

# The Reasonable Accommodation Crisis, 2007-2008: The *Consultation Commission on Accommodation Practices Related to Cultural Differences* chaired by Gerard Bouchard and Charles Taylor

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Second of Five Reports prepared by Miriam Chiasson

for David Howes and the Centaur Jurisprudence Project,

Centre for Human Rights and Legal Pluralism, McGill University

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## **Introduction: From Crisis to Commission**

According to commissioners Gérard Bouchard and Charles Taylor (2008), a reasonable accommodation seeks equality in difference, and remedies discrimination brought about by a uniform norm. Moreover, the demand for adjustment must not present excessive constraint on the targeted institution (p. 63). In 2006, media coverage of reasonable accommodation cases such as the Multani case, or cases where Muslim girls were forbidden to wear the hijab in soccer and taekwondo competitions, led to a crisis in the province of Quebec. During this period, various cases featuring Sikhs, Hasidic Jews and Muslims requesting accommodations were covered in the media, with the white, Francophone population of Quebec expressing their outrage towards these demands which they perceived as excessive and harmful. Notably, the Hérouxville “code de vie,” which offered xenophobic and stereotypical guidelines for immigrants to live in their rural community, poured oil on the fire (Heinrich, *The Gazette*, May 22<sup>nd</sup> 2008). The coverage of reasonable accommodations escalated, turning the issue into a province-wide debate.

Furthermore, the reasonable accommodation crisis was fueled by political opportunism. During the crisis, then-Action Démocratique du Québec leader Mario Dumont adopted a populist, almost racist discourse, and expressed arrested opinions on immigration, claiming notably that Quebec should welcome fewer immigrants. Furthermore, Dumont's 2008 electoral campaign was based on the reinforcement of communal values and Quebecois identity. He wished to instate a Quebec Constitution to protect Quebecois values, such as the equality of the sexes, democracy and justice (Lévesque, *Le Devoir*, February 22<sup>nd</sup> 2007). Therefore, Dumont sought to capitalize on the outrage and anxieties of the white, Francophone majority of Quebec. During the crisis, Dumont garnered more popular support (26%) than Liberal Premier Jean Charest or Parti Québécois leader Pauline Marois (22% each), according to a poll published on *Cyberpresse* (Dion-Viens, August 27<sup>th</sup> 2007).

Indeed, the reasonable accommodation crisis emerged in a pre-electoral context. Jean Charest, as incumbent premier, was expected to address the pressing concerns of the population. Furthermore, Dumont's championing of the issue, which seemed to be affording him a political edge, and Dumont's criticisms of Charest's indecisiveness and lack of leadership, encouraged Charest to intervene (Lévesque, *Le Devoir*, February 22<sup>nd</sup> 2007). Therefore, Charest got rid of the "*patate chaude*" of the reasonable accommodation debate by passing it on to the Bouchard-Taylor Commission (Marissal, *La Presse*, May 23<sup>rd</sup> 2008). According to Josée Legault (*The Gazette*, September 14<sup>th</sup> 2007), the Commission was "[i]n effect, [...] one more commission set up by one more panic-stricken premier [...] in an election campaign that wasn't going his way[.]" Calling for a commission may have been the best way for Charest to act on the issue, the most obvious alternative being doing nothing at all. However, Dumont also pointed out that Charest did not always follow the recommendations of the commissions he established, describing his typical reaction to as "immobilisme"<sup>1</sup> (Lévesque, *Le Devoir*, February 22<sup>nd</sup> 2007).

The direct catalyst for the launch of the Bouchard-Taylor Commission was the publication of the Hérouxville "code de vie" on January 27<sup>th</sup> 2007; the publication reflected badly on Quebec, exacerbated the debate, crystallized popular unease, and further divided the Quebec population, notably along regional (urban/rural) lines (Radio-Canada, September 12<sup>th</sup> 2007). Prime Minister Charest established the Commission on February 8<sup>th</sup> 2007, two weeks before the start of general elections (Radio-Canada, September 12<sup>th</sup> 2007).

The mandate of the Commission, headed by sociologist Gérard Bouchard and philosopher Charles Taylor, was to describe the current practices of cultural accommodations in Quebec, in an effort to eliminate confusion towards these practices, offer guidelines for future accommodation requests, encourage further reflection, and propose principles to guide the decisions of functionaries faced with reasonable accommodation requests (Bouchard and Taylor, 2008, pp. 33-5). To do so, the commissioners visited 17 Quebec towns to gather the testimonials of any ordinary Quebecer who wished to share their opinions. The topics under consideration in the

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<sup>1</sup> A tendency to do nothing when action is required.

forums included interculturalism, immigration, religion in the public sphere and Quebecois identity (Radio-Canada, September 12<sup>th</sup> 2007).

After its establishment, the press reported insecurity among the population regarding the Commission's ability to solve the reasonable accommodation crisis. This anxiety may have been brought about by the perception that the commissioners were detached from the general population or by the sheer complexity of the problem at hand (namely, Quebecois identity and national cohesion) (Dion-Viens, *Cyberpresse*, August 27<sup>th</sup> 2007). Gilles Dussault, editorialist, (*Cyberpresse*, September 27<sup>th</sup> 2007) was concerned with the way the commission interpreted its mandate. Bouchard and Taylor were commissioned to observe accommodation practices, not the place of immigrants in Quebec society, a widened mandate which Dussault felt would allow negative divergences towards immigrants in the public hearings. He additionally decried that the commission seems to have been established as little more than an outlet for popular frustration. Furthermore, Dussault argued that the Commission may be a diversion for a more pressing issue: the work of the *Groupe de travail sur le financement du système de santé* (Workgroup on health care system financing).

The Commission published its report on May 22<sup>nd</sup>, 2008. This paper will first outline the findings of the report and examine its reception in the written and virtual press, and in televised news, by observing the opinions of journalists, anonymous opinion writers, politicians and expert commentators. It will focus on the reaction of the Francophone press, the provincial Anglophone press, and the national English press.

### **Bouchard and Taylor's Findings, Conclusions and Recommendations**

In their report, Bouchard and Taylor (2008) concluded that the reasonable accommodation crisis was caused by issues of perception brought about by distorted and sensationalist media coverage, and by the identity anxieties of the majority population in Quebec, which is concurrently a minority in Canada (p. 18). They felt that there was actually no real problem with existing reasonable accommodation practices.

