Remarks of the Right Honourable Beverley McLachlin, P.C.
Globalization, Identity and Citizenship
October 26, 2004

Thank you very much for this kind introduction. It is a great privilege to be able to say a few words here this evening. I have always been struck by the willingness of Canada's senior public servants to contribute to discussions on the most difficult questions relating to governance, and the subject you have adopted for your deliberations is indeed one of the most significant issues for Canadian society. The theme of identity and citizenship within a pluralistic society is of immense significance to me. It seems I have been in some way reflecting on it or reacting to it, all of my life. I am grateful for the invitation to reflect on it once more, and I hope I can contribute to your deliberations in some concrete manner.

My message today is simple and, I hope, not too idealistic. It is this: the encounter of difference that comes with globalization is an occasion for citizens to recognize their shared humanity and their shared values. Of course, the encounter of difference can be unsettling. It can lead to negative, even destructive behaviour. But it does not have to do so. Encountering difference can be a positive experience. And among the many pluralistic communities around the world, Canada emerges as the one with the greatest capacity to lead others in recognizing diversity as a blessing, and an opportunity. The challenge of governance, your challenge as decision-makers, is to spell out what has made Canada such a successful pluralistic country, to continue those practices and ultimately to share that wisdom with those on this planet who are most in need of your insight.

Over the next few days, you will explore different aspects of globalization, identity, citizenship, and diversity. I think it is helpful to consider those concepts, not in abstract terms, but in the many on-the-ground ways in which those ideas are made real to us.

Let me begin with "globalization", which is an over-used and ambiguous word. For the purposes of my remarks tonight, I am not referring to globalization primarily as an economic phenomenon. As you know, whether globalization in this sense is a positive or a negative force is a matter of great controversy. Some people argue that cross-border liberalization of trade has promoted sustained economic development in more and more countries, reduced world poverty and narrowed the gap between the rich and the poor.[1] Many think there is a close link

between higher levels of cross-border personal and economic interaction, on the one hand, and good things such as higher life expectancy, lower infant mortality rates, women's well-being, and submission to the rule of law, on the other hand.[2] On the other side of the debate are those who dispute these studies and conclusions and who argue that increased international cultural and economic exchanges benefit primarily the developed world, and jeopardize each nation's potential for social reform and solidarity. My purpose tonight is not to weigh in on this controversy, important as it is. My purpose is the more modest one of exploring the impact of globalization on diversity and the quest for identity. I would like to reflect on the impact of the accelerated movement of communications, goods, ideas and people on how we define our selves, and how we relate to others.

I begin with a paradox – a paradox that lies at the heart of globalization. We all feel, in our daily lives, the presence of global forces. The world is made present to us at every turn, through laptop computers, satellite television, cross-border travel, and cellular phones. These and a hundred like phenomena bring the world to us daily, and impinge on what we do and how we think. But here is the paradox: The more we find our lives determined by global forces and confronted with difference, the more we find ourselves driven inward to affirm our roots in our local communities. The more we become members of a global community, the more we insist on our local identity, and cherish the ties that bind us to smaller groups – a shared language, shared traditions and culture, or a common history. The global world is large and frightening, and offers scant affirmation of who we are as individuals. So it drives us back on ourselves and those about us who share our roots and values.

In the paradox I describe, globalization has raised the stakes and the prevalence of identity claims, and our global identity now competes with our local identity. This is a conundrum that has a negative and a positive side. This duality is captured by Rabbi Michael Lerner, who suggests that there is a constant struggle within our selves. In this struggle, he says, the negative tendency to view "the world from the standpoint of fear and cruelty" competes with the positive tendency to see it "from the standpoint of love and generosity". The negative inclination to defend ourselves from the threatening "other" competes with the belief that "our best defence is to build co-operative relationships with others." [3] This struggle between the positive and negative encounter of difference is an aspect of our daily lives in local neighbourhoods and urban areas everywhere in this country.

Canada has now become a land of welcome, a pluralistic and multi-ethnic society. The statistics speak for themselves. One Canadian in five was born in another country. In some urban centres, like Toronto and Vancouver, nearly half the population are first-generation immigrants. The percentage of Canadians belonging to visible minorities has tripled in 20 years.

