Tugging the Loose Thread of Canada's Political Tapestry: Addressing Settler-Colonial Realities of Multiculturalism and Secularism Within a Bilingual Framework

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Abstract

Canadian discourses of inclusion and multiculturalism struggle to reckon with the nation's violent history and ongoing injustices, demanding a confrontation with Canada's self-image. While Canada prides itself on being a multicultural forerunner, understanding its ties to settler-colonialism is crucial due to its continued dispossession of Indigenous peoples. The multicultural narrative often overlooks its political complexities, particularly in relation to Québec's cultural identity, and the interconnectedness between bilingualism and multiculturalism is often ignored. This study examines how culture, nation, secularism, and religion are understood within relevant policies and legal cases, revealing their settler-colonial roots. Analysis shows how interpretations of these documents reinforce social divisions, Indigenous oppression, and a decontextualized Canadian identity. By revealing the settler-colonial roots of Canadian legislation, this research exposes hidden power dynamics and structural injustices within multiculturalism. Correcting this oversight is essential to situate the national narrative within its historical context and to align it with Canada's stated values.

Keywords: belonging, bilingualism, bi-nationalism, Canadian policy, citizenship, cultural homogeneity, Eurochristianity, Indigenous rights, multiculturalism, national identity, political recognition, power dynamics, religious freedom, secularism, settler-colonialism, settler-nationalism, state neutrality

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INTRODUCTION

Navigating the Narratives

Canadian discourses of inclusion and multiculturalism make coming to terms with the country's brutal past and present settler-colonial violence difficult; it requires Canadians to confront the precarity of the story Canada tells itself – about itself. The impact of settler-colonialism[1] on Canadian multicultural policies and institutions has been subject to ongoing debate. Canada's settler legacy has established complex power dynamics between the Indigenous peoples and the government, which has shaped the way multiculturalism has been implemented both at a legislative and community level. On the one hand, this country is celebrated for its federal policy of multiculturalism. However, considering the ways in which this policy has been shaped by settler-colonialism is essential since it continues to perpetuate the subjugation of Indigenous peoples and the dispossession of their lands to this day. On the other hand, Canada boasts and celebrates what Himani Bannerji (2000) terms its "difference-studded unity" with very little (if any) consideration for how the multicultural mosaic "becomes an ideological sleight of hand pitted against Québec's presumably greater cultural homogeneity" (p. 95). After more than two centuries of coexistence, the tension between the Québécois and the rest of Anglo-dominated Canada remains unstable and unresolved – reminiscent of the rivalry between the British and French colonial powers.

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[1] In *Mohawk Interruptus,* Audra Simpson (2014) draws on the work of Patrick Wolfe for a comprehensive description of settler-colonialism.

> He argues that settler colonialism is defined by a territorial project – the accumulation of land – whose seemingly singular focus differentiates it from other forms of colonialism. Although the settler variety is acquisitive, unlike other colonialisms, it is not labor but territory that it seeks. Because "Indigenous" peoples are tied to the desired territories, they must be "eliminated"; in the settler-colonial model, "the settler never leaves" (1999, 2006). Their need for a permanent place to settle propels the process that Wolfe calls, starkly, "elimination." The desire for land produces "the problem" of the Indigenous life that is already living on that land. How, then, to manage that "Indian Problem," as it is known in American and Canadian administrative speak? (p. 19)

Moreover, multiculturalism and bilingualism have been cleaved apart in the public consciousness. The fact that the Official Languages Act (1969) engendered the Multiculturalism Policy (1971) – now the Canadian Multiculturalism Act (1988)[2] – has slipped through the cracks of common knowledge. Consequently, Canada's national narrative reflects a multicultural image *without* recognizing the social impacts of the federation's bi-national legal structure. The story Canada tells itself and the world does not reflect the true nature of its jurisprudence.[3] Settler-colonialism and bi-nationalism established a foundation that paved the way for today's laws and policies and aids in masking the existing power hierarchies and structural inequalities within Canadian multicultural legislation. As a result, this manufactured nature of the so-called "Canadian spirit" of "equity, inclusion, and mutual respect"[4] does not accurately consider this country's historical realities.

There exists a third position in Canada's national narrative that cannot be overlooked: the Indigenous peoples, situated uncomfortably between the "two founding races" and the "multi-cultures" of Canada.[5] Kelley & Trebilcock (1998) offer helpful terminology for this concept, articulating this organization of Canadian society as a nation with three "solitudes" – English, French, and Indigenous (p. 20).[6] What is at issue is not only that Canada blurs the line between

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[2] On October 8, 1971, Prime Minister Pierre Trudeau declared multiculturalism as an official government policy. In 1982, the policy was affirmed in section 27 of the *Canadian Charter of Rights and Freedoms*. In 1988, the policy was enshrined in law with the Canadian Multiculturalism Act (1988). Section 3 of this Act articulates the policy mandates. Chapter 1 of this research provides a deeper analysis of this policy.

[3] *Jurisprudence* generally refers to the principles behind laws, and the study or philosophy of how they are made, interpreted, and enforced.

[4] As stated on the Government webpage for Canadian Multiculturalism Day. https://www.canada.ca/en/canadian-heritage/campaigns/celebrate-canada/multiculturalism-day.html.

[5] "Two founding races" is a phrase used in the Royal Commission on Bilingualism and Biculturalism (1963-70) and is further analyzed in Chapter 1.

[6] This third position or "solitude" of the Indigenous peoples is ratified in the Constitution Act, 1982 with the distinction of Part II: Rights of the Aboriginal Peoples of Canada. This part "recognizes and affirms" existing "Aboriginal and treaty rights" as well as land claim agreements. It also pledges a "commitment to participation in constitutional

Indigenous peoples and the "multi-cultures" but also the *selectivity* with which the Canadian state upholds and applies specific laws to Indigenous issues. While the government wields multicultural policy to bring its diverse citizenry together, it selectively applies legislation designed to support the English and the French (or the settler state as a whole) to Indigenous issues.[7] As a result, this third "solitude" continues to be alienated and obscured within a state that has come to claim a "dual" (bilingual/bi-national) identity.

A clear example of this selectivity is how Canada uses "state neutrality" discourse (or secularism as a state project) to constrain the diversity of religious expression allowed within the scope of multiculturalism. While this discourse impacts everyone within Canadian borders, the scope of this research focuses on the Eurochristian and settler-colonial framework of Canada's bi-national or "dual" identity and the legislative impacts on the Indigenous population. Despite the zealous promotion of religious diversity and plurality within Canadian multiculturalism, secularism – as it functions in this country – serves to segregate non-Eurochristian religious expressions from the public sphere. Meanwhile, Eurochristian practices are framed as "culture" and "heritage" and persist in that space. This discordance casts a critical light on the intricacies and nuance of religious dynamics within Canadian multiculturalism and secularism. Through a critical analysis of select legal documents and court cases within their historical contexts, this research identifies how Canada's Eurochristian and settler-colonial framework inhibits the chances of achieving "equity, inclusion, and mutual respect" amongst the distinct cultural and national groups that reside within these borders. Current manifestations of political multiculturalism and "diversity management" strategies block the structural and systemic changes required to push Canada to fulfill its stated values. For this reason, it is essential to maintain an awareness of the

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conference" with Indigenous peoples if any future amendments impact their provisions in the Constitution Act, 1982 (s. 35 [1], s. 35.1). This will be expounded upon in future chapters.

[7] See *R. v. Van Der Peet* (1996) for an example of settler-colonial restrictions regarding the *existence* of Indigenous rights.

settler-colonial foundation of Canada's legislative duality if we are to understand how the power hierarchy of White settler-nationalism continues to shape Canadian society.

Following the introduction, this thesis is organized into three main chapters exploring foundational concepts in Canadian politics – multiculturalism, settler-colonialism, bilingualism, political recognition, and secularism – through the lenses of political theory and legal hermeneutics.[8] By considering the perspectives offered by legal documents, court judgements, and scholarship, this approach allows us to pinpoint areas were settler-colonialism emerges in parallel with government promises of Indigenous recognition. Chapter 1 examines key government documents that characterize the re-engineering of Canadian identity into the "dual essence" of English and French settler-colonialism. Chapter 2 considers the philosophical boundaries and practical implications of state-led multiculturalism and political recognition while challenging common understandings of "diversity management" strategies within the settler-colonial context. Chapter 3 brings to light how secularism, under the guise of "state neutrality", can obscure the persisting influence of Eurochristianity in legal interpretations – especially regarding religious freedom. This, in turn, complicates the landscape of multiculturalism and political recognition within the settler-colonial context. Together, the concepts covered in these chapters make up the current narratives of Canadian national identity.

Methodology: Reading Between the Lines

This research critically analyzes Canada's national narrative through an examination of multicultural policy documents and a close reading of court cases concerning religious freedom and Indigenous rights in order to reveal their settler-colonial biases. It draws on various political theorists whose diverse backgrounds and specialties contribute to the range of perspectives

[8] *Hermeneutics* is defined in the Merriam-Webster dictionary as "a method or principle of interpretation". In the context of this research, it refers to the analytic lens used to study the *interpretation* of Canadian laws and legal discourses.

necessary for this conversation. This research engages legal documents such as the Report of the Royal Commission on Bilingualism and Biculturalism (1963-70),[9] the Official Languages Act (1969), and the Multiculturalism Policy (1971)/Canadian Multiculturalism Act (1988) to ground its theoretical framework and analysis. Since the Canadian government employs a Eurochristian framework of interpretation to court cases concerning religion and secularism (as seen in instances such as *Mouvement Laïque Québécois v. Saguenay* (2015), Bill 21: *An Act Respecting the Laicity of the State* (2019), and *Ktunaxa Nation v. British Columbia* (2017)),[10] state-led multiculturalism and Canadian conceptions of "religious freedom" can intentionally and/or inadvertently perpetuate social divisions and Indigenous dispossession. With support from theoretical texts and secondary literature, this research also underscores the influences involved in reinforcing the re-engineered, decontextualized version of Canadian identity and nationhood.

Canadian governance strategies instigate social divisions (*particularly* among the Indigenous peoples) by leveraging British and French settler-colonial definitions of identity, culture, religion, and nationhood. By employing policy and legal analysis, this research positions the collected data firmly within the larger project of settler-nationalism. It creates a comprehensive research structure that identifies whether and to what extent to affirm or resist existing multicultural discourses and practices. After all, the "meaning and application of multiculturalism vary depending on who initiates it, on what theoretical and practical grounds, and why" (Bannerji, 2000, p. 125). This project exposes the ideological gap between what Canada says and what Canada does. Ultimately, the goal is to know what it means to read Canada's political practices within the realities of Canadian settler-colonialism and to understand the consequences of federalized multiculturalism within a bilingual framework.

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[9] The Report was released in six books: Book I: The Official Languages (1967), Book II: Education (1968), Book III: The Work World – volumes 3A and 3B (1969), Book IV: The Cultural Contribution of the Other Ethnic Groups (1969), Book V: The Federal Capital and Book VI: Voluntary Associations (1970). This research draws on Books I, III, and IV.

[10] *Mouvement Laïque Québécois v. Saguenay (City)*, [2015] 2 SCR 3.
Ktunaxa Nation v. British Columbia (Forests, Lands and Natural Resource Operations), [2017] 2 SCR 386.
Bill 21, *An Act Respecting the Laicity of the State*, SQ 2019, c 12.

Research Objectives and Questions: Decoding Canada

This thesis answers the following questions: (1) What impact has settler-colonialism had on the construction and implementation of Canadian multiculturalism, and (2) How do present-day power dynamics between the government and the Indigenous population represent the persistence of this settler-colonial legacy? Settler-colonialism has shaped the foundations of Canadian society, including its policies and institutions. The Canadian Multiculturalism Act (1988) – a core document of Canadian legislation – is targeted toward managing ethnocultural diversity. While there is an abundance of research regarding the impact of multiculturalism on racialized immigrants in Canada, this research examines the Eurochristian and settler-colonial dimensions of Canadian multiculturalism. Central to this investigation are the ways in which this policy subsumes Indigenous legal claims within multicultural ones. Today's jurisprudence makes space for Canadian multiculturalism discourse to obscure the continued oppression, marginalization, and forced assimilation of Indigenous peoples. It also conceals the denial of their rights to self-government and self-determination, the dispossession of their lands and resources, and the erasure of their cultures and languages. By relegating the Indigenous presence, realities, and histories to a level akin to the "multi-cultures", the Canadian government can absolve itself from much accountability for the persistent repercussions of settler-colonial violence. Consequently, this research serves as an initial step toward challenging the settler-colonial systems and structures that survive and thrive within Canadian jurisprudence to this day.

The legacy of settler-colonialism has created complex power dynamics that filter through legislation and impact all those living within Canadian borders. In recent years, there have been efforts to address this power dynamic, including the Truth and Reconciliation Commission of Canada (2015) and the United Nations Declaration on the Rights of Indigenous Peoples (2007), which Canada assumed and converted into an Act in 2021. Nevertheless, a close reading and critical analysis of core documents, select court cases, and relevant secondary scholarship can expose the inherent link between Canada's Constitution and national narrative and the legacy of settler-colonialism. In 1971, Canada became the first country in the world to adopt a policy of multiculturalism. Almost forty years later, an Ipsos-Reid survey found that "84% of Canadians agree. . . with the statement that 'Canada's multicultural makeup is one of the best things about

this country'" (Soroka & Roberton, 2010, p. 3).[11] Canadians generally accept multiculturalism as the promotion of social inclusion and the celebration of diversity. However, for centuries (before and after the policy was established), the actions of the government towards the Indigenous population have not aligned with this narrative. The state has sought complete control over Indigenous lands, resources, identity, and cultural expressions through the Indian Act (1985), the residential school system, and the Sixties Scoop – to name a few examples. Simply put, the Official Languages Act (1969) and Multiculturalism Policy (1971) were able to completely flip the story Canada tells itself and the world about itself. There is still much to be done to address the ongoing influences of settler-colonialism in this country and to foster a more equitable and just relationship with the Indigenous population. If the government's goal is forging a path toward genuine reconciliation, it is imperative to dismantle the tendrils of settler-colonialism that linger within Canadian jurisprudence.

Literature Review

Gaps in Existing Literature

While there is an established body of literature regarding colonialism, nationalism, multiculturalism, and secularism, their intersections within the Canadian context are not extensively studied. Moreover, there is currently little scholarship on the application of theory from secularism studies to Indigenous legal cases and political and identity issues in Canada. The consequences of multiculturalism within a bilingual framework show up in discussions around secularism and religious freedom, as these topics clearly demonstrate settler-colonial jurisprudence as it is perpetuated through Canada's federal bilingualism initiatives. This research highlights where settler-colonialism and Eurochristianity appear in analyses of multiculturalism, bilingualism, political recognition, and secularism. The study's interdisciplinary nature considers

[11] See Soroka & Roberton (2010) for an exhaustive literature review of public opinion research on the topic of multiculturalism and immigration in Canada.

the interconnectedness of these issues and presents a paper that evaluates the intersections existing within and between legislations and the ensuing discourses permeating Canadian society.

Rethinking Belonging: Citizenship in Settler-Colonial Societies

Settler-colonial and state-led multiculturalism is an intricate tapestry where diverse cultural identities and structures of settler-colonial governance interplay. To gain a broader perspective of citizenship and belonging in Canada, this research draws on Audra Simpson's work. While Simpson's (2014) focus is on the Mohawk people living in Kahnawà:ke (an Indigenous reserve in southwestern Québec) her work informs this research with its critique of the way in which early anthropological conceptions of "difference" set the stage for settler-colonialism's legacy to live on through legislation. The evolution of Canadian notions of "difference" is integral to its immigration history. Therefore, this research draws on Kelley & Trebilcock (1998) to contribute to the analysis of Canadian immigration and citizenship. Since the interest is in the ideas and laws that have influenced who can move to Canada over the years, Kelley & Trebilcock (1998) helps to provide a deeper understanding of the decisions and conceptions of who can be "Canadian" and how experiences of citizenship and belonging differ according to identity, origin, and religion.

