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European Principles and Canadian Practices: Developing Secular Contexts for Religious Diversity

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European Principles and Canadian Practices: Developing Secular Contexts for Religious Diversity

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Abstract

This essay examines, in turn, the realities of relations between church and state in three modern contexts: the United States, France, and Canada (with a focus on Québec). Each society is governed democratically and each has a diverse population. Each also protects the rights of religious conscience and private religious devotion. Yet each has resorted to a distinctive ideological foundation for managing and regulating the action of religion in public: liberalism in the United States, republicanism in France, and pragmatism in Canada. The procedural values that flow from these commitments are described briefly. This study then considers whether or not the Canadian pattern of locally negotiated accommodation to religion might meet the exigencies of social life in this age, and sustain individual rights more readily than any more sweeping alternative that is framed in formal legislation or forged in fierce litigation.

> . . . la réflexion sur l'interculturalisme a débordé les frontières du Québec. L'Europe est devenue un important foyer de recherche et d'expériences. Nous devons tirer profit de ces précieux apports pour enrichir notre compréhension de la diversité et revoir le traitement que nous en faisons.[1]
>
> -- Bouchard, *et al*. (2011)

Introduction

If one were to picture in one's mind the relationship between religions and societies in terms of spatial metaphors, a scenic city situated in a broad valley could represent the public realm. Citizens, for their part, could approach the city as drivers of automobiles, here

[1] In English, ". . . reflection on interculturalism has flowed beyond the boundaries of Québec. Europe has become an important source of inquiry and testing. We ought to take advantage of these invaluable contributions to enrich our own understanding of diversity and to revise the approach that we take to it." (*All translations from the original French are by the author, unless otherwise indicated)*

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standing for religious identities. In such an imaginary setting, French motorists could gaze upon the valley from a distant overlook, but would be required to park there and descend the mountainside on foot to stroll the sidewalks of the city as pedestrians. In contrast, Canadians could enter the city behind the wheel, but eventually they would need to park their cars in the nearest one of a small number of clearly designated lots positioned for practical convenience in different neighborhoods.

Americans, on the other hand, would enjoy the greatest freedom of movement. They could enter the city via multi-lane expressways and race along its stately avenues. When they chose, they could stop at points of interest and leave their vehicles at the curb – often with the engines still running. Yet their high speeds and sharp turns heighten the probability of vehicular collisions, and with it the need for vigilant control of traffic patterns throughout the city. People from all three nations, then, may drive safely and comfortably to the panoramic valley, but the conditions under which they would be able to navigate the city of imagination would vary considerably from case to case.

To state this comparison more literally, France has long depended upon a strict *republican* notion of citizenship (see Thériault 2010) to restrain and regulate the diversity of its population. According to this ideal, particularistic traits of individuals, like their personal religious commitments, are to be kept in a civic quarantine, apart from their public actions (Courtois 2010: 288; M. Milot 1998: 14–15). The United States, despite much historical language about the roiling of a "melting pot," is in fact somewhat more *liberal*, with less legally inscribed defensiveness about religious non-conformity to national norms. Indeed, the comparative sociologist José Casanova (2007: 67) has observed that, in American history, "collective religious identities have been one of the primary ways of structuring internal societal pluralism".

Even more permissive, it seems, is Canada, where a brand of instrumental *pragmatism* has operated historically and by habit to handle all manner of social differences (Christiano 2000, 2009, 2012: 142–145), including religious pluralism (Kraus 2012: 20–21). Meanwhile, in Québec, whose civil society in the past was almost wholly controlled by a single religious organization, the Roman Catholic Church, a previously unitary social vision has given way in reaction to calls for the adoption of a new system of deconfessionalization and secularity (*laïcit*) – from a tolerant, "open" mechanism (*la laïcité ouverte*) to a more rigid or demanding *laïcité à la française* (Koussens 2011b: 4; Lefebvre 2011: 12 and 20; Mancilla 2011; M. Milot 2010: 85).

