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Fair terms of integration in a liberal framework

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FAIR TERMS OF INTEGRATION IN A LIBERAL FRAMEWORK

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2009

by

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in partial fulfillment of the requirements for the degree of

Master of Arts
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Immigration and Settlement Studies

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FAIR TERMS OF INTEGRATION IN A LIBERAL FRAMEWORK

Anna Kim
Master of Arts 2009
Immigration and Settlement Studies
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ABSTRACT

This essay conceptualizes the integration of immigrants vis-à-vis a liberal state's nation-building practices, which heavily condition and configure the terms of integration. It focuses on Canada which has engaged in two kinds of nation building: ethnic nation building which creates a political community based on the reproduction of a particular ethnonational identity, and civic nation building which aspires to a political community based on common principles and is thought to be culturally neutral. Fair terms of integration need to begin with how nation building practices are necessarily built into the structure of a liberal state and privilege citizens. Immigrant multiculturalism as proposed by liberal theorist, Will Kymlicka is one way for liberalism to achieve fair terms of integration in light of nation building; however, it is ill equipped to deal with the complexity of cultural identity and because it leaves the common societal culture intact.

Key words: integration, immigration, liberalism, nation building, Canada

Abstract

This essay conceptualizes the integration of immigrants vis-à-vis a liberal state's nation-building practices, which heavily condition and configure the terms of integration. It focuses on Canada which has engaged in two kinds of nation building: ethnic nation building which creates a political community based on the reproduction of a particular ethnonational identity, and civic nation building which aspires to a political community based on common principles and is thought to be culturally neutral. Fair terms of integration need to begin with how nation building practices are necessarily built into the structure of a liberal state and privilege citizens. Immigrant multiculturalism as proposed by liberal theorist, Will Kymlicka is one way for liberalism to achieve fair terms of integration in light of nation building; however, it is ill equipped to deal with the complexity of cultural identity and because it leaves the common societal culture intact.

Key words: integration, immigration, liberalism, nation building, Canada

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INTRODUCTION

In this essay, I address fair terms of integration for immigrants in a liberal framework with a focus on Canada. While there has been much discussion concerning the integration of immigrants in Canada and Canada's *Immigration and Refugee Protection Act* states as a formal objective in Section 3(e) "to promote the successful integration of permanent residents into Canada, while recognizing that integration involves mutual obligations for new immigrants and Canadian society," there has been little theoretical discussion about integration. Despite the formulation of integration as a 'two-way street' involving mutual obligations of both immigrants and the state, the meaning of integration has largely been taken for granted to mean behavioural assimilation where immigrants are expected to conform to the 'mainstream,' and there is a dearth of discourse on the role of the state. This neglect is significant. It is my contention that integration must be conceptualized within the framework of the nation building practices of a liberal state because as formative dimensions of the state, they heavily configure the terrain on which integration takes place and the channels through which immigrants can integrate. And since these nation building practices place immigrants at a disadvantage, a liberal theory of fair terms of integration must ensure institutional openness by examining the exclusionary effects of its nation building practices which can be achieved through immigrant multiculturalism which is primarily a mechanism of inclusion. However, I argue that liberalism is insufficient to engender fair terms of integration and changes in the societal culture

that sets the terms of nation building are an integral part of fair terms of integration in a liberal framework.

I begin by conceptualizing integration. I then argue that integration in a liberal state needs to be situated in the context of nation building by looking to liberal discourse on the need to account for a pre-political community. This discourse brings to light how nation building practices give rise to a common societal culture which sustains the architecture and inner-workings of a liberal state and renders the liberal state culturally non-neutral, and forms the terrain on which integration takes place.

I provide context to my conceptual framework of integration by looking at the terms of integration in Canada. Broadly speaking, Canada has engaged in two kinds of nation building: ethnic nation building and civic nation building. In terms of ethnic nation building, immigration policy was one of the primary instruments for achieving an ethnic state, namely, a white British state. This in turn created and legitimized exclusionary terms of integration. However, with changing global circumstances following World War Two, namely, the adoption of the Universal Declaration of Human Rights, the end of racialism, decolonization and the rise of the Keynesian welfare state, which gave rise to equality and non-discrimination as essential dimensions in nation-states, Canada began to engage in civic nation building which was formulated as promoting unity while respecting the diversity of cultural contributions of all its members. With the emergence of multiculturalism as state policy beginning in the 1970s owing to the challenge of the terms of the Royal Commission on Bilingualism and Biculturalism by ethnoracial communities,

Canada formally became a civic state where the state could not make claims to privilege any one culture over another. However, civic nation building did not translate into a radical departure from the terms of integration in an ethnic state due to the fact that a civic state still requires nation building which consists of at least one official language and state institutions. To demonstrate how nation building in a civic state configures the terms of integration, I look to contemporary research about immigrants vis-à-vis language, state institutions and constitutionalism to show that a civic state privileges the majority culture or what Will Kymlicka calls a common societal culture, and places immigrants at a disadvantage.

In light of nation-building practices that are an integral part of a liberal state, I look to Kymlicka's argument for fair terms of integration of immigrants which is based on equality and cashes out in terms of the inclusion of immigrants in the state in light of the state's nation building practices. For him, fair terms of integration entail according equal respect and accommodation of the identities of ethnocultural minorities as is given to the identities of members of the common societal culture which for him refers to the majority culture. While I believe his argument provides the right direction for thinking about how to achieve fair terms of integration, it is incomplete insofar as it is ill equipped to deal with the complexity of the dynamics of cultural identity that arise vis-à-vis the common societal culture and because it leaves the common societal culture intact.

CONCEPTUALIZING INTEGRATION

In this section I will outline what is meant by integration and why integration is the framework for thinking about the terms of membership for immigrants in Canada. I will then outline the possible configurations of integration. Following that I will briefly discuss how the integration discourse in Canada is heavily focused on the behaviour of immigrants. I will then discuss why integration needs to be reframed in terms of the nation building practices of the state. Finally, I will explain how historically Canada's nation building practices have heavily influenced the terms of integration for immigrants and how it continues to do so.

By integration I broadly refer to the process through which, upon arrival, immigrants function in Canadian society such that they "come to view their life-chances as tied up with participation in the range of social institutions, based on a common language, which define [the] societal culture" (Kymlicka, 1998, p.28). By immigrant, I refer to an individual who has been legally admitted into Canada through its immigration admission system as a permanent resident and does not have citizenship status. I do not refer to refugees primarily owing to the involuntary nature of their immigration. The context for integration is, as stated above, a societal culture which is defined as "a territorially concentrated culture centered on a shared language that is used in a wide range of societal institutions, including schools, media, law, the economy, and government" (Kymlicka, 1998, p.27). That is to say integration is about the degree to which immigrants take part in the state.

I will later explain why we need to think of the integration of immigrants vis-à-vis a societal culture.

I recognize this definition of integration is normative. Participation in the “range of social institutions” is the standard for integration primarily because we must start with two basic assumptions. First, we must assume that immigrants voluntarily choose to come to Canada and by corollary they therefore want to participate in Canadian society. The second assumption is twofold: that Canada, by virtue of having an immigration system, desires immigrants, and it wants immigrants to participate in Canadian society. The extent and content of participation in a range of social institutions remain a separate question. This definition and these assumptions form the basic conceptual framework for integration.

Now we must examine the conditions that make integration a meaningful process; that is, what is necessary such that integration is realized? Following from our conceptual framework, integration becomes a reality if immigrants actually participate in Canadian society and this, as a real possibility, depends on the institutional openness of the state. Put another way, immigrants can only integrate if the state structure permits them to do so. In this sense we can conceptualize integration as a two-way street. Integration is thus the process by which immigrants become active participants in a societal culture and thereby offers a way to measure of inclusion or belonging in a political community. In the case of Canada, integration may occur in either the Anglophone societal culture or

the francophone societal culture. Here I will focus primarily on the terms of integration in the English-speaking societal culture of Canada.

If integration is a two-way street, then logically speaking there are a number of possible configurations of integration. That is to say, integration does not itself specify the extent and content of participation in the societal culture. Minimally, we can say integration entails some participation on the part of immigrants and some institutional openness on the part of the state. But this provides no concrete direction on how much is adequate and the nature of participation and institutional openness. If we envision integration as a process of exchange like a market system, we still need to provide an account of the conditions or terms that ensure some accountability of that exchange. In short, the *terms* of integration are not specified by integration itself and thus we are without a way of measuring the process of integration. We therefore need to ask, how ought we think about the terms of integration such that they are fair?

I will attempt to respond to this question by asking, what are fair terms of integration in a liberal political framework? This is my path of inquiry because I am concerned with integration in the Canadian context. Canada is a liberal state insofar as it has constitutional commitments to equality and individual freedom as enshrined in the Canadian Charter of Rights and Freedom, which form the basic tenets of liberalism.

Whilst integration is conceptually a two-way street, much of the contemporary discourse and research concerning integration in Canada focuses on measuring the actions and behaviour of immigrants. For example, many

studies that aim to measure the success of the economic integration of immigrants use the assumption of the human capital model, namely, that an immigrant's skills and experience will translate into a position in the labour market (Li, 2001; Picot, 2004; Reitz, 2001). The measure for economic integration has generally been in terms of annual income in relation to the average income of Canadian-born individuals.

The political integration of immigrants is measured against Canadian-born individuals in a framework of rights and responsibilities of citizens (Anderson & Black, 2008). According to Anderson and Black, one measure of political integration is the naturalization test for immigrants to obtain citizenship. The assumption made is that the test reflects values that have been "inculcated from birth [in Canadian-born individuals], whereas a new Canadian has to adopt those values" (Anderson & Black, 2008, p.52). Given that a study showed that 60 percent of Canadians would not pass the citizenship test, it is highly questionable that this test has any substantive meaning (Anderson & Black, 2008). Moreover, it is worth pointing out that despite this normative measure, citizenship for immigrants is subject to a different standard owing to Section 10(2) of Canada's Citizenship Act which permits citizenship revocation of a foreign-born citizen if the person was found guilty of providing false information to obtain citizenship (1985), and there have been increased recent efforts to widen the gap between Canadian and foreign born citizens in terms of retaining citizenship, namely, Bill C-18 which if passed would have created "unfettered power of annulment" of those who had applied in the previous five years (Anderson & Black, 2008, p.53).

