

THE QUEBEC CHARTER OF VALUES: A SOLUTION IN SEARCH OF PROBLEMS

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Abstract

Government action is normally perceived as problem-solving where the overriding objective is to solve problems and produce substantive improvements in the way policy issues are addressed. This view is based on a rational model of decision-making which posits that searches for new solutions commence with problems, i.e. when performance falls below aspirations. However, this essay focuses on what can be referred to as an anomaly in the relationship between public attention towards domestic policy issues and the activities of government: solution-driven reform processes, rather than problem-driven reform processes.

This essay argues from a perspective of political science and organization theory that the Quebec Charter of Values which was tabled by the Government of Quebec in November 2013 contains elements of what James G. March and Johan P. Olsen theoretically have described as “solutions looking for problems, ideologies looking for soap boxes, pet projects looking for supporters, and people looking for jobs, reputations, and entertainment.”

Résumé

Une intervention gouvernementale est généralement perçue comme un agent de solution dont le principal objectif est de résoudre un problème et d'améliorer substantiellement la manière dont sont abordés les enjeux liés à une politique. Cette idée est basée sur un modèle rationnel de résolution de problème qui postule que la recherche de nouvelles solutions commence par les problèmes, c'est-à-dire lorsque la performance ne répond pas aux objectifs. Le présent essai se penche plutôt sur ce qu'on pourrait appeler une anomalie dans la relation entre l'opinion publique sur les enjeux de politiques intérieures et les activités gouvernementales : un processus de réforme enclenché par la solution plutôt que par le problème.

À partir d'une approche en sciences politiques et théorie organisationnelle, cet essai soutient que la Charte des valeurs déposée par le Gouvernement du Québec en novembre 2013 contient des éléments que James G. March et Johan P. Olsen

ont théoriquement décrits comme « des solutions à la recherche de problèmes, des idéologies à la recherche de tribunes, des projets partisans à la recherche de sympathisants et des individus à la recherche d'un travail, d'une réputation et de divertissements ».

1. Introduction

On 7 November 2013, the Government of Quebec tabled its proposed Charter of Values (Gouvernement du Québec 2013). Although the Charter appears to have only a remote chance of passing in its current form, it has proven highly controversial and has generated considerable debate. Most attention has been devoted to Article 5 in Chapter II: "In the exercise of their functions, personnel members of public bodies must not wear objects such as headgear, clothing, jewelry or other adornments which, by their conspicuous nature, overtly indicate a religious affiliation" (Gouvernement du Québec 2013: 6). If adopted, this implies that state employees will be forced to remove headscarves, yarmulkes, turbans and larger-than-average crucifixes if they want to keep their jobs.

According to the Government of Quebec, the purpose of the bill is to establish a Charter that affirms the values of state secularism and religious neutrality and equality between women and men and provides a framework for accommodation requests. In the Preamble of the Bill, it is claimed that "it is necessary to establish certain guidelines to deal with accommodation requests, particularly in religious matters" (Gouvernement du Québec 2013: 5).

By following the process leading to the proposed Charter and reading the Charter itself, it is highly unclear what this necessity is based upon. Why a charter on values, and why now? More precisely, what is the problem the Government of Quebec is trying to solve by introducing this charter? Based on the internationally recognized and relatively successful models of both Canadian multiculturalism and Quebec interculturalism, the Charter of Values seems particularly puzzling.

2. Canadian Multiculturalism and Quebec Interculturalism

The control and integration of immigrants are areas of shared jurisdiction between the federal and the provincial governments, and Canada and Quebec have chosen different approaches.

Canada has adopted a "multiculturalist" approach to immigrant integration, where multiculturalism refers to a policy of recognizing

diversity within public institutions and celebrating it as an important dimension of collective life and collective identity (Kymlicka 2007a). This implies that multiculturalism as a policy attaches positive value to cultural diversity and, therefore, actively aims to support the various cultures. Canada was the first country in the world to adopt an official public policy of recognizing and accommodating ethnocultural diversity through a parliamentary statement in 1971. This policy was subsequently enshrined in law in the Canadian Multiculturalism Act of 1988 and given constitutional recognition in section 27 of the Constitution. Canada has followed up on this constitutional commitment in practice and has implemented the world's strongest multicultural policies (Banting and Kymlicka 2006). Programs supported under Canada's multiculturalism policy include, to mention a few, the allowance of dual citizenship; antiracism campaigns and programs on how to improve ethnic representation and cultural sensitivity in schools, healthcare institutions, police, and media; inclusion of multiculturalism in school curricula and academic studies of the history of ethnic groups in Canada; public funding for ethnic group organizations and activities such as ethnic festivals; and, exemptions from dress codes in certain areas. All in all, the Canadian multiculturalist approach is built on a conception of integration in which it is expected that immigrants will visibly and proudly express their ethnic identity and that accepts an obligation on the part of public institutions to accommodate these ethnic identities (Kymlicka 2007b).

