

## ***Perspectives on Ideology***

***Key Issue: To what extent should we embrace an ideology?***

***Related Issue #3: To what extent are the principles of liberalism viable?***

### **Chapter 11: Complexities of Liberalism in Practice**

**Chapter Issue:** *To what extent should democratic governments promote and protect individual and collective rights?*

#### **Chapter Overview:**

During the study of Chapter 11, you will investigate how liberal democracies attempt to **reach a consensus over the promotion of individual rights**—one of the principles of liberalism—within their state, **while at the same time attempting to benefit the common good**. Sometimes in their pursuit of the common good, **governments ignore the rights of individuals or groups**.

Nonetheless, the struggle for the recognition of individual liberty and collective rights in legislation and the maintenance of the common good is evident in much government legislation. The tension often experienced by governments trying to balance individual and collective rights with the common good highlights the theme of this chapter.

Three questions for inquiry will guide your investigations. They include:

- Why and to what extent do some liberal democratic governments promote individual and/or collective rights?
- How do liberal democracies balance the perceived common good with the need to respect rights?
- Why might liberal democratic governments choose to reject the principles of liberalism in some cases?

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| <b>Key Terms</b>    | Canadian Charter of Rights and Freedoms, American Bill of Rights, enemy aliens, internment, no-fly list, Quebec Charter of Human Rights and Freedoms, Quebecois nationalism, Quiet Revolution, religious symbolism, rendition, same-sex marriage, Universal Declaration of Human Rights, Anti-Terrorism Act, USA Patriot Act, War Measures Act |
| <b>Key Concepts</b> | language legislation, emergencies and security legislation, individual rights, collective rights, illiberal, terrorism, respect for law and order  |
| <b>Key People</b>   | Maier Arar, Stephane Dion, Pierre Trudeau  |

### Introduction:

1. Is it ever acceptable for a liberal democracy to suspend the rights of a few to protect the common good?
2. Read the excerpt from *Time* magazine on page 368 about *Maier Arar*, and then answer the following reflective question.

**To what extent do you think the actions of the US and Syrian governments challenged individual or collective rights?**

## Part One: Promoting Rights (Pages 372-380)

1. a) Why are some rights considered to be *fundamental rights*?  
  
b) List three examples of *fundamental rights*.
2. Why do *some liberal democratic societies* (e.g. Canada) **entrench fundamental rights**?
3. In Canada, what limit exists to the fundamental rights outlined in the *Charter of Rights and Freedoms*?
4. What is the *Quebec Charter of Human Rights and Freedoms*? List the essential characteristics of the *Quebec Charter*.
5. What is the only legislation that takes priority over the *Quebec Charter*?

6. Outline two major **criticisms of rights legislation**.

7. *Compare Article 9 of the Constitution of the Republic of Cuba (Get to the Source—Page 374) with Section 10 of the Quebec Charter of Human Rights and Freedoms (Page 373 of the textbook).*

What conclusions about the protection of rights can you draw from this comparison?

8. Why is there “**little real protection for individual rights and freedoms**” in **Cuba** despite its entrenchment of rights in a constitution?

9. Read carefully the **Voices Feature: The Canadian Charter of Rights and Freedoms and Individual Rights** on pages 375 and 376 and answer the questions that follow.

a) The **Charter of Rights and Freedoms** was enshrined in the *Constitution Act of 1982*. What did the Charter provide for Canada's legislators?

b) The *Civil Marriage Act of 2005* defined civil marriage as "the lawful \_\_\_\_\_," thus making \_\_\_\_\_ marriage legal.

c) Summarize **Tom Wappel's** arguments against our government promoting the right of same-sex marriage?

d) *Canada became the fourth country to legislate same-sex marriage (after the Netherlands [2001], Belgium [2003], and Spain [2005]).*

In your view, why are these democratic countries explicitly enshrining into their constitutions the right of same-sex partners to marry?

10. In addition to the responsibility of government to protect individual rights, government is also charged with the responsibility of promoting \_\_\_\_\_ and \_\_\_\_\_. Group rights are often achieved by the extension of \_\_\_\_\_.

11. a) Why did the United States government implement “*affirmative action*” policies in the 1960s?
- b) Why do some people criticize *affirmative action* policies?
12. a) In the context of the *Canadian Charter of Rights and Freedoms*, collective rights refer primarily to the rights of two groups. These groups include .....
- b) Why are these groups included in the Charter?
13. a) According to Stephane Dion, what is the essential difference between the *Canadian Charter of Rights and Freedoms* and the *American Bill of Rights*?
- b) What did Mr. Dion attribute this difference to? Explain fully.

