

Bill 21 and the Two Solitudes

Are Quebecers intolerant, xenophobic and Islamophobic? Judging from the reactions of the vast majority of opinion leaders in English-speaking Canada since the passage in June 2019 of Quebec's law entitled, *An Act Respecting the Laicity of the State*, or Bill 21 as it is commonly known, one would be hard pressed to conclude otherwise. Here is just a sample of the headlines:

"Unjust Bill 21 dispenses with an array of rights", *Montreal Gazette* (April 15, 2019)

" 'Dark day for Quebec': Religious symbols law draws criticism", *CBC* (June 18, 2019)

"Quebec passes a terrible law, and for the worst reasons", *Globe and Mail* (June 17, 2019)

"Federal leaders have capitulated on Quebec's Bill 21, and to our shame we let them", *National Post* (September 17, 2019)

"Quebec's Unthinkable Bill 21", *Maclean's* (April 9, 2019)

Charles Taylor, probably Canada's best known political philosopher and a longtime resident of Montreal where he taught at McGill University, has said that Bill 21 must be understood "in the context of a society full of Islamophobia." Prime Minister Trudeau, the current and previous leaders of the Conservative Party, and the leader of the national NDP all have said that they are opposed to Bill 21. Only the Bloc Québécois, of the main parties in the House of Commons, supports it.

So what's the fuss about? Bill 21 prohibits public school teachers, police officers, government lawyers, and judges, among other public servants, from wearing religious symbols — including hijabs, kippas, crucifixes, and turbans — while at work. It also requires that persons receiving services from such state employees have their faces unveiled for identification purposes. Descriptions of the law that are not biased in favor or against it are not easy to come by. If you would like more information I would recommend the description of the law at the website of the Library of Congress at the link in the text of this podcast.(

<https://www.loc.gov/law/foreign-news/article/canada-new-bill-prohibits-religious-symbols-for-public-sector-workers-in-quebec/>)

Bills rather similar to Bill 21 were introduced, but not passed, under previous Quebec governments. The current Quebec government, led by François Legault, justifies the restrictions on the wearing of religious symbols by certain groups of state employees on the grounds that Quebec is, and the majority of Quebecers want their society to respect the separation of the state and religion, that the tradition of *laïcité* or a secular public space is well established in the province, and that such restrictions are necessary in order to protect and promote social cohesion and living together (*vivre ensemble* in French), understood as a sense of solidarity based on inclusion and equality.(<https://www.ledevoir.com/societe/565937/l-etat-du-quebec-2020-le-vivre-ensemble-plus-qu-une-expression>) Speaking just after the law was introduced in Quebec's assemblée nationale, Premier Legault declared, “[Bill 21] respects our history, our values, and [it is] what the majority of Québecers want.”

The justifications put forward by the Quebec government are, by the way, virtually identical to those in several western European countries that, starting with France in 2008, have passed laws prohibiting the wearing of the burqa and the niqab, both of which cover the wearer's face, in public places. Germany's Chancellor Angela Merkel has said, "in communication between people, which is of course essential to our living together, we have to show our faces."

In France, bans and limitations on the wearing of religious head scarves and other religious symbols by students have existed since 2004, and applied to teachers and other public servants since 1983. (https://www.fonction-publique.gouv.fr/files/files/statut_et_remunerations/laicite/depliant-laicite-2017.pdf) Similar restrictions, based on similar justifications, have been adopted in Belgium, Switzerland and by some regional governments in Germany. Such bans and restrictions in western Europe have been upheld by the European Court of Human Rights on many occasions. (https://www.echr.coe.int/documents/fs_religious_symbols_eng.pdf) These rulings have accepted the principle that a country has the right to enforce the principle of the secularism of the state, that school children might be influenced by the religious messages conveyed by symbols worn by their teachers, and that public sector employees in a jurisdiction in which state secularism is enshrined in the law and the constitution have an obligation to comply with limitations on the wearing of religious symbols. In full awareness of all this, Quebec's Premier François Legault has said, "So when I hear some people saying that Quebec becomes racist, do they mean that Germany, France and Belgium are racist?"

It is clear that more Quebecers and particularly more French-speaking Quebecers than English-speaking Canadians view the requirements of living together, social cohesion and the laicity of the state in the manner of the French, Belgians, Swiss and some other European societies that have gone beyond burqa and niqab bans to prohibit or restrict the wearing of religious symbols in schools and in public sector employment.

An Angus Reid survey conducted in May of 2019 found that by a ratio of more than 2 to 1 (64% for and 28% opposed), Quebecers supported Bill 21. When Canadians outside Quebec were asked whether they would support a similar law in their own province, 37 percent said yes and 52 percent said no. The survey went on to ask respondents whether public employees should be allowed to wear particular religious symbols while on the job. Support for the wearing of all such symbols, including Christian and Jewish symbols, was significantly lower among Quebecers than in the rest of Canada. In the case of the hijab, 41 percent of Quebecers compared to 74 percent of Canadians elsewhere in the country said it should be allowed by teachers and others in the public sector. The numbers were roughly similar in the case of the Sikh turban and the Jewish kippa. (<http://angusreid.org/quebec-bill-21-religious-symbols/>)

The difference between Quebec and the rest of Canada on these matters is mirrored in the gap between their opinion leaders. Journalists, politicians and public intellectuals in English-speaking Canada are overwhelmingly of the view that Quebec's Bill 21 is an egregious violation of the Charter of Rights and Freedoms, of Canada's human rights obligations under international law, and of the spirit and requirements of multiculturalism.

Many opinion leaders in Quebec agree, particularly in the non-francophone community. But many disagree, and in light of the barrier that continues to separate Canada's two linguistic solitudes, English-speaking Canadians might be surprised to learn not only that supporter for Bill 21 among Quebec's French-speaking opinion leaders is widespread, but they may also be surprised to hear what these opinion leaders have to say. Here's a sample. These are all my translations from the original French:

"The debate surrounding laicity did not end with the adoption of Bill 21. Not because Quebecers want to continue with it, but because the political and constitutional framework within which they exist places considerable limits on their collective freedom. In other words, the Canadian regime surrounds them and limits their collective freedom as a people. It is the Canadian regime that determines the space available to Quebec, and if Quebec tries to advance its own model for the organization of civic life based on a perspective that does not reflect the official Canadian ideology, it will be opposed." *Mathieu Bock-Côté*, journalist, essayist and professor at l'Université de Québec à Montréal

"The laicity of the state is the model for living together chosen by the Quebec population. It ensures the separation between religion and the state in order to guarantee the protection of the right of all citizens to equality of treatment as well as freedom of conscience and religion, in conformity with article 3 of the Quebec Charter of Rights." *Rassemblement pour la laïcité*

"Welcome to the world of the two solitudes. Quebecers are attached to the principle of the laicity of their institutions, no offense to the right-thinkers of the ideal of diversity....What the

diehards of multiculturalism are trying to do at this time is to impose, bit by bit, through the back door, what Quebecers have never approved." *Steve Fortin*, journalist

"The veil is a sign of inequality between men and women, a condition that is in conflict with Quebec's distinct value of laicity....There is a climate these days that is inimical toward Quebec...a form of Quebec-phobia..." *Denise Bombardier*, journalist, essayist and novelist

It is not likely that the differences between the two solitudes on Bill 21 will be bridged. So here's a question. Should Canadians--can Canadians--accept that the province of Quebec has decided to place limits on the freedom of religious expression in the name of values and objectives that have the support of most Quebecers?