Towards a Just Community:
An Examination of the Development of Cultural Citizenship Rights in Canada
from a Communitarian Perspective

by
Timothy B. Fuchs

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Department of Political Science
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St. Catharines, Ontario

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Abstract

The notion of citizenship, while a basic human right, has come under scrutiny. It was once assumed a liberal inspired regime of citizenship rights would reign as the primary ideological perspective in the Western world, however this has not been the case. Numerous competing paradigms have questioned the premise upon which liberal guarantees of citizenship rights are based. In particular, communitarianism has subjected liberal rights discourse to a closer examination. Communitarian theory holds that universalist principles negate any articulation of community and its internal diversity, such as cultural citizenship. It is this understanding of citizenship that has taken hold in Canada.

The Canadian political experience illustrates a number of attributes associated with communitarian thought. It is a collectivist society that articulates a notion of the common good, acknowledges the internal diversity of its citizens and possesses a highly developed deliberative democratic process. To this end, Canada can be described as being more communitarian than liberal in nature in the process it has adopted to address citizenship rights. However, the type of communitarianism displayed in Canada differs from the political models examined by such scholars as Michael Sandel, Iris Marion Young or Will Kymlicka.

Cultural citizenship rights are fluid and malleable in Canada. While no clear guarantees of citizenship rights exist, there is a common commitment by Canadians to engage in a fair, open and inclusive deliberative process. This model is unique to Canada; it cannot be exported in that it is a product of Canadian political culture. As a result, the contemporary demands of cultural citizenship are dealt with effectively and democratically in Canada in that the proper mechanisms for public deliberation exist.
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Introduction

Liberal-democratic states and their respective institutions owe much of their form and function to the philosophic outgrowths spawned by the Enlightenment. From this period on, liberalism has prevailed as the primary ideological paradigm to the extent that some scholars have suggested that most of the major philosophical questions have been settled. In particular, this thesis is supported by Francis Fukuyama, who has suggested in *The End of History and the Last Man*, that with the fall of Eastern European communism, the fundamentals of liberalism have become widely accepted and adopted. Fukuyama suggests that major moral and ethical debates have been decided to a large extent. Consequently, Fukuyama points out that political communities have become more homogenous and unique identities have become lost.\(^1\) However, while there is merit in Fukuyama's argument, the boundaries of liberalism have not expanded unimpeded. Notions of citizenship based upon liberal principles have not taken complete hold. While Fukuyama is correct that ideological conflicts have diminished with the fall of communism, they have been replaced by an ever-growing collection of ethnic conflicts. The citizens of Rwanda, the former Yugoslavia, or a variety of many other multiethnic nations have not easily prescribed to liberal inspired ideals of citizenship. Specifically this has occurred because liberalism has not traditionally recognized, nor addressed, any real notions of cultural citizenship. It is upon this point that many critiques have emerged challenging a liberal conception of justice. In place of traditional liberalism, post-

\(^1\) Francis Fukuyama, *The End of History and the Last Man* (New York: Avon, 1993) p. xii
modernism, communitarianism, classical Aristotelian perspectives, as well as a host of other hybrid models, have attempted to recognize the role cultural citizenship plays in modern liberal-democracies.

The need to disseminate or at least acknowledge a regime of citizenship rights is not wholly an academic exercise. Rather, managing cultural diversity is an essential requirement in the maintenance of a functional contemporary democratic system. The decline of ideological paradigms, coupled with the advent of improved transportation and communication technologies, have required the adoption of perspectives that allow for the incorporation of cultural citizenship rights within the frameworks of modern states. Michael Sandel points to the European Community as representing this situation. If the European experiment of supranational government is to succeed it must cultivate a civic culture that incorporates, quoting Czech president Vaclav Havel, "the values from which the spirit and ethos of European integration might grow."2 This European identity must include an understanding and respect for differentiated cultural values and norms in order to take root. Many smaller European nations do have legitimate concerns that with the erosion of national borders, larger cultural groups, such as Germans or the English, may come to dominate the political, thus cultural, affairs of the continent.

The examination of cultural citizenship is a real issue that has moved beyond the realm of political theory. The demands of cultural citizenship now influence the direction of policy development and implementation of many liberal-democratic governments. Issues ranging from the socio-economic impacts of cultural imports to

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actual violence between competing cultural groups have emerged as real concerns that must be addressed. Though Canada is not immune from these challenges, they are not inherently new to the Canadian political scene; they have been an integral part of the Canadian social fabric for centuries. Canada merits a detailed examination, in that while it recognizes cultural citizenship, often a divisive avenue, it maintains a healthy and vibrant democracy. Canada does not follow in the tradition of other Western liberal-democracies; its unique history necessitated a need for an open discourse surrounding the distribution of cultural citizenship rights. In this respect, Canada is better described as following in the tenets of communitarian thought. It is a collectivist society that articulates a notion of the common good, acknowledges the internal diversity of its citizens and possesses a highly developed deliberative democratic process.
Chapter One
The Evolution of the Canadian Condition

In the sphere of political thought, Canada is not often exemplified as a real and contemporary model of communitarianism. It cannot be disputed that Canadian political institutions are inherently based upon the traditional principles associated with liberal-democracy. However, beyond their mere liberal-democratic surface, Canada does not readily follow in either American or European traditions. In particular John Ralston Saul writes in *Reflections of a Siamese Dream: Canada at the End of the Twentieth Century*,

Canada is profoundly un-European. Its attitudes and polices are largely the product of local circumstances, in part because we have constructed a country on the margins of Western civilization...It (Canada) is not, nor was it ever a rational project. The contradictions within the process-the regional, linguistic and cultural differences-have largely been accepted as characteristics of the nation rather than obstacles to its creation.3

Saul indicates that Canada, through the conditions of history it has inherited, has always needed to actively manage issues of diversity. Saul suggests that Canada does not follow in the traditional political ideals espoused by the Enlightenment. The historical “local circumstances” Saul eludes to merit a detailed comparison between Canada and more classically liberal political cultures, in particular the United States.

The seminal work that empirically examines and establishes the key differences between both cultures is found in *Continental Divide: The Values and Institutions of the United States and Canada*, authored by Seymour Martin Lipset. Through Lipset's work,

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concrete differences in political attitudes and values are highlighted between Canada and the United States. Lipset finds that individualism, influenced directly by Lockean liberalism, runs less rampant in Canada than it does in the United States. He comments, "America reflects the influence of its classically liberal, Whig, individualistic, antistatist, populist...Canada has been and is a more class-aware, elitist, law-abiding, statist, collectively-oriented, and particularistic (group-oriented) society than the United States." This general characterization reveals that though both do exhibit the hallmarks associated with liberal democracies, Canada does not purely focus upon individualism; a balance is maintained between individual liberty and the collective good.

The political culture associated with Canada does bear a resemblance to the values of community espoused by communitarians in that collectivist tendencies are clearly evident. However, this "sense of togetherness" and common purpose cannot be merely created; it must be cultivated and nurtured. It should not be misunderstood that Canada's collectivist political culture is directly influenced by any communitarian vision, but rather it exists as a result of numerous conditions of history as Saul claims. Various elements have merged over the centuries to produce this uniquely Canadian political culture. Kenneth McRae, in Louis Hartz's The Founding of New Societies, further outlines this thesis. The author points out that neither of Canada's founding French nor English cultural communities have subscribed to any radical notions of individualism. The populace of Quebec was never exposed to a philosophy of liberation espoused by the French Revolution, in that by 1789, the colony was no longer connected politically to

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4 Seymour Martin Lipset, Continental Divide: The Values and Institutions of the United States and Canada (New York: Routledge, 1990) p. 8
France. Conversely, many United Empire Loyalists, in rejecting the republican values that emerged with the American Revolution, migrated to the British Empire's remaining colonies in North America. The merging of these two distinct elements into a single political system is the basis upon which contemporary Canadian values and attitudes are derived. This historical process has had a direct effect upon the political landscape in that it has allowed socialism to prosper in the same political arena as Tory-influenced conservatism. Both doctrines, though in many respects ideologically opposite, place a greater emphasis upon societal interests than the individual good. It must also be noted, that while Canada's earlier history saw a merging of ideologically compatible components, it has always had to balance the collective good with internal cultural demands. The dominant cultural groups of pre-Confederation Canada, British and French, both sought to secure and sustain their own distinct cultural identities. To this end, the notion of the collective good has never been rigid in espousing a single regime of citizenship for all. It is on this particular point that liberals and communitarians diverge. Notions of individuality and community deeply influence both respective approaches in, not only outlining the bounds of justice as a whole, but the approach taken to managing cultural citizenship as well. This is best exemplified through a historic examination of rights discourse in North America.

The United States has endured a tormented history with regard to addressing the needs of cultural groups. With the independence of the American colonies in 1776, a

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6 Lipset, pp. 149-150
political culture deeply immersed in liberalism was born. From its beginnings, American political values and social attitudes have reinforced the political ideal that "all men are created equal", as articulated in the First Article of the Bill of Rights. Even in its earliest forms, liberalism has endorsed a condition of equality based upon the equal moral worth of every individual. However in practice, citizenship was restrictive in that it excluded women, African-Americans and Native Americans. This status is explicitly mentioned in the Constitution of the United States that notes that for the purposes of determining the electoral representation of the states, African-American non-citizens were to be considered "three fifths of a person". The quantification of moral worth by contemporary standards, both liberal and communitarian, is deemed inherently unjust. According to Gunnar Myrdal, such an obvious contradiction of liberal-democratic values and existing societal prejudices could not endure. The denial of basic civil liberties could not last in that it violated the very egalitarian character upon which America based its creed. Consequently, numerous amendments have been made to the American constitution, prompted by both social activism and civil war. However, while historically certain persons were denied citizenship rights based solely upon social group membership, the eventual inclusion of cultural minorities is based upon the liberal idea of the fundamental equality of all individuals. However, it is this perception of the individual as the primary social and political unit that many communitarians reject. They suggest that not all citizens see themselves solely as autonomous individuals.

7 See The Constitution of the United States for more detail

Communitarians suggest that by ignoring group-membership as a social reality, liberal guarantees of social and political equality are unsatisfactory. While liberal guarantees of equality do exist, justice cannot be fairly distributed.

The American experience, often illustrated as a liberal conception of justice inadequately addresses the needs of cultural groups. By contrast, the Canadian example is cited as being more representative of a regime of citizenship rights that does not focus solely upon individual liberty. While the Canadian Charter of Rights and Freedoms does acknowledge the individual as the primarily the recipient of legal, democratic and equality rights, it does make specific references to the condition of its component cultures as well. Overall it establishes, within a constitutional framework, an acknowledgment that both individual and group interests do exist. Specifically, in Section 23, the document provides for French and English education rights for linguistic minorities. Furthermore, Aboriginal Canadians' current and future rights that may come by any land claims settlements are explicitly mentioned as well. Finally, Section 27 allows for the Charter as a whole to be "interpreted in a manner consistent with the preservation and enhancement of the multicultural heritage of Canadians." This approach to cultural citizenship rights was furthered in the drafting of the Meech Lake and Charlottetown Accords. While both agreements did meet eventual defeat, they made provisions for an increased consideration of Quebec's cultural distinctiveness and a greater political recognition the role of First Nations in Canadian society.

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9 Daly, p. xvii
10 See The Canadian Charter of Rights and Freedoms for more detail
The recognition of Canada's cultural diversity did not commence with the Constitution Act of 1982, but rather can trace its political origins to the Quebec Act of 1774. The Act allowed the inhabitants of New France to maintain aspects of their culture such as a civil code, after the conquest of the colony by the British in 1759. This policy was not entirely implemented through altruistic sentiments, but rather it seemed a reasonable and efficient means of managing the newly acquired colony.\(^\text{11}\) However, this precedent of acknowledging and respecting cultural difference emerged as the dominant pattern in the development of not only the Canadian state, but also a national political culture. The official union of the Canadas in 1839 furthered the situation as outlined in the Durham Report.\(^\text{12}\) Though intended as a policy of assimilation, political actors from the Canadas agreed upon measures to ensure a cultural/political equilibrium was achieved. A period of mutual compromise was to result, as illustrated by the altering of the seat of government from Kingston to Quebec City every two years. Furthermore, the legislature required "double majorities", a majority from both English and French delegates, for the passage of legislation.\(^\text{13}\) While Canada is not immune to cultural conflicts, it has avoided serious civil strife by openly acknowledging that cultural citizenship is a real aspect that must be addressed. While the recognition of differentiated forms of cultural citizenship rights has been practised in Canada, the acknowledgment has not come without difficulties. Historical notions of what exactly constitutes cultural citizenship

\(^\text{11}\) David Bell and Lorne Tepperman, *The Roots of Disunity* (Toronto: McClelland and Stewart, 1979) pp. 115-16

\(^\text{12}\) McRae, p. 248-49

\(^\text{13}\) Bell and Tepperman, p. 117
have been challenged by Canada's changing demographic face. Since the conclusion of the Second World War, the majority of new Canadians have arrived from non-European nations. However upon their arrival they often find themselves socially and politically alienated in that they do not easily adapt to neither French nor English culture. The result is the creation of a social hierarchy that has historically placed non-Charter Canadians at the bottom, a phenomenon has not escaped the attention of the academic community.

In *The Vertical Mosaic*, John Porter examines the issue of social class, with references to immigration, more closely. Porter suggests that while equality is often expressed as a valuable and reasonable political quality, social equality is not a condition inherent to the Canadian social fabric. Porter continues by adding that through a larger process of social and political marginalization, immigrants often exist as an economic underclass as well.\(^{14}\) Upon their arrival in Canada, immigrants have been employed primarily as menial labourers. Furthermore, immigrants who indeed possess professional qualifications and post-secondary education have difficulty in obtaining employment at their own skill level.\(^{15}\) The result is a condition of equality that can be defined clearly in terms of ethnicity. Porter concludes in *The Vertical Mosaic* with,

> ...The nineteenth-century notion of a liberal citizen-participating democracy is obviously not a satisfactory model...Given the complexities of modern societies it is unlikely that wide spread participation can develop without very great changes and experimentation necessary for more democratic industrial societies. A fragmented political structure, a lack of upward mobility into its

\(^{14}\) John Porter, *The Vertical Mosaic* (Toronto, University of Toronto Press, 1965) p. 84-5

\(^{15}\) Ibid, p. 53
elite and higher occupational levels, and the absence of a clearly articulated system of values, stemming from a charter myth or based in an indigenous ideology, are some of the reasons for this retardation.16

In considering Porter's work in its full context, it is an astute analysis of the Canadian social condition. However, it should be noted that The Vertical Mosaic is dated and does not fully represent a contemporary portrait of Canadian society. Published in 1965, The Vertical Mosaic precedes the adoption of the Charter of Rights and Freedoms, the advent of official bilingualism and the implementation of an official policy of multiculturalism. John Meisel, Porter's editor, himself concedes that a class analysis of political values and attitudes has given way to the a greater focus "on the role of ethnicity in the functioning of Canadian society."17 However Porter's concluding statements foreshadow the emergence of a philosophical paradigm that has indeed created a national creed.

Many communitarians would agree with Porter's original assessment that liberal-democracy has become stagnant in the Canadian context. However, a unique aspect of Canadian political culture compliments this. While notions of deliberative democracy and distributive justice may highlight the discourse surrounding cultural citizenship, the communitarian project in Canada is also marked by a profound adaptability. While Porter's original assessment is valid, numerous political developments have occurred since the publication of The Vertical Mosaic. The majority of Canadians no longer consider themselves a nation composed of "Two Solitudes", existing along a French-

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16 Ibid, p. 558
17 Ibid, p. ix
English cultural axis. While the rights of Canada's founding cultures are officially recognized, non-Charter cultural groups have been afforded a measure of protection as well. The introduction of the Multiculturalism Act in 1971 has allowed for the acknowledgment of the value of all of Canada's component cultural groups. The concept of multiculturalism is a uniquely Canadian social philosophy that specifically values cultural diversity as a national resource. In particular, this ideology of multiculturalism facilitates the open discussion of issues relating to cultural citizenship, an aspect rarely found in other political cultures. Aside from recognizing the inherent moral worth of each culture, multiculturalism has become a defining characteristic of the Canadian identity; it has received a high degree of political saliency. Augie Fleras and Jean Leonard Elliott have likened multiculturalism to that of a national ideology. They write in *Multiculturalism in Canada*,

As an official ideology, multiculturalism embraces a set of ideas and ideals, about the nature and characteristics of Canadian unity, identity and self image, and well-being. In brief, the ideals of multiculturalism are varied, but are often contingent on (a) enhancing individual self-esteem through strong cultural identification, (b) eliminating racism through sensitivity to others' needs and ambitions, and (c) fostering improved intercultural exchanges through increased empathy and understanding. Ideally, a stable and well-regulated political unity can be crafted out of diverse elements, providing there is an atmosphere of tolerance, accommodation, community, and sharing.

Among the nations of the world, such as India or the United States, Canada is relatively homogenous, yet it has developed a distinctly multicultural identity.

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18 The term “Two Solitudes” is taken from Hugh MacLennan, *Two Solitudes* Toronto: MacMillian Canada, 1967


20 Ibid, p. 58
Furthermore, cultural diversity is not merely viewed as in terms of creating social justice, but an element of nation building. Multiculturalism fosters a social discourse among actors who may not necessarily share a common cultural heritage. While these differences exist, they do not necessarily hinder the articulation of an eventual social consensus regarding the common good. The tolerance of difference that is encouraged by the value system associated with multiculturalism allows for openness in public communication as a key element of a deliberative democracy. While the Canadian model does function, it cannot be assumed that it has met with full success in addressing the varying needs of cultural actors. Critics suggest that the deliberative model adopted by Canada and the ensuing social discourse found in Canada, can accentuate cultural difference and exacerbate conditions of prejudice and discrimination.

The demographic face of Canada has changed in the latter half of the twentieth century. Recent immigrants to Canada have arrived from Asia, Africa, South America and the Caribbean, and as a result many of Canada's cultural minorities exist as visible minorities as well. Canada's growing cultural diversity has ramifications for the means by society is perceived and understood. One can reasonably expect that these perceptions are both positive and negative in nature, the latter taking the form of stereotypes, prejudices, and discrimination. Aggregate data suggests that visible minorities as a whole do experience the effects of prejudice more than others in Canadian society. While on average visible minorities, most of whom are immigrants, are 7% more likely to hold a university degree than the average Canadian, the unemployment

21 Ibid, p. 39
rate for visible minorities stood at 13% in 1991 while the national average was 10%.\textsuperscript{22} When specific groups are analyzed, the discrepancy is even greater. Those defined as West Asian, South East Asian, Latin American and Black experience rates of unemployment at well above 15% on the whole. Evidence exists that while more educated than the national average, this does not materialize into proportional employment opportunities for visible minorities.\textsuperscript{23} It should be noted that factors such as an inability to speak French or English, as in the case of recent immigrants, may influence visible minorities capacity to attain employment. However, this cannot completely disregard the role discrimination plays in encumbering a person's social mobility because of their cultural heritage.

It would be erroneous to assume that a communitarian understanding of the contemporary Canadian condition easily facilitates a just community. However, a model that endorses cultural openness should not be understood in terms of achieving a final result, but as a continuous social process. Communitarians suggest that such a process is better equipped to address and reduce cultural tensions. Prejudicial attitudes and discriminatory behaviour are often not based upon a conscious malice or hatred of a specific cultural group, but rather stereotypes are associated with social ignorance.\textsuperscript{24} Communitarian theory suggests that a process of open communication can better mediate social conflict than any liberal model based on a difference-blind principle.

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\textsuperscript{22} Alan Frizzell and Jon H. Pammett, ed. Social Inequality in Canada (Ottawa: Carleton University Press, 1996) p. 23
\textsuperscript{23} Ibid, pp. 23-4
\textsuperscript{24} Alastair Bonnett, Anti-Racism (London: Routledge, 2000) pp. 90-2
\end{flushright}
Communitarianism holds that the difference-blind principle has ignored real social differences, and as a result does not encourage a social dialogue regarding issues pertaining to cultural diversity.

The notion that social and political deliberation is encouraged by the ideology of multiculturalism has been empirically documented. Research data suggests that in fact the recognition of diversity does not alienate cultural actors from another, but in reality encourages cross-cultural interaction and greater social mobility, in particular for visible minorities. John C. Harles has examined the ability of immigrants to integrate into Canadian society and concludes that "the process of immigration itself, ...combined with policies of multiculturalism aimed at easing the transition of newcomers to Canada, can have a politically integrative effect." Harles emphasizes the point that multiculturalism is a functional aspect associated with the Canadian identity, not merely a national myth. Furthermore, multiculturalism also exists as a policy designed to manage diversity. It has allowed for the greater measure of social and political integration as opposed to traditional liberal models that de-emphasize cultural difference.

Multiculturalism does act as a national myth, but also provides a real means of mediating cultural differences and potential conflicts. In part the ideology of multiculturalism does hold appeal in that it readily address the contemporary demands of cultural citizenship. Canada is often described as a “Cultural Mosaic” in direct contrast

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to the American understanding of the “Melting Pot”. Both refer to processes whereby which immigrants acculturate to a new society. More importantly, they also further illustrate the differences associated with an understanding of cultural citizenship by liberals and communitarians. The United States, like Canada, has its share of national myths. The myth traditionally associated with immigration has been that of the search for the American Dream. This quest, understood in terms of economic prosperity and the attainment of a social status, is popularly viewed as readily attainable with diligence. However, the acceptance of an American value system, or other national myths associated with the United States, requires a rejection of previous national or cultural loyalties. This assimilationist and homogenizing effect has found a certain degree of success throughout American history. However, it should be noted that the idea of citizenship in America often excluded a cultural component. For instance, African-Americans, until the 1960's, did not enjoy similar civil rights as did Americans of European heritage. However, this condition of systemic discrimination should not be assumed to be unique to the United States. Canada has throughout its history abused the sovereignty of cultural minorities as well. As in the United States, Canadians of Japanese heritage were placed in internment camps during the Second World War; until 1960 Aboriginal Canadians were denied the right to vote in a federal elections, without losing their Indian status. While both nations have shared a history marred by such blanket abuses of human rights, Canada has in its latter decades developed a more

26 Fleras and Elliot, p. 59-66
27 Ibid, p. 62
complex understanding of citizenship in relation to cultural rights. To this end, it has subsequently emphasized the merits of cultural diversity.