14. Collective rights retain the form of \_\_\_\_\_ but they are applied to \_\_\_\_\_ rather than \_\_\_\_\_.

15. Read carefully the section ***Recognition of Collective Rights*** on pages 379 and 380 and answer the questions that follow.

a) Despite the existence of rights legislation, some groups have had to fight **to have their collective rights recognized**. Why would these groups have had to fight for this recognition?

b) From the readings, provide two examples of groups within Canada that have resorted to fighting to protect their collective rights.

## Part Two: Balancing Perceived Common Good with Respect for Rights (Pages 381-392)

- a) What does the current language legislation in Quebec require commercial businesses operating in Quebec to do?
  - b) According to this legislation, is *McKibbin's Irish Pub* breaking the law? Provide evidence from the newspaper article "*Irish pub, French language watchdog battle over vintage signs, service*" on page 381 to support your position.
2. Section 1 of the *Charter of Rights and Freedoms* sets \_\_\_\_\_ on our fundamental freedoms, which include freedom of \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_, including freedom of the \_\_\_\_\_ and other \_\_\_\_\_ of communication.
- a) What was the purpose of the *1977 Charter of the French Language*—also known as *Bill* \_\_\_\_\_?
  - b) On what grounds was this legislation justified by the *Quebec government*?



4. *Analyze carefully the political cartoon found on page 383 and then answer the questions that follow.*

The political cartoon is from 1999. What do the numbers on the blocks refer to? What is holding them up? In other words, upon what grounds are laws that protect and promote French language in Quebec based?

5. Read the **Voices Feature: *When Government Action for the Perceived Common Good Outweighs Collective Rights*** on pages 384 and 385 and answer the questions that follow.

- a) Could a suspension of the collective rights of Aboriginal peoples occur today, now that the ***Charter of Rights and Freedoms*** has recognized the existence of collective rights for Aboriginal peoples?
  
  
  
  
  
  
  
  
  
  
- b) Does the provincial government have an obligation to return the ***Stoney Point*** lands to the ***Aazhooдена***?
  
  
  
  
  
  
  
  
  
  
- c) Based on the evidence provided, how do you believe that the ***federal government*** and the ***Aazhooдена*** would each define the “*common good*”? To what extent did the federal government balance its perceived understanding of the common good with the collective rights of the ***Aazhooдена***?

6. *First Nations, Inuit, and Métis peoples'* struggle for the establishment and recognition of \_\_\_\_\_ rights, \_\_\_\_\_ rights, and \_\_\_\_\_ has become a high-profile issue because these *First Nations, Métis, and Inuit* organizations have \_\_\_\_\_.
7. Sections \_\_\_\_\_ and \_\_\_\_\_ of the *Charter of Rights and Freedoms* recognize and affirm the collective rights of \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_ peoples.

Read the **Voices Feature: The Canadian Government and the UN: Differing Perspectives on Collective Rights** on pages 387-389 and answer the questions 8 to 12.

8. On June 29, 2006, the UN passed the *United Nations* \_\_\_\_\_ which is broader than the comparative sections from the *Canadian Charter of Rights and Freedoms* (see page 386)?
9. According to the *Conservative government*, why did Canada vote against the UN resolution? Supply **two pieces of evidence**.



10. Explain the difference between *comprehensive* and *specific land claims*.

11. Using the categories below, outline the main arguments given by the B.C. government as to why it's conducting treaties.

➤ **Moral:**

➤ **Legal:**

➤ **Economic:**

12. What was the purpose of the *Specific Claims Tribunal Act 2008*?

13. From your glossary, define the term *illiberal*.

14. Why did the French government begin to restrict the display of religious symbols in public in the 1990s?

15. On September 2, 2004, France's *Law on Secularism* took effect in all state schools. Under this law, what was forbidden in state schools?

16. Study the photograph found in **Figure 11-10** on page 390 and answer the questions that follow.

a) The *hijab* is worn by women in many countries, including Canada. How might restrictions on religious and cultural symbols change how people view the relationship between government and individuals?

b) Would you consider the restrictions on religious and cultural symbols and France's *Law on Secularism* to be an *illiberal* act? Explain fully.

17. Why do you think the ***French government***, as a liberal democracy, would restrict the wearing of religious symbols?

