

Why We Support Bill 21

AFT On-line Event, 2020-08-08

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(One title slide + 31 slides)

Secularism

- Equality of treatment for all, including equality between women and men.
- Freedom of conscience
- Religious neutrality of the State
- Separation between religions and State

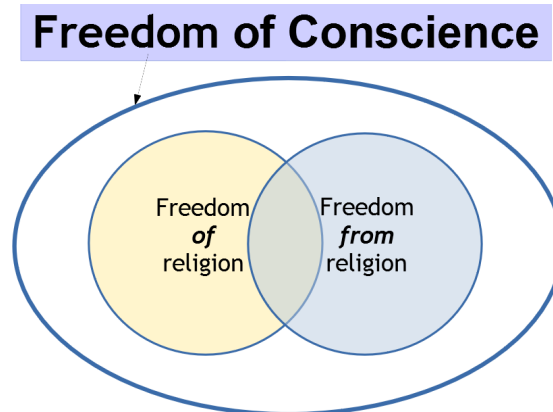
Religious neutrality

- **The Strong:** Neutrality among various systems of belief and non-belief.
- **The Weak:** Neutrality among various systems of belief only (atheist and other non-believers excluded).
- **The Fake:** Withdrawing religious privileges implies “unequal” treatment for the formerly privileged. (To be explained later in this talk.)

Full Secularism

- **Freedom of conscience**
includes both freedom of and freedom from religion.
- **Religion** must be separated from the State because it **is dangerous** whenever it obtains political power or influence.
- **The principle of separation is essential.**
Without it, the three other principles are all compromised.
- **Religious Neutrality must be of the STRONG type.**
If not, then atheists and other non-believers are discriminated against.

Freedom of conscience



Bill 21: Advantages

- Clear definition of secularism.
- Inclusion of this definition in the Quebec Charter.
- Clear definition of religious symbol.
- Ban on religious symbols worn by civil servants in positions of authority, including schoolteachers.
- Ban on face coverings, whether worn by civil servants or by those receiving service.

Bill 21: Weaknesses

The ban on religious symbols is limited:

- applies to only **part of the civil service**
- applies to **only teachers and principals in public schools**
- does not apply to **private schools** at all
- does not apply to **child-care centres** at all
- does not apply to MNAs (Members of **National Assembly**). This is inconsistent with the removal of the crucifix from the legislative chamber.
- does not apply to **installations**, e.g. walls of State buildings

Bill 21: Weaknesses (continued)

- The **grandfather clause** should not be in the Bill. This could be easily corrected by putting a time limit on it — say a year or two.
- In the Bill's definition of secularism, the 4th principle is “**freedom of conscience** and freedom of religion.” This is not well expressed. It would be preferable to write only “freedom of conscience” or “freedom of conscience, including both freedom of and freedom from religion.” Furthermore, it would be preferable to mention explicitly freedom to apostatize, given that apostasy is forbidden in some religions.
- Bill 21 does not affect the considerable **fiscal advantages** granted to religious institutions. Quebec could easily take a giant step forward in this direction by dropping the “advancement of religion” as a criterion for a charitable organization, a criterion which it copied from federal legislation.
- Bill 21 **does not end or reform the highly criticized *Ethics and Religious Culture (ERC) program***, which is compulsory at all levels in Quebec schools and indoctrinates children with a community-based and sugar-sweetened view of religions. (However, a reform has been promised since.)
- **Dubious English translation:** The Bill's title in English uses the word “laicity” which is non-existent in English. To translate the French word “laïcité” the correct word is “secularism” even though the two may not be exactly equivalent. The word “secularism” does include the concept of separation between religion and state, which is crucial. Also, the word “lay” is incorrectly used to translate the French word “laïque.”

“Laïcité” versus “Secularism”

The term “secularism” tends to be given a weaker meaning than the French word “laïcité.” The principle of religion-State separation is given lesser importance in the English word. However, **this difference must not be exaggerated.** The English term nevertheless includes the separation principle.

People outside Quebec who call themselves “secular” but oppose Bill 21 are extremely hypocritical. Cultural differences may explain this situation, but they do not excuse the hypocrisy. If they call themselves “secular” then they just need to be well informed and make a little intellectual effort to understand full secularism. For example, if the State allows police to wear religious symbols while on duty, then clearly the separation principle is violated. This is not difficult to understand.

