



The Role and Limits of the Canadian Nation State

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About Cardus Spirited Citizenship

Cardus Spirited Citizenship studies the ways in which Canadians work together to strengthen our shared social fabric. In particular we study charitable giving in Canada, city structures and networks, and creative ways to measure in dollar terms what faith communities contribute to their surrounding neighbourhoods.

If you were to walk 400 metres west-southwest from the Cardus offices at 45 Rideau Street in Ottawa, you would arrive at the place where a man died—a man whose vision of the Canadian nation and state is at once profoundly modern and profoundly Christian.

I am, of course, speaking of Thomas D’Arcy McGee, who was shot and killed at the corner of Sparks and Elgin by a man suspected to be a supporter of the Fenians, an insurrectionist republican group opposed to the Crown and the vision of Canada that McGee espoused. I’d like to share a portion from one of the great bits of Canadian oratory, McGee’s justly famous “Shield of Achilles” speech:

I look to the future of my adopted country with hope though not without anxiety; I see in the not remote distance, one great nationality bound, like the shield of Achilles, by the blue rim of ocean—I see it quartered into many communities—each disposing of its internal affairs—but all bound together by free institutions, free intercourse, and free commerce; I see within the round of that shield, the peaks of the Western mountains and the crests of the Eastern waves—the winding Assiniboine, the five-fold lakes, the St. Lawrence, the Ottawa, the Saguenay, the St. John, and the Basin of Minas [and my modern Canadian self, conscious of the history of Laurentian domination, will add: “the Red, the North Saskatchewan, the Great Bear Lake, the Mackenzie, the Fraser”]—by all these flowing waters, in all the valleys they fertilise, in all the cities they visit in their courses, I see a generation of industrious, contented, moral men [and women], free in name and in fact—men [and women] capable of maintaining, in peace and in war, a Constitution worthy of such a country.¹

It comes at the end of a long speech wherein he makes the case for a united Canada. To be honest, the speech is dominated by commercial, trade, and tariff questions as much as anything else, and some will point out that what I’m about to make of it, even what I’ve already done with it by adding the geography of our entire country as it is today, goes beyond his intent. But nonetheless, McGee’s speech overlaps beautifully, and I think organically, with the tradition of Christian social teaching on the political community that has evolved into the modern nation state. It is a vision that understands nation states as embodied communities, as pluralist communities, and as communities bound together by a shared vision of the good life.

First, note that McGee speaks of a nationality. Any political community does not and cannot—without doing damage to itself—act purely in the realm of ideas. It must be an embodied community, set in a particular place. Realizing the embodied nature of a given political community means that it is not first and foremost an eternal community (unlike the church, that can, does, and should make that claim) but a time-bound, contingent, and therefore limited community that can bear only so much weight and ask only so much of its people.

Many worry about identifying a nation state with such particulars. People rightly remember the horrors of the twentieth century, with various blood-and-soil visions of national identity, and some attempt to strive after a disembodied, ethereal ideal—a post-national state—as an alternative. But what that means in real life, for real people, is the imposition of some version of

1 McGee, “Constitutional Difficulties.”

life that is not attentive to real people's needs or real history. This isn't politics, it's an imposition. It is, one might say, a religious imposition of a gnostic, disembodied religion onto real people with real bodies. This gnosticism results in policies such as a citizenship ceremony that does not require citizens to actually see one another, face to face, in the flesh when they enter into a covenant with the community they are joining—instead leaving it to an online session where they are separated by a screen, and which asks just a bit more of the citizen than Netflix does.² Or our defence policy, which sees Canada within a “rules-based international order” but forgets the role that power—material power—plays in upholding that order. It forgets that while justice is the goal of politics, power is what enables justice to be done.

Instead, we should recognize that politics has no place for humans who have the pretence of being gods. This tradition, begun in the Jewish tradition,³ and which the Christian tradition finalized in the Cross's mockery of the Roman imperial power, affords the state a real, serious role to play in a thriving society but keeps it firmly within its jurisdiction of doing public justice for a particular people within a particular geographical and cultural context. We don't live in *some* country. We live in *this* country, which was founded as a covenantal love child of French, English, and Indigenous peoples, in an American, which is to say, New World, continental culture and context.

