

DEFINING CULTURAL AND RELIGIOUS DIVERSITY IN THE ADMINISTRATION OF JUSTICE: Are there Different Perspectives?

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I.

- ▶ **Underlying much policy and academic discourse around accommodation of difference, shared values and social cohesion is the presumption of an Us versus Them approach to intergroup relations. Too often it's implicit that those "groups" seeking accommodation do not share "our" values and thus represent some threat to cohesion.**

II.

- ▶ **Those communicating such views often end up framing or reframing the Us vs. Them view as majority vs minority and then subtly set the distinction in cultural and/or religious terms (i.e. constructing the majority as a cultural group)...**

- ▶ **...With this approach, individual freedoms (of say religion) become subordinate to “majority values” (however these are defined) and hence the freedoms can be trumped by the purported will of the so-called “majority” as sometimes justified in a public opinion survey.**

III.

- ▶ **The public is carefully persuaded that rights are contrary to values rather than fundamental to them. Targeted minorities are cast as violators of “our” values and/or their claims are transformed into affronts to our values rather than concerns of a vulnerable minorities seeking rights protection.**

IV.

- ▶ **With the Charter of Values a kippah bearing doctor and/or a hijab wearing school teacher can end up as being at odds with our values. Some proponents of the Charter of Values insisted that the very wearing of such things was an imposition on Us. Hence covering their heads risked threatening a fragile consensus on the part of the majority...**

- ▶ **...The Charter of Values proponents insisted that they were defending shared societal values which they presented in the most abstract ways. They suggested secularism or laicity was the objective without always acknowledging that there is more than one model associated with them (and hence we've seen adjectives like "open" added the model of secularism).**

V.

- ▶ **Too many elected officials and academics continue to couch their ideas in vague terms and too often policy-makers follow suit. The public is left to define terms or buzzwords a leur facon, an approach which reaps political benefits to those who like ambiguity...**

- ▶ **...Whether it's evoking or appealing to our common values, social cohesion and/or the more recent delirium around "the living together" (le vivre ensemble) illustrates a penchant for using terms that don't lend themselves to meaningful evidence-based inquiry and instead offer us some feel good messaging and/or some clever branding.**