

Reigniting the Debate, Testing the Waters, August-September 2013: The Proposed *Charter of Quebec Values*

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Introduction: Reasonable Accommodations and the *Charte des Valeurs Québécoises*

In the last decade, issues over cultural accommodation for religious difference have animated Quebec politics, culminating in the reasonable accommodation debate, brought about by the media's over-reporting and alleged distortion of reasonable accommodation cases, starting around 2007. Quebec's identity concerns, related to its status as a French society in a predominantly Anglophone continent, exacerbated the controversy because of popular impressions that cultural and religious diversity threatens Quebec's already fragile culture and the social gains earned through a decades-long secularization process. The Liberal government instated a commission, the Bouchard-Taylor commission, to deal with the issue, but failed to follow up on most of the commission's recommendations, leaving the controversy to simmer quietly and boil over occasionally when supposedly outrageous cases of accommodation were flagged in the media over the years following the conclusion of the Bouchard-Taylor commission.

In the 2012 electoral context, the Parti Québécois, seeing Québécois cultural anxieties as a political opportunity, based its platform on identity issues, and promised, if elected, to address the issues of cultural accommodation and *laïcité* once and for all with a *Charte de la laïcité*, which would define and officialise Quebec's version of *laïcité* and determine guidelines for accommodation requests. Pauline Marois' proposal was prompted by what she perceived as her Liberal adversaries' inability to tackle the issue of reasonable accommodations (Annie Mathieu, August 15th, 2012, *La Presse*). Marois also expressed her

willingness to fight against federal backlash towards her *Charte* using the Canadian Constitution's notwithstanding clause (Sophie-Hélène Leboeuf, August 14th, 2012, *Radio-Canada*).

Despite its prominence in the PQ's electoral platform, the *Charte de la laïcité* has yet to be legislated, a year after the Péquiste government's election; in May 2013, the minister responsible for the issue, Bernard Drainville, delayed the debate until September 2013, presumably to prepare for a potential election (Jean-Marc Salvét, May 23rd, 2013, *La Presse*; *La Presse Canadienne*, May 22nd, 2013, *Radio-Canada*). Additionally, Drainville announced that the *Charte* would be renamed and would henceforth be known as the *Charte des valeurs québécoises* because the name better reflects the charter's evolving and broadening scope (*La Presse Canadienne*, May 22nd, 2013, *Radio-Canada*; Kevin Dougherty, May 22nd, 2013, *The Gazette*) and because it sounds more positive and better resonates with Quebecers, eager to protect their values and culture (Sophie Cousineau, August 25th, 2013, *The Globe and Mail*).

On August 19th, 2013, the *Journal de Québec* leaked previously unknown information on the *Charte*, including information on its potential contents. The report based on "reliable sources close to the government", while short on details, ignited the debate, leading to numerous reactions from politicians, journalists, scholars and other commentators and offering a taste of the controversies that might arise in fall 2013 (quote in Ian H. Henderson, August 22nd, 2013, *The Globe and Mail*; Patrick Bellerose, August 20th, 2013, *Huffington Post*; Stéphane Parent, August 20th, 2013, *RCI*). On September 10th, Bernard Drainville finally revealed the official guidelines of his *Charte des valeurs québécoises*, comprising of five propositions, in a press release. Though, according to Alec Castonguay (September 10, 2013, *L'Actualité*), Bernard Drainville revealed little new information about the *Charte* that the leaks had not yet covered, the official release nevertheless instigated heated debates in the province and in the rest of Canada. The purpose of this report is to observe reactions in the media to the leaked contents of the *Charte* and to the official release of the *Charte*, and the re-emerging debate surrounding the *Charte* and the issue of religious presence in the public sphere.

Contents of the *Charte*

The *Charte* before the leaks

In the 2012 electoral context, the PQ revealed little of their *Charte de la laïcité*. The *Charte* would be based on the principle of neutrality of the State and prevent threats to gender equality or to the good functioning of government from religious accommodation. Effectively, the *Charte* would prohibit public employees, such as police officers or teachers, from wearing ostensible religious symbols and prevent accommodation for people requesting to receive government services from a person of the same sex (TC Média, August 22nd, 2013, *Québec Hebdo*; Sophie-Hélène Leboeuf, August 14th, 2012, *Radio-Canada*; Annie Mathieu, August 15th, 2012, *La Presse*; *La Presse Canadienne*, May 22nd, 2013, *Radio-Canada*). The charter would also protect patrimonial remnants of Quebec's Catholic past, such as the crucifix in the National Assembly or the crucifix on Mount Royal (Alexandre

Robillard, August 14th, 2012, *Huffington Post*; Tommy Chouinard, February 15th, 2011, *La Presse*). In August 2012, Pauline Marois also declared that the *Charte* would outlaw the practice of reciting a prayer before municipal council made controversial by Saguenay mayor Jean Tremblay (Sophie-Hélène Leboeuf, August 14th, 2012, *Radio-Canada*).

What the leaks revealed

Reports of the leaked contents revealed more details about the *Charte des valeurs québécoises*, thus complementing what the 2012 electoral context had established. This new content adds details about the extent of the prohibitions of religious symbols for state employees. Public service employees and employees of parapublic institutions, including employees of ministries, police forces, tribunals, healthcare centers, social services, schools, hospitals and daycares would not be allowed to wear apparent religious symbols, such as the Muslim veil, *kippa*, *niqab*, *burka*, Sikh turban or cross, therefore extending the prohibition to all government employees (David Rémillard, August 25th, 2013, *La Presse*; Jean-Luc Lavallée, August 26th, 2013, *Canoe*; Stéphane Marin, August 26th, 2013, *Huffington Post*; TC Média, August 20th, 2013, *La Nouvelle Union*; Patrick Bellerose, August 20th, 2013, *Huffington Post*; Donald Charette, August 20th, 2013, *Huffington Post*; The Canadian Press, August 25th, 2013, *National Post*; The Canadian Press, August 20th, 2013, *MacLean's*; Frank Cranmer, August 26th, 2013, *Law and Religion UK*). The leaks also revealed exceptions to this overarching rule. Private schools, despite the fact that they are partially financed by the government, daycares in a family setting including those offering government-financed placement, and hospitals founded by religious communities would be exempt from the regulations in the *Charte* (Jocelyn Maclure, August 23th, 2013, *Le Devoir*; Stéphane Parent, August 20th, 2013, *RCI*). Additionally, citizens receiving government services would not be required to be religiously neutral by removing apparent religious symbols, but they would be required to uncover their faces (Stéphane Parent, August 20th, 2013, *RCI*). Moreover, the *Charte* would protect the crucifix in the National Assembly and the crucifix on Mount Royal, despite their ostentatiousness, on the ground that they are symbols of Quebec's heritage, and, interestingly, would not challenge Jean Tremblay's prayer before the Saguenay municipal council, which contradicted Marois' original statement (Jocelyn Maclure, August 23th, 2013, *Le Devoir*; National Post Editorial Board, August 21st, 2013, *National Post*).

What the official release added

On September 10th, 2013, Bernard Drainville outlined the goals and principles of the *Charte des valeurs québécoises* in five propositions. First, the PQ plans to modify the *Charte québécoise des droits et libertés de la personne* by including guidelines for accommodations and solidifying the separation of Church and State, religious neutrality of the State and the *laïque* character of government institutions (Gouvernement du Québec (GdQ), 2013c, Press release). According to Philip Authier (September 10th, 2013, *National Post*), the PQ plans to modify the charter of rights and freedoms in an effort to protect the *Charte des valeurs québécoises* from legal challenge. Second, the PQ wants to establish in a law the duty of State employees to be religiously neutral (GdQ, 2013c, Press release).

Third, the government wants to frame State employees' wearing of ostentatious religious symbols during work hours (GdQ, 2013c, Press release). Ostentatious symbols, such as the *hijab*, *kippa*, turban or large crosses would be prohibited, while less visible symbols, like smaller crucifixes, earrings or rings, would be tolerated. The rule would apply to ministry employees, judges, police officers and employees of prisons, state-financed daycares and public schools. Employees of CEGEPs, universities, and healthcare establishments, as well as municipal employees, would also be subject to the rules, but these institutions would be allowed to opt out of the proscriptions for a period of five years, an exemption which can be renewed (Radio-Canada, September 10th, 2013, *Huffington Post*). However, this exemption is temporary, according to Drainville, since it is intended to ease transition towards total religious neutrality (Denis Lessard, September 10th, 2013, *La Presse*; Alexander Panetta, September 10th, 2013, *Global News*). Moreover, elected officials in the National Assembly, in municipalities and in school boards would not be subject to the proscriptions (Denis Lessard, September 10th, 2013, *La Presse*; Philip Authier, September 10th, 2013, *National Post*). Drainville has also specified that the *Charte* does not include a formal measuring system, therefore leaving many cases up to interpretation, or a mechanism to deal with breaches of the rules, leaving employers in charge of dealing with employees violating the prohibitions (Denis Lessard, September 10th, 2013, *La Presse*; Philip Authier, September 10th, 2013, *National Post*).

The fourth proposition would make it obligatory for those receiving or dispensing government services to do so with their faces uncovered (GdQ, 2013c, Press release). No exception to this rule would be allowed (Radio-Canada, September 10th, 2013, *Huffington Post*). Lastly, the fifth proposition would establish policies to facilitate the implementation of State neutrality and of the management of religious accommodations (GdQ, 2013c, Press release).

On the other hand, the *Charte* would not eliminate subsidies for religious private schools or tax exemptions for churches, mosques and synagogues and would not ban prayers at municipal meetings (*CBC News*, September 10th, 2013a). The budget to promote the government's propositions, through advertisement on the Internet, on television and on the radio, as well as through a website, fliers, and a telephone line for comments, is 1.9 million dollars (Radio-Canada, September 13th, 2013a).

Moreover, Daniel Baril added that, while the issue is intertwined with the *Charte des valeurs québécoises*, the PQ's decision to maintain the crucifix in the National Assembly is not actually part of the *Charte*. Indeed, Drainville communicated his government's decision to keep the crucifix when he unveiled the charter (Aaron Derfel, September 24th, 2013, *The Gazette*).

The PQ and Marois' intentions behind the *Charte*

In her responses to the leaks, during an assembly of young péquistes at Université Laval, Pauline Marois addressed her government's intentions in tabling the *Charte des valeurs québécoises* (Olivier Parent, August 25th, 2013, *La Presse*). Marois aspires for her charter to achieve consensus among the population and expects that it will a source of unity for

Quebec. Indeed, unity seems to be Marois' main justification for her *Charte* (*Radio-Canada*, August 26th, 2013; Michelle Gagnon, October 2nd, 2013, *CBC News*). Marois compared her *Charte* to Bill 101, which she described as a source of unity for Quebecers which had initially been received with controversy when it was first proposed (David Rémillard, August 25th, 2013, *La Presse*; The Canadian Press, August 20th, 2013, *MacLean's*; Sophie Cousineau, August 25th, 2013, *The Globe and Mail*).

Moreover, after the leaks, the Prime Minister, as well as Bernard Drainville, the minister responsible for the charter, also maintain that cultural and religious diversity is not a source of division, while the lack of clear regulations when it comes to accommodations divides the population; the *Charte* will unite Quebec by providing such clear instructions and upholding the neutrality of the state and other important values such as gender equality (David Rémillard, August 25th, 2013, *La Presse*; *La Presse Canadienne*, August 25th, 2013, *Radio-Canada*; TC Média, August 22nd, 2013, *Québec Hebdo*). Marois has also expressed her hope that the *Charte des valeurs québécoises* would successfully appeal to federalists as well as sovereignists, thus better unifying the province (Isabelle Porter, August 26th, 2013, *Le Devoir*). Soon after the leaks, Marois, echoed by minister Jean-François Lisée, openly articulated her optimism when it comes to the reception of the *Charte* and its ability to unite Quebec, even claiming that “une bonne majorité de la population”¹ supported it, a statement that her opponents found premature (quote in Stéphane Parent, August 20th, 2013, *RCI*; David Rémillard, August 25th, 2013, *La Presse*; Isabelle Porter, August 26th, 2013, *Le Devoir*; Sophie Cousineau, August 25th, 2013, *The Globe and Mail*).

Moreover, after the leaks Marois declared that, with the *Charte des valeurs québécoises*, she aspires to outline important values in Quebec and also to “dire à la face du monde, et à tous ceux qui choisissent de venir vivre au Québec, qu’il s’agit là [dans la charte] de principes parmi les plus précieux aux yeux des Québécois”² (Jocelyne Richer, August 25th, 2013, *Huffington Post*). Moreover, while Marois maintains the importance of protecting gender equality, she also insists that the *Charte des valeurs québécoises* will protect freedom of religion, since it does not prevent citizens from practising their religion in private, by framing “le rôle de l’État de telle sorte qu’il puisse être neutre par rapport au choix individuel que font les gens de leurs convictions religieuses”³ (quoted in Yanick Cyr, August 26th, 2013, *Radio-Canada*; Jane Taber and Kim Mackrael, August 29th, 2013, *The Globe and Mail*). Indeed, solidifying the neutrality of the state is another aspiration of the *Charte*; Bernard Drainville stated that “[o]n [le PQ] pense que c’est important que l’État soit neutre par respect pour tous les citoyens. Peu importe leur religion, l’État doit les traiter également”⁴ (*Radio-Canada*, August 23rd, 2013). Lastly, Drainville maintains that another goal of the *Charte* is to protect Quebec’s patrimony, by preserving the crucifixes in the National Assembly and on Mount Royal, since “affirmer nos valeurs, affirmer ce qu’on est,

¹ “a good majority of the population”

² “tell the world, and those who choose to come live in Quebec, that these [presented in the *Charte*] are principles among the most precious in the eyes of Québécois.”

³ “the role of the State in such a way that it may be neutral toward the individual choice that people make of their religious convictions.”

⁴ “We [the PQ] think that it is important for the State to be neutral to respect all citizens. Regardless of their religion, the State must treat them equally.”

ça ne veut pas dire nier ce qu'on a été. Les 400 ans de notre histoire passés, qui ont commencé en 1608 avec Champlain, on ne va pas tourner le dos à ça”⁵ (quoted in *Radio-Canada*, August 23rd, 2013).

Upon the official release of the *Charte*, Pauline Marois and Bernard Drainville reiterated the goals and intentions of the *Charte des valeurs québécoises*. In the press release (GdQ, 2013c), Bernard Drainville declared that

« Le temps est venu de nous rassembler autour de règles claires et de valeurs communes qui mettront un terme aux tensions et aux malentendus. Nos propositions seront source d’une meilleure entente, d’harmonie et de cohésion pour toutes les Québécoises et tous les Québécois, peu importe leur religion ou leur origine[.]»⁶

The Government website attached to the *Charte* project, <http://www.nosvaleurs.gouv.qc.ca/> (GdQ, 2013d) also addresses the goals of the *Charte*. The website explains that the *Charte* would offer guidelines for reasonable accommodations which have been a source of tension since 2006. These rules would ensure equality for all and help immigrants understand Quebec society. The *Charte des valeurs québécoises* would also ensure the neutrality of the State, through the neutral appearance of its employees, so as to protect the freedom of religion and equality of all citizens. Moreover, the *Charte* also seeks to protect Quebec’s patrimony through the preservation of “les éléments emblématiques du patrimoine culturel du Québec, qui témoignent de son parcours historique”⁷ (GdQ, 2013d, website).