This particularity means that we are unique, that there is a subjectivity to the Canadian community. And it also means that we can afford a properly ordered love for that community. Such a love includes love of its history and of those who built the country, with all their faults. We should also show love and grace to historical neighbours. And this applies to those of us like me, for whom Canada is not the *terre de nos aïeux* (the land of our forebears, as the French lyrics to “O Canada” say) or for whom Canada is not our native home but is (as for McGee) our adopted country. Whether you've been here for millennia as Algonquin and Cree co-citizens have, or for four hundred years as some Quebecer co-citizens have, or for 1.5 generations, as my family has, or if you've been adopted into this country from another within your own lifetime, it is nonetheless a home—not just a hotel, as the late Rabbi Lord Sacks of blessed memory notes.⁴

To live in Canada as in a home rather than a hotel would mean, for example, respecting the fact that it has an existing structure, established long before us, according to a vision of the good, and that there are habits, traditions, that have built and continue to uphold that home. All Canadians, new or old, should respect those structures and avoid knocking out beams—beams such as free speech, freedom of religion, a clear-eyed view of our history—lest it collapse. When McGee sees the vision of his adopted country, note that he sees it as a place that can be a home for many different people and groups. His is an inherently pluralist vision. Canada is not, and should never be, a unitary state. It is a country “quartered into many communities, each disposing of its own internal affairs.”

2 Government of Canada, “Find a Citizenship Ceremony”; CitizenPass Team, “Online Citizenship Ceremony on Zoom.”

3 Halbertal and Holmes, *The Beginning of Politics*.

4 Sacks, *The Home We Build Together*.

Canada's Constitution is, ironically in our "elbows up" moment, more American than we believe we are. Like the Americans, we are a federation of sub-national political communities that are held together through a series of covenants and practices. We are also a commercial people, who built the country on industry and exploration (this is as true for French Canadians, who are American in this sense, as for English Canadians). And while we don't prohibit noble titles as the Americans do, we are suspicious of them in any place other than as the font of our democratic constitution.⁵

The covenantal relationships that are the backbone of our federalism are, too, an inheritance of our Christian tradition. The Wilfrid Laurier University scholar Thomas Hueglin notes that the thinking of the early-modern Reformed jurist and political philosopher Johannes Althusius envisioned political communities as a federation of separate communities existing in covenantal relationships.⁶ This vision is the basis of our Constitution. It lies at the core of Canadian identity and is a key marker in helping us to understand political questions that are deeply relevant today.

French-language laws, child care policy, pipelines, and even Bill 21 implicate some view of the nature of the Canadian covenantal relationships as embodied by law, and our hottest debates often centre on questions relating to who has the authority to do what, and on what grounds. The "communities disposing of their own affairs," you could argue, is one of the recurring themes—for good and ill—of Canadian politics. This is at the heart of political federalism, and we should view our recurring spats and arguments about whose affairs should be disposed by whom as a healthy continuation of the discussion started at Runnymede.

But I want us to recognize another part of this pluralist Canadian vision. It is not just *political* federalism that is referenced within McGee's speech, but a deeper, *societal* federalism. Powers are and should be divided not just between the federal government and provincial governments and their created municipalities, but also between different institutions within the society. We are used to debates about the proper role of the federal versus the provincial governments, but if you look beneath the surface, you will note that the real debate is about the proper role of non-state institutions vis-à-vis the state.

Take, for instance, child care policy. The national child care program is often discussed in terms of the federal government's attaching strings onto what is, constitutionally, provincial jurisdiction. But lost in this debate is the extent to which the federal government's preference for one particular style of child care (regulated, licensed) interferes with the jurisdiction of another institution: the family. Families are themselves institutions; they are founded and have their own constitution with their own *telos*, or end.