Canadian conceptions of citizenship and belonging can be identified by reviewing legal documents and relevant reports. For example, the Royal Commission on Bilingualism and Biculturalism (1963-70) (nicknamed the B & B Commission) documents a central way Canada has been able to shift its standards of belonging from ethnic and racial preferences to a focus on language and culture. The general goal of the B & B Commission's six-book report was to push the principle of equality between English-speaking and French-speaking Canadians while encouraging cultural awareness and cooperation within the country. The B & B Commission is integral to any analysis of the 1960s-70s re-engineering of Canadian identity. The bilingual framework of multiculturalism that we have today is a direct result of the Commission's findings. The results led to the passing of the Official Languages Act (1969), which established English and French as Canada's two federally recognized languages and promoted both in government services and institutions. This research draws heavily on the Official Languages Act (1969) because it

provided the legal basis for successfully (re)shaping Canada's new "dual essence" identity. The settler-colonial influence of the conquering nations was cemented into the national narrative right before the concept of uniform equality (as a multiculturalism policy without this "dual essence" would promote) would diminish the French province of the Canadian federation from "nation" to just another linguistic minority.[12] Thus, the Official Languages Act (1969) is fundamental to settler-colonial governmentality as it upholds the notion of the English and French as co-conquerors and "founding nations" of Canada.

Navigating Recognition Politics in Settler-Colonial Contexts

In exploring the multifaceted landscape of Canadian multiculturalism, the politics of recognition inevitably arises as a critical lens through which it is possible to identify settler-colonial frameworks of identification practices. This research draws on works by Glen Coulthard (2014) and Coulthard & Simpson (2016) – both of which advocate for a reassessment of Indigenous cultural practices based on self-recognition. Current trends of reconciliation between the Canadian government and the Indigenous peoples will not fix existing issues of oppression and dispossession. As Coulthard (2014) argues, "colonial power relations in Canada [have shifted] to a form of colonial governance that works through the medium of state recognition and accommodation" (p. 25). Despite this shift, Canadian settler-colonialism continues to be "structurally oriented around achieving the same power effect it sought in the pre-1969 period: the dispossession of Indigenous peoples of their lands and self-determining authority" (p. 25). This research draws on Coulthard's critique that not only does the very concept of political recognition

[12] The Québécois refuse to accept a mere linguistic minority status because even though Canadians show strong support for diversity and multiculturalism in general, this sentiment "is not similarly reflected in the results of questions focusing specifically on minority rights. While one might expect that positive views of Canada's multicultural makeup would lead to an emphasis on protecting the rights of minorities, in fact, most Canadians reject special rights for minority groups, preferring equal treatment for all" (Soroka & Roberton, 2010, p. 19). For this reason, among others, the Québécois' identity as a French nation necessarily requires special rights relative to the other provinces of the Canadian federation.

fail to make up for the harm caused by settler-colonialism, but instead continues to perpetuate it within Indigenous communities.

While the scope of this research is narrowed to a focus on settler-colonialism in secular and multicultural jurisprudence, it still must consider that many other marginalized groups struggle for political recognition. Thus, this research also engages with Himani Bannerji (2000) for insight into issues of colonialism, gender, class, and race within the Canadian context. Bannerji's (2000) critical analysis of the impact of colonial history on contemporary Canadian society supports this research in various ways. Most important is her exploration of the function of multiculturalism and the "politics of difference" as they play out in the experiences of non-White people within Canada's political economy and ideology.

Canada is a fascinating example of political recognition because it is a country that includes more than one nation within its borders (Quebeckers and Indigenous peoples).[13] Charles Taylor (1994), one of Canada's most well-known political philosophers, confronts a central question to recognition politics: whether there is space within liberal democratic societies for equal rights and different identities to coexist. For Taylor (1994), identity is not developed in complete independence from other people but rather in dialogue with them. In this view, political recognition is critical for personal identity. Thus, incorporating Taylor (1994) into this research allows for a deeper understanding of how multiculturalism functions as a state project of "difference management" *and* a national identity.

Like Taylor (1994), Will Kymlicka (1998) is another of Canada's most well-known political philosophers specializing in multiculturalism. This research leans into Kymlicka's (1998) theories on nationalism, federalism, and English-French relations in Canada. For him, the strained Québec-Canada relationship is not solely the responsibility of Quebeckers' political identity pushing the limits of federalism. Kymlicka (1998) argues that English-speaking Canadians (or Canadians

[13] In this research, the term "Quebecker" refers to anyone living in Québec, while "Québécois" specifically refers to the French-speaking residents of Québec. While some cited sources may not adhere to this distinction, it does not alter the message of this study.

outside Québec) have developed a strong, pan-Canadian political identity that also pushes federalism's limits. For Kymlicka (1998), when English-speaking Canadians desire to act as a unified (political) community, they must do so through the federal government (p. 162). However, this challenges the provincial autonomy that allows for the Québécois to express their unique national identity. For this reason, this research considers Kymlicka (1998) in its analyses of bi-national and multi-national federations.

The insights of these scholars help us gain a deeper understanding of how complex personal and political identities are within the context of Canada. An examination of recognition politics within state-led multiculturalism reveals how deeply rooted settler-colonial frameworks are despite the continued efforts at reconciliation.

Ontological Dilemmas Around Religious Freedom

Navigating the intricate terrain of ontological[14] conflicts in Canada is a delicate dance. By delving into the intersections of multiculturalism and bilingualism, secularism and political recognition, and Eurochristianity and “religious freedom”, this research looks at the tensions that arise when diverse worldviews appear and collide in the realms of individual beliefs and societal settler-colonial governance. For this reason, this research draws on several works by Lori Beaman to provide a deep dive into the Canadian courts’ increasingly narrow view of what constitutes “religion” and, therefore, what is worthy of legal protection (Beaman, 2002, 2012, 2017, 2020; Selby et al., 2018). These works help structure the analysis of the ontological conflicts in legislation between the Canadian state and the Indigenous peoples. Moreover, they provide invaluable insight into Euro-colonial interpretations of "difference".

[14] According to Encyclopædia Britannica, *Ontology* refers to “the philosophical study of being in general, or of what applies neutrally to everything that is real”.

In a similar vein, Bakht & Collins (2017) are also invaluable to understanding the Canadian state's perception of religion and religious freedom, especially regarding the destruction of Indigenous sacred sites. Not only do they comment on the systematic religious persecution of Indigenous peoples through legal prohibitions, but also on the connections between religious persecution and land dispossession. Bakht & Collins (2017) engage with the Supreme Court case *Ktunaxa Nation v. British Columbia* (2017) as a case study to observe the unequal regulation of religious freedom between Indigenous religious practices and Eurochristian perceptions of what religion *should* look like. Their work shows that any approval for commercial or industrial developments on Indigenous sacred sites without consent and compensation may most often be ruled unjustifiable under section 1 of the *Canadian Charter of Rights and Freedoms*.

The *Ktunaxa Nation v. British Columbia* (2017) Supreme Court case supports this research as it demonstrates the implications of thinking of religious freedom in a way that selectively prioritizes belief over practice (and practice over *meaning)*. Regarding the building of a ski resort on land that had spiritual significance to the Ktunaxa Nation in British Columbia, the Supreme Court ruled that the freedom of religion provision in the *Canadian Charter of Rights and Freedoms* covers only the Ktunaxa Nation's right to "believe" – not the *location* of the spiritual practice or the *meaning* behind the belief. This research engages this case as an example of how the Canadian state uses a Eurochristian framework to establish what religion *should* look like (what is/is not protected within the Constitution), as well as how secularism is used to selectively regulate religious practices that do not align with the Eurochristian "normal".

A clear example of hegemonic[15] Eurochristianity and selective secularism is Bill 21, a piece of Québec legislation entitled *An Act Respecting the Laicity of the State* (or *Loi Sur la Laïcité de l'État*) that was passed by Québec's National Assembly and came into effect in June 2019. Bill 21 was – and is – controversial in many ways because it forbids civil servants in positions of authority from wearing religious symbols such as head or face coverings. This research analyzes Bill 21

[15] According to the Merriam-Webster dictionary, *hegemony* refers to "the social, cultural, ideological, or economic influence exerted by a dominant group".

because it embodies the regulatory regime that privileges Eurochristian religious expression. While the law inspires many interesting discussion points, this research explores the disconnect between state secularism and community perceptions of Eurochristian symbology as culture and heritage.

The body of literature selected for this research underscores the nuance and complexity of Canada's implementation of multiculturalism. The diverse perspectives allow for a more well-rounded understanding of how settler-colonialism has affected this globally acclaimed policy. By revealing the gaps in current scholarship and identifying avenues for future research, this paper contributes to ongoing discussions on Canadian settler-colonialism and state-led multiculturalism. A critical examination of the meeting points between these topics and bilingualism, political recognition, and secularism highlights the subtleties and intricacies of the Canadian state's national identity and legal framework. The goal of this research is to underscore the interconnectedness of these topics and identify their influence on the story Canada tells itself – and the world – about itself.

Data Collection & Analysis Methods

The data collected for this research includes Canadian legal documents and scholarly texts written by a diverse selection of academics, activists, and political theorists. The legal documents and information were retrieved from online databases, including the Linked Parliamentary Data Project (Lipad), LEGISinfo, LégisQuébec, and the Canadian Legal Information Institute (CanLII). The political theory, academic, and activist texts were retrieved from a variety of online sources, including ProQuest, York Libraries, and Omni Libraries databases.

Within the discipline of Critical Discourse Studies, there is a method known as Discourse-History Analysis (DHA). DHA considers the more general historical factors, ideologies, and power relationships that shape – and are shaped by – discourse. To understand how multiculturalism discourse has been used to produce and make sense of Canadian social reality, this research will use the DHA framework to critically analyze the linguistic choices made within government

documents including select books from the Report of the Royal Commission on Bilingualism and Biculturalism (1967-70), the Official Languages Act (1969), the Canadian Multiculturalism Act (1988), and court cases such as *Saguenay* (2015), *Ktunaxa Nation* (2017) and Bill 21 (2019). Prime Minister Pierre Trudeau's multiculturalism policy announcement in the House of Commons on October 8, 1971, will also be included. The objective is to highlight the intricate interplay between language, power, and social change within the Canadian context. After all, the language used in policy has the discursive power to shape social realities and the terms of social dialogue.

Conclusion & Road Map

This research thoroughly examines legislative texts, secondary literature, and conducts a close reading of court cases. By employing policy and legal analysis to the chosen materials, the research highlights the intersections of multiculturalism, settler-colonialism, bilingualism, political recognition, and secularism. It illustrates how these connections influence the country's ongoing efforts to define its national identity.

Chapter 1 sets the stage by exploring the "dual essence" of Canada and its settler-colonial foundations. It examines the framework of French and English settler-colonialism and its influence in shaping the national narrative to this day. This chapter analyzes the Royal Commission on Bilingualism and Biculturalism (1963-70), the Official Languages Act (1969), as well as Prime Minister Trudeau's announcement speech of the Multiculturalism Policy (1971), the following debate, and the policy itself. In doing so, this chapter will demonstrate how these documents establish and perpetuate settler-colonialism through Canada's national narrative, societal norms, and subsequent government policy.

Chapter 2 shifts to a broader view, deliberating on key concepts in multiculturalism scholarship. This chapter focuses on expanding conventional understandings of multiculturalism by considering the implications and power dynamics of political recognition and diversity discourse within the context of settler-colonialism. The critical examinations made by influential political theorists regarding different facets of multiculturalism can help bring to light the

philosophical underpinnings and practical outcomes of how a multiculturalism policy can promise one thing and deliver something else. The goal is to challenge the reader to consider the restrictions and potentialities of multiculturalism in tackling issues of diversity and inclusion.

Chapter 3 dives into the concept of "state neutrality", particularly regarding state-led secularism and its regulation of religious freedom. This concept is central to Canadian conversations about multiculturalism because there is no *neutrality* in a settler-colonial state with an inherent Eurochristian bias. This chapter highlights the influence of Eurochristianity in shaping Canadian politics and scrutinizes secular-state claims to "neutrality" – especially where religious diversity and Indigeneity are involved. For it is these "neutrality" claims that often mask underlying Eurochristian biases and perpetuate settler-colonial structures.

Taken together, these chapters offer a critical analysis of the settler-colonial roots of Canada's current national narrative, the power hierarchies inherent in the concept of political recognition, and how state-led secularism can serve to further exclude the Indigenous peoples from Canadian society. These concepts are woven into the Canadian tapestry, for they influence everything from policy decisions and the framework of legal interpretations to everyday social interactions and personal identity.

CHAPTER 1

Navigating Multiculturalism: Canada as a Bi-National Federation with Three "Solitudes"

Canada's policy of multiculturalism, initially implemented at the federal level, has filtered down to provincial and municipal levels of government. On one hand, critics of the policy and/or its implementation argue that the multicultural programs we see today undermine immigrant integration and encourage ethnic separatism (Kymlicka, 1998, p. 15). On the other hand, supporters of the policy argue that these programs are consistent with Canadian political culture in their commitment to balancing individual and collective rights (p. 106). These debates bring to light the Canadian federation's fundamentally bilingual and bi-national structure. While English-speaking and French-speaking cultures occupy dominant positions within the power structure of Canadian governance, multicultural and diversity discourse relegates the Indigenous population to a marginal position within the multicultural mosaic. This general attitude towards Indigenous peoples as part of the "multi-cultures" of Canada is challenged by the fact that the Constitution Act, 1982 acknowledges them as a distinct third group, or "solitude", alongside the two conquering nations. Nevertheless, the Canadian Multiculturalism Act (1988) makes no such distinction between the Indigenous peoples and the "multi-cultures". Section 27 of the Constitution Act, 1982 states that the *Canadian Charter of Rights and Freedoms* must be interpreted through the lens of the Multiculturalism Policy (1971). This being the case, Indigenous constitutional recognition is interpreted through a lens that takes for granted a national narrative of unchallenged settler-colonial domination and uncontested legitimacy of Crown sovereignty.

This chapter begins with a general overview of the socio-legal context leading up to the establishment of Canada's Multiculturalism Policy (1971). The analysis starts shortly after World War II when Canada began choosing immigrants based on their language and culture instead of ethnicity and race. This period of time saw a rise in Québec nationalism and (to some extent) Indigenous nationalism. In response to Québec's demands, the federal government created a Commission in 1963 to promote equality between English-speaking and French-speaking Canadians. The Commission's findings ultimately led to two of the most important pieces of

legislation in Canadian history: the Official Languages Act (1963) and the Multiculturalism Policy (1971). It is around the time of these two legal documents that this research begins tracing the legacy of settler-colonialism throughout Canadian multiculturalism as we know it today.

Historical Context and Development

The "National Unity" Crisis: A Delicate Balance Of Federalism

Canadian qualifications for national belonging changed shortly after World War II, shifting from racial preferences of immigration to preferences of language and culture. After the war, the Canadian state experienced rapid changes in a variety of ways. In the 1960s and 70s, there was a distinct rise in Québec nationalism and, to a smaller extent, a resurgence of Indigenous nationalism (Kymlicka, 1998). According to Kymlicka (1998), the forms of minority nationalism Canada sees are a primary source of conflict in the country. As Simpson (2014) suggests, Québec being an "officially francophone province within a bilingual confederation and with a history of some animus toward the British and, some would say, Indigenous sovereignties, there is an uneasy participation in federalism" (p. 206). The separatist movement that spanned from the 1950s to the 70s dubbed the Quiet Revolution, instigated a period of profound social, cultural, and political transformation for Québec. The movement was characterized by the rise of Québécois nationalism, accelerated modernization and secularization, and a resistance to English Canada's political and economic hegemony. As Canada continued/s to bolster its multicultural mosaic with "Other" cultures (particularly during the post-war immigration boom), the "main problem for French Canadians [has been] in retaining their equality with English Canadians" (Bannerji, 2000, p. 100). In fact, for many Québécois, "immigration has often been perceived as an anglophone plot to overwhelm their distinctive language and culture with numbers" (Kelley & Trebilcock, 1998, p. 20). The Quiet Revolution incited the "liberation" of the Québécois in conjunction with the 1969 military action dubbed "The October Crisis". This was also a significant event in Canadian history, involving bombings, robberies, and kidnappings by the militant separatist group Le Front de

Liberation du Québec (the FLQ).[16] In response to the crisis, Prime Minister Pierre Trudeau invoked the War Measures Act, which led to the deployment of the Armed Forces. The actions of the FLQ ultimately led to the institutionalization of Québec's independence movement into the political party, Parti Québécois. From this point forward, Québec nationalism has had a figurehead.

