The Construction and Constitutionalization of Canada's Citizenship Regime:

Reconciliation of Diversity and Equality

Joseph Garcea
University of Saskatchewan

During the past six decades Canada has been engaged in a citizenship construction project which has had at least two major thrusts, namely accommodating diversity and advancing equality among members of the Canadian polity. Efforts to accommodate diversity and to advance equality among those with and without official citizenship status have been much more progressive during the past six decades than ever before. The result is a citizenship regime which, whatever its remaining deficiencies, is a remarkable improvement over what existed in the pre-World War II era. The objective of this article is to provide an overview of the key statutory and constitutional reform initiatives undertaken by the federal government during that era to accommodate diversity and advance equality and to demonstrate that there has been a steady albeit incremental movement toward the construction of such a progressive citizenship regime.

Such an overview is instructive and useful because it is imperative that Canadians and newcomers alike have a good understanding of Canada's citizenship regime for at least three reasons: first, to know its implications for the true nature of their citizenship and that of others; second, to engage in a constructive analysis of the positive and problematic features of that regime; and third, to consider what modifications, if any, are needed to that regime. This is all part of improving or at least safeguarding the nature and quality of both our citizenship and our polity (Kymlicka, 1992: 43-44).

For purposes of this paper, a citizenship regime is conceptualized as a set of political values and principles largely regarding the fundamental relationships both between governments and the governed and among the governed themselves (Malcomson and Myers, 2002, 1-2; Jenson: 2002: 4). More specifically it is the values and principles regarding both the rights (civil, political and social) and the responsibilities of at least two major categories of persons who reside in Canada – those who possess the official status as Canadian citizens and those who do not – vis-à-vis both various orders of government as well as various individuals or groups within the polity.

Statutory Basis of Canada's Citizenship Regime

A substantial portion of Canada's national citizenship regime of interest and importance for all intents and purposes of this article is contained in a series of statutes which have been enacted during the past six decades. Those statutes embody important principles and values regarding, among other things, accommodating diversity and advancing equality. The most notable of these statutes are the following: Citizenship Act (1947 & 1977); Canadian Bill of Rights Act (1960); Officials Languages Act (1969); Multiculturalism Act (1978); Human Rights Act (1977); and Employment Equity Act (1985 and 1995). The relevance of each of these for accommodating diversity and/or advancing equality is discussed in turn below. The relevance of these various statutes for the citizenship regime and the reconciliation of diversity and equality is clearly evident in the preamble to one of those statutes (Appendix 1).

Citizenship Acts

The citizenship acts of 1947 and 1977 have made three major contributions to the Canadian citizenship regime: first, they established a Canadian citizenship that was distinct and separate from the British citizenship; second, they established the criteria for recognizing, conferring and revoking citizenship; and third, they outlined the rights and responsibilities of those with citizenship and, by extension, also of those without citizenship (Brodie: 2002). Although there are some differences among those two Acts there is a common thrust. They both embody two fundamental principles related to accommodating diversity and advancing equality. The first of these principles is what might be termed 'open citizenship' because it is open or accessible for people of diverse national origin and socio-cultural backgrounds regardless of place of birth or country of origin, and the second is "equal citizenship" because all, regardless of background, have equal rights and responsibilities (Knowles, 2000: 65). The notable exception, on which the citizenship legislation is silent but the constitution is not, are Aboriginals who possess inherent and treaty rights. It is noteworthy that full equality among foreign born candidates for citizenship was not achieved until the 1977 Citizenship Act was adopted which effectively put all candidates for citizenship on a perfectly equal footing not so much in terms of substantive rights as procedural rights. The 1977 Act eliminated a procedural anomaly in the previous legislation by eliminating the preferential exemption for British subjects (i.e., citizens of the United Kingdom, Australia, New Zealand, India, Ceylon, Southern Rhodesia, and the Republic of South Africa) from having to appear before a citizenship judge and taking the citizenship oath (Knowles, 2000: 87).

Currently Parliament is reviewing Bill C-18 which, if enacted, would supplant the 1977 Citizenship Act (Canada, 2002: 1-7). The new legislation has some important provisions that are likely to have more important implications for obtaining and losing Canadian citizenship status, than with the nature and scope of the rights and duties that comprise the Canadian citizenship regime per se. The reason for this is that the proposed legislation focuses largely on changes to the criteria and conditions that must be met in terms of residency requirements and the past and present criminal activity of candidates than on what rights and responsibilities accrue to citizens and non-citizens. This reform initiative was undertaken to reconcile the provisions in the citizenship statute with those contained in the Immigration and Refugee Protection Act ostensibly to enhance both the integrity of the immigration and citizenship programs and the protection of the community against individuals who have engaged, are engaging, or could engage in criminal or terrorist activities (Canada, 2001: 1-2). The bulk of the debate surrounding the proposed legislation is on whether any of the provisions contained therein constitute either a potential challenge to any of the fundamental rights articulated in various parts of Canada's citizenship regime. At the heart of the issue is whether efforts to protect the community and to advance the cause of justice could create a risk that the rights of some individuals and groups could be seriously compromised based on judgments that are made by elected and appointed officials as well as judges not only regarding their past and present conduct but, most disconcerting of all for some, also regarding their potential for unlawful conduct in the future. Two previous iterations of this legislation were abandoned largely due to concerns surrounding this issue (Abu-Laban and Gabriel, 2002: 75, 89-90). It remains to be seen whether this piece of legislation suffers the same fate.