The question about child care in Canada is, at its core, about how the institution of the family—a societal institution that, unlike the provinces, is not primarily political—exists in covenantal relationship with political institutions. As my colleagues Peter Jon Mitchell and Andrea Mrozek note, the national child care program focuses on funding the system of child

5 Lagassé, "The Crown and Government Formation."

6 Hueglin, *Early Modern Concepts for a Late Modern World*.

care that is preferred by the state for its, not the family's, end.⁷ The state's two particular goals are increasing employment and raising GDP in Canada. When the government privileges its preferred type of child care, it distorts the range of choices that parents have, making options that might work better for them (say, grandparent care) relatively more costly. And, as we have seen in Quebec, and in the rest of Canada after the national program was put in place, it often destroys the existing ecosystem of choices, as more families seek the cheaper option, and it creates growing waitlists. Notice that the children—the very object of the care—begin to fade into the background as the state and its choices come to the foreground.

Debates about educational pluralism, or school choice, revolve around similar questions: Should the school be an outgrowth of the state? Or should it be an institution that acts as an extension of the family, governed by the community for the purposes of forming free human beings, in which the state plays a more limited role? Regardless of your position on these things, these are questions that will provide an answer to how a plurality of institutions federate with each other and with the state. Again, this is not a hypothetical question; the answer given has arisen within our history⁸ and continues to shape education systems in Canada today.

While Althusius was writing in the late sixteenth and early seventeenth centuries, his vision of a plurality of institutions, one that McGee shared, is clearly relevant today. And the further development of his vision of federalism by both Catholic and Reformed writers, into two theories that critiqued the modern state's growing technocratic power and advocated for the protection of the full ecology of diverse human life, is perhaps more helpful in understanding the role and limits of the state in Canadian society today.

Sphere sovereignty, the term for the view that various institutions with unique ends meet unique human needs, and subsidiarity, the term that speaks of the need to ensure that power to decide on the “internal affairs” of those spheres should reside with those in and closest to them, helped create a culture of institutional pluralism. The original division of powers in the West that began with Judaism and blossomed with the advent of Christianity into a structural division of power and authority between church and state, spread mimetically in law, as society developed over time, to other institutions, including families, business corporations, schools, guilds, and trade unions.

As I said at the beginning, each of these institutions is not simply some technical fix to a problem (though they can be that) but they are social creations meant to serve and meet human needs that are unique and varied. The late Pope John Paul II, in his encyclical *Centesimus Annus* noted that because institutions are created by human beings for human needs, they have their own “subjectivity”:

The social nature of man is not completely fulfilled in the State, but is realized in various groups, beginning with the family and including economic, social, political and cultural groups which stem from human nature itself and have their own autonomy, always with

7 See, for example, Mrozek, Mitchell, and Dijkema, “Look Before You Leap.”

8 Pope Leo XIII, “Affari Vos.”

a view to the common good. This is what I have called the “subjectivity” of society which, together with the subjectivity of the individual, was cancelled out by “Real Socialism.”⁹

Note that our nature is realized in a plural society. A unitary society, in which the state takes over the rightful work of the various institutions, actually infringes upon our nature. Consider this analogy: The state is an institution that uses coercive power to uphold justice. This is recognized in the French-language lyrics of our national anthem. The phrase *Car ton bras sait porter l'épée* (“For your arm knows how to wield the sword”) indicates the nature of the state: Its job is to use coercive power to protect the homes and rights of its citizens (*protégera nos foyers et nos droits*). That is the state’s goal, and that is its means. But that is not how any other institution in Canada should work. Imagine the arm that wields the sword trying to hold a baby, or teach a classroom of kids. We can see here a glimpse of the warping that happens when the state attempts to take over the tasks of other, non-political, institutions. The state should always protect, and in some case, may enable, other institutions, but when it interferes in the inner workings of those other institutions, they begin to resemble the state and thus we lose out on the unique ways in which other institutions contribute to our formation as mature, free, human beings.