This essay examines each of these realities briefly in turn, and then considers whether the Canadian pattern of locally negotiated accommodation to religion might meet the exigencies of postmodern social life and sustain individual rights more readily than any more sweeping alternative that is framed in formal legislation or forged in fierce litigation.

France: The Republican Prescription Re-Asserted

France may well furnish an example of Peter A. Kraus's contention (Kraus 2012: 16) that "Europe and the Europeans seem to lack innovative institutional responses to the challenges of 'complex' diversity". French constitutional thinking in particular expressly refuses to admit the possibility of division in the French nation, an entity that, according to the sociologist Jean-Paul Willaime (2005: 144), is "distinguished by its political heritage bent on centralization and homogenization . . ."

To be sure, current French law stipulates that "la République ne reconnait, ne salarie ni ne subventionne aucun culte" (quoted in Koussens 2008: 119, 2011a: 827).[2] Moreover, most students of *laïcité*, France's system of state-enforced secularism, locate its

[2] "The [French] Republic does not officially recognize, does not pay for, nor does it subsidize any religious group."

origins in the legislation from 1905 that separated church and state (Koussens 2008: 117, 2009, 2011a: 823–824), forever curtailing the earthly designs of the Catholic Church in that region of the world. Yet the philosophical underpinnings of *laïcité à la française* reach back in time to the period of the Enlightenment (Lefebvre 1998: 64, 2010: 84 and 94 [Note 25], 2011: 4; M. Milot 1998: 10–16).

The thinkers of the Enlightenment taught that the compass for human knowledge and behavior rested in the individual's endowment and exercise of reason. To them, individuals bore rights that did not come from the state, although the state was orchestrated to direct and defend them. Freedom, in turn, was a route to progress, and universalism was its technique. From this perspective, tenacious adherence to visible religious identities was deemed an affront to the dignity of the individual (M. Milot 1998: 16–17; Lefebvre 2011: 18; Thomas 2004) and a defeat for democratic values.

In 2003, President Jacques Chirac named Bernard Stasi, a civil servant, to head a commission of experts who would consider the meaning of *laïcité* in the French context. His hope was to receive recommendations that would provide the basis for new laws that would encourage the integration of immigrants to France and so contribute to the unity of the French nation. "La République est composée de citoyens; elle ne peut être segmenté en communautés", wrote the President in his *lettre de mission* to Stasi (quoted in Lefebvre 2011: 18).[3]

French law was more tolerant in the past (Barnett 2011: 12–13; Bosset 2004: 3–4, 2005; Thomas 2004: 9–13 and 25). Yet what has come to be referred to as "*communautarisme*" (Bosset 2004: 5; Koussens 2008: 125; Lefebvre 2011: 14) has arisen as a major challenge to French policy-makers (Baubérot 2005: 134; Thomas 2004: 20–22), who fear that the tight cohesion of ethnic communities and persistent loyalties along religious lines will reinforce exclusion and undermine the prospects for a shared future for all under the peacefully fluttering *tricolore*. The stern recommendations in the report of the Stasi commission (CRAPLR 2003), especially those dealing with schools, constituted, then, the assumption of a less relaxed official posture toward rising levels of diversity in French society.

One of the primary purposes of public education in France is to enable "a break from individual cultures", so transforming the classroom into "a veritable sanctuary of the universal, free of specificities" (Willaime 2005: 147). From the French emphasis on the obligations of citizenship in a secular nation, and on the role of state schools in France as the privileged points of transmission for the values of the model citizen (Baubérot 2005: 133; Koussens 2008: 119, 2009; Willaime 2005: 146), it follows that unchecked displays of religious commitment in public education lately are perceived to be a menace to the unity and order of French society (Thomas 2004). Thus, though there may be displeasure with passage of the law in 2004 that forbids "ostensible" displays of religious symbols,[4] there can be no surprise with a text that reads forcefully: "Dans les écoles, les collèges et les lycées publics, le port de signes ou tenues par lesquels les élèves manifestent ostensiblement une appartenance religieuse est interdit" (quoted in Woehrling 2007: 702).[5]

[3] "The [French] Republic is made up of citizens; it cannot be divided into communities."

