

# Integration of Immigrants and Public Management of Religious Diversity in Quebec

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## ABSTRACT

This article discusses public management of religion in the Canadian province of Quebec, from the point of view of the links between the latter and immigrant integration policies. Some of theoretical background on the subject is presented first, followed by a description of the religious landscape in Quebec, and then the milestones in the model of management of religion in its public institutions. The article ends with discussion of two issues illustrating some of the limitations and challenges surrounding the management of religious diversity in a context of immigration.

*Keywords:* 1. diversity management, 2. integration, 3. migration, 4. religious pluralism, 5. Quebec province.

## Integración de los inmigrantes y gestión pública de la diversidad religiosa en Quebec

## RESUMEN

El presente artículo aborda la gestión pública de la religión en la provincia canadiense de Quebec a partir de las imbricaciones entre la religión y las políticas de integración de los inmigrantes. En un primer momento, se presentan algunos de los trabajos que permiten la discusión de los vínculos entre la gestión de la diversidad religiosa y la inmigración. En un segundo momento, se ofrece un breve panorama del paisaje religioso en Quebec, seguido de una presentación de los grandes hitos del modelo de gestión de lo religioso en sus instituciones públicas. Finalmente, se exponen dos problemáticas particulares que ponen en evidencia algunas de las limitaciones y desafíos que rodean la gestión de la diversidad religiosa en el contexto de la inmigración.

*Palabras clave:* 1. gestión de la diversidad, 2. integración, 3. inmigración, 4. pluralismo religioso, 5. provincia de Quebec.

## *Introduction*

The presence of the religious element in the debates and decision-making regarding immigration, particularly in the West, is increasingly evident (Koenig, 2007; Foley and Hoge, 2007). In a world that is increasingly subject to the influence of globalization and the constant mobility of populations, understanding the influence of the religious factor in public policies on immigration is crucial. Certain studies on the subject conclude that this influence results in immigration being perceived as a threat (Bramadat, 2009), particularly in the wake of September 11, 2001 (Lincoln, 2003). This article deals with the issue of the public management of religion in the Canadian province of Quebec on the basis of the overlap between the latter and immigrant integration policies. It begins with the presentation of some of the articles that permit a discussion of the links between the management of religious diversity and immigration. It then examines the case of Quebec, beginning with a brief presentation of what we could call its “new religious diversity”, followed by a section on the influence of this religious diversity on public institutions, stressing some of the state’s responses in this respect. The article ends with a discussion of two specific situations that highlight some of the constraints and challenges surrounding religious diversity management in the context of immigration.

## *Immigration and Religious Diversity Management*

Until recently, articles linking immigration to the religious factor tended to concentrate mainly on the experiences of immigrants and the importance of religion in the identity and integration processes for receiving societies, particularly in the European and American contexts (see, for example Yazbeck, Smith and Esposito, 2003; Alba, Raboteau and DeWind, 2008). From a constructivist perspective, emphasis has often been placed on the way in which religious symbols are reappropriated in the context of ethnic relations (Martiniello, 1995). This pragmatic use of religion in

particular enables groups to focus on the religious element above other features in an attempt to differentiate themselves from other groups, both in the national context and in the case of immigrant populations (Ebaugh and Chafetz, 2000). In the latter case, as Martiniello notes, “religious affirmation may be an important mark of ethnicity. It may constitute an identity response to the social, political and cultural exclusion to which certain ethnic categories of immigrant origin are subject” [own translation] (Martiniello, 1995:88). It is an acknowledged fact that within the context of immigration, religion is a “cultural weapon” that those in unfavorable circumstances may use to fight against exclusion “within the framework of an ethnic affirmation that is both subjectively status-enhancing yet often devalued by society as a whole” [own translation] (Martiniello, 1995:88). The overlap between religion and immigration is therefore complex. These immigrant populations not only share the religions to which they belong but are often diasporic communities that are minorities in relation to the rest of society. At the same time, religion becomes an identity feature even in immigrant communities that are not minorities from a religious point of view, such as Latin American Catholics or members of the Greek Orthodox Church in the West, for example. Moreover, it is linked to forms of identification that are not necessarily religious which explains the gap, for example, between Western Buddhists (most of whom are Buddhist converts) and Buddhists belonging to Asian diasporas, who in fact maintain very little contact with each other despite having a common religion.