A good example of how non-state institutions enable free and thriving relationships, because they have a subjectivity that is *not the same as the state*, is described in a recent Cardus paper on refugee resettlement:

In surveys, government-assisted refugees described relationships with settlement workers as “friendly” but not “friends.” By contrast, refugees and their civil-society sponsors tended to use the language of “family.” Even “love.” The thick bonds formed between refugees and sponsors lead to relationships of care. This in turn leads to more personalized assistance, and stronger community to welcome the newcomers—all of which help to produce better economic outcomes for the refugee and ultimately a stronger confidence on the part of the Canadian public in our immigration system’s ability to accommodate them.¹⁰

When the process is not just enabled by but managed by the state, the refugee becomes a number in a technocratic process. But when the state enables other institutions (families, churches, etc.) to play a primary role, the state itself becomes less technocratic, and more *human*. And the reverse is also true. As the state interferes in areas best served by other institutions, both the state and the area it touches become more technocratic and less humane.

It’s important to note that the concern most often expressed is about overreach of the state, but the same concern applies to overreach of any other sphere of human action. The expansion of the market (understood as the financialization of relationships rather than a recognition of the presence of different modes of supply and demand) into areas it does not belong—say, into prostitution—has similar negative and dehumanizing effects. And the same is true of the church. The Quiet Revolution was at least in part a response to overreach of the Church’s sphere of autonomy—the preaching of the Word, the administration of sacraments, the call to holy

9 Pope John Paul II, “Centesimus Annus.”

10 Nauta, “Cardus Presentation to Parliamentary Committee.”

living—into other areas of life. Quebec in the Duplessis era showed that while he knew that the state's role was to wield the sword to maintain order, he did not know how to properly *porter la croix*, “bear the cross.” Instead of bearing it, he wielded it, and the result was that the community formed around the Cross was diminished. As the late (and Canadian-born) Fr. Richard John Neuhaus said, those who care about the church should care about its proper place, for the church's own sake.¹¹

We at Cardus often hear, usually from those on the radical left, that we are looking to “impose our view on others,” in totalitarian fashion. But a Christian view of the state couldn't be further from totalitarianism or authoritarianism. It is pluralist, secular in its proper sense, and free. There is a reason that religious people, and Christians in particular, have featured heavily in resistance to totalitarian regimes. Why, for instance, is the Chinese Communist Party, with its tremendous resources, so afraid of the pastor Wang Yi?¹² Why is he in prison? Because the Party knows that freedom for the church means freedom for the soul, and that because we are mind-body unities, soul freedom demands expression in the flesh. And when that happens, freedom spreads like the seeds of a prairie flower until it covers the whole land with its beauty.

It's notable that what I am talking about is not some foreign imposition from Dutch people with names such as Althusius or Kuyper, or from popes sitting in Rome. It is constitutive of our own country. Sir Wilfrid Laurier is justly famous for his description of this country: “Canada is free, and freedom is its nationality.”¹³ This might, at first glance, sound like postnationalist globalism. But it is that only if you take it apart from his other writings which are replete with recognition that Canada is the product of French and British—what he noted was ultimately Christian—culture. For Laurier, freedom is not a purely negative freedom from constraint. The same man who wrote “I am not here to parade my religious sentiments, but I declare I have too much respect for the faith in which I was born to ever use it as the basis of a political organization”¹⁴ also believed that Christian conceptions of positive freedom were the bedrock upon which the state of Canada was built and the soil in which its prosperity grew.

When McGee sees in his vision multiple communities “each disposing of its own affairs,” he was speaking not just of provinces but of a broader vision of freedom—one perfectly aligned with Christian social teaching because it came from Christian social teaching. It might seem contradictory to hold up Laurier's insistence on not using his Christian faith as the basis for political organization as an example of Christian, as opposed to secular, views of freedom. But Laurier recognized, along with McGee, that to use the church for political purposes would undermine the nature of the church and the state, and in so doing would impinge upon the normal outworking of our human condition. A Christian nationalism that attempts to use coercive power to impose a particular religious vision is a contradiction in terms, since Christianity is a relational faith centred on love for a human person. And love can never be imposed; it can only be proposed. That proposal is the job of the church. And ensuring that the church and its members are free to offer this proposal—by word or through the creation

11 Neuhaus, *The Naked Public Square*.

12 “China.”

13 Laurier, Speech Delivered at Quebec City, June 26, 1897.

14 Laurier, “Lecture on Political Liberalism.”

of institutions that serve as outworkings of their commitments (in, say, schools or service organizations)—is the job of the state. This is how state secularism ought to be understood.

