multicultural society (Tolson, 2005). By preparing Muslim youth for their future roles as responsible citizens, the schools encourage success in mainstream society without compromising their values (Meadows/Bridgeview, 2005). For others, these schools are contrary to the principles of multiculturalism, thus reinforcing how contemporary arguments over multiculturalism are largely driven by concerns and criticism over Islam (see Jakubowicz, 2005). The point of an official multiculturalism is not to isolate communities but to encourage sharing, exchange, and interaction.

Both reactions may be right, but for different reasons. As David Seljak (2005) points out (basing his conclusions on groundbreaking work by Jasmin Zine), these schools operate not only as bonding devices that protect Muslim students from the dominant society, but also as bridging devices that enable students to negotiate their relationship with a secular Canadian society. To the extent that Islamic schools exemplify a pattern of inclusiveness in which students become more Canadian without losing their Islamic identity and solidarity, they constitute multiculturalism in practice. To the extent that these schools may represent a new kind of belonging together by staying apart ("I will become a Canadian through my Islam"), they may inspire a new approach to multicul-

turalism, one that takes religious differences seriously as a basis for learning together differently.

Critical Thinking Question
Are Islamic schools an embodiment or a rejection of multicultural principles in general and the principles of Canada's official multiculturalism? Explain.

CHAPTER 12: THIS ADVENTURE CALLED CANADA-BUILDING

12.1   INSIGHT

Contesting Human Rights

Of the many changes that have affected Canada's social landscape, few have resonated so triumphantly as the emergence of a human rights agenda. At one time, the concept of human rights was considered irrelevant to all humanity except for a few white elites. But times have changed, and in lieu of a narrow-minded Eurocentricity, an expanded package of human rights has attracted attention as a discursive framework for defining what is right and acceptable. To be sure, a commitment to the principle and practice of human rights continues to reflect an ideal rather than reality. Sixty years of good intentions and international criticism of violators have not eliminated human rights abuses: the slaughter in Sudan, violent repression in Zimbabwe, Burma's military crackdown of dissidents, torture or ill treatment in 81 countries, unfair trials in 54 countries, and curtailment of freedom of speech in 77 countries (Ward, 2008). Canada is not without blemish, according to Amnesty International, primarily because of its troublesome relations with Canada's Aboriginal peoples (as cited in Ward, 2008). Put bluntly, then, universal human rights may exist in theory as an international norm, but they have yet to be practised or enforced. As David Rieff (2002, p. 70) writes, "The twentieth century may have had the best norms, but it also had the worst realities." Nevertheless, the privileging and internationalization of human rights as the minimum benchmark for all to follow speaks volumes about the distance travelled since then (Rights & Democracy, 2006).

The Universal Declaration of Human Rights in 1948 established the principle of civil, political, economic, and cultural rights of all individuals. In the hopes of creating a global safety net applicable to everyone regardless of race, ethnicity, origins, or creed, the Declaration recognized both inherent dignity and equal worth as the birthright of all humans (Blau, 2007). Different dimensions of rights and freedoms eventually came into play, including *freedoms to (right to life)*, *freedom of (speech)*, and *freedom from (fear and want)*. Also included in this package were legal rights, political rights, economic rights, and rights of national minorities to self-determination (Beitz, 2001). Conceptual shifts took place as well: No longer were human rights defined as a magnanimous gesture bestowed by benevolent authorities. To the contrary, these rights and freedoms were inextricably linked with the inescapable fact of human existence from which no one could be exempted or denied (Tharoor, 1999/2000). Or, in the words of Romeo Dallaire, as cited in the *Report of the Task Force on Human Rights*, "All humans are human. There are no humans more human than others. That's it."