Studies on the links between immigration and the public management of religious diversity are extremely recent (Bramadat and Koenig, 2009; Koenig, 2007) for a number of reasons. Firstly, the issue of religion played a smaller role as an object of study in social sciences in general until the mid-1970s, mainly due to the pre-eminence of the secularization paradigm (Casanova, 1994; Dobbelaere, 2002). This paradigm only began to be questioned during the 1960s and 1970s, making it possible to rethink the role of the religious factor in contemporary societies from a new

perspective. This approach was particularly interested in religious minorities, “new” forms of religion (Côté and Gunn, 2006) and in general, the place occupied by religion in contemporary societies, particularly in the public sphere (Casanova, 1994; Lefebvre, 2005). Virtually until the end of the 1990s, the issue of immigrants’ religions was largely dealt with within the sphere of studies on migration or ethnic relations. This was also largely due to the way these populations were categorized, usually as “immigrants” and hardly ever as Muslims, Sikhs or Buddhists. The emergence of a particular concern with the overlap between religion, immigration and public policies therefore also implied a transformation of the categorization that corresponds to a certain extent to the political perception of the problem (Furseth, 2000).

Beyond the increase in the contingents of immigrants worldwide, particularly those that migrate from south to north, the origin of this transformation can at least partly be explained by certain events that have taken place at the international level over the past two decades. These have had a profound impact on the perception of the religious problem as regards both public opinion and the political authorities. In this respect, Furseth (2000) points out the importance of two events which, at least in the case of Europe, have been crucial to the attention paid to the overlap between religion and immigration: the Rushdie affair in England (Asad, 1993; Parekh, 1990), and the controversies regarding the use of the *hijab* in France (Ciceri, 1998; Baubérot, 2006).

Although these two events have contributed to putting the “Islamic factor” on the political and agenda regarding the processes linked to immigration and ethnic minorities (Furseth, 2000), it was undoubtedly the events of September 11, 2001 and their association with the religious factor that contributed most to exacerbating prejudices regarding both the religious factor and immigration. The “immigrants’ religion”, crystallized in the image of Islam, has become, in the imaginary of many, including several leading authorities and policy makers, into a potential or real risk factor for the “Western” lifestyle, not to mention their security and survival (Juergensmeyer, 2002; Lincoln, 2003). If, in

the particular case of the United States, this has translated into a crusade against terrorism, in others, the consequence has been the formulation of restrictive legislations regarding religious affairs as well as a widespread distrust of Islam in particular. Thus, the case of the public management of Islam in the West is paradigmatic, as are the social and political challenges and the various state solutions for dealing with religious diversity (Koenig, 2007; Amiraux, 2004). Various studies have shown, in particular, the fact that the presence of significant nuclei of Muslim populations translates into an increase in state intervention in religious matters (Becci and Bovay, 2007; Bramadat, 2009). The association between immigration policies and the religious factor is not however new, nor is it restricted to the case of Islam. Bramadat, for example, mentions the cases of anti-Semitic immigration policies that prevailed in the United States and Canada until long after the Second World War (Bramadat, 2009). What is new is firstly the pre-eminence and centrality of previously absent religions in the western sphere, and secondly the inevitable politicization of the issue.

Thus, the fact that many immigrants identify with religions that are a long way from the Judeo-Christian matrix common to most West European and North American countries is undoubtedly a crucial fact. In this respect, the state's responses form part of the problem of the confrontation between the canonical and dominant view of religion in the West—often perceived as being relegated to the private sphere, and disinclined towards the totalizing regulation of individuals' lives—and the view of the prevailing religion among the groups in question (Champion and Cohen, 1999). The canonical understanding of religious affairs is distorted by forms of religion that cover many or all aspects of the lives of the members and believers or certain religious groups, which sometimes, as bearers of religious identities, attempt to penetrate public spaces traditionally perceived, in the west, as an irreligious public space. At the same time, the West is strongly marked by the dissociation between civic and religious belonging. This dissociation is characteristic of the processes of

secularization in the political sphere that many modern states have undergone (Casanova, 1994), whether or not these processes have taken place as a result of the constitution of so-called “lay” states (Milot, 2009a).

The mark of the dissociation between religious belonging and citizenship and the concomitant relegation of religion on the West to a private space translates into a widespread distrust of religion, often perceived as a means of weakening civil loyalty. Although major religious institutions—usually different forms of Christianity—have adjusted to these patterns to a certain extent, this is not the case in other religious forms. Moreover, the historic and cultural weight of Christianity, still the predominant, majority religion in both Europe and North America, has proved central despite the mark of secularization, as borne out by the debates on European identity when the issue of the Turkey’s possible integration into the European Union arose (Casanova, 1994). Thus, state intervention in religious affairs tends to favor the religions characterized by their historic settlement (Beckford, 1999:38) at the same time as it disqualifies or distrusts religions that are far removed from this norm. In other words, state initiatives regarding religious issues entail the implicit definition of what is religiously correct (Côté, 2003; Campiche, 2001). This in turn translates into legal provisions, regulations, laws and public policies that are or may be unfavorable to certain religious minorities.

