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Multiculturalism and the Struggle of National Normative Challenges

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Multiculturalism and the Struggle of National Normative Challenges

Abstract

Globalization has not translated into a set of universal monolithic values. As populations relocate for various reasons, increasingly less effort is required not only to stay connected, but to remain within the home community via satellite television, radio, telecommunications, and locally concentrated diaspora. Henryk M. Broder has described such a phenomenon as the development of " parallel societies, " which result from immigrants' failure or lack of interest in integrating into a host community. The question that many commentators have attempted to answer is: does the development of parallel societies, or even additional cultural diversity, represent a threat or a compromise to the normative values of a host country? The simple yet intricate answer is—it depends.

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Globalization has not translated into a set of universal monolithic values. As populations relocate for various reasons, increasingly less effort is required not only to stay connected, but to remain within the home community via satellite television, radio, telecommunications, and locally concentrated diaspora. Henryk M. Broder has described such a phenomenon as the development of " parallel societies, " which result from immigrants' failure or lack of interest in integrating into a host community. The question that many commentators have attempted to answer is: does the development of parallel societies, or even additional cultural diversity, represent a threat or a compromise to the normative values of a host country? The simple yet intricate answer is—it depends.

France has generated considerable discussion surrounding its decision to ban the niqab in official spaces such as hospitals, post offices, and public transit. A cross-party Parliamentary Commission published a report on the issue which stated "wearing of the full veil is a challenge to our republic." And two out of three French citizens would agree, supporting a ban, which was recently passed, extending to all public spaces.

Whether the rationale for donning a face veil is cultural or religious in its roots is rather inconsequential. Whether the practice is viewed as an exercise of agency or the result of sexual inequality and oppression is also secondary to the fundamental question of how personal garb represents a threat to the Republic of France. If the threat can be more accurately referred to as a populist sentiment of discomfort, then that hardly seems to meet any sort of legal criteria. Such practices may be offensive to some, but its tolerance speaks to a democratic society's foundational principles to provide space and accommodation for an inclusive spectrum of expression and belief.

Fear seems to stem from the question of what happens when "parallel societies" aren't parallel at all, and instead of self-isolating fringe societies become assertive, resulting in a clash of rights which are held in equal esteem before the law. Canada is also going through a period of experiential learning in its attempts to balance societal norms with multicultural accommodation. The "kirpan case," as it has come to be known, exemplifies a reasonable balance.

In 2001, a twelve year old orthodox Sikh dropped his kirpan, or ceremonial dagger, in a schoolyard. The school board's governing body ruled that the dagger violated its ban on bringing "dangerous and forbidden objects" onto school property and told the student to leave it at home, despite protests that the kirpan was not a weapon but a religious symbol which must be worn at all times.

The case worked its way to the Supreme Court where, in a unanimous decision, the court ruled a complete ban was a violation of the Charter right to religious freedom—but concessions were made to school boards allowing for regulations to ensure public safety. As such, Sikhs could carry kirpans to school, but only if they were sewn into a protective sheath. Most would agree that the judicial remedy was a reasonable accommodation, but the process of coming to such a remedy took over five years and considerable resources to litigate.

With the increased publicity of similar cases, deliberated by courts as well as by provincial human rights commissions, an inflated fear of over-compromise seems to be gripping public sentiment. More conservative elements of society are pushing for "foreign" cultural or religious groups to secularize within the public sphere, while accepting dominant religious symbols and practices in the same public space. Perceived threats to normative values are further inflamed by sensational cases such as honor killings, which have occurred in Ontario and other provinces.

What seems to be lost in this exchange is the realization that, however tenuous, the mechanisms in place to help accommodate multiculturalism without sacrificing normative societal values are working. For example, a Sikh employee in a food warehouse wants to wear a kara, a metal bracelet that represents an expression of the Sikh faith, but the warehouse has a jewelry ban for employees who handle food due to hygienic concerns. As an accommodation, the employee could wear the kara provided he or she also wears a glove which covers the article and adheres to public health standards. Such an accommodation does not threaten normative values, and in cases where accommodation would be threatening—such as sentencing leniency for murder on the basis of cultural practice—no accommodation has been provided, nor remotely entertained.

It may appear to be disordered and tensioned, but the existence of a multicultural society that is able to reasonably accommodate a vast spectrum of beliefs and practices without compromising normative values is possible. The functionality of such a society requires a high threshold of respect, education, and accessible mechanisms for conflict resolution.

Marc Alexander C. Gionet is the Director of the Atlantic Human Rights Research and Development Centre housed at St. Thomas University where he also lectures within the undergraduate human rights programme. Mr. Gionet is currently teaching courses on Humanitarian Law, NGOs and Human Rights and Terrorism and Human Rights. His most recent publication discusses the transfer of Canadian captured detainees to third parties in Afghanistan.