Redesigning the Landscape of National Belonging

As the Canadian state evolved, it strengthened its nationhood through European immigration. While it had an explicit preference for White settlers, European immigrants still had to negotiate preferential hierarchies – with the British far preferred over Eastern and Southern Europeans (Triadafilopoulos, 2013, p. 90). In Canada, political discourse around multiculturalism only began in the 1960s as an attempt to defend itself against global accusations of racism. The White Paper on Canadian Immigration Policy, tabled in the House of Commons in 1966, sought to tackle the issues of race and sponsorship (Marchand, 1966). Then, the Points System was introduced a year later, restricting the sponsorship of "unskilled" and "poorly educated" immigrants and taking the heat off Canada's back for its racial and ethnic preferences. At this time, there was a need to rearticulate the existing formulation of national belonging, and through the inquiry process of a Royal Commission, "national belonging was shifted from overt racial preferences onto the terrain of language and culture to produce the Official Languages Act (1969) and – as a response to recommendations of the commission – the Multiculturalism Policy (1971)" (Haque, 2010, p. 81). The pairing of these legislations gave rise to Pierre Trudeau's linguistic and cultural policy of multiculturalism within a bilingual framework. According to Eve Haque (2010), the duality of this grouping, while it sought to calm tensions between the English and French "solitudes", also served to "erase the founding status of Indigenous peoples and render 'the Other ethnic groups' . . . as mere cultural communities peripheral to the now-acknowledged 'two founding races,' the French and English" (p. 81). Consequently, all minority residents in Canada

[16] The FLQ's mandate was to establish an independent Québec through violent means. It was considered a terrorist group by the Government of Canada.

must negotiate the systems and structures of a nation-state designed for White settler and Eurochristian national belonging.

The Royal Commission on Bilingualism and Biculturalism (1963-70)

After the war, Canada saw significant tension and disparity between the French-speaking minority and the English-speaking majority. As demands for political recognition and equality grew louder from the Québécois, the federal government (under Prime Minister Lester B. Pearson) responded with a landmark initiative entitled the Royal Commission on Bilingualism and Biculturalism (1963-70), or the B & B Commission. The Commission's report aimed to push the principle of equality between the two "solitudes" (English and French) and to encourage cultural awareness and cooperation. The ten commissioners, tasked with reporting the situation of bilingualism and biculturalism in the country, announced that they "'have been driven to the conclusion that Canada, without being fully conscious of the fact, is passing through the greatest crisis in its history'" (Fraser, 2021, p. xix). Since the primary aim of the Commission was to examine and address issues regarding the linguistic and cultural duality of Canada, its published findings set the stage for two of the most influential policies of contemporary Canadian national identity: the Official Languages Act (1969) and the Multiculturalism Policy (1971), the latter of which was established as an Act in 1988.

In large part, the B & B Commission was a reaction to the (ironically named) Quiet Revolution. Following the particularly violent unrest in the 1960s, the central government mandated the Commission to examine the federal system. As the document states, "the Commission's terms of reference charged us 'to recommend what steps should be taken to develop the Canadian Confederation on the basis of an equal partnership between the *two founding races*'" [emphasis added] (Royal Commission, 1969, p. 3). The federal initiatives during this time, including the Commission, found that Québec autonomy was less about defending provincial rights and more about "a political, economic, and social project aimed towards greater state intervention in affirming national specificity" (Gagnon & Iacovino, 2007, p. 79). In short, Québec nationalism was more a push towards having a unique culture and identity apart from Canada

outside of Québec. The Commission found that the Québécois were neither adequately represented in the economy or in decision-making positions within government, nor could they access government services or education in their own language outside of Québec. The document noted that “there was a good deal of resentment against what francophones considered to be the English-speaking monopoly of the key administrative posts" (Royal Commission, 1969, p.98). The Commission recommended that the country’s official languages be English and French – offered in government institutions and taught in schools. It also pushed the importance of respecting and protecting the cultural identities of both English and French Canadians. In fact, several (but not all) of the Commission’s recommendations were picked up by the federal government, which set in motion a drastic change to Canadian national identity.

The B & B Commission neither recognized nor gave much consideration to the Indigenous population. However, it did incorporate the 1961 census on mother tongue population distribution, which included the category “Indian and Eskimo” and its 0.9% of the population make-up (Royal Commission, 1967, p. 28-29). The terms “First Nations” and “Inuit” were not used until the late 1970s-80s. That said, there was no mandate to address issues related to Indigenous languages or their integration into Canadian society. The co-chairman of the Commission, André Laurendeau, “dealt with [the Indigenous question] clumsily in three paragraphs”: sections 21-23 (Fraser, 2021, p. xxi). He wrote,

> 21. We should point out here that the Commission will not examine the question of the Indians and the Eskimos. Our terms of reference contain no allusion to Canada's native populations. They speak of "two founding races," namely Canadians of British and French origin, and "other ethnic groups," but mention neither the Indians nor the Eskimos. Since it is obvious that these two groups do not form part of the "founding races," as the phrase is used in the terms of reference, it would logically be necessary to include them under the heading "other ethnic groups." Yet it is clear that the term "other ethnic groups" means those peoples of diverse origins who came to Canada during or after the founding of the Canadian state and that it does not include the first inhabitants of this country. (Royal Commission, 1967, p. xxvi)

Section 22 goes on to note that integrating the Indigenous population into Canadian society is a complex issue because it challenges the traditions and customs of Indigenous societies (p. xxvi). Moreover, studying the rightful status of Indigenous peoples in Canada was not part of the government mandate. The last paragraph pertaining to the Indigenous peoples, section 23, states that "the Commission considers it a duty to *remind the proper authorities* that everything possible must be done to help the native populations preserve their cultural heritage" [emphasis added] (p. xxvi). The Commission called on the government to take necessary steps, together with the provinces concerned, to support and preserve the "Eskimo language" and the most common "Indian dialects" (p. xxvi).

The fact of the matter is that the Government of Canada did not intend the B & B Commission to study the status of the third "solitude" in the federation. While the Commission focused on the linguistic and cultural duality of the state, it did briefly consider how minority ethnic groups contribute to the cultural enrichment of the nation and emphasized that *measures* "*should be taken* to safeguard that contribution" [emphasis added] (p. xxi). The mandate was a specific inquiry into the "existing state of bilingualism and biculturalism" and "the contribution made by the other ethnic groups to the cultural enrichment of Canada" (p. xxvii). The Commission's disregard for the Indigenous "question" is not surprising. The vague (re)allocation of responsibility for answering said "question" to *"the proper authorities"* is also in line with Canadian attitudes towards this dilemma.

At this point in time, Indigenous issues were not a topic of public discussion or debate; they were "seen but not seen" (Fraser, 2021, p. xxi). F. R. Scott, one of the ten commissioners, noted in his personal journal that the second meeting of the B & B Commission brought forward the differentiation between "Official Languages" and "National Languages". He wrote, "the official languages of Canada are French and English, but the Indian languages, the Eskimo language, and the language of other minority groups in Canada can properly be described as National languages" (p. xxi). This conclusion was based on the fact that the Commission's terms of reference required consideration of how "other groups" contribute to the cultural growth of the country and that the government must, "at some point", do something to preserve and develop the other national languages (p. xxi). Not long afterwards, "when the commissioners were considering

their mandate, [Scott] noted 'the fact was evident that the membership was chosen so as to give the two 'Founding races' equal representation and to add to them representatives of the other ethnic groups.' The idea of including Indigenous representatives in the commission simply never occurred to anyone" (p. xxi). It is important to realize that while the government gave a nod towards English and French and even the heritage of cultural diversity with this Commission, it did not give Indigenous peoples the same. By including the Indigenous "question" in the discussion, even if it was just a nod toward their existence, the government made it clear that it does not give the First Peoples the same acknowledgement that it expects this third "solitude" to give to the federal state.

Crafting Identity: Canada's Language and Cultural Policies

The Official Languages Act (1969)

The findings of the B & B Commission led to the enactment of the Official Languages Act (1969), which established English and French, or the "colonial languages", as federally official and promoted the use of both in government services and institutions.[17] Before the Act was passed, Scott noted in his journal that "bilingualism" and "biculturalism" were generally accepted in the Canadian sense to reference solely the English and French languages and the English and French cultures (Fraser, 2021, p. 14). Nevertheless, he specified that when "we went on to ask ourselves what the word 'Culture' meant. It soon became evident that there was no accepted definition of it" (p. 14). Pierre Trudeau's success with reinventing Canadian national identity by expanding bilingualism to become Canada's "dual essence" cannot be overemphasized. After all, without the Official Languages Act (1969), the alternate "across-the-board use of the notion of equality would reduce the French element from the status of 'nation' to that of just another minority" (Bannerji, 2000, p. 100). This cannot be allowed to happen because, at its core, the Québécois are – as a

[17] Book I of the B & B Commission's report refers to English and French (and Portuguese) as "colonial languages" (p. 10, s. 24).

European co-conqueror – a “founding nation” too (p. 100). That being said, many have criticized this Act for its limited recognition of Indigenous “national languages”. It does not sufficiently support the preservation and promotion of these languages, which allows for the disappearance of many within Canadian borders.

While the Official Languages Act (1969) did not directly address Indigenous languages, it directly impacted them. The reinforcement of English and French linguistic domination contributed to the further erasure and decline of Indigenous languages and pushed their communities into further marginalization. The legislative establishment of this ethno-linguistic dominance rendered “‘the Other ethnic groups’ . . . as mere cultural communities peripheral to the now-acknowledged ‘two founding races,' the French and English” (Haque, 2010, p. 81). It is precisely this framework that maintains racist, settler-colonial qualifications for Canadian national belonging. This Act cemented into law the explicit separation of “us” (settler-colonial “solitudes”) and “them” (“Other” ethnic groups) and smoothly sidelines the third “solitude” by lumping the Indigenous peoples in with the “multi-cultures”. Since the Official Languages Act (1969) set the baseline for multicultural policy making, the “us” versus “them” maxim cemented in this piece of legislation runs throughout Canadian legal frameworks. As a result, legislation continues to disseminate social divisions and Indigenous dispossession at both institutional and community levels.

The Multiculturalism Policy (1971)/Canadian Multiculturalism Act (1988)

The Multiculturalism Policy (1971) was an unexpected byproduct of the B & B Commission. In fact, the Trudeau government diverted from the Commission’s findings by pursuing a multicultural policy over a bi-cultural one. It was Book IV of the report, entitled *The Cultural Contributions of the Other Ethnic Groups*, that “laid the groundwork for Canada’s policy of multiculturalism” (Fraser, 2021, p. xiv). Notably, the terms “multicultural” or “multiculturalism” were barely featured in governmental or constitutional documents before appearing in the Commission (Bannerji, 2000, p. 178). While the Report did not define either term, “it was the first, amongst many governmental documents to follow, that sought to describe and

frame a governmental understanding of Canadian culture and heritage as inherently 'multicultural'" (p. 178). According to Scott, the commissioners addressed the topic of "Other ethnic groups" in the *Preliminary Report*, and had already dismissed the notion of a third "solitude". He wrote, "There is no third force to compare with French and English. . . History denies them a separate and distinct existence" (Fraser, 2021, p. 124). Said another way, the commissioners found no third group with historical evidence supporting claims to nationhood like the English and the French. Thus, Canadian multiculturalism was set up from the start to privilege the settler-colonial nations, relegate minority status to all other groups, and disappear the rights and title of the Indigenous peoples.

The Multiculturalism Policy (1971), later becoming the Canadian Multiculturalism Act (1988), aimed to promote diversity and inclusivity by recognizing the diverse range of cultures within Canadian society. The policy intended to support the idea of Canada as a "mosaic" of cultures rather than the "melting pot" framework used in the United States of America, which assimilates cultural diversity into a homogeneous whole. According to Bannerji (2000), the new state-led multiculturalism "was an apparatus which rearranged questions of social justice, of unemployment and racism, into issues of cultural diversity and focused on symbols of religion, on so-called tradition" (p. 45). As a result, racialized immigrants were categorized by ethnicity and culture and organized into "traditional" or ethnic communities. This organizational tactic created a political and administrative system where structural inequalities were less visible and discussed. Since the legacy of settler-colonialism shaped the policy, the impact on the Indigenous peoples has been to clump them together as just another minority community.

Multiculturalism Within a Bilingual Framework

On October 8, 1971, Prime Minister Pierre Trudeau announced to the House of Commons a new policy on Canadian culture that was built on the back of the Official Languages Act (1969). The bilingual framework of Canadian multiculturalism would integrate new Canadians into one or both of the official language communities in the country. In this speech, Trudeau (1971) stated,

> It was the view of the royal commission, shared by the government and, I am sure, by all Canadians, that there cannot be one cultural policy for Canadians of British and French origin, another for the original peoples and yet a third for all others. For although there are two official languages, there is no official culture, nor does any ethnic group take precedence over any other. (para. 3)

The leader of the Social Credit Party, David Réal Caouette, disagreed with the concluding statement. In his view, Canada does have a distinctive cultural identity that sets it apart; just as French Canadian culture is different from that of France, English Canadians are distinct from those in England. Caouette (1971) stated that "we have our history. Our traditions and customs may differ from one area or ethnic group to another. However, if we cannot change an Englishman into a Frenchman, or vice versa, we can nonetheless make good Canadians out of members of all ethnic groups in Canada" (para. 4). In other words, fostering a sense of Canadian identity among individuals from all ethnic backgrounds residing in Canada is not only possible, it is encouraged.

Through the policy of multiculturalism within a bilingual framework, Trudeau (1971) vowed that the government would support the people in four ways: 1) to help culturalized groups develop and contribute to the country – "resources permitting", 2) to help all culturalized people participate in society, 3) to promote national unity by encouraging "creative encounters and interchange among all Canadian cultural groups", and 4) to help immigrants learn one of the official languages so that they can engage in Canadian society (para. 7). He concluded that the government emphasis on multiculturalism within a bilingual framework is "the conscious support of individual freedom of choice" (para. 13). He argued that while Canadians are free to be themselves now, this freedom cannot be left to chance, and the prerogative of the Liberal government was to safeguard this freedom. In Trudeau's words: "if freedom of choice is in danger for some ethnic groups, it is in danger for all" (para. 13).

While the House of Commons supported this policy, Robert Lorne Stanfield, the leader of the Progressive Conservative Party, called out the Liberal Party's propensity towards announcing principles without implementation plans. He argued that "When the Prime Minister uses a phrase such as 'within available funds' ["resources permitting"] we must keep in mind the importance of

a balance here" (Stanfield, 1971, para. 6). Considering the allocation of resources, Stanfield (1971) supported the significant amount of money funding bilingualism, but he also pointed out that members of the minorities ("multi-cultures") are dissatisfied with the "relatively pitiful amounts" of money put towards promoting diversity (para. 5). He pointed out,

> If the effectiveness of the government's action in encouraging the cultural self-fulfillment of the native peoples of Canada can be taken as any kind of indication of what the practice will be in this broader field, apart from the statement of principles, then there is not a great deal of hope for the various non-French and non-British ethnic groups within Canada. With regard to the native peoples, there have been many statements about high principles but very little in the way of results. (para. 4)

Instead of genuinely integrating racialized communities, multicultural legislation typically relegates these groups to the status (and subsequent access to resources) of cultural communities on the fringes of Canada's two founding nations (Haque, 2010, p. 81).

