

# The Charter, the Turban and the Monarchy

David Rand

2014-01-03

*This article originally appeared in the magazine Humanist Perspectives, no. 187, winter 2013-2014, pages 28-32.*

## Dress Rehearsal

Hindsight is a wonderful thing. Now that I have witnessed the recent tsunami of Anglo-Canadian hatred directed towards Quebec, Quebecers and especially the Quebec government, in reaction to the proposed Charter of Quebec Values, I tell myself that I should have seen it coming. Only weeks previously we witnessed a somewhat smaller but very similar phenomenon with respect to the ban on the turban in Quebec soccer. Indeed, we see the same themes repeated:

- (1) The ignorance of the English-language media (and part of the French) with respect to basic ideas of secularism. Indeed this ignorance is wilful, a stubborn refusal to even try to understand the idea that denying privileges to religious groups is not a threat to freedom of religion, but indeed a means of protecting that freedom for all.
- (2) The unfathomable arrogance of the English-language media, with their assertions that Quebecers are somehow ignorant and intolerant and need to learn these admirable qualities from wonderful and superior Anglo-Canadians. I remember one panel discussion on CBC Radio Montreal in which everyone agreed that Quebecers need to be taught about “diversity.”
- (3) The gratuitous and hypocritical accusations of xenophobia and racism directed against Quebecers. One example among many: In introductory comments to his CBC radio program one morning during the turban controversy, Jian Ghomeshi denounced the “racism” of the turban ban – a thoroughly fatuous remark, since Sikhism is a religion, not a race, and the ban on the turban applied only to soccer players while playing. I assume that spike heels and sequined evening gowns were also banned during the game, but no-one seemed to consider that problematic.

Clearly when it comes to xenophobia and racism, the shoe is on the other foot. Anglo-Canadians have a serious phobia of something which they find very strange (“*xenos*” = stranger in Greek), that thing being secularism in non-Anglo traditions, such as the French and the Turkish for example. As for racism, that vice has a very prominent place in the history of the English speaking peoples, including Canadian history. In recent decades, racial and ethnic prejudice have become socially unacceptable, and that should be a good thing, except that one ethnic group remains which may still be overtly denigrated, indeed such denigration is strongly encouraged. That ethnic group is French-speaking Quebecers.

Take the turban affair, crank up the volume by a factor of 5 or 10, and you have the enormous outcry over the proposed Charter of Quebec Values. The turban affair was a dress rehearsal for the charter fiasco.

## What the Charter Proposes

The proposed Charter [1] would formally declare separation of religion and state, the religious neutrality of the state and the secular nature of its institutions. It would impose an ethics of restraint and religious neutrality for public servants. It would prohibit obvious religious symbols in the public service. It would re-assert gender equality. And it would establish clear guidelines for so-called “reasonable” accommodations. All of these measures go in the direction of formalizing the secular nature of the state and assuring the independence and autonomy of the state from religion.

Despite what you might have heard, the Charter would not favour any religion over others. It is not anti-immigrant and has nothing to do with race. Neither is it heavy-handed; on the contrary it is arguably somewhat weak as it includes renewable provisions for opting out and does not mention the famous crucifix in the National Assembly in Quebec City. Fortunately, as I write these lines, the Quebec government has announced its intention to disallow renewals so that all exemptions would be temporary. Furthermore, it is considering removing the crucifix.

If the Charter is indeed “against” anything, it is against religious privilege and fundamentalism. It is a necessary precautionary measure to prevent fundamentalists from gaining further ground in state institutions and to make sure that undue privileges are not granted to certain beliefs.

### **The Ban on Religious Symbols for Civil Servants on Duty**

Among various responses to the government’s proposed Charter of Quebec Values, the most controversial aspect is undoubtedly the prohibition on the wearing of obvious religious symbols by civil servants on duty. Dress codes are not uncommon in the workplace. In one of my former jobs for example, beards were banned in those departments where frequent interaction with the public was part of the job description. But there was one exception: beards were still permitted for religious reasons. This is an example of a discriminatory privilege granted only to religions.

Those who oppose the ban on religious symbols support, whether consciously or not, discrimination in favour of state employees who are religious believers and against non-believers, that is, the privilege of being permitted an exemption from the dress code and allowed to wear whatever they want, provided that “whatever” is an object or garment which they themselves consider to be religious.

