FRENCH AND CANADIAN APPROACHES TO DIVERSITY:

Different Conceptions of Liberty, Equality, and Community

ABSTRACT

This article provides meaningful insight into why the French and Canadian approaches to integration differ as they do. Margaret Adsett explains how we can better understand attitudes towards diversity as a function of historical variance. Making reference to the writings of Jean-Jacques Rousseau and John Stuart Mill, she describes these attitudes as reflections of divergent conceptions of liberty, equality, and community.

The purpose of this paper is to develop an understanding of differences between the French and Canadian responses to diversity in the context of the political cultures in which they are imbedded. While the French justify their Republican model of integration and indeed their official response to the *hijab* (see Haut Conseil à l'intégration, 2000:50) with the concepts of *universalisme* (the same principles apply to all citizens equally) and *laïcité* (state neutrality with regard to religion – see Roman, 1999), these justifications are not easily understood by Canadians. This is in part because Canadians consider their respect and acceptance of diversity to be a universal principal and they see their state as secular and impartial with regard to religion. Clearly the French have a different idea about *universalisme* and state neutrality towards religion than do Canadians. These differences in understanding, like the differences in the French and Canadian response to diversity, can be related to the different ways in which the two societies conceive of liberty, equality and community. Thus, I will attempt to explain the differences between Canada and France in their present day response to diversity by focusing on these three key concepts.

In order to explain the different way in which Canadians and the French conceive of liberty, equality and community, this essay draws on the works of Jean-Jacques Rousseau and John Stuart Mill. The writings of Rousseau have been selected because they are constantly referred to in the French literature to explain the French Republican model of integration (see for example Neidleman, 2001) and because I believe they demonstrate the distinctive French understanding of the three key concepts. The works of John Stuart Mill have been selected to explain the Canadian perspective, because I believe they best exemplify Canadian thinking with regard to Canada's present-day model of integration, as well as how Canadians understand liberty, equality and community. His works have also been selected because Pierre Elliot Trudeau, the architect of Canada's present day model of integration, was very much influenced by them (see Radwanski, 1978 and McRoberts, 2001).

Liberty

Like Trudeau, one of the most important themes for John Stuart Mill was liberty and the primacy of personal freedom (see Radwanski, 1978). In Mill's way of thinking, as in Trudeau's, individuality and diversity are to be valued and cultivated as social goods that guard against mediocrity, promote innovation and progress, and ensure good democratic government. This is the philosophy behind the following statement made by Trudeau in the House of Commons in 1971[1]:

> *Une politique du multiculturalisme dans le cadre d'un bilinguisme officiel apparaît au gouvernement le moyen le plus adapté pour assurer la liberté culturelle des Canadiens. Une telle politique devrait permettre d'éliminer les attitudes discriminatoires et les jalousies culturelles. L'unité nationale, si elle doit avoir un sens pour une personne, doit reposer sur une confiance en son identité personnelle, et seule une pareille confiance permet de voir se former le respect des autres et la volonté de partager des idées et des attitudes. Une active politique multiculturaliste aidera à créer cette confiance […] En fait, nous croyons que le pluralisme culturel est l'essence même de l'identité canadienne.* (see Helly, 200X, p. 4)

Trudeau's commitment to personal freedom and diversity, and Mill's ideas about it, are reflected in the *Canadian Charter of Rights and Freedoms* of 1982 that Trudeau had enshrined in a repatriated constitution. Take Article 27 in particular: « Toute interprétation de la présente charte doit concorder

MARGARET ADSETT

Margaret Adsett works for Citizenship and Heritage at the Department of Canadian Heritage. The views expressed in this article are those of the author and do not necessarily reflect those of the Government of Canada.

avec l'objectif de promouvoir le maintien et la valorisation du patrimoine multiculturel des Canadiens. »[2] This article constitutes the most striking difference between the fundamental freedoms outlined in the *Canadian Charter of Rights and Freedoms* and those outlined in France's *Déclaration des droits de l'homme et du citoyen of 1789;* there is no such reference to diversity in *La Déclaration.*