While Québec has voted time and time again to remain a part of Canada, significant disagreements with the federal policy of multiculturalism persist.[18] According to Bouchard & Taylor (2008), "Quebecers of French-Canadian ancestry are still not at ease with their twofold status as a majority in Québec and a minority in Canada and North America" (p. 18).[19] There is plenty of evidence to suggest that even though the Québécois are a substantial ethnocultural majority in their province, there is fear of being "overwhelmed by minorities" (p. 187). Since the 1970s, Québec governments have rejected federal multiculturalism on the basis that it fails to "deal with the demands of Quebec for recognition, especially in the constitution" (Abu-Laban, 2014, p.

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[18] Québec has countered the federal policy with its own version - "interculturalism". For further information on this concept, please see Bouchard & Taylor (2008) and Kymlicka (1998).

[19] Bouchard & Taylor's (2008) report was the result of Québec's Consultation Commission on Accommodation Practices Related to Cultural Differences that was launched in 2007. At this time, there was heightened discontent regarding the idea of reasonable accommodation for ethno-cultural and religious minority groups. The Commission was co-chaired by Gerard Bouchard and Charles Taylor, and was commonly referred to as the "Bouchard-Taylor Commission".

279). In fact, this sentiment has yet to be resolved; Québécois politicians have proposed bills to amend the Canadian Multiculturalism Act (1988) at least four times since 2007. Bills C-505 (2007), C-553 (2013), C-393 (2015), and C-226 (2019) all proposed an exemption be added after section 2 of the Act that reads: "2.1 This Act does not apply in Quebec".[20] Bills C-505 (2007) and C-393 (2015) were defeated at their second readings in the House of Commons, Bill C-553 (2013) was placed outside the Order of Precedence, and Bill C-226 (2019) was placed on the Order of Precedence, reinstated in 2020, and was also struck down in its second reading in 2021. As Bouchard & Taylor (2008) argue, "as long as some of them [the Québécois] experience a keen sense of insecurity concerning the survival of their culture they will be less sensitive to the problems of immigrants and the ethnic minorities" (p. 208). Again, this point of tension between Québec and Canada recalls the rivalry between France and Britain. Even though centuries have passed since colonial settlement began, its legacy strongly persists.

Conclusion

A significant structural inequality within Canadian jurisprudence that was successfully hidden by the Multiculturalism Policy (1971) is not only the centring of the settler-colonial nations but also the silence regarding the third "solitude", the Indigenous population, within the federation. This policy of multiculturalism within a bilingual framework served to both stave off Québec separatism and give Canada a political "face-lift" on the global stage – for a time. The more Canada pushes diversity discourse and political recognition rhetoric, the more critical it is to locate its settler-colonial legacy. As this chapter suggests, Canada's policy of multiculturalism within a bilingual framework is Pandora's box. The constitution recognizes the Indigenous peoples as a distinct group with unique circumstances; however, the Canadian Multiculturalism Act (1988) does not include the same recognition or provision. Since it is the government's mandate to

[20] Citation of the most recent Bill: Bill C-226, *An Act to amend the Canadian Multiculturalism Act (non-application in Quebec)*, 1st Session, 43rd Parliament, House of Commons of Canada, 2019-2020, https://www.parl.ca/DocumentViewer/en/43-2/bill/C-226/first-reading.

“advance multiculturalism throughout Canada in harmony with the national commitment to the official languages of Canada”, the constitution is interpreted through an inherently settler-colonial lens (Canadian Multiculturalism Act, 1988, s. 3(1)(j)).

While law-making is rarely linear, the progression of significant moves in multicultural politics is relatively clear: the Royal Commission of Bilingualism and Biculturalism (1963-70) ultimately produced the Official Languages Act (1969), which served as the legislative framework for the Multiculturalism Policy (1971)/Canadian Multiculturalism Act (1988). Analyzing the context and discourse around these legal documents brings to light the post-war re-engineering of Canadian identity and national belonging that shifted from the Canadian citizenry's racial preferences to language and culture. With the passing of the Official Languages Act (1969) on the premise of maintaining the bond between the English and the French, Canada cemented the influence of settler-colonialism into Canadian policy moving forward – multicultural or otherwise.

The establishment of this official language policy scorns Indigenous title by exclusively recognizing two settler-colonial “solitudes” of Canada. Moreover, the fact that the Multiculturalism Policy (1971) was created on top of the Official Languages Act (1969) means that it includes the supremacy of the English and French nations into its structure and composition. As a result, the Canadian state has settled into a unique “diversity management” strategy of multiculturalism within a bilingual framework whereby “the two solitudes [English and French Canada] glare at each other from the barricades in an ongoing colonial war” while the third “solitude” beseeches them for recognition (Bannerji, 2000, p. 95). Markedly, in a relatively short period of time (forty years), multiculturalism and bilingualism have become separate entities in the public consciousness. The problem remains that so long as Canadian multiculturalism is contingent on outright settler-colonial domination, multicultural diversity discourse will continue to perpetuate race-based injustices and the erasure of Indigenous languages, cultures, nations, and sovereignty within Canadian borders.

CHAPTER 2

Recognition as Regulation: Theorizing "Diversity Management" Power Structures Within the Canadian Context

The politics of recognition plays a pivotal role in shaping Canadian social structures. While it can serve as a catalyst for empowerment and self-affirmation, it is also entwined with settler-colonial power dynamics. This chapter explores how Indigenous and Québécois societal and legal experiences shape Canada as a *particular kind* of nation. Following the thread of these experiences leads back to how multicultural policies and practices influence the dynamics between the Canadian state and the "Others" (the "multi-cultures" and the Indigenous peoples) within its borders. This chapter draws on influential political theorists, including Charles Taylor (1994), Will Kymlicka (1998), Himani Bannerji (2000), Bonita Lawrence (2012), Audra Simpson (2014), and Glen Coulthard (2014). Examining the perspectives and ideas of these thinkers will help to better understand how multiculturalism can be conceptualized and implemented, both politically and socially. Broadly speaking, Taylor (1994) and Kymlicka (2014) believe multiculturalism is intrinsically linked to political recognition. For Bannerji (2000), Lawrence (2012), Simpson (2014), and Coulthard (2014), settler-colonialism and structural critiques are vital to discussions on state-led multiculturalism. This chapter introduces the implications of historical power dynamics back into the Canadian conversation. Political recognition and diversity discourse may sound pleasing to general audiences; however, given the context of Canadian history, federal multiculturalism can – and does – act as a settler-colonial state project.

This chapter begins by establishing the role of political recognition in the construction of identity and nationhood. It then explores how the country responded to Québec nationalism and contrasts it with its response to Indigenous land claims. Since the government's approach to the different "solitudes" has been notably unequal, the analysis goes on to consider how political recognition can function as a tool to continue Indigenous dispossession while maintaining a face of "mosaic" equality. State-led multiculturalism is, above all, ideological. As a result, there is already a pre-established set of outcomes pertaining to "diversity management" – especially where the Indigenous population is concerned. One of the primary ways the government can successfully

regulate Indigenous peoples' identity and nationhood is by using the guise of secular "neutrality" to obscure the settler-colonial legacy at work in Canadian political decisions. The goal of this chapter is to inspire more well-rounded conceptions of state-led multiculturalism by engaging a variety of theoretical perspectives. Without being able to separate the beautiful face of multicultural diversity discourse from the realities of its settler-colonial implementation, the state will continue to leverage the positive connotations of inclusion, diversity, and equality, without having to take accountability for the structural violence it perpetuates.

Facets of Representation

The Strength in Being Seen

In contemporary social and political philosophy, questions of identity and identification practices have taken on significant importance. For this reason, the politics of recognition plays a pivotal role in structuring how people see themselves and others within the Canadian context. While we may have an internal sense of who we are, a large part of how we identify individually stems from how others see us. According to Taylor (1994), a significant part of one's identity is shaped by (external) recognition or its absence. In his view, people acquire the language to define themselves *through* participating in intimate relationships. In other words, the people and society surrounding oneself can "mirror back to them a confining or demeaning or contemptible picture of themselves" (p. 25). Following this line of reasoning, since other individuals contribute to constructing one's identity, it is crucial to recognize one another correctly or see one another "properly", whether in the neighbourhood or in legislation. In this sense, for Taylor (1994), there is no multiculturalism without political recognition – and we can see this play out in how the

bilingual framework of Canadian multiculturalism impacts the French and Indigenous "solitudes" in very different ways.[21]

Canada provides an interesting case study for this concept, as its legislation attempts to hold and support more than one nation within its borders. The Québécois' self-perception as a distinctive people has survived the test of time, and they have successfully established themselves in Canadian legislation as more than just a province. They do not view themselves simply as one ethnocultural or linguistic group among many in a bilingual state. Today, Québec's self-identity as a nation has been recognized – and is reflected – in Canadian legislation.[22] It has even requested exemptions from federal policies, including the *Canadian Charter of Rights and Freedoms,* in the name of cultural survival. As Gagnon & Iacovino (2007) report,

> By 1975 Quebec explicitly sought to entrench its linguistic and cultural claims in the constitution. In exchange for patriation, [the following provisions were requested to] be included in a new constitution: a veto right on future amendments, full control of the policy areas of education and culture, the right to opt-out of federal programs with compensation, a more pronounced role in the selection and integration of immigrants, and limits on the federal government's declaratory and spending powers in areas of provincial jurisdiction. Ottawa's response was to threaten unilateral patriation, and an early election call by the Quebec Liberal party resulted in a victory for the Parti Québécois led by René Lévesque, whose program included full sovereignty for Quebec with an economic association with the rest of Canada. (p. 34)

Some of their goals were accomplished, resulting in access to French schools and the dissemination of bilingualism nationwide. Book III (1969) of the B & B Commission reported that "Language

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[21] The privileges of self-governing Indigenous nations such as the Whitecap Dakota and Anishinabek First Nations are allocated and constrained by the Indian Act (1985).

[22] This research follows Kymlicka's (1998) understanding of a nation or national minority as "a historical society, with its own language and institutions, whose territory has been incorporated (often involuntarily, as it the case with Quebec) into a larger country" (p. 2).

and culture are not synonymous but the vitality of the language is a necessary condition for the complete preservation of a culture" (p. 8). Thus, federally disseminating bilingualism served to politically recognize and validate the French nation, while Canadian identity became both "dual" and "mosaic".

Symbolic Inclusion and Token Representation

The re-engineered version of Canadian identity as both "dual" and "mosaic" leaves out the third "solitude" within the state. The state is aware of this phenomenon insofar as it has dedicated Part II of the Constitution Act, 1982 ("Rights of the Aboriginal Peoples of Canada") to acknowledging this third "solitude". That being said, Canada can maintain this settler-colonial status quo by facilitating its relationship with the Indigenous population through the Indian Act (1985). Here, the legislation assumes the responsibility of Indigenous identification under constituents such as *status* (thereby implying the existence of *nonstatus*) and parameters around cultural tolerability, among other things. While an in-depth analysis of this critical piece of legislation falls outside the purview of this research, the document reveals the complex and interwoven ways hegemonic Eurochristianity, settler-colonialism, and Canadian policy work together to disintegrate Indigenous identity and nationhood.

We can see this phenomenon in the Pikwakanagan land claim process that began in 1992. The dynamics between the Algonquins of Pikwakanagan, who have status cards, and the Ardoch Algonquin First Nation, who do not, brought to light the complex and nuanced layers of Indigenous versus settler-colonial identification practices.[23] For nonstatus Indigenous groups like the Ardoch Algonquins, claiming and proving identity requires going up against the Algonquins of Pikwakanagan, who have political recognition. Accordingly, many are forced to claim and perform higher degrees of (pre-colonial) cultural knowledge for external – or governmental – validation of

[23] The Ardoch Algonquin First Nation is one of the oldest and most well-known federally *unrecognized* Indigenous communities in Canada.

their "Algonquinness" (Lawrence, 2012, p. 124). However, in doing so, they must "deny the legacy that they have inherited, which outsiders cannot recognize as Indian because it is not dressed in beads and feathers. This issue lies at the heart of the recognition paradigm. . . [It] violates the lived experiences of individuals and demands a false conformity with stereotypes about Indianness" (p. 124). For Indigenous peoples with "status", the fact that "an 'Indian' identity became the hegemonic means of understanding Indigenous identity in Canada has meant that Pikwakanagan was routinely forced to live in the world as Indian rather than Algonquin" (p. 214). In Lawrence's (2012) view, turning *away* from external recognition and validations – or from accepting government standards for "Indian status" – to favour community-based identification practices is critical for decolonizing and re-envisioning Algonquin identity and nationhood and re-establishing Indigenous solidarities. When boiled down, we can see how denying recognition to some (nonstatus) and not others (status) benefits the settler-colonial state by obstructing solidarity within its third "solitude" (p. 222).

The Multinational Fabric of Canada

Canada has numerous "culturalized" groups with strong solidarities. However, in Kymlicka's (1998) view, even just focusing on the Québécois and Indigenous peoples' experiences with the state allows us to imagine how asymmetrical multination federalism may best suit Canadian needs. This form of federalism would protect the nations' attachment to Canada, which would, in turn, secure long-term stability. For, if the Canadian state is to accommodate the demands of Québec nationalism, it is imperative to deconstruct the evolution of English-speaking Canada's political identity (p. 166). In fact, according to Kymlicka (1998), most Quebeckers "sincerely seek a renewed federation" (p. 168). Despite the state's "continued rejection of their constitutional demands, they have twice voted against secession and in favour of yet another attempt at reforming the federation" (p. 168). Behind the separatist rhetoric and inclinations towards secession, the fact remains that Québec has consistently voted to remain a part of Canada. Despite their seemingly disordered construction, no multination federation has fallen apart in the West (p. 171). As Kymlicka (1998) notes, it is paradoxical how "multination federations appear to combine a very

weak sort of unity with surprising levels of resilience and stability" (p. 171). Expecting the Québécois to assume a pan-Canadian identity over their own national one, applies a criteria of unity appropriate for states with a single, dominant nation.[24] Kymlicka (1998) argues that Canada should employ a test of unity that assumes the Québécois will prioritize their own national identity while asking "whether this identity co-exists with a significant sense of identification and solidarity with other Canadians" (p. 172). Under these circumstances, this shared identity can provide a solid basis for social unity.

Canada's adoption of a "dual" identity in response to its "national unity" crisis is often attributed to the rise of Québec nationalism in the 1960-70s, and, to some extent, the resurgence of Indigenous nationalisms (p. 166). According to Kymlicka (1998), "these forms of minority nationalism are powerful sources of conflict in Canada, and they need to be accommodated through some form of federalism" (p. 166). That being said, he argues that the crisis is also a result of a unique form of nationalism from English-speaking Canadians. The preferred form of nationalism for Canada-Outside-Québec situates the federal government as a symbol and protector of their national identity. English-speaking Canadians "desire to act as a political community"; however, the only way is through a federal government (p. 160). According to Kymlicka (1998),

> What most English-speaking Canadians deny [is] namely, that Canada is a multination federation. For most English-speaking Canadians, their "nation" includes the Quebecois and Aboriginal people. . . they simply see themselves as members of a "Canadian" nation that includes all citizens, whatever their language or culture, from sea to sea. And so their loyalty to Canada is premised, in part, on the view that all Canadians form a single nation, and that the federal government should act to express and promote this common national identity. (p. 141)

This means that English-speaking Canadians' national identity is comprised of specific values and rights that are only nationally guaranteed if the federal government intervenes in areas of provincial

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[24] This concept is applicable to the Indigenous population as well. When Canada considers them a part of the "multi-cultures", it is applying a criteria of unity that is not appropriate for the particular structure of this state.

jurisdiction. In short, “the only way for English-speaking Canadians to express their national identity is to undermine the provincial autonomy that has made it possible for Quebecers to express their national identity” (p. 166). Thus, the strained Québec-Canada relationship is not solely the responsibility of the Québécois’ political identity pushing the limits of federalism. Canadians-Outside-Québec have developed a strong, pan-Canadian political identity that pushes the limits of federalism as well.