Social integration has been discussed as synonymous with social cohesion by Frideres and has thus been conceived as “low conflict interaction” between immigrants and Canadians, and it “assures the safety and security for Canadians” whilst “ensuring that mutual respect and understanding is part of the Canadian ethos” (2008, p.79). In this context, Frideres proposes three sets of key indicators (structural, community and individual) to assess social integration. Frideres presupposes that the social fabric of Canada consists of, to name a few examples, “knowledge about civic processes,” “understanding of Canadian institutional structure,” and contacts in immigrant or mainstream society, along with “affective” factors such as a love for Canada, pride in being Canadian and feeling moved by the Canadian flag are ways to measure social integration (2008, pp.89-91). While these may be virtuous things, it is not clear why such factors are measures of social integration since, for instance, such demands would not necessarily be made of Canadian citizens. That is, Frideres’ model of social integration inscribes a normative understanding but provides no rationale or theoretical grounding for why these indicators are necessary for understanding integration. Instead, we are left with a framework that seeks to measure how well immigrants fit a normative model of social behaviour, which is in fact tautological.

Whilst this line of measuring integration, namely, vis-à-vis the immigrant, can be worthwhile insofar as it illuminates issues that may be specific to immigrants and it points out that immigrants must assume responsibilities in Canada, relying on such measurements can overemphasize the terms of integration in relation to the actions and behaviour of individual immigrants and

problematize immigrants vis-à-vis Canadian-born individuals. This constructs a discursive definition of integration and lends itself to construing integration with conformity or behavioural assimilation. In turn, this – in my mind, wrongly – fuels concerns about social cohesion and societal fragmentation. Without a concrete standard of fairness, such a conformity model of measuring integration is problematic since conformity can be interpreted as being the result of a number of conditions: the coercive power of the state, the inclusionary nature of the state, the narrowness of choices within Canada, the love of Canada, etc. In short, using conformity or behaviourism as a standard for integration tells us little about what we are measuring because it does not tell us about the conditions or the context of such measurements.

Centering integration on the immigrant however cannot be at the expense of conceptualizing integration in terms of the state's institutional openness. As I mentioned earlier, integration makes no sense unless there are meaningful channels through which immigrants can participate in the state. In this light, it is my contention that the terms of integration for immigrants in a liberal state must primarily be understood in the context of the state's nation building practices. By conceptualizing integration as a two-way street in light of a state's nation-building efforts, I hope to show that the terrain of the two-way street is highly asymmetrical and that the immigrant's paths to integration are heavily conditioned by the state's nation building practices. Thus I want to clarify and re-conceptualize the terms of integration and illuminate how they ought to be thought about in a liberal

framework. To do so, I will now turn to contemporary debates about nation building and the modern liberal state.

In contemporary liberal theory there has been much discussion about nation building, national identity and nationalism. The fruit of this discourse is the recognition that a modern liberal state inescapably engages in nation building and therefore cannot be culturally neutral. To my mind, in terms of nation building, the question for a modern liberal state is not *if* but rather *how*. There are a number of approaches to understanding why this is the case.

Liberalism historically dealt with the justification and legitimacy of state sovereignty and coercion. As such, liberalism was conceived as a voluntary association between contracting members. State sovereignty was seen as a mutually advantageous arrangement in which members or citizens through a contract of rights would be assured freedom from violence. Liberalism was committed in theory to universal principles of individual freedom and equality.

Contemporary liberal theorists however have pointed out that liberalism requires an account of community such that the values of individual freedom and equality could be meaningfully instantiated. In other words, liberal theorists need to ask what kinds of human relationships engender and sustain a liberal political community. Why would citizens want to engage in a liberal political community in the first place? A response to this is that a viable account of a pre-political community is required. Political theorists such as Tamir (1993) have argued that only a morality of community, which stands for "connectedness, the belief we all

belong to a group whose existence we consider valuable" can motivate liberal principles (p.118).

Even if we suppose a thin or civic model of a liberal state based purely on a republican notion of a neutral set of common citizenship rights where the state claims not to privilege any particular way of life, theorists argue that we still need to account for how ideals of citizenship will be mediated. For Schnapper (1998), "asserting the principle of citizenship would not be in itself sufficient to create a community of citizens. Sovereignty and citizenship are fictions. You cannot rally individuals to such abstract ideas" (p.231). Indeed, "[what] appears on the surface to be a neutral system of common rights turns out, on inspection, to be a system that is heavily weighted in favour of the majority group" (Kymlicka, 2001, p.43). The majority culture establishes the language of public institutions, educational curriculum such that it "[helps] to define the *very structure* of the liberal state, which in turn shapes the structure of the larger society" (Kymlicka, 2001, p.43 emphasis added).

In the case of Habermas's consensual-based constitutional patriotism or a social contract model where individuals are committed to shared principles, we find such models of politics take place *within* a predefined group of individuals. Thus even civic models of politics must presuppose the existence of a community of individuals who are willing to engage in dialogue and decision-making and have a basis of commonality to do so (Yack, 1998).

The need for liberalism to account for a pre-political community has also arisen in theories of demarcation. How can liberalism circumscribe members? If

we consider liberal theories of justice such as Rawls' original position whereby we stand behind the veil of ignorance to decide on fair principles of distributive justice, we remain without an account of how we ought to demarcate members for the original position. Without a prior conception of community, we are left without anything more than an arbitrary guide for deciding membership (Tamir, 1993, p.126).

Lastly, we can see the need to account for a community from the standpoint of the needs of a modern state. This can be characterized as a functionalist argument. Minimally a modern state requires at least one common language. This already implicates a number of constitutive aspects of a political community: the government, laws and the judiciary, education, and the media. Moreover, the state must ensure that citizens can communicate with one another and thereby implicates vernacular discourse. Indeed, we find that "[the] emergence of a societal culture – which requires the standardization and diffusion of a common language, and the creation and diffusion of common educational, political and legal institutions – is a feature of modernization," that is "also actively supported by the state. Indeed, the state is the leading force behind linguistic standardization and institutional integration" (Kymlicka, 2001, p.53).

What I take from this discussion is that a state must to some extent engage in nation building in order to engender the socio-cultural fabric that makes a political community possible. It must give rise to a nation defined as "a system of ideas and signs and associations and ways of behaving and communicating" (Gellner, 1993, p.7). Nations for historical reasons have formed societal cultures.

For the purposes of this discussion, we can think of a nation in descriptive terms and distinguish it from the normative idea of nationalism which embraces the nation and asserts that all nations ought to have a political community.

According to some liberal theorists such as Kymlicka, societal cultures are *the* context in which liberal values can take root and flourish. Individual autonomy, one of the basic principles of liberalism, which entails the ability to make “free and informed choices,” is only possible since “our societal culture makes various options available to us” (2001, p.53). Moreover, liberalism is committed to equality of opportunity which is only made possible through “the diffusion of a common language and institutions throughout society” (Kymlicka, 2001, p.53).

It is not my intent to engage in the debate of why a societal culture is the necessary context for the flourishing of liberalism. Such a debate deals with philosophical questions concerning human nature and developments of human history and is beyond the scope of this paper. Here, I will take the needs of a societal culture as a given in light of modern historical conditions. The salient aspect of this discourse about nation building is that it elucidates why integration must be contextualized in terms of a common societal culture. To reiterate, a societal culture is “a territorially concentrated culture centered on a shared language that is used in a wide range of societal institutions, including schools, media, law, the economy, and government,” (Kymlicka, 2001) and it represents both the result and production of nation building. A societal culture is an encompassing culture and sustains the architecture and inner workings of a state. Thus for immigrants to integrate, they must navigate and negotiate their lives

within the terrain of the societal culture; in other words, autonomy for immigrants must be situated in the context of a societal culture. To avoid doing so is not a viable position for immigrants because they simply cannot compete with the resources of a societal culture (Kymlicka, 2001). Furthermore, the state's nation building practices create conditions such that integration must take place on this terrain. For example, employment opportunities are tied to the ability to function in the language of the common societal culture. In short, the terms of integration for immigrants are heavily conditioned, if not configured, by nation building.

In the case of Canada, that nation building has played and still plays a formative and substantive role in the terms of integration is not mere theoretical posturing. Historically and currently, the terms of integration have been set by the state and are heavily shaped by its nation building efforts and by the colonizing projects of the two colonizing countries. Thus we ought to think of integration vis-à-vis the state's common societal culture. In the Canadian context, broadly speaking, integration has taken place within two kinds of nation building: ethnic nation building, which is centered about "the reproduction of a particular ethnonational culture and identity," whereas civic nation building "[defines] national membership purely in terms of adherence to certain principles of democracy and justice," and is thought to entail a culturally neutral state (Kymlicka, 2001, p.24). In what follows, I will provide a historical survey of the terms of integration in both nation-building models with the aim to show that in both models the terms of integration are heavily conditioned by the common societal culture that defines and is the result of the project of nation building.

INTEGRATION: PAST AND PRESENT

Historical context: Integration in an ethnic nation-building model

From Confederation up to 1967, Canada explicitly used an ethnic model of nation building, namely, it saw itself as a white British nation. Ethnic nation building was both built into and rooted in its immigration policy. That is, Canada engineered itself to be a white British nation using exclusionary immigration policies; and its immigration policies were informed by its desired national identity. The idea of the nation and immigration policies thus mutually enforced and generated one another. In other words, Canada's immigration policies were a primary instrument for achieving its national ethnic identity as a white British nation.