[4] Loi encadrant, en application du principe de laïcité, le port de signes ou de tenues manifestant une appartenance religieuse dans les écoles, collèges et lycées publics (15 mars 2004).

[5] "In public elementary and secondary schools, wearing symbols or clothing by which students conspicuously display a religious affiliation is forbidden."

The United States: A Long and Languid Liberty

The opening sentence of the First Amendment to the United States Constitution pledges that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." Legal scholars refer to the first part of this sentence as "the Establishment Clause"; the latter part is called "the Free-Exercise Clause". Over time, courts have ruled that the prohibitions that once applied solely against the Congress today apply additionally, by the adoption of the Fourteenth Amendment, to the states.

The Establishment Clause has been interpreted to forbid not just the founding of a state church in America but to outlaw other forms of tangible aid to religious institutions, causes, and purposes. The Free-Exercise Clause, for its part, serves to draw the widest permissible boundaries around the practice of religion while protecting the right of any citizen to disregard religious affiliation and activity altogether. Although it would seem that the two First Amendment clauses are thus united in their role as preservers of religious liberty, they actually stand suspended in a state of constant tension (Kurland 1962).

For example, at what point does a concern for insuring that religious practice can proceed without undue legal impediments become in fact an unconstitutional occasion of establishment? On the other hand, at what point does the desire to avoid entangling church and state interpose legally insupportable obstacles between a believer and his or her devotional goals? The regular conflicts that result from this tension, and the qualitative distinctions that they evoke, are the reason why hardly a term of the United States Supreme Court transpires without one or more decisions about the proper interpretation of the First Amendment religion clauses.

The American ideal is a liberal one in that it largely seeks to banish regulation and regimentation from the personal affairs of naturally free individuals. The state bears the obligation of neutrality in matters of religion, but that expectation is actualized in everyday life as the responsibility of government to stay out of all religions equally. It is to have no legitimate role either in promoting or in limiting the religious pursuits of its people.

Canada: The Political Art of Adaptation

In the view of some political philosophers, Canada does not qualify as a conventional nation-state (Fossum and Poirier 2009: 14). One reason for suggesting this exception is Canada's "bi-" or "multi-national" composition: "two nations warring in the bosom of a single state", in the memorable phrase of Lord Durham (1963: 23), "a struggle not of principles but of races." With an embarrassment of competing nationalisms in Canada, however, there is not a single one to unify a usually placid people. A comparatively "thin" ideal of citizenship has as one of its consequences a relatively broader range of possibility for religious tolerance.

A second and not unrelated reason for casting Canada as atypical of longstanding polities is the emergence of the Canadian state not as a bold stroke of history but rather in a flurry of political compromise. Canadian constitutional interpretation proceeds immediately from the *Constitution Act, 1982*, which relies directly on the formative influence of Great Britain's *British North America* [BNA] *Act* of 1867. The *BNA Act* was a brokered document, and it openly bears the rips and ridges, the patches and seams of its contentious construction.

To cite but a couple of examples, the *BNA Act* recognized the special rights of linguistic minorities, and it promised for minority religions in five of the provinces the right of access to confessional or "separate" schooling that would be paid for with public funds (M. Milot 2005: 139; Stevenson 2010: 4–5 and 13; Woehrling 2007: 664–665 [Note 26]). "This form of accommodation" in Canada at the moment of the country's confederation, the legal scholar Benjamin L. Berger (2008: 249) explains, "recognized that the legitimacy

of a state met with the fact of internal cultural diversity depends, at least to some degree, on the extent to which it provides some room for cultural difference" (see also Berger 2008: 253). Therefore, to use the words of David Koussens (2008: 130), church-state law in Canada "promeut une séparation plus souple" ("promotes a more flexible separation") than in other nations.