The proposed ban on religious symbols is a very modest constraint on freedom of expression, a measure which protects and guarantees freedom of conscience for everyone. For officials with significant authority – police, judges, teachers – the ban is crucial and urgent. By implementing a policy of religious neutrality throughout the public service, the state prevents implicit, non-verbal proselytizing, which is the inevitable consequence of conspicuous religious symbols which have the potential to intimidate some clients of the public service, or to indoctrinate the most vulnerable, such as patients or children. The advantage for the general population is great, while the sacrifice required by public servants is minimal.

Opposing the ban on public servants wearing religious symbols while on duty amounts to giving priority to freedom of religion over other freedoms, a sort of veto or ranking over all other considerations. But in reality, freedom of religion derives from and depends upon freedom of conscience, and this freedom must also include the right to be free from religion. To give predominant status to a freedom to wear religious symbols in violation of a general rule undermines freedom of conscience.

### **Doing the Dirty Work for Fundamentalists**

Those who respond to the proposed Charter with scurrilous accusations – for example Catholic philosopher Charles Taylor who compared the Charter to Russian legislation criminalizing gay “propaganda” – are objectively doing the work of religious fundamentalists, in particular islamists. (Charles Taylor is recipient of the lavish Templeton prize whose purpose is to promote religion in public life, practically the antithesis of secularism. He also supported Sharia courts in Ontario in 2004, a proposal which was fortunately defeated.)

Although the first anti-Charter demonstration, just days after the Charter’s unveiling, was organized mainly by well identified Muslim fundamentalists, perhaps they need not have bothered. The fundamentalists do not have to work hard against the Charter; they just have to sit back and let other anti-secularists (some of whom claim to be secularists!) do the dirty work: broadcasting unsubstantiated accusations of xenophobia, denial of religious freedom, etc.

The proposed Charter is a reasonable and necessary measure to limit religious privilege, circumscribe the influence of religious fundamentalism and guarantee the independence and autonomy of the state. It is the next natural step in the process of secularization which began in Quebec half a century ago.

### **Are There Any Secularists in the Rest of Canada?**

The Charter proposal, by any reasonable logic, should have caused cheering and rejoicing by secularists across Canada, and indeed across North America, but that did not occur. Is this because there are no secularists in Canada outside Quebec?

That is certainly the impression one gets from reading the September press release [2] from *CFI Canada*. The document opposes “a blanket ban on public employees wearing religious symbols” but offers no explanation why religions should have the privilege of exemption from workplace dress codes. Worse is the political cowardice of the declaration that “The Charter has precisely the wrong aim, to take religion away from people.” Does this mean that religion is a necessity of life which the Quebec government is denying its citizens? This declaration sounds like it was written by Charles Taylor, not secularists, and it panders to popular misconceptions, dishonestly propagated by religious fundamentalists and others, that the Charter threatens freedom of religion.

Fortunately, despite appearances, there are indeed secularists outside Quebec. Some of them are members of the organization *Atheist Freethinkers* [3] of which I am president. There are many others – even within *CFI Canada* I am sure – lying low for the moment, waiting for the worst of the storm to pass. They must speak up soon and resolutely if sanity is to prevail.

## **Identity Politics**

The proposed Charter of Quebec Values was met with accusations of identity politics and electoral machinations, allegations that the Charter is some conspiratorial ploy designed to appeal to backward elements of the population. Apparently commentators in the English-Canadian media think they have telepathic powers which permit them to read the minds of Premier Pauline Marois and her fellow PQ-ers. A fair evaluation of the government's behaviour in proposing the Charter should instead begin by recognizing the obvious: that their behaviour is both remarkably courageous and unfortunately inept. Courageous because for the first time in history a North American government is adopting a formally secular orientation, something which all should do. And inept because instead of concentrating on the principle of restraint for public service employees, the proposition goes directly to the minutiae of specific articles of clothing and specific religious symbols, an approach guaranteed to have the effect of waving a red flag in front of the considerable anti-secular forces ready to denounce the project in the most damning terms – which is indeed what happened.

Canadians outside Quebec practice identity politics as much as anyone. While Quebecers tend to focus on their French language and heritage, many in the rest of Canada are very attached to British heritage, membership in the former British Commonwealth and the monarchy. Canada has the dubious distinction of being one of the few countries on the planet whose head of state is a foreign national. And not only is that position occupied by the head of a foreign government, it also coincides with the supreme leader of a major religious organization, the Church of England. This is equivalent to having a pope as head of state. When Quebec appoints Pope Francis or one of his successors as head of state, that will be the day when Quebec attains the degree of religious identification which is just business as usual for Canadians who accept the monarchy.