Indeed, one of the report's main conclusions was that a crisis of perception was engendered by the distortion of accommodation cases in the media. In fifteen of twenty-one studied cases, the Commission found that the media distorted facts in its coverage for sensationalism (Bouchard and Taylor, 2008, pp. 69 and 74). By doing so, the media contributed to social division and even xenophobia (p. 74).

In addition to blaming the media for instigating a crisis of perception, Bouchard and Taylor (2008) argued that the reasonable accommodation crisis originated in Quebecers' identity tensions. Not only did the post-9/11 setting brought about distrust of the Muslim community, the perceived re-emergence of religion in the public sphere worried Quebecers because it has undergone secularisation since the 1960s. Additionally, misinformation about minorities exacerbated the problem. (pp. 185-6). Furthermore, the Quebecois' status in Canada and in Quebec is a complicated situation. Quebecers are majoritarian in Quebec,

but minoritarian in Canada (p. 187). For Bouchard and Taylor, French-Canadian identity is a source of cultural wealth, but it must not monopolise Quebecois identity,<sup>2</sup> and it must make room for a civic identity, based on such Quebecois values as mutual aid and opens, values apparently forgotten by Quebecers who oppose reasonable accommodations (p. 189). Bouchard and Taylor maintain that Quebecers can be reconciled with reasonable accommodations if it is proven that accommodations fit within the fundamental values of society and do not threaten the heritage of the Révolution Tranquille (p. 189). Moreover, there is a fear that multiculturalism may fragment society, and encourage privileging individual rights over common welfare (p. 193).

Moreover, the commissioners argued that the management of religious and cultural diversity in Quebec is based on a policy of interculturalism. The commissioners (2008) described interculturalism as a doctrine according to which society requires some cohesion and integration to function well, but must still respect differences and diversity (pp. 19-20, and 118). With interculturalism, differences are not kept hidden in public, and each individual can positively identify with shared communal values (pp. 120-1). According to Bouchard and Taylor, Quebec's interculturalism is marked by a tension between ethno-cultural diversity and the continuity of francophone culture (p. 119). Furthermore, Bouchard and Taylor contrast Quebec's interculturalism with Canada's multiculturalism, which favors bilingualism and multiple cultural identities (p. 214). They insist that multiculturalism is inadequate in Quebec because Canada does not face the same challenges as Quebec does when it comes to language preoccupations or to Quebec's minority status within Canada and North America. Canada is less concerned with the preservation of a fundamental culture as it is with national cohesion (p. 122).

At the basis of interculturalism is a communal identity based on shared values. Bouchard and Taylor (2008) pointed to three communal norms as the basis of collective life in Quebec. First, Quebec society is democratic and liberal; power is in the hands of the population, and every citizen's rights and liberties are protected (p. 105). Fundamental rights include the right to life, freedom of religion, and protection against discrimination. Liberties are limited only when one's liberties breach those of another (p. 107). Next, French is the official language, the language of education and the language of integration, but Quebec society nevertheless respects minority languages (p. 108). Lastly, Quebec is a pluralist society and encourages the participation of all citizens. According to Bouchard and Taylor, immigration is central to Quebec's economic development, and contributes to cultural diversity, which enriches Quebec society (p. 109).

Nevertheless, the commissioners pointed out that the conception of a collective identity is difficult within a pluralistic society. They insisted Quebec's collective identity is still in development (pp. 123-4). However, a civic identity must be available to all, without one having to give up one's ethno-cultural background (p. 125). Bouchard and Taylor offered many possibilities for the basis of a civic identity, including that of French as a

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<sup>2</sup> Bouchard and Taylor seem to use "French-Canadian" and "Québécois" identities interchangeably, when they arguably are not the same (Francophones in Manitoba or New Brunswick are definitely French-Canadians). They fail to define both concepts in the report.

communal language, that of the development of a sense of belonging through intercultural exchanges, that of the promotion of communal values, and that of the construction of a national memory taking ethno-cultural diversity into account, among others (pp. 125-7). Importantly, Bouchard and Taylor emphasize the fact that within Quebec society, there is no hierarchy of cultures, despite Quebecois culture's "*ancienneté*" ("antiquity") (pp. 129 and 214). For Bouchard and Taylor, Quebecois culture does not take precedence over other cultures.

The Commission (2008) also described Quebec's system of secularism. Bouchard and Taylor support a model of *laïcité ouverte*, which ensures the neutrality of the State while encouraging the public expression of religion, without hindering the rights of others. According to the commissioners, this model best ensures the protection of the liberty of conscience and religion, the separation of Church and State, and the neutrality of the state when it comes to religion (p. 149). Bouchard and Taylor argued that, according to the system of open secularism, forbidding agents of the state from wearing religious symbols is not justified because these individuals have the same rights as others, and it is erroneous to assume that a religious person who does not wear religious symbols is more neutral than one who do (p. 150). However, they insisted that if wearing religious symbols brings about an excessive constraint to an institution, it can be forbidden. For example, judges and police officers should not be allowed to wear religious symbols because of their greater need for impartiality (pp. 150-1). Moreover, the Commission recommended the removal of the crucifix in the National Assembly and prohibition of prayer in municipal assemblies because these practices, despite being part of Quebec's heritage, also identify the state with a religion (pp. 20, 152, 179 and 260). Most importantly, the Commission recommended the redaction of a "livre blanc" on secularism, so that the government may clearly define Quebec's policy of secularism, defend Quebec's position on *laïcité* and submit remaining questions to public debate (pp. 153-4).

Another crucial aspect of the report when it comes to the integration of immigrants is the discussion of immigrants' economical and employment related difficulties. Immigrants face under-employment and poverty because of adaptation difficulties, the limited availability of French language classes, the depreciation of foreign work experience and diplomas, and the low salaries of entry-level positions, and the barriers created by professional orders (Bouchard and Taylor, 2008, p. 224-5). Though Bouchard and Taylor fail to offer potential solutions or topics for further reflection in this area, they do recognize that economic rejection and difficulties may render immigrants less eager to integrate society, and that solving these disadvantages will facilitate intercultural relations (p. 227).

