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Quebec

Québec solidaire vows to fight CAQ government's racist bill

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National Council reaffirms party's program on separation of church and state, rebuffs QS leaders' attempts at 'compromise'

As it had threatened during last fall's election campaign, the newly-elected Coalition Avenir Québec (CAQ) government has introduced legislation to prohibit a wide range of persons "in authority," including teachers, from wearing symbols of their religious beliefs while exercising their functions.

Those affected include judges, prosecutors, police, and jail guards, but also teachers, childcare providers, public transit operators, health and social service workers, municipal and administrative tribunal and board officials, etc.

Bill 21, "An Act respecting the laicity of the State," also provides that those delivering or receiving government services may lose their jobs or be denied services if they refuse to uncover their face for identity or "security" reasons. [1] Similar provisions, adopted under the previous Liberal government but suspended pending a legal appeal, will now be implemented pursuant to the CAQ's decision to shield its legislation from civil liberties challenges using the constitutional "notwithstanding" clause.

Prime targets of the legislation are obviously Muslim women wearing headscarves or other clothing they associate with their religious beliefs. A "grandfather" clause exempting employees in their current jobs would effectively bar them from promotions or other public employment.

The government bill "with its racist connotations" comes in the wake of the murder of six worshippers in a Quebec City mosque in January 2017 and the recent massacre of 50 Muslims in Christchurch, New Zealand by right-wing racists, and is consistent with the pattern of reactionary scapegoating of minorities increasingly practiced by many government leaders in the major capitalist countries as they heighten austerity and restrict immigration.

Bill 21 is supported by the Parti Québécois, which had earlier, when in government, sponsored a widely-criticized "charter of values" with similar provisions that the PQ had hoped would win the support of Québécois apprehensive at the changing pluricultural face of Quebec society and fend off pressures to integrate ethnic minorities through more effective French language training and affirmative action in employment.

The bill is opposed by the opposition Liberals and by Québec solidaire, now the second party of opposition in the National Assembly following the defection of a PQ member.

Québec solidaire has a mixed history on these issues. It is now almost 10 years since the party adopted its position on laicity (or, as it is more commonly known in English, secularism). It made a clear distinction between the need for state neutrality toward religious belief or lack of belief, and the freedom of individuals "to express their own convictions in a context that favours exchange and dialogue." It would allow "state agents" (employees or officials) to wear religious insignia such as a crucifix or hijab.

However, the program would also remove this right from those whose clothing was deemed to promote religion or interfere with their duties or safety standards. And in subsequent years QS leaders, drawing on these hypothetical caveats in the party's program, began adapting to other parties' attempts to impose dress codes not only on state employees but on citizens from minority ethnic communities. In a previous article, I cited several such instances involving QS members of the National Assembly. [2]

These positions were endorsed in 2010 by the QS National Coordination Committee (CCN), the party's top executive body. They drew support from a Quebec government inquiry, chaired by Gérard Bouchard and Charles Taylor, that in 2008 had proposed a ban on the wearing of religious insignia by a limited number of state agents "prosecutors, cops, prison guards and the speaker and deputy speaker of the National Assembly" while exempting teachers and "other state agents." [3]

(Taylor has since renounced his signature on this report, declaring after the Quebec City mosque attack that legislation along such lines had provoked an increase in hate speech and assaults especially against Muslim women. [4]

The party's adaptations to state intolerance reflected as well a tendency of the same QS leaders to seek common ground with the Parti Québécois, also expressed in several attempts over the years to get the QS membership to agree to electoral alliances with the PQ "all of them rejected by party congresses." [5]

The CAQ bill has provoked a growing wave of public opposition from civil liberties groups, school boards, and some unions. Meanwhile, many Québec solidaire members had expressed unease with statements by newly elected QS members of the National Assembly indicating support for a "compromise" that would adopt the Bouchard-Taylor report's position. The party opened a discussion on the issue, which was placed on the agenda of a National Council (NC) meeting held March 29-31.

Three positions emerged from this debate. A relatively small "laicity collective" called for a complete ban on religious signs by public employees at all levels. Because this proposal conflicted with the party's program, it was ineligible for debate at the CN meeting, which was confined to "interpreting" the program and had no authority to pre-empt a position adopted in a duly constituted membership congress.

A second position "endorsed by several internal QS commissions and ad hoc collectives" rejected the MNAs' compromise and supported a position of "open laicity" that generally rejected any prohibition on display of religious beliefs by public employees.

The party executive then moved to put two options before the NC members, both of which began with the same "whereas" clause: "that in all cases restrictions on the wearing of religious signs are possible when these contravene one of the four criteria set out in article 7.5.2 of the Québec solidaire program (proselytism, duty of discretion, exercise of the occupation or safety standard)." Option A would ban such signs for persons in authority exercising "a coercive power," as supported by the MNAs, while Option B stated that "Whereas the discretionary duty applies to the actions and decisions of persons and not to their appearance, no particular rule concerning religious signs should apply to certain professions instead of others, including those that exercise a coercive power."

The National Council meeting voted overwhelmingly in favour of Option B.

However, this was followed by a second vote, also proposed by the party executive, which asked NC members to choose between two options: one that would bar those dispensing or receiving government services from wearing clothing that conformed to any of the four exceptions allowed by the party program; and another that would allow such services to persons wearing clothing that covers the face, "except for considerations of identification or safety." The latter option was adopted. This position, which in practice would affect the tiny minority of Muslim women who wear a niqab or burqa, moves QS uncomfortably close to the discriminatory positions of the CAQ, Liberals and PQ on this aspect.

So in the end the party program on "open laicity" as it is often called, was reaffirmed, albeit with its explicit limitations,

while the MNAs' attempts to find some compromise with opposing positions were largely rebuffed. However, it remains for a party congress to amend the QS program to remove the caveats that have served as a pretext for the slippages of principle that have characterized the party's public positions over the past decade.

In other decisions the 330 NC members voted to continue making the party's program on climate change its main campaign for the coming year. That program, which presents many progressive concepts but within the framework of a general "green capitalism" approach, should also be the subject of critical analysis along with the position on laicity as the party prepares for its next convention, to be held toward year-end, and where it plans to complete and review its program as a whole.

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[1] <http://www.assnat.qc.ca/en/travaux-parlementaires/projets-loi/projet-loi-21-42-1.html>.

[2] <https://lifeonleft.blogspot.com/2018/10/quebec-solidaire-prepares-to-confront.html>.

[3] The report is no longer available on line. However, here is a summary of its key recommendations: <http://tinyurl.com/y4gclrxxy>.

[4] Quoted by André Frappier, [La laïcité au Québec, un débat de société en évolution](#).

[5] See, for example, [Québec solidaire: No to an electoral pact with the PQ, Yes to a united front against austerity, for energy transition and for independence](#)