If it is true that a right view of the state is as an important, limited, sphere of action within a mosaic of human institutions, two questions arise: What is the unique, limited sphere of action for the state? And what agent binds all of the institutions together?

Let's start with the state. The state's task is to execute public justice. What do I mean by that? The role of the state is to do justice in places outside of the internal realm of justice of the institutions or spheres mentioned above. As the British Canadian philosopher Jonathan Chaplin, drawing on Dutch legal theorist Herman Dooyeweerd, notes, the "public realm is that which falls outside not merely the household but also the internal spheres of all the multiple communities and associations that make up the plural structure of society, as well as outside the sphere of individual freedom."¹⁵

First, the state is responsible for upholding and maintaining public order. This means using the coercive power of the state to ensure that the various spheres can thrive *in their own right*. A failure to do this—for instance, the failure of the state to properly protect Jewish synagogues, or to keep dangerous criminals off the streets—is a failure of public justice. The restraint of bad people so that good people can go about their lives is the basic function of the state. Today, we see that failing. We see a unique Christian insight in politics, the introduction of mercy in justice, mutated into mercy without justice, as many court rulings show.

But the state must not exceed its proper bounds in its use of coercive force. Thus it is inappropriate for the state, except in exceptional circumstances, to raise children, since that is the appropriate realm of the family. To take another case from Canadian history: Raudot, Louis XIV's representative, put a limit on the number of horses that *habitants* in New France could have—two, plus a foal—because he wanted them to produce more sheep and cattle.¹⁶ This is the state interfering in the sovereignty of the family business enterprise. And as any business person knows today, we still see this type of state meddling in the business sphere. Ask any oil executive, ask any homebuilder who wants to add another apartment to a large house in the suburbs: We have multiplied Sun King meddling in business and other affairs. This is not public justice. Likewise, Louis's imposition of fines on bachelorhood in New France was an inappropriate intrusion of the state's authority into the family.

The flipside of this limit is that the state's role in maintaining order is not simply negative, that is, one of restraining the excesses of itself or other spheres. It can also encourage, in public ways, the other sphere to thrive. The Italian sociologist and political scientist Pierpaolo Donati calls this the "mutually enabling" function of the state.¹⁷

Thus far I've spoken of the state and civil society in terms of their distinctions and of the need to protect the various spheres from the overweening influence of the others. But institutions, like human beings, interact and can support each other. At the very least, the state's role of enabling

15 Chaplin, "Defining 'Public Justice'."

16 Greer, *Peasant, Lord, and Merchant*.

17 Donati, "What Does 'Subsidiarity' Mean?"

includes upholding peace and order, to provide civil and other institutions the freedom and space to thrive in their own right. But it does not necessarily have to stop there to be just, and may go beyond restraint and into a space where it can properly enable other institutions. In the same way that independent schools can form good citizens, and that families can instill a work ethic in their children that later enables businesses to thrive, the state can enable other institutions to properly thrive.

The question is how. The state's realm of activity can be *expansive* (though it needn't be), so long as it is never *intensive*. What do I mean? Take the example of child care. The state can provide assistance—via cash transfers, for instance—that assist parents in their task of raising the next generation. Such a policy assists families (kids cost money to raise!) to achieve their own *telos* while also achieving a purpose of the state. (As demographers will tell you, it's hard to raise revenue when you have no one to tax!) But the state should not impose its preferred vision of childrearing on families. Regrettably, the current national plan does just that. It's expansive *and* intensive; it not only subsidizes one particular version of child care but sets up a system that negatively affects other means of child care within the broader ecosystem. Cardus's policy proposals, instead, allow for some version of an expansive state (as a concession to reality), while also pointing out the errors of intensive state interference in parents' choices in how to care for their children. Likewise, the government's increasing role as a funder of charities crowds out rather than enables citizens to band together to deal with unique social issues at a highly local level.¹⁸

The necessary differentiation between an expansive and intensive state doesn't solve any of the current debates about the proper size of government. The solution will inevitably be historically contingent and require prudent judgment by political leaders about context and needs of its citizens and its own capacity. But it does provide some helpful context about the state's nature and purpose. This vision of sphere sovereignty and subsidiarity, though, does make assumptions about the social nature of all communities (the state being one of these) and suggests that some sort of binding agent is needed that transcends them.