In other words, liberty in Canada is formally extended to take into account diversity, while in France it is not. In fact, Article 1 of the French constitution (le 4 octobre, 1958) states that « La France est un République indivisible, laïque, démocratique et sociale… » In French political culture the first two adjectives do not mean what an unsuspecting Anglophone Canadian might think at first blush; namely, that succession is prohibited and the state is secular. The first adjective about the République constitutes a statement about a holistic conception of the French community and the second conveys the idea that the state does not recognize any religion – it is neutral with regard to religion. Taken together this means that the French concept of liberty cannot be extended, by virtue of France's constitution, to take into account diversity. To the contrary, the constitution requires that the state ignore it. Thus, there are no French Muslims, French Italians, etc., as far as the state is concerned. There is just a French citizenry, who as individuals and in their private lives, might or might not practice a religion. This is (ironic to Canadians) the French way of guaranteeing religious freedom:

> *Ainsi, la laïcité garantit le pluralisme des croyances et des convictions bien au-delà des systèmes de 'pilarisation' ou de religion officielle fondés sur le principe de tolérance à l'égard des minorités [Costa-Lascoux, Les Trois Âges de la laïcité, 1966].* (Costa-Lascoux, 1999:339)

Even setting aside the difference between the Canadian and French concepts of liberty as they relate to diversity, the French concept of liberty is of an entirely different sort from the Canadian one. While the Canadian idea, following in the footsteps of John Stuart Mill, refers to the limitation of constraints on the part of the state to personal freedoms (negative liberty), the French idea relates more to the ability to participate as equal citizens in the decision-making of the nation, or similarly in the ongoing development of the general will (positive liberty).[3] This idea of liberty, alien to Canadian political culture is echoed in the works of Rousseau, whose work inspired the French Revolution. As Froese has aptly summarized it,

> *Rousseau… insists that making oneself part of a larger community is a necessary condition of individual freedom. Freedom is not simply the ability to determine the course of one's life without interference from others but it is also… an act of creation through which the boundaries of the self are continuously transformed as a result of social interaction.* (Froese, 2001:579)

These different conceptions of freedom are also reflected in how the French and Canadian constitutions limit rights and freedoms. According to Article 1 of the Canadian Charter, rights and freedoms « ne peuvent être restreints que par une règle de droit, dans les limites qui soient raisonnables et dont la justification puisse se démontrer dans le cadre d'une société libre et démocratique. » In other words, the state needs to justify why it should limit individual freedoms in a given situation. In the framework of John Stuart Mill, the state is the enemy of freedom. In the French constitutional framework, certain rights and freedoms, religious expression in particular, can be limited in order to maintain public order. This public order to be maintained is not simply security but also a moral public order, and this can be gleaned from the discussions and rulings surrounding the use of the Islamic hijab in the public schools in France (see Haut Conseil à l'intégration, 2000:58). This sounds very much like Rousseau's state guarding the general will. Thus, it would seem that in the French case, it is the state, acting as the guardian of the general will, that defines the limits of freedom while in the Canadian case, the state must prove that limits are necessary in the context of a presumption of absolute freedom.

Community

The French and Canadian conceptions of liberty cannot be understood independent of how the French and Canadians conceptualize community. True to John Stuart Mill, the public good in Canadian political culture is achieved through individuals freely choosing their own path in life and developing themselves and their individuality to the fullest, without state or community interference. The state's role is to foster an environment where this can occur and to interfere only when it can be "reasonably justified in a free and democratic society," e.g. where the rights or well-being of others are being hampered. Thus, the common good in Canadian political culture is the aggregate of individual interests and the community is the sum of the individuals that compose it.

In French political culture, the conception of community, reflected in the writings of Rousseau, renders the individual's existence somewhat tenuous. As Sabine (1937) explains it, for Rousseau:

> *Human beings must be made citizens before they can be made men, but in order that they may be citizens, governments must give liberty under the law, must provide for material welfare and must create a system of public education by which children are 'accustomed to regard their individuality only in its relation to the body of the state.'* (Sabine, 1937:586)

This understanding of community is reflected in Article 1 of the French constitution, wherein it states that the French Republic is social. In French political culture, as in the writings of Rousseau, individuals are social beings who cannot conceive of their individuality apart from the community and who are "forced to transcend the self" and universalize themselves (see Froese, 2001). Thus, the common good and the community in French political culture are respectively beyond the sum of the individual interests and the sum of the individuals who compose it. Charlot (2000) explains the traditional French conception of the common good with reference to laïcité as follows:

> *L'idée de laïcité, dans sa forme historique, a pour fondement la définition de l'intérêt général avancée par Rousseau ; 'L'intérêt général n'est pas la somme des intérêts particuliers.' L'intérêt général, c'est ce qu'il y a de commun à chaque citoyen…* (Charlot, 2000:179)

The French constitution states that the République is indivisible and this idea can also be found in the writings of Rousseau: "Each of us places his person and all his power in common under the supreme direction of the general will; and as one we receive each member as an indivisible part of the whole." (Rousseau, 1762:6) This idea of the community is in direct opposition to the Canadian conception that takes into account John Stuart Mill's idea that governments should guard against the tyranny of the majority through either the proportionate representation of minorities or federalism. Lord Acton also influenced Canadian thought in this regard: "The coexistence of several nations under the same state is a test as well as the best security of its freedom." As McRoberts (2001) contends, Trudeau, in *Cité libre,* seems to have followed in both Mill's and Lord Acton's footsteps in "entertaining the notion that through federalism, 'nations' can pursue autonomous institutions that they might legitimately use to pursue their national interests." (McRoberts, 2001:692) Thus, in Canadian political culture, the political community is not to be regarded as an undifferentiated whole because it is believed that true democracy would not be served in this way.

Thus in Canadian political culture, there are no constraints on the part of the state to recognize minorities. To the contrary, the Canadian model explicitly allows for this recognition, particularly in situations where there is a danger of a tyranny of the majority. Though the Canadian concept of community has the potential to produce what the French often refer to as a fragmented and weak conception of community, it maximizes the possibilities of what the community could be through allowing to the maximum, the development and expression of the individuality and diversity of its members. Furthermore, the potential for fragmentation inherent in the Canadian conception relates not to the Canadian orientation towards diversity per se, but rather to the Canadian conception of community in general, i.e. the sum of the individuals who compose it or individualism.

Further insight into the French idea of community can also be gained through looking at the role France reserves for education. Education is not as much for self-development in France (or for Rousseau) as it is in Canada (or for Mill). Instead, its role in France is more weighted towards making citizens, of transforming individuals into a community of citizens who can thereby learn to be free in the French sense, i.e. participate in the formation of the general will:

> *Dans la tradition républicaine en effet, le citoyen est d'abord celui qui a la capacité de participer à la vie publique. La vie des affaires est chez nous considérée comme secondaire par rapport à l'essentiel, l'activité politique… En ce sens, la première mission de la société consiste à fournir à chacun, notamment par l'éducation, la possibilité de participer à ce processus collectif de décision. Au bout du compte, c'est ce processus qui est au cœur de la République. Ainsi, en France, la démocratie n'a pas pour objectif d'assurer, dans l'absolu, la plus grande liberté possible des personnes. Son but ultime est de former une communauté de citoyens, essentiellement au sens politique du terme.* (Crozet et al, 2000:342)

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Charlot (2000) reinforces Crozet et al's (2000) summation:

> *… et comme la République française se pense comme portant dans l'Histoire le flambeau des droits de l'homme, son école se doit de former en chaque enfant, à la fois et indissociablement, le Citoyen et l'Homme, dans sa dimension universelle. Dans un tel modèle, la discrimination ethnique et raciale apparaît comme la négation même de l'école à la française.* (Charlot, 2000:179)

In short, the French have what could be termed a strong conception of community. It is not simply something that arises out of individuals expressing their individuality free from constraints on the part of the state, but rather something that exists independent of, if not also prior to, the individual. However, the relationship between individuality and this conception of political community is fragile as far as liberty is concerned. Too much individuality and not enough conformity would jeopardize liberty in that citizens would no longer be able to universalize themselves or feel that they are reflected in the general will. Too much individuality would require too much of Rousseau's "forcing people to be free." As Dieckhoff explains it:

> *Autrement dit, la citoyenneté est en théorie un principe de dépassement des ancrages concrets. Toutefois, sa pleine réalisation requiert, dans le cadre du républicanisme classique, une forte homogénéisation culturelle de l'espace public. En effet, à partir du moment où la vraie liberté consiste à participer activement aux délibérations politiques, la compréhension mutuelle entre les citoyens doit être maximale et exige donc la*

constitution d'un soubassement culturel uniforme. (Dieckhoff, 2000:163).