Conclusion : We must stop excusing the hypocrisy and intellectual sloth of those who refuse to understand.

Constitutional Considerations

- **Is Bill 21 compatible with the Canadian Charter of Rights and Freedoms** (which is part of the 1982 Constitution)? That is what the courts will decide.
- The Canadian Charter, like the **1982 Constitution** which includes it, is not some absolute reference handed down by the divinity to Moses (a.k.a. Pierre Elliott Trudeau). It is a human and imperfect document, written by human beings, which begins with a reference to the “supremacy of God” and allows federal judges to invalidate democratically adopted provincial laws.
- **Quebec has never signed** or approved of the 1982 Constitution. Quebec is legally – but not morally! – required to respect it!
- Courts have recognized (**Ford decision** of the Supreme Court of Canada) that they may not rule on the wisdom of any use of the “notwithstanding” clause. That is a political question which only the legislator can decide. Courts may rule only on the technicalities of its use.

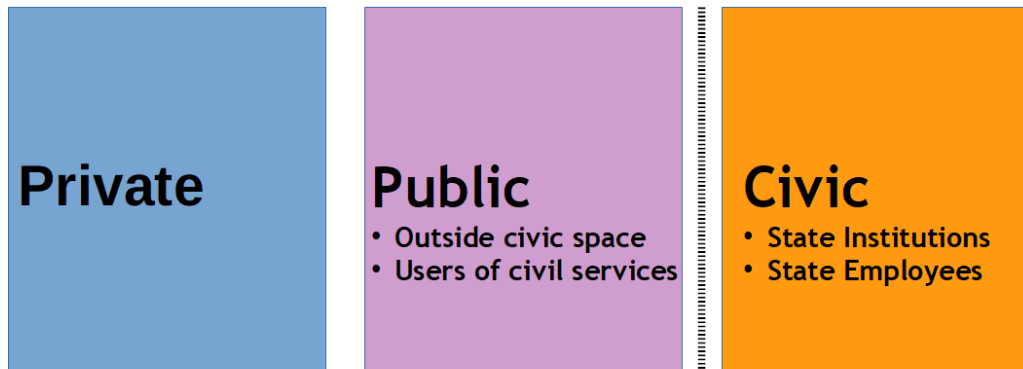
Conclusion :

If the courts decide that Bill 21 violates the Charter, this will not be a moral decision, only a technical one. Maybe it is the Charter that needs to be modified or repealed, not Bill 21?

Some Guiding Principles

- **Secularism**, including religion-State separation
 - Defending the rights of **atheists**
 - Our goal: Maximize **freedom of conscience**
 - **Distinction between beliefs & believers**, between ideas & people
 - **Distinction between**
 - “**race**” (a biological concept)
 - **religion** (an ideology, a collection of ideas and practices)
 - Avoid the **indoctrination of children**
-

The Three Spaces



Bill 21: A Few Arguments in Favour (a)

TO ALLOW THE WEARING OF RELIGIOUS SYMBOLS BY EMPLOYEES IN THE CIVIL SERVICE AND SCHOOLS:

- **Incompatible with State religious neutrality**, just like symbols on the walls. In fact, symbols worn by employees are probably worse than those displayed on physical installation, especially in schools.
- **Incompatible with the principle of separation between religion & State**. For example, if a policeman wears an obvious crucifix on his uniform, then there is no separation.
- On **15th April 2015, Supreme Court of Canada**, in the case of prayer at Saguenay city council meetings, emphasized the importance of State religious neutrality and ruled that “the state must neither encourage nor discourage any belief or non-belief” [20] and that “**the state itself cannot engage in a religious practice**, so the practice would be one engaged in by one or more state officials, who would have to be acting in the performance of their functions.” [84] In other words, **the state exists only through its representatives**. For the State to be neutral, its representatives must be neutral.

The Court did not express an opinion for or against the wearing of religious symbols by State representatives, but its decision is compatible with a ban. Indeed **the wearing of a religious symbol is a religious practice**.