In today’s politics, the need for political recognition seems to be a driving force for these kinds of nationalist movements. Moreover, the demand for recognition comes into play in a variety of ways, including from minority and feminist groups, and also from the politics of multiculturalism. In Taylor’s (1994) view, demands for recognition under political multiculturalism are lent a sense of urgency due to its link with identity. Within this political climate, the recognition-identity link “designates something like a person’s understanding of who they are, of their fundamental defining characteristics as a human being” (p. 25). From the unique point of view of the Québécois and Indigenous peoples, their demand for recognition and the consequent mandate for autonomy, such as self-government, is loosely analogous. The conundrum posed to the Canadian government is navigating “the claims for distinctness put forward by French Canadians, and particularly Quebeckers, on the one hand, and aboriginal peoples on the other” (p. 52). In these contexts, the desire is for survival; the Québécois and Indigenous peoples demand certain levels of self-governance and the ability to enact specific legislation they consider vital for their existence.

Asymmetrical Power: The Role of Ideology in Recognition Politics

While it is critical to consider the political implications of multicultural recognition on identity construction (on both individual and nation-state levels), it is by no means the whole story. The Canadian conversation is, first and foremost, ideological. According to Bannerji (2000), multiculturalism is a ruling category whose forms are fundamentally ideological (p. 126). In fact, it can be seen at the state level as “an apparatus which rearrange[s] questions of social justice, of unemployment and racism, into issues of cultural diversity and focused on symbols of religion, on

so-called tradition" (p. 45). From this critical vantage point, Bannerji (2000) critiques approaches to political recognition and state-led multiculturalism that do not consider the underlying social relations of power within a settler-colonial state. She condemns these approaches that slip "from a particular social situation into a metaphysics of the human condition, thus cutting off forms of consciousness from their social ground and obscuring history" (p. 128). This view of political recognition and state-led multiculturalism obscures the role of class, capital, and imperialism in social philosophy. Bannerji's (2000) analysis underscores the need to investigate beyond the superficial treatment of multiculturalism and political recognition, because there are strong socio-economic and historical forces that influence identity and nationhood within the complex framework of a settler-colonial society.

Coulthard (2014) agrees with Bannerji's (2000) critique of the decontextualization of political recognition. For him, the legislative phrasing of national minorities being "eligible" for some form of recognition exposes the presumption that political recognition is something to be *given* to a minority group by a dominant group (p. 30). This presumption "prefigures its failure to significantly modify, let alone transcend, the breadth of power at play in colonial relationships" (p. 31). It is essential to notice how the federal government awards political recognition to the Québécois and Indigenous "solitudes" disparately. For this reason, all political agencies and subjectivities must be understood within the context of Canadian history and its settler-colonial legacy. One of the more prominent examples of why this is necessary is how Canada maintains its power relationship with the Indigenous population *through* political recognition. According to Lawrence (2012), "most recognition-based proposals rest on the problematic assumption that the flourishing of Indigenous peoples as distinct and self-determining is dependent on being recognized by the settler state" (p. 80). In spite (or because) of this, Canadian diversity discourse perpetuates the ideology of recognition as the only form of validating political subjectivities.

The Dynamics of "Difference" and Diversity Discourse

Unfortunately, Canada's diversity discourse does function as a smoke screen for the adverse effects of political recognition. The discourse of diversity, one of the central tenets of the

multiculturalism paradigm, encourages people to learn about and embrace different cultures and to celebrate the distinctions that make each one unique. The overarching goal of diversity discourse in Canada is to foster a more "tolerant" and inclusive society where everyone is treated with respect and dignity, regardless of origin. Nevertheless, diversity discourse comes with its own set of issues; it can slide into what Angela Davis calls "'diversity management', that salad bowl corporate view of difference" (p. 27). In Bannerji's (2000) words,

> It relies, as we saw, on reading the notion of difference in a socially abstract manner, which also wipes away its location in history, thus obscuring colonialism, capital and slavery. It displaces these political and historical readings by presenting a complex interpretive code which encapsulates a few particularities of people's cultures, adding a touch of reality, and averts our gaze from power relations or differences which continue to organize the Canadian public life and culture. They assert themselves as perceptions of otherness encoding a hegemonic European-Canadianness. (p. 51)

Diversity discourse is ultimately an ideology since state-led multiculturalism has its own political imperatives. In this way, "at the same moment that difference is ideologically evoked, it is also neutralized, as though the issue of difference were the same as that of diversity of cultures and identities, rather than that of racism and colonial ethnocentrism" (p. 96). While Canadian society is organized through social relations of power, including race, gender, and class, "difference" and political recognition continue to be narrowly understood as *power-neutral* within the constraints of the ideology of multicultural nationhood.

Even though Canada has multiculturalism, secularism, and religious freedom enshrined in legislation, its settler-colonial legacy *ensures* that "difference" is not power-neutral. From the state's formation until well after World War II, the "ideal citizen" was "white, British-origin, Protestant, English-speaking, and male . . . this was expressed in the way immigration policy regulated access to Canadian citizenship historically, but it was also registered in popular culture" (Abu-Laban, 2014, p. 280). This "ideal citizen" remains the standard against which "difference" (read: difference *from*) is measured and regulated. As a result, Canadian multiculturalism approaches "difference" hierarchically. Social relations of power *create* the "differences" of class,

gender, and race (Bannerji, 2000, p. 166). "Others" are defined against the "ideal Canadian citizen" and are situated on the lower levels of the power hierarchy of citizenship. Many have pointed out that governments can use multicultural and diversity discourse as a smoke screen to obscure the lack of action on issues of inequality and discrimination. Promoting cultural diversity can quickly give governments a unique "out", typically under the guise of "neutrality", to avoid addressing legitimate structural challenges that underprivileged groups face.

The Illusion of "Secular Neutrality"

With Eurochristian settler-colonialism as a driving force behind legislative decisions, the framework of Canadian governance continues to preclude any neutrality regarding the power of the state inherently. "State neutrality" is an interesting concept with regards to regulating religious "difference", for example, as the government is able to apply its "neutrality" *selectively* according to its design. According to Amélie Barras (2021),

> Understandings of state "neutrality" [in legislative projects] have increasingly become about prohibiting public servants from wearing gear constructed as religious to prevent societal chaos. Likewise, the "heritage" of these same states becomes about protecting Christian relics constructed as cultural. These types of shorthand are setting the parameters of the discourse around laïcité [secularism] and what it should or should not protect. . . In this way, they work to de-historicize and depoliticize this regime of protection and prohibition: a regime which, at its core, is discriminatory. In effect, this regulatory regime is constructed around the idea that neutrality cannot be political because it is applied to "all" public servants "equally". (p. 298)

These legislative boundaries between what is and is not religion or culture, and what does and does not belong in the public space, lead us to question the kind of inclusive citizenship Canadian multiculturalism aspires toward. For this reason, it is essential to critique any government-mobilized strategy claiming "neutrality" – multiculturalism, secularism, or otherwise – within the

context of Canada's bi-national structure. Under these circumstances, any government claims of "neutrality" will necessarily be engendered from its settler-colonial legacy.[25]

Recognition as Regulation: the Settler-Colonial Tool for "Managing" Indigenous Existence

Through multiculturalism's political recognition and diversity discourse, Canada can sweep the third "solitude" of the state into the subcategory of the "multi-cultures". At its core, Canada's recognition strategies set up Indigenous peoples for governmental regulation. Two Supreme Court decisions that have created and restricted legal conceptions of Indigenous rights and title evidence this paternalistic form of governance. *R. v. Sparrow* (1990)[26] and *R v. Van Der Peet* (1996)[27] both established "tests" for the requirements of Indigenous rights. *Sparrow* (1990) was the first to introduce the culturalization of Indigenous rights "so that the aboriginal right to fish for food, which should have simply been a question of survival for contemporary Aboriginal people, is defined as an Aboriginal right because it is 'distinctive to the Aboriginal culture claiming the right'" (qtd. in Lawrence, 2012, p. 56). With this case, Justice Antonio Lamer had the opportunity to clarify a definition of Indigenous rights that reconciled the principles of both Indigenous law and Crown law. However, he side-stepped that possibility, arguing that the "existing" rights affirmed in section 35(1) must align with a reconciliation of Indigenous societies

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[25] The topics of secularism, "state neutrality", and religious freedom will be further analyzed in Chapter 3.

[26] *R. v. Sparrow*, [1990] 1 S.C.R. 1075. https://canlii.ca/t/1fsvj.
In the 1980s, Ronald Sparrow of the Musqueam Nation was confronted after fishing with a 270-foot drift net. His license (granted under the 1985 Fisheries Act) only allowed the usage of nets that were 150 feet in length. Since Sparrow fished with technology larger than what was allotted by British Columbia's parliamentary regulation, the province charged him with a license violation. His defence was that net length restrictions contradicted his Indigenous right to fish, as recognized in section 35(1) of the Constitution Act, 1982. The Supreme Court of Canada agreed that Sparrow's "existing" Indigenous right to fish was above parliamentary laws concerning fisheries because the Crown had not officially extinguished the Musqueam Nation's land rights. In effect, the Supreme Court agreed that Indigenous rights constrain Crown sovereignty.

[27] *R v. Van Der Peet*, [1996] 2 S.C.R. 507. https://canlii.ca/t/1fr8r.

and Crown sovereignty (p. 56). However, this left the question of how to determine whether Indigenous rights have been extinguished. The Supreme Court decided that the test for extinguishment was "the [Crown's] unambiguous articulation of intent to do so and that the burden of proof rested with the government" (59). Thus, the "existing" Indigenous rights covered in the Constitution Act, 1982 do not include any rights extinguished before 1982, for they had not yet been ratified in the constitution. The Supreme Court's justification for this ruling was that "'there was from the outset never any doubt that sovereignty and legislative power and indeed the underlying title, to such [Indigenous] lands vested in the Crown'" (qtd. in Pasternak, 2017, p. 14). Said another way, the Supreme Court clearly stated its conviction that the Canadian government inherently has full control and power over Indigenous lands and title.

The second court case that evidences how Canada sets Indigenous peoples up for governmental regulation is *R. v. Van der Peet* (1996), where the Supreme Court established "non-Aboriginal characterizations of aboriginality, evidence, and law as the standards by which Aboriginal rights shall be evaluated" (p. 57). That is to say, Justice Lamer's decision included a new test for determining the *existence* of Indigenous rights.[28] Generally speaking, the test

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[28] The *Van Der Peet* test is summarized as follows:

1. The court must consider the perspectives of Aboriginal peoples; however, the Aboriginal perspective must be framed in terms cognizable to the Canadian legal and constitutional structure.
2. The precise nature of the claim being made must be determined – including the nature of the action taken in claiming an Aboriginal right, the government regulation that is claimed to violate that right, and the tradition, custom, or practice relied upon to establish that right.
3. The centrality of the practice to the group claiming the right must be determined, as to whether or not the practice is an integral part of the distinctive custom in question.
4. An Aboriginal right is integral to a distinctive culture if it has continuity with activities that existed prior to the arrival of Europeans.
5. Given the difficulty in establishing definitively what a pre-contact practice was, the court should not undervalue the evidence presented in establishing continuity with pre-contact cultural practices.
6. Aboriginal rights are not general or universal but relate to the specific history of the group claiming the right.
7. The practice being claimed as a right must be independently significant to the community and not merely incidental relating to another more integral tradition – so that incidental practices, customs, and traditions cannot be piggybacked on integral practices to make them part of Aboriginal rights.
8. The practice being claimed as integral cannot be one that arises in response to European influences.

mandates that the court consider Indigenous perspectives, but they must be framed in terms familiar to Canadian law. The claim or practice must be "central" to the culture of the group claiming the right, and the court determines this by confirming its existence prior to European settlement. Since it is difficult to prove the existence of a pre-contact practice, the court states that it should value any evidence presented. The test also declares that Indigenous rights are group-specific, not generalized, which means that each Indigenous group must go through this process separately to claim the right. Moreover, the claimed practice must be independently significant and not just a small part of a larger tradition, and it cannot be something that arose in response to European influence. This test has been in effect since the 1996 decision, and it was only in *R. c. Montour* (2023)[29] that the Supreme Court recognized the limits of the *Van Der Peet* test.[30]

If an Indigenous group claiming a right is somehow able to meet these requirements, the existence of the right is recognized by the state. Evidently, the *Van Der Peet* test was not authored to ensure the cultural or physical survival of the First Peoples of Canada but rather to preserve stereotypical elements of their pre-contact culture. The Algonquin land claim process occurred in this context, where these decisions served as iron bracelets for the Algonquin people trying to negotiate a comprehensive claim. By dividing the Indigenous population into groups who must claim rights independently of each other and leveraging settler-colonial conceptions of

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9. The practice being claimed can arise separately from the group's relationship to the land. (p. 56)

[29] *R. c. Montour,* [2023] QCCS 4154. https://canlii.ca/t/k0wzd.

[30] The Applicants in *R. v. Montour* (2023) requested that the Court move away from the *Van Der Peet* test and "offer a new framework that aims at protecting contemporary, rather than historic, practices" (s. IV, para. 2). Following this request, the Court concluded that "the conditions to depart from *stare decisis* are met" (para. 3).

The Court of Appeal summarized the vertical *stare decisis* law in *R. v. Lapointe,* 2021 QCCA 360. The rule "comes from English law; it aims to guarantee certainty in the law and in fact constitutes one of the foundational principle of the common law. It promotes predictability, enhances fairness and reduces arbitrariness. Similarly, it makes justice more efficient and economical and discourages the multiplication of judicial proceedings" (*Montour,* 2023, para. 1144). In general, vertical *stare decisis* establishes a hierarchical structure that mandates lower courts to follow the decisions of higher courts, such as the Superior Court following the Court of Appeal and the Supreme Court of Canada. While lower courts can express concerns about binding precedents, they are generally obliged to apply them. Exceptions are rare, but they do exist.

"difference" (as in the *Van Der Peet* test), Canada can distinguish between federally recognized and unrecognized Algonquins. One obvious benefit to the settler-colonial state is the reduced number of people with claims to territory, thereby giving the state access to more resources and fracturing the biggest group with the highest potential to threaten state sovereignty.

Indigenous nations can acquire sovereignty over their territories through the comprehensive land claim process, yet resource development continues on their lands until the claim is successful. Canadian policies regarding Indigenous rights and title articulate that "Aboriginal laws and traditional jurisdictions cannot be part of negotiations relating to self-government or comprehensive claims, that Canada can unilaterally decide what constitutes an 'integral' aspect of Aboriginal culture, [and] that discussions on self-government will remain separate from those regarding territory (as if governance is not associated with territory)" (p. 63). That is to say, while Indigenous nations navigate the difficult path toward sovereignty through the comprehensive land claim process, Canadian policy frameworks pointedly constrain their freedom by separating self-governance from land rights and predefining the scope of their cultural and legal recognition.

