# WHAT IS INTERCULTURALISM?

## Gérard Bouchard*

*Editor's Note*

In September 2007 the public hearings convened for the *Consultation Commission on Accommodation Practices Related to Cultural Differences*, with an end date scheduled in December 2007. The word "accommodation" was on everyone's lips, in all the newspapers, and in television news reports. What is the exact definition of this term? What is its impact? What are its consequences? Professor Bouchard's article offers us answers to these questions, a better understanding of "reasonable accommodation", and of the attitude we should adopt towards this practice.

The *McGill Law Journal* does not usually translate the articles it publishes. The English and French arms of the *Journal* are independent of each other, although they are certainly complementary. The French editors seldom, if ever, work in English. The same is true for the English editors. However, when we received Professor Bouchard's article, we quickly realized it was of such significance that on this occasion we would ignore our traditional linguistic division. It was clear that non-francophone linguistic communities stood to gain from the academic contributions of Professor Bouchard's article, especially after one of our anonymous peer reviewers recommended its translation. The primary goal of this translation is therefore to allow the Canadian and international anglophone community to refine its understanding of interculturalism.

*Mot de la rédactrice*

En septembre 2007, les consultations publiques de *la Commission de consultation sur les pratiques d'accommodement reliées aux différences culturelles* débutaient pour se terminer en décembre 2007. Le mot « accommodement » était sur toutes les lèvres, dans tous les journaux et dans tous les bulletins de nouvelles télévisées. Quelle est la définition exacte de ce terme ? Quelle est sa portée ? Quelles sont ses conséquences ? Ce que nous offre le texte de professeur Bouchard, ce sont des réponses nos questions. une meilleure compréhension de ce qu'est un « accommodement raisonnable » et du comportement que nous devons adopter face à cette pratique.

La *Revue de droit de McGill* n'a pas l'habitude de traduire les articles qu'elle publie. Les sections francophone et anglophone de la *Revue* ont une organisation indépendante, bien que complémentaire. Les rédacteurs francophones travaillent peu ou pas due tout en anglais. Il en est de même pour les rédacteurs anglophones. Toutefois, lorsque le texte du Professeur Bouchard nous a été soumis, son sujet nous a rapidement semblé si important que nous nous devions, cette fois-ci, de transcender nos différences linguistiques afin de travailler ensemble. Il était clair que les communautés linguistiques autres que francophone gagneraient à profiter de l'apport académique du texte du Professeur Bouchard. C'est d'ailleurs ce qu'un des évaluateurs externes anonymes nous a fortement recommandé. L'objectif premier de cette traduction est donc de permettre à la communauté anglophone canadienne et internationale de raffiner leur compréhension de l'interculturalisme.

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## Introduction

The responsible management of ethnocultural diversity is an unprecedented challenge for most democratic nations. The debate in Quebec on this subject is an old one, marked by its dynamism and originality—we should celebrate that. As it does elsewhere, for the majority culture the debate stems largely from an insecurity over the future of the identity and heritage from which it draws its strength. Inevitably, emotionalism and symbolism occupy a large part of the debate, as do divergent visions and, quite often, incompatible aspirations. All this makes for difficult arbitration based on a delicate balance between competing imperatives, requiring all the precautions and all the modesty that must accompany the search for a general model of integration.

Keeping these concerns in mind, I would like to use this essay primarily to present my vision of interculturalism as a model for integration and the management of ethnocultural diversity. I draw inspiration for this goal from the path taken by Quebec since the 1960s and 1970s,[1] but also from personal reflection and from experiments conducted in Europe, where interculturalism, as a formula for coexistence in the context of diversity, has significant roots.[2] In Quebec itself, interculturalism currently benefits from widespread popular support (as the public hearings of the Bouchard-Taylor Commission demonstrated),[3] but it is also the object of significant criticism. It is certain that there is significant work left to do in terms of clarification, promotion, and applications for this model.

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[1]    For an excellent reconstruction of the approach in Quebec, see François Rocher, Michelle Labelle et al, "Le concept d'interculturalisme en contexte québécois : généalogie d'un néologisme" (Report presented to the Commission de consultation sur les pratiques d'accommodements reliées aux différences culturelles (CCPARDC), Montreal, 21 December 2007) [unpublished, available from the Center for Immigration Research and Citizenship] [Rocher et al].

[2]    The interculturalist approach found strong sites for promotion and study in Europe, particularly within the European Union and the Council of Europe. A complete review of this past history would require another paper.

[3]    This refers to the Consultation Commission on Accommodation Practices Related to Cultural Differences (CCAPRCD), created in February 2007 by the government of Quebec. This committee was co-chaired by the philosopher Charles Taylor and myself. The report was made public in May 2008. See Gérard Bouchard & Charles Taylor, *Building the Future: A Time for Reconciliation*, Report of the Consultation Commission on Accommodation Practices Related to Cultural Differences (Quebec: Gouvernement du Québec, 2008) [Bouchard & Taylor, Report]. The vast majority of the memoranda and testimonies submitted to the committee favoured interculturalism as the path for Quebec, even if the definitions they proposed were generally rather brief. Three elements of consensus recurred throughout—the rejection of Canadian multiculturalism, the rejection of assimilation, and the importance of integration on the basis of the fundamental values of Quebec society (gender equality, secularism, and the French language).

A second goal is to repudiate a number of the misunderstandings and distortions that have entered the public debate, especially in Quebec. I plan to show or remind that:

1. collective integration is a global process affecting all the citizens and constituents of a society, not simply immigrants;

2. interculturalism is not a disguised (or "underhanded", as has been said) form of multiculturalism;[4]

3. integration is based on a principle of reciprocity—newcomers and members of the host society share an important responsibility;

4. when applied with discretion and rigour, pluralism (an attitude advocating respect for diversity) and especially the principle of recognition, do not lead to fragmentation (or "communitarianism") and do not put the basic values of the host society into question;

5. pluralism is a general option with various applications corresponding to as many models, including multiculturalism—it is thus inaccurate to establish an exclusive relationship between these two concepts and to present them as synonymous;

6. the type of pluralism advocated by interculturalism could be described as integrational in that it takes into account the context and future of the majority culture;

7. accommodations (or concerted adjustments) are not privileges, they are not designed solely for immigrants and they should not give free rein to values, beliefs, and practices that are contrary to the basic norms of society—they simply aim to allow all citizens to benefit from the same rights, no matter their cultural affiliation;

8. as a pluralist model, interculturalism concerns itself with the interests of the majority culture, whose desire to perpetuate and maintain itself is perfectly legitimate, as much as it does with the interests of minorities and immigrants—we thus find no reason to oppose either the defenders of the identity and traditions of the majority culture on one side, or the defenders of the rights of minorities and immigrants on the other; it is both possible and necessary to combine the majority's aspira-

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4   This last model, for reasons that will be discussed later on, has received very negative press in Quebec.

> tions for identity with a pluralist mindset, making for a single process of belonging and development; and
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> 9. except in extreme cases, radical solutions rarely meet the needs of the problems posed by ethnocultural diversity.

My presentation will use the description provided in the Bouchard-Taylor Report[5] as a point of departure but will also clarify and add a number of elements. I will also rely on the important contributions of a number of authors from Quebec who have a long history of reflecting on this topic.[6] Finally, I should note that the Aboriginal experience will not be taken into account here. This is because the government of Quebec, in accordance with demands made by Aboriginal peoples, has resolved that relations with these communities should be treated as "nation to nation"[7] affairs. From their perspective, the populations concerned do not wish to be seen as cultural minorities within the nation of Quebec. For the moment this issue would require a different line of thought than interculturalism as defined here, since our model aims at integration within a single nation.

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[5]  Bouchard & Taylor, Report, *supra* note 3 at 116-18.

[6]  See especially Alain-G Gagnon, "Plaidoyer pour l'interculturalisme" (2000) 24:4 *Possibles* 11; Alain-G Gagnon & Raffaele Iacovino, "Le projet interculturel québécois et l'élargissement des frontières de la citoyenneté" in Alain-G Gagnon, ed, *Québec : États et société*, t 2 (Montréal: Québec Amérique, 2003) 413; Rocher et al, *supra* note 1; Micheline Labelle, "La politique de la citoyenneté et de l'interculturalisme au Québec : défis et enjeux" in Hélène Greven-Borde & Jean Tournon, eds, *Les identités en débat : Intégration ou multiculturalisme?* (Paris, Montréal: Harmattan, 2000) 269; Marie McAndrew. "Multiculturalisme canadien et interculturalisme québécois: mythes et réalités" (1995) 48 R AFEC [McAndrew, "Multiculturalisme"]; Marie McAndrew, "Quebec's Interculturalism Policy: An Alternative Vision. Commentary" in Keith Banting, Thomas J Courchene & F Leslie Seidle, eds, *Belonging? Diversity, Recognition and Shared Citizenship in Canada* (Montreal, Institute for Research on Public Policy, 2007) 143; Danielle Juteau, "Multiculturalisme, interculturalisme et production de la nation" in Martine Fourier & Geneviève Vermès, eds, *Ethnicisation des rapports sociaux : Racismes, nationalismes, ethnicismes et culturalismes* (Paris: Harmattan, 1994) 55; Intercultural Institute of Montreal, *A Pluralistic Quebec in the Light of an Intercultural Practice : Memorandum to the Consultative Commission on 'Reasonable Accommodation' of Cultural Differences in Quebec*, November 2007, [unpublished, archived at the Intercultural Institute of Montreal, online: IIM <http://www.iim.qc.ca>].