- A **privilege** granted to religions. A **religious accommodation**, and such accommodations are never acceptable.
- Constitutes **religious advertising, passive proselytizing**. A ban on the wearing of religious symbols removes the privilege of being allowed to practise such advertising on the job.
- **Discrimination against atheists**, against other non-believers and against believers who wear no symbols. A ban on the wearing of religious symbols constitutes **an anti-discriminatory measure**.

Bill 21: A Few Arguments in Favour (b)

THE BAN ON RELIGIOUS SYMBOLS IS NOT DISCRIMINATORY:

- It applies to men as well as women, either of whom may wear religious symbols. Thus, there is **no sex discrimination**.
- It applies to all religions. Thus, there is **no religious discrimination**.
- Some religions, or some variants of certain religions, impose certain accoutrements on women as a sign that they are considered inferior to men. Thus, the ban on religious symbols is anti-discriminatory and anti-misogynous.
- A person who refuses to remove a religious symbol which is banned on the job is not being discriminated against. **That person is excluding & disqualifying himself/herself**. That person alone is responsible for his or her choices. One of the qualifications for the job is the absence of religious symbols, so if she or he refuses to respect that rule, she or he is unqualified for the job.

Bill 21: A Few Arguments in Favour (c)

A QUESTION OF BEHAVIOUR:

- Banning religious symbols is **not discriminatory**. It is a **disciplinary** measure. The ban does not apply to people. It applies to behaviours.
- Bans on religious symbols are like **laws banning smoking** in certain places. Such bans apply to everyone. Smokers are not excluded from those places. Anyone who wants to smoke must leave the place temporarily to do so.
- Bans on religious symbols are like **speed limits** on highways. Such limits apply to everyone. To say that banning religious symbols discriminates against religious believers is like saying that speed limits discriminate against owners of high-performance cars.

Bill 21: A Few Arguments in Favour (d)

WHEN SOME PEOPLE'S RIGHTS AND FREEDOMS COLLIDE WITH OTHERS':

- **Rights are rarely absolute**. The rights of some end, or start to be limited, where others' rights start, because there is often a conflict between incompatible rights. Some kind of equilibrium must be sought.
- **Freedom of thought or belief may be absolute** (assuming that there is no constraint on the person's mental processes). but never the freedom to put those thoughts or beliefs into practice.
- A ban for civil servants and teachers is a **small and reasonable constraint** on their freedom to practise their religion, **for a much greater good**: to protect the freedom of conscience of users of civil services and students in the schools. These services exist to serve the users just as schools exist to serve pupils; they do not exist in order to provide employment. It is the freedom of conscience of users and pupils which is the higher priority. Furthermore, they are much more numerous than the employees.
- Wearing a religious symbol is a **religious practice, not a religious belief**. To limit the former does not affect the latter. Bill 21 does not in any way limit freedom of belief. Furthermore, the limit on practice does not apply when the person is off work.
- **A religious symbol can be removed!** Without surgical intervention.

Bill 21: A Few Arguments in Favour (e)

BILL 21 IS MODERATE, TIMID EVEN:

- “several democratic liberal societies have adopted such measures,” Justice Mainville, Quebec Court of Appeal, 12th December 2019, in the decision refusing to suspend Bill 21.
- There are bans on religious symbols in civil services and schools in France and in parts of Switzerland, Belgium, Germany.
- Face-coverings, including the full Islamic veil are banned in numerous countries of Europe and Africa, including several Muslim-majority countries.
- European Court of Human Rights (ECHR) ruled that it is legitimate to ban the Islamic veil worn by teachers in the canton of Geneva in order to protect equality between women and men. (*Dahlab c. Suisse, 2001*)
- Although groundbreaking in North America, Bill 21 is neither extreme nor exceptional. By European standards, it is rather banal and timid.

