

Quebec should have outgrown this nonsense

Bill 21 is offensive, both in impact and historic implications

by Conrad Black



Quebec's Bill 21 banning religious symbols worn by government employees and those using government services (including such widely used facilities as the public transit systems) is poorly drafted, offensive in most respects, and almost inadvertently acceptable in one policy area. It falls in the lengthy Quebec tradition of a grandstanding political gesture of limited consequences in practice, but based on the chief legal-philosophical difference between the civil and common law systems; in this country between the French and English legal traditions. It implicitly accepts the notion that "collective rights take precedence over individual rights." This has been the reasoning hauled out for every authoritarian

measure entertained in Quebec since Maurice Duplessis' anti-communist Padlock Law of 1937 (whose application was confined to locking up one building and seizing a few bundles of Marxist literature), and to the egregious language laws of the Bourassa and Lévesque governments of the 1970s.

The fact is that Quebec is not and never has been a particularly repressive place and claims that it has had fascist or other totalitarian tendencies are rubbish. But it has for all its history, going back to Champlain 400 years ago, felt keenly the presence of the more numerous English-speaking population around, and to some extent, within it. This has fed the notion that even apparently illiberal measures are justified to protect the rights of the French-speaking minority in Canada and all North America, and in the only semi-autonomous government they control, in Quebec, that it's appropriate to take measures that would otherwise be unacceptable to protect the continuity and strength of their culture.

Measures of this kind are generally spurious and ineffectual, and arouse immense controversy for the minimal impact they really have. Even the famous language police that became a tourist attraction in the Bourassa and Lévesque years were just pompous bespectacled bureaucrats affecting a metropolitan French accent as they imposed fines for bilingual commercial signs. The legal problems and the spontaneous barrage of ridicule from English-Canadians and Americans reduced the holy crusade for the French language in Quebec to a farce.



A woman takes part in a protest against Bill 21 outside the Quebec immigration office on Notre Dame Street on April 12, 2019, in Montreal. John Kenney/Postmedia News

Maurice Duplessis and his contemporaries (he was the attorney general and president of the bar as well as premier in 1936-1939 and 1944-1959) seriously believed that the Anglo-Saxons were making a dangerous mistake allowing fascists and

communists to exploit democratic freedoms to agitate for the overthrow of democracy, and this was an arguable position. In countries where the armed forces are constitutionally established as the guardians of democracy, such as Turkey and Algeria, they have intervened at times to prevent anti-democratic parties from winning elections. This provoked the Algerian civil war starting in 1991, in which several hundred thousand people perished. If the Anglo-Saxons were facing any such danger, they might be less indulgent (to judge from such outrages as the internment of the Japanese-Americans and Japanese-Canadians on the West Coast in 1942). But since the Quebec Act of 1774, Quebec should always have had the self-confidence to realize that it is not in a demographic or social state of deterioration remotely so dangerous as to justify recourse to overly authoritarian measures. The result is measures like Bill 21 that are gestures to popular sentiment but apart from a few test cases, won't achieve much.

Measures like Bill 21 ... won't achieve much

Where the government of Quebec is undoubtedly correct, as the Sarkozy government in France was with its legislation, is that public security requires that all people in public must be identifiable. It is not acceptable for people to claim religious reasons to hide their identity in public. Beyond that, this bill is offensive, both in its impact and its historic implications. As it reads, it is not permissible for anyone to wear a skull-cap, neither an Orthodox Jew nor the cardinal-archbishop of Montreal, if they went to renew their driver's licences or even to buy a bottle of Champagne from a licensed vendor. The bill mixes justifiable opposition to complete covering of the face, except for the eyes, with prohibition of "any religious symbols." Hairstyles and tattoos are specifically excluded, but not decorative items. Many women wear chains with small crosses on them of no religious significance to the wearer. I doubt that the legislation would be generally ruled as banning this because it is so absurd

(and politically unwise), but no experienced person can doubt that the enforcement personnel will include some insufferably self-important and insolent individuals who will inflict as much inconvenience as they can.

This brings in the cultural and historical aspect of Bill 21. It is not just, as is often claimed, a curb on Muslim women and potentially Hindus, Sikhs and others, including Orthodox Jews and some Christians. It is part of the endless campaign of the government of Quebec to pander to atheistic and anti-theistic opinion in Quebec. Whether contemporary Quebec bien-pensants like it or not, the French fact was protected and conserved in Quebec for more than 300 years by the Roman Catholic Church, while the state collected taxes and made laws but was absent from education and health care. Now that Quebec is in a post-Christian era where the collapsed birthrate is being compensated for with immigration from Haiti, North Africa and Lebanon (at no great positive and sonorous influence on the quality of spoken French, but at least they have no interest in Quebec nationalism), the government of Quebec is inexplicably escalating its oppression of the Church to which historically it owes its French character. The contest between Church and State was determined in Quebec in 1950 when Duplessis played a shadowy role in having Montreal's Archbishop Joseph Charbonneau removed after he condemned the Duplessis government's handling of the Asbestos Strike. Duplessis famously said: "The bishops eat from my hand."



People take part in a Rally For Religious Freedom and against the CAQ government's Bill 21 in the Côte-St-Luc area of Montreal on April 14, 2019. John Kenney/Postmedia News

In keeping clerical personnel in the schools and hospitals, Duplessis economized on salary costs, cut taxes, reduced debt and devoted most of the budget to roads and public works. He built most of the university campuses in Quebec (except McGill), 3,000 schools, thousands of miles of roads and started the autoroutes. For the only time in history by every

indicator of prosperity and education, Quebec was gaining on Ontario. In that way, the Church was essential to the modernization of Quebec, as it had been to its survival as a French jurisdiction. It assaults everything modern Quebec believes in, but the secularization of Quebec, which achieves its coruscation in this largely fatuous measure, resulted in the same people teaching the same material in the same schools and operating the same hospitals for the same families at five to seven times the cost to the taxpayer, and in a disturbed labour-relations climate. Cardinal Leger told me that Duplessis said to him in 1957: "If you squeeze a fish hard enough, it will get away," and the cardinal replied: "We're not squeezing it, you are." The contest between Church and state in Quebec was over almost 70 years ago and what is going on now is a sort of sadistic historical revisionism which appeared to reach its nadir when the former head of the Bloc Québécois, Gilles Duceppe, said nearly 10 years ago that the Church was conducting a conspiracy against abortion rights. The human conscience still exists, even in self-liberated Quebec.

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Having invoked the Notwithstanding Clause, the National Assembly and government of Quebec have the right to do this. But they are underplaying public security and if they start trying to tell people how to dress and accessorize, we can safely count on the esprit du Quebec to mass-sell T-shirts with slogans like "Je Suis Presbyterien." If this is anything more than requiring people to show their faces, it will deservedly be a dreadful fiasco. Quebec should accept its history as it was – it got them through these 400 years in a frequently inclement demographic (as well as meteorological) climate. And Quebec should have outgrown nonsense like Bill 21 long ago.

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