[7]  This is in accordance with the two resolutions passed by the National Assembly of Quebec, one on 20 March 1985 (see Quebec, National Assembly, *Motion for the recognition of aboriginal rights in Québec*, Journal Débats, 32nd Leg, 5th Sess, vol 28, No 39 (20 March 1985) at 2570, the other on 30 May 1989 (see Quebec, National Assembly, *Resolution of the Quebec National Assembly* on the recognition of the Maliseet nation, Journal Débats, 32nd Leg, 2nd Sess, vol 30, No 117 (30 May 1989) at 6079.

## I.   Interculturalism: Some Basic Principles

First, interculturalism incorporates a number of elements that are not exclusive to it. For example, it endorses the rather widely accepted idea that an official language, legal framework, and territorial unity are not sufficient to make a cohesive nation—they must be combined with a symbolic element that helps foster identity, collective memory, and belonging.[8] What we term the principle of recognition (in the sense used by Charles Taylor and others) is also part of interculturalism.[9] It is also found at the heart of multiculturalism and in a few other models. Another element of interculturalism found in the majority of Western democracies is a pluralist mindset, meaning sensitivity to ethnocultural diversity and the rejection of all discrimination based on *difference*.[10] Inherited from the moral awakening following the two World Wars, fascism, totalitarian regimes, and decolonization, this mindset came into being in the 1950s and 1960s as a new sensitivity towards minorities of all kinds.

That said, it is important to note that these components (national symbols, recognition, and pluralism) are susceptible to a variety of interpretations and applications that open the door to a number of possible models. Thus, contrary to widespread perception, a pluralist mindset, as with all recognition principles, does not necessarily lead to multiculturalism.

Likewise, reasonable accommodation is a very widespread practice in the United States, anglophone Canada, Australia, and several European countries, including England. We can define these accommodations as adjustments made to the administration of certain norms or rules for certain individuals or groups (immigrants or not) possessing some sort of distinc-

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[8]   I will allow myself to insist on this point. Certain critics of interculturalism credit me with a strictly civic ("legalist") conception of nationhood, a conception that I have always rejected in my writing. See especially Gérard Bouchard, *La Nation québécoise au futur et au passé* (Montreal: VLB, 1999) at 10-20, 22-23 [Bouchard, *Nation*]. Identity and national memory are central elements of nationhood and must always be taken into account.

[9]   According to the current conception, the principle of recognition refers to the status or to the condition of minorities in a given society. It calls for the respect of different cultures, and the people or groups that embody them, in accordance with the dignity to which all people have a right. In effect, the principle postulates that any individual or group's sentiment of self-worth or dignity requires that, in the spirit of equality, its differences be recognized, especially by members of the majority culture. For an account and critical discussion of this topic, see Charles Taylor, *Multiculturalism and "The Politics of Recognition"* (Princeton: Princeton University Press, 1992).

[10]   Pluralism should not be confused with plurality, which is synonymous with diversity. Pluralism advocates a specific attitude towards ethnocultural plurality, which is in itself a simple state of fact.

tive characteristic that places them outside of the mainstream culture These adjustments aim to encourage the integration of these groups and to shield them from precisely the kind of discrimination that could result from their distinctive characteristics. Once again, and contrary to current perceptions, this does not mean awarding certain people exclusive rights or privileges. In the spirit of equity (or equality), the goal is always to more fully implement the fundamental rights granted to all citizens.[11] When referring to recognition, pluralism, or accommodations, it is important to distinguish between their founding principles and the specific criteria and methods of their administration.

Accommodation is not unique to interculturalism and can be enacted in accordance with a variety of philosophies, sensitivities, and policies. Consequently again, we must prevent ourselves from associating accommodation exclusively with multiculturalism. Certain adjustments can seem perfectly admissible in one society and cause problems in another, even if both adhere to pluralism.

In light of this discussion, we see that in the particular case of Quebec it is necessary to develop a form of pluralism that acknowledges that the francophone majority is itself a precarious minority that needs protection in order to ensure its survival and development in the North American environment and in the context of globalization.

## II. Paradigms and Levels of Analysis

Before going further, and in order to properly distinguish interculturalism from the other models of management of ethnocultural diversity, it is useful to review the five major paradigms these models tend to follow. These paradigms are large schemas that will help situate the primary intention, or defining outlook, of each model. They structure the public debate of a nation, determine the parameters and the basic issues, inspire the policies and programs of the state and, finally, fuel the perceptions citizens hold of each other.

A first paradigm is that of diversity. In particular, we find this in English Canada, the United States, Sweden, Australia, and India. The guiding premise in these cases is that the nation is composed of a collection of individuals and ethnocultural groups placed on equal footing and protected by the same laws—there is no recognition of a majority culture and, in consequence, no minorities per se. Under the official banner of di-

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[11]   For example, denying a young girl the right to wear a certain kind of bathing suit to a swimming class or a gymnastics class might deprive her of her right to learn. Refusing to allow a student to reproduce religious symbols in a drawing class could lead to a similar result.

versity, all assert themselves and express themselves as they see fit, within the limits prescribed by law. Secondly, we can speak of a paradigm of homogeneity (i.e., a unitary paradigm), which fundamentally asserts an ethnocultural similarity in public life and sometimes also in private life—included here are nations such as France (at least in the public space), Italy, Japan, and Russia. Thirdly, there is the paradigm I call bi- or multi-polarity. This refers to societies composed of two or more national groups or subgroups, sometimes officially recognized as such and granted a kind of permanence. Nation-states such as Malaysia, Bolivia, Belgium, Switzerland, and Northern Ireland (i.e., all the pluri-national states that recognize themselves as such)[12] operate under this paradigm.

The fourth paradigm is that of duality. We see this where diversity is conceived and managed as a relationship between minorities from a recent or distant period of immigration, and a cultural majority that could be described as *foundational*. Let us pause for a moment to examine this last concept. I include as foundational any culture resulting from the history of a community that has occupied a single area for a long period (one century, several centuries, or several millennia); that has formed a territory or settlement (what certain geographers call "territoriality") with which it identifies; that has developed an identity and a collective imagination expressed through language, traditions, and institutions; that has developed solidarity and belonging; and that shares a sense of continuity based in memory. In such societies, long-established minorities can also hold the status of foundational cultures. In Quebec, examples include the Aboriginal communities, which were founded before the majority culture, in addition to the anglophone population.[13]

With certain exceptions, majority cultures are foundational cultures, although they never stop incorporating important new contributions that blend with the existing cultural fabric and ultimately transform it. Through the effects of migration and intercultural relations, the reality underlying these concepts is fundamentally shifting and dynamic, even if the dominant discourse tends to erase this characteristic. As we will see later on, other factors make it so that the concept of a majority culture can accommodate diverse and malleable realities.

Parenthetically, it is worth noting that I avoid using the term "ethnic group" or "cultural community". These concepts presuppose a degree of

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12   See especially Alain-G Gagnon, *The Case for Multinational Federalism: Beyond the All-Encompassing Nation* (London, New York: Routledge, 2010).

13   It should be noted that the qualifier "foundational" refers less to a moment of settlement or a founding act than to a process spread out over time. This process is inevitably accompanied by a structuring effect on the culture of a society.

structuring that seldom exists in reality. With this in mind, the idea of a minority must be understood, in a very general sense, to designate a cultural nexus or community life that carries on in coexistence with the majority culture and the borders of which are often quite fluid.

The majority/minorities duality thus acquires the status of a paradigm so that it can structure discussion and debates over diversity in a given nation. It appears as a dichotomy or an us/them divide that is more or less pronounced. I maintain that the duality paradigm does not create this divide—rather, this is its point of departure, its anchor. Rather than challenging the paradigm on this ground, one would be best advised to tackle the factors that have created the duality and contribute to perpetuate it. I will add that the vast majority of Western nations (including Quebec) currently seem to be operating under or shifting towards this paradigm.

The fifth paradigm is that of *mixité*. It is founded on the idea that, through miscegenation, the ethnocultural diversity of a nation will be progressively reduced, eventually creating a new culture separate from its constituent elements. We find this paradigm primarily in Latin America, notably in Brazil and Mexico.

I will add three further details on this subject. Paradigms are the first level of analysis for ethnocultural diversity. The different models associated with them (such as multiculturalism, interculturalism, the melting pot, hyphenation, republicanism, assimilationism, consociationalism, etc.),[14] are the second level. The third is the concrete ethnocultural structure of populations as revealed by empirical data (census statistics and monographs) on ethnic origin, language, religion, and spatialization (geographic concentrations, ghettos, and clustering).

I will also point out that, as with all models, these paradigms are the result of a collective choice often codified in official documents. Thus, we see many examples of nations that have changed their paradigms over the last decades. Between 1960 and 1970, Canada and Australia moved from a homogeneity paradigm to a diversity paradigm while Quebec abandoned homogeneity for duality. Similarly, it seems that England is currently distancing itself from the diversity paradigm[15] and that we are currently witnessing in Quebec some attempts to introduce elements of republican--

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[14]  I do not mention federalism because this notion seems to refer primarily to a method of distributing political power between diverse national or other entities rather than a model for managing or dealing with ethnocultural reality.