### **Francophone Media Reaction to the Report**

The initial reaction to the report in the Francophone media came following leaks of the report in *The Gazette*, a few days before its intended publication. Following the leaks, both Pauline Marois and Mario Dumont demanded the immediate publication of the report to avoid the settling of negative, caricatured opinions based solely on a few excerpts of the report, requests which Prime Minister Charest did not indulge (SRC Mauricie, May 21<sup>st</sup>

2008; Le Téléjournal, May 20<sup>th</sup> 2008). Therefore, the publication of the report occurred in the midst of controversy.

Once it was published, some reporters insisted that the report was met with either indifference (Méley-Daoust, *Courier Laval du mercredi*, May 29<sup>th</sup> 2008) or caricatured and politically-interested interpretations (Opinion, *La Presse*, June 25<sup>th</sup> 2008). An opinion writer (*La Presse*, June 25<sup>th</sup> 2008) strongly urged Quebecers to read the report for themselves so that they may forge their own opinions, continue the debate constructively, and support the recommendations with which they agree, an enlightened request which may have fallen on deaf ears. One such topic which the population should ponder is Bouchard and Taylor's conclusion on the role of the media in the crisis of perception that was the reasonable accommodation crisis.

## Reactions following the Release of the Report

### *The Role of the Media*

Some journalists agreed with Bouchard and Taylor on the negative role the media played in this crisis, and insisted that the media manipulated explosive material and adopted an ideological position, instead of reporting events disinterestedly and showcasing both sides of the story (Radio-Canada, June 18<sup>th</sup> 2007). Others disagreed with the commissioners' conclusions and argued that the media's implication was minimal because complaints on erroneous coverage in accommodation cases were almost non-existent, and the press does not dictate what readers should think (Allard, *Magazine Île des Soeurs*, January 2<sup>nd</sup> 2008). PQ leader Pauline Marois insisted that there was indeed a crisis, despite Bouchard and Taylor's denial, and refused to blame the media for their coverage of events (Touzin, *La Presse*, May 24<sup>th</sup> 2008). Moreover, the Commission's conclusion that there was no real crisis raised an important issue in the press; if there was no real crisis, why spend millions of dollars on a commission? Vincent Marissal, journalist for *La Presse*, (May 23<sup>rd</sup> 2008) supported the commission, despite its high cost, and praised the report for bringing the debate back into its context and for pointing out the media's role in this crisis.

### *Multiculturalism and Interculturalism*

Reporters also held some strong opinions about Bouchard and Taylor's concept of interculturalism. According to Guy Rocher, a sociologist and notable thinker of the Révolution Tranquille, the concept of interculturalism is too vague, and is too closely associated with Canadian multiculturalism, which actually seeks to assimilate Quebecers within Canada (Le Téléjournal, June 2<sup>nd</sup> 2008). Furthermore, Daniel Marc Weinstock, a philosopher at Université de Montréal, insists that the Bouchard-Taylor report exaggerates the distinction between interculturalism and multiculturalism (Le Téléjournal, June 2<sup>nd</sup> 2008). Weinstock argued that Quebec's interculturalism is little more than a version of Canadian multiculturalism (Dutrisac, *Le Devoir*, May 24<sup>th</sup> 2008). *Le Téléjournal* (May 22<sup>nd</sup> 2008) also offered a plain definition of interculturalism (« L'interculturalisme, c'est un peu la formule québécoise pour bâtir cette identité commune inclusive »<sup>3</sup>) and highlighted that

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<sup>3</sup> "Interculturalism is basically Quebec's formula to build this inclusive communal identity."

Bouchard and Taylor sought the creation of a provincial law to clearly explain interculturalism as a policy, giving watchers the impression that the concept is shaky and not well defined.

### *A Civic Identity and Blaming the Majority*

Another aspect of the report which warranted a strong reaction is its discussion of the establishment of a civic identity. Many journalists seemed to be under the impression that through their recommendations to build a civic identity, the commissioners were advocating serious change to Quebec's culture and identity. In his *Le Devoir* article, journalist Robert Dutrisac (May 24<sup>th</sup> 2008) addresses the question of the commissioners' proposed changes to Quebecois identity in detail. He insisted that Bouchard and Taylor invited Quebecers to adopt a new identity based on interaction with ethnic minorities, and which recognizes that the majority culture is not the culture of reference, that cultures are not hierarchized, and that in the process of interactions the majority's culture and the cultures of minorities will be transformed. Dutrisac's article reported Mario Dumont's criticism of Bouchard and Taylor's failure to reinforce the majoritarian normative culture. Daniel Weinstock rejected Dumont's notion of a normative culture because it presupposes that there is such a thing as a culture of origins which has not undergone any transformation over the course of history (Dutrisac, *Le Devoir*, May 24<sup>th</sup> 2008). Furthermore, Dumont believed that the majority should not have to change its culture to satisfy the minority (SRC Mauricie, May 21<sup>st</sup> 2008). Jacques Beauchemin, a sociologist who advises Pauline Marois, denounced Bouchard and Taylor's definition of society as a place of exchange without a reference culture. He insists that society is also a project, and that Quebecers want a society which resembles them. Sociologist Mathieu Bock-Côté decried the fact that the report seemed to suggest that there was no communal identity allowing for national convergence before its publication and that the majority must give up its identity to make room for interculturalism (Dutrisac, *Le Devoir*, May 24<sup>th</sup> 2008). The Mouvement national des Québécoises et Québécois was also disappointed with the report. For Chantale Trottier, MNQ president, the Commission's suggestion for the establishment of a new civic culture evidences "un refus net d'assumer la culture québécoise"<sup>4</sup> and seems to suggest that Quebec's history is not already inclusive (Canada NewsWire (français), May 23<sup>rd</sup> 2008).

It seems that Dumont, Beauchemin, Bock-Côté and Trottier may be confusing Quebecois identity and Bouchard and Taylor's concept of civic identity; one does not exclude the other. After all, Bouchard and Taylor (2008) encouraged the multiplicity of identities (p. 120). Quebecers do not have to stop being who they are; adhering to a civic identity will mostly ease intercultural relations. Moreover, commentators seemed to highlight only one of the many potential models for civic identity (the one based on interaction with immigrants). Other models may have been more to these commentators' tastes, namely the model based on the French language as the communal language.

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<sup>4</sup> "a clear refusal to recognize [the verb 'assumer' is a difficult one to translate; Trottier could also be suggesting that the commissioners and their Quebecois supporters are denying an integral part of themselves] Quebecois culture."