Canada's 1982 *Constitution* contains an entrenched *Charter of Rights and Freedoms*, Section 2 of which guarantees "freedom of conscience and religion", a right that, according to a preceding passage (in Section 1), can be modified only through "reasonable limits prescribed by law" that "can be demonstrably justified in a free and democratic society." (In contrast to the United States, however, Canada possesses no constitutional element that is equivalent to the Establishment Clause.) Further, Section 27 of the *Charter* demands that all interpretations of constitutional rights be formulated in a manner in keeping with a respect for Canada's multicultural attributes. Thus, the attitude of the law toward religion in Canada stresses both the latitude of belief that exists organically in society and the virtue of its toleration:

> . . . le modèle juridique canadien à l'égard des religions n'est pas ce que les juristes considèrent comme un modèle laïc. Il s'agit plutôt d'une forme de tolérance pragmatique à l'égard des diverses confessions religieuses. . . . Le modèle canadien de gestion du religieux se situe ainsi au carrefour du discours constitutionnel autour des droits fondamentaux, du modèle de tolérance pragmatique à l'égard des minorités et de valorisation positive de la diversité. [Mancilla 2011: 791–792 and 793; see also Balthazar 1990; Courtois 2010: 292; Bosset 2004: 7–8][6]

To state the matter more tersely, "la culture canadienne est modelée par cette discrétion du religieux. . . . De manière générale, l'affirmation religieuse très vocale se heurte très vite, en terre canadienne, à cette culture de la discrétion" (Lefebvre 2010: 87).[7]

The most controversial method by which Canadian federal law exercises this discretion about religious custom is in the authorization of what it labels "reasonable accommodations" (in French, *les accommodements raisonnables*) to religion (Mancilla 2011: 793).[8] Reasonable accommodation is actually a concept that Canadian courts borrowed during the 1980s from American law on the rights of the disabled (Lefebvre 2011: 7); in Canada it has been invoked to cover aging, disability, pregnancy, and a host of other conditions (Bosset 2004: 9 [Note 47]). But it has been in its application to religion that it has undergone its most powerful challenges, both theoretical and practical, north of the border.

The proximate source of the law on reasonable accommodation in Canada is the Supreme Court's decision in the case of *O'Malley v. Simpson-Sears* (1985).[9] This suit arose

[6] ". . . the Canadian legal model with respect to religion is not what legal experts would deem a *laïc* model. Rather, it deals with a form of pragmatic tolerance in the face of diverse religious persuasions. . . . The Canadian model for managing religious affairs thus operates at the intersection of constitutional discussion about fundamental rights, of the model of pragmatic tolerance as applied to minorities, and of the positive value accorded to diversity."

[7] "Canadian culture is shaped by this discretion about religious matters. . . . Generally speaking, highly vocal religious claims, in Canadian settings, very quickly collide with this culture of discretion."

[8] The body of material on "reasonable accommodation" in Canadian law, some of it technical and other parts polemical, is large and growing. Sound overviews may be found in the works of, among others, McAndrew (2011), M. Milot (2011), Vaillancourt and Campos (2011–2012: 113–117), and Woehrling (2007: 667–675).With special reference to the case of Québec, see Bock-Côté (2009: 552–554), Bosset and Eid (2006: 3–11, 2007: 517–529), Courtois (2010), Koussens (2008, 2011b: 2–4), and J.-R. Milot (2009: 35–36).

[9] The full title of this case is *Ontario Human Rights Commission and Theresa O'Malley (Vincent) v. Simpson-Sears Limited* [1985] 2 S.C.R. 536.