Canadian Bill of Rights Act

The Canadian Bill of Rights enacted in 1960 by the Diefenbaker government was the first major attempt to codify and to some extent even constitutionalize a citizenship regime which accommodated diversity and advanced equality. The goal was to recognize and affirm the rights of citizens through what it hoped would be regarded as a quasi-constitutional statute that would have paramountcy vis-à-vis other statutes enacted by the federal government. The government was careful to stipulate in the first section of that statute that it was not conferring any new rights or fundamental freedoms, but merely providing official recognition and affirmation of rights and freedoms which "…have existed and shall continue to exist" and that they should do so on an equal basis for all "…without discrimination by reason of race, national origin, colour, religion or sex…." The fundamental human rights and freedoms listed were the following: (a) the right of the individual to life, liberty, security of the person and enjoyment of property, and the right not to be deprived thereof except by due process of law; (b) the right of the individual to equality before the law and the protection of the law; (c) freedom of religion; (d) freedom of speech; (e) freedom of assembly and association; and (f) freedom of the press (Archer, et al., 2002: 136-139).

The Bill of Rights also recognized and guaranteed some legal rights comparable to those that would ultimately be embodied in the Charter of Rights and Freedoms approximately two decades later. This included the right not to be subjected either to arbitrary detention, arrest, imprisonment, exile, or cruel and unusual punishment. It also included the right to habeas corpus, legal counsel, fair trials and hearings, bail unless there are valid reasons for denying it, and access to an interpreter if needed whenever involved in legal proceedings. Whereas the most of those rights pertained to the

Appendix 1:
Preamble to the 1988 Canadian Multiculturalism Act

WHEREAS the Constitution of Canada provides that every individual is equal before and under the law and has the right to the equal protection and benefit of the law without discrimination and that everyone has the freedom of conscience, religion, thought, belief, opinion, expression, peaceful assembly and association and guarantees those rights and freedoms equally to male and female persons;

AND WHEREAS the Constitution of Canada recognizes the importance of preserving and enhancing the multicultural heritage of Canadians;

AND WHEREAS the Constitution of Canada recognizes rights of the aboriginal peoples of Canada;

AND WHEREAS the Constitution of Canada and the Official Languages Act provide that English and French are the official languages of Canada and neither abrogates nor derogates from any rights or privileges acquired or enjoyed with respect to any other language;

AND WHEREAS the Citizenship Act provides that all Canadians, whether by birth or by choice, enjoy equal status, are entitled to the same rights, powers and privileges and are subject to the same obligations, duties and liabilities;

AND WHEREAS the Canadian Human Rights Act provides that every individual should have an equal opportunity with other individuals to make the life that the individual is able and wishes to have, consistent with the duties and obligations of that individual as a member of society, and, in order to secure that opportunity, establishes the Canadian Human Rights Commission to redress any proscribed discrimination, including discrimination on the basis of race, national or ethnic origin or colour;

AND WHEREAS Canada is a party to the International Convention on the Elimination of All Forms of Racial Discrimination, which Convention recognizes that all human beings are equal before the law and are entitled to equal protection of the law against any discrimination and against any incitement to discrimination, and to the International Covenant on Civil and Political Rights, which Covenant provides that persons belonging to ethnic, religious or linguistic minorities shall not be denied the right to enjoy their own culture, to profess and practise their own religion or to use their own language;

AND WHEREAS the Government of Canada recognizes the diversity of Canadians as regards race, national or ethnic origin, colour and religion as a fundamental characteristic of Canadian society and is committed to a policy of multiculturalism designed to preserve and enhance the multicultural heritage of Canadians while working to achieve the equality of all Canadians in the economic, social, cultural and political life of Canada;

advancement of equality, the right to access to an interpreter constitutes an affirmation of a commitment to accommodate diversity within the legal system.

