WHAT'S BEHIND THE SECULARISM CHARTER? HOW QUEBECERS COMPREHEND THE PLACE OF VALUES AND RIGHTS AROUND QUESTIONS OF IDENTITY

Jack Jedwab is presently Executive Vice President of the Association for Canadian Studies. From 1994-1998 he served as Executive Director of the Québec Region of the Canadian Jewish Congress. He holds a doctoral degree in Québec history from Concordia University. He has written essays in books, scholarly journals and in newspapers across the country. He is the founding editor of the magazines Canadian Issues and Canadian Diversity. Has authored several major government reports including 'Going Forward: the Evolution of Québec's English-Speaking Community published by the Commissioner of Official Languages for the Commissioner of Official Languages and "A Stock- Taking of Recommendations in the Fight Against Racism, Racial Discrimination, Xenophobia and Other Manifestations of Intolerance in Canada, 1980-2000" for the Canadian Secretariat for the United Nations World Conference Against Racism.

Analysis of public opinion around the Québec Government's proposed Charter of Values suggests the need for greater nuance when assessing Quebecers' views on this emotional subject and notably as regards the relationship between perceived values, individual rights and group or collective identities. Discourse around the Charter has principally been organized around these three themes. Based on a detailed survey of 1000 Quebecers, this essay will examine various facets of public opinion on the Charter. The essay reveals that public views on whether rights and freedoms are at risk, opinions about immigrants and anxieties around identity are key underlying determinants that help explain support or rejection of the Charter of Values.

Analysis of public opinion around the Québec Government's proposed Charter of Values suggests the need for greater nuance when assessing Quebecers' opinions around this subject, particularly with regards to the relationship between perceived values, individual rights and group or collective identities. Discourse around the Charter of Values has principally been organized around these three themes, and the way people make the connections between them can help explain variations in opinion. Undoubtedly the political class that is spearheading the Charter of Values is focused largely on the relationship between values and identity and as much as possible seeks to remove concerns over rights from the equation. As such they will either contend that rights do not play a significant role in the issue or the crux of the issue is one of competing rights where there is an urgent need to protect gender equality from religious freedom. Since gender equality is regarded as a fundamental societal value as well as a right it ranks higher on the hierarchy when rights are seen as competing. The protection of such values is further deemed to part of the population's collective identity and hence a conflict is constructed that pits the purported defenders of the values against its opponents. In the case of the charter, those violating values are persons that wear religious symbols in public institutions (i.e. hijabs, keepas, turbans and crosses). As "violators" their rights claims seem less valid to those supporting the Charter-especially in the case of Muslim women that wear hijabs since surveys reveal an important number of Quebecers believe that they are forced to do so. Finally the identity dimension of the issue casts those who wear such religious symbols and the minority communities with which

they identity as the "others" in an "us versus them" paradigm that is an essential part of the Charter of Values discourse.

The acceptance of religious symbols in the public domain is widely seen as integration issue with many second-generation Muslims, Sikhs and Jews transformed into newcomers that have problems adapting to the values and norms of the host society. Catholic Québec is the exception to an "us versus them" paradigm as many identifying as such are not regarded as part of a religious minority and hence are inclined to be construed as a threat to the majority "Québécois" identity on behalf of whom the government purports to affirm a collective right. The Government has proposed that the religious symbols of Catholics be regarded as part of the province's heritage thus creating what might be described as a distinction between those with and those without roots.

OVERVIEW OF OPINION ON THE CHARTER AND RELEVANT ISSUES

That which follows will examine how opinion breaks down on the Charter of Values. The findings are based on a detailed examination of a survey of 1000 Quebecers conducted by the firm Leger… It will look beyond support for the Charter at various issues that are relevant towards better comprehension of the underlying drivers of opinion. Those for or against the Charter tend to diverge on a range of related questions including the place of rights and freedoms in society and/or the perceived need for greater limits on them. They differ on issues of immigration and identity that are also germane in opinion formation on the Charter. To deepen insight into the Charter we will examine the views of Quebecers on the Charter on the basis of language as grouped into French and non-French (hence we combine the opinion of those whose mother tongue is English with those whose mother tongue is neither English nor French).

Analysis of the survey data reveal that perceptions that rights violations may arise from the Charter of Values have a profound impact on approval of the Charter. But supporters of the Charter are very ill at ease with submitting it to the courts for an opinion about its constitutionality. The survey also reveals that greater anxiety about immigration strengthens approval for the Charter.