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from the employment of Mrs. Theresa O'Malley, a devout Seventh-day Adventist, in the ladies' apparel department at a Sears store in Kingston, Ontario. As the name of their church implies, Adventists, unlike other Christians, honor Saturday (the seventh day of the week) as their Sabbath. Because of this conviction, Mrs. O'Malley requested that she be exempted from having to work on Saturdays as a routine aspect of her job. Because the store's policy was to assign hours on Saturdays (a peak time for retail sales) to all of its full-time employees, on a rotating basis and without exception, the management denied her request. As a result, Mrs. O'Malley was forced to move to a part-time status, with an attendant loss of pay and benefits.

The Supreme Court of Canada decided that the uniformly distributed requirement to work on Saturdays, while neutral on its face, was indirectly discriminatory, in that it hampered Mrs. O'Malley's freedom of religious practice, a right to which all are equally entitled (Bosset 2004: 8–9; Koussens 2008: 121–122; McAndrew 2011: 47; Woehrling 2007: 715–716). Drawing guidance from the federal (U. S.) *Civil Rights Act* (1964), the Court's members found that, to maintain equality, there was an affirmative duty for the employer

> [T]o take reasonable steps to accommodate the complainant, short of undue hardship: in other words, to take such steps as may be reasonable to accommodate without undue interference in the operation of the employer's business and without undue expense to the employer. [*O'Malley v. Simpson-Sears* (1985) 2 S.C.R. 555; see also Bosset and Eid 2006: 6–7, 2007: 522–523]

A salient appellate case that chronicles the policy of reasonable accommodation in action – and that ignited the ample fuel for controversy that accumulated at the roots of the practice – is *Multani v. Commission scolaire* (2006), addressing the so-called "*affaire du* kirpan" (Barber 2008: 260–261; Barnett 2001: 1 and 6–7; Bosset and Eid 2006: 7, 2007: 517–518; Courtois 2010: 297; Karmis 2006; Koussens 2008: 128–130, 2011b: 3; Seidle 2009; Stoker 2007; Vaillancourt and Campos 2011–2012: 118–119; Woehrling 2007: 704–708).[10] The *kirpan* case posed a fitting test for Canadian accommodation: the article itself is both symbolically positive (suggesting good reasons to defend it) and realistically threatening (suggesting sufficient reason to eradicate it). Yet it also presented a picture in which avenues for compromise were not difficult to discern.

Gurbaj Singh Multani was a twelve-year-old boy in La Salle, Québec, who, as an orthodox Sikh, conformed to the religious duty that each day he wear a *kirpan*. A *kirpan* is a blunt-tipped knife with a metal blade, normally about seven or eight inches in length, carried beneath the believer's clothing; to Sikhs it is supposed to symbolize religious virtue, not violence or battle. One day on the playground of the elementary school that Multani attended, his *kirpan* accidentally came dislodged and dropped to the ground. Administrators at his school noticed that he carried the dagger and asked simply that henceforth he secure it by having it sewn inside his clothes. Shortly thereafter, however, parents on the school board intervened and, for reasons of safety and good order in the institution, forbade him to bring the blade to school. The board ruled that the *kirpan* fell under its blanket ban ("*tolérance zéro*") of "weapons and dangerous objects" on school grounds.

Multani's father, acting on behalf of his faithful son, requested a reasonable accommodation under Canadian law. In response, the Québec Superior Court enumerated various precautions to disable the *kirpan*'s use as a weapon that the son would be asked to accept: to insert the blade into a wooden sheath, then to wrap the sheath in a cloth pocket

[10] *Multani v. Commission scolaire Marguerite-Bourgeoys* [2006] 1 S.C.R. 256, 2006 SCC 6. The full title of this case is *Balvir Singh Multani and Balvir Singh Multani, in his capacity as tutor to his minor son Gurbaj Singh Multani v. Commission scolaire Marguerite-Bourgeoys and Attorney General of Quebec*.

that was to be sewn shut and attached to a shoulder strap (making the knife difficult to extract), to wear this rigging at all times underneath his clothing, and to submit his compliance with these rules to inspection by school authorities. Multani consented, but the school board rejected the arrangement and the Court of Appeal sided with the board.