This is not however to say that non-white and/or non-British immigrants were not instrumental to Canada's nation-building efforts. Castles and Miller point out that "[denial] of the role of immigrants in nation building has been crucial to the creation of myths of national homogeneity" (2003, p.50). This has been the case for those immigrants who did not fit the idea of the nation. But in the case of Canada, it is arguable that non-white and non-British immigrants played an essential role in Canada's nation building. For instance, Chinese immigrants were fundamental in constructing the western leg of the Canada Pacific Railway, which physically united the country (Kelley & Trebilcock, 2000, p.109). However, once the construction of the railway was completed, the government moved quickly to legislate the Chinese Immigration Act in 1885 which was effectively a deterrent for

further Chinese immigration to Canada and a means for "[ensuring] that Chinese immigrants would not have a political voice in their new community" (Kelley & Trebilcock, 2000, p.97). Furthermore, over 3000 Black Loyalist immigrants were admitted on the promise of freedom in return for deserting the American side of the War of Independence and supporting the British (Kelley & Trebilcock, 2000, p.37). This was an indirect part of Canada's nation building insofar as it was about maintaining British control and also preventing American expansion into Canada. However, once settled in Lower Canada, Black Loyalists were subjected to harsh and severe conditions. They were settled in "exclusively Black settlements with farms too small to ensure self-support, or they were scattered as landless members of the white Loyalist settlements," and subjected to harsh discriminatory conditions including high unemployment, unfair wages, unfair treatment from authorities and disbanded white soldiers (Black Loyalist Heritage Society). The Doukhobors helped to settle the West, which was seen as necessary to prevent American expansionism and allowed for white settlement of lands of the First Peoples. However, the contributions of non-white and non-British immigrants are given little attention in the history of Canada's foundations, which is narrated mainly in terms of the two charter groups, i.e. the British and the French, as the makers of the nation.

Immigration policy fell under federal jurisdiction as an expression of state sovereignty under the 1906 Immigration Act (Kelley & Trebilcock, 2000, p.113). It was the primary instrument for its ethnic nation-building efforts insofar as it demarcated who did and did not belong to the nation. Immigration laws were

drawn along lines which demarcated the insider and the outsider of the nation in terms of the ethno-racial identity of both immigrants and the nation. This was made explicit in the 1910 Amendment to the Immigration Act which conferred Cabinet with the power to exclude immigrants "belonging to any race deemed unsuitable to the climate and requirements of Canada or immigrants of any specified class, occupation, or character" (Kelley & Trebilcock, 2000, p.137). This was further enforced in 1919 when amendments were made to expand Cabinet's authority to limit admissions to specified classes of immigrants and "better screen out undesirable immigrants" (Kelley & Trebilcock, 2000, p.183). Section 38 of the amendments allowed Cabinet to "declare immigrants of certain races inadmissible owing to their being unsuited to the climate and requirements of Canada," which would justify exclusion on the basis of "economic, industrial, or other conditions temporarily existing in Canada" (Kelley & Trebilcock, 2000, p.184). In short, the nation was built into immigration laws as a formative dimension. Entry restrictions were couched in broad, contingent and malleable terms about the nation, i.e. "unsuitable to the climate and requirements of Canada." Ultimately, this allowed the state to manipulate immigration policy according to its nation building desires and needs. As such, Canada consciously engineered itself to be primarily a white British nation by curtailing the entry of non-white and non-British immigrants. In Hobsbawm's words, "Nations are more often the consequence of setting up a state than they are its foundations" (quoted in Dauvergne, 2005, p.42).

Canada had to invent its national identity and immigration policy was the instrument to make this a reality. As Sollers observes, "Ethnic groups are typically

imagined as if they were natural, real, eternal, stable, and static units. They seem to be always already in existence...each group yields an essential continuum of certain myths and traits, or of human capital. The focus is on the group's preservation and survival, which appear threatened" (1989, p. xiv). The national imaginary of Canada as a white British nation was built and nourished using myths about climate and race. In particular, "the Canadian symbol of the north subsumed a whole series of beliefs about the exalted past, the nation character and the certain future" (Berger, 1997, p.24). Haliburton, an associate of the Canada First Movement, helped to pioneer this fiction; for instance, he stated in 1869 that in Canada, "the cold north wind that rocked the cradle of our race, still blows through our forests, and breathes the spirit of liberty into our hearts" (quoted in Berger, 1997, p.7). The north was exalted as giving rise to "self-reliance, strength, hardness – in short, all the attributes of a dominant race," and was used to naturalize the idea of Canada as a racially homogeneous land (Berger, 1997, p.5). According to Berger, in the late 1800s and the early 1900s, "[the] image of Canada as a northern country with a strenuous and masterful people was reinforced and sustained in the novels, travelogues, and works of scientific exploration" to the extent that "[in] 1926, a literary critic complained that the "whole of Canada has come to be identified with her northernmost reaches", and in "modern folk-geography Canada means the North" (1997, pp.20-1). The point is that ethnic nation building in Canada did not occur on its own as a matter-of-fact process but instead needed to be forged in order to create the belief of a group identity based on a shared history, a common culture and a biological kinship. This enabled

racially exclusionary immigration policy to be justified as a form of “natural selection,” (Berger, p.12) which in turn helped to ensure the reality of Canada as primarily a white British nation by deliberately limiting the entry of immigrants who did not conform to Canada’s declared national identity.

This gave force to legitimizing racially exclusionary terms of integration. In 1885, Prime Minister MacDonald could and did deny the federal franchise to Chinese immigrants because they were believed to be “mere sojourners of an inferior race, lacking British instincts or aspirations” (quoted in Kelley & Trebilcock, 2000, p.108). This denial of claims to the polity was also later extended to East Indians and the Japanese. Furthermore, Canada’s ethnic nation building also fueled the legitimacy of racial exclusion throughout society owing to the fact that the practices and beliefs of the common societal culture shaped and constituted the standards of justice. This included deciding on the objects of discourse, framing the terms of discourse, and having the power to decide on political matters.

One example that illustrates this is the White Women’s Labour Law, which was enacted in 1912 in Saskatchewan. The law sought to prevent the contact of ‘white women’ with “any restaurant, laundry or other place of business or amusement owned, kept or managed by any Japanese, Chinaman or other Oriental person” (Backhouse, 1999, p.136). The rationale was informed by a sexual and racist politics consisting of concerns for the safety, decency and protection of white women who were considered to be “guardians of the race” and unwarranted fears about opium-induced trickery on the part of “semi-barbaric” and

racially "inferior" Chinese men (Backhouse, 1999, pp.140-1). The law, however, was ultimately "intended to hinder the ability of Asian entrepreneurs to compete with white proprietors" (Backhouse, 1999, p.138).

The law was challenged in two separate cases in 1912 but upheld. Later, the law was challenged again in 1924 by restaurant proprietor, Yee Clun, who appealed to the courts to reverse the decision of the licensing body to not grant him a license. Because of the Chinese Exclusion Act of 1923 which "placed a virtual stranglehold upon Chinese immigration," Yee Clun was obviously put at a disadvantage since white women had become "by necessity the only residual group of potential employees available to Chinese restaurateurs," primarily owing to the fact that women were paid significantly less than both white men and Asian men (Backhouse, 1999, p.151). The judge declared Regina's City Council's decision to deny Yee Clun a license unlawful and ordered that the license be granted. The decision was an anomaly since court judgments "rarely supported efforts to resist racism against the Chinese" (Backhouse, 1999, p.169). However, in 1926 the legislature expanded the scope of the law to a wide array of businesses, removed references to race and made it immune to judicial review. (Backhouse, 1999) In short, in Backhouse's words, the law "functioned as a critical tool enabling racially dominant groups to prohibit Chinese men from participating freely in the economic and social communities in which they lived" (1999, p.171).

In an ethnic nation-building framework, where limiting the numbers of immigrants who do not fit the national mold can be legitimized and thus ensure the numerical minority status of such immigrants which in turn further fuels the ethnic

nation, the terms of integration ultimately depend on the common societal culture's willingness to allow for institutional openness and participation in the larger society since it ultimately administers the state and decides the terms of membership.

To further illustrate the logic of ethnic nation building for integration, we can look to the experience of Japanese Canadians which clearly demonstrates how the state's nation building practices prevented the integration of undesirable immigrants. Because the Japanese were deemed by Canadians to be unassimilable, the Japanese lived in conditions of political and cultural exclusion. The Japanese community in Canada had no substantial political voice primarily because all Japanese Canadians were denied the right to vote. This included those who were naturalized and those who were Canadian citizens by birthright. The province of British Columbia, where the majority of Japanese Canadians lived, had excluded Japanese residents from the vote franchise since 1895, which in turn excluded them from the federal franchise (Kelley & Trebilcock, 2000, p.144). This came about due to vocal public pressure, which had as its basis prejudices towards the Japanese who were "unable to assimilate" (Kelley & Trebilcock, 2000, p.143). The Japanese were threatening to the white workers because they undercut wages. Sunahara (1981) notes, "It was true that Asians worked longer for lower wages than whites," but that "the choice of equal pay for equal work was not theirs to make" (p.12). Exclusionary nation building practices entailed a restriction on the choices available to them and resulted in a stratification of jobs based on race. Without voting rights, Japanese Canadians were rendered legally ineligible to be jurors and also to take on certain professions; law, pharmacy and teaching

were closed off to them (Kelley & Trebilcock, 2000, p.144). And the larger Canadian society excluded them owing to racial prejudices. Thus, Japanese immigrants had to rely on one another for economic survival and for a meaningful social network, and so lived clustered together, which further 'confirmed' and perpetuated the belief that they could not be assimilated.

The Nisei, the second generation Japanese Canadians, actively attempted to gain the rights accorded to Canadians and "break with the past" (Adachi, 1976, p.166). By Adachi's account, "The Nisei found that he [sic] had to follow the already severely limited occupational lines of his immigrant parents despite having received education or training which had qualified him for skilled employment or professional work" (1976, p.172). By the 1940s, "the majority of Nisei were concentrated on the bottom rung of the economic ladder, mainly in the primary industries," and most, owing to exclusionary barriers in the Canadian mainstream society, were "forced to look to the Issei-controlled business community for work" (Adachi, 1976, pp.172-3).

This is not to say that unassimilable immigrants passively accepted their place in society. Many showed acts of resistance and called for change. In 1936, a delegation from the Japanese Canadian Citizens League appealed to Ottawa for the right to vote. However, in 1937, they were rejected "on the grounds that they would otherwise have too much influence in the political life of British Columbia" (Kelley & Trebilcock, 2000, p.288). The underlying logic for this blatant act of institutional discrimination was that Japanese Canadians were ascriptively defined

as radically different from the normative conception of a Canadian, and therefore had no claims or entitlement on the polity, even if they were formally citizens.