[15]  Here, an important new strain of ideas is currently creating a dualist vision of the nation. See e.g. David Goodhart, *Progressive Nationalism: Citizenship and the Left* (London: Demos, 2006). See also the journal *Prospect*, of which he is the founding director.

style non-differentiation (against accommodation and expression of religion in state institutions).

Finally, it is worth noting that a paradigm can accommodate more than one model—and sometimes very different models—as seen particularly in Canada and the United States (diversity), and France and Italy (homogeneity). The simplest example is that of a nation that adheres to a single paradigm (or to a predominant paradigm). However, we should not write off nations where public debate is more animated and might simultaneously subscribe to two or three competing paradigms. The United States comes to mind. The diversity paradigm is markedly dominant throughout, since the nation was (at least officially) founded on universal ideals capable of accommodating the greatest possible diversity. Yet we are currently seeing the manifestation of two other paradigms, namely duality ("*mainstream*" culture versus minorities perceived as resistant to integration) and assimilation (a radical version of the "*melting pot*"). In this vein, Brazil also deserves attention to the degree that the dominant schema of racial mixing (supported by the great myth of racial democracy) makes space for the diversity as well as the homogeneity paradigms. In this case, official discourse and public debate often reveal how this nation does not define itself by race, but at the same time remains very aware of ethnocultural diversity.

Furthermore, we should note that there is not a linear relationship between these three levels of analysis.  One should not assume that what happens at one level is determined by what happens at the other two. Certainly it is difficult to imagine countries like Belgium or Switzerland adhering to the homogeneity paradigm. Nevertheless, there can sometimes be important disparities between the ethnocultural reality of a nation and the general schema it uses to imagine itself (the examples of France and Italy again come to mind).

## III. Characteristics of Interculturalism

I will mention seven main points that characterize interculturalism with respect to other models of management of diversity. But it should be mentioned in the first place that the model operates at two levels. One is the societal or macrosocial level where the challenge is to define principles and general guidelines for integration. The second level is interculturality. It refers to the microsocial scale of neighbourhoods, community relations, and the daily life of institutions (schools, hospitals, workplaces, etc.). However, focus will be given primarily to the first dimension, with priority placed on defining the principles and basic philosophy of the model.

### A. Majority/Minorities Duality

First and foremost, as a global model for social integration, interculturalism takes shape principally within the duality paradigm.[16] One of the inherent traits of this paradigm is a keen awareness of the majority/minorities relationship and the tension associated with it. More precisely, I am referring to the anxiety that the majority culture can feel in the face of cultural minorities. Indeed, they can create a more or less acute sense of threat within the majority culture not only in terms of its rights, but also in terms of its values, traditions, language, memory, and identity (not to mention its security). This feeling can be fuelled by a number of different sources. For example, in England, the United States, and many other countries, terrorism is currently a major concern. In Quebec, a significant source of anxiety comes from the fact that the francophone cultural majority is a fragile minority in the North American environment (representing less than two percent of the total population). Also, this anxiety is often supplemented by the presence of a demographically significant ethnocultural minority perceived as hostile to the traditions and values of the majority group and resistant to integration (which can happen when this minority fears for its own values and culture). This unease can also occur in countries where the foundational culture is experiencing a period of instability or undergoing some kind of crisis. Be that as it may, it follows that the duality thus risks being experienced as the intersection of two sets of anxieties since minority groups often, and for obvious reasons, fuel their own feelings of uncertainty about their future. Finally, there are nations in which duality is the result of a sustainable agreement forged in the history between two groups, one a majority, the other a minority.

Regardless of its sources, this insecurity and the reciprocal mistrust it produces can help perpetuate the us/them duality. And yet, as mentioned previously, interculturalism seeks to care for the future of the majority culture as much as that of minority cultures. From this perspective, it is essentially a search for conciliation. Under the arbitration of the law, it seeks to articulate the tension between continuity and diversity, i.e., the continuity of the foundational culture and the diversity brought in by past or recent immigration.[17] In this sense, I would say that interculturalism

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[16]  As indicated earlier, this model can also apply to the (bi)pluri-polarity paradigm. However, I will limit my discussion to the duality paradigm.

[17]  Note that this tension is found throughout all of Quebec's history, from the second half of the eighteenth century onwards beginning with the British regime. On one side, there was the reproduction of francophone culture and resistance to assimilation, on the other, the integration of immigrants who were nevertheless subject to various forms of ethnocultural exclusion (e.g., Aboriginal peoples, Jews, Blacks, etc.).

intends to connect cultures as much through their roots as through en-counters. That said, the tension underlying this duality can be corrosive and give birth to stereotypes, exclusionary or reactionary behaviour, and various forms of discrimination from the majority group. It can also be positive, experienced as a constant reminder for vigilance, dialogue, and necessary concerted adjustments. The central challenge of intercul-turalism is to smooth over and to alleviate the us/them relation rather than inflame it.

The preceding remarks require a few warnings:

1.  We should avoid a reductive vision that represents the major-ity/minorities divide as an opposition between a homogeneous majority and heterogeneous minorities. When we look closely, we see that beyond a common language and shared symbols, important elements of diversity almost always extend to the very core of the majority (differences of morality and belief, ideological divisions, generation gaps, social divisions, regional identities, etc.). For this reason, it seems better to talk about a cleavage between two different kinds of diversity. The fact re-mains that, when faced with a perceived threat, the majority group is likely to erase important aspects of its own diversity. This phenomenon is apparent in debates in Quebec and else-where in the West.

2.  We must also avoid conceiving of the majority/minorities dual-ity as a fixed set. If this dual structure is durable, the contents of its two components, as well as the context and modalities of their connection, are in constant flux (hence the danger of too rigid a conception of the majority/minorities duality). Again, this dynamic character does not always come through in public debate. The majority culture can contract, expand, and recon-struct itself to meet the mood and challenges of the hour and as a function of its discursive strategies. If we refer to the cur-rent debate and perceptions in Quebec, we might say that the "cultural majority" covers a quite large territory. In its nar-rowest meaning, it coincides with the most militant fragment of the "old stock" French-speakers.[18] Yet in its widest accep-tance, the majority includes all French-speakers and even the entire host society, especially when the core values held by most Quebecois (gender equality, separation of church and

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[18]   During the hearings of the Bouchard-Taylor commission, it was principally this group that expressed deep concern for the survival of what was termed "our culture" and "our values". That said, other groups also expressed unease, particularly in regard to rea-sonable accommodations.

state, etc.) with the values associated with some immigrants. In this last case, the cultural majority is larger than the francophone majority.[19] These considerations are a reminder of the need for vigilance when analyzing public debate in duality nations.

3. It can also happen that the "majority" evoked in debates is rather theoretical or even imaginary. Whatever the case, the duality paradigm remains with its majority/minorities dichotomy (at least until the public debate eventually shifts to embrace another paradigm).

4. The threat or insecurity felt by the majority in the face of minorities must always be considered with a critical eye. We know of too many examples of majorities who made their minorities into scapegoats because they saw themselves as powerless to act against the real causes of their adversity. For Western nations currently under attack on many fronts (the numerous uncertainties linked to globalization, the rise of a new individualism, the erosion of social bonds, deficits and the growing weakness of the state, aging populations, precarious employment, etc.), it can be tempting to blame immigrants or minorities for problems that actually stem from fundamental changes on a global scale.

In the context of Quebec, feelings of insecurity are also fueled by the growing presence of immigrants and cultural minorities, largely concentrated in the area surrounding Montreal. This feeling is justified since it is an expression of the fragility of francophone Quebec in America, a condition accentuated by globalization and by uncertainty over the francization of immigrants. It is also justified to the extent that it affirms the importance of preserving fundamental values like gender equality and the separation of church and state. Finally, it is accentuated by the fact that the national question remains unresolved and even seems to be sliding towards an impasse. That said, it is undeniably conflated by some participants in the public debate with a desire to formally consecrate the dominant status of the foundational culture and to give legal recognition to this precedence. The (incontestable) fragility of francophone Quebec does not seem to me to justify measures so radical that they would institute a regime of a priori inequality between citizens.[20]

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[19] Think, for example, of Arab women who advocate in favour of secularism and male-female equality.

[20] Advocates of this idea seem to forget, for example, that the francophone majority currently controls most large public and private institutions, which manifests most notably

5.   Here again we see a potential risk associated with the duality paradigm. By recognizing the legitimate interests of a majority, this paradigm could exacerbate rather than smooth over us/them divisions because it allows space for the dominating trends of majority groups, the results of which are visible throughout the history of the West and other continents (xenophobia, exclusion, discrimination, etc.). Thus, it is important to instill a pluralist mindset and protective mechanisms at the highest levels of the duality paradigm in order to avoid falling into ethnicism (impingements on the rights of others for inadmissible reasons).[21] In summary, interculturalism recognizes the status of the majority culture (its legitimacy, its right to perpetuate its traditions, its heritage, and its right to mobilize around developmental goals) within a framework designed to reduce the excesses that all majorities are capable of enacting on minorities—as ancient and recent history has taught us.