Once, not so long ago, the vast majority of people finished their lives where they were born. No longer. Everywhere in our globalized world, people are on the move. And as the pace of demographic change accelerates, so people find themselves living in countries and communities quite different from those to which they were born.

The result is all around us; we all belong to culturally diverse communities. We are told that this diversity is a blessing. But let us face the truth. The influx of new faces is not always a welcome development in the eyes of the hosts.

I was at Pier 21 in Halifax, last week, in the Immigration building that saw over 1 million new Canadians set foot on the shores of their adoptive country in the first half of the 20th Century. One of the exhibits there bears these words: "A Canadian is an immigrant with seniority". Indeed, with the exception of our First Nations, we are all the sons and daughters of immigrants. But this, we quickly forget.

Those who have been here for generations sometimes find themselves disconcerted and frightened by the transformations of their environment. Where – they ask, as they pass faces of different colours on the street and hear words around them that they cannot understand – where has my community gone? They feel that they are losing their bearings, that their way of life is in jeopardy, that they are foreigners in "their own communities". We may dismiss this as racism. But we should not be too quick to condemn. Beneath this sentiment lies fear. Good hearted and well-meaning people – people who embrace the ideals of equality and inclusion – may nevertheless find themselves disoriented in the face of deep transformations of their community.

At the same time, the newcomers inevitably harbour feelings of alienation of their own. Many have left difficult or oppressive circumstances to come to Canada. Their expectations and dreams of a simpler, happier, more prosperous life may not be immediately realized here. They may encounter obstacles. They, even more than the people already in place now, feel themselves surrounded by incomprehensible and uncomprehending people. Rightly or wrongly, they may

feel unwelcome. They might worry about their children losing their cultural roots.

This returns us to the paradox of globalization of which mass population movement is an offspring. One common reaction to diversity, whether for newcomers or settled populations, is to cling more closely to their particular sub-national community. Differences are magnified. Everyone's ties to the larger polity become more difficult to manage. In the worst case scenario, cultural pluralism escalates into intolerance and ethnic violence.

How can this type of conflict be averted?

How have we, in Canada, avoided its worst excesses?

I think we have done so by fostering the belief that diversity is a blessing not a predicament. The increased presence of difference in our lives has brought us to recognize the commonality of larger values – values that unite us and bind us together as human beings, without overwhelming our distinctive identities.
What is the shape of this common space?

I begin with shared values. I admit that in this day and age, it is not easy to make the case that we share anything as citizens and human beings. Nevertheless, I believe we do. So let me start small, and focus on Canada for a moment, before I turn to the international stage.

It is no doubt true that given the presence of such diverse geographical, ethnic, cultural and religious communities within Canada, it is unlikely that we are in agreement on the difficult moral and political issues that confront us today.

To liberal theorists, this is not surprising. Some have suggested that a liberal democratic state is a place "where many people come together to disagree about everything". Our institutions, they say, don't just tolerate disagreement, they are designed to foster it.[4]

While we may find no consensus on values and conceptions of the good in the narrow sense, the reality is that we hold much in common as human beings. Searching for this commonality brings us to share deeper values, basic principles which should govern our interaction no matter what.

Hence, we believe in the inherent dignity and equality of all human beings.

We believe in the principle that the state should recognize the equal freedom of all citizens, and that it should remain neutral as to their conceptions of the good.

We believe in the principle that citizens should have equal access to political participation, and equal access to goods and benefits under the law.

We believe that different people can live together, through respect and accommodation.

We believe that society should care for those less advantaged among us.

We believe that no one should be denied the essentials of a life of dignity – basic education, basic food and housing, health care.

We believe in democracy, the rule of law, and justice, not just for the few, but for everyone.

We express these shared principles and beliefs through a variety of institutions of government and civil society. Many of you here tonight work through the institutions and programs of government whose goal, at its most basic, is simply to further these values that form the foundation of our society and nation. Many of you also work through community institutions to foster these goals. In working to foster these goals, we are furthering and upholding what is best about our country. When we lapse, when we forget these goals, we betray what is best about our county.

Every public servant, every court official or judge, helps create a common space that we can share, a space where we come together as human beings and fellow citizens, all without overwhelming our distinctive identities. The particular corners of that common space each of us creates varies with our calling and our work. But whatever our particular corner, we create this space in a distinctive, Canadian way, as I will argue in a moment.