The inception and acceptance of human rights discourses have proven revolutionary in impact and implications. References to human rights have catapulted to the forefront of national and international affairs, even to the point where they now may supersede

once-sacrosanct claims such as the inviolability of state sovereignty. Political systems and the global order are increasingly informed by the once-unthinkable principle of broadly shared human rights: that is, each person has the right to belong, to participate, to be recognized, to speak, and to be heard (Forsythe, 2006; Ignatieff, 2001a). The doctrine of human rights has also emerged as a moral touchstone that secures a standard of assessment, criticism, and reform when evaluating prevailing laws, institutions, and practices as they relate to individuals and groups (Beitz, 2001). It also secures a tool of empowerment for the disadvantaged and marginalized (Law Commission, 2006). In light of the stakes at risk, the domain of human rights has evolved into a contested site involving a struggle between opposing perspectives and powerful ideas, as conveyed by this excerpt:

> But let there be no mistake: the fight is essentially one between powerful ideas, the kind that shake the pillars of history. It is a deadly earnest conflict between an imagined world in which each person is free to pursue his or her individual potential and one in which persons must derive their identities and meanings exclusively in accordance with immutable factors: genetics, territory, and culture. (Franck, 2001, p. 204)

However, what seemed like a relatively straightforward agenda at mid-century has proven more complex and contested (Sjoberg, Gill, & Williams, 2001). The first human rights codes were aimed at redressing specific instances of open and deliberate discrimination. Current human rights codes tend to be more diffuse and expansive by focusing on discrimination that is systemic and institutionalized rather than prejudicial and personal. Human rights abuses no longer have to be motivated by blatant hatred, but may reflect the consequences of even well-intentioned institutional rules that, when evenly and equally applied to everyone, may inflict a disadvantaging impact on vulnerable minorities. Human rights are no longer framed exclusively in terms of what is done to deny or exclude, but in terms of what is *not* done to improve the quality of life and living conditions of those marginalized and oppressed. In other words, the principle of equal outcomes is just as important as abstract appeals to equal opportunity (see Chapter 5). Finally, human rights discourses are moving from an exclusive focus on individual rights to a greater emphasis on minority rights, including the legitimacy of indigenous peoples' collective (group) rights (Maaka & Fleras, 2008).

Three competing issues drive current debates: (1) human rights versus state rights, (2) individual rights versus collective rights, and (3) universality versus cultural specificity of human rights. Consider the *first* conflict, namely, the relationship between human rights and the sovereign rights of states. To the extent that human rights even existed in the past, they were regarded as the exclusive concern of the nation-states that alone (with a few exceptions) exercised absolute and supreme authority (Forsythe, 2006). With the internationalization of human rights, however, state sovereignty is no longer immune from outside intervention. The United Nations can undertake armed intervention to secure human rights when gross violations occur, even in direct contravention of the foundational principle of national sovereignty that historically had underpinned international relations (Todorov, 2001). States not only lose their exemption from international non-intervention when trampling on the human rights of citizens, but territorially based minorities may declare independence and secede in the face of protracted and gross violations of their human rights. The UN bombing of Serbia in 1999 to avert a genocide in

the province of Kosovo, followed by Kosovo's unilateral declaration of independence in early 2008, demonstrates how the primacy of human rights trumps the principle of state sovereignty.

Second, what is the nature of individual rights versus collective rights, how do they relate to each other, and what is their relationship to the broader picture (Mendes & Lalonde-Roussy, 2003)? On one side are those human rights discourses that focus primarily on protecting individual rights and then define the nature of this relationship to the group. This commitment to individualism is anchored in the liberal foundational principle that what we have in common as individuals is more important than differences because of membership in a group—at least for purposes of recognition, relations, or reward. To the extent that collective minority rights exist, they are better seen as derivatives of the equality rights of an individual (LaSelva, 2004). On the other side are those discourses that emphasize collective well-being as the first priority and then formulate individual rights accordingly. Individual rights are situated within the broader context of group membership in advancing a cooperative social order. The concept of human rights remains rooted in the belief that human dignity is critical to a civilized society; however, emphasis is on advancing human dignity by way of collective welfare and social harmony rather than by privileging individual rights (Mendes, 2003; also Franck, 2001). Insofar as societies become unsustainable once the individual ceases to be subordinate to the group, the collective must supersede the individual whose identity, experiences, and well-being are derived from membership and responsibilities to the community. As this quote from an African writer clearly reveals, "I am because we are, and because we are, therefore, I am" (as cited in Tharoor, 1999/2000, p. 1).