Throughout the latter half of the twentieth century Canada has pursued a policy that has emphasized integration without cultural assimilation. The integrationalist model allows for the retention of cultural ties, yet allows Canadians to participate fully in the social and political institutions. This understanding of Canada is intimately connected to issues of managing diversity. Traditionally liberal regimes of citizenship rights are adequate in a nineteenth century context in which citizens could trace their ancestry to a common cultural heritage. However, the rise in non-European immigration during the twentieth century led many Western nations, including Canada to a real adjustment regarding conventional attitudes concerning cultural diversity. Canada predated this global trend with the adoption, by the Trudeau government, of the original Multiculturalism Act in 1971. The government of Brian Mulroney amended the Act in 1988 to better meet the changing demands of a multicultural and an ever increasingly diverse population. Rather than merely funding cultural activities in local communities and endorsing a blanket recognition of cultural distinctiveness among Canadians, the amendments allowed for a greater focus on managing issues associated with diversity. The federal government made a stronger commitment to employment equity, further reinforcing cultural diversity as a norm in Canadian society.29 Communitarians would find cause to agree with this policy in that they contend that increasingly human diversity is perceived as a resource in that it allows for creativity and alternative points of view to

29 Fleras and Elliott, p. 78
emerge. In a rapidly globalizing world, Canada has taken the lead in developing policies to address the demands associated with cultural citizenship. Community must be understood in a greater context and real attempts must be made to engage in dialogue with those who differ socially, economically, and politically. In this respect the communitarian tendencies displayed by the Canadian political experience have led Canada to be better prepared to address concerns surrounding cultural citizenship rights than other traditionally classically liberal nations. While success of the Canadian model is based on the assets it had inherited via its unique history, it has not abandoned the traditions of liberalism. It has managed to develop as John Ralston Saul terms, "minimizing extremes", between the demands of the individual and the common good.30

The notion of addressing differing needs as a means of achieving social stability is a hallmark of the Canadian political system, as John Ralston Saul often cites in Reflections of a Siamese Dream: Canada at the End of the Twentieth Century. For Saul "minimizing extremes" allows a society to overcome inequality that comes from an over-adherence to one particular national perspective.31 Canadian scholar Charles Taylor in his essay “The Politics of Recognition” extends this understanding, commenting that a political culture that prescribes only to liberal principles of justice, is in actuality an inherently immoral process. He writes,

The claim is that the supposedly neutral set of difference-blind principles of the politics of equal dignity is in fact a reflection of one hegemonic culture. As it turns out, then, only the minority or suppressed cultures are being forced to take alien form. Consequently, the supposed fair and difference-blind society
is not only inhuman (because suppressing identities) but also, in a subtle and unconscious way, itself highly discriminatory.\

Taylor furthers his argument by applying it to the Canadian condition. While he notes the Charter of Rights and Freedoms itself has adopted an American, thus liberal, process of judicial review, the actual understanding of rights in Canadian jurisprudence differs from traditional liberal interpretations. Saul also supports this opinion, by stating, “the Canadian experience has shaped individualism to mean some sort of balance between equality of opportunity and equality of results.” Canada's recognition of diversity and subsequent distribution of cultural rights are, for Saul and Taylor, more pragmatic and socially valid. However, while Saul and Taylor share similar views, a philosophical gulf endures between liberal and communitarian perspectives regarding cultural citizenship rights.


33 Taylor, “The Politics of Recognition”, p. 52

34 Saul, p. 505
Chapter Two

Exploring the Roots of the Communitarian Critique and the Liberal Response

The Canadian experience indicates that communitarian ideals of justice can take hold if the proper political culture exists. However, it also must be connected to mechanisms that encourage a deliberative process, coupled with an active policy that places value on cultural diversity. Overall, communitarianism suggests liberal theory is flawed in that an understanding of the individual exists merely in the context of his/her relation to the state. By contrast, communitarians recognize that persons are intimately connected to one another. This perception of community also creates an understanding that real differences exist at the community level in that people form numerous and varied networks of social interaction. Communitarian thought contends that not only does a moral obligation exist to recognize their existence, but a legal one as well. With this acknowledgment emerges an understanding that the needs of cultural groups differ and as a result the distribution of cultural citizenship rights requires multiple interpretations. While the communitarian perspective provides a unique and detailed critique of traditional liberal theory, liberal scholars themselves have not been silent to these philosophical assaults.

Liberal theorists such as Ronald Dworkin, Robert Dahl, and John Rawls have attempted to reinvigorate liberal political theory. They acknowledge that indeed liberalism taken in its classical context is dated. Contemporary liberal theory does strive to address some of the apparent weaknesses brought forth by communitarian criticisms.
Issues such as cultural differentiation and emerging regimes of citizenship rights are examined from a new perspective on liberalism. However, communitarians themselves have countered with a concerted response of their own. The emergence of this exchange between leading theorists from both philosophical schools has allowed for a greater understanding of the meanings associated with citizenship rights. The dialogue that has emerged from this debate allows for effective discussion as to how justice is defined and distributed in a political society.

Communitarianism is in itself a post-liberal philosophy that attempts to correct for the perceived deficiencies associated with liberal political theory. Communitarian theorists, such as Amitai Etzioni, suggest that the idea of community has been lost or virtually ignored within the scope of traditional liberalism. In response, communitarian theory suggests that a greater focus on community must be given in considering key philosophical questions. In particular, communitarianism expresses concern as to liberalism's responsiveness, in theory and in practice, to meet the particular cultural needs associated with contemporary culturally diverse societies. For communitarianism, the universality of liberal equality makes it difficult to articulate notions of cultural citizenship; justice is defined purely in terms of individual liberty. As a result, a liberal conception of justice is perceived as incomplete. By contrast, communitarian thought asserts that the expression of internal cultural difference leads to the articulation of collective social and political goals. In the quest to develop a collective sense of being,


any recognition of multiple understandings of self should not be viewed as a liability, but rather an essential aspect of nation building. To this end, political deliberations resulting from the recognition of numerous forms of cultural citizenship allow for the development of the common good, and in the end, the creation of a just community.37

2.1: Communitarianism In Perspective

In the promotion of the ideal of community, communitarian theory is often misunderstood. Communitarianism is popularly, and erroneously, portrayed as the pursuit of an unachievable Utopia. Ironically, while communitarians associate themselves with the idea and values associated with community, the concept of community is not solely the dominion of communitarian theorists. The notion of community has been incorporated into numerous strains of political thought bridging the ideological spectrum. It is the primary concept that fuels Marxism and, more recently, has been used as focal point by many fundamentalist Christians who advocate a return to "traditional family values". However, in regards to communitarianism itself, it is often accused of promoting majoritarianism; endorsing the rule of the many at the expense of the rights of the individual. Michael Sandel, a leading communitarian scholar, takes exception to this interpretation of community. Sandel points out that promoting the interests of the community to the detriment the individual is simply and inherently undemocratic.38 The communitarian project endeavours to create a greater deliberative

37 The phrase "Just Community" is a play on words of Pierre E. Trudeau's notion of a "Just Society"

atmosphere among all political actors. However, even on this point, there is some disagreement among communitarians as to the proper functioning of communities.

The basic understanding of community is not constructed upon any formal legal understanding of citizenship, but rather a general awareness of a shared common experience by a network of associated people. However, the actual dynamics of a community is an aspect that is greatly debated within communitarian circles. Throughout the body of communitarian literature there are no standard terms used to describe the numerous strains of communitarianism that exist in thought or practise, yet communitarian theory can be broadly categorized into two specific typologies. Scholars such as Michael Sandel and Amitai Etzioni advocate the renewal of neighbourhoods as a means of correcting the deficiencies associated with the liberal-democratic project, which has been perceived as morally bankrupt. In response they advocate the nurturing of a civic culture that emphasizes the common good. This understanding of communitarianism is based on the premise that individuals must take it upon themselves to maintain public spaces and encourage interest in civic affairs. Social responsibility manifests itself locally, rather than initiating from distant elected collective decision-making bodies. However, it is on this point that there is a lack of consensus among communitarian scholars. Rather than reject the means and methods of interest articulation associated with modern democratic states, another sub-set of communitarian theory asserts that the institutions of liberal-democracy do hold real promise in the

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renewal of community. This conception, promoted by such scholars as Henry Tam, suggests that regardless of difference, a community must be equal and inclusive in all formal institutional levels before a fully functional model of democratic government can unfold. The greater inclusion of a diverse array of social actors encourages the greater ability of the community to articulate the interests of the common good, rather than those of a privileged few. The democratic initiatives proposed by this understanding of communitarianism can be described as loosely liberal. They do not abase the traditional institutions associated with liberal-democracy, but rather attempt to invigorate their position, influence and effectiveness in a given community. Though both types of communitarianism differ in terms of focus, each perspective incorporates an essential and shared understanding of community.

A community in its simplest form is a collection of individuals; however, this does not adequately describe the emotional connection between its members and associated feelings for others. In order for a community to exist, a sense of fellowship and common purpose must exist and be nurtured. This "spirit of togetherness" is the fundamental virtue that defines community. Communitarianism has long argued that this acknowledgment of "we-ness" has been under emphasized in liberal political theory. Communitarianism holds that while the individual is indeed a crucial actor in any democratic society, the connectedness between people cannot be neglected as a consequence. For communitarians, a collectivist mentality is based on mutual respect,


41 Daly, p. xv
tolerance and overall concern for others, values that must be cultivated and nurtured. Such feelings of a shared common purpose need not merely exist on a local level, but they can exist within the context of large-scale and diverse networks of interaction. A sense of common purpose can take hold in the consciousness of a nation as likely as it is to be found in a neighbourhood. However, it should be noted that the creation of a functional civic culture, whether at the local level or at the national scale, requires at its core a political culture that illustrates collectivist tendencies.

The goals and desires embraced by the communitarian project are admirable, however even faithful communitarians such as Michael Sandel suggest that the actualization of the communitarian ideal may be consigned to exist solely within the context of normative thought. Sandel suggests in Democracy's Discontent that the weaknesses associated with liberalism are clear, even among liberal political philosophers. Liberalism has constructed a regime of citizenship rights based on the tired premise of individual liberty.\(^{42}\) While in the process liberalism does minimize the role community plays, Michael Sandel concedes that liberalism is a ubiquitous force asserting an apparently limitless influence throughout scope of America's democratic institutions. The political attitudes, expectations and aspirations of American citizens are inspired by a republican political culture that is spawned by Jeffersonian values. Sandel acquiesces in the knowledge that this spirit humbles any real and significant attempt to cultivate a

Overall, Michael Sandel suggests that the idea of community can be of value, as evidenced by such undertakings as New Urbanism and "Sprawlbusters". However, overall he suggests that the idea of community and a collectivist-oriented civic culture cannot be fully expected to supersede an American political culture based so thoroughly upon individual liberty.

The arguments Sandel puts forth in *Democracy's Discontent* are convincing even though they disappoint his communitarian aspirations. However, the work as a whole can be viewed as limited in scope in that Sandel's communitarian vision focuses almost exclusively on an apparently stagnant American political culture. The philosophical points Sandel does make are valid, however it should not be understood that communitarianism is a wholly Americanized political philosophy. The hindrances associated with American political culture may not necessarily encumber the development of a formative communitarian project elsewhere. The nurturing of civic virtue requires an already existing collectivist political culture, a condition in which citizenship rights are not fully based upon individualism. While Michael Sandel may present his communitarian project in an American context, the political model that better meets the requirements set forth by communitarians may be found in the Canadian political experience. Canadian political culture meets the criteria set forth by Sandel and other communitarian theorists. As scholars such as Taylor, Saul and Lipset have indicated, it displays collectivist tendencies, formally recognizes different understandings

43 Ibid, p. 317
44 Ibid, pp. 334-35
of citizenship, and possesses a complex deliberative component. These three elements set Canada apart from a liberal understanding of government and rights discourse, one that is based primarily on individualism and a universal interpretation of justice.

While numerous theorists have pointed to liberalism's flaws, liberalism has a regenerative quality to its character. Throughout the centuries is had adapted to various shifts in the social, economic and political order. Early notions of radical individualism, associated with classical liberalism, has given way to welfare liberalism, a system of governance adopted by many Western nations throughout the twentieth century. As a whole, welfare liberalism expands the role of the state in not only the distribution of social goods, but also ensures the equal distribution of those goods. While themes of liberal social justice have been adopted by many liberal-democracies, numerous weaknesses have been attributed to this particular mode. While a depth of literature has emerged examining liberalism's presumed failings, liberal theorists have not been silent to these commentaries; a revival has occurred in the sphere of contemporary liberal political thought. Liberalism, in an attempt to renew itself, has endeavoured to expand upon its traditional philosophical boundaries.

The deficiencies associated with liberal political thought have been made apparent through the emergence and development of recent critiques regarding liberal conceptions of justice. Communitarianism has pointed to the neglect of community and cultural diversity within the context of traditional liberal political theory. Liberal theorists have attempted to address this point through the incorporation of a broader understanding of pluralism, while at the same time sustaining the precept of individual
liberty. This is illustrated in Robert Dahl's *Democracy, Liberty, and Equality*, which attempts to position social pluralism in the context of liberal political theory.

### 2.2: The “New” Liberalism

Dahl proposes that a discussion of pluralism, cultural or otherwise, is indeed necessary in that the modern conception of democracy is not based upon the relatively homogenous city-states of antiquity, but rather is realized in large and diverse nations.\(^{46}\) Considering the nature of democratic states, it must also be recognized that a collection of diverse social actors is instrumental to the success of any democratic state; without their participation and numerous inputs, democracy is devoid of a capacity for improvement.\(^{47}\) The acknowledgment that the interests and participation of a variety of social actors is a necessary and important recognition, while legitimate, is a limited understanding. While a recognition of pluralism is welcome, it ignores the capacity of a community to develop a definition of justice through independent means. For Dahl, the social diversity found in a community can only function adequately through the equal participation within the traditional institutions of democracy. He writes,

> According to this criterion (effective participation), throughout the process of making binding decisions, one must have an adequate opportunity, and equal opportunity, for expressing his or her preferences as to the final outcome. Thus citizens must have adequate and equal opportunity for placing questions on the agenda, and for expressing reasons for endorsing one outcome rather than another...And if some citizens have less opportunity than others, then their preferences as to the final outcome are less likely to be taken into account. \(^{48}\)

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\(^{47}\) Dahl, p. 228

\(^{48}\) Dahl, pp. 196-97
The incorporation of diversity, for Dahl, is realized by creating a higher degree of participation in the larger democratic process; the greater participation, the greater diversity of opinion that is considered in determining the overall political agenda. However, Dahl's understanding of liberalism adheres to the traditional liberal ideal of a universally applicable regime of citizenship rights. Communitarian theory would suggest that Dahl merely reinforces existing liberal principles. While Dahl's attempt to renew liberal thought is admirable, it falls well short of recognizing the dynamic that community plays in the larger scope of the democratic tradition.

Communitarians have asserted that a differentiation of rights, and a real acknowledgment of community, are key aspects of the contemporary condition. However, in responding to such criticisms, liberals have also pointed to several weaknesses associated with a communitarian understanding of justice. What has emerged from this exchange has been termed "The Liberal-Communitarian Debate" and has allowed for several pointed issues of contention to emerge from both schools of thought. In particular, Ronald Dworkin has found cause to subject communitarianism to further scrutiny.

Ronald Dworkin suggests that a communitarian vision of the good life is indeed coveted by the majority of scholars, both liberal and communitarian. The notion of a plural, yet harmonious society in which all particular social, economic, political, and cultural needs are met, is an ideal conception of justice. However, Dworkin insists that

this is an overly simplistic means of understanding the intricacies of human relations; communitarians may articulate a conception of justice, however fail in the attempt to describe its proposed means of functioning.  

In any socially diverse community, differentiated ideals of justice hold the capacity to create tension and conflict, and in the process, further marginalize social groups. Dworkin suggests that while a society may endorse differentiated citizenship rights as a means of creating a condition of social equality, there is no agreement upon the limits of such rights. The example of affirmative action in the United States is indicative of this dichotomy. While many do acknowledge that racism and systemic discrimination are social issues that must be addressed by the polity, there is no agreement as to what extent marginalized cultural minorities should be guaranteed employment through affirmative action. In essence, Dworkin's contention is that justice cannot be measured when rights are differentiated. Furthermore, even if the recognition and response to the needs of marginalized social groups may seem reasonable, it may also detract from the rights of other actors involved in the process. The overall issue that Dworkin exposes is that a communitarian ideal of justice is appealing in an abstract form, however is muddled in that no appropriate limits are provided in the extension of differentiated citizenship rights. Through his analysis, Dworkin defends the principle of

50 Ronald Dworkin and Michael Walzer, "To Each His Own: An Exchange on Spheres of Justice" in Communitarianism: A New Public Ethics, Markate Daly, ed. (Belmount: Wadsworth, 1994) p. 111

51 Ibid, p. 111

52 Ibid, p. 112

53 Ibid, p. 114
universal ethics that has traditionally been associated with liberalism in that it sets clear and firm boundaries for the dissemination of citizenship rights.

Dworkin directs his criticisms of communitarianism primarily against Michael Walzer's notion of "Complex Equality" as outlined in Separate Spheres. For Dworkian an apparent theoretical dichotomy emerges from ideals espoused by communitarians and in the perspectives supported by such scholars as Michael Walzer and David Miller. However, Miller suggests that the principle of universality is over simplified. Miller, expanding on the work of Michael Walzer, suggests that the liberal theoretical formula is difficult to apply in terms addressing the welfare of the public. The distribution of justice should not assume that in the distribution of social goods, such as citizenship rights, all actors have similar needs and requirements. Walzer himself proposes that justice cannot be considered in an aggregate form, rather its components must be considered separately. As a result, Walzer forwards a notion of "Complex Equality" which allows different communities, using their own standards, to decide how a good is to be justly distributed among its members. He writes in Separate Spheres,

"The questions posed by distributive justice admit of a range of answers, and there is room within the range for cultural diversity and political choice...the principles of justice are themselves pluralistic in form; that different social goods ought to be distributed for different reasons, in accordance with different understandings of the social goods themselves-the inevitable product of historical and cultural particularism."


55 Michael Walzer, Spheres of Justice (Oxford: Martin Robertson, 1983) p. 5

56 Walzer, Spheres of Justice, p. 6
Walzer's understanding of justice, "Complex Equality", allows for a society to distribute social goods disproportionately in so far as they are applied justly according to the particular cultural needs of each community. This position is also supported by John Ralston Saul. In commenting on this notion, Saul indicates that cultural citizenship is more than just an abstract quality but rather a social good that can be distributed through institutional mechanisms. He writes,

"As for real equality, it consists of a constant balancing act – one which the federation carries out through the participation of both the national and provincial governments. That act is centred on the redistribution of money and services. And those services have as much to do with culture as they do with our physical well-being. It was our commitment to this sort of equality which lay at the centre of Canada's evolution"\(^57\)

Saul's analysis indicates that cultural citizenship rights have a real social value amongst diverse political actors. Nations differ in history, religious and cultural composition and as a result it should not be expected that a universal standard of justice be equally applicable to all citizens. However, Walzer, in defending this thesis, suggests that the very boundaries set by a liberal conception of justice, suffocates the notion of democratic citizenship. According to Dworkin, rights are guaranteed and protected through the traditional difference-blind institutions of liberal-democracy, however this idea, as Walzer suggests, in inherently undemocratic.\(^58\) It removes the ability of citizens to self-define what is in their best interests, who they see themselves as in relation to a larger social context. In the process, this allows only government, legislatures and the

\(^{57}\) Saul, p. 506

\(^{58}\) Ibid, p. 115
judiciary to define individual and group identity. The danger in engaging in such a process is that corrupted democratic institutions may develop perverted interpretations of citizenship. This is clearly evident through such historical examples as slavery which, through the active participation of government and the judiciary, the lesser moral worth of African-Americans was legally emphasized. By contrast, for communitarians one's own density must be a choice and a product of one's self identity and connection to the others. Walzer suggests that liberalism should not overlook that consideration must be given to the idea of community in the development of a more complete understanding of justice, an aspect that Saul includes in his work. In the process, community diversity must be respected, openly acknowledged and actively encouraged.

2.3: Rawlsian Liberalism

The Dworkin-Walzer example illustrates the extremities associated with the "Liberal-Communitarian Debate". It is fully representative of other concerted attempts to define citizenship and construct a contemporary, thus relevant, theory of justice. John Rawls, differing from Walzer and Dworkin, attempts to create the broader theoretical foundation where upon which a definition of justice can be created. In the process, Rawls acknowledges that social difference must be accounted for and this can be accomplished within the context of liberal theory. Rawls contends in A Theory of Justice that liberalism in actuality must acknowledge difference in the attempt to form of a complete conception of justice. Rawls purposes through a heuristic device, the "Veil of Ignorance", that a diverse collection of social actors can develop a common definition of

59 Ibid, p. 115
60 Ibid, p. 117
justice through a deliberative process. In order to produce the desired effect, Rawls suggests that participants not be made aware of such particulars as his/her own social status, race, religion, gender, age, etc. Rawls continues by explaining,

As far as possible, the only particular facts which parties know is that their society is subject to the circumstances of justice and whatever this implies. It is taken for granted, however, that they know the general facts about human society. They understand political affairs and the principles of economic theory; they know the basis of social organization and the laws of human psychology. Indeed, the parties are presumed to know whatever general facts affect the choice of the principles of justice. There are limitations on general information, that is, on general laws and theories, since conceptions of justice must be adjusted to the characteristic of the systems of social cooperation which they are to regulate. 61

The intention of including only relevant information ensures, according to Rawls, for a functional theory of justice to emerge in that no person will attempt to create a conception of justice the may advantage him/herself, and in the process, disadvantage another certain person or group. Since all are ignorant of social status, no one person will risk potentially hindering him/herself by allowing any measure of social dominance. 62 The model Rawls develops allows for a real recognition of social diversity and group difference in the formation of liberal theory of justice. Overall, Rawlsian justice is developed through an understanding of the rationality of the participants involved. A true understanding of justice can emerge from the "Veil of Ignorance", according to Rawls, in that the parties involved are representative of society as a whole; participants are not prejudiced by irrelevant information that may impair any open and honest deliberations.

62 Ibid, p. 137
John Rawls' proposal for the development of justice is, according to liberal standards, progressive. It allows for a development of a definition of justice that encapsulates an understanding of diversity and addresses the diverse needs of social actors. However several difficulties with Rawls' model have emerged; communitarian theory points to several inconsistencies with the "Veil of Ignorance". Curiously enough the model that Rawls suggests does not fully and completely offend communitarians. The deliberative nature of the "Veil of Ignorance" corresponds to a communitarian desire for the renewal of political deliberation. Furthermore the deliberative process that Rawls suggests, absent from Dahl's and Dworkin's respective conceptions of justice, is inclusive in that it gives consideration to social diversity, including presumably cultural difference. However fault is found in the development of Rawls' argumentative logic. Rawls suggests that the "Veil of Ignorance" is a hypothetical condition in which all actors are aware of "the basis of social organization and the laws of human psychology... (and) the characteristic of the systems of social cooperation...". It is evident that Rawls does make provisions for the allowance of information concerning group-oriented behaviour and identity. However, Rawls assumes that the final product would reject any of the collectivist/deliberative tendencies associated with the development of a theory of justice. It is excluded, without reasonable cause, that justice in the end will be conceived through an understanding of the individual as the primary social and political unit. While a sense of common purpose is clearly evident throughout Rawls' description

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63 Ibid, p. 137
of the deliberative process associated with the "Veil of Ignorance", it disappears in the final analysis.

