

Tabling Bill 60, September 2013-January 2014 : *The Charter Affirming the Values of State Secularism and Religious Neutrality and of Equality between Women and Men, and providing a Framework for Accommodation Requests*

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In the 2012 general elections, the Parti Québécois suggested, as part of their electoral promises, to enshrine Quebec *laïcité* with a law, in an effort to ensure the neutrality of the state towards religion and to provide a framework for accommodation requests for religious reasons. Reasonable accommodations have been seen as problematic among the general population since the reasonable accommodation crisis which started around 2007. Following the election of the PQ in September 2012, the minority government's proposed project, then entitled the *Charte de la laïcité*, was eagerly expected.

The potential contents of the eventual bill were first revealed in August 2013, when the general guidelines of the *Charte des valeurs québécoises* were leaked in the *Journal de Québec*. These guidelines outline the government's plan to prohibit public and parapublic employees from bearing ostentatious religious symbols during work hours, with some

exceptions for private schools and daycares in a family setting, and to protect the presence of the crucifix hanging in the National Assembly. The reactions to the leaked contents were quite polarized, with some commentators praising the government for addressing the issue of religious presence in government institutions and for preserving the neutrality of the state and Québécois heritage, while others denounced the government's project, since it threatened rights of religious freedom and freedom of conscience.

In September 2013, Bernard Drainville, minister of Democratic Institutions and Active Citizenship, and the minister responsible for the *Charte* project, officially released the guidelines of the *Charte des valeurs québécoises*. The guidelines featured five main propositions. First, the government would modify the *Charte québécoise des droits et libertés de la personne* to enshrine the religious neutrality of the state and to include guidelines for religious accommodations. Next, the government would create a law detailing the duty of state employees to be religiously neutral. Also, the government would prohibit public employees (except for elected officials) from wearing ostentatious religious symbols. Next, the government would make it necessary to dispense and receive government services with uncovered faces. Lastly, the government would establish policies to enforce state neutrality and facilitate the management of religious accommodations. Again, the release of official guidelines attracted virulent reactions, both from supporters and opponents of the *Charte*. Following the release of the official guidelines, the government gathered popular reactions to their project, which they would then take into consideration when redacting the official bill to be tabled.

Prior to tabling the bill, it was revealed that the *Charte des valeurs québécoises* had yet again been renamed, to the *Charte affirmant les valeurs de laïcité et de neutralité de l'État ainsi que d'égalité entre les femmes et les hommes et encadrant les demandes d'accommodement* (2013, Bill 60, 40th Leg.).¹ The new name was in line with the suggestion of some commentators that the government should aim their legislation more towards *laïcité* (as it did before originally changing the name) than towards values (Geneviève Lajoie, November 6th, 2013, *Canoe*; Jean-Marc Salvet, November 6th, 2013b, *La Presse*). Drainville pointed out that the title was selected by government lawyers, who tend to prefer long, detailed titles that cover as much detail of the bill as possible, for bills to be tabled (Canadian Press, November 6th, 2013, *National Post*).

The issue of whether the tabling of the bill should be subject to a confidence vote also animated the National Assembly before the bill was tabled. While the government suggested that if any opposition party objected to tabling the bill, it would call a confidence vote which could have potentially toppled the PQ's government, the bill was ultimately tabled without such a confidence vote (*CBC News*, November 7th, 2013; Bernard Descôteaux, November 8th, 2013, *Le Devoir*). According to Rhéal Séguin and Ingrid Peritz (November 7th, 2013, *The Globe and Mail*), the government's stunt created the expectation that every National Assembly vote dealing with the *Charte* would be a vote of confidence, a

¹ *Charter affirming the values of secularism and the religious neutrality of the state, as well as the equality of men and women, and the framing of accommodation requests*. In this report, the bill will either be referred to as "Bill 60" or as the *Charte affirmant les valeurs de laïcité et de neutralité de l'État*, for short.

suggestion in line with the government's apparent intention to run an election campaign based on the *Charte des valeurs québécoises*.

The bill was finally tabled on November 7th, 2013. According to the government's press release (2013), the charter project serves to affirm communal rules to preserve harmony in diversity, including the equality of all citizens, the equality of men and women and the separation of Church and State, an idea reiterated by Pauline Marois (Benjamin Shingler, November 10th, 2013, *CTV News*). The press release also praised citizens for their contributions to the debate on the *Charte des valeurs québécoises*.

Moreover, the government's press release (2013) outlined the main elements of the bill. Namely, Bill 60 will modify the Quebec charter of rights and freedoms to add guidelines for religious accommodation, and to enshrine the equality of the men and women, the primacy of the French language and the religious neutrality of the State. The bill will prohibit public employees from wearing ostentatious religious symbols, as previously planned, and will also allow for a transitory period, which was shortened to one year for most institutions, with up to four additional years for municipalities, higher education and religious institutions, instead of the initially proposed renewable transition period of five years (*The Gazette*, November 8th, 2013). New elements that the bill added to the *Charte des valeurs québécoises* include giving the National Assembly the power to determine whether religious symbols should be allowed in government infrastructure (i.e. the crucifix in the National Assembly) (Radio-Canada, November 7th, 2013, Huffington Post; *The Gazette*, November 8th, 2013; Jean-Marc Salvét, November 6th, 2013a, *La Presse*; Geneviève Lajoie and Louis Gagné, November 7th, 2013, *Canoe*; Paul Journet, November 7th, 2013, *La Presse*), and allowing the government to extend the prohibition of apparent religious symbols to people and institutions contracted or financed by the government (Bernard Descôteaux, November 8th, 2013, *Le Devoir*; *The Gazette*, November 8th, 2013). It also opens the door to extending the prohibition to members of the National Assembly, by allowing the National Assembly to govern over the bearing of visible religious symbols by members of the National Assembly (*The Gazette*, November 8th, 2013; Geneviève Lajoie and Louis Gagné, November 7th, 2013, *Canoe*).

This report will examine the contents of Bill 60 in detail, cover the praises and criticisms of the bill, address a few events surrounding the reveal of the *Charte affirmant les valeurs de laïcité*, and observe the reactions of provincial and federal parties, before concluding with the future of the bill.

Contents of Bill 60

In its preamble, Bill 60 (*Charte affirmant les valeurs de laïcité et de neutralité de l'État*, 2013, Bill 60, 40th Leg.) declares the importance of separating Church and State, and of the equality of men and women, as well as the need to instate measures to protect these values and to provide a framework for religious accommodation (p. 5). Chapter I of the bill deals with religious neutrality of the state and the *laïque* character of public institutions, and states that public institutions must reflect the *laïque* and religiously neutral nature of the State (p. 5). Chapter II defines the responsibility of a public institution employee to demonstrate religious neutrality by not wearing ostentatious religious symbols (p. 6).

Chapter III specifies that government service must be dispensed and received with uncovered faces (p. 6). Chapter V specifies that religious accommodations must respect the equality of men and women, must not present an excessive constraint, and must not compromise the separation of Church and State (p. 8). Chapter VI outlines implementation policies; every public institution must adopt an implementation policy in line with its mission and characteristics (p. 9). Chapter VII states that the rules apply to daycare institutions. Moreover, a child's admission to a daycare must not depend on their religious affiliation, and daycare institutions must not have as one of the goals to teach a religion to their pupils (p. 11). Chapter XI outlines dispositions for modifications to existing laws, namely the *Loi sur l'Assemblée Nationale*, which notably will include a disposition allowing the National Assembly to decide on the presence of a religious symbol in the spaces of the National Assembly and another allowing it to govern over its members' wearing of ostentatious religious symbols; the *Charte des droits et libertés de la personne*, to enshrine within it the religious neutrality of the State and the primacy of the equality of men and women; and the *Loi sur les services de garde éducatifs à l'enfance*, to add that the activities of daycare institutions must respect the equality of men and women and religious neutrality (pp. 13-14). Chapter XII outlines transitory dispositions. There will be a one-year transitory period following the law's sanction. Municipalities, high education and health institutions can opt to prolong this temporary transition, which cannot last more than five years. However, health and social services institutions can request for the government to extend the transitory phase for the entirety of its personnel, or part of it. Additionally, the government allows itself to prescribe more transitory measures if necessary (pp. 15-16).