In addition to the violence incurred at a legislative level, Indigenous nationhood has also been attacked by settler-colonial phenomena, including the sixties-scoop and not having access to clean water to this day – to name a few. According to Lawrence (2012), the struggle to re-envision Algonquin identity and nationhood includes addressing those issues and more: infrastructure, the legacy of residential schooling, and recovering the language and spirituality that can help create a blueprint for genuine decolonization (p. 213). In terms of closing the gap between Algonquin groups such as Pikwakanagan and Ardoch, Lawrence (2012) argues in favour of "a loose network of affiliated communities, a form of nationhood that is in essence a confederacy, capable of drawing on the strengths of the collectivity in a centralized manner and yet allowing each community to set its own priorities" (p. 299). Right now, Algonquinness is contingent on citizenship based on blood quantum. In Lawrence's (2012) view, this re-envisioned confederacy of community networks would define Algonquinness in terms of family relations and community

membership, thereby eradicating the settler-colonial fabrications of political recognition and "status" that divide native communities.[31]

Conclusion

This chapter has demonstrated the ways in which federal recognition functions as a multicultural solution to regulating Indigenous "difference" by contrasting it with Canada's approach to Québec. This phenomenon can be seen in how Canadian bureaucracy establishes a framework through which visibility is produced. That is to say, since the state is responsible for framing what is "official", it can establish conditions of affiliation or distance (Simpson, 2014, p. 18). As Simpson (2014) argues, it creates "the conditions under which difference becomes apparent; political aspirations are articulated; and culture, authenticity, and tradition… become politically expedient resources" (p. 18). For this reason, Indigenous communities must borrow funds from Ottawa to finance legal battles over land claims, thereby establishing a power-charged debtor-creditor relationship right from the start. Another example of this pre-established set of outcomes is the fact that *negotiations* between Indigenous nations and the Canadian state take place in court – a setting that is fundamentally designed for the exact opposite. We can see here how the recognition paradigm mandates that the oppressed adopt the oppressor's framework to resist oppression. By using the multicultural discourse of federal recognition to camouflage the settler-colonial legacy saturating the legal system, Canada can continue exceeding its sovereign and jurisdictional privileges while maintaining a face of mosaic equality.

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[31] There are numerous Indigenous-led efforts towards self-determination and healing:

The Idle No More movement: https://idlenomore.ca.
The Murdered & Missing Indigenous Women & Girls Campaign/National Inquiry: www.mmiwg-ffada.ca.
Land Defenders and Pipeline Protests, including the 2019 Coastal GasLink pipeline in Wet'suwet'en territory.
Cultural Revitalization and Language Preservation efforts, such as the 2021 "Find Our Lost Children" *GoFundMe* fundraiser for ground-penetrating radar technology to scan residential school grounds. https://www.gofundme.com/f/find-our-lost-children (currently not accepting donations).

Regardless of political positions, the theorists included in this chapter all emphasize how crucial it is to respect people's cultural and individual differences. Drawing these perspectives together helps highlight the limitations and biases in theoretical and practical approaches to multiculturalism. This chapter sought to motivate reflections on the implications of federal multiculturalism in matters of "diversity management" strategies, claims of "state neutrality", and political recognition. As has been shown, Canada's national narrative does not align with its historical influences. The main takeaway is that any settler-colonial state project, be it political recognition, diversity discourse, or secularism, will always presuppose its racist structure of power. It is only when the issues of Indigenous dispossession and Eurochristian settler-colonialism rise above multiculturalism's façade that Canada's national identity may begin to respectfully embrace the existing third "solitude" of Indigenous peoples within the state.

CHAPTER 3

From Sacred to Secular:
The Cultural Fabric of Eurochristianity and the Visibility of "Other" Religions

Canadian multiculturalism not only blurs the lines between language and culture but between religion and culture as well. This leaves space for secularism as a state project to manage religious "difference" from a self-proclaimed "neutral" standpoint. However, there can be no claims to "neutrality" if the state's positionality is, at its core, Eurochristian and settler-colonial. To think critically of secularism, we must move beyond its generally accepted definition as the separation of church and state. Here, we can rely on the work of Elizabeth Shakman Hurd (2007), who invites us to question a single underlying phenomenon present in Western societies: "the unquestioned acceptance of the secularist division between religion and politics" (p. 1). As Hurd (2007) argues, secularism needs to be analyzed "as a form of political authority in its own right" (p. 1). An understanding of religion as peripheral to public life, especially in multicultural Canada, can lead to the assumption that religion is irrelevant to state behaviour. However, this country is both secular and deeply Eurochristian. As a result, Canada's multicultural legislative framework is built on the legacy of Eurochristian colonial settlement. Analyzing how both secularism and Eurochristian tradition show up in Canadian multicultural "diversity management" strategies can highlight how assumptions about the separation of church and state underlie the theory and practice of the government and its people. Looking at secularism through a critical lens can expose how "the secularist division between religion and politics is not fixed but rather socially and historically constructed" (p. 1). Under these circumstances, the secularist tradition can function as a tool for governmental regulation of religion(s) in the public space rather than their total removal.

In Canada, the separation of church and state has occurred through Supreme Court decisions. *Ontario (Human Rights Commission) v. Simpsons-Sears LTD* (1985)[32] was the first case to acknowledge that conduct with prejudicial effects can result in indirect discrimination. The decision showed that if a company requires full-time employees to work Fridays and Saturdays, it

[32] *Ont. Human Rights Comm. v. Simpsons-Sears*, [1985] 2 SCR 536.

discriminates against Seventh-Day Adventists who cannot work on the Sabbath (sundown on Friday to sundown on Saturday). *Carter v. Canada (Attorney General)* (2015)[33] is also important. It was a landmark Supreme Court decision that dealt with physician-assisted suicide and its constitutionality. While the case predominantly focused on people's right to life, liberty, and security, the case also implicated Canadian conceptions of secularism. The discussion around assisted dying and the legality of a physician's assistance fundamentally invokes moral and ethical considerations that religious beliefs may influence. The Court found that the provision in the Criminal Code prohibiting assisted death infringed on section 7 of the *Canadian Charter of Rights and Freedoms*, which protects an individual's autonomy and personal legal rights from government action.[34] The decision's emphasis on individual autonomy and its recognition of a person's right to make decisions around their own life and death reflects a perspective that rejects an exclusive reliance on religious or moral maxims and aligns with secular principles. That being said, this chapter will challenge the conventional understanding of secularism, instead arguing that it is a deeply political project infused with Eurochristian and settler-colonial values.

This chapter first examines the only legislation on secularism in Canada, Québec's Bill 21: *An Act Respecting the Laicity of the State* (2019).[35] With this Bill, Eurochristianity was infused into "secular" legislation under the guise of "state neutrality" on religious matters. Even though the state claims a "neutral" stance when interpreting the freedom of religion, the apparent

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[33] *Carter v. Canada (Attorney General)*, [2015] 1 SCR 331.

[34] Sections 1, 7, and 15 of the *Charter* state: (in *Carter v. Canada,* 2015)

> 1. The *Canadian Charter of Rights and Freedoms* guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society…
> 7. Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice…
> 15. (1) Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

[35] Bill 21, *An Act Respecting the Laicity of the State*, SQ 2019, c 12.

privileging of Eurochristianity in public spaces and civic values directly contradicts these claims. The chapter then moves on to an analysis of the *Mouvement Laïque Québécois v. Saguenay (City)* (2015) [36] case to open up the discussion on the blurred lines between religion and culture in Canada. A critique of this case will demonstrate how Canadian secularism functions to suppress non-Eurochristian religious expressions, even while claiming "state neutrality" in religious matters. Following this line of reasoning, the chapter then engages with the *Ktunaxa Nation v. British Columbia* (2017) case to connect theories of hegemonic Eurochristianity and secularism as a state project with the impact on religious freedom for both the "multi-cultures" and the Indigenous peoples in Canada. Through the following analyses of these legal documents, it will become clear how the state uses claims to "neutrality" – particularly in the instances of secularism and religious freedom – to obscure the settler-colonial baseline of multicultural governance.

Bill 21: An Ambiguous Religion-Culture Divide

The Canadian government relies heavily on court decisions around religious freedom because no federal document officially establishes "secularism" in the country. However, in 2019, when public discourse centred around taking religion out of state affairs, Québec introduced the controversial Bill 21, titled *An Act Respecting the Laicity of the State (2019).* While the province has deep roots in Catholicism, it is the only one in Canada with a law explicitly establishing secularism. Bill 21 was proposed by Premier Francois Legault's Coalition Avenir Québec government and was adopted by Québec's National Assembly. While it forbids civil servants in positions of authority from wearing religious symbols (head or face coverings like hijabs and turbans) at work, it appeared to overlook Eurochristian religious symbology.

The following analysis of Bill 21 and other court decisions and social events will show that Eurochristianity has been constructed as Canadian society's culture and heritage. As a result, Eurochristian "signs and practices enter the realm of the secular and are not seen as infringing on

[36] *Mouvement Laïque Québécois v. Saguenay (City)*, [2015] 2 SCR 3.

laïcité and its principle of state neutrality" (Barras, 2021, p. 297). This phenomenon highlights the deep power asymmetries and hierarchy of belonging present in the management of Canada's "multi-cultures", specifically regarding religion. It is essential to consider these dynamics in multicultural governance because the resulting decisions determine who is and is not protected by the law.

Bill 21 embodies this type of regulatory regime; it is a clear example (of many) that brings to light the discrepancy between the governmental regulation of non-Eurochristian versus Eurochristian religious expression. Of note is Québec's effort to "shield the law's model of secularism from judicial review" (p. 289). According to Barras (2021), articles 33 and 34 of Bill 21 "provide for the legislation to operate notwithstanding its infringement of certain rights under the *Canadian Charter of Rights and Freedoms* and *Québec's Charter of Human Rights and Freedoms*" (p. 289). One reason Barras (2021) suggests why these provisions were included is that "politicians wanted this legislative project to avoid the fate of Bill 62 (2017), the only other bill on the topic that was passed but which was stalled by judicial processes" (p. 289). Bill 21 enforces "neutrality" through imposed limitations and restrictions. Sections 1 and 2 of the Bill declare:

1. The State of Québec is a lay State.
2. The laicity of the State is based on the following principles:
    (1) The separation of State and religions;
    (2) The religious neutrality of the State;
    (3) The equality of all citizens; and
    (4) Freedom of conscience and freedom of religion. (Bill 21, 2019)

Since the law forbids wearing religious symbols in public services in the name of secularism, scholars, activists, and citizens alike began questioning the crucifix hanging on the wall above the speaker's chair in the National Assembly's Blue Room (Québec's legislature). According to an article in *The Gazette* published in February of 2019*,* "As non-Christian immigration has made Québec's population more diverse, many in the Christian majority have resented what are seen as 'reasonable accommodations' for minorities. Polls indicate most Quebecers support the ban on religious symbols worn by government workers – but they want to keep the crucifix in the National Assembly" (para. 10). While the crucifix was eventually moved to another room in the same

building with much controversy and public debate, the entire scenario makes clear how Eurochristian religious expression can slip through the cracks of government restrictions on religious symbology.

The problem is not that Canada is a predominantly Eurochristian state; it is the fact that the Canadian government, particularly the provincial government of Québec, continues to declare "state neutrality" in matters of religious freedom, all the while imposing unequal regulations on the non-Eurochristian religions in Canadian society. On November 29, 2023, *Global News* released an article titled *Christmas Motion Brings Unity to Québec Legislature.* The piece covers Québec's legislature unanimously adopting a motion "in defense of Christmas" in reaction to a discussion paper released by the Canadian Human Rights Commission describing Canadian statutory holidays as examples of systemic religious discrimination.[37] According to the article, "The motion… denounces attempts to 'polarize' events that unite Quebecers and that have been part of the province's heritage for generations" (The Canadian Press, 2023, para. 5). In the end, it invited "all Quebecers to unite as the Christmas season approaches" (para. 9). Simon Jolin-Barrette, member of Québec's National Assembly, commented on the controversy, saying, "[Christmas] is a holiday that's shared… People come from all over Quebec, we're a welcoming land and I think it's important to say that it's part of Quebec culture and to invite everyone to celebrate Christmas if they wish" (para. 12–13). This is an example of the invisibilization of Eurochristianity. More often than not, Eurochristian influences go unnoticed in society, and any non-Eurochristian religious expressions are rendered visible and at times controversial.

This can be, in large part, due to how secularism is *selectively* applied. Indeed, Bill 21 protects Québec's "Catholic heritage" through provisions such as Article 17, which states, "Nor must those sections be interpreted as affecting toponymy [how something looks], or the name of or name used by an institution referred to in section 3" (Bill 21: *An Act Respecting the Laicity of the State*, 2019). The ambiguity of the article allows for the protection of the crosses on Mont

[37] The reasoning was that "discrimination against religious minorities in Canada is rooted in its history of colonialism in Canada. This history manifests itself today in systemic religious discrimination. An obvious example is that of statutory holidays in Canada" (The Canadian Press, 2023, para. 4).

Royale and in the National Assembly, as well as other things such as street names. As Haque (2010) notes,

> The secular liberal state's ongoing regulation of religious life should be understood as an exercise of sovereign power… it is the state which determines limits of religion in society – that is the line between public and private expression of religion – and more crucially, it is the state that has the power to identify and deal with the exceptions within the public sphere. (p. 82)

Where government regulation deems Islamic or Jewish religious symbology to be nonsecular, the construction of Eurochristianity as culture rather than religion is a different regulatory recipe. That is to say, legislation such as Bill 21 allows us to see how state secularism can be used to whitewash hegemonic Eurochristianity in a way where the Québec government can maintain the national narrative of "state neutrality" and freedom of religion, all the while belaying non-Eurochristian religious expression in public spaces.

This regulation of non-Eurochristian symbolism transcends provincial borders. While it may take particular form in Québec, a recent example can be found in New Brunswick. In November 2023, a decision was made behind closed doors barring Jewish symbology from Moncton's City Hall during Hanukkah (December 7th to 15th). Moncton's mayor, Dawn Arnold, conveyed to the president of the Moncton Jewish Community, Francis Weil, that the menorah will not be displayed outside of City Hall during Hanukkah (for the first time in twenty years). Weil told the *Montreal Gazette* (2019) that the mayor claimed that "'city hall should be neutral as far as religion is concerned'" (para. 4). According to a CBC article, "Weil followed this up with a news release, saying that in making the city's case, Arnold cited a 2015 Supreme Court ruling against municipal councils opening their meetings with prayer" (Tiwari, 2023, para. 6). Nevertheless, a few days following the public outcry and a petition with over 6,000 signatures, the declaration was reversed with a unanimous vote (Magee, 2023). According to another CBC article, the decision drew criticism from federal cabinet ministers and the public. Moreover, the controversy intensified as it became clear that the decision violated the city's usual process as it was not ratified in a public meeting. Mayor Arnold told reporters that the decision was "in part driven by the municipality's

equity, diversity and inclusion policy, its social inclusion plan, and conversations with New Brunswick's former commissioner on systemic racism" (Magee, 2023, para. 17). However, when asked about the secrecy, Arnold responded, "we will do better next time" (para. 27). Considering the above, moving beyond the common understanding of secularism as the separation of church and state is inarguable since even reading the news elucidates how Canadian secularism unequally applies regulations to the religious expression of the "multi-cultures".