Rawls' use of a hypothetical model allows for an understanding of justice that is free from social domination. While Rawls explicitly denies rational parties any information that may sway them to arrive upon a prejudiced theory of justice, the potential application Rawlsian justice is open to the very prejudices that Rawls' attempts to avoid. Once the "Veil of Ignorance" is lifted the harsh reality is that even an untainted and complete theory of justice, one that was agreed upon by all parties, may merely be ignored in the pursuit of self-interested goals. Amy Gutmann suggests that even understood generously, this type of liberalism fails to make a substantive transformation in the understanding of justice, in particular equality. She writes in *Liberal Equality*.

True to the liberal belief in human equality, a just political order would cultivate the potential for cooperation among people while protecting their individuality from unjustified social intrusions. Thus moral transformation is expected to follow from the institutionalization of a just political order - for only with that creation can people securely contribute to mutual cooperative enterprise...But liberal theory does not presuppose a radical moral transformation...rather, liberal egalitarianism looks forward to a development...of the liberal welfare state. Even liberal's most radical expectation - that the most advantaged will willing and in a fraternal spirit contribute to the interests of the least advantaged - does not require a complete remaking of moral consciousness.  

Gutmann, in criticizing Rawls, forwards her own conception of justice, which recognizes social diversity as a real, not merely convenient theoretical condition.

Gutmann differs from Rawls in that an element of social cooperation is included in not

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only the formation of a theory of justice, but in its actual application as well. However, Gutmann is not alone in her critique of Rawlsian liberalism. Gutmann's reaction to Rawls is evidenced in the criticisms of other scholars as well.

The idealized notion of cooperation supported by Rawlsian liberalism is overly abstract for certain scholars. According to Robert Paul Wolff several large questions remain regarding social organization. Wolff writes, "When one reflects that *A Theory of Justice* is, before all else, an argument for substantial redistributions of income and wealth, it is astonishing that Rawls pays so little attention to the institutional arrangements by means of which redistribution is to be carried out."65 This point is addressed by Brian Berry as well, in the examination of the possible emergence of just constitutions from the formative project Rawls has suggested. Berry concludes that for Rawls a society is nearly in agreement as to a common understanding of justice, or "it is a jungle", in which social differences translate in political and social disorder.66 For Rawls it is inconceivable that a society undergo a process of moral self-examination, yet continue to exude some measure of political stability.67 For Rawls the key aspect absent from his perspective is a mechanism for creating balance between competing social interests, a feature that John Ralston Saul and Michael Walzer discuss in their respective positions. It appears that John Rawls, in developing his liberal theory of justice, faces the opposite problem that Robert Dahl and Ronald Dworkin do. While the latter scholars rely


67 Ibid, p. 252-53
too heavily upon liberal-democratic institutions in building their respective theories of justice, Rawls does not apply them to the context of his own understanding of justice.

It is evident that even among competing liberal definitions of justice, certain weaknesses emerge. These uncertainties are further exposed through a communitarian critique provided by Michael Sandel in *Liberalism and the Limits of Justice*. Writing in the communitarian tradition, Sandel suggests Rawls' understanding of justice is skewed in that it presupposes that people must orient themselves to one particular conception of justice. While Rawls, Gutmann, and Sandel do agree that pluralism is a social reality and must be acknowledged, Sandel suggests liberal understandings fail because "for a society inspired by the liberal promise, the problem is not simply that justice remains always to be achieved, but that the vision is flawed, the aspiration incomplete." 68

Communitarians have traditionally been at odds with liberal conceptions of the moral life, a point Sandel finds in Rawls' understanding of justice. He finds it limited in that it is morally neutral; it does not promote any specific notion or ideal as to what is to be considered good or just. Sandel contends that for Rawls it seems the process of deliberation is an end in itself. 69 This for many communitarian scholars, including Sandel, is a dangerous theoretical vacuum; liberalism blindly adheres to individualism while remaining disengaged as to an individual's place and function in society. Without a specific moral articulation of the presumed ends of any theory of justice, liberal or otherwise, it is incomplete and open to false unethical interpretation.

68 Sandel, *Liberalism and the Limits of Justice*, p. 1

69 Ibid, p. 183
Sandel does acknowledge that a theory of justice to some extent must recognize individualism, however it must also recognize that individuals are social creatures as well. Sandel writes,

...we form relationships and engage in co-operative arrangements with others. The point is not that persons co-operate out of selfish motives alone, but rather that our knowledge of the basis of plurality is given prior to experience, while our knowledge of the basis of unity or cooperation can only come in light of experience.\footnote{Ibid, p. 53}

For Sandel, a theory of justice must be grounded in the idea of community. We form networks of association as evidenced by political parties, interests groups, labour unions, neighbourhood associations or simply the existence of towns and cities.\footnote{Ibid, p. 149} The social structures associated with human existence and survival must be incorporated in any conception of justice. Overall, Sandel contends that a theory of justice must be understood through a more complex means that merely individual liberty.

It is obvious that questions arise from Rawls' theory of justice. However, Rawls himself has not remained silent to these aforementioned criticisms. As a result, Rawls attempts to address these numerous critiques regarding his particular interpretation of justice and equality through \textit{Political Liberalism}. Rawls' ensuing work seeks to take the ideal of justice from a purely theoretical context and place it a real social context. The premise upon which this is accomplished is the idea of public reason, understood as the moral and intellectual capacity of a society to constructively and reasonably deliberate upon a conception of justice and citizenship. He writes of the ideal of public reason,
public reason should be so understood and honoured by citizens, of course, a matter of law. As an ideal conception of citizenship for a constitutional democratic regime, it presents how things might be, taking people as a just and well ordered society would encourages them to be. It describes what is possible and can be, yet may never be, though no less fundamental for that.\textsuperscript{72}

While earlier communitarian critiques of A Theory of Justice point out that Rawls does not address the role of the state in his conception of the just society, he attempts to redress this concern through the structured framework of constitutional democracy. Rawls further responds to prior communitarian commentaries in that he acknowledges that "equal citizens, as a collective body" hold supreme power in any democratic state.\textsuperscript{73} However, the understanding of "collective body" is qualified in that it is only considered within the context of traditional liberal-democratic institutions, such as political parties or elected legislatures. In Rawls' understanding of the democratic process, public reason excludes "associations of kinds: churches and universities, scientific societies and professional groups."\textsuperscript{74} Rawls justification for this exclusion is based upon the notion that they belong to "background" culture and are not collectively shared by the public. Nonpublic reasoning organizations, as Rawls terms them, attempt to satisfy their own respective concerns first, rather than society at large.\textsuperscript{75} While there is an element of accuracy to this point, public and non-public reasoning should not be considered mutually exclusive. Rather they exist within similar social parameters in that participants claim membership in numerous overlapping organizations and/or groups. Rawls fails to

\textsuperscript{72} John Rawls, Political Liberalism (New York: Columbia University Press, 1993) p. 213
\textsuperscript{73} Ibid, p. 214
\textsuperscript{74} Ibid, p. 220
\textsuperscript{75} Ibid, p. 220
acknowledge that the deliberation of non-public reasoning can prove a valuable asset in the process of public reason in that various conceptions of justice and the good life are brought forth and evaluated in a larger public context. Rawls' acknowledgment of social diversity plays a limited role in the development of a conception of the good life.

Rawls does not neglect the fact that differentiated conceptions of justice may exist within any given society. He allows for such a contingency in Political Liberalism and suggests an appropriate response. He writes,

It is inevitable and often desirable that citizens have different views as to the most appropriate political conception; for the public political culture is bound to contain different fundamental ideas that can be developed in different ways. An orderly contest between them over time is a reliable way to find which one, if any, is most reasonable.\(^76\)

While non-public and public reason are separate concepts, public reason itself is exclusionary. Rawls asserts that only reasonable people be considered in the deliberative process associated with public reason. However, what is understood as "reasonable" is ambiguous at best. The diverse social representation found in the "Veil of Ignorance" does not exist in Rawls' understanding of public reason. It potentially excludes those social groups and individual actors that do not share an understanding of justice that is pursued through a constitutional framework. The issue of reasonableness is not merely a minor theoretical point, but rather it exists as a real issue of contention. The example of First Nations peoples illustrates this point.

Liberal-democracy is a product of European political culture and for many Aboriginal Canadians articulates a foreign conception of justice; it is often regarded as a

\(^{76}\) Ibid, p. 227
mode of cultural imperialism. Throughout the centuries it has been the very the institutions and traditions associated with liberal-democracy that have oppressed Canada's First Nations. While Rawls represents a new understanding liberalism, it cannot be ignored that Aboriginals may not fully share the cultural values of Europeans and as a result mistrust the liberal-democratic institutions. Should it then be considered that their reluctance to accept constitutional liberal-democracy be considered unreasonable? While Rawls understanding of reasonableness may be exclusionary in certain respects, the point has not been lost in Canada. The Canadian justice system has accommodated some Aboriginal communities by encouraging a return to traditional cultural means for conflict resolution, coupled with the contemporary measures of Canada's justice system. Communitarian ideals would point out that justice need not be carried out solely through a uniform liberal-democratic framework in order to fairly distribute justice.

The issue of cultural accommodation is a key criticism of Political Liberalism, in that Rawls apparently repeats earlier errors outlined in A Theory of Justice. While the traditional liberal understandings of universally applicable codes of justice appear in the final framework of Rawls' practical reason, it ignores the significant role that cultural diversity plays in modern democratic states. The primary flaw exhibited in Rawls' work is the failure to develop a mechanism through which competing cultural norms and conceptions of justice can be fairly deliberated upon. To the contrary, Rawls explicitly

denies those perspectives outside traditional constitutional frameworks of public reason an opportunity to engage in a deliberative process. Margaret Moore maintains that an understanding of citizenship for Rawls is conceived as national in character, while cultural identity is confined to the domain of the private/personal sphere. Moore contends that cultural identity is inherently connected to citizenship; governments and legislators cannot be neutral to this obvious point.\textsuperscript{79} Moore suggests that "in practice, almost all liberal states have a dominant culture and value system...France creates Frenchmen: it teaches French history and traditions, the French language; the United Kingdom teaches British history, the English language and so on."\textsuperscript{80} This relationship between nation and culture has become increasingly intricate in an era of post-modernity. More and more cultural minorities articulate their interests on a national scale; the personal has indeed become political. The agenda of First Nations people, for instance, is not merely cultural, but incorporates a political and socio-economic dimension. The formation of the Parti Quebecois, and later the Bloc Quebecois, are illustrations that issues pertaining to cultural identity, though personal, have become public and an integral part of the larger liberal-democratic framework. Communitarians argue that citizens and their respective governments cannot remain morally disengaged and ignore the needs of potentially marginalized component groups of society. An active and conscious effort must be made to give voice to those who may be culturally threatened by the majority. Fred Dallmayr writes of the Canadian condition with respect to the French culture,

\textsuperscript{79} Moore, p. 308

\textsuperscript{80} Ibid, p. 308
...political society cannot remain 'neutral' between those seeking to maintain cultural traditions and those wish to 'cut loose' to promote individual self-interest...what (is) at issue in constitutional debates (is) not only an individual right to bilingualism but the survival and flourishing of French culture is seen as a shared 'good' and its preservative for both present and future generations.

Dallmayr illustrates that justice and equality need not be defined solely in terms of individual language rights alone, rather the protection of minority cultures through institutions ensures the success of society as a whole. Government and citizens must remain consistently proactive in the ever-evolving discourse regarding cultural citizenship rights. The model Rawls provides regarding public reason is theoretically weak, as evidenced by the contemporary political environment; it does not wholly reflect the Canadian condition as illustrated by Dallmayr. Margaret Moore also extends this argument by writing of Rawls' perspective,

"...Rawls minimizes the amount of diversity, and, second, that a quite different solution to political stability would be required in a truly diverse state. If we are to continue with Rawl's quest to establish legitimate principles to regulate relations in culturally diverse societies, and which will provide a basis for democracy and political stability, then, the privatization of culture is not an adequate solution. We must look beyond a narrow agreement on a few thin principles to see if there cannot be different kinds of political arrangement, consistent with recognizing cultural identities, which are acceptable from the liberal standpoint ...

While the criticisms levelled against Rawls have emerged from both communitarian and liberal scholars alike, Moore suggests that the liberal project does not necessarily end with Rawls. In fact Moore does not reject liberalism in its entirety; she

82 Ibid, pp. 309-10
strongly suggests a more appropriate liberal perspective is needed.\textsuperscript{83} Will Kymlicka, through an extensive body of work, has examined the rights of cultural minorities from a liberal perspective. Furthermore, the Canadian example is often used as the theoretical foundation throughout his scholarly enterprises. The Kymlickan understanding of rights discourse, with specific regard given to cultural citizenship in Canada, warrants a detailed examination.

\textsuperscript{83} Ibid, pp. 309-10
What is Defined as Cultural Citizenship in Canada?

While John Rawls, Robert Dahl and Ronald Dworkin have incorporated a limited understanding of pluralism into their respective theoretical models, Kymlicka constructs a more thorough understanding of contemporary cultural citizenship. Will Kymlicka's interpretation of rights discourse is important in that it attempts to rise above the "Liberal-Communitarian Debate", while supporting the perspective of others scholars that have written of the Canadian condition, such as Charles Taylor and John Ralston Saul.

Though no definite or formal criteria exists, Will Kymlicka suggests in "Three Forms of Group-Differentiated Citizenship in Canada", that cultural pluralism can be subdivided in to two parts. Firstly, there is the condition of the "multination" state, which includes such groups as the English, French and Aboriginals. This definition is grounded in the sharing of an historical presence in Canada and can be defined along specific geographic lines. Until recently, "multination" excluded Aboriginal Canadians, in that Canada was viewed as bicultural, composed only of English and French communities. However, with the advent of official multiculturalism and through such constitutional initiatives as the Charlottetown Accord, the general public view has

allowed for recognition of Aboriginal Canadians as a founding people as well. Though Kymlicka accords Aboriginals status as a "multination", certain qualities exist that differentiate it from English and French communities within Canada. While Canada’s First Nations are culturally dissimilar, they have endured similar shared experiences of colonization and exploitation.

Will Kymlicka follows his description of “multination” by introducing the concept of a "polyethnic" society. Though both based along ethnic lines, the polyethnic organization of Canadian society is based upon immigration and the great amount of diversity it has created. Canadians included in this group do not have a geographically defined territory such as those of Aboriginal, French and English heritage. Polyethnic communities only exist as an entity in that Canada has committed itself to protecting its cultural assets, both on a multination and polyethnic level, through an official policy of multiculturalism. Though immigrants often acculturate within the larger Anglophone or Francophone communities, they often exist as sub-cultures and thus can be culturally identified. However the prime distinction between the two is that "multinations" are officially recognized as groups on an institutional level, while polyethnic citizens are protected through their rights as individuals to practice their respective customs and traditions in private, without much legal regard for group identification. Kymlicka identifies what seems to be a tacit social consensus within Canada in that there is a general public view that citizenship guarantees can be secured through cultural rights for

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85 Ibid, p. 154


87 Ibid, p. 155
individuals and groups, a view also shared by John Ralston Saul. The liberal understanding of cultural citizenship rights that Kymlicka provides dramatically departs from a Rawlsian understanding of liberalism and extends the boundaries to its theoretical limits. While Kymlicka follows in a liberal philosophical tradition, his construction of a definition of justice shows striking similarity to the understanding of justice proposed by scholars such as Taylor and Saul. Kymlicka, through a focus on the Canadian condition, attempts to bridge the gap between both liberal and communitarian perspectives, illustrating a balance between both theoretical perspectives.

3.1 The Kymlickan Hybrid Model

In the attempt to narrow the divide between liberalism and communitarianism, Will Kymlicka extends his argument in Liberalism, Community, and Culture. As a whole the work examines the premises upon which both philosophical doctrines build their respective theories of justice. In particular, Kymlicka suggests that there need not be a direct conflict between notions of individuality and community. A recognition of cultural membership allows for individuals to be part of a moral narrative that allows people to examine their choices and make intelligent decisions. Overall, the argument Will Kymlicka puts forth is that it is only through an examination of society as a whole that citizenship can be defined. However, what further sets Kymlicka's analysis apart from pure communitarian theorists, such as Michael Sandel and Michael Walzer, is that Kymlicka also finds communitarian assertions regarding the self and community flawed to some extent.

Communitarians have generally argued that liberalism is biased toward furthering the interests of the individual at the expense of the community. However, Kymlicka implies that communitarians, in promoting their particular conception of justice, assume that a shared sense of togetherness leads directly to the emergence a common conception of justice. This comment resembles Dworkin's criticism of Waizer, however Kymlicka furthers the argument. Cultural diversity holds the potential for social conflict in that it encourages multiple and competing conceptions of justice. Even amongst those who share a common cultural identity, the possibility for disunity exists. Ironically, while communitarians have found reason to criticize Rawls and the deliberative process associated with the "Veil of Ignorance", traditional communitarian theory has not devised a functional mechanism of its own to promote any sense of togetherness. While the notion of a civic culture and deliberative democracy are touted by communitarians as a mechanism for conflict resolution, it does not provide actual detail as to how different conceptions of justice are to be deliberated upon. This causes difficulties in not only the articulation of a communitarian understanding of justice, but also its implementation. For instance, while government may respect and protect the rights of a given cultural group, it must also be acknowledged that members of a specific cultural group may have varied conceptions of the good life. They may disagree amongst themselves as to the appropriate means through which government can protect their particular interpretation of what constitutes a cultural right. To complicate matters, even if a cultural group may agree upon a common understanding of justice, this may violate the norms of the society

89 Ibid, p. 239
as a whole. For instance, a particular cultural group may only allow men to participate in the internal decision making processes, thereby subjugating women, an obvious rejection of the spirit of gender equality found in many contemporary liberal-democratic states. Kymlicka clearly illustrates that both the communitarian and liberal understandings of justice have developed weaknesses, yet he does not depart from either project. In response, Kymlicka develops an understanding of cultural citizenship that narrows to a finite degree the actual theoretical differences and conflicts associated with communitarian and liberal political theory.

The liberal and communitarian perspectives regarding the discourse concerning the distribution of cultural citizenship rights is often portrayed as divisive. However Kymlicka, through an assessment of the respective weaknesses associated with both philosophical doctrines, has found some theoretical common ground. He provides a nuanced examination of minority rights in liberal-democratic societies in *Multicultural Citizenship*. For Kymlicka, a liberal, the primary issue of importance concerns the acknowledgment of cultural diversity within modern liberal-democratic states. In addition to this, an emphasis is placed on the requirement to recognize cultural citizenship in the creation of a just society. However, the key issue that remains questionable is the means through which both a common conception of justice can coexist with particular cultural identities that require differentiated citizenship rights.\(^9\)

Kymlicka suggests that a set of shared values must exist that are respected by all social actors, regardless of particular identity. While a conception of justice may not be held in

common, Kymlicka suggests shared political values must be present in order that a social dialogue may take place. Kymlicka writes of the Canadian condition,

For example, one government commission in Canada developed a list of seven such values Canadians shared: (1) a belief in equality and fairness; (2) a belief in consultation and dialogue; (3) the importance of accommodation and tolerance; (4) support for diversity; (5) compassion and generosity; (6) attachment to the natural environment; (7) a commitment to freedom, peace and non-violent change. The hope is that focusing on these shared values will provide grounds for unity in Canada.

Kymlicka's description of common political values that allow for a well-ordered political society read suspiciously similar to a Saulian understanding of Canadian political culture. This notion is furthered through his assertion that a set of shared values does not necessarily allow for the creation of political community. The missing element from many liberal conceptions of justice, as Kymlicka suggests, is the need for a shared identity among a polity.

Kymlicka points out that a shared identity often exists even in the absence of shared values and social diversity, as evidenced by American political culture. However, this is indeed the challenge modern liberal-democracies must face; in an ever increasing socially diverse society, shared values and identity can not be easily cultivated. Kymlicka points to Charles Taylor's understanding of deep diversity as a means of building a just community. It not only recognizes the multi-ethnic compositions

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91 Ibid, p. 187
92 Ibid, p. 187
93 Ibid, pp. 190-91
94 Ibid, pp. 189-90
of states, but also reinforces their role within the scope of society as a whole.\footnote{Ibid, pp. 190-91} The task for liberals is unique in that while Kymlicka outlines the scope of a theory of justice, through an understanding of liberal-democratic institutions, he also acknowledges that cultural citizenship rights must be differentiated. While Kymlicka does suggest shared values and identity as starting points for an element of social cohesion, he does not expand upon how these factors are to be developed. He suggests that they are connected to such tangible cultural products as language, history and religion.\footnote{Ibid, pp. 188-90} In making this statement, Kymlicka arrives at the same conclusion that Saul makes in Reflections of a Siamese Dream: Canada at the End of the Twentieth Century. While on the surface it may seem that Kymlicka is a closet communitarian, his liberal tendencies do not fully allow him to commit to a communitarian ideal of justice.

Kymlicka's revision of liberalism is a creative attempt to address the issue of diversity within the scope of liberalism. It does expand upon the narrow boundaries Rawlsian liberalism has set, however from a communitarian perspective there are certain theoretical weaknesses. Kymlicka in Multicultural Citizenship concedes that creating social unity through a condition of cultural pluralism is not an effortless task. Kymlicka asserts that liberalism must, in order to recognize the contemporary condition of many Western liberal-democracies, acknowledge that ethnic diversity exists both in theoretical and real terms. This does have the potential for a social fragmentation according to some liberal scholars, in that it overly emphasizes social difference. The fundamental challenge
facing liberal theory "is to identify the source of unity in a democratic multination state."

Kymlicka writes of this task,

The nineteenth-century English theorist A.V. Dicey once said that a stable multinational federation requires 'a very peculiar state of sentiment among its citizens, since they must desire union, and must not desire unity. Henri Bourassa made a similar point when he said that the 'special development' of French-Canadian nation 'must come about in conjunction with the development of a more general patriotism that unifies us, without fusing us'. Liberal theory has not yet succeeded in clarifying the nature of this 'peculiar sentiment'.97

Kymlicka's examination of the contemporary condition of modern multiethnic states attempts to bend the boundaries of traditional liberal theory to allow the accommodation of diversity. Furthermore, Kymlicka is correct in his assessment that liberalism has not found a means of clarifying the "peculiar sentiment" that A.V. Dicey describes. Communitarian theory would, in essence, agree with Kymlicka's understanding of cultural citizenship and the associated discourse regarding the distribution of rights. However communitarians suggest that the ideal of community is a key factor in the development of this 'peculiar sentiment'. However, where both a narrow understanding of communitarianism and liberalism falls short in identifying this "peculiar sentiment", John Ralston Saul expounds on this throughout Reflections of a Siamese Dream: Canada at the End of the Twentieth Century. The essential elements missing from Kymlicka's liberal interpretation of the Canadian condition is found in Saul's work. For Saul, social diversity and the need to create a balance between competing interests have been the essential elements in the process of nation building.98

97 Ibid, p. 192
98Saul, p. 103
While John Ralston Saul does not specifically expose Kymlicka's perspective to analysis, several liberal theorists are at odds with the assertions Kymlicka makes throughout his body of work.