To be sure, the distinction may be overdrawn. Most liberal-individualistic societies have proven to be more collective-oriented than they would like to admit. For example, Canada recognizes the collective rights of Aboriginal peoples and the Québécois to ensure their survival. However, it does not extend the same recognition to immigrant Canadians, whose rights are individualized as members of a historically disadvantaged group. Conversely, most collectivist orientations accommodate some degree of individualism, albeit within the broader context; that is, individualism is encouraged but any accomplishment must advance collective interests rather than reflect personal gain. And, in light of post-9/11 security concerns, Canada, like many other countries, has struggled with balancing the expansion of collective rights to safety with restrictions on individual rights because of suspected terrorism.

Third, debates persist over human rights as universal and cross-nationally applicable or relative to a particular time and place (Teeple, 2004). Can a truly universal package of human rights be created, or will it always reflect the interests of those most powerful (Ibhawoh, 2000)? Michael Ignatieff (2001b, p. 102) writes of the dilemma at hand:

> Human rights doctrine is now so powerful, but also so unthinkably imperialist in its claim to universality, that it has exposed itself to serious intellectual attack. These challenges have raised important questions about whether human rights norms deserve the authority they have acquired; whether their claims to universality are justified or whether they are just another cunning exercise in Western moral imperialism.

For some, the concept of universal human rights is dismissed as a threat to culture, in part by providing an excuse to ignore the duties and responsibilities implicit within cus-

tomary practices. For others, custom is viewed as a threat to the universality of human rights (Law Commission, 2006). Some argue for the universality of human rights insofar as they brook no cultural exception in transcending the specifics of any particular society. Thus, torture and inhumane practices can never be justified or excused by reference to religion or culture. Others deny the universality of human rights; after all, all states have a sovereign right to self-define what is right rather than have a Western agenda imposed on them. Not surprisingly, the existing human rights agenda is criticized as little more than American hegemony of the rich and powerful instead of something universal, culture-free, and race-neutral—an extension of carefully disguised Western values, particularly those of individualism—with the result that the universalizing language of human rights may prove a hegemonic exercise for control and co-optation. In other words, uniformity should not be confused with universalism, nor should American exceptionalism pose as global universalism. It remains to be seen if a truly universal package of human rights can be constructed that transcends the specifics of any society while embracing the universality of all humankind. The challenge will be formidable, as Errol Mendes (2003, p. 11) writes in proposing the notion of "particularizing the universal":

> . . . the core of this conception of global justice is a universal conception of human dignity that requires equal concern and respect from our multiple global identities as citizens of the planet and as citizens of national societies.

Critical Thinking Question

By looking at the major debates over the human rights agenda, indicate how the human rights revolution has transformed how people think of humans and their relationship to society.

12.2   DEBATE

Funding Faith- and Ethnicity-based Schools: Taking Religion Seriously as a Twenty-First-Century Challenge

The post-9/11 epoch has confirmed what many had suspected: Whether of a transcendental nature or corrupted for economic and political purpose, religion is now poised as a formidable dynamic in the public domain (Stein et al., 2007). Admittedly, many had predicted the demise of religion because of advances in science and reason; after all, was religion not conflated with ignorance and superstition or a reactionary sop to poverty and oppression? However, rather than retreating or disappearing, religion remains a powerful and pivotal force in human affairs (*Economist*, 3 November, 2007). Religion is rapidly replacing ideology as a meaning system, with more people increasingly craving stability and order in an increasingly unpredictable world. The pace of globalization continues to disrupt local cultures, thus reinforcing a return to religious identity as a bastion of personal identity and source of group solidarity in times of uncertainty, change, and diversity (Bibby, 2002). With integration into Canada proving more difficult than many imagined, immigrants and minority communities will increasingly rely on religion to recapture a sense of rootedness, belonging, and attachment (Biles, Tolley, & Ibrahim,

2005). Not surprisingly, pressure is mounting to rethink the governance of religious diversity in multiculturally secular societies (Cahill, Bouma, Dellal, & Leahy, 2006).