Let me talk for a moment about the space I work in – the legal system – to illustrate what I mean. The law stands for fair treatment, justice, and the exercise of governmental power in accordance with rules and the principle of transparency. To this basic endowment we added in 1982, the *Charter of Rights and Freedoms*. The *Charter* expanded the common space the common law and the *Code Civil* had created. It did this by casting in constitutional form some of the deepest values that we share as a people. The right to participate in the

democratic process. Freedom of expression. Freedom of religion. Liberty, in the face of state action and arrest. Equality. French and English linguistic rights. Aboriginal rights. And more.

Let me be specific about the meaning of a *Charter* as common space. I don't mean to suggest that the consensus over the broad principles embodied in the *Charter* provides easy solutions to all the moral and political dilemmas that we face. In a text such as the *Charter*, we agree on the principles, but we leave their application to concrete instances to be worked out through the Courts and public debate. There remains much work to be done to unpack the different layers of our *Charter* rights, and no doubt there will be many occasions for disagreement on this terrain. But through this process, case by case, we define and reinforce the common space that unites us as citizens. Most of you are not judges. But the same process applies. Through your workplace decisions, through your creative ideas and energetic execution, you, in your own way, help define the Canadian common space.

That's the micro-level-act-by-act, day-to-day nation reinforcement and building. But there's a macro level too. Eventually our quotidian acts create structure or a pattern that attains a transcendent meaning. Good governance, an effective civil service itself becomes a symbol of what is best about our county – a symbol to which citizens can relate and in which they can take pride. This has happened with the *Charter*. The *Charter* has acquired a symbolic role which transcends its application to particular disputes. Admittedly, there is still racism and intolerance in Canada. But the *Charter* has become an icon, and permeated public space. The principles it embodies are now part of our shared discourse. Respect for the inherent dignity and equality of human beings, tolerance of difference, and democratic freedoms are part of the social fabric of Canada, a shared identity within which we transcend our conflicting identities.

I have been arguing that the goal of our work – whether we be judges or civil servants – is to create and foster a common space within which Canadians can come together in a distinctive, Canadian way. The space we have created and continue to create is not an American space, nor a European space. It is our space, a Canadian space, shaped by our own history and experience.

The distinctive expression of the fundamental values we support in this way in Canada is related to our country's political culture and to its history. Canadian constitutionalism is necessarily different from, to give two examples, French or American constitutionalism. Canadian public discourse is different from French

public discourse, which is strongly coloured by a republicanism that is foreign to us. It is also distinct from American public discourse, which embraces both individualism, and societal and political values that are often different from ours. Thus, Canadian values have their own flavour. To give but one example, unlike the constitutional documents of several other countries, the *Canadian Charter* asserts rights that reinforce collective interests, such as the protection of minority languages or Aboriginal rights, and introduces communities into the sphere of fundamental rights.

Our common national space has changed since four colonies united in 1867. Yet founding myths such as the pact between two nations, and the early cooperation between the European settlers and aboriginal peoples still play a role, as historical foundations of an ethic of tolerance and respect for difference in Canada. These memories and founding myths are among the sources of our country's identity and of basic values embodied in the Canadian *Charter* – values such as the significance of group identity in self-definition, and the consequential importance of the protection of minorities and difference.

We have achieved a common national space, a space that reflects our history and our shared values. But it has not been easy. Our shared history is not one of continuous bliss and harmonious interaction between diverse groups. Viewed from the perspective of Aboriginal peoples, ethnic minorities, disabled people or women, it is a history marked by profound mistakes. Despite the dark chapters of our history, an ethic of respect and inclusion has been part of Canada's fabric from its beginnings. Canadian history is replete with the efforts of men and women who sought to define their identity in terms that included the other.

I believe that this distinctively Canadian ethic of inclusion and tolerance, this distinctively Canadian definition of self and of citizenship is what continues to help us overcome the feelings of loss and alienation that can readily emerge in communities transformed by immigration. In Canadian terms, individual identity is a multi-layered thing. The values of inclusion and tolerance expressed in what I have called our common national space do not establish a constellation of mutually exclusive communities, each isolated from the other. Rather, our history is the story of citizens who belong to multiple communities at once. We all share membership in communities that accept the possibility of multiple allegiances. The presence of others, even many others, who are different from me does not require me to abandon what I hold dear. I can be French-speaking and Canadian. I can be Haida, Aboriginal and Canadian. I can be Métis, from Toronto, and Canadian. I can be Muslim, Christian or Jewish, a Quebecker, and

still Canadian. Our history is the story of citizens who struggle with the different layers of their identities, and somehow manage to reconcile their overlapping commitments.

