

# The Charter of Values Facing the Court of Public Opinion: The Public Consultations and 2014 Provincial Elections

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## Introduction: Reasonable Accommodations and Bill 60

As recounted in Part 5 of this Report, during the 2012 elections, the Parti Québécois under the leadership of Pauline Marois, proposed the creation of a charter enshrining state *laïcité*, shepherded by Minister Bernard Drainville. Guidelines of the project were revealed during Summer and Fall 2013, leading to the tabling of a bill in November 2013. The bill, named 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*, also known as Bill 60, is based on five proposals. First, the government advocates that the *Charte des droits et libertés de la personne* be amended to entrench the religious neutrality of the state. Next, the bill would establish a duty of neutrality for all state employees. Also, the bill would ban the wearing of ostentatious religious symbols for civil servants. Moreover, Bill 60 would make it mandatory to provide and receive state services with uncovered faces. Lastly, the government proposed the establishment of implementation policies in all state organizations and ministries. However, Marois' minority government had so far failed to obtain the support of opposition parties to pass the bill.

Since its inception, the charter has been a source of division and contention in Quebec. After consultations preceding the tabling of the bill in November, the government instigated another public consultation on the topic of the charter in January 2014, to gather the insights of the population (Radio-Canada, January 14<sup>th</sup>, 2014, *Huffington Post*), in an effort to succeed in passing the bill, by demonstrating to the opposition parties the support that Bill 60 enjoys among the population, or, if need be, amend the Bill to reflect the opinions of the population. While the bill seemed to enjoy considerable popular support, opposition parties continued to oppose the project, and the PQ refused to amend their project, instead opting to call a general election in a political gamble to obtain a majority government.

This report describes the public consultations, outlines the opinions expressed during the consultations leading up to the elections and during the electoral period as reported in the media, analyzes the electoral campaign, including important electoral issues and party positions, covers electoral results and reactions to these results, and finally, addresses the future of the PQ's charter and of the reasonable accommodations debate. It is written in the present tense to reflect the imprevisibility of how the drama played out.

## Public Consultations

The public consultations began on January 14<sup>th</sup>, 2014. The consultations included public hearings held by the Committee on Institutions as well as the gathering of briefs and memoirs (Assemblée Nationale de Québec, 2014). Approximately 270 people and groups expressed their desire to present at the public hearings and over 200 people deposed memoirs (Simon Boivin, January 8<sup>th</sup>, 2014, *La Presse*; Radio-Canada, January 14<sup>th</sup>, 2014, *Huffington Post*). With the Committee allowing people sixty minutes to express themselves, the hearings would last at least 200 hours, over approximately ten weeks (Radio-Canada, January 14<sup>th</sup>, 2014, *Huffington Post*). Respondents included the "Janette" movement, the

Movement national des Québécoises et Québécois (MNQ), unions, groups representing employers, educational institutions, such as the English Montreal School Board, and religious congregations, including Jewish, Sikh, Muslim and Christian groups (Simon Boivin, January 8<sup>th</sup>, 2014, *La Presse*; CNW Telbec, January 29<sup>th</sup>, 2014, *Newswire*; CNW Telbec, February 12<sup>th</sup>, 2014, *Newswire*; Gilles Laporte, February 24<sup>th</sup>, 2014, *Huffington Post*). Individuals, including former Supreme Court judge Claire L'Heureux-Dubé, also participated in the consultations (Yvon Larose, February 13<sup>th</sup>, 2014, *Le Fil*).

Participation in the consultations was not without controversy. The Fédération autonome de l'Enseignement (FAE) presented a memoir that some members felt was not representative of all members of the organization. Indeed, a 2012 survey of the members revealed that 77% agreed that representatives of the State should abstain from wearing apparent religious symbols, while, in 2013, 51.1% of respondents agreed that the FAE should defend the rights of workers to wear religious garments unless these garments violate codes of professionalism and security. As a result, the FAE presented a memoir opposing Bill 60. Members Tania Longpré and Yves Martineau (February 18<sup>th</sup>, 2014, *Sisyphé*) denounced the organization's lack of transparency and failure to represent its members. Therefore, even within groups expressing opinions on the Charter during the consultations, strong dissent existed.

While the charter does not explicitly target them, the debate during the consultations focused on Muslims, and islamic religious practices. Moreover, during the public consultations, it became evident that most of the Charter's propositions were not strongly contested, such as enshrining *laïcité* in the *Charte des droits et libertés de la personne* and creating guidelines for accommodations. Instead, the debate centered mostly on the ban of ostentatious religious symbols for civil servants and the consequences for violating this ban, as well as the Muslim veil (Sylvain Bouchard, January 18<sup>th</sup>, 2014, *AmériQuébec*; André Pratte, April 3<sup>rd</sup>, 2014, *La Presse*). For example, the Federation of Quebec School Boards agrees with most of the bill, but does not believe that the ban of ostentatious religious symbols is appropriate (Michelle Gagnon, January 22<sup>nd</sup>, 2014, *CBC News*). Journalist Michel Venne (January 29<sup>th</sup>, 2014, *Journal Métro*) explains that this consensus over the other aspects of the charter is not surprising; indeed, Quebecers have wanted a *laïque* state for a long time. Interestingly, while in the consultations, and in the National Assembly, the ban on ostentatious religious symbols is most contentious, according to a Léger poll, more Quebecers support the ban (60%) than they do the charter as a whole (48%) (Chris Selley, February 7<sup>th</sup>, 2014, *National Post*).

Even though most aspects of Bill 60 attracted consensus, debate over the ban on wearing ostentatious religious symbols was virulent. Indeed, as journalist Rhéal Séguin (January 14<sup>th</sup>, 2014, *The Globe and Mail*) pointed out, consensus did not seem to be possible, and the hearings may further polarize the debate, much like the Bouchard-Taylor hearings did. He added that the hearings on Bill 60 mirror the divisions in Quebec society over its identity (Rhéal Séguin, January 15<sup>th</sup>, 2014, *The Globe and Mail*). Richard Marceau (February 11<sup>th</sup>, 2014, *Huffington Post*), lawyer for the Centre consultatif des relations juives et israéliennes, has denounced the polarization of the debate that emerged in the

consultations, with supporters of the charter being painted as racist and xenophobic, and the opponents of the charter as seeking the dissolution of Quebec identity.

While the goal of the consultations is to gather the insights of the population to amend Bill 60, Drainville and Marois insisted that the government would wait until the end of the hearings to make changes to their proposed legislation (Kevin Dougherty, January 14<sup>th</sup>, 2014, *The Gazette*). The consultations would be followed by a study of the bill in the National Assembly, including among opposition parties, since the support of at least one of the opposition parties will be necessary to adopt the bill. While the Liberals and Quebec Solidaire staunchly oppose the project, the CAQ is open to support a compromise version of the project (Radio-Canada, January 14<sup>th</sup>, 2014, *Huffington Post*). However, the willingness of the PQ to compromise on their charter has been dubious. Prior to the consultations, Bernard Drainville declared that :

”Ça va prendre de sacrés bons arguments [pour nous faire modifier notre projet]... Mais j'ai toujours reconnu que dans le présent Parlement, il faudra l'appui de la CAQ pour adopter la Charte. J'ai bon espoir que la commission va les faire cheminer. La CAQ s'est rapprochée de nous, mais il y a encore trop de mou dans leur position. Ils ne peuvent pas dire que les enseignants sont en position d'autorité, mais que ce n'est pas le cas des éducatrices en garderie”<sup>1</sup> (quoted in Tommy Chouinard and Paul Journet, April 10<sup>th</sup>, 2014, *La Presse*).

Drainville added during the hearings that the ban on ostentatious religious symbols, the most contentious issue in the debate, is “essential and incontrovertible” and that the government is not willing to negotiate this matter (Radio-Canada, January 15<sup>th</sup>, 2014, *Sympatico*; Tasha Kheiriddin, January 16<sup>th</sup>, 2014, *National Post*; Michelle Gagnon, January 22<sup>nd</sup>, 2014, *CBC News*).

Amidst the contention, during the consultations, support for Bill 60 (in a Leger poll in late January, 51%) and for the PQ (36% against 33% for the Liberals) was high, potentially placing the PQ in majority government territory (Michelle Gagnon, January 22<sup>nd</sup>, 2014, *CBC News*; Andrew Coyne, January 25<sup>th</sup>, 2014, *The StarPhoenix*; James Mennie, March 3<sup>rd</sup>, 2014, *The Gazette*; Jonathan Bernard, March 4<sup>th</sup>, 2014, *98,5 FM*). This support would lead the PQ to want to launch elections sooner than later (James Mennie, March 3<sup>rd</sup>, 2014, *The Gazette*). Rumours of elections emerged as early as the release of the guidelines of the *Charte des valeurs québécoises* in Fall 2013, and during the consultations the rumours continued to circulate.

## 2014 Provincial Elections

Numerous issues led to the launch of the 2014 elections in March. While high support for the charter contributed to instigating the elections, with the premier hoping to

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<sup>1</sup> “It will take really good arguments [to make us modify our project]... But I have always recognized that in the current parliament, the support of the CAQ will be necessary to adopt the Charter. I’m hopeful that the commission will make their position evolve. The CAQ’s position has come closer to ours, but it is still too soft. They cannot say that teachers are in a position of authority, but that it is not the case for daycare educators.”

capitalize on this support to obtain a majority government, the PQ also blamed other parties for bringing about the elections by threatening to vote against the PQ's budget and by refusing to reach an agreement with the PQ over the charter (Kevin Dougherty, January 14<sup>th</sup>, 2014, *The Gazette*; Rhéal Séguin, January 14<sup>th</sup>, 2014, *The Globe and Mail*; Donald Charrette, February 6<sup>th</sup>, 2014, *Huffington Post*; National Post Editorial Board, February 26<sup>th</sup>, 2014, *National Post*). Before officially launching the elections, the PQ attempted to build momentum by making 23 announcements, such as job creation promises, by gauging public opinion to determine its chances, and by attracting potential star candidates (Rhéal Séguin, February 3<sup>rd</sup>, 2014, *The Globe and Mail*; Allan Woods, February 24<sup>th</sup>, 2014, *Toronto Star*).

Despite the adoption of Bill 3 which fixed the date of elections every four years under the PQ government (Donald Charrette, February 6<sup>th</sup>, 2014, *Huffington Post*; Tu Thanh Ha, April 8<sup>th</sup>, 2014, *The Globe and Mail*), elections were announced on March 5<sup>th</sup>, with an election date of April 7<sup>th</sup> (Radio-Canada, March 4<sup>th</sup>, 2014a, *Huffington Post*). While Pauline Marois blamed opposition parties jamming the minority government to explain the launch of the elections (Graeme Hamilton, March 5<sup>th</sup>, 2014, *National Post*), commentators have identified other reasons, including the fact that early elections would obviate Marois having to testify before a parliamentary committee examining her husband Claude Blanchet's dealings with the Fonds de solidarité FTQ (Nora Loreto, March 10<sup>th</sup>, 2014, *Rabble*; Roger Annis, March 12<sup>th</sup>, 2014, *Rabble*). Yaël Ossowski (March 25<sup>th</sup>, 2014, *PanAm Post*) added that the elections were launched when mobilization of PQ troops had peaked, and when social rifts in Quebec were greatest.

Following the events at the Metropolis during the PQ's victory rally in 2012, security around the party leaders during the 2014 elections was heightened, with each party leader receiving a contingent of twenty Sureté du Québec police officers. The debate surrounding Bill 60 also informed this decision to lay on extra security, because the polarizing nature of the debate over the Charter had led to threats being uttered on social media. Likewise, the public hearings on Bill 60 would take place under heavy security (Denis Lessard, February 28<sup>th</sup>, 2014, *La Presse*)

### **Opinions Expressed on Bill 60**

Commentators expressed a variety of positions on Bill 60 in the context of the public consultations (including in the public hearings, submitted memoirs, and in articles published in media outlets during the consultations) and during the electoral campaign. As it had since the 2012 elections, the PQ's *charte* project attracted polarized opinions.

### **Supporters of Bill 60**

Opinions of the Charter continued to be influenced by such factors as age, language spoken and area of residence. Francophones, older individuals and residents of rural areas are more likely to support the charter (Radio-Canada, March 4<sup>th</sup>, 2014b, *Huffington Post*). Retired lawyer Jacques Duquette (February 14<sup>th</sup>, 2014, *La Presse*) attempted to explain support of Bill 60 among rural individuals. He posited that citizens in such regions are unaware of the realities of religious pluralism in urban areas and based their opinions on the matter on biased media reports, which describe instances of reasonable

accommodations as evidence of religious invasions of urban centers; therefore, people in rural regions support the charter in an effort to come to the assistance of their fellow Quebecers in urban regions. Nevertheless, supporters of the charter are diverse and base their positions on a number of factors.

*The charter protects the religious neutrality of the state.* On the first day of the public hearings, minister Drainville argued that the charter seeks to protect the rights of the average citizen to be served by a religiously neutral civil service. Numerous participants in the hearings agreed with Drainville that it is necessary for the state to appear religiously neutral (Rhéal Séguin, January 14<sup>th</sup>, 2014, *The Globe and Mail*). Other commentators, including former student leader Martine Desjardins in the memoir presented by the Rassemblement pour la laïcité, and the Association québécoise du personnel de direction des écoles, have added that the charter would contribute to the full “deconfessionalization of education” at all levels, and ensure that students receive a neutral education (Radio-Canada, January 21<sup>st</sup>, 2014, *Huffington Post*; Annie Mathieu, February 25<sup>th</sup>, 2014, *La Presse*).

*The charter protects the equality of the sexes.* The “Janettes”, a pro-charter group formed around former television personality Janette Bertrand, has supported the charter since its inception because they feel it is a crucial instrument to protect gender equality. The memoir that the group submitted to the parliamentary commission presented a similar discourse. In a video revealing the contents of the memoir, Bertrand maintained that “[c]e sont les représentants élus par la population qui font avancer les droits des femmes et les porte-parole des religions qui les font reculer en reléguant les femmes uniquement à leur rôle de procréatrices”<sup>2</sup> (quoted in Jean-François Néron, March 10<sup>th</sup>, 2014, *La Presse*). Bertrand also criticized religious texts, such as the Bible, the Torah and the Koran for being fundamentally sexist (Jean-François Néron, March 10<sup>th</sup>, 2014, *La Presse*). The “Janettes” insisted that Bill 60 would contribute to protecting gender equality and stifle religious influence in the public sphere.

*The charter limits social tension.* In their memoir presented to the commission, the Rassemblement pour la laïcité also maintained that, instead of dividing society, the ban on ostentatious religious symbols would diminish social tensions in Quebec and make Quebec a more inclusive society (Radio-Canada, January 21<sup>st</sup>, 2014, *Huffington Post*). Farzana Hassan (April 3<sup>rd</sup>, 2014, *Toronto Sun*) added that the charter would improve society by steering away from the culturally relativistic excesses of multiculturalism which threaten Canadian values and society. Indeed, while supporters of the charter and of *laïcité* are often accused of rejecting multiculturalism and cultural pluralism, and even of being racist, issues related to religious diversity will not solve themselves and must be tackled to ensure adequate social harmony and cohesion (Caroline Fourest, April 4<sup>th</sup>, 2014, *Huffington Post*).

One such source of social tension that supporters of the charter believe to be an important threat is religious fundamentalism, with over half of Quebecers surveyed in a

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<sup>2</sup> “It is representatives elected by the population that advance women’s rights and religious spokespeople that set them back by relegating women to their role as procreators.”



CROP-Radio-Canada poll declaring that a Muslim fundamentalist threat exists in the province. Again, differences along linguistic and regional lines emerged, with francophones and individuals living in rural areas being more likely to fear the threat of integrism (Radio-Canada, March 12<sup>th</sup>, 2014, *Huffington Post*). Tarek Fatah (April 1<sup>st</sup>, 2014, *Toronto Sun*) insisted that the threat of “Saudi-funded Islamist groups” is all too real, and praised Pauline Marois for tackling the issue of Muslim fundamentalism with her charter. One of the notable public hearing appearances was that of the Pineault-Caron family, from Saguenay, who related their upsetting experiences with Islam during their travels to Morocco and Turkey, and insisted that it would be unthinkable to allow such practices in Quebec (Michelle Gagnon, January 22<sup>nd</sup>, 2014, *CBC News*). Therefore, the threat of Islamic fundamentalism looms large in the minds of some supporters of Bill 60.

*The charter defines Quebec identity.* Some participants in the public hearings, including the Ligue d'action nationale, a sovereigntist group, insisted that the charter would become a pillar of Quebec society and contribute to building Quebec national identity (Rhéal Séguin, January 15<sup>th</sup>, 2014, *The Globe and Mail*). Gilles Laporte (February 24<sup>th</sup>, 2014, *Huffington Post*), summarizing the memoir presented to the commission by his group the Mouvement national des Québécoises et Québécois, praised the charter for enshrining fundamental societal values, such as the equality of men and women, and the religious neutrality of the state. He insisted that Quebec has a right to affirm its values, since the province “n’est pas une page blanche où chacun peut imposer sans contrainte des valeurs qui lui sont contraires[.]”<sup>3</sup> Therefore, for Laporte and the MNQ, Bill 60 represents a precious opportunity for Quebecers to declare to the world that Quebec is a nation with a distinct identity and distinct values. Andréa Richard, an 80-year old former nun who is now agnostic, supported the charter in her appearance at the public hearings and added that religious accommodations should not be accorded at all since these religious practices do not correlate with Quebec identity (Radio-Canada, March 13<sup>th</sup>, 2014, *Huffington Post*).

Farzana Hassan (April 3<sup>rd</sup>, 2014, *Toronto Sun*) added that, in her “nationalistic zeal” to protect Quebec identity with the charter, Pauline Marois has shown the rest of Canada “a way to preserve its own identity.” She insisted that Canada should also ban religious symbols in state institutions.

*The charter is legally appropriate.* While the charter has faced tremendous criticism as to whether it could pass the constitutional test, some supporters of Bill 60 insisted that it is not unconstitutional. Former Supreme Court justice Claire L’Heureux-Dubé and a group of twelve legal experts known as the Juristes pour la laïcité et la neutralité religieuse de l’État presented a memoir to the parliamentary commission which supported the PQ government’s project, insisted that Quebec elected legislators are most apt to modify the *Charte québécoise des droits*, and concluded that using the notwithstanding clauses of the Canadian and Quebec charters of rights is a legitimate strategy to enact Bill 60 (Yvon Larose, February 13<sup>th</sup>, 2014, *Le Fil*). Therefore, while the charter may indeed not pass the

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<sup>3</sup> “is not a blank page where each can impose without constraint values that oppose its own[.]”

constitutional test, its contents are desirable enough to warrant appealing to the notwithstanding clause.

Journalist André Claude (February 8<sup>th</sup>, 2014, *Huffington Post*) added that, while the bill may be unconstitutional, the charter actually challenges the religious undertones entrenched in Canadian legal culture, including the “supremacy of God” recognized in the Canadian constitution. Therefore, judging the charter in a legal framework is inappropriate because “c’est précisément ce cadre que veut faire éclater le projet de loi 60 pour le remplacer par un nouvel art de vivre ensemble.”<sup>4</sup>

*The ban on ostentatious religious symbols is not excessive.* Numerous supporters of the *Charter affirming the values of State secularism and religious neutrality* have argued that the ban on ostentatious religious symbols for agents of the state, the most contentious provision of the document, is not excessive and is appropriate. One of the first participants in the public hearing, former union leader Réjean Parent argued that agents of the state should submit to restrictions imposed by their employers, and that “s’ils ne veulent pas suivre les règles, bien jusqu’à un certain point, c’est eux autres qui se congédient ou qui s’excluent”<sup>5</sup> (quoted in Geneviève Lajoie and Louis Gagné, January 14<sup>th</sup>, 2014, *Canoe*).

Parent added that expecting agents of the state to not wear religious symbols during their work hours is perfectly reasonable, especially because, he believes, wearing religious symbols is not a fundamental right (Geneviève Lajoie and Louis Gagné, January 14<sup>th</sup>, 2014, *Canoe*). Claude André (February 8<sup>th</sup>, 2014, *Huffington Post*) commented that even fundamental rights are not absolute, citing the example of the War Measures Act enacted in 1970 by Pierre Elliott Trudeau during the October crisis, which allowed the government to search individuals without justification and to hold individuals for up to 90 days. Another common argument of pro-charter commentators to support the ban of ostentatious religious symbols is the idea that religious symbols are not fundamental to religious belief. For example, public hearing participant René Tinawi, a professor at the Polytechnique de Montréal of Egyptian origin, argued that the Muslim veil is not religious, since the Koran does not prescribe it (Geneviève Lajoie and Louis Gagné, January 14<sup>th</sup>, 2014, *Canoe*), an idea that Farzana Hassan (April 3<sup>rd</sup>, 2014, *Toronto Sun*) echoed. She added that most religious individuals do not feel the need to display religious symbols at work. Reader Deepak Narain (April 14<sup>th</sup>, 2014, *Toronto Star*) insisted that religion is a private matter and that affirming religious affiliation through dress, appearance or behavior, and demanding special treatment on the basis of religion is inappropriate because “maintaining our separateness on the basis of religion is anti-national and treacherous.”

Additionally, demographer Michel Paillé (February 13<sup>th</sup>, 2014, *Huffington Post*), a former civil servant, argued that restricting the wearing of religious symbols can be justified by the “*modus operandi*” of public service. Indeed, civil servants are subject to a

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<sup>4</sup> “it is precisely this framework that Bill 60 seeks to shatter to replace it with a new art of living together.”

<sup>5</sup> “if they do not want to follow the rules, then to a certain extent, they are the ones firing or excluding themselves.”

“devoir de réserve”<sup>6</sup> in terms of political opinions, despite the fact that the *Charte des droits et libertés* assures freedom of opinion, conscience and expression. Yet, civil servants have not challenged this restriction. For Paillé, banning ostentatious religious symbols for civil servants would only expand this legitimate “devoir de réserve.” Since there is no hierarchy of rights, it should not be more controversial to limit religious expression as it is to limit political expression.

### Opponents of Bill 60

As previously mentioned, some demographic groups are more likely to oppose the *Charter affirming the values of State secularism and religious neutrality*, including urban dwellers, younger individuals, as well as anglophones and allophones (Radio-Canada, March 4<sup>th</sup>, 2014b, *Huffington Post*). Opponents of the charter have been very vocal and base their position on a variety of arguments.

*The charter lacks justification.* The idea that Bill 60 is unjustified is common among opponents of the charter. Numerous critics, including Samira Laouni, a Muslim woman, president of the Organisme pour la communication, l’ouverture et le rapprochement interculturel, participating in the public hearings (Rhéal Séguin, January 14<sup>th</sup>, 2014, *The Globe and Mail*), the Barreau du Québec in its memoir presented to the committee (Denis Lessard, January 16<sup>th</sup>, 2014, *La Presse*), the Ligue des droits et libertés in its memoir (Mélanie Loisel, February 4<sup>th</sup>, 2014, *Le Devoir*), constitutional law professor Robert Leckey (February 7<sup>th</sup>, 2014, *The Gazette*), and journalist Michel Corbeil (March 19<sup>th</sup>, 2014, *La Presse*), have denounced the government for failing to provide studies showing the extent of the presence of ostentatious religious symbols in the public function, revealing the number of individuals who would be affected by the ban, and demonstrating the effect that the ban would have on these individuals.

Interestingly, while polls reveal that support for the charter may be as high as 50%, comparatively few respondents have ever dealt with a civil servant wearing a religious symbol, including 21% who have encountered a nurse wearing a religious symbol, 10% a teacher, 4% a police officer and 3% a judge. Notably, the more a person has encountered civil servants wearing a religious symbol, the more likely they are to oppose the ban of ostentatious religious symbols (André Pratte, March 4<sup>th</sup>, 2014, *La Presse*). Therefore, the necessity of the charter seems dubious. Former premier Jean Charest underlined the requirement to objectively demonstrate the existence of a significant problem before restricting liberties (Radio-Canada, February 14<sup>th</sup>, 2014, *Sympatico*).

Moreover, opponents of the charter often argue that the charter is not useful to meet its goals of protecting state neutrality and the equality of men and women. The Barreau du Québec argued that the government’s position to the effect that civil servants wearing an ostentatious religious symbol jeopardize the neutrality of the state is unreasonable. In its memoir, the Barreau held that “la neutralité religieuse de l’État n’équivaut pas à ‘l’invisibilisation’ de tout signe de croyance religieuse chez les membres de son personnel,

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<sup>6</sup> “duty of restraint”

dans l'exercice de leurs fonctions, au contraire"<sup>7</sup> (quoted in Denis Lessard, January 16<sup>th</sup>, 2014, *La Presse*), a position that the Commission des droits de la personne also argued in its memoir to the parliamentary commission (Denis Lessard, January 17<sup>th</sup>, 2014, *La Presse*). Philippe David (February 2<sup>nd</sup>, 2014, *Cent Papiers*) agreed that the neutrality of the state does not depend on civil servants not wearing religious symbols. Indeed, the duty to avoid bearing signs of political affiliation has not prevented some teachers to preach politically-interested ideas. Instead, for David, that a civil servant may wear a religious symbol allows a citizen to observe the diversity of the civil service and to know who they are dealing with. Moreover, state neutrality is above all reflected in the good intentions of civil servants regardless of what they wear. Student Sophie Arbour (February 2<sup>nd</sup>, 2014, *Huffington Post*) added that the ban of ostentatious symbols for civil servants would do little to protect the neutrality of the state when this ban would not apply to elected officials such as Jean Tremblay, the Saguenay mayor who begins municipal meetings with a Christian prayer.

When it comes to gender equality, the FFQ denounced the charter for describing the equality of men and women as a value instead of as a right and for not meeting the federation's preoccupations with equality and justice for women (Mélanie Loisel, January 21<sup>st</sup>, 2014, *Le Devoir*). Student Louise Arbour (February 12<sup>th</sup>, 2014, *The Globe and Mail*) understood the anxieties of pro-charter feminists who believe religions relegate women to a submissive status and who are uncomfortable with religious women who seem to accept that role of their own free will, but argued that it is not appropriate to "coerce women into liberation" and to advance women's cause "on the backs of those women who are now among the most marginalized and whose access to the workplace is the best guarantee of both their autonomy and their integration." Perceptions of the charter's effect on the equality of genders also varied along linguistic lines, with 62% of anglophones and 58% of allophones believing that the charter leads to the exclusion of women instead of encouraging gender equality, while 56% of francophones believe the opposite (Radio-Canada, March 4<sup>th</sup>, 2014b, *Huffington Post*).

While some supporters of the charter fear the threat of religious fundamentalism, the charter has faced criticism for not addressing this problem adequately. The Fédération des femmes du Québec (FFQ), in its memoir presented to the commission, argued that the charter will be useless to stop the development of religious fundamentalism in Quebec (Annabelle Blais, January 20<sup>th</sup>, 2014, *La Presse*; Mélanie Loisel, January 21<sup>st</sup>, 2014, *Le Devoir*). The FFQ, as well as reader Paul Cliche (February 19<sup>th</sup>, 2014, *LBR.ca*), even suggested that the charter may encourage fundamentalism by pushing people marginalized by the charter to join fundamentalist movements. Lawyer Simon Rocheleau (February 26<sup>th</sup>, 2014, *Huffington Post*) agreed that stifling religious expression is not an adequate method to steer individuals clear of fundamentalism. To prove his point, Rocheleau pointed out that the terrorists who conducted the September 11<sup>th</sup> attacks did not wear religious symbols.

Chris Selley (April 4<sup>th</sup>, 2014, *National Post*) remarked that, while the charter emerged from the reasonable accommodations debate, had it been enacted at a time when

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<sup>7</sup> "religious neutrality of the state does not correspond to the 'invisibilization' of all signs of religious belief in its personnel, in the exercise of their functions, quite the opposite."

notable reasonable accommodations took place, the charter would either not have prevented these accommodations, if they did not involve civil servants, or would still have caused controversy by leading to the termination of civil servants. Moreover, the charter would not prevent reasonable accommodation cases in the private sector, therefore having dubious impact on the reasonable accommodation controversy.

*The charter threatens fundamental rights.* Numerous opponents of the charter reject it for threatening fundamental rights. The perception among the population of whether Bill 60 infringes human rights is also distinguished along linguistic lines, with 84% of anglophones, 74% of allophones and only 36% of francophones agreeing that the charter would encroach on fundamental religious rights (*CBC News*, March 4<sup>th</sup>, 2014). William Marsden (April 8<sup>th</sup>, 2014, *Calgary Herald*) pointed out that Americans hearing about Bill 60 struggle to come to terms with its attempts to restrict fundamental rights because religious freedoms are deeply entrenched in the US Constitution.

Reiterating earlier positions, the Commission des droits de la personne et des droits de la jeunesse, in its memoir for the public consultations, maintained that the charter does not conform to the *Charte des droits et libertés de la personne* and must be modified (Denis Lessard, January 17<sup>th</sup>, 2014, *La Presse*). In its own memoir, the Ligue des droits et libertés added that Bill 60 trivializes and hierarchizes internationally recognized human rights, with civil servants having to choose between their right to work and their freedom of religion (Mélanie Loisel, February 4<sup>th</sup>, 2014, *Le Devoir*). Professor Robert Leckey (February 7<sup>th</sup>, 2014, *The Gazette*) decried that the charter “will transform into serious misconduct a behaviour that we have regarded, until now, as the exercise of a fundamental freedom.” Louise Arbour (February 12<sup>th</sup>, 2014, *The Globe and Mail*) and history teacher Robert Green (in Marian Scott, March 26<sup>th</sup>, 2014, *The Gazette*) also argued that the charter threatens freedom of religion. Green posited that the charter is “absolutely contrary to the values of a democratic society” (quoted in Marian Scott, March 26<sup>th</sup>, 2014, *The Gazette*). Arbour (February 12<sup>th</sup>, 2014, *The Globe and Mail*) pointed out that the argument of pro-Charter commentators according to which religion is fundamentally a private matter is based on a “very Catholic understanding of religion, which of course cannot be the starting point for defining the contours of religious freedom[.]”

Indeed, some opponents of the charter denounced it for privileging Christianity while stifling religious expression among religious minorities. The FFQ denounced the government for maintaining the presence of the crucifix in the National Assembly despite the fact that the Catholic Church perpetuates allegedly patriarchal and homophobic ideas (Annabelle Blais, January 20<sup>th</sup>, 2014, *La Presse*). The FFQ also criticized the charter for its ambiguity on the topics of prayer before municipal assemblies and state funding of private religious schools (Mélanie Loisel, January 21<sup>st</sup>, 2014, *La Presse*). Moreover, the distinction between ostentatious and non-ostentatious religious symbols could be seen to privilege Christianity, since Christians typically only bear less visible religious symbols like small crucifixes (Jeremy Stolow, April 7<sup>th</sup>, 2014, *Religion Dispatches*).

Several commentators reject the perception of religion presented by supporters of the Charter, including the significance of religious symbols. For Samira Laouni who testified before the parliamentary commission, the veil is central to her faith, and given the choice between her job and her faith, she would choose her religion (Geneviève Lajoie and Louis Gagné, January 14<sup>th</sup>, 2014, *Canoe*; Rhéal Séguin, January 14<sup>th</sup>, 2014, *The Globe and Mail*). Professor Michel Seymour argued that the state “has no business in [people’s] closets” (quoted in Rhéal Séguin, January 15<sup>th</sup>, 2014, *The Globe and Mail*) and should not dictate what people can wear. He added that Muslim women who wear the veil express a sense of belonging to their religion and not a political ideology.

*The charter is unconstitutional and will face legal challenge.* Opponents of the charter often point out that Bill 60 will face tremendous legal challenge, especially in terms of its constitutionality (Louise Arbour, February 12<sup>th</sup>, 2014, *The Globe and Mail*). The Barreau du Québec, in its brief presented to the commission, maintained that the *Charter affirming the values of State secularism and religious neutrality* would not survive even the mildest legal challenge because the bill violates the Canadian Constitution, the Canadian and Quebec charters of rights and international treaties on civil liberties (Denis Lessard, January 16<sup>th</sup>, 2014, *La Presse*). Retired law professor Fernand Morin, testifying before the parliamentary commission, warned the government that its bill would create a string of legal challenges that may lead to a social crisis akin to the student strikes of Spring 2012 (Rhéal Séguin, January 15<sup>th</sup>, 2014, *The Globe and Mail*). Some supporters of the charter argued that the bill should not be subject to the Canadian Constitution of 1982 and the Canadian Charter of Rights and Freedoms because Quebec did not support their enactment. However, lawyer Simon Rocheleau (February 26<sup>th</sup>, 2014, *Huffington Post*) pointed out that the 1982 Constitution was adopted in a constitutional fashion and therefore applies to Quebec, and to the debate over the charter.

The PQ has faced significant criticism for its refusal to reveal the contents of legal opinions they obtained on the charter. In the Fall of 2013, before the tabling of Bill 60, justice minister Bertrand St-Arnaud refused to even acknowledge the existence of such legal opinions. Later, the PQ claimed to have received legal opinions that conclude their law is sound. However, they have been urged to also seek the opinion of the Quebec Court of Appeal (Michelle Gagnon, January 22<sup>nd</sup>, 2014, *CBC News*). Nathalie Roy, a CAQ MNA, has urged the PQ to provide legal justification for its project and to share the legal advice they received from government lawyers (CTV Montreal, January 16<sup>th</sup>, 2014, *CTV News*). Liberal spokesperson on justice issues Gilles Ouimet added that it is the duty of Bertrand St-Arnaud, justice minister, to transmit these legal opinions to protect the public interest (CNW Telbec, January 17<sup>th</sup>, 2014, *Portail Québec*). Ouimet went as far as to suggest that St-Arnaud should quit his post if he continues to refuse to reveal these opinions (Louis Gagné, January 17<sup>th</sup>, 2014, *Canoe*). Ouimet has also been critical of Bernard Drainville on the matter (Louis Gagné, January 17<sup>th</sup>, 2014, *Canoe*). Québec inclusif demanded that Bertrand St-Arnaud replace his colleague Drainville in charge of Bill 60, since they view St-Arnaud as more competent on legal matters, and criticized Drainville for his insensitivity and lack of legal acumen (Radio-Canada, January 17<sup>th</sup>, 2014, *Huffington Post*). In the last week of the elections, Pauline Marois finally admitted that her government possessed several legal



opinions, some of which were unfavourable to the charter (Paul Journet, April 4<sup>th</sup>, 2014, *La Presse*).

*The charter will create discrimination in employment.* Opponents of the *Charter affirming the values of State secularism and religious neutrality* often criticize it for the effect it could potentially have on employment. The FFQ, in its memoir, expressed the fear that the charter would restrict access to work for many women (Annabelle Blais, January 20<sup>th</sup>, 2014, *La Presse*; Annie Mathieu, February 4<sup>th</sup>, 2014, *La Presse*). The Barreau du Québec argued that the government must aim to reflect the diversity of Quebec's population in the public service, and that the charter could compromise this goal (Denis Lessard, January 16<sup>th</sup>, 2014, *La Presse*).

One of the most contentious issues in the public hearings was whether violators of the ban on ostentatious religious symbols would lose their jobs, an eventuality that the population seems to oppose, with an Ipsos poll placing support for the charter at about 55% revealing that only 38% of the population believe that violators of the ban should be fired (Chris Selley, April 4<sup>th</sup>, 2014, *National Post*). Prior to the electoral campaign, the government had opted not to discuss the possibility of firings. Chris Selley (April 4<sup>th</sup>, 2014, *National Post*) deemed it inexplicable that the government has managed to get away with avoiding discussing this eventuality until the electoral campaign. When pressed to reveal whether the government plans to fire violators, and after PQ candidate Évelyne Abitbol declared that the government would terminate civil servants who refuse to comply, premier Marois declared that the five-year transition period including in Bill 60 will allow employees plenty of time to adjust (Sidharta Banerjee, April 2<sup>nd</sup>, 2014, *CTV News*; Les Perreux, April 2<sup>nd</sup>, 2014, *The Globe and Mail*). Peter Wheeland (March 31<sup>st</sup>, 2014, *Cult#MTL*) criticized Marois's idea because this made it sound like the government is saying, according to Wheeland, "Yes, don't worry Fatima, we won't make you go bare-headed today, you've got five more years to choose between your faith and your job." Wheeland added that the government probably expects violators to quit their jobs before the transition period is up, therefore saving the government the embarrassment of firing people. Marois has also expressed that the government is willing to extend the transition period if necessary. However, Marois admitted that further refusal to comply with restrictions would eventually lead to termination, but she foresees that there will be very few such cases (Tommy Chouinard, April 2<sup>nd</sup>, 2014, *La Presse*). Marois also suggested that the government would help "to find pathways to steer [violators of the charter] to other jobs that match their skills, because [the charter] does not touch the private sector" (quoted in Sidharta Banerjee, April 2<sup>nd</sup>, 2014, *CTV News*). Lastly, the premier declared that, if the PQ government is re-elected and if Bill 60 is adopted, all state employees hired subsequently will have to respect the ban of ostentatious religious symbols right away (Tommy Chouinard, April 2<sup>nd</sup>, 2014, *La Presse*).

*The charter is harmful to Quebec society.* Opponents of the charter also denounced it for the potential negative effect it would have on Quebec society. In her testimony, Samira Laouni declared that the bill has brought about tremendous social tensions, with Muslim women being spat on and having their head scarves torn off (Rhéal Séguin, January 14<sup>th</sup>,

2014, *The Globe and Mail*). Angela Mancini, speaking at the commission on behalf of the English Montreal School Board, described the association's dedication to teach students respect for religious diversity and pluralism, in an effort to foster an inclusive, respectful social climate. Mancini worried that the charter would counter these efforts (CNW Telbec, February 12<sup>th</sup>, 2014, *Newswire*).

While some supporters of the charter maintain that the legislation would allow Quebecers to affirm their identity, lawyer Richard Marceau (February 11<sup>th</sup>, 2014, *Huffington Post*) actually argued that the charter clashes with the continuity of Quebec's identity. Indeed, respect for pluralism and diversity, and the defense of human rights have been fundamental aspects of Quebec identity. Simon Rocheleau (February 26<sup>th</sup>, 2014, *Huffington Post*) added that, historically, Quebec has been very welcoming towards immigrants and animated with a climate of tolerance, and insisted that, before legislating on religion in the public sphere, legislators should ask themselves why immigrants choose to come live in Quebec.

In addition to contributing to a tense social climate, the charter could also have negative economic effects, according to some detractors. The Conseil du Patronat, in a brief presented to the parliamentary committee, declared that, because the province is currently in a precarious economic state, "[i]t cannot afford to legislate in a way that creates a perception of social instability [and] [n]either can it afford to legislate in a way that creates the perception it is closed to the world" (quoted in Graeme Hamilton, January 30<sup>th</sup>, 2014, *National Post*). The Conseil also fears that the bill could eventually be extended into the private sector, because one of its clauses stipulates that the ban of ostentatious religious symbols may be extended to private companies contracted by the government. Louis Audet, chief executive of Cogeco, also argued, during an audience at the Montreal Board of Trade, that the charter will bring about "enormous economic harm" (quoted in Graeme Hamilton, January 30<sup>th</sup>, 2014, *National Post*) to Quebec. Bernard Drainville accused those who tout the potential economic effect of the charter of scaremongering, since he believed that the bill will not scare immigrants and investors away from the province (Graeme Hamilton, January 30<sup>th</sup>, 2014, *National Post*).

### Events Surrounding the Public Consultations

*Death of a woman on a metro escalator.* In late January, a 47-year old woman, originally from Morocco, tragically died when her scarf got caught in an escalator in a metro station. Almost immediately, the *Journal de Montréal* propagated the story that the woman was strangled by her hijab, a story which the police denied, declaring that it was a simple scarf. The *Journal de Montréal* stood by its story, insisting that they had reputable sources to support the story (Ethan Cox, February 3<sup>rd</sup>, 2014, *National Post*). The event exacerbated the debate surrounding the charter, with Islam and the hijab coming under fire (Lal Khan Malik, February 5<sup>th</sup>, 2014, *Toronto Star*). Later, it was revealed that the woman was a Muslim and that she did wear the hijab (Ethan Cox, February 3<sup>rd</sup>, 2014, *National Post*). Journalist Ethan Cox (February 3<sup>rd</sup>, 2014, *National Post*) posited that the woman's



religion was irrelevant, and that in a time of such tragedy, “the petty political point-scoring, and the scarcely-veiled racism” should be put aside.

*Burkini question.* In early February, another controversy erupted in Quebec City, around the “burkini”, a swimsuit covering the whole body except the face, hands and feet, that some Muslim women wear. Controversy arose when the “burkini” became permitted attire in the public pools of the Cité-Limoilou borough of Quebec City. While the “burkini” outraged some citizens, mayor Régis Labeaume urged the population to be compassionate towards women who wear the controversial swimsuit in public pools, a position that Bernard Drainville supported, since Bill 60 would not apply to users of public pools. Indeed, Labeaume pointed that a reasonable accommodation request of some lifeguards to be allowed to wear the “burkini” would be rejected (Radio-Canada, February 12<sup>th</sup>, 2014, *Huffington Post*).

*Vandalism.* Since the launch of the charter project, incidences of vandalism against religious or ethnic institutions have been on the rise, and continued into the public consultation period. A notable incident occurred in Sherbrooke where a mosque and a halal butcher shop were vandalized. Abdelbari Souibgui, the proprietor of the butcher shop, has had his business vandalized three times since August 2013. A 52-year old man, Guy Cardinal, was arrested for vandalizing the shop with hateful signs, as well as the nearby mosque. Mr. Souibgui insisted that “what happened is one of the consequences of the charter debate” (Ingrid Peritz, February 21<sup>st</sup>, 2014, *The Globe and Mail*).

## 2014 Electoral Campaign and Results

### Forecasts

Prior to calling the elections, the PQ enjoyed a lot of support in the polls, in part because of popular support for the government’s proposed charter of values, with forecasts predicting that the Liberal and CAQ opposition would lose seats in the national assembly and that the PQ could realistically achieve a majority government (Allan Woods, February 24<sup>th</sup>, 2014, *Toronto Star*; Graeme Hamilton, March 5<sup>th</sup>, 2014, *National Post*; Roger Annis, March 12<sup>th</sup>, 2014, *Rabble*). Journalist Jeffrey Simpson (February 26<sup>th</sup>, 2014, *The Globe and Mail*) predicted that the “PQ is favoured to win, having divided Quebeckers on the basest and most dangerous of human emotions: fear of the ‘other.’”

Soon after the beginning of the elections in early May, the Liberals began to catch up to their PQ rivals in the polls (CTV Montreal, March 8<sup>th</sup>, 2014, *CTV News*), and even surpass them (Michel Corbeil, March 19<sup>th</sup>, 2014, *La Presse*). This turnaround was something of a surprise. The Liberals’ boost in the polls and the PQ’s loss of favour is commonly attributed among journalists to the announcement of media magnate Pierre Karl Péladeau’s candidacy for the PQ. During his first public appearance Péladeau made a clenched-fist salute calling for Quebec to become a country. Péladeau himself blamed the shift in the polls on the

Liberals “[coming] out with the boogeyman, and the referendum” (quoted in Kevin Dougherty, March 26<sup>th</sup>, 2014, *The Gazette*).

It would be around this time in the elections that the PQ suddenly began to discuss the charter. According to Bernard Drainville, this had always been part of the PQ’s game plan (Michel Corveil, March 19<sup>th</sup>, 2014, *La Presse*). As the election came down to the wire, one week before election night, the Liberals led polls with 40% of popular support and the possibility of taking PQ seats and obtaining a majority government, against the PQ’s 33 percent (Allan Woods, March 30<sup>th</sup>, 2014, *Toronto Star*; Christopher Curtis, April 4<sup>th</sup>, 2014, *The Gazette*). Some commentators disagreed, with Caroline Fourest (April 4<sup>th</sup>, 2014, *Huffington Post*) suggesting a few days before the elections, that the PQ may augment its number of seats and adopt Bill 60. Paul Journet (April 5<sup>th</sup>, 2014, *La Presse*) reported that the PQ was third in the polls, behind the Liberals and the CAQ, when it comes to voters between the ages of 18 and 44. Journet explained the PQ’s poor performance among young voters by observing that young voters tend not to support the PQ’s platform regarding the charter and Quebec independence. Andy Radia (April 6<sup>th</sup>, 2014, *Yahoo News*) pointed out that, while Marois launched the elections when the PQ fared well in the polls and could aspire to obtaining a majority government, on the eve of election day, the polls told a very different story.

### The Charter as Electoral Issue

The *Charter affirming the values of State secularism and religious neutrality* was a significant issue in the 2014 election campaign. Prior to the elections, the idea that the government tabled Bill 60 to gain electoral leverage was common, and heavily criticised. Tasha Kheiriddin (January 16<sup>th</sup>, 2014, *National Post*) described the charter as “[s]tate sanctioned discrimination for electoral gain[.]” Political analyst Don Macpherson even suggested that the PQ actually has no intentions of passing the Charter and instead only seeks to use it as an electoral issue (CTV Montreal, January 16<sup>th</sup>, 2014, *CTV News*). Sylvain Bouchard (January 18<sup>th</sup>, 2014, *AmériQuébec*), Michelle Gagnon (January 22<sup>nd</sup>, 2014, *CBC News*), Rhéal Séguin (February 3<sup>rd</sup>, 2014, *The Globe and Mail*) and Graeme Hamilton (March 5<sup>th</sup>, 2014, *National Post*) all argued that the PQ was succeeding in manipulating the identity anxieties of francophones to gain back the francophone vote they had lost in 2012 to the CAQ. Reader Paul Cliche (February 19<sup>th</sup>, 2014, *LBR.ca*) criticized the government for hijacking the debate over religion in the public sphere, which should have been a social debate that would strengthen Quebec, for electoral purposes. Sophie Arbour (February 2<sup>nd</sup>, 2014, *Huffington Post*) and Philippe David (February 2<sup>nd</sup>, 2014, *Cent Papiers*) pointed out that, by diverting attention to the charter, the PQ government can hope that voters will overlook their mistakes, incompetence and questionable actions. Even a large segment of the population (50% of Quebecers and 74% of non-francophones polled in a CROP-Radio-Canada survey) believes that the government tabled the charter in an effort to gain votes, and not as a response to the population’s preoccupations (Radio-Canada, March 12<sup>th</sup>, 2014, *Huffington Post*). As the announcement of elections seemed to become inevitable, commentators maintained that the charter would be a fundamental electoral issue (Robert Leckey, February 7<sup>th</sup>, 2014, *The Gazette*; Martin Patriquin, February 21<sup>st</sup>, 2014, *MacLean’s*; Don Macpherson, March 5<sup>th</sup>, 2014, *The Gazette*; Nora Loreto, March 10<sup>th</sup>, 2014, *Rabble*;

Roger Annis, March 12<sup>th</sup>, 2014, *Rabble*), and that the conditions are favourable for Marois to pull off the gamble of obtaining a majority government using the charter (Chris Selley, February 7<sup>th</sup>, 2014, *National Post*).

Once the election started, even Drainville described a vote for the PQ as a vote for the charter, while a vote for the Liberals or the CAQ was a vote against the charter (Sébastien Lacroix, March 12<sup>th</sup>, 2014, *Le Courrier Sud*; Radio-Canada, March 21<sup>st</sup>, 2014, *Sympatico*). However, the charter did not figure prominently in the early days of the campaign, with the charter even faring poorly on the list of voters' main preoccupations (Radio-Canada, March 19<sup>th</sup>, 2014, *Huffington Post*). The PQ re-centered the campaign on the charter towards the midway point of the campaign, with Drainville meeting the media to talk about the charter and the party launching an advertisement campaign inviting Quebecers to vote for the PQ to enact the charter (Radio-Canada, March 19<sup>th</sup>, 2014, *Huffington Post*). Konrad Yakabuski (April 3<sup>rd</sup>, 2014, *The Globe and Mail*) suggested that the PQ could still win the elections if they managed to focus enough attention on the charter, which remained highly popular among voters, and to turn attention away from issues such as sovereignty and integrity (Sidharta Banerjee, April 2<sup>nd</sup>, 2014, *CTV News*).

*Controversies around the charter.* While being central to the PQ's electoral platform, the charter has also created serious issues for the PQ when some proponents of the charter expressed controversial opinions (Postmedia News, March 31<sup>st</sup>, 2014, *National Post*).

Former television personality Janette Bertrand has supported the charter because of the impact she believed it would have on gender equality. In the final week of the elections, Pauline Marois invited Bertrand to speak about the charter at an event nicknamed the "secular brunch" (Allan Woods, March 30<sup>th</sup>, 2014, *Toronto Star*; Benjamin Shingler, March 30<sup>th</sup>, 2014, *iPolitics*; Peter Wheeland, March 31<sup>st</sup>, 2014, *Cult#MTL*). To illustrate the importance of the charter, Bertrand shared this story:

"J'habite un building où il y a une piscine. Je vais me baigner une fois par semaine pour faire de l'aqua-gym. Et puis arrivent deux hommes, et ils sont déçus parce qu'il y a deux femmes - je suis avec mon amie. Ils s'en retournent. Bon, imaginons qu'ils partent, qu'ils vont voir le propriétaire, qui est très heureux d'avoir beaucoup des étudiants de McGill riches qui sont là. Et puis ils demandent: bon, on veut avoir une journée. Et puis là, dans quelques mois, c'est eux qui ont la piscine tout le temps. C'est ça, le grugeage, c'est ça dont on a peur, et c'est ça qui va arriver si on n'a pas de charte», a-t-elle affirmé."<sup>8</sup> (quoted in Tommy Chouinard, March 30<sup>th</sup>, 2014, *La Presse*)

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<sup>8</sup> "I live in a building where there is a pool. I swim once a week to do aqua-gym. And then two men arrive, and they are disappointed because there are two women – I am with my friend. They leave. Well, imagine that they leave, that they go see the landlord, who is very happy to have many rich McGill students there. And then they ask: well, we want one day. And then, in a few months, they have the pool all the time. That's it, the grinding away, this is what we are scared of, and this is what will happen if there is no charter."

Bertrand added that the charter would establish protections against fundamentalism and ensure peace in Quebec (Allan Woods, March 30<sup>th</sup>, 2014, *Toronto Star*). While not distancing herself from Bertrand's fears, Pauline Marois did recognize that the charter would have no impact on users of pools in the private sphere (Tommy Chouinard, March 30<sup>th</sup>, 2014, *La Presse*).

Peter Wheeland (March 31<sup>st</sup>, 2014, *Cult#MTL*) heavily criticized Bertrand's words. He decried Bertrand inventing the story (by using the word "imagine"), creating super villains (rich presumably Muslim McGill students). Wheeland also pointed out that proponents of the charter, including journalist Richard Martineau, who urged Bertrand in a tweet to "[NOT] TALK ABOUT THE CHARTER ANYMORE!!!" (quoted in Peter Wheeland, March 31<sup>st</sup>, 2014, *Cult#MTL*), are criticizing Bertrand's position. Wheeland also insisted that Bertrand personifies the fear and ignorance of Islam predominant in Quebec, and which the PQ seeks to exploit. Marni Soupcoff (April 1<sup>st</sup>, 2014, *National Post*) added that Bertrand's story exemplified the real motivations behind the Charter "which have far less to do with concern over government getting mixed up in religion than they do with unhappiness about the private choices Quebecers are making where religion is concerned." While he recognizes that Bertrand's words were not hateful, Alain Dubuc (April 2<sup>nd</sup>, 2014, *La Presse*) denounced Bertrand's story, rooted in anxiety and exaggeration, for fueling xenophobia.

Other incidents created difficulties for the PQ and for the charter. Jean Carrière, the PQ candidate for Lafontaine, was kicked out of the party for posting an image depicting a half-naked woman with the words "F\*\*k Islam" on his Facebook page (Postmedia News, March 31<sup>st</sup>, 2014, *National Post*; Andy Radia, April 6<sup>th</sup>, 2014, *Yahoo News*). Another PQ candidate, Louise Mailloux from Gouin, created controversy when she described baptism and circumcision as rape, and kosher and halal foods as a racket to which Quebecers are falling victim and as a source of funding for religious wars. However, in this case, Pauline Marois refused to repudiate her candidate (Andy Radia, April 6<sup>th</sup>, 2014, *Yahoo News*; Janice Arnold, April 8<sup>th</sup>, 2014, *The Canadian Jewish News*).

## Other Electoral Issues

*Sovereignty and the referendum.* In addition to the charter, numerous issues impacted the 2014 electoral campaign. Prior to the beginning of the electoral campaign, little mention was made of the possibility of a referendum on sovereignty, with Pauline Marois only revealing the PQ's intention to hold a popular consultation on sovereignty, if a PQ majority government were to be elected (Jeffrey Simpson, February 26<sup>th</sup>, 2014, *The Globe and Mail*). The premier insisted that the PQ did not wish to campaign on sovereignty, but to contest an election based on the government's program (Marie-Ève Shaffer, April 3<sup>rd</sup>, 2014, *Journal Métro*).

Despite Marois' intentions to remain ambiguous on the possibility of a referendum (André Pratte, April 3<sup>rd</sup>, 2014, *La Presse*), sovereignty became one of the fundamental issues of the 2014 electoral campaign, especially after Pierre Karl Péladeau's salute and

declaration of his desire to make Quebec a country (Marian Scott, March 26<sup>th</sup>, 2014, *The Gazette*; Christopher Curtis, April 4<sup>th</sup>, 2014, *The Gazette*). Péladeau's outburst forced Marois to address the specter of a referendum, which disrupted the PQ's electoral strategy, and negatively impacted popular support for the PQ (Allan Woods, March 30<sup>th</sup>, 2014, *Toronto Star*; Christopher Curtis, April 4<sup>th</sup>, 2014, *The Gazette*). Indeed, according to André Pratte (April 3<sup>rd</sup>, 2014, *La Presse*), the two previous referenda had "brisé des amitiés et déchiré des familles [et] [l]a grande majorité des citoyens ne veut pas revivre un tel traumatisme."<sup>9</sup>

*The budget and the economy.* Singled out as one of the issues instigating the elections, the provincial budget was a serious area of contention for the government and the opposition parties, mainly because of the Marois government's inability to deliver on its promise to balance its budget (Michelle Gagnon, January 22<sup>nd</sup>, 2014, *CBC News*). Indeed, prior to the launch of the elections, it seemed that Marois and Couillard were preparing to fight a battle on finances, with Marois making a number of economic announcements, such as a \$450-million investment in a new cement factory in Gaspé, and Couillard criticizing the PQ's fiscal performance (James Mennie, February 14<sup>th</sup>, 2014, *The Gazette*). Martin Patriquin (February 21<sup>st</sup>, 2014, *MacLean's*) indeed suggested that the charter issue would not sustain a month-long electoral campaign and that the economy would be Marois' Achilles heel, with full-time employment decreasing by two percent between January 2013 and January 2014. Reportedly, the PLQ's electoral platform was centered on job creation (André Pratte, April 3<sup>rd</sup>, 2014, *La Presse*). In a CBC News investigation, it was found that 51% of anglophones, 49% of allophones and 11% of francophones had considered leaving Quebec because of political uncertainty, the economy and unemployment, and high taxes (Office of the GM and Editor in Chief, February 28<sup>th</sup>, 2014, *CBC News*).

Later in the campaign, it was reported that the economy was one of the main preoccupations of voters (André Pratte, April 3<sup>rd</sup>, 2014, *La Presse*). On the other hand, Yaël Ossowski (March 25<sup>th</sup>, 2014, *PamAm Post*) decried that the campaign focused too much on issues surrounding the charter and not on topics like the overgrowth of bureaucracy and the debt. Interestingly, after the PQ took a dive in the polls, Marois announced new projected tax cuts for businesses and citizens, which had never been mentioned in the PQ's platform or budget tabled in February. *The Globe and Mail* reported that, when asked why these tax cuts had not been mentioned, Marois replied that "[n]o one asked [her] the question before" (quoted in Andy Radia, April 6<sup>th</sup>, 2014, *Yahoo News*).

*Dying with dignity bill.* Other domains were much less contentious, including the previously tabled bill dealing with the right to die with dignity, which gathered almost unanimous support in the National Assembly (Donald Charrette, February 6<sup>th</sup>, 2014, *Huffington Post*). However, the bill was blocked by the Liberals in the assembly and will have to wait until after the elections (Allan Woods, February 24<sup>th</sup>, 2014, *Toronto Star*), though Graeme Hamilton (March 5<sup>th</sup>, 2014, *National Post*) seemed to be much less enthusiastic about the future of the bill following the dissolution of the assembly.

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<sup>9</sup> "broken friendships and torn families apart [and] [t]he great majority of citizens do not want to relive such trauma."



## Party Positions on the Charter of Values

*Parti Québécois.* Premier Pauline Marois and Bernard Drainville criticized the PLQ and the CAQ for opposing all legislations the PQ proposed and effectively incapacitating the minority legislature (Marie-Maxime Cousineau, February 11<sup>th</sup>, 2014, *L'Étoile*; Marco Bélair-Cirino, March 6<sup>th</sup>, 2014, *Le Devoir*). Indeed, on the eve of the electoral campaign, the PQ urged the population to entrust them with a majority government to enact the government's plan, including the adoption of the charter (Paul Journet and Denis Lessard, March 4<sup>th</sup>, 2014, *La Presse*; Marco Bélair-Cirino, March 6<sup>th</sup>, 2014, *Le Devoir*). Drainville added that voting for the PLQ or the CAQ is a vote to go backwards, while the PQ “veut continuer à progresser et à créer des emplois”<sup>10</sup> (quoted in Marie-Maxime Cousineau, February 11<sup>th</sup>, 2014, *L'Étoile*) and would also be the only party able to protect Quebec values, by adopting Bill 60, which will be a source of harmony and social cohesion. Drainville maintained then that the charter would be one of the principal electoral issues (Marie-Maxime Cousineau, February 11<sup>th</sup>, 2014, *L'Étoile*). When the PQ revealed its platform for the 2014 elections, the charter of values was first among the PQ's list of priorities (CTV Montreal, March 8<sup>th</sup>, 2014, *CTV News*).

While praising the richness of Quebec's diversity, Drainville insisted that Quebec's population must gather around some communal values, including the equality of genders and the religious neutrality of the state. Drainville was confident that the Charter would become a symbol of strength, harmony, and cohesion (Sébastien Lacroix, March 12<sup>th</sup>, 2014, *Le Courrier Sud*). Candidate Pierre Karl Péladeau also expressed his support for the charter because it would protect the French language and Quebec's heritage (Kevin Dougherty, March 26<sup>th</sup>, 2014, *The Gazette*). Pauline Marois criticized the PLQ for not having a plan to deal with religion in the public sphere, instead electing to deal with these issues on a case by case basis, an ad hoc approach that the Bouchard-Taylor commission rejected (Tommy Chouinard, March 30<sup>th</sup>, 2014, *La Presse*), and for advocating bilingualism in Quebec (Allan Woods, March 30<sup>th</sup>, 2014, *Toronto Star*).

As became obvious during the public consultations, the PQ also made it clear that it was not interested in compromising on the charter. While the CAQ was willing to compromise on the issue by supporting a bill with a ban on ostentatious religious symbols limited to civil servants “in positions of authority,” such as police officers, judges and teachers (Kevin Dougherty, January 14<sup>th</sup>, 2014, *The Gazette*), Marois and the PQ preferred to launch an election to obtain a majority government and adopt the charter as is (Paul Journet and Denis Lessard, March 4<sup>th</sup>, 2014, *La Presse*; Don Macpherson, March 5<sup>th</sup>, 2014, *The Gazette*). Drainville insisted that “[n]ous sommes ouverts à améliorer la charte[,] [m]ais il n'est pas question de la vider de son contenu”<sup>11</sup> (quoted in Michel Corbeil, March 19<sup>th</sup>, 2014, *La Presse*). Marois added that the law is not yet definitive and that it may still be modified, but that its essential contents would not be changed (Marie-Ève Shaffer, April 3<sup>rd</sup>, 2014, *Journal Métro*).

<sup>10</sup> “wants to continue progressing and creating jobs”

<sup>11</sup> “We are open to improving the charter. But voiding it of its content is out of the question.”

Even though some supporters of the charter deem it an appropriate strategy, until the electoral period, the PQ had avoided mentioning the use of the notwithstanding clause of the Canadian and Quebec charters of rights to adopt Bill 60. Around late March, Marois revealed that her party was considering the use of the notwithstanding clause to protect the charter, if her party were to be elected and if the federal government and other judicial bodies challenged Bill 60 (Tommy Chouinard, March 31<sup>st</sup>, 2014, *La Presse*; Postmedia News, March 31<sup>st</sup>, 2014, *National Post*). In addition to revealing this intention, Marois also addressed the existence of judicial opinions opposing the charter. She maintained that while many opinions concluded that the charter is sound, others did not, and that it might be necessary to defend the charter by appealing to the notwithstanding clause, which would have to be renewed every five years (Tommy Chouinard, March 31<sup>st</sup>, 2014, *La Presse*; Postmedia News, March 31<sup>st</sup>, 2014, *National Post*).

*Coalition Avenir Québec.* While not entirely supporting the PQ's charter project, the CAQ has attempted to find common ground to legislate on an issue that it considered must be addressed, religious symbols in the public sphere. Nathalie Roy, spokesperson for the CAQ on Bill 60, explained that the CAQ maintains that a charter is necessary, but that the total ban of ostentatious religious symbols for all civil servants is too harsh, and that the PQ position is divisive, while the Liberals sought to avoid the issue altogether (Kevin Dougherty, January 14<sup>th</sup>, 2014, *The Gazette*). The CAQ would only restrict the ban on ostentatious religious symbols to people in positions of authority, such as judges and teachers (Andrew Coyne, January 25<sup>th</sup>, 2014, *The StarPhoenix*; Chris Selley, February 7<sup>th</sup>, 2014, *National Post*). The CAQ, having tabled its own version of the charter, presented itself as a compromise solution for voters who want a charter, but not a referendum (Radio-Canada, March 21<sup>st</sup>, 2014, *Sympatico*). Indeed, CAQ leader François Legault lamented that the electoral focus on the charter and the referendum turned attention away from "real" issues such as unemployment and the economy (*La Presse Canadienne*, March 25<sup>th</sup>, 2014, *Les Affaires*). Legault was particularly critical of Marois's invitation to Janette Bertrand to speak about the charter in the later days of the campaign because it proved her unwillingness to address serious issues, like the economy and tax cuts, because "[elle] n'[a] pas le courage de travailler là-dessus"<sup>12</sup> (Legault quoted in Valérie Gaudreau, March 31<sup>st</sup>, 2014b, *La Presse*).

*Parti Libéral du Québec.* The Liberals have continuously opposed the PQ's projected charter and maintained that religious differences must be accommodated. They also suggested that face coverings of a religious nature should be banned only for reasons of security and identification (Kevin Dougherty, January 14<sup>th</sup>, 2014, *The Gazette*). However, they did agree that guidelines for religious accommodations must be legislated, to ensure that accommodations respect gender equality, the mission of the institution in question and the person's function (Kevin Dougherty, January 14<sup>th</sup>, 2014, *The Gazette*; Radio-Canada, January 15<sup>th</sup>, 2014, *Sympatico*). However, the PLQ actually did not officialise its position on the charter until late January; before that time, the party position was based on informal

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<sup>12</sup> "[she] [does] not have the courage to work on that."

utterances of its members. The PLQ was criticized for failing to clearly define its position in time (Andrew Coyne, January 25<sup>th</sup>, 2014, *The StarPhoenix*; Michelle Gagnon, January 22<sup>nd</sup>, 2014, *CBC News*). Overall, the official Liberal position consists of framing the exercise of rights and freedoms without unduly limiting them, and legislating on aspects of the charter that have attracted a consensus of opinions, namely most aspects of Bill 60 except for the ban of ostentatious religious symbols for civil servants (Sébastien Lévesque, January 30<sup>th</sup>, 2014, *Le République*; Radio-Canada, March 21<sup>st</sup>, 2014, *Huffington Post*; Tommy Chouinard, March 30<sup>th</sup>, 2014, *La Presse*).

Namely, if they were to legislate on the issue of religion in the public sphere, the PLQ would affirm and define the religious neutrality of the state (Sébastien Lévesque, January 30<sup>th</sup>, 2014, *Le République*), and also ban the *burka*, *niqab* and *chador* for state employees (Andrew Coyne, January 25<sup>th</sup>, 2014, *The StarPhoenix*; Sébastien Lévesque, January 30<sup>th</sup>, 2014, *Le République*). Andrew Coyne (January 25<sup>th</sup>, 2014, *The StarPhoenix*) and Chris Selley (February 7<sup>th</sup>, 2014, *National Post*) understood why the *burka* and *niqab* would be banned, since they cover the face, but questioned why the *chador* would, while the *hijab* would not, when they both leave the face uncovered. Moreover, the PLQ would define and frame reasonable accommodations, and preserve Quebec patrimony and fundamental values, notably by keeping the crucifix hanging in the National Assembly (Sébastien Lévesque, January 30<sup>th</sup>, 2014, *Le République*; Michelle Gagnon, January 22<sup>nd</sup>, 2014, *CBC News*). Couillard was criticized for seeking to enshrine religious neutrality, while favouring Catholicism by preserving the crucifix (Rhéal Séguin, February 3<sup>rd</sup>, 2014, *The Globe and Mail*).

While presenting an alternative to the PQ's charter, Couillard did denounce the PQ for inventing problems to solve with its charter. He recalled the words of one of his former employers, when Couillard worked as a doctor: "Quand ton patient n'a rien, c'est mieux de ne rien faire"<sup>13</sup> (quoted in Radio-Canada, February 14<sup>th</sup>, 2014, *Sympatico*). After the elections were announced, Couillard reiterated these criticisms against the government and decried that Marois and her party continuously paint Quebecers as a "threatened, weak people," (quoted in Graeme Hamilton, March 5<sup>th</sup>, 2014, *National Post*) whether it is by the federal government, other provinces or immigrants, and practice politics of division, when the PLQ is committed to building an "inclusive province" (Marian Scott, March 26<sup>th</sup>, 2014, *The Gazette*). Couillard was also concerned with the charter's potential effect on employment, especially in the healthcare field, where he feared many nurses and doctors would lose their jobs, and in the education field (Radio-Canada, March 19<sup>th</sup>, 2014, *Huffington Post*). Late in the electoral campaign, when the attention had focused on the referendum debate, Couillard accused Marois and the PQ of devising the charter in a "Machiavellian" ploy to create xenophobic fears, divide the population and trick people sympathetic to the charter as part of a referendum strategy, a tactic Couillard described as "very bad for democracy in Quebec" (quoted in Postmedia News, March 31<sup>st</sup>, 2014, *National Post*). The PQ then desperately attempted to deflate the Liberals' accusations towards the end of the electoral campaign (Konrad Yakabuski, April 3<sup>rd</sup>, 2014, *The Globe and Mail*).

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<sup>13</sup> "When your patient has nothing, it is better to do nothing."



In early April, Couillard also promised that, if elected, his party would release the contents of the secret legal opinions the PQ government had gathered on the charter (Paul Journet, April 4<sup>th</sup>, 2014, *La Presse*; Allan Woods, April 4<sup>th</sup>, 2014, *Toronto Star*). His party would also table a bill focusing on consensual aspects of the debate over the charter, including the equality of genders, the religious neutrality of the state, and the need to receive and dispense government services with uncovered faces for security reasons (Paul Journet, April 4<sup>th</sup>, 2014, *La Presse*).

*Fatima Houda-Pepin.* After leaving the Liberal caucus because it opposed the ban on ostentatious religious symbols for civil servants, Fatima Houda-Pepin, a Muslim immigrant born in Morocco, sat in the National Assembly as an independent MNA for La Pinière. Having to quit the caucus frustrated Houda-Pepin because she describes herself as a Liberal and a federalist, and decried that she was not allowed to hold an opinion different from her leader's position (CTV Montreal, January 20<sup>th</sup>, 2014, *CTV News*). Québec solidaire leader Françoise David praised Houda-Pepin for her courage and integrity to choose to exclude herself from her beloved party and underlined the importance of her input in the debate on religious symbols in the civil service (CNW Telbec, January 21<sup>st</sup>, 2014, *NewsWire*).

Houda-Pepin denounced her former party's position on *laïcité*. She described the *laïcité* advocated by the Liberals as "laïcité qui s'incarne nulle part"<sup>14</sup> (quoted in Paul Journet, January 22<sup>nd</sup>, 2014, *La Presse*) and criticized her party's case by case approach because it puts too much pressure on functionaries and does not create real neutrality since decisions are affected by decision-makers' biases. Dan Delmar (January 23<sup>rd</sup>, 2014, *CJAD*) commended Houda-Pepin's outspokenness, claiming that her predicament is symptomatic "of a Canadian-style form of governance that is broken." He also pointed out that Liberals ultimately endorsed her suggestion to ban the *chador* in the public function, when they revealed their formal position on the charter. Houda-Pepin also criticized her former party leader for failing to consult his caucus before taking an official position on Bill 60 (Rhéal Séguin, February 12<sup>th</sup>, 2014, *The Globe and Mail*).

In February, Houda-Pepin tabled her own bill on the religious neutrality of the state. The bill would ban ostentatious religious symbols for state employees representing the coercive power of the state, and create an organization tasked with surveying religious integrism. The bill would also stipulate that religious marriages must meet certain conditions, such as respecting the legal age of marriage, judicial equality of spouses and free consent, and forbid polygamy and female genital mutilation (Tommy Chouinard, February 12<sup>th</sup>, 2014b, *La Presse*). In terms of reasonable accommodations, the bill stipulates that they would have to respect the equality of genders, not be too costly, and be consistent with the protection of Quebec's cultural and religious heritage (Rhéal Séguin, February 12<sup>th</sup>, 2014, *The Globe and Mail*). The PQ welcomed the legislation and declared it was willing to consider integrating aspects of Houda-Pepin's bill in the charter (Tommy Chouinard, February 12<sup>th</sup>, 2014a, *La Presse*).

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<sup>14</sup> "laïcité that manifests nowhere"

When the elections were launched, Fatima Houda-Pepin ran in La Pinière, which she represented for twenty years, as an independent. Her Liberal opponent was Dr. Gaétan Barrette, the former president of the Fédération des Médecins Spécialistes du Québec, and a former CAQ candidate in the 2012 elections (James Mennie, March 4<sup>th</sup>, 2014, *The Gazette*; Rhéal Séguin, March 4<sup>th</sup>, 2014, *The Globe and Mail*). Despite the fact that an independent MNA had not been elected in Quebec in the last fifty years, and that the money she had raised as Liberal candidate would fund Dr. Barrette's campaign, Fatima Houda-Pepin was confident that she could be re-elected in her riding (Rhéal Séguin, March 4<sup>th</sup>, 2014, *The Globe and Mail*). Interestingly, the PQ elected not to present a candidate to oppose Houda-Pepin in La Pinière, practically endorsing her candidacy and inviting PQ supporters in La Pinière to vote for her because of the importance of Houda-Pepin's contribution in the debate on the charter and in the fight against religious fundamentalism. Marois declared that she does not agree with all aspects of Houda-Pepin's position, but insisted that it was better than Couillard's endorsement of the status quo (Paul Journet and Hugo Pilon-Larose, March 14<sup>th</sup>, 2014, *La Presse*; Charles Lecavalier, March 14<sup>th</sup>, 2014, *Journal de Montréal*). Houda-Pepin respected the PQ's decision not to present a candidate in La Pinière, but underlined that she made no such request to the PQ (Charles Lecavalier, March 14<sup>th</sup>, 2014, *Journal de Montréal*).

During the elections, Houda-Pepin continued to criticize Philippe Couillard because of his inconsistent position on the charter of values, and for allowing Pauline Marois and her party to monopolize the debate on religious neutrality "not because she is strong, but because Mr. Couillard decided he didn't want to debate the charter" (quoted in Rhéal Séguin, March 4<sup>th</sup>, 2014, *The Globe and Mail*). Houda-Pepin also vehemently denounced Couillard for his relationship with Saudi authorities from when he worked as a surgeon in Saudi Arabia, and even referred to him as a strategic ally of Islamic fundamentalists (Tarek Fatah, April 1<sup>st</sup>, 2014, *Toronto Sun*). She was also critical of the PQ position on religious neutrality, insisting that the party focuses too much on prohibiting religious symbols and not enough on fighting religious integristism (Paul Journet and Hugo Pilon-Larose, March 14<sup>th</sup>, 2014, *La Presse*).

*Québec Solidaire*. Québec Solidaire has opposed the PQ's charter and proposed their own, which would only prohibit ostentatious religious symbols for judges and police officers (Chris Selley, February 7<sup>th</sup>, 2014, *National Post*; Roger Annis, March 12<sup>th</sup>, 2014, *Rabble*; Radio-Canada, March 21<sup>st</sup>, 2014, *Huffington Post*). In a letter to Bernard Drainville, Amir Khadir accepted the PQ's premise behind the charter, that religious diversity represents a threat to Quebec society and values, and that the state must adopt means to counter this threat. However, he pointed out that some of the charter's proposals "have correctly been denounced as linked to lies that might fuel xenophobia [...] which does not in [his] opinion represent the basis of [the PQ's] thought" (quoted in Louis Girard and Richard Dufour, March 1<sup>st</sup>, 2014, *World Socialist Web Site*). Khadir also criticized the government for tabling Bill 60 with the intent to court the nationalist electoral vote and advance Quebec independence. He decried that the PQ's tactic is short-sighted and destructively pragmatic (Louis Girard and Richard Dufour, March 1<sup>st</sup>, 2014, *World Socialist Web Site*).

Françoise David, co-spokesperson for Québec Solidaire, has criticized both the PQ and the PLQ for being uncompromising in their positions on the charter. She maintained that supporters and opponents of the charter have called for working towards solutions, with David convinced that a consensus can be achieved (CNW Telbec, January 21<sup>st</sup>, 2014, *Newswire*). David was also critical of Janette Bertrand's speech because David maintained that there is no integrist threat in Quebec and that it is inappropriate to create fears in the population (Annabelle Caillou, March 31<sup>st</sup>, 2014, *Journal de Québec*; Philippe Teisceira-Lessard, March 31<sup>st</sup>, 2014, *La Presse*)

### Events Surrounding the Electoral Campaign

A number of significant events punctuated the electoral campaign and had an impact on the course of the elections. Bill 60 often played a role in those events, if only as a background.

*March 20<sup>th</sup> leaders' debate.* The first leader's debate took place on March 20<sup>th</sup>. Pauline Marois, François Legault, Philippe Couillard and Françoise David all participated. The charter was a central topic in the debate (Michel Corbeil and Simon Boivin, March 20<sup>th</sup>, 2014, *La Presse*), with Marois claiming that the purpose of the 2014 elections is to select "a government who will lead Quebec with integrity, and vision that will create jobs, and will also adopt a charter of secularism" (Yaël Ossowski, March 25<sup>th</sup>, 2014, *PamAm Post*). Marois also declared that her party was not willing to compromise on the ban of ostentatious religious symbols for civil servants (Michel Corbeil and Simon Boivin, March 20<sup>th</sup>, 2014, *La Presse*). In the debate, David criticized Marois for using the charter as an electoral ploy (Yaël Ossowski, March 25<sup>th</sup>, 2014, *PamAm Post*). Couillard was critical of Marois and her party for failing to compromise on their position, when several aspects of Bill 60 have attracted a consensus of opinions, and denounced the charter for its potentially negative impact on the employment of many women. Marois retorted that the only woman who has lost her job as a result of the charter is Fatima Houda-Pepin, the former Liberal MNA (Michel Corbeil and Simon Boivin, March 20<sup>th</sup>, 2014, *La Presse*; *Radio-Canada*, March 21<sup>st</sup>, 2014).

The referendum was another significant topic in the debate. Legault urged Marois to make it clear whether her party plans to hold a referendum on Quebec sovereignty if it were to be re-elected (*Radio-Canada*, March 21<sup>st</sup>, 2014). Marois insisted that her party does not plan to hold a referendum until the population is ready (Michel Corbeil and Simon Boivin, March 20<sup>th</sup>, 2014, *La Presse*), and will not hold a covert referendum akin to the Night of the Long Knives where the Canadian Constitution was adopted without Quebec's consent, a constitution which, Marois pointed out, Couillard wishes to sign on to (*Radio-Canada*, March 21<sup>st</sup>, 2014). However, her party would table a white paper on Quebec's future (*Radio-Canada*, March 21<sup>st</sup>, 2014).

Other topics in the debate included employment and the economy, with the party leaders arguing over numbers (Michel Corbeil and Simon Boivin, March 20<sup>th</sup>, 2014, *La Presse*; *Radio-Canada*, March 21<sup>st</sup>, 2014). Legault was critical of Marois for the tax hikes

dedicated to school boards. David condemned Couillard's "superclinic" project, which she deemed to be unacceptable privatisation of the healthcare sector (Michel Corbeil and Simon Boivin, March 20<sup>th</sup>, 2014, *La Presse*).

*March 21<sup>st</sup> protest.* On March 21<sup>st</sup>, a demonstration, organized by Ensemble contre la Charte xenophobe, was held as part of the International Day for the Elimination of Racial Discrimination. Demonstrators marched against the charter of values, colonialism and racism. Organizers of the protest explained that the march was held during the electoral campaign because people get political during such times. People of all ages participated in the march, including the Montreal Raging Grannies, who closed the march with a song for Pauline Marois (Janna Bryson, March 24<sup>th</sup>, 2014, *McGill Daily*).

*Anglophone student vote issue.* A significant controversy occurring during the elections is the anglophone students voting issue. Many anglophone students from outside of Quebec were denied the opportunity to vote in the 2014 elections. Electoral regulations stipulate that voters must be over eighteen years old, have resided in Quebec for over six months, and intend to stay in the province for the long term (Caroline Pailliez, March 22<sup>nd</sup>, 2014, *Vigile*). Many Anglophones students were denied the right to vote because, according to elections officials, they failed to demonstrate their intent to stay in Quebec in the long term. However, the students blamed this rejection on electoral personnel discriminating against them for being anglophones (Philippe Orfali, April 2<sup>nd</sup>, 2014, *Le Devoir*). For Yaël Ossowski (March 25<sup>th</sup>, 2014, *PamAm Post*), this controversy is symptomatic of hostility towards linguistic, ethnic and religious minorities in Quebec, also exemplified by the charter. The impression that anglophone students were attempting to unduly influence the election result because they oppose sovereignty and the charter was also singled out as a potential reason for denying some of them the vote (Philippe Orfali, April 2<sup>nd</sup>, 2014, *Le Devoir*; Caroline Pailliez, March 22<sup>nd</sup>, 2014, *Vigile*).

*March 27<sup>th</sup> leaders' debate.* A second leaders' debate would take place on March 27<sup>th</sup>. Philippe Couillard was the target of virulent attacks over his association with Arthur Porter (a disgraced public figure involved in a construction scandal) and the \$600 000 Couillard placed in a tax haven at an early point in his medical career. Pauline Marois was glad that the debate centered around issues of integrity, even though François Legault also attacked her on the deal between her husband Claude Blanchet and the FTQ. Marois also felt that she sufficiently made clear in the debate that her party does not plan to hold a referendum if they were to be elected. (*La Presse Canadienne*, March 28<sup>th</sup>, 2014, *Huffington Post*).

The economy figured more prominently in this debate than the charter of values. It seemed that later on in the elections the Quebec population was more so concerned with the economy than with Bill 60 (Valérie Gaudreau, March 31<sup>st</sup>, 2014a, *La Presse*). Legault, because of his focus on the economy, fared well in the debate, which led to a resurgence in voting intentions for the CAQ (Valérie Gaudreau, March 31<sup>st</sup>, 2014a, *La Presse*).

*April 5<sup>th</sup> protest.* Another protest took place on April 5<sup>th</sup>, two days before the elections. This demonstration featured 1000 supporters of Bill 60, demanding clear rules on *laïcité* in

Quebec and the adoption of the charter. While the rally was not a partisan one, many of the marchers bore Parti Québécois insignias (Radio-Canada, April 5<sup>th</sup>, 2014, *Huffington Post*).

## Election Results

On April 7<sup>th</sup>, the Parti Libéral du Québec was elected to a majority government, grabbing seventy electoral seats with 41 percent of popular support. PQ support sunk to its lowest level in decades (25%) and the PQ only held on to thirty seats. The CAQ won 22 seats and Québec Solidaire, three. Fatima Houda-Pepin lost her seat in La Pinière to the Liberal candidate Gaétan Barrette (Allison Hanes, April 7<sup>th</sup>, 2014, *O Canada.com*). As a result of her party's defeat, Pauline Marois resigned as leader of the PQ (Jean Baubérot, April 8<sup>th</sup>, 2014, *Mediapart*).

For many, the election results reflected a rejection of the charter of values and the referendum, with Couillard claiming that Quebecers “have chosen unity and openness” (Allison Hanes, April 7<sup>th</sup>, 2014, *O Canada.com*). Jean Baubérot (April 8<sup>th</sup>, 2014, *Mediapart*) declared that the election results are “une victoire de la société civile de la Belle Province et l'échec d'un repli identitaire du courant souverainiste, dérivant d'un nationalisme civique à un nationalisme ethnicisé.”<sup>15</sup> Stefan Christoff (April 8<sup>th</sup>, 2014, *The Media Co-op*) described the election results as “certainly not an embrace of the Liberals, but more a popular rejection of a racist vision of Québec nationalism articulated by the *Charte des valeurs québécoises*.”

The voter participation rate decreased by 3.2% between 2012 and 2014. Moreover, participation among non-francophone voters increased, while participation of francophone voters decreased. Voting among anglophones and allophones almost unanimously favoured the PLQ (Claire Durand, April 19<sup>th</sup>, 2014, *La Presse*). Claire Durand (April 19<sup>th</sup>, 2014, *La Presse*) posited that participation among non-francophones increased because of the impact of the charter of values.

*Mulling over the Results* Many political commentators concluded that the turning point in the PQ's campaign was the announcement of Pierre Karl Péladeau's candidacy for the PQ. For many, Péladeau's candidacy was intended to improve the PQ's economic credibility. Not only did Péladeau divide the left-leaning party on economic and labour relations issues, he also propagated the party's unpopular sovereignty agenda, proclaiming his desire to make Quebec a country on the first day of his campaign. Marois and the PQ then failed to side-step the sovereignty issue in the electoral campaign (Andy Radia, April 6<sup>th</sup>, 2014, *Yahoo News*; *National Post* Editorial Board, April 7<sup>th</sup>, 2014; David Olive, April 7<sup>th</sup>, 2014, *Toronto Star*; Andrea Janus, April 8<sup>th</sup>, 2014, *CTV News*; Esther Benfredj, June 27<sup>th</sup>, 2014, *Causeur*). The *National Post* Editorial Board (April 7<sup>th</sup>, 2014) concluded that the PQ had “overestimate[d] voters' appetite for revolutionary change, or their vulnerability to populist demagoguery.” The election was also described as a third referendum, with the population rejecting “the PQ's raison d'être” (Tu Thanh Ha, April 8<sup>th</sup>, 2014, *The Globe and*

<sup>15</sup> “a victory for the Belle Province's civil society and the failure of the cultural isolationism of the sovereignist movement, drifting from a civic nationalism to an ethnicized nationalism.”

*Mail*). François Legault also insisted that the threat of another referendum led to the Liberal victory, and that the sovereignty debate is harming Quebec's economic growth (Andrea Janus, April 8<sup>th</sup>, 2014, *CTV News*).

The popular Bill 60 should have been the PQ's saving grace (Andy Radia, April 6<sup>th</sup>, 2014, *Yahoo News*). However, it appeared that Quebecers took a closer look at the contents of the charter and decided that the bill was not a good idea for the province (Andy Radia, April 6<sup>th</sup>, 2014, *Yahoo News*). Popular support for the charter decreased significantly after it was made clear by the PQ that civil servants could potentially lose their jobs for wearing religious symbols at work, with voters realizing how harsh the bill actually was (*National Post* Editorial Board, April 7<sup>th</sup>, 2014).

David Olive (April 7<sup>th</sup>, 2014, *Toronto Star*) pointed out that, by focusing her campaign on sovereignty and the charter of values, Marois picked the wrong conversation to have with voters. Indeed, voters were more concerned with the economy and employment. Olive added that Marois was conversing with PQ supporters and not the electorate. Indeed, according to an Ipsos-CTV poll, only 25% of francophones voted for the PQ to ensure the adoption of the charter, and 5% of voters voted to block the adoption of the charter (Daniel Baril, April 17<sup>th</sup>, 2014, *Voir*).

PQ party members also evaluated the election results to determine where the party went wrong. Overall, PQ candidates seemed to blame the ambiguity of the party around the sovereignty issue and the charter of values, as well as the work of the media (Martin Ouellet and Jocelyne Richer, April 11<sup>th</sup>, 2014, *La Presse*). Indeed, for former MNA Émilien Pelletier, journalists had concluded some kind of deal with Couillard and perpetually presented Pauline Marois in a negative light (Martin Ouellet and Jocelyne Richer, April 11<sup>th</sup>, 2014, *La Presse*).

Defeated MNA Yves-François Blanchet blamed his party's defeat on the sovereignty issue. He insisted that when their opponents brought up the issue, the PQ should have made it perfectly clear that sovereignty was not part of the party's plans at all (Tommy Chouinard and Paul Journet, April 10<sup>th</sup>, 2014, *La Presse*; Martin Ouellet and Jocelyne Richer, April 11<sup>th</sup>, 2014, *La Presse*), a suggestion that defeated candidate Alexis Deschênes echoed (*L'Avantage*, April 11<sup>th</sup>, 2014). Blanchet also argued that the announcement of Pierre Karl Péladeau's candidacy should have been better surrounded by politicians with more experience (Tommy Chouinard and Paul Journet, April 10<sup>th</sup>, 2014, *La Presse*).

Blanchet, a supporter of the charter, also deplored that the charter did not figure prominently at the beginning of the elections; when the charter was addressed later in the campaign, it was perceived as an electoral ploy and not as a fundamental electoral issue (Tommy Chouinard and Paul Journet, April 10<sup>th</sup>, 2014, *La Presse*). Moreover, PQ MNA and former minister Alexandre Cloutier was critical of Bill 60 and insisted that his party should have presented a less divisive legislation, by focusing on the consensual elements of the bill and compromising with the CAQ if necessary (Tommy Chouinard and Paul Journet, April 10<sup>th</sup>, 2014, *La Presse*). Jean-François Lisée added that he found the prohibition of



ostentatious religious symbols in the charter to be exaggerated for hospitals, universities and municipalities, and that the charter should have provided for a longer transitory period (Mélanie Loisel, April 14<sup>th</sup>, 2014, *Le Devoir*).

Bernard Drainville defended his charter project, insisting that the charter was not to blame for the PQ's defeat. He explained that while support for the charter was high, fear of the referendum was stronger, leading to his party's failure (*L'Avantage*, April 11<sup>th</sup>, 2014; Martin Ouellet and Jocelyne Richer, April 11<sup>th</sup>, 2014, *La Presse*). Drainville (April 14<sup>th</sup>, 2014, *Huffington Post*) argued that the charter did not figure prominently in voters' minds when casting their vote; instead the election "s'est transformée en election référendaire dont la question était: 'Voulez-vous d'un referendum?'"<sup>16</sup> Drainville also maintained that his party's intention was always to compromise with the CAQ following the public consultations on the charter, which were interrupted by the elections (Tommy Chouinard and Paul Journet, April 10<sup>th</sup>, 2014, *La Presse*; Mélanie Loisel, April 14<sup>th</sup>, 2014, *Le Devoir*; Louis Gagné, April 10<sup>th</sup>, 2014, *Journal de Québec*; Rhéal Séguin, April 10<sup>th</sup>, 2014, *The Globe and Mail*). Drainville (April 14<sup>th</sup>, 2014, *Huffington Post*) conceded that his party was unwilling to compromise on the great principles of the charter, but it was willing to negotiate on the means to achieve the charter's goals, especially on the possibility of restricting the ban of ostentatious religious symbols to only certain categories of civil servants (Mélanie Loisel, April 14<sup>th</sup>, 2014, *Le Devoir*).

In an interview with *Le Devoir* two months after the elections, Pauline Marois stood behind her campaign strategy, including ambiguity on the referendum question, the charter of values, and Pierre Karl Péladeau's candidacy (Marco Bélair-Cirino, June 7<sup>th</sup>, 2014, *Le Devoir*). Marois instead blamed the defeat on the fact that discussion of her government's accomplishments was overshadowed by attacks to her party when it came to the sovereignty question. While she believes that the PQ must reevaluate its communication strategy, it cannot turn back on the sovereignty project, which is the political foundation of the party. Moreover, Marois is convinced that the PQ's defeat on April 7<sup>th</sup> is not akin to a third failed referendum, and that the party will renew itself successfully (Marco Bélair-Cirino, June 7<sup>th</sup>, 2014, *Le Devoir*).

*Future PQ leadership.* On election night, even before Pauline Marois officially resigned, a few potential candidates for PQ leadership made their presence known. Three elected PQ candidates, namely Bernard Drainville, who championed the charter of values, Jean-François Lisée, and Pierre Karl Péladeau made incendiary partisan speeches (Allison Hanes, April 7<sup>th</sup>, 2014, *O Canada.com*). Tu Thanh Ha (April 8<sup>th</sup>, 2014, *The Globe and Mail*) described the men's display as reflective of "both the tone of an acrimonious divisive campaign and the existential debates ahead in Quebec politics." The fact that Péladeau, Drainville and Lisée gave their speeches even before Pauline Marois resigned as PQ leader, after thirty years in politics, did not go unnoticed and was criticized in the press (Tasha Kheiriddin, April 17<sup>th</sup>, 2014, 2014, *iPolitics*). Tasha Kheiriddin (April 17<sup>th</sup>, 2014, *iPolitics*) also criticized Péladeau for the text he redacted and sent to the press two weeks later

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<sup>16</sup> "transformed into a referendary election of which the question was: 'Do you want a referendum?'"

highlighting the anniversary of Patriation of the Canadian Constitution in 1982, which occurred without the consent of the representatives of Quebec, and decrying the injustice underlining the event (Pierre Karl Péladeau, April 17<sup>th</sup>, 2014, *La Presse*).

In his speech, Lisée recognized that the PQ must not precipitate the upcoming leadership race and take the time to listen to the message the population of Quebec has sent the PQ (Martin Ouellet and Jocelyne Richer, April 11<sup>th</sup>, 2014, *La Presse*). Drainville also maintained that the party needs to reconnect with Quebecers (Jocelyne Richer, April 16<sup>th</sup>, 2014, *Journal Métro*). Former minister Bertrand St-Arnaud urged that PQ to seriously reevaluate its priorities, its message on the national question, its social policies, and particularly its relation with the younger generations, where the PQ is the third and even fourth party, before holding a leadership race (Tommy Chouinard and Paul Journet, April 10<sup>th</sup>, 2014, *La Presse*). Stéphane Bédard was named interim leader; his tasks will be to unite a strong opposition party and rebuild the defeated party (Rhéal Séguin, April 10<sup>th</sup>, 2014, *The Globe and Mail*).

*Issues for the Liberal government.* Following his party's victory, Philippe Couillard insisted that his new government's priorities would include the bill on euthanasia and the impact of the charter of values (Jean-Luc Lavallée, April 8<sup>th</sup>, 2014, *24 heures Montréal*; Hassan Serraji, April 16<sup>th</sup>, 2014, *Journal Métro*; Thomas Daigle, April 22<sup>nd</sup>, 2014, *CBC News*; Patrick Bellerose, April 9<sup>th</sup>, 2014, *Huffington Post*). Indeed, the new government will have to make efforts to appease the worries of minorities and of the francophone majority (Hassan Serraji, April 16<sup>th</sup>, 2014, *Journal Métro*).

In addition to dealing with the backlash of Bill 60, the new Liberal government would have to face numerous issues. On the fiscal side, Couillard's government inherited a deeply indebted province, with serious infrastructure problems. Following his party's election, Couillard declared that he would promptly request that the auditor general of the province review Quebec's financial situation (Andrea Janus, April 8<sup>th</sup>, 2014, *CTV News*; *National Post* Editorial Board, April 7<sup>th</sup>, 2014; Jean-Luc Lavallée, April 8<sup>th</sup>, 2014, *24 heures Montréal*; Jocelyne Richer, April 8<sup>th</sup>, 2014, *Journal Métro*; Patrick Bellerose, April 9<sup>th</sup>, 2014, *Huffington Post*). Couillard also insisted that his government would take immediate steps to stimulate the economy and create jobs, even before tabling a budget, if necessary (Jean-Luc Lavallée, April 8<sup>th</sup>, 2014, *24 heures Montréal*; Jocelyne Richer, April 8<sup>th</sup>, 2014, *Journal Métro*; Thomas Daigle, April 22<sup>nd</sup>, 2014, *CBC News*; Patrick Bellerose, April 9<sup>th</sup>, 2014, *Huffington Post*). Couillard also hoped that his government would achieve a balanced budget by 2015-2016, despite announced infrastructure investment and the cancellation of the hike in daycare fees (Patrick Bellerose, April 9<sup>th</sup>, 2014, *Huffington Post*). Additionally, during the electoral campaign, Couillard and his team promised the creation of fifty "super-clinics" (Patrick Bellerose, April 9<sup>th</sup>, 2014, *Huffington Post*).

Couillard's government will also be impacted by a legacy of corruption revealed by the Charbonneau commission (*National Post* Editorial Board, April 7<sup>th</sup>, 2014). Indeed, Couillard would need to distance himself from the scandals of previous Liberal administration, especially considering that several of his newly elected MNAs were also



part of the Charest government, and that a special anti-corruption police unit is investigating political party financing practices (Tu Thanh Ha, April 8<sup>th</sup>, 2014, *The Globe and Mail*; Hassan Serraji, April 16<sup>th</sup>, 2014, *Journal Métro*; Thomas Daigle, April 22<sup>nd</sup>, 2014, *CBC News*; Rhéal Séguin, April 17<sup>th</sup>, 2014, *The Globe and Mail*). Couillard will need to adopt a different persona than his predecessor Jean Charest (Robert Dutrisac, April 19<sup>th</sup>, 2014, *Le Devoir*), and prove his leadership by facing difficult issues, such as the economy and corruption (Les Perreux, April 11<sup>th</sup>, 2014, *The Globe and Mail*). Couillard vowed to head a government based on transparency and integrity (Andrea Janus, April 8<sup>th</sup>, 2014, *CTV News*). Notably, Couillard planned to reevaluate the process of nomination for important positions in the civil service, such as the role of Sûreté du Québec director, to make it more impartial (Jocelyne Richer, April 8<sup>th</sup>, 2014, *Journal Métro*; Patrick Bellerose, April 9<sup>th</sup>, 2014, *Huffington Post*).

The new prime minister will also have to carefully select his cabinet; whereas traditionally political experience is desirable in a minister, in the case of Couillard's cabinet, experienced candidates could potentially face corruption accusations in the near future, while the exclusion of an experienced politicians could lead to suspicion regarding the candidate's political past (Chris Selley, April 22<sup>nd</sup>, 2014, *National Post*). When Couillard revealed his new cabinet, Kathleen Weil returned to her previous position as minister of immigration, with her title relabelled "minister for immigration, diversity and inclusiveness," the change clearly reflecting the impact of the charter of values and the new government's goal to repair the harm done by the debate over Bill 60 (Richard Deschamps, April 24<sup>th</sup>, 2014, *La Presse*). Minister of Justice Stéphanie Vallée will be tasked with presenting a bill on religious neutrality (Rima Elkouri, April 25<sup>th</sup>, 2014, *La Presse*). Rima Elkouri (April 25<sup>th</sup>, 2014, *La Presse*) suggested that the Liberal government should focus on representation of women in politics, to better protect gender equality; she decried that Couillard's cabinet contains only eight women out of 26 ministers, with all key posts in the cabinet being held by men.

Philippe Couillard gave his inaugural speech on May 21<sup>st</sup>. One of the most significant issues mentioned is the need to stimulate the economy and balance the budget, with the goal being to reach a balanced budget in 2015-2016. Couillard underlined the importance of immigration to stimulate the economy, stating that his government "croit résolument que la diversité n'est pas une menace, mais une richesse"<sup>17</sup> (quoted Patrick Bellerose, May 21<sup>st</sup>, 2014, *Huffington Post*; Rhéal Séguin, May 21<sup>st</sup>, 2014, *The Globe and Mail*), and added that the Couillard administration will protect minority rights, with a new bill to be tabled as a response to the PQ charter of values (Sam Dixon, May 22<sup>nd</sup>, 2014, *Oye! Times*). To do so, the government will have to cut the budget allocated to social and health services, which will attract contention from the civil service, and to end costly social programs, to be determined by a commission that will evaluate existing social programs (Patrick Bellerose, May 21<sup>st</sup>, 2014, *Huffington Post*; Martin Croteau, May 21<sup>st</sup>, 2014, *La Presse*; Rhéal Séguin, May 21<sup>st</sup>, 2014, *The Globe and Mail*; Sam Dixon, May 22<sup>nd</sup>, 2014, *Oye! Times*). Moreover, Couillard promised that these cuts would result in economic benefits in the long run, such

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<sup>17</sup> "firmly believes that diversity is not a threat, but a source of wealth."

as new jobs and lower taxes, and that his government would create 250,000 jobs before October 2018 (Rhéal Séguin, May 21<sup>st</sup>, 2014, *The Globe and Mail*; Sam Dixon, May 22<sup>nd</sup>, 2014, *Oye! Times*). Other significant issues included the Plan Nord, the “Dying with dignity” bill and governmental transparency (Patrick Bellerose, May 21<sup>st</sup>, 2014, *Huffington Post*; Martin Croteau, May 21<sup>st</sup>, 2014, *La Presse*; Rhéal Séguin, May 21<sup>st</sup>, 2014, *The Globe and Mail*).

*Reactions to Liberal win.* Many religious minority communities in the province were quite satisfied with the Liberal electoral victory. Leaders of the Jewish community in Montreal spoke of the beginning of a more positive climate where the Jewish community can feel a greater sense of belonging to Quebec society (Janice Arnold, April 8<sup>th</sup>, 2014, *The Canadian Jewish*). The Muslim community also rejoiced in the Liberal victory and the PQ defeat, which also signaled the failure of Bill 60. Muslim citizens were enthusiastic for the beginning of a new social era, but also held high expectations for their new government (*Oumma*, April 11<sup>th</sup>, 2014).

However, other groups were less enthusiastic. Notably, the red squares, who had marched during the student protests in 2012 under the previous Liberal administration, began protesting soon after the vote was tallied. Police declared the demonstration illegal but allowed it to continue so long as it remained peaceful (Allison Hanes, April 7<sup>th</sup>, 2014, *O Canada.com*). The protesters marched to denounce Quebec’s largely corrupt political system regulated by corporate financing, austerity, and the exploitation of the political process by PQ and PLQ politicians to advance policies that deepen economic inequality and injustice (Stefan Christoff, April 8<sup>th</sup>, 2014, *The Media Co-op*). Stefan Christoff (April 8<sup>th</sup>, 2014, *The Media Co-op*) described the protest as “crucially important because it sets a grassroots tone, a street politics response, to the distressing reality of a Liberal party government” and to austerity politics.

Federal parties also expressed their reactions to the Quebec election results. Much like all major federal parties (except the Bloc Québécois) all agreed in opposing the charter of values (Stéphanie Marin, April 9<sup>th</sup>, 2014, *La Presse*; *La Presse Canadienne*, January 16<sup>th</sup>, 2014, *98,5 FM*; Sarah-Maude Lefebvre, February 21<sup>st</sup>, 2014, *Canoe*), these parties also all rejoiced in the Liberal victory, and what they perceived as the popular rejection of a sovereignty referendum and Bill 60 (Stéphanie Marin, April 8<sup>th</sup>, 2014, *Journal Métro*). Prime Minister Stephen Harper declared that it is clear from the election results that Quebecers have rejected the idea of a referendum and want a government focused on the economy and job creation (Stéphanie Marin, April 8<sup>th</sup>, 2014, *Journal Métro*). Thomas Mulcair congratulated the Liberal party for their victory and ensured the new government that it can count on the collaboration of the NDP to protect the interests of Quebecers in Ottawa (Stéphanie Marin, April 8<sup>th</sup>, 2014, *Journal Métro*). For Justin Trudeau and the federal Liberal Party, the victory of Couillard and his party, and the defeat of the PQ reflected the collective decision of Quebecers to reject the politics of division embodied by Bill 60, to act as open, tolerant people who will not force religious minorities to choose between their jobs and their faith, and to choose a stronger economy over a third referendum (Andrea Janus, April 8<sup>th</sup>, 2014, *CTV News*; Stéphanie Marin, April 8<sup>th</sup>, 2014, *Journal Métro*).

## The Charter after the Elections

### Future of the PQ's Charter

Many commentators described the Liberal victory as the end of Bill 60. A *National Post* editorialist (April 7<sup>th</sup>, 2014) claimed that the secularism charter and Pierre Karl Péladeau's separatist aspirations "properly belong in history's dustbin" and that Philippe Couillard would benefit from breaking cleanly with his predecessors' practices. Indeed, during the elections Couillard promised to introduce measures to handle reasonable accommodations by focusing on elements of Bill 60 that attracted consensus, and release judicial opinions gathered by the PQ on the charter. He promised to close the charter of values file early in his mandate (Andrea Janus, April 8<sup>th</sup>, 2014, *CTV News*).

On April 27<sup>th</sup>, a march celebrating religious, ethnic and linguistic diversity took place in Montreal. While not expressed as a purpose of the protest, it seemed that the protest also celebrated the defeat of the PQ and its proposed secularism charter. A clergyman attending the protest pointed out that, ironically, the charter seemed to have brought different cultural communities together in an effort to oppose it (Billy Shields, April 27<sup>th</sup>, 2014, *Global News*).

### Lingering issues

While some celebrated what seemed to be the end of the values charter debate, others were less overjoyed. For Jeremy Stolow (April 7<sup>th</sup>, 2014, *Religion Dispatches*), the politics of religious identity and inclusion underlying the charter have not subsided, and how the new government will handle these questions remains to be seen. John Walsh (May 5<sup>th</sup>, 2014, *The Metropolitan*) insisted that while the PQ's defeat may mark the end of cultural wars, Quebec society will not be deterred from becoming increasingly secular. Michèle Sirois, coordinator of the Rassemblement pour la laïcité, declared that the debate on *laïcité* is not yet over, because it is a fundamental societal question (*La Presse Canadienne*, April 12<sup>th</sup>, 2014, *Le Devoir*). She insisted that while the PQ was a vehicle for *laïcité*, her organizations would continue to fight after the PQ's defeat (Catherine D'Astous, April 10<sup>th</sup>, 2014, *Huffington Post*). In an address, Pauline Marois also maintained that the conversation on state neutrality and equality of men and women must continue despite her party's defeat (*Huffington Post Quebec*, April 16<sup>th</sup>, 2014). Anthropologist Daniel Baril (April 17<sup>th</sup>, 2014, *Voir*) added that, thanks to the charter, a majority of Quebec's population supports state *laïcité*, and even the Liberal party, who had presented a bill in 2010 limited to prohibiting the *burka* in the civil service, is willing to consider including *laïcité* in the charter of rights and freedoms, and also urged the PQ to continue championing the issue of *laïcité*.

Indeed, the PQ's defeat does not amount to a popular rejection of the charter of values; a majority of Quebecers still supports the charter (Supriya Dwivedi, April 17<sup>th</sup>,

2014, *The Globe and Mail*). Couillard announced that his government would table their own version of the charter, since he feels that Quebecers want a legislation to regulate accommodations of religious diversity (*The Globe and Mail*, April 20<sup>th</sup>, 2014). Hassan Serraji (April 16<sup>th</sup>, 2014, *Journal Métro*) and Thomas Daigle (April 22<sup>nd</sup>, 2014, *CBC News*) insisted that Couillard must address the reasonable accommodations issue brought to the forefront by the PQ and enact a charter that gathers Quebecers by appeasing lingering anxieties of the majority and protecting the rights of the minority.

*Kirpan controversy.* A new reasonable accommodations controversy kept the issue of religious symbols in the civil service in the headlines. A group of Sikh individuals is suing the National Assembly, which forbids the kirpan in parliament for security reasons (Robert Dutrisac, April 19<sup>th</sup>, 2014, *Le Devoir*; Chris Selley, April 25<sup>th</sup>, 2014, *National Post*). The action was brought forward after the federal government decided to authorize the kirpan in Canadian embassies abroad (Lysiane Gagnon, April 22<sup>nd</sup>, 2014, *La Presse*). For Lysiane Gagnon (April 22<sup>nd</sup>, 2014, *La Presse*), knives should simply not be tolerated in areas, like parliament, which are more likely to be the target of violence. She insisted that the National Assembly of Quebec is entitled to determining its own rules of access, regardless of federal policy. She urged Couillard to uphold the ban on kirpans in the National Assembly. The rise of this new reasonable accommodations issue demonstrates that the debate has not subsided with the defeat of the PQ and of Bill 60, and that Couillard's government will continue to face challenges related to religious presence in the public sphere.

*Revealing judicial opinions.* Moreover, another remaining issue is Couillard's electoral promise to reveal the legal opinions on the charter of values gathered by the PQ. Indeed, while a majority of Quebecers support the charter of values, they also want it to pass the constitutional test (Chris Selley, April 25<sup>th</sup>, 2014, *National Post*). Soon after the elections, the new Justice minister Stéphanie Vallée acknowledged the electoral promise to share these legal opinions, if they exist (Radio-Canada, April 24<sup>th</sup>, 2014, *Huffington Post*; Jocelyne Richer, April 24<sup>th</sup>, 2014, *La Presse*). Jocelyne Richer (April 24<sup>th</sup>, 2014, *La Presse*) explained that, usually, governments do not reveal legal opinions gathered on a proposed bill; however, under the Marois administration, the Liberal opposition had insisted that, in the case of the charter of values, the government should demonstrate exceptional transparency.

In late April, the Couillard government revealed that they could not find any written or verbal legal opinion given to former Justice minister Bertrand St-Arnaud on the constitutionality of Bill 60, despite the fact that, for months, the PQ insisted that their charter was based on sound legal opinions that concluded that the charter would pass the constitutional test (Radio-Canada, April 30<sup>th</sup>, 2014, *Huffington Post*; Denis Lessard, May 1<sup>st</sup>, 2014, *La Presse*).

Bertrand St-Arnaud had refused to confirm the existence of legal opinions, but during the elections, Marois revealed that many legal opinions existed and that they were often contradictory (Denis Lessard, May 1<sup>st</sup>, 2014, *La Presse*). The PQ was critical of the Liberal statement that the PQ had no legal opinions to back the charter, insisting that, while

they had not gathered formal, written opinions on Bill 60 from state jurists, but did base their legal project on informal legal opinions of diverse legal experts, including constitutionalist Henri Brun, former supreme court judge Claire L'Heureux Dubé, and former president of the Barreau du Québec Julie Latour (La Presse Canadienne, May 1<sup>st</sup>, 2014, *Le Devoir*). Agnès Maltais, the opposition spokesperson on the *laïcité* charter, added that the charter was first and foremost a societal choice to be evaluated by Quebecers and their elected representatives; it was planned that once the project was approved by the population at the conclusion of the public consultations, the government would have gathered formal opinions of state jurists on the constitutionality of the charter (*Radio-Canada*, May 1<sup>st</sup>, 2014). When contacted by Radio-Canada on the matter, Henri Brun insisted that the PQ had never contacted him to gather his opinion on the charter; instead, the PQ used his opinion on the charter expressed in an interview with *Le Devoir* (*Radio-Canada*, May 1<sup>st</sup>, 2014; *Radio-Canada*, May 6<sup>th</sup>, 2014). Bernard Drainville admitted that the PQ did not seek a written legal opinion from the Justice Ministry, as is customary, but did consult Justice Ministry lawyers on “essential parts” of Bill 60 (Tu Thanh Ha, May 6<sup>th</sup>, 2014, *The Globe and Mail*; *Radio-Canada*, May 6<sup>th</sup>, 2014). *Le Devoir* corroborated Drainville’s statement and also found that, while there exists no formal legal opinion on the entirety of Bill 60, Justice Ministry lawyers did produce written legal opinions on certain elements of the proposed legislation (Charles Payette, May 6<sup>th</sup>, 2014, *98,5 FM*). Moreover, press attachés of the Justice Ministry affirmed that the Couillard government does not plan to reveal these judicial opinions because the electoral promise to reveal the PQ’s legal opinions applied only to legal opinions dealing with the entirety of the charter, though Couillard had never made such a distinction during the electoral campaign (Charles Payette, May 6<sup>th</sup>, 2014, *98,5 FM*). The new minister of Justice Stéphanie Vallée explained that to evaluate a bill, it must be observed it is entirety, not piece by piece (Geneviève Lajoie, May 11<sup>th</sup>, 2014, *Journal de Québec*).

Following the revelation of the lack of legal opinions, CAQ MNA Nathalie Roy accused the Marois government of neglecting to submit their significant and delicate legislation to adequate legal review, and only had in mind the electoral gains that their charter could bring, without occupying themselves with legal considerations (La Presse Canadienne, May 1<sup>st</sup>, 2014, *Le Devoir*). Don Macpherson (May 4<sup>th</sup>, 2014, *The Gazette*) criticized the PQ for basing the assertion of the legality of Bill 60 on cherry-picked, publically-expressed opinions of legalists, while ignoring opposing opinions, including those of the Commission des droits de la personne et des droits de la jeunesse and the Barreau du Québec; for Macpherson, the lack of formal legal opinions on the charter proves that the immediate purpose of the charter was for the electoral gains of the PQ. Moreover, if the charter had been proven to be unconstitutional and were challenged by federal courts, the charter would then be useful to the PQ’s sovereignty strategy, by creating a wedge between Quebec and English Canada.

Gérard Bouchard, co-head of the Bouchard-Taylor Commission was particularly critical of the PQ, following the revelation of the lack of formal legal opinions on the charter. Bouchard denounced the party for perpetuating a xenophobic project dividing the province and turning the majority against minorities without legal justification, therefore

abusing the population's confidence. Bouchard encouraged the reconstruction of the PQ, and urged Drainville to follow Marois in resigning from his position (G rard Bouchard, May 6<sup>th</sup>, 2014, *La Presse*).

### Future Liberal Policies

While numerous commentators claimed that the PQ's defeat signaled the demise of Bill 60, Couillard and his new government may very well choose to respond to the continuing concerns of Quebecers and table their own bill dealing with these matters. Reporters suggested that this hypothetical legislation would reflect past Liberal positions on religion in the public sphere, including the need for employees of the state to dispense government services with their faces uncovered (Janice Arnold, April 8<sup>th</sup>, 2014, *The Canadian Jewish News*). Following his party's victory, Couillard himself declared that his government would legislate on reasonable accommodations early in their mandate, focusing on the aspects in the debate on Bill 60, that attracted a consensus, including the need to frame accommodations, in particular to protect the equality of men and women, the requirement for civil servants to have their faces uncovered when representing the state, the issue of state neutrality in the Charter of Rights and Freedom and the protection of Quebec's patrimony, notably the presence of the Crucifix in the National Assembly (Jean-Luc Lavall e, April 8<sup>th</sup>, 2014, *24 heures Montr al*; Daniel Leblanc, April 8<sup>th</sup>, 2014, *The Globe and Mail*; Jocelyne Richer, April 8<sup>th</sup>, 2014, *Journal M tro*; St phanie Marin, April 9<sup>th</sup>, 2014, *La Presse*; Radio-Canada, April 24<sup>th</sup>, 2014, *Huffington Post*; Don Macpherson, May 8<sup>th</sup>, 2014, *The Gazette*; Agence QMI, May 12<sup>th</sup>, 2014, *Droit-Inc*). The general guidelines of the planned bill on the place of religion in the public sphere were reiterated by Philippe Couillard during his inaugural speech (Martin Croteau, May 21<sup>st</sup>, 2014, *La Presse*). Don Macpherson (May 8<sup>th</sup>, 2014, *The Gazette*) explained that the framework for reasonable accommodations would include placing the burden of proof of necessity and reasonability of accommodations on those requesting them and would also require the requester to prove that they have taken steps to integrate Quebec society, "whatever that means." Additionally, the eventual bill would also include measures to fight religious extremism, ban the *niqab*, *burka* and *chador*, and, most importantly, would not prohibit all civil servants from wearing ostentatious religious symbols (Daniel Leblanc, April 8<sup>th</sup>, 2014, *The Globe and Mail*; Jocelyne Richer, April 8<sup>th</sup>, 2014, *Journal M tro*; St phanie Marin, April 9<sup>th</sup>, 2014, *La Presse*; Radio-Canada, April 24<sup>th</sup>, 2014, *Huffington Post*; Don Macpherson, May 8<sup>th</sup>, 2014, *The Gazette*), except for state employees representing the coercive power of the state, therefore sparing the healthcare and education sectors (Haroon Siddiqui, April 9<sup>th</sup>, 2014, *Toronto Star*). As Haroon Siddiqui (April 9<sup>th</sup>, 2014, *Toronto Star*) and Hassan Serraji (April 16<sup>th</sup>, 2014, *Journal M tro*) pointed out, the position currently upheld by Philippe Couillard is reminiscent of that proposed by the Bouchard-Taylor commission of 2007-2008.

Kathleen Weil, minister of Immigration, has underlined the need to involve religious communities in drafting new legislation to ensure that the bill would not divide Quebecers. Indeed, the Liberal government highlighted the importance of building bridges with these communities, to heal the wounds caused by the debate over the PQ's charter, and embellish Quebec's reputation, tarnished by Bill 60, viewed elsewhere as xenophobic (Radio-Canada,



April 24<sup>th</sup>, 2014, *Huffington Post*; Jocelyne Richer, April 24<sup>th</sup>, 2014, *La Presse*; Caroline Plante, April 24<sup>th</sup>, 2014, *Global News*; Geneviève Lajoie, April 24<sup>th</sup>, 2014, *Journal de Québec*). Kathleen Weil has also expressed the wish that Quebec society would open itself to new immigrants, and to encourage the social inclusion of immigrants (Jocelyne Richer, April 24<sup>th</sup>, 2014, *La Presse*). Weil added that her government will not rush into new legislation on secularism, and instead spend some time evaluating the damage caused by the debate on the PQ's charter (*CBC News*, April 25<sup>th</sup>, 2014). The new minister of Justice, Stéphanie Vallée, will pilot the secular charter project (Caroline Plante, April 24<sup>th</sup>, 2014, *Global News*).

Interestingly, Couillard has also declared that he does not plan to reveal any legal opinions he may receive about his eventual bill, even though he had urged Drainville to reveal those dealing with Bill 60. Couillard explained that sharing legal opinions was necessary for the PQ because their bill was controversial and divisive, and faced legal challenge, while the Liberal charter of *laïcité* will be consensual, bring Quebecers together and respect existing charters of rights and freedoms (Geneviève Lajoie, May 11<sup>th</sup>, 2014, *Journal de Québec*). Justice minister Stéphanie Vallée added that, when the Liberal party demanded that the PQ reveal legal opinions on their bill, it was not because the party believes that legal opinions on all bills should be shared with the population, only those on controversial and contested legislation (Agence QMI, May 12<sup>th</sup>, 2014, *Droit-Inc*).

*Reactions to eventual Liberal bill.* CAQ leader François Legault urged Philippe Couillard to address the issue of a charter of *laïcité* as soon as possible, and to seek a consensual compromise, perhaps by taking the CAQ's proposed version of the charter of values, itself based on the Bouchard-Taylor report, as an example (Charles Lecavalier, April 22<sup>nd</sup>, 2014, *Journal de Montréal*). Moreover, federal politicians reacted to an eventual Liberal response to the PQ's charter soon after the Liberal election. Minister Jason Kenney supported Couillard's position on reasonable accommodations, which he deemed reasonable. Thomas Mulcair and Justin Trudeau also placed their trust in Couillard to appropriately conclude the debate on the charter by tabling a reasonable bill respectful of human rights. On the other hand, the Bloc Québécois was critical of other federal politicians for supporting Couillard's eventual project before having even seen it (Stéphanie Marin, April 9<sup>th</sup>, 2014, *La Presse*).

Additionally, the future Liberal bill on *laïcité* has already attracted criticism. Don Macpherson (May 8<sup>th</sup>, 2014, *The Gazette*) suggested that the suggested framework surrounding reasonable accommodations, where the burden of proof is placed on the requester, who demonstrate the necessity of the accommodation and that they have made efforts to integrate, may face contention from such authorities as the human rights commission or the Barreau du Quebec, which also had opposed the PQ's charter. Prominent Muslim leader Salam Elmenyawi also denounced Couillard's intentions, especially those to ban the chador, niqab and burka in the civil service, claiming that the Muslim Council of Montreal, which he heads, is ready to fight the Liberal legislation "all the way to the Supreme Court" if necessary (quoted in Andy Radio, May 8<sup>th</sup>, 2014, *Yahoo! News*). Elmenyawi claimed that it is inappropriate for the Liberal government to legally define the difference between the hijab, and the opposed head coverings, and that such a legally

defined distinction violates freedom of religion, freedom of expression and freedom of conscience (Andy Radia, May 8<sup>th</sup>, 2014, *Yahoo! News*).

In late June, the Couillard administration clarified its plans when it comes to a bill dealing with *laïcité*. Minister Stéphanie Vallée confirmed that the government plans to table a bill on the religious neutrality of the state and religious integrism in fall 2014. The bill's contents should be revealed soon after the reprisal of parliamentary activities. Vallée promised to resolve once and for all the question of religious neutrality of the state. She also mentioned that the Couillard government believes that no one should lose their jobs because of their religious beliefs, that preserving Quebec's religious patrimony does not threaten the religious neutrality of the state, and that requestors of reasonable accommodations should prove that they have made efforts to integrate Quebec society, therefore revealing potential guidelines of the Liberal legislation (Michel Corbeil, June 25<sup>th</sup>, 2014, *La Presse*).

## Conclusion

On St-Jean-Baptiste day, Couillard gave a speech outlining his ambitions for Quebec's future. Couillard maintained that Quebec's identity is strong, but in transition (Philippe Teisceira-Lessard, June 24<sup>th</sup>, 2014, *La Presse*). He declared that

“[L]e défi de ce siècle sera de conjuguer cette identité forte avec une diversité croissante. Une identité québécoise, distincte, forte, partagée, je le répète, par tous les Québécois et toutes les Québécoises, de toutes régions et de toutes origines. Voilà notre projet, voilà notre avenir”<sup>18</sup> (Couillard quoted in *Radio-Canada*, June 24<sup>th</sup>, 2014).

Couillard added that, regardless of their year of arrival, all Quebecers are proud to belong to Quebec society (Philippe Teisceira-Lessard, June 24<sup>th</sup>, 2014, *La Presse*).

Prime Minister Harper also pronounced a speech in Quebec to underline the province's national holiday. His tone was partisan, with federal elections coming in the next year. Indeed, Harper criticized the NDP and Liberal Party of Canada on their spending habits, claiming that the Conservative Party is most capable of securing the financial future of Canadian families (*Radio-Canada*, June 24<sup>th</sup>, 2014). Moreover, Harper urged Quebec to not isolate itself from the rest of the country, since Quebec played a role in the creation of Canada and in its growth. Harper also asked Quebecers to vote for his party in the next federal election, insisting that the voice of Quebecers is strong in Ottawa despite the fact that the Conservatives hold only five of Quebec's 75 federal ridings. Lastly, Harper rejoiced in the election of Couillard's federalist government, with which he hopes to collaborate (Alexandre Robillard, June 25<sup>th</sup>, 2014, *iPolitics*; Canadian Press, June 24<sup>th</sup>, 2014, *National Post*). Indeed, Harper and Couillard project an image of cooperation, contrasting with the

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<sup>18</sup> “This century's challenge will be to conjugate this strong identity with a growing diversity. A Quebec identity, distinct, strong, shared, I repeat it, by all Quebecers, from all regions and all origins. Here is our project, here is our future.”



confrontational relationship of Harper and Premier Marois (Patrice Bergeron, June 26<sup>th</sup>, 2014, *Le Devoir*).

Much like the end of the Marois government seemed to have underlined a change in Quebec politics, it also has shifted the discourse on religion in the public sphere. After the initial breakout of the reasonable accommodation crisis, popular discourse became increasingly virulent, and proposed government policies increasingly restrictive. Ultimately, voters rejected the PQ's social project, including its charter of values, which would prohibit ostentatious religious symbols for civil servants under threat of termination. Instead, the Liberal government will soon table a bill providing a framework for reasonable accommodations, defining Quebec *laïcité* and enshrining it in the charter of rights, prohibiting religious symbols that cover the face, and preventing some civil servants, namely those who represent the coercive power of the state. Interestingly, the eventual Liberal bill resembles Bouchard and Taylor's recommendations, which the previous Liberal administration failed to implement. The Liberal government also aspires to create a social climate where members of minority religions feel safe and welcomed, where they are involved in determining how Quebec society deals with diversity. While Quebec will most likely continue to struggle with religious diversity and its presence in the public sphere, the future Liberal legislation may instigate a new era in Quebec society.