## B.   A Process of Interaction

The second original attribute of interculturalism is that, while fostering respect for diversity, the model favours interactions, exchanges, connections, and intercommunity initiatives. It thus privileges a path of negotiations and mutual adjustments, but with strict respect for the values of the host society as inscribed in law or constitutional texts and all while taking into account the so-called shared values of a common public culture. A spirit of conciliation, balance, and reciprocity presides over the process of interaction at the heart of interculturalism.

## C.   The Principles of Harmonization: A Civic Responsibility

The preceding makes a case for a culture of genuine interaction and mutual adjustments as a condition for integration. This is why intercul-

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in a marked under-representation of other citizens in public or semi-public jobs. Furthermore, because Quebec is not politically sovereign, its capacity to act collectively remains limited, although it still has a large margin for manoeuvre when it comes to legislating on cultural matters.

[21]   See Bouchard, *Nation*, *supra* note 8 at 30. On this subject, other authors speak of "ethnocracy" or of "majoritarianism". See respectively Oren Yiftachel, "Ethnicity: The Politics of Judaizing Israel/Palestine" (1999) 6:3 *Constellations*; Pathik Pathak, "The Rise of the Majority", *The [Edinburgh] Journal* (2 October 2008), online: The Journal <http://www.journal-online.co.uk>. The idea of "majoritarianism", which comes from political philosophy, is an old one—it traditionally refers to a system that grants majorities excessive privileges.

turalism makes all citizens responsible for maintaining intercultural relations in daily life, especially when facing the inevitable incompatibilities that surface at the levels of institutions and communities. It is the duty of each citizen placed in an intercultural situation to contribute to mutual adjustments and accommodations. The courts obviously retain their indispensable function, though only as a last recourse after citizen action has failed to resolve disagreements. It also follows that beyond state policy, interculturalism encourages creative initiatives from individuals and groups working on a microsocial level. In total, we can identify four avenues for action corresponding with as many categories of actors: (a) the judicial system, (b) the state and its subsidiaries, (c) civil institutions and organizations, (d) individuals and groups in their living and work environments.

This view presupposes the existence of a culture or ethic of exchange and negotiation, which might seem idealistic. However, and this was an important finding of the Commission I co-chaired, such a culture already exists within a large part of the population of Quebec. We saw it in action in the daily life of institutions (notably in the spheres of education and healthcare), as well as in the hundreds of groups that have been formed primarily in metropolitan areas in the last few years to foster the socio-economic integration of immigrants. Many municipal councils, even in rural areas, have also enacted policies designed to attract and integrate newcomers. In any case, these efforts must obviously be extended and expanded with support from the State, which should work to put in place a whole network of officials, locations, and communication channels that encourage connection, mutual recognition, and integration.

### D.  Integration and Identity

Contrary to the so-called communitarian mindset and for the sake of countering the risks of fragmentation ordinarily associated with multiculturalism, interculturalism aims for a strong integration of diverse coexisting traditions and cultures. According to the most commonly accepted sociological view, the term integration designates the totality of mechanisms and processes of insertion (or assimilation) that constitute the social bond, which is further cemented by its symbolic and functional foundations. These processes and mechanisms engage all citizens (new and long-standing), operate on many levels (individual, community, institutional, and state), and work in multiple dimensions (economic, social, cultural, and so forth). On a cultural level, the concept of integration is devoid of any assimilationist connotations. Nevertheless, during the recent controversies in Europe, it sometimes came to acquire this kind of connotation. To avoid any confusion, we could use the term "integrationism" to refer to those forms of integration that are not respectful of diversity.

In keeping with these ideas, interculturalism advocates a particular type of pluralism that I would define as integrationary. This is its third defining trait. A majority culture that feels threatened by its minorities will feel the need to either assimilate them (which predicts the end of duality) or to integrate them (the road that Quebec has thus far taken). It instinctively fears all kinds of fragmentation, ghettoization, or marginalization. This is even truer when this majority is a minority on the continental level, as is the case with francophone Quebec. This state of affairs becomes an imperative that frames the discussion on how to approach the intercultural reality of Quebec. It highlights the importance that must be given to the integration of minorities and immigrants in order to strengthen this *francophonie* and ensure its future. Measures that run counter to pluralism (such as those currently proposed by republican secularists) tend to increase the risk of marginalization and fragmentation—two phenomena precisely associated with multiculturalism that have contributed to its rejection. The central idea here is that francophone Quebec is itself in a difficult situation and must avoid fostering costly long-term divisions—it would do much better to create the allies it needs within immigrants and cultural minorities. All attempts at a general model must incorporate this basic concern.[22]

Furthermore, when speaking about Quebec one cannot ignore its more than two centuries of struggle for survival in a context marked by an unfavourable population imbalance, unequal power relations, and by the various assimilation policies of the colonial authorities. Memories of this period naturally feed present-day anxieties. They also provide a constant reminder for vigilance. The current advocates of a francophone Quebecois identity (although sometimes in opposition to the supposed "excesses" of pluralism) are one manifestation of this. They cannot be ignored.

Interculturalism therefore advocates in favour of integration, thus emphasizing the need for interactions and connections Boiled down to its essence, the argument is simple—the best way to counter the unease we sometimes feel towards foreigners is not to keep them at a distance, but to approach them in a way that breaks down stereotypes and facilitates their integration in the host society. In other words, exclusion is reprehensible not only on a moral or legal level, but from a sociological and pragmatic standpoint as well.

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[22] What do the opponents of interculturalism propose to do about this issue? How, for example, do they intend to resolve the antinomy that would result from the rejection of pluralism (as defined here) and the necessity for integration? What measures do they envision to ensure that immigrants and members of cultural minorities become allies, or even standard bearers, of francophone Quebec?

And yet interculturalism is not a straitjacket. It acknowledges the right of ethnoreligious groups to organize themselves in small communities that, while respecting the law, maintain a rather distant relationship from the rest of society. In the opposite direction, it gives great latitude to individuals who wish to identify themselves first and foremost as Quebecois by relegating their identification with their group or culture of origin to the background, or by renegotiating this belonging.

On another, often-neglected level, it is of course true that social and economic incorporation must accompany cultural integration. It may even be a necessary precondition.[23] Thus, it is through access to large social networks that interactions and cultural diffusion (values, norms, and so forth) can take place. For this reason and for others having to do with basic social justice, we must lament that current debates on integration do not give this fact the attention it deserves. In Quebec as elsewhere, access to employment is the area most likely to be affected by discriminatory practices. Prolonged negligence on this front has important social costs, as we have seen recently in various European countries.

### E.   *Elements of Ad hoc Precedence for the Majority Culture*

Cultural integration contains a fifth characteristic that deserves greater attention. While seeking an equitable interaction between continuity and diversity, interculturalism allows for the recognition of certain elements of ad hoc (or contextual) precedence for the majority culture. I say ad hoc because it is out of the question to formalize or establish this idea as a general legal principle, which would lead to the creation of two classes of citizens. In this way, interculturalism distinguishes itself from radical republican that, whether directly or not, use the pretext of universalism to bestow a systematic, a priori precedence on what I term the majority or foundational culture. This kind of arrangement, which establishes a formal hierarchy, opens the door to abuses of power. That said, I think that as long as the nature and the reach of ad hoc precedence are carefully circumscribed it can avoid the excesses of ethnicism while giving some advantages (or the needed protections) to the majority culture.

This principle is justified on several levels. The first stems from what I term the identity argument. In order for the majority group to preserve the cultural and symbolic heritage that serves as the foundation of its identity and helps to ensure its continuity, it can legitimately claim some elements of contextual precedence based on its seniority or history. This

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[23]   On this subject, which is worth further investigation, see Bouchard & Taylor, Report, *supra* note 3, ch XI. See also Serge Weber, "Comprendre la mobilité, réinterroger l'intégration" [2009] *Projet* (4th) 58.

claim is, as already mentioned, even more grounded when the cultural majority is itself a minority in the continental environment. As we will see, it is always difficult to establish in the abstract the full extent of this concept, which should take shape in specific situations conditioned by democratic debate and through negotiations mediated by the *Charter of human rights and freedoms*.[24] In certain situations it could happen that elements of precedence are established as rights or laws, but then the reasoning must invoke higher motives—think of Bill 101 on the French language in Quebec,[25] which was necessary for the survival of francophone culture and whose central objectives and measures were declared legitimate by the Supreme Court of Canada.

In any case, I maintain that to varying degrees, these elements of precedence are present in all societies, even the most liberal (or the most "civic-oriented") by virtue of forces that are difficult to control. This is a second argument, based on history and custom. Many intellectuals, liberal and otherwise, have in effect demonstrated or recognized that while the cultural neutrality of nation-states (or more precisely, the majorities that control them) is sought-after and proclaimed in principle, it does not exist in reality—some authors even maintain that it is impossible. They see the margin of non-neutrality as an unfortunate inevitability. For others, it proves even useful and necessary. For example, it allows for the consolidation of national identity, which is at once a source of solidarity and a foundation for responsible citizen participation and social justice.[26]

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[24]   RSQ c C-12 [*Quebec Charter*].