To say that religion has regained its political prominence is most notable when intersecting with ethnicity (Ruane & Todd, 2010). From religion-inspired ethnic conflicts to ethnonational movements that capitalize on religion for mobilization and solidarity, the combination of religion and ethnicity can intensify patterns of community identity, group formation, and intergroup violence. Religion and ethnicity as dimensions of diversity have much in common (Bramadat & Seljak, 2005). Both provide followers with a sense of meaning and identity, even if critics tend to dismiss them as relics from the past. Each has a moral capacity to empower and enlighten those who subscribe to its principles, yet an equally irrational power to disrupt and destroy those who do not or will not. They also are often ignored for public policy purposes on grounds of maintaining a separation from the state, especially as religion-based ethnicities are perceived as being incompatible with the principles of a secular and multicultural Canada (Bramadat, 2007; Seljak, 2005). Following widespread predictions of their demise—the proverbial withering on the vine under the bright light of rational progress—each has staged a remarkable comeback from the brink, even if many believe these dynamics are thought best kept under wraps rather than in the forefront of defining, negotiating, and shaping public life, agendas, and outcomes.

A sense of perspective is handy: With the possible exception of evangelical Christians, mainstream religions are waning in popularity. According to Statistics Canada, more than half of the 15 to 29 age cohort neither have a religious affiliation nor have attended a service of worship (Valpy, 2010). Only 22 percent say that religion is important to them, down from 34 percent in 2002, while many dismiss organized religion as illogical and out of touch with reality. Weekly church attendance continues to plummet, dropping from 67 percent of the population in 1946 to 20 percent in 2001. (Monthly and yearly attendances are not nearly as drastic.) Yet appearances may be deceiving (Bibby, 2002, 2011). Canadians may be less inclined toward formal institutional involvement; nevertheless, many continue to embrace a sense of religiosity at private and personal levels. By contrast, non-Christian faith communities remain an area of strong growth in Canada, thanks to the stream of devout immigrants (Valpy, 2010), as the following table demonstrates:

Ethnic Religions in Canada, 2001 and 2017

	2001	2017 (est.)
Muslims	579 645	1.4 million
Jews	329 995	375 000
Buddhists	300 345	400 000
Hindus	297 200	600 000
Sikhs	278 415	500 000

Judging by these projections, neither religiosity nor faith commitments from extremism to orthodoxy are likely to drift into oblivion. Instead, the realities of religion and religious diversity are contesting the politics of diversity along ethnic and racial lines (Bramadat & Seljak, 2005, 2008; DeSouza, 2007; Kunz & Sykes, 2007; Kymlicka, 2010). Debates increasingly focus on the relational status of religion in those secular states with a principled aversion to religiosity as grounds for governance (Bhargava, 2010). According to the doctrine of separating church and religion from state, a secular

state (one that maintains strict neutrality in the public domain by rejecting any official religion) does not normally interfere in religious matters. Rather, its powers are used to circumscribe public expressions of religion, thus protecting everyone's constitutional right to freedom of religion. In turn, as part of the social contract, organized religion does not meddle in state functions. Religiosity is restricted to the personal and the private, thereby negating potentially messy displays of religion in the public domain. The exclusion of religion from the public domain because of the private–public divide is thought to reinforce the so-called neutrality of the secular state.

Who Should Pay: The Dilemma in Ontario

The politics of secular–religion relations dominated the 2007 Ontario provincial elections, in the process generating more heat than light because of hidden agendas and competing interests. The core question was simple enough, although arguably the controversy went deeper without actually saying so: How should Ontario relate to the public funding of faith- and ethnicity-based private schools? Should Ontario extend public funding of private religious and ethnic schools in the same way that Roman Catholic schools are publicly funded? Or, in the interests of fairness and consistency, should the funding for all religious schools be abolished? Does an extension of public funding to religious-based independent schools constitute a reasonable accommodation? Or does this extension impose an undue hardship on the system?

