

Response to Bill 60
from
The Presbytery of Montreal, of
The Presbyterian Church in Canada

The Presbytery of Montreal, a body of the Presbyterian Church in Canada, hereby offers its response to Project de loi no. 60: Charte affirmant les valeurs de laïcité et de neutralité religieuse de l'État ainsi que d'égalité entre les femmes et les hommes et encadrant les demandes d'accommodement. We offer our response in terms of the following affirmations and the following areas of disagreement.

1. AFFIRMATIONS

- 1.1 We acknowledge and celebrate the unique identity of Quebec as a Francophone nation and province within Canada, and acknowledge the particular religious and cultural history that has shaped its values, laws, and social fabric. We also acknowledge and celebrate the presence of other linguistic and cultural communities within Quebec – including a large Anglophone minority – and celebrate the contributions such communities have made to the history, identity, and success of Quebec as a liberal democratic polity. We believe that Quebec has been enriched by this diversity.
- 1.2 We acknowledge and celebrate the religious diversity of modern Quebec. We understand religious diversity to mean that many individuals, families, and communities within Quebec live their daily lives, pursue their vocations, and participate in the wider social fabric on the basis of particular faith commitments and religious identities. As Presbyterians living in Quebec, our own religious identity is such that we endeavour to live always in the love, justice, and truth of the crucified and risen Jesus, and of his kingdom; also in ways that are faithful to our particular theological and ecclesial heritage.
- 1.3 We accept and affirm the secular nature of the state, understanding this to mean that the laws and policies of Quebec are established and upheld by duly elected and appointed officials, as governed by the constitutional framework of Quebec and Canada, including the Quebec and Canadian charters of rights and freedoms. We also understand the secular

nature of the state to mean that no church or religious body has any power to make laws or define social policy. This affirmation does not diminish our awareness that the freedoms, values, and constitutional framework of modern Quebec have been shaped, to an important degree, by specific strands of Christian faith.

- 1.4 We accept and affirm the neutrality of the state with respect to religion. That is, while we acknowledge the contributions of the Christian tradition to the freedoms and values of Quebec, we accept that the state should demonstrate neutrality or impartiality in the writing and enforcement of the law. That is, the law should be written in language that does not reference or enforce any particular religious tradition; the law should be written in language that may be supported by all, and that applies equally to all, regardless of their particular tradition. In this vein we endorse the removal of the crucifix from the Blue Room of the National Assembly, since the presence of this crucifix gives the impression that the National Assembly grants fealty to the crucified Jesus and to the church that would honour and follow him.
- 1.5 We insist that the state has a role in fostering openness and dialogue between its citizens on questions of faith and identity. We also insist that recognition of the history and significance of religious faith within Quebec represents an important check on the power of the state, which in its modern incarnation acknowledges fewer such limitations. We insist that the freedom of religion, as established within the Quebec and Canadian Charters of Rights and Freedoms, is intended as just such a check against the coercive power of the state.
- 1.6 We endorse the approach to diversity and accommodation that has been laid out by the Bouchard Taylor Commission report, and that is reaffirmed in most areas of the present Bill, which envisages a genuinely pluralistic secularism in which healthy dialogue and debate is encouraged rather than repressed in the name of an artificial and superficial external conformity. We endorse the assumption of the report that religious faith is not inherently divisive – rather, that people of faith have important contributions to make within our common life. We even venture to hope that differences in dress may give rise to rich conversations about foundational beliefs, as we collectively negotiate the terms of the moral consensus by which we are to live together.

2. DISAGREEMENTS

- 2.1 Our substantive disagreement is in relation to Paragraph 5 of the Bill, and with the deeper assumptions about religious faith and secularism/neutrality implied by Paragraph 5 and the wider Bill. Paragraph 5 of the Bill reads: “In the exercise of their functions, personnel members of public bodies must not wear objects such as headgear, clothing, jewelry or other adornments which, by their conspicuous nature, overtly indicate a religious affiliation.”
- 2.2 We do not accept that religious diversity means simply a diversity of privately held beliefs. Such a view fails to take seriously religious faith as it is understood by any of its practitioners – namely, religious faith as a way of seeing and living in the world. The government’s failure to understand the nature of religious faith and identity – a failure deeply embedded within Bill 60 – has led to its willingness to undermine the rights and freedoms of people of faith.
- 2.3 We do not accept that the secular and neutral nature of the state implies that its laws and policies can ever be drafted without reference to some theological or metaphysical assumptions about human persons and human community. Both legislators and citizens should acknowledge this reality and should seek to be transparent in the articulation of these assumptions. Further, we note that interfaith dialogue within a democratic society is profoundly beneficial in allowing discussion of our deepest assumptions about human life and wellbeing and in allowing us to explore the sometimes unexamined presuppositions that shape our lives and laws.
- 2.4 We do not accept that religious symbols and attire – including turbans, yarmulkes, hijabs, crosses, or others – are peripheral to religious faith and can be removed at a whim, as if one were taking off a hockey sweater after the game. We further reject the presumption of Bill 60, and of those who advance this Bill within the legislature, that the state can determine whether such symbols and attire are significant to a religious tradition or peripheral within it. Such judgments belong to those who inhabit particular religious traditions, and not to the state.

- 2.5 We do not accept that the neutrality of the state means that those who function as employees or agents of the state should not give any external evidence of their religious faith or identity. This approach represents a militant secularism that fails to honour the diverse population of Quebec and fails to acknowledge the role of dialogue and openness within a liberal democratic state. It fails to acknowledge the role of the state in fostering such openness. The approach of Bill 60, we conclude, reflects an oppressive and dogmatic secularism that seeks the disappearance from public view and public life of those who inhabit particular religious traditions.
- 2.6 We do not accept the implied assumptions of Bill 60 that the citizens of Quebec, in their interactions with state employees or agents, are incapable of distinguishing between the particular religious identity of an employee/agent, on the one hand, and the secular and neutral state to which she/he offers her skills and time on the other. We insist that the citizens of Quebec are capable of making such judgments, and that the making of such judgments is a basic and necessary feature of life within a rich and diverse culture.
- 2.7 We regret the introduction of Bill 60 within the National Assembly. We perceive that the introduction of this Bill has fostered division and suspicion between Quebecers. The introduction of the Bill, further, has done little to foster the kind of openness and thoughtful conversation that is vital to a modern and diverse Quebec.

CONCLUSION

We offer this response to Bill 60 respectfully, hopefully, and prayerfully. We call upon the present government to withdraw the Bill from consideration or, barring this, we call on the National Assembly to defeat it. Alternatively, we urge the government and National Assembly to advance only those portions of the Bill that have nearly unanimous support within Quebec and within the National Assembly.

January 21, 2014

Montréal, Québec