It should not be surprising that Kymlicka's particular cultural perspective has attracted liberal detractors as well. Robert Howse suggests that liberalism has merely accommodated cultural difference, rather than deal with key theoretical issues. There is a neglect of the understanding of the role social actors play outside their particular cultural communities or the means and methods whereby they interact with one another.99 This point is similar to one raised by Margaret Moore in her critique of Rawls. There is no real understanding provided for an accurate theoretical examination of how a culturally diverse society such as Canada can function orderly and peacefully, while other heterogeneous societies are engulfed by deep social unrest and violent conflict. Communitarians would respond to this liberal criticism of Kymlicka by suggesting that Canada, in particular in its urban centres, allows for numerous opportunities for cross-cultural interaction. As a result numerous cultural identities are open to many people in that culturally diverse actors continuously share public spaces. However, it is on this point that Kymlicka's categorization of citizenship falls apart. An individual may possibly trace his/her cultural heritage to more than one cultural group. Howse suggests that liberalism is limited in its scope in that real boundaries exist in its sphere of influence. While liberalism has a duty to articulate and clearly define citizenship rights,

it must be left to individuals to decide as to the best means through which they can articulate their interests in a political society, a claim communitarians would not eagerly adopt.100 Overall, Howse suggests that liberalism's supreme function is to maintain the balance as to what is to be considered to be private and public in the process of rights discourse.101

While the Kymlickan understanding of cultural citizenship rights may please communitarians scholars in some respects, he has drawn criticism from other liberals in his attempt to recreate a liberal conception of justice. In particular Brian Walker finds Kymlicka's territorial understanding of cultural politics, as illustrated in "Three Forms of Group-Differentiated Citizenship in Canada", unrealistic. If Kymlicka truly attempts to create a just society, his model does hold the potential to create a certain degree of unfairness. Walker, in his response to Kymlicka, suggests that decentralization may not necessarily be the best means through which to properly address issues related to cultural sovereignty.102 For Walker, culture as a whole, both that of cultural minorities and majorities, is continuously being shifted and remade by an age of post-modernity that emphasizes a condition of hyperpluralism; people have multiple and readily changeable identities.103 Walker suggests that urbanization has forced people to dislocate and remove themselves form their culturally homogenous communities. Once resettled in a

100 Ibid, p. 333
101 Ibid, p. 333-34
103 Ibid, p. 217
city they are surrounded by persons that differ from their own respective cultural identity. To compound matters, socializing agents of culture as such school, churches and neighbourhood associations do not gain a proper opportunity to function in that their membership is in flux.\textsuperscript{104} Walker's central thesis suggests that cultural citizenship rights defined through traditional and particular historic needs, as understood by Kymlicka, are thoroughly irrelevant. Walker suggests "when a confused 16-year-old Montrealer wants to figure out what to do with her life, she does not ask herself what her great-grandmother did on the farm in Gaspe. The experiences of a farm women are just too dissimilar to anything we would run across in modern society..."\textsuperscript{105} Cultural citizenship rights have been historically grounded in some conception of a particular cultural context, however those understandings have eroded and have not been replaced. Walker through his repudiation of Kymlicka's liberal culturalism, gently rejects communitarianism as well. He suggests that the notion of community and the nurturing of civic culture have been lost due to the greater pressures exerted by modernity, as evidence by degeneration of rural areas and urban neighbourhoods.\textsuperscript{106} As a result rather than understanding citizenship in terms of culture, a social conception of justice must address the needs and concerns of an ever increasing economic underclass. In the end, Walker suggests that new and creative social institutions must be developed to address the newly emerging economic dimension of citizenship.\textsuperscript{107}

\textsuperscript{104} Ibid, p. 218
\textsuperscript{105} Ibid, pp. 217-18
\textsuperscript{106} Ibid, pp. 217-18
\textsuperscript{107} Ibid, p. 231
This view has developed increasing support, as described by such scholars as Jane Jenson. Jenson suggests that the historical constructs associated with citizenship are shifting in light of the emergence of neo-liberal politics. As a result traditional understandings of community and liberal-democratic institutions no longer endure. While historically social institutions have made decisions regarding citizenship rights and their distribution, Jenson suggests that the state can no longer make such decisions independently, rather a wider democratic dialogue is needed.  

It is evident that liberal and communitarians disagree as to the context in which justice is to be defined in a democratic society. Numerous criticisms and counter-points have been explored with no real apparent consensus emerging. While scholars such as Will Kymlicka have attempted to create hybrid models that encourage a differentiation of cultural citizenship rights, this too has faced critical commentaries. In response, critics have charged that both philosophical schools are dated in that they have ignored changes in the social condition. The postmodern condition does indeed exist and is an important social dynamic. However, it has not been entirely overlooked in the debate regarding citizenship rights. As a result, communitarians and liberals alike find their respective conceptions of justice threatened by a postmodern political culture and its particular conceptions of justice.

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109 Ibid, p. 644
Chapter Four

Ethnic Pluralism and Cultural Citizenship Rights

The discourse regarding justice and the distribution of citizenship rights is wide-ranging. While both liberal and communitarian scholars have come to acknowledge that cultural diversity exists as a social reality, a debate continues as to the extent that cultural citizenship rights should be recognized. While liberals endorse the increased participation by social actors in the institutional political framework of the state, communitarians suggest cultural accommodation must be embraced as a defining characteristic of a national political culture. Though liberals and communitarians disagree as to the numerous issues associated with recognizing cultural diversity, both schools of thought have been criticized. In particular the post-modern perspective suggests that traditional ideals of justice associated with liberal and communitarian thought are redundant. Post-modernists suggest the shift to a post-industrial society has necessitated a debate regarding the social conception of citizenship.\textsuperscript{110} Classical scholars that examine pre-Enlightenment values also share this perspective. They suggest that any discussion of citizenship must include an understanding of moral character.

As a philosophy liberalism is grounded in the social, economic and political conditions of the Enlightenment. However, both pre-modernists and post-modernists assert a liberal understanding of the distribution of political power has become increasing

\textsuperscript{110} David Lyon, \textit{Postmodernity} (Minneapolis: University of Minnesota Press, 1994) pp. 25-6
Social power is no longer centralized through one governmental organization, but rather is widely distributed among numerous social and political actors. Older hierarchies have been eroded; liberal conceptions of justice may not necessarily reflect the actual social condition; liberalism must compete with other conceptions of the good life.

4.1: The Spiritlessness of the Liberal-Communitarian Debate:

The rise of communitarian thought in recent decades is based on the acknowledgment that a modern sense of fragmentation and social alienation exists. While they point to the numerous flaws associated with a liberal conception of justice, communitarians suggest that the ideals associated with community can adequately address these concerns. Communitarian theory, through a deliberative democratic framework, allows for the existence of multiple conceptions of the good life. While the recognition of these numerous social identities may conform to a contemporary understanding of political cultural, any notion of community without a focus on moral character is itself an entirely irrelevant concept. Ronald Beiner, writing in the classical tradition, suggests in Philosophy in a Time of Lost Spirit that neither a liberal nor a communitarian perspective provides an adequate description or prescription for the ills that befall contemporary society. Beiner describes himself as both a critic of liberalism and communitarianism. He writes,

"...I have no desire simply to replace the liberal's principle of rational autonomy with a principle of communal identity, nor see the latter principle spared the
same degree of theoretical scrutiny to which liberal ideals ought to be submitted. As I see the matter, the problem with liberal theory is not that it leaves community out of account but it fails to offer a sufficiently robust challenge to the individualistic self-understandings of contemporary social life. If 'communitarianism' requires that one yield up a blanket affirmation of community, regardless of content, then communitarian theory becomes subject to precisely the same objection - namely, that it falls short of the calling of theory, which is to issue fearlessly radical challenges to existing self-understandings.113

Beiner's criticism of both liberal and communitarian political theory is directed toward the work of Michael Sandel and John Rawls respectively. However, rather than examining their collective understandings of justice, he finds issue with the justification of their respective research projects. Beiner asserts that nuanced examinations of key philosophical questions do a disfavour to the spirit associated with intellectual inquiry.114 The attempt to analyze and define a distinct understanding of self is limiting in that it excludes or ignores other philosophical perspectives. For Beiner, scholars must "have an obligation to keep the space of intellectual life as rich and open as possible."115 While Beiner finds issue with the direction taken by Sandel and Rawls, he does find some substance in the work of Will Kymlicka.

Beiner makes specific reference to Kymlicka in that he adopts neither a purely liberal perspective nor a communitarian understanding of justice. Kymlicka's hybrid of liberalism and communitarianism, or as Beiner terms it "quasi-communitarian liberal

113 Ibid, p. xii
114 Ibid, pp. 3-4
115 Ibid, p. 17
pluralism", allows for the development of multiple understandings of self.\textsuperscript{116} Kymlicka's inclusion of cultural citizenship allows for a "less vulnerable" and revised understanding of liberalism, though it lacks in one respect.\textsuperscript{117} Beiner does not agree with Kymlicka's notions of the primacy of cultural citizenship over other forms of citizenship.\textsuperscript{118} For Beiner, the concept of citizenship extends beyond mere cultural considerations.

Through criticisms of Sandel, Rawls and Kymlicka, Beiner highlights the crux of his argument. Identity, cultural or otherwise, has become overly complex. As a result, modern understandings of the good life may not necessarily serve as accurate philosophical tools in the quest to understand identity, a criticism echoed by other scholars such as Brian Walker.\textsuperscript{119} Overall, Beiner's project attempts to remove the process of intellectual inquiry from the current and widely accepted schools of philosophic understanding. In fact, Beiner suggests that we live in spiritless times, that political inquiry is uninspired.\textsuperscript{120} In the end, Beiner submits that the best means through which to explore an understanding of self is to allow for an investigation of ideas that are free from entrenched philosophical doctrines.\textsuperscript{121} While his pre-modern analysis does expose certain nuances associated with traditional liberal and communitarian

\textsuperscript{116} Ibid, p. 42
\textsuperscript{117} Ibid, p. 43
\textsuperscript{118} Ibid, p. 43
\textsuperscript{120} Beiner, Philosophy in a Time of Lost Spirit: Essays on Contemporary Theory, p. xii
\textsuperscript{121} Ibid, p. xiii
understandings of citizenship, Beiner's analysis is deeply flawed in many respects. Beiner suggests political theory, specifically liberalism and communitarianism, is theoretically weak in that it cannot properly address the demands of citizenship associated with the contemporary social condition. However, while Beiner asserts that mediocrity is the eternal enemy of philosophical inquiry, his own scholarly work, Philosophy in a Time of Lost Spirit, suffers from a clear lack of vision.

Ronald Beiner's deconstruction of liberalism and communitarianism is exceptional, however his overall thesis falls victim to the very criticisms he makes of contemporary political theory. The development of an innovative and creative theoretical mode of inquiry does not emerge from Beiner's work. While a classical perspective examines and critiques liberalism and communitarianism, Beiner fails to suggest real alternatives to these schools of thought. Philip Resnick, in reviewing Beiner's work, writes,

...he is not fulfilling his own obligations as a citizen...by offering no theoretical guidelines of his own to his readers....It now behooves him to stop railing against the darkness and to do his bit to help clarify the hard normative choices that the late twentieth century poses.

Beiner's project is incomplete in that his analysis does not arrive at any substantial conclusions. While it provides an excellent means of critically describing the contemporary discourse regarding citizenship rights, he does little to expand on his own insights.

122 Ibid, pp. xii-xiii

While Beiner's project suffers from a lack of cohesion in terms of suggesting its own conception of citizenship, it should not be assumed that all examples of non-liberal/communitarian analysis follow a similar pattern. Some scholars, such as Iris Marion Young, attempt to provide a post-modern sense of direction. In particular she examines the usefulness of group associations in developing an understanding of citizenship; Young does not follow Beiner in suggesting that we live in "spiritless times". While Beiner rejects blanket endorsements of community, Young acknowledges that citizens are not necessarily alienated from each other; we are social creatures and form associations with others. Young acknowledges the existence of these collective forms of social organization and allows for a discussion of cultural citizenship through an understanding of ethnic pluralism.\textsuperscript{124} Young's understanding of ethnic pluralism allows for an open recognition of cultural citizenship rights through a deliberative democratic framework.\textsuperscript{125}

The endorsement of deliberative democracy is political quality that many political theorists do not oppose in principle. It is viewed favourably in that it endorses a discourse between diverse actors in the development of a common understanding of the public good. For liberal theorists such as John Rawls, the notion of deliberative democracy is based entirely upon the notion of institutional interest articulation. However, in direct contrast to Rawls, Young suggests that a true deliberation and political decision making can occur outside the traditional scope of Rawlsian

\textsuperscript{124} Iris Marion Young, \textit{Justice and the Politics Difference} (Princeton: Princeton University Press, 1990), p. 227

\textsuperscript{125} Ibid, pp. 117-21
understandings of political deliberation.\textsuperscript{126} For Young open communication is vital in maintaining a vibrant and functional deliberative democracy, in which there is equal opportunity for the articulation of interests. Young writes,

The ideal of communicative democracy includes more than deliberative democracy, because it recognizes that when political dialogue aims at solving collective problems, it justly requires a plurality of perspectives, speaking styles, and ways of expressing the particularity of social situation as well as the general applicability of principles. A theory of democratic discussion useful to the contemporary world must explain the possibility of communication across wide differences of culture and social position. Such a theory of democracy needs a broad and plural conception of communication that includes both the expression and the extension of shared understandings, and the offering and acknowledge of unshared meanings.\textsuperscript{127}

The understanding of deliberative democracy that Young presents is desirable. However, the context in which Young places this endorsement of a commutative society is that of contemporary city life.\textsuperscript{128}

4.2: Justice and the Politics of Difference:

While scholars such as Ronald Beiner and Brian Walker discard the role contemporary urban environments play in nurturing democratic discussion, Young suggests in Justice and the Politics of Difference that contemporary political societies need not be examples of social decay, but rather rich environments of political interaction.\textsuperscript{129} For Young the essential historical error of political theory, in particular

\textsuperscript{126} Ibid, pp. 22


\textsuperscript{128} Young, Justice and the Politics of Difference, pp. 236-37

\textsuperscript{129} Ibid, p. 236
liberalism, is that in the attempt to define an ideal of justice it regulates any discussion of social difference to the scope of private life.\textsuperscript{130} Young suggests contemporary urban settings are ideal environments through which a deliberative democracy can emerge amongst diverse social and political actors. Young's choice of city life is justified in that cities do attract various ethnic and social actors.\textsuperscript{131} In Canada alone, cities are the major destination of new immigrants, mainly from non-European nations.\textsuperscript{132} However Young, in choosing the example of city life as the basis of her model, soundly rejects the ideals of community that many communitarians espouse. She suggests:

Proponents of community...deny difference by positing fusion rather than separation as the social ideal. They conceive the social subject as a relation of unity or mutuality composed by identification and symmetry among individuals within a totality. Communitarianism represents an urge to see person in unity with one another in a shared whole.\textsuperscript{133}

Young's assertions are based on the notion that the ideal of community is exclusionary in that it requires a homogenization among its members in order to create unity, a situation that does not reflect the diversity of modern urban neighbourhoods.\textsuperscript{134} For Young contemporary political theory must address not merely normative demands, but also the requisite needs of real social actors.

Overall Young's interpretation of modern city life is appealing in that it endorses openness among diverse actors. Furthermore, Young's insights regarding the modern city

\begin{itemize}
\item \textsuperscript{130} Ibid, p. 120
\item \textsuperscript{131} Ibid, pp. 237-38
\item \textsuperscript{132} Leo Driedger, \textit{Multi-Ethnic Canada: Identities & Inequalities} (Toronto: Oxford University Press, 1996) p. 63
\item \textsuperscript{133} Young, \textit{Justice and the Politics of Difference}, p. 229
\item \textsuperscript{134} Ibid, p. 119
\end{itemize}
cannot be denied; the process of urbanization is acknowledged by liberal, communitarianism and classical scholars alike. However, her criticisms of communitarian theory are skewed in that communitarianism does not endorse a denial of difference. This reflects only a limited and narrow understanding of community. Young is mistaken to suggest communitarian theory is undemocratic and homogenizing in nature, a perspective that informs much of her argument. This lack of understanding creates a theoretical weakness in her promotion of city life as a normative and realistic ideal in the development of the public good. The model of a communicative political society that Young forwards cannot be effectively established if no real basis exists for its formation. By contrast, a Sandelian communitarian perspective suggests that in fact a society must have a pre-existing collectivist political culture that fosters democratic deliberation among citizens.135 Contrary to the Canadian political experience, Sandel suggests that American political culture is far too individualistic to foster the development of a collectivist identity among its citizens. Young concedes this point through an acknowledgment that a sense of togetherness is key to her conception of city life.136 For Young social unity is created in that city life privileges face-to-face relations in that "city dwellers frequently venture beyond ... familiar enclaves, however, to the more open public of politics, commerce, and festivals, where strangers meet and interact."137 Young's understanding encompasses an "erotic" understanding of city life,

135 Sandel, Democracy's Discontent: America in Search of a Public Philosophy, pp. 317-51

136 Young, Justice and the Politics of Difference, p. 227

137 Ibid, p. 237
in that people are drawn to the numerous and varied activities that cities offer; people are seduced by difference.\textsuperscript{138} For Young the openness of city life allows for freedom, tolerance of diversity and a recognition of the specific needs of ethnic actors. While an understanding of diversity is included, Young again does not provide sufficient basis through which an appreciation for "diverse cultural expressions" can develop.\textsuperscript{139} There is little insight as to how the acknowledgment of cultural citizenship leads to the development of a respect and tolerance of cultural diversity.\textsuperscript{140} While few post-modern, liberal and communitarian scholars would frown upon the idealized version of city life that Young presents, it must be acknowledged that cultural freedom and tolerance do not necessarily thrive in a modern urban environment. While many American and Canadian cities function relatively well, their collective histories are scarred by cultural conflict.

In any culturally diverse environment, urban or otherwise, it is inevitable that competing understandings of justice are sure to emerge. However historically the process of deliberating upon these competing understandings of justice and the good life has been limited. Women, Blacks and Native Americans have been excluded, a point Young does acknowledge.\textsuperscript{141} Young is aware to some extent of the current limitations of city life in that they do not encompass a broader understanding of deliberative democracy. For Young any understanding of city life or a normative discussion of deliberative democracy must focus upon the equal participation of cultural groups in

\begin{itemize}
\item \textsuperscript{138} Ibid, p. 239
\item \textsuperscript{139} Ibid, p. 240
\item \textsuperscript{140} Ibid, p. 240
\item \textsuperscript{141} Ibid, p. 127
\end{itemize}
developing the public agenda. Young asserts that the historic process of developing an understanding of the good life is skewed in that it has often been based solely on the norms associated with the cultural majority. This process of developing the public good is inherently unfair in that it allows materially dominant cultural groups, primarily understood as Anglo-Saxon in ancestry, have a greater ability to set the political agenda. Traditional liberal-democratic institutions are geared toward meeting the interests of those who command the greatest ability to influence political and social affairs. The result of this process is that what is understood as just may not necessarily be representative of the public interest at all. Furthermore, the predominant perception of the good life may oppress those cultural minorities who do not share similar conceptions (a view shared by Charles Taylor). In response, Young supports the ideal of the public good in that it is "open and accessible" to all citizens. Young openly encourages the free expression of difference, cultural or otherwise, through the removal of public barriers that hinder such expression. For Young equal access to agenda setting requires an open and communicative democratic process not only within the scope of city life, but also throughout the institutions of government. Particular cultural interests must be taken into account in the formal institutional deliberations associated with a democratic state.

For Young the protection of cultural citizenship rights occurs not only in the context of city life, but throughout government as well. Young rejects any conception of

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142 Ibid, p. 59
143 Ibid, p. 59
144 Ibid, 119
moral neutrality on the part of government; legislative institutions must encourage full
democratic participation as a means of giving voice to marginalized social groups.\textsuperscript{145} However, Young goes further than many communitarian theorists would in developing a
differentiated regime of cultural citizenship rights. According to Young various cultural
groups should be allotted formal representation in elected legislatures.\textsuperscript{146} Young provides
for an institutional framework through which numerous cultural groups can articulate
their own respective particular interests and desires. She writes in \textit{Justice and the Politics
of Difference},

...a democratic public should provide mechanisms for effective recognition and
representation of distinct voices and perspectives of those of its constituent
groups that are oppressed or disadvantaged. Such group representation implies
institutional mechanisms and public resources supporting (1) self-organization
of group members so that they achieve collective empowerment and a reflect
understanding of their collective experience and interests in the context of
society; (2) group analysis and group generation of policy proposals in
institutionalized contexts where decision makers are obliged to show that their
deliberations have taken groups perspectives into consideration; and (3) group
veto power regarding specific polices that affect a group directly, such as
reproductive rights policy for women, or land use policy for Indian
reservations.\textsuperscript{147}

It is evident from Young's suggestion regarding the renewal of democratic
institutions that she rejects outright a liberal perspective regarding the distribution of
citizenship rights. While liberals endorse an understanding of equality that promotes
sameness, Young allows for a deep divisions in the means through which cultural
citizenship rights are discussed and distributed. However, a communitarian

\textsuperscript{145} Ibid, p. 185

\textsuperscript{146} Ibid, p. 184

\textsuperscript{147} Ibid, p. 184
understanding of citizenship rights views Young's theoretical proposals with suspicion. Young openly chastises communitarianism insofar as it promotes "connotations of ethnicity, race, and other group identification," a perspective that Young seemingly endorses through institutional group representation. However, while in essence Young's ethnic pluralism does recognize cultural diversity in the dissemination of citizenship rights, communitarian theory places an additional stress upon the development of a common good from diverse conceptions of justice. Iris Marion Young does not make any mention of how a clear understanding of the public good or and understanding of justice can develop from numerous, if not competing, interests.