As observed in the table below a majority of Quebecers support the Charter of Québec Values. More agree than disagree that the Charter violates fundamental rights but disagree than agree that it will better protect the rights of women. Even if a majority of Quebecers support the Charter and are unsure don't agree that it violates fundamental rights they would like to see the Charter submitted to the courts for an opinion on its constitutionality. The survey reveals that more than one-third of Quebecers would endorse the idea of preventing people from wearing visible religious symbols in public.

TABLE 1: PERCENTAGE IN AGREEMENT ON QUESTIONS PERTAINING TO THE QUÉBEC CHARTER OF VALUES

Percentage Agree	Strongly Agree	Somewhat Agree	Somewhat Disagree	Strongly Disagree	Don't Know
I support the Charter of Québec Values, which restricts wearing visible religious symbols in public institutions	32%	20%	14%	24%	10%
The Government should prevent people from wearing visible religious symbols (hijabs, kippas, turbans, Christian cross, etc.) in public	21%	15%	23%	36%	5%
The Charter of Québec Values violates fundamental rights	22%	16%	20%	26%	14%
The Charter of Québec Values will better protect women's rights	16%	21%	21%	21%	21%
The Charter of Québec Values should be submitted to the Courts for an opinion on its constitutionality	31%	25%	12%	18%	14%

Source: Leger Marketing for the Montréal Gazette and the Canadian Institute for Identities and Migration, September 18-20, 2013

On issues of immigration and identity, Quebecers are evenly divided around whether the heritage of Québec society is threatened by the influx of immigrants. Nearly six in ten agree it is important to preserve the province's Catholic heritage. Over eight in ten Quebecers feel it is important to transmit customs and traditions to children. Two-thirds disagree that immigrants should give up their customs and traditions. One in three respondents disagrees that members of religious minorities should have a say equal to that of the majority about issues of collective identity.

TABLE 2: PERCENTAGE IN AGREEMENT ON QUESTIONS PERTAINING TO THE QUÉBEC CHARTER OF VALUES

Percentage Agree	Strongly Agree	Somewhat Agree	Somewhat Disagree	Strongly Disagree	Don't Know
The heritage of Québec society is threatened by the influx of immigrants	26%	21%	23%	25%	6%
It is important to preserve the province's Catholic heritage	30%	29%	18%	16%	7%
Immigrants should give up their customs and traditions	12%	16%	37%	28%	7%
It is important for me to transmit my customs and traditions to my children	51%	33%	8%	2%	6%
Members of religious minorities should have a say equal to that of members of the majority about issues affecting collective identity	24%	33%	18%	13%	12%

Source: Leger Marketing for the Montréal Gazette and the Canadian Institute for Identities and Migration, September 18-20, 2013

LANGUAGE AND GEOGRAPHY: WHICH PROVIDES GREATER INSIGHT INTO UNDERSTANDING OPINION ON THE CHARTER?

In the Montreal region some 49% of respondents endorsed the Charter of Québec Values versus 44% that were opposed and 7% undecided. The results challenge the assumption that opinion on the Charter of Values is divided along geographic rather than linguistic lines. Some observers insisted that the Charter principally sowed division between Montrealers and the rest of Québec. In effect, the Charter of Values is supported by roughly the same percentage of francophones inside Montreal as it is outside the region (with the exception of the Québec City region where support amongst francophones is somewhat lower). It is nonetheless inaccurate to conclude that people are lining up around on the issue on the basis of whether they are English or French. Ethnic and/religious identification are likely a better indicator of opinion with much of the ethnically non-French population strongly opposing the Charter of Values. Perhaps the framing of the issue as a "collective" value has contributed to giving it a nationalist appeal.

If in the Montreal region there is greater support for the Charter of Values that is not the case in the city or Island of Montreal. A survey of Montreal city dwellers conducted by the firm CROP for Radio-Canada (October 11-15, 2013) shows that 58% of residents were opposed to the Charter. The only way to conclude that city of Montreal residents favour the Charter is if one is referring to the francophone population-"the majority of the majority".

But as do other surveys on the Charter of Values, the CROP-Radio-Canada is revealing in another regard. It provides gradations for the degree of support to help determine how firm or soft it is. Hence one finds that 40% of respondents that were very opposed to the Charter versus 18% that were very favorable (others were either somewhat opposed or somewhat favorable). The results prompted CROP Vice-President Youri Rivest to conclude that opponents of the Charter were far more vehement in their criticism.