[25]   *Charter of the French language*, RSQ c C-11.

[26]   Of course this subject merits further development. I must, however, limit myself to giving the reader a few relevant references. See especially Alain Dieckhoff, *La nation dans tous ses États : Les identités nationales en mouvement* (Paris: Flammarion, 2000) chap III; Iris Marion Young, *Justice and the Politics of Difference* (Princeton: Princeton University Press, 1990); Will Kymlicka, "Nation-building and Minority Rights: Comparing West and East" (2000) 26:2 JEMS 183; André Lecours & Geneviève Nootens, "Comprendre le nationalisme majoritaire" in Alain-G Ganon, Geneviève Nootens & André Lecours, eds, *Les Nationalismes majoritaires contemporains : identité, mémoire, pouvoir* (Montréal: Québec Amérique, 2007) 19; Bernard Yack, "The Myth of the Civil Nation" in Ronald Beiner, ed, *Theorizing Nationalism* (Albany: State University of New York Press, 1999) 103; Tariq Modood, "Multiculturalism, Secularism and the State" (1998) 1:3 CRISPP 79; David Miller, *On Nationality* (Oxford: Clarendon Press, 1995); David Miller, "Reasonable Partiality Towards Compatriots" (2005) 8:1-2 *Ethical Theory & Moral Practice* 63; Philippe Van Parijs, ed, *Cultural Diversity versus Economic Solidarity: Proceeding of the Seventh Francqui Colloquium, Brussels, 28 February - 1 March 2003* (Brussels: De Boeck, 2004); Vicki Spencer, "Language, History and the Nation: An Historical Approach to Evaluating Language and Cultural Claims" (2008) 14:2 *Nations and Nationalism* 241.See also Daniel Weinstock's remarks advocating for a state that is "as culturally neutral as possible." Daniel Weinstock, "La neutralité de l'État en matière culturelle est-elle possible ?" in Ronan Le Coadic, ed, *Identités et démocratie.*

What is involved here are some initiatives or policies that aim to preserve a so-called national culture, which we know to be in large part the culture of the majority. These initiatives usually have the effect of supporting the religion of the majority, its language, and some of its institutions and traditions, all in the name of history, identity or continuity.[27] I include in this list the possibility that a majority culture might express a special sensitivity to one or a few universal values amongst those it endorses. Think of gender equality in Quebec, individual liberty in the United States, racial equality in places formerly rife with segregation, familial solidarity in Mediterranean societies, social equality in Scandinavian countries, and so forth. It was precisely in this spirit that the report of the Bouchard-Taylor Commission stated that "[i]n the health care sector as in all public services, [the gender equality value] disqualifies, in principle, all requests that have the effect of granting a woman an inferior status to that of a man."[28]

In fact, although it is never put in a theoretical, normative or even explicit form, the principle behind elements of ad hoc precedence occupies an important place in the functioning of democratic societies. Secular states in particular make for an eloquent example. Beyond their founding principles, values, norms, and laws, these states typically incorporate a number of contextual and historic elements as well as political and social choices befitting the majority. We could claim that all secular regimes are an arrangement of four constitutive principles or values: the freedom of conscience and religion, the moral equality of citizens, the separation of church and state, and the neutrality of the state in matters of belief, religion, or worldviews.[29] But another component could be added to these four, namely the traditional values and customs of the majority culture. Seldom formalized, this component is nevertheless powerful enough to sometimes take precedence over the others, which occurs notably when it is in conflict with the neutrality of the state and/or the moral freedom of individuals. For example, it is in the name of traditional values (and more precisely "historical heritage") that in May 2008 the National Assembly of Quebec unanimously declared itself in favour of keeping a crucifix above the chair of the President of the Assembly, in spite of the rule of religious

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*Diversité culturelle et mondialisation : repenser la démocratie* (Rennes: Presses Universitaires de Rennes, 2003) 365 at 380 [translated by editor].

[27]  Remember that even Canada, which is held up as a model democratic and "civic" nation, celebrates the symbols of monarchy and included a reference to the supremacy of God in the 1982 preamble to its constitution.

[28]  Bouchard & Taylor, Report, *supra* note 3 at 21.

[29]  See *ibid*, ch VIII.

neutrality on the part of the state and the rule of separation between church and state.[30]

Actually, there is little new in my proposition. What I add is a willingness to acknowledge these forms of ad hoc precedence and to consider them head-on in order to clarify their status, reach, and limits, rather than pushing them to the margins as though they were accidental or nonexistent. So, this second argument relies on a wisely institutionalized and unavoidable practice that is seen as useful, if not necessary, to even the most democratic of societies, even if it is dealt with as a blind spot.

From a general perspective, and this is the third argument, this practice can be considered a kind of accommodation that minorities accord to majorities, under certain conditions subject to debate. This is very much in the spirit of interculturalism, which seeks harmonization through mutual adjustments according to a principle of reciprocity. In this respect, an important lesson can be drawn from recent experience in Quebec. The principal criticism levelled against the Bouchard-Taylor Commission Report came from members of the francophone majority. According to them the Report granted a great deal to minorities and immigrants but very little to the majority—a forceful reminder that because francophone Quebec was also a minority, it too needed protections; so, there was a need for balance. The elements of ad hoc precedence are conceived in this spirit.

A fourth argument, which calls for closer examination, is a legal one. The law has always recognized the value of antecedence. Think of birthrights (primogeniture) and all the advantages conferred by virtue of seniority. The most eloquent example in this regard is the ancestral rights recognized for Aboriginal populations as first occupants. On what grounds and to what extent can this logic be transposed to the world of intercultural relations as the basis for an ad hoc precedence in favour of foundational majorities? First of all, we must avoid easy and abusive conclusions; the situation of francophone Quebec is obviously not the same as that of Aboriginal cultures. The idea does, however, deserve our attention, even if only to articulate the required nuances.

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[30]   For many (myself included) this was, however, an abusive use of the historic argument—that if the government of Quebec is secular, as we like to say it is, we should expect that this character would be reflected at the heart of the government itself. We can cite a number of other reasonable examples of this kind—national funerals of secular heads of state held in Catholic churches, symbols of Christian holidays (Christmas in particular) in public squares or buildings, the biased schedule of public holidays, the cross on the Quebec flag, the recitations of prayers before municipal council meetings, crosses erected along rural roads, and so forth. It is in this same spirit that in Italy a majority of citizens favour keeping crucifixes on the walls of public schools. For a more detailed analysis of this subject, see Gérard Bouchard, "Laïcité : la voie québécoise de l'interculturalisme" [forthcoming in 2011] [Bouchard, "Laïcité"].

A fifth argument relates to the diversity of cultures and identities on a planetary level, which is celebrated by UNESCO as a source of innovation and creativity at the same level as biodiversity. In November 2001 the organization made diversity one of its chief priorities, receiving the support of 185 member states.[31] But if we agree to maintain cultural plurality on this scale, then will not majority groups—the main staples of national cultures—see themselves as invested with specific responsibility in the struggle against the powerful currents of uniformity brought about by globalization?

Contextual precedence justifies itself in a sixth way, this time from a sociological perspective. As I indicated above, all societies need a symbolic foundation (identity, memory, belonging, and so forth) to sustain their equilibrium, reproduction, and development, since the legal framework alone (or so-called civic principles) does not adequately fulfill this function. Especially in situations of tension, change, or crisis, only widely shared common reference points—that is to say, a culture or an identity––provide for the solidarity that forms the basis of any kind of collective mobilization towards the pursuit of a common good. This process is a prime engine in the struggle against inequalities, and this is where the ideal of liberal individualism reveals what is likely its greatest weakness.

All these conditions require a continuity that is guaranteed to a large extent by the majority culture and the values forged in its history.[32] In addition, this is not only about social cohesion. In order for a society to take hold of its destiny, it must devote itself to principles and ideals that encompass both its heritage and its future. If the former is the responsibility of all citizens, the latter is primarily the work of the foundational majority.

A final argument, this one more pragmatic, makes the case for this thesis. Ancient and recent history has taught us to fear minorities that are terrorized or fanaticized in some way. But it has also taught us to be equally, if not more, afraid of cultural majorities that take on aggressive behaviour when they feel profoundly humiliated, unjustly treated, and victimized. Wisdom demands that we take this into account. The principles behind ad hoc precedence can soothe majority anxieties that could easily turn into hostility—especially when there are social or political actors who readily stand to profit. However, the principle of contextual

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[31]  See the *Universal Declaration on Cultural Diversity*, UNESCOR, 31st Sess, 20th Plen Mtg (2001). The first article states that cultural diversity is "the common heritage of humanity."

[32]  This remark should reassure those who accuse interculturalism of neglecting the past and even erasing the memory of the majority culture.

precedence might be unacceptable to advocates of an absolute legalism or liberalism. This is the place to remember that in aiming for the perfect society, we sometimes sow the opposite seeds.

