

Politics or Piety? Debating the Function and Meaning of Religious Symbols in Quebec

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In many liberal democratic states, the presence of religious symbols in the public sphere has become a highly contentious issue. Since the 1980s, political and legal attempts to define the boundaries of religious freedom have increasingly centred on the right of citizens to wear religious symbols. In Canada, both provincial and federal courts have routinely upheld the rights of citizens to do so in the public sphere as a form of religious freedom,¹ and policy makers have generally refrained from introducing legislation that would curtail this right.² With the proposal of Bill 60 – commonly known as the “Charter of Values” – in 2013, the Quebec government broke with convention.³ Bill 60 was introduced with the aim of officially declaring Quebec a secular state. As a corollary, the bill proposed that all employees of public institutions and organizations – including medical staff, teachers, and university professors – be required to abstain from wearing religious symbols, such as clothing, headgear or large jewelry, in the workplace.

1. Well known cases on religious accommodation include *Syndicat Northcrest v. Amselem*, [2004] 2 S.C.R. 551, and *Multani v. Commission Scolaire Marguerite Bourgeoys*, [2006] 1 S.C.R. 256. There are a few exceptions to this generalization: most notably, the 2008 Ontario Court of Justice ruling *R. v. Badesha*, [2008] O.J. N°. 854 (Ont. C.J.), which denied a Sikh motorcyclist's claim that the motorcycle helmet provision of the province's Highway Traffic Act was discriminatory.

2. There are important exceptions. For instance, in 2011, the federal government of Canada amended citizenship regulations to require individuals taking the oath of citizenship to do so with their face uncovered. The policy was overturned in 2015 after the Federal Court of Appeals ruled that the requirement was not legally enforceable. See *Canada (Citizenship and Immigration) v. Ishaq*, 2015 FCA 194.

3. See Quebec, *Bill n.60: Charter affirming the values of State secularism and religious neutrality and of equality between women and men, and providing a framework for accommodation requests*, 1st Sess., 40th Legs. (Éditeur officiel, 2013), <http://www.assnat.qc.ca/en/travaux-parlementaires/projets-loi/projet-loi-60-40-1.html>.

Despite strong support from the public,⁴ the bill failed to pass into law. The ruling party – the *Parti Québécois* (PQ) – lost their bid for re-election a few months after introducing the Charter as legislation.

While ultimately unsuccessful, the Charter remains a topic of popular debate and continues to influence public policy reforms in Quebec and Canada.⁵ Its lasting significance stems in large part from the immense volume of media attention Bill 60 received. Attracting the attention of the media was a deliberate strategy employed by the government, which released a preliminary draft of the Charter in September of 2013 as part of an extensive publicity/information campaign intended to stir up public debate two months before Bill 60 was officially introduced at the National Assembly. The publicity campaign included press conferences, the creation of a website,⁶ and numerous advertisements that appeared on television, social media platforms, newspapers, and in buses and metros. Throughout the campaign, the government promised to hold public consultation hearings on the proposed bill and strongly solicited individual citizens, public institutions, and community organizations to submit their comments. These hearings – which began in January 2014 – were broadcast live on television and over the internet, and were heavily commented on by the media, shaping the way Quebecers envision the role of religious symbols in the public sphere to this day.

This paper presents a lexicographic analysis of the discourse on religious symbols that developed within the public consultation hearings on Bill 60. I demonstrate that, during these hearings, government representatives used particular understandings of the function and meaning of religious symbols to justify the legality and necessity of Bill 60's controversial proposals. I argue that, by privileging the “sign-function” of a religious symbol over and against other functions of the symbol – namely the “participation-function”

4. See Charles Tessier and Éric Montigny, “Untangling Myths and Facts: Who Supported the Québec Charter of Values?” *French Politics* 14, no. 2 (2016), 272-285.

5. In 2015, the Quebec government, under the leadership of the *Parti Libéral du Québec*, introduced new legislation on the religious neutrality of the state in the hopes of putting to rest the debate over religious symbols in the public sphere. The Bill was formally accepted in October 2017. See Quebec, *Bill n.62: An Act to foster adherence to State religious neutrality and, in particular, to provide a framework for requests for accommodations on religious grounds in certain bodies*, 1st Sess., 41st Legs. (Éditeur officiel, 2015).

6. The web site was <http://www.nosvaleurs.gouv.qc.ca>.

and the “practice-function” – politicians were able to defend their position that the presence of religious symbols compromises the religious neutrality of the state. This paper further discusses how an overemphasis on the sign-function suppressed an understanding of religious symbols as objects of devotion or piety.

1. Religious Symbols and the Public Sphere in Quebec

The contemporary dispute over religious symbols is part of a much larger debate that has occupied Quebec since the 1960s concerning the role of religion in the public sphere. Prior to the 1960s, the Catholic Church functioned as the largest provider of social services in Quebec, overseeing areas that had been designated provincial responsibilities, such as education and healthcare. By the end of WWII, however, decades of poor investment in education by the Catholic Church and the provincial government had taken its toll. French-Catholic Quebecers were graduating high school and university at much lower rates than their English-Protestant counterparts. Women, in particular, were negatively affected by the Church’s paternalist stance on female education and employment. The economic prosperity that characterized the post-war period in Canada and the United States was not felt by French-Catholic Quebecers, who began to resent the close association between the Catholic Church and the provincial government. By 1960, the Catholic Church was widely perceived as a corrupt, incompetent, and meddling force that sought to repress social progress and politically disenfranchise French-Canadians.⁷

In response to mounting public criticism of the province’s institutions and infrastructure, newly elected premier Jean Lesage (1912-1980) embarked on a mission to modernize the state.⁸ During the 1960s – a period known as the Quiet Revolution – efforts to secularize Quebec’s public institutions centred on redefining the role of religious organizations in the

7. Geneviève Zubryzcki, “Religion, Religious Tradition, and Nationalism: Jewish Revival in Poland and ‘Religious Heritage’ in Québec,” *Journal for the Scientific Study of Religion* 51, no. 3 (2012): 442-455.

8. Jean Lesage and the *Parti Libéral du Québec* came into power in 1960, replacing *Union Nationale*, a conservative, nationalist provincial party. Under the leadership of Maurice Duplessis (1890-1959), *Union Nationale* held power in Quebec from 1936-1939 and again from 1944-1959.

administration, management and dissemination of public services. Despite the relatively high degree of anti-clericalism in popular society, there was no outright rejection of religion at the governmental or political level; rather, the government sought to maintain a cooperative relationship with local religious organizations while assuming control over public services that were traditionally viewed as belonging to the religious sphere.⁹ Not all religions in Quebec were affected in the same way by these changes; while the Catholic Church lost considerable political and social power as a result of secularization, other religious communities benefited. For example, under the province's new policies, public funding was made available to Jewish private schools and the Montreal Jewish General Hospital.¹⁰ Secularization during the Quiet Revolution can, thus, be described as a top-down, internal process of institutional reform aimed at modernizing the state and reinforcing the self-determination of Quebecois society.