Bill 21: A Few Arguments in Favour (f)

A QUESTION OF PROFESSIONAL ETHICS:

- To remove one’s religious symbol at work is a form of professionally ethical behaviour. To wear such a symbol at work is unethical and unprofessional.
- The Quebec *Public Service Act*, which has been in effect for many years, bans partisan political symbols and behaviour for civil servants. That law is much more restrictive than Bill 21. Bill 21 bans religious symbols for only part of the civil service. This is necessary because such religious symbols often have political implications, especially when worn in the civil service or in schools.
- Bill 21’s ban is a **benefit for everyone**, because it protects the religious neutrality of civic space. It is especially beneficial for **children of religiously pious parents** because having secular schools means a periodic break from the family environment without interfering in that environment. This is especially true for daughters, because of the misogynistic nature of several religions.
- **No religious practice is truly an obligation.** Either it is a personal choice or it is an obligation imposed by a parent or coreligionist against the will of the person thus forced. In the latter case, it is a matter of coercion which violates the freedom of conscience of the person.

Bill 21: A Few Arguments in Favour (g)

THE SECULAR STATE IS NOT RESPONSIBLE FOR BELIEVERS’ CHOICES:

- **Believers themselves — not the State — are entirely responsible** for their religious beliefs and practices. The secular State is in no way responsible for the decision of a believer to wear a religious symbol and is in no way obliged to accommodate that choice.
- If the State allows its employees to wear religious symbols, it is acting as if the symbol were an integral part of the person wearing it, **as if they could not wear it**. Thus, **the State essentializes the religious affiliation** of that person, as if that affiliation were innate and immutable, like a genetic attribute, as if the obligation to wear the symbol were imposed by a higher power to whom it is impossible to say no. **Thus, the State endorses the religion of that person.** This is unacceptable for a secular State. Endorsing atheism or agnosticism would be similarly unacceptable.

- By banning religious symbols worn by its employees, the State commits to treating every person equally, regardless of their belief or non-belief. Thus the State commits itself to respecting the freedom of conscience of civil service users and school students.

Bill 21: The Unique Argument Against

As arguments against Bill 21 are generally very weak, opponents of the Bill often indulge in gratuitous defamatory accusations, such as accusing supporter of the Bill of “xenophobia,” “racism,” etc. However, even if all supports of Bill 21 or all Quebeckers were very xenophobic, racist, etc., that would still not be an argument against Bill 21, because it has nothing to do with race and it does not discriminate on the basis of religion.

Setting aside such defamation, I know of only one remaining argument against Bill 21 that has any plausibility: The law limits the freedom of religion (or expression, or religious expression) of civil servants and teachers.

True, but the limit is only on **religious practice**, not belief, and only on the job. Furthermore, this argument requires that the rights of civil service users and public school students be completely neglected, not taken into consideration.

The opponents of Bill 21 do not care at all about the rights of students and users.

We have here a situation of **conflicting rights**: those of employees on the one hand, and those of students and users on the other hand. We must find an equilibrium. Bill 21 finds such an equilibrium: a modest limitation on the employees rights, but only while they are on the job.

The Dishonesty of the Antisecular

- Conflate “race” and religion, thus negating freedom of conscience.
- If we accept this conflation between “race” and religion, then the three Abrahamic monotheisms — Judaism, Christianity and Islam — are downright “racist.”
- The scam of religious “obligations”: holding the State responsible.
- Conflate belief and believers: thus conflating criticism of beliefs with prejudices against people.
- The scam of “racialized” persons. To be a religious believer is not a “race.”

The Nonsense of “Islamophobia”

TWO PROBLEMS:

- Conflation of a belief (Islam) with believers (Muslims) as we have just discussed. Anti-Muslim prejudice should be called “anti-Muslim prejudice.”
- To fear a religion is not necessarily an irrational phobia. It may be completely healthy. The three Abrahamic religions — Judaism, Christianity and Islam — have strong totalitarian tendencies, especially in their fundamentalist variants.

To fear religious fundamentalism is simply prudent. In fact, it is necessary.

Fake Religious Neutrality

CHRISTIAN LEGAL FELLOWSHIP (LAWYERS FOR TRINITY WESTERN UNIVERSITY)

“While the legislation purports to be advancing ‘religious neutrality’, it does the exact opposite. By effectively **banning citizens of certain faiths from public employment** based on their religious expression and identity, the Bill is promoting an *anti*-religious public square...

