

Catholic Rituals and Symbols in Government Institutions

Juridical Arrangements, Political Debates and Secular Issues in Quebec

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I. Prayers in Quebec Government Institutions

- Rule, dated 1st April 1972, abolishing the recitation of a prayer before the opening of working sessions of members of parliament in the National Assembly
- Quebec Human Rights Tribunal, *Commission des droits de la personne et des droits de la jeunesse v. Laval*, 22nd September 2006

Criterion = freedom of conscience and religion

Supreme Court of Canada, *Q. v. Big M Drug Mart Ltd.*, 24th April 1985

I. Prayers in Quebec Government Institutions

- **Bouchard-Taylor Report**, 22nd May 2008

Criteria = Freedom of conscience and religion +
State neutrality (normative requirement imposed on
the State)

= avoiding maintaining the recitation of a prayer at
the public sittings of City councils simply because
this now seems to have only heritage value

- Quebec Commission on Human Rights, *Louise Hubert v. Ville de Trois-Rivières et Yves Lévesques*, 17th December 2008

I. Prayers in Quebec Government Institutions



Dieu tout puissant, nous Te remercions des nombreuses grâces que Tu as accordées à Saguenay et à ses citoyens, dont la liberté, les possibilités d'épanouissement et la paix. Guide-nous dans nos délibérations à titre de membre du conseil municipal et aide-nous à bien prendre conscience de nos devoirs et responsabilités. Accorde-nous la sagesse (...) Amen.

- Quebec Human Rights Tribunal, *Simoneau et Mouvement laïque québécois v. Tremblay et ville de Saguenay*, 9th February 2011
- It is precisely because the recitation of prayers **is not a cultural but a religious practice** that it threatens the principle of State neutrality

II. Crucifixes in Government Institutions

Crucifix in a tribunal

- Supreme Court of Canada, *Q. v. Lippé*, 5th December 1991

Criterion = Requirement of impartiality of tribunals

- Quebec Commission on Human Rights, *Resolution MTL-6907*, 21 June 1995

The requirement of the appearance of impartiality imposes that certain traces of the religion of the majority must be abandoned

II. Crucifixes in Government Institutions

Crucifix in a city council meeting room

- Quebec Commission on Human Rights, *Mouvement laïque québécois et C.T v. Ville de Montréal - Arrondissement de Verdun*, 11th June 2008

“the single presence of a religious symbol in a government institution is not in itself incompatible with the Charters of Rights, unless this symbol acquires a **coercive character** because of the context of **vulnerability** of the persons who are exposed to it”

II. Crucifixes in Government Institutions

- **Bouchard-Taylor Report**, 22nd May 2008

“A symbol or ritual stemming from the religion of the majority does not infringe basic freedoms if it is not accompanied by any restriction on individuals’ behaviour”



But: Remove the crucifix above the chair of the president of the National Assembly of Quebec!

II. Crucifixes in Government Institutions

This proposition was immediately rejected by the National Assembly, which **unanimously** passed a motion affirming Quebecers' "attachment to their religious and historic heritage represented by the crucifix."



II. Crucifixes in Government Institutions

- Quebec Human Rights Tribunal, *Simoneau et Mouvement laïque québécois v. Tremblay et ville de Saguenay*, 9th February 2011

Even if the exhibition of crucifixes may be considered a cultural tradition, this does not have the effect of removing their religious character from these symbols or of guaranteeing that the institution does not impose a particular religious morality

= Freedom of Conscience and Religion + State neutrality

Conclusion

Two unanimously adopted motions

22nd May 2008

relative to the crucifix
installed in the National
Assembly

= The crucifix is **a symbol
of Quebec's cultural
heritage**

9th February 2011

relative to a religious
symbol – the kirpan – in
the National Assembly

= The wearing of the
kirpan in the National
Assembly is **an
infringement of the
principle of neutrality**