Multiculturalism Act

The federal multiculturalism policy of 1971 constituted an historic step in accommodating diversity. It committed the federal government to recognizing, celebrating and promoting and the multicultural nature of Canada. That commitment was also embodied in the Canadian Multiculuralism Act of 1988. However the 1988 Act also emphasized in an explicit manner two other policy objectives which were largely implicit in the 1971 policy, namely fostering intercultural understanding and advancing the equality of members of cultural communities under the law. Those core values and principles related to accommodating cultural diversity, advancing equality, and intercultural understanding are embodied in section 3.(1) of the 1988 Act which states that it is the declared policy of Canada to:

(a) recognize and promote the understanding that multiculturalism reflects the cultural and racial diversity of Canadian society and acknowledges the freedom of all members of Canadian society to preserve, enhance and share their cultural heritage;
(b) recognize and promote the understanding that multiculturalism is a fundamental characteristic of the Canadian heritage and identity and that it provides an invaluable resource in the shaping of Canada's future;
(c) promote the full and equitable participation of individuals and communities of all origins in the continuing evolution and shaping of all aspects of Canadian society and assist them in the elimination of any barrier to that participation;
(d) recognize the existence of communities whose members share a common origin and their historic contribution to Canadian society, and enhance their development;
(e) ensure that all individuals receive equal treatment and equal protection under the law, while respecting and valuing their diversity;
(f) encourage and assist the social, cultural, economic and political institutions of Canada to be both respectful and inclusive of Canada's multicultural character;
(g) promote the understanding and creativity that arise from the interaction between individuals and communities of different origins;
(h) advance the recognition and appreciation of the diverse cultures of Canadian society and promote the reflection and the evolving expressions of those cultures;
(i) preserve and enhance the use of languages other than English and French, while strengthening the status and use of the official languages of Canada; and
(j) advance multiculturalism throughout Canada in harmony with the national commitment to the official languages of Canada.

It is noteworthy that full equality among foreign born candidates for citizenship was not achieved until the 1977 Citizenship Act was adopted which effectively put all candidates for citizenship on a perfectly equal footing not so much in terms of substantive rights as procedural rights.

The basic policy goals articulated in the 1988 Multiculturalism Act were reviewed during the Liberal government's review of multiculturalism policy undertaken between 1995 and 1997 (Leman, 1999). The basic goals were not altered in a substantive manner. Instead, it served to underscore a policy goal that was not fully and explicitly articulated in the act. That is the goal of accommodating cultural diversity as a means to foster attachment and allegiance by members of various cultural communities to Canada. Thus, that review led to a slight reconfiguration of the multiculturalism policy and program based on three overarching goals (Canada, 1998: 2):

Identity: fostering a society that recognizes, respects, and reflects a diversity of cultures such that people of all backgrounds feel a sense of belonging and attachment to Canada.

Civic Participation: developing among Canada's diverse people active citizens with both the opportunity and the capacity to participate in shaping the future of their communities and their country.

Social Justice: building a society that ensure fair and equitable treatment and that respects the dignity of and accommodates people of all origins.

The movement away from celebrating diversity to promoting Canadian identity and unity was accelerated by a neo-liberal backlash against the earlier version of multiculturalism (Abu-Laban and Gabriel, 2002: 105-126). This backlash was clearly evident in the hearings and the 1991 report of the Citizens' Forum on Canada's Future which noted that a common view among Canadians was that multiculturalism contributed to divisiveness and disunity in Canada and posed an obstacle the construction of a shared national identity (Leman, 1999; Knowles, 1996: 202-204).

Human Rights Act

The other two key statutes enacted by the federal government in recent decades which have some important implications for the nature and scope of the citizenship regime in Canada are the Canadian Human Rights Act of 1977 and the Canadian Employment Equity Act of 1985. Those statutes contain important values and principles related to accommodating diversity and advancing equality in all matters that fall within the scope of the legislative purview of the Parliament. In effect they serve as quasi-constitutional statutes that apply and must be taken into account in undertaking various initiatives pursuant to all other statutes, policies, and operations of the federal government. The Human Rights Act identifies the prohibited grounds of discrimination related to the employment, business and service delivery practices not only of federal government entities but also various non-governmental entities which, by virtue of their activities fall, within the scope of federal laws and regulations. The stated purpose of that act as articulated therein is:

> "*…to extend the laws in Canada to give effect, within the purview of matters coming within the legislative authority of Parliament, to the principle that all individuals should have an opportunity…to make for themselves the lives that they are able and wish to have and to have their needs accommodated, consistent with their duties and obligations as members of society, without being hindered in or prevented from doing so by discriminatory practices based on race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, disability or conviction for an offence for which a pardon has been granted.*"

Employment Equity Act

The Employment Equity Act enacted in 1985 and the one enacted in 1995 supplement the Human Rights Act. Whereas the latter was introduced to foster equality in the workplace, the former were introduced to foster equity. The employment equity legislation has provided a regulatory regime that sanctions affirmative action to maximize equity for four designated groups (i.e., women, Aboriginal peoples, members of visible minorities, and persons with disabilities) in the employment practices of the following: (a) all federal departments, agencies and commissions for which the Treasury Board is the employers; (b) all public sector separate employers with 100 or more employees such as the RCMP; (c) Crown Corporations: and (d) private sector employers who operate in federally-regulated industries such as banking, communications, and interprovincial and international transportation. The employment equity legislation establishes the same core requirements for all such public and private sector employers to develop and implement employment equity plans and programs that eliminate barriers to employment for members of the four designated groups (Abu-Laban and Gabriel, 2002: 148-151).