Reactions to Bill 60

As Jérôme Lussier (November 7th, 2013, *L'Actualité*) points out, while the name of the *Charte des valeurs québécoises* changed with the tabling of Bill 60, its substance remains essentially the same. Lussier adds that hundreds of news articles have been published on the subject of the *Charte*, and thousands of radio and television air time hours have been dedicated to the issue even before the tabling of the bill, and that, therefore, to some extent, "[t]out a déjà été dit"² on the *Charte des valeurs québécoises*. While few new points have arisen with the tabling of the bill, opponents and supporters of the *Charte affirmant les valeurs de laïcité* have nevertheless been quite vocal.

Praises of Bill 60

Popular support and supporting groups. It had often been reported prior to the tabling of Bill 60 that a plurality of the population of Quebec supported the government's projected *Charte des valeurs québécoises*. Similar reports have arisen following the tabling of the bill. Terence McKenna (November 7th, 2013, *CBC News*) reports that a survey revealed that 46% of Quebec voters believe that immigration threatens Quebec's cultural and social heritage; the results were split along regional and linguistic lines and tended to coincide with support for the PQ's proposal. McKenna also points out that the PQ government has received strong support "on hot-line shows and in the tabloid press, especially the outlets owned by Quebec industrialist and media magnate Pierre-Karl Péladeau." A CROP survey places support for Bill 60 at 48% of the population, and also points to a split along linguistic

² "Everything has already been said."

lines (Michel Corbeil, November 20th, 2013, *La Presse*). Law professor à Université de Montréal Daniel Turp (November 19th, 2013, *Droit-Inc*) also insists that Quebec's population largely supports taking measures, such as ensuring the neutrality of public employees, to complete the province's laicisation process. Peter Blaikie (November 14th, 2013, *The Gazette*), a Montreal lawyer and former president of the Progressive Conservative Party of Canada, also alludes to a majority support among francophones, and tries to present some reasons why a "reasonable person could support Bill 60's appalling provisions." He insists that popular supporters of the bill are informed by a willingness to "swallow anything, however absurd, declared by the Parti Québécois leaders", by ignorance and xenophobia, by the intolerance and racism that affects all societies to some extent, and by a sovereigntist plan to make Quebec unattractive for immigrants.

Moreover, many groups have declared their support for the *Charte affirmant les valeurs de laïcité*. The Janettes, a group headed by Janette Bertrand which had previously expressed its support of the *Charte des valeurs* on the grounds that it protects the equality of genders, reiterated their support following the tabling of Bill 60, since it would enshrine the religious neutrality of the State and the equality of men and women (*Radio-Canada*, November 7th, 2013a). The Coalition laïcité Québec has also publically declared its support of Bill 60, since it would encourage a more cohesive, harmonious society based on communal values (*Radio-Canada*, November 7th, 2013a). While it has not yet adopted an official position, the president of the Confédération des syndicats nationaux (CSN) has indicated that the CSN is favorable to the *Charte affirmant les valeurs de laïcité et de neutralité de l'État* but must measure its potential effect on employment before solidifying their position (*Radio-Canada*, November 7th, 2013a). The Fédération des commissions scolaires du Québec (FCSQ) agrees with many of the principles of Bill 60, including the equality of men and women and the religious neutrality of the state. However, the FCSQ disagrees that school boards would not be allowed a transitory period of five years (*Radio-Canada*, November 7th, 2013a). The Montreal schoolboard has declared that it would accept the bill, but insists that it should also be applied to government-funded private schools, many of which are religious schools (Michelle Lalonde, November 28th, 2013, *The Gazette*). The Fédération interprofessionnelle de la santé du Québec, which represents 62 000 members including nurses and cardiorespiratory healthcare providers, positioned itself in favour of Bill 60, since a majority of its members support the *Charte affirmant les valeurs de laïcité et de neutralité de l'État* (*Radio-Canada*, December 5th, 2013).

Protecting gender equality. Supporters of Bill 60, whether they are members of the general public or organized groups, have numerous reasons for their position. One of the main praises of Bill 60 is its protection of gender equality. Janette Bertrand has been especially vocal in her support of the *Charte des valeurs québécoises* because of its protection of the equality of men and women, praises which she perpetuated with Bill 60. Following the tabling of the bill, she declared:

"Quand je vois des religions qui soumettent les femmes, ça me choque [...] Et j'ai peur pour mes arrière-petites-filles. Ce sont des religions qui veulent, pour la plupart, s'épandre et, d'accommodements raisonnables en accommodements raisonnables, on se retrouve avec une charia qui fait lapider les femmes... Moi, je ne veux pas ça pour ma nation. Je ne me suis pas battue pour un retour en arrière; je

me suis battue pour mes filles, et là, je me bats pour mes trois arrière-petites-filles, pour qu'elles vivent dans un pays où les femmes sont libres et égales aux hommes"³ (Bertrand quoted in Marie-Josée Roy, November 12th, 2013, *Huffington Post*)

In addition to the Janettes, another movement of women, called "Pour les droits des femmes du Québec", which is an offshoot of the Fédération des femmes du Québec, has expressed its support for the *Charte affirmant les valeurs de laïcité et de neutralité de l'État* on the grounds that it ensures the equality of men and women (*Radio-Canada*, November 16th, 2013).

Protecting collective rights, Quebec identity and social cohesion. Some supporters of Bill 60 praise it for its protection of majority rights, Quebec identity and social cohesion. Reader Henri Marineau (November 8th, 2013, *Quebec Hebdo*) described the bill as "un catalyseur nécessaire à la prise en charge des Québécois de leur identité propre"⁴ which will become a source of harmony and cohesion for the province. For Marineau, individual rights have limits; namely, they must not threaten collective rights. Bill 60 will protect collective rights from the threat of the excesses of freedom of religion. For Martin Lavallée (November 9th, 2013, *Huffington Post*), graduate student of history at UQAM, overemphasis of individual rights, such as in the case of religious freedom, "engendre une non-société"⁵ with no collective thought. Quebec society is currently too individualistic and divided, and Bill 60 would remind individuals of their duty towards society and could contribute to rebuilding national cohesion, a prerequisite for independence. Gilles Laporte, president of the Mouvement national des Québécoises et Québécois affirmed that Bill 60 will establish a desirable balance between individual freedoms and the preservation of Quebec's identity (Monique Muise, November 8th, 2013, *The Gazette*). For reader Andréa Paradis (November 18th, 2013, *LBR.ca*), the question of the impact of immigration and cultural diversity on Quebec culture and values is a legitimate one; Bill 60 is an attempt to balance these concerns.

Student Martin Lavallée (November 9th, 2013, *Huffington Post*) adds that federal opposition to the project points to the *Charte affirmant les valeurs de laïcité et de neutralité de l'État* being an issue of national affirmation for Quebec. Indeed, "l'adoption de la Charte des valeurs québécoises incarne notre capacité collective, au Québec, d'agir et de légiférer sur notre territoire."⁶ Professor Daniel Turp (November 19th, 2013, *Droit-Inc*) views Bill 60 as an opportunity for the province of Quebec to establish an authentically Quebecois model of *laïcité*; if it is necessary to ensure the bill's passing in the face of federal criticism, Turp insists that the government should appeal to the derogatory clause of the Canadian charter of rights. Therefore, in addition to representing Quebec's affirmation and ensuring social

³ "When I see religions subjugating women, it shocks me [...] And I'm scared for my great-granddaughters. These are religions that want, for the most part, to expand and, from reasonable accommodation to reasonable accommodation, we find ourselves with a sharia that has women lapidated... Me, I do not want that for my nation. I have not fought to go backward; I have fought for my daughters, and now, I am fighting for my three great-granddaughters, so they live in a country where women are free and equal to men."

⁴ "a necessary catalyst for Quebecers taking charge of their identity."

⁵ "engenders a non-society."

⁶ "the adoption of the *Charte des valeurs québécoises* embodies our collective capacity, in Quebec, to act and legislate on our territory."

cohesion with newcomers, Bill 60 also serves as a national affirmation of Quebec towards the rest of Canada.

Interestingly, Josh Freed (December 8th, 2013, *The Gazette*) has pointed out that the proposal of the *Charte des valeurs québécoises* has been a source of unity among minorities in Quebec. Indeed, minorities have united in their opposition of the *Charte*, with “some demonstrating beside each other in recent weeks.” For example, doctors and nurses wearing hijabs, kippahs and other religious symbols at the Jewish General Hospital have emotionally bonded in the last few months over their struggle against the government’s project. For Freed, “[i]t’s as if the PQ has discovered a secret weapon to unite conflicting minorities.” Freed satirically suggested that “[m]aybe Premier Marois should bring the charter to the Middle East where it might unite Israelites and Arabs in joint opposition.”

Not threatening human rights and freedom of religion. While some feel that Bill 60 protects the rights and identity of the majority, others add that the bill also does not threaten the rights of minorities and the freedom of religion. For reader Andréa Paradis (November 18th, 2013, *LBR.ca*), Bill 60 is not discriminatory, since it targets all religions and ostentatious religious symbols equally, and also does not impede one’s freedom of expression, since religious ideas can still be freely expressed outside the targeted work places; the *Charte affirmant les valeurs de laïcité et de neutralité de l’État* only serves to ensure neutrality and respect towards the values of others, while in the workplace. For Professor Daniel Turp (November 19th, 2013, *Droit-Inc*), the bill’s limits to freedom of religion are reasonable to ensure the right to equality, and do not bring into question the legality of the bill.

Fighting against religious integrism and proselytism. For graduate student Martin Lavallée (November 9th, 2013, Huffington Post), in addition to enshrining the religious neutrality of the State and protecting the equality of genders, Bill 60 also serves the important purpose of challenging the rise of religious integrism and extremism, by setting clear boundaries when it comes to religious presence in the public domain. Lavallée adds that it is important to challenge integrism in all faiths, not just Islam, which has been particularly targeted in the media. Moreover, Higher Education Minister Pierre Duchesne defended the ban of ostentatious religious symbols for university professors on the grounds that “[u]niversities are places to promote ideas and favour the transmission of knowledge, not to proselytize and promote religion” (Duchesne quoted in Ingrid Peritz, December 3rd, 2013, *The Globe and Mail*), therefore equating bearing religious symbols with proselytism. Bill 60 would therefor prevent religious proselytism and integris in certain contexts where it is deemed inappropriate by the government.

Removing previous inconsistencies. Lastly, Daniel Turp (November 19th, 2013, *Droit-Inc*) praises Bill 60 for taking care of inconsistencies which existed in the government’s original proposals. Namely, the government recognized that the presence of the crucifix in the National Assembly may not be compatible with the model of *laïcité* the government seeks to promote. Additionally, the government removed the derogation right initially proposed, which would have allowed certain institutions to not uphold the ban of ostentatious religious symbols indefinitely, and replaced it instead with a more uniform transitory

period, a measure which Turp also praised. Also, the government recognizes that it might be relevant to ban ostentatious religious symbols for elected officials as well, and allows the National Assembly to make a decision on the matter.

Criticisms of the Bill

Opposition in the media and opposing groups. While it has been widely reported that a plurality of Quebec's population supports the *Charte affirmant les valeurs de laïcité et de neutralité de l'État*, opponents have also been very vocal. Terence McKenna (November 7th, 2013, *CBC News*) reports that opinions in English media are overwhelmingly critical of the government's projected bill, with numerous people claiming that they plan to leave the province if the bill becomes law. McKenna also points out that many notable sovereignists, including Françoise David of Quebec Solidaire, former BQ MP Maria Mourani, former PQ Premiers Jacques Parizeau, Lucien Bouchard and Bernard Landry have all expressed their disagreement towards the *Charte des valeurs québécoises*.

Following the release of Bill 60, numerous groups have expressed their opposition to the government's proposed bill. Associations which have publicly denounced the bill include the Fédération des femmes du Québec (TC Media, November 8th, 2013, *Quebec Hebdo*), the Association des commissions scolaires Anglophones du Québec (ACSAQ) (CNW Telbec, November 8th, 2013a, *Newswire*), the Fédération des médecins spécialistes du Québec (FMSQ) (CNW Telbec, November 7th, 2013, *Newswire*), the Chambre de commerce du Montréal métropolitain (La Presse Canadienne, November 7th, 2013, *98,5 FM*), the Ligue des droits et libertés and the Fédération autonome de l'enseignement (both in *Radio-Canada*, November 7th, 2013a).

Moreover, the Association des garderies privées du Québec expressed its worry that Bill 60 might aggravate a shortage of employees, by forcing some educators to quit their jobs (*Radio-Canada*, November 7th, 2013a). The Conseil du patronat surveyed a hundred employers, 82% of which believed that the debate over the *Charte des valeurs québécoises* and Bill 60 may have negative effects on Quebec's image in the world and on its economy (*Radio-Canada*, November 7th, 2013a). The Fédération des chambres de commerce du Québec reiterated its fears that the government's project may negatively impact Quebec's economy, and the recruitment of talent from around the world (*Radio-Canada*, November 7th, 2013a).

While it had previously been discreet in the debate, the Jewish General Hospital expressed its position on the government's project following the tabling of the bill. The Jewish General Hospital deems the bill to be discriminatory and believes that it goes against Quebec values of tolerance and inclusion. It also maintains that bearing religious symbols does not prevent its employees from being neutral and offering quality services. Moreover, the hospital rejected the transitory period included in the bill, since the bill's inappropriateness makes it a moot point as to whether the hospital should benefit from a short-term deferment (*Radio-Canada*, November 13th, 2013; Andy Radia, November 14th, 2013, *Yahoo! News*; Aaron Derfel, November 13th, 2013, *The Gazette*).

Educational institutions and associations have massively rejected the bill. The Association provinciale des enseignantes et enseignants du Québec (APEQ) has also expressed its opposition of the *Charte affirmant les valeurs de laïcité et de neutralité de l'État* (CNW Telbec, November 8th, 2013b, *Newswire*). It declared that Bill 60 is not only unnecessary, it also goes against important values taught in schools such as tolerance. The Association will defend their members and their jobs (CNW Telbec, November 8th, 2013b, *Newswire*). The English Montreal School Board has also expressed its disagreement with Bill 60 and its intention to not implement it if it becomes law. Along with the Lester B. Pearson School Board and English CEGEPs in Montreal, the EMSB had quickly denounced the government's project when it was first leaked in August (Michelle Lalonde, November 28th, 2013, *The Gazette*). Université de Montréal has also rejected the bill because it does not respond to the institution's needs; indeed, in 20 years, no conflict over religious accommodations occurred at the university (Ingrid Peritz, December 3rd, 2013, *The Globe and Mail*). Université du Québec à Montréal and Université de Sherbrooke have also expressed their rejection of the bill (Ingrid Peritz, December 3rd, 2013, *The Globe and Mail*; *Radio-Canada*, December 4th, 2013). McGill University has also decried that in the wake of the government's charter project, it has trouble recruiting new students and fears it might lose some employees currently looking for new jobs (Philip Authier, December 4th, 2013, *The Gazette*). Despite the seemingly unanimous criticism of universities towards Bill 60, Bernard Drainville declared that the bill would regardless apply to universities, since they are public institutions. Drainville also attempted to defuse McGill's concerns by pointing out that it had expressed similar worries before the adoption of Bill 101, which did not "undermine the world-class status of McGill University" (Drainville quoted in Philip Authier, December 4th, 2013, *The Gazette*). The minister insisted that McGill should express its opinions without using fear-based campaigns (Philip Authier, December 4th, 2013, *The Gazette*).

Moreover, the Québec inclusif movement declared that it wants to "become the authoritative voice in Quebec against the Parti Québécois' secularism charter" (Giuseppe Valiante, November 8th, 2013, *Sun News*). The group's manifesto has gathered almost 30 000 signatures. The movement plans to instigate "an aggressive campaign to educate the public about the dangers of the charter" (Giuseppe Valiante, November 8th, 2013, *Sun News*) and to lobby politicians to prevent Bill 60's passing.

Bill 60 is unnecessary. Some critics of Bill 60 insist that it is unnecessary since it seeks to resolve a problem that is non-existent. Numerous groups and institutions which have rejected the bill have pointed out that Bill 60 is a useless legislation, including the APEQ, the ACSAQ and Université de Montréal. According to Irwin Cotler (November 19th, 2013, *Huffington Post*), some supporters of the bill even concede that there is no urgency to implement the bill since the principles it seeks to protect are not under immediate threat. Cotler insists that the conclusion of the Bouchard-Taylor commission – that the reasonable accommodation crisis was a crisis of perception – still rings true about the issues currently being debated, five years after the commission's final report.

Workings of Bill 60. Some critics have denounced Bill 60 on the basis that it is impractical and too cumbersome. Jack Jedwab (November 22nd, 2013, *The Globe and Mail*) points out

that the bill places the burden of enforcement of its provisions on government institutions “that harbour potential values violators[,]” presumably at the risk of their refusal or inability to enforce these provisions resulting in cuts in their government-funded budgets. The president of ACSAQ David C. D’Aoust has also denounced the fact that Bill 60 would bring about more bureaucratic hassle to schoolboards, hospitals, and other public institutions, when these institutions are more concerned with offering programs and services to taxpayers (CNW Telbec, November 8th, 2013a, *Newswire*). Moreover, the *Charte affirmant les valeurs de laïcité et de neutralité de l’État* has been denounced for manipulating what constitutes a state employee. The FMSQ decried that doctors have always been considered autonomous workers and their status should not be assimilated to that of a state employee (CNW Telbec, November 7th, 2013, *Newswire*). According to Bernard Descôteaux (November 8th, 2013, *Le Devoir*), it was unexpected of the government to extend the prohibition of ostentatious religious symbols to parties temporarily contracted or financed by the government.

Appropriateness of Bill 60 and its ability to meet its goals. Many critics have faulted Bill 60 on the grounds that it will fail to achieve its goals and that some of its provisions are not acceptable. The issue of what constitutes neutrality remained contentious among commentators. For blogger Nishaan Sharma (November 11th, 2013, *Huffington Post*), true state neutrality towards religion is not achieved by prohibiting state employees from wearing religious symbols; it is more so revealed in the ability of public institutions to make “their personnel decisions without regard to religion[.]” Sharma insists that there is a distinction to be made between a public institution and its employees. Having employees who wear religious symbols does not mean that the public body explicitly endorses their particular religions. It does mean, however, that these institutions were indeed capable of hiring these employees without considering religion as a factor, which is “the true face of neutrality and secularism.”

In addition to failing to truly uphold the religious neutrality of the state, other commentators also felt that Bill 60 fails to protect gender equality. According to Jérôme Lussier (November 7th, 2013, *L’Actualité*), the reasoning according to which the Muslim veil should be prohibited to protect the freedom of Muslim women, who are presumably coerced into wearing the veil, or simply “crazy” for choosing to wear the veil, is paternalistic and overly simplistic. Lussier posits that other conditions, such as intracultural marriage, multiple maternities, and working or not working, can sometimes be imposed on women, yet it would be ludicrous to uniformly prohibit these realities. For Lussier, the government’s project to prohibit religious symbols to project the equality of genders does not take into consideration that some (perhaps most) people wear religious symbols because they freely choose to do so. Reader Joanne Scullion (November 8th, 2013, *The Gazette*) agrees that it is paradoxical to paternalistically dictate Muslim women to remove their religious symbols on the basis of protecting gender equality.

While the official bill did resolve some of the inconsistencies of the *Charte des valeurs québécoises*, some still felt that Bill 60 presented some inconsistencies. For Peggy Curran (November 8th, 2013, *Newswire*), the bill still shielded Roman Catholic symbols, such as the crucifix in the National Assembly, over the symbols of other religions, since the

members of the National Assembly can still vote to preserve these alleged symbols of Quebec's heritage, while the ban of symbols from other religions is more unequivocal. Moreover, for former Bloc Québécois leader Gilles Duceppe, the government should interrogate itself as to whether the continuing funding of confessional schools is appropriate within the context of its *laïcité* project (*Radio-Canada*, December 2nd, 2013).

Much like Bernard Landry, Lucien Bouchard and Jacques Parizeau concluded, Gilles Duceppe, former BQ leader, also expressed his disagreement with the PQ government's project on the basis that it goes too far. For Duceppe, the bill is too restrictive. He insists that only state employees representing the authority of the state, such as police officers or judges, an opinion in line with the recommendations of the Bouchard-Taylor commission and the positions of Landry, Bouchard and Parizeau (*Radio-Canada*, December 2nd, 2013; Caroline Plante, December 2nd, 2013, *Global News*). While Duceppe insists that teachers and healthcare providers should be absolved from the ostentatious religious symbols ban because they do not directly represent the state, Kelly McParland (December 4th, 2013, *National Post*) suggests that Duceppe's position is informed by political considerations. With healthcare and higher education institutions rejecting the government's proposal en masse and often threatening to violate the law if it passes, it seems likely that these institutions would turn against the PQ on other matters, such as independence. According to McParland, for Duceppe, the easiest solution is to spare these institutions from complying with the provisions of Bill 60, while enforcing them on those least able to fight back. While criticising the details of the government's proposal, Duceppe did praise the government for tackling an issue, namely *laïcité*, which needs to be debated (*Radio-Canada*, December 2nd, 2013).

Many opponents of the bill also took issue with the fact that the government is restricting rights with its project. Jérôme Lussier (November 7th, 2013, *L'Actualité*) insists that it is not the role of the government to "imposer ou interdire des choix privés au nom d'un collectivisme ethnocentrique"⁷; instead the government should "garantir que ces choix soient exercés librement, sans contrainte ni oppression."⁸ The Ligue des droits maintained that the idea of a charter based on Quebec values results in affording the majority of the population the power to grant privileges, which should really be fundamental rights, to other groups (*Radio-Canada*, November 7th, 2013a). Nishaan Sharma (November 11th, 2013, *Huffington Post*) denounced that the bill will make it necessary for public employees to forfeit rights to perform their functions. For Charles Lewis (November 15th, 2013, *National Post*), it is truly alarming that a democratic government would consider restricting fundamental rights. He also maintains that it is not the role of the government to ensure that its citizens are not offended, say, by being served by a turban-wearing clerk at the SAAQ. Irwin Cotler (November 19th, 2013, *Huffington Post*) recognized that no right is absolute; however, in the case of Bill 60, the government has failed to provide adequate justification to restrict rights. Cotler adds that the vision of society presented by Bill 60 is not a good one, since "societies that have sought to impose conformity have not generally

⁷ "impose or prohibit private choices in the name of an ethnocentric collectivism"

⁸ "guarantee that these choices are exercised freely, without constraint or oppression."

been pleasant places to live.” Bill 60 would also “define Quebec as a place where fundamental freedoms can be infringed due not to necessity, but to inclination.”

The legality of the government’s bill continued to be debated. Numerous voices have arisen to argue that the *Charte affirmant les valeurs de laïcité et de neutralité de l’État* will never pass the test of the Supreme Court of Canada, on the grounds that it is incompatible with the Canadian Charter of Rights and Freedoms (Peggy Curran, November 8th, 2013, *The Gazette*; Caroline Montpetit, November 9th, 2013, *Le Devoir*). However, others have pointed out that the Supreme Court of Canada recognizes that freedom of religion is not absolute, and has ruled in the past in ways that restricted freedom of religion, such as in the case of a Jewish woman who wanted to divorce her husband who refused to grant her the religious divorce of *get*, which can only be granted by a man, where the court ruled in the wife’s favour. Constitutionalist Henri Brun believes that it is not impossible for the court to rule in favour of Bill 60 (Caroline Montpetit, November 9th, 2013, *Le Devoir*).

Negative effects on society. Numerous critics of Bill 60 have decried that the bill would have a negative effect on society. For Jérôme Lussier (November 7th, 2013, *L’Actualité*), Aziz Enhaili (November 8th, 2013, *Tolerance.ca*) and Peggy Curran (November 8th, 2013, *The Gazette*), the government’s intentions in putting forward this project are purely electoral. The government is more concerned with pandering for votes by appealing to the ignorance of some Quebecers than with the wellbeing of society and citizens.

As the Conseil du patronat and the Fédération des chambres de commerce du Québec pointed out (*Radio-Canada*, November 7th, 2013a), the potential impact of Bill 60 on employment and the economy is seen by many commentators as a serious flaw of the government’s projected bill. Pierre Simard (November 26th, 2013, *La Presse*), professor at the École nationale d’administration publique, adds that the bill’s stipulation that individuals and institutions contracted or financed by the government must respect the requirements of the *Charte affirmant les valeurs de laïcité et de neutralité de l’État* will have tremendous impact on business and the economy. Simard points out that the public sector represents 45% of the economy of the province, and that few businesses do not benefit from subventions or do not do business with public institutions. As a result, many private businesses in the province will have to revise their hiring policies, since many will deem it too risky to hire an employee who wears ostentatious religious symbols. In addition to exacerbating the effects of discrimination in employment for religious minorities, businesses will also pay in the long run by bypassing hiring the best talent available because these employees may wear apparent religious symbols, therefore making these businesses less competitive.

As many have pointed out since the leaks in August, Bill 60 might have a divisive effect on Quebec society. Sylvain Mallette of the Fédération autonome de l’enseignement (in *Radio-Canada*, November 7th, 2013a) and Kelly McParland (December 4th, 2013, *National Post*) insists that the bill will encourage division by feeding into the fears and intolerance of individuals less familiar with cultural diversity. A division along regional lines will result, since the people of Montreal are more used to dealing with religious and cultural diversity. Comedian Jess Salomon (November 22nd, 2013, *The Gazette*) satirized

this reality by preparing a “Charter of Montreal values.” With this “charter”, Salomon sought to affirm “the values of multiculturalism, bilingualism, and provid[e] a framework for not accommodating unreasonable requests from Quebec City.” Salomon also states that Montreal is a distinct society composed of distinct societies and that “religion is not contagious.” Salomon adds that “[e]veryone is entitled to be who he or she is, in the public and private sector, unless they are Leafs Fans.”

Indeed, Montreal mayor Denis Coderre has continued to be critical of the *Charte des valeurs québécoises* after reading the tabled bill, since Montreal is defined by its diversity. He maintains that neutrality of the State can coexist with open *laïcité*, which is necessary in Montreal, since “intégration ne veut pas dire uniformité” (Coderre quoted in *La Presse Canadienne*, November 7th, 2013, 98,5 *FM*). He plans to finalize the city’s position by meeting with Montreal’s councillors and redacting a resolution; he has pointed out that a legal challenge is also possible (*CBC News*, November 7th, 2013; *TC Media*, November 8th, 2013, *Quebec Hebdo*; *Radio-Canada* and *La Presse Canadienne*, November 8th, 2013). Moreover, the Montreal suburbs of Hampstead and Côte Saint-Luc have both denounced Bill 60, with Hampstead mayor William Steinberg going as far as declaring that his town will not be “complicit with hatred, racism and intolerance” (Steinberg’s resolution quoted in Philip Authier, December 4th, 2013, *The Gazette*).

Additionally, journalist Martin Patriquin (November 12th, 2013, *New York Times*) has compared Bill 60 and its apparent pandering to populist anti-immigrant sentiments to the policies of the ultra-rightwing Tea Party of the United States, in a *New York Times* editorial. Bernard Drainville and Jean-François Lisée responded to Patriquin’s editorial by rejecting the comparison and instead comparing the PQ government to American revolutionaries in a letter to the *New York Times*. Drainville and Lisée insisted that the province is going through a “Jefferson moment” since the government’s legislation would “enshrine into law Jefferson’s ‘wall of separation between church and state’” (Drainville and Lisée’s letter quoted in *CTV Montreal*, November 19th, 2013, *CTV News*; Michel Corbeil, November 12th, 2013, *La Presse*). Nishaan Sharma (November 11th, 2013, *Huffington Post*) not only agreed with Patriquin’s analogy, but also warned the PQ that “[p]andering to the most fundamentalist factions of one’s party does not work.” Sharma pointed to the difficulties of the Tea Party and Republican Party, currently facing a very low approval rating following the government shutdown, as a warning to the PQ.

Critics also argue that Bill 60 legalizes and glorifies discrimination and intolerance, criticisms that the projected *Charte des valeurs québécoises* had also faced. The APEQ decried that the bill goes against the fundamental value of tolerance taught in schools (CNW Telbec, November 8th, 2013b, *Newswire*). The Fédération des femmes du Québec has denounced the *Charte affirmant les valeurs de laïcité et de neutralité de l’État* for officialising discrimination, especially of Muslim women wearing the veil who will be denied employment in the public function (*Radio-Canada*, November 7th, 2013a). Peter Blaikie (November 14th, 2013, *The Gazette*) and Kelly McParland (December 4th, 2013, *National Post*) agree that Bill 60 is fundamentally xenophobic, intolerant and bigoted.

Some commentators have pointed out that, whether or not it becomes law, Bill 60 may have irreparable, long-lasting effects on the social fabric of the province. Founder of Quebec inclusif and lawyer Rémi Bourget points to a rise in incidents targeting minorities wearing religious garb to demonstrate that the everyday lives of religious minorities have been impacted tremendously by the government's project, even before the bill's passing (Monique Muise, November 8th, 2013, *The Gazette*). Maria Mourani adds that even if Bill 60 never passes, it will take years to rebuilt trust between the government and Québécois de souche population, and minority communities (Monique Muise, November 8th, 2013, *The Gazette*). Jack Jedwab (November 22nd, 2013, *The Globe and Mail*) presents an even more cynical view of society under the *Charte affirmant les valeurs de laïcité*:

“Rather than harmony, there is a greater likelihood that some form of extremist secularism will evolve give rise to a McCarthyist stream amongst some Quebecers who will gladly seek out and report values violators.”

Therefore, for many observers, Bill 60 will have (and has already started to have) a negative effect on Quebec's society.

Events surrounding Bill 60

The weeks following the leak and official release of the guidelines of the *Charte des valeurs québécoises* were quite eventful, with numerous manifestations taking place. Likewise, many events surrounded the tabling of the Bill 60. The following is the description of a selection of such events.

The picture of daycare workers wearing burqas. On November 15th 2013, a passerby snapped a picture of two daycare workers wearing burqas bringing the children under their care on a walk. The photographer declared that the scene was so shocking that she was compelled to take a picture (Amanda Kelly, November 20th, 2013, *Global News*). The picture was posted online and went viral, fuelling the fire of the debate surrounding Bill 60 (Globe Editorial, November 28th, 2013, *The Globe and Mail*). The owners of the daycare in question defended their employees but also expressed their worry about racially motivated attacks, with some parents even removing their children from the daycare (Globe Editorial, November 28th, 2013, *The Globe and Mail*). Other parents of children attending the daycare were quick to defend the daycare workers, claiming that the women are caring, competent childcare providers, and that the sensationalism around the picture is sickening (Amanda Kelly, November 20th, 2013, *Global News*; Globe Editorial, November 28th, 2013, *The Globe and Mail*). In a letter, the parents insisted that the women do not wear burqas in the presence of children in the daycare (Staff, November 21st, 2013, *Global News*). Drainville also expressed outraged when he saw the picture (Graeme Hamilton, November 29th, 2013, *National Post*). Interestingly, however, the daycare in question is unsubsidized and would therefore not be affected by Bill 60 (Globe Editorial, November 28th, 2013, *The Globe and Mail*; Graeme Hamilton, November 29th, 2013, *National Post*).

Debate on Bill 60 at Concordia University. Another significant event that took place is a debate over Bill 60 at Concordia University on November 28th, which was initially set to feature Bernard Drainville, former liberal minister Kathleen Weil and former president of Quebec Solidaire André Frappier (*Radio-Canada*, November 28th, 2013). Because the Groupe de recherche d'intérêt public du Québec (GRIP) at Concordia, headed by Jaggi

Singh, expressed its intentions to attend the debate and protest the government's project (Mélanie Marquis, November 27th, 2013, *La Presse*), Bernard Drainville decided to decline participating in the debate. He claimed that the university did not guarantee its ability to ensure the safety of all at the event (*Radio-Canada*, November 28th, 2013) and that GRIP also did not commit to keeping the peace (Canadian Press, November 28th, 2013, *The Gazette*). Indeed, after GRIP announced its presence, the university did not specify whether it would take special measures to ensure that the event goes smoothly (Mélanie Marquis, November 27th, 2013, *La Presse*) and Concordia official Chris Mota explained that Concordia University cannot guarantee that the event would go undisrupted, which is the case with any event taking place at Concordia (Canadian Press, November 28th, 2013, *The Gazette*). David Clos-Sasseville of the Graduate Student Association of Concordia, the association responsible for organizing the debate, explained that the presence of detractors entirely conforms with the democratic intentions of the organizers of the debate (*Radio-Canada*, November 28th, 2013).

Without Drainville present, the debate was quite one-sided, with Weil, Frappier and other participants mostly criticizing Bill 60. Jaggi Singh deplored Drainville's absence, insisted that his group never posed a threat to the minister, and claimed that Drainville was actually worried about an open debate, "[c]ar non, la sécurité ne pouvait pas lui garantir l'absence d'opposition"⁹ (Singh quoted in Jessica Nadeau and Amélie Daoust-Boisvert, November 29th, 2013, *Le Devoir*). Weil regretted Drainville's absence, lamenting that they could have had a respectful debate on a campus in the heart of diversity (Jessica Nadeau and Amélie Daoust-Boisvert, November 29th, 2013, *Le Devoir*). Frappier denounced Drainville for staying in known and controlled territory, and felt that Drainville's decision was not primarily based on security concerns (Jessica Nadeau and Amélie Daoust-Boisvert, November 29th, 2013, *Le Devoir*). Josh Freed (December 8th, 2013, *The Gazette*) likened the fear that Drainville felt which instigated him to pull out of the debate to the fear that veil-clad Muslim women feel on a daily basis since the reveal of the *Charte des valeurs québécoises*, and was glad that Drainville could experience a glimpse of this fear. Drainville declared that he hopes to have the opportunity to take part in a discussion on Bill 60 at Concordia in the future (The Canadian Press, November 28th, 2013, *MacLean's*). ***Drainville in Longueuil.*** On December 2nd, Drainville took part in a debate on the *Charte affirmant les valeurs de laïcité* taking place in Longueuil, in his riding of Marie-Victorin, along with his colleague Marie Malavoy, minister of Education. Despite the fact that opponents of Bill 60 announced that they would mobilize for the occasion, Drainville did not cancel his participation (Louis Gagné, November 29th, 2013, *24 Heures Montréal*). Indeed, Jaggi Singh of GRIP declared on Twitter that he will "be there with some friends" (quoted in Louis Gagné, November 29th, 2013, *24 Heures Montréal*). Reader Robert Barberis-Gervais (December 5th, 2013, *Sorel-Tracy Magazine*), Diane Lapointe (December 3rd, 2013, *Rive-Sud Express*) and Josée Legault (December 3rd, 2013, *Journal de Montréal*) all offer overviews of the events of the night.

For Barberis-Gervais (December 5th, *Sorel-Tracy Magazine*), Jaggi Singh and other opponents were aggressive and proliferated accusations of racism and xenophobia during

⁹ "Because no, security could not guarantee him the absence of opposition."

the debate, while the supporters of Bill 60, a majority of attendees, were disciplined and calm. The highlight of the night was the presence of a dozen women wearing the veil and Drainville's calm demeanour in responding to their criticisms of Bill 60. Drainville would conclude by telling the women: "J'ai du respect pour vous. Vous êtes des Québécoises à part entière. Nous avons des points de vue différents. Je vous demande à votre tour de respecter le point de vue du gouvernement"¹⁰ (Drainville quoted in Robert Barberis-Gervais, December 5th, 2013, *Sorel-Tracy Magazine*). Barberis-Gervais praised Drainville for his implacable logic when responding to criticisms. For example, he explained that if Muslim women who wear the veil claim that they freely choose to wear the veil, then they can freely choose not to wear it during working hours. If they are forced to wear it, then this violates the equality of genders and the government must react. Because of the respect with which Drainville replied to members of religious minorities, and the fact that Drainville and his wife have adopted a young Korean boy, Barberis-Gervais feels that Drainville is not a xenophobe, but a xenophile.

Diane Lapointe (December 3rd, 2013, *Rive-Sud Express*) agreed that a majority of the citizens present at the debate seemed to support Bill 60. However, it was clear that the issue is divisive even in the PQ ridings of Marie-Victorin and Taillon (which make up Longueuil). Numerous Muslim women described the animosity they have become a victim of since the being of the debate over the *Charte des valeurs québécoises*. Lapointe praised Drainville for clarifying the intent of the bill after a supporter of Bill 60 suggested that immigration to the province of Quebec should be reduced. He explained that Bill 60 is not a reaction to immigration, which is not a threat to Quebec, and instead seeks to clarifying rules in Quebec and instate the need for government employees to be religiously neutral.

Josée Legault (December 3rd, 2013, *Journal de Montréal*) had a different perception of the debate, which she described as a "dialogue de sourds."¹¹ Legault insisted that while he claimed to want to take part in a calm debate, Drainville actually refused to enter in a dialogue with citizens whose opinions do not coincide with his. While most of the attendees supported Bill 60 and Jaggi Singh and his colleagues were belligerent in their criticisms, Drainville failed to properly address the concerns of opponents of Bill 60. With every criticism against his project, Drainville would always reply by expressing his respect for their opinions and asking the critics to respect the opinions of the government as well, without any more debating with detracting citizens. Drainville even went as far as to say to a woman who asked him a follow-up question, "madame, je ne veux pas entrer en dialogue avec vous"¹² (Drainville quoted in Josée Legault, December 3rd, 2013, *Journal de Montréal*), to which the women replied "c'est ça, le problème!"¹³ Legault agrees that the fundamental problem of Bill 60 is that it is not conceived to open the government to a real dialogue with its citizens, since it is based on an extremely controlled official discourse, which even benefits from a two million dollar budget for publicity. For Legault, Drainville is mostly

¹⁰ "I have respect for you. You are Quebecers in your own right. We have different points of view. I ask you in turn to respect the point of view of the government."

¹¹ "dialogue of deaf people."

¹² "Madam, I do not want to enter in a dialogue with you."

¹³ "that's the problem!"

concerned with securing the votes of electors who are already favorable to banning religious symbols in the public function, in an effort to obtain a majority government at the next elections. Moreover, when asked if there were any studies proving the need for legislation such as Bill 60, Drainville mostly appealed to the frustrations of citizens. He also claimed that the Bouchard-Taylor report constitutes proof of the need for a ban on ostentatious religious symbols for government employees, with the only difference being that the government draws the line at a different place than Bouchard and Taylor did. Legault describes this argument as euphemistic. While Bouchard and Taylor did suggest that government employees most representative of the government's power should not be allowed to wear ostentatious religious symbols, they also concluded that the frustrations of citizens towards reasonable accommodations and religious diversity were based on a crisis of perception and that there were no issues with reasonable accommodations in Quebec. Therefore, Drainville does not seem to have an objective reason to want to ban ostentatious religious symbols in the public domain.

Reactions of political parties

Federal and provincial political parties have been particularly vocal in their opinions of the PQ's projected *Charte affirmant les valeurs de laïcité*.

PLQ. The Liberal Party of Quebec and its leader Philippe Couillard have been critical of the PQ government's projected charter since it was first proposed. This opposition continued with the tabling of Bill 60. Couillard lamented that the bill represents a "profound rupture with our history of more than 400 years, a history of openness, welcoming and integration" (Couillard quoted in *The Gazette*, November 7th, 2013). Couillard and parliamentary leader Jean-Marc Fournier described the bill as an attack on the rights and freedoms of Quebeckers and as a source of social division (La Presse Canadienne, November 7th, 2013, *Le Devoir*; CBC News, November 7th, 2013, *National Post*; Martin Ouillet, November 7th, 2013, *Journal Métro*). The only aspects of that bill that the PLQ agrees with are the requirement to receive and provide government services with uncovered faces (La Presse Canadienne, November 7th, 2013, *Le Devoir*; Jean-Marc Salvé, November 6th, 2013a, *La Presse*; Canadian Press, November 7th, 2013, *National Post*), and the prohibition of religious symbols which cover the eyes, such as the burqa, for security reasons (Aziz Enhaili, November 8th, 2013, *Tolerance.ca*). Besides that, the PLQ is completely opposed to prohibiting any religious symbols for public employees, which may result in layoffs and discrimination in the hiring process, and to imposing a charter of values on the population (Geneviève Lajoie and Louis Gagné, November 7th, 2013, *Canoe*; TC Media, November 8th, 2013, *Quebec Hebdo*; *Radio-Canada* and La Presse Canadienne, November 8th, 2013). For Couillard, true religious neutrality is demonstrating by neither favouring nor disfavouring a religion and by not attempting to erase religion from society (*Radio-Canada* and La Presse Canadienne, November 8th, 2013). Couillard insists that the bill will be severely challenged in the court and has little chance to ever be put into application (La Presse Canadienne, November 7th, 2013, *Le Devoir*; Martin Ouillet, November 7th, 2013, *Journal Métro*). Couillard also points out that the bill "nie l'importance de la représentativité de la population dans les organismes publics. Comme citoyen, je veux voir le reflet de ma société

dans les gens qui me servent au nom de l'État"¹⁴ (Couillard quoted in *La Presse Canadienne*, November 7th, 2013, *Le Devoir*). Fournier insists that the government's bill is a solution to a false problem, based on perceptions and impressions, and not on factual data (Paul Journet, November 7th, 2013, *La Presse*). Pauline Marois has declared that the PLQ is isolated on the issue of Bill 60 and has been making it difficult for the PQ to pass important legislation related to mining, economic development and the protection of the French language (Canadian Press, November 9th, 2013, *National Post*).

The PLQ's opposition to Bill 60 has not been without controversy. During the commemoration of Kristallnacht, Jean-Marc Fournier evoked the realities of Nazi Germany to underline the importance of religious symbols for some citizens. To demonstrate the fundamental importance of symbols for religious persons, Fournier appealed to the story of a Jewish man who chose his kippah over his life, during the anti-Jewish riots in Germany, in 1938 (Geneviève Lajoie, November 13th, 2013, *Journal de Québec*; Charles Lewis, November 15th, 2013, *National Post*). Pauline demanded an apology from Fournier for even suggesting a vague comparison between Nazi Germany and Quebec under Marois' government. Fournier defended his remarks by insisting that his goal was not to draw a comparison between Nazism and Quebec's *laïcité*; it was instead to demonstrate the deep attachment of believers to their religious symbols (Geneviève Lajoie, November 13th, 2013, *Journal de Québec*; Charles Lewis, November 15th, 2013, *National Post*).

Around November 12th, the PLQ considered presenting their own bill on the issue of religion in the public sphere, as a response to the PQ criticism that the PLQ does not have a counterproposal to Bill 60 (Kevin Dougherty, November 13th, 2013, *The Gazette*). After having rejected it in 2011, a bill to counter religious integrim prepared by Liberal MNA Fatima Houada-Pepin, a Muslim woman of Moroccan origin, is being studied by the liberal caucus. The bill's goal will be to frame religious neutrality in the state and ask the real questions on religious neutrality in Quebec (Jocelyne Richer, November 12th, 2013, *La Presse*). Notably, the bill would address the radicalization of young Muslim people, as well as Christian fundamentalism (Kevin Dougherty, November 13th, 2013, *The Gazette*).

Initially, MNA Fatima Houada-Pepin, an outspoken critic of Muslim fundamentalism and attempts to impose sharia law, remained silent on the issue of the *Charte des valeurs québécoises* (Kevin Dougherty, November 13th, 2013, *The Gazette*). Following the tabling of the bill, member of the National Assembly Marc Tanguay, the Liberal spokesperson on issues of *laïcité*, has declared that he sees nothing wrong with an elected Liberal representative wearing a religious symbols such as a the hijab, kippah or turban; on occasion, Lawrence Bergman, a Liberal MNA of Jewish confession, wears a kippah in the National Assembly (*La Presse Canadienne*, November 15th, 2013, *98,5 FM*). Tanguay's declaration, namely that "[l]es candidates libérales pourront porter le tchador au prochain scrutin"¹⁵ (quoted in Fatima Houada-Pepin, November 14th, 2013, *La Presse*), has instigated Houada-Pepin to finally speak out on Bill 60, in a letter sent to the media (*La Presse*

¹⁴ "denies the importance of representativeness of the population in public institutions. As a citizen, I want to see the reflection of my society in the people that serve me in the name of the State."

¹⁵ "[Female] Liberal candidates will be allowed to wear the chador at the next election."

Canadienne, November 15th, 2013, *98,5 FM*). In her letter, Houda-Pepin (November 14th, 2013, *La Presse*) declared that her colleague's comments offended her, since it is impossible to justify the presence of the chador in the National Assembly when one knows its true, undemocratic meaning. Houda-Pepin refused the appeals to cultural relativism to legitimize the chador, a symbol of female oppression and radical integristism. She argued that it is acceptable, in a liberal democracy, to limit rights in the interests of the public, such as, in this case, in the name of the equality of men and women. With her intervention, Houda-Pepin has broken the unanimity of the PLQ on the issue of religious symbols in the public sphere, though it was unclear in her letter whether she supports Bill 60 (Jocelyne Richer, November 14th, 2013, *La Presse*; Jocelyne Richer, November 14th, 2013, *CTV News*). In a communiqué explaining why Houda-Pepin waited so long to express her opinion on Bill 60, she insisted that she does not endorse Bill 60, and instead seeks to add to the debate with her bill on religious fundamentalism (*Radio-Canada*, November 18th, 2013). She also called for collaboration among political parties, since the discord currently reigning in the National Assembly only advantages the "groupes radicaux qui oeuvrent à saper les bases de notre démocratie"¹⁶ (quoted in *Radio-Canada*, November 18th, 2013).

Philippe Couillard chastised both Houda-Pepin and Tanguay for their outbursts, and warned Houda-Pepin to not make declarations outside the party caucus (The Canadian Press, November 15th, 2013, *Toronto Star*). Though Couillard considered excluding Houda-Pepin from the PLQ for her comments (Denis Lessard, November 15th, 2013, *La Presse*), Maria Mourani, the MP ousted from the BQ caucus for disagreeing with the party line, praised Couillard for ultimately not ejecting Houda-Pepin from the PLQ and for having an open attitude towards her (*La Presse Canadienne*, November 19th, 2013, *Le Devoir*). Yara El-Ghadban (November 21st, 2013), anthropology professor at the University of Ottawa, pondered whether Houda-Pepin deserves all the attention she received. The professor argued that Houda-Pepin does not master the matters in which she is claimed to be an expert, since her discourse on religious integristism is based on anecdotes instead of rigorous research. El-Ghadban decried that people like Houda-Pepin are given a lot of media attention when true intellectuals who have worked for years on these matters are essentially ignored.

More recently, the PLQ officially welcomed Houda-Pepin back in the caucus. Concurrently, it was reported that the PLQ would consider adopting a more compromised position, namely, by supporting the ban of ostentatious religious for public employees in positions of authority, on the condition that the provisions be in total accordance with the Canadian and Quebec charters of rights (Caroline Plante, November 19th, 2013, *Global News*; Rhéal Séguin, November 19th, 2013, *The Globe and Mail*). The PLQ's potential change of position did not go unnoticed, with François Legault of the CAQ exclaiming "Mr. Couillard only needs one MNA to change his position?" (quoted in Caroline Plante, November 19th, 2013, *Global News*) and claiming that the Liberals are now in line with his party on the issue of Bill 60 (*CTV Montreal*, November 19th, 2013, *CTV News*). Couillard pointed out that the PLQ had always been open to some compromise, especially when it comes to legislating on the religious neutrality of the state, and reminded the PQ to not act as if it were a

¹⁶ "radical groups working to undermine the bases of our democracy."

majority government (CTV Montreal, November 19th, 2013, *CTV News*). In addition to the CAQ, Quebec Solidaire also supports the position of limiting the ban to civil servants in positions of authority, therefore pointing to a potential common front of opposition parties against the PQ government (Rhéal Séguin, November 19th, 2013, *The Globe and Mail*). Soon after the PLQ announced their consideration of a compromised position, a survey revealed that the PLQ was first in voter intentions, with 37% of potential voters opting to vote for the PLQ, 32% for the PQ, 17% for the CAQ, and 10% for Quebec Solidaire (Michel Corbeil, November 20th, 2013, *La Presse*).

Another criticism levied by the PLQ on the issue of Bill 60 was aimed at Premier Pauline Marois for apparently flip-flopping on the issue of visible religious symbols in the public sector. Jean-Marc Fournier questioned Marois on a report she signed in 1998 when she was minister of education, which supports the visibility of religious and cultural diversity among education personnel, and promotes “zero exclusion” in the hiring process for education professionals (Philip Authier, December 5th, 2013, *The Gazette*). Fournier argued that this shift in position is informed by electoral considerations. Marois defended this apparent inconsistency by pointing to another section in the same report which addresses common values, integration and a “Quebec for all”; she maintains that these ideals are best achieved by assuring the neutrality of the state (Philip Authier, December 5th, 2013, *The Gazette*).

CAQ. The Coalition Avenir Quebec has not changed its position on the prohibition of ostentatious religious symbols, which they think should only be imposed on civil servants in positions of authority, such as judges and police officers, as well as to elementary and secondary school teachers (Jean-Marc Salvet, November 6th, 2013b, *La Presse*; Geneviève Lajoie and Louis Gagné, November 7th, 2013, *Canoe*; Aziz Enhaili, November 8th, 2013, *Radio-Canada*; CNW Telbec, November 14th, 2013, *Journal de Québec*). While the CAQ agrees that a charter must be instated, since the population wants one, it has been insisting that the PQ should behave like a minority government by communicating with the CAQ and negotiating a compromised bill, since the CAQ holds the balance of power in this issue (TC Media, November 8th, 2013, *Quebec Hebdo*; Canadian Press, November 6th, 2013, *National Post*; *Radio-Canada* and *La Presse Canadienne*, November 8th, 2013; *The Gazette*, November 7th, 2013; CNW Telbec, November 14th, 2013, *Journal de Québec*). François Legault has expressed the possibility that the CAQ might compromise further on the ban of ostentatious religious symbols in the education domain, without specifying how they may agree to extend it, if the PQ proves that they are willing to work with the opposition parties; Legault is not optimistic that the PQ will agree to compromise, however, since the PQ has even hardened its position with Bill 60, as compared to the guidelines released in September (Paul Journet, November 14th, 2013, *La Presse*). Moreover, for Legault, Premier Marois seems more concerned with political gains, since she is allowing the debate to create divisions in the population without taking proactive steps to responsibly solve the issue (Jean-Marc Salvet, November 6th, 2013b, *La Presse*). Legault adds that the population seems more concerned with employment and taxes than with Bill 60 (Jean-Marc Salvet, November 17, 2013, *La Presse*).

Quebec Solidaire. Spokesperson Françoise David of Quebec Solidaire denounced the government for toughening the guidelines presented in September with Bill 60 (TC Media, November 8th, 2013, *Vigile*; Martin Ouillet, November 7th, 2013, *Journal Métro*). She also insists that the government seems to refuse to listen to the voices calling for a consensus (*Radio-Canada* and *La Presse Canadienne*, November 8th, 2013). David has also argued that public employees wearing religious symbols do not threaten the neutrality of the state and is ashamed that the government tabled a bill that would hinder Muslim women from working and fully integrating (*The Gazette*, November 7th, 2013; Rhéal Séguin and Ingrid Peritz, November 7th, 2013, *The Globe and Mail*).

CPC. As for the Conservative Party of Canada, minister of Multiculturalism Jason Kenney has expressed concern over Bill 60 and insists that the government of Canada will keep a close eye on developments dealing with Bill 60 (*CBC News*, November 7th, 2013). If the bill is adopted, the Conservative government plans to gather judicial opinions to verify the legality of the *Charte affirmant les valeurs de laïcité et de neutralité de l'État*; based on Supreme Court decisions such as the Multani decision, Kenney is convinced that Bill 60 is unconstitutional (*Radio-Canada*, November 7th, 2013b). If the bill is deemed to violate the Canadian constitution or the Charter of rights, the Conservative government will challenge it, in an effort to defend Canadians' right to freedom of religion (Deborah Gyapong, November 12th, 2013, *The B.C. Catholic*).

NDP. NDP leader Thomas Mulcair has continued to vocally oppose the PQ's government projected charter following the tabling of Bill 60 (*Radio-Canada*, November 7th, 2013b). Mulcair feels that the bill is divisive and does not reflect Quebec society, which is inclusive and open (*CBC News*, November 7th, 2013). He maintains that Pauline Marois is resorting to divisive tactics out of political desperation (Rhéal Séguin and Ingrid Peritz, November 7th, 2013, *The Globe and Mail*). The NDP has also committed itself to defending the rights of Canadians and will work with prominent lawyer Julius Grey, who has offered to take pro bono the cases of people who might lose their jobs as a result of the *Charte affirmant les valeurs de laïcité et de neutralité de l'État* (Deborah Gyapong, November 12th, 2013, *The B.C. Catholic*).

PLC. Stéphane Dion, former PLC leader and current PLC intergovernmental affairs critic, has denounced Bill 60, since he feels and the bill is discriminatory and that Pauline Marois is trying to inject mistrust of the other in Quebecers (*Radio-Canada*, November 7th, 2013b; Deborah Gyapong, November 12th, 2013, *The B.C. Catholic*). Dion maintains that the federal government must be united in opposing the bill and aim their discourse at Alexandre Cloutier, provincial minister of Canadian intergovernmental affairs, in particular. Dion has been critical of Cloutier since the minister has declared that the PQ's projected charter does not bother him (*Radio-Canada*, November 7th, 2013b).

Conclusion: What comes next

Bill 60, with its extensive ban on ostentatious religious symbols for public employees, its potential ban for elected official and removal of the crucifix in the National Assembly, and its restricted transitory period, has attracted both supporters and opponents. Supporters of

the bill praise it for ensuring the neutrality of the state and the equality of men and women, and representing the national affirmation of Quebec, while not threatening fundamental rights. On the other hand, opponents of the bill denounce it for failing to achieve its goals, threatening rights, and potentially having a negative effect on Quebec society.

Opposition parties in the National Assembly have been critical of the government's project, but seem to be open to some compromise. Indeed, since it is a minority government, the PQ will need the support of either the PLQ or the CAQ, which is the more likely candidate. To obtain this support, the government will have to work towards a compromise (Jean-Marc Salvé, November 6th, 2013a, *La Presse*; Geneviève Lajoie and Louis Gagné, November 7th, 2013, *Canoe*). Maria Mourani insisted that, morally, a compromise in the National Assembly would not suffice to pass the bill and modify the charter of rights and freedoms; instead, the bill should require a unanimous vote in the National Assembly (*La Presse Canadienne*, November 19th, 2013, *Le Devoir*). In the government's press release (2013), Bernard Drainville has called for all parties to collaborate on the matter. He also asked Quebeckers to participate in a discussion on the project with openness and dialogue. Indeed, the next step in the legislative process of the bill is a general consultation of the public, which should start around mid-January 2014, and which will be followed by a consultation of particular groups and institutions (Paul Journet, November 7th, 2013, *La Presse*; Aziz Enhaili, November 8th, 2013, *Tolerance.ca*; Caroline Plante, November 19th, 2013, *Global News*).

Marois' minority government has two options, when it comes to the future of Bill 60. It can either water down the bill and have it adopted with the help of one of the opposition parties, or it can keep the bill as it is and save it for an election campaign, perhaps triggered by a confidence vote on the issue of the bill (Canadian Press, November 7th, 2013, *National Post*; Aziz Enhaili, November 8th, 2013, *Tolerance.ca*). Terence McKenna (November 7th, 2013, *CBC News*) explained that Marois is pushing the bill forward against harsh opposition because it is the perfect wedge issue for her party. Bill 60 will solidify the PQ's image as the defender of Québécois heritage and draw voters away from opposition parties, especially the CAQ (Peggy Curran, November 8th, 2013, *Newswire*). In an eventual electoral campaign, the PQ will then have the argument to request a majority government from the population, a plurality of which seems to support the government's project (Aziz Enhaili, November 8th, 2013, *Tolerance.ca*). For Bernard Descôteaux (November 8th, 2013, *Le Devoir*), running an election on Bill 60 is a dangerous gamble since, if the PLQ is elected, the bill will immediately be buried, while the CAQ is currently willing to work with the PQ to legislate on the main points of the bill. The PLQ declared that it is ready for an eventual election (*La Presse Canadienne*, November 7th, 2013, *Huffington Post*). Some commentators have suggested that a spring election may occur (Peggy Curran, November 8th, 2013, *Newswire*; Rhéal Séguin and Ingrid Peritz, November 7th, 2013, *The Globe and Mail*).

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