As observed below in the Montreal Gazette-Leger survey there is a substantial gap between French and non-French respondents around the degree to which they respectively support the Charter of Values. They also differ profoundly on the extent to which the Charter violates fundamental rights with the non-French population far more likely to believe so. There are also substantial gaps on the immigration and iden-

tity issues with the majority of francophones agreeing that immigrants threaten Québec heritage and that members of religious minorities should have a say equal to that of members of the majority about issues affecting collective identity. More than four in ten francophones agree that "the Government should prevent people from wearing visible religious symbols (hijabs, kipas turbans, Christian cross, etc.) in public" compared with one in six non-francophones. Francophones were more divided around whether "members of religious minorities should have a say equal to that of members of the majority about issues affecting collective identity." There were some areas of convergence in opinion amongst Quebecers notably around the preservation of customs and traditions by immigrants and non-immigrants. Also a majority of francophones agreed that the Charter of Québec Values should be submitted to the Courts for an opinion on its constitutionality.

TABLE 3: PERCENTAGE IN AGREEMENT ON QUESTIONS PERTAINING TO THE QUÉBEC CHARTER OF VALUES ON THE BASIS OF LANGUAGE GROUPINGS (FRENCH AND NON-FRENCH)

Percentage Agree	French	Other
I support the Charter of Québec Values, which restricts wearing visible religious symbols in public institutions	59%	31%
The Charter of Québec Values violates fundamental rights	30%	65%
The Charter of Québec will better protect women's rights	42%	21%
The Charter of Québec Values should be submitted to the Courts for an opinion on its constitutionality	52%	71%
The Government should prevent people from wearing visible religious symbols (hijabs, kipas turbans, Christian cross, etc.) in public	41%	16%
The heritage of Québec society is threatened by the influx of immigrants	52%	28%
It is important to preserve the province's Catholic heritage	65%	39%
Immigrants should give up their customs and traditions	31%	19%
It is important for me to transmit my customs and traditions to my children	85%	83%
Members of religious minorities should have a say equal to that of members of the majority about issues affecting collective identity	51%	78%

Source: Leger Marketing for the Montréal Gazette and the Canadian Institute for Identities and Migration, September 18-20, 2013

SITUATING RIGHTS, VALUES AND IDENTITY IN OPINION ANALYSIS OF THE CHARTER

As noted previously greater nuance is needed in the analysis of public opinion around the Charter. If the question is not put in referendum like terms (either you're for or against it), there are degrees of support that might be reflected a scale of the most and least supportive of the Charter. Below an effort is made to offer a deeper analysis by providing such a breakdown of the Charter's most ardent supporters, its biggest detractors and those who are either conditionally favorable or unfavourable. We attempt to profile the four groups across a spectrum to understand how they respond to the rights, values and identity issues that underlie the Charter. I have divided opinion across four groups labelling them as "unconditional supporters (32% of the sample), soft supporters (20% of the sample), soft opponents (14% of the sample) and those firmly opposed (24% of the sample). Considerable differences can be seen in the outlook of the four groups on the basis of how they respectively respond to questions on rights, values and identity. Only one in ten of the Charter's unconditional supporters believe that the Charter violates fundamental rights. That represents the widest gap between the most ardent and supporters and opponents of the Charter. The next widest gap is in the perception that the Charter will help better protect women's rights with the most its unconditional supporters far more convinced of such an outcome that its biggest detractors. The next biggest gap is in the extent to which immigrants are perceived as a threat with the Charter's strongest opponents much less likely to view newcomers as a threat. There is yet another sizeable gap in the extent to which fervent supporters and opponents agree that the Government should prevent people from wearing visible religious symbols

(hijabs, kipas turbans, Christian cross, etc.) in public an idea which attracts some 63% of those most enthusiastic about the Charter and less than ten percent that are the least so.

As to the widest gaps in opinion between the softer supporters and opponents of the Charter the difference around whether it is seen as a rights violation is most pronounced. A majority of the soft supporters and opponents both agree that the Charter should be submitted to the Courts to test its constitutionality. The softer supporters and opponents also differ noticeably on the extent to which they respectively view immigrants as a threat.