Although this holds true for religious diversity management in general—especially in the case of sects—it is, however, particularly acute in the context of the presence of communities of religiously different immigrants, particularly in the case of those who are particularly “visible” due to the nature of their religious practice. The responses to religious diversity are, in this respect, often closely linked to integration policies, which may range from xenophobia to multiculturalism (Bramadat, 2009). There is, however, a certain tendency in some countries to associate the management of religious diversity exclusively with ethnic-religious diversity, particularly with the issue of immigration. This circumscribes the issue of religious management to a far more restricted sphere than

what it should cover. It also legitimizes the rejection on the part of public opinion by associating the emergence of “religious controversies” with the presence of immigrants. It is hardly surprising, then, that the debates on the public presence of religious elements (typically religious signs and symbols) should culminate in restrictive measures. In France, for example, some of the most important interventions of recent years have been oriented towards limiting the presence of the expressions of Islam (as in the case of the Commission Stasi and the resulting law prohibiting the use of the *hijab* in public schools (Commission Stasi, 2004; Baubérot, 2006; Cesari, 2009)). Belgium recently passed restrictive laws regarding the use of all garments covering the face (such as burqas, niqabs and chadors). (Chambre des Représentants de Belgique, 2009), which obviously has an impact particularly on the immigrant population professing the Muslim faith. At the same time, the controversial nature of certain events associated with a religious factor suggests that these groups indirectly affect public discussions, obliging the authorities to rethink the categories used to define and delimit the legitimate space given to religious affairs in the public sphere and also to rethink their integration policies.

The case of the province of Quebec, characterized by receiving a significant number of international immigrants every year, illustrates some of the problems mentioned earlier. In fact, as we shall see, some of the controversies that have taken place in this province are representative of the type of contradictions and challenges faced by contemporary societies, forced to cope with the growing diversity of their ethnic, cultural and religious landscapes, while illustrating some of the solutions implemented by the authorities for dealing with them.

### *The New Diversity of the Religious Landscape in Quebec*

Canada has experienced two main trends regarding the evolution of its religious landscape: the first is the loss of the influence and social importance of the two main historic confessions, Catholicism and Protestantism. The second is the fact that this loss of

the monopoly of Christian options has taken place in favor of a multitude of religions that were not present before, many of which originated as a result of the increase in the presence of immigrants (Lemieux, 1996). These two trends are shared by the province of Quebec which, however, has a specific feature: the historic predominance of Catholicism, which has undoubtedly marked the process of societal secularization experienced in the province since the 1960s. At the same time, this preponderance has left its mark on the culture, traditions and values of Quebec society (Beyer, 1993; O'Toole, 1996), as well as on the current perception of religious issues (Veilleux and Warren, 2007).

The province of Quebec has had a significant Protestant minority since the English conquest in the 18<sup>th</sup> century, for which a parallel teaching system would be set up (Milot, 2002). However, Catholicism would continue to dominate the province's religious landscape, despite the presence of the Protestant minority and significant nuclei of Jewish and Orthodox populations. During the 1960s and 1970s, this situation changed radically. The reform of the Canadian Law on Immigration in the 1960s in particular ushered in a new type of immigration. Previously, immigration to the province was mainly drawn from rural areas in Europe, which had attracted Protestants, Askenazi Jews, members of the Orthodox church, mainly Greeks, and Catholics from various countries such as Italy, Portugal and the Ukraine. However, from that decade onwards, immigrants would mostly come from Latin America, Asia and Africa. In terms of their impact on the religious landscape, this situation would translate into the arrival of Buddhist, Hindu, Sikh and Muslim immigrants.<sup>1</sup>

Thus, the Jewish-Christian landscape has given way to a landscape in which various religious traditions coexist. Islam, in particular, has experienced exponential growth. A propos of this, Castel (2006) points out that although a few dozen Muslims were already living in Quebec in the early 20<sup>th</sup> century, it was mainly

<sup>1</sup> For the statistical distribution of religions in the province, see the data from Statistique Canada (2001). An ethnic-religious overview is provided by Eid (2008).



during the 1970s that the number increased. This was due firstly to the arrival of waves of refugees from East Africa (1975-1985), secondly to Muslims from the Lebanon (1975-1990) and lastly to Iranians (in the late 1980s, during the Iran-Iraq war). During the following two decades, this landscape would be expanded by Muslim immigrants from Turkey, Central Asia, Southern Asia, Indonesia and black Africa. Since the early 1990s, Muslim immigration has been largely Arab, particularly from the Magreb, due to the preference given to French-speaking immigrants. In short, between 1961 and 2001, the Muslim community rose from 1 000 to 108 625 persons, increasing by 141 percent in just ten years (between 1991 and 2001) (Castel, 2006). The results of the next census (in 2011) are expected to yield results showing the continuity of this trend (Milot, 2009b).