Moreover, some commentators were uncomfortable with the blame placed on the Quebecois majority they perceived in the report. Sociologist Guy Rocher explained that Quebecers will reject the report because it blames Quebecers for the crisis as a result of their erroneous perceptions and their identity anxieties, when Quebecers perceive themselves as open-minded and tolerant (Le Téléjournal, June 2<sup>nd</sup> 2008). However, Dumont insisted that we must differentiate *à-plat-ventrisme*<sup>5</sup> and openness, or whether the Quebecers tolerate accommodations because of genuine openness or because they are simply not fighting back (SRC Mauricie, May 21<sup>st</sup> 2008). Trottier, president of the MNQ, judged that the report is too severe towards Quebecers. She felt that the report sought to guilt the majority by suggesting that there is no problem at all and that the majority is seeing problems where there are none (Canada NewsWire (français), May 23 2008).

### *Quebecois Identity, and Malaise*

The fact that Bouchard and Taylor appeal to a “French-Canadian identity” in their report was a source of criticism in the Francophone media. Guy Rocher accused the commissioners of attempting to “*re-minoriser*”<sup>6</sup> Quebecers by pushing a French-Canadian identity upon them, insisting that “*revenir à Canadian français, c’est revenir à notre définition minoritaire dans le Canada*”<sup>7</sup> (Le Téléjournal, June 2<sup>nd</sup> 2008). Moreover, Pauline Marois denounced the report for failing to raise a solution for Québécois identity unease (Dutrisac, Le Devoir, May 24<sup>th</sup> 2008; Touzin, La Presse, May 24<sup>th</sup> 2008). Marois believed that the common values of Quebecers must be defined in a law; the Parti Québécois supported the reinforcement of Bill 101, the creation of a Quebec Constitution, and the modification of the Charter of Rights and Freedoms to protect and enhance Quebecois culture (Touzin, La Presse, May 24<sup>th</sup> 2008). Pierre Benoît, of the Saint-Jean-Baptiste Society of Laval, denounced the report for failing to encourage the expansion of Bill 101 to cover businesses with 25 to 50 employees, though some commentators have argued that the Bouchard-Taylor Commission was not the right place for a debate on language (Méley-Daoust, Courrier Laval du Mercredi, May 29<sup>th</sup> 2008). A Canada NewsWire article (May 23<sup>rd</sup> 2008) similarly argued that Quebecois culture must be valorized by a series of convincing measures to translate the desire for identity reaffirmation that Quebecers have evidenced in the last several years. It further rejects the report for not taking Quebecois’s identity unease seriously. Dutrisac (Le Devoir, May 24<sup>th</sup> 2008), on the other hand, praised the Commission’s effort in encouraging reflection on « une société québécoise en mutation, une société qui se libèrerait de son vieux fond canadien-français grâce à l’apport culturel des immigrants. »<sup>8</sup> Dutrisac also pointed out that, by studying questions on Quebec’s identity, Bouchard and Taylor went beyond their original mandate.

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<sup>5</sup> From *à plat ventre*, or to lie flat on one’s stomach; the act of submitting with complaisance.

<sup>6</sup> To render a group a minority again.

<sup>7</sup> “Returning to ‘French-Canadian’ is going back to our minoritarian definition within Canada.”

<sup>8</sup> “a mutating Quebecois society, a society freeing itself from its deep-seated French-Canadian identity through the cultural contributions of immigrants.”



### *Economic and Social Integration of Immigrants*

Experts from the Quebec bar association, interested in observing the progression of human rights in Quebec, commented on the aspect of the report dealing with economic disadvantage affecting cultural minorities and pushed Bouchard and Taylor's conclusions further. They insisted that ensuring the equality of men and women in reasonable accommodations (as some commentators pushed for, though Bouchard and Taylor (2008) argued that a hierarchy of rights would not solve Quebecers' anxieties (p. 107)) is not enough; we must also insure the socio-economic rights of all. From their reading, they claimed that the report's recommendations pointed to a revision of the Charter of Rights to enforce the protection of economic, social and cultural rights, with which the Commission des droits de la personne would agree because it perceives poverty, which strikes immigrants in particular, as the single most important problem when it comes to human rights and liberties (Canada NewsWire (français), May 31<sup>st</sup> 2008).

### *The Crucifix*

The commissioners' suggestion to remove the crucifix in the National Assembly engendered a strong reaction. Soon after the publication of the report, Jean Charest introduced a legislation to keep the crucifix in the National Assembly, an initiative the Société Saint-Jean-Baptiste supported (Méley-Daoust, *Courrier Laval du mercredi*, May 29<sup>th</sup> 2008). According to Vincent Marissal (*La Presse*, May 23<sup>rd</sup> 2008), following the publication of the report, nobody was interested in starting a debate about the symbolism of the crucifix. However, Charest was not particularly convincing when he insisted that the crucifix is not a religious symbol. Ultimately, Charest's initiative was universally adopted in the National Assembly; the crucifix would remain because of its patrimonial value.

### *Shelving the Report and Moving on*

Among the population and the media, there was a strong sense that, after its publication, the report would be shelved quickly, and that few (if any) of its recommendations would be followed. According to journalist Sophie Méley-Daoust (*Courrier Laval du mercredi*, May 29<sup>th</sup> 2008), the report would be shelved because Charest would not take the risk to involve himself in controversial issues. Marissal (*La Presse*, May 23<sup>rd</sup> 2008) insisted that Charest's minoritarian government was not in any state to actually follow up on the report's recommendations and that the report was shelved almost immediately after its publication because the Liberals simply want to turn the page and move on. This conclusion raised a couple of questions: why spend so much money on the commission, especially if it concluded that there was no problem at all? And why did Charest establish a commission in the first place? Charest's handling of the report after its publication supports the view that Charest established the Commission to get rid of the "*patate chaude*" of reasonable accommodations, while giving the impression that he was actually reacting constructively to the problem.

### Reactions from 2009-2011: Has the Situation Changed at all?

If the government shelved the report so quickly, did it have any long term effect? Did the government comply with some of the Commissions' recommendations? Did Quebecers' perceptions of reasonable accommodations change? Articles from 2009 to 2011 tackled these issues.