Accusing Canada of not recognizing the special status of the Francophone community, Quebec has actively tried to distance itself from the Canadian model of multiculturalism by constructing its own approach to immigrant integration: "interculturalism." This approach seeks to affirm the primacy of Quebec in the areas of politics and identity, which must be viewed in the context of the larger project of national affirmation (Gagnon and Iacovino 2005). The central idea is that immigrants and minority cultures are invited to integrate into the larger host community of Quebec. To accomplish this objective and to facilitate integration, Quebec – which established its own Ministry of Immigration in 1968 – adopted the first language and education laws to steer immigrants into the Francophone community in the early 1970s (Mc Andrew et al. 2000). The Government of Quebec summarized the essence of this model in a policy document from 1994: "For the immigrant established in Quebec, adopting Quebec as an adopted land, there requires an engagement like all other citizens, and to respect these very choices of society" (quoted in Gagnon and Iacovino 2005: 30). In opposition to the Canadian *mosaic*, the preferred

metaphor is that of the Quebec *tree* into which various rootstocks would be grafted (Mc Andrew 2007: 8).

Disregarding the political rhetoric and instead focusing on the actual practices and outcomes, Canadian multiculturalism and Quebec interculturalism have much in common. To quote Marie Mc Andrew (2007: 11):

They share a high commitment to diversity, considered a major feature of collective identity, as well as a definition of equality that goes further than formal equality to include equity (both governments recognize systemic or indirect discrimination and have adopted compensatory and equalization programs). Both policies also clearly value the Human Right perspective (whether the Quebec *Charter of Human Rights and Freedoms* or the Canadian *Charter of Rights and Freedoms*) as the main framework for managing diversity.

Further, both models must be considered successful. Canada has one of the highest levels of foreign-born populations in the world, approximately 20 percent (OECD 2012), and currently admits more immigrants annually relative to the size of its population than most countries. Canada is indeed one of the most multicultural countries in the world (Fearon 2003). At the same time, Canada has a strong international reputation – buttressed by comparative studies on immigrant integration – as a country that has successfully managed to benefit from increased ethnocultural diversity. In fact, Canada has been described as a “statistical outlier” in that it has managed to combine high levels of diversity with peace, democracy, economic prosperity, and individual freedom (Laczko 1994; Kymlicka 2007a). Further, Canada has also managed to reconcile important welfare state objectives and principles with increased immigration and diversity. In contrast to many other countries, Canada has not actively sought to fence off the welfare state from newcomers, and public attitudes in Canada reveal little tension between ethnic diversity and support for social programs (Banting 2010).

At the same time, the Quebec model of interculturalism has been deemed instrumental and relatively successful in integrating newcomers to a “common Francophone pluralistic culture” (Mc Andrew 2007: 1). For instance, since the 1990s, Quebec has become more effective in regard to retaining immigrants. Clear progress in the knowledge and use of French has been reported, as well as a notable increase in positive attitudes toward immigration and cultural diversity in public opinion (Mc Andrew 2007). Further, the Consultation Commission on Accommodation Practices Related to Cultural Differences, the so-called Bouchard-Taylor Commission, concluded in 2008 under the rubric “A Crisis of Perception” that:

the foundations of collective life in Québec are not in a critical situation. Our investigation did not reveal to us a striking or sudden increase in the adjustments or accommodation that public institutions allow, nor did we observe that the normal operation of our institutions would have been disrupted by such requests, which is eloquently confirmed by the very small number of accommodation cases that ends up before the courts (Bouchard and Taylor 2008: 18).

The conclusion of a “crisis of perception” was further supported by statistics provided by the Commission des droits de la personne et des droits de la jeunesse du Québec. All things considered, Quebec has, during the past years, faced a major global financial and economic crisis and perhaps even a democratic crisis related to the exposure of systemic corruption in several of its municipalities. However, there does not seem to be a crisis related to state secularism, religious neutrality or gender equality, for that matter. The proposed Charter of Values is particularly difficult to explain in this context. Perhaps it can best be considered a result of a solution-driven, rather than a problem-driven, process – a phenomenon that is well described in the political science and organization theory literature.