As regards the demographic distribution of the various religions, figures from the most recent census (2001) still show a nominal majority for Catholicism: 83.2 percent (5 939 710 individuals) of the population still regard themselves as Catholic as opposed to just 4.7 percent (a total of 335 590 persons) for Protestantism. A total of 1.5 percent of the population identified themselves as Muslim (108 625 individuals); 1.3 percent declared that they were Jewish (89 920 persons); 1.4 percent said that they belonged to the Orthodox faith (100 370 persons), 0.8 percent stated that they practiced a form of Christianity not included in the other categories, while 0.6 percent declared they were Buddhist (41 375 individuals). For their part, Sikhs accounted for just 0.1 percent of the population (8 220 individuals) whereas Hindus totaled 0.3 percent (24 530 persons). It is also worth mentioning that 5.6 percent of the total population declared that they had no religion (Statistique Canada, 2001; CRI, 2004:32). This diversity is mainly concentrated in the metropolitan region of Montreal, meaning that in this context, religious diversity is, essentially, albeit not exclusively, an urban phenomenon. For example, according to the 2001 census, the majority of persons belonging to non-Christian religious groups are located in Montreal (Direction de la Population et de la Recherche, 2003:5). At the same time, it

is essential to avoid seeing a precise correspondence between religion and national origin in this demographic distribution. The Catholic majority, for example, includes a growing percentage of Catholics from Italy, Portugal, Latin America and Asia (Lemieux, 1996:141). However, as regards religious diversity management policies, the pattern in Quebec coincides with the results of studies in other parts of the West: in other words, non-Christian religions have largely triggered the state's response in this matter.

*The Impact of the New Religious Diversity  
on Public Institutions in Quebec*

Religious diversity management in Quebec is not the responsibility of any centralized organization as it is in other political entities. This management is primarily subject to the implementation of the *Charte canadienne des droits et libertés* (Ministère de la Justice, 1982) and of the *Charte des droits et libertés de la personne du Québec* (Gouvernement du Québec, 1975), which protects freedom of religion and its expressions and prohibit discrimination for religious reasons. Since freedom of religion and conscience are guaranteed both to those that profess a religion and those that do not, and given that there is a principle of separation explicitly recognized by jurisprudence, one can say that religious affiliation is neither implicitly nor explicitly a condition for citizenship (Milot, 2009a:108).

The impact of this diversity on public institutions in the province began to be felt at least ten years ago. It has therefore been necessary to draw up guidelines and policies to adapt these institutions to diversity. In some cases, the adaptations are carried out almost naturally, whereas in others, they are the subject of extensive debate. Whereas in Canada, diversity management is also dependent on the implementation of the official policy on multiculturalism,<sup>2</sup> in Quebec, this policy has been replaced by

<sup>2</sup> Canada adopted multiculturalism as official policy in 1971, and subsequently formulated the *Law on Multiculturalism* in 1988. This policy promotes the official acceptance of cultural differences and promotes cultural pluralism and implies its recognition as part of Canadian identity. It must be reflected in state policies and programs (Day, 2000).

what has come to be known as “interculturalism”. Although this encourages taking diversity into account, it promotes its integration into a largely French-speaking society (Gagnon and Iacovino, 2003; Labelle, 2000). In both cases, however, the effective implementation of policies requires the active promotion of pluralism as well as protection from discrimination. In Canadian law, the notion that operates as a mechanism for the effective guarantee of freedom of religion and as a corollary of the right to non-discrimination is “*reasonable accommodation*”. The first responses to religious diversity in the province will be provided on the basis of this principle.

Reasonable accommodation obliges institutions, including the state, to modify the enforcement of an apparently neutral norm when it has an indirectly discriminatory effect on a person due to his particularities, provided this adaptation or modification does not impose excessive obligations on the institution in question (Bosset, 2005; Woehrling, 1998). Although there are many cases exemplifying the limits and application of this legal principle, it is worth noting that it is a principle that is applied in a strictly individual fashion and one of an essentially pragmatic nature (Woehrling, 1998).

Despite the application of the principle of reasonable accommodation to the case of religion, this principle actually has a much wider scope. Since it is a corollary to the right to equality and the guarantee of non-discrimination, the principle of reasonable accommodation covers all the reasons for discrimination established by the *Charter*, including ethnic group, race, sex and disability. Despite the fact that this principle emerges in the private sector and in the context of labor relations, it has subsequently been taken up in other contexts and increasingly so in the public sector.<sup>3</sup> The public sector in particular appears to create new problems, since institutions in this sector have a collective responsibility (Bosset, 1988).