#### *What has the Government done?*

In 2010, the Charest government (majoritarian after the 2008 elections) insisted that it had complied with 80% of Bouchard and Taylor's recommendations. Bouchard, on the other hand, felt that the government had not actively facilitated the reasonable accommodation process, and that Quebec was still at square one (*Le Téléjournal*, March 16<sup>th</sup> 2010). It seems that the government mostly focused on recommendations which required little work, while ignoring some of the report's key recommendations, including the redaction of a "livre blanc" on secularism (*Le Téléjournal*, March 6<sup>th</sup> 2010 and May 24<sup>th</sup> 2011). Furthermore, the government has not followed the Commission's recommendation to use a model of integration based on interculturalism, which focuses on the respect of rights, which seeks to arbitrate relations between the majority culture and minorities cultures so that there is no conflict. On *Le Téléjournal* of May 24<sup>th</sup> 2011, Gérard Bouchard reiterated his recommendation to make interculturalism a law.

#### *What is the State of Reasonable Accommodations in Quebec?*

A poll in Pierre Jury's article (*Le Droit*, October 28<sup>th</sup> 2009) revealed that 18 months after the publication of the report, the Quebec population felt that the problem of reasonable accommodations had not been solved. According to Jury, the problem is too complex for a simple report to solve. Moreover, its recommendations were too large and difficult to instate. Another poll, reported by *La Presse Canadienne* (October 27<sup>th</sup> 2009) revealed that Quebecers still believed that there are too many reasonable accommodations, and that 72% of Quebecers felt that the Bouchard-Taylor report did not solve anything. Some accommodations were seen as particularly unacceptable, namely wearing religious symbols, prayer rooms in schools, segregation in pools, and choosing the sex of one's SAAQ instructor. Others, such as accommodating the sex of one's doctor, menus in kindergartens, and the accommodation of non-Christian holidays, were better received.

On March 16<sup>th</sup> 2010, *Le Téléjournal* reported that the state of reasonable accommodation was essentially the same as when the crisis started. During the news segment, Gérard Bouchard insisted that Quebecers must define what they are, what they want as well as their values, such as equality between men and women, the importance of the French language, and the separation of Church and State. In 2011, Bouchard organized a symposium on intercultural relations, three years after the crisis, because the Commission had not managed to resolve tensions between the majority and cultural minorities. According to Bouchard, Quebecers still feel the need to determine clearer guidelines when it comes to ethno-cultural diversity, and want a clearer definition of secularism. Quebecers are still uncomfortable with accommodations, but their unease is

much less emotional, which will ease constructive discussion (*Le Téléjournal*, May 24<sup>th</sup>, 2011).

### *The Crucifix, Again, Secularism and Canadian Multiculturalism*

Even in 2011, the controversy involving the crucifix in the National Assembly was not concluded though it continued to be protected by members of the National Assembly. According to philosophy professor Louise Mailloux (*Le Devoir*, February 19<sup>th</sup> 2011) Bouchard and Taylor's suggestion to remove the crucifix from the National Assembly, while allowing the turban, veil or kirpan, started a controversy and begged an explosive identity question. The perceived dilemma is that the commissioners seem to advise Quebecers to stop being themselves, but to tolerate others the way they are. This controversy has led many commentators to reject Bouchard and Taylor's concepts of open secularism and interculturalism, perceived as essentially identical to Canadian multiculturalism. The crucifix has therefore turned into a national symbol, the symbol of a nation that rejects Canadian multiculturalism because Quebecers refuse to be a cultural minority in Canada. The fact that the Bouchard-Taylor report fails to recognize Quebec as a distinct nation encourages this attitude. For her part, Mailloux believes that the crucifix should be removed, and all religious symbols should be forbidden in public institutions, in an effort to instate "une laïcité universaliste, authentique et exigeante, qui accorde à tous les mêmes droits et n'accorde à aucun un quelconque privilege."<sup>9</sup>

### **Conclusion**

Overall, French media reaction to the report is mixed. Some commentators agreed with the Commission's conclusion on the role of media because they recognized that the media had distorted reasonable accommodation cases for sensationalism, while others disagreed, instead maintaining that there had been a real crisis. Bouchard and Taylor's concept of interculturalism was criticized for being too similar to Canadian multiculturalism, and therefore inadequate for Quebec. Reactions to the report's definition of open secularism and associated recommendations were also mixed, with some commentators insisting to keep the crucifix of the National Assembly, and others opting to remove it and forbid all religious symbols. The report's discussion on Quebec's identity and status, and on the establishment of a new civic identity created controversy. That the report ultimately had limited impact, at the very least not the one it was intended to have, and that the situation of reasonable accommodations has not changed much were almost unanimously held perceptions.

### **Provincial English Media Reaction**

If the Quebecois are minoritarian in Canada, and majoritarian in Quebec, the Quebec Anglophone community is minoritarian in Quebec but majoritarian in Canada. The

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<sup>9</sup> "a universalist, authentic, demanding secularism, which affords the same rights to all, and refuses any privilege to anybody."

Anglophone community in Quebec definitely held opinions on Quebec's reasonable accommodation crisis and the Bouchard-Taylor report.

## Reactions following the Release of the Report

### *Anglophone and Francophone Integration Policies*

According to journalist Jeff Heinrich (*The Gazette*, December 14<sup>th</sup> 2007), the Quebec Anglophone community disagreed with the "one-size-fits-all" policy of integration the Francophone majority seems to seek to adopt. He insisted that when dealing with immigrants, it would be better to follow what Anglophones do, that is to adopt a case by case approach because all immigrants have different needs. Furthermore, Heinrich argued that Anglophones are well placed to comment on integration policies because they are increasingly bilingual and multicultural. Anglophones understand that a multiplicity of identities adds to the immigrant experience and Quebec society. Heinrich observed that Francophones are worried that immigrants choose to learn English instead of French, though the Anglophone community does not see the integration of immigrants as a competition.