But neutrality is required of the state, not individuals. State neutrality exists not to coerce irreligious uniformity, but **to promote and enhance religious diversity**. To paraphrase the Supreme Court, the answer is **not to ban religion from the public sphere...**”

CENTRE FOR INQUIRY CANADA (CLAIMS TO BE “SECULAR”)

“A truly secular society also does not give special treatment in the form of a sanction, such as Quebec’s Bill 21. **People, including public sector employees, should not be treated differently if they are part of a religion.** Put simply, the state must always be neutral on issues of religious belief and must not treat someone differently because of their beliefs.”

Implications of Fake Neutrality

- According to the **Christian Legal Fellowship**,
 - Believers are excluded from certain jobs. **(FALSE.)**
 - It is the State which must be neutral, not individuals. **(FALSE. The State exists only by virtue of the individuals who are its representatives.)**
 - The aim of religious neutrality is to **“promote...religious diversity” !** **(NONSENSE. This has nothing to do with secularism.)**
 - Bill 21 “ban[s] religion from the public sphere.” **(FALSE. See “The Three Spaces”)**
- According to **CFI-Canada**, Bill 21 treats religious believers different from others. **(FALSE.)** Thus, CFIC considers the State responsible for the religious believers’ choices **(but this grants an unacceptable privilege to those believers)**. The Pastafarian Church is a good antidote to CFIC’s nonsensical position. Would you accept police wearing colanders on their heads while on duty?
- **The antisecularism of the CLF is unsurprising, as it is a Christian association. The antisecularism of CFI-Canada is abject hypocrisy.**

The Toxicity of the “Woke” Mentality

- “Woke” means politically awake, politically aware, especially about social justice issues. But it describes a current in left-wing politics which has abandoned Enlightenment values (reason, tolerance, freedom, progress, universalism, human rights and secularism) and is “left” mostly in name only.
- The political left and right **are defined by support for and opposition to Enlightenment values.** If a left-wing current abandons those values, it is no longer on the left.
- That current has become dominant among political leftists and even centrists. There is (almost) no (real) left left.
- Also known as regressive (pseudo-)leftism or anti-Enlightenment (pseudo-)leftism.
- The woke mentality is a major enemy of secularism.

Political & Philosophical Roots of “Wokism”

The woke mentality is based on a number of political and philosophical currents:

- **Intersectionality**, an obsession with personal identities, especially minority identities, which amounts to a simplistic point-system for determining who is lucky enough to have the most oppression points.
- **Multiculturalism**, or cultural relativism, an anti-universalist political ideology which attaches greater importance to ethnic or religious affiliation than it does to either universal rights or to citizenship.
- **Postmodernism**, a philosophy associated with cultural relativism and inspired by a scepticism about modernist ideas of objectivity, rationalism and knowledge.
- **Post-Marxist defeatism**, a degeneration of Marxism, resulting from Marxism’s failure to deliver on its promise of a brighter future based on Enlightenment values and which has led to blaming the Enlightenment itself. Also known as neo-Marxism or cultural Marxism or cultural post-Marxism
- **Islamoleftism**, an extension of the previous point, a further degeneration of post-Marxism, in which the priority traditionally accorded to class and economics is now replaced by the defence of minorities, especially Muslims.

An Obsession With Minorities

- Intersectionality combined with multiculturalism and the other ingredients of the woke mentality make a toxic mixture which leads to an **overemphasis on minorities** and contempt for majorities and the universal. Some minorities are favoured obsessively, granting them near impunity.
- With Islamoleftism in the mixture, Muslims are given special priority and impunity, especially the most pious and even fundamentalist. **Extreme complacency with respect to Islam and Islamism**. So-called “Islamophobia” is condemned.
- The whole process is rendered even more toxic by the **non-recognition of some minorities**. Examples:
 - Quebeckers are dismissed as just whites (with all the negativity associated with that) while ignoring anti-Québécois bigotry which has been a theme throughout Canadian history and is used currently by the enemies of secularism to denigrate simultaneously Quebeckers and Bill 21.
 - Secular Muslims are ignored. They do not fit the Muslim stereotype which the “woke” insist on, where the women are veiled and men are groomed stereotypically, etc.
 - Ex-Muslims are denigrated. They fit the stereotype used by the “woke” even less.

Tyranny of the Majority or Tyranny of the Minority?