<sup>3</sup> Outside this context, the notion emerges in decisions such as *Central Okanagan* in 1992 (Supreme Court of Canada, 1992), and *Chambly v. Bergevin* in 1994 (Supreme Court of Canada, 1994). As from the mid-1990s, the notion would be increasingly used outside the strictly legal sphere (Woehrling, 1998).

In the particular case of the province of Quebec, the Commission for Human Rights and Youth Rights has repeatedly and extensively issued declarations on this subject (Commission des Droits de la Personne et des Droits de la Jeunesse, 2005, 2006, 2008, 2009). At the same time, the promotion and implementation of this principle in public institutions has taken place predominantly and recurrently in two sectors, in both cases as a response to the ethnic diversity largely resulting from immigration: on the one hand, in the education sector and on the other in the immigration sector itself. Most of the documentation and the practical examples of cases of accommodation have taken place in institutions that answer to the Ministère de l'Éducation, du Loisir et du Sport and the Ministère de l'Immigration et des Communautés Culturelles. Several consultation organizations answerable to these ministries have also participated extensively in the matter while a number of documents on the subject have been published (Groupe de Travail sur la Place de la Religion à l'École, 1999; CAR, 2003, 2006; CRI, 1999, 2004 ).

The arrival of new immigrants of different religions has led school and government authorities to ask themselves increasingly about the relevance of maintaining the confessional status of public schools, which was progressively repealed and fully abrogated in 2005 and subsequently on the need to adapt institutions to diversity in general and religious diversity in particular. Since the 1980s, the education sector has adopted an intercultural education policy (CSE, 1983), which is hardly surprising. This corresponds to a relatively recent transformation of the perception of the school sphere, which is largely a result of the fact that the law obliges immigrants' children to attend the French-speaking school system. An analysis of the documents published by the Ministry of Education, for example, shows the shift from a previously essentially linguistic problem (the use of French or English in a school sphere) to an increasingly ethnic-religious one (McAndrew, 2003:363). A guidebook dealing specifically with conflicts of values had already been prepared by the ministry in 1995. It was designed to help with decision-making by school staff faced with the growing ethnic and cultural diversity of their students.

In some cases, it responded to specific requests to modify laws and regulations for cultural and religious reasons (Ministère de l'Éducation, 1995). Although the document speaks of "conflicts of values" in a broad sense, a careful analysis of this document shows that many of the problems used as examples contain a religious component. Two particular problems created major controversies in this setting: the use of the *hijab* by the Muslim population and the use of *kirpans* by Sikhs. To date, adaptations in this sector have been carried out informally and often without much conflict or having to go to the courts (Comité Consultatif sur l'Accommodement Raisonnable en Milieu Scolaire, 2007).

Regarding the other main sector in which the issue has been dealt with, in 1990, the Ministry of Immigration and Cultural Communities (Ministère des Communautés Culturelles et de l'Immigration) issued a comprehensive policy contained in *Énoncé de politique en matière d'immigration et d'intégration* (MCCI, 1990). This document was based on a fundamental idea: that of the moral contract between new arrivals and the host society and promotes three values: the use of French, democracy and pluralism. The issue of religious diversity therefore constitutes one of the aspects of institutions' adaptation to the latter. Official policy stipulates that "it may so happen that in order to respect the precepts of other religions, members of religious minorities will demand the adaptation of certain norms, particularly those concerning clothes, dietary prescriptions, work schedules and the observance of religious festivities". It recommends using the "solutions of each organization based on the search for accommodation" [own translation] (MCCI, 1990:84).

Although this continues to be official policy, one of the advisory bodies to the Ministry of Immigration, the Conseil des Relations Interculturelles (CRI),<sup>4</sup> has published several documents specifying some of the lines to be adopted in this issue. One of

<sup>4</sup> The Conseil des Relations Interculturelles (CRI) was created in December 1984. It is a consultancy and research organization whose aim is to advise the Minister of Immigration and Cultural Communities on the planning, coordination and implementation of government policies on intercultural relations and the integration of immigrants, particularly as regards intercultural rapprochement and openness to diversity.

CRI's key policies for the period from 2002-2005 is knowledge of the phenomena linked to diversity management, particularly those associated with religious diversity (Conseil des Relations Interculturels, 2002 ). The central orientation of this organization is "the inclusion of ethnocultural diversity from a perspective of citizenship". For over a decade, its recommendations have been largely oriented towards the promotion of reasonable accommodation and its understanding and correct implementation. At the same time, these initiatives concerning reasonable accommodation have been framed within the broader context of inter-community relations between the majority of society and the so-called "Quebecers from cultural communities".<sup>5</sup> Nevertheless, some of this organization's most recent official documents include an effort to separate religion from ethnicity, either by insisting on the fact that religious diversity also includes religions not linked to immigration, or by proposing their management through an independent organization, so that "religious diversity is not systematically or solely linked to the phenomenon of immigration" (CRI, 2004:80-81).

