



Bill 21 update and the dangers of nationalism

Description

Quebec government plans to appeal the April 5 Quebec Superior Court ruling

By Irwin Rapoport

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The Quebec government made it official on June 5 that it will appeal the **April 5 Quebec Superior Court** ruling on **Bill 21**, Premier Francois Legault and his Coalition Avenir Québec (CAQ) government's controversial secularism law that bans the wearing of religious symbols by various public officials.

The province's divisive legislation utilizes the **notwithstanding clause** from the **Canadian Charter of Rights and Freedoms** to shield it from legal challenges that it violates guarantees of freedom of expression and religion. The law also contains a grandfather clause that permits employees and officials who were hired before the passage of Bill 21 to wear their religious symbols but bans new employees from enjoying the same rights. This aspect is dangerous because it creates a situation where some citizens have more rights than others and thus eliminates the concept of equality before the law. If this is permitted to be legally acceptable, it sets a precedent that can be repeated in future legislation.

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We should be very concerned that the Liberal federal government, led by Prime Minister **Justin Trudeau**, did absolutely nothing to challenge the law or consider the use of disallowance to quash the legislation that attacks the rights of all Quebecers. Far worse, the Conservatives, New Democratic Party and the Green Party, while all stressing how they oppose the law, did not demand that the federal government intervene by referring Bill 21 to the Supreme Court as a reference case.

The Bloc Québécois naturally supports Bill 21, but the fear of the other federal parties in offending voters among



the French Canadian community in Quebec is shameful. If we are a country of laws that cherishes equality before the law and the primacy of individual rights and freedoms, MPs have a responsibility to stand up and be counted for all Canadians.

By neglecting their duty to protect Canadians to secure votes, all citizens of this country have been betrayed. The corrosive effect of being silent on Bill 21 was illustrated in late May when the Bloc Québécois introduced a motion to support Quebec's authority to unilaterally rewrite the Canadian constitution via **Bill 96**, the legislation that would strengthen **Bill 101**, the **Charter of the French Language**. The motion wanted to ensure federal approval to let Quebec declare that its official language is French, that the common language in Quebec is French, and that Quebec is a nation within Canada.

Only one MP, **Jodie Wilson-Raybould**, a former Liberal Party justice minister and now independent MP, [said "no" in the House of Commons](#) to block the motion.

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Should the Bloc want to have the Commons pass such a motion, it will have to be done via a formal vote and be subject to formal debate. Only Wilson-Raybould, who represents the British Columbia riding of Vancouver-Granville, [had the courage to speak up](#). In effect, this meant that the only defender of the English-speaking community in Quebec was an MP from BC. Local MPs from Montreal, such as **Anthony Housefather** who represents Mount Royal and **Marc Garneau** who represents Westmount-NDG, were silent.

Our community and its institutions dodged a serious bullet. We will have to wait and see how millions of ordinary Canadians feel about this situation. We already know that Alberta Premier **Jason Kenney** supports the goal of the Quebec government to rewrite the constitution. The [op-ed in The Globe and Mail](#) is worth reading as it demonstrates that there are Canadians who reject Bill 96 and the Legault government's plan to rewrite the constitution.

But back to Bill 21. In a [June 5 report](#), the CBC noted that "Quebec Justice Minister **Simon Jolin-Barrette**, the architect of Bill 21, said the province planned to appeal. The case will next be heard at the **Quebec Court of Appeals** and then move to the final arbitrator in our country – the **Supreme Court of Canada**. It will be interesting to see how the Supreme Court deals with the provincial government's use of the notwithstanding clause to protect deliberate violations of individual rights and freedoms. Westmount lawyer and former McGill Law professor **Julius Grey**, in an April 26 opinion piece in The Gazette entitled [There's more to democracy than majority rule](#), outlined those concerns.

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Superior Court Justice **Marc-André Blanchard**, in his Bill 21 ruling, noted the CBC report, "declared that the most contentious parts of the law – the religious symbols ban for many government employees – can't be applied to English school boards". The desire of English school boards to foster diversity by choosing who they hire is protected by the minority-language education rights in the Charter of Rights and Freedoms, Blanchard said in his decision. Blanchard also ruled that members of the province's National Assembly can't be forced to provide services to the public with their faces uncovered.

In other words, MNAs are allowed to wear religious symbols that cover their faces, such as a niqab, in accordance with the section of the charter that guarantees every citizen the right to be eligible to vote and be a member of the legislature.



The CBC report noted that Jolin-Barrette, “in the announcement issued by his office Friday evening, the appeal procedure relates to the two conclusions of the judgment regarding English schools and legislators...”

It is the very words of Jolin-Barrette, no doubt with the approval of Legault and the entire CAQ caucus, that should cause many to stop what they are doing and reflect upon their immediate and long-term implications. In fact, they should send chills up our spines.

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The minister, in the statement released to the media, said, “The Quebec nation has made the choice of secularism. A choice based on our history and which reflects our values. This choice is a generator of rights and a source of social progress, equality and justice. We will spare no effort to defend this important law for Quebec.”

According to Legault and Jolin-Barrette, all Quebecers must have similar thoughts or be opponents of the “Quebec Nation,” and thus at odds with the majority and be considered as outliers and opponents of it. Concepts of uniform thinking and blind obedience are dangerous and can lead to extremely threatening situations for individuals who oppose ideas and concepts, and for minority groups, be they language, religious, colour, or other minority community-based groups.