Constitutional Basis of Canadian Citizenship Regime

During the past six decades, but particularly during the past four decades, there has been a sustained effort by successive federal governments to codify and constitutionalize key components of Canada's citizenship regime, and particularly the fundamental civic, political, and legal rights, designed to accommodate diversity and advance equality. The Diefenbaker government's Bill of Rights and Freedoms discussed above marked the beginning of that effort by providing a statute that was intended to have a quasi-constitutional status. That quasi-constitutional status proved significant in at least in one court case in 1970, namely Drybones vs. Regina, when the Court ruled that certain provisions in the Indian Act that were central to the case were in contravention of the Bill of Rights.

Between 1960 when the Bill of Rights was enacted and 1982 when the Charter of Rights and Freedoms was entrenched in the constitution, there were several aborted efforts to achieve the codification and entrenchment of rights designed to accommodate diversity and advance equality. The most notable of these are found in the Victoria Charter of 1971 which contained some important provisions that were ultimately entrenched in the Charter of Rights and Freedoms. This included, for example, the fundamental freedoms (e.g., religion, speech, assembly) except where limited "in the interests of public safety, order, health, or morals, of national security, or the rights and freedoms of others," and universal suffrage for all who met the basic criteria of citizenship, residency and age as outlined in the electoral laws of the various orders of government.

A second major attempt at constitutional reform prior to 1982 occurred in 1978 when the federal government introduced the 'Constitutional Amendment Bill' in Parliament. The notable objectives of that bill were to accommodate cultural duality in the Senate and the Supreme Court, and to advance equality of human rights by entrenching a Charter of Human Rights that included language rights. The bill died on the order paper in 1979 in the wake of the election call that resulted in the defeat of the Liberal government. What did not die was the passion to succeed in the quest to reform the constitution in a way that included codifying and constitutionalizing a framework for safeguarding individual and collective rights.

Canadian Charter of Rights and Freedoms

The monumental achievement in accommodating diversity and advancing equality within Canada's citizenship occurred with the entrenchment of the Charter of Rights and Freedoms in the Constitution Act 1982. That constitutional document contains important provisions which, arguably, did more to codify and provide firmer constitutional footing to the key pillars of the citizenship regime, that to expand the parameters of those pillars. To date this remains a moot point and addressing it is beyond the scope of this article. Regardless of its precise effect to the scope of individual and group rights and freedoms, the Charter contributed to a remarkable consciousness raising among citizens and non-citizens alike regarding both the fundamental nature and scope, as well as the value and virtue, of Canada's citizenship regime in relation to individual and groups.

The Charter contains ten categories of rights and freedoms that, either directly or indirectly, have important implications for accommodating diversity and advancing equality. The first category, found in Section 2, consists of fundamental freedoms, including: freedom of conscience, religion thought and speech, peaceful assembly; and associations. The second category, found in Sections 3 to 5, consists of democratic rights including the right to vote and stand as candidate in elections for the national, provincial and territorial legislatures. The third category, found in Section 6, guarantees the mobility rights which guarantees that every permanent resident has the right to enter, remain in, or leave Canada and to move and take up residence and a career in any province and not be subjected to any discriminatory measures in doing so. This right is mitigated somewhat by the qualification to the effect that some affirmative action is allowed in restricting access to careers for persons from other parts of Canada in regions which are deemed to be economically disadvantaged. The fourth category, found in Sections 7-14, are various legal rights comparable to those which had been articulated in the 1960 Bill of Rights, namely the right not to be subjected to unreasonable search and seizure, detention or imprisonment without cause or explanation, and unfair and unduly protracted legal proceedings, cruel and unusual punishment, or to be denied bail without just cause. The fifth category, found

in Sections 15 and 28, consists of equality rights. Whereas Section 15 affirms that every individual is equal before and under the law and has equal protection and equal benefit of the law without discrimination based on "…race, national or ethnic origin, colour, religion, sex, age or mental or physical disability," Section 28 affirms that males and females have equal rights. The sixth category, found in sections 16 to 22, pertain to the right to use either of the officials language is certain political and judicial institutions that exist at the national and provincial or territorial levels. The seventh category, founding Section 23, pertains to minority language educational rights. More specifically it affirms that Canadian citizens who belong to a minority linguistic group within a province or territory have the right to chose in which of the two officials languages their children shall be educated provided, of course, that there is a sufficiently large number of students to warrant offering education in that particular language of instruction in a given region. The eighth category, found in Section 29, consists of rights pertaining to the continued existence of denomenational, separate or dissential schools. The ninth category, found in Sections 25 and 35(1), pertains to Aboriginal rights. Whereas Section 25 affirms that the Charter should not be interpreted in any way that would abrogate or derogate from any aboriginal, treaty, or other rights or freedoms conferred by the Royal Proclamation of 1763 or any rights or freedoms acquired by way of land claims, Section 35(1) recognizes and affirms the existing Aboriginal and treaty rights. The tenth category, found in Section 27, is a recognition, affirmation, and entrenchment of cultural or multicultural rights. That section states that the Charter "…shall be interpreted in a manner that is consistent with the preservation of and enhancement of the multicultural heritage of Canadians."

The monumental achievement in accommodating diversity and advancing equality within Canada's citizenship occurred with the entrenchment of the Charter of Rights and Freedoms in the Constitution Act 1982.

Before turning our attention away from the Charter it is important to note hat it contains two sections which have an important bearing on the limits that can be set by government to fundamental rights and freedoms and to the application of the Charter. Section 1 states that the fundamental rights and freedoms set out in the Charter are subject to "…such limits as prescribed by law as can be demonstrably justified in a free and democratic society." Similarly, section 33 contains the so-called "not-withstanding clause" which states that Parliament or any legislature in Canada may, by adopting an official resolution, choose to enact a law which may contravene any provision included in section 2 or sections 7 to 15 of the Charter. In effect these provisions provide the national, provincial and territorial governments with substantial flexibility in choosing precisely how to reconcile the accommodation of diversity with the advancement of equality within their respective statutes, regulations, policies and programs.

Meech Lake & Charlottetown Accords

Efforts to codify and constitutionalize a citizenship regime in Canada that accommodates diversity and advances equality did not end with the entrenchment of the Charter of Rights and Freedoms in 1982. The two major constitutional reform initiatives that were undertaken during the subsequent decade to make Quebec a signatory to the modern constitutional framework, namely the Meech Lake Accord and the Charlottetown Accord are an important part of the legacy.

The most significant elements of those constitutional reform initiatives for the ongoing project of constructing a citizenship regime were what might be termed the "Quebec Clause" in the Meech Lake Accord, and the "Canada Clause" in the Charlottetown Accord. Whereas the former was designed exclusively for the purpose of recognizing Quebec as culturally and politically distinct with unique needs and rights as compared to those of other provinces, the latter subsumed such a recognition of Quebec as a distinct society within a more comprehensive and inclusive statement designed to capture some of the fundamental features of the Canadian polity as well as some of the fundamental values and principles embodied in the Charter of Rights and Freedoms regarding the accommodation of diversity and advancement of equality. This is clearly evident in the following provisions contained in Section two of the Charlottetown Accord which constituted the Canada Clause:

2. (1) The Constitution of Canada, including the Canadian Charter of Rights and Freedoms, shall be interpreted in a manner consistent with the following characteristics:

(a) Canada is a democracy committed to a parliamentary and federal system of government and to the rule of law;

(b) the Aboriginal peoples of Canada, being the first peoples to govern this land, have the right to promote their languages, cultures and traditions and to ensure the integrity of their societies, and their governments constitute one of the three orders of government in Canada;

(c) Quebec constitutes within Canada a distinct society, which includes a French-speaking majority, a unique culture and a civil law tradition;

(d) Canadians and their governments are committed to the vitality and development of official language minority communities throughout Canada;

(e) Canadians are committed to racial and ethnic equality in a society that includes citizens from many lands who have contributed, continue to contribute, to the building of a strong Canada that reflects its cultural and racial diversity;

(f) Canadians are committed to a respect for individual and collective human rights and freedoms of all people;

(g) Canadians are committed to the equality of female and male persons; and

(h) Canadians confirm the principal of the equality of the provinces at the same time as recognizing their diverse characteristics.

(2) The role of the legislature and government of Quebec to preserve and promote the distinct society of Quebec is affirmed.

Clearly, the failure of the Meech Lake Accord and the Charlottetown Accord constitute a setback to the continuing efforts to codify and constitutionalize an even more progressive citizenship regime in this country designed to accommodate diversity and advance equality in a way that is acceptable to all, including the Quebec governments and people and Aboriginal governments and people. In the decade since the failure of the Charlottetown Accord there have been no substantial attempts to resume the quest for such codification and constitutionalization. If and when that quest resumes remains is difficult to predict with certainty, but it is safe to say that it has not been completely abandoned and that at some point in the future when the requisite confluence of the political forces of history occurs, the quest will resume. In the interim, the various orders of governments are likely to continue to broker and conclude deals between them which establish in statute what may be difficult to entrench in the constitution for accommodating diversity and advancing equality as part of the continuing legacy to construct a progressive citizenship regime for Canada.