Young actively attempts to address demands for cultural citizenship rights by allowing for increased institutional mechanisms of interest articulation. However, this in turn raises several theoretical ambiguities as well. Iris Marion Young, writing of the American experience, asserts "...representation for oppressed groups in the decision making procedures of a democratic public promotes justice better than a homogeneous public..." While in a normative context such measures are well intended, in a real sense it does not include any specific criteria for the measure of oppression; questions exist as to which groups are to be considered legitimately oppressed and to what extent. In suggesting representation for traditionally marginalized groups, the question must be asked, "Who can legitimately speak for an entire group?" In the case of the First Nations

148 Ibid, p. 234
149 Ibid, p. 184
peoples, is one representative merely needed, or one for each of Canada's 600 bands?\textsuperscript{150} This potential situation has not gone unnoticed by scholars. Anne Phillips comments on the issue,

Can Asians be represented by Afro-Caribbeans, Hindus by Muslims, black women by black men? Or do these groups have nothing more in common than their joint experience of being excluded from power? ...Caucuses and quotas are the most obvious procedures for dealing with political exclusion, yet both depend on a prior categorization of the basis on which people have been kept out. Neither seems adequate to the complexity of political identities.\textsuperscript{151}

From Phillips' analysis, the flaw of Young's assertion becomes tragically apparent; cultural groups can be subdivided and internal divisions do exist within these groups. While Canadians do acknowledge their own particular cultural identities, such identities are complex and must be recognized as so. Young's proposal regarding the institutional representation for cultural groups duplicates many of the same theoretical oversights traditionally associated with liberalism. Liberalism has focused upon the individual as the supreme social and political unit, however Young merely replaces this understanding with social group self-identification, with little regard given toward internal differences or conflict. By contrast a communitarian understanding of cultural citizenship rights (and Saulian perspective) does not negate any notion of individuality or collective group membership, but rather attempts to find equilibrium between both these dimensions of citizenship. Communitarian objections to Young's ethnic pluralism are based on the distinct lack of discussion regarding the boundaries and limits of cultural

\textsuperscript{150} Flanagan, "Native Sovereignty: Does Anyone Really Want an Aboriginal Archipelago?", p. 71

citizenship rights. Young's promotion of cultural atomization gives little insight into the building of a social consensus among numerous cultural actors. By giving voice to numerous cultural interpretations of justice and citizenship rights, a lack cohesion exists in the final development of Young's public good. It is entirely possible any notion of the public good will speak to the self-interest of particular cultural groups, rather than society as a whole. While Young does endorse a notion of deliberative democracy, a more thorough examination is needed.

4.3: Citizenship Rights & Cultural Conflict

While morally justified, Young's promotion of a communicative and deliberative democracy faces certain obstacles in considering its ultimate applicability to an actual political context. The picture Young presents of city life is desirable, however the suggestion that cultural rights be extended through formal legislative representative is a product of distorted optimism. Face-to-face relations and an open recognition of cultural diversity does not necessarily forge the development of a civil society. The awareness of ethnic identity has the real potential to act as a catalyst for cultural chauvinism, creating social fragmentation and the possibility of violent conflict. Young's understanding of city life is superficial in that it examines surface diversity rather than examining the deeper collective bonds and political values that hold together any functional society. However, Young does not completely ignore the role political cultural plays in the management of questions surrounding cultural citizenship. In "Together in Difference: Transforming the Logic of Group Political Conflict", Young provides an example of
ethnic pluralism in her examination of New Zealand and the recognition of the cultural citizenship rights of the Maori.

The plight of the Maori in New Zealand is given consideration by Iris Marion Young in that it provides a model of differentiated cultural citizenship rights beyond the mere scope of city life. The original inhabitants of what is now New Zealand, the Maori, face systemic discrimination and are generally socially disadvantaged in New Zealand. While the debate regarding differentiated rights has been heated, a Royal Commission suggested that citizenship rights for the Maori should be allowed to differ from other New Zealanders. As a result, a multiple member proportional representative system has been adopted that allows for special representation for the Maori, thereby allowing their respective interests to be heard. Furthermore, this effort is coupled with an electoral practice that allows the Maori the ability to choose legislative representatives via traditional cultural mechanisms. The accommodation and respect of cultural difference in New Zealand extends beyond merely endorsing a bicultural society, but rather attempts to integrate Maori political and social traditions into the traditional scope of liberal democratic government. While this agreement is relatively new, it has met with a certain degree of success. As with any culturally diverse society, cultural tensions continue to exist in New Zealand, however the nation has managed to avoid a devolution into violent ethnic conflict and political anarchy that has plagued so many other multiethnic nations. For Young, this example highlights her ideal of cultural citizenship

153 Ibid, p. 174
articulated through a formal legislative process. However, while this example may illustrate Young's ideal of ethnic pluralism, it is directly contrasted with Eastern European experience.

The example of New Zealand, coupled with Eastern Europe, provides Young a means of comparing two distinct regimes of cultural citizenship rights. Young, using the New Zealand experience, establishes the point that a deliberative political process can indeed address the needs of marginalized cultural groups. Much like New Zealand, the former Yugoslavia is also a multiethnic state. While under Soviet domination, Yugoslavia did not experience ethnic conflict to a large degree. However this was associated with a policy of cultural repression rather than actually giving voice to difference.\textsuperscript{154} Cultural conflict in Eastern Europe never materialized in that official party dogma held that particular cultural identities would be replaced in time by a common solidarity among workers.\textsuperscript{155} It has only been since the fall of the Soviet Union that cultural conflict has erupted in such areas as the former Yugoslavia. While under the grip of authoritarian government, expression of cultural distinctiveness was discouraged in Eastern Europe because it contravened the basic premises associated with the official state ideology. However, without the stifling influence of authoritarian government, ethnic tensions exploded.

The examples of Eastern Europe and New Zealand provide a key insight into the cultural citizenship rights. Young makes a subtle, yet key point, in contrasting these two

\textsuperscript{154} Ibid, p. 166

\textsuperscript{155} Ibid, p. 167
nations. Whether authoritarian or democratic, a tacit consensus must exist among citizens regarding the recognition and appropriate distribution of cultural citizenship rights. A tolerant and open political culture must first exist prior to any public discussion regarding the means and mechanisms whereby which cultural citizenship rights are to be distributed. This unconscious social process is implied by Young's ideal of city life, along with John Rawls' understanding of public reason. However such public sentiments cannot be manufactured, they must be a product of political culture. It is this aspect that is insufficiently incorporated into post-modern and traditional liberal understandings of citizenship. While it is vital to encourage the development of a deliberative democracy to allow for free and open discussion, a political will must exist amongst a polity to recognize the inherent value of cultural diversity.

The examples that Young provides allow for an excellent means of examining actual and potential conflicts associated with a social discourse regarding cultural citizenship rights. Notions of deliberative democracy, tolerance and open communication are desirable quantities but often go unrealized. However all-encompassing ideas, such as Young's post-modern understanding of deliberative democracy or even Rawls notion of public reason, do not allow for a perspective on political culture. In recognizing particular forms of justice, Young must acknowledge that her post-modern perspective is applicable only in particular circumstances. Political culture in New Zealand is well suited to Young's ideal of a functional ethnic pluralism. By contrast, Young's ideal of open and tolerant city life would not materialized in a culturally fragmented political society, as found in the ethnically divided city of Sarajevo, in the former Yugoslavia.
For Young's ideal of ethnic pluralism to function properly, a political culture of tolerance must exist prior to any development of deliberative democracy. It is this quality associated with the post-modern perspective that has gone unarticulated by many post-modernists. While many post-modern scholars take issue with ubiquitous universality of liberalism, a post-modern perspective acts as a meta-narrative as well. Post-modern theory attempts to address issues of global change and recognize particular identities, however does not itself acknowledge its own theoretical limitations. While valid as a means of analysis, a post-modern perspective is not wholly applicable to all political contexts. By contrast communitarian theory has never assumed to act as a meta-narrative in any capacity. While communitarianism does find a need for a discussion surrounding the value of community in contemporary philosophical inquiry, communitarian theory does not purport to export its particular political perspective to all political societies.

The post-modern perspective that Young asserts is inherently tied to political culture. While Young makes this point indirectly, it is an elemental understanding of communitarian theory. Overall, communitarian thought advocates a greater incorporation of community, and in the process recognizes that communities are composed of a diversity of actors. However, this understanding is coupled with a recognition that a communitarian perspective may not necessarily be applicable to all political systems. Michael Sandel arrives at this conclusion in *Democracy's Discontent*. While he favours a type of political society advocated by communitarian scholars, American political culture cannot actively respond to the dimensions of communitarianism.\(^{156}\)

\(^{156}\) Sandel, *Democracy's Discontent*, pp. 317-51
theory does not blindly endorse a collectivist political culture, but rather provides a means of understanding political societies that already display collectivist tendencies. It is this specific quality of communitarian thought that allows for the examination of the Canadian condition. Canada has always focused upon the common good while allowing different cultural perspectives to be voiced. As a result a communitarian perspective allows for greater insight into the Canadian political experience.

4.4: The Canadian Communitarian Project

While various notions of community and communitarianism have been examined in Canada, a large wealth of research has been conducted in the United States as well. Consequently, many scholars have focused on community in an American context. This focus by American academics is largely due to the realization of the loss of community values in towns, cities and neighbourhoods. However, among communitarian scholars various interpretations exist. American political theorists have primarily examined the issue of community in terms of reviving lost notions of small-scale, localized and directly democratic communities.\[157\] By contrast, what research has been done in Canada has centred on the collectivist tendencies associated with Canadian political culture as a whole.\[158\] To this end Canadian scholars such as Saul and Taylor have examined citizenship rights from a larger perspective, thus incorporating elements that have preoccupied the national consciousness, such as cultural citizenship.

\[157\] Etzioni, pp. iii-iv

While historically Canadians have always put issues of cultural citizenship on the political agenda, this pattern has gradually come to the forefront in recent decades. Culturally heterogeneous societies are no longer the norm in North America. As a result communitarian theory, in order to maintain its currency, must examine the means through which a common good can be fostered through a diversity of cultural interests. This perspective has gained support from Michael Walzer, who suggests in *On Toleration*, that traditional models of understanding political culture have crumbled. Contemporary political societies can no longer be understand primarily in terms of institutional governance.\(^{159}\) Modern political societies are immigrant societies in that social and ethnic diversity abounds.\(^{160}\) The result is that multiple and competing conceptions of the justice have emerged and over time, as Walzer contends, have eroded the traditional values associated with a given political culture.\(^{161}\) This is alluded to by Sandel in *Democracy's Discontent* through his mention of the erosion of Jefferson values in light of a distracted and increasingly alienated political citizenry.\(^{162}\) While Walzer examines the American condition, it should not be entirely assumed that Canada is immune from his analysis.

The gradual deterioration of traditional liberal-democratic values is a global phenomenon. Traditional conceptions of social organization have shifted as well. Young suggests that modern cities are models of interethnic interactions, a point Walzer

\(^{159}\) Michael Walzer, *On Toleration* (New Haven: Yale University Press, 1997) p. 87  
\(^{160}\) Ibid, p. 90  
\(^{161}\) Ibid, p. 88  
\(^{162}\) Sandel, *Democracy's Discontent*, p. 317
furthers through his assertion that personal identity has become more complex, as evidenced by interethnic marriages.\textsuperscript{163} However Walzer makes the point that this increased focus on cultural citizenship can lead to a certain degree of social tension and conflict. Walzer carries on by suggesting that those societies that include toleration as a core political value are better able to adjust to emerging issues concerning notions of cultural citizenship rights. Canada has had historically the capacity to acknowledge and recognize the different needs of cultural actors. While forging a conception of the common good is a fundamental challenge, a society predisposed toward managing issues of diversity is better suited toward addressing the dissemination of cultural citizenship rights.

Beyond the mere institutional mechanisms, a fundamental understanding of the Canadian condition is needed to grasp the communitarian project as a whole. Canada is only one of many culturally diverse nations, however it has managed to avoid civil war that has plagued such nations as the former Yugoslavia. It might be assumed that through the recognition of difference and the accordance of certain rights to cultural minorities, Canadians have enjoyed a relatively civil existence. However, this is only a superficial understanding of the Canadian experience. While broadly based political models provide insight in the functioning of a particular nation, they cannot account for the specific nuances of political culture associated with a polity. David Bell and Lorne Tepperman, in \textit{The Roots of Disunity}, provide a clearer understanding of issues surrounding cultural citizenship in Canada and how diversity has been managed. Both

\textsuperscript{163} Walzer, \textit{On Toleration}, p. 88
authors not only examine the historical context in which Canadian political culture has developed, but also its future direction.

For Bell and Tepperman the understanding of the Canadian condition is multifaceted. While differentiated cultural citizenship rights were recognized prior to Confederation, accommodation of difference extends beyond cultural considerations. Both authors suggest that issues surrounding the accommodation of cultural difference are also coupled with managing regional interests. As a result, tolerance of difference and the real acknowledgment of varying cultural and regional needs have impacted the development of the Canadian psyche. This need to accommodate difference is viewed by Canadians as a necessary political tool. Bell and Tepperman propose that Canadians are acutely aware that Canada is in many ways fragmented and thus a national consensus must be arrived upon if the process of nation-building is to continue. Despite the numerous differences that divide Canada, an underlying sense of co-operation exists; there is a distinct emphasis on the articulation of a common good. To this end, Bell and Tepperman point out that Canadians are inherently drawn toward strong visions that foster, nurture and speak to the collective good such as Sir John A. Macdonald's National Policy, John Diefenbaker's "Northern Vision" and Pierre Trudeau's "Just Society". While Canadians are more than aware of their own particular cultural interests, they also understand the larger national scope in which they exist. The Roots of Disunity provides a key understanding of the political values that have aided in the development of the

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164 Bell & Tepperman, p. 247
165 Ibid, p. 249-50
166 Ibid, p. 249
Canadian condition, values that conform to a communitarian understanding of a civic society. However Bell and Tepperman conclude with the suggestion that a modern discourse regarding a vision of the common good has been absent from the national scene in recent decades. They write, "National unity cannot be created out of such flimsy stuff. The political culture must be revitalized; worthwhile collective goals identified." 167 This continuous focus on the development of the collective good is a key aspect that corresponds to communitarian theoretical principles as well. Many communitarians would agree with Bell's and Tepperman's assessment regarding the continuous nurturing of the common good. Communitarians do not assume that political values such as tolerance are organic, rather they are human creations that must be continuously fostered by government and individuals actors in society. John Ralston Saul shares the perspective, suggesting that Canadian elites have historically needed to navigate a complex series of national issues ranging from cultural diversity to geography. As a result, a capacity for comprise was needed to balance a constantly shifting political landscape. 168 For Saul, the conditions of Canadian nationhood necessitated an understanding by political actors that the success of Canada was based not on a rational myth, by through cooperation, compromise and the moderation of multiple interests. 169 By contrast liberal political values are static; they remain steadfast symbols of human objectives.

167 Ibid, p. 250
168 Saul, pp 104-105
169 Ibid, p. 113
The work of John Ralston Saul, David Bell and Lorne Tepperman provides an excellent analysis of the historical and social development of political values in Canada. However, it is evident that in the discussion of cultural citizenship rights, other nations have managed diversity differently. This is evidenced by Iris Marion Young's examination of ethnic pluralism, and lack thereof, in New Zealand and the former Yugoslavia. Furthermore, even communitarian perspectives regarding the development of the common good differ. The great majority of communitarian literature focuses upon the American political experience, as expounded by Michael Sandel or Michael Walzer. However, Canadian scholars, such as Charles Taylor, provide a detailed examination of the Canadian political condition. Taylor's Multiculturalism and "The Politics of Recognition" yields great insight into how citizenship rights are deliberated upon and distributed in Canada. Through Taylor's analysis an understanding of a distinct Canadian form of communitarianism emerges. This Canadian communitarianism differs dramatically from the traditional American understanding of community. While American communitarian theorists focus upon small-scale and localized community structures, Taylor examines on a national scale the role differentiated cultural citizenship rights play in the development of the common good.

The examination of cultural citizenship rights is a central theme of many contemporary political paradigms. However, while these schools of thought attempt to address issues concerning citizenship, several anomalies continue to exist. In particular, it has become evident to many scholars that no single school of political thought can adequately address the demands of contemporary cultural citizenship. Liberalism, for instance, has traditionally asserted that a regime of common and universal rights should be equally applicable to all persons. This view, supported by liberal theorists such as Robert Dahl and John Rawls, has come under attack in recent decades. While liberal theory asserts that government is morally neutral, it is evident that in practise the state does indeed involve itself in issues concerning cultural citizenship. In response scholars such as Will Kymlicka allow liberalism a certain degree of latitude in acknowledging the need for cultural citizenship rights. While this shift may satisfy the normative demands of contemporary political theory, this enlightened form of liberalism has become skewed. In the potential application of such regime of citizenship rights, consideration is not always given equally to all cultural groups. Ronald Beiner refers to this issue directly in his discussion regarding the distribution and protection of citizenship rights. For Beiner, liberalism's fatal flaw rests on the premise that it does not adequately address the need to develop a consensus regarding the how citizenship rights are to be reasonably defined and distributed. He writes in Philosophy in a Time of Lost Spirit.
Why would the state go to the effort of encouraging the viability of a particular way of life unless it was thought that way of life was worthwhile enough to support? If it is a question of maximizing consumer choice among a variety of possible ways of life, why not subsidize that way of life of transvestites (if we allow that such individuals participate in a larger transvestite culture)? A strict neutralist liberal should demand the same share of state resources to maintain the transvestite way of life as to protect from extinction a threaten aboriginal culture. 171

While Beiner's comments are directed toward a Kymlickan understanding of liberalism, they address a larger issue surrounding a liberal conception of justice. Kymlicka, along with Rawls and Dahl, does not effectively distinguish between the differing needs of specific cultural actors. It is this theoretical limitation that has caused some scholars, including Beiner, to find a liberal understanding of justice incomplete.

While a deep recognition of social diversity is lacking from a liberal perspective, post-modern scholars have actively acknowledged difference. Iris Marion Young, in Justice and the Politics of Difference, goes as far as to emphasize social difference as the hallmark of her ideal conception of city life. For many post-modernists, traditional theoretical doctrines have little relevance in a contemporary society composed of complex personal identities. As a result, the post-modernist perspective endorses a conception of justice that allows for multiple, if not competing, understandings of citizenship. In the process, claims of liberal neutrality and universality are viewed by post-modernists as a denial of difference and socially oppressive.

Post-modernists, while taking issue with liberal conceptions of justice, also direct their criticisms toward communitarian theory. Iris Marion Young specifically takes issue with communitarianism's focus on the common good. In Justice and the Politics of

171 Beiner, Philosophy in a Time of Lost Spirit, pp. 42-3
Difference, Young suggests that an emphasis on the common good restricts the cultural expression of the individual. In response, Young favours the notion of public good, a democratic framework that allows for open deliberation among diverse actors. However this "open and accessible" political ideal that Young presents is desirable, yet limited in scope in that it does not provide specific detail as to the means through which competing understandings of good life are to be deliberated upon. Furthermore, aside for the functional ambiguities associated with Young's conception of ideal city life, another weakness is associated with her model. While Young devotes considerable energy to finding fault with traditional liberal and communitarian conceptions of justice and citizenship rights, her analysis is misdirected at times.

Throughout Justice and the Politics of Difference, Young's criticisms are targeted toward such stalwarts of the academic community as John Rawls and Michael Sandel. However, while her criticisms and insights are valid in many respects, it must be noted that the work of the aforementioned authors do not typify the whole body of literature concerning their respective theoretical perspectives. In particular, Young takes issue with Sandel's preoccupation with community, however it should not be assumed that Sandel's own understanding of communitarian theory is representative of an entire school of thought. Rather it is a nuanced analysis that exists within a specific context, as evidenced in Democracy's Discontent and its almost exclusive focus on the American experience. In the end Young falls victim to the same theoretical limitations that

172 Young, Justice and the Politics of Difference, p. 118
173 Ibid, p. 230
Kymlicka and Sandel encounter. Young commits herself to a regime of citizenship rights that, in the end, limits the means through which citizenship can be defined. Ronald Beiner suggests that Young's unwavering commitment to her own perspective is indicative of a larger challenge facing contemporary political theory as a whole.\textsuperscript{174} Beiner contends that theoretical discourse is based on extremes; little room is left to examine competing perspectives. As a result, the narrowing of philosophical debate has limited the options through which cultural citizenship rights may potentially be defined.

5.1: Political Theory on the Extremes

For Beiner, questions regarding citizenship are intimately connected to the notion of building a stable political community, an assertion many traditional liberals and communitarian scholars would find entirely valid.\textsuperscript{175} However, Beiner suggests that contemporary political discourse should not merely attempt to consider citizenship as an ideal, but rather actively investigate the means through which the boundaries of citizenship are defined. For Beiner, the current discourse regarding citizenship is based on a choice of two particularly undesirable extremes. He writes in \textit{Theorizing Citizenship},

Lying at the heart of this dilemma is what I would call the "universalism/particularism conundrum." To opt wholeheartedly for universalism implies deracination - rootlessness. To opt wholeheartedly for particularism implies parochialism, exclusivity and narrow-minded closure of horizon. Yet it is by no means clear that a viable synthesis of particularistic rootedness and universalistic openness is philosophically or practically available. In practice, and perhaps even in theory, we always seem to get drawn to one unsatisfactory extreme or the other. This elusive synthesis of

\textsuperscript{174} Ronald Beiner, \textit{Theorizing Citizenship} (Albany: State University of New York Press, 1995) pp. 5-6

\textsuperscript{175} Ibid, p. 3
liberal cosmopolitan and illiberal particularism, to extent that it is attainable, is what I want to call "citizenship".\textsuperscript{176}

Ronald Beiner, in his usual fashion, exposes the weakness of not only political theory's means of inquiry, by also the premise upon which that inquiry has been constructed. Beiner's rejection of stagnant and established paradigms is based on the notion that contemporary understandings of citizenship have become overly complex; one specific theoretical mechanism does not adequately address the diverse needs associated with the contemporary demands of citizenship. For instance, Michael Walzer's communitarian ideal of the "civil society" is appealing in many respects in that it is modern and state-centred, however Beiner makes several key objections. Beiner contends that Walzer's ideal of citizenship, in which people are tied together through a multitude of voluntary associations, is in fact a denial of difference.\textsuperscript{177} It excludes those memberships that exist outside the "civil society". Walzer's notion of citizenship must be localized to function properly, however in an increasingly global society, this ideal is somewhat impractical.\textsuperscript{178} The other extreme, represented by Iris Marion Young's full recognition of cultural difference, that being "the politics of difference", holds the possibility for cultural fragmentation.\textsuperscript{179} Radical pluralism, while recognizing difference, does little to reinforce social bonds or a unified conception of citizenship. Beiner comments that by fully adopting Young's perspective, "citizenship would then be

\textsuperscript{176} Ibid, pp. 12-13
\textsuperscript{177} Ibid, pp. 4-5
\textsuperscript{178} Ibid, p. 5
\textsuperscript{179} Ibid, p. 5
reduced to an aggregate of subnational ghettos" if groupist identity were reinforced.\textsuperscript{180}

Beiner is not alone in his criticism of the predominance of theoretical extremes in the discourse surrounding citizenship rights. This perspective is supported by the work of Charles Taylor in his examination of the Canadian condition.

The polarization of contemporary political theory is an issue to which Charles Taylor devotes a considerable amount of energy. Specifically, Taylor points to the "Liberal-Communitarian Debate" as the prime example of the narrowing of political discussion and inquiry. Criticisms directed toward Young, Sandel, Rawls and Dahl, among others, is indicative of a situation that ignores the attempt to establish a practical and theoretical middleground between philosophic extremes. Taylor writes in "Cross-Purposes: The Liberal-Communitarian Debate":

The portmanteau terms "Liberal" and "Communitarian" will probably have to be scrapped before we can get over this, because they carry the implication that there is only one issue here, or that someone's position on one determines what he holds on the other. But a cursory look at the gamut of actual philosophical positions shown exactly the contrary. Either stand on the atomism-holism debate can be combined with either stand on individualist-collectivist questions. There are not only atomic individualist and holist collectivist, but also holist individualist...and even atomist collectivists.\textsuperscript{181}

Taylor's acute analysis allows for a greater scope surrounding the discourse regarding citizenship rights. The work of leading theorists such as Michael Sandel or Iris Marion Young should be viewed as a beginning rather that the end of a discourse surrounding citizenship rights. They merely give voice to a particular interpretation of citizenship.

\textsuperscript{180} Ibid, p. 8

\textsuperscript{181} Taylor, "Cross-Purposes: The Liberal-Communitarian Debate", p. 163
Taylor's critique of contemporary theory suggests that while a certain perspective may be valid, it must also be qualified. The form of ethnic pluralism that Young promotes, as evidenced by the political experience of New Zealand, has little applicability in culturally conflicted nations such as the former Yugoslavia. Taylor himself rejects radical ethnic pluralism in favour of a notion of collective good, though his version differs remarkably from the understanding of collectivity endorsed by Michael Sandel.\(^{182}\) Sandel, focusing on the United States, discusses the notion of common good with little reference given to the contemporary demands of cultural citizenship. By contrast, Charles Taylor specifically examines the development of the common good through an active public discussion regarding cultural diversity. Taylor's perspective allows for an examination of Canada's communitarian political culture, one that suggests a focus on the common good achieved through the open recognition and dissemination of cultural citizenship rights. Charles Taylor further explains this perspective in *Multiculturalism and "The Politics of Recognition"*. While it does not deal thoroughly with the Canadian condition, Taylor uses the Canadian experience as an example to discuss the moral basis and functional aspects for the open acknowledgment of cultural difference in a collectivist oriented society.

5.2: The Politics of Recognition

Taylor's core philosophical assertions are highly critical of traditional understandings of justice with regard to cultural considerations. In *Multiculturalism and "The Politics of Recognition"*, Taylor explores the elemental questions that have

\(^{182}\) Ibid, p. 163
polarized the "Liberal-Communitarian Debate". For Taylor the crux of the issue lies in the recognition of identity politics as an essential tool in nation-building and the strengthening of the democratic process as a whole, an element American theorists such as Walzer and Sandel do not incorporate. It is through this concept that Taylor develops his argument for the recognition of differentiated regimes of cultural citizenship. Taylor provides a normative approach in which multiple conceptions of the good life can be incorporated. Amy Gutmann, in commenting upon Taylor's key points, writes,

Multicultural societies and communities that stand for the freedom and equality of all people rest upon mutual respect for reasonable intellectual, political, and cultural differences. Mutual respect requires a widespread willingness and ability to articulate our disagreements, to defend them before people with whom we disagree, to discern the difference between respectable and disrespectable disagreement, and to be open to changing our own minds when faced with well-reasoned criticism. The moral promise of multiculturalism depends on the exercise of these deliberative virtues.183

Gutmann, a liberal, finds fault with the overarching assumption that social difference is a liability in the process of nation building. It is this concept that informs Taylor's overall thesis.

As a scholar whose work exhibits communitarian characteristics, Taylor does not accept a strict liberal individualist influenced rights discourse. For Taylor, the denial of difference is tantamount to a form of oppression; the recognition of identity is a basic human right. He comments, "...misrecognition shows not just a lack of respect. It can inflict a grievous wound, saddling its victims with a crippling self-hatred. Due

recognition is not just a courtesy we owe people. It is a vital human need. However, Taylor is quick to note that his ideal of citizenship is not inherently anti-liberal, rather it exists as an extension of traditionally liberal themes of social justice. Taylor develops a comparison by commenting:

Everyone should be recognized for his or her unique identity. But recognition here means something else. With the politics of equal dignity, what is established is meant to be universally the same, an identical basket of rights and immunities; with the politics of difference, what we are asked to recognized is the unique identity of this individual or group, their distinctness from everyone else. The idea is that it is precisely this distinctness that has been ignored, glossed over, assimilated to a dominant or majority identity.

Taylor continues by suggesting that to force citizens to conform to the cultural identity of the majority creates a form of second-class citizenship. Historically, liberals have focused upon creating equity among marginalized groups through programs and government initiatives designed to respond to inequities in socio-economic conditions. As a result, priority is given to allow the poor to equally participate in the process of national agenda setting. However for Taylor this is insufficient and suggests that special opportunities be developed for cultural minorities who find themselves marginalized as well. The broad social discourse that Taylor endorses is the moral responsibility of not only non-public actors, but the state as well. He asserts that an acknowledgment of cultural difference and associated needs does not radically differ

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185 Ibid, p. 38
186 Ibid, p. 39
from a recognition by the state of socio-economic disparities.\textsuperscript{187} However, it is upon this point that recognition of cultural difference becomes complex.

By recognizing difference it should not be assumed that in the final analysis all persons require similar mechanisms for cultural expression in society.\textsuperscript{188} This point is also emphasized by Michael Walzer's notion of "Complex Equality". However, the non-universal distribution of citizenship rights creates practical and theoretical problems that must be addressed. For instance, while it can certainly be argued that Francophones and First Nations peoples are culturally threatened by an English speaking majority in Canada, as separate cultural entities they possess dissimilar cultural needs. Francophones have traditionally espoused their cultural needs through the institutional instruments of articulation available through the church and/or state in Quebec. By contrast, Canada's First Nations do not reside in one particular area of the country and are as a whole culturally dissimilar. As a result, any evaluation of cultural citizenship must address the different needs and circumstances associated with each particular cultural group. The matter complicates itself in that by meeting the particular demands of a specific cultural group, it may adversely impact the interests of others who do share a similar need for cultural guarantees. The example of Quebec again illustrates this situation. Historically, Quebecers and the Quebec government have articulated the interests of Francophones in that, within a national scope, they are a cultural minority. However, though the vast majority of Francophones reside in Quebec, any formal legal

\textsuperscript{187} Ibid, p. 39
\textsuperscript{188} Ibid, p. 39
The recognition of Quebec's distinctiveness would detrimentally affect the almost one million Francophones outside the province, primarily residing in New Brunswick, Ontario and Manitoba. If, as in the case of Quebec, cultural citizenship rights are to be legally defined territorially, such an understanding would only further marginalize those outside this geographically defined boundary; they would not enjoy similar guarantees of cultural protection. The case Charles Taylor makes for recognizing difference is morally justified, however real concerns do emerge in the practical implementation of a regime differentiated cultural citizenship rights.

Taylor notes that conflict and cultural tensions are inevitable in a society that chooses to recognize the rights of cultural groups. As a result, though Canada has come to adopt a bill of rights that is aligned with an American understanding of jurisprudence, it also includes provisions that protects the rights of First Nations people and linguistic minorities. In part, Taylor suggests such a formal legal recognition is purposeful in any nation that openly recognizes its own cultural diversity. To this end, such nations must have appropriate constitutional mechanisms through which to mediate conflicting interests. In Quebec, though it is considered reasonable in some circles for legislation to exist that limits the use of English language signs for businesses, it is seen as a threat by the English-speaking minority in the province. Though on this particular issue the notwithstanding clause has been used, the issue of balancing cultural rights against fundamental freedoms continues to be in the forefront of the public mind. Taylor

189 Ibid, p. 52
190 Ibid, p. 52
191 Ibid, p. 52-3
suggests that the Canadian Charter of Rights and Freedoms not only acts as a means whereby which the interests of cultural minorities are protected, but as a mechanism in which a balance can be maintained between the basic tenets associated with individual liberty and the recognition of cultural citizenship rights. 192

The idea of maintaining equilibrium among a diversity of interests is an issue that scholars such as John Ralston Saul, Kenneth McRae and Seymour Martin Lipset touch upon in their political/historical analysis of cultural diversity in Canada. Charles Taylor suggests a similar pattern was adopted and can be interpreted in the spirit of the Charter. While it is more than evident that cultural tensions continue to exist in Canada, a tacit social contract binds Canadians together which stresses a process of open deliberation as an essential element in nation-building. The common good is directly based on the capacity of Canadians to provide and engage in a public discourse concerning citizenship rights. Taylor writes of this Canadian condition:

A society with strong collective goals can be liberal, on this view, provided it is also capable of respective diversity, especially when dealing with those who do not share common goals; and provided it can offer adequate safeguards for fundamental rights. There will undoubtedly be tensions and difficulties in pursuing these objectives together, but such a pursuit is not impossible, and the problems are not in principle greater than those encountered by any liberal society that has to combine, for example, liberty and equality, or prosperity and justice. 193

The crux of Taylor's argument lies in the recognition that indeed the Canadian condition is anything but ideal, however in the process of national consensus building, outlets must exist whereby competing notions of the good life can be discussed freely. If

192 Ibid, p. 53-4
193 Ibid, p. 59
such mechanisms do not exist, there is great potential for inter-ethnic tensions and violent conflict, as evidenced in the former Yugoslavia. While the model Taylor outlines liberal inspired institutions of mediating conflicting interests, the process endorsed by Taylor differs substantively from a liberal understanding of rights discourse.

5.3: Communitarian Substantive Justice

In the Canadian example, as illustrated by Taylor, institutional mechanisms play an influential role in the articulation of the demands of cultural actors. While Canadian institutions are constructed on a liberal-democratic model, they are intimately connected to a more general public discourse surrounding citizenship rights. This view is also identified and shared by scholars such as McRae, Lipset, and Dallmayr in their respective discussions regarding the Canadian political condition. In particular, Fred Dallmayr's own notion of cultural citizenship is compatible with Taylor's in that both endorse the removal of liberalism's narrow boundaries. Furthermore both theorists suggest while some trappings of proceduralism are necessary in the public discourse regarding citizenship rights, it should not confine itself to strict this neutralist liberal institutional interpretations of justice. A broad perspective is required by formal institutions to fully understand the needs and address the demands of Canada's many cultural actors. The judicial system cannot remove itself nor hover above the discourse surrounding citizenship, rather it must act along side other public actors. Fred Dallmayr writes,

In a democratic setting hostile to both ethnocentrism and universalist levelling, cultivation of diversity cannot solely rely on existing procedural safeguards - although the latter must not be lightly discarded or set aside...Clearly, to avoid

194 Ibid, p. 61
the pitfalls of communalism as well as universalist assimilation, new paths need to be explored on levels of both institutional arrangements and political reflection.\textsuperscript{195}

Institutions in Canada have the moral and legal authority to act as the "Great Equalizer" in the constant pull between universalism and particularism; they promote the creation and maintenance of the middleground Dallmayr, Taylor and Beiner search for. However, while both Beiner and Taylor make a significant contribution concerning the substantive theoretical premise upon which the Canadian political experience can be understood, Dallmayr's model permits for examination of the institutional mechanisms that allow for a balance to be maintained between competing interests. While these institutional mechanisms allow the state to take an active leadership role in the development of a public discourse surrounding citizenship rights, the state also has the potential to obscure matters as well. In the attempt to facilitate the articulation of a common good, government institutions can divide cultural actors amongst themselves as well.

The perspective Dallmayr adopts regarding cultural citizenship rights in Canada is not unique; it echoes Charles Taylor's and John Ralston Saul's overall thesis as well. However, Fred Dallmayr's own examination of the Canadian condition differs somewhat from them in that it carries with it a less abstract theoretical component. For Dallmayr, his focus primarily investigates the maintenance of the democratic project in Canada in light of an open recognition of cultural diversity. Dallmayr, building on Taylor's understanding of public discourse, suggests that the model adopted by Canada is

\textsuperscript{195} Dallmayr, p. 289
desirable in that it endorses open communication amongst a diversity of social actors outside formal institutions of interest articulation. Within the larger scope of the international community, the Canadian model offers an example for nation building for the fragile emerging multi-ethnic democracies of Africa and Asia. To this end, Dallmayr identifies specific qualities that have lead to the success of the Canadian model.

He writes in "Democracy and Multiculturalism",

There are several aspects that render the Canadian case noteworthy and instructive. One is the high political saliency of cultural pluralism and diversity. More than elsewhere (in the West), multiculturalism has been the topic of intense public and constitutional debate - which may have to do with the fact Canada has never fully subscribed to the assimilationist or "melting pot" ideal of her neighbour. In 1967, Royal Commission on Bilingualism and Biculturalism issued a report that focused attention both on rights of citizenship and on problems of cultural diversity. Largely in response to this reports, the national government four years later announced an explicitly "multicultural" policy that, while stressing equal rights of all Canadians, also sought to protect the distinct life forms or cultures of minorities. A similar outlook was embodies a decade later in the Canadian "Charter of Rights and Freedoms," which, clearly center-staging the liberal principle of equal individual freedom, also made reference to the "preservation and enhancement of the multicultural heritage of Canadians."

While the role public institutions play in defining cultural citizenship is vital, Dallmayr suggests that they are deeply influenced by political culture (a perspective Saul would share as well) and the limits the people place upon institutional actors. This is not only visible through such formal public consultations as the Royal Commission of Bilingualism and Biculturalism or the adoption of an official policy of multiculturalism.

\[196\] Ibid, p. 288
\[197\] Ibid, p. 285
in 1971, but it is also evidenced in the language through which public discourse is conducted.

Semantics have historically played a large role in the deliberative democratic process of defining cultural citizenship in Canada. The phrase "distinct society", in reference to Quebec's constitutional status, is a continuously contentious issue among Canadians. Even the word "multiculturalism" takes on a different meaning outside Canada. Abroad the term "multiculturalism" is often portrayed as a form of ethnic pluralism, with a distinct emphasis in cultural separation.\textsuperscript{198} Multiculturalism, as understood by Charles Taylor, differs from the type of ethnic pluralism endorsed by such American scholars as Iris Marion Young. While both ideas recognize cultural diversity and the issues that surround it, multiculturalism in Canada incorporates an element of social discourse between diverse actors. While indeed ethnic pluralism exists in Canada and endorsed by the state, an element of cross-cultural interaction is emphasized as well. Multiculturalism, both as a policy and popular myth incorporates notions of openness, interaction and foremost toleration of difference, ideals that are not always present in other discourses concerning cultural citizenship rights.

5.4: Taylor's Critics

In the attempt to define citizenship rights, political theories often set boundaries and limits. The notion of a communitarian inspired understanding of Canada, promoted by Fred Dallmayr, John Ralston Saul and Charles Taylor, exists outside the scope of the extremes associated with traditional liberal or communitarian understandings of

\textsuperscript{198} See Driedger's Multi-Ethnic Canada, pp. 34-44 for a detailed description of various definitions of multiculturalism
citizenship. However, while the analyses provided by Dallmayr and Taylor are sound, critics abound. In particular, Multiculturalism and "The Politics of Recognition" has drawn some criticism by more traditional political theorists. In directly questioning Taylor's ideal of recognizing and responding to the needs of cultural groups, Steven C. Rockefeller suggests that the liberal perspective has been unfairly dismissed by Taylor. Furthermore, Rockefeller proposes that Taylor's perspective displays some undemocratic tendencies. He writes,

When a liberal society faces the question of granting special privileges, immunities, and political autonomy to one cultural group such as French Canadians in Quebec, it cannot compromise on fundamental human rights, as Professor Taylor acknowledges. Furthermore, those who understand liberal democracy as itself a way of life grounded in a distinct moral faith cannot in good conscience agree to allow schools or the government to suppress the democratic way of growth and transformation. The democratic way conflicts with any rigid idea of, or absolute rights to cultural survival. The democratic way means respect for and openness to all cultures, but it also challenges all cultures to abandon those intellectual and moral values that are inconsistent with the ideals of freedom, equality, and the ongoing cooperative experimental search for truth and well-being.199

The point Rockefeller forwards is entirely valid, however in making his argument he ignores Taylor's primary thesis. For Taylor the accommodation of cultural interests is neither at the expense of individual democratic rights nor other cultural minorities. In fact, Taylor suggests that cultural survival is an issue that cannot be adequately addressed through a traditional narrow understanding of proceduralism liberalism. Government must move beyond mere liberal inspired proceduralism and be fully conscious of the potential tensions arising from a recognition of cultural citizenship. The state must

remain proactive in nurturing a tolerant civic culture in the attempt to balance the varied interests of not only the individual and group-oriented interests. It is this concept that eludes liberal theory; citizenship is multidimensional and adequate social and political safeguards must exist in the recognition of this fact. While on the surface Canada may have the institutional trappings of proceduralism, the actual functionality more closely resembles a substantive process.

While Rockefeller approaches Taylor's work from a liberal perspective, Michael Walzer critiques Taylor in a uniquely communitarian fashion. Walzer, an ardent communitarian, asserts that Charles Taylor promotes a merely revised understanding of liberalism. Walzer suggests that two distinct types of liberalism exist. Firstly, liberal rights discourse can be understood through a commitment to state neutrality in the determination of citizenship rights. This kind of liberalism, supported by scholars such as Steven C. Rockefeller, John Rawls and others, emphasizes personal freedom and individual liberty with little mention of collective goals. By contrast, Walzer asserts that Charles Taylor supports a more cosmopolitan version of liberalism, a substantive one that allows for state intervention in meeting the varied demands of cultural citizenship. However for Walzer the actual application of both these types of liberalism is not as clear as their respective theoretical distinctions; he comments that the type of liberalism Taylor supports lends itself to confusion. Walzer writes,

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Now the state is called upon to take the responsibility for everyone's (cultural) survival... Once again, I do not know what state policies this would in fact require. What would the states have to do to guarantee or even to begin to guarantee the survival of all minorities that make up American society? It would surely have to move beyond official recognition of the equal value of the different ways of life. The various minority groups would need control over public monies, segregated or partially segregated schools, employment quotas that encouraged people to register with this or that group, and so on. 202

Walzer, in examining "The Politics of Recognition", colours Taylor's arguments as an advocation of a type of ethnic pluralism, one in which ethnic identity predominates as the primary consideration in the development of citizenship rights. In light of this observation, Walzer suggests that a focus on individual liberty, in the end, may be the best means through which cultural guarantees can be extended by government. Walzer does not see any hindrances associated with the study and recognition of otherness within the context of traditional understandings of liberalism. Walzer, in his concluding statements suggests the recognition of difference, within a more traditional liberal perspective, would encourage the exploration of the cultural perspectives of others. 203

The criticisms targeted toward Charles Taylor's work in Multiculturalism and "The Politics of Recognition" are sound; however, the context in which they are presented must be examined. Steve C. Rockefeller's conclusions mirror liberalism's deep commitment to individual liberty and proceduralism, a perspective the openly clashes with Taylor's recognition of collective rights. By contrast, Michael Walzer's comments are more generous in that he finds cause for some agreement with Taylor's assertions.

202 Ibid, p. 102

203 Ibid, p. 103
However, in the end Walzer and Taylor disagree as to the means and actual processes through which otherness should be acknowledged. Walzer comments that Taylor's choice of a more "open" liberalism is problematic in that raises questions as to the degree to which government is responsible for the protection and survival of minority cultures. Walzer cites that in the United States, Taylor's ideal of cultural citizenship would be difficult to achieve.204 However Walzer, much like his communitarian counterpart Michael Sandel, addresses concerns regarding multiculturalism from an American perspective. Walzer is more than correct in his assessment that Taylor's notion of cultural citizenship rights would fail in the United States, however it should not be assumed that Taylor's particular understanding is intended to refer to the American experience. As a matter of fact, Walzer's suggestion that individual rights be balanced with a recognition of "otherness" closely models the original intentions proposed by Taylor in "The Politics of Recognition" and Saul in Reflections of a Siamese Dream: Canada at the End of the Twentieth Century.

Theoretical debates engaged in by political scholars are often portrayed as being divisive, without any basis of common understanding. While differences exist between various theoretical perspectives, similar themes are often subtly articulated. Rockefeller, Taylor, Saul and Walzer approach the issue of citizenship rights from differing perspectives, however a commonality exists regarding their respective conceptions of justice. The aforementioned theorists are connected in that they do not exclusively deal with questions regarding citizenship in a purely normative sense, but rather attempt to

204 Ibid, p. 102
deal with diversity in a real context. This is contrasted by the work of John Rawls or Iris Marion Young who primarily address the issues surrounding the distribution citizenship rights from a theoretical level (i.e. Rawls' "Veil of Ignorance"). For Charles Taylor, responding to the real needs of cultural actors requires the abandonment of theoretical extremes in that they do little to address political circumstances as they exist. Taylor's choice of a theoretical middleground is not based on solely upon a concern for broadening the ranging of philosophical inquiry, but rather to address actual social conditions. As illustrated, actual political conditions rarely mirror the models constructed by such theorists as Iris Marion Young or John Rawls. While the work of these scholars is valid in its own right, theoretical extremes do little to address the distinct needs associated with actual circumstances. This issue is only subtly articulated by Charles Taylor, however it is also clearly identified by Ronald Beiner as well.

5.5: Finding Equilibrium

Scholars such as Young and Walzer, rather than constructing theoretical devices that attempt to negotiate between differentiated notions of citizenship, choose to endorse one extreme over another. However, for Beiner political theory, in any form, cannot exist on the periphery of theoretical debate; it must address the real and complex demands associated with contemporary notions of identity. Borrowing from the Canadian example, as Charles Taylor does, Beiner uses the example of the Quebec political experience to illustrated that political communities unconsciously attempt to negotiate between the boundaries of citizenship by developing social equilibriums. He writes,
Allowing myself now to speak freely in my Canadian voice I will call perspective No. 1 the "Pierre Trudeau" vision of citizenship (with its uncompromising appeal to individual rights), and we can call perspective No. 2 the "Jacques Parizeau" vision of citizenship (with its invocation of "old stock Quebecois). I find both of these two accounts of citizenship radically deficient, but I lack the confidence that I can come up with a third perspective that supplies the deficiencies of No. 1 and No. 2, and retains (in a higher synthesis) the strengths of each (relative to the other). The convincing "NO" that issued forth from the citizens of my political community in the 1992 referendum, some of whom voted for "Pierre Trudeau" reasons and some of whom voted no for "Jacques Parizeau" reasons, brings home to us in very concrete political fashion the difficulty of conceptualizing the experience of citizenship in a way that doesn't get drawn into the unhappy either/or enforced by the polarizing alternatives of perspectives Nos. 1 and 2.\textsuperscript{205}

For Beiner the obvious demand of contemporary theory is to address the complex identities of citizens as they really exist. It is entirely possible, as the example of Quebec illustrates, that cultural citizenship need not deny any notion of cultural identity nor belonging to a larger community. Beiner, in his lament against the self-set theoretical limitations of some political scholars, points out that the mass public does not limit its options in the process of defining citizenship. Actual public discourse is fluid; the public is conscious of the various political options available, yet they do not commit themselves fully to one extreme or another. The search for a theoretical/practical equilibrium between universalism and particularism is not merely a matter fuelled by intellectual curiosity, but rather it is a real social phenomenon. John Ralston Saul supports this perspective in his historical interpretation of Canada's continuous search for equilibrium. Saul comments that this balance between the needs of the individual and the common good requires a complex understanding of citizenship. He writes in Reflections of a Siamese Dream: Canada at the End of the Twentieth Century,

\textsuperscript{205} Beiner, Theorizing Citizenship, p. 15
The assumption of complexity is a search for balance between different elements; not the eradication or domination of one over the others, but a continuing struggle to develop and maintain some sort of equilibrium. 206

While John Ralston Saul, Ronald Beiner, Charles Taylor and Fred Dallmayr endorse a highly developed and open public debate regarding citizenship rights, the actual process whereby that is carried out is fraught with potential conflicts. Building a consensus regarding citizenship rights has never been assumed to be an easy task in Canada. The notion of an activist state is advantageous in a culturally diverse nation, however this interventionist role can create conflict as well. While the state is proactive and accepts a leadership role, the popular will may differ from actual government policy initiatives that are designed to give voice, define and disseminate cultural citizenship rights. The notion of a deliberative democracy seems an ideal mechanism for the development of a common good, however a final consensus may be difficult to achieve. Nowhere was this more evident than during the 1992 referendum concerning the Charlottetown Accord. In the case of the Charlottetown Accord, though a particular understanding of cultural citizenship did not gain public support, the process of public consultation should not be viewed as a failing of the communitarian project in Canada. It allowed Canadians to voice their opposition to a proposed notion of cultural citizenship that did not meet their needs or expectations. Political societies that possess these genuine mechanisms for democratic discussion must accept that public discourse may not always lead toward a final consensus regarding a definition of the common good. However, the aftermath surrounding the defeat of the Charlottetown Accord, and earlier

206 Saul, p. 223
the Meech Lake Accord did reinforce the need for a broader national public discourse concerning citizenship rights. Harold D. Clarke et al., in *Absent Mandate*, write of this,

> The Spicer Commission (the Citizen's Forum on Canada's future), the Beaudion-Dobbie parliamentary committee, and the five weekend conferences all provide evidence not only of the citizens' dissatisfaction with that way that constitutional politics had been conducted, but also of the public's demand to be more involved. Calls for a constitutional convention, for a referendum, and for other mechanisms of popular consultation were as much a part of the debate as were the specific of the constitutional design, which themselves included demands for more democratic institution²⁰⁷

The path toward achieving a political equilibrium between competing values is not smooth, yet it is an essential element of nation building.

Beiner, Taylor, Saul and Dallmayr respectfully illustrate that Canada occupies both a theoretical and pragmatic middleground in the discourse surrounding citizenship rights. However, while the authors provide a sound moral justification for a communitarian understanding of the Canadian political experience, it should not be assumed that Canadians are bound together through mere altruistic reasons. An element of pragmatism exists within the development of Canada as a nation. The very idea of Canada was conceived not through a passionately nationalist inspired mandate, but rather it served as a convenient vehicle for the preservation of cultural identities.²⁰⁸

The modern notion of cultural citizenship emerged from the adoption of an official policy of multiculturalism in 1971, however tolerance of difference and the recognition of a moral need for cultural survival traces its roots to an earlier time. In pre-Confederation Canada, the issue of cultural accommodation was viewed as political

²⁰⁸ Saul, p. 438
necessity in order to ensure political stability. The idea of the Canadian nation is based on practical reasoning. Canada, at its formation, was primarily composed of British and French cultural groups. Both these founding groups expressed some degree of concern regarding the potential assimilation of the continent into an American empire. As a result a common concern was shared between these two distinct cultural groups in an attempt to maintain their respective collective cultural identities and corresponding citizenship rights. David Bell and Lorne Tepperman write in The Roots of Disunity of this unique situation,

...aspect of the BNA Act were indirectly addressed to the question of Anglo-French relations, and formed a part of the tacit bargain...the old province of Canada was split into Quebec and Ontario, the one province mainly French-speaking, the other English speaking...For the Francophones, a federal union offered the best choice among several imperfect alternatives. Chiefly, it allowed Lower Canada to "preserve its autonomy together with all the institutions it held so dear". Also it gave "to Lower Canada the local government of its own affairs, and the control of all matters relating to its institutions, to its laws, to its religion, its manufactures and its autonomy."209

Continuing with their analysis, Bell and Tepperman suggest that monarchical institutions acted as a counterbalance to the strictly liberal homogenizing values espoused by American republicanism.210 Where Francophones perceived Confederation as a means of cultural survival, Anglophones also viewed the American project with suspicion. Though a common language and culture was shared between Americans and Anglophones in Upper Canada, distinct ideological differences abounded to the extent

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209 Bell and Tepperman, p. 122

210 Ibid, p. 119
that any union with the United States was viewed unfavourably.\textsuperscript{211} This notion of umbrella citizenship has allowed for various cultural groups, aside from just Anglophones and Francophones, to exist and flourish in Canada. The result of this formative process is that the common good is defined in terms of a collective sense of purpose, that being cultural survival. While cultural differences exist, a tacit understanding has grown that acknowledges that the state could provide the means and mechanisms through which cultural survival could be best assured. This notion of guiding common purpose is articulated not only through such policy vehicles as official multiculturalism, but also public policies that do not directly deal with cultural matters, such as universal access to healthcare.

The insight that David Bell and Lorne Tepperman provide allow for an understanding of the historical basis whereby which the dissemination of cultural citizenship rights can be examined. Bell and Tepperman, along with Charles Taylor, John Ralston Saul and Ronald Beiner, view the Canadian political experience as a middleground between universalist principles and notions of particularism. However, at the same time Canada can still be labelled as conforming to a communitarianism perspective. This understanding may seem curious, in that both Beiner and Taylor suggest that communitarianism exists as a theoretical extreme rather than a perspective that attempts to create an equilibrium. Furthermore, as Beiner and Taylor point out, Canadian political culture and institutions are influenced to some degree by the proceduralism associated with liberal interpretations of justice. From this perspective, it

\textsuperscript{211} Ibid, p. 63-4
might be justified to label the Canadian experience as being more liberal rather than communitarian in nature. However, the key distinction that allows Canada to be understood from a communitarian perspective is that as a whole Canada exhibits key collectivist tendencies, an aspect of political culture that is not emphasized by liberal political values. Furthermore a Canadian communitarian perspective does not reject liberalism outright, but rather endorses greater focus upon the collective good within the scope of liberal-democratic institutions. This particular understanding must be qualified in that certain communitarians, such as Michael Sandel, place a greater focus on the common good than individual rights. This extreme form of communitarianism, as Beiner and Taylor might term it, has never developed popular nor political appeal in Canada. Sandel's notion of community focuses primarily on small-scale communities and localized loyalties.\textsuperscript{212} This is directly contrasted by the Canadian example in which an emphasis on collective goals has traditionally been viewed as national in scale, expressed through broad collectivist-oriented ideologies of democratic socialism and conservative Toryism.\textsuperscript{213} While early liberals in Canada espoused classical liberal values, over time Canadian liberalism has become more collectivity orientated as well. Pressures to commit to one philosophical extreme or another, asserts Taylor, can be balanced by a strong commitment to safeguard the fundamental rights of individual and cultural groups by both government and the public at large. Canada is by nature a nation of extremes, cultural or otherwise. To this end it has adopted a political and ideological model that

\textsuperscript{212} Sandel, \textit{Democracy's Discontent}, pp. 334-35

\textsuperscript{213} Lipset, p. 212
attempts to balance differences in the effort to develop an understanding of the common good. However such assessments, both historical and contemporary, have been labelled at times mere surface examinations.

Scholars such as Michael Walzer and Iris Marion Young point out that the Canadian model is plagued with theoretical contradictions. A recognition of cultural citizenship may be morally justified, yet may not be practically applicable. While the Canadian communitarian project does seem to function well, its history is marked by cultural conflicts as well, the obvious example being the separatist cause in Quebec. It would be erroneous to assume that while a strong democratic and deliberative tradition exists within Canada, cultural tensions are easily dealt with. Questions linger as to the exact process and criteria upon which cultural citizenship rights are to be distributed. It is vital to examine the exact means and institutional mechanisms that allow for the continued stability of the Canadian political system, yet allow for the management of internal cultural conflicts. It is this comprehension that is key in understanding the Canadian communitarian experience and how it has proceeded to nurture a democratic civic culture.
Chapter Six

Building a Just Community:
Understanding the Boundaries of Canadian Communitarianism

The search for a balance between universal and particular regimes of citizenship rights has attracted much attention from the academic community. In particular, the discourse concerning citizenship rights includes numerous theoretical paradigms that attempt to incorporate an element of social pluralism. However, debate continues among scholars as to the degree to which cultural citizenship rights should be recognized. John Rawls and Iris Marion Young choose to commit themselves to one "extreme" perspective or another, however this choice is not always embraced by their respective colleagues. Scholars such as Charles Taylor and Ronald Beiner attempt to search out a third alternative, a middle ground between philosophical extremes. In the process of developing a theoretical equilibrium, Canada is cited as a tangible example of the pragmatic adoption of a balanced rights discourse. While cultural citizenship rights are recognized by government, and actively promoted, it is not to the detriment of fundamental individual freedoms. It is clear that the Canadian model does not conform to traditional liberal principles of difference-blind justice, rather it includes a form of ethnic pluralism. The Canadian experience matches more closely the communitarian model in that it possesses a collectivist political culture that attempts to address cultural citizenship issues through an active and open public discourse. Social difference is viewed in Canada as a key element in nation-building. To this end, the accommodation

\[214\] Beiner, *Theorizing Citizenship*, p. 15
of cultural differences has become an integral aspect of the Canadian psyche and is clearly articulated in the Canadian Charter of Rights and Freedoms. The Meech Lake and Charlottetown Accords, the rise of the Bloc Quebecois and the Multiculturalism Act of 1971 all point to a society in which cultural expression is left to neither the public nor the private realm, but an essential component of Canadian civic culture.

5.1 Setting the Criteria for Cultural Citizenship Rights

Liberalism is appealing in that it provides a convenient tool through which rights can be determined and distributed; universal principles allow for an all-encompassing and ever-enduring regime of citizenship rights. However, while liberalism provides a simple formula for the dissemination of citizenship rights, communitarian scholars question the notion that one ideal of citizenship satisfies the needs of all citizens. Communitarianism suggests that differentiated forms of citizenship rights serve the needs of distinct social actors best. While the moral value of such a recognition is valid, certain issues remain as to how cultural citizenship rights can be disseminated and protected. Scholars such as Charles Taylor emphasize the capacity of the body politic to discuss cultural citizenship rights, however the legal guarantees of such rights are solely the dominion of the state.

With the adoption of the Canadian Charter of Rights and Freedoms, Canada committed itself to the institutions of liberal proceduralism, yet the products of this system have reflected Canada's commitment to the process substantive justice. The marriage between liberal inspired institutional mechanisms and a communitarian political culture may seem a political oddity in that it does not conform to any traditional
understanding of the rights discourse. However, this arrangement has served successfully in that while cultural tensions have and do exist, Canada has avoided serious civil conflict as experienced by other multi-ethnic states. It is evident that in the process of recognizing cultural citizenship rights, the institutions of democracy can function effectively. However, while this perspective has been endorsed by many scholars such as Charles Taylor, David Bell, Lorne Tepperman and Fred Dallmayr, the actual process of distributing cultural citizenship rights is complex. While purely liberal states emphasize the ideal of individual liberty, Canada must balance the rights of the individual with that of cultural group identities. Often they conflict with each other and as a result Canada must have certain criteria to fairly and justly distribute rights. While it is understood that multiple forms of citizenship rights benefit Canadians as a whole, real and actual criteria must exist as to which rights take precedence in any given situation. The process through which this occurs can be best understood through an actual example of jurisprudence.

In recent decades, First Nations Peoples have openly articulated their particular cultural interests on the political scene. Aboriginal Canadians have faced pressures to develop a clear delineation concerning the scope and limits of cultural citizenship rights for First Nation peoples. However, at times cultural citizenship rights clash with the rights of others and, as a result, competing regimes of citizenship rights emerge. This issue is best illustrated by the 1992 British Columbia Supreme Court case, Thomas v. Norris, in which David Thomas, an Aboriginal, was forced to participate in a tradition known as the Spirit Dance. By custom the Coast Salish People, to which Thomas belonged, had members of their community participate in this ritual whether their
involvement was voluntary or not. Eventually Thomas sued the band for assault and false imprisonment after he was forced to participate in the Spirit Dance. This instance creates a dichotomy in that Aboriginals are considered, under the Canadian Charter of Rights and Freedoms, a cultural minority and as such are granted certain legal considerations in order to protect their respective cultural institutions. The rift illustrated through Thomas v. Norris is a manifestation of a condition greater than one particular legal challenge. It forces the need to set specific criteria as to what extent the cultural citizenship rights of First Nations People should be distributed. In regard to the aforementioned case, the court upheld the right of the Coast Salish People to continue their cultural traditions, however the act of forcing an involuntary person to participate in these traditions was not a central tenant of Salish culture. Thus, David Thomas' rights as an individual were upheld in that he did not strongly identify himself with the Coast Salish People; as an individual Thomas made a clear distinction between his individual identity and his Aboriginal ancestry. It is key to note that the final decision of the British Columbia Supreme Court is nuanced and based on the particulars of this case. The decision cannot be read to be indicative of any limitations put on the cultural citizenship rights of First Nation peoples. While a specific conflict between persons was resolved in the case of Thomas v. Norris, there is still a continuous struggle concerning individual or group-oriented rights. Overall, Canadian jurisprudence has not developed a specific set of criteria whereby which the boundaries of cultural citizenship can be


216 Ibid, pp. 17-18
clearly outlined. Rather, the Canadian courts have not sought out clear and universal boundaries of citizenship, but rather have created a "fuzzy" and malleable understanding of rights based on prevailing public standards and interpretations of the components of citizenship. Avigail Eisenberg comments on this situation in "Individual and Group Difference in Canadian Jurisprudence". She writes,

The notion of difference suggests that conflicting claims can be compared by scrutinizing the evidence regarding the role of the practice being disputed in a group’s way of life and, in the Thomas case, the role of the community in the individuals life. No general argument is found in either the counsel arguments or the courts' decisions regarding the importance of collective or individual rights per se. Instead, the general argument informing these decisions in predicated upon identity and upon using the provisions of the Constitutions to protect individual and group difference. 217

This pattern in Canadian jurisprudence highlights the role of Canada’s institutions in the attempt to create and deliver a set of universal principle of justice. The idea of differentiated citizenship rights must acknowledge that each situation differs in context and complexity and, as a result, decisions regarding citizenship rights differ as well. A liberal conception of justice would find this situation perplexing in that it blurs the idea of citizenship, however it does conform to a communitarian notion of justice. Communitarian ideals of justice are by nature particularistic, each focusing on a specific situation and are open to the on-going evolution of a community’s interpretation of boundaries of citizenship rights. However, while Thomas v. Norris provides an example as to how the criteria for cultural citizenship rights are to be distributed, it is an isolated example. The particulars of the case are important, the process by which this decision

217 Ibid, p. 19
was made is of most importance. No legal precedent existed prior to this case. However once the decision was made, it was made clear in the judgment that the decision of the British Columbia Supreme Court was based on the facts of the case; it was not intended to provide a means of delineating between all competing notions of citizenship. Consequently, the criteria in the distribution of cultural citizenship are particular to each case.

The issue brought forth by Thomas v Norris points out that cultural citizenship rights are debated throughout the institutions of the state. However, in a broader scope the products of substantive justice create situation specific and fluid regimes of citizenship. These particularistic regimes of citizenship rights do little to further the process of nation-building. The case of Thomas v. Norris was connected to a notion of cultural citizenship rights outlined in the Canadian Charter of Rights and Freedoms; however, questions remain concerning the cultural citizenship rights of non-Charter Canadians. Where do they fit in the general discourse surrounding citizenship right? Do the rights of a individual outweigh that of a Doukhobour community in Saskatchewan? In the last few decades a certain number of such ambiguous legal issues have come to the public consciousness. Often the clash is between that of the public good and the rights of a community or individual to cultural expression. For instance, in recent years there has been a controversy regarding the allowance of Sikhs to carry kirpans, ceremonial daggers, in a public school setting. A concern existed that the kirpans would be used as weapons, though baptized Sikhs were prohibited by custom from removing the dagger from its holster expect during ceremonial occasions. While not a Charter cultural group,
the cultural rights of Sikhs are guaranteed through Canada's emphasis on cultural survival as a fundamental human rights. Many persecuted people, including Sikhs, have immigrated to Canada for the very reason that Canada is highly tolerant of cultural difference. This obvious clash of values found its way to the Ontario Human Rights Commission which ruled that Sikhs did indeed have the right to carry kirpans if the dagger was properly secured and the appropriate public school authorities informed. While this decision existed outside the realm of the Canadian judicial system, it illustrates the Canadians are capable of deliberating upon competing notions of the citizenship rights.

In the discussion of the limits and boundaries of citizenship rights, it is evident that while effective public mechanisms exist to deliberate upon and distribute cultural citizenship rights fairly, a debate continues to endure regarding the limits of any such rights. The acknowledgment of social diversity also carries with it a recognition that political institutions must be open to change; justice must respond to particular circumstances and the changing needs and perceptions of social actors and society as a whole. Overall, regimes of cultural citizenship in Canada should not be defined in terms of creating a final set of boundaries or formal legal criteria, but rather as an active social process. The building of a common good is best understood not as the clear development and articulation of citizenship rights, but rather the deliberative process through which citizenship rights are discussed and considered. This model has allowed Canadians to openly address the changing needs of cultural actors. As a result, the notion of cultural


218 Fleras and Elliot, p. 210
citizenship has evolved from an understanding of "Two Solitudes" to that of multicultural and bilingual society.\textsuperscript{219} The continuous demographic shift that the Canadian population finds itself facing, thorough immigration and newly recognized modes of citizenship, requires a certain degree of fluidity. Furthermore, questions concerning cultural citizenship are not merely deliberated upon in Canada's formal institutions, but also occur at the civic level.

6.2 Mechanisms of Public Deliberation

While formal public institutions play a crucial role in the discourse surrounding the boundaries of cultural citizenship rights, civic actors play a key role as well. The recognition of diversity in Canada does not take place solely at an institutional level; a larger social process takes place as well. Seyla Benhabib suggests open communication is a requirement for the construction of an active and meaningful process of collective decision-making and the mediation of social conflict. Benhabib suggests that even in the most democratic societies different conceptions of the good life will surface. As a result mechanisms are needed to discuss these abundant points of view. The author does not reject traditional forms of interest articulation associated with liberal-democracy such as political parties and elected legislatures, however these should be complemented by a "plurality of modes of association".\textsuperscript{220} Benhabib writes,

\begin{quote}
(a) model of democracy does not need to operate with the function of a general deliberative assembly in that the procedure specifications of this model privilege a plurality of modes of association in which all affected can have the
\end{quote}

\textsuperscript{219} See Hugh MacLennan, \textit{Two Solitudes}

right to articulate their point of view. These can range from political parties, to citizens' initiatives, to social movements, to voluntary associations, to consciousness-raising groups, and the like. It is through the interlocking net of these multiple forms of associations, networks, and organizations that an anonymous "public conversation" results. It is central to the model of deliberative democracy that it privileges such a public sphere of mutually interlocking and overlapping networks and associations of deliberation, contestation and argumentation. 221

The openness to difference and opinion associated with the Canadian condition allows for a frank social discourse to emerge regarding the issue of cultural protections. This is evident throughout Canada's political history; the recognition of differentiated cultural citizenship rights has been made both through formal institutions and tacit social contracts. Charles Taylor, who suggests that the decision-making capacity of formal institutions is merely an extension of the capacity of a society to reach consensus, also alludes to this notion. Taylor asserts that the deliberative mechanisms that exist at a deeper civic level fuel formal institutional processes. He suggests that any mature democracy is obligated to consider all points of view in developing a conception of the good life. 222 Any society of diverse peoples and diverse opinions must develop some sort of consensus that includes the respective needs and opinions or all actors, not only those directly involved. He writes in "Democratic Exclusion (and Its Remedies)?",

A democratic state is constantly facing new questions, and in addition aspires to form a consensus on the questions that it has to decide, not merely to reflect the outcome of diffuse opinion. However, a decision emerging from joint deliberation does not merely require everybody to vote according to his or her opinion. It is also necessary that each person's opinion should have been able to take shape or be reformed in the light of discussion - that is to say, by exchange

221 Ibid, pp. 73-4

with others. This necessarily implies a degree of cohesion. To some extent, the members must know one another, listen to another, and understanding one another. 223

Taylor, in removing his analysis from a form of proceduralism associated with traditional liberalism, suggests that a common bond is required amongst citizens if the democratic process is to be carried out to its logical end. The emphasis on collectivity, and concern for the needs of others, is consistent with communitarian principles. It is only through a deeper understanding of the bonds of community that the notion of democratic government can function smoothly and effectively. Taylor suggests that the complexities of personal identity and cultural citizenship requires a strong conscious commitment among political actors to further their mutual interests, regardless of the respective difference. Taylor writes of the commitment:

...a modern democratic states demands a "people" with a strong collective identity. Democracy obliges us to show much more solidarity and much more commitment to one another in our joint political project than was demanded by the hierarchical and authoritarian societies of yesteryear. 224

The argument Charles Taylor forwards articulates the need for a collectivity to address mutual civic concerns in moving forward the democratic project. If a society such as Canada commits itself to openly recognizing cultural difference, it must also have public mechanisms through which competing notions of the good life can be deliberated upon. This key aspect of Canadian political culture meets the expectations of many communitarians as well. While liberalism merely recognizes the equal moral worth of each individual, communitarians goes further in that it allows for an

223 Ibid, p. 270
224 Ibid, p. 271
acknowledgment of the equal moral worth of each culture along with appropriate mechanisms to guarantee such rights. While Benhabib comments on the complexity of the deliberative process in distributing citizenship rights, Taylor extends this discussion by commenting on several obstacles that an open deliberative process creates. While on a theoretical basis Benhabib's and Taylor's arguments are well justified, it creates difficulties in the practical implementation of such wide ranging discourse. This model outlines a social and political process of deliberation, yet it does not clearly articulate any real consensus regarding a conception of the good life.

Charles Taylor, in Multiculturalism and "The Politics of Recognition", outlines the moral justification for the recognition of cultural citizenship rights by the state. However, Taylor himself is cognizant of the fact that a departure from the traditional liberal framework does create theoretical and practical problems for not only the state, but also the polity as a whole. In particular, while cultural rights may be designed to respond to the distinct needs of threatened cultural minorities, such cultural guarantees may infringe upon the rights of other groups. Scholars such as Taylor and Beiner suggest that maintaining a balance between conflicting cultural citizenship rights is by no means an easy task to accomplish. In their respective writings they outline a need to move political theory and rights discourse as a whole away from existing philosophical extremes. This issue is discussed in some respects by Charles Taylor in "Democratic Exclusion (and Its Remedies)" in which he discusses the issue using the example of Quebec. Taylor writes that while most Canadians do agree with the need "to promote and protect Quebec distinct character", in the end the Meech Lake Accord did not
achieve the popular support of a majority of Canadians.\(^{225}\) In particular, many Anglophones in Quebec viewed this as a unilateral endorsement of a primarily Francophone society in the province. This sentiment is not to be viewed as a complete rejection of Quebec's need for cultural survival, but rather a verdict that censured the process through which the Meech Lake Accord was conceived. The actual provisions of the Accord were planned and designed by the nation's First Ministers, with little public consultation. For Taylor, a purely procedural process is doomed to fail in Canada, as are any formal guarantees of citizenship rights, if no wide ranging public discourse is incorporated.\(^{226}\) The needs of one cultural group directly effect the status of all others, as evidenced by the case of Anglophones in Quebec.

### 6.3 Mediating Cultural Conflicts

While Taylor openly endorses the need for cultural survival, such an endorsement must also be balanced with a healthy respect and protection for the rights of the others. This situation, as Taylor often alludes to, is exemplified by Quebec's attempt to secure a place for the French language in Quebecois society. While this need for cultural survival is a reasonable aspiration, considering Quebec's location in a primarily Anglophone North America, it has caused a great deal of controversy in the decades succeeding the Quiet Revolution.

The political articulation of the distinct needs of French-speaking Quebecers developed popular appeal with the ascendancy of the Parti Quebecois. The party itself is fully committed to gaining independence; it has always endorsed legislation that has

\(^{225}\) Ibid, p. 269  
\(^{226}\) Ibid, p. 270
promoted the use of the French language. Quebec's Bill 101, for instance, limits non-French language commercial sign usage, and is viewed by many as reasonable in that its aim is to preserve the use of French. However, while most Canadians would agree with the need to preserve the French culture, linguistic minorities in Quebec have suggested that such mechanisms violate their right to freedom of expression as guaranteed by Section 2(b) of the Charter. This issue has surfaced in front of the courts on several occasions, when the government of Quebec has invoked the Notwithstanding Clause in order to override the Charter. In the past, the obvious resolution to this contentious situation has been to address this conflict between cultural and individual rights at the formal constitutional level, however such attempts have been met with failure in recent years. The Meech Lake and Charlottetown Accords attempted to reduce this clear conflict, however to date no resolution has been found. The issue of the survival of the French language in Quebec has been heated, however it extends beyond this mere issue of group rights versus the interests of the individual.

The issue of language and the protection of linguistic minorities has always been an issue of political saliency since Confederation. However, the evolution of Canada from a notion of itself as a nation of "Two Solitudes" to that of a multicultural society has caused some friction between Canada's historically dominant cultural groups. While the notion of multiculturalism has been seen by a great majority of Canadians as a means of social and political inclusion in the process of nation building, such a conception of social justice has been viewed by Francophones as a threat to the predominance of the French culture. The political values of Quebec have traditionally been based on a
sentiment of *La Survivance*, a need to survive in the wake of an Anglophone dominated continent. Quebec has never accepted the form of cultural pluralism that multiculturalism espouses.\(^{227}\) By contrast Quebec has adopted a subtle policy of integration, acculturating non-Francophones to the French language and recruiting immigrants from predominantly French speaking nations in the Caribbean and Africa. This resistance to the social and political value system endorsed by a conception of multiculturalism is discussed further by David Bell and Lorne Tepperman in *The Roots of Disunity*. They write,

...Quebec Francophones have almost always thought that ethnic diversity threatened their rights. Francophones are part of the Canadian Mosaic, but they do not accept the mosaic in either principle or proactive. They resent its implications of equal status for all minority cultures, especially since most of the other minorities have chosen to learn English, the dominant language. Francophones support for multiculturalism at the time of confederation gave way to a belief in the principle of two cultures, or biculturalism: Francophones insisted on special status as of the two "founding races." They have not reversed their opinion in the years that have intervened.\(^{228}\)

The case of Quebec is of particular interest in that it extends beyond a mere conflict between the particular goals of one cultural group and the rights of individuals is a stark rejection the values of toleration and accommodation that have become the hallmark of Canadian multiculturalism. This sharp division may be viewed as a direct reputation of Taylor's notion of a deliberative democracy that is capable in negotiating between competing cultural interests. It must be noted that while direct differences exist in core political values between Quebecois political culture and the values of Canadian

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\(^{227}\) Fleras and Elliott, p. 83

\(^{228}\) Bell and Tepperman, p. 86
multiculturalism, communitarian sympathizers, such as Taylor, would suggest that a key commonality exists as well. While it is evident that conflicts exist, there is a tacit agreement between both "nations" that any debate be conducted through deliberative and public discourse. While other culturally conflicted nations, such as the former Yugoslavia or Rwanda, have disintegrated in civil war, a strong commitment to the democratic process exists in Canada. Regardless of any differences concerning the actual substance of the debate, there is agreement concerning the process through which public discussion is to be carried out.

6.4 Whither the Communitarian Project?

The virtues associated with communitarianism have attracted its critics throughout the years. The fact of the matter is that the success of communitarian project faces doubts in some academic circles in that it leaves open many questions concerning the exact criteria through which cultural citizenship rights are to be disseminated. This point is even echoed by Charles Taylor himself. He writes in Multiculturalism and "The Politics of Recognition".

Here is another severe problem with much of the politics of multiculturalism. The peremptory demand for favour judgments of worth is paradoxically - perhaps one should say tragically - homogenizing. For it implies that we already have the standards to make such judgments. The standard we have are that of the North America civilization. ...There is perhaps after all a moral issue here...What it requires above all is an admission that we are very far away from that ultimate horizon from which the relative worth of different cultures might be evident. This would mean breaking with an illusion that still holds many "multiculturalists -as well as their most bitter opponents -in its grip.\textsuperscript{229}

\textsuperscript{229} Taylor, Multiculturalism and "The Politics of Recognition", p. 73
Taylor's concluding remarks in *Multiculturalism* and "The Politics of Recognition" suggest that perhaps a final end may not necessarily be forthcoming in the quest to define the boundaries of citizenship. It is upon this point that Charles Taylor departs from his colleagues. Political theorists such as John Rawls, Iris Marion Young, Michael Walzer and Michael Sandel assume there is a presumed end with regard to understanding the demands and limits of cultural citizenship rights. Even John Ralston Saul, the champion of creating a balance between competing interpretations of the public good, suggests that the public interest is rapidly being scaled back as a result of "our rush to decentralization". He continues by suggesting that the focus on the public good in Canada is "being transformed into little more than an alliance of powers and interests" by a multitude of self-interested actors. This perspective is shared somewhat by Taylor, who suggests that the search for a clear and distinct understanding of citizenship, cultural or otherwise, fails in that it cannot accurately address the complexity of the numerous contemporary understandings of the good life. Furthermore, even if a clear understanding of citizenship could be deliberated upon, it must be eventually discarded as society evolves and social needs change. While some attempts have been made to define the boundaries of citizenship in Canada, as evidenced by Will Kymlicka's understanding of the "multination" and "polyethnic" citizenship, the lines still remain blurry. However for Taylor, the success of the democratic project is based in the ability of a nation to actively acknowledge citizenship and, more importantly, undergo a

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230 Saul, pp. 499-507

231 Kymlicka, "Three Forms of Group-Differentiated Citizenship in Canada", pp. 153-4
continuous process of moral self-examination. This process allows cultural actors to give voice to their distinct needs and concerns, even if no real consensus is reached as to what rights are to be distributed and to what extent. Such a capacity is vacant in traditional liberal democratic models that endorse a universal regime of citizenship rights. It is also empty in the type of Americanized communitarianism endorsed by Michael Sandel. The communitarian project in Canada can be deemed a success in that the common good is understood as the ability of a deliberative process to engage Canadians to clearly articulate their respective needs concerning cultural citizenship.

The ideal that Taylor forwards is valid, however much of his writing is based within the Canadian context. While Canada displays many communitarian virtues such as capacity for open deliberation and a toleration of difference, other nations are not as fortunate. Throughout the Western world issues concerning cultural citizenship have moved to the forefront of the political agenda, yet many nations have less capacity to deal with the emerging demands of cultural citizenship than Canada. In certain European countries the idea of recognizing differentiated cultural citizenship rights has become equated with a form of social welfare. Keith G. Banting suggests in "Social Citizenship and the Multicultural Welfare State" that the ideological and economic structures of some European nations are unable adequately address the rights of new immigrants. Consequently, second class citizens are created. Banting writes,

...European countries do revel in some elements of welfare chauvinism. This reaction can take two forms: restrictive immigration policy, designed to
prevent foreigners coming into the country ...and restrictive benefit policy, designed to deny resident foreigners access to benefits.\textsuperscript{232}

Banting goes on to point out the deconstruction of Europe's ethnic homogeneity has led to the rise of many radical right wing parties that actively and openly advocate for ethnically homogenous nation-states.\textsuperscript{233} This is an aspect that Charles Taylor never fully examines. While he rallies against the moral neutrality of states in the recognition of cultural citizenship, proactivity by the state can also take the form of negating cultural citizenship rights entirely. Some neo-liberal parties have rejected outright the principle associated with the liberal project by adopting "strains of authoritarianism" and antistate populism.\textsuperscript{234} By comparison the stress placed upon the Canadian polity pales in comparison to those faced by France or Germany. In part this can be explained by the fact that Canadian has never adopted a prevailing cultural identity; is has always been multiethnic to some extent. Banting continues by examining the American condition.

While diversity is acknowledged to some extent in the United States, cultural citizenship rights are at times negated in that they are inordinately tied to economic rights. The needs of cultural actors are often dismissed in that they are masked by the thin guise of economic welfare issues. Keith Banting writes of this situation,

The United States illustrates the most potent cocktail of neo-liberalism and welfare chauvinism. Racial attitudes remain the most important source of opposition to welfare among the white population. Republican electoral campaigns in the 1980s on the unpopularity of programs associated with poor


\textsuperscript{233} Ibid, p. 119

\textsuperscript{234} Ibid, p. 119
black people, and the party reaped major electoral gains among white union members, urban ethnics and southerners, creating the political room for significant cuts to social programs, especially those with disproportionately minority clientele.235

It is evident that the notion of cultural citizenship shared by Canadians differs from that of many other nation-states throughout the world. However, it should not be assumed that Canada is immune from such patterns. Canada too has oppressed its cultural minorities, as evidenced by the impoverished living conditions of many Aboriginal communities. Furthermore, resistance emerged to Canada's official policy of bilingualism when it was initially introduced. In spite of this, Canada exists as an exception when compared to other liberal welfare states.236 Banting further writes of the Canadian condition,

Moreover, a backlash against multiculturalism helped to launch the new Reform Party, a populist, neo-conservative party based in the western part of the country...As the party has become more established, it has struggled to mute the strains of ethnocentrism in its ranks, and its parliamentary caucus now includes a number of people of colour.237

Banting's key thesis revolves around the notion that with the decentralization of the states, cultural citizenship rights have become threatened, a perspective shared by John Ralston Saul as well. Saul points to the emergence of an American model of liberal interest articulation, de-emphasizing the common good.238 For a society to be truly inclusive, it must allow the full and equal participation of all its members in the institutions and broader civic life of the state.

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235 Ibid, p. 120
236 Ibid, p. 121
237 Ibid, p. 121
238 Saul, p. 507
It is clear that issues surrounding cultural citizenship have begun to dominate throughout the world. More and more, conflicts concerning cultural citizenship have replaced historical ideological conflicts, as suggested by Francis Fukuyama. What remains to be seen is the means and mechanisms through which these new and emerging cultural conflicts are to be deliberated upon. Virginia Leary suggests that no real international consensus exists as to how cultural citizenship rights are to be debated, let alone, distributed. However Leary asserts that The Universal Declaration of Human Rights is a strong beginning. She writes in "Citizenship, Human Rights, and Diversity",

The conception that all people have basic human rights is founded on the principle of equal dignity of each individual regardless of race, colour, nationality, or ethnic origin. As a principle, it is, and must, remain, in my view, a universal and protected principle of the international community. At the same time, it must be recognized that rights important to particular individuals or groups that have not yet been recognized internationally may be added to the list of internationally recognized human rights over time. The list of internationally protected human rights will not remain static. Moreover, conflicting interpretations of particular international standards will always exist without undermining the basic conception of the universality of human rights.

Leary, in her comments, echoes Charles Taylor's assertions that any conception of citizenship rights cannot remain stagnant in that the demands of citizenship are ever evolving. However, as Taylor has also noted before, the notion of cultural citizenship rights has come under attack as well. Often the phrase “cultural relativism” has been employed to negate any conception of the value of cultural citizenship rights. Within the larger scope of political discourse, it is more than evident that traditional conceptions

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240 Ibid, pp. 261-2
241 Ibid, p. 262
of citizenship have been eroded by contemporary social demands. However, many nations have not dealt with these internal stresses as well as Canada has. Many European nations have fought struggles against neo-liberal ideologues that wish to legally re-emphasize the cultural homogeneity of a particular nation. Other nations have fallen victim to violent social conflicts as evidenced by political situations of Rwanda and the former Yugoslavia. By contrast Canada, has faired well in that while cultural conflicts continue to exist, an active commitment has been made to debate and recognize cultural citizenship rights which is based on the historical necessity to do so. It is perhaps on this point that communitarian project can be deemed a success in Canada. In a greater global context that is in flux and open to mass migration, the political characteristics associated with the Canadian political experience are well developed to endure newly emerging potential cultural stresses. Canada's historic collectivist tendencies, coupled with a focus on recognizing internal difference, has allowed it to weather the radical ideological deconstruction faced by many Western nations. The underlying triumph of the Canadian political experience is based in the fact that it possesses a civic culture that is able to cope with shifts to the social fabric and overall views difference as a national resource. However, it should not be assumed that the demands of citizenship do not exert a toll on the nation, as evidenced by the never ceasing questions concerning Quebec's status within Canada. Yet, even this example illustrates the capacity of Canadians to deal with difference. While differences abound regarding the cultural citizenship rights of Quebecois, political deliberations are open and democratic. Without such outlets, institutional or otherwise, a real potential exists for violent social conflict.
The Canadian example is, however, an exception to the rule. It should not be assumed that the model that Canadians enjoy can be exported to other nations. The communitarian project is successful in Canada in that the elements of a functional civic culture have been cultivated and nurtured throughout a gradual historical evolution. Charles Taylor suggests that while Canada may have found a means through which differentiated regimes of citizenship rights can be negotiated, other nations cannot follow the Canadian example so easily. Taylor suggests if Western nations are to exist as functional democratic entities they must uncover their own particular "coping mechanisms" to deal with the sometimes contentious issues surrounding cultural citizenship. He writes in "Democratic Exclusion (and Its Remedies),

Solutions have to be tailored to the particular situations. Some of the political mechanisms of this sharing are already well known, e.g., various brands of federalism as well as the design of forms of special status for minority society, such we see today in Scotland and Catalonia. But many other modalities remain to be devised for the still more diverse democratic societies of the twenty-first century. In the meantime, it will have helped, I believe, if we can perceive more clearly and starkly the nature of our democratic dilemma, since the hold of unreal and a-historical solutions over our minds and imagination is still crippling our efforts to deal with the growing conflicts that arise from it.²⁴²

Taylor points out in his description of the current state of the discourse surrounding citizenship rights, that an ideological vacuum has developed. With the deconstruction of traditional regimes of citizenship rights, no real philosophical successor has emerged. In part this is credited to the fact that solutions must be particular to the needs of each society. Consequently it is the responsibility of citizens themselves to negotiate what mechanisms and understandings of justice serve their

²⁴² Taylor, "Democratic Exclusion (and Its Remedies), p. 286
society the best. The communitarian project in Canada can only be counted as one of many potential paradigms that exist to address the demands associated with citizenship.

In light of the perspective provided by such scholars as Taylor, Banting and Leary, the traditional subjects of academic inquiry, such as the "Liberal-Communitarian Debate" seem lacking in proposing a solution to the current situation faced by many nations. The highly abstract ideas of justice, equality and liberty may not speak to the real needs of citizens. Anne Phillips writes of this issue in "Dealing with Difference: A Politics of Ideas or a Politics of Presence?",

..the biggest mistake is to set up ideas as the opposite of presence: to treat ideas totally separate from people who carry them; or worry exclusively about the people without giving a though to their policies or ideas...What is, perhaps, emerging is that the more satisfactory ways of redressing group exclusion are those that are less-group-specific...mechanisms should be-and can be-devised that address the problems of group exclusion without fixing the boundaries or character of each group.243

Phillips suggests that "free-market" democracy no longer can adequately address the diverse needs of social actors. Phillips continues by stating, "We can no longer pretend that the full range of ideas and preferences and alternatives has been adequately represented when these charged with the job of reprehensions are all white or all male or all middle-class".244 The idea of particular justice is sound, however appropriate formal and informal mechanisms must be designed to allow a diversity of social actors the opportunity to develop a commonly held understanding of citizenship rights. No longer can abstract political theories be developed without taking into account the context in

243 Phillips, p. 150

244 Ibid, p. 151
which they are to be applied. If conceptions of justice have become particularistic, it practically necessitates the need for a greater involvement by a diversity of social actors.

It is clear that the contemporary demands placed upon political theory require it to consider the actual context in which it is to be applied. This proposal has implications for the communitarian project in Canada. While historically the idea of particular justice has been incorporated within Canada's political framework, it has only been in recent decades that the involvement in the discourse surrounding citizenship rights has become more inclusive. The demise of the Meech Lake Accord can be connected to a process of deliberation that was viewed as exclusionary in many respects. The ensuing Charlottetown Accord met with a similar response and was defeated by the public in a referendum. However, this attempt to build a consensus concerning the dissemination of cultural citizenship rights spawned a particular political phenomena. Specifically, it gave rise to regional political parties, the Bloc Quebecois and the Reform Party. Both these new political entities endorsed a conception of the good life that had differed from that espoused by Canada's traditional federal political parties. While the Bloc Quebecois primarily advocated for a particular regime of cultural citizenship rights, the Reform Party asserted that a change was necessary to the very mechanisms through which public discourse is carried out in Canada. This issue is discussed in more detail by David Laycock in "Institutions and Ideology in the Reform Party Project". He writes of the of the early years of the Reform Party,

He (Preston Manning) suggests provision for both binding and advisory referenda, in which voters could "express their views or directions with respect to certain key federal issues, especially major constitutional issues." Referenda should be timed to coincide with national elections, or possibility held at fixed
dates in the "mid-term." Manning also recommends minimally regulated "educational campaigns" associated with the referenda, double majority decisions on most national referenda questions, provisions for citizen-initiated referenda with 3 per cent of electors signatures, and more work in developing a recall procedure "that will not be subject to abuse." He rejects the use of referenda to suspend particular sections of the Charter of Rights and Freedoms.245

While well intended, the political goals of the Reform Party have not been realized to the extend the originators and successors had intended.

The rise of these two new political parties articulated new perspectives as to how cultural citizenship rights are to be distributed. While the Bloc Quebecois endorses a regime of citizenship rights that are solely articulated in a independent Quebec, the Reform Party articulated a limited form of cultural citizenship rights. Richard Sigurdson comments in "Preston Manning and the Politics of Postmodernism",

...our political system is asked to respond to a variety of new demands for differential treatment based on the unique circumstances of aboriginals, women, homosexuals, ethno-cultural minorities, linguistic minorities, seniors, persons with disabilities and so forth. While many Canadians accept this new politics of difference, there has also been a reaction to it.246

On the surface, the development of new political organizations may seem to have polarized the capacity of Canadians to articulate the common good. However, in reality the emergence and organized articulation of these particular notions of the good life furthers the communitarian project in Canada. In particular, they give voice to legitimate competing notions of the good life. In the process of developing a consensus surrounding the idea of the common good, new ideas must be examined and publicly

debated. At times this process can be contentious and divisive, but it serves a greater and long-term purpose in that it always allows the public to engage in a process of moral self-examination. Regardless of the outcome of this deliberative process, the product is an active and open discourse. It must be considered that any public discourse may result in a dramatic shift in the social fabric. If Quebec is to achieve independence through an open and fair democratic process, then the product of the public discourse must be respected.

The Canadian political experience is unique in that it incorporates both a notion of the collective good and an acknowledgment of particular cultural citizenship rights. Specifically, the idea of the common good is vested in the capacity of Canadians to engage in an open deliberative democratic process. While cultural citizenship rights may be distributed differentially, the process allows all social actors to have their opinion heard in the process of setting the national agenda. These principles conform to a communitarian perspective; however, it is somewhat dissimilar to the type of communitarianism endorsed by such scholars as Michael Sandel or Michael Walzer. The Canadian communitarian project explores the option of cultivating community beyond merely a local context. Canada can be described as communitarian in that it displays collectivist tendencies at a national level. However, the contemporary demands placed upon Canada are similar to those experienced by other nations. Traditional notions of justice espoused by liberal theorists such as John Rawls or Ronald Dworkin and post-modernists such as Iris Marion Young do not necessarily provided the mechanisms demanded by the contemporary demands of citizenship. Consequently, the idea of
justice has become particular to each nation. While many other nations have struggled to address the cultural needs of its citizens, Canada has fared well. The mechanisms needed to address the contemporary demands of cultural citizenship have historically existed in Canada. The success of the communitarian project in Canada is based not on the actual development of a clear and distinct regime cultural citizenship rights, but the process upon which such rights are deliberated upon. John Ralston Saul describes this uniquely Canadian idea of determining the public good as “reasonable balance”, a trait of our political culture that allows us to create counterweights to the often-varied conceptions of the common good.\textsuperscript{247} Yet Saul also laments that this delicate balancing act is being eroded by elites devaluing the public interest. With this, the products of our unique history, geography, and culture are being undermined. However, it is upon this point that Saul’s argument fails. The future of Canada does not solely lie with the formative events of our history, formal institutions, political actors or academic observers, but with ordinary Canadians and their capacity for innovation and ever evolving understandings of the common good. The success of the Canadian experiment is based on the continued willingness of actors from a diversity of backgrounds to engage in a vibrant social discourse to manage constantly changing social realities. This is the essence of Canada and any just community.

\textsuperscript{247} Saul, p. 507
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