To conclude this point, it would be an error to believe that all majority cultures are basically menacing or harmful. Some have a remarkable history of openness and generosity towards minorities, while others, despite difficult circumstances, have managed to maintain their liberal leanings. Often dominant cultures are helpful agents in advancing democracy and individual rights.[33] In this regard, Quebec of the 1960s and 1970s is an eloquent example—the period was marked by both intense neo-nationalism on the part of the francophone majority, and spectacular advances in liberal values culminating in the 1975 adoption of the *Quebec Charter*. Nineteenth-century Europe also provides a number of examples of national majorities that promoted democratic and liberal values.

Again, the above argument may in a certain light run counter to the principle of formal equality between individuals, groups, and cultures. In its defence, one can say that it does nothing more than reflect and conform to a state of universal reality, namely the impossibility of cultural neutrality of nation-states. Likewise, it somewhat detracts from the ideal and abstract vision of a society formed of a group of perfectly autonomous, rational, and self-made citizens. However, it brings us closer to the complex, shifting, unpredictable, and omnipresent reality of identity dynamics and the vagaries of political life. The argument for elements of contextual precedence thus proceeds from a more sociological and realist vision of liberalism.

It would be a grave mistake to underestimate the weight or deny the legitimacy of collective identities. It is often said, and rightly so, that they are arbitrarily constructed or even invented, but that does not prevent them from being lived as profoundly authentic by the large majority of individuals who need them to make sense of their life and to ground themselves. Finally, they come to acquire a level of substance that keeps them from being entirely arbitrary or artificial. Largely driven by emotion, they arouse suspicion the consummate rationalists. And like all myths that they feed on,[34] they partake in a universal mechanism that is acting in the

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[33]   On this topic, see David Brown, "The Ethnic Majority: Benign or Malign?" (2008) 14:4 *Nations and Nationalism* 768.

[34]   I use this word in its non-normative, sociological sense to designate a particular kind of collective representation carrying values, ideals, and beliefs, which can be true or false, beneficial or harmful to a community, and which act similarly on all societies due to the quasi-sacred quality with which they are imbued. On this subject see Gérard Bouchard, "Le mythe : Essai de définition" in Gérard Bouchard & Bernard Andrès, eds, *Mythes et sociétés des Amériques* (Montréal: Québec Amérique, 2007) 409.

history of all societies and weighs strongly on the direction of their future. Unpredictable and irrepressible, they can be linked both to the most noble and the most vile endeavours. In any case, they fulfill an essential function of unification, stabilization, and mobilization.

In this vein, democracies may have an important lesson to learn from what happened in Russia after the fall of the USSR. In short, during the transition liberal elites sought to instill new values and imprint a new direction on their society. However, out of either negligence or too much concern for rationalism, they failed at reshaping Russian identity—in other words, at inscribing their ideals into a new identity dynamic; drawing on a modern set of myths. For a variety of reasons, it was the ancient myths stemming from Russian tradition that prevailed and, because they were unsympathetic to democracy and freedom, contributed to the failure of the liberal agenda. This resulted in the regime we know today—an authoritarian government with minimal respect for individual rights and democracy.[35] In other words, advocacy for integrational pluralism and interculturalism must necessarily take into account the emotional aspect and the non-rational element that permeates all societies, more specifically the powerful myths[36] that support collective and national identities.

It would certainly take a lack of wisdom not to cultivate wariness towards identity dynamics that can give birth to "tyrannies of the majority", but it would be just as crucial an error to ignore their useful functions or to condemn them a priori. All of this speaks in favour of the effort to foster a conjunction of identity and pluralism. And this kind of alliance is possible, as Quebec has shown over the course of the last decades—there is no intrinsic incompatibility between the continuity and growth of majority cultures (or national cultures) and the law.

In the Quebec debate over ethnocultural relations in recent years, several interlocutors have tried to foster extreme polarization in order to discredit pluralism. According to their vision, on one side there are the defenders of the majority and on the other, the defenders of minority rights who give little thought to the majority's concerns. This harmful opposition is groundless and must be rejected. In the spirit of interculturalism, these two imperatives are not competitive but complementary—it must be reminded that interculturalism does not operate only for the benefit of minorities and immigrants, but that it must also take into account the inter-

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[35] See Ytzak Brudny, "Mythology, National Identity, and Democracy in Post-Communist Russia" in Gérard Bouchard, ed, *Whither National Myth?* [forthcoming in 2011].

[36] Again, I use the word "myth" in its sociological sense, stripped of its normative connotations. On this subject, see text accompanying note 34.

ests of the majority, whose desire for affirmation and development is perfectly legitimate.

That said, we realize that the criteria for ad hoc precedence must be carefully mapped out. Otherwise it may simply jeopardize the practice of accommodations designed, as outlined above, to protect minorities from the majority's often involuntary or unconscious excesses.[37] Here too, there is a delicate balance to be negotiated with prudence and moderation. In this respect, remember that important responsibilities fall to all majority groups because they largely control the institutions of the host society. They must embrace the general principle of equal rights for all citizens and fight all forms of discrimination. Due to the institutions under their control, it is also their duty to facilitate the integration of newcomers and minority groups into society. Except in extraordinary circumstances, contextual precedence must therefore operate within the limits of basic rights. If it must act against these rights, it can do so only to an extent that is proportional to the threat or peril incurred against the cultural majority—failing which it simply slips into ethnicism.

Minority groups are required to adapt to their host society, adhere to its basic values, and respect its institutions, but due to the double obligation just explained, the majority group must also sometimes amend its ways. That is why it is important to encourage the reasonable promotion of accommodations or concerted adjustments: (a) as a mechanism of intercultural harmonization that prevents or defuses tensions, (b) as a facilitating measure to encourage the integration of immigrants and reduce the risk of fragmentation, and (c) as a protection against the forms of discrimination that often arise from majorities. Contrary to the current perception, these adjustments are not privileges; they are arrangements that are at once useful (in favour of integration) and necessary (for the preservation of rights, including equality and dignity). This being said, it is well understood that their implementation must be subject to strict guidelines in order to prevent a slip into a laissez-faire mentality that would compromise the basic values of the host society.[38]

Finally, here too, the rule of reciprocity applies. For example, the report of the Bouchard-Taylor Commission clearly established that

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[37]   Some examples of excesses are: (a) a single public holiday regime modelled on the dominant religion, (b) textbooks that ignore minority experiences, and (c) uniform menus in the cafeterias of public institutions, and so forth.

[38]   See the Bouchard-Taylor Commission Report for suggestions on the kind of counter-weights necessary to discipline the implementation of accommodations (Bouchard & Taylor, Report, *supra* note 3, ch VIII). It is regrettable that a few poorly thought-out high-level decisions have largely contributed to discredit this practice in the eyes of many Quebecois.

"[a]pplicants who are intransigent, reject negotiation and go against the rule of reciprocity will seriously compromise their approach."[39] Court-rooms adopt the same rule for examining requests for accommodations.

As we may guess, it is difficult to precisely set up in the abstract the limits of ad hoc precedence and the terms of its application. But is it not the same with several basic values and rights, which creates the necessity of interactions, negotiations, and debate? In this context, and for the purpose of the present discussion, it can be useful to turn to a few examples, relevant to the Canadian and Quebec context. Some of them, as we will see, are rather superficial, while others strike at the heart of fundamental issues—but each illustrates an aspect of contextual precedence.

The following could, to my thinking, be considered legitimate according to the criteria for ad hoc precedence:

1. the institution of French as the common public language;

2. allocating a prominent place to the teaching of the francophone past in history courses, or in other words, a national memory that is inclusive but gives predominance to the majority narrative;

3. the current priority position given to the presentation of Christian religions in the new course on ethics and religious culture;

4. the official burials of heads of state in Catholic churches;

5. keeping the cross on the Quebec flag (which has already been subject to challenges);[40]

6. laying Christmas decorations in public squares or buildings; and

7. the sounding of bells in Catholic churches at various moments throughout the day.[41]

On the other hand, I consider the following examples to be abusive extensions of the principle of ad hoc precedence:

1. keeping a cross on the wall of the National Assembly and in public courtrooms;

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[39]    *Ibid* at 21.

[40]    See e.g. Don Macpherson, "A Symbol of France: If Quebec is Serious about Inclusiveness, it Should Adopt a New Flag", *The [Montreal] Gazette* (7 August 2001) B3; Don Macpherson, "Raising a Flag: Montreal and Quebec Flags are Outdated Symbols of the People They Are Supposed to Represent", *The [Montreal] Gazette* (22 January 2002) B3.

[41]    Note that all of these examples contain elements of ad hoc or contextual precedence, including the protection of historic heritage or the identity of the cultural majority.

2.   the recitation of prayers at municipal council meetings;

3.   the funding of chaplain or Catholic pastoral care positions in public hospitals with state funds, to the exclusion of other religions;[42]

4.   the general prohibition against wearing religious signs for all employees in the public and semi-public sectors;

5.   the reference to the supremacy of God in the preamble of the *Canadian Charter of Rights and Freedoms*,[43]

6.   including articles or clauses in a charter that establish a formal hierarchy between the cultural majority and minorities; and

7.   the prohibition against wearing a burka in streets and public places (except for security or other compelling reasons).

