Canada: An Example of a Typical Immigration Country

1 Introduction

Canada is a typical immigration country. There are around one million Muslims among its ca. 33 million inhabitants, most of whom have immigrated from the Indian subcontinent and East Africa, in smaller numbers also from the Middle East, the former Soviet Union and former Yugoslavia. The majority are Sunni Muslims of various denominations, but there is also a large minority, estimated around one third, of Shi’ites, also of differing denominations. The attitudes of individuals and groups toward their religion is highly diverse.

Canadian society explicitly regards itself as multi-cultural. This is even laid down in the Canadian constitution: Sect. 27 of the Charter of Rights and Freedoms demands an interpretation of the constitutional statutes ‘(...) in a manner consistent with the preservation and enhancement of the multicultural heritage of Canadians.’ The unanimously approved Multiculturalism Act of 21 July 1988 confirms this fundamental principle and specifies it with emphasis on the prospects of multiculturalism. In a judgment of

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1 According to the 2011 National Household Survey (available at http://www.statcan.gc.ca/daily-quotidien/130508/dq130508b-eng.htm, viewed on 30 May 2014), in 2011 people who identified themselves as Muslims made up 3.2% of the population (33,476,688 persons according to the May 2011 census). According to the 2001 census there were 579,640 Muslims living in Canada (more than twice as many as 1991): 352,500 of them in Ontario; cf. the data at http://www12.statcan.ca/english/census01/products/highlight/Religion/Page.cfm?Lang=E&Geo+PR&View=1a&Code=01&Table=1&Start-Rec=1&Sort=2&Ba=Canada&B2=1 (the figure for Ontario may be found at the same address, but ‘code=&35&Table’), viewed on 9 Aug. 2006.
2 Cf. the overview in Amir Hussain, Muslims in Canada, 359, 361, and the broader overview on Muslims in Canada in Hussain/Scott, Muslims, 167, 182ff.
3 Cf. only the information provided by Amir Hussain, op. cit., 362, 364; Moghissi/Rahnema/Goodman, Diaspora, 84ff.
4 Cf. the overview in Resnick, The European Roots, 57ff. with further references; for a basic overview see Kymlicka, Multicultural Citizenship; id., Finding Our Way.
5 Sect. 3 (1) states: ‘It is hereby declared to be the policy of the Government of Canada to (a) recognize and promote the understanding that multiculturalism reflects the cultural
2004 the Supreme Court describes Canada as ‘a multiethnic and multicultural country (...) which accentuates and advertises its modern record of respecting cultural diversity and human rights and of promoting tolerance of religious and ethnic minorities – and is in many ways an example thereof for other societies (...).’

Legal plurality is also one of Canada’s characteristics: English and French legal heritage have coexisted since the eighteenth century; there are also legal systems and group-specific laws of the indigenous peoples (first nations). In 2003 Chief Justice Beverley McLachlin spoke of her pride in Canada’s ‘encouraging and nourishing the identity of the other, and celebrating the gifts of difference’.

Until some years ago the presence of Muslims in Canadian society was on the whole a matter of course which did not provoke any wider public discussion. The large numbers of immigrating Muslims are of comparatively recent date (according to the 1981 census there were 89,165 Muslims living in Canada; according to the 1970 census, only 33,370). Since 11 September 2001 Islamic extremism has sparked debates in Canada, too. One specifically Canadian feature was the debate surrounding the establishment of Islamic arbitration courts in Ontario and Quebec to deal with issues of family and inheritance law from 2003 onwards. The debate was conducted vehemently in parts and generated international interest; it ultimately resulted in the creation of a specific legal basis on which to establish such courts being unanimously and racial diversity of Canadian society and acknowledges the freedom of all members of Canadian society to preserve, enhance and share their cultural heritage; (b) recognize and promote the understanding that multiculturalism is a fundamental characteristic of the Canadian heritage and identity and that it provides an invaluable resource in the shaping of Canada’s future.’

7 Cf. DeLloyd J. Guth/W. Wesley Pue’s (eds.) collection, Canada’s Legal Inheritances, Winnipeg 2001; Serge Roussel, La diversité culturelle et le droit des minorités: une histoire de développement durable, Quebec 2006; Gaudreault-DesBiens, The State Management, 195ff.
8 Quoted in Resnick, The European Roots, 59f. with n. 76.
9 References in Amir Hussain, Muslims in Canada, 36i.