18. *Citing security reasons, **Passport Canada** has placed restrictions on the wearing of certain clothing or headgear during the passport application process.*

Can you think of another example where Canadian government agencies (federal or provincial) have tried to impose order in a situation that threatened to limit the citizen's religious freedoms as outlined in the ***Charter of Rights and Freedoms***?

### **Part Three: Rejecting the Principles of Liberalism (Pages 393-404)**

1. Read the source: *Stop Hate Crimes and Social Exclusions of Smokers* on page 393 and answer the questions that follow.
  - a) Is it possible to reconcile the rights of smokers with the rights of non-smokers? Defend your position with well reasoned argumentation.
  - b) Should the government favor one side over the other? On what grounds would it do so?
2.
  - a) Why might the Canadian government place restrictions on the type and amount of information that Canadian soldiers serving in Afghanistan shared with their family members?
  - b) How might governments handle dilemmas that involve the disclosure of information (other than with openness and thoughtfulness) during times of war, crisis, or emergency?

3. a) What is the **US Army's "stop-loss" policy**?
- b) What is the **US government's** justification for this policy?
- c) Why is the stop-loss policy controversial?
4. a) What kinds of freedoms and rights have some liberal democracies suspended during times of war, emergency, or environmental crisis?
- b) Why is the suspension of these rights often considered as being illiberal?
5. From your glossary, define the **War Measures Act**.

6. a) ***The War Measures Act** allowed the **Canadian government** to suspend, restrict, and limit rights, freedoms, and the basic principles of liberalism.*

What reasons were given to justify the use of the ***War Measures Act***?



- b) ***The War Measures Act** gave the federal cabinet \_\_\_\_\_ powers for circumstances where it determined that the existence of \_\_\_\_\_, \_\_\_\_\_, or \_\_\_\_\_, real or apprehended, existed. This Act allowed the cabinet to govern by \_\_\_\_\_ rather than through discussion and \_\_\_\_\_ in \_\_\_\_\_.*
7. a) From your glossary, define the term ***enemy aliens***.
- b) In 1914, immigrants from what countries were considered enemy aliens?
- c) List the restrictions and the requirements expected of enemy aliens in 1914.
- d) Why do you think the government took these extreme measures?
- e) What is the significance of Bill C-331 which was passed into law in 2005?



8. a) Why did the *Canadian government* invoke the *War Measures Act* during the *Second World War*?
- b) In your opinion, what were the most important factors in the decision to invoke the *War Measures Act* in 1942?
- c) How would you respond to today if such actions occurred in Canada? Why might governments choose to reject the principles of liberalism in some cases?
9. a) The third and final time the War Measures Act was invoked was in \_\_\_\_\_ because according to Prime Minister \_\_\_\_\_ a state of “\_\_\_\_\_” existed in \_\_\_\_\_.
- b) What was the *Quiet Revolution*?
- c) What was the *FLQ*? What methods did the *FLQ* use to achieve their goals?
- d) Identify those groups **critical** of the *War Measures Act* in 1970 as being excessive and too broad.

10. Based on your study of the three occasions in which the ***War Measures Act*** was implemented (World War I, World War II, and the October Crisis), would you consider the act to be liberal or illiberal? Defend your response with well reasoned argumentation.
11. Read carefully the **Investigation Feature: *Canada's Anti-Terrorism Act*** on pages 396-397 and answer the questions that follow.
- a) Is the ***Anti-Terrorism Act*** a rejection of liberal principles?
- b) To what extent is the ***Anti-Terrorism Act*** placing the perceived common good of citizens above individual rights?

12. a) What part did the *Canadian Charter of Rights and Freedoms* (1982) play in establishing a new *Emergencies Act in 1988*?
- b) Briefly describe three safeguards included in the *Emergencies Act* that are designed to protect the rights of Canadians.
- c) To what extent does the *Emergencies Act* respect the principles of liberalism?
13. a) What was the catalyst for the introduction of the *USA Patriot Act (2001)*?
- b) The term *Patriot Act* is an acronym that stands for what?

c) Negative reaction to the ***Patriot Act*** came quickly from groups such as the ***American Civil Liberties Union (ACLU)*** and Utah's conservative ***Desert News***. What was the basis for their criticism?

d) *Analyze the cartoon found in **Figure 11-20** on page 402 and answer the question that follows.*

What does the cartoonist suggest regarding the balance between security and freedom?

e) What were the ***National Security Letters***? What became of this provision of the ***USA Patriot Act***?

14. a) From your glossary, define the term "***no-fly list***".

b) How was ***Maher Arar*** affected by the ***American no-fly list***?