Thus, the French conception of community, unlike the Canadian one, places constraints on the ability of French society to recognize diversity and exercise liberty. In the Canadian context, the recognition of diversity goes hand in hand with the Canadian concepts of liberty and community; in the French context, it jeopardizes both.

Considering the two concepts of community, this is the trade-off that is made: a weak concept of community that allows for diverse opinions of what the community could or should be, with the potential danger of fragmentation (Canadian) versus a strong concept of community that does not allow for such exploration but risks implosion should it fail to indoctrinate a sufficient number of its members into sharing that common conception of community (French).

Equality

The last essential piece of the puzzle to understanding the French and Canadian approaches to integration is differing concepts of equality. Article 1 of the French constitution cited earlier makes the following reference to equality: « Elle [La France] assure l'égalité devant la loi de tous les citoyens sans distinction d'origine, de race ou de religion. Elle respect toutes les croyances. » Article 15 of the Canadian Charter would appear to be proclaiming a similar idea:

> *(1) La loi ne fait acception de personne et s'applique également à tous, et tous ont droit à la même protection et au même bénéfice de la loi, indépendamment de toute discrimination, notamment des discriminations fondées sur la race, l'origine nationale ou ethnique, la couleur, la religion, le sexe, l'âge ou les déficiences mentales ou physiques.*

However, equality in the French context refers to a strict and formal notion of equality; it is the idea of equal treatment regardless of circumstances that can be found in classical liberal thought. In application, the French concept is rigid – all must be treated the same. This conception of equality can be explained, in part, by the influence of the French Revolution on present day French thought; the revolution sought to overthrow all forms of privilege (see Neidleman, 2001). It can also be explained by the concept's close ties with the idea of an indivisible and undifferentiated community of equal citizens. In this regard, the French often associate this concept with the idea of *universalisme;* equality is a universal principle to be applied to all citizens equally. It is also tightly associated with *laïcité.* In fact, in the *Haut Conseil à l'intégration's* report of 2000 concerning Islam in France, the exclusion of religious expression on the part of Muslim employees in the public service is justified on the basis of the relationship between *laïcité* and *égalité:* « L'obligation de neutralisation de ses convictions par chaque agent publique se justifie par la nécessité d'assurer l'égalité de traitement de tous les usagers du service public. » (Haut Conseil à l'intégration 2000:57).

The Canadian concept of equality was once quite similar to this classical liberal conception. However, it began to change in the late 1970s, not coincidentally, with the influx of educated baby boomer women into the labour market. At this time, it became obvious that the model of labour market access, promotion and competition was based on the biological and social reality of men. In other words, contradictions between the idea of equality of treatment and just and fair treatment surfaced at this time. By the time a new and truly *Canadian Charter of Rights and Freedoms* and a new model of integration were being crafted, a new and distinctly Canadian idea of equality of treatment had solidified. This idea can be found today in the Department of Justice's definitions of *l'équité* and *l'égalité réelle:*

> *L'équité <est> une qualité qui consiste à traiter les gens de façon juste en reconnaissant que les personnes et les groupes différents ont besoin de mesures différentes pour qu'on arrive à des résultats équitables et comparables.*
>
> *L'égalité réelle nécessite la reconnaissance et la prise en compte des différences entre les groupes sociaux dans les lois et dans les politiques et les pratiques afin d'éviter les effets préjudiciables pour les individus membres des groupes… L'égalité réelle souligne l'importance de l'égalité de résultats, laquelle exige tantôt un traitement égal, tantôt un traitement différentiel.*

These ideas, which are clearly reflected in Article 15 of the Canadian Charter, are meant to refer to women and cultural, racial, linguistic and religious minorities.