### F.   A Common Culture

A sixth facet of interculturalism that stems from the preceding ones is the idea that beyond and separate from ethnocultural diversity, elements of a common culture (or a national culture) begin to take shape, giving birth to a belonging and an identity that grafts itself onto initial belongings and identities.[44] This is a logical, predictable, and welcome consequence of the goals of integration and the dynamic of interactions that are at the heart of interculturalism. In the long-term, both the majority culture and minority cultures will find themselves changed to varying degrees.[45] As indicated earlier, it is also inevitable that in the course of continued exchanges and informal transactions in daily life, the impact of the majority culture will be proportional to its demographic and sociological weight, giving it a de facto advantage in ensuring its continuity. On the other hand, the formation of a new, truly "pan-Quebecois" culture pro-

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[42]   This example is becoming more and more theoretical as the law now stipulates that pastoral care providers, as givers of spiritual support, must serve all faiths.

[43]   Part I of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982* (UK), 1982, c 11 [*Canadian Charter*].

[44]   This conception is similar to what many in Quebec refer to as common public culture. The two concepts, however, differ to the extent that I see no objection to the idea that the common culture should incorporate elements beyond  laws, procedures, and citizenship per se.

[45]   The idea that interaction with immigrants and minority cultures inevitably leads to changes within the majority culture sometimes inspires reluctance. It is, however, one of the clearest lessons taught by social and historical sciences. As we are seeing currently, cultures change primarily through the effects of contact with each other. It would be easy to show that the history of Quebec is an eloquent example of this.

vides a guarantee to minorities and newcomers of full citizenship and protects them from exclusion. This outlook also offers cultural minorities an exit strategy from what some of their members can perceive as imprisonment in ethnic ghettos.

In other words, the cultural evolution of Quebec is already the result of three threads weaving together in subtle and complex ways, stemming from their sociological influence and their dynamism—the culture of the foundational majority, the culture of immigrants and minorities, and the culture resulting from the mixture of the two. It would certainly be quite difficult to disentangle the contributions of each, but what good would that do?

### G.   The Search for Equilibriums

Fundamentally, interculturalism is a search for balance and mediation between often-competing principles, values, and expectations. In this sense, it is a sustained effort aimed at connecting majorities and minorities, continuity and diversity, identity and rights, reminders of the past and visions of the future. It calls for new ways of coexisting within and beyond differences at all levels of collective life.

Furthermore, the majority/minorities dichotomy is not immutable. Through the prolonged dynamic of interactions, it is not unrealistic to think that it may one day dissolve. Here we see two possibilities—either the two basic components of the dynamic will melt together completely, or that one of them will disappear. Both scenarios would mean a departure from the interculturalist model and the duality paradigm. In the case of Quebec, however, this eventuality remains largely theoretical. It would require that immigration—which tends to renew the duality—diminish substantially, and that cultural minorities (or the majority itself) choose not to perpetuate themselves. This is at once a consequence and a paradox of a pluralist philosophy within a duality paradigm: to the extent that this presupposes a respect for diversity, it tends to diminish the us/them relationship and defuse the tension it fuels, but at the same time it contributes indirectly to perpetuating the duality.

Whatever the case may be, these scenarios remain unpredictable and somewhat arbitrary for another reason. As indicated earlier, paradigms and models are ultimately a matter of choice. There is not, therefore, necessarily a correspondence between the evolution of a nation's ethnocultural reality and the form or the voices that frame the public discourse.

The preceding paragraphs highlight the issue of common values, which are already (or are becoming) subject to a very large consensus, and the necessity for their protection under the law. On this front, we know that over the course of the last few years some judgments by the Supreme

Court of Canada have been met with sharp objections in Quebec. Some clarification is needed here. If we get to a point where the Supreme Court repeatedly and systematically contradicts or threatens the basic and consensual values of Quebec, such as gender equality, the French language, or the institutional separation of church and state, then Quebec would be perfectly justified in resisting these judgments, either through recourse to the notwithstanding clause in the Canadian Constitution[46] or through other legal and political means.

## IV. Interculturalism and Multiculturalism

I am opening a parenthetical discussion to situate Quebec interculturalism in relation to Canadian multiculturalism. I will first remind that, for political reasons, all Quebec governments (federalist or not) have rejected multiculturalism since its adoption by the federal government in 1971. Since the middle of the nineteenth century, francophones in Quebec have fought to gain acceptance of the idea that Canada is composed of two nations (anglophone and francophone). This vision of the country was undermined by the introduction of multiculturalism, which made francophones in Quebec simply one ethnic group among many others throughout Canada. In this sense, multiculturalism weakened Quebec and for this reason it is the source of keen opposition from the francophone population.

On a more theoretical or sociological level, researchers have often extrapolated in order to bring to fore the difference between these two models. For many reasons, this question does not lend itself to an easy answer. One is that Canadian multiculturalism has evolved a great deal since 1971. This is an important fact that we do not always take into account. In the 1970s, for example, the promotion of a diversity of languages and cultures was a central element of the Canadian model. Beginning in the 1980s, a social dimension (the struggle against inequalities and exclusion) emerged at the same time as the rights dimension was primarily being heard through the struggle against discrimination. In the 1990s and over the course of the 2000s there was a growing concern for social cohesion, integration and common values, and for the formation (or consolidation) of a Canadian belonging and identity. More recently still, the model has made more room for ideas of interactions, cultural exchanges, Canadian values, and participation.[47]

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[46]   *Canadian Charter*, *supra* note 43, art 33.

[47]   If we add the increasingly vocal criticisms expressed by English-speaking Canadians against multiculturalism, we come to ask ourselves whether Canada is in the process of questioning its diversity paradigm.

We therefore note with interest that, in so doing, Canadian multiculturalism has slowly grown closer to Quebec interculturalism and that this is a source of persistent confusion in Quebec. Indeed, a number of interlocutors in the public debate argue for the similarity of the two models, but for opposite reasons. One group, on behalf of Quebec nationalism, aims to discredit interculturalism by associating it with Canadian multiculturalism and blaming it for the drawbacks usually associated with that model (fragmentation, relativism, and so forth), although in reality, one suspects that it is pluralism that is targeted. The other group, working from a Canadian or federalist perspective, downplays or denies the differences that exist between the two models by claiming that interculturalism is simply a variant of Canadian multiculturalism.

It seems to me, however, that these two models remain quite different for the following reasons:

1. The most defining and obvious difference is that interculturalism pertains to the nation of Quebec, the existence of which was officially recognized by the federal government itself (through a motion adopted by the House of Commons on 27 November 2006).[48]

2. The two models are rooted in opposite paradigms. The federal government still adheres to the idea that there is no majority culture in Canada, that diversity defines the country, and that this idea must guide all discussion of ethnocultural reality.[49] For its part, Quebec continues to embrace the duality paradigm, emphasizing the majority/minorities structure. This choice conforms to the minority status of this French-speaking people on the North American continent and the anxieties that it inevitably entails. The crucial point here is that there really is a majority culture within the nation of Quebec whose fragility is a permanent fact of life. This results in a specific vision of nationhood, identity, and national belonging.

3. Since francophone Quebecers constitute a minority, they instinctively fear all forms of socio-cultural fragmentation, marginalization, and ghettoization. This is where interculturalism draws its particular conception of integration, namely the em-

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48 *House of Commons Debates*, 39th Parl, 1st Sess, vol 141, No 87 (27 November 2006).

49 I will not go into a critique of this premise and will limit myself to noting that in many regions of Canada the anglophone population retains the feeling that there is a genuine *Canadian* culture inherited from the past and that this culture does not have sufficient space to express itself within the framework of multiculturalism. According to some, this culture is threatened by the diversification brought by immigration.

phasis on interactions, connections between cultures, the development of feelings of belonging, and the emergence of a common culture. Traditionally, multiculturalism does not cultivate these concerns to the same degree—it puts more emphasis on the validation and promotion of "ethnic" groups.

4.   Paradoxically, an extension of these arguments reveals the strong collective dimension (unity, interaction, integration, and common culture) permeating interculturalism, which distances it from the liberal individualism that is also inherent in multiculturalism.[50]

5.   Another distinctive trait comes from the fact that Canadian multiculturalism has little to say on the issue of protecting languages. Sooner or later, immigrants to English-speaking Canada will inevitably want to learn the dominant language of the continent in order to eke out a decent living. The case is very different for the French language in Quebec, where there is a constant struggle to find new linguistic protections. This anxiety is obviously culturally motivated, but it also comes from the fact that language is an important factor in civic integration and collective cohesion. Multiculturalism does not echo this anxiety over a common language because English is in no way threatened.

6.   In a more general sense, all the rights and accommodations granted to immigrants in Western democracies are accompanied by a preoccupation with the values and even the future of the host culture. This concern is understandably stronger in small nations that are anxious about their survival. Here, respect for diversity takes an additional dimension. In other words, the challenges linked to pluralism in small nations have an impact and spark a level of tension seldom experienced by more powerful nations. These pressures lie at the heart of interculturalism.

7.   Another difference has to do with collective memory. Due to the battles that Quebec francophones have waged over the course of their history, an intense collective memory of their small, combative nation has taken hold. For many French-speakers, this memory carries a message of loyalty, or even

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[50]   In this sense, some have seen in this collective bend a French and/or Republican influence on interculturalism. I rather see it as the result of a continuity strongly rooted in the past of a dominated minority that has learned to band together in order to better survive and grow.

duty, towards past and future generations. References to this past lie at the heart of the francophone culture, which can be another source of tension: how to transmit the memory of the majority without diluting its symbolic content in a context of increasing diversity, and all the while making room for minority narratives?[51] This line of questioning clearly does not have the same resonance from a multiculturalist perspective, where the issue of a majority culture is simply absent.