Reception of the Leaks and the Official release

Reactions to the leaks in the *Journal de Québec*

The leaks of information about the *Charte des valeurs québécoises* in the *Journal de Québec* have attracted comment. Some commentators have suggested that the leaks were orchestrated by the PQ as a way of testing the waters of public opinion before revealing the entirety of the planned *Charte*. While journalist Sébastien Bovet (August 20th, 2013, *Radio-Canada*) believes that this strategy was informed by the anxieties of someone in the government, perhaps the Prime Minister herself, with the drastic scope of the *Charte* in an effort to gauge public opinion to the leaked information, without government confirmation or denial, and to modify the future official announcement of the *Charte* if necessary, political scientist Réjean Pelletier (in Jessica Nadeau, August 21st, 2013, *Le Devoir*) suggests on the other hand that the PQ might have devised the leaks of controversial information so that a more moderate official announcement, which may have been planned all along, would be more easily accepted, since it would be less drastic than the originally leaked information. PLQ leader Philippe Couillard also suggested that the PQ “are using you, the media, to orchestrate a series of leaks, more or less calculated to see how far they can stretch the elastic, in what direction, while we have no document, no position taken by the

⁵ “affirming our values, affirming what we are, that does not mean denying what we have been. The past 400 years of our history, which started in 1608 with Champlain, we will not turn our backs on that.”

⁶ “The time has come to gather around clear rules and communal values which will put an end to tensions and misunderstandings. Our propositions will lead to better understanding, harmony and cohesion for all Quebeckers, regardless of their religion or origins”

⁷ “the emblematic elements of Quebec’s cultural patrimony, which testify to its historical journey.”

government” (quoted in Kevin Dougherty, August 29th, 2013, *The Gazette*). Couillard insisted that a formal government announcement regarding the *Charte* would have been preferable to the leaks (La Presse Canadienne, August 25th, 2013, *Huffington Post*). For graduate student Pierre Luc Brisson (August 26th, 2013, *Huffington Post*), the issue of integration and cultural diversity is too important to allow information to be defused through leaks, and the announcement “aurait dû faire l’objet d’attentions particulières, aurait dû être balisée et encadrée afin de lancer la discussion sur des bases saines.”⁸ The government commented little on the leaks; Bernard Drainville refused to address the veracity of the contents of the leaks and simply asked Quebeckers to wait to read the official *Charte* before formulating their opinions (Catherine Bouchard, August 25th, 2013, *FM 107,7*; *Radio-Canada*, August 20th, 2013).

The PQ’s Political Strategy Regarding the Leaks

Many commentators also had long to stay about the PQ’s political strategy behind the leaks. Pierre Luc Brisson (August 26th, 2013, *Huffington Post*) and Jessica Nadeau (August 21st, 2013, *Le Devoir*) point out that the first year of the PQ government’s mandate has been particularly challenging, and that the introduction of the *Charte des valeurs québécoises* serves as a way for the PQ to regain political support by presenting themselves as a defender of Quebec identity, before the start of the next electoral season. Guillaume Bourgault-Côté (August 24th, 2013, *Le Devoir*) and a *Toronto Star* editorialist (August 22nd, 2013) denounced that the PQ’s xenophobic efforts in the *Charte* sought to promote the cause of sovereignty by creating an impression that minorities threaten Quebec identity. Indeed, Jocelyn Maclure (August 23th, 2013, *Le Devoir*), Bill Dever (August 27th, 2013, *Put Back the Flag*) and Jean-Luc Lavallée (August 20th, 2013, *Canoe*) suggested that the PQ purposefully sought to divide the population through wedge politics in an effort to garner political support.

Many commentators, including Philippe Couillard (in La Presse Canadienne, August 25th, 2013, *Huffington Post*; The Canadian Press, August 29th, 2013b, *National Post*; Jean-Luc Lavallée, August 20th, 2013, *Canoe*), Liberal MPs Raymond Bachand (in *Radio-Canada*, August 20th, 2013) and Yves Marcoux (Christopher C. Jacques, August 23rd, 2013, *Première Édition*) have also criticized the PQ for supposedly diverging attention from more pressing issues, such as the economy and unemployment, with the leaks of the *Charte*. Philippe Couillard insisted that Quebeckers are actually preoccupied with their families and their health, and that cultural diversity is not an issue, since “[p]ersonne ne parle de ça. Les immigrants, les étrangers, ce n’est pas un problème”⁹ (quoted in Marie-Michèle Sioui, August 25th, 2013, *La Presse*). Indeed, a Leger Marketing poll revealed that immigrant integration was an electoral priority for only one percent of respondents and was the 15th most important issue for voters, behind the protection of the French language in 12th place, sovereignty in 10th place, as well as health care, taxes, corruption and unemployment in the top 5 electoral priorities for respondents (The Canadian Press, August 20th, 2013, *MacLean’s*; *CTVNews.ca* Staff, August 21st, 2013). Bernard Drainville rejected the contention that the PQ was attempting to camouflage its failures related to the economy and

⁸ “should have received special attention, should have been marked out and supervised in an effort to launch the discussion on sound bases.”

⁹ “Nobody talks about this. Immigrants, strangers, that’s not a problem.”

unemployment with the *Charte*; minister Nicolas Marceau explained that “[w]e [the PQ government] are able to do two things at the same time” (quoted in The Canadian Press, August 29th, 2013a, *National Post*).

The PQ’s Political Intentions Behind the Official Release of the *Charte* guidelines

The official release of the guidelines regarding the *Charte des valeurs québécoises* has also attracted a lot of comments. Many have criticized the PQ for seemingly attempting to distract voters and the media from economic issues, unemployment, corruption and the status of the healthcare system with the *Charte* (Tommy Schnurmacher, September 10th, 2013, *CJAD 800 AM*, Fariha Naqvi-Mohamed, September 11th, 2013, *Huffington Post*). Some have also suggested that the PQ might drag out debates surrounding the *Charte* until the next electoral campaign so that issues of identity may be at the center of the campaign, instead of more pressing economic matters (Alexander Panetta, September 10th, 2013, *Global News*). According to Patrick Lagacé (September 10th, 2013, *The Globe and Mail*), this strategy was a response to the electoral results of 2007, where the PQ had finished third behind the Liberals and the ADQ, which had capitalized on the reasonable accommodation debates taking place at the time; the PQ then “vowed it would never again be outmatched on the turf of identity politics.” Indeed, Emily Laxer (September 25th, 2013, *The Globe and Mail*) argues that Marois “has turned to a nationalism that is ethnic in character and that draws a sharp line between those who can trace their heritage to Quebec’s distant past, and first and second generation immigrants, particularly those from Muslim countries” to bolster political support for her government. For Monsef Derraji, president of the Congrès Maghrébin au Québec, the PQ’s intentions behind the *Charte* are purely political and informed by electoral goals; he decried that the PQ’s efforts effected men and women practicing their faith (CNW Telbec, September 11th, 2013, *Newswire*).

Moreover, James Fitz-Morris (September 11th, 2013, *CBC News*) argued that the PQ’s strategy was a win-win one when it came to pushing for the independence of Quebec. If the government succeeds in implementing the *Charte*, “it will set Quebec on a new course quite different from the other provinces,” which will “make it easier down the road to argue Quebec is so different from the rest of Canada that it should separate,” while if Ottawa interferes and blocks the *Charte*, “Quebec could argue the rest of Canada is incompatible with what Quebecers want and, therefore, push for separation.”

Reactions to the New Contents of the *Charte*

Commenters also had much to say about the new information revealed about the *Charte des valeurs québécoises*, with some supporting the PQ’s efforts and praising the characteristics of the charter revealed in the leaks and in the official release, while others criticized the *Charte* and the government.

Praises of the *Charte*

After the leaks

Addressing a problem that needs to be addressed. First, as a response to the leaks, student Étienne Boudou-Laforce (August 20th, 2013, *Huffington Post*) praised the government for at least attempting to address the issue of reasonable accommodations and *laïcité*, since this effort demonstrates a courageous will to go beyond the incomplete “*laïcité ouverte*” the Liberal government had left behind, despite the fact that the government’s projected *Charte des valeurs québécoises* would face many obstacles. Boudou-Laforce also praised the *Charte* for upholding a “saine séparation du culte religieux et de la chose politique”¹⁰ and for “aller au-delà d’une laïcité de façade[.]”¹¹ Daniel Baril (August 24th, 2013, *Voir*), anthropologist and *laïcité* advocate, further praised the charter for taking the actions necessary to go beyond this “laïcité de façade” by ensuring the neutrality of the state through the prohibition of State employees’ showcasing of religious convictions with ostentatious religious symbols. Baril perceives religious signs or clothes as “d’abord et avant tout un discours non verbal”¹² and maintains that to be neutral, the State must preserve an appearance of neutrality. For Baril, “[p]roscrire les signes religieux, c’est défendre des valeurs humanistes et démocratiques contre les idéologies qui prônent des valeurs contraires.”¹³ Political science student Jérôme Blanchet-Gravel (August 26th, 2013, *Huffington Post*) insists that the *Charte* and its more aggressive policy of *laïcité* will indeed contribute to protecting the freedom of all Quebeckers, since “la liberté signifie l’affranchissement de quelque chose, le plus souvent d’un dogme religieux ou d’un régime politique oppressant[.]”¹⁴ and since “la liberté de culte peut aussi être la liberté de ne pas être libre[.]”¹⁵ with some religions, especially Islam, undermining the freedom of believers, which goes against Quebec values.

Better than the originally planned Charte de la laïcité. Additionally, Gilles Laporte (August 24th, 2013, *Huffington Post*), historian and president of the *Mouvement national des Québécoises et Québécois*, commended the PQ for deciding to redact a *Charte des valeurs québécoises*, instead of the originally-planned *Charte de la laïcité*, since the expanded *Charte des valeurs* would not only uphold the separation of church and state and the prohibition of religious symbols for state employees, but would also protect Quebec values, and therefore promote “des principes positifs auxquels toutes les composantes de la société sont invitées à adhérer.”¹⁶ Indeed, student Jérôme Blanchet-Gravel (August 26th, 2013, *Huffington Post*), Gilles Laporte (August 24th, 2013, *Huffington Post*) and student Étienne Boudou-Laforce (August 20th, 2013, *Huffington Post*) praised the *Charte des valeurs québécoises* for encouraging the integration of immigrants by prohibiting symbols, such as the veil, which “incarne le refus de l’intégration aux valeurs nationales”¹⁷ (Blachet-Gravel), and by allowing new Quebeckers to share in and contribute to Quebec culture.

Protecting Quebec’s patrimony. Lastly, praises of the *Charte des valeurs québécoises* for its stance on the preservation of Quebec patrimony, including the crucifixes in the National

¹⁰ “healthy separation of religious worship and politics”

¹¹ “going beyond a façade *laïcité*”

¹² “first and foremost a nonverbal discourse”

¹³ “Prohibiting religious signs is defending humanist and democratic values against ideologies which proscribe opposing values.”

¹⁴ “Freedom means emancipation from something, often from an oppressive religious dogma or political regime.”

¹⁵ “Freedom of worship can also be the freedom to not be free.”

¹⁶ “positive principles to which all members of society are invited to adhere.”

¹⁷ “embodies the refusal to integrate to national values.”

Assembly and on Mount Royal, were numerous. Most provincial parties support this policy, since, as CAQ leader François Legault explained, “la neutralité de l’État n’est pas incompatible avec le respect du patrimoine religieux et culturel”¹⁸ (quoted in Jean-Luc Lavallée, August 26th, *Journal de Québec*). Journalist Gilles Laporte (August 24th, 2013, *Huffington Post*) also agrees with the necessity of protecting Quebec’s patrimony and insists that it is indeed the role of the government to preserve Quebec’s cultural heritage; he also pointed out that Quebec’s religious patrimony is not exclusively Catholic, and that Native spirituality, Protestantism and Judaism, among others, have all contributed to Quebec’s cultural diversity and the establishment of communal values. Moreover, student Étienne Boudou-Laforce (August 20th, 2013, *Huffington Post*) claimed that the presence of the crucifix in the National Assembly is not dramatic and is not evidence that “nous voulions mettre en place une ‘laïcité pour les autres’ dans la pure tradition de la ‘laïcité républicaine’ française.”¹⁹

After the official release

Following the official release of the guidelines of the *Charte des valeurs québécoises*, it seems that supporters were quieter than opponents of the *Charte*, who have been extremely vocal. Djemila Benhabib, PQ candidate in the 2012 elections, comments on the impression and claims that supporters of the *Charte* are seldom heard because they are not given the chance to express themselves in the media (*Radio-Canada*, September 12th, 2013b). Regardless, many polls have revealed that a majority of Quebecers (58% in a Leger poll) support the *Charte*, that the PQ has gained points in voter intentions, and that government satisfaction has increased (Mark Gollom, September 13th, 2013, *CBC News*; Charles Lecavalier, September 16th, 2013, *Canoe*). Indeed, Charles Lecavalier (September 16th, 2013, *Canoe*) and Guillaume Bourgault-Côté (October 12th, 2013, *Le Devoir*) reveals that opinions on the *Charte* tend to correlate with voting intentions; 70% of liberals opposed the charter, 80% of *péquistes* supported it, and *caquistes* were divided. However, some news sources actually insist that the PQ is not gaining significant traction in voting intentions (Guillaume Bourgault-Côté, October 12th, 2013, *Le Devoir*) and even that voter intentions may be veering towards the PLQ (Michelle Gagnon, October 2nd, 2013, *CBC News*). Support for the *Charte* tends higher among francophones (La Presse Canadienne, September 21st, 2013, *Huffington Post*), and among the category that CROP polling firm calls “*pure laine* Catholics,” who tend to live outside Montreal and who value their religious heritage (Ingrid Peritz, September 20th, 2013, *The Globe and Mail*).

Rassemblement pour la laïcité. While supporters of the *Charte des valeurs québécoises* were initially relatively quiet, supporters eventually congregated around mid- to late-September 2013 and organized a more cohesive collective, the *Rassemblement pour la laïcité* (Sarah-Maude Lefebvre, September 24th, 2013, *Canoe*). The group is composed of about fifteen organizations and over 70 personalities, including Claire l’Heureux-Dubé, former Supreme Court judge, Martine Desjardins, former president of the *Fédération étudiante universitaire*, prominent *laïcité* supporter and sociologist Guy Rocher, pro-*laïcité* anthropologist Daniel Baril, singer Paul Piché and Tunisian-born comedian Nabila Ben

¹⁸ “The neutrality of the state is not incompatible with the respect of religious and cultural patrimony.”

¹⁹ “we wanted to instate a ‘laïcité for others’ in the pure tradition of French ‘republican laïcité.’”

Youssef (Lisa-Marie Gervais, September 21st, 2013, *Le Devoir*; TC Média, September 25th, 2013, *La Voix du Sud*; Sarah-Maude Lefebvre, September 24th, 2013, *Journal de Montréal*). The collective emitted a declaration, *La Laïcité: un principe rassembleur* (Claire L'Heureux-Dubé, Guy Rocher, Louise Beaudoin et al. [Rassemblement pour la laïcité], n.d.), which argues for the necessity to complete Quebec society's historical *laïcisation* process, and maintains that state neutrality must be demonstrated by its employees. It also praises the *Charte* for providing a structure to deal with religion in the public sphere. However the Rassemblement advocates for the derogation clause to be replaced by transitory measures and also calls for the removal of the crucifix in the National Assembly (Sarah-Maude Lefebvre, September 24th, 2013, *Journal de Montréal*; CTV Montreal, September 24th, 2013, *CTV News*; Aaron Derfel, September 24th, 2013, *The Gazette*).