However, despite the fact that the official position is one of openness to diversity, certain recent debates have shown the existence of a gap between the latter and social perception, both as regards the religious phenomenon and immigration. This gap increases when there is an overlap between the two phenomena. Although public institutions have usually been favorable to the inclusion of diversity, including religious diversity, this is not true of public opinion, which mistakenly tends to associate the widespread presence of religious claims with an increase in immigration. In fact, most of the cases of reasonable accommodation that have reached the courts have not been requested by immigrants but rather by groups of Christian conservatives (Bosset, 2005; Eid, 2007). In a context in which for many in Quebec, religion

<sup>5</sup> The notion of "cultural community" is broadly used in official documents in the province of Quebec. This refers to "immigrant persons, persons from visible minorities and persons of immigrant origin other than French or British born in Quebec" (MCC, 2006).

is an issue that should be restricted to the private sphere (Veilleux and Warren, 2007), the presence of religions with “visible” practices that are different from Christianity is therefore perceived as a threat to the hard-won values achieved throughout the history of the province, such as gender equality and the separation between Church and state (Milot, 2009b). At the same time, the particular situation of Quebec, a French minority in a predominantly English-speaking country, partly explains its fear of having its collective identity diluted by the presence of different cultural expressions. It may also fear that this presence could result in the disintegration of the social network and foster the emergence of forms of religious communitarianism.<sup>6</sup> The two problems dealt with below highlight these and other contradictions and challenges in religious diversity within the context of immigration.

### *The Debate on “Reasonable Accommodation”*

Throughout 2006 and during part of 2007, the province of Quebec would witness a media “crisis” over what was derisively known as “reasonable accommodation”. This refers to a series of controversies regarding various adaptations concerning religious diversity, some of which had in fact taken place years earlier, although it was only then that they were recovered and labeled “reasonable accommodation”. It involved, among other things, the permit granted to the Ultra-Orthodox Jewish community in a district of Montreal to install *erouvs*;<sup>7</sup> the decision by the Supreme Court of Canada authorizing the use of a *kirpan* by a student at a public school in Montreal; the formulation in a small town of a “life code” targeting immigrants specifying, among other things, that some of the prescriptions of other religions were forbidden and the requests from certain Muslim to have access to public

<sup>6</sup> This contradiction between the diversity and uniqueness of the political community has been the object of numerous reflections over the past two decades. For the particular case of religion, see Spiner-Halev, 2000.

<sup>7</sup> The *erouv* is a symbolic fence allowing certain Jewish communities to perform certain activities on the Sabbath day that would otherwise be forbidden.



swimming baths with separate timetables according to sex (Heinrich and Dufour, 2008). Beyond the mediatization and political recovery of these events (Potvin, 2008) they revealed the disagreement—unsuspected by many—of broad sectors of the population regarding the recognition of religious diversity. The response of the government of Prime Minister Jean Charest would be the creation, in February 2007, of a commission specifically responsible for reflecting on and proposing recommendations regarding accommodations in the religious field.

The Consultation Commission on Adjustment Practices Linked to Cultural Differences better known as the Bourchard-Taylor Commission, because of the two renowned intellectuals appointed to lead it, was assigned a budget of several million dollars. It carried out an extensive public consultation for the first time ever, not only relying on a group of experts but consulting ordinary citizens at forums held throughout the province.<sup>8</sup> These audiences enjoyed unprecedented media coverage, which enabled some to express their discontent in a crude, occasionally racist fashion.<sup>9</sup>

Quite apart from the controversy, it is interesting to reflect on the approach adopted by the Commission as a starting point for its consultation and subsequent recommendations. From the outset, the Commission was quite clear that beyond the religious issue and the notion of reasonable accommodation as a legal principle, it was necessary to rethink the scope and objects of the province's socio-cultural model of integration. The Commission was aware that the religious issue served as a pretext for expressing a deeper unease regarding immigration. The Commission recommended continuing with the accommodations, which were crucial to the long-term integration of immigrants and their descendants, but

<sup>8</sup> For an account of the Commission's hearings, see Heinrich and Dufour, 2008. On the Commission's work from a public policy analysis perspective, see Côté, 2008. On some of the reflections elicited during the context of the Commission, see Gagnon, 2010.