TABLE 4: PERCENTAGE THAT AGREE WITH THE STATEMENT "I SUPPORT THE CHARTER OF QUÉBEC VALUES WHICH RESTRICTS WEARING VISIBLE RELIGIOUS SYMBOLS IN PUBLIC INSTITUTIONS" CORRELATED WITH PERCENTAGE IN AGREEMENT ON OTHER QUESTIONS PERTAINING TO THE QUÉBEC CHARTER OF VALUES

	I Support the Charter of Québec Values which Restricts Wearing Visible Religious Symbols in Public Institutions			
Percentage Agree (strongly and somewhat) on related issues	Strongly Agree (32%) Unconditional Supporters	Somewhat Agree (20%) Soft Supporters	Somewhat Disagree (14%) Soft Opponents	Strongly Disagree (24%) Firmly Opposed
The Charter of Values violates fundamental rights	11.2%	26.5%	49,0%	85.0%
Women wearing the hijab (veil that does not cover the face) choose to wear it freely	32.2	41.2%	56.7%	71.2%
The Charter of Québec will better protect women's rights	68.6%	44%	26.3%	4.6%
The Charter of Québec Values should be submitted to the Courts for an opinion on its constitutionality	39.7%	55.3%	66.5%	80%
The Government should prevent people from wearing visible religious symbols (hijabs, kipas turbans, Christian cross, etc.) in public	62.8%	46.9%	17.6%	7.9%
The heritage of Québec Society is threatened by the influx of immigrants	72.7%	55%	32.9%	14.9%
It is important to preserve the province's Christian heritage	65.5%	63.3%	66.5%	44.2%
Immigrants should give up their customs and traditions	45%	29.2%	18.5%	11.7%
Members of religious minorities should have a say equal to that of members of the majority about issues affecting collective identity	40.5%	61.4%	68.3%	82.9%
My city is enriched by the diversity of religious groups	31.7%	42.5%	57%	77.1%

Source: Leger Marketing for the Montréal Gazette and the Canadian Institute for Identities and Migration, September 18-20, 2013

Yet another axiom along which opinion can be divided is in the level of certainly as to whether the Charter violates rights. Again the groups were divided with those that are very certain the Charter violates rights (22%) those that are relatively certain (16%), those that are somewhat uncertain (20%) and those certain that it doesn't violate rights (26%). Looking at the results based on this axiom confirms the deep division over whether there is a rights violation amongst supporters and detractors of the Charter—a near 79 point spread in support for the Charter between those most and least certain that it constitutes a violation. Clearly those who are least likely to think it is a rights violation believe that women are forced to wear the Hijab as there is a 42 point gap on the end of each spectrum. There is a 47 point gap between the most and least convinced about the rights violation in the view that "members of religious minorities should have a say equal to that of members of the majority about issues affecting collective identity. Some 37% of those least convinced it is a rights violation believe that religious minorities should have an equal say. There is also a 51 point along either end of the rights axiom over whether "the Government should prevent people from wearing visible religious symbols (hijabs, kipas turbans, Christian cross, etc.) in public." Some 61% are least convinced that rights are in question and believe that the ban on religious symbols should be extended to the public domain. Where the gap appears narrower across this spectrum is in the extent to which respondents agree with the idea of the Government preventing people from covering their faces in public.

Unlike the narrower gaps observed above between the Charter's softer supporters and opponents there is a big divide on certain underlying issues between the relatively certain and somewhat uncertain about rights violations and notably around the desire to submit the Charter to the courts to test its constitutionality.

TABLE 5: PERCENTAGE THAT AGREE WITH THE STATEMENT "THE CHARTER OF VALUES VIOLATES FUNDAMENTAL RIGHTS" CORRELATED WITH PERCENTAGE IN AGREEMENT ON OTHER QUESTIONS PERTAINING TO THE QUÉBEC CHARTER OF VALUES

	The Charter of Values Violates Fundamental Rights			
Percentage Agree (strongly and somewhat) on related issues	Strongly Agree (22%) Very Certain it Does	Somewhat Agree (16%) Relatively Certain	Somewhat Disagree (20%) Somewhat Uncertain	Strongly Disagree (26%) Certain that it Does not
Women wearing the hijab (veil that does not cover the face) choose to wear it freely	12%	39.8%	72.5%	90.9%
Women wearing the hijab (veil that does not cover the face) choose to wear it freely	71.1%	62.1%	42.1%	28.8%
The Charter of Québec will better protect women's rights	10.9%	24.8%	46.2%	72.2%
The Charter of Québec Values should be submitted to the Courts for an opinion on its constitutionality	85.8%	79.5%	52%	32.6%
Members of religious minorities should have a say equal to that of members of the majority about issues affecting collective identity	84.1%	75%	53.8%	36.9%
The Government should prevent people from wearing visible religious symbols (hijabs, kipas turbans, Christian cross, etc.) in public	9.7%	27.4%	42.9%	61.1%
The Government should prevent people from covering their faces in public	63.5%	63.1%	74.1%	89.1%
It is important to preserve the province's Christian heritage	47.9%	61.1%	56.5%	70.5%
Immigrants should give up their customs and traditions	18.4%	19.7%	30.5%	38.1%

