

Quebec's forced passage of secularism Bill 21 decried as 'unconscionable'

OTTAWA –The CAQ government of Quebec has forced the passage of its secularism Bill 21, despite the warnings of religious freedom advocates, including Quebec's Catholic bishops.

"It's one thing to use closure on amendments to an existing law regarding construction, let's say, but to use it on a new piece of legislation that overnight changes the way fundamental freedoms are respected in the province is unconscionable," said Andrew Bennett, who heads the Cardus Religious Freedom Institute. "We enjoy the right to freedom of religion and other fundamental freedoms simply by being human beings."

"These are rights that are inherent to us and the states responsibility is to respect those rights at a very profound level," Bennett stressed. "It's not the role of the state, especially in a representative democracy, to use fundamental freedoms as their playthings."

Bill 21 bans the wearing of religious symbols by public servants including judges, police officers, teachers and others, though it grandfathered in those who wear Muslim hijabs, Jewish kippahs, or Sikh turbans if they already have a job. The bill includes language that anticipates invoking the notwithstanding clause Section 33 of the Canadian Charter of Rights and Freedoms.



Andrew Bennett, Director of Cardus Religious Freedom Institute Photo
Deborah Gyapong, CCN

However, Bennett said the law can still be challenged on a number of fronts, both legally and through public resistance of an unjust law.

"There should be court challenges," Bennett said. "Another path is for employers such as municipalities, and school boards, to simply to refuse to

honour the legislation in their contacts with employees.”

“It’s important to remind people that simply because a government or state passes a law, it doesn’t mean that it’s true,” Bennett said. “A law such as this, that deprives people of their fundamental freedom of religion and freedom of conscience is not true, it’s a violation of truth. And furthermore, it breaks down community between people of different faiths.”

Groups such as the Canadian Civil Liberties Association and the National Council of Canadians Muslims are among those expected to launch lawsuits. Though Section 33 allows parliaments to override the charter, Derek Ross of the Christian Legal Fellowship has argued in a recent article in *The Lawyer’s Daily* the fundamental rights to religious freedom precede the Charter.

“Quebec has made it illegal for gov’t workers to express, in even the most passive way, that they are religious,” Ross said on Twitter June 17. “The message of #Bill21 is that faith must either be hidden or purged from public space entirely. This should concern all of us, directly impacted by the law or not.”

The Quebec National Assembly was technically supposed to rise for the summer on June 14, but the government extended the sitting through the weekend until the bill was passed at about 10:30 p.m. on Sunday, June 16, by a 75 to 35 vote. At the last moment, the government introduced amendments regarding enforcement of the bill, including surveillance measures.

On June 14, the 31 Catholic Bishops of Quebec deplored the threat of closure to pass the legislation without hearing from affected religious organizations. But their cries and those of religious freedom advocates across Canada fell on deaf ears.

Instead of threatening to shut down debate to force the passage of a bill that strongly polarizes Quebec society, the bishops said legislation that could limit individual rights significantly must be studied rigorously, without being rushed.

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The government has the responsibility to contribute, through its laws and actions, to the respect for the rights of each of its citizens, and to encourage the peaceful living together, the bishops said. Respect for equal treatment of persons and for the value of individual liberty has shaped Quebec’s history, they said. Quebec society is characterized by peacefulness, hospitality and tolerance, notably its respect for religious difference, something that has emerged gradually through frank dialogue.

The bishops affirmed the principle of the secularity and religious neutrality of the state. They said they agreed with the prohibition of the wearing of religious symbols by state employees who exercise coercive authority and have a strict dress code, but the measures regarding teachers showed a misunderstanding of the religious fact in society and its cultural connotation.

“The Quebec bishops are wrong,” Bennett said. “This idea that maybe a policeman wearing a turban is somehow going to be proselytizing for the Sikh religion rather than enforcing the law, there’s absolutely no precedent for that.”

Bennett said he cannot think of a single example of someone wearing their faith openly imposing their beliefs on someone else. Even the RCMP allows the wearing of Sikh turbans as part of the authorized uniform.

With Bill 21, the province has imposed “secularist principles that are pushing people with devout religious beliefs into the margins of society, into the private sphere, and therefore depriving the broader society of their full presence, their authentic presence.”

“I think there’s nothing wrong with public faith,” Bennett said. “The secularist mindset seems to believe that public faith is somehow detrimental to our common life when in fact if we want to have a genuine common life we need to be able to respect differences, especially profound difference and encounter one another as human beings, not as labels.”

The bishops warned the misunderstanding of religions expressed in Bill 21 seem to be nourished by prejudices and fear, and the law would only exacerbate them.

It would be better to combat prejudice and fear of the other in rational ways that educate people about the diversity of religious, spiritual and cultural traditions, they said.

While the bishops welcomed the effort to clarify the definition of religious symbols, they said it has only created more confusion because it includes subjective criteria and obliges secular state representatives to judge the religious or non-religious character of many objects. This is totally contrary to the bill’s stated objective of secularism and the neutrality of the state, they said. They also denounced the repercussions Bill 21 will have on the employment and social integration of young people belonging to religious and cultural minorities.