The Supreme Court of Canada, however, heard Multani's case. The Court concluded unanimously that the young student's freedom of religion had been violated by the ban on *kirpans*. Finding no evidence that a *kirpan* was ever brandished as an offensive weapon in schools, the Court ruled that, in this instance, the presence of the knife posed no significant threat to the safety of others, and hence its prohibition could not be justified.

Concurring with this decision, two of the justices (Judges Deschamps and Abella) went so far as to assert that the case itself did not belong in constitutional review but was better suited to an administrative law tribunal. The Supreme Court had already established the constitutionality of such accommodations, they argued; it was not its additional responsibility to pass on the reasonableness of each compromise. They thereby indicated a preference for confining the processing of accommodation applications to a lower – and presumably more localized – venue, where the standards to be applied would be more "microcosmic" and consequential than theoretical and "macrocosmic".

Québec: A Conflicted Case Within a Case

In Québec, until the middle of the twentieth century, the Roman Catholic Church dominated the public sphere with few genuine rivals. The Church and its religious servants were the supreme authorities – not only in the domain of theology or doctrine, but in marriage and the conduct of family life, in the provision of education and health care, and in social services, too (Rousseau 2012: 2). That period of church-state fusion (Lacombe 2009–2010) has largely passed (Christiano 2007), yet it has left behind a contradictory legacy. One part of this legacy extends official deference to, and support for, religious culture *as long as* it may be ideologically neutered through treatment as a form of *patrimoine* (heritage). (Religious culture thereby survives more in "culture" than in "cult" [Woehrling 2007: 691].) Combined with this program of preservation, though, is an impulse, part of a newer nationalism among Quebeckers, to embrace the more modern (and nominally secular) model for civil society that has prevailed across the Atlantic in Western Europe.

The government of Québec, under the rubrics of perpetuating the unique history and securing the cultural patrimony of its people (Peritz 2010), engages in numerous forms of sponsorship for religion that would be indefensible in the restrictive French context, or even in the more liberal American one: the teaching of religious ethics in the public schools (Bock-Côté 2009: 555–558; M. Milot 2005: 142–143, 2011: 51; Morris 2011); the expenditure of public funds on the restoration or renovation of churches and religious shrines (see, e.g., CPRQ 2011–2012; Radio-Canada 2010); the prominent display of religious symbolism in the *Salon bleu*, the main chamber of the provincial legislature (Gallichan 2008; Pelletier 1988; Rochefort 2008); and the recitation of denominational prayers before official meetings (Pellerin 1982; Rochefort 2008). As befits the heritage of Québec, the clear majority of these forms of governmental recognition benefit Christian, and especially Roman Catholic, institutions and practices. Indeed, although an advisory commission recommended the removal of the large crucifix that since 1936 has hung above the Speaker's Chair in the *Assemblée nationale*, the elected members of that body recently decided unanimously to retain it (M. Milot 2010: 86).

As Charles-Philippe Courtois (2010: 294) has written of diversity in Québec, "le modèle québécois met l'accent sur l'intégration à la culture nationale commune et donc à la nation québécoise, communauté politique unie par une langue, une mémoire, une volonté"

(see also Bosset and Eid 2006: 10–11).[11] Hence, in the aftermath of several high-profile developments such as the *kirpan* decision, politicians in Québec launched a number of governmental initiatives to fashion a tighter rein on acts of deference to cultural deviation. For instance, the Parti Québécois (PQ) called without success for the drafting of an original constitution for Québec that would enumerate the fundamental values of the society. The PQ likewise sought to frame a code of citizenship that would accomplish the same aim (Courtois 2010: 301; Labelle 2012: 3; Seidle 2009).

The government of the day in 2008 legislated a contract for new immigrants to Québec that would require each applicant for residency to endorse certain of its core principles, including the rule of law, free and democratic decision-making, the separation of religious and political powers, the equality of men and women, respect for others and for the general welfare, and the use of the French language in daily life (Bock-Côté 2009: 554–555 [Note 27]; Courtois 2010: 290; Labelle 2012: 4).

