

The Multicultural Contract

Following in the critical tradition of exposing unstated gendered and racialized exclusions from within ideal social contract theory begun by Carole Pateman (1988) and Charles Mills (1997), in this paper I attempt to sketch an account of an formally equal and yet exclusionary Multicultural Contract, which defines the limits of permissible diversity in Canada and its expression in public/social space¹. As a means of managing the limits of Canadian national identity and sustaining racialized and gendered norms of citizenship, the Multicultural Contract hierarchically orders members of different social groups in Canada as they may operate signatories, beneficiaries, and objects of this contract. I argue this Multicultural Contract operates in Canada to construct an illusory equality – offering formal inclusion and recognition to multicultural Others – while the terms of this inclusion are written by ‘full’ contractors and imposed unevenly onto cultural Others. As a theoretical agreement to manage and evaluate the practices of the multicultural Other, this contract denotes the limits of full citizenship and personhood in Canada. While premised on inclusion and recognition, then, the Multicultural Contract continuously reinforces a hierarchical order between those full contractors who may impose their own cultural standards onto the sub/non-contracting cultural Others and those sub/non-contracting (multi)cultural Others who are subject to this intervention and management.

In the process of developing a theory of the Multicultural Contract, I apply key conceptual tools generated by Charles Mills’s analysis of the Racial Contract to the theory and practice of multiculturalism in Canada. In particular, I rely on Mills’s account of ‘white ignorance’ which he understands to be a form of ‘willful forgetting’ (often in the form of strategic abstractions away from unpleasant realities of white supremacy and colonialism, as well as their ongoing impacts within formally equal citizenries in settler states) and ‘seeing the world wrongly’ which allows whites to position nonwhites as ‘putative equals’ without acknowledging patterns of systemic racialized injustice or the need to correct for them². Also borrowing from Mills, I develop an account of non/sub/full contractors, categories attached not only to the power one has to contribute

¹ This draft is not to be cited until a final version is uploaded.

² Such ignorance or forgetting may be called ‘willful’ in the sense of involving a choice not to interrogate one’s privilege. Such a choice is facilitated by biases within language and cognitive structures, even among those who do not consider themselves actively prejudiced. Within the language of liberal tolerance and inclusion, such ignorance may be facilitated through assumptions of formal equality and colour-blind rights, obscuring structures of white privilege and nonwhite domination. Particularly within discussions of multiculturalism in Canada and within the study of ‘diversity’ within Canada more generally, this ignorance may be facilitated by coded language which structures these mainstream debates around accommodating and managing the claims made by ‘visible minorities’ and ‘ethnics’ – focused on recognition and celebration of ‘cultural’ diversity, rather than interrogating issues of racism, white supremacy and resulting inequality and discrimination (Peter S. Li, 2007).

to and set the terms of the social contract, but which also hierarchically order persons along ontological lines, delimiting access to non/sub/full humanity.

In part, my analysis serves to supplement the work of post-colonial scholars critiquing the inadequacies and ill-effects of liberal articulations of multicultural justice in the Canadian context, and I rely on the analysis of Sunera Thobani in particular when testing the explanatory and normative power of the Multicultural Contract. I submit that deploying the contract device adds conceptual clarity to past post-colonial critiques by exposing the manner in which access to the full rights and privileges of citizenship can be determined by one's positionality in the moral, epistemological and ontological hierarchy this contract falsely delineates.

By my lights, then, the utility of the Multicultural Contract is at least two fold. First, this inverted (non-ideal, historicized) contract is meant to serve as a 'conceptual bridge' between mainstream political theory and the marginalized work of post-colonial scholars in the Canadian academy. In some senses, then, my use of the contract device is a strategic attempt to show the relevance and applicability of those post-colonial critiques through their reconceptualization in the language of the mainstream academy. Second, through attention to Mills's critique of 'white ignorance,' I attempt to shed light on the discursive strategies that function to distract from or cover over issues of racial and gendered exclusion in Canada, including a 'willful forgetting' of the violent realities of Canada's colonial past and its de jure commitments to protecting the whiteness of the nation through racist immigration criteria. Such strategic ignorance is arguably facilitated by triumphalist narratives of Canada's 'long history' of peaceful accommodation of diversity, aided by abstract discussions of tolerance, recognition and inclusion.

I begin by briefly outlining Mills's account of the Racial Contract and the accompanying critique of white ignorance that helps inform my theory of the Multicultural Contract. For Mills, the Racial Contract must be acknowledged as a contract of domination³ that was epistemologically, juristically and morally *necessary* – rather than anomalous – to the development of principles of Enlightenment liberalism (with its principles of moral equality and freedom) alongside the European project of colonialism, expropriation, and slavery. The colonial project was necessarily premised on ontological divisions among persons along racial lines, assigning full humanity – and the rights and privileges inherent thereto – only to white males, making 'ethical' and even necessary the colonial project of expansion and expropriation of nonwhite bodies and societies cast as 'civilizing' measures. Under this hierarchy, nonwhites, as sub/nonhumans, were subject to a different schedule of rights outside of the 'universal' equality offered to full white male contractors. According to Mills, the writing of these ontological divisions into the moral theory and common sense of the colonial powers was achieved through the entrenchment of the Racial Contract.

³ Echoing Rousseau's 'trick of the rich' in the *Discourse on Inequality* as a con-tract of breach, promising justice and equality to all, while maintaining hierarchical relations in practice (Mills, 2007).