### *Anglophone and Francophone media*

The English media was also quick to comment on Bouchard and Taylor's conclusion regarding the role of the media in the crisis of perception. In his article, Don MacPherson (*The Gazette*, May 27<sup>th</sup> 2008) replied to complaints (from nationalist "attention seekers") *The Gazette* has received over the leaks of the Bouchard-Taylor report published in its pages a few days before the report's release. MacPherson defended *The Gazette* because the reporting had been accurate, as opposed to French language reporting which had created the crisis of perception described by Bouchard and Taylor. MacPherson pointed to *Le Journal de Montréal* in particular for creating a dramatic staging for sensational (real or imaginary) cases. He reported the recommendations of Maryse Potvin, a UQAM professor interested in the media, in her report on the role of the media in the crisis: "[t]he press council and the CRTC, the federal broadcast regulator, should be given the power to suspend the right of media or individual journalists to publish or broadcast for 'negative coverage' that harms social cohesion." MacPherson vehemently denounced this "hair-raising" solution to a problem seemingly exclusively created by French language newspapers such as *Le Journal de Montréal*.

### *The Forums and Xenophobia*

The English media also commented on Bouchard and Taylor's methods, notably their use of public forums. MacPherson (*The Gazette*, November 17<sup>th</sup> 2007) has denounced Bouchard and Taylor's criticism of the media for sensationalizing comments of a few intolerant individuals who participated in the hearings. MacPherson blames the commissioners for this outcome. It was them after all who promised two minutes of province-wide television air time to whoever wanted to complain about minorities. When the commissioners tried

to steer the hearing away from xenophobia, they were criticized for not letting people express themselves as they wished. But they were the ones who provided this platform for xenophobia and *nous/eux* division. Nevertheless, MacPherson is hopeful; the next generation seems to be more tolerant but was mostly absent from the hearings.

Josee Legault (*The Gazette*, September 14<sup>th</sup> 2007) commented on the controversy created by the characterisation of Quebecers as xenophobes. She insisted that other Canadians have held similar commissions in the past and expressed Francophobic opinions on the danger of Quebec's distinct-society status. Therefore, within a context of a public discussion on anxieties towards particular groups, drawing a xenophobic characterisation through the words of a few people is probably common. After all, there are xenophobes in every community.

### *Religious Leaders' Comments on Recommendations and Content*

In Giuseppe Valiante's article (*The Gazette*, May 28<sup>th</sup> 2008), the journalist reports on the conclusions of a panel of religious leaders commenting on Bouchard and Taylor's recommendation. Imam Salam Elmenyawawi praised the report's discussion of Islamophobia, stating it "is the first time that a public inquiry stands up and says 'this does exist.'" Indeed, Bouchard and Taylor's (2008) report features an extensive discussion of the reality of Islamophobia in Quebec. Bouchard and Taylor argued that the best way to overcome Islamophobia is to interact more closely with Muslims (pp. 234-5). However, imam Elmenyawawi disagreed with the recommendation to not separate girls and boys for swimming lessons, because of modesty concerns (Valiante, *The Gazette*, May 28<sup>th</sup> 2008).

Manjit Singh, director of McGill's chaplaincy services, praised the report for encouraging people to challenge assumptions about minorities. However, he disapproved of the recommendation to forbid judges and police officers from wearing religious symbols, when they are allowed to do so in other Canadian provinces (Valiante, *The Gazette*, May 28<sup>th</sup> 2008). Barry Levy, professor of Jewish studies at McGill, praised the report's civil and intelligent tone and stated that the report will have an important impact on the future of Quebec, but insisted that the conversation had only just begun (Valiante, *The Gazette*, May 28<sup>th</sup> 2008).

Richard Bernier, director of McGill's Catholic chaplaincy, also weighted in and supported the report's focus on common sense and pragmatism. However, he was uncomfortable with the way the report treated Christianity. It not only made it seem that Christianity was exclusively part of Quebec's past but not its present (beyond a nominal influence on the calendar, for example), it also gave the impression that Christianity had only been a source of suffering in the past (Valiante, *The Gazette*, May 28<sup>th</sup> 2008). Indeed, it seems that coming to terms with its religious past would help Quebecers better judge their plural religious present.

### *Complexity of the Issue*

Josee Legault (*The Gazette*, September 14<sup>th</sup> 2007) stated that the Commission and its report cannot be expected to do much to solve the reasonable accommodation issue. She insisted that many Western societies have gone through similar processes: religion has been squeezed out of the public realm, women have freed themselves from the control of the clergy over their lives, and Islamic communities and practices have become more visible (or noticed) after 9/11. With the increased perception that religious practices fall under religious and individual rights, religion is re-entering the public sphere. Bouchard and Taylor cannot work miracles when grappling with this complex issue that troubles all Western countries.

### *Shelving the Report*

The perception that the report would be shelved quickly is also present in the English provincial media. Legault (*The Gazette*, September 14<sup>th</sup> 2007) argued that the reports of commissions hastily drawn together in a pre-electoral context most often get shelved soon after their publication. Don MacPherson (*The Gazette*, June 12<sup>th</sup> 2008) qualified the report as “all but dead within minutes after its publication, killed by the premier who had commissioned it.” According to MacPherson, Jean Charest rejected open secularism and the recommendation to remove the crucifix in the National Assembly; Charest claimed that he would only consider providing guidance to policy makers on reasonable accommodations, and nothing else.

### **Reactions from 2009-2011**

The English media also weighed in on the question of whether the Bouchard-Taylor commission and report had any significant long term effect, a few years after its publication.

### *Has the Situation Changed?*

Jack Jedwab (*The Gazette*, May 22<sup>nd</sup> 2009) commented on whether the situation of reasonable accommodations has changed since the end of the Bouchard-Taylor Commission. He insisted that the report has failed to budge Quebecers’ perceptions of accommodations. Furthermore, the report has not solved Quebec’s identity anxieties.

Quebecers are still divided on the place of religion in public institutions. Two issues dominate the debate over the place of religion in the public sector: the mandatory ethics and religious culture courses, with the challenges of parents worried about the effect of learning different religions on their children’s beliefs (though these complaints are unlikely to affect the curriculum), and the right of civil servants to wear a hijab (though there are very few women truly affected by this debate). Jedwab (*The Gazette*, May 22<sup>nd</sup> 2009) believes that society cannot teach tolerance in schools without accommodating the simple request of civil servants to wear a hidjab.

Jedwab (*The Gazette*, May 22<sup>nd</sup> 2009) felt that the situation of reasonable accommodations has changed positively in some regards. He believed that the tone around the debates is more reasonable and less emotional. Furthermore, the fact that the reasonable accommodation issue was not at the centre of the 2008 electoral campaign shows that the attitudes of the province are moving in the right direction; reasonable accommodations are no longer a big deal.