<sup>9</sup> It is possible, for example, to consult the records deposited in the Commission by ordinary citizens, some of whom effectively illustrate this dissatisfaction (Ouellet, 2007).



emphasized the need to create a “common public culture”.<sup>10</sup> The Commission therefore expressed the need to design new policies and establish new programs for interculturalism as well as laity (a point we will return to later) (Bouchard and Taylor, 2008). The public consultations would reveal the fact, for example, that in addition to religious problems, labor marginalization and discrimination result in problems of integration. At the same time, the Commission dealt with the concern with identity expressed by many members of the French-speaking majority. This can partly be explained by the fact that French is a minority language in the country as a whole but also by the ambiguous relationship Quebecers maintain with their own religious past. Secularization, experienced here as emancipation from the power of the Catholic Church, resulted in two problems: firstly, that religion is considered a private matter and secondly that Catholicism is perceived as part of a cultural heritage that must be “protected”. Generally speaking, however, the Commission maintained an attitude of inclusion and openness to diversity.

The reactions elicited by the Commission’s report were favorable in the minority religious setting and among certain university professors but unfavorable among public opinion and the media in general. Some of the media actually accused the Commission of overlooking the identity of the majority for the benefit of the minority.<sup>11</sup> The government’s reaction was not very favorable either. Although the Commission recommended removing the crucifix in the National Assembly, for example, since it was an institution that represented public authority, the government lost no time in submitting a motion not to eliminate it but rather to maintain it, arguing that it was a symbol of Quebec’s link with its “religious and historic heritage”.

<sup>10</sup> Some authors question the relevance of the notion of “common public culture” in a context of diversity. A recent text that deals with the issue, particularly in the context in the wake of the Bouchard-Taylor Commission is Gervais, Karmis and Lamoureux, 2008.

<sup>11</sup> The trend observed in the media is quite eloquent on the subject (see, for example, Dutrisac, 2008, and Allard *et al.*, 2008). Heinrich and Dufour (2008) also analyze the unfavorable reaction to the Commission’s report.

Later on, in April 2010, the government finally submitted a law on accommodations to the National Assembly. The law not only failed to incorporate the Commission's recommendations but seemed to bow to pressure from public opinion to act more "firmly" towards religious claims. *Bill 94, establishing the parameters for orienting the requests for accommodation in government administration and certain establishments* stated that the provision of services by Public Administration Personnel for the general public must take place, in all the establishments dependent on it, with the person's face uncovered. This implies a clear stance against the use of certain religious garments, following the trend in various European countries, even though it opposed the prevailing view in the rest of Canada. This law met with a generally unfavorable reception by the media not only in the rest of Canada but also in the English-speaking sectors of the province. Some spoke of "discriminatory policies" and "restrictive laws" (such as Selley, 2010). At the moment of writing, the law had yet to be passed, but it is safe to assume that debate on the issue is far from over.

### *State Laity*

Although the notion of reasonable accommodation continues to be the axis of the Quebecer model for managing religious diversity, the past decade has seen the emergence of a complementary discourse which in some respects provides an alternative to the latter: the discourse on state laity. Neither Quebec nor Canada are what could be called lay regimes, since laity is not enshrined in the Constitution or any law, despite the fact that there is a statement of the principle of separation in law (Milot, 2009b). In the case of Quebec, the notion of laity, first explicitly emerged in the education sphere, immediately spreading to other sectors, particularly the health and municipal administration sectors. One of its distinct features is precisely the fact that it emerged in response to the growing religious diversity of Quebecer society. This is no coincidence, since these sectors have seen the emergence of specific demands for the modification of service provision for religious reasons.

The type of laity promoted in particular by the advisory boards of the two ministries mentioned earlier is however, based on a notion of laity peculiar to the province. Explicitly classified as “open” laity, this laity is defined in accordance with the integration and inclusion model currently in force. It involves:

the progressive regulation of social and political institutions regarding the diversity of citizens’ moral, religious and philosophical preferences. Through this regulation, freedom of conscience and religion is guaranteed by a state that is neutral towards the various conceptions of a good life. This in turn is based on common values that permit meeting and dialogue (CAR, 2003:21).

Three elements define the limits of so-called open laity: integration of diversity, critical appropriation of traditions, and dialogue. Affirmations of this laity were particularly acute at the time or just after some of the controversies mentioned were present in the media. This laity, defended by certain public administration departments, although so far never officially confirmed by the government, promotes the acceptance of various religious expressions in the public sphere, including the use of religious garments (CRI, 2004:74).<sup>12</sup> At the same time, laity is regarded as being capable of restoring the balance between the inclusion of particular religious features and the maintenance of social cohesion. In this respect, the government has been recommended, particularly by the Conseil des Relations interculturelles, but also by other organizations such as the Bouchard Taylor Commission, to consider the possibility of issuing a government declaration on laity (CRI, 2004:80).