However, the ongoing salience of white supremacy as a political system of domination facilitated by this racially hierarchical contract is covered over through the extension of formal equality to all bodies, while ongoing de facto racial privilege is sustained in part through an actively cultivated and deliberately willed ignorance which serves to support this white privilege while erasing acknowledgement of it. In developing a theory of 'white ignorance,' Mills uses the term ignorance "to cover both false belief and the absence of true belief," and is concerned with social, rather than strictly individualistic, notions of epistemology (16, 2007). According to Mills, such ignorance is sustained by the cognitive structures individuals work within, which mask white privilege, regardless of a given cognizer's racial prejudice or lack thereof (27, 2007). For Mills, all perception is structured by language, and because language itself is "socially mediated," there is no possibility of 'raw' perception, no categories that individual's use to order and make sense of their world that are neutral, isolated from structures of white supremacy, nor from white ignorance (24, 2007).

Because of this, individuals are in a sense 'handicapped' by these cognitive structures, and by the ideologies that help to support them, ideologies which will be inevitably "shaped and inflected in various ways by the biases of the ruling group(s)" (Mills, 25, 2007). What this means, for Mills, is that while white ignorance perpetuates itself through strategic moments of forgetting, through processes that subtly serve to reinforce and sharpen the distinctions made between full (white) humanity and subhuman, animalistic (nonwhite) savages, this process is typically not consciously recognized.

In the case of the Racial Contract, Mills argues, "one has an agreement to misinterpret the world. One has to learn to see the world wrongly, but with the assurance that this set of mistaken perceptions will be validated by white epistemic authority, whether religious or secular" (18, 1997). Rather than being innocent or accidental, such collective self-deception on the part of whites thus constitute "a cognitive and moral economy, psychically required for conquest, colonization, and enslavement," while the application of principles of moral equality and freedom only to whites has been justified through their exclusive claim to full personhood as contractors and beneficiaries of the Racial Contract (20, 1997).

In developing a critique of the Multicultural Contract, I seek to demonstrate that Mills's analysis of the Racial Contract and its strategic reliance on willful ignorance regarding ongoing white supremacy can and ought to be applied to the experience of multiculturalism in Canada⁴. When speaking of multiculturalism, I refer both to multiculturalism as an extension of ideal theorizing relating to matters of liberal justice in the Canadian academy and as a set of principles guiding policy agreements and interpersonal relations. In particular, I employ Mills's analysis to shed light on the manner in which different racialized social groups in Canada operate hierarchically as

⁴ And here I mean to encompass both those who are directly targeted by multicultural policy ('polyethnic' groups) and those (national minorities, specifically Aboriginal nations) whose claims are undercut or marginalized by this model.

full, sub, and noncontractors/objects of the Multicultural Contract, which establishes formal equality while asymmetrically defining the limits of permissible diversity and its public expression in Canada. Importantly, such multicultural ‘diversity’ is constructed against a silent Canadian “we” who may control the permissible limits of this diversity⁵. This power to manage diversity is attached to the imagined superior character of this ‘core’ Canadian citizenry composed of European settlers and their descendents. Here, diversity is naturalized as outside of these unequal power relations, and formal equality is established, while a de facto inequality continues to be reinforced by the exclusive power of this silent (European/white) national we to set the terms of the Multicultural Contract regulating the lives and rights of cultural Others.

In illuminating such unequal power relations within formally equal models of Canadian citizenship and multicultural tolerance, I find the contract device attractive because it has the potential to offer both a normative critique and a descriptive account of the development of the racialized hierarchy operating in Canada composed. Following post-colonial scholars like Thobani, I suggest that citizenship in Canada is hierarchically composed of the ‘core’ Canadian identity of the European settler (primarily Anglophone), and supplemented by non-European immigrants (or ‘polyethnic groups’), while largely excluding Aboriginal peoples. In using the term ‘multicultural’ rather than ‘racial’ contract, I trace the shift from de jure to de facto white supremacy in Canada as multiculturalism emerged in the post-war period. Following post-colonial scholars, I identify this shift as an ideological apparatus serving to legitimize and even celebrate the colonial Canadian state as exceptionally tolerant of cultural diversity while sustaining or distracting from ongoing racial inequality and undercutting more substantive claims made by Aboriginal nations for self-government, decolonization and liberation⁶. Such a narrative of tolerance serves as a source of socioeconomic control and psychological payoff for the European majority, providing a sense of morality and satisfaction to privileged nationals while they continue to engage in hierarchical relations of racialized power and privilege.

According to my analysis, such relations of power and privilege function as a theoretical contract in that the maintenance of these relations requires a tacit agreement among the

⁵ However, as Eva Mackey (2002) has emphasized, the Canadian nation-building project is not premised on the *negation* of all diversity with the goal of producing a culturally homogenous national community. Instead, the power of the dominant cultural majority comes in the exclusive authority to determine the *limits* of this expression. I argue this authority can be recast as the capacity to set the terms of this contract, that is, to manage the expression of diversity in social space.

