



## Protection of Conscience Project

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# Quebec's *Charter of Values*

## Preliminaries to the *Charter*

### Implications of state sovereignty over education, religion and ethics

Sean Murphy

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## Introduction

It appears from Quebec government policy documents describing its proposed *Charter of Values* (the precise language of which has yet to be released) that it considers physicians and other health care workers to be state functionaries because they are engaged in the delivery of "public" health care.<sup>1</sup> As state functionaries, they will be forbidden to wear noticeable religious symbols or clothing, unless local authorities exempt them from this restriction. The government acknowledged that this was a concession to some long-established religious communities that would have found the prohibition profoundly offensive.

However, no exemptions will be allowed to parts of the Charter that will impose secularism and restrict accommodation of religious beliefs. These are central government policies that are to be enacted through the Charter of Values and related legislation. This gives rise to an important question.

Will the government of Quebec - sooner or later - use its *Charter of Values* to suppress freedom of conscience and religion among health care workers?

An answer to the question is suggested by a review of the Quebec government's continuing efforts to establish state hegemony in the moral and ethical education of children.

## Abolition of denominational education in Quebec

When Canada was established in 1867, the *British North America Act* (now the *Constitution Act of 1867*) guaranteed that Quebecers living outside Quebec City or Montreal were entitled to denominational schools if they were a Catholic or Protestant religious minority, or if they lived in Montreal or Quebec City and were Catholic or Protestant.<sup>2</sup> Most schools outside Montreal and Quebec were operated as Catholic schools, not as a matter of law, but because that reflected the majority.<sup>3</sup> *The Constitution Act of 1982* continued the arrangement.

Beginning in 1988, the Quebec government moved to abolish denominational school boards and replaced them with linguistic boards (Bill 107). Schools themselves could, under the new system, continue to identify themselves as Protestant or Catholic, and access to denominational education continued to be guaranteed. Implementation was delayed until after 1993, when the Supreme Court of Canada ruled that the arrangements - including the continued provision of denominational schooling - were not unconstitutional.<sup>4</sup>

Bill 109 (June 19, 1997) established procedures for electing linguistic boards, but opposition from parents who wanted to ensure the continued protection of denominational schooling was significant. Thus, the government of Quebec asked the federal government to abolish constitutional safeguards that protected denominational education in the province. The Liberal government's point man for the project, Stéphane Dion, delivered the amendment before the end of the year. Dion and Liberal Senator Lucie Pépin offered assurances that denominational education would continue to be protected by existing provincial law.<sup>5</sup>

Three years later, Quebec abolished Catholic and Protestant schools (Bill 118, 14 June, 2000). However, private denominational schools were unaffected, and parents could ask state schools to provide classes on general morality for their children, or Catholic or Protestant religious instruction.<sup>6</sup> The overwhelming majority of parents continued to ask for religious instruction.<sup>7</sup>

The next moves came in 2005 with the passage of Bill 95. Having earlier obtained the abolition of constitutional protection for denominational education, the Quebec government claimed that it was unconstitutional to offer Catholic and Protestant religious instruction in state schools.<sup>8</sup>

### **Establishing state sovereignty**

The new law prohibited all religious teaching in the state school system, something not unusual in western democracies. However, it also required all schools - including private denominational schools to teach the state's newly minted Ethics and Religious Culture course to all students in all grades (except one secondary school year). All homeschooling families were also subject to the law.<sup>9</sup> The Minister of Education stated that no students would be exempted from the course.<sup>10</sup>

To ensure that objecting parents did not interfere, Bill 95 also amended the province's *Charter of Rights and Freedoms* to nullify parental authority in education, making the state - not parents - the final arbiter of "the rights and interests of children."<sup>11</sup> The course was introduced in September, 2008. McGill Professor Douglas Farrow of McGill's Faculty of Religious Studies warned Quebecers what it had in store for them. The Ethics and Religious Culture course, he wrote, "is intended to wean children away from traditional religious and moral commitments and to train them up in an ideology antipathetic to those commitments, the ideology of so-called 'normative pluralism.'"

It is intended to teach them the Sheerman principle that faith is all right as long as people are not that serious about it. It is intended, in other words, to pry them away from their most basic communities of socialization - their families and their houses of worship - and to unite them in the state, with the state, and under the State, a state that regards itself as more fundamentally important than their families and churches.<sup>12</sup>

In late 2009, a doctoral candidate who carefully analyzed the course from a nationalist perspective published a paper confirming Farrow's criticism. She described the Ethics and Religious Culture course as a mechanism for ideological indoctrination.<sup>13</sup> *National Post* columnist Barbara Kay distilled some of the report's criticism for her English language audience:

Two values dominate the program's objectives: learning to " vivre ensemble" (live together) and arriving at the " bien commun" (the common good). How does ECR

produce social harmony? By constant "dialogue" and "recognition" of other cultures, which can only be accomplished, in the words of ECR mandarin Georges Leroux, by inculcating in children "absolute respect for every religious position."

But according to ECR, "every religious position" includes pagan animism, witchcraft (Wiccans "are women like any other in daily life"), and the nutbar Raelian Movement ("technologically, [the Raelians] are 25,000 years in advance of us"). To bundle superstitions and cults together with authentic religions, then demand deference to all, is to discourage actual respect for any but the state religion of "normative pluralism," the real aim of the program.

In its indifference to objective knowledge, in its crusade to hallow cultural relativism and a strictly Charter-of-rights based identity, ECR stimulates heritage students' detachment from their own cultural touchstones, and chills critical thinking in all students.<sup>14</sup>

Legal challenges by objecting institutions and families have, thus far, been unsuccessful, and an appeal to the Supreme Court of Canada is pending.<sup>15</sup> The prospect of successful political action at the provincial level seems remote, as the only party to support parental authority in education lost badly in the 2008 provincial election, while the parties responsible for driving forward the new law made substantial gains.<sup>16</sup>

Voter turnout for the 2008 election was a record low; only 56.5% of voters went to the polls in 2008.<sup>17</sup> This improved significantly in the 2012 election (to about 75%).<sup>18</sup> However, the election results promise no change to the *status quo*. The Liberals (50 seats), now the opposition party, introduced the course when in power. The Parti Québécois minority government (54 seats) has made no commitments and may be divided on the issue. Only the Coalition Avenir Québec (19 seats) is willing to modify the course. It would eliminate it in primary school, but retain it in secondary school. Its reason for doing so is that time in elementary school is better spent learning "core subjects," and the material is more suitable for secondary school students. It continues to support the objectives of the course.<sup>19</sup>

## Summary

This outline suggests that the principal political parties in Quebec are committed to the position that the state and its functionaries are the primary authorities in education, including the moral, ethical and religious education of children. They appear to relegate parents and subsidiary institutions - especially religious authorities - to what is, at best, a secondary role: one, moreover, that can be unilaterally defined and limited - perhaps even abolished - by state power.

There is no reason to believe that health care workers and their associations will be treated differently. It is very doubtful that the government would afford state functionaries a deference that it denies to parents in the education of their own children.

Return to the question: will the government of Quebec - sooner or later - use its *Charter of Values* to suppress freedom of conscience and religion among health care workers?

The Quebec government's assumption of sovereignty over education and the religious and ethical

instruction of children, to the exclusion of their parents, suggests the answer.

Indeed: it also suggests an additional reason why the government might have been willing to allow local authorities to exempt health care workers from the rule against the wearing of religious symbols - on the condition that the exemption must be renewed every five years. If the government's Ethics and Religious Culture course functions as described by Joëlle Quérin and achieves the objectives identified by Douglas Farrow, Quebec children will be weaned away from religious belief and practice, cured of any desire to manifest religious belief in clothing or symbols, and conditioned to expect - and demand - the elimination of public expressions of personal religious commitment.

## Notes

1. *Because we believe in our values*. Government policy document, September, 2013. (<http://www.consciencelaws.org/background/society015.aspx>)
2. *The Constitution Act of 1867*. ([http://laws.justice.gc.ca/en/const/c1867\\_e.html](http://laws.justice.gc.ca/en/const/c1867_e.html) ) Accessed 2009-05-28
3. "Clearly, many Quebec parents still want the option of choosing a Roman Catholic or Protestant denominational education for their children. Equally clearly, however, the Quebec Education Act, as amended by Bill 109, still provides parents with that choice - and that choice will remain while Quebecers continue to debate the place of religion in their education system. I have faith that, before any legislation to change that rule is approved by the Quebec National Assembly, the issue will be fully, openly, and democratically debated. In fact, outside of Montreal and Quebec City, and with the exception of a very small number of Roman Catholic dissentient schools, Roman Catholic parents have had schools for their children run according to a Roman Catholic orientation, not because of section 93, but because the provincial education legislation allows this choice. In other words, democracy and parental choice have prevailed." Pépin, Lucie, *Linguistic School Boards-Amendment to Section 93 of Constitution-Consideration of Report of Special Joint Committee*. 25 November, 1997. (<http://sen.parl.gc.ca/lpepin/index.asp?PgId=815> ) Accessed 2009-05-28
4. Reference re Education Act (Que.) [1993] 2 S.C.R. 511 ([http://www.hrcr.org/safrica/cultural\\_religious/education\\_act.html](http://www.hrcr.org/safrica/cultural_religious/education_act.html) ) Accessed 2009-05-27
5. Farrell, Regina, "Quebec scuttles Section 93." *Catholic Insight*, 5:10, December, 1997.
6. Morissette, Pierre Morissette, *The change in religious education for the young: a new challenge*. L'Assemblée des évêques catholiques du Québec, 18 October, 2000 (<http://www.eveques.qc.ca/documents/2000/20001018e.html> ) Accessed 2009-05-27
7. "Parents fight to keep Catholic instruction in Quebec public schools." *Catholic News Agency*, 28 March, 2005. (<http://www.catholicnewsagency.com/showarchive.php?date=2005-03-28> ) Accessed 2009-05-27

8. Quebec Ministry of Education, Recreation and Sports, Establishment of an Ethics and Religious Culture Program: Providing Future Direction for All Québec (2005), p. 4 ([http://www.mels.gouv.qc.ca/lancement/Prog\\_ethique\\_cult\\_reli/prog\\_ethiqu](http://www.mels.gouv.qc.ca/lancement/Prog_ethique_cult_reli/prog_ethiqu) ) Accessed 2009-05-27
9. Kay, Barbara, "Quebec's new state religion: cultural relativism." *National Post*, 9 September, 2012. (<http://www.nationalpost.com/opinion/columnists/story.html?id=29cc5794-da45-4e35-bdac-101eb0ab189a>) Accessed 2013-09-27
10. Chevrier, Jean Morse, "Quebec parental rights in religious and moral education," *Catholic Insight*, 17:2, 17 February, 2009
11. Farrow, Douglas, "Rebuilding Babel in Quebec City: La Belle Province substitutes ideology for religion in the classroom." *Catholic Insight*, 16:3, March, 2008
12. Farrow, Douglas, "Quebec policies are undermining the family." *The Gazette*, 3 May, 2008. (<http://www.canada.com/story.html?id=9e3bce24-3b10-4355-9f2c-0c839b53d75c> ) Accessed 2013-09-27
13. 13. Quérin, Joëlle, Le cours éthique et culture religieuse (ÉCR). Institut de Recherche sur le Québec (2009) (<http://irq.qc.ca/journal/2009/12/2/le-cours-ethique-et-culture-religieuse-ecr.html>) Accessed 2013-09-27
14. Kay, Barbara, "Quebec's new state religion: cultural relativism." *National Post*, 9 September, 2012. (<http://www.nationalpost.com/opinion/columnists/story.html?id=29cc5794-da45-4e35-bdac-101eb0ab189a>) Accessed 2013-09-27
15. "Loyola High School applies to appeal ERC decision." *Catholic Rights League news release*, 8 February, 2013. (<http://www.ccrl.ca/index.php?id=5301> ) Accessed 2013-09-27
16. *CBC News*, "Dumont to step down after ADQ defeat." 9 December, 2008. (<http://www.cbc.ca/news/quebecvotes2008/story/2008/12/08/qv-adq.html> ) Accessed 2009-05-27
17. *CBC News*, "Almost half of Quebec voters shunned polls." 9 December, 2008. (<http://www.cbc.ca/news/quebecvotes2008/story/2008/12/09/qv-voterturno>) Accessed 2009-05-29
18. Director General of Elections (Quebec), *History of participation rates*. (<http://www.electionsquebec.qc.ca/english/tables/history-of-participation-rates.php> ) Accessed 2013-09-27

19. *Enough! Vote for change: revival plan for Quebec (2012)*, Commitment 28.  
([http://coalitionavenirquebec.org/wp-content/uploads/2012/08/Platform-2012\\_ENG2.pdf](http://coalitionavenirquebec.org/wp-content/uploads/2012/08/Platform-2012_ENG2.pdf))  
Accessed 2013-09-27