



STATEMENT ON BILL 21

An Act respecting the laicity of the State

Submitted by

The English Speaking Catholic Council

Monday, May 13, 2019

The English Speaking Catholic Council (ESCC) was founded in 1981 with the mission to act as a catalyst, convener and facilitator of collective action for the English-speaking Catholic community of Quebec.

As an organization inspired by Catholic social teaching, the Council is concerned for the common good and is apprehensive as to the implications of Bill 21 (An Act respecting the laicity of the State) for the social and civic welfare of Quebec society. In the main, the objections the Council have regarding the current legislation are similar to those we expressed in our 2013 brief on Bill 60 (Charter affirming the values of State secularism and religious neutrality and of equality between women and men, and providing a framework for accommodation requests)¹ However, there are a number of critical differences between the 2013 legislation and that introduced in 2019.

- It has been credibly asserted that Bill 21 is a response to the majority's general unease and distrust with the Muslim population. But there is another dimension to this debate that has been in the main unremarked upon. The current legislation has moved from the language of secularism to that of laïcité. The Council is profoundly concerned by the weaving of laïcité language into the fabric of the foundational, quasi-constitutional Quebec Charter of Rights and Freedoms. The term laïcité is not synonymous with secularism. It moves beyond the notion of a strict separation between church and state, the status quo now an accepted reality in Quebec, to a pejorative stance towards religious faith. It incorporates an element of anti-clerical. It defines the proper milieu for religious belief, opinion and expression in such a repressive and restrictive way as to make those opinions and expression unacceptable anywhere except behind the closed doors of private residences and places of worship. The Council repudiates the notion that a free society requires protection from religion or religious expression. People of faith and religious communities should not be viewed, ipso facto, as a threat that needs to be cordoned off or as a blemish that needs to be hidden away from public view.
- The terms of Bill 21, particularly that of "religious symbol," are not clearly defined and the mechanisms and practical considerations for the implementation of the legislation do not appear to have been contemplated. The legislation is not specific regarding what constitutes a religious symbol and so it has been left to the Minister to fill in the blanks in off-the-cuff comments. The message has not been a coherent one. One day Mr. Jolin-Barrette said, "Any wearing of religious symbols is not allowed. Size doesn't matter, how visible it is doesn't matter. It is not allowed," on another, it is only "commonplace symbols" which will be targeted, i.e. the hijabs, kippahs, turbans and clerical collars much discussed in the Bill 60 days. If it doesn't matter whether the symbol is visible or invisible, if the size does not matter, then tempers and logic will fray at the notion that a Muslim woman must remove her hijab to enter the classroom but an Orthodox woman need not remove a religious medal around her neck. Mr. Jolin-Barrette has said that the government will not be bringing out the tape-measures or doing early morning strip searches. But that raises the question, who will be required to do so? School principals? School boards? The Ministry of Education? Are we to have a

¹ <https://www.catholiccouncil.ca/briefs/>

newly created Office of Laïcité? The ESCC contends that this law is unenforceable and worse, destructive to social inclusion and cohesion.

- The ESCC is opposed to the incorporation of the notwithstanding clause into the proposed legislation. It is in the nature of the majority population to ignore, or be unaware of the rights of the minority, but it is a perversion of the clause to use it as a bully-tactic, to in effect make null and void those protections. The ESCC also continues to maintain, as do many other interlocutors, that if an individual's Charter protected freedoms are to be curtailed, the onus is upon the government to display the material harm which is rendered by the exercise of these freedoms. The 2008 report of the Bouchard-Taylor commission stated that, "Having taken stock of everything that we have learned and understood over the past year, we have concluded that the foundations of collective life in Quebec are not in a critical situation." In recent years we have witnessed the 2017 shooting at the Islamic Cultural Centre of Quebec City and the recent reports of the 50% rise in anti-Semitic incidents in Quebec.² It might be argued that the situation is more precarious than in 2008, but it also might be argued that these incidents have been fueled in part by the notion that religious expression, and in particular religious manifestations of minority populations, are unacceptable in Quebec. Surely the answer is not to have those minority populations which are under attack to be forced to forgo their Charter-protected rights and freedoms.

The government has stated emphatically its desire for swift adoption of the proposed legislation. The Council is concerned that the measures taken to achieve such rapid adoption practically ensures that the democratic process is thwarted. By limiting the number of organizations consulted in the hearings, taking place between May 7 - May 16; in the government hand-picking those organizations; and by the exclusion of spokespersons of religious communities, the government has signaled that it cares little about the opinion of, or the practical consequences of this legislation upon those communities most affected by Bill 21.

The debate over religious symbols and accommodation has been a near constant in the public square for the past number of years and as noted, this is not the first or even the second iteration of legislation which has been tabled to address this issue. Unfortunately, the Council sees nothing in Bill 21 which inspires confidence that it will put an end to that debate. In fact, it foresees that the enactment of the current legislation virtually ensures a continued stress upon the body politic, and unfortunately those stresses will fall unduly hard on those parts of the population struggling to find a path towards inclusion and integration in Quebec society.

² <https://montrealgazette.com/news/local-news/anti-semitic-incidents-in-quebec-increased-by-50-in-2018-audit-shows>