⁶ While recognition of “existing treaty and Aboriginal rights” is officially entrenched in the Constitution, little has been done put this symbolic recognition into practice. Further, as Thobani suggests, the recognition of these rights through the negotiation of treaty rights and the settlement of land claims remains a colonial relation, premised on the majorities’ willingness and continued ‘good-will,’ while this majority continues to determine the ‘form’ and extend to which the rights of Aboriginal peoples will be recognized (40, 2007).

privileged signatories to ‘see the world wrongly’ and to ‘consent’ to the racially hierarchical order that remains part of the basic structure⁷ of Canada. Denying this reality, multicultural narratives typically attach a historical continuity to liberal practices of tolerance and cultural inclusion that serve to distract from historical and contemporary manifestations of racialized inequality in Canada. In rejecting such ideological abstractions, the Multicultural Contract functions as a device of representation, offering a ‘conjectural history’ of such a theoretical agreement to misremember the colonial past, and to deny or ignore enduring racial and cultural hierarchies in Canada through triumphalist narratives of multicultural tolerance and inclusion.

In this effort, I seek to offer a contextual focus on the construction of the ‘real’ or ‘core’ Canadian identity – that of the exalted (white) national – and the subsequent political and epistemological authority granted to this national as a full citizen and contractor of the ‘Multicultural Contract.’ The construction of such a core national contractor will then be juxtaposed with the construction of multicultural Others who may alternatively supplement or threaten the national order. As modifications of Mills’s categories of full, sub and noncontractors, I aim to highlight how racial privilege operates asymmetrically not just between white and nonwhites, but across and within different ethnic/racialized populations in Canada, and particularly between nonwhites and Aboriginal peoples⁸. In order to examine the operation of the Multicultural Contract, I now turn to Thobani’s conception of exalted citizenship, supplementing this analysis with a brief discussion of the manner in which racialized citizenship is exercised through immigration policy and practice in Canada.

Thobani’s account of the racialized exclusions necessary to the ongoing exaltation of Canada’s (white) national subject relies largely on an ontological account of the superior qualities of rationality, morality and indeed full humanity attached to this exalted national subject. Developed relationally, this exalted position can only be achieved out of a negative contrast to those racialized Others who embody opposing qualities of irrationality, immorality, and sub or non-humanity. Such Others threaten the enjoyment and security of exalted nationals, inherently embodying the very qualities that have the power to negate the superiority of the national and the security of the national community (5, Thobani, 2007). As a result of this ontological hierarchy between white nationals and those threatening Others, differing schedules of rights and resulting political and economic inequalities are justified.

Though not crafted in the language of contract, I argue Thobani’s depiction of such exalted subject is complimentary to my usage of the full contractor, as both categories rely on a conception of some racialized Other who will not – and indeed, cannot – be subject to the rights and privileges offered to fully human subjects and contractors. As Thobani writes, “exaltation has been key to the constitution of the national subject as a particular kind of human being, a member of a particular kind of community, and hence,

⁷ As outlined by John Rawls (1971).

⁸ Regrettably, a more nuanced account considering asymmetries of gender, class and sexuality is beyond the scope of this paper.

ontologically and existentially distinct from the strangers to this community” (5, 2009). She goes on to emphasize the resulting psychological and institutional payoff of such exaltation, suggesting, “the national is not only existentially but also institutionally and systematically defined in direct relation to the outsider. Such exaltations function as a form of ontological and existential *capital* to be claimed by national subjects in their relations with the Indian, the immigrant, and the refugee” (5, 2009). Exalted nationals can be recast as full contractors in that they are granted the epistemological and moral authority to determine the terms and limits of the Canadian social contract and resulting state institutions in order to ensure their ongoing material and psychological privilege, justified by their exclusive claim to full humanity and their inherent worthiness as members of the exalted community of Canadians.

While this privileged position has distinct material consequences, I am equally concerned with the psychological payoff⁹ involved in one’s access to the exalted national subject position. The economic exploitation of nonwhites by whites certainly features prominently in Canadian society, yet I submit that the Multicultural Contract functions even more powerfully in the national imaginary as a psychological device – demarcating those worthy of access to the ‘exalted’ subject position regardless of material benefits that may result. This psychological payoff – at least as strongly as an economic one – motivates the construction and consolidation of a ‘core’ Canadian identity, which is perceived to have legitimate political and moral authority to regulate and evaluate the ‘multicultural’ Others existing at the margins of – supplementing but not transforming – this core identity¹⁰. However, whether aimed at securing material or psychological benefit, this Multicultural Contract is premised on the ‘consent’ expected of citizens, whether explicit or tacit, to the racial order, and to ongoing de facto white supremacy.

In this way, the Multicultural Contract positions the European (white) settlers/nationals at the top, enabling them as full citizens and contractors of the moral/political community, while nonwhite¹¹ immigrant groups may gain a tenuous inclusion into the national community, acting as sub-contractors provided these groups consent to the rules of this racialized contract, including the imperative to ‘liberalize’ their cultures. Polyethnic

⁹ Emphasizing the psychological benefits (detached from actual economic advantage) of inclusion in the exalted category of the national is important because it helps explain the maintenance of solidarity across this national category despite instances of in-group economic exploitation by (white) nationals. This emphasis thus highlights the manner in which the Multicultural Contract serves to solidify a common racialized nationality, denying the relevance of gendered and class-based inequalities within this polity.

¹⁰ This type of management is particularly evident with respect to the Canadian state’s treatment of Aboriginal peoples and the hierarchical divisions of ‘authenticity’ dividing status and non-status and Métis established by the Indian Act. Similar management and evaluation of acceptable and authentic cultural diversity is evident in the range of funding and protections offered to ‘polyethnic’ groups under official/state multiculturalism.