Mouvement Laïque Québécois v. Saguenay (2015)

Building on the implications highlighted above, the significance of the 2015 Supreme Court ruling, *Mouvement Laïque Québécois v. Saguenay* (2015) (allegedly cited by Mayor Arnold to justify her initial decision) becomes apparent in shaping Canadian discourse around religion and secularism. Most importantly, the fact that this decision is used selectively to remove predominantly non-Eurochristian religious symbols from the public sphere (like in the Moncton case discussed above) demonstrates the existing legislative power imbalances. This decision is critical to the Canadian conversation of multiculturalism because it illustrates how the decisions of superior courts gesture towards this shift from religion to culture. *Saguenay* (2015) began in December 2006 when resident Alain Simoneau requested that the mayor of the City of Saguenay, Jean Tremblay, stop reciting a Christian prayer at the beginning of council meetings. Simoneau, an outspoken atheist, felt it was inappropriate to connect religious symbols and rituals with a governmental body like a town council. When the complaint was filed, the prayer before council meetings read:

> God, eternal and almighty, from Whom all power and wisdom flow, we are assembled here in Your presence to ensure the good of our city and its prosperity. We beseech You to grant us the enlightenment and energy necessary for our deliberations to promote the honour and glory of Your holy name and the spiritual and material happiness of our city. Amen. (Beaman, 2020, p. 34)

In March 2007, the atheist activist group called Mouvement Laïque Québécois (Québec Secular Movement) took up the complaint and filed on Simoneau's behalf with the Québec Human Rights Tribunal, also citing the presence of the crucifix and sacred heart statue in the council chambers (Beaman, 2020, p. 34). Mayor Tremblay refused the request to abstain and continued the practice under the pretense that reciting prayer respects Québec's Catholic heritage (Kwong, 2015). While the Tribunal agreed that Simoneau's objection to the prayer was valid, they ignored the demand to remove the sacred heart statue and crucifix from Saguenay's council chambers. "The symbols were not covered in the Supreme Court decision because the original tribunal judgement focused only on the prayer issue" (para. 24). Nevertheless, the City Council changed the prayer's wording to a more neutral tone.[38] Simoneau's complaints and the government's response ignited a frenzy of public discourse on the topic.

Mayor Tremblay appealed the decision to the Québec Court of Appeal. During the 2011 Tribunal hearing, the city argued that the prayer and the crucifix "were not religious, but part of the heritage and culture of the City (and of Québec). The City also claimed that the crucifix, statue, and prayer embodied universal values. The State, they claimed, had a duty to protect the practice of prayer and the artifacts" (Beaman, 2020, p. 34). Eurochristian symbology becomes visible when it is paralleled with strict regulations of non-Eurochristian religious expression, as evidenced above by *Saguenay* (2015, Court of Appeal), the decision regarding Moncton's City Hall, and the National Assembly member's comment inviting everyone to celebrate Christmas. In other words, the crucifix becomes visible at the moment there is a debate about banning headscarves; the selectivity of secularist restrictions becomes visible when the menorah is banned. At this point, the Québec Court of Appeal ruled in favour of Mayor Tremblay, supporting the theory that Eurochristianity within public spaces is "culture and heritage", not "religious symbology".

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[38] "Almighty God, we thank You for the many favours that You have granted Saguenay and its citizens, including freedom, opportunities for development and peace. Guide us in our deliberations as members of the municipal council and help us to be well aware of our duties and responsibilities. Grant us the wisdom, knowledge and understanding that will enable us to preserve the advantages that our city enjoys, so that everyone can benefit from them and we can make wise decisions. Amen" (Beaman, 2020, p. 34).

Nevertheless, Simoneau brought the case to the Supreme Court of Canada, which had finally agreed to hear it. The Supreme Court commented that "In its decisions, the Court of Appeal has been inconsistent as regards the framework for intervention that applies in such cases" (*Saguenay*, 2015, sec. 25). In the end, the Supreme Court of Canada concluded that reciting religious prayer before municipal council meetings is unconstitutional as it violates the right to fundamental freedoms such as freedom of conscience and freedom of religion that are set out in the Québec Charter of Human Rights and Freedoms.[39] In *Saguenay* (2015), the Supreme Court's take on "state neutrality" was a central theme. The Court determined that the government should not show favouritism toward one religion over another. Thus, it was determined that the city council did not follow this rule as the mayor recited a religious prayer that showed preferential treatment to one faith.[40] It is important to note that while the Supreme Court did not fully adopt the trend towards viewing Eurochristianity as culture, it is nonetheless present in Canadian society, as demonstrated by the Moncton example and Bill 21 (2019).

Understanding Religious Freedom

The implications of *Saguenay* (2015), particularly the culturalization of Eurochristianity and its impact on religious freedom, bridge the gap between instances such as the city council's disregard for "religious neutrality" and the wider cultural patterns as seen in the Moncton example

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[39] Section 10 of the *Quebec Charter* states that "Every person has a right to full and equal recognition and exercise of his human rights and freedoms, without distinction, exclusion or preference based on… religion, political convictions, language, ethnic or national origin… Discrimination exists where such a distinction, exclusion or preference has the effect of nullifying or impairing such right".

[40] According to a study conducted by the BC Humanist, "many municipalities across Ontario updated their procedures and bylaws following *Saguenay…* Prior to the ruling, 176 of 254 (69.3%) municipalities included prayers in their inaugural meetings. For regular meetings, prior to Saguenay 68 of 276 (24.9%) municipalities opened with prayer" (*Open for Unconstitutional Business*, p. 24). In the years following *Saguenay* (2015)*,* major changes can be measured as a result of the decision, specifically with regards to prayers in civic meetings. The case is important to understand because it demonstrates a particular phenomena in Canadian multicultural governance the blurred line between "religious symbology" and "culture and heritage", and how both engage with the freedom of religion as it is enshrined in the *Canadian Charter of Rights and Freedoms*.

and the enactment of Bill 21 (2019). The *Canadian Charter of Rights and Freedoms* enshrines religious freedom as a basic right and essential to the functioning of a democratic state. The vision is that "it allows individuals and groups to believe and practise what they choose without state intrusion" (Bakht & Collins, 2017, p. 797). That being said, the way religious freedom is constructed in the Canadian consciousness is highly Eurochristian (Borrows, 2010). According to Canadian and Anishinaabe scholar and jurist John Borrows (2010),

> Canadian constitutional principles dealing with freedom of religion draw on ancient cultural traditions with their origins in the "religious struggles of post-reformation Europe," not in Indigenous North America. The cultural context of constitutional protections potentially presents a problem for Indigenous peoples because their religious struggles with the Canadian state find their origins in the settlers' arrival from post-Reformation Europe. (p. 249)

Some scholars have argued that the very concept of religion within the Constitution Act, 1982 is understood through a Eurochristian framework. As Borrows (2010) eloquently explains, "law is a liberal god that creates religion in its own image" (p. 249). That is to say, the Constitution Act, 1982 will struggle to protect Indigenous religious practices and beliefs if they fall outside Canada's legal commitments to "individual choice, autonomy, privacy, and personal conviction" (p. 249). One significant way the Constitution fails to protect Indigenous religions is, for example, in how the court is incapable of conceptualizing the earth as a living entity, as Indigenous peoples such as the Anishinabek do. According to Borrows (2010), "The subject of the Earth's personality is a profound religious, political, and legal issue. Since the Anishinabek consider the Earth a sentient being that helps to generate life, religion is implicated in their beliefs concerning her existence" (p. 242). *Ktunaxa Nation v. British Columbia* (2017), explored later in this chapter, is a court case dealing with this ontological conflict. Examining this type of conflict is important because even if the Constitution Act, 1982 recognizes Indigenous peoples as a third "solitude", applying settler-colonial law to Indigenous issues stretches it beyond its cultural context to the point of losing pertinence.

In Eurochristianity, worship can happen in buildings erected anywhere for that purpose; however, for many Indigenous ontologies, an intimacy with the earth is an essential component of religious or spiritual beliefs and practices. Coulthard & Simpson (2016) define Indigenous ways of knowing in terms of "grounded normativity", which "houses and reproduces [Indigenous] practices and procedures, based on deep reciprocity, that are inherently informed by an intimate relationship to place" (p. 254). They argue that from an Indigenous perspective, grounded normativity "teaches us how to live our lives in relation to other people and nonhuman life forms in a profoundly nonauthoritarian, nondominating, nonexploitive manner" (p. 254). Said another way, "they think-feel with the Earth",[41] or the spiritual practices and beliefs are a "practiced faith" (Beaman, 2002, p. 137). However, from the perspective of the Canadian government, a religion's "belief" component is given complete protection under the freedom of religion provision; however, the state can regulate or limit its practice.[42] When this is applied to Indigenous religions and spiritualities, the government is unprepared and unequipped to preside over conflicts effectively and equitably.

Despite Canadian multiculturalism's bravado around religious pluralism, the state's foundation in Protestantism and Roman Catholicism has resulted in a Eurochristian hegemony that dominates conceptualizations of religion – and, by extension, definitions of what constitutes

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[41] This phrase appears on page 14 of Escobar, A. (1995). "Introduction: Development and the Anthropology of Modernity." In *Encountering Development: The Making and Unmaking of the Third World* (pp. 3-20). Princeton: Princeton University Press.

[42] This approach is complicated, however, when considering how religious tattoos, for example, challenge the current understanding of religious rules and practices. According to Barras and Saris (2021),

> Religious tattoos have a symbolic function for participants, often representing important figures or principles that they abide by in their lives. The inscriptions on their skin are also deeply personalized, coloured by their unique life journeys and often only understood in that context. At the same time, these are embodied practices. Tattoos are not only inscribed in the flesh of participants, but often influence their conscience, behaviour, and actions. In other words, it is hard to separate the aspects of this practice related to deep belief and those that are a manifestation of this belief. Tattoos, not unlike other religious practices… blur this dichotomy that has structured Western understandings of the right to religious freedom. They invite us to revisit how religious freedom is conceptualized, including the hierarchies around which this regime of protection is structured. (p. 176)

religious freedom (p. 138). Canada developed its contemporary ontology from these roots by invisibilizing its settlers' religious values. To explain this process, Simpson (2014) argues that anthropology is one of the disciplines responsible for early settler perceptions of Indigeneity. According to Simpson (2014),

> The anthropological relationship to Empire, [was] one that was encouraged by a need to describe the difference that was found in new places. This need precipitated certain cultural forms and modes of analysis. In this process, people became differentiated, their spaces and places possessed. 'Culture' served the purpose of describing the difference (always against a norm of a presumed sameness) that was encountered in those places. Describing difference also involved the analysis of difference, one that had (and still has) serious implications for Indigenous peoples, especially in their attempts to write their own histories, to claim their own intellectual and material space, and to exercise dominion over it. (p. 112)

By acknowledging the historical process of how we came to conceptualize Indigeneity (including Indigenous "culture" and religions/spiritualities), we can begin to break down the invisible settler-colonial barriers that early anthropologists set in place which both socially and legally constrain Indigenous existence to this day. Reifying the history living inside governmental regulations is important because it rejects the older notion of "difference" that was neither tied to culture nor individual traits but was rooted in a feudal structure of hierarchy (Bannerji, 2000, p. 130).

While Canada has done some work with regard to reconciling historical violence with the Indigenous population, its legal structure remains inadequate to engage with Indigenous religious/spiritual practices properly. The United Nations Declaration on the Rights of Indigenous Peoples Act (2021) affirms that "all doctrines, policies and practices based on or advocating superiority of peoples or individuals on the basis of national origin or racial, religious, ethnic or cultural differences are racist, scientifically false, legally invalid, morally condemnable and socially unjust" (subsection 2.1). Nevertheless, the fact seems to slip by that religious freedom *itself* (as it is conceptualized in Canadian law) imposes doctrine, policy, and practice that does not align with or consider Indigenous ways of life. According to Beaman (2002), "Aboriginal

spirituality is far enough removed from mainstream concepts of religion that it is . . . simply not covered by law" (p. 136). Sacred sites are deeply significant to – if not inseparable from – Indigenous peoples and their religions/spiritualities. For this reason, "Canada's attacks on First Nations sacred sites are attacks on First Nations peoples" (qtd in Bakht & Collins, 2017, p. 796). Since Indigenous religious or spiritual practices do not fit into the constitutionally referenced baseline (or Eurochristian "normal"), any Indigenous freedom of religion case brought forward in the court is most often characterized as either relating to treaty rights (such as hunting and fishing re: *Sparrow* [1990] or Aboriginal title re: *Van Der Peet* [1996]) (Beaman, 2002). Unfortunately, the lack of legal safeguards for Indigenous sacred sites is a barrier to fully supporting and revitalizing Indigenous religious practices in Canada (p. 793).

Ktunaxa Nation v. British Columbia (2017)

The *Ktunaxa Nation v. British Columbia* (2017) case can be seen as the first opportunity the Supreme Court of Canada had to recognize that the destruction of an Indigenous sacred site violated the *Charter's* freedom of religion under subsection 2(*a*) (Bakht & Collins, 2017, p. 777). This is notable, seeing as "the federal government has also declined to pass laws preventing 'corporations, farmers, developers, provinces, and municipalities from undermining Indigenous religious freedoms, particularly in relation to land and resources" (p. 794). While the country is coming to terms with its legacy of criminalizing Indigenous religious practices and its residential schooling system, Canada continues to steamroll over the notion that "sacred sites play a crucial role in most Indigenous cosmologies and communities; they are as necessary to Indigenous religions as human-made places of worship are to other religious traditions" (p. 777).[43] The

[43] As Bakht & Collins (2017) quote, "whereas some faiths worship the divine in a building, [I]ndigenous peoples often worship the land as divine. While it appears that courts comprehend the significance of church buildings, sacrifice, and prayer, they often fail to grasp the sacredness of land for [I]ndigenous peoples" (p. 780).

Ktunaxa Nation (2017) case clearly shows the implications of thinking of religious freedom in a way that is used selectively and prioritizes belief over practice.

Ktunaxa Nation v. British Columbia (2017) began when the British Columbia Minister of Forests, Lands and Natural Resource Operations "approved a Master Development Agreement to build a year-round ski resort on Crown land in southeastern British Columbia" (Bakht & Collins, 2017, p. 802). The Ktunaxa Nation Council, representing Canada's four Ktunaxa communities, opposed the Jumbo Glacier ski resort. The land in question was known to the Ktunaxa as "Qat'muk", an area of spiritual significance and home to the Grizzly Bear Spirit. The Ktunaxa maintained that there was "no way of building the resort that would eliminate or minimize the impact on their beliefs and practices" (p. 803).[44] For the community, the mountain itself was sacred – the belief *and* the symbol. The Grizzly Bear Spirit would leave if the mountain were damaged or disturbed by the resort or any other permanent overnight human accommodation (p. 803). This would deprive the Ktunaxa of "the spiritual guidance they rely upon and the significance of their rituals" (p. 803). While the rituals typically took place outside Qat'muk, interfering with the land would "deprive the rituals that take place elsewhere of their spiritual meaning" (p. 803). This is not something the Canadian state has made space for when upholding the framework of the right to religious freedom. Qat'muk and the Grizzly Bear Spirit did not fit in with their understanding of what religion *should* look like.

During the Supreme Court decision, the majority held that the Ktunaxa Nation's rights were not violated by the ski resort expanding into Qat'muk. This was supported by the argument that the resort impinged on the *location* of the Nation's belief, not the *belief* itself (a concept not covered within the scope of s. 2 of the *Charter).* The heavy reliance on a Eurocentric view of religion led to the misapplication of the subsection 2(*a*) test (p. 803).[45] The Supreme Court supported the Court

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[44] "Consultation [with the Minister of Forests, Lands and Natural Resource Operations] continued until the Ktunaxa issued the Qat'muk Declaration in November 2010 declaring that no accommodation was possible and that the only point of further discussions was to make decision makers understand why the proposed resort could not proceed" (*Ktunaxa Nation*, 2017, sec. 108).