The freedom to hold and believe in views that run contrary to “societal norms” is the keystone of a liberal and democratic society. Jolin-Barrette stressed, “A choice based on our history and which reflects our values.” Whose history, whose values? In this case, the minister is clearly stressing the history and values of the French Canadian community and using the royal “we” to claim that most, if not all French Canadians, hold and share similar views. What about members of the English-speaking community and those from other cultural groups? I do not use the term “allophone” by choice, as it is divisive and offensive. We are all Quebecers, whether we speak French, English, Italian, Polish, German, Hindi, Chinese, Spanish or other languages that are used daily in this province; whether we are Christian, Jewish, Muslim, Hindi, etc.; whether we are white, Black or whatever colour; and whether we are men or women.

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We should all be equal before the law and be accepted for what we are – citizens who wish to live our lives in peace and to quote Bill and Ted, “be excellent to each other.” There is no need to create division and incite distrust and conflict that will only lead to very a horrible future.

Louis XIV, as king of France, is reputed to have said “L’État, c’est moi” – I am the state – a position that Legault holds via bills 21 and 96. This, as I have noted, is a very dangerous attitude to hold and live by.

Louis XIV also put forward the view of *“Un roi, une loi, une foi”* meaning “One king, One law, One faith”, a position that Legault and company fully embrace.

I quote the link in full as it expresses the concern of such values and what they lead to. Here is the text:



Portrait of Louis XIV (1688) by Hyacinthe Rigaud –
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“King Louis XIV was the king of France from 1643 until his death in 1715. During this time, he established himself as no ordinary politician, but the figure of French absolutism. He strove for a “Un roi, une loi, une foi” mentality, meaning “One king, One law, One faith”. Did he accomplish this goal? Yes, Louis XIV was able to accomplish his goal of “one king, one law, one faith”. This was made possible by increasing the nobles’ subservience to the king by reducing their power and centralizing the government, establishing the ‘Code Louis’ and removing the religious freedom of the protestant Huguenots through the revocation of the Edict of Nantes, putting Catholicism on a pedestal.

He wanted his people to fear him to prevent uprisings or conflicts. In order to deliver the notion that he was truly the “one” king in the land, he named himself the “Sun” king. This was because the people can see the sun every day, bestowing its beauty and happy glitter across the world. Being called “the Sun King” implied that he was always there and watching the nation. When he was a newborn, he was nicknamed “God-Given Son” (Louis Dieudonné) to imply that he was great news for France. He also used the slogan, “L’etat, c’est moi”, meaning: “I am the State”. These slogans and labels were placed to give a notion of his supreme power in order to instill fear in the hearts of his people, so he could achieve total obedience.

He was able to establish one law by establishing the Code of Louis XIV, standardizing law across France, which had been based on regional customs. He also reduced the powers of the nobles, rendering them at the mercy of their kings. With this diminishment of power, there was no other choice for nobles except to be 100% apparently loyal to King Louis XIV. He desired nobles to compete with each other for his



pleasure. He sold titles to various nobles in order to gain funds for his wars, for which the nobles were exempted from certain taxes years later as a reward. Lastly, he rendered the Estates-General (the decision-making body for taxes) powerless and they didn't resume until the very late 1700s.

King Louis XIV focused on maintaining one faith in order that France should prosper and avoid conflicts. He achieved this by revoking the Edict of Nantes (which was made by Louis XIV's ancestors) and thereby putting Catholicism ahead as the principal religion of France while restricting the Huguenots' abilities to practice their religion. He did this as he was a devout Catholic and believed that he derived his rule solely from God's desire. In his mind, he did not want the "wrong" faith being practiced under his leadership.

Louis XIV, although you may disagree with his actions, was one of the best politicians to have ever lived in recorded history. He established French absolutism successfully, through means of slogans/labels, standardizing the government and putting Catholicism above any other religion (religious intolerance). This being stated, he was able to achieve the One King, One Law, One Faith: Louis XIV, King's Rule and Catholicism."

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Legault and the CAQ are playing a dangerous game with the rights and freedoms that we cherish and the democracy that we value and take great pride in.

I am of the view that Louis XIV was one of the worst rulers of France and that his actions, be it the treatment of the Huguenots, his constant wars, and his ridiculous expenditures on Versailles and other royal household initiatives. The main point is that Louis XIV held views and initiated policies that concentrated power and created divisions, which hurt minorities and citizens – in his case subjects – and by pursuing such policies, generated bitter harvests in his own time and helped to incite the French Revolution in 1789.

Legault and the CAQ are playing a dangerous game with the rights and freedoms that we cherish and the democracy that we value and take great pride in. Their actions and lighting of matches should strike fear in all of us and rouse us to resist and oppose them. We must act fast as we cannot let the situation reach the point of no return.

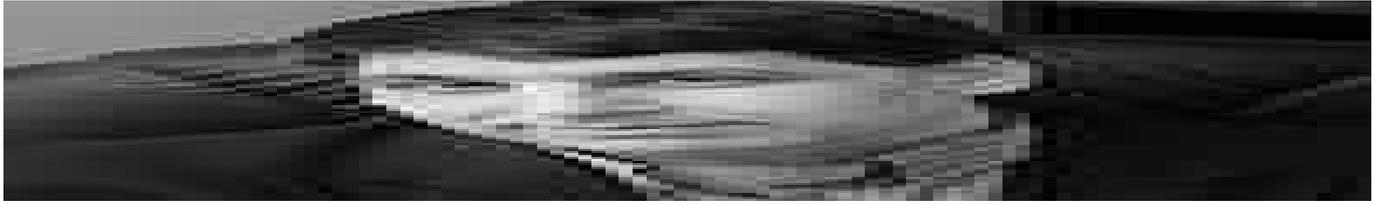
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