¹¹ This in contrast to those European/white immigrants who are neither the targets of multicultural inclusion or marked as ‘visible’ threats to the Canadian cultural community in need of recognition and management.

groups may act as subcontracts both in the sense of being *recipients* of multicultural recognition and inclusion (however limited and symbolic) and of being subcontracting *participants* in the nation-building project – lending legitimacy to this project as visible symbols of Canada’s tolerance and indeed benevolence towards its Others. Such inclusion for these subcontracting polyethnic groups is also, Thobani suggests, conditional on their willingness to participate in the continued exploitation and dispossession of Aboriginals, understood to be a fundamental building block of Canada’s colonial order (16, 2009). At the bottom of this racialized hierarchy, then, are Aboriginal peoples who are cast as wards of the colonial state, non-contractors and objects of the Multicultural Contract¹². While polyethnic groups may gain a tenuous inclusion into the national community through a tacit consent to the racial hierarchies of the Multicultural Contract, as non-contracting objects of the Multicultural Contract, Aboriginals are largely erased from view.

Indeed, in her work assessing the language of multicultural policy and the strategic inclusion of ‘diversity’ within the Canadian nation-building project, Eva Mackey highlights the emphasis within policy documents on the symbolic nature of multicultural inclusion, and on the ability of multicultural policy to effectively to define the ‘limits’ of ‘permissible diversity.’ Such ‘permissible’ forms of diversity, Mackey concludes, are largely limited to those groups demonstrating a willingness to contribute to national unity and the ‘colourful’ cultural mosaic. In addition to limiting the expression and recognition of diversity to largely symbolic (and individual) rather than political forms, then, acceptable forms of diversity are defined within in multicultural policy as those contributing to the nation-building project, such that ethnic groups are “mobilized as picturesque and colourful helpmates and allies in the nation-building project” (66, 2002). I submit that this supplementary and decorative role, in addition to greatly limiting the radical potential of multiculturalism, positions ‘multicultures’ as subcontractors in the nation-building project, permitted to lend ‘colour’ and ‘flare’ to the national community with the qualification that the colonial nature of this nation-building project is not interrogated and the established systems of wealth, property and representation are not questioned. In this way, participation in and contribution to this project by ‘multicultures’ is premised on ‘consent’ to the ongoing dispossession and exploitation of Aboriginal populations as a fundamental building block of the Canadian nation.

As subcontracting (and largely symbolic) participants in the nation-building project, then, some polyethnic groups may gain a precarious inclusion in the national community, with claims to the material and psychic benefits of such membership. For Thobani, exaltation “gives rise to the desire to belong to the valorized category of humanity, to be seen by others embodying it, to be able to claim it as one’s own property,” which provides a powerful psychological and material incentive to participate in the willful forgetting and ignorance endemic of the national imaginary, erasing colonial violence and ongoing

¹² Such a contract thus goes beyond the official targets of official multicultural policy, shaping more broadly the limits of justice in the Canadian polity and what types of claims (recognition based) can be made and what efforts (anti-colonialism, resistance, liberation, land claims, treaty negotiations, self-government) may be marginalized.

relations of subordination and exploitation (Thobani, 11, 2009). Promoted by such a desire to access the material and psychological benefits of this exalted citizenship, polyethnic groups may thus ‘consent’ to the Multicultural Contract which positions them on the periphery of the national community, still below the white European subject, but above the non-contracting Aboriginal Other.

Canada’s historically racialized citizenship can potentially be recast, then, as a contractual relationship, extending the privilege of full citizenship (and thus, full humanity) only to the (white) national subject, who may be seen as a *signatory* of the exclusionary Multicultural Contract, while non-European ‘polyethnics’ may become *sub-contractors* and marginal *beneficiaries* of this contact, but only so long as Aboriginals remain non-contractors and exploited objects of this reinscribed domination contract. With the differentiated privileges attached to one’s contractual position arguably comes a differential investment in maintaining these relations and one’s relative privilege within them. Those who receive both the material and psychological benefits accompanying the exalted subject position of the Canadian national, in other words, will typically have a far greater investment in denying the exclusionary and exploitative nature of this arrangement. Through my efforts to develop a theory of the exclusionary Multicultural Contract, then, I am attempting to demonstrate the manner in which multiculturalism operates as a technology of ignorance, serving to sustain the exalted status of the white Canadian national while depoliticizing and privatizing ‘cultural’ difference as natural and decorative, thus erasing the need to interrogate the constructed racial hierarchies which continue to operate in Canadian institutions and social relations.

Indeed, the tacit agreement to ‘see the world wrongly,’ that Mills discusses works in unique ways in the Canadian theory and practice of multiculturalism. For example, I argue mainstream scholarly and political preoccupation with the potential dangers posed to national unity and identity by ‘cultural diversity’ works discursively to elide or diminish the significance of ‘race’ and white supremacy in mainstream Canadian political thought¹³. Mills’s critique of ideal theory (2007) and the necessary abstractions away from realities of injustice built into it helps explain this national preoccupation and the marginalization of those who critique this disciplinary blindness. Rather than dealing with realities of systemic racism and exclusion, diversity talk in Canada typically focuses on formal recognition and defining the permissible limits of diversity, limits cast in terms of what the stability and unity of the Canadian nation can handle.