1.1 Religious Symbols and the Quiet Revolution

In 1936, Maurice Duplessis – then Premier of Quebec – installed a crucifix above the speaker's chair in Quebec's National Assembly. The crucifix represented the strong relationship between the Catholic Church and the Quebec government, which thrived under Duplessis' leadership.¹¹ During the Quiet Revolution, the Duplessis era came to symbolize Quebec's ignorant past – even earning the moniker “La Grande Noirceur.” However, Duplessis' crucifix received little attention from the public and politicians alike.¹² Ultimately, the state's project of secularizing Quebec's institutions

9. The secularization of education in Quebec is a strong example of this collaborative approach. In 1961, the government appointed a member of the Catholic clergy – Msgr. Alphonse-Marie Parent (1906-1970) – to head a commission and produce a report on the state of education in Quebec. Based on the report, a new Ministry of Education was established in 1964, which devised a way to maintain a place for religion in schools. The Ministry established religious schoolboards and collaborated with Protestant and Catholic advisory committees to create curriculums with religious and secular components.

10. Pierre Anctil, *Trajectoires Juives au Québec* (Québec, QC: Université de Laval Press, 2010), 64.

11. Gerard Bouchard and Charles Taylor, *Building the Future: A Time for Reconciliation* (Québec, QC: Commission de consultation sur les pratiques d'accommodement reliées aux différences culturelles, 2008), 152.

12. Geneviève Zubrycki, *Beheading the Saint: Nationalism, Religion and Secularism in Que-*

during the Quiet Revolution did not include the removal of religious symbols.¹³

While the state may have been ambivalent towards the presence of Catholic religious symbols in the public sphere, a growing and vocal segment of Quebec's society was not. Genevieve Zubryzcki argues that an "aesthetic revolt" against symbols of Quebec's Catholic-national identity led by left-wing nationalists was a core feature of the Quiet Revolution.¹⁴ In response to this revolt, both the Church¹⁵ and the government¹⁶ reworked and reinterpreted public religious symbols, such as the St. Jean-Baptiste Parade. Instead of rejecting the parade, the state conscientiously and deliberately secularized it, stripping it of religious meaning and imbuing it with civic meaning. In the decades following the Quiet Revolution, this response became enigmatic of Quebec's approach to contested Catholic symbols in the public sphere.

1.2 Religious Symbols Today

In 1997, the Ministry of Education began a decade long project of educational reform to gradually replace its confessional school system with a linguistic model.¹⁷ A major feature of this project was the replacement

bec (Chicago: The University of Chicago Press, 2016), 176.

13. In 1961, Jean Lesage rejected rumours that the secularization of Quebec's schools would result in the removal of crucifixes and catechism classes (Michel Gauvreau, *Catholic Origins of Quebec's Quiet Revolution* [Montréal: McGill-Queen's UP, 2014], 280).

14. Zubryzcki, *Beheading the Saint*, 18. Zubryzcki defines an aesthetic revolt as "a dual process whereby social actors contest and rework iconic symbols in the public sphere. Through those material manipulations, symbols acquire significations that lead to the articulation of new identities and provide momentum for institutional reforms" (Zubryzcki, *Beheading the Saint*, 22).

15. In response to criticisms that the traditional childish representation of St. Jean-Baptiste (the patron saint of Quebec) at the annual St. Jean-Baptiste Parade served to infantilize Quebec as a nation, the Catholic Church reworked the visual elements of the parade to "emphasize the saint's virility and strength of character" (Zubryzcki, *Beheading the Saint*, 85).

16. The St. Jean parade was rebranded in 1977 as "La Fête nationale" by the Quebec government, which also removed references to the parade's Catholic origins in its publications (Zubryzcki, *Beheading the Saint*, 116-118).

17. In the late 1990s, the Ministry of Education deconfessionalized the school system; reorganizing education on the basis of language rather than religion. Through this transition, Catholic and Protestant schools maintained their names and any religious symbols that were part of the

of religious education with a program designed to simultaneously educate students on religious diversity and cultivate a shared, secular civic identity; it was brought into effect in 2008.¹⁸ Architects of the education reform argued that, despite Quebec's Catholic and Protestant heritage, confessional education was incompatible with the modern values of Quebec's secular society.¹⁹ Unexpectedly, a large percentage of Quebecers did not support deconfessionalization. Whereas previous efforts to increase the integration of cultural minorities through legislation, such as Bill 101,²⁰ compelled minorities to adopt aspects of the majority culture, deconfessionalization, on the other hand, was widely perceived as altering the majority culture to satisfy the demands of cultural minorities.²¹

In the decade following deconfessionalization, resentment towards religious and cultural minorities for seeking legal accommodations from the state increased dramatically. Between 2006 and 2007, stories about religious minorities making unreasonable demands of public institutions and local businesses began circulating in the media, prompting public outrage.²² In 2007, the government of Quebec appointed Charles Taylor and

building. These changes were implemented gradually over a 10-year period, which culminated in the replacement of religious instruction and pastoral care by the Ethics and Religious Cultures program and a new spiritual animation service that provides areligious support and guidance for students.

18. Spencer Boudreau, "From Confessional to Cultural: Religious Education in the Schools of Québec," *Religion & Education* 38, no. 3 (2011): 212-223.

19. Jean Pierre Proulx, *Laïcité et religion: Perspectives nouvelles pour l'école Québécoise* (Québec, QC: Groupe de travail sur la place de la religion à l'école, 1999).

20. Bill 101, Quebec's infamous Charter of the French Language, was introduced in 1977 to protect the French language from the threat of English assimilation. One of the key provisions of the bill enshrined French as the primary language of instruction from kindergarten to secondary school and restricts primary instruction in English to the children of parents who received English education in Canada. This provision was widely deemed necessary to ensure the integration of non-French speaking immigrants in Quebec.

21. On the reaction of Catholics to deconfessionalization, see Solange Lefebvre, "Neutralité, religion et éducation au Québec: Les réactions des catholiques," in *Trajectoires de la neutralité*, eds. Valerie Amireaux and David Koussens (Montréal: Les Presses de l'Université de Montréal, 2014), 85-99.