"Requiring newcomers to make this commitment sounds like a warning," charged the Québec sociologist Micheline Milot (2010: 86), in that it betrayed "an assumption that some immigrants might flout Quebec values in the name of their religion." Put differently, freedom of religion in Québec is sometimes "conçue non pas comme un bouclier qui protège mais comme une épée qui sert à revendiquer une plus grande occupation de l'espace public" ("conceived not as a shield that protects but as a weapon that is used to demand a greater share of the public space") (J.-R. Milot 2009: 34). Such feelings about laying down rules notwithstanding, "it can be argued", confesses the political scientist Garth Stevenson (2010: 11), "that Quebec's policy of making the rules explicit is more honest than the attempt in Anglophone Canada to pretend that there are no rules at all."

Most crucially, in early 2007 Québec Premier Jean Charest empanelled a commission to study practices of accommodation to situations of cultural diversity and to make recommendations for governmental policy. The commission was chaired by two of Québec's most famous public intellectuals: the historian and sociologist Gérard Bouchard, and the political and social philosopher Charles Taylor (CCPARDC 2008). In relatively short order, the pair embarked on a three-month-long tour that barnstormed the far-flung regions of Québec; in all, they convened twenty-two "citizens' forums", digested testimony – in two-to-five-minute morsels – from more than three thousand citizens, and collected in excess of five hundred written briefs from individuals and organizations with an interest in their work (Fossum and Poirier 2009: 19; Lefebvre 2011; Seidle 2009). Much of the public deliberation was sophisticated and serious, but it was regrettably marred by unintended spells of misunderstanding and uninvited spasms of hateful rhetoric.

The Bouchard-Taylor commission filed a learned and lucid final report in 2008 (CCPARDC 2008). Its patrons in the Charest government, once burned and now twice shy about such potentially explosive content, promptly shelved its recommendations. Within eighteen months of the release of the report, one of the co-chairs, Gérard Bouchard, was already showing displeasure with the manifest inaction. Bouchard warned that the Liberal Party government of Premier Charest was ignoring most of the recommendations that the report had made, and this neglect, though not a blow to his feelings, had placed Québec on a slippery slope toward the radicalization of public opinion against members of minority religions. This hardening of sentiment, he feared, "peut accentuer les tensions entre la majorité et les minorités, créer de l'exclusion et de la marginalisation" ("may exacerbate tensions between the majority and minorities and give rise to exclusion and marginalization") (Gruda 2009).

Bouchard's apprehensions about social attitudes in Québec had not subsided after another year and one-half. To these he only could add a further one-two punch of unwelcome developments: "a free-for-all where institutions twist the rules of secularism"

[11] "[T]he Québec model places emphasis on integration into the common national culture and hence into the Québec nation, a political community united by a single language, memory, and collective will."

and "a third scenario . . . an incoherent combination of different rules for Catholic traditions and other faiths" (Perreaux 2011; see also Bouchard, *et al*. 2011; and Gruda 2011).

The following year, deep in the course of the campaign that preceded the September election throughout Québec, the ultimate winner, the Parti Québécois, announced its intention to draft and pass *une charte québécoise de la laïcité* (Lebeuf 2012; M. Milot 2012; Rakobowchuk 2012). Echoing the trepidation in France over *communautarisme*, Pauline Marois, the leader of the PQ, claimed that the ideology of multiculturalism "invite les gens à vivre dans les ghettos" ("induces people to live in ghettos") (Lebeuf 2012: 1). She further accused the incumbent Parti Libéral of doing nothing to address popular tensions surrounding the "reasonable accommodation" of religious differences. For her part and her party's, Mme Marois vowed to deliver "des règles claires pour bien vivre ensemble" ("clear rules for living together comfortably") (PQ 2012).