Offering necessary guidelines and clarifications. For many supporters of the *Charte des valeurs québécoises* praised it for offering guidelines for reasonable accommodation requests and clarifications for what is permissible or not in Quebec when it comes to the presence of religious symbols in the public sector, including Mouvement Laïque du Québec president Lucie Jobin (*Radio-Canada*, September 11th, 2013a), the Syndicat de la fonction publique et parapublique du Québec (SFPQ) (Jean-Luc Lavallée, September 11th, 2013, *Canoe*) and Djemila Benhabib (*Radio-Canada*, September 12th, 2013b). Joseph Facal (September 11th, 2013, *Journal de Montréal*) decried that the lack of guidelines has led to arbitrary, case-by-case decisions by government administrators, which is not appropriate. He also feels that the government's proposal is reasonable and moderate. Alec Castonguay (September 10th, 2013, *L'actualité*) maintains that administrators have been wishing for guidelines for years, and that those proposed by the government would effectively prevent discrimination, protect the equality of men and women and the neutrality of the State. Indeed, for Agnès Maltais, minister of the condition of women, the *Charte* project is sound and represents an improvement towards the equality of men and women (Alexandre Robillard, September 11th, 2013, *La Presse*). Former PQ prime ministers Jacques Parizeau and Bernard Landry, despite their criticisms of the *Charte*, praised the government for tackling a necessary debate and for establishing necessary guidelines for religious accommodation (TC Média, October 4th, 2013, *Quebec Hebdo*; *Radio-Canada*, October 4th, 2013; *CBC News*, October 4th, 2013). Teachers Marysa Nadeau (October 16th, 2013, *Huffington Post*) and Leila Bensalem (in CTV Montreal, September 24th, 2013, *CTV News*) praised the government for creating guidelines for accommodation so that they may know how to deal with the presence of religion in their classrooms and schools, such as requests for halal meat in the cafeteria or requests to pray in class.

Protecting the neutrality of the state. For some commentators, the PQ's plan to prohibit the wearing of religious symbols for government employees is necessary to protect the neutrality of the state. For Joseph Facal (September 11th, 2013, *Journal de Montréal*), while a state employee may have religious freedom and the right to hold any religious belief, "il n'a pas à les afficher d'une manière qui tranchera trop avec la neutralité officielle de son employeur."²⁰ According to SFPQ president Lucie Martineau, government employees are already required to keep their political opinions for themselves during work hours, and

²⁰ "he should not display them in such a way that clashes too much with his employer's official neutrality."

extending this requirement to religious beliefs is logical. She declared that “[l]’idée selon laquelle c’est l’État qui est neutre et non les individus est fausse,”²¹ (quoted in Jean-Luc Lavallée, September 11th, 2013, *Canoe*) and that the PQ’s policies on wearing ostentatious religious symbols for state employees will effectively protect the State’s religious neutrality (*CBC News*, September 11th, 2013).

Easing integration of immigrants. Leila Bensalem commended the government for tackling the issue of veil-clad Muslim women; she insists that decades ago there were very few Muslim women wearing the veil in Montreal and that the resurgence of the veil was brought about by Islamist ideology. She insists that Muslim women who refuse to remove their veil at work are “pures et dures qui finalement ne vont jamais s’intégrer”²² (CTV Montreal, September 24th, 2013, *CTV News*). For Nabila Ben Youssef, a Tunisian-born comedian, one can only become a true Quebecker by espousing Quebec values; Muslim women should remove their veil because it is a political symbol, not a religious or cultural one (*La Presse*, September 29th, 2013). The Société Saint-Jean-Baptiste, which supports the Charte, also deems that there is a problem with the integration of immigrants that the government must remedy (MPG, October 11th, 2013, *Hebdo Rive-Nord*).

Protecting the equality of genders. Former Supreme Court of Canada judge Claire L’Heureux-Dubé and Pauline Marois both insist that the Muslim veil is a symbol of gender inequality, and that therefore, it is appropriate to forbid it from government institutions, as planned in the *Charte* guidelines (Haroon Siddiqui, September 28th, 2013, *Toronto Star*).

Television personality Janette Bertrand (October 15th, 2013, *La Presse*) expressed in a letter her opinion that the equality of genders was currently threatened in the name of the freedom of religion. She maintains that “les hommes ont de tout temps, et encore de nos jours, utilisé la religion dans le but de dominer les femmes, de les mettre à leur place, c’est-à-dire en dessous d’eux”²³ and that the government should therefore legislate on the issue of religious symbols in the public sphere. She adds that, had the government not legislated, women in Quebec would not have gained the right to vote and would still live under the domination of men and the clergy. For Bertrand, by enforcing laïcité, the Charte des valeurs québécoises would level the playing field between men and women (*CBC News*, October 15th, 2013). Many more notable Québécoises added their signature to Bertrand’s letter, including Denise Filiatrault, Édith Cochrane, Brigitte Poupart, Joëlle Morin, Julie Snyder and many others (*La Presse Canadienne*, October 15th, 2013, *Huffington Post*). Philosopher Louise Mailloux, another signatory, has argued that the Islamic veil is an example of the use of religion to dominate women. She adds that “[a]ucune religion ne fait la promotion de l’égalité homme-femme. C’est pour cette raison qu’il faut adopter la charte”²⁴ (quoted in Jean-François Néron, October 16th, 2013, *La Presse*). Bernard Drainville has praised Bertrand and the group who have signed her letter, dubbed the “Janettes” (TC Média, October 16th, 2013, *Courrier Frontenac*). Denise Filiatrault, an outspoken director of theater, has come under fire for comments that she made following the publication of

²¹ “The idea according to which the State is neutral but not individuals is false”

²² “hard-liners who in the end will never integrate.”

²³ “men have at all times, and still to this day, used religion to dominate women, to put them in their place, that is below them.”

²⁴ “No religion promotes the equality between men and women. It’s for this reason that we must adopt the charter.”

Bertrand's letter, of which she is a signatory. In a radio interview, when Paul Arcand reminded her that some Muslim women wear the veil by choice, she replied:

"[a]h f[**]k off, c'est pas vrai ça. [...] quand elles ne le portent pas, elles se font réprimander, quand ce n'est pas pire que ça... quand c'est rendu au bout là, ils les sacrent dans le lac, ok! On l'a vu, c'est correct. Heille, woo, "c'est notre choix"! C'est des folles!"²⁵ (quotes in Patrick Bellerose, October 15th, 2013, *Huffington Post*).

Therefore, it is clear that for Bertrand, Filiatrault and the "Janettes," the *Charte des valeurs québécoises* would serve to emancipate women oppressed by religion.

Protecting the neutrality of the state and laïcité. The *Rassemblement pour la laïcité* (n.d.), in its statement, has upheld the necessity for the State to declare itself neutral and to disallow the influence on religion on its institutions. The *Rassemblement* therefore supports the government's intention to establish the lay character of the state in the *Charte des droits et libertés de la personne*. They also maintain that the State must express its neutrality in the image of its agents, who must avoid displaying their religious, philosophical or political conviction. Comedian Nabila Ben Youssef, member of the *Rassemblement*, added that she felt that Quebec today is not *laïque*, and that she had been expecting an initiative for *laïcité* to be instated and respected.

Protecting freedoms. The *Rassemblement pour la laïcité* (n.d), in their declaration, maintained that "[e]n ne favorisant aucune religion et en protégeant la liberté de conscience, l'État laïque se trouve à garantir le pluralisme religieux et sociétal."²⁶ Reader Mario Landry (October 10th, 2013, *Le Courrier de Sud*) added that many immigrants come to Quebec to flee their countries of origin where religion controls their lives and their thought, and that some Muslim immigrants fear the rise of fundamentalism in Quebec and the risk that an Islamic regime may be imposed on them in Quebec. These Muslims have shed "ces symboles qui n'ont aucun sens"²⁷ and integrated Quebec society. The *Charte des valeurs québécoises* would not only encourage Islamists to integrate to Quebec society but would also protect the rights and freedoms of moderates.

The Crucifix and the preservation of Quebec's cultural heritage. Lastly, directly following the release of the *Charte* guidelines, few supporters of the *Charte des valeurs québécoises* mentioned the issue of the crucifix in the National Assembly, perhaps because it seems that all political parties are in agreement that the crucifix should remain where it hangs. An Agence QMI article (September 11th, 2013, *Canoe*) did reveal that 56% of those interviewed by TVA Nouvelles support the preservation of the crucifix in the National Assembly, with certain areas of Quebec, such as Saguenay, showing even greater support. Moreover, Drainville reiterated his intention to protect the crucifix because many citizens are attached to it and because it is a symbol of Quebec identity (*CBC News*, September 22nd, 2013b).

²⁵ "Ah, f[**]k off, that's not true. [...] when they don't wear it, they get reprimanded, when it's not worse than that... at the worst, they throw them in the lake, okay! [referring to the Shafia case] We saw it, it's okay. Hey, woo, 'it's our choice'! They're crazy!"

²⁶ "By not favoring any religion and by protecting the freedom of conscience, the *laïque* state guarantees religious and social pluralism."

²⁷ "these symbols that make no sense."

Nevertheless, many supporters of the *Charte* based their opinion on the need to protect Quebec's cultural heritage. Notably, the *Rassemblement pour la laïcité* (n.d.) based its position on historical precedents of Quebec *laïcité*, claiming that "[l]'idée de la séparation de l'État et des Églises figurait déjà dans la Déclaration d'indépendance de 1838 proclamée par les Patriotes."²⁸ Therefore, *laïcité* is part of Quebec's heritage and must be protected, with such efforts as the *Charte*. However, the *Rassemblement* preconizes the removal of the Crucifix to ensure the neutrality of government space. Likewise, some supporters of the *Charte* maintain that the PQ's proposal are "in keeping with Quebec's historic project of cultural affirmation" (Emily Laxer, September 25th, 2013, *The Globe and Mail*). Moreover, some citizens of Hérouxville, interviewed by journalist Ingrid Peritz (September 20th, 2013, *The Globe and Mail*) support the *Charte* because it will protect Quebec's identity and heritage from the onslaught of foreign religions.

Criticisms of the *Charte*

After the leaks

While the new contents of the *Charte des valeurs québécoises* revealed in the leaks have attracted some praise, they were also greeted with controversy and dissent.

The Charte is not necessary. First of all, Jocelyn Maclure (August 23th, 2013, *Le Devoir*), professor at Université Laval, questions the very necessity of the *Charte*, since he feels that Quebec has succeeded over the last few decades in reaching a balance, "difficile mais réel," "entre la reconnaissance des aspirations légitimes de la majorité démocratique et le respect des droits des minorités[.]"²⁹ by instating criteria for the selection of immigrants based on Quebec values and policies that solidify the role of the French language as the communal language of the province. Maclure therefore preferred the status quo to the future the charter might bring about. Moreover, Régis Labeaume, mayor of Quebec City, expressed his impression that his city does not need the *Charte* because no municipal employees would be affected by the *Charte's* policies and because it is important to preserve some religious traditions practiced in Quebec City, such as a mass taking place in July to celebrate the city's anniversary (Radio-Canada, August 29th, 2013b). Therefore, for these two commentators, the *Charte* is unnecessary.

Technical and practical issues, feasibility and appropriateness. Next, many observers questioned the technical and practical aspects, feasibility and appropriateness of the *Charte des valeurs québécoises*. First, some commentators questioned the pertinence of legislating values. Montreal mayoral candidate Louise Harel maintained that "des valeurs, ça ne se légifère pas"³⁰ (quoted in *Radio-Canada*, August 26th, 2013). Pierre Luc Brisson (August 26th, 2013, *Huffington Post*) stated that the very idea that there is something unique that can be referred to as *valeurs québécoises* is ludicrous. He wondered

"En quoi la démocratie libérale est-elle typiquement «québécoise»? En quoi l'égalité entre les hommes et les femmes est-elle typiquement «québécoise»? En quoi la

²⁸ "The idea of the separation of the State and Churches existed already in the 1838 Declaration of Independence proclaimed by the Patriots."

²⁹ "difficult but real," "between the acknowledgement of the democratic majority's legitimate aspirations and the respect of minority rights."

³⁰ "values can't be legislated."

liberté de conscience ou la laïcité de l'État nous démarquent-elles du reste du monde occidental?"³¹

For François Legault, the concept of Quebec values is too imprecise (Paul Journet, August 26th, 2013, *La Presse*). For citizen Florent Michelot (August 22nd, 2013, *Le Devoir*), legislating values is nonsensical, since, by definition, values evolve over time. For provincial Member of Parliament Yves Marcoux, legislating values such as the equality of men and women is useless because they are already entrenched in Quebec society (Christopher C. Jacques, August 23rd, 2013, *Première Édition*). Moreover, Lionel Perez, mayor of Côte-des-Neiges-Notre-Dame-de-Grace borough, does not oppose a *Charte des valeurs québécoises*, but warns that it should reflect the modern diversity of Montreal and of the province of Quebec, and laments that the *Charte* does not seem to perceive tolerance and respect for others as values as fundamental as *laïcité* or gender equality (*CBC News*, August 22nd, 2013).

Moreover, Ian H. Henderson (August 22nd, 2013, *The Globe and Mail*) points out that, while the concept of "Quebec values" is fuzzy, the concept of "religious symbols" is perhaps even more so. Henderson posits, "[i]f two women wear identical headscarves, is only the Muslim woman wearing an offensive religious symbol?[,]” and wonders who will determine what constitutes a religious symbol and how it will be determined.

Other commentators question the distinction between the *laïcité* of people working for the government and the *laïcité* of institutions, with the new information on the *Charte* revealing that it would impose the former, but not the latter. Louise Harel (in *Radio-Canada*, August 26th, 2013) and Quebec Solidaire spokesperson Françoise David (in *Radio-Canada*, August 20th, 2013) felt that, on the other hand, *laïcité* should be imposed to institutions, but not to people. Author Richard Marceau (August 21st, 2013, *Huffington Post*) insisted that wearing a religious symbol did not affect a person's competence or impartiality, and that imposing *laïcité* on people was therefore excessive and unnecessary. A *Globe and Mail* editorialist (August 20th, 2013) agreed with this perception and added that justifying the presence of the crucifix in the National Assembly, and therefore not enforcing the *laïcité* of institutions, while prohibiting individuals from wearing religious symbols is absurd and harmful.

Additionally, for many observers, the *Charte des valeurs québécoises'* threat to the rights of minorities is unacceptable (Stéphane Marin, August 26th, 2013, *Huffington Post*; QMI Agency, August 21st, 2013, *Winnipeg Sun*). Pierre Luc Brisson (August 26th, 2013, *Huffington Post*) questioned the necessity of limiting rights of people to protect Quebec identity and cohesion, which is what the new contents of the *Charte* seems to be moving towards. He wondered how a civil servant wearing a religious symbol might threaten social cohesion, Quebec identity or the rights of the majority, and therefore criticized the government's intention to remove rights, guaranteed under the *Charte québécoise des droits et libertés*, from people, with the stated goal to ensure cohesion and protect the majority identity. Blogger Frank Cranmer (August 26th, 2013, *Law and Religion UK*) pointed out that

³¹ "How is liberal democracy typically 'québécoise'? How is equality between men and women typically 'québécoise'? How do freedom of conscience and the *laïcité* of the State differentiate us from the rest of the Western world?"

it seems antithetical for the government to impose restrictions on the freedom of religion and freedom of expression of minorities in an effort to achieve “the amelioration of conditions of disadvantaged individuals or groups,” as the government aspires to do. Author Yanick Barrette (August 26th, 2013, *Huffington Post*) explained that the government’s current efforts with the *Charte des valeurs québécoises* will be vain because it will not resolve Quebec’s identity crisis, while disadvantaging minorities and restricting their rights. Indeed, for Barrette, the real origin of Quebec’s identity issues is not diversity or religious expression; the problem lies in constant attempts on the part of the rest of Canada to undermine Quebec’s distinctions and to assimilate Quebec in Canada, and in Quebecers’ resulting inability to define themselves collectively. The *Charte*, “à vouloir tout restreindre, tout interdire”³² could even “affaiblir encore plus cette identité en crise, ce qui conséquemment desservira les intérêts du Québec et des Québécois.”³³ As Donald Charette (August 20th, 2013, *Huffington Post*) and *CTVNews.ca* staff (August 21st, 2013) point out, the charter, because of its restriction of freedoms through the prohibition of ostentatious religious symbols for government employees, will face serious legal challenge and may not pass the constitutional test.

Negative effect on Quebec society. Next, many commentators were outraged at the newly revealed contents of the *Charte des valeurs québécoises* and expressed the fear that the *Charte* would have a negative effect on Quebec society. François Legault, MP Raymond Bachand and Philippe Couillard, as well as many journalists, agreed that the *Charte*, with its total prohibition of apparent religious symbols for government employees, goes too far and would be harmful (Yanick Cyr, August 26th, 2013, *Radio-Canada*; Patrick Bellerose, August 20th, 2013, *Huffington Post*; Jessica Nadeau, August 21st, 2013, *Le Devoir*; Richard Marceau, August 21st, 2013, *Huffington Post*; Michel Corbeil, August 30th, 2013, *La Presse*).

Sophia Florakas-Petsalis (August 30th, *The Gazette*), former vice-president of the Quebec Human Rights Commission, fears that the *Charte des valeurs québécoises* would threaten Quebec’s cultural diversity and wonders whether Pauline Marois is striving to destroy this diversity. Thomas Mulcair, NDP leader, agrees with this concern and added that he is particularly worried about the potential effects the *Charte* could have on Muslim women who “semblent être l’une des cibles spécifiques ici”³⁴ (quoted in Stéphane Marin, August 26th, 2013, *Huffington Post*; Hugo de Grandpré, August 26th, 2013, *La Presse*; The Canadian Press, August 26th, 2013, *Lethbridge Herald*). Many commentators also pointed out that the *Charte* would negatively affect diversity in public sector institutions, harm Quebec economically and socially, and perhaps lead to a decrease in the number of doctors and nurses in the province, since many believers would have to choose between the precepts of their religion and government employment, therefore effectively making them second-class citizens, since non-believers would not face these restrictions (The Canadian Press, August 25th, 2013, *National Post*; Frank Cranmer, August 26th, 2013, *Law and Religion UK*; No Author, August 22nd, 2013, *Toronto Star*; *CTVNews.ca* Staff, August 21st, 2013; *Radio-Canada*, August 28th, 2013; National Post Editorial Board, August 27th, 2013, *National Post*; Lionel Perez in *CBC News*, August 22nd, 2013; Marion Pennell, August 29th, 2013, *The*

³² “continuously seeking to restrict and prohibit everything”

³³ “further weaken this identity in crisis, which would consequently undermine the interests of Quebec and of Quebecers.”

³⁴ “seem to be one of the specific targets here.”

Gazette; Jane Taber and Kim Mackrael, August 29th, 2013, *The Globe and Mail*; Louise Harel in *Radio-Canada*, August 26th, 2013).

Xenophobia, intolerance and conservatism. For some commentators, especially in Anglophone media, the *Charte des valeurs québécoises* reeks of xenophobia, intolerance and even totalitarianism (Guillaume Bourgault-Côté, August 24th, 2013, *Le Devoir*; Natalie Brender, August 26th, 2013, *Toronto Star*). Indeed, blogger Bill Dever (August 27th, 2013, *Put Back the Flag*) and a *National Post* Editorialist (August 27th, 2013) denounced the *Charte* as contrary to Canadian values, such as inclusion and multiculturalism. Dever even went as far as to describe the PQ government's project as "cultural genocide and a pogrom." Daniel Baril (August 24th, 2013, *Voir*) decried that the government's decision to refocus the *Charte* from *laïcité* to *valeurs québécoises* allows for Canadian commentators to "dire que les valeurs québécoises signifient la limitation de l'expression des croyances religieuses[.]"³⁵ while "[v]aleur québécoise devient ainsi synonyme de xénophobie."³⁶

Observers have also denounced the conservatism and repressiveness of the *Charte des valeurs québécoises*, according what was revealed in the leaks. Charles Taylor, one of the commissioners of the Bouchard-Taylor Commission, has been particularly vocal in his criticisms of the *Charte*, describing it as an "acte d'exclusion terrible"³⁷ and as "quelque chose qu'on s'attendrait à voir dans la Russie de Poutine"³⁸ (quoted in Hugo de Grandpré, August 26th, 2013, *La Presse*), an exclusionary society where homosexuals are denied the same rights as others (National Post Editorial Board, August 21st, 2013, *National Post*). His comments have also attracted criticism, with Jérôme Blanchet-Gravel (August 26th, 2013, *Huffington Post*) describing them as "ridiculement grotesque[.]"³⁹ Moreover, Gerard Caplan (August 30th, 2013, *The Globe and Mail*) decried that, while the PQ was once a progressive political party, the charter seems to be reflective of a more small-minded, insecure party willing to divide society between outsiders and *Québécois pure laine*, and making retrograde decisions.

The Crucifix in the National Assembly. Lastly, the *Charte des valeurs québécoises* came under fire for ensuring the protection of the crucifix in the National Assembly, though few addressed the perpetuation of Jean Tremblay's prayer before the Saguenay municipal council despite Pauline Marois' original claim that the *Charte* would outlaw the practice (Jocelyn Maclure, August 23th, 2013, *Le Devoir*). Daniel Baril (August 24th, 2013, *Voir*), despite supporting the *Charte* for the most part, denounced the fact that the government seems to want to prohibit all public sector employees from wearing apparent religious symbols, while protecting the crucifix, "le symbole même de la non-laïcité."⁴⁰ An article in *Le Navet* (August 23rd, 2013), a satirical newspaper, affirmed the religious nature of the crucifix and maintained that those who deny this religious character "se mettent la tête dans le sable."⁴¹ Gilles Laporte (August 24th, 2013, *Huffington Post*), despite being a

³⁵ "say that Quebec values mean the limitation of expression of religious beliefs."

³⁶ "Quebec value becomes a synonym of xenophobia."

³⁷ "a terrible act of exclusion"

³⁸ "something we would expect to see from Putin's Russia"

³⁹ "ridiculously grotesque"

⁴⁰ "the very symbol of non-laïcité."

⁴¹ "are sticking their heads in the sand."

supporter of the preservation of Quebec's religious patrimony, insisted that the PQ, in making the decision to leave the crucifix where it hangs in the National Assembly, ignored not only the religious nature of the object but also its historical content, since Prime Minister Maurice Duplessis placed it there to solidify the alliance between the government and the Catholic clergy during his tenure. Nadia Drolet (August 20th, 2013, *Journal de Montréal*), a citizen, Françoise David (in *Radio-Canada*, August 20th, 2013) and a *Toronto Star* editorialist (August 22nd, 2013) all agreed that the *Charte's* protection of the crucifix was incoherent and inadequate.

After the official release

After the release of the *Charte* guidelines, it was apparent that opposition to the *Charte des valeurs québécoises* is higher among certain groups, namely students and younger citizens (Michel Corbeil, September 28th, 2013, *La Presse*; Catherine D'Astous, September 30th, 2013, *Huffington Post*), Anglophones and people from the island of Montreal (Radio-Canada, October 15th, 2013, *Huffington Post*). Notably, all four major mayoral candidates in the Montreal city elections, Denis Coderre, Richard Bergeron, Marcel Côté and Mélanie Joly, disagree with the PQ's charter project (The Canadian Press, October 10th, 2013, *Global News*). Opponents of the *Charte des valeurs québécoises* reject it for a number of reasons.

Some opponents of the *Charte des valeurs québécoises* have also taken the initiative to organize. A group of people from the legal, philosophical and journalistic fields have redacted the manifesto *Pour un Québec inclusif* as a response to the *Charte* (Agence QMI, September 11th, 2013a, *Journal de Montréal*). It has gathered, as of September 22nd, 2013, over 21 000 signatures, including numerous notable personalities such as student leader Gabriel Nadeau-Dubois, singer Michel Rivard, Professor Daniel M. Weinstock and film director Philippe Falardeau. In the manifesto, the authors, Rémi Bourget, lawyer, Frédéric Bérard, constitutional lawyer, Ryoa Chung, philosophy professor at Université de Montréal, and journalist Judith Lussier (2013, *Pour un Québec inclusif*) denounce the idea that reasonable accommodations have led to a social crisis, an idea which the government has espoused to justify the removal of fundamental rights of vulnerable citizens. Indeed, they fear that the consequence of the government's policies in the *Charte* will be to exclude citizens from public sector employment if they choose not to reject certain precepts of their faith. For the authors, "[l]e véritable test de la laïcité est d'accepter à la fois la visibilité des différences et la nécessité d'un consensus au sujet de l'esprit de tolérance et d'impartialité qui doit gouverner nos interactions dans le respect de ces différences."⁴² They also reject the government's attempt to hierarchize rights since, by definition, fundamental rights are fundamental. The authors believe that openness to diversity will allow Quebec society to remain harmonious that "[l]'identité québécoise ne passe pas par le rejet de l'Autre."⁴³ The authors of *Pour un Québec inclusif* ask the government "d'abandonner tout projet qui aurait pour effet de vulnérabiliser davantage un pan de la population et d'effriter la portée des droits fondamentaux sur lesquels se base la paix sociale si chère aux Québécois."⁴⁴

⁴² "The true test of *laïcité* is accepting both the visibility of differences and the need for consensus when it comes to the spirit of tolerance and impartiality which must govern interactions along with respect for these differences."

⁴³ "Quebec identity does not require the rejection of the Other."

⁴⁴ "to abandon any project that would lead to an increase in the vulnerability of a segment of the population and to the withering of the span of fundamental rights on which the social peace that Quebecers hold dear is based."

The Charte is unnecessary. Like other commentators after the leaks, some insisted, after the release of the *Charte* guidelines, that the *Charte des valeurs québécoises* would disturb the current, acceptable, status quo, when it comes to religious diversity and reasonable accommodations, or that it was simply unnecessary and addressed non-existent problems. Montreal municipal leaders denounced the charter on the ground that it would threaten “the harmony that has been the norm among the city’s diverse cultural mix” (Kelly McParland, September 12th, 2013, *National Post*). Feminist Bochra Manai views the Charte as a primarily political gesture and wonders whether it addresses any real problems (Akli Aït Abdallah, September 28th, 2013, *Radio-Canada*). The Fédération des chambres de commerce du Québec (FCCQ) declared that, with the Charte project, the government was not acting in the name of the FCCQ and that the business sector has not demanded the government’s intervention when it comes to questions on religion in the public sphere (Paul Journet, September 27th, 2013, *La Presse*).

Josée Legault (September 10th, 2013, *L’actualité*) also points out that the government has failed to demonstrate objectively the need to prohibit ostentatious religious symbols for government employees, with Bernard Drainville even admitting that he has no idea how many employees would be affected by the proscriptions, therefore making the necessity of the *Charte* questionable. Indeed, according to Alain Dubuc (September 11th, 2013, *La Presse*), the government presented no studies on the extent of the problem of ostentatious religious symbols in the public function. According to Jocelyn Desjardins (September 23rd, 2013, *Journal de Montréal*), only a small portion of public sector employees are from cultural communities and only a fraction of them wears religious symbols, thus making the issue of the *Charte* essentially moot. Gérard Bouchard, commissioner of the Bouchard-Taylor commission, urged the government to study the situation of religious symbols in government institutions instead of “launch[ing] [it]self into this operation in ignorance of the reality” (quoted in *CBC News*, September 22nd, 2013b). The government has also been urged to present feasibility studies and demonstrate the impact its plans could have on people and institutions (Aaron Derfel, September 24th, 2013).

Technical and practical aspects, feasibility and appropriateness. Objections to the official guidelines of the *Charte des valeurs québécoises* also found issue with its technical and practical aspects, feasibility and appropriateness. The idea of legislating values was still contentious. For philosopher Charles Taylor (in *CBC News*, September 11th, 2013), Noa Mendelsohn Aviv, of the Canadian Civil Liberties Association (in Nelson Wyatt and Peter Rakobowchuk, September 11th, 2013, *CTV News*), and journalist James Fitz-Morris (September 11th, 2013, *CBC News*) all felt that the *Charte des valeurs québécoises* ignores a number of values, such as freedom of expression, freedom of religion and the right to autonomy, that Québécois hold dear, therefore giving more precedence to some values over others. For Lysiane Gagnon (September 11th, 2013, *The Globe and Mail*) and screenwriter Steve Galluccio (in *La Presse*, September 29th, 2013), it is inappropriate for liberal democracies to legislate values for citizens to ascribe to, since individuals are free to formulate their own values and morals. For former Prime Minister Bernard Landry, it

would be more appropriate to enact a charter of *laïcité* than a charter of values (*CBC News*, October 4th, 2013).

The fuzziness of religious symbols and conspicuousness remained a source of contention. For Allan Adel, president of B'nai Brith Canada, “[l]a notion même que c’est l’État qui décidera ce qui constitue un signe religieux visible et ostentatoire est tout simplement aberrante” (quoted in Agence QMI, September 11th, 2013b, *Journal de Montréal*). Constitutional law expert Carissima Mathen also felt it is inappropriate for the government to determine what constitutes an ostentatious religious symbol (Daniel Schwartz, September 11th, 2013, *CBC News*). Barbara Madimenos (September 25th, 2013, *The Gazette*) raises the issue of uncommon religious symbols, such as the Christian fish, the Taoist yin and yang symbol, and the Buddhist lotus flower, and their dubious status in the *Charte*, as well as the issue of religious tattoos, which obviously cannot be easily removed.

Commentators also disagreed with the *Charte*'s positions on the *laïcité* of people and the *laïcité* of institutions. According to Charles Taylor (September 28th, 2013, *Le Devoir*; in *CBC News*, September 11th, 2013) and Emmett Macfarlane (September 11th, 2013, *The Globe and Mail*), assistant professor of political science at the University of Waterloo, *laïcité* of a government is evidenced in actual policies; the PQ's focus on the appearance of its employees actually makes the government less neutral since it dictates that members of certain religious groups cannot work for the government without renouncing their religion, therefore pointing to a differential treatment of religions and to a lack of neutrality when it comes to religious and non-religious options. According to Devyn Noonan, Olivia Forstyh-Sells and Sonia Liang (September 30th, 2013, *The Varsity*), the government's preferential treatment of Catholicism cannot lead to a neutral state. Michelle Gagnon (October 2nd, 2013, *CBC News*) wonders whether Quebec society is more Catholic than it claims to be and pointed to the results of numerous polls, according to which 78% of Quebecers believe that it is important to preserve Catholic symbols and 56% believe that “the Catholic religion should have special status in Quebec” to demonstrate the difficulty to have a truly neutral state in Quebec. Moreover, Josée Legault (September 10th, 2013, *L'actualité*) and Alain Dubuc (September 11th, 2013, *La Presse*) maintain that the government has failed to prove that public employees wearing religious symbols threatens the neutrality of the State. Pierre Foglia (October 17th, 2013, *La Presse*) adds that the *laïcité* presented by the government is not real *laïcité*, since it is not about repressing religion and spirituality; it is about the freedom to practice any religion or no religion at all. However, he maintains that the separation of Church and State is primordial.

Many commentators simply believe that the government's provisions in the *Charte* go too far. Jacques Parizeau has vocalized that, while he supports a discussion around the issues of religion in the public sphere, the *Charte des valeurs québécoises* as it stands goes too far (TC Media, October 4th, 2013, *Quebec Hebdo*). Parizeau deems it exaggerated to forbid religious symbols for all state employees, and instead suggests that they should only be prohibited for figures of authority, such as police officers and judges, as Bouchard-Taylor Commission advocated (Jean-Marc Salvét, October 3rd, 2013, *La Presse*; Katia Gagnon, October 3rd, 2013, *La Presse*; The Canadian Press, October 4th, 2013, *Toronto Star*). Parizeau has also questioned the government's intention:

“Jamais, à ma connaissance, au Québec, on n'a légiféré pour interdire quoi que ce soit de religieux. Ce n'est pas dans nos habitudes. On a fait évoluer les choses graduellement vers une laïcité qui est pratiquement totale aujourd'hui. [...] La question qu'il faut se poser aujourd'hui, c'est : pourquoi aujourd'hui et pourquoi [on vise] les musulmanes?”⁴⁵ (quoted in Radio-Canada, October 4th, 2013, *La Presse*)

Parizeau carries his own baggage when it comes to ethnic relations in Quebec and is remembered for blaming “money and the ethnic vote” for the Yes side’s loss in the 1995 referendum (Ingrid Peritz, October 3rd, 2013, *The Globe and Mail*). J.J. McCullough (October 7th, 2013, *Huffington Post*) points out that Parizeau’s opposition of the Charte does not point to a reversal of Parizeau’s xenophobic leanings, since his position on the prohibition of religious symbols for police officers and judges still would prevent members of religious communities from working in these roles.

Likewise, former Prime Minister Bernard Landry, while less vocal than Parizeau, has also criticized the *Charte* for going too far, and hopes to see changes in the final bill (*CBC News*, October 4th, 2013). Another former Prime Minister from the PQ, Lucien Bouchard, has also denounced the *Charte*, and sides with banning religious symbols only for figures of authority, a compromise which he feels would be easily accepted in the national assembly and which would unite Quebec instead of dividing the province (*CBC News*, October 4th, 2013; *The Canadian Press*, October 4th, 2013, *Toronto Star*). The Marois government has indicated that it will take Parizeau’s opinions into consideration when preparing the final version of the *Charte* (Katia Gagnon, October 3rd, 2013, *La Presse*).

Moreover, many commentators lamented that the *Charte*, according to the officially released guidelines, would constitute a threat to minority rights. According to lawyer Giuseppe Sciortino (September 14th, 2013, *Le Devoir*), the *Charte* would violate individuals’ privacy, their freedom of expression and their freedom of religion. Montreal artist Josh Dolgin also expressed his belief that people should be free to express their religious beliefs if they are not harming anyone (*La Presse*, September 29th, 2013). Devyn Noonan, Olivia Forsyth-Sells and Sonia Liang (September 30th, 2013, *The Varsity*) point out that the provisions of the *Charte des valeurs québécoises* would violate both the Canadian *Charter of Rights and Freedoms* and the Quebec *Charte des droits et libertés de la personne*. Some citizens of Hérouxville also maintained that people should be free to wear religious symbols (Ingrid Peritz, September 20th, 2013, *The Globe and Mail*). On October 17th, 2013, the Commission des droits de la personne declared that the *Charte* project indeed threatens rights and freedoms. In particular, the prohibition of ostentatious religious symbols for government employees violates the charter of rights and freedoms, since it would exclude some individuals from government employment (*Radio-Canada*, October 17th, 2013). Drainville disagrees with the commission and claims that they forgot to take into account the proposed amendments to the charter of rights and freedoms (*Radio-Canada*, October 17th, 2013). On November 4th, Quebec Human Rights Commission’s chairman Jacques Frémont indicated that he had received “hundreds of nasty emails” after the commission’s expression of disapproval of the *Charte*, but declared that he and the commission were

⁴⁵ “Never, to my knowledge, in Quebec, did we legislate to forbid anything religious. That is not our habit. We have made things evolve gradually towards a laïcité that is practically complete today[.] [...] The question we must ask ourselves today is: why today and why [target] Muslim women?”

undeterred in their opposition. Frémont described the *Charte* as “a non-answer to a non-problem” which does not justify the restriction of fundamental rights of minorities (Catherine Solyom, November 4th, 2013, *The Gazette*).

Moreover, some commentators have denounced the *Charte*'s potential effect of increasing discrimination. Tommy Schnurmacher (September 10th, 2013, *CJAD 800 AM*) points out that the *Charte*'s policies could open the door to discrimination in private businesses. He posits that

“One friend owns a big *depanneur*. He doesn't want to hire more Muslim women or any religious Jews or Sikhs, but he has heard that it is against the law to discriminate against anyone on the basis of religion. He wants to know if it would be okay for him to tell these ethnics that he does not want to hire them because he wants to have a neutral *depanneur*.”

Since the release of the *Charte des valeurs québécoises* guidelines, discriminatory incidents, of a verbal or physical nature, especially against Muslim women wearing the hijab (a Muslim women and her son were verbally assaulted and spat on in a mall, for example) and Muslim institutions (a Saguenay mosque was vandalized with pig's blood, for example), and worry among members of cultural community have been increasing (Denis Lessard, September 17th, 2013, *La Presse*; Christopher Curtis, September 21st, 2013, *The Gazette*; QMI Agency, October 12th, 2013, *Toronto Sun*; Ingrid Peritz, October 2nd, 2013, *The Globe and Mail*). Bernard Drainville has vocally denounced these incidents (Ingrid Peritz, October 2nd, 2013, *The Globe and Mail*). While threatening minority rights, the *Charte* would also fail to resolve Quebec's identity crisis, since, according to Patrick Lagacé (September 10th, 2013, *The Globe and Mail*), Quebec's identity “doesn't need to be protected by little pictograms parsing how big a crucifix can be on a necklace.”

Additionally, commentators have questioned the claims of the government and supporters of the *Charte* which insist that the charter will protect the equality of genders. According to a poll, 42% of the polled population disagrees that the *Charte* would protect gender equality, while 37% agreed (Christopher Curtis, September 21st, 2013, *The Gazette*). For student Alexandra Bahary (September 21st, 2013, *Huffington Post*), the government's justification of the *Charte* based on the project's effect on the defense of gender equality is a convenient discourse to convince uninformed citizens of the pertinence of the *Charte des valeurs québécoises*, since, in reality, no cultural minority has the monopole over sexism, which is also prevalent in occidental society. Haroon Siddiqui (September 28th, 2013, *Toronto Star*) points out the irony of the positions of feminists who support the *Charte*; while these feminists advocate the right of women to decide whether or not to have an abortion, they also argue that a Muslim woman should not have the right to choose to work the veil in her workplace. They “want to free her by robbing her of her individual sovereignty.”

Moreover, some commentators have criticised the position of prominent women who support the *Charte* in the name of gender equality. Amna Qureshi (September 18th, 2013, *Toronto Star*), a law school graduate who wears the veil, criticized the position championed by former Supreme Court judge Claire l'Heureux-Dubé as a member of the *Rassemblement pour la laïcité*. Given her judgements in rape cases which determined that

women should not be judged by what they wear, Qureshi was disappointed that the former justice deemed the veil to be oppressive, since

“[t]he oppression I have fought against is not from the religion I choose to follow or the garments I choose to wear, but from those who say women who dress provocatively are asking to be raped, who use a woman’s demeanour to assess her credibility, and who dictate what women should or should not wear.”

Moreover, as a response to Janette Bertrand’s letter which insists that the freedom of religion is a threat to gender equality and Denise Filiatrault’s incendiary comments, referring to Muslim women who choose to wear the veil as “crazy,” a group of women, attached to the collective Pour un Québec inclusive, nicknamed the “Inclusives,” which includes Gretta Chambers, Élise Desaulniers, Dalila Awada and numerous others, wrote their own letter criticizing the vision of feminism championed by Bertrand and her supporters. The “Inclusives” particularly took issue with Bertrand and Filiatrault’s positions that women who wear the veil are manipulated and “crazy,” and do not choose to wear it (Jean-François Néron, October 16, 2013, *La Presse*). While praising the efforts of feminist pioneers in Quebec, they denounced the paternalistic measure of prohibiting religious symbols in the name of women’s emancipation, and maintain that it is inappropriate to hinder the freedom of religion, even though some religions may uphold sexist positions (Les inclusives, October 16th, 2013, *La Presse*). The “Inclusives” further point out that “plusieurs femmes se réapproprient leur religion, précisément dans le but de contrer l’emprise que les hommes ont toujours eu sur elles,”⁴⁶ and that feminists must keep in mind that emancipation can have many faces, including a religious one. Journalist Pierre Foglia (October 17th, 2013, *La Presse*), while supporting the *Charte*, disagrees with the “Janettes” and maintains that the *Charte des valeurs québécoises* does nothing to fight inequalities between genders. Freelance writer Toula Foscolos (October 17th, 2013, Huffington Post) denounces the intolerance behind Bertrand and Filiatrault’s positions, and describes the “Janettes” as “a group of all-white, all-French speaking, predominantly all Judeo/Catholic group of women pretending to school all other women on feminism” and as reeking “so badly of white privilege and patronizing ‘I know better than you attitudes’[.]” For Foscolos, feminism is predominantly about choice, which includes the choice to be or not to be religious, and that women who make a different choice from someone else should not be deemed “crazy” or “manipulated.” Robyn Urback (October 29th, 2013, *National Post*) adds that the idea that the *Charte* will challenge the subjugation of women prominent in certain religions, as upheld by the “Janettes”, is a naïve and unsophisticated opinion, since it would apply only to a small fragment of those targeted by the *Charte*, namely women compelled to wear religious symbols, while hindering women and men who choose to wear religious garb. For Urback, the “Janettes” embody the major criticisms of first-wave feminists, namely homogeneity and blindness to social inequality.

Many observers have also commented that the *Charte des valeurs québécoises* would be subject to serious legal challenge, if it were to become law. Emmett Macfarlane (September 11th, 2013, *The Globe and Mail*) points to the *Charte*’s infringement of the Canadian Charter of Rights and Freedoms. Salam Elmenyawy, president of the Muslim Council of Montreal insisted that, if the *Charte* becomes law, his association would be

⁴⁶ “many women are reappropriating their religion, precisely in an effort to counter the control that men have always had on them.”

willing to challenge it all the way up to the Supreme Court, if necessary (Nelson Wyatt and Peter Rakobowchuk, September 11th, 2013, *CTV News*). On the other hand, justice minister Bernard St-Arnaud has expressed his confidence in the legality of the *Charte* and its ability to pass every legal hurdle (Kevin Dougherty, September 11th, 2013, *The Gazette*; *La Presse Canadienne*, September 14th, 2013, *Le Devoir*). According to a Gazette poll, 56% of respondents believe that the *Charte* should be tested in court for constitutionality (Kevin Dougherty, September 25th, 2013, *The Gazette*; Christopher Curtis, September 21st, 2013, *The Gazette*). However, Bernard Drainville has refused to submit his project to the Quebec Court of Appeal (Kevin Dougherty, September 25th, 2013, *The Gazette*). Tom Flanagan (October 7th, 2013, *The Globe and Mail*), distinguished fellow in the School of Public Policy at the University of Calgary, insisted that the *Charte* would be subject the judicial challenge. Since all judges in the Quebec Superior Court, the Quebec Court of Appeals and the Supreme Court of Canada are appointed federally, they would all uphold the Canadian Charter of Rights and Freedoms. Flanagan points to the “notwithstanding” clause of the Canadian Charter as the last resort of the Quebec government; however, its application would be complex since the issue of the *Charte des valeurs québécoises* is extremely contentious across the population.

The feasibility of the *Charte des valeurs québécoises* in terms of cost is also a contentious issue. Charles Robert, a spokesperson for the Liberal party, criticized the government’s plan to spend almost two million dollars to publicize the project considering that it would not generate employment. Bernard Drainville denied that the funds budgeted for the *Charte* would also serve to prepare the field for an eventual election (*Radio-Canada*, September 13th, 2013a).

Negative effect on Quebec society. For many opponents of the *Charte*, the PQ’s project goes too far and will have a negative effect on Quebec society. Critics of the *Charte des valeurs québécoises* often denounced its potential threat to diversity in Quebec and on integration. Haroun Bouazzi of the Association of Muslims and Arabs for Quebec Secularism, Jack Jedwab of the Canadian Institute of Identities and Migration (both in Tristin Hopper, September 10th, 2013, *National Post*), Noa Mendelsohn Aviv (in Nelson Wyatt and Peter Rakobowchuk, September 11th, 2013, *CTV News*), Shahla Khan Salter (September 11th, 2013, *Huffington Post*), Bloc Québécois MP Maria Mourani (in Les Perreux and Ingrid Peritz, September 11th, 2013, *The Globe and Mail*), former Canadian prime minister Brian Mulroney (*The Huffington Post Canada*, October 4th, 2013) and even former PQ prime minister Jacques Parizeau (in Katia Gagnon, October 13th, 2013, *La Presse*) all make the point that the *Charte des valeurs québécoises* will divide Quebec society, encourage minorities to segregate instead of integrating, threaten diversity in Quebec, and disadvantage the province economically. Likewise, noted linguist Noam Chomsky, during a conference at Université de Montréal, denounced the *Charte* project for trying to impose cultural uniformity and threatening cultural diversity (Ewan Sauves, October 27th, 2013b, *Journal de Montréal*). Lysiane Gagnon (September 11th, 2013, *The Globe and Mail*) points out the irony “that by targeting civil servants and educators, the law [the *Charte*’s prohibitions] will penalize the immigrants who are, by definition, among the most educated, the most fluent in French and the best integrated into Quebec life[,]” therefore pointing to the *Charte*’s failure in facilitating the integration of other segments of society.

Shirin Edarechi (September 24th, 2013, *The Gazette*) adds that the *Charte* fundamentally divides the population of Quebec between “us” and “them”, with “us” being integrated Quebecers who do not show their religious beliefs, and “them” being Quebecers whose religion require the wearing of visible religious symbols. David Bensoussan (September 22nd, 2013, *Huffington Post*) further argues that the *Charte* would encourage religious minorities to move out of Quebec and would alienate the Anglophone community of Quebec.

The fear that the *Charte des valeurs québécoises* would fundamentally divide Quebec between Montreal and the rest of the province is also prevalent. Indeed, the *Charte*'s derogation clause may lead to a balkanisation of the province since it will only be applied in some regions namely more isolated regions where there is little diversity, while Montreal, where there is the most religious diversity and fewer problems with diversity, will derogate and choose not to apply the *Charte* (Alec Castonguay, September 10th, 2013, *L'actualité*) Paul Journet, September 27th, 2013, *La Presse*; political science professor at UQAM Julien Bauer in Roxanne D'Arco, September 30th, 2013, *Le Journal International*). Surprisingly, polls suggest that support for the *Charte* in Montreal is not insignificant. According to Christopher Curtis (September 21st, 2013, *The Gazette*), a poll revealed that 49% of the population of Montreal (including the suburbs) support the charter; opposition of the *Charte* is actually higher in Quebec City.

Moreover, the threat of the *Charte des valeurs québécoises* to diversity in public sector employment was a major concern among critics. Many pointed out that it was unfair for religious minorities, such as Muslim women, Sikh and Jewish men, to have to choose between their faith and their employment in the public sector (Emmett Macfarlane, September 11th, 2013, *The Globe and Mail*). Some critics have pointed out that the *Charte* will create two groups of people, atheists and believers of a “discrete” religion, who will have full access to public employment, and believers of an “indiscrete” religion, such as Muslim women, who will see their access to public employment restricted (Charles Taylor, September 28th, 2013, *Le Devoir*; Centre cultural islamique in *Radio-Canada*, September 26th, 2013). Martine Rocher, a daycare director, opposes the *Charte* because bearing religious symbols does not affect the quality of a person's work (Tommy Chouinard, September 11th, 2013, *La Presse*). Similarly, some Hérouxville citizens believe that wearing religious symbols does not affect the competence of workers, such as nurses (Ingrid Peritz, September 20th, 2013, *The Globe and Mail*). According to Monsef Derraji, of the Congrès Maghrébin, the *Charte* only serves to punish competent and integrated workers who are contributing to Quebec's economic wellbeing (CNW Telbec, September 11th, 2013, *Newswire*). Since the official release of the *Charte* guidelines, business leaders worry that talented employees may be encouraged to leave Quebec (Les Perreux and Ingrid Peritz, September 11th, 2013, *The Globe and Mail*). Likewise, the Fédération des chambres de commerce du Québec lamented that the *Charte* would discourage talented workers from coming to Quebec, especially university researchers, because of the social tension it would create (Paul Journet, September 27th, 2013, *La Presse*; Katherine Wilson, September 25th, 2013, *The Gazette*). Lakeridge Hospital in Oshawa has already made efforts to attract healthcare professionals who may be affected by the *Charte*; their advertisement, which features a *hijab*-wearing nurse, reads “We don't care what's on your head, we care what's in

it” (*Radio-Canada*, September 12th, 2013a; Amanda Kelly, September 12th, 2013, *Global News*). Carmine Perrelli, a Richmond Hill, Ontario politician, emulated this strategy to try to attract healthcare practitioners by targeting doctors and nurses with Sikh, Hindu, Muslim, Jewish and Catholic Italian names and mailing them letters inviting them to move to Richmond Hill (Sahar Fatima, September 15th, 2013, *The Globe and Mail*).

Xenophobia and Intolerance. Additionally, some have pointed to the sheer xenophobia and intolerant nature of the *Charte*, as revealed in the official guidelines. Emmett Macfarlane (September 11th, 2013, *The Globe and Mail*) described the *Charte* as “a fundamentally bigoted law.” For Shirin Edarechi (September 24th, 2013, *The Gazette*), the *Charte* effectively institutionalizes prejudice. Matt Gurney (September 10th, 2013, *National Post*) maintains “that the critics who dismiss this as yet more PQ xenophobia are right.” Giuseppe Sciortino (September 14th, 2013, *Le Devoir*) insists that the *Charte des valeurs québécoises* is primarily informed by islamophobia and the belief that “l’Islam serait plus sexiste, plus répressif et moins démocratique que les autres croyances religieuses[.]”⁴⁷ and contains within it the seeds “de l’intolérance, de l’uniformisation, de l’autoritarisme.”⁴⁸ David Bensoussan (September 22nd, 2013, *Huffington Post*) points out that while the debate explicitly concerns all religious confessions, a social discomfort with Muslim radicalism dictates the debate. Likewise, France Pelletier wonders whether this debate would have ever taken place without the background of 9/11, and the Muslim question it brought (in Akli Aït Abdallah, September 28th, 2013, *Radio-Canada*).

Incoherencies of the Charte. Importantly, many opponents of the *Charte* criticized it for incoherencies, which, according to Alec Castonguay (September 10th, 2013, *L’actualité*) undermine the legitimacy of the government’s propositions. The most mentioned inconsistency is the protection of the crucifix in the National Assembly. Chris Selley (September 13th, 2013, *National Post*) and Fariha Naqvi-Mohamed, September 11th, 2013, *Huffington Post*) both insist that it is unreasonable for the government to protect Quebec cultural history in the form of the crucifixes in the National Assembly and on Mount Royal without tolerating the self-expression of citizens and their desire to protect their own culture. Indeed, Tommy Schnurmacher (September 10th, 2013) and Josée Legault (September 10th, 2013, *L’actualité*) point out the obvious religious nature of the crucifix, which trumps its patrimonial value, therefore making it necessary to remove the crucifix for the government to be religiously neutral. Moreover, Carissima Mathen (in Daniel Schwartz, September 11th, 2013, *CBC News*) and Charles Taylor (in La rédaction, September 21st, 2013, *fait religieux.com*) and reader Jocelyn Desjardins (September 23rd, 2013, *Journal de Montréal*) insists that maintaining the crucifix weakens the government’s objective with the *Charte* since it seems to afford special treatment to the religion of the majority, and therefore does not reflect state neutrality. For Giuseppe Sciortino (September 14th, 2013, *Le Devoir*), keeping the crucifix in the National Assembly is “une aberration, de l’hypocrisie, de l’opportunisme politique[.]”⁴⁹ which does not favour a climate of trust and harmony; without removing the crucifix in the National Assembly, “parler des valeurs communes, de la laïcité et de la neutralité de l’État est pur propagande.”⁵⁰ According to Supriya Dwivedi

⁴⁷ “Islam is more sexist, more repressive and less democratic than other religious beliefs.”

⁴⁸ “of intolerance, of homogenization, and of totalitarianism.”

⁴⁹ “an aberration, hypocrisy, and political opportunism.”

⁵⁰ “talking about communal values, *laïcité* and State neutrality is pure propaganda.”

(September 10th, 2013, *The Globe and Mail*), the patrimony that the government should celebrate is not the one embodied in the National Assembly crucifix, but one of religious tolerance and openness represented, for example, by the fact that “Quebec was the first jurisdiction in the entire British empire to elect a Jewish representative to the legislature, and granted full right to Jews nearly thirty years before Britain did.”

Additionally, many supporters of the *Charte* have posited that the crucifix in the National Assembly should be removed in an effort to conform to the *Charte* and its goal to strengthen the separation of Church and State (Agence QMI, September 11th, 2013, *Canoe*). The SFPQ, despite their support of the *Charte*, demands the removal of the crucifix (Jean-Luc Lavallée, September 11th, 2013, *Canoe*). The *Rassemblement pro-laïcité* also called for the removal of the crucifix in the National Assembly (in TC Média, September 25th, 2013, *La Voix du Sud*). Moreover, while Jacques Parizeau and Bernard Landry do support some aspects of the *Charte*, but call for a more compromised position, they also preconize the removal of the crucifix in the National Assembly (TC Média, October 4th, 2013, *Quebec Hebdo*; Katia Gagnon, October 3rd, 2013, *La Presse*; Ingrid Peritz, October 3rd, 2013, *The Globe and Mail*; La Presse Canadienne, November 2nd, 2013, *Le Devoir*). Lucien Bouchard agrees that the crucifix should be removed and even added that Quebec’s Assembly of Catholic Bishops supports the removal of the crucifix; Bouchard asked “Do we want to be more Catholic – excuse me, more heritage-minded – than the bishops?” (quoted in *CBC News*, October 4th, 2013; *The Canadian Press*, October 4th, 2013, *Toronto Star*).

On the issue of the Saguenay municipal council prayer, the official guidelines released on September 10th made no mention of whether the practice would be outlawed. Though Pauline Marois had initially claimed that the *Charte* would outlaw the practice (Jocelyn Maclure, August 23th, 2013, *Le Devoir*), according to Alain Dubuc (September 11th, 2013, *La Presse*), the government has yet to finalize its position on the issue, which for Dubuc is ludicrous since the prayer recited “n’a rien de laïque et [...] est, par définition, ostentatoire[.]”⁵¹ However, the fact that municipalities should be able to opt out of the policies of the *Charte des valeurs québécoises* seems to point to the potential perpetuation of the prayer recital in Saguenay.

Another source of incoherence is the possibility of derogation for hospitals, universities and municipalities. Sylvain Malette, of the Fédération des femmes du Québec, sociologist Gérard Bouchard (both in *Radio-Canada*, September 10th, 2013), Josée Legault (September 10th, 2013, *L’actualité*) Lucie Jobin of the *Mouvement laïque Québécois* (in Roxanne D’Arco, September 30th, 2013, *Le Journal International*) and Bernard Landry (in La Presse Canadienne, November 2nd, 2013, *Le Devoir*) maintain that the derogation leads to the legal fragmentation of Quebec, along institutional and regional lines, and makes it so that only some government employees bear the responsibility of *laïcité*, which should be “pour tout le monde ou pour personne”⁵² (Sylvain Malette in *Radio-Canada*, September 10th, 2013). Jacques Parizeau has also pointed to the contradictory nature of the derogation clause (Katia Gagnon, October 3rd, 2013, *La Presse*). The *Rassemblement pro-laïcité* (in TC

⁵¹ “is not laïque at all, and is, by definition, ostentatious[.]”

⁵² “for everyone or for no one.”

Média, September 25th, 2013, *La Voix du Sud*) and the Société Saint-Jean-Baptiste (in MPG, October 11th, 2013, *Hebdo Rive-Nord*) also criticized the derogation clause and called for it to be replaced with a transitory period because *laïcité* must be upheld by the entirety of public institutions. Minister Jean-François Lisée defended the derogation clause by explaining that it is transitory in nature and will not be used to permanently exclude some regions or institutions from the requirements of the *Charte des valeurs québécoises* (Denis Lessard, October 3rd, 2013, *La Presse*).

Moreover, for Gatineau mayor Marc Bureau, that elected officials are excluded from the prohibitions in the *Charte* does not make sense; what applies to functionaries should also apply to elected representatives (Patricia Lanteigne, September 11th, 2013, *Info07*). Alec Castonguay (September 10th, 2013, *L'actualité*) also denounced elected representatives' exception to the rule since "[l]es personnes qui votent les lois à l'Assemblée nationale, y compris les ministres, n'auront pas à afficher la neutralité qu'ils exigent aux fonctionnaires."⁵³

Another source of incoherence in the *Charte des valeurs québécoises* is the tolerance of seemingly less visible religious symbols, such as small crucifixes, rings or earrings. Chris Selley (September 13th, 2013, *National Post*) maintains that such arbitrarily defined less ostentatious symbols are no less a threat to secularism than the prohibited symbols since "[w]hat does a crucifix on a chain signify except – to some degree, anyway – 'I'm Christian'?[,]" and that the offending religious symbols are no more revealing of a bearer's religious fervour or proselytism than the tolerated items. Selley maintains that if less apparent symbols are tolerated, all ostentatious religious symbols should be. For Alec Castonguay (September 10th, 2013, *L'actualité*) and Iranian-born actor Mani Soleymanlou (in *La Presse*, September 29th, 2013), bearing less visible religious symbols is nevertheless evidence of religious belief and should therefore not be tolerated in a purely *laïque* state. For political science professor at UQAM Julien Bauer, the *Charte's* provisions when it comes to exceptions to prohibited ostentatious religious symbols make the law very difficult to effectively apply (Roxanne D'Arco, September 30th, 2013, *Le Journal International*). For Noonan, Forst-Sells and Liang (September 30th, 2013, *The Varsity*) the *Charte's* exceptions further point to the privilege of Catholicism, since Catholic religious symbols are deemed less ostentatious, while Sikh, Jewish and Muslim symbols are deemed inappropriate.

One last source of contradiction that commentators have highlighted is the fact that the *Charte des valeurs québécoises* hinders the PQ's nationalist effort and goes against nationalist precedents. Emily Laxer (September 25th, 2013, *The Globe and Mail*) points out that Marois has turned her back on the efforts of sovereignists over the past 50 years, who have tried to find a balance between cultural preservation and an inclusive civic nationalism; Bill 101 exemplifies these efforts. Indeed, for Laxer, "[t]he proposed Charter of Values breaks with this history of allowing a productive tension between ethnic and civic belonging in Quebec's nationalist discourse." Laxer and Jacques Parizeau (in Katia Gagnon, October 3rd, 2013, *La Presse*; Ingrid Peritz, October 3rd, 2013, *The Globe and Mail*; Michelle Gagnon, October 2nd, 2013, *CBC News*) have insisted that the *Charte* will hinder sovereignist

⁵³ "People voting for laws in the National Assembly, including ministers, will not have to display the neutrality they demand from functionaries."

efforts by dividing the movement, turn away ethnic minorities and build up federalism as the defender of minority rights. Nationalist militant Jean Dorion also worries about the impact of the *Charte* on the sovereigntist project, by threatening efforts to gather the support of cultural minorities for sovereignty (*Radio-Canada*, November 4th, 2013).

Reactions of public sector employees of minority faiths. Additionally, many journalists observed the reactions of people who would be affected by the *Charte des valeurs québécoises*, namely public sector employees of minority faiths. Their response seems unanimous; they will refuse to reject their faith to work in the public sector (Katia Gagnon, September 11th, 2013, *La Presse*). Sanjeet Singh Saluja, an ER doctor of Sikh faith who wears a turban, Z. M., a Muslim functionary who wears a *hijab*, Michael Bensemana, a Jewish English teacher who wears a *kippa*, (all three in Katia Gagnon, September 11th, 2013, *La Presse*), Diaa Quarmauch, a Muslim woman who wears a *hijab*, (in Nelson Wyatt and Peter Rakobowchuk, September 11th, 2013, *CTV News*), Zayned El-Mardi, a Muslim social worker who wears the veil, and Marlene Figureroa, a veil-wearing Muslim caregiver working in CHSLD (both in Amélie Daoust-Boisvert, October 5th, 2013, *Le Devoir*), Iethar A., a veil-wearing social worker (in Fanny Texier, October 24th, 2013, *Huffington Post*) all agreed that they would prefer to quit their jobs than to remove their religious symbols. El-Mardi added that

“Je n’ai pas envie ni d’être sauvée ni d’être infantilisée[.] [...] Là, on me dit : on va te donner un espace au travail où tu peux te sentir libre de te dévoiler. Je peux te dire que, parmi mes amies, pas une ne porte le voile de force. Ce sont des femmes éduquées.”⁵⁴ (quoted in Amélie Daoust-Boisvert, October 5th, 2013, *Le Devoir*)

She maintained that the *Charte des valeurs québécoises* targets Muslim women and that it is unfair that the government seems to seek to exclude them from public employment on the basis of their faith. Figueroa praised her colleagues and neighbours for supporting her and insisting that the government’s position is not their own; she has faith in Quebecers to make the right decision in the matter of the *Charte* (Amélie Daoust-Boisvert, October 5th, 2013, *Le Devoir*).

Manifestations surrounding the official release of the *Charte* guidelines

September 14. Both supporters and opponents of the *Charte* have organized manifestations since the release of the *Charte des valeurs québécoises*, to demonstrate their opinions. The first manifestation took place on September 14th, 2013, to denounce the *Charte*. Organized by the *Collectif québécois contre l’islamophobie*, the event attracted about 20 000 people, including immigrants, ethnic minorities and “Québécois de souche,” with demonstrators wearing a variety of religious symbols such as *hijabs*, turbans and crucifixes (Roxane Léouzon, September 13th, 2013, *Journal Métro*; Philippe Teisceira-Lessard, September 14th, 2013, *La Presse*; Agence QMI, September 14th, 2013, *Canoe*; *CBC News*, September 14th, 2013). However, the Jewish community, represented by the Centre consultatif des relations juives et israéliennes, expressed their surprise that the manifestation was organized on Yom Kippur, the most sacred day in the Jewish calendar, and declared that they would not participate in the manifestation (Roxane Léouzon, September 13th, 2013, *Journal Métro*; Agence QMI, September 14th, 2013, *Canoe*; *CBC News*,

⁵⁴ “[I] do not want to be saved or to be infantilized[.] [...] Now, I’m being told: we will give you a space at work where you can feel free to unveil yourself. I can tell you that, among my friends, not one wears the veil by force. They are educated women.”

September 14th, 2013). Moreover, the Jewish community distanced itself from the organization behind the demonstration. Indeed, the Collectif québécois contre l'islamophobie, about which little is known, and its spokesperson Adil Charkaoui have attracted comment. It has been reported that Charkaoui had previously supported the visit of controversial Islamists known for harbouring sexist positions and that the spokesperson had been imprisoned for 21 months before being released in 2005 for presumably being linked to Al-Qaida (*Radio-Canada*, September 13th, 2013b; Agence QMI, September 14th, 2013, *Canoe*; *Radio-Canada*, September 14th, 2013). Overall, the manifestation went along well and peacefully; according to the participants and the organizers, it is only the first of a series of demonstrations (Agence QMI, September 14th, 2013, *Canoe*; *Radio-Canada*, September 14th, 2013).

September 21. Another manifestation opposing the *Charte* was organized by two law students, Julien Primeau Lafaille and Claire Durocher, and took place on September 21st, 2013, in Quebec City. More than 300 people manifested, including Muslims, Christians, Hindus, atheists, and First Nations people. The demonstrators maintained that Quebec City would be tremendously affected by the *Charte* since a lot of functionaries live in the city (*Radio-Canada*, September 21st, 2013).

Concurrently, a rally took place in Montreal in support of the *Charte des valeurs québécoises*. Several hundred people gathered in downtown Montreal. Few visible minorities marched in this demonstration (Sidharta, Banerjee, September 22nd, 2013). While some supported the *Charte* as it is, others called for it to go farther, notably when it comes to the crucifix in the National Assembly (Sidharta, Banerjee, September 22nd, 2013). The PQ distanced itself from the rally, insisting that it does not want to be associated with “extremists” that may participate (*CBC News*, September 22nd, 2013a). A conference by the sovereignist group Génération Nationale in favour of the *Charte* also took place and gathered about a hundred attendants (*CBC News*, September 22nd, 2013a).

September 29. Another manifestation against the *Charte* took place in Montreal on September 29th, 2013. It was organized by a group of young professionals from Montreal of diverse origins, called the Rassemblement des citoyens et citoyennes engagé(e)s pour un Québec ouvert (CNW Telbec, September 29th, 2013, *Newswire*). There were fewer marchers, about 5000, but they seemed to be more diversified (*La Presse Canadienne*, September 28th, 2013, *La Presse*; *The Canadian Press*, September 29th, 2013, *CBC News*). Whereas they were absent on September 14th, the Centre consultatif des relations juives et israéliennes was present in the September 29th manifestation and encouraged its members to attend (*La redaction*, September 30th, 2013, *fait religieux.com*; CNW Telbec, September 29th, 2013, *Newswire*). According to one of the organizers, Eddy Perez, the manifestation seeks to denounce the PQ's project to frame the wearing of ostentatious symbols in public institutions by gathering citizens of all origins, to demonstrate that there is no integration problem in Quebec (*La redaction*, September 30th, 2013, *fait religieux.com*). Rhoda Wise (September 30th, 2013, *The Gazette*), a citizen who marched in this rally, declared that during the manifestation, citizens of all faiths, wearing all kinds of religious symbols, marched side by side and that there was a sense of unity and camaraderie among the

demonstrators, which showcases that religious symbols are not a source of divisiveness like the government insists.

October 6. Another manifestation took place in Quebec City on October 6th, 2013, to oppose the *Charte*. The rally was organized by Muslim leader Adil Charkaoui, who had organized the September 14th march in Montreal. While the rally attracted a few hundred citizens of diverse faiths and origins, from around the province, many marchers denounced the *Charte* for disrespecting Islam, the freedom of religion and the choice of some Muslim women to wear the veil (*Radio-Canada*, October 6th, 2013; *La Presse Canadienne*, October 10th, 2013, *CTV News*).

October 19. Members of the Association des garderies privées du Québec (AGPQ) manifested in Montreal on October 19th to denounce the *Charte*. The president of the association, Sylvain Lévesque, criticized the government for invading the affairs of daycares by imposing a dress code through the *Charte des valeurs québécoises*, and for subjecting private daycares to budget cuts. He maintained that private daycare owners and workers embrace inclusive values. He condemned the *Charte* since it would emphasize a worker's appearance over their competence, and since it would threaten the jobs of some daycare workers in a time of shortage of daycare staff (*Radio-Canada*, October 19th, 2013).

October 20. A few hundred protestors demonstrated in Montreal to denounce the *Charte des valeurs québécoises* on October 20th (*Radio-Canada*, October 20th, 2013). The march was organized by a group called "Together against the Xenophobic Charter." It included people from across the political, cultural and religious spectrums (*CTV Montreal*, October 20th, 2013, *CTV News*). The protestors denounced the effect of the *Charte* on employment of religious minorities and on the increased ostracizing of minorities (*Radio-Canada*, October 20th, 2013).

October 26. The "Janettes", a group of men and women rallied around television personality Janette Bertrand's position on the *Charte*, which insists that the project is necessary to protect gender equality and the rights of women, marched in Montreal, on October 26th (Bahador Zabihyan and Mélanie Loisel, October 28th, 2013, *Le Devoir*). A few thousand people answered the call of "Janettes" and marched to support the *Charte des valeurs québécoises*, to declare that the *Charte* is necessary to protect women's rights (*Radio-Canada*, October 26th, 2013; *Canadian Press*, October 27th, 2013, *National Post*). Bertrand herself was present, but did not march. Other personalities present included television host Julie Snyder, Djemila Benhabib and student leader Martine Desjardins (Bahador Zabihyan and Mélanie Loisel, October 28th, 2013, *Le Devoir*).

October 27. Multiple groups representing the Muslim community, allied with groups from other religious communities, united to denounce the *Charte des valeurs québécoises* and its impact on access to public employment for members of religious minorities. The group, however, declared that it agrees with the principle of state neutrality, but not with the *Charte's* discriminatory measures (Caroline Montpetit, October 25th, 2013, *Le Devoir*). A few dozen members of the associations, along with about 500 participants, marched on October 27th, in Montreal, to express their disagreement with the *Charte* (*TC Media*, October 28th,

2013, *La Voix du Sud*; Ewan Sauves, October 27th, 2013a, *Journal de Montreal*). The march's goal was to focus the debate surrounding the Charte on important societal issues such as the right to work, instead of the dominant us/them discourse monopolizing the debate (Ewan Sauves, October 27th, 2013a, *Journal de Montreal*). Quebec solidaire MP Amir Khadir participated in the march and praised the organizers for their focus on defending laïcité and individual rights. Other personalities in the march included television host Stéphane Gendron and NPD federal MP Alexandre Boulerice (Bahador Zabihyan and Mélanie Loisel, October 28th, 2013, *Le Devoir*).

Reactions of Provincial and Federal Parties

All major provincial and federal party leaders responded to the leaks of the *Charte des valeurs québécoises* guidelines and to the official release of those guidelines. Overall, it seems that most provincial and federal parties oppose the *Charte*, except for the Parti Québécois and the Bloc Québécois, though some bloquistes have criticized the project (Denis Lessard, September 10th, 2013, *La Presse*).

The PLQ's "constructive opposition"

Clearly, PLQ leader Philippe Couillard does not agree with the PQ's *Charte des valeurs québécoises* as revealed in the leaks. Couillard stated that his party would not support measures prohibiting government employees from wearing religious symbols and that Bill 94, which would only legislate that those receiving or dispensing government services should do so with their faces uncovered, would remain the PLQ's position on banning religious symbols in the public sector (Jane Taber and Kim Mackrael, August 29th, 2013, *The Globe and Mail*; Kevin Dougherty, May 22nd, 2013, *The Gazette*). However, Pauline Marois welcomed the opposition leader's constructive opposition and was even willing to trigger partial elections to aid him in obtaining a seat in the National Assembly so that he may participate in the debates surrounding the *Charte*, a proposition which Couillard rejected since he would prefer to win a seat during the next general elections (David Rémillard, August 25th, 2013, *La Presse*).

After the official release of the guidelines, Philippe Couillard and the PLQ further expressed their disagreement with the *Charte des valeurs québécoises*, claiming that the PQ is turning away from René Lévesque's "héritage d'ouverture et de démocratie qui a caractérisé ce grand Québécois"⁵⁵ (Couillard quoted in *Radio-Canada*, September 11th, 2013b; Les Perreux and Ingrid Peritz, September 11th, 2013, *The Globe and Mail*). However, Philippe Couillard also expressed that his party would be willing to work with the PQ on the elements of their project which have attracted consensus, such as the need to solidify the neutrality of the State, the need for guidelines to regulate reasonable accommodations and the policy dealing with receiving and offering government services with uncovered faces (*Radio-Canada*, September 11th, 2013b; *Radio-Canada*, September 12th, 2013a). Indeed, Liberal MP Marc Tanguay insisted that the complete ban on religious symbols for public sector employees threatens fundamental freedoms and creates an obstacle for some citizens to work in the public sector, and declared that the PLQ "ne sera pas complice de cette négation des droits"⁵⁶ (quoted in Denis Lessard, September 10th,

⁵⁵ "heritage of openness and democracy which characterised this great Quebecker."

⁵⁶ "will not be an accomplice in this negation of rights"

2013, *La Presse*). The PLQ even opposes the prohibition of religious symbols for figures of authority in the public service, such as police officers and judges (Jean-Marc Salvet, October 3rd, 2013, *La Presse*). Couillard has also requested that the government back off of the *Charte* issue to concentrate on more pressing problems, such as employment and the economy (*Radio-Canada*, September 11th, 2013b; Bernard Descôteaux, October 5th, 2013, *Le Devoir*).

While different polls have gathered different results, a poll by Forum Research concluded that the *Charte des valeurs québécoises* issue has afforded the Liberals a boost in electoral intentions, enough even to potentially “secure a ‘hair thin’ majority in the province if an election were called today” (Jake Edmiston, September 15th, 2013, *National Post*). However, the Liberals would mostly gain seats from the CAQ, not the PQ (Jake Edmiston, September 15th, 2013, *National Post*). According to Liberal MPs from Laval, a Liberal government would enshrine interculturalism as a model to deal with cultural diversity, add the neutrality of State institutions to the *Charte des droits et libertés de la personne*, and adopt guidelines for reasonable accommodations (Stéphane St-Amour, October 9th, 2013, *Courrier Laval*).

The CAQ's *Charte de la laïcité*

For CAQ leader François Legault, the *Charte des valeurs québécoises*' emphasis on values instead of *laïcité* and its policies, revealed in the leaks, are confusing, and too radical. To instate guidelines for reasonable accommodations, it is necessary, according to Legault, to elaborate a *Charte de la laïcité*, as the PQ originally planned. The CAQ's project rests on three principles, state neutrality, equality of the sexes and respect for Quebec patrimony, and would only prevent state employees who most directly represent the authority of the state, such as policemen or judges, as well as teachers, from wearing ostentatious religious symbol, since imposing such restrictions on nurses, doctors, daycare workers and other state employees (including elected officials) makes little sense and restricts the freedom of religion too forcefully; the CAQ's *Charte* would also protect the crucifix in the National Assembly and authorize municipal councilmen to recite a prayer before meetings (Yanick Cyr, August 26th, 2013, *Radio-Canada*; Jean-Luc Lavallée, August 26th, 2013, *Canoe*; Paul Journet, August 26th, 2013, *La Presse*; Joanie Mailhot, August 26th, 2013, *Le Courrier du Sud*; *Radio-Canada*, August 26th, 2013, *Sympatico*; Kevin Dougherty, May 22nd, 2013, *The Gazette*). Therefore, the CAQ presented their own version of the PQ's projected *Charte*, one that is milder, perhaps in an effort to attract the support of voters who disagree with the *Charte des valeurs québécoises*.

After the official release of the *Charte* guidelines, François Legault reiterated that the CAQ's propositions formulated in late August constitute the most sensible solution to the problem the *Charte* seeks to address (*Radio-Canada*, September 12th, 2013a). Indeed, the CAQ continued to support the position of Bouchard and Taylor and extend the prohibition to teachers (Jean-Marc Salvet, October 3rd, 2013, *La Presse*). Legault has called for the adoption of a compromise, and for a meeting of all party leaders to discuss the *Charte*, which Marois has rejected (Jean-Marc Salvet, October 22nd, 2013, *La Presse*). With the

polarisation of opinions on the *Charte*, the CAQ, with its moderate position, has lost points in voter intentions, to the profit of the Liberals (who entirely oppose the *Charte*) and the PQ (which entirely supports it) (Jean-Marc Salvet, October 22nd, 2013, *La Presse*).

Quebec Solidaire

While Québec Solidaire and its spokesperson Françoise David were critical of the *Charte* since the leaks, they were more vocal and proactive in their opposition following the official release. Indeed, QS proposed its own version of the *Charte*, the *Charte de la laïcité de l'État québécois*. Québec Solidaire's charter also would proclaim certain values shared by all Quebecers, like democracy, equality of men and women, neutrality of the state and protection of minorities. It would only prohibit religious symbols for those in positions of authority in the government, and would prohibit the presence of religious ornaments in the National Assembly and the recitation of a prayer in municipal councils. It would also stipulate that government services must be received or dispensed with uncovered faces and provide guidelines for reasonable accommodation (*Radio-Canada*, October 9th, 2013; Louis Gagné, October 9th, 2013, *Canoe*). The proposed charter represents a compromise even for QS since the party would also prefer to abolish funding of religious schools and tax exemptions for churches (*Radio-Canada*, October 9th, 2013). QS called for the government to adopt a compromised position such as the one presented in the *Charte de la laïcité de l'État québécois* and to cease utilizing divisive and harmful identity politics for their own electoral gains (Louis Gagné, October 9th, 2013, *Canoe*; Kevin Dougherty, October 9th, 2013, *La Presse*) Importantly, a section of QS which supports the *Charte* joined the *Rassemblement pour la laïcité* (Sarah-Maude Lefebvre, September 21st, 2013, *Huffington Post*).

The NDP's assertive stance

Following the leaks, NDP leader Thomas Mulcair resolutely opposed the *Charte des valeurs québécoises*, despite the political risk he might incur since the NDP represents 57 of the 75 electoral districts in Quebec. Mulcair, who had testified in front of the Bouchard-Taylor commission, fully agrees with the commissioners' conclusions and refuses to support any policy that goes beyond their recommendations or goes against the Canadian Charter of Rights and Freedoms (Yanick Cyr, August 26th, 2013, *Radio-Canada*; Hugo de Grandpré, August 26th, 2013, *La Presse*; Stéphane Marin, August 26th, 2013, *Huffington Post*). Daniel Paillé, leader of the Bloc Québécois, criticized Mulcair, a federal leader, for getting involved in provincial matters, claiming that Mulcair's intervention "est encore une fois la preuve que le fédéralisme, sous le prétexte de la politique multiculturelle canadienne, nie la nation québécoise"⁵⁷ (quoted in Lia Lévesque, August 28th, 2013, *La Presse*). However, Mulcair defended his right to express his position on provincial matters by explaining that he represents an electoral district from Quebec and has worked in Quebec his whole career, and that, as an elected representative, he is part of the debate (Lia Lévesque, August 28th, 2013, *La Presse*; The Canadian Press, August 29th, 2013a, *National Post*).

Despite the political risk his party might incur, Thomas Mulcair has reiterated his opposition of the *Charte* following the official release of the PQ's project. He has maintained

⁵⁷ "is once again proof that federalism, under the pretext of the Canadian multicultural policy, denies Quebec's nationhood."

that the proposed *Charte* is unacceptable, unjustly targets Muslim women, and threatens human rights for purely electoral reasons and that he would not back down despite the effect his position might have on his party's standing in the province of Quebec (*Radio-Canada*, September 10th, 2013; Philip Authier, September 10th, 2013, *National Post*; *CBC News*, September 10th, 2013b; James Fitz-Morris, September 11th, 2013, *CBC News*; Kelly McParland, September 12th, 2013, *National Post*). He also insisted that even if the PQ decides to modify its projected *Charte*, the damaging effects of the *Charte* on Quebec's reputation and its population would persist (Fannie Olivier, October 9th, 2013, *La Presse*).

The BQ's potential recovery and the Mourani controversy

Provincial minister Jean-François Lisée claimed after the leaks that the *Charte* issue might reflect badly on Thomas Mulcair and his party in Quebec because of his opposition to the project, leaving the Bloc Québécois as the only federal party supporting the *Charte*. The Bloc might therefore recover its prominence in Quebec after the disastrous results of the 2011 federal election, since, according to Lisée, the majority of Quebecers support the *Charte des valeurs québécoises* (Isabelle Porter, August 26th, 2013, *Le Devoir*).

On the day of the official release, BQ leader Daniel Paillé praised the PQ for its willingness to tackle the issue of *laïcité* and Quebec values without explicitly expressing his support of the *Charte* project (*Radio-Canada*, September 10th, 2013). The next day, on September 11th, the BQ articulated its full support for the PQ's proposed *Charte des valeurs québécoises*, therefore seemingly turning back on the BQ's 2007 position according to which only public sector employees in authoritative roles, such as judges or police officers, should be barred from wearing ostentatious religious symbols (*Radio-Canada*, September 12th, 2013a; Susana Mas, September 12th, 2013, *CBC News*).

However, one of the BQ's five MPs, Maria Mourani, has expressed her opposition of the *Charte* following the official release, resulting in her expulsion from the party. Mourani described the *Charte des valeurs québécoises* as a political miscalculation on Pauline Marois' part, and as a hindrance to the sovereignty movement, since the participation of immigrants and ethnic minorities is necessary (Susana Mas, September 12th, 2013, *CBC News*; Agence QMI, September 13th, 2013, *Canoe*). Paillé deemed Mourani's comments to be incompatible with the BQ party line and expelled her from the caucus (Susana Mas, September 12th, 2013, *CBC News*). Former BQ MP Jean Dorion denounced Mourani's expulsion and lamented that she was the only Bloc MP from the Montreal region, the only woman sitting in parliament as a BQ representative, and the only currently elected member of the BQ that is from an ethnic minority (Susana Mas, September 12th, 2013, *CBC News*). Following her expulsion, Mourani will sit as an Independent MP in the House of Commons, leaving the Bloc Québécois with just four MPs (Kelly McParland, September 12th, 2013, *National Post*). A petition denouncing the situation has been circulating; while not demanding Paillé's resignation, the petition's creator, Jocelyn Desjardins, founder of the Nouveau Mouvement pour le Québec, questions Paillé's ability to lead the BQ (*La Presse Canadienne*, September 14th, 2013, *Le Devoir*).

The CPC's resistance and priorities

After the leaks, the Conservatives have been relatively quiet on the issue. Stephen Harper initially commented little on the controversy because it is a provincial matter and because he wished to wait until the official release of the contents of the *Charte* before passing judgement (Stéphane Marin, August 26th, 2013, *Huffington Post*; The Canadian Press, August 29th, 2013b, *National Post*). He also claimed that his government was more concerned with the economy and job creation for all Canadians (The Canadian Press, August 29th, 2013b, *National Post*). Minister Jason Kenney simply declared that the freedoms of conscience and religion were universal values and that his party hoped that the Quebec government would continue to respect these rights (Hugo de Grandpré, August 26th, 2013, *La Presse*). Stephen Harper also added that the protection of the fundamental rights of Canadians is a priority for his government (La Presse Canadienne, August 29th, 2013, *La Presse*). For a *National Post* editorialist (August 27th, 2013), the Conservative government's inaction in the face of "a clear case of a xenophobic provincial government trying to restrict the religious freedom of Canadian citizens" is "political cowardice" which voters should keep in mind when the next federal election comes. On the other hand, for Tom Flanagan (October 7th, 2013, *The Globe and Mail*) Ottawa's cautious response to the *Charte* was a wiser approach than "vociferous criticism", especially since the released version of the *Charte* is just a draft.

The Conservative Party was more vocal in its opposition of the *Charte* after the official release of its principles. The Harper government expressed its intention to vigorously contest any law judged to be unconstitutional or which violates religious freedoms in the Canadian Charter (*Radio-Canada*, September 10th, 2013; Philip Authier, September 10th, 2013, *National Post*; Staff, September 10th, 2013, *Global News*; Daniel Schwartz, September 11th, 2013, *CBC News*; *CBC News*, September 13th, 2013; James Fitz-Morris, September 11th, 2013, *CBC News*). For Huguette Young (September 12th, 2013, *Huffington Post*), the government's reaction to *Charte*, based on the defense of fundamental rights in the Canadian Charter of Rights and Freedoms, is surprising, since the government did not highlight the charter's 50th anniversary on April 17th, 2012. She posited that the Conservatives' reaction is informed by its intentions to limit the federal Liberal Party's support among ethnic minorities, since "[s]'il ne veut pas se mettre les communautés culturelles à dos, le gouvernement Harper n'a donc pas vraiment le choix de contester, ou à tout le moins, de menacer de contester cette Charte des valeurs québécoises devant les tribunaux."⁵⁸ Moreover, minister Jason Kenney also maintained that the federal government would not fall for the PQ's attempt to pick fights with it and concentrate on the priorities of Canadians, namely employment (*Radio-Canada*, September 10th, 2013). Interestingly, Conservative minister Denis Lebel declared that nothing in the *Charte des valeurs québécoises* shocked him, and that he believes that the government should respect the province's competence and choices, and then step in to ensure that the rights of all Canadians are respected (*Radio-Canada*, September 24th, 2013; The Canadian Press,

⁵⁸ "If it does not want to lose the support of cultural communities, the Harper government does not have a choice but to contest, or at least, to threaten to contest this *Charte des valeurs québécoises* before the courts."

September 25th, 2013, *CBC News*; Fannie Olivier and Lia Lévesque, September 24th, 2013, *CTV News*).

The PLC's controversial response and opposition

PLC leader Justin Trudeau was particularly concerned when information on the *Charte des valeurs québécoises* was leaked. He feared that the *Charte* addresses issues that do not exist and may create fears and tarnish Quebec's image (Hugo de Grandpré, August 26th, 2013, *La Presse*; Stéphane Marin, August 26th, 2013, *Huffington Post*). Controversially, Trudeau commented on the *Charte* during a speech commemorating the 50th anniversary of Martin Luther King's "I have a dream" oration, on August 28th 2013. Trudeau declared that

"Ces jours-ci, quand on réfléchit au 50^e anniversaire de ce discours magnifique du Dr King, qui refusait la ségrégation, qui refusait la discrimination, qui refusait de permettre de croire qu'il y avait des citoyens de seconde classe, on voit malheureusement que même aujourd'hui, quand on parle, par exemple, de cette idée de charte des valeurs québécoises, qu'il y en a encore qui croient qu'il faut choisir entre sa religion et son identité québécoise, qu'il y a des gens qui sont forcés par l'État québécois de faire des choix irresponsables et inconcevables"⁵⁹ (quoted in *Radio-Canada*, August 29th, 2013, *Huffington Post*).

Trudeau's analogy attracted criticism from Quebec politicians. Minister Alexandre Cloutier denounced Trudeau's comments and lamented that "[c]omme leader d'un parti national, on s'attend à ce qu'il fasse preuve d'ouverture et qu'il invite la population à débattre plutôt qu'à susciter la controverse"⁶⁰ (quoted in Régys Caron, August 29th, 2013, *Journal de Montréal*). Bernard Drainville also felt that Trudeau did not contribute to the conversation on the *Charte* with his controversial comments, and Jean-François Lisée insisted that Trudeau, while entitled to his opinion, should avoid using excessive or incendiary language (Alexandre Robillard, August 29th, 2013, *Huffington Post*). The day following his speech, Trudeau defended his comments, claiming that "[i]l n'y a aucun parallèle entre la ségrégation et la charte québécoise. Le parallèle est dans la lutte pour l'ouverture et le respect et l'acceptation de chacun"⁶¹ (quoted in *Radio-Canada*, August 29th, 2013).

The PLC's response to the official release of the *Charte* guidelines was equally determined and unequivocal. Justin Trudeau continued to express his desire to protect religious freedoms and to denounce the PQ's divisive identity policies and its attempt to distract attention from my important issues such as the economy (*Radio-Canada*, September 10th, 2013; *Radio-Canada*, September 11th, 2013; *CBC News*, September 10th, 2013b; James Fitz-Morris, September 11th, 2013, *CBC News*; Kelly McParland, September 12th, 2013, *National Post*). Trudeau also maintains that Pauline Marois and her government do not speak for all Quebecers and that he trusts Quebecers to make the right choice

⁵⁹ "These days, when we think about the 50th anniversary of the magnificent speech of Dr. King, who refused segregation, who refused discrimination, who refused to allow to believe that there were second class citizens, we unfortunately see that even today, when we talk about, for example, this idea of a charter of Quebec values, some still believe that it is necessary to choose between one's religion and Québécois identity, some people are forced by the Quebec state to make irresponsible and inconceivable choices."

⁶⁰ "As a federal party leader, we expect him to keep an open mind and to encourage the population to debate instead of creating controversy."

⁶¹ "There is no parallel between segregation and the Quebec charter. The parallel is in the fight for openness and respect, and acceptance for everyone."

when it comes to the *Charte des valeurs québécoises* (CBC News, September 10th, 2013b; Radio-Canada, September 12th, 2013a).

Conclusion: Future of the *Charte*

Following both the leaks and the official release of the guiding principles of the *Charte des valeurs québécoises*, the PQ's government's project has attracted polarizing opinions. While some feel that the *Charte* addresses a problem that needs to be addressed, facilitates the integration of religious minorities and protects the neutrality of the State and Quebec's patrimony, others feel that the *Charte* is baseless and inappropriate, threatens religious freedoms and presents numerous problematic incoherencies. Moreover, it seems that the PQ and BQ are the only parties, whether provincial or federal, to support the *Charte*.

As for what comes next in the development of the *Charte des valeurs québécoises* and the process it will have to undergo to become law, the population of Quebec has been invited to share their opinions on *Charte* through a government website and phone line dedicated to this purpose (No Author, September 10th, 2013, *Courrier de Saguenay*; Denis Lessard, September 10th, 2013, *La Presse*), a process which lasted a few weeks. Overall, the government gathered 18,000 written comments and received a thousand phone calls (The Canadian Press, September 30th, 2013, *CTV News*). Following the compilation of the results of the comments, Drainville initially refused to make the results public at the request of Radio-Canada, and the insistence of other parties (*Radio-Canada*, September 30th, 2013; The Canadian Press, September 30th, 2013, *CTV News*). Instead, Drainville insisted that civil servants would synthesize the comments, giving his government "a pretty good idea of what the citizens think" (quoted in Kevin Dougherty, September 25th, 2013, *The Gazette*; The Canadian Press, September 30th, 2013, *CTV News*). In late October, the government released a chart compiling the comments they received (see Appendix). According to the compilation, 68% of respondents are favourable to the *Charte* as it is or would prefer it be to modified (by allowing religious symbols, prohibiting religious symbols only for figures of authority and teachers, removing the derogation clause, including elected officials in the prohibitions or removing the Crucifix, among others), while 18% of respondents oppose the *Charte*. 7% of comments supported or opposed specific aspects of the *Charte*, and 7% of comments were uncertain or not relevant (Gouvernement du Québec, 2013b). Drainville declared that the results were reflective of the beliefs of Quebecers and that the support for the *Charte* revealed in this result emboldens his party to continue further with the project (The Canadian Press, October 22nd, 2013, *CTV News*; CBC News, October 22nd, 2013).

Later this fall, Bernard Drainville will present a bill to the National Assembly which will take into consideration the comments gathered across the population (Gouvernement du Québec, 2013a, press release; No Author, September 10th, 2013, *Courrier de Saguenay*; Radio-Canada, September 10th, 2013, *Huffington Post*). Many commentators have outlined the government's options. Some have pointed out that the government could water down their proposal to make it more palatable to opponents in the National Assembly (The Canadian Press, September 25th, 2013, *CBC News*). The PQ government could also keep the *Charte* as it is and start an election (The Canadian Press, September 25th, 2013, *CBC News*). Drainville initially did not reject softening the *Charte*, but insisted that the great principles

of the project would not be changed (Jean-Marc Salvét, October 3rd, 2013, *La Presse*; Katia Gagnon, October 3rd, 2013, *La Presse*). He has affirmed that the Charte project will be modified to reflect the population's comments, but did not specify in what way (Gouvernement du Québec, 2013a, press release; *Radio-Canada*, October 22nd, 2013; TC Media, October 23rd, 2013, *La Nouvelle Union*).

However, it has also been reported that the government has no interest in watering down the project, rejecting the compromised position proposed by Quebec Solidaire and Jacques Parizeau, and might even toughen it by narrowing the opt-out clause, to be replaced by a transitory period, and extending the prohibition of ostentatious religious symbols to elected officials (The Canadian Press, September 25th, 2013, *CBC News*; The Canadian Press, October 10th, 2013, *Global News*; Don Macpherson, October 11th, 2013, *Toronto Sun*; Denis Lessard, October 3rd, 2013, *La Presse*; Denis Lessard, October 15th, 2013, *La Presse*), especially after the results of the public consultations, with many supporters of the project leaning towards these modifications, namely the removal of the crucifix in the National Assembly, and the abolition of the derogation clause (Denis Lessard, October 22nd, 2013, *La Presse*; TC Media, October 23rd, 2013, *Québec Hebdo*; TC Media, October 23rd, 2013, *La Nouvelle Union*). It was reported that the health sector may be exempt from the requirements of the Charte, which would solve a major obstacle to the support of the Charte, since institutions like the General Jewish Hospital would therefore be unaffected (Denis Lessard, October 15th, 2013, *La Presse*); Drainville has denied this report and insists that the Charte will apply to all state employees (TC Media, October 16th, 2013, *Courrier Frontenac*). It has also been suggested that functionaries presently working for the government should be excluded from the requirements of the *Charte*, since they have a “droit acquis”⁶² to bear religious symbols, while new employees would have to abide to it, “en toute connaissance de cause”⁶³ (Denis Lessard, October 9th, 2013, *La Presse*). Reportedly, Pauline Marois may also be considering removing the crucifix in the National Assembly (Fannie Olivier, October 9th, 2013, *La Presse*; Don Macpherson, October 11th, 2013, *Toronto Sun*). Denis Lessard (October 15th, 2013, *La Presse*) reports that this decision has been taken and the crucifix will be removed.

According to Philip Authier (September 10th, 2013, *National Post*), the government's schedule when it comes to the *Charte* may collide with the next elections, since the days of Marois' minority government seem to be winding down, and the bill may therefore never pass. Indeed, there have been indications that there might elections on December 9th (The Canadian Press, October 22nd, 2013, *CTV News*). Indeed, Patrick Lagacé insists that the minority government will need the support of either the Liberals or the Caquistes to pass their bill; therefore, the PQ's goal is to make the next general election, which could come sooner than later if the Quebec population continues to support the *Charte*, about identity issues. However, poll expert Jean-Marc Léger has declared that it would be risky for the prime minister to launch an election because the population does not want an election (*Radio-Canada*, October 22nd, 2013). Moreover, Laval University political scientist Éric Montigny has pointed out that Bill 3 “fixes elections every four years and, technically, takes

⁶² “acquired right”

⁶³ “with full knowledge”

away the Premier's partisan advantage of deciding when to hold a vote" and that the only way for Marois to declare an election is to hold a confidence vote and lose it (Caroline Plante, October 15th, 2013, *Global News*).

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http://www.mcgill.ca/files/humanrights/Centaur_Project_Description.pdf