Conclusion

Despite some legitimate criticism that can be leveled against the current citizenship regime by those who have their eyes firmly fixed on the ideal or on perfection, there is no denying that during the past six decades Canada has made remarkable strides in reconciling what prima facie seems paradoxical and irreconcilable, namely accommodation of diversity and advancing equality. On both of those counts successive Canadian governments, and in many instances also provincial governments, have contributed to the construction of a more elaborate, sophisticated and progressive citizenship regime both for individuals and groups than what was embodied in constitutional and statutory framework that existed prior to World War II.

The most significant progress for individual rights is the codification and constitutionalization of the fundamental right and freedoms. There is considerable satisfaction with the substantive content of that particular component of the citizenship regime. Complaints that are heard periodically are generally not direct at its substantive content, but at the extent that sufficient efforts are made to ensure that it is adequately respected and upheld.

The most significant progress for group rights have been in one of the three types of group rights identified by Kymlicka (1992: 30-32) namely multicultural rights which include various types of minority rights. Those who value such rights are preoccupied with ensuring that they are safeguarded and enhanced, those who do not value them are preoccupied with diminishing and possibly even abolishing such rights. Some, though admittedly, less progress has also been made in the other two types of group rights identified by Kymlicka, namely representational rights and self-governance rights. Demands for progress on these two types of group rights have been placed on the policy agenda for some time both by the Quebecois and by the Aboriginal communities. In both of those communities there have been and continue to be demands for increased representation in various institutions and for increased self-governance. Although some progress has been made on the self-governance front vis-à-vis both of those communities, many of their members content that neither the pace nor scope of the progress is satisfactory. Such sentiments and the demands for greater representation and self-governance are unlikely to subside for some time to come, if ever, unless substantial reforms are implemented to various political institutions of all orders of government. Thus, the Canadian citizenship construction project remains a work in progress which in the future, as in the past, will continue to evolve based on changes in the political culture and political imperatives.

Values: The Hidden Curriculum in Education

David Seljak
St. Jerome's University
Waterloo, Ontario

Each one of my three children have served as "Special Me" in their primary school classes in the local public school in Waterloo, Ontario. The honour included being the teacher's special helper (holding the doors open, etc.), bringing a toy or object for show-and-tell, and displaying a poster board with photographs of family, pets, and mostly, themselves. I could not help but marvel at this manifestation of the "expressive individualism" we sociologists see so frequently in modern societies. My marvel was also rooted in the fact that I am a product of the separate, that is, Roman Catholic system in Ontario some 40 years previously. Back then, if we had a similar "special day" for each child at Our Lady of Perpetual Help School in Toronto, we probably would have called it, "Sinful Me". My children's education emphasizes self-expression, secular values of decency, honesty, and civility, and "real world" (or marketplace) skills.

It has almost become a truism to say that no education is value-free, and liberal education in Canada today reflects the fundamental ideas and values of liberalism itself: individualism, reason, egalitarianism, universalism, and progress (the belief in the open-ended improvability of society and the individual). Given that education is compulsory in all modern, liberal-democratic nation-states, schools play an important role in the social construction of these values – and consequently in the stability of liberal democratic societies and states. These values work themselves into the curriculum as well as the structure, culture and social environment of the school (what scholars sometimes call the "hidden curriculum"). Liberal values even inform classroom practices like "Special Me", which is clearly an expression of both individualism and egalitarianism (*every* child is *equally* special).

Will Kymlicka has pointed out that, while we often pretend that these values are universal and "neutral", in fact every expression of them favours one particular cultural or national identity (for example, just by choice of language, history, and body of literature) (Kymlicka, 2001). In Quebec, for historical reasons, this is openly admitted and promoted in educational policy – much more so than in other provinces. Moreover, the purported "universality" or neutrality of these values are further mitigated by illiberal values and practices that make up what scholars often call the "hidden curriculum".

la diversité culturelle et religieuse dans les normes et les pratiques de gestion des établissements scolaires : une étude explorative dans cinq provinces canadiennes. Revue des sciences de l'éducation. 23, 1 : 209-232.

Ouellet, F. et Benoît, L. (1998) L'éducation interculturelle et de compréhension internationale. Montréal: CÉICI.

Pagé, M. (1997) Pluralistic Citizenship: A Reference for Citizenship Education. Canadian Ethnic Studies, 29, 2 : 22-31.

Peters, S. (1995) Exploring Canadian Values: Foundations for Well-Being. Study No. F-01. Ottawa: Canadian Policy Research Network.

Pouwels, J. (1997). Values Education in the Netherlands. In D. Evans, H. Gräbler, and J. Pouwels (Eds.) Human Rights and Values Education in Europe: Research in Educational Law, Curricula and Textbooks. Fillibach Verlag Freidburg im Briesgau: European Commission.

Rey, A. (1997) Le Robert, Dictionnaire historique de la langue française. 2e édition. Paris: LE ROBERT.

Troper, Harold. (2002). The Historical Context for Citizenship Education in Urban Canada. In Yvonne M. Hébert, ed., Citizenship in Transformation in Canada. Toronto: University of Toronto Press, 150-161.

Turner, Brian S. (2000) Citizenship and Political Globalization: A Review Essay. Citizenship Studies, vol. 4, no. 1: 81-86.

Nurse text – endnotes

1. Jack Jebwab, "Action and Inaction: A Preliminary Stock Taking of Recommendations in the Fight Against Racism, Racial Discrimination and all Related Intolerance in Canada" World Conference Against Racism, Civil Society Consultations (Canadian Heritage/Multiculturalism: 2000).
2. David Laycock, The New Right and Democracy in Canada (Don Mills, ON: 2002).
3. Naomi Klein, No Logo (Toronto: 2000).
4. For an extensive review of work on identity in Canada, see Joanna Rummens, "Canadian Identities: An Interdisciplinary Overview of Canadian Research on Identity" (Department of Canadian Heritage, 2000).
5. Pierre Trudeau, "The Values of a Just Society" in Pierre Trudeau and Tom Axworthy, eds., Towards a Just Society (Markham: 1990), 363.
6. Laycock, The New Right and Democracy in Canada.
7. George de Benedetti, "Reflections on the Tenth Anniversary of the Canada-U.S. Free Trade Agreement: What Has the FTA Meant for Canada?" in Michael J. Tucker, Raymond B. Blake, and P.E. Bryden, eds., Canada and the New World Order (Toronto: 2000), esp. 156-7; and 160.
8. Leo Driedger, Race and Ethnicity 2nd ed. (Toronto: 2003), ch. 4.
9. Gerald Friesen, The West (Toronto: 1998).
10. Driedger, Race and Ethnicity, ch. 4.
11. Jeffrey Simpson, The Friendly Dictatorship (Toronto: 2001).
12. Ken Coates, The Marshall Decision and Native Rights (Montreal and Kingston: 2000).

Gardiner Barber text – references

Appardurai, Arjun (1996) Modernity at Large: Cultural Dimensions of Globalization. Minneapolis: University of Minnesota Press.

Basch, Linda, Nina Glick Schiller, and Cristina Szanton Blanc (1994) Nations Unbound: Transnational Projects, Postcolonial Predicaments, and Deterritorialized Nation-States. Amsterdam: Gordon and Breach.

Berns McGown, Rima (1999) Muslims in the Diaspora: The Somali Communities of London and Toronto. Toronto: University of Toronto Press.

Bhabha, Homi (1994) The Location of Culture. London: Routledge.

Brah, Avtar (1996) Cartographies of Diaspora: Contesting Identities. London: Routledge.

Gardiner Barber, Pauline (1997) "Transnationalism and the Politics of "Home" for Philippine Domestic Workers." Anthropologica XXXIX(1-2): 27-52.

Glick Schiller, Nina and George E. Fouron (2001) Georges Woke Up Laughing: Long-distance Nationalism and the Search for Home. Durham NC: Duke University Press.

Hall, Stuart (1993) "Culture Community, Nation." Cultural Studies, 4(3): 349-363.

Hall, Stuart (2000) "Conclusion: The Multi-Cultural Question." in B. Hesse (ed.) Un/settled Multiculturalisms: Diasporas, Entanglements, Transruptions. London: Zed Books. p. 109-241.

Inda, Jonathan Xavier and Renato Rosald (eds. (2002) The Anthropology of Globalization. Oxford: Blackwell Publishers.

Lowe, Lisa (1996) Immigrant Acts: On Asian American Cultural Politics. Durham NC: Duke University Press.

Said, Edward (1978) Orientalism. London: Penguin.

Dawson and Stone text – works cited

Bowen, Deborah. "Spaces of Translation: Bharati Mukherjee's 'The Management of Grief," Ariel (July, 1997): 47-60.

Austin Cooke, "Literary Studies and the Metropolis Project," Association of Canadian College and University Teachers of English Newsletter (June, 2002).

Davey, Frank. Post-National Arguments: The Politics of the Anglophone-Canadian Novel since 1967. Toronto: U of Toronto P, 1993.

Iyer, Pico. "The Last Refuge: On the promise of the New Canadian fiction." Harper's Magazine (June, 2002): 77-80.

King, Thomas "Borders." One Good Story, That One. Toronto: Harper Perennial, 1993. 129-46.

McLuhan, Marshall. "Canada: The Borderline Case." The Canadian Imagination. Ed. David Staines. Cambridge, MA: Harvard UP, 1978: 226-48.

Mukherjee, Bharati. "The Management of Grief." The Middleman and Other Stories. New York: Grove P, 1988. 177-97.

Nourbese Philip, M. "Who's Listening? Artists, Audience, and Language," [will send reference].

Siemerling, Winfried. "Literary Studies and the Metropolis Project," Association of Canadian College and University Teachers of English Newsletter (June, 2002).

Young, Judy. "Canadian Literature and Multiculturalism Policy: a case study in the management of cultural diversity. Paper presented at the First International Conference of Central European Canadianists, "Multiculturalism and Diversity in Canada—Voices from Central Europe." 13-15 November, Brno, Czech Republic.

Garcea text – references

Abu-Laban, Yasmeen and Christina Gabriel. 2002. Selling Diversity: Immigration, Multiculturalism, Employment Equity, and Globalization. Peterborough: Broadview Press.

Archer, Keith, et al. 2002. Parameters of Power: Canada's Political Institutions. (Scarborough: Nelson).

Brodie, Janine. 2002. "Three Stories of Canadian Citizenship," in Robert Adamoski, et al., (eds.), Contesting Canadian Citizenship. Peterborough: Broadview Press. Pp. 43-66.

Canada. 1998. Department of Canadian Heritage. Annual Report of the Operation of the Canadian Multiculturalism Act: 1996-1997. Ottawa: Minister of Public Works and Government Services Canada.

Canada. 2001. Citizenship and Immigration Canada. "Immigration and Refugee Protection Act Introduced." News Release (February 21, 2001).

Canada. 2002. Citizenship and Immigration Canada. "Notes for a Press Conference of Honourable Denis Coderre, Minister of Citizenship and Immigration, Tabling of the Canadian Citizenship Bill" (October 31, 2002).

Jenson, Jane. 2002. Social Citizenship in the 21st Century: Challenges and Options. The Timlin Lecture. University of Saskatchewan, Department of Political Studies.

Knowles, Valerie. 1996. Strangers at our Gates: Canadian Immigration and Immigration Policy, 1540-1997. Toronto: Dundurn Press.

Knowles, Valerie. 2000. Forging Our Legacy: Canadian Citizenship and Immigration, 1900-1977 (Ottawa: Public Works and Government Services),

Kymlicka, Will. 1992. Recent Work in Citizenship Theory. (Ottawa: Multiculturalism and Citizenship Canada).

Leman, Marc. 1999. Canadian Multiculturalism. Ottawa: Library of Parliament.

Malcolmson, Patrick and Richard Myers. 2002. The Canadian Political Regime. Second Edition. (Peterborough: Broadview Press).

Seljak text – references

1. By recording and measuring the distribution of teacher attention, the use of gender-specific examples (in textbook illustrations, for example), gender stereotypes, outright put-downs as well as a host of other overt and more discrete vehicles of learning, Myra and David Sadker (Sadker & Sadker, 1994) attempt to demonstrate that students learn that males and their concerns are more important. While "cheating" or short-changing girls, these practices – and the values they communicate – also make up the "miseducation" of boys. Naturally, these claims are disputed. For example, Christina Hoff Sommers (Sommers, 2001 <2000>) argues that boys in fact are poorly served by the education system, a fact borne out in their lower scores and higher drop-out rates.
2. Policy considerations aside, individual students and student groups also resist the dominant culture of the education system. One example is the creation of Muslim Student Associations by Muslims high school students to fight against discrimination, to enjoy mutual support, and to lobby the administration for consideration of specific religious needs (an unused classroom for prayer, for example) (Zine, 2000).
3. James Banks, perhaps the most prolific author on multicultural education, lists the five dimensions of multicultural education: 1. Content Integration (including information about women or minority cultures in history classes for example); 2. Knowledge Construction (teaching students how knowledge is created and how it reflects bias of the creator's social class, race, gender, etc.); 3. Prejudice Reduction (programs to combat racism); 4. Equity Pedagogy (introducing teaching techniques and methods of assessment that ensure equality for all students); and 5. An Empowering School Culture (changing grouping practices, student labeling, the social climate of school, and staff expectations so that all students feel equal and empowered) (Banks 1995, 4-10).
4. Canadian debates on inclusive schooling and multicultural education follow those in the United States and the United Kingdom (Moodley, 1995). However, there are debates on similar issues in every pluralist society.
5. For an example involving Muslim students, see Zine 2001.

Seljak text – bibliography

Arnot, M. (2002). Reproducing gender? Essays on educational theory and feminist politics. London and New York: Routledge and Falmer.