8.  The specific elements that have been noted here are concretely translated in different ways, particularly in the practice of recognition and of accommodations. In this last case, one expects that requests for accommodations in Quebec are often evaluated in terms of integration—that is, a request is more likely to be met if it can be positively connected to this issue. Thus, permitting the wearing of the hijab in class encourages Muslim students to continue attending public school and to open themselves up more easily to the values of Quebec society. The same is true for the offering of special menus in school cafeterias, a flexible policy towards certain pedagogical activities that do not interfere with the *Education Act*,[52] and so forth.

9.  As we have seen, interculturalism is on the whole very sensitive to the problems and needs of the majority culture, which multiculturalism cannot provide since, once again, it does not recognize the existence of such a culture.

These remarks bring to light the contrasting visions of these two models. Nevertheless, if we compare the policies relating to interethnic matters actually put in place by the Canadian and Quebec governments over the last several decades, we see numerous similarities.[53] How to explain this paradox? Besides the already discussed recent shift of multiculturalism towards interculturalism, I think that these similarities are due in part to the fact that both models share a pluralist orientation. But it

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[51]  I am referring to a tension, not an impasse. It would be wrong to believe that this problem, as difficult as it is, lacks any solution. See, for instance, a proposition I made on this issue: Bouchard, *Nation*, *supra* note 8 at 81-137; Gérard Bouchard, "Promouvoir ce qu'il y a de plus universel dans notre passé", Open Letter, *Le Devoir [de Montréal]* (30 January 2003) A9.

[52]  RSQ c I-13.3.

[53]  See McAndrew, "Multiculturalisme", *supra* note 6; Danielle Juteau, Marie McAndrew & Linda Pietrantonio, "Multiculturalisme à la Canadian and Intégration à la Québécoise: Transcending their Limits" in Rainer Bauböck & John Rundell, eds, *Blurred Boundaries: Migration, Ethnicity, Citizenship* (Aldershot (UK): Ashgate, 1998) 95.

mostly stems from the fact that the government of Quebec has not adequately aligned its policies with the interculturalist model. A gap has developed between the official philosophy and the policies actually in place. A much greater effort should be made on this ground. It is urgent to conceive of projects and policies that give real body to the spirit and objectives of interculturalism. It is also important to mobilize the Quebec society towards this end—not only the state, but also semi-public and private institutions, the business sector, the major unions, the media, and advocacy groups.

To give an example of one measure among many others that the state might put in place, why not give interculturalism a level of official recognition equivalent to what multiculturalism has received in Canada? By virtue of article 27 of the *Canadian Charter*, multiculturalism enjoys the status of an interpretative clause. Why not do the same thing for interculturalism in the *Quebec Charter*?[54]

## Conclusion: A Future for Interculturalism and French-speaking Quebec

Like all democracies worldwide currently questioning or even shaken in their cultural foundations, Quebec is confronted with a dilemma that it cannot overcome except through debates, negotiations, and the search for new ways of integration. These concerns lie at the very heart of the model proposed here. Needless to say, interculturalism calls for a complex dynamic made up of interactions, continuity, and change that is constantly negotiated and renegotiated on all levels of society, within a framework of respect for basic values and in a spirit that can be summarized in a single maxim—firmness in principles, flexibility in their application. This seems to be the best recipe for fostering integration as far as Quebec is concerned. Within the framework of Quebec, I maintain that radical solutions must be avoided—solutions that would, for example, lead to a total ban of religious symbols in public institutions. Republican models along the lines of France or Turkey are not well matched to the context of Quebec[55] and do not correspond to the objectives and philosophy of interculturalism. Total prohibition, which entails the violation of a basic right, does not seem justified, at least at present, by any of the arguments made in its favour. Some of them draw on erroneous principles (e.g., equality of rights precludes difference of treatment, and the ban of religious signs is dictated by

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[54]   This proposition recently received the support of a jurist at the University of Laval in Quebec. See Louis-Philippe Lampron, "Comment déroger à la Charte canadienne sans déroger à la liberté de religion", *Le Devoir [de Montréal]* (8 March 2010) A7.

[55]   A weak state, decentralized society, liberal tradition, long-standing and well-established recognition of minority cultures, strong North American influence in institutions and in public culture, and so forth.

the separation of state and church). Others rely on suppositions and hypotheses that have not been tested enough empirically (the existence of an Islamist threat in Montréal, the belief that state officials wearing religious signs are biased in the course of their duties, the idea that the hidjab is the sign of female oppression (true in many cases, but the generalization is certainly abusive),[56] and so forth.

The spirit of interculturalism invites us to recognize the diversity of situations in order to provide a diversity of solutions within a clear normative framework. In some cases, prohibition is in order—for instance with officials who embody the neutrality of the state and its autonomy from religion; for officials endowed with coercive power; and in the case of the burka or niqab, which should be banned in state employment locations and even in public spaces if it can be shown to pose a security threat; and so forth.[57]

Interculturalism is built on the basic wager of democracy, that is, a capacity to reach consensus on forms of peaceful coexistence that preserve basic values and make room for the future of all citizens, regardless of their origins or nationalities. This path is certainly not the easiest. For the Quebec majority culture, the simplest thing would be to try to protect the old francophone identity to the point of isolating it, to freeze it—as it were—and thus to impoverish it, which would be another way of putting it at risk. The more promising but also the more difficult option is the one which offers a wider horizon to this identity and to its underlying values by sharing them with immigrants and minority groups. This last option, contrary to what is sometimes said, does not involve withdrawal or self-renunciation, but real affirmation. It means the expansion and enrichment of heritage. It also includes the important advantage of providing inspiration for all Quebec's citizens.

Finally, it must be restated that these propositions befit the new realities of francophone Quebec, which has entered a phase of demographic decrease, of diversification due to immigration, and of globalization. As a minority, the French-speaking majority cannot afford to be weakened by creating lasting divisions. It needs all its strength. To a large extent, its future lies in the respectful integration of diversity.

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[56]  The hearings (public and private) of the Commission that Charles Taylor and I co-chaired in 2007-2008 clearly demonstrated this. And where there is oppression, are we sure that prohibition is the most effective way to help those women?

[57]  I tried to summarize my conception of a secular regime in terms of interculturalism (see Bouchard, "Laïcité", *supra* note 30), which, following Jean Baubérot, we can call intercultural secularism (see Jean Baubérot, *Une laïcité interculturelle : Le Québec, avenir de la France?* (La Tour D'Aigues (Fr): Éditions de l'Aube, 2008). In any case, I easily admit that the interculturalist model can welcome many different conceptions.

For Quebec, the key is to rely on a model of integration that preserves the rich achievements of this nation, while expanding the sphere in which they can be unfurled and extended. Until there is proof to the contrary, interculturalism appears to be the best way for effectively combining these objectives. I have tried to show, in particular, that it can ensure a future for the majority as well as for minorities. Thus, it is wrong to claim that interculturalism (or integrational pluralism) forces the majority culture to "renounce" itself (that is to say, its memory, its identity, and its aspirations) and deprives it of the means for self-assertion.[58]

This brief presentation of the interculturalist model has devoted much space to the specifics of Quebec and, more particularly, to the minority and majority double-status of this French-speaking people. It also brought into light the potential of interculturalism for transposition and expansion to all nations, Western and otherwise, that have chosen to adopt the duality paradigm in their dealings with diversity and integration. There is proof of this in the results of a broad survey conducted by the Council of Europe among its forty-seven member states (following the Warsaw Summit in 2005).[59] They were asked about the best model for managing interethnic or intercultural relations. All these countries arrived at a consensus on three points: (a) the rejection of multiculturalism, which was associated with fragmentation and seen as harmful to social cohesion; (b) the rejection of assimilation due to the violation of individual rights that it entails; and (c) the choice of interculturalism as a middle path, as a model of balance and equity. Interestingly, the survey also brought out that this model maintained the best parts of multiculturalism (sensitivity to diversity) and of republicanism (sensitivity to universal rights).[60]

Interculturalism thus opens a large horizon for thought and action, at the same time that it presents Quebec with the opportunity to make a significant contribution to one of the fundamental problems of our time.

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[58]   It would be easy to show that the real obstacles to assertion and development in francophone Quebec are primarily political in nature and that, as with the national question, it is in this sphere especially that they must be addressed.

[59]   Council of Europe, Committee of Ministers, 118th Sess, *Living Together as Equals in Dignity*, White Paper on Intercultural Dialogue (2008).

[60]   See Gabrielle Battaini-Dragoni, "La voie de l'avenir : Vivre ensemble dans le respect de la diversité" speech presented  as part of a workshop, in *Les droit de l'Homme dans des sociétés culturellement diverses : Défis et perspectives, Actes de la conférence de La Haye, 12-13 novembre 2008* (Strasbourg: Direction générale des droits de l'Homme et des affaires juridiques, Conseil de l'Europe, 2009) 144.