Furthermore, mainstream accounts of the development and practice of multiculturalism in Canada betray many strategic abstractions denying the ongoing salience of white supremacy as a component of the basic structure of Canada. Typically, the emergence of multicultural rights in Canada is depicted as a natural liberal progression arising out of the rights revolution of the 1960s¹⁴. Such an ideal view of these events fails to address the ways in which multiculturalism functions to promote Canada’s image as a nation of

¹³ Debra Thompson’s *Is Race Political* is one recent article pointing to this ‘disciplinary blindness,’ on issues of race in the study of Canadian politics (542).

¹⁴ This account is particularly prominent in the work of Will Kymlicka (2007).

tolerance and diversity, while simultaneously serving as a 'rescue' of whiteness in the post-war period (Thobani, 150, 2007). In contrast to these idealized accounts, I echo Thobani and other post-colonial scholars in asserting that the development of multiculturalism in Canada has been at least partially motivated by and used to fuel the national myth of Canada as an especially tolerant and humane country. Indeed, this narrative is fiercely protected and deeply embedded, while the lived experience of this national story of tolerance and inclusion is only available to select groups and the terms of this inclusion are exclusively set by those fully human contractors who have shaped the Canadian polity in their image and who continue to see their needs and concerns reflected in national policy.

I follow Thobani, then, in suggesting that multiculturalism – as a policy and a philosophy in Canada – emerged in part as a 'rescue of whiteness' that serves to maintain systems of white supremacy while erasing de jure enforcement of this supremacy through commitments to formal equality and recognition. Through the seizure of the power to define, celebrate, and consume the cultural Other, Thobani demonstrates the manner in which the project of multiculturalism has served as a mode of 'rescue' from the 'crisis of whiteness' that emerged in the post-war period (Thobani, 145, 147, 2007). Here, support for multicultural policies and a reconstruction of the Canadian national identity, defined as "urbane, cosmopolitan, and at the cutting edge of promoting racial and ethnic tolerance among Western nations," served the dual purpose of further exalting the Canadian national as inherently superior to threatening cultural and racial Others (cast as intolerant and patriarchal), while simultaneously responding pragmatically to the impermissibility of overtly racist government policies following WWII (145, 148, 2007). In this way, multiculturalism smoothed over the transition from de jure to ongoing de facto white supremacy in Canada in the post-war period without substantially upsetting relations of racial privilege.

Thus, multiculturalism serves to sustain enduring realities of racial dominance, while, in the Canadian case, allowing for the very visible championing of tolerance as a quality inherent to the exalted Canadian national. By attaching the qualities of tolerance and accommodation of diversity to the inherent character of the Canadian national, and projecting these qualities back onto the colonial settler, multiculturalism functions to rescue and reaffirm the moral worth of the nation-building project. Rather than being seen as formed out of a violent colonial past premised explicitly on the erasure (both spatial and ontological) of the Aboriginal subject, Canada's nation-building narrative becomes one of a steady progression towards liberal tolerance and civility through discourses of multiculturalism. In this way, multiculturalism is typically presented as an extension of Canada's 'long history' of tolerance – particularly contrasted with the violence of American 'solutions' to diversity – covering over the construction of ontological distinctions between Settler and Savage, Citizen and Immigrant. This type of covering over or willful forgetting on the national level thus facilitates multiculturalism's ability to mask the "continuity of white privilege" by placing all persons on a formally equal playing field, naturalizing patterns of wealth, power and privilege that have been passed down across generations along "racial" lines (Thobani, 154).

By adapting the categories of Thobani's exalted national subjects and threatening internal Others into the language of contractualism, I argue the Multicultural Contract can be seen as providing a context specific rationale for the maintenance of white supremacy in Canada while allowing for the perpetuation of the exalted image of the humane, lawful and tolerant Canadian national and the benevolent and morally legitimate Canadian state. The strategic and willful ignorance at the core of the national imaginary allows for a disavowal of the historical legacy of colonialism and the presence of a once explicit Racial Contract based on the exclusion of Aboriginals from full humanity and any moral considerations resulting from it¹⁵. Such a disavowal facilitates the projection of this image of national tolerance onto the brutal colonial past and recasts racial inequalities as regrettable anomalies rather than constituting a crucial (and enduring) component of the basic structure of the Canadian settler state.

In addition to sustaining moral and ontological divisions between nonwhite sub/nonpersons and the fully human and exalted settler/national (despite formal equality and recognition), the Multicultural Contract "demarcates space, reserving privileged spaces for its first-class citizens" (Mills, 49, 1997). While Mills applies such logic to the experience of nonwhites in the United States, such 'norming of space' arguably holds true in the Canadian context, where public and political space continues to be dominated by European imagery and symbols¹⁶ (Eisenberg, 44, 1998). Multicultural policies regulate the permissibility of the practices of cultural Others, but these policies also delineate the spaces in which cultural diversity may be permissibly displayed. Typically, multicultural Others have limited and largely shallow, decorative access to these public spaces, seeing more fundamental differences – in beliefs and in access to political and economic opportunities – privatized as issues of incommensurable values or marginalized as matters of individual discrimination rather than structural domination.