Source: Leger Marketing for the Montréal Gazette and the Canadian Institute for Identities and Migration, September 18-20, 2013

Further analysis of the data on the desire for testing the constitutionality of the Charter of Values and the perception of whether the Charter violates fundamental rights reveals that those that most resist such a test are the most certain that there is no violation. Some observers will undoubtedly find this paradoxical as they may assume that those least inclined to feel there is a violation would be more open to the test. But it is more likely that people want their views affirmed and hence those who most open to the test agree most that the Charter violates fundamental rights.

TABLE 6: PERCENTAGE THAT AGREE WITH THE STATEMENT "THE CHARTER OF QUÉBEC VALUES SHOULD BE SUBMITTED TO THE COURTS FOR AN OPINION ON ITS CONSTITUTIONALITY" CORRELATED WITH PERCENTAGE THAT AGREE WITH THE STATEMENT THE CHARTER OF VALUES VIOLATES FUNDAMENTAL RIGHTS

	The Charter of Québec Values Should Be submitted to the Courts for an Opinion on its Constitutionality			
The Charter of Values Violates Fundamental Rights	Strongly Agree	Somewhat Agree	Somewhat Disagree	Strongly Disagree
Strongly agree	54.8%	6.8%	3.4%	7.7%
Somewhat agree	19.0%	27.5%	13.4%	1.6%
Somewhat disagree	8.7%	30.3%	43.7%	11.5%
Strongly disagree	9.0%	23.1%	31.9%	69.8%
I don't know	4.8%	10.8%	6.7%	9.3%
I prefer not to answer	3.5%	1.6%	0.8%	0%

Source: Leger Marketing for the Montréal Gazette and the Canadian Institute for Identities and Migration, September 18-20, 2013

CONCLUSION

Our analysis demonstrated that ethno-linguistic considerations are better predictor of opinion formation around the Charter than geography. In other words the idea that Montreal and the rest of Québec are at odds over the issues is in part attributable to share of the non-French population in the area being examined. Some of this may be a function of the extent that the groups that believe they would either be directly or indirectly affected by such measures are mainly non-French and concentrated on the island of Montreal.

One of the fundamental issues upon which supporters and detractors of the proposed Charter of Values of Secularism are divided is the question of whether its ban on wearing religious symbols in public institutions constitutes a rights violation. The most ardent supporters of the Charter seem persuaded that such a ban would not be a violation. Discourse around the supremacy of collective values may be diminishing the degree to which supporters see the Charter as a rights issue. It may be that the very refusal to acknowledge that this is a matter of rights to begin with permits supporters to altogether dismiss the idea that anyone's rights are at stake.

This view may be further reflected in the extent to which a majority of the Charter's most fervent supporters do not think that members of religious minorities should not have an equal say in Québec identity debates. Thankfully most of the Charter's supporters do not hold that view. Yet most of them remain persuaded that there is no rights violation. An opinion issued by the President of the Québec Human Rights Commission profoundly contradicts that view. But devout supporters of the Charter seemingly dismiss that view and purportedly believe that on a matter of fundamental values, it is the elected officials and not the appointed judiciary that should have the final say. Alternatively they may point to France where such restrictions exist and are presumably not regarded as a rights violation. In effect, such arguments require that our existing rights codes and charters (i.e. the Québec Charter of Rights) be altogether thrown into question. They imply the potential subordination of rights to higher concerns with societal values and identity where ideally the three pillars of governance should be seen as interconnected.

REFERENCES

LEGER MARKETING for the Montreal Gazette and the Canadian Institute for Identities and Migration, September 18-20, 2013

WWW.RADIO-CANADA.CA/nouvelles/societe/2013/10/15/008-charte-valeur-montrealais-opinion.shtml, « 58 % des Montréalais s'opposent à la charte » texte sur le site web de Radio-Canada 15 octobre, 2013

COMMISSION DES DROITS DE LA PERSONNE ET DES DROITS DE LA JEUNESSE, Québec (CDPDJ) http://www.cdpdj.qc.ca/Publications/commentaires_orientations_valeurs.pdf. « Commentaires sur le document gouvernemental parce que nos valeurs, on y croit orientations gouvernementales en matière d'encadrement des demandes d'accommodement religieux, d'affirmation des valeurs de la société québécoise ainsi que du caractère laïque des institutions de l'état »