With regard to Bill 21, is there a “tyranny of the majority?” Yes, but not in the sense alleged by opponents of Bill 21. The tyrannical majority is the Rest-of-Canada (ROC), vilifying the minority (Quebeckers) for their progressive, secular legislation.

However, many in ROC support Bill 21, but are bullied into silence.

The tyrannical majority is allied with a tiny but very vocal tyrannical minority, Islamists. Secular Muslims are ignored.

(I define an Islamist as anyone who promotes political Islam, i.e. who attempts to obtain political power, influence or privileges for the religion Islam.)

Three Studies about Attitudes Towards Religious Symbols

(1) Antoine Bilodeau, Luc Turgeon, Stephen White and Ailsa Henderson

Strange Bedfellows? Attitudes toward Minority and Majority Religious Symbols in the Public Sphere

2018-03-08, Politics and Religion

<https://www.cambridge.org/core/journals/politics-and-religion/article/strange-bedfellows-attitudes-toward-minority-and-majority-religious-symbols-in-the-public-sphere/8D2D8E56489D0A5B8F55FFB8B1E35A65>

“Drawing on a survey conducted in the province of Quebec (Canada), we find that while holding liberal values and low religiosity are key characteristics of those who would ban all religious symbols, feelings of cultural threat and generalized prejudice are central characteristics of those who would only restrict minority religious symbols...”

(2) Yannick Dufresne, Anja Kilibarda, André Blais and Alexis Bibeau

Religiosity or racism? The bases of opposition to religious accommodation in Quebec: Religiosity or racism?

2018-08, Nations and Nationalism, Journal of the Association for the Study of Ethnicity and Nationalism

https://www.researchgate.net/publication/326882853_Religiosity_or_racism_The_bases_of_opposition_to_religious_accommodation_in_Quebec_Religiosity_or_racism

326882853_Religiosity_or_racism_The_bases_of_opposition_to_religious_accommodation_in_Quebec_Religiosity_or_racism

The findings show that while opposition to religious accommodation is higher in Quebec, and higher among francophones, it is rooted more in the low level of religiosity of the francophone population than in racial animus.

(3) Luc Turgeon, Antoine Bilodeau, Stephen E. White and Ailsa Henderson

A Tale of Two Liberalisms? Attitudes toward Minority Religious Symbols in Quebec and Canada

2019-04-24, Canadian Journal of Political Science, Cambridge University Press

<https://www.cambridge.org/core/journals/canadian-journal-of-political-science-revue-canadienne-de-science-politique/article/tale-of-two-liberalisms-attitudes-toward-minority-religious-symbols-in-quebec-and-canada/5AD9C90E736C781FBA513710411D35AA>

"Our findings demonstrate that holding liberal values is associated with support for restrictions on the wearing of minority religious symbols in Quebec, but it is associated with opposition to such restrictions in the rest of Canada. Moreover, this difference between Quebec and the rest of Canada in the relationship between liberal values and support for restrictions on minority religious symbols can explain Quebecers' greater support for restrictions."

Summing Up

The three studies just discussed show that **support for Bill 21 among Quebecers is not correlated with racism or other illiberal attitudes.**

Although this is interesting, it is **irrelevant to the validity of Bill 21**. Even if 100% of Quebecers were racist or xenophobic or bigotted or whatever, Bill 21 would still be valid, progressive legislation. It is neither racist nor discriminatory.

Bill 21 is not racist because it has nothing to do with race. It deals with secularism and religion.

Bill 21 is not discriminatory because it applies to all persons and all religions equally.

Bill 21's ban on religious symbols is a small, reasonable limit on religious practice (not belief), in order to protect the freedom of conscience of civil service users and public school students.

Conclusion

QUEBEC
IS IN THE VANGUARD
OF THE AMERICAS
ON THE ISSUE OF SECULARISM.



Links

- [**Atheist Freethinkers**](#), our English-language website
- [**Libres penseurs athées**](#), our French-language website
- [**A Reading List on Quebec Bill 21**](#)
- [**Laws Restricting Face-Coverings and Religious Symbols**](#)
- [**Legal Fund**](#), in support of our court intervention in favour of Bill 21