Within the Multicultural Contract, I argue, such norming of space is particularly evident in the framing of mainstream discourse on multiculturalism around defining the permissible limits of diversity, and through the asymmetrical power along racialized and gendered lines to set these limits and to contribute actively to and/or be considered a full or true member of the national community. Broadly, then, the limits of diversity are set through the permissibility of shallow 'song and dance' style forms of (multi)cultural expression adding 'colour' or 'flare' to the national mosaic, while maintaining the power, within the majority, to define the limits of this expression, while often casting more fundamental differences in terms of cultural and religious beliefs as beyond the scope of multicultural toleration¹⁷.

¹⁵ According to Thobani and other post-colonial scholars, the Canadian nation-building project "was steeped as much in the epistemic ejection of Aboriginal people's from the category of human as it was in the dispossession of Aboriginal peoples from their lands" (55, 2007).

¹⁶ An extreme and concrete example of this norming of space may apply in the case of Aboriginal reserves.

¹⁷ For example, in *Casting Out* (2008), Razack traces the public reaction in Ontario in late 2003 to the attempts by the Islamic Institute of Civil Justice to allow for the use of

An ideological covering over of structural injustice and racialized inequality also arguably occurs within mainstream intellectual and political preoccupation with recognition, when this 'recognition' is substituted for antiracism, antidiscrimination, and immigration assistance in matters of family reunification, settlement and so on. Indeed, in instances when (multi)cultural accommodation goes beyond symbolic recognition to include changes in government services in order to address structural disadvantages caused by cultural 'difference' – in other words, when the policies of multiculturalism have 'costs' either economic or political – they are typically met with resistance and conservative backlash. This type of backlash is often heard towards policies of affirmative action offering 'special' rights and 'unfair' advantages, and more recently, has been found in resistance to black-focused schools in Ontario meant to serve as a means of combating high drop out rates among African Canadians and addressing historical justice facing these populations (Razack, 166, 170, 2008).

More generally, the exclusionary nature of the Multicultural Contract (despite its promises for recognition and inclusion) is evident in the language of 'management' of diversity itself – particularly when framed in terms of social cohesion and national unity. Here, discussions focus around establishing the permissible limits of diversity and its expression in public/politic space and on managing the 'threat' to Canadian culture or ways of life posed by diverse Others¹⁸. Such discussions implicitly mark the boundaries of the 'true' nation – even if it is only through the largely symbolic power of certain groups granted the moral and epistemological authority to 'imagine' the nation in order to sustain their privileged position within it (Bannerji, 65-66, 2000). While coded in the language of tolerance, recognition and inclusion, then, the terms of this Multicultural

'Sharia law' in the settling of disputes under the *Arbitration Act* (1991). While accommodation of faith-based arbitration had previously been practiced by Jewish and Christian groups, the proposed inclusion of 'Sharia law' as another form of faith-based arbitration was met with public condemnation, framed in terms of 'civilization clashes' between modernity and pre-modernity and the threat posed by such 'pre-modern' and fundamentalist practices to Canada's liberal democratic framework. Such a reaction, not previously experienced by the use of the act by other religious groups, Razack posits, points to a clear boundary between who may rightfully belong to and see their identity reflected in public space (167).

¹⁸ For example, when performing field research into the construction of a 'core' unmarked dominant national group (silently defined through whiteness) and its 'multicultures,' Mackey found a common expression among interview subjects of the need to establish a 'bottom line' marking the limits of cultural tolerance, the need to 'put Canada first' and allow expressions of diversity to supplement rather than actively change the 'core' Canadian identity. Mackey also observed a common expression of resentment towards the funding of 'special' groups of 'every nationality' except this unmarked and thus normative *Canadian*-Canadian identity, along with a need to establish a 'fine line' between recognizing 'uniqueness' or difference and actually offering any 'special privileges' or 'special rights' to those marked as Other (104, 142, 148, 2002)

Contract are set almost exclusively by those exalted (through their ontological whiteness) as true citizens (and, in my usage, full contractors) of the Canadian nation.

In outlining the asymmetrical power of those exalted as true subjects of the Canadian nation to set the terms of the Multicultural Contract, I mean to emphasize *necessarily* exclusionary logic of this contract. In other words, I argue, access to the privileged position of full contractor is never available to all, because the material and psychological benefits of this position must be purchased through the exclusion and exploitation of other bodies from this category. In the case of the relational construction of the dominant Canadian identity as exalted subjects or full contractors, access to this privileged position connoting the rights and privileges of full humanity and individuality requires the simultaneous conceptualization of some inferior or unworthy subject (or object) of concern. Full contractors, in other words, require noncontracting bodies to be available for material exploitation and to contribute to the psychic payoff involved in selective admittance into this superior category. Some must be denied access to this category for its privilege to be materially and psychologically enjoyed, and this exclusion remains necessary so long as divisions of labor within liberal states are premised on the naturalized exploitation of some subset of the population from the freedom (independence) and equality available to contracting individuals¹⁹.

Principles that have served to exclude certain bodies from full humanity and participation in the ideal social contract of moral equals cannot be unproblematically mapped onto those bodies whose exclusion has sustained the material and cognitive privilege of full contractors. This exclusion from full humanity has been a necessary justification for the exploitation and displacement of nonwhites by white (typically male) contractors, and extending the privileges these full contractors experience is not possible without undermining some of these same privileges. Thus, corrective justice requires more than the formal extension of human rights and privileges to these necessarily excluded Others. Here, addressing actual relations of racialized and gendered exploitation and oppression has material and psychological consequences for whites, who must confront and attempt to reject the illusory ontological superiority attached to their embodiment that has been used to justify and sustain their privileged position in the global order.

Again, in the case of the Multicultural Contract, there are specific exclusions that are necessary and fundamental to its logic. In particular, I have pointed to the hegemony of recognition and inclusion based models for managing all forms of 'difference' under the discourse of multiculturalism which arguably marginalize claims about antiracism, settlement, employment, discrimination and which denies the ongoing structural impacts of white supremacy and neocolonialism on the Canadian citizenry, as well as undercutting claims made by national minorities for autonomy and/or self-government. In addition to the norming of social space and the identification of 'visible' or 'diverse' polyethnic groups explicitly marked for management and conditional inclusion within official multicultural policy, then, I argue the Multicultural Contract operates to sideline

¹⁹ Here I echo Pateman's (1988, 2007) approach to the necessary exclusions of the Sexual Contract and the independent status of contracting individual itself.

the substantive claims of (noncontracting) Aboriginal nations, recasting these groups as merely ‘cultural’ and largely limiting the scope of their claims to matters of symbolic recognition. Finally, as Thobani has argued, even the conditional inclusion available for some cultural Others is premised on the ‘consent’ to the racial order of the Canadian polity, which continues to place Aboriginals at the bottom. In either case – whether for Aboriginals or polyethnic groups – the power to manage the limits of diversity and set the terms of inclusion remains primarily in the hands of those full contractors marked as true citizens of the Canadian nation through their ontological whiteness²⁰.

The need to police the boundaries of the nation – both geographical and cultural – is particularly evident in the case of immigration, both in terms of policy and discourse. Here, the language of ‘management’ and ‘threats’ occurs again, but can be cast even more explicitly in terms of stemming the ‘flood’ of cultural Others entering the space of the nation(al) – threatening to ‘overwhelm’ Canadian culture and identity²¹. A brief interrogation of the intimately connected matters of citizenship and immigration – who may gain access to and be fully accepted as a member of the political community – helps put the ongoing salience of this racially coded contractual relationship into sharper relief.

Indeed, immigration policy does more than explicitly set out the characteristics sought after in those worthy (and ‘capable’) of becoming Canadian. It also clearly demonstrates the not-so-distant legacy of the Canadian state’s active role in shaping a core white citizenry with the right and power to exclude, manage, dispossess and expel racial Others as needed or desired. Triumphalist narratives of Canada’s ‘long history’ of national tolerance and benevolence are particularly overt here, casting the Canadian state as one of the most humanitarian and generous to immigrants and refugees in the world. Such a narrative is quite distinct from the use of racial heritage as a key admittance criteria for prospective immigrants aimed at keeping out the ‘non-preferred races’ who were said to embody qualities opposite and threatening to those of the exalted (white European) national (Thobani, 75, 2007).

As a contractual relationship, those in control of immigration and citizenship – whether as policy makers or as privileged members of the ‘core’ Canadian community of white Europeans – guard the limits of the national community and its corresponding rights and

²⁰ Indeed, for Aboriginals, the price of inclusion often involves the surrender of claims made for self-government, liberation, treaty rights or the settlement of land claims in their entirety. This analysis applies most prominently of the logic of the White Paper (1969), although its ostensibly more progressive mainstream alterative, Citizens Plus, as developed by Cairns (2000) and drawing from the Durham Report (1964), is similarly assimilationist and assumes the need to focus on integrated citizenship rather than self-government.

²¹ Richard Day (2002) has outlined the ideological use of what he calls the ‘flood metaphor’ in depicting an overwhelming tide of immigrants threatening to overwhelm Canadian culture. According to Day’s analysis, this metaphor is never applied to European immigration, but instead, remains a means of highlighting the incommensurable differences and ‘threats’ posed to the anglo-majority by these ‘cultural Others.’ (133, 2002).

privileges. In other words, norms of citizenship are used to asymmetrically set the terms of the ‘virtual white community’s’ in-group social contract, underwritten by a racially exclusionary Multicultural Contract. This differential privilege highlights the necessary yet contradictory nature of the Multicultural Contract as one contemporary manifestation of a *con-tract* of breach or domination, offering false inclusion and universal rights in theory while establishing significant de facto economic and political hierarchies along racialized lines in practice.

Indeed, citizenship in Canada remains a privilege – not a right – in principle, yet, in practice, access to citizenship becomes akin to access to the rights of humanity itself, or, as Arendt has observed, of the ‘right to have rights.’ Those ‘outsiders’ who may gain access to the rights of citizenship in Canada still do so precariously, on subtly (and sometimes overtly) racialized and gendered grounds. Even in a liberal era of de-racialized immigration policy²², the terms of citizenship and inclusion are still largely dictated by the white European contractors who have participated in a rewriting of Canada’s once de jure Racial Contract into the formally inclusive but practically exclusive and exploitative Multicultural Contract.

Such liberal reforms to immigration and citizenship policy have proved beneficial to some individuals, but they do much to justify the denial and covering over of ongoing systemic exclusions along racialized and gendered lines. Indeed, nonwhites continue experience this exclusion in a variety of ways. Bodily exclusion of nonwhites may occur along racially coded criteria of skill, occupation, language and education still privileging immigrants from European and ‘developed’ nations (Thobani, 97, 2007). But further, by determining ‘dark’ spaces of exception within the geographical limits of the Canadian state, the Multicultural Contract operates to exclude certain nonwhite bodies²³ from the ‘imagined’ national community despite formal inclusion as legal citizens. Such spaces, Mills’s suggests, operate to sustain the homogeneity of the “virtual white citizenry” and

²² In analyzing the effects of liberalized immigration policies following the 1960s and 1970s and into the Charter era, Sharryn Aiken (2007) concludes that, “despite significant changes in Canadian immigration law over the past thirty years, we can still see the continuity of historic racism in the neo-racist stratification that remains embedded in the fabric of the law” (57, 97). The points system, despite being ostensibly race neutral, Aiken and other critics of Canadian immigration policy have argued, continues to filter immigrants along racialized lines, particularly aided by the highly discretionary nature of the selection criteria, which allows “biased immigration officers to make discriminatory decisions, and it allows the law, more broadly, to act as a tool for perpetuating racism” (Aiken, 68-69).

²³ As a socially constructed category, it should be emphasized, ‘whiteness’ is subject to transformation and contextual variation. While this emphasis on naming ‘nonwhites’ gestures towards important inequalities resulting from structural white privilege too often masked by coded language of ‘color’ and ‘diversity,’ ‘visible identities’ beyond that of skin color – for example white Muslim women – may still be ‘marked’ for similar exclusion.

are attached to differential expressions of rights and access to equitable standards of living (Mills, 53, 1997).

As a modified contractual relationship, then, I understand citizenship to be the right to define one's own political fate – to set the terms of the social contract that one will be directed by – as well as the right to determine the fate of aspiring Others seeking inclusion into the national community. In practice citizenship operates along racialized lines in Canada – constructing white Europeans as the 'true' subjects of the nation with the power to manage and, if necessary, expel nonwhite 'insider-outsiders' who remain external to the core white citizenry even when they have gained formal inclusion whether by birth or naturalized citizenship²⁴. Importantly, such lasting exclusion, casting nonwhite subjects as 'perpetual strangers' in the white national community is not similarly applied to European immigrants, particularly those from the 'preferred' British and French 'races' (Thobani, 76, 2007).

The Multicultural Contract thus sets the 'fair' terms of political life for the national community – but also carefully defines the composition of this community itself, distinguishing between 'true' members – full citizens and contractors – and threatening Others or aliens. And despite the liberalizing reforms to Canadian immigration policy in the 1960s and 1970s, those immigrants of 'non-preferred races' continue to experience the de facto maintenance of their unequal rights and status within the national community "through their ideological designation as immigrants, newcomers, new Canadians, and visible minorities, even after they acquire de jure status as citizens" (Thobani, 76, 2007).

In the modern era of nation-states, to be a citizen is to be recognized as fully human – to have the right to act as a rational contractor or autonomous individual deemed capable of agreeing to – and worthy of setting the terms of – the social contract. Fully human citizens and contractors are granted the power to set the terms of their own political life, determining the composition of those who they will hail as their co-nationals, along with those who will be excluded or treated as 'perpetual strangers' and objects of suspicion, state management and intervention.

Conclusion

I submit that this type of ontological hierarchy of citizens and contractors serves as the Canadian rewriting of the Racial Contract, shifting from de jure to de facto white supremacy in the post-war period. The production of a virtual white polity in what would become Canada required the initial construction of Aboriginals as a threatening internal Other marked for perpetual exclusion due to an assumed ontological inferiority to the European settler, and the protection (and perpetuation) of this virtual white community later justified an overtly racist immigration policy. From this de jure white supremacy establishing a moral hierarchy between settlers, Aboriginals and nonwhite immigrants, the 'rescue of whiteness' performed following WWII and the fall of overt

²⁴ Such individuals may be subject to demands that they 'prove' they belong in Canada, through the demonstration that they have the correct documentation.

colonial rule made necessary the reconceptualization of this contract into the racially coded Multicultural Contract. To protect the national project, the ‘threat’ posed by cultural others, both internal and external, must be managed by an interventionist colonial state, seen here as the institutional embodiment of an exclusionary social contract consented to and directed by white European contractors as exalted members of the Canadian community.

The power of the Multicultural Contract, ultimately, is in the largely successful recasting of this ongoing colonial intervention and exploitation as the practice of a benevolent and generous liberal democratic state, to which all are subject but only against which only certain racialized and gendered bodies may exert substantive influence. Just as the framing of the Racial Contract was a necessary legitimizing component of the European imperialist project, the rewriting of this once explicitly hierarchical contract into a racially coded and contextually specific Multicultural Contract has proven a necessary ideological tool used to smooth over Canada’s transition from a white settler colony premised on the violent dispossession and extermination of Aboriginal peoples to an abstractly egalitarian liberal democracy in the second half of the twentieth century. The rewriting of this contract has thus proven a necessary instrument in the legitimation of the Canadian nation-building project and the maintenance of white privilege following the discrediting of biological racism after WWII, instituting formal equality and cultural recognition while justifying the continued state management of nonwhite polyethnic communities and remaining largely deaf to the claims for rectificatory justice and self-government made by Aboriginal peoples in Canada²⁵.

²⁵ While outside the scope of this paper, it is important to note that many Aboriginal peoples can be seen not just as non-contractors, but as engaging in an active resistance to the Canadian social contract, Multicultural or otherwise. Matters relating to Quebecois identity and national autonomy similarly complicate my analysis.

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