There are a host of free institutions doing their work free of intrusion from other spheres, and this is a good thing. But we do need to be mindful of the need for some binding agent that holds these things together—something that prevents them from bashing into each other, in chaos. There is no escaping visions of the common good, as all political visions assume some broad sense of the commons and its good.

We are all advocating, at the end of the day, for some particular vision of the good. It's clear to me that western democratic countries have developed into what they are, even in our secular age, because of a fundamental belief in a Christian rather than in an Aztec or Roman or other vision of the citizen as a human person. Historian Tom Holland is right in noting that the operating system of our state and the mores that support it—such as the moral power of concern for the poor and vulnerable, or the fact that we deem each citizen a moral agent capable of deciding for him or herself—is the product of 2,000 years of Christian social teaching, itself built on Jewish

18 Beauregard, "L'argent public a-t-il remplacé la charité?"

teaching.¹⁹ I do not think that anyone in this room—Christian or otherwise—wishes to return to the view of humans present in the Roman era or in Baghdad’s Caliphate.

It’s notable that McGee speaks of the binding agent as being free institutions, free commerce, and free intercourse. Canada is a democratic country. Instead of turning to administrative actors to solve our problems, as if they are some technocratic matter, we need the courage to work them out together, in agonistic and democratic fashion. They are human matters, about how we organize our relationships—in all their plural forms—with one another. Canadian democratic life is personal, because it’s built on Christian social teaching.

And this is the note I wish to end on. Note that McGee speaks “not without anxiety” about the future of his adopted country. I believe many Canadians today share some of that anxiety. I do. I have seen Canada’s decline, and the decline of our institutions. It’s real. But let me leave you with a challenge. McGee foresaw a generation of “industrious, contented, moral men [and women], free in name and in fact—men [and women] capable of maintaining, in peace and in war, a Constitution worthy of such a country.” Let me ask you: Are you such a person? In Canada, we love our freedom. Whether you have been here for 1,000, 400, 50 years, or 5 days, it is our inheritance.

That freedom comes with responsibility. It comes first with a responsibility to those who are most vulnerable, who are weak. Are you industrious, content, moral? I know there is a great deal of discontent, and I share a lot of it. But how many of us are willing to be the industrious people, in all the spheres of life, that can continue to build on the vision McGee gave us? Are we not just industrious, but also moral? Do we have a shared vision of the good things that make all of us Canadians? Are we willing to protect these limits, in the face of the norms of arbitrary power that we see around the world? Are we willing to live lives that are drawn by this vision, even if it costs us?

And importantly, are we content? McGee’s vision of contentedness is not one of complete satisfaction with the status quo (his life was, in this sense, quite restless) but one embedded in the word’s older, Latinate roots. Content in this sense is to be “held together” and hints at satisfaction with oneself and one’s place. Put differently, it alludes to being “comfortable in one’s skin,” as the saying goes. And this holds for the body politic as well. Are we, as Canadians, content and confident in our own identity? Are we confident in the skin of our own body politic? As I review Canadian public discourse, I think a lot of us aren’t. We obsess over historical failures with a scrupulosity that is leading many to despair. Instead of dealing with our own historical failures, and instead of dealing with our own national issues, we would much rather look to other places—usually to our southern neighbours—to discuss *their* problems, as if they were our own. We import their debates and neglect to have our own. And all the while, we neglect to build the better country that we could have, if we strove to be held together—content—with our national self, as it actually is.

Let us be confident in our identity. Let us look our faults and failures full in the face, and let us repair them. Let us be free not only in name but also in fact. That will require a renewed moral vision and, as my immigrant parents and grandparents never cease to remind me, it will take

19 Holland, *Dominion*.

hard work, so that we can pass the covenantal promises that led to the building of this great country on to the next generation. I invite you to join Cardus, me, and the many institutions present here, to do this work with joy and vigour.

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