> *(2) Le paragraphe (1) n'a pas pour effet d'interdire les lois, programmes ou activités destinés à améliorer la situation d'individus ou de groupes défavorisés, notamment du fait de leur race, de leur origine nationale ou ethnique, de leur couleur, de leur religion, de leur sexe, de leur âge ou de leurs déficiences mentales ou physiques.*

As such, this idea of equality is alien to and in direct opposition to the French conception of equality of treatment:

> *Le dernier danger porte sur la contradiction entre l'égalité des groupes et celles des individus. Admettre à l'université, au nom de la lutte contre les discriminations, un candidat qui a obtenu des notes inférieures, parce que historiquement son 'groupe d'appartenance' a été victime de la discrimination, est contradictoire avec l'égalité des individus devant la loi* (Schnapper, 2000:17).

However, the idea of equality in outcome (albeit, without recognition of individual characteristics of race, religion, culture, etc.,) is not foreign to French thought and has gained new life in the 1996 annual report of *le Conseil d'État* under the label of « discrimination justifiée. » On a territorial basis, such as « les zones d'éducation prioritaires » and « les zones urbaines sensibles », problems of equal opportunity that might be related to race, religion

or culture are dealt with as social class issues (see De Rudder and Poiret, 1999 and Schnapper, 2000). As Schnapper (2000) has explained it:

> *L'universel républicain est aujourd'hui fortement corrigé par la politique de l'État-providence, au sens large du terme… Mais les valeurs que ce dernier implique, a savoir l'égale dignité de tous les individus et l'égalité de leur droits civils, juridiques et politiques, par-delà leurs diversités et leurs inégalités, ne peut que rester un principe organisateur de la vie collective dans les sociétés démocratiques.* (Schnapper, 2000:21)

Conclusion

In conclusion, the French concepts of liberty, equality, and above all community that evolved out of the French Revolution and that are clearly articulated in the works of Jean Jacques Rousseau, have shaped a particular French approach to integration. The French model of integration cannot deal with diversity in the public sphere because liberty (defined as the freedom to be an active member of the community and hinged on the ability to see oneself reflected in the general will), equality (in the context of the community of indivisible and equal citizens) and the community itself would be jeopardized. With the core of French identity resting on these particular notions, France cannot simply graft onto its model of integration, an "Anglo-Saxon" (e.g. John Stuart Mill or a Canadian multicultural) approach. The Canadian ideas of liberty, equality and community, reflecting to a great extent the ideas of Mill, have shaped a different model of integration, where respect for, recognition of, and promotion of diversity are integral to it. Both countries' approaches to integration are a reflection of their respective political values, modes of political thought and political traditions that are deeper than the topic of diversity per se. In this regard, the words of John Stuart Mill are fitting:

> *The practical question, where to place the limit – how to make the fitting adjustment between individual independence and social control… No two ages, and scarcely any two countries have decided it alike; and the decision of one age or country is a wonder to another.* (Mill, 1831:9)

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Notes

[1] The fact that Trudeau valued individuality and diversity, like Mill, is often absent from discussions about the Canadian approach to diversity that Trudeau fostered. It is true that Trudeau chose to implement a multicultural model within a bilingual framework rather than a bicultural one (British/French), a choice that disappointed many francophone Canadians. It is also true that Trudeau's choice may well have been the right one to undermine Quebec nationalism, which he openly detested. However, Trudeau also detested the Anglo-conformity model and it stands to reason that he would have seen a bicultural model as an Anglo/Franco conformity model.

[2] The Charter also enshrines French and English as the official languages of Canada and minority (English/French) language education rights, and it makes reference to special rights and freedoms for the Aboriginal Peoples of Canada.

[3] As a number of French authors have pointed out, there has been a growth in France of the negative idea of liberty, in part as a result of the spread of consumerism and the expansion of the market – une transformation de la *civitas* à un immense marché politique où on ne se mobilise plus « en fonction d'un engagement envers le domaine public, mais pour défendre un immense 'chacun chez soi.' » (Leterre 1997:10). This liberal individualistic conception of liberty is more radical than individualistic "Anglo-Saxon" conceptions in that it goes hand in hand with a disrespect for laws that are considered an encroachment on individual freedoms in the private sphere, whether it be safety standards or laws regulating the market. However, when it comes to the issue of integration into French society, it is the Republican notion of liberty that prevails. The Republican notion of liberty governs the public sphere; the liberal individualistic notion of it, governs the private sphere.