22. In 2006, the Supreme Court of Canada ruled that a Quebec school board could not prohibit a Sikh student from wearing their *kirpan*, a ceremonial dagger, in schools, emphasizing the duty of public institutions to accommodate religious minority practices and symbols (*Multani v. Commission Scolaire Marguerite Bourgeoys*, [2006] 1 S.C.R. 256). The Multani verdict

G rard Bouchard to head a Consultation Commission to study the so-called “crisis of accommodation.” In their final report, the commissioners made 37 recommendations, two of which pertained to the presence of religious symbols in the public sphere. The commissioners recommended that (1) “with regard to the wearing by government employees of religious signs:

- judges, Crown prosecutors, police officers, prison guards and the president and vice-president of the National Assembly of Qu bec be prohibited from doing so;
- teachers, public servants, health professionals and all other government employees be authorized to do so.”

And (2) “the crucifix above the chair of the president of the National Assembly be relocated in the Parliament building in a place that emphasizes its meaning from the standpoint of heritage.”²³

These two recommendations drew the strongest reaction from the public and government alike. The latter was not pleased with the conclusions reached by the commissioners, who held politicians and the media responsible for stirring up controversy over cultural and religious accommodation. Within minutes of the report’s publication, the government passed a resolution affirming that the crucifix should not be removed from the National Assembly. Despite the government’s cold reception, a number of the report’s recommendations to promote cultural and linguistic integration of minorities in Quebec were quietly enacted between 2008 and 2012.²⁴

was highly controversial and generated a lot of media attention. Following its publication on March 2, 2006, reporting of other cases of “unreasonable accommodation” became a regular occurrence in the news media (see Bouchard and Taylor, *Building the Future*, 53-58). In their analysis, Bouchard and Taylor found that “55% of the cases noted over the past 22 years, i.e. 40 cases out of 73, were brought to the public’s attention during the period March 2006 to June 2007 alone. The investigation of the cases that received the most widespread media attention during this period of turmoil reveals that, in 15 of 21 cases, there were striking distortions between general public perceptions and the actual facts as we were able to reconstitute them” (Bouchard and Taylor, *Building the Future*, 18).

23. Bouchard and Taylor, *Building the Future*, 271.

24. In his detailed analysis of the government’s response to the report, Fran ois Rocher notes that, though public officials did take some action on 28 of the 37 recommendations made in the report, most of these were only partially enacted. He concludes that only 36% of all recommendations were actually put in place and of those considered high-priority by the commis-

In 2013, after campaigning on a promise of ending the crisis over reasonable accommodation by applying the recommendations of the commissioners, the PQ government introduced Bill 60, entitled *Charter affirming the values of State secularism and religious neutrality and of equality between women and men, and providing a framework for accommodation requests*. Bill 60's main objectives were to establish the secular and religious neutrality of the state, while preserving "the emblematic and toponymic elements of Québec's cultural heritage that testify to its history."²⁵ In the pursuit of this goal, the bill imposed three obligations on personnel members of public bodies:²⁶

1. To "maintain religious neutrality" and "exercise reserve with regard to expressing their religious beliefs."
2. "[N]ot [to] wear objects such as headgear, clothing, jewelry or other adornments which, by their conspicuous nature, overtly indicate a religious affiliation."
3. To "exercise their functions with their face uncovered, unless they have to cover their face in particular because of their working conditions or because of occupational or task-related requirements." This requirement also applied to non-personnel seeking services from the state.²⁷

Bill 60 was subject to intense debate in the media and National Assembly. The *Parti Libéral du Québec* (PLQ) opposed the bill's blanket restriction on religious symbols, while the *Coalition Avenir Québec* (CAQ) suggested amending the restriction to apply only to personnel members in positions of coercive authority, as suggested by Bouchard and Taylor. Hoping to capitalize on public support for the bill and earn a majority government, the PQ called an election in May 2014. However, their strategy did not pay

sioners, only 28% were enacted (François Rocher, "La mise en œuvre des recommandations de la Commission Bouchard-Taylor," in *L'Interculturel au Québec: Rencontres historiques et enjeux politiques [online]*, eds. Lomomba Emongo and Bob W. White [Montréal: Presses de l'Université de Montréal, 2014]).

25. Quebec, *Bill n.60*, 5.

26. The definitions of "public bodies" and "personnel members of public bodies" were deliberately broad and included professionals, such as health-care physicians and dentists, who are self-employed yet receive payment for their services from the state.

27. Quebec, *Bill n.60*, 6.

off. The PLQ was elected to power in May 2014, putting an end to Bill 60.

2. Corpus Analysis of the Hearings

In response to the Charter of Values, the Quebec National Assembly received over 200 briefs from private citizens, non-governmental organizations, and public institutions. Public consultation hearings began in January 2014 and ended in late-February with the dissolution of the provincial parliament. Of the 200 briefs submitted, 69 briefs were presented before the Committee on Institutions in the National Assembly in 13 separate sessions. The Committee on Institutions – a multiparty committee comprised of representatives from all elected parties – selected the order in which the briefs would be heard. A high proportion of notable Quebec intellectuals and political figures were invited to present their briefs in these 13 sessions, including representatives from various public institutions, such as universities and hospitals. Each brief was allotted a time-slot of 1 hour: 10 minutes for the authors to summarize the main arguments of their brief, 25 minutes for an exchange with Bernard Drainville, the Minister of Democratic Institutions and Active Citizenship, and another 25 minutes for other members of the committee to voice their comments or questions.²⁸ Due to the format, Drainville’s voice and perspective dominated the hearings; his lengthy exchanges with the presenters often determined the tone and content of the questions raised by the other members of the Committee.

I used concordance software to analyse the transcripts of the hearings in order to identify broad discursive patterns. Through this method, I was able to determine how often a particular religious tradition was mentioned; how often a particular religious symbol was mentioned; and how often negative terms, such as “radicalization” or “extremism,” were mentioned versus neutral or positive terms, such as “spirituality,” “devotion,” or “piety.”

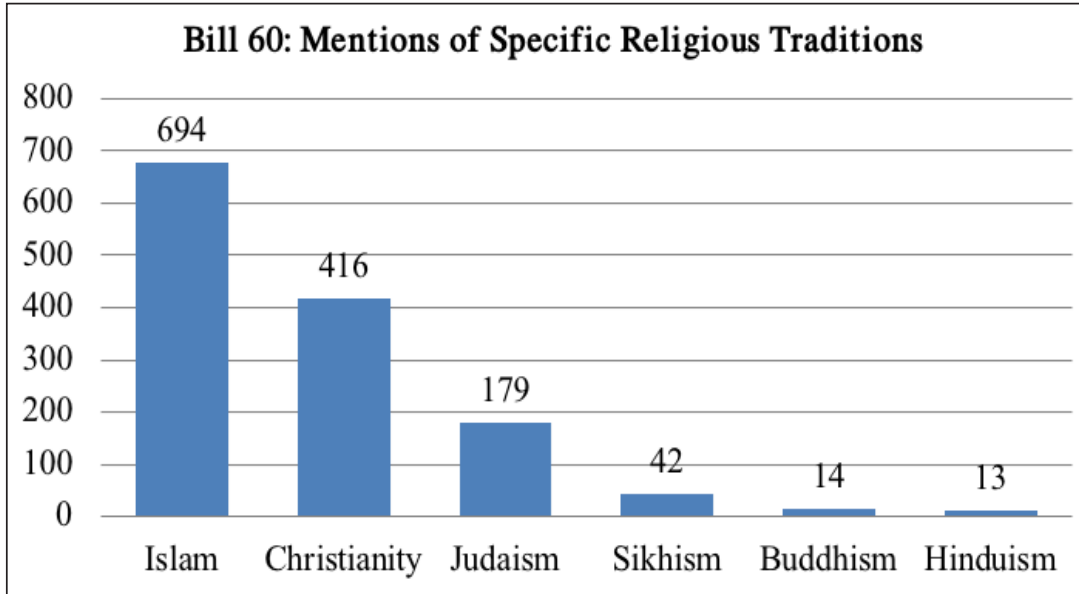
3. Results

Despite claims that Bill 60 was not intended to target any particular religious group, the hearings focused disproportionate attention on Islam

28. Some of the MNAs who sat on the Committee on Institutions include, Marc Tanguay (PLQ); Daniel Ratthé (Indépendent); Nathalie Roy (CAQ); Kathleen Weil (PLQ); Rita de Santis (PLQ); and Françoise David (QS).

and Islamic symbols. There were 694 unique mentions of Islam compared to 416 mentions of Christianity, 179 mentions of Judaism, 42 mentions of Sikhism, 14 mentions of Buddhism and 13 mentions of Hinduism (see Fig. 1).²⁹

Figure 1

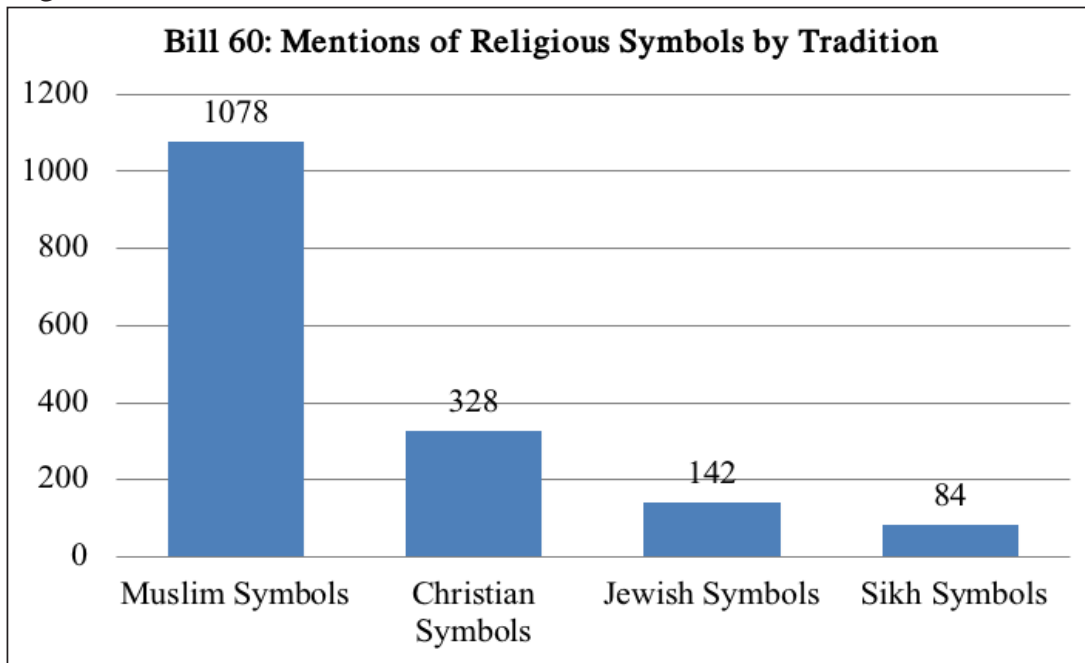


Religious symbols associated with Islam were also mentioned more frequently than the religious symbols of other traditions. There were 1078 unique mentions of Muslim symbols compared to 328 mentions of Christian symbols, 142 mentions of Jewish symbols and 84 mentions of Sikh symbols (see Fig. 2).³⁰

29. The following words were used as identifying terms for the institutions, traditions, and adherents of each religion: Islam - *Islam, islamique(s), islamiste(s), islamisme, musulman(s),* and *musulmane(s)*; Christianity - *chrétien(s), chrétienne(s), christianisme, catholique(s), catholicisme(s), protestant(s), anglicane, pentecôtiste,* and *Grec orthodox*; Judaism - *judaïsme(s), juive(s), hassidique(s)* and *juif(s)*; Sikhism - *sikh(s), sikhe(s),* and *sikhisme(s)*; Buddhism - *Bouddhiste(s)* and *Bouddhisme(s)*; Hinduism - *Hindou(s), hindousime,* and *hindouiste(s)*.

30. The following religious symbols are represented in these figures: Islam - *voile/voile, foulard, hidjab, niqab, burka/burqa, tchador,* and *barbe des intégristes*; Christianity - *croix, crucifix, col romain, coiffes des soeurs,* and *soutane*; Judaism - *kippa* and *calotte*; Sikhism - *turban,* *kirpan,* and *patka*.

Figure 2



Although the bill did not address religious violence or extremism directly, related words – such as *violence*, *intégrisme*, *fondamentalisme*, *radicalisme*, or *extrémisme* – were mentioned 380 times during the hearings; in contrast, non-violent terms – such as *paix religieuse*, *spiritualité*, *dévotion*, or *piété* – were only mentioned, in total, 36 times (see Fig. 3).

Figure 3

Word	Number of Occurrences
<i>Violence</i>	45
<i>Intégrisme(s)/Intégriste(s)</i>	274
<i>Fondamentaliste(s)/Fondamentalisme(s)</i>	22
<i>Extrémiste(s)/Extrémisme(s)</i>	8
<i>Radical/Radicalisme(s)/Radicalise(s)</i>	31
<i>Paix religieuse</i>	10
<i>Spiritualité(s)</i>	23
<i>Dévotion(s)</i>	1
<i>Piété(s)</i>	2

The preoccupation with religious violence is a reflection of the disproportionate focus on Islam at the hearings. Edward Said and Marc Juergensmeyer note that, in the West, *fundamentalism* has become synonymous with *Islamic fundamentalism*.³¹ This association became very pronounced during the Bouchard-Taylor Commission; in the media and at the Commission, religious minorities, especially Muslims and Sikhs, were frequently described as “extremists,” “fundamentalists,” and “radicals.”³² Furthermore, these discursive trends demonstrate that, despite claims to the contrary by authors of Bill 60, the Charter was popularly perceived as an attempt to limit the visibility of Islam in the public sphere.

4. The Function of Symbols

When looking at the transcripts of the hearings, the absence of terms, such as piety and devotion, which are very commonly used to explain the significance of religious symbols for believers in religious studies and theology, is striking. I argue that the eclipse of piety can be explained as a consequence of how the functionality of religious symbols was framed during the hearings.

In their study of the European legal debates on religious symbols, Daniel Hill and Daniel Whistler identify two functions that religious symbols serve in the public sphere: the sign-function – “the way in which, and the extent to which, the symbol expresses a belief” – and the participation-function – the way in which a religious symbol provides entry into a community of believers.³³ When considered for its sign-function, the religious symbol is understood as the expression of a particular religious belief; its authenticity and legitimacy is measured in terms of its connection to the official doctrine of a given tradition. However, when considered for its participation-function, “the community, rather than a private belief, becomes the referent

31. Mark Juergensmeyer, “Religion as a Cause of Terrorism,” in *The Roots of Terrorism* (New York: Routledge, 2006), 139. Also see Edward W. Said, *Covering Islam* (New York: Vintage, 1997), xix.

32. Solange Lefebvre and Jennifer Guyver, “Media and religion in Quebec’s recent debates,” in *Proceedings from Cultural Dialogues, Religion and Communication*, eds. Isaac Nahon-Serfaty and Rukhsana Ahmed (Ottawa: University of Ottawa, 2009), 129.

33. Daniel Hill and Daniel Whistler, *The Right to Wear Religious Symbols* (Basingstoke: Palgrave Macmillan, 2013), 6-7.

of one's symbol"; the authenticity of a symbol is evaluated in terms of its efficacy as a token of membership.³⁴

Hill and Whistler observe that in the European debates on religious symbols in the public sphere, there is a "sharp focus" on the sign-function.³⁵ As a result, practices that cannot demonstrate a strong connection to a recognized religious belief or doctrine are less likely to be considered necessary or obligatory by governments.³⁶ However, Hill and Whistler propose that the emphasis on expression may be waning; since 2004, judgements made by the European Court of Human Rights on cases involving the right to wear religious symbols have taken a "practical-turn." They write: "what now matters is whether the use of a symbol is a genuinely recognized practice, rather than a manifestation of a belief. This is a shift away from treating the use of a symbol as derivative from a high-level belief towards treating it as a practice."³⁷ Hill and Whistler attribute the turn towards practice to a growing recognition of the participation-function of religious symbols.

I argue that the practical-turn, observed by Hill and Whistler, can be taken a step further; religious symbols not only signify meaning or membership, but also serve a practical function that is distinct from doctrine or community. The practice-function refers to the act of wearing a symbol as an end in itself. Canadian courts have recognized the practice-function of religious symbols. In *Multani v. Commission Scolaire Marguerite Bourgeoys*, the Supreme Court established that the legitimacy of a religious symbol, such as the *kirpan*, can only be assessed by examining the sincerity of a believer's conviction that the symbol is necessary for the practice of their religion. In theory, both the religious community and religious doctrine are excluded as means of verifying the believer's sincerity; the majority judges state, "the fact that different people practise the same religion in different ways does not affect the validity of the case of a person alleging that his or her freedom of religion has been infringed...In assessing the sincerity of the belief, a court must take into account, *inter alia*, the credibility of the testimony of the person asserting the particular belief and the consistency of

34. Hill and Whistler, *The Right to Wear Religious Symbols*, 80.

35. Hill and Whistler, *The Right to Wear Religious Symbols*, 5.

36. Hill and Whistler, *The Right to Wear Religious Symbols*, 67.

37. Hill and Whistler, *The Right to Wear Religious Symbols*, 55.

the belief with his or her other current religious practices.”³⁸ When viewed in terms of its practice-function, practice *qua* practice is the measure of the authenticity of a religious symbol.

Hill and Whistler isolate the function of a religious symbol from its meaning: a given symbol might perform the same function over a long span of time or for different communities, yet its meaning may change or be interpreted differently.³⁹ In other words, a symbol may hold multiple – even conflicting – meanings yet remain static in terms of its function. In addition to holding multiple meanings, a symbol can also perform multiple functions; however, what a symbol *does* is a far narrower category than what a symbol *means*.

While function and meaning are distinct, I argue that these two categories are nevertheless connected. In discourse, the understanding of a symbol’s function limits the understanding of the symbol’s meaning. For instance, if a symbol’s function is to express a belief, by necessity of its function the symbol’s meaning must be both comprehensible and expressible to those who witness it. If a symbol’s function is to provide entry into a community, its meaning must be collectively shared and understood by those in the community. However, in this case, the symbol need not have a meaning that is readily expressible; its meaning may only be apprehensible in the action of wearing the symbol or in the moment when a person is transformed into a member of the community. Moreover, the meaning of the symbol may be kept secret from uninitiated individuals. Finally, if a symbol’s function is to enable an individual to perform a religious practice, its meaning need not be collectively shared or expressible; the symbol may have a strictly performative meaning that is apprehensible only to the individual agent in the act of their religious practice. As I demonstrate in the next section, this relationship between the function and the meaning of the symbol helps to explain the lack of references to piety or devotion at the hearings for Bill 60.

4.1. Essentializing the Sign-Function

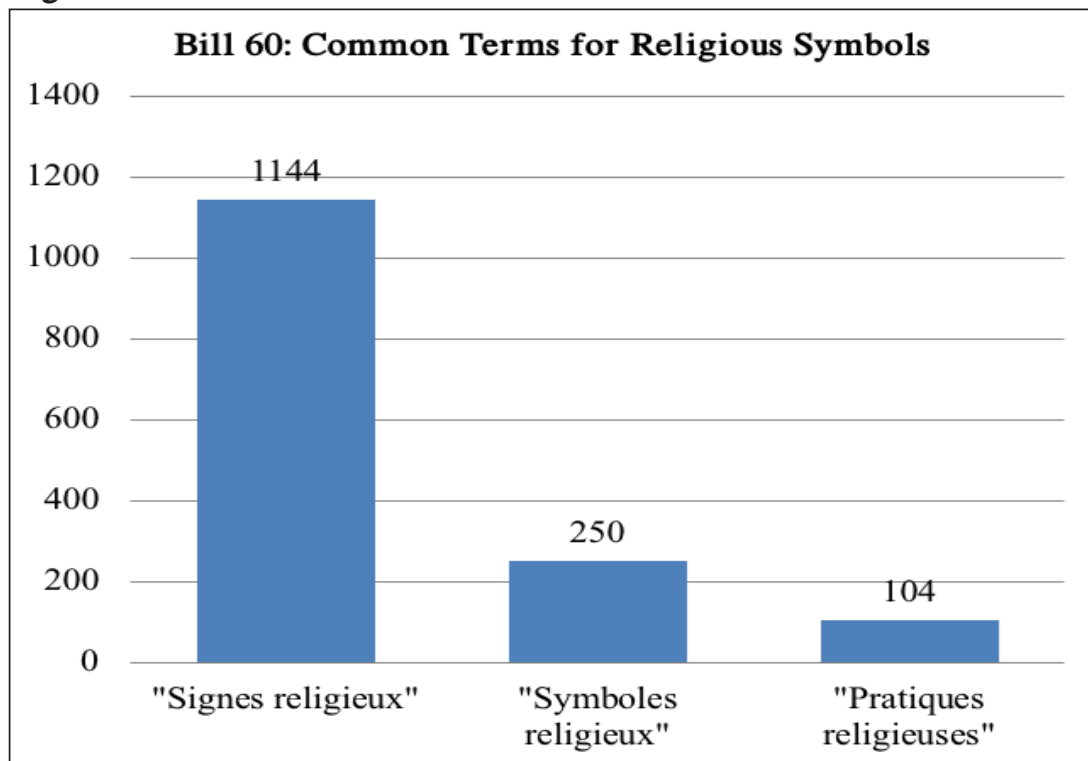
In this section, I demonstrate that, like in Europe, the Quebec debate is

38. *Multani v. Commission Scolaire Marguerite Bourgeoys*, [2006] 1 S.C.R. 256.

39. Hill and Whistler, *The Right to Wear Religious Symbols*, 27.

characterized by a sharp focus on the sign-function of religious symbols. To some degree, in the context of the Charter of Values, this was predetermined by the language chosen for the bill. While the English version referred to “religious symbols,” the French version of the bill spoke exclusively of “les signes religieux.” The term *symboles religieux*, which was used in earlier government publications, was absent from the bill.⁴⁰ Moreover, the bill specifically prohibited the wearing of “conspicuous” or “overt” religious symbols, meaning those that are both commonly recognizable and prominently displayed.⁴¹ Unsurprisingly then, there were 1144 unique mentions of *signes religieux* during the public hearings, compared to only 250 mentions of *symboles religieux* and, likewise, 104 references to *pratiques religieuses* (see Fig. 4).

Figure 4



40. See Québec, Ministère de l'éducation, *Rites et symboles religieux à l'école: Défis éducatifs de la diversité*, 2003. Available at: http://www.education.gouv.qc.ca/fileadmin/site_web/documents/PSG/aff_religieuses/Avis_RitesSymbolesReligieuxEcole_f.pdf.

41. In promotional materials introducing Bill 60, discrete religious symbols worn as jewelry, such as crescent moon stud earrings, a Star of David ring, and a small cross pendant, were exempted from the ban, suggesting that there could be some flexibility in the interpretation of the bill that would allow for minor displays of religious identity.

While implicit in the Charter itself, Bernard Drainville – the minister responsible for Bill 60 – repeatedly defined the function of religious symbols as the transmission of a religious message that is founded in doctrine:

So, evidently, when we wear a religious sign, we send a religious message [that] goes from the self and as you know, religions are not neutral, religions have a moral code, they have ideas, precepts, positions that are well defined on a certain number of subjects at stake. We can talk for instance of homosexuality, of rights for women, of the concept of marriage, of contraception, of abortion. On all these issues at stake, religions have positions.⁴²

Drainville is adamant that nearly all religious symbols perform a sign-function – he makes an important exception to this generalization that I will discuss below. On 14 separate occasions, Drainville tries to persuade presenters to agree with his view, and repeatedly raises examples wherein which the presence of a symbol acts as a sign of a particular set of beliefs. Several of these exchanges occur with notable Quebec intellectuals – such as Michel Seymour, a professor of philosophy at Université de Montreal; Micheline Milot, a sociologist at UQAM; and Jean Duhaime, a theologian at Université de Montreal – who argue against Drainville’s reductionist arguments.

Drainville’s arguments are not only reductive because he reduces religious symbols to their sign-function; he also presumes that religious traditions hold uniform and unchanging positions on issues like homosexuality, marriage, or reproductive rights – a claim he uses to defend his suggestion of banning religious symbols. According to Drainville, religious symbols are inherently problematic, because they communicate religious beliefs that may conflict with positions taken by the state. The casual observer, Drainville insists, cannot ignore the beliefs transmitted by the symbol. In an exchange with members of a local organization that works to promote cultural diversity, Drainville highlights why this is a problem:

But, when, for example someone tells us: Me, as a homosexual person, I have a profound discomfort with accepting an agent of the state, be it a nurse, doctor, whatever, who transmits their religious belief while I’m asking as a citizen to receive a service, because, very often, religion, religions subject me, as a

42. Québec, Assemblée Nationale, *Journal des débats de la Commission permanent des institutions*, vol. 43, n. 125, February 12, 2014, 28.

homosexual, to scrutiny, they condemn me. And so, I don't want as a citizen, I won't accept as a citizen to find myself in front of this message, because this religious message has judged me and has condemned me in my sexual orientation, which in passing, is not something I've chosen.... If you ask us to accept the premise that a person who wears a religious sign does not choose to wear it, we have to also accept the good faith and sincere belief of the person, this homosexual woman who says to us: Me, as a citizen, I have rights and I don't accept in a certain sense to be judged by the religion that is manifested.⁴³

The above scenario – in which a hypothetical gay or lesbian citizen encounters a religious symbol and is made the recipient of a religious belief while seeking public services – is brought up repeatedly by Drainville and other members of the Committee on Institutions, in order to demonstrate that Bill 60 is necessary to protect the rights of marginalized individuals in Quebec. Regardless of the intention of the person who wears a religious symbol, Drainville concludes that religious symbols transmit messages that negatively affect the mental wellbeing of those who view them. In other words, the sign-function is too strong for wearers of religious symbols to overcome; the wearer does not have to act or behave in any particular way for there to be a transmission of belief.

4.2 Dismissing the Practice-Function

While emphasizing the sign-function, Drainville ignores or denies the practice-function of a symbol. In his opening address on the first day of the hearings, he insists that the new bill “will impede absolutely no one from practicing their religion.”⁴⁴ According to some members of the Committee, wearing a religious symbol is not a religious practice. Religious practices correspond to a certain kind of activity or behaviour, such as going to church. The notion that, in adopting a certain way of dress, a person might be performing a sort of ritual is neither understood nor seen as something protected by law. This understanding is exemplified in the testimony of Richard Rousseau, a representative for Citizens against the Ritual Slaughter of Animals of Quebec, who states that:

Article 18 [of the UDHR] declares: ‘All persons have freedom to manifest

43. Québec, *Journal des débats*, vol. 43, n. 118, January 30, 2014, 31.

44. Québec, *Journal des débats*, vol. 43, n. 110, January 14, 2014, 2.

their religion ... in public and in private by education, practices, worship, and rituals.’ Religious symbols don’t enter into any of these categories. The article of the UDRH declares – I repeat – that ‘all persons have the right to manifest their religion by education, practices, worship and rituals,’ and not by wearing religious symbols that individuals decide based on personal whims.⁴⁵

There is an obvious denial throughout the hearings that wearing specific clothing might be considered a practice or a form of worship. Worship, devotion and piety are described as activities or attitudes that are personal, internal, or private. Visible religious symbols are not necessarily compatible with this personalized view of religion; as one presenter states: “Religion is a personal affair and flaunting a religious symbol in schools, universities, or at work does not necessarily demonstrate piety or devotion.”⁴⁶

Wearing a religious symbol is repeatedly described as a personal, and largely insignificant, choice. This perception is exemplified in an exchange between Drainville and Michel Gauthier, the one-time leader of the federal *Bloc Québécois* party. Based on his observations of prior testimony, Gauthier argues that wearing a *hijab* is not necessary for someone to practice Islam: “...if she does not wear her *hijab*, she doesn’t stop being Muslim, she doesn’t become a bad Muslim, she will not be excluded from the Muslim religion. Her fundamental right, it’s to practice her Muslim religion. The manner which she practices, it’s not part of the fundamental rights, excuse me.”⁴⁷ Throughout the hearings, non-Muslims, like Gauthier, frequently delineate between trivial and significant religious practices. Supporters of the bill often conclude that, if wearing a religious symbol does constitute a religious practice, it is a minor or inconsequential one. To support their view, they sometimes use the testimony of religious practitioners who maintain that wearing religious clothing is a voluntary choice, rather than a coercive dogmatic prescription. If wearing a religious symbol is not mandatory, Drainville and others conclude, removing it should not pose a problem.

4.3 Problematizing the Participation-Function

Drainville and other supporters of the bill readily acknowledge the

45. Québec, *Journal des débats*, vol. 43, n. 116, January 23, 2014, 6.

46. Québec, *Journal des débats*, vol. 43, n. 110, January 14, 2014, 69.

47. Québec, *Journal des débats*, vol. 43, n. 112, January 16, 2014, 24.

participation-function of religious symbols, which they use to support their proposed ban. In a discussion with Quebec philosopher Michel Seymour, who brought up the participation-function in his written brief on the bill, Drainville states that:

Elsewhere, in your brief that is, you say ‘...the relation to religion is a matter of belonging to a community. It’s the reason why signs are required. They mark to others their ties to a sole shared community of belonging.’ I, I think that we’re at the heart of the issue because the question that is raised, exactly, it’s: from the moment when a person signals by their symbol their belonging to a community, isn’t there a risk, a danger, that when working for the state, their sense of community belonging will take precedence over their sense of civil belonging and thus their decisions will be guided by their sense of community belonging, which is manifested by wearing the symbol, more so than by their public duty?⁴⁸

Here the symbol acts not only as an indicator of the religious identity of a believer, but also compels the believer to act in a certain way. Drainville suggests that removing the symbol also removes the risk that a person might act based on their religious identity or beliefs. The symbol is like a Machurian Switch, capable of transforming the most dedicated civil servant into an enemy of the state.

This suspicion of the participation-function stems from a widespread expectation that authentic religion should be individualistic and interior. Sectarian or communitarian religions – in which an important part of the religious experience is both visible and lived through the community – are thereby regarded as distinctly other.⁴⁹ In several discussions throughout the hearings, communitarian religion is portrayed as an antiquated form of religious life, which Quebec has surpassed in its self-conscious quest for modernization and secularization. Consequently, communitarian religion is largely associated with examples of bad-religion; radicalism, fundamentalism, and intolerance; whereas private, personal religion is held up as good-religion. Religious symbols that serve a participation-function by indicating a religious belonging, such as the Sikh turban, Muslim *hijab*, and Jewish *kippa*, are viewed negatively, because they represent a

48. Québec, *Journal des débats*, vol. 43, n. 111, January 15, 2014, 36.

49. Solange Lefebvre, “Les Dimensions socioreligieuses des débats sur les accommodements raisonnables,” in *L’Accommodement raisonnable et la diversité religieuse à l’école publique. Normes et pratiques* (Montréal: Fides, 2008), 113-33.

communitarian form of religious life that makes its presence known in the public sphere. These symbols cannot help but be “overt” (*ostentatoire*) in their appearance, because their purpose is to be seen.

In dismissing the practice-function and over-emphasizing the participation-function and the sign-function of a symbol, the discourse on symbols remains centered on the issue of visibility. Piety and devotion, which are associated with personal and private religious practice, are not given a place in the discussion of a symbol’s function. The result is a political discourse that continuously evokes terms such as “obligation,” “requirement,” “prescription” and “choice,” instead of “devotion” or “piety.”

5. Constraining Meaning through Function

The absence of terms such as “devotion” or “piety” becomes even more apparent when presenters and religious believers attempt to convey the meaning of religious symbols during the hearing. There are two factors that can account for why such terms are absent: (1) the emphasis on the sign-function, and (2) the secularist context of the hearings. To demonstrate how these factors influence the discussion of meaning, this section examines various descriptions of the Muslim veil – the most frequently mentioned religious symbol – presented by both supporters and critics of the bill.

The sharp focus on the sign-function limits how presenters describe the meaning of symbols, such as the veil. If a symbol’s primary function is to communicate a message, it follows that the primary meaning of the symbol must be communicable to others. In prioritizing the sign-function, other kinds of meaning that may be related to other functions of the symbol – such as a symbol’s transformative meaning or performative meaning – are ignored or dismissed. Thus, the sign-function strongly influenced how supporters of the bill, none of which personally wear religious symbols, describe the meaning of the veil. Supporters commonly relate the meaning of the veil/*hijab* to Muslim beliefs, specifically those having to do with female sexuality or gender norms. Many supporters argue that the veil is not a legitimate symbol of Islam, citing the lack of Islamic scriptural support for these beliefs.⁵⁰

50. Québec, *Journal des débats*, vol. 43, n. 110, January 14, 2014, 71; vol. 43, n. 114, January 24, 2014, 74.

In describing the meaning of the veil, critics of the bill were also influenced by the context of the hearings, in addition to the sign-function. In the immanent, secular space of the hearings, there is no place for the transcendent. The context necessitates that believers translate the meaning of their religious symbols into terms that are understandable to outsiders of their faith. Believers, thus, tend to evoke general and vague concepts – such as “community,” “identity,” “choice” or “faith” – to explain the meaning of their symbols, eschewing references to theology or scripture.

Speaking of the veil, Samira Laouni – a representative for the organization C.O.R. (*Communication pour l’Ouverture et le Rapprochement interculturel*) and a practicing Muslim woman who wears a veil – states:

...asking a person to take off their religious symbol while at work, that, I find to be odious, because it sets before them a heart-wrenching choice: either she accepts to work and renounces her identity, or she holds on to her identity and she loses her earnings to feed her children or feed herself. And in the name of what? In the name of the equality of men and women, which we all cherish?⁵¹

In her criticism of the bill, Laouni alludes to a feminist interpretation of the veil. This feminist interpretation is also raised by Diedre Meintel, co-director of CEETUM (*Centre d’études ethniques des universités montréalaises*), who presented the following testimony at the hearings:

To speak of the women who wear the scarf, or the veil, my colleague Géraldine Mossière conducted a study of women who are Quebecoise by birth that have converted to Islam. Those who have chosen to wear the scarf say that they have taken this decision...freely and without pressure, and that for them it represents a resource that allows them to valorize their intellect, their personalities, and not their physiques. And, even more, other Muslim women interviewed said pretty much the same thing; that it represents a personal choice, their personal faith, and it is absolutely not a means of proselytism.⁵²

The feminist interpretation found in the testimony of Laouni, Meintel and others relates the veil to an Islamic belief in the equality of men and women. Casting the veil as a symbol of identity, choice, or personal faith places the meaning of the veil in the personal sphere, where it can be related to the civic ideals of individual liberty and moral autonomy.

51. Québec, *Journal des débats*, vol. 43, n. 110, January 14, 2014, 47.

52. Québec, *Journal des débats*, vol. 43, n. 116, February 13, 2014, 126, 4.

While many critics of the bill present strong evidence to support their interpretation of the veil, their voices are marginalized. Due to the format of the hearings, Drainville is able to exert control over the discourse. Believers are rarely given the opportunity to elaborate on the personal meaning of the veil. Moreover, Drainville repeatedly challenges the testimony of presenters who maintain that the veil is not an obligation, but a free choice; he cites anonymous examples of young women who are forced by their families to wear the veil, contradicting the testimony of practicing Muslim men and women who insist that the veil is never coerced. However, as an outsider, Drainville is unable to fully refute the Muslim women's own interpretation of the veil. He therefore subtly demonstrates his skepticism by suggesting that while a woman may "believe" that she is wearing a symbol voluntarily, she is actually being coerced. He questions:

...a person can wear it by choice; in any case, she has the belief that she wears it by choice, so she is exercising her freedom by wearing the veil. But the veil itself can signify something else in the eye of the person who sees the veil; can it have a meaning other than the meaning that is ascribed to it by the person who wears the veil?⁵³

Failing to discount believers' testimonies completely, Drainville repeatedly brings the discourse back to the sign-function.⁵⁴ He argues that perceiving a discriminatory message in a religious symbol justifies its exclusion from the public sphere, and rejects any critiques of the bill that stem from the symbol's participation-function. For Drainville, the only meaning that matters is in the eye of the beholder.

Drainville also relies on the sign-function to justify the legality of Bill 60. Equating religious symbols to political emblems on the basis of their shared expressive function, he argues that a ban of religious symbols is no different from existing laws that prohibit employees of the state from expressing their political affiliations in the workplace.⁵⁵ The effects of the bill on personal freedom are thus minimal. The logic of Drainville's legal

53. Québec, *Journal des débats*, vol. 43, n. 129, February 18, 2014, 33.

54. Drainville poses a similar question to Samira Laouni, who strongly criticizes Bill 60: "But, if you recognize that a citizen could see a religious message in a religious symbol, do you recognize, that in this moment, the citizen could feel like their freedom of conscience is being infringed upon?" (Québec, *Journal des débats*, vol. 43, n. 110, January 14, 2014, 49).

55. Québec, *Journal des débats*, vol. 43, n. 110, January 14, 2014, 48.

justification, however, depends on his reductive portrayal of the function of religious symbols. His comparison between religious symbols and political emblems becomes less apparent when other functions of the symbol are given equal importance. For example: wearing a religious symbol can be a requirement for membership in some religious communities and removing said symbol can result in expulsion from one's religious community.⁵⁶ Political emblems, on the other hand, do not perform a participation-function to the same degree. To be a member of a political party in Quebec, one is not required to wear a visible token of the party. The participation-function of a political pin is much weaker than that of a *kirpan*.

Conclusion

The results of this study of the public hearings on Bill 60 demonstrate that the Quebec political discourse conforms to the pattern that Hill and Whistler observed in the early European debates on the right to wear religious symbols. The sign-function of said symbols was overemphasized at the hearings. Furthermore, the symbol's other functions – the participation-function and practice-function – were either dismissed as insignificant or cast as problematic for ensuring the religious neutrality of the state. Politicians argued throughout the 13 days of testimony that believers – regardless of their intentions – were necessarily transmitting their beliefs to members of the general public without their consent simply by wearing a visible religious symbol.

In essentializing the sign-function of symbols, the meaning of religious symbols was reduced to beliefs rooted in doctrine or scripture. Believers testifying at the hearings were required to frame their own understanding of their religious practices in terms comprehensible to government officials, who demonstrated consistent skepticism of the believers' testimony. Female participants who wore religious symbols bore the brunt of such treatment. These women – such as Samira Laouni – were not granted the ability to speak with authority about their own religious practices. Their testimony

56. *Khalsa* Sikhs are required to wear 5 symbols – ceremonial dagger (*kirpan*), comb, uncut hair (*kesh*), underwear, and bracelet (*kara*) – at all times in order to maintain their belonging in the *Khalsa* community. Orthodox Jewish men are required to wear the prayer shawl (*tallit*) and skullcap (*kippa*). In these religions, the absence of certain prescribed symbols places their status as members of the community in question.

was discounted or contradicted with accounts offered by male participants at the hearings, who did not wear religious symbols themselves. As a result, there was little discussion of the significance such symbols actually have in the lives of religious practitioners; the symbols' connection to personal piety or devotion was altogether ignored.

The lexicographic analysis conducted in this paper demonstrates there was a disproportionate focus on Islam and Islamic symbols at the hearings. There was also significant discussion on issues related to religious violence or extremism. These findings suggest that, despite government claims to the contrary, the bill was widely perceived as a ban on Muslim symbols in the public sphere and that these symbols are commonly associated with religious extremism. As discussed earlier in this paper, many Quebecers adhere to a perception of authentic religion as individualistic and interior. This results in widespread suspicion of traditions that emphasize the communitarian dimension of religious life. The inability of Bernard Drainville, and other participants at the hearings, to accept Islamic symbols as manifestations of personal piety, in addition to their willingness to discount the testimony of Islamic practitioners, highlights the extent to which Islam is perceived as an “outsider” religion in Quebec.