In that sense, part of the solution to the predicament of difference, at least in Canada, lies in the recognition that diversity is not a phenomenon that is external to our selves, something that is around us. Diversity is within each of us, not just around us. The distinctively Canadian formulation of the principle of equal respect and dignity of each individual is one which neither obliterates nor glorifies difference. Rather, we think of equality as the natural by-product of the ties that bind each of us to multiple groups, from the family to human kind.

This recognition of the intrinsic diversity of all Canadians provides an avenue for sustainable public discourse within a political community marked by cultural pluralism. In terms of governance, in terms that matter to you as public servants, the task is to uphold communities and institutions where the overlapping commitments of participants are fostered. In a country of diversity, successful communities are those that serve both as refuge and as springboard – those communities that are the “anchor for self-identification and the safety of effortless secure belonging” , but also the catalyst of broader civic duties to larger communities. Much like a family, successful communities and institutions should push us to encounter the world, while remaining shelters of comfort and warmth.

I have to this point been speaking of Canada’s shared values, and of the typically Canadian way in which those values have created our own world view, our own space, and in so doing have contributed to overcoming the anxiety resulting from cultural pluralism. I will now turn to the global perspective. How can these Canadian values permit us to act on the international stage? Can the Canadian experience of diversity serve to counter the most violent manifestations of rejection of others at the global level?

I think it can.

Regardless of the debates we may have over the concrete dimensions of notions such as equality, tolerance and democratic freedoms, the continued effort to give them shape, the very existence of an international dialogue over the meaning of rights, is the best antidote to the woes of the world, including the poison of terrorism.

In his latest book, *The Lesser Evil*, Michael Ignatieff points out that the threat of terrorism "targets our political identity as free peoples". It undermines the trust that we have in one another, and the trust that we put in our governments. It aims for the disintegration of our institutions and social fabric. In the end, says Ignatieff, in the face of this terrible threat, all we really have is our political identity itself. Our most valuable resource, our most powerful weapon, is our commitment to open democratic institutions, and to the rule of law which ensures equality and respect for the dignity of each human being. While the fight against terrorism may force us to give unprecedented power to our rulers, that power must remain subject to the scrutiny of the law, and consistent with our most fundamental values, the shared principles that capture our essential humanity. We must seek a proper balance between the weapons we need to fight mass casualty terrorism, and the liberty we need to pursue happiness.

Canada shares with other democratic nations the responsibility to find this proper balance, and to articulate it. It shares with other democratic nations the responsibility to uphold fundamental human rights as a common space where humanity comes together. But on the world scene, Canada also bears a special responsibility, one that takes us beyond the battle against global terrorism. In a world overcome by ethnic and racial violence, Canada bears a special responsibility to uphold its distinctive experience of pluralism, tolerance and respect, as an example that the encounter of difference need not be brutal or violent. The story of the peaceful, democratic co-existence of our different communities can be made meaningful to others. Canada has no colonial past, and global strategic plan, and is not a threat to anyone. For this reason, it can be a model. And in my experience, when Canadians speak of the institutions that foster tolerance, inclusion, and respect for human rights, many around the world are willing to listen. We must continue to speak, and we must continue to be heard.

All of this places on your shoulders, as senior civil servants, an important responsibility to articulate the distinctively Canadian discourse of human rights, and to foster its continued vitality on the national scene, and its continued relevance on the international scene. This is hard work. But I can think of no one who is better equipped to meet this challenge than those who are assembled here tonight, the heirs and trustees of a long tradition of distinguished public service in Canada and abroad. I wish you the best in your deliberations over the next two days.

Thank you.

Notes

1. C. Patten, "Globalization and the Law", 2004 *E.H.R.L.R.* 6.

2. Foreign Policy, March/April 2004. See also Patten, *supra*, note 1, at p. 7.

3. Michael Lerner, "A Resurrection for All", *Globe and Mail*, February 28, 2004, page A21.

4. Joseph Heath, Mannion Lecture 2003.