The deprivation of the fundamental political right to vote played a central role in the turn of events during the Second World War when all Japanese Canadians were subjected to totalitarian-like measures, namely, declared enemy aliens, subsequently interned, dispossessed of their property, ordered deported, and then forced to disperse and relocate outside of British Columbia. As Sunahara (1981) notes, "The fact that Japanese Canadians were disenfranchised was fundamental in the opinion of Jack Pickersgill, [Prime Minister] King's executive assistant in 1942" (p.45). She quotes Pickersgill: "I have always felt...that if the Japanese had had the vote it would not have happened in the way it did... I don't think that any Liberal government in the 1940s would have dared to take the vote away from anyone" (quoted in Sunahara, 1981, p.45). Without recognized political status, Japanese Canadians could only deal with discrimination in a "piecemeal" fashion and often with the assistance of the Japanese consul, which in turn fuelled the belief that the Japanese community in Canada was linked politically to Japan (Sunahara, 1981, p.12).

Thus nation building centered on ethnic identity opened the door to politically legitimate exclusion and the weaving of discriminatory practices into the societal fabric of the state. The extent to which immigrants could integrate was contingent upon how much the state would (and would not) allow them to integrate. Immigrants who did not fit the ethnic mold of the Canadian nation had little say in the terms of integration and little recourse for discriminatory conditions,

primarily because they were outnumbered in the world of power and in a society which for the most part was more than willing to ensure that undesirable immigrants were precluded from achieving full integration. The level of integration amongst non-white immigrants followed a trajectory of self-fulfilling logic: they were seen as not belonging which led to their marginalized existence where they had to rely on one another and thus they didn't belong. That said, many so-called unassimilable immigrants *did* against the odds manage to integrate insofar as they were self-sufficient and industrious, but this took place not within purportedly common social institutions but rather at the margins.

In an ethnic centered model of nation building, the only truly valid claim for membership is that ethnic identity, which implicates immigration policy. This enables restrictive policies and keeps those who do not truly belong as minorities by purposefully inhibiting the growth of those populations. And at the same time, immigration policy enforces if not helps to engineer and enforce that ethnic centered identity and thus propagates the nation. In short, nation building and immigration go hand in hand. To quote Thobani, "If a major condition for the founding of the Canadian nation-state was the acquisition of a national territory, no less important was the recruitment and management of a national population," and immigration policy was of "signal importance in the process of generating a "national" population" (2006, pp.175-6).

The liberal turn

That Canada as official policy could no longer justify exclusionary terms of integration on the basis of nation building came about gradually in what can be called the liberal turn. This entailed the universalizing of citizenship such that all members were accorded the same formal rights and its historical antecedents were "the de-legitimization of racism and extreme nationalism after World War II and the parallel rise of universal human rights norms" (Joppke, 2007, p. 47). These historical moments gave rise to "a new world that is now "our world"" and created new terms for politics altogether. As Joppke notes, "Even those who are unhappy about this new world have to phrase their claims in its idiom, which is the idiom of equality and non-discrimination" (2007, p.47).

The liberal turn had consequences for immigration policy in Canada. First, the language of equality found a voice in immigration policy discourse. The Senate Committee on Immigration and Labour appointed in 1946 stated, "there should be no discrimination based on race or religion" (quoted in Hawkins, 1988, p.84). However, as Hawkins (1988) notes, "[the Committee's] understanding of discrimination related entirely to Canada's traditional pattern of immigration and her strong European orientation at that time" (p.84). Thus the Committee further stated that "the limitation of Asiatic immigration being based, of course, on problems of absorption" (Hawkins, 1988, p.84). That is, despite the development of a consciousness of equality and discrimination in immigration policy, this consciousness was applied unevenly and remained restrictive. For instance,

although the Committee authorized the Repeal of the Chinese Immigration Act, the terms of this repeal were not "to open the wide the gates for Chinese immigration" but only "to allow the wives and children of Chinese residents of Canada to come here, giving them the same privilege as we do Europeans and South Americans" (quoted in Hawkins, 1988, p.85).

The idea of who could fit into Canadian life remained an overriding attitude throughout the early post World War Two era. The Canadian Labour Congress advocated for the removal of racial discrimination in immigration policy but at the same time "pointed out that people from some countries would fit more easily into Canadian life than others" and that it "had never advocated "an open door for Asiatic immigration"" (Hawkins, 1988, p.85). Thus, non-discrimination was first conceived and interpreted according to who was within its borders. Canada was not interested in applying the principle of non-discrimination on a wholesale basis to its immigration admission policy. But the repeal of the Chinese Immigration Act was a sign that the state could not merely do as it wished and that it owed some rights to all immigrants was becoming apparent.

The passing of Canada's Citizenship Act in 1947 was a means for achieving a specifically Canadian political community; that is, citizens were no longer British subjects. In 1949, when racialized Canadians were permitted to become citizens, under Prime Minister Louis St. Laurent, the state took a more active role in integration by transferring the Citizenship Branch to the Department of Citizenship and Immigration. The Citizenship Branch was given the mandate to "make Canadian citizens of those who come here as immigrants, and to make

Canadian citizens of as many as possible of the descendants of the original inhabitants of this country" (quoted in Day, 2000, p.170). By creating the administrative "citizenship machine...the state emerged as the entity that would solve the problem of Canadian diversity once and for all, by providing a basis for unity that had otherwise been lacking" (Day, 2000, p.166). In other words, formal citizenship became the measure of belonging to the nation and the state would take responsibility for the task. The Branch began by encouraging provinces, which were in charge of education, to establish citizenship training classes, and by 1949 seven out of the ten provinces had done so (Day, 2000). Thus at a federal and provincial level, the state had assumed the role that had hitherto been "entrusted to rubbing of shoulders and to Christians on internal missions" (Day, 2000, p.167). The seeds for state management of integration were planted.

The creation of Canadian citizens entailed the remaking of Canada: a "new official history" had to be fabricated (Day, 2000, p.167). What it meant to be a *Canadian* citizen had to be given substantive content and this was first facilitated by a government pamphlet called *Our History*, which was presented as "a factual account of Canadian history" (quoted in Day, 2000, p.167). This factual account of the Canadian nation was engineered through a sanitized version of Canadian history consisting of *inter alia* the doctrine of *terra nullius* as a justification of the expansion of the West, the omission of the extinction of the Beothuk in Newfoundland, the exclusion of the fact that the Doukhobors, while admitted to Canada on generous terms, never saw promises made by the Canadian government fulfilled, and were instead "excluded, ridiculed, persecuted,

disenfranchised, interned, and jailed ever since setting foot on Canadian soil" (Day, 2000, p.168). This new version of Canadian history included a number of different ethnic groups but neglected to mention the Chinese, Japanese, Blacks and Indians ('Hindus') according to Day "because there was simply no way to put an appropriate spin on the relevant 'facts'" (2000, p.168).

At first, the Citizenship Branch aimed to "promote unity among all racial groups," but with the decline of racialism, integration became centered about ethnicity (Day, 2000, p.170). In 1956, the task of integration was articulated as "a theory which combines unity and diversity," in which the citizenry would be unified by common political principles and in participation in common citizenship, while at the same time diversity would be "maintained by reciprocal appreciation of diverse cultural contributions" (Day, 2000, p.175). In the same year, the Citizenship Branch issued a statement entitled, *The Integration of Immigrants in Canada*, where Canada effectively rewrote its history by stating, "Canada's policy towards immigrants is naturally a reflection of the political and cultural pattern of our society. It is a society built on the ideas of individual worth and cultural difference," and that integration was to be distinguished from assimilation into the larger culture which could "not be forced" (quoted in Day, 2000, p.175). What was increasingly apparent in integration discourse was that "[respecting] the migrant's agency implied that integration had to be a two-way process, in which not just the migrant but the receiving society, too, had to adapt" (Joppke, 2005, p.236).

In terms of immigration, it was not until 1967 that Canada's immigration laws were fully cleared of overt racial discrimination (Kelley & Trebilcock, 2000, p.351).

Rather than being rooted in a larger liberal consciousness about equality, Kelley and Trebilcock (2000) attribute this change to "pragmatic considerations combined with relevant selection criterion: by the early 1960s, Canada's traditional sources of immigrants, in particular Britain and Western Europe, were drying up" (p.351). In short, the liberal turn in immigration policy fell short of being liberal in that it was not engendered out of a political and moral commitment to liberalism, but rather out of larger global circumstances. Nonetheless, Canada had instituted a liberal immigration policy insofar as it no longer in principle permitted the state to exclude immigrants based on race. All individuals irrespective of their racial identity were in principle equally admissible to Canada under its immigration policy.

The terms of integration given by "unity and diversity" foreshadowed multiculturalism and it was the beginning of a civic state. However, while it echoed the demise of cultural dualism of the two founding and colonizing charter groups (which began during the 1930s and 40s), and the "myth of the mosaic flourished in the rhetoric of public life, public policy in Canada continued to be governed by the concept of Anglo-conformity" (Kallen, 2004, p.75).

Problems with citizenship formulated as unity and diversity came to the fore with Quebec nationalism which in turn gave rise to the creation in 1963 of the Royal Commission on Bilingualism and Biculturalism which was given the task to recommend "what steps should be taken to develop the Canadian Confederation on the basis of equal partnership between the two founding races, taking into account the contribution made by other ethnic groups" (Hawkins, 1989, p.218). During the consultations undertaken by the Commission, the so-called Third

Force, composed mainly of "other Europeans" (Li, 2003b, p.134) emerged to contest the characterization of Canada as a bicultural nation and resulted in Book IV of the Commission's report entitled, *The Cultural Contribution of the Other Ethnic Groups*.

As a result, Prime Minister Trudeau in 1971 announced the policy of multiculturalism within a bilingual framework (Hawkins, 1989). Trudeau stated the "very essence of Canadian identity" was cultural pluralism, and that "[every] ethnic group has the right to preserve and develop its own culture and values within the Canadian context"; Trudeau also further said that while Canada has two official languages, "no particular culture is more 'official' than another" (Hawkins, 1989, pp.219-20). One of the major objectives of Canada's multiculturalism policy would be to "[reinforce] Canadian unity and [encourage] cultural diversification within a bilingual framework" (Hawkins, 1989, p.220). In other words, the policy of multiculturalism was the solidification of Canada as a civic state whereby the state could not privilege any one culture over another. This was enshrined in the Constitution with the passing of the *Canadian Charter of Rights and Freedoms* in 1982 which stated in Section 27 that the Charter was to be "interpreted in a manner consistent with the preservation and enhancement of the multicultural heritage of Canadians" (The Constitution Act, 1982). Multiculturalism assumed legal force in Canada with the adoption of the Multiculturalism Act in 1988. The Act acknowledges multiculturalism as a fundamental feature of Canada and "commits the Government of Canada to assist communities and institutions in bringing about

equal access and participation for all Canadians in the economic, social, cultural, and political life of the nation" (Multiculturalism and Citizenship Canada, 1990).