The proposed charter, which would possess the force of law, would ban, among workers in the Québec public service, visible signs of religious attachment such as the Jewish *kippa* (or skullcap), the Muslim headscarf, and the Sikh turban. The document also would disallow the option of citizens to be served by a government employee of the same sex, and terminate the public recitation of prayers before the meetings and hearings of municipal councils around Québec. Mme Marois made no apology for the apparent harshness of some of these measures: "Nous sommes un des peuples les plus tolérants et les plus ouverts de la planète," she boasted of Quebeckers,

> Mais nous voulons que nos valeurs, comme l'égalité entre les femmes et les hommes, soient pleinement respectées par tous.
>
> Les Québécois sont ouverts et fiers d'accueillir des gens de partout dans le monde. Toutefois, nous tenons à conserver notre identité, notre langue, nos institutions et nos valeurs. [PQ 2012][12]

Jean Dorion, a Québec sociologist and former separatist member of the federal parliament in Canada, declared his unease with the plan for a *charte de la laïcité* in a post-election *cri de cœur* that was published as a newspaper column of opinion (Dorion 2012). Such a policy, he wrote, "divisera une société déjà trop divisée" ("will divide a society that is already too divided"). Not only is a *laïcité* initiative unnecessary, he argued, it risks returning Québec to an era when politicians made gains "sur le dos d'une minorité religieuse" ("on the back of a religious minority"). At that earlier time, the target was the Jehovah's Witnesses; now that minority, he contended, is the Muslim community of Québec. Dorion noted, for example, that when the PQ composed its slate of candidates for the 2007 provincial election, four of its nominees were Muslims; in 2012 none were. Of course, he conceded, "Les poulets ne votent pas pour le colonel Sanders" ("Chickens do not vote for Colonel Sanders")![13] About the PQ, he could only despair:

> Que dire en effet d'un parti qui vote le maintien d'un crucifix à l'Assemblée nationale mais prône en même temps l'interdiction de travailler dans les secteurs public et parapublic pour les simples citoyens qui arborent, à titre personnel, une signe religieux comme le foulard

[12] "We are one of the most tolerant and most open peoples on the planet. But we want everyone to abide fully by our values, like equality between women and men. Quebeckers are open and proud to welcome people from all over the world. Nevertheless, we are committed to preserving our identity, our language, our institutions and our values."

[13] "Colonel" Harland Sanders was the founder of Kentucky Fried Chicken, a multinational chain of restaurants that cook and serve meals whose main ingredient is chicken.

> islamique ou la kippa juive? Le crucifix ne m'empêche pas de dormir, la laïcité comme paravent de l'intolerance, oui.[14]

The action of the Québec government for decades has been simultaneously to thicken its notion of citizenship, adding philosophical substance to the national self-image, while loosening particularistic ties (such as those to religion) and controlling their appearances in public. In the future, what the civic and legal cultures of Québec face is a choice: whether to continue to insist that Quebeckers universally impress themselves upon a Procrustean bed of pre-determined "common" values, or whether they should in preference aspire to beckon all of Québec's citizens to participate in the collective creation of a wholly new structure of intergroup communication and cooperation whose contours have not yet been charted.

Lawfulness Without Legalism

With enough time and experience, scholars often come to think not only that their studies help to explain the very condition of humanity, but that their favorite academic issues and topics equally shape that condition. This temptation is especially strong in legal interpretation because the law does, after all, wield a degree of power to compel the actions of institutions and individuals. Nevertheless, when it comes to religion, the American sociologist Stanley Diamond is one to oppose the limited idea of law to the broad concept of custom: "customary behavior comprises precisely those aspects of social behavior which are traditional, moral, and religious, which are, in short, conventional and non-legal" (Diamond 1971: 44).

With that much said, Shauna Van Praagh is merely being realistic in addressing from a Canadian perspective what she terms "law's muted role" in society and its "crucial absence in everyday life" (Van Praagh 2001: 609 [Note 14] and 608). She perