

Bouchard-Taylor: hyper-tolerance vs moral contract

Gilles Paquet
Centre on Governance
University of Ottawa
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The Bouchard-Taylor report, like 15th century maps, is elegant but not very helpful to navigation in rough times. To throw light on debates and to help arriving at better decisions, it is not sufficient to generate an indigestible tome, and to put forward dozens of recommendations. Often, in such ventures, the commissioners have a propensity to arrive at certain conclusions in their haste to bring the conversation to a halt, and to impose what experts call “final solutions”. This is an anti-democratic resolution.

What has emerged from the report is nothing more than the inconsiderate promotion of hyper-tolerance. This hyper-tolerant attitude is anchored both in a phenomenal amnesia (about the common public culture in Quebec and all that has contributed to it) and in certain assumptions that claim that not only all cultures are equivalent (which is contestable), but also that the maintenance of original cultures is necessary for the full personal development of any individual wherever he or she is in the world (which is equally contestable), and moreover that the host society must shoulder most if not all of the adjustment required to accommodate the newcomer on this front (which is eminently contestable).

Most of the readers of the Bouchard-Taylor report have interpreted it as a call for an excessive accommodation that might lead the host society to lose its soul. Polls show that some 55% of the host country population believes that the newcomers should shoulder the adjustment completely.

The Canadian population's commonsense has come to see that there should be a moral contract defining the mutual expectations (something that goes much beyond the edicts of common law) of the host country population and the newcomers. Canadians feel that it is legitimate for the host country to define its expectations and to negotiate entrance requirements that constitute the *quo* corresponding to the *quid* that is made up of the generous benefits the newcomers are entitled to in the *quid pro quo* of the moral contract.

Not to negotiate a moral contract would be irresponsible for two reasons: first, because uncertainty in these matters generates apprehension in the short run, and unhelpful and toxic frictions in the long haul; second, because the lack of a moral contract can only generate unfortunate reactions by the host society to acts of provocation by radical newcomers who insist on bringing into our social context some of former practices of the old country that are incompatible with local mores. These tensions may turn ugly because the courts of law, crippled by the elusive language of the charters of rights, are often incapable of taking into account the common public culture of the host society in the resolution of such conflicts, and therefore likely to err predictably in directions that do violence to the host society.

The fact of being able to interact with members of our community *à visage découvert* is an example of the usefulness of the moral contract. The idea of living in a society where one wears a mask is not tolerable for Canadians. It is therefore legitimate that this imperative be part of the moral contract to which newcomers are invited to subscribe. Otherwise, as has been the case with polygamy and young girls' excision (something that the criminal code prohibits but that the police forces have ceased to track down with determination for fear that the courts might indeed make them legal), there is a likelihood that our society might be infiltrated by practices that would not only modify our culture but pervert it.

The content of the moral contract between the host society and newcomers should be continuously debated, and the moral contract must evolve through time. But the systematic refusal to honor such a moral contract should be considered a lack of *affectio societatis* – a lack of commitment to engage fully and creatively in the construction of a better host society. In the private sector, lack of *affectio societatis* entails the dissolution of the flawed partnership. In the public sphere, lack of *affectio societatis* could translate into an invitation to those who do not feel capable of *affectio societatis* to exert one of the most fundamental rights in a democratic society – the right to leave.

In these sorts of files, the Bouchard-Taylor report is of no consequence, and it may even have contributed to generating some additional mental prisons.

At the end of the day, the process of deliberation initiated by the Bouchard-Taylor Commission has been useful in order to ensure that certain sensitive topics would cease to be regarded as taboo topics. But the effects of the Commission's report have fizzled out: it has only attempted in a futile way (and badly at that) to impose some "final solutions" in matters where only continuous conversation and multilogue can be regarded as a workable *modus vivendi* in a democracy. The Bouchard-Taylor's report attempt – like Joshua's attempt to stop the sun – has failed.

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