### *What was the Long Term Impact of the Hearings?*

Jedwab (*The Gazette*, May 22<sup>th</sup> 2009) argued that the Commission is mostly remembered for its hearings during which some intolerant few expressed anti-Semitic and anti-Islamic views. Don MacPherson (*The Gazette*, April 29<sup>th</sup> 2009) observed whether the Bouchard-Taylor Commission public hearings, which exacerbated a hot issue by offering an open mike for Quebecers to vent their frustration and hostility towards minorities, had any influence on the prevalence of Anti-Semitic incidents in Quebec, using data gathered by the League for Human Rights of B'nai Brith Canada. The institution concluded that the number of anti-Semitic incidents increased when the reasonable accommodation controversy broke out, peaked during the hearings, and then decreased. The public format and laissez-faire attitude of the hearings, allowing for open attacks on minorities, were blamed for this effect. However, the Bouchard-Taylor Commission rejected the conclusion that the hearings had led to more anti-Semitic incidents. That Jews may have been more inclined to report incidents during the reasonable accommodation crisis may also have played a role in the increase in incidents.

### **Conclusion**

Overall, the provincial English media reaction to the report was also mixed. They were critical of the Bouchard-Taylor public hearings, which fostered a characterization of Quebecers as xenophobic. The English media showcased the reactions of religious leaders to demonstrate their opinions on a report which directly affects them; they felt that the report had its strengths and its weaknesses. The Anglophone community was uneasy with Bouchard and Taylor's proposed integration policy, perhaps because the federal government has already adopted its own: multiculturalism. The journalists were also critical of the French media, and distanced the English media from them. And like the French media, the Anglophones felt that the report would be shelved quickly, and that it had little long term impact on the status of reasonable accommodations in Quebec besides changing the tone of the debate.

### **National English Reaction**

National media and the media of other provinces have also weighted in to comment on the Bouchard-Taylor Commission and its procedures. Their perspective is different in that English-Canadians are majoritarian in Canada, have had a complicated relationship with Quebec and have a well-established policy of immigrant integration, multiculturalism.

## Reactions following the Release of the Report

### *Forums and Xenophobia*

Coverage of the Bouchard-Taylor hearings tended to present Quebecers as xenophobic, ignorant and superficial. An *Ottawa Citizen* article (October 18<sup>th</sup> 2007) described Quebecers' seemingly inane preoccupations with what minorities wear in schools, malls or swimming pools. For example, a Quebecoise from Monteregie was shocked to see a woman in a burqa on a hot summer day, when her husband was comfortably dressed in shorts. A man complained that his son couldn't wear his baseball cap in school when Muslim girls can wear hijabs. Moreover, journalist Sean Gordon (*Toronto Star*, October 27<sup>th</sup>, 2007) explained that Bouchard and Taylor got an earful of racist comments at the hearings, but that many Quebecers were wary of the intolerant ramblings of citizens, particularly those of the town of Hérouxville, despite the fact that a large portion of Quebecers rejected all reasonable accommodations. Journalist Michael Adams (*The Vancouver Sun*, December 1<sup>st</sup> 2007) was careful to specify that Canadians should not assume that the intolerant proclamations of an anxious minority of Quebecers actually represent mainstream public opinion in Quebec. L. Ian Macdonald (*National Post*, May 23<sup>rd</sup> 2008) stated that "[t]he vast majority of Quebecers cringed with embarrassment at the spectacles of angry white folks whining about newcomers imposing their customs on Quebec society." So, though Quebecers may have been portrayed negatively in the media, many journalists were careful to point out that the views expressed by the few did not always represent the views of the many.

Furthermore, for Michael Adams (*The Vancouver Sun*, December 1<sup>st</sup> 2007), views expressed in the hearings do not reflect the general state diversity in Canada. Indeed, "the broad trend in this country is toward openness and respect for minority groups, including those who arrive in Canada as immigrants." The Hérouxville "code de vie," and intolerant views expressed in forums should not worry Canadians about the state of diversity in the country.

### *Quebec's Identity*

The English media addressed the role of Quebec's identity in the debate and in the report. Gordon (*Toronto Star*, October 27<sup>th</sup> 2007) discussed the three major Quebec parties' appeal to a traditional version of "nous" during the reasonable accommodation debate. Dumont tried to straddle the sovereigntist/federalist divide with vague notions of "autonomy," the PQ strove to win back its constituency by appealing to this old school vision of Quebecer identity, and the Liberals attempted to appeal to nationalists with similar tactics. Therefore, all three major parties during the debate appealed to this "nostalgic vision of Quebec's identity" and benefited from it. Gordon further suggested that Quebecers may have substituted the protection of their identity for nationalist aspirations, a bandwagon the PQ was riding to gain political ground.



Journalists also commented on the rhetoric of Quebec's identity in the Bouchard-Taylor report. According to Macdonald (*National Post*, May 23<sup>rd</sup>, 2008), many Quebecers, especially sovereignists, "will quarrel with the commission's choice of words in daring to mention French Canadians and Quebecers as if the two categories were distinct. Time and again, they refer to 'Quebecers of French-Canadian descent' and 'French-Canadian Quebecers.'" Therefore, the report's discussion of Quebecer identity may be lacking in that it failed to clearly define different concepts and categories relating to Quebec's identity.

### *Laïcité Ouverte and Recommendations*

Next, the media commented on one of Bouchard and Taylor's major points in the report, *laïcité ouverte*. Father Raymond J. De Souza (*National Post*, May 26<sup>th</sup> 2008) commented on Bouchard and Taylor's endorsement and definition of open secularism in their report. Father De Souza argues that the report's treatment of religion is confusing because Bouchard and Taylor insist that the state must be neutral towards religious and non-religious thought, while using "secular state" and "neutral state" interchangeably. However, Father De Souza maintains that a secular state is not neutral, that "[i]f state neutrality means, as it does, that non-religion is preferred, and the state is expanding everywhere, then the only result can be a public life in which religion is pushed increasingly to the margins." Therefore, rejecting the crucifix in the National Assembly in the name of neutrality is a fallacy. The presence of symbols in government institutions does not infringe on the religious rights of minorities. Father De Souza maintains that state neutrality should be a means to the end of religious liberty, and the state should therefore maximize religious expression. Indeed, "[t]he answer is to permit space for religious minorities to express more of who they are. And no progress can be made at all if it is thought necessary to banish religion altogether."

One recommendation regarding open secularism made in the report is that veils (for the most part) should not be forbidden in the public space. Author Tarek Fatah weighed in on the Commission's suggestion to authorize the hijab on the basis that Muslim women who wear it do so by choice. Fatah questioned this notion of choice and argued that in some instances the Muslim community may strongly suggest that women wear the hijab, or shun them away if they choose not to do so, leaving some women to choose between their faith and community, or not wearing the hijab. Fatah "offers sharp criticism for those who are blinded by – or pandering to – the Islamists, all in the name of tolerance" (Breakenridge, *Calgary Herald*, May 27<sup>th</sup> 2008).

### *Multiculturalism and Integration of Immigrants*

Some journalist addressed another one of Bouchard and Taylor's main recommendations: the integration policy of interculturalism. They did so particularly by drawing comparisons with the federal policy of multiculturalism. For Gordon (*Toronto Star*, October 27<sup>th</sup> 2007), discussions in the Bouchard and Taylor hearings sounded like "a battle over the basics of multiculturalism," despite the fact that nationalists have never been warm to the concept. For George Abraham (*The Ottawa Citizen*, May 22<sup>nd</sup> 2008), multiculturalism and

interculturalism are sensibly the same; they both view all cultures as equal, and differences as superficial. In both systems, to integrate, immigrants must assimilate common public values, through the creation of shared space and understanding of other cultures. However, Abraham feared that the report and its support of establishing hard rules will reduce “shared space and magnify the ‘us versus them’ divide that already exists in not just Quebec but across Canada.” For Abraham, multiculturalism’s integration policy, based on a case-by-case approach and common sense, is more adequate than Bouchard and Taylor’s proposed approach.

Moreover, for Abraham (*The Ottawa Citizen*, May 22<sup>nd</sup> 2008), when it comes to the integration of immigrants, Bouchard and Taylor require more effort of the host majority than it does of immigrants. He insisted that immigrants want to integrate, become Canadians and better fit in, and need more guidelines to do so. On the question of why Muslims are not meeting Quebecers half-way, the commission mostly places the onus on Quebecers, a message Abraham felt Quebecers would not receive well.

For Rachad Antonius, a sociology professor at UQAM, Bouchard and Taylor’s approach of focusing on cultural differences for integration, as per the policy of interculturalism, is not the appropriate approach. Antonius believes that “[i]f there is greater economic integration, that is what is going to change things.” Indeed, minority communities need to achieve economic equality by having access to education, social services and job opportunities, a direction towards which Bouchard and Taylor pointed without concretely proposing ways to improve the economic situation of immigrants and to resolve inequalities.

## **CONCLUSION: THE REPORT AND THE MEDIA REACTION**

The reaction of the national English media to the Bouchard-Taylor report seemed to be generally critical. Journalists maintained that the hearings created a negative perception of Quebecers through the inflation of the statements of an intolerant few. Furthermore, the report’s definition of Quebecer and French-Canadian identities was unclear. Open secularism was not seen as an adequate paradigm. Moreover, interculturalism was perceived as essentially the same thing as multiculturalism, and journalists criticized aspects of the Commission’s approach in immigrant integration.

Overall, reaction to the report in the media was mixed. The public hearings were almost universally criticized. Journalists were uneasy with Bouchard and Taylor’s concept of interculturalism and with their treatment of Quebec’s identity and anxieties. Comments on the Commission’s conclusion on the role of the media in the crisis were mixed. Most were uncomfortable with the perceived disproportionate onus placed on Quebecers when it comes to the integration of immigrants. The media seemed to be in agreement about the inevitable and quick shelving of the report and its almost non-existent long-term impact regarding the improvement of perceptions of Quebecers towards reasonable accommodations.

An interesting issue that the consulted articles did not focus on much is that of the Commission's mandate. The mandate set out by the Prime Minister was for the Commission to observe and describe current practices of reasonable accommodations (Bouchard and Taylor, 2008, p. 33). The Commission interpreted its mandate very widely, and decided to address the crisis of reasonable accommodations in great detail, the place of immigrants in Quebec (as mentioned in Dussault, *Cyberpresse*, September 27<sup>th</sup> 2007) and the social origins and consequences of the crisis. What is interesting is that the aspects of the report which came under fire arguably fell under this widened mandate; nobody questioned the fact that there was nothing wrong with Quebec's reasonable accommodation practices. One cannot extrapolate whether a narrower focus would have avoided some of the debates after the report. However, it is clear that, as scholars, Bouchard and Taylor understood that the reasonable accommodation crisis did not occur in a social vacuum and the commissioners could not leave any stones unturned.

A number of additional issues about the report can be raised. Another issue with the Bouchard-Taylor report is the essentialization of Quebecers and the assumption that every "Québécois de souche" had the same values, the same preoccupations and essentially the same perceptions. Ultimately, Quebecers are seen to share a collective mind, whereas, on the other hand, immigrants and those who request reasonable accommodations are individualized. Bouchard and Taylor emphasize the fact that not every member of a minority religion necessarily practices their religion with the same fervour, and that reasonable accommodations are always for individuals. Therefore, the report also fails to effectively dismiss the popular perception that those who seek reasonable accommodations are stubborn individuals unwilling to fit within a uniform, comprehensive majority.

As for Bouchard and Taylor's recommendation that religious symbols should be forbidden for some agents of the state, it is questionable that such a proposition is necessary or appropriate. The idea that a religious individual is no less religious if he does not wear religious symbols, and that their competency should be based on the quality of their work, holds true for everybody, including police officers or judges. The requirement for some agents of the state to not wear religious signs is a purely superficial one, and turns attention away from real problems, like discrimination, social and economic inequality, or even the limited representation of members of religious minorities in positions of power who could be subject to these rules.

Lastly, on numerous occasions, Bouchard and Taylor called for the development of "balises" or guidelines, yet often failed to describe what those guidelines may be. As previously mentioned, Charest set up the Bouchard-Taylor Commission in a pre-electoral hurry, and did not follow up on many of the recommendations. Perhaps more clearly defining some recommendations would have made the government more likely to act on them. However, the report was quickly shelved. Whether Charest ever intended to act upon Bouchard and Taylor's recommendations is uncertain.

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