This desire to see laity translated into a document or a law is unheard of in the context of Quebec. It also partly reflects pressure from public opinion to see a state moving towards the management of religious diversity. In this respect, laity is not only conceived of as a solution in terms of managing religion but above

<sup>12</sup> There are, of course, certain gray areas. For example, the use of religious clothing by the personnel at public institutions. Although the CRI did not expressly issue a statement on the subject, it shows that it favors prohibiting it.

all as a solution in terms of integration. However, despite the fact that the open laity promoted by public administration organizations and recommended by the Bouchard-Taylor Commission is undoubtedly a laity that encourages openness towards religious diversity (Milot, 2008), the notion is open to a multitude of interpretations, some of which go in the opposite direction to that proposed by the idea of open laity. In some cases, a “comprehensive” laity is preferred, which is described more as an antidote to the presence of diversity than as an instrument of integration. Some of the records submitted to the Bouchard-Taylor Commission are quite eloquent in this respect (Commission de Consultation sur les Pratiques d’Accommodement Reliées aux Différences Culturelles, 2010).

The influence of the French model is quite striking. Conversely, some political parties have promoted an identity-based perception of laity, turning it into one of the “values” to be protected (such as the Parti Québécois, 2007) for example, particularly against the presence of cultural and religious expressions that are “foreign” to national culture. There is a very real risk of instrumentalizing the notion, since it lends itself to the selective rejection of religious expressions, particularly those of “the other’s” religions. Despite all this, no conclusive action regarding laity has yet been adopted by the government of the province, although the proposal of the law on accommodations may herald a stiffening of policies on the matter.

*Conclusion: Restriction or Integration  
into the New “Social Contract”?*

Diversity management in Canada, as in Quebec, is guided by a decidedly liberal interpretation of the individual and the political community. This is also true of religion, particularly when it declares that the state has no reason to be a judge of religious dogma. However, in the case of Quebec, the overlap between immigration and religion has a number of specific problems. Although its solution can only generally adhere to the main orientations

regarding the matter in Canada, it raises questions such as the integration of immigrants, the bases of the political community and national identity. The solutions drawn up by the public authorities have translated, at least until the present, into a certain ambiguity in which official openness goes hand in hand with a certain reticence towards some of the religious expressions associated with the presence of immigrants.

For example, in late 2008, the Ministry of Immigration and Cultural Communities published a document stating that new immigrants should immediately sign a declaration in which they pledged to respect the common values of the province. These not only included French as an official language but also the laity of the state (MICC, 2008). In the context of the debates mentioned, this policy presumably bowed to the same social pressure regarding integration and the presence of religion in the public sphere. In particular, the document states the following: "The state of Quebec and its decisions are secular. Its decisions and actions are independent of religious authorities. The state of Quebec has abolished the confessionality of its school system. Confessional religious teaching does not form part of the public school syllabus" [own translation] (MICC, 2008:9). Although we have said that there is nothing to state that religious belonging is a pre-requisite for citizenship, it is surprising, then, that new immigrants are expected to express a sort of "profession of faith" towards the laity of the state, particularly in view of the legal absence of this notion. It seems quite clear, then, that pressure from public opinion to limit the presence of religion has found certain forms of expression, albeit symbolic.

Despite the fact that the laity officially declared to date reflects the state's policy of openness to diversity, it has also become a potential weapon for discretionally excluding what is regarded as "excessive". Although official integration policies promote the acceptance and integration of differences, one wonders how far this unknowingly paves the way for selective exclusion. It is worrying because the decisions made regarding the management of religious diversity in the context of pronounced immigration have

long-term effects on integration. The case of the use of the *hijab* is paradigmatic. Analyses of the matter show, for example, that restrictive policies regarding its use may be harmful to integration insofar as they translate into a *de facto* exclusion of common institutions of immigrants who, for various reasons, choose to wear this attire (Molokotos, 2000).

Although the policies regarding this in Quebec are largely policies that promote openness, social pressure in the opposite direction creates contradictions and dead ends that are a long way from being resolved. Some recent public documents show an effort in this case to dissociate immigration and religion. This could undoubtedly prove beneficial, thereby contributing to the reinforcement of the civic nature of religious diversity and the reduction of the prejudices surrounding certain immigrant communities, particularly Islam. Religion is undoubtedly an element which, in the current international circumstances, tends to exacerbate rejection and feed prejudice regarding recent arrivals. Hence the importance of having a better knowledge of contemporary religious landscapes, the role played by religion in immigrant communities and the perception of the phenomenon in the spheres of power and public opinion.

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