3. Bounded Rationality and Solution-Driven Reform Processes

Government action is expected to be problem-solving where the overriding objective is to solve problems and produce substantive improvements in the way policy issues are addressed and dealt with. This view is based on a rational model of decision-making and posits that searches for new solutions commence with problems, i.e., when performance falls below aspirations. However, expectations for absolute rationality in decision-making are unrealistic because decision-making is bounded by significant individual and organizational constraints (March and Simon 1993). For instance, decision-makers are often required to act under uncertainty and in circumstances in which they lack information about the various action alternatives and their consequences. As a result, organizations and government are best understood as acting based on limited or bounded rationality (Simon 1947).

People, problems, choices and opportunities are often mixed in confusing ways (Kingdon 1995), and a central aspect of “bounded rationality” in decision-making pertains to the link between problems and solutions. While a rational model focuses on the expected contributions of actions and their consequences to the realization of predetermined goals, bounded rationality recognizes that actions may produce goals as readily as goals may produce actions (March and Simon 1993).

“Solution-driven reform processes” is a well-known anomaly in the relationship between public attention toward policy issues and organizational activities of government. In these processes, policy proposals and organizational reform processes are driven more by supply than by demand and by the existence of an alternative that attracts attention and support, and thereby stimulates a perception of a problem to which there is a possible solution (Cyert and March 1992; March 1981).

This observation may seem empirically intuitive. However, James G. March (1981) has identified three different theoretical explanations for solution-driven reform processes: “problem overload, ambiguity and solution innovation,” each of which will be addressed in turn.

First, because modern complex organizations often operate with different (and sometimes contradictory) goals, failure to achieve certain goals is not uncommon. Such failure, of course, creates problems that must be addressed and solved. However, organizations typically face a large number of problems of more-or-less equal importance but only a few solutions. Thus, the chances of finding a solution to a particular problem are somewhat limited. March, however, contends that if one begins with a solution, there is a good chance that the solution will match a problem confronting the organization, which may in turn divert attention from other (and perhaps more important and urgent) problems facing that organization. “Consequently, an organization scans for solutions rather than problems, and matches any solution found with some relevant problem” (March 1981: 569).

A second explanation for solution-driven reform processes is that the linkage between individual solutions and individual problems is often blurred or ambiguous. The notion of “ambiguity” can be related to the “garbage can” model of decision-making (Cohen, March, and Olsen 1972), which grew out of the concern with bounded rationality. The central idea is that decision-making processes tend to attract all sorts of unrelated, but simultaneously available, problems, solutions, goals, interests, and concerns, just like garbage cans attract garbage. Accordingly, almost any solution can be linked to almost any problem, provided they arise at approximately the same time (Cohen, March, and Olsen 1972; March and Olsen 1976). When causality and technology are ambiguous, “the motivation to have particular solutions adopted is likely to be as powerful as the motivation to have particular problems solved, and many of the changes we observe will be better predicted by a knowledge of solutions than by a knowledge of problems” (March 1981: 569).

A third interpretation is that change is stimulated by success, not by adversity, and less by a sense of problems than by a sense of competence

and a belief that change is possible, natural, and appropriate (Daft and Becker 1978). March explains: "Professionals change their procedures and introduce new technologies because that is what professionals do and know how to do. An organization that is modern adopts new things because that is what being modern means. When a major stimulus for change comes from a sense of competence, problems are created in order to solve them, and solutions and opportunities stimulate awareness of previously unsalient or unnoticed problems or preferences" (March 1981: 569).

Governments are complex organizations, and the theoretical explanations presented above seem relevant when trying to understand the process that led to the proposed Charter of Values. In fact, it will be argued that the Quebec Charter of Values contains many of the fundamentals of what March and Olsen describe as "collections of solutions looking for problems, ideologies looking for soap boxes, pet projects looking for supporters, and people looking for jobs, reputations, and entertainment" (March and Olsen 1983: 286).

4. Connecting the Dots

To recognize the special status of the Francophone community, Quebec has adopted a relatively successful interculturalist approach to immigrant integration, thus actively distancing itself from the Canadian model of multiculturalism. However, the Government of Quebec has focused more on the alleged failures and deficiencies of Canadian multiculturalism in the justification of the proposed Charter of Values, thereby highlighting the solution-driven nature of this process.

First, the proposed Charter of Values has been seen in relation to the so-called "retreat from multiculturalism" that has been observed internationally over the past decade. Several observers have pointed to a return of more traditional ideas of assimilation where ethnocultural diversity is increasingly demoted from the public to the private sphere (Brubaker 2001; Entzinger 2003). Recent trends in immigration and integration policies in the Netherlands and the United Kingdom are often mentioned as examples of this trend. The Prime Minister of Quebec, Pauline Marois, has referred extensively to these countries in several of her own comments and speeches. In this sense, the Government of Quebec has provided a soapbox for the so-called retreat from multiculturalism. Whether Quebec shares the underlying realities or problems that caused the alleged retreat from multiculturalism elsewhere has not been subject to systematic attention. After all, the proposed Charter of Values is not a product of a problem-driven process. In fact, after a comparison of the situation in

Quebec with that of several European countries, Bouchard and Taylor concluded that “a number of fears that may be warranted elsewhere are not necessarily justified here” (2008: 18).

Second, the proposed Charter of Values must be considered in light of a longstanding opposition to Canadian multiculturalism policy. Many Francophone Quebecers sense that multiculturalism has deflected attention away from the principle of dualism on which Canada was founded: two founding peoples and two nations (Gagnon and Iacovino 2007). Already in 1977, former Prime Minister of Quebec René Lévesque claimed:

Why should it be considered unusual that immigrants should have to merge with the indigenous population? Multiculturalism, really, is folklore. It is a “red herring.” The notion was devised to obscure “the Québec business,” to give an impression that we are *all* ethnics and do not have to worry about special status for Québec (Lévesque and Chaiton 1977).

Opposition to Canadian multiculturalism policy can still be identified in the Government of Quebec today. In a series of articles published in *L'Actualité* in 2010 under the title “Le multiculturalisme en question,” the current Minister of International Relations, La Francophonie and External Trade, Jean-François Lisée, clearly explains his opposition to Canadian multiculturalism and his alternative solution. His final point is worth quoting at length:

Le multiculturalisme canadien n'est pas mort. Mais il n'est plus triomphant. Ni dans l'opinion, ni dans l'intelligentsia, ni au gouvernement, ni même dans les hautes sphères du droit. Pour le Québec, c'est une bonne nouvelle. Cela signifie que, demain, un gouvernement du Parti québécois qui voudrait redéfinir concrètement et juridiquement une identité et une citoyenneté québécoise laïque se heurterait à une résistance moins déterminée du Rest-of-Canada (Lisée 2010).

Alors, the solution was already pre-announced in 2010 by Mr. Lisée, and his longtime pet project is today manifested in the proposed Charter of Values. The question is now whether the Government of Quebec will find enough problems to link to this solution to have it adopted.

Third, the proposed Charter of Values can also be interpreted strategically. The Parti québécois government is well aware of the fact that multiculturalism has not been embraced in Quebec to the same extent as it has in the rest of Canada. For instance, the Bouchard-Taylor Commission detected a widespread fear of moral relativism in the Quebec population: “The so-called wave of accommodation clearly touched a number of emotional chords among French-Canadian

Quebecers in such a way that requests for religious adjustments have spawned fears about the most valuable heritage of the Quiet Revolution, in particular gender equality and secularism" (Bouchard and Taylor 2008: 18). The proposed Charter of Values may, therefore, hold the potential of generating support. The fact that the Parti québécois ran successfully on a nationalist, identity-driven election campaign in 2012 may further support the notion of the Charter of Values as a solution-driven, rather than problem-driven, process.

5. Conclusion

Solution-driven reform processes such as the one described in this essay accentuate the bounded rationality associated with organizational and government reforms, where a temporary equilibrium was challenged without a serious performance crisis. Instead, this story illustrates that the motivation to have particular solutions introduced seems, at times, to be as powerful as the motivation to have particular problems solved.

The argument is not that there are no challenges to address in the areas of immigrant integration in Canada and Quebec. Many Quebecers think that society has gone too far in regard to *les accommodements raisonnables*. Similarly, equality rights and multiculturalism policies in Canada are sometimes said to be uneasy partners (Stein 2007). However, there is no legal void in terms of dealing with these issues. Both established case law and the *Charter of Human Rights and Freedoms* provide guidance. Therefore, in the absence of a major performance crisis, specific tensions related to secularism, religious neutrality and gender equality can be more effectively dealt with in a context of routine politics and incremental reforms rather than through a far-reaching and divisive *Charter affirming the values of State secularism and religious neutrality and of equality between women and men, and providing a framework for accommodation requests* in search of problems.

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