[45] Section 122 outlines the two-part test to determine whether the section has been infringed: "(1) that he or she sincerely believes in a belief or practice that has a nexus with religion; and (2) that the impugned conduct interferes

of Appeal's view that protecting religious freedom's communal dimension does not include "'restraining and restricting the behaviour of others who do not share that belief in the name of preserving subjective religious meaning' (*Ktunaxa Nation,* para. 73). The court found that the Ktunaxa cannot, in the name of their own religious freedom, require others who do not share that belief to modify their behaviour" (para. 55). Section 153 of the case is particularly important. It states that, "as indicated, the Ktunaxa's s. 2(*a*) claim left the Minister with two options: either to approve the development, or to grant the Ktunaxa a right to exclude others from constructing any permanent development on over 50 square kilometres of public land". Giving the Ktunaxa "a right to exclude others" from land, in the eyes of the Supreme Court, does not count as "reasonable accommodation" or a "middle ground". The case goes on to explain,

> For example, where a claimant seeks limited access to an area of land, or seeks to restrict a certain activity on an area of land during certain limited time periods, granting an accommodation may not have the effect of undermining the Minister's statutory objectives of administering Crown land and disposing of it in the public interest. As proportionate balancing under Doré requires limiting Charter protections "no more than is necessary given the applicable statutory objectives" (Loyola, at para. 4), in such cases, it may be unreasonable for the Minister not to provide these accommodations. (*Ktunaxa Nation*, para. 153)

The court's rationale was that Canada's freedom of religion protects people's beliefs and actions, yet it does not extend to protecting the locations where religious rituals occur or where its meaning is generated. This stance is compounded by the argument that the Crown's statutory (legal) objective is to administer "Crown" land and "dispose" of it in the interest of the public.

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with the claimant's ability to act in accordance with that belief or practice 'in a manner that is more than trivial or insubstantial'" (*Ktunaxa Nation*, para. 122).

Conclusion

Ktunaxa Nation (2017) is an interesting case because it shows how embedded Eurochristianity is, even in our understanding of the right to religious freedom, and in this specific instance, how the right to religious freedom is constructed. People typically understand human rights as "secular" – commonly equated with "non-religious". However, human rights are, in fact, deeply engrained with religious values and perspectives.[46] In the particular case of Canada's understanding and implementation of secularism, "the modern division between public and private spaces stems from a Christian understanding of Religion" (Benhadjoudja, 2022, p. 185). The decisions in this case evidence the base understanding of religious freedom as a Eurochristian one. From the corporation or state's perspective, they are not telling the Ktunaxa Nation that they cannot believe what they want or that they cannot have a religious temple. They want to put a ski resort on the mountain. The fact that the mountain *itself* (representing place-based spirituality) is the sacred space is beyond the state's framework of what constitutes religion.

In order to adhere to state demands, Indigenous populations are asked to erase themselves by breaking their connection to the land, like in the *Ktunaxa Nation* (2017) case. To this day, the Canadian government "continues to marginalize Indigenous religious communities by failing to respect their beliefs with respect to their sacred sites" (Bakht & Collins, 2017, p. 793). The fact remains that so long as "the benevolent majority permits the religious freedom of the minority (as long as it does not cost too much)," minority religious groups will continue to be legally marginalized (Beaman, 2002, p. 146). Since Indigenous activists reject settlers' segregation of land from identity, they often find themselves crossing the border of secularist multiculturalism's "acceptable difference" into the category of a state "problem". According to Bakht & Collins (2017), by "adopting a context-sensitive approach, which respects the unique nature of Indigenous belief systems, it becomes clear that serious state interference with an Indigenous sacred site (e.g., by permitting commercial or industrial activities on the site) will usually violate subsection 2(a)" (p. 802). Given Canada's history of religious persecution against the Indigenous peoples, it is

[46] See Bakht & Collins (2017), Beaman (2002, 2017), Benhadjoudja (2022), Selby et. al. (2018).

imperative that the state respect and help to restore Indigenous spiritual identity according to its own edict in the Reconciliation Commission.

As this chapter has demonstrated, the "diversity" permitted within Canadian secular multiculturalism, specifically in terms of non-Eurochristian expression, is notably limited. Due to Canada's Eurochristian hegemony, secularism can function to separate Eurochristian practices and symbology *from* state understandings of religion. That is to say, behind the smoke screen of multiculturalism's celebration of religious diversity and plurality, secularism separates non-Eurochristian religious expression from the public space. In contrast, Eurochristian ones (constructed as "culture") continue to be embedded in that space. This phenomenon is visible in discussions around cases such as *Saguenay* (2015) and *Ktunaxa Nation* (2017), in the framing of Bill 21, and in the very recent examples of the menorah outside Moncton's city hall and Québec's motion "in defense of Christmas". Moreover, depending on the religion in question, the state applies different regulations. In *Saguenay* (2015), the Mayor (supported by the Court of Appeal) held Christian prayer to be "culture and heritage". In *Ktunaxa Nation* (2017), the way religious freedom is structured and interpreted from a Eurochristian standpoint made the harm of the Ktunaxa Nation legally ineligible.

After looking at Canadian multiculturalism through the lens of secularism and religious freedom, there is no doubt that the conventional understanding of secularism as the separation of church and state is lacking, if not entirely misguided. It is important to view secularism and what gets constructed as religion, culture, or/and religious freedom in the light of Canada's Eurochristian and settler-colonial legacy; doing so will allow for a better understanding of how it functions as a form of political authority. While the constitutional right to religious freedom is fundamental in this country, its interpretation only applies to two of the three "solitudes" in Canada – the "founding nations". As evidenced by the *Ktunaxa Nation* (2017) case, the very framework of *interpreting* the constitution is fundamentally Eurochristian and settler-colonial. Creating space for discussions around legal interpretation through the lens of multiculturalism within a bilingual framework is imperative to disrupt the prevailing trend of applying and enforcing laws in contexts beyond their scope.

Conclusion & Thoughts on Future Research

Even though Canada is proud of its diversity and multiculturalism, it does not erase the fact that its bilingual legislative framework is influenced by Eurochristian tradition. The argument here is not with the merits of this influence but instead with the false promise of unbiased "state neutrality" in court decisions and policy making. Analyzing the interplay between secularism and Eurochristianity within Canadian multicultural "diversity management" strategies reveals that common assumptions regarding the separation of church and state shape the theory and practice of state decisions and social relations. The result is a policy of multiculturalism that is intrinsically designed by and for the settler-colonial "solitudes". According to Haque (2010), when we take into consideration the actual legislative content of multiculturalism within a bilingual framework, we can see how it is, at best, an "anemic interpretative clause" and cannot compete with "the detailed articulation of the guaranteed rights of the two 'founding nations' as enshrined in Sections 16 to 23 inclusive of the Charter" (p. 82). The re-engineered version of Canadian identity as "dual" persists today. It is under the guise of preferences of language and culture through the lens of Eurochristian secularism that settler-colonialism is able to seep into state-led multicultural projects and Indigenous recognition strategies.

Since "multicultural" and "integration" were narrowly defined in federal law, the government has been able to restrict broader and group-specific recognition for other ethnicities (p. 82). In this way, the government's focus on language and culture established a national formulation of multiculturalism within a bilingual framework that still perpetuates a "racialized hierarchy of belonging and citizenship rights" (p. 82). Canada can claim that language and culture "are not synonymous" when facilitating the implementation of multiculturalism's bilingual framework. The country can also claim that Eurochristianity and culture *are* synonymous with respect to visible Christian symbols in government and public spaces.[47] This being the case, we must conclude that without taking into account the historical and social factors at play in shaping

[47] Bill 21 invisibilized Eurochristianity into culture, the Court of Appeal situated Eurochristianity as culture and heritage during *Mouvement Laïque Québécois v. Saguenay* (2015), and the court approached *Ktunaxa Nation v. British Columbia* (2017) through a Eurochristian frame of reference.

state-led secularism and multiculturalism, we risk endorsing a national narrative that has damaging repercussions for those marginalized outside of the settler-colonial "solitudes".

There is no question that the Canadian national narrative is profoundly complex and contradictory. A diverse citizenry requires a broader scope of cultural politics. That being said, this research has shown that Canada's current political culture and liberal democracy does not protect and support everyone. Within the country's unique multiculturalism paradigm, political recognition, first and foremost, maintains control over the state's third "solitude". According to Lawrence (2012), Canadian "recognition-based models of liberal pluralism . . . seek to reconcile Indigenous claims to nationhood with Crown sovereignty via the accommodation of Indigenous identities in some form of renewed relationship with the Canadian state" (p. 79). The forms of political recognition Canada proposes have yet to disrupt settler-colonial domination's underlying conditions. The country relies on self-authorized legal classifications of Indigenous identity because those define *precisely* how they, as challengers of the settler state, are allowed to resist. Thus, the prescribed legal groupings of Indigenous identity have been meticulously designed not to threaten the stability of Crown sovereignty. For Lawrence (2012), "freezing" Aboriginal rights (as in *Sparrow* [1990] and *Van Der Peet* [1996]) "according to pre-contact practices, especially in matters of self-government, means that Aboriginal people cannot compete as equals in Canadian society, as European laws are allowed to advance and change, whereas theirs are not" (p. 59).[48] Indigenous peoples are not part of the "multi-cultures"; their identities, cultures, traditions, and practices are rooted far deeper and extend broader historically than Canadian occupancy. Nevertheless, multiculturalism disappears the reality of the First Peoples by framing them as "just another minority group".

Since Canada has several nations fighting for survival within its borders, its story is fraught with political strife and struggles for recognition. Regardless of whether a nation's history invokes pride, it has a role in shaping a collective identity. The fact that the English, French, and Indigenous

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[48] John Borrows (2002) also critiques the "frozen rights approach" in *Recovering Canada: The Resurgence of Indigenous Law.*

peoples have a collective story in Canada "has helped to shape a shared Canadian identity – an identification with Canadian political institutions and symbols – even though each of these groups has very different interpretations and assessments of that history" (Kymlicka, 1998, p. 174). That is to say, Canada's collective identity is shaped by the histories and perspectives of all *three* "solitudes". This necessarily implicates settler-colonialism in the national narrative; however, the state has yet to take full accountability for reconciling the story Canada tells itself and the world – with the legislative violence the third "solitude" continues to experience.

Despite this, the tension between the two settler-colonial "solitudes" continues to occupy a central position in the national narrative. As Kymlicka (1998) argues,

> The people and events that spark pride among members of the majority nation often generate a sense of betrayal among the national minority. English-speaking Canadians honour Sir John A. Macdonald for his role in building the country; French Canadians revile him for ordering the execution of Riel. English-speaking Canadians take pride in their contributions to the two world wars; French Canadians resent their treatment during the two conscription crises. (p. 174)

In reality, the point of view that valorizes pride in history presumes *how* history should be assessed. To this day, the national narrative centres the tensions and negotiations between the two settler-colonial "solitudes", thereby nudging the reality of three "solitudes" to the side of the national conversation. This preoccupation with Canada's "dual essence" is such a "'natural' of Canadian politics that all other inhabitants are only a minor part of the problematic of 'national' identity. This is particularly evident in the role, or lack thereof, accorded to the First Nations of Canada in the nation-forming project" (Bannerji, 2000, p. 92). At present, the national narrative (as it is supported by legislation) glosses over the state's third "solitude", even though the Indigenous peoples are integral to the national narrative of Canada. Broadening our understanding of Canada as both a multicultural *and* inherently settler-colonial state is imperative to rectify the historical oversights and move toward a more equitable enrichment of the country's collective identity.

Cultivating harmony between the three "solitudes" in Canada will require a form of legislative reckoning for the Crown – with intersocietal law emerging as a strong solution. Aligning

the "solitudes" would require a centring of Indigenous legal practices by acknowledging and integrating them into existing systems. Here, we can lean into the work of John Borrows (2002), who argues that "the Supreme Court of Canada has defined Aboriginal rights in such a way that these sources [Canadian and Indigenous law] can often be harmonized, and need not obstruct each other" (p. 5). There are existing procedures within Canadian law that make space for the communication, validation, interpretation, and application of Indigenous law.[49] According to Borrows (2002), "properly trained lawyers of all cultures would conceivably be able to learn and articulate First Nations law, if they are given appropriate access to, and support from, the community they represent" (p. 24). Issues may arise when Canadian lawyers and judges, being familiar with conventional legal thinking, struggle to comprehend Indigenous law because they are accustomed to understanding law through the lens of past court cases – especially those unfamiliar with non-European cultures.

For this reason, Borrows (2002) highlights the importance and influence of legally trained members of Indigenous communities. He notes that "many of these people are bicultural and/or bilingual and have learned law from their Elders as well as from Canadian legal and academic institutions. They can interpret Western common law precedent, but they also know where to find resolutions to the same questions within First Nations customary or common law" (p. 24-25). These individuals have access to alternative knowledge sources and can connect the divide between Indigenous and European legal systems.[50] Nevertheless, while some forms of Indigenous

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[49] Borrows (2002) provides examples of these existing procedures which include "ethnography, recorded precedent, learned treatises, judicial notice, expert testimony, and skilled advocates" (p. 24).

[50] According to Borrows (2002):

> The fact that First Nations law can be learned in a manner familiar to most people means that the interpretation of this law for the benefit of Canadian courts is not the exclusive domain of Aboriginal people, though caution should always be exercised in this regard. Cultural knowledge should remain under community control, and to educate non-Aboriginal people in the details of Indigenous law poses a risk of unjust appropriation of this knowledge. However, it is conceivable that a non-Native person who received the training, confidence, and certification of a First Nations community may be able to provide the bridge by which First Nations law is communicated to Canadian courts. (p. 25-26)

law can work well with Canadian law, practices, including the sacred and the ceremonial, remain inappropriate for court settings.[51] Further exploration into the complexities and subtleties of Indigenous law and its potential to work *with* the Canadian legal system and society at large would significantly enhance this research. Scholars such as Audra Simpson (2014), Bonita Lawrence (2012), Glen Coulthard (2014), John Borrows (2002, 2010), and Leanne Simpson (2021) have produced works of scholarship on this subject, as well as broader topics such as Indigenous resurgence and radical resistance projects. Identifying ways in which Indigenous law and Canadian law can come into dialogue with one another is essential for developing comprehensive strategies to deepen understandings of Indigenous ways of life and facilitate a fruitful partnership with the Canadian legal system. This scholarship's trajectory would ensure equitable treatment and access to justice for not only the Indigenous communities but also Canadian society as a whole.

As this research has shown, the present influence of Eurochristianity on Canadian identity and its legislative impacts on the Indigenous population is grave. It has critically analyzed legal documents and court cases through this lens and has revealed settler-colonial biases within Canada's national narrative and multicultural policies. Several political theorists have aided this study's engagement with specific legal cases and documents in order to identify and expose how interpretations of state-led multiculturalism can perpetuate social divisions and Indigenous dispossession. The research has challenged persisting settler-colonial systems within Canadian jurisprudence and identifies consequences of federalized multiculturalism within a bilingual framework. For this reason, it also critically investigated how multiculturalism intersects with secularism and religious freedom, particularly within the context of Canada's Eurochristian framework. Court cases on these topics clearly illustrated the invisibilization of Eurochristian norms and values and the *selectivity* of regulating non-Eurochristian religious practices in the public sphere. Through this detailed examination, the research underscored the interconnectedness

[51] Borrows (2002) importantly notes that "First Nations being able to articulate their laws in a Western format should [not] be taken to mean that First Nations will only work to implement their laws through the formal institutions of Canadian law" (p. 26). In fact, he argues that Indigenous law is even more applicable in less formal settings (p. 26).

of multiculturalism, settler-colonialism, bilingualism, political recognition, and secularism and their influence on the Canadian national identity.

Canada has the tools to pursue its principles of "equity, inclusion, and mutual respect", but only through a genuine reckoning with its settler-colonial history and Eurochristian legacy. Without acknowledging the ways in which hegemonic settler-colonialism and Canadian multicultural legislation work together to disintegrate Indigenous identity and nationhood, the country will continue to fail to uphold its desired principles. Naming settler-colonialism and Eurochristianity as they *truly* exist in Canadian multicultural legislation will expose the deep-seated issues regarding recognition politics and other "diversity management" strategies that currently remain under the surface. It is imperative that Canadians engage in this project of nuancing the national narrative – particularly through the legal system – because the current legislative hypocrisy undermines the legitimacy of Crown sovereignty. While Canada proudly displays its commitment to multiculturalism on the global stage, a closer look reveals the painful reality of ongoing settler-colonial violence. Confronting and addressing head-on the complexities of the national narrative challenges Canada to live up to its professed values.

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