## **Multiculturalism & Extreme Individualism**

Various commentators (including myself) have criticized multiculturalism as an ideology which attaches greater importance to religious and ethnic allegiance than to universal principles. Multiculturalism, although a major aspect of the modern Canadian self-image and an object of pride, amounts to cultural relativism where all values are considered equally valid. This makes the search for shared values – necessary for a true, healthy identity I would argue – difficult if not impossible.

In the context of the Charter controversy, two aspects must be understood. Firstly, multiculturalism is incompatible with republicanism and secularism, both of which are more popular in Quebec than outside. But it is compatible with monarchism which is supremely unpopular in Quebec.

Secondly, multiculturalism has a major psychological function among Anglo-Canadians. In recent decades multiculturalism has served as what I would call an “Anglo guilt deflection device” which allows its promoters to assert their non-racist credentials and deny any association with Canada's racist past, and this, in spite of the fact that multiculturalism is itself a close cousin of racism. When we combine these two aspects, we obtain a metaphorical weapon used by Canadians outside Quebec to feel

superior to Quebecers, to pat themselves on the back for being so admirably “tolerant” while passionately and intolerantly despising those who do not share their vision.

Combine these with a third factor – a distorted conception of freedom based on an ideology of extreme individualism imported from the American far right – and we have a triple whammy which explains the zealous rejection of the proposed Charter.

### **The Oath of Citizenship**

Now we hear that an Ontario court has ruled that the mandatory citizenship oath to the queen is constitutional, that the infringement on free speech is justified. According to the *Toronto Star*, the court stipulated that “the oath is compelled speech which infringes on the right to free expression.” But this violation was ruled “a reasonable limit which is justifiable in a democratic society, and thus constitutional.”

So what we have here, says the court, is a small, reasonable and justified limit on personal freedom. That sounds familiar: it is like my approach to the prohibition on wearing religious symbols by civil servants while on duty. We have a small restriction on personal freedom but which provides a significant collective benefit – the neutrality of the public service, a major benefit indeed. I am perfectly willing to forgo my atheist t-shirt and wear something neutral instead. In return, hijabs, crucifixes, turbans and similar religious accoutrements will also be shelved during working hours. Fair enough.

But in the case of the citizenship oath, what is the justification for the limitation on freedom? The court claims that it is “egalitarian governance and the rule of law” but, to be honest, the oath asserts allegiance to the queen, respect for laws and fulfilment of duties. It says nothing about equality.

So let me see if I understand this. When a new citizen of Canada must sacrifice freedom of expression by being forced to pledge allegiance to a foreign leader who is the pontiff of a church, that is constitutional. But when the Quebec government proposes that civil servants while on duty conform to a sensible dress code in the interests of religious neutrality, that is xenophobic and racist?

As they say in Quebec, *j'ai mon voyage, j'ai mon hostie de voyage*.

### **Alliance for Secularism**

Fortunately, as I write these lines, a newly formed *Alliance for Secularism* (*Rassemblement pour la laïcité* [4]) is rallying increasing support for the Charter. This alliance includes a wide variety of participants: secular groups of course, unions, immigrant groups, feminists, lesbians and gays, atheists, humanists, etc. For a full list of supporting organizations, as well as thousands of individuals, consult the alliance's website: [www.laicitequebec.org](http://www.laicitequebec.org)

If Quebec fails to adopt the Charter, it will be a tragic setback, an historic opportunity squandered. However if it passes, Quebec will become a beacon of secularism. It will be able to attract immigrants fleeing theocratic regimes and countries where the state is corrupted by religious influence, knowing that their new home does more than most jurisdictions in the world to protect both freedom of religion and freedom from religion. Will the rest of Canada continue to allow its most anti-secular and bigoted elements to dominate the discussion? Or will it recognize its own best interests and support secularism?

### **References**

1. <http://www.nosvaleurs.gouv.qc.ca/en>
2. <http://centreforinquiry.ca/quebec-charter-misses-institutional-religious-favouritism/>
3. <http://aft.atheisme.ca>
4. <http://www.laicitequebec.org>