Facts about Faith-Based Schools

- Ontario is the only province that provides 100 percent funding for Catholic schools but zero funding for other faith-based schools
- 95 percent of Ontario students (or 1.31 million) attend publicly funded schools, including Catholic (623 000) and French language. Another 2 percent (49 000, including 27 000 at Christian schools, 11 000 at Jewish schools, and 4000 at Islamic schools) attend faith-based schools; 3 percent (69 000) attend private non-religious schools
- New Brunswick, Nova Scotia, Prince Edward Island, and Newfoundland and Labrador do not fund any faith-based schools
- The other provinces provide partial funding (*The Globe and Mail*, 28 September 2007)

Responses varied: To one side of the debate are those who reject the legitimacy of private school funding. By encouraging the proliferation of inward-looking institutions, children in private schools may be artificially insulated from outside realities. In erecting silos of exclusivity that trigger divisiveness, education runs the risk of dividing rather than equalizing. The proliferation of such tax-funded schools could also prove disruptive in a multiculturally diverse province like Ontario. The balkanization of the public education system along religious niches not only deprives children of all backgrounds of the opportunity to connect, but also contravenes the ethos of Canada's official multiculturalism, namely, a society of difference in which minorities do not self-segregate but share, communicate, and interact. As University of Toronto's Randall Hansen points out, in a society where overarching national structures or an explicit cultural core is largely absent, secular public schools constitute one of the more effective means of transforming international immigration into national integration. As well, post-9/11 fears persist over

publicly funded religious and ethnic schools as indoctrination centres for homegrown terrorists (Bhabha, 2007).

To the other side are the yays (Bhabha, 2007). Justification includes the following rationales:

- First, Ontario's public school system (as well as those in many other provinces) already funds alternative schools, ranging from French immersion to the 600 000 attending Roman Catholic schools. Fairness demands equal treatment for 55 000 children attending faith- and ethnicity-based schools—a criticism also levelled by the UN when, in 1999, the Human Rights Committee ruled that Ontario's educational funding violates the International Covenant on Civil and Political Rights. True, Catholic schools are fully funded because of constitutional guarantees in the *British North America Act*, but this does not preclude Ontario from extending the funding formula to other faith-based groups.

- Second, parents may prefer a separate learning environment for their children, one in which teachers and pupils share a similar culture and world view, thereby reducing the risk of alienation while preserving religious or cultural traditions. To reject publicly funded faith-based schools not only contravenes the spirit of multiculturalism, contends Mohamed Elmasry, former president of the Canadian Islamic Congress, but also threatens to make Canada less attractive to immigrants.

- Third, to reduce the threat of religious extremism, engagement with minorities should be encouraged. Rejection of their aspirations may generate a reactive culturalism, that is, a resurgence of traditional cultural practices when minority identities and values are under attack, leaving them feeling despised and marginalized. Rather than categorical dismissal, a commitment to meaningful engagement is the preferred option, if only to keep open the lines of communication.

- Fourth, rather than isolating or excluding, funding private schools may improve inclusiveness. Religious schools are brought into the public fold through improved regulation (accountability, transparency, and scrutiny), thereby enhancing the overall quality of education. To be sure, the logistics of implementing publicly funded religious and ethnic schools are much more complex than many think (Mahoney, 2007). Many of these schools may resist strings-attached funding for the very reason they became private in the first place. However, to call this move toward incorporation divisive and exclusionary, it is argued, is nothing less than fear mongering.

In between these admittedly ideal extremes are those whose concerns go beyond the immediate issue. For some, much of the debate reflects a kind of vision vacuum. That is, the debate over school funding doesn't address the broader issues of how to cope with the challenges of diversity (including the different interests, capabilities, and needs of immigrant and racialized students) in the public schools. For others, what is at stake is not publicly funded religious and ethnic schools per se. Rather, the debate over funding is a proxy battle over more fundamental issues pertaining to increased levels of social fragmentation due to large annual increases in the number of immigrants. With no end in sight to immigrant diversity, a cultural mosaic no longer provides the reassuring narrative for Ontario. For still others, the school funding issue is really a referendum regard-

ing the kind of Ontario that Ontarians want. Multiculturalism in theory but integration in practice, writes Jeffrey Simpson in his *Globe and Mail* column (12 October 2007). Sure, faith- and ethnicity-based schools are accepted as a private initiative or with community support, but are rejected if incorporated into the public domain by changing the system or charging the public purse.