Legally Canada has thus become a civic state in which formal equality is guaranteed under the law alongside respecting and valuing the diversity of all individuals. Thus institutionally speaking, Canada has created the machinery, as it were, necessary for liberal terms of integration insofar as multiculturalism as state policy rendered the state culturally neutral, and thus in principle all individuals irrespective of their cultural origins are able to participate in the state equally. In such a framework, the terms of integration are not established by a culturally substantive form of nation building like ethnic nation building, but rather by nation building based on political principles.

Integration in a civic nation-building model: Contemporary discourse

This transformation to a non-discriminatory civic-oriented membership in a political community did not automatically translate into equal terms of integration. That is, even within a civic model of nation building, integration does not transcend the force of nation building. This is evident in contemporary policy discourse on integration. According to Li (2003a), the discourse amongst policy makers, along with immigration critics and academics, "endorses a conformity model in assessing immigrants and a monolithic cultural framework that preaches tolerance in the abstract but remains intolerant toward cultural specificities deemed outside the mainstream" (p.315). Li states that integration is used as "the desirable way by

which newcomers should become members of the receiving society," but is narrowly construed and "used liberally by policy-makers, immigration critics, and academics without a vigorous theoretical explication" (2003a, pp.315-316). In Li's words, "[what] constitutes desirable integration of immigrants is taken for granted in the immigration discourse"; specifically, integration presupposes conformity to "Canada's prevailing practice and standard" and entails becoming "similar to the resident population" (2003a, p.316). This conclusion is drawn by three observations. First, integration generally refers to the process where immigrants "become productive members of and develop close relations with mainstream society" (Li, 2003a, p.318). Referring to Citizenship and Immigration Canada's (CIC) integration strategy, Li observes that the success of integration is measured in terms of "becoming contributing members quickly and smoothly" (2003a, p.319). Second, CIC endorses a "two-way process" of integration which is distinct from assimilation. Integration means to "[encourage] immigrants to adapt to Canadian society without requiring them to abandon their cultures" (Li, 2003a, p.319). And third, Canada's official means of fulfilling its role in integration is "to support settlement programs to help them to acquire the necessary social and language skills needed to do well in Canada" (Li, 2003a, p.319).

Despite the language of a two-way process and a shared responsibility, Li points out that the language of integration "upholds notions of conformity and compliance as yardsticks for evaluating immigrants" in that it "expects them to accept prevailing values and beliefs" and "acquire living standards and behavioural patterns similar to those of the majority of Canadians" (2003a, p.320). What Li is

pointing out is "the contradictory approaches" to integration, namely, that the state in theory on the one hand accepts immigrants' differences and yet expects conformity with "the normative values and national standards of Canada on the other" (2003a, p.320).

Referring to a document published by Employment and Immigration Canada in 1993 which makes the assumption that "those who have chosen to come here respect the basic values that underlie Canadian society," Li points out the implicit social contract underlying integration in the eyes of the state is "that immigrants choose to join an existing society with shared values and established behavioural standards" and that "such choice implies an a priori acceptance of preexisting values and standards" (2003a, p.320). But as Li observes, "the agreed-upon values are not clearly defined, but at best vaguely implied in the immigration discourse" (2003a, p.320).

Li further draws our attention to the language surrounding ethnic enclaves, which reveals the normative meaning of integration. In his analysis, ethnic enclaves are viewed as oppositional to mainstream society and are therefore perceived as conflicting with the core values of Canada (2003a, p.321). Ethnic enclaves are thought of as "obstacles" to the integration process because they encourage norms, values and behaviours that deviate from mainstream society and that ethnic enclaves are positive insofar as they are "stepping stones to join mainstream society and not...a permanent anchor for cultural security" (Li, 2003a, p.321). The subtext of this discourse on integration is the reification of specific cultural and racial differences which are portrayed as threatening the core values

of Canada (Li, 2003a). Li's analysis points to how a civic liberal framework can lend itself to a normative interpretation of integration.

In what follows, I want to discuss the terms of integration in a civic nation-building model. I will demonstrate, by looking at recent research on immigrants, that in Canada the terms of integration do not radically depart from the terms of integration under an ethnic model of nation building. That is, the purported neutral and universal conditions of formal citizenship given by language and liberal institutions heavily shape the terms of integration into the larger societal culture.

One of the primary ways civic nation building sets the terms of integration is by endorsing at least one common language. Recent research based on 2006 Census data indicates that language is a significant factor in integration. According to a Statistics Canada study, "Immigrants who cannot conduct a conversation in English or French are more likely to be unemployed or not in the labour market," and that "non-participation and unemployment rates are generally higher among those immigrants who reported using a language other than English or French" for the period January 1, 2005 to May 16, 2006 (Thomas, 2009a). The same report found that unemployment rates are especially high among those who only used a non-official language. Research also shows that when other factors are held constant, there is a difference between those who use non-official languages at work and those who do not and thus "language of work appears to be at least as good a predictor of earnings as is official language ability" (Thomas, 2009b). The resulting statistical disparity in income is significant: "In 2005, immigrants who regularly used a language other than English or French at work earned on average

\$11,000 less than those who did not. Those who only used non-official languages at work earned less than half as much as those who did not regularly use one” (Thomas, 2009b). Without usage of an official language, in 2006 immigrants were almost twice as more likely to be in a low-income household, i.e. 22% versus 12% (Thomas, 2009b). And nearly “30% of those who made no regular use of English or French in their work lived in low-income households” (Thomas, 2009b). Thus we can see that language itself is significant in deciding the extent to which immigrants can participate in the larger societal culture and that not doing so leads to disadvantages. This is also significant because according to 2006 Census data, “For the first time, allophones, that is, people whose mother tongue is neither English nor French, represented fully one-fifth of the population of Canada, according to the census” (Statistics Canada, 2007).

Language, a seemingly benign and neutral aspect of civic nation building, plays a major role in determining the possible pathways to integration in governmental institutions. Knowledge of an official language is a precondition for working in the public service. The public service, which encompasses governments at the federal, provincial and municipal level, constitutes a significant portion of employment in Canada and is the single largest employer in the country. In recent figures (i.e. the first quarter of 2009), total public sector employment reached 3.6 million which accounted for almost one-fifth or 19.7% of total employment in 2008, a proportion that has remained stable since 2001 (Statistics Canada, 2009). At this point, it is difficult to assess the number of immigrants hired into the public service and little research has been done in this area. However, a

perusal of the data available from Statistics Canada shows, for instance, in a Canada-wide context that out of a total of 21,355 senior government managers and officials, 10.8% or 2,325 were immigrants; and amongst 4,245 government managers in health, 14.8% or 630 were immigrants (Statistics Canada, 2008). Thus a cursory look at the available data suggests that immigrants, who constitute over one-fifth (21%) of the actual labour force are underrepresented in the public service (Statistics Canada, 2008 April). Language is significant for integration given that a large number of immigrants come from non-English and non-French speaking countries. In 2007, only 14.7% of permanent residents admitted came from English and French speaking countries (CIC, 2007).

Thus we see that language is not in itself neutral but can be linked to the capability of immigrants to substantively access resources and meaningfully participate in the state's social institutions. However, the acquisition and usage of language is not a neutral and straightforward matter. Language does not function in a value-free space but is instead carved out through a hierarchical space constituted by what Bourdieu calls "symbolic dominance," and therefore can be a "basis for inclusion and exclusion from the nation-state" (Haque, 2004, p.62). Symbolic dominance in terms of language refers to how particular socio-historical conditions engender the dominance and legitimacy of specific linguistic practices (Haque, 2004). From this, we can see that in order to fully integrate linguistically, an immigrant must obtain competence that satisfies the social order given by symbolic dominance. This entails being "a legitimate speaker," having "an appropriate linguistic market," and "the usage of the legitimate or appropriate and

usually current standardized form" (Haque, 2004, p.65). Further, the means of language acquisition is not neutral and removed from this order of symbolic dominance. For instance, "educational structures through which most immigrants will have to move in order to gain linguistic competency are institutions of where symbolic dominance is "built into the institution" itself" (Haque, 2004, p.67). Some such as Scassa have argued that language characteristics such as accent of speech and deviation from the language standard of the dominant group are used to discriminate against non-native speakers of a dominant language (Metropolis Canada, 1996). Thus, language, which is a basic requirement of civic citizenship and heavily conditions the terms of integration, can be characterized as non-neutral and weighted in favour of Canadian-born individuals.

Another central feature of civic nation building is the creation of state institutions. State institutions such as government, schools, the health care system, police, etc. are highly regulated bodies which have created enormous barriers owing to status and credential recognition. In terms of the federal public service, which in March 2006 was made up of 380,700 employees (Statistics Canada, 2009), the underrepresentation of immigrants is likely not only owing to language requirements (the federal public service requires bilingualism), but also to legislation governing the federal public service. Section 39(1) - formerly Section 16(4)(c) - of the *Public Service Employment Act* explicitly gives preference to Canadian citizens over non-citizens in hiring practices. Whilst this has been challenged in the Supreme Court of Canada in *Lavoie v. Canada* [2002] 1 SCR 769 on the basis of its discriminatory nature, specifically in light of the equality

clause, Section 15(1), of the Charter, the Supreme Court upheld the legislation as constitutional and the hiring preference of citizens over non-citizens remains in effect. The reasoning of the judges in favour of the ruling is noteworthy. The rationale was that formal citizenship status was a means for encouraging permanent residents to obtain citizenship and that the legislation did not create an absolute barrier for non-citizens insofar as Section 39(1) only gives preference to citizens (Carasco et al, 2007, p.152). Furthermore, because there were no other "reasonable alternatives" for the government to forgo the inequality between citizens and non-citizens in hiring for the public service and that because "most positions are filled internally [which] shows that it is almost as difficult for citizens to enter the Public Service as non-citizens," the "inconvenience [suffered by non-citizens was not] too high a price to pay for the government's right to define the rights and privileges of its citizens" (Carasco et al, 2007, p.153). Thus the Supreme Court has helped to legitimize citizenship status as a basis for law and thereby upholds barriers to integration for immigrants which can lead to deskilling (Metropolis Canada, 2003). Furthermore, state institutions are heavily regulated bodies. While the public service in Canada hires in both regulated and unregulated occupations, the onus is placed on individual immigrants to obtain accreditation and public service employers may prefer Canadian citizens owing to the perception that it is more time and cost effective (Metropolis Canada, 2003).

A civic liberal state is governed by the rule of law, and in Canada this is configured by constitutionalism. Aiken (2007), in her survey of the impact of constitutionalism on immigrants and refugees, argues that "over twenty years of

Charter litigation have failed to diminish systemic racism in immigration law and policies" (p.63). With the introduction of the *Charter of Rights and Freedoms*, the rule of law took precedence. The belief was that "Charter challenges would offer an important mechanism of accountability" (Aiken, 2007, p.66). However, for permanent residents, this has not been entirely fulfilled. For example, Bill C-44 permitted even long-term permanent residents to be subjected to constraints based on their violation of the implicit social contract, i.e. "deliberately [violating] an essential condition under which they were permitted to remain in Canada" (Aiken, 2007, p.89). The courts have used permanent residency status as a basis for decision-making, particularly in the case of deportations (Aiken, 2007). Thus in a civic model which hinges on the rule of law, permanent residents are not necessarily as secure as citizens, but instead are affected by ideas about nation building.

Thus we can see that in a civic model of nation building, which claims to be culturally neutral, the terms of integration are heavily influenced by the dominant societal culture. The need for a common societal culture in a civic liberal state still renders integration largely as a one-way street.

FAIR TERMS OF INTEGRATION

Thus far I have shown how nation-building practices, integral to a liberal state, have far-reaching consequences for the integration of immigrants. In an ethnic nation building model which entails the reproduction of a particular ethnonational culture and identity, the terms of integration are set according to the common societal culture, and even in a theoretically ethnically neutral civic model of a liberal state, nation building practices are necessarily built into the structure of the state such that they set the terms of integration. In this section, I will address how a liberal state can provide fair terms of integration for immigrants.

Kymlicka's proposal of "immigrant multiculturalism" provides the fertile ground on which to consider a liberal framework for fair terms of immigrant integration in Canada (2001). Kymlicka begins with the premise that the liberal state is not culturally neutral. By conceptualizing integration within a common societal culture, we see the state invariably privileges its members. In order for immigrants to participate in the state as autonomous agents, we must thus bear in mind that they are heavily influenced by the state's nation building practices such that the range of their life choices is largely configured by those nation building policies. Further, the state is structured such that immigrants cannot *choose* to integrate. That is, a number of governmental and institutional requirements place demands on immigrants that "encourage, pressure, even legally force immigrants to take steps towards integrating into society," namely, residency requirements, which entail participation in social institutions, employment, language and so on

(2001, p.155). In short, the liberal state inevitably by virtue of its need for a societal culture privileges citizens over non-citizens. In civic nation building, we can thus conceive of citizenship as a form of capital where "the process of distinction and reproduction [constitutes] an underlying logic of its construction and transformation" (Bauder, 2008, p.317). That is, the value of citizenship is constructed and sustained through strategic creation, endorsement and valorization such that immigrants are disadvantaged.

For Kymlicka, fair terms of integration *derive from* the state's societal culture, which shapes the state's institutional openness to immigrants such that they are actually able or not able to integrate. Fairness for Kymlicka is conceived as equal opportunity vis-à-vis the state where the state does not privilege any citizen over another. According to Kymlicka, the state's societal culture plays a significant role in the opportunities and life choices available to citizens. Thus, to create fair terms of integration for immigrants, he asserts that the state can resolve the cultural tension created by the state's nation building practices by "[ensuring] that the common institutions into which immigrants are pressured to integrate provide the same degrees of respect and accommodation of the identities of ethnocultural minorities that have traditionally been accorded to the majority group's identity" (2001, p.162). In particular, for Kymlicka, this entails "an ongoing, systematic exploration of our common institutions to see whether their rules, structures and symbols disadvantage immigrants" (2001, p.162). This line of reasoning recognizes from the outset that nation building practices of the state create systemic barriers for immigrants and that immigrant multiculturalism

conceived as such is a vehicle for mitigating the exclusionary or unequal effects of the state's nation building practices. In short, Kymlicka advances an equality argument.

This seems on the surface to be intuitively counterproductive to nation building which Kymlicka claims to be necessary for a liberal state. Indeed, some of the main critics of multiculturalism claim it weakens the common societal culture by opening the door to social fragmentation and encouraging ethnic separatism, thereby jeopardizing social cohesion defined as "the bonds of a common community" which "sustain a sense of mutual commitment or solidarity in times of need" and helps to "build a common national identity" (Soroka et al, 2007, p. 1). This criticism is fueled by the idea that "multiculturalism requires accepting cultural practices that are incompatible with liberal-democratic values" (Kymlicka, 2001, p.152).

There is however little evidence to substantiate such concerns vis-à-vis immigrants in Canada. According to Li's review of research comparing immigrants and native-born Canadians, even with the implementation of multiculturalism as state policy, "there are strong forces of conformity in Canadian society," and little to support the idea that multiculturalism has led to segregation (2003b, p.135). Li concludes that "the process of adjustment for immigrants is also one of eventual conformity to the linguistic and social patterns of the native-born population" (2003b, p.136). Further, in terms of "civic illiteracy," a study found that it is not an immigrant problem but "a general problem" (Our weak identity isn't an immigrant problem). If civic literacy can be measured by Canada's citizenship test, then 6 in

10 Canadians would fall below the passing mark; in contrast, only 3 in 10 immigrants would (Our weak identity isn't an immigrant problem). If social cohesion can be measured by conformity or behavioural assimilation, then immigrants do not pose a problem in Canada.

It should be mentioned that social cohesion is problematic as a liberal principle because, as Eliadis points out, "a cohesive society that is capable of effectively implementing collective goals may be implementing the wrong ones," as we have witnessed in Nazi Germany and the anti-Tutsi movement in Rwanda (2007, p.550), not to mention Canada and its treatment of Japanese Canadians during World War Two. Furthermore, from a legal perspective, Eliadis points out that "cohesion is conspicuously absent from [Canada's] constitution" (2007, p.550).

Dahbour's analysis of nations as the basis of a liberal political community is further instructive when thinking about social cohesion vis-à-vis the nation or the common societal culture. As stated earlier, the idea of a nation as a necessary feature of a liberal political community has been invoked on the basis of a morality of community (Tamir) or the need to rally citizens to abstract ideas (Schnapper). However, as Dahbour points out, "[while] political identities may have antecedents in nonpolitical forms of life, they cannot be simply the expressions of those forms of life, for the reason that this would rid them of exactly that feature that makes them 'political' – their formation through acts of choosing, deciding, associating, and so on" (1996, p.327). In short, if we accept social cohesion as the overriding standard of integration, we confuse political identities with national or social identities. This leaves us with no standard of justice outside nations and social cohesion as the

measure for integration lends itself to the view that dissent or disagreement is problematic, which is antithetical to the very meaning of a political community.

Kymlicka (2001) dispels the idea that immigrant multiculturalism leads to ethnic separatism or ethnic nation building, and that it leads to social fragmentation. He does this by considering the institutional resources nation building entails and concludes that immigrant multiculturalism is a far departure from nation building. Instead, for him, we need to think of immigrant multiculturalism as "special accommodations...on a transitional basis" (2001, p.162). The mechanisms of immigrant multiculturalism ought to be configured such that they are "intended to help immigrants enter mainstream societal institutions," and such that they enable immigrants to "feel more comfortable within these institutions once they are there" (Kymlicka, 2001, p.164). As Kymlicka further points out, if fair terms of integration are not provided, then integration amounts to "privileging the interests and lifestyles of the descendents of the original inhabitants or settlers" (2001, p.162).

To understand the effects of immigrant multiculturalism, in Kymlicka's analysis, we need to look at how multicultural policies interact with other state structures. As a policy, multiculturalism is one policy among many and is located in the framework of liberal democratic constitutionalism and as such the policy of multiculturalism does not, for example, support claims for religious exemptions from equality rights and according to him it does not provide a "pretext or justification for religious organizations to avoid the broadening and deepening of

equality rights" (2007, p.144). In fact, multiculturalism as a policy makes it possible for women's groups to challenge religious orthodoxy (Kymlicka, 2007, p.146).

Kymlicka (2001) uses existing practices of multiculturalism as his measure for fair terms of integration which include the adoption of affirmative action programs so that immigrants are represented in state institutions, accommodating religious holidays and dress codes of immigrant groups, instituting anti-racism programs, implementing guidelines for the media to prevent ethnic stereotyping and so on. Such measures do not promote "immigrant groups to view themselves as separate and self-governing nations with their own public institutions," but rather have the aim of facilitating inclusion of immigrants "within the mainstream institutions of the existing society" (Kymlicka, 2001, p.165).

If we look to Canada's Multiculturalism Act as a measure of immigrant multiculturalism, which became law in 1988, we can see it is theoretically a powerful instrument for facilitating the integration of immigrants in light of the state's nation building practices. Section 3(1)(c) states that the federal government is obliged to "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 such participation" (Multiculturalism and Citizenship Canada, 1990). Further, Section 3(1)(e) calls on the state to "ensure that all individuals receive equal treatment and equal protection under the law, while respecting and valuing their diversity". (Ibid.) In short, the Act legally obligates the state to play an active role to realize fair terms of integration which is measured by inclusion in Canadian society.

However, there is a critical problem with immigrant multiculturalism as put forth by Kymlicka, namely, the discursive terrain on which it takes place. It centers on cultural identity. Conceptually, to some extent this makes sense, in that the logical motivation is to “even out” an asymmetry, i.e. we need to “provide the same degrees of respect and accommodation of the identities of ethnocultural minorities that have traditionally been accorded to the majority group’s identity.”

However, practically speaking, there are some problems with this approach. First, it depends on a politics of recognition. This problem is not so much about identity *per se* but rather deals with the epistemological demands it makes. It demands a position of culturally neutral discernment and self-reflexivity of the common societal culture so that it can see the cultural and therefore unequal nature of its practices. Can liberal principles give us this position of reflexivity? Aiken’s criticism of constitutionalism suggests not. To further illustrate, let me turn to a debate amongst feminists concerning how to understand and address what has been characterized as cultural gender violence in Muslim migrant communities in western liberal states.

On one side of the debate, these specific forms of gender violence within Muslim migrant communities in the west are understood primarily through a cultural lens. In this perspective, honour killings and forced marriages are construed as causally related to Muslim culture because these particular forms of gender violence happen specifically in Muslim migrant communities. The use of culture has led some feminists to embrace what Fekete (2006) calls “cultural fundamentalism,” which is the belief that these forms of gender violence are not a

coincidental part of Muslim migrant communities but instead are representative of Muslim culture (p.8). Thus, Muslim migrant communities are viewed to pose a threat to western states since their values are seen to be at odds with liberal values. This has led some feminists like Okin to bring into question multiculturalism and argue for assimilationist immigration policies in the name of gender equality (Fekete, 2006).

However, using culture as the sole analytic tool of understanding the issue at hand is problematic. If feminists assert that honour killings and forced marriages in Muslim migrant communities are caused by "the different value systems of Muslim immigrants," (Razack, 2004, p.154) they need to explain how we can distinguish certain gender practices as specifically cultural. But a cultural analysis is limited because culture itself is a socially constructed concept and therefore needs to be interrogated.

We can begin by asking, in the context of modern liberal states, how is a collective cultural identity engendered? According to Ewing (2008), this is achieved by "a *national imaginary* [which] is a system of cultural representations that makes the contours of the nation-state emotionally plausible" (p.2). For her, this engenders "a process of imagining a shared experience," or a cultural collectivity which "rests on a discursive process in which others are defined as 'not-us'" (2008, p.3). Thus the state constructs normative boundaries using culture as a reference point, and it can therefore define what is culturally significant along with the moral and political value of what is deemed cultural. In Ewing's words, the state creates a

hegemonic discourse that "involves, at the very least, implicit agreements about the terms of the debate, the objects of controversy" (2008, p.9).

The national imaginary is achieved by intertwining "the imagined with conditions that prevail at any particular moment," and she provides cinema as an example of the transforming of identities into "gestures or attributes" (Ewing, 2008, p.9). The "abstracted individuals" that result from this intertwining are either "idealized" or "abjected" individuals (Ewing, 2008, p.9). Idealized individuals help form the fiction of a shared culture not only because we see the state as coextensive with "us," but also because they give content or meaning to the shared culture which creates the limits of the possible or the thinkable of the collective identity. That is, the national imaginary naturalizes or normalizes the state as embodying "a single homogenized set of values with the state as the expression of the collective identity associated with them" (Fekete, 2006, p.9). This national imaginary depends on and is enforced by the antithesis of what the state defines as a shared culture which appears in the form of abjection, which "occurs within a discursive order that is structured by making certain things unthinkable" (Ewing, 2008, p.9).

In the context of honour killings and forced marriages in Muslim migrant communities in western states, such acts are easily translated into culture because they represent the unthinkable and lie beyond the realm of the possible as defined by the national imaginary of western liberal states. Thus, some western feminists can say "crimes of honour" do not happen here; they are indicative of other cultural values and therefore "they" are not "us." It is this cultural boundary that allows

"crimes of honour" to be distinguished from "crimes of passion," where the former is perceived to be rooted in culture and the latter is understood in terms of gender (Razack, 2004, p.152). In other words, by using the culture of the state as the reference point, the cultural construction of the observer's outlook, which is rooted in and limited by the national imaginary, remains hidden. Thus some western feminists can define the agenda of gender issues and construe certain acts of gender violence in migrant communities as cultural.

Furthermore, this cultural approach has a reflexive effect: it reifies cultural differences and ensures that western liberal states assume a moral authority because they define themselves as "basically forward thinking, progressive, given to democracy and social justice" (Fekete, 2006, p.10). This, in turn, further fuels the presupposed idea that Muslim culture is incompatible with liberal values such as gender equality; that is, this focus on culture enforces itself and it may be self-fulfilling. For instance, the state may think gender violence is a function of "their" way of life, which may remove it from the purview of the state because it falls into the private realm and is therefore unaddressed (Menjívar & Salcido, 2002). And it also blinds us from considering that "the incidence of domestic violence [in immigrant communities] is not higher than it is in the native population" (Menjívar & Salcido, 2002, p.901). Instead, the discussion moves onto the plane of cultural incompatibility where "[t]hey are incompletely modern and shackled by tradition [and] we are free and able to exercise choice" (Razack, 2004, p.156), and the issue becomes one of integration and problems with multiculturalism.

This discussion about the social construction of the cultural lens illuminates the task at hand for liberalism when it comes to fair terms of integration articulated as providing equal degrees of respect and accommodation of the identities of ethnocultural minorities as are given to the majority group. By endorsing a common societal culture such that a liberal state is possible, the terms of integration can be construed such that “[h]osts have the moral right to call the shots....while guests are always in the position of respecting the morality of the household” (Razack, 2004, p.145). That is, fair terms of integration given by immigrant multiculturalism does not necessarily imply that the inclusion and equality of immigrants within a common societal culture will be achieved. Indeed, as the previous discussion illustrates, Kymlicka’s fair terms of integration can quickly be reversed; that is, rather than deciding the terms of integration in light of the exclusionary nature of the nation-building practices of the liberal state, the terms of integration can be decided by how the common societal culture perceives and problematizes immigrants for example, by giving an inordinate amount of attention to cultural differences as Li’s analysis of integration discourse points out.

Thus, in order for liberalism to provide an account of fair terms of integration, it must deal with the following issues. First, who gets to decide the terms of debate? i.e. what is defined as cultural and on what terms? Second, liberalism must contend with the unequal distribution of identity. If we think of identity as a resource, then we see that some can take this resource for granted owing to the state’s nation building practices while others simply cannot. Third, liberal terms of integration must understand how the state’s nation building

practices can transform the identities of immigrants by culturalizing, racializing, stigmatizing, essentializing, etc. them. Fourth, it must account for how this identity transformation can entail the intersectionality of various identities – foreign-born, race, gender, sex, sexuality, ability, age, linguistic competence, etc. – such that identity is not a straightforward matter consisting of, for instance, “adding” different discriminations together but is rather a complex matter of seeing that “something unique is being produced” when a person is discriminated against because of multiple identities (OHRC, 2001, p.7). Indeed, a report by the Canadian Race Relations Foundation found that “within racialized groups, foreign-born person face even greater disadvantage in employment” (OHRC, 2001, p.11). And fifth, a liberal theory of fair terms of integration must take into account how status as a non-citizen or as an immigrant can act as a basis of inequality.

In short, the task for liberalism to create fair terms of integration is complex. While it is a matter of reconfiguring some channels into the common societal culture, it is not a linear task. That is, it is not just a matter of “inserting” an immigrant into the common societal culture. Instead fair terms of integration needs to be informed not only by structural and systemic barriers, but also by a plurality of perspectives and lived experiences in order to make formal equality within a liberal state a real living fact for immigrants.

And furthermore, fair terms of integration conceived as immigrant multiculturalism is about how the culture of the state conditions the lives of immigrants. When we are speaking of immigrant communities, we cannot isolate culture in a vacuum. A strictly cultural approach assumes that immigrants merely

transpose their cultural practices into the receiving country. However, as I have already discussed, the lives of migrants are heavily conditioned by the large demands made on immigrants in the receiving country. This means, for instance, considering how state policies play a role in enforcing gender inequalities in immigrant communities, and more generally, how they play a role in the range and content of choices for immigrants. Family class immigration often entails the dependency of immigrant women on their husbands, which may leave immigrant women in vulnerable positions. In Canada, this is owing to the fact that spousal sponsorship means that the sponsor is financially responsible for his or her spouse, and the fact that women are disproportionately represented in the category of family class immigrants (CIC, 2007). This in turn can create problematic dynamics depending on cultural norms. Or we need to think about how the demands of linguistic competence in an official language can limit the choices immigrants in the mainstream society and even hinder integration.

The point is that nation building required to sustain a liberal political community can obfuscate or render invisible how the state's seemingly culturally neutral practices shape the terms of integration. Is liberalism equipped to deal with this issue? I think it can. The logic of integration entails a two-way street and this means we need to scrutinize the common societal culture. That is, this discourse makes apparent a larger conceptual gap when thinking about fair terms of integration in a liberal framework. While I believe that Kymlicka is on the right track insofar as he situates fair terms of integration vis-à-vis the state, Kymlicka

advocates fair terms of integration in a way that appears to leave the common societal culture largely intact.

Fair terms of integration can only be achieved if and only if integration entails actively endorsing and promoting consciousness about the meaning of equality *within the common societal culture*. Minister of State for Multiculturalism Jim Fleming understood this when he, in 1983, recommended that attention be given to "initiatives which reduce cultural tension and barriers" and that the state must make "efforts to increase the sensitivity of mainstream institutions to cultural diversity" (quoted in Hawkins, 1989, p.226). Kymlicka's formulation of fair terms of integration hinges on the liberal state to provide equal degrees of recognition to immigrants as is given to the common societal culture, i.e. the presumed majority. But if the common societal culture is constitutive of the liberal state, the task of liberalism for integration is to overcome its own structure which implies that immigrant multiculturalism cannot leave the liberal state's common societal culture unchanged. This can be read in a number of ways, one being that a more expansive common societal culture is possible where a range of cultural practices are consistent with liberal values or that the common societal culture itself is not constituted by a homogeneous set of values. This may also mean questioning and changing practices that are exclusionary through which the state appears to endorse a particular way of life over another.

Thus, integration is really about institutional openness, namely, the degree to which the state includes immigrants in the larger common society. Measures against Canadian-born individuals should not be read in terms of conformity to

normative behaviour and reflect social cohesion, but rather about the extent to which the larger common societal culture enables the participation of immigrants in a meaningful way so that they can live their lives autonomously. If immigrants then opt to live in so-called ethnic enclaves or express the cultural identity of their original homelands, then we should not see this as inconsistent with liberalism but rather a verification of it.

This is pressing. It seems to me, in light of historically discriminating and exclusionary practices that were woven into Canada as formative dimensions of nation building, the question is, how can a state that was institutionally racist and exclusionary transcend that past and become a culturally neutral and non-discriminatory state? Is it sufficient to change the procedural mechanisms such as universalizing immigration admission policy, universalizing and formalizing citizenship, or adopting constitutionalism based on the Charter of Rights and Freedom in order to create an equal society? Aiken's portrayal of constitutionalism whereby "the promise of transformative litigation remains wholly unfulfilled," (2007, p.58) suggests that such changes are insufficient. By showing that constitutionalism "[sustains] that which it claims to counteract," namely, inequalities in society, Aiken argues the judicial system is inadequate as a tool for change (2007). Instead, she concludes that "the task of forging truly antiracist immigration laws" needs to be "grounded in a fundamental transformation of individual and collective consciousness as well as social institutions" (2007, p.98). Kymlicka himself ignores the fact that Canada was founded through colonization and was

engineered as a settler colonial state (2001) and thereby forgoes this fundamental question.

Indeed, research suggests it is the larger or mainstream society that is unwilling to facilitate fair terms of integration or do not understand why a multiculturalism policy is necessary in the first place or what its purpose really is. The pervasive use of "Canadian experience" as a requisite for employment, which is discriminatory according to the *Employment Equity Act*, shows that Canadians are not entirely accommodating of immigrants (Reitz, 2001). Research done by Wang and Lo (2007) indicates that "the educational credentials of many Chinese immigrants have not been recognized, or at least have been discounted," and that "the Canadian labour market is not fully competitive, and that among other factors, economic discrimination and racism in the labour market may play a role in the underperformance of the Chinese immigrants" (p.197). Further, their research provides "clear evidence that country-specific education and skills obtained in Canada are worth more than those acquired in China and are much better recommended by Canadian employers" (Wang & Lo, 2007, p.197). And according to Wang and Lo, more than twenty years are required for Chinese immigrants to close the income gap between themselves and the general population of Canada (2007).

Given that the majority of immigrants have been coming from so-called untraditional states, i.e. non-European countries, since the 1990s, it is worthwhile to note the research concerning the experiences of visible minorities. The Ethnic Diversity Survey done by Statistics Canada reveals that discrimination is not an

uncommon experience for visible minorities in Canada. For instance, "880,000 people, or 56% of those who had sometimes or often experienced discrimination or unfair treatment because of their ethno-cultural characteristics in the past five years, said that they had experienced such treatment at work or when applying for work" (Statistics Canada, 2003). And for those visible minorities who arrived between 1991 and 2001, "29% said they felt uncomfortable or out of place in Canada some, most or all of the time." In comparison, for those who recently arrived and were not visible minorities, a smaller proportion (18%) "felt uncomfortable or out of place in Canada because of their ethno-cultural characteristics" (Statistics Canada, 2003). The survey reveals that inequalities persist within Canadian society.

Writers in mainstream Canadian media such as Andrew Potter for *Maclean's* and Margaret Wente for *The Globe and Mail* demonstrate ignorance about multiculturalism not to mention misconceptions about Canada which help to fuel and perpetuate unfounded fears about immigration. For example, Potter has written, "our current immigration policy has the effect (damaging, if you believe its critics) of undermining, not supporting, the historically dominant culture" (2006). This reasoning flies in the face of the fact that Canada has no legal obligation to support "the historically dominant culture"; however, since Canada's Anglophone common societal culture mainly derives from its history as a socially engineered British nation, Canada's nation building inevitably does. Further, there is no evidence to suggest that that Canada's common societal culture is being undermined behaviourally speaking (Li, 2003b). The significant change with

immigration alluded to by Potter and other critics of integration is of course that the majority of immigrants now come from so-called untraditional source countries, i.e. non-white, and non-English speaking and non-European states.

For Wente, multiculturalism is decontextualized from its political origins to mean what Appiah (2005) terms "liberalism on safari," which consists of a superficial looking-in on ethnic diversity like one observes relics in a museum (p.214). Multiculturalism is construed superficially by Wente as "having politicians bless Hindu temples, or paying lip service to other people's holidays and gods," and thus for her multiculturalism is about the "trappings of difference" (Wente, 2007). Such criticisms point to a host of misunderstandings about multiculturalism, not to mention historical amnesia, xenophobia and the notion that historically dominant cultures have sole legitimate claims on the state. These views gain currency and incite public fears for a variety of reasons, one being the state's reluctance to inform the public about immigration and multiculturalism, and to engage in a political discussion about integration if not the very meaning of citizenship in a liberal civic state.

One important misconception to dispel is the view that Canada is becoming more ethnically diverse. According to Li, "census data show that the degree of ethnic diversity in Canada is stable in the postwar period, when diversity is measured in terms of the segment of the population not of British and French origin" (2003b, p.125). From 1961 to 1991, Canadians of origins other than British or French made up just over a quarter of the population (Li, 2003b). The Census data of 1991 showed that 28.5% of Canada's population was of non-British, non-

French and non-Canadian origin (Li, 2003b). According to more recent data, namely, the Ethnic Diversity Survey which provides data about Canada's ethno-cultural mosaic in 2002, in terms of people aged 15 or over 19% reported European-only origins and 13% reported non-British, non-French and non-European origins (Statistics Canada, 2003). However, since this data deals only with Canada's non-Aboriginal population aged 15 years and older, as a proportion of the entire population of Canada, it is likely that Canada's ethnic diversity has remained stable relative to 1991 (Statistics Canada, 2003).

In Li's assessment, "It is not the growing number of non-white immigrants in Canadian cities that is challenging the social cohesion; rather, it is the ideological interpretation of 'race' and 'colour' as implying fundamental and undesirable differences that is seen as challenging the normative traditions of Canada" (2003b, p.129). Current CIC Minister, Jason Kenney seems to acknowledge this problem in public rhetoric. For him integration entails "a two way street [which means] we expect everyone to be responsible to Canada and for Canada to be responsible to them," and he attributes problems with integration to "our failure to give people an opportunity to integrate" (Kenney, 2009).

In Canada, the institutional structure is in place for fair terms of integration with the Multiculturalism Act, constitutionalism, and the Immigration and Refugee Protection Act 2001 which states as one of its major objectives "to promote the successful integration of permanent residents into Canada, while recognizing that integration involves mutual obligations for new immigrants and Canadian society" (Section 3(e)). What has been conspicuously absent is the political commitment

through the allocation of resources and concrete policies that engage not only immigrants but also the larger societal culture.

This analysis suggests that immigrant multiculturalism entails nation-building measures such that the integration of immigrants is not seen at odds with Canadian society, such that immigrants are included in common institutions, and such that the common societal culture is not defined by the historically dominant culture, such that there are different and equally valid narratives of what it is to be Canadian – in short, such that institutional openness is naturalized. That is, Canada, just as it has done throughout its entire history, needs to construct a new inclusive national imaginary in order to “make more palatable breaks with actual traditions or to substantiate politically motivated feelings of peoplehood” (Sollers, 1989, p.xiii). After all, nation building is a state invention. While from the standpoint of the receiving state, immigration is about ‘our’ political community, and therefore there is an understandable concern for political, economic and social stability, we must also recognize that immigration is a choice or collective decision on the part of the state.

We must revisit the original terms of liberal discourse, namely, a social voluntary contract that justifies the coercion of the state that situates the framework in the context of political identities and not national identities. This may begin by asking, what terms of membership are necessary so that immigrants can coexist as equal and autonomous members? This is the only legitimate framework for a liberal state. In the context of cultural pluralism, it is apparent that formal rights alone are insufficient; the state must play a role in shaping its institutions and the

common societal culture that is ultimately responsible for the inner-workings of the state so that integration is realized.

A second problem with Kymlicka's immigrant multiculturalism is that it can lend itself to precisely what it attempts to overcome. As a vehicle for inclusion, immigrant multiculturalism can still place the gaze on immigrants and sidestep the question of state responsibility by asking, how well can *immigrants* satisfy fair terms of integration? Inclusion can still be interpreted as requiring conformity. For example, concerning language requirements, the state can "offload" the requirements onto the immigrant as a condition for admission, which is what the Immigration and Refugee Protection Act does by stating in the Regulations that admission criteria for the Federal Skilled Worker Class is based on official language knowledge (Section 76(1), Immigration and Refugee Protection Regulations). Canada's immigration policy also does this by imposing processing and Right of Landing fees on immigrants to offset settlement costs and by requiring immigrants who do not have arranged employment to demonstrate they have sufficient funds to support themselves and their dependents in order to be admitted as a permanent resident (CIC, *Immigrating to Canada*). Canada seems to be moving further in this direction with its emphasis on "pre-integration" strategies. (Conservatives order rewrite of 'insipid' citizenship guidebook). While this is not necessarily an un-liberal move, given the context of source countries it is highly questionable if this will have much effect on integration. Fair terms of integration require an assessment of the needs of immigrants in light of the actual conditions in Canadian society rather than a normative vision of what integration ought to look

like. That is, the approach of pre-integration strategies may be a worthwhile endeavour, but it should not act as a substitute for fair terms of integration within Canada; it does not change the fact that immigrants still have to live their lives out in Canada and that efforts need to be made by the common societal culture to create conditions of equality in order to ensure fair terms of integration.

Where does this discussion leave liberal discourse on integration? Since nation building and integration go hand in hand, this discussion points to the need for the state to play a fundamental and active role in integration by providing conditions so that immigrants are equally able to exercise their autonomy as citizens can. This entails not a one-sided a priori definition of integration but rather engaging with the actual circumstances of immigrants within Canada. If the state sits silent on or itself engages in exclusionary practices, it implicitly condones such practices in the larger society. This discussion also points to the need to account for how the state can be motivated to create equal conditions for immigrants and what accountability structures will ensure the state actually does. Kymlicka places the onus on the state to provide fair terms of integration but he leaves us without a concrete mechanism to measure and ensure state responsibility let alone guidance on how to deal with the complexity at hand.

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