Let's be up front about this: The debate over taxpayer-funded private schools is not about the integrity of Ontario's public school system. Hundreds of privately funded religious or ethnic schools in Ontario already exist without generating controversy or inflicting harmful social consequences on children, the public school system, or society at large. Nor is there any move to abolish these schools; after all, no one is denying religious or ethnic groups the right to establish *self-funded* private schools. The core issue is not private schools per se, but the *public funding* of faith- and ethnicity-based schools, in the process legitimizing a situation seemingly inconsistent with Canada's secular humanism and multicultural logic. In that the politics of publicly funded private schools are comparable to national debates over private health care—a situation that also elicits strong reaction from those who endorse the universality of a public health care system—the intrusion of the private into the public is indeed highly political.

The debate over public funding of private schools exposes a fundamental rift in the politics of inclusiveness (Editors, 2010). Does the inclusiveness of reasonable religious accommodation reside in (1) isolating faith-based schools from the public domain, or (2) incorporating them into the public fold? Responses are complicated by Canada's commitment (in theory) to the principles of secularity: On one side is a belief in the separation of church (religion) and state by creating as neutral a public domain as possible, if only to reduce the risks of ethnic and religious entanglements by politicized ethnicities. On the other side is an adherence to the privatization of religion (i.e., a separation between the private realm of religion and the public domain of "neutrality") (Calhoun, 2010; Orwin, 2007). And here's yet another contradiction: While a secular-based society such as Canada is predicated on the premise that religions are neither public nor social but private and personal (but see Seljak, 2009)—yes, you can be doctrinaire and passionate about religion in private but tolerance and dialogue must prevail in the public domain—such a partition may be unacceptable to the devout or dogmatic. In other words, sorting through this dilemma may be relatively easy when people are willing to compartmentalize their private lives from the public domain (a kind of symbolic religiosity). However, the prospect of separating church and state becomes a lot more convoluted when people take religion seriously, are unwilling to separate private and public, are unwilling to compromise their religious beliefs to accommodate a relativistic live-and-let-live attitude, and demand the incorporation of their religion into the public sphere.

Reasonable Accommodation of Religion in a Secular Society

> Those who thought that religion could be separated from politics understand neither religion nor politics – Gandhi (as cited in Hashemi, 2008)

The politicization of religious diversity in secular societies generates a governance paradox (Editors, 2010; Gray, 2007). At the very moment when secular states are withdraw-

ing from formal religiosity or institutionalized Christianity, religious minorities are increasingly asserting religious rights, including the right to go public. On one side, secular-based societies are predicated on the premise that religions are neither public nor social but private and personal (Smith, 2007). On the other side of this debate, the dichotomy between public and private may be unacceptable to the devout or dogmatic (Mendelsohn, 2007). For those who take religion seriously and practise it regularly, religion and religiosity cannot be relegated to the private or personal (e.g., consider the public nature of the Muslim requirement to pray five times daily). Nor can it be excluded from public policy issues over matters of life and death (Margaret Somerville, as cited in Valpy, 2010). In a democratic society that aspires to the principle of an inclusive multiculturalism, these people ask, why should minority religions and cultural identities be privatized while those of the dominant group are normalized in public places. For example, despite its commitment to secularity, Canada's *Constitution Act* makes reference to God in the preamble. As well, a crucifix is affixed in Quebec's National Assembly, yet fully veiled Muslim women may lose the right to work in public institutions or to receive social services as proposed by Bill C-94 (the Niqab Bill). Proposed instead is the recognition and legitimacy of religious expressions and differences in a manner consistent with the freedom of religion guarantees in the *Charter of Rights and Freedoms*.

What should be the status and role of publicly funded faith- and ethnicity-based schools in a multiculturally secular society? Is there room for reasonable accommodation within the public square whereby both religious and non-religious persons can possess a public and social identity that allows each to freely mingle in public, to make policy proposals, and to have their ethical values influence public policy (Smith, 2007)? In a democratic society that aspires to the principle of an inclusive multiculturalism, why should minority religions and cultural identities be privatized while those of the dominant group are universalized and normalized in public places? A reasonable accommodation suggests the possibility of both the secular and the sacred as part of the mutual adjustment process, with all sides striving for common ground while respecting each other's differences. As Chris Baker, director of the faith-based research body William Temple Foundation concludes, a two-way accommodation is critical: Faith-based groups must do more to allay secularists about imposing a "sacred" agenda; conversely, secularists must acknowledge an emergent new reality without making religionists apologize for contesting the public. Or, in the words of Cahill et al. (2006):

> Society's need to define the social and political space for faith communities to practice their faith with due regard to their civic and multi-faith contexts is a delicate art. The task requires faith communities to accomplish their task in building up cultural, social, and spiritual capital that contributes to the broader nation-building and world citizenship agenda. But it also requires a civil society to allow religion to be counter-cultural in critiquing society for its corruption and for its social and spiritual ills.

The conclusion seems inescapable: In crafting a framework for reasonable accommodation in a secular society, a repositioning of the relationship between state and religion is necessary (Fleras, 2009). According to Janice Stein at the 2007 Ethnicity and Democratic Governance Conference in Montreal, secularists may have to examine core beliefs by redefining Canada not as a society without religion but as one with an openness to diverse religious experiences. Proposed is a new religious cosmopolitanism that incorporates religiosity with a foundation but without fundamentalism, religious identity

without exclusivity, and certainty of truth without fanaticism. Proposed as well is a meeting ground where religion and the secular state reach an accommodation that empowers both, but threatens neither, according to Hans Kung, one of the architects of the Parliament of World Religions (see Jakubowicz, 2007). A principled code in defence of religious diversity is a good start, including the following tenets (see National Statement, 2006):

• Canada is a country of many faiths and its religious diversity is a critical component of public life. In that religion plays an important role in people's lives and religious institutions function like secular institutions, the implications are threefold: separation of faith and state cannot mean strict state neutrality or the exclusion of religion from public affairs; the state cannot avoid creating a policy toward religion and religious organizations; and the state must devise a secularism consistent with religious diversity (Panossian, Berman, & Linscott, 2007).

• With no official religion, Canada represents a secular society that professes principled sensitivity to multiple values (but see Seljak, 2009). Secularism cannot be either servile to or hostile to religion. Nor should it reflect an attitude of blind deference or indifference, but demonstrate a commitment to respect and equality (Panossian et al., 2007).

• The Canadian state and religious communities have a responsibility to extend the freedom of religion to all religions and diversities within faith groups.

• All religious communities in Canada have a right to safety and security.

• Disagreement and debate are inevitable because of religious diversity, but must be conducted in an atmosphere of mutual respect.

• Government and faith groups need to build and sustain working relationships within the context of democratic processes, the rule of law, and human rights legislation.

• As a signatory to an international convention of 1995, Canada is obligated to respect religious freedom and dissent at individual and communal levels.

• All Canadians have a right to be free of discrimination on religious grounds.

• Religious diversity needs to be recognized and accommodated in the workplace.

• Different branches of government and state need to develop religious diversity policies to put these principles into practice.

To conclude, the public–private divide between state and religion may have to be rethought in light of emergent realities. Yet even the continued exclusion of religion from the public domain does not necessarily preclude a place for accommodating education diversity through faith- and ethnicity-based schools that are publicly funded and loosely monitored by way of certified teachers, standardized testing and curriculum, and government inspections. As David Seljak (2005) points out, there is little to worry about. Religious-based independent schools are not necessarily insular, although they do provide a bonding for members of that group. They also can serve as bridging devices that allow religious minorities to negotiate their entry into and acceptance in mainstream Canada. A compromise through reasonable accommodation—one that balances the principles of secularity with the realities of the sacred without straying from the inclusive-

ness principle of mutual accommodation (you adjust, we adapt; we adjust, you adapt)—may well provide the framework for living together with religious differences.

Critical Thinking Questions
Why will issues pertaining to religion and religious diversity prove to be a major challenge in the twenty-first century? Indicate how the debate over public funding of private and religious schools captures a sense of this challenge. How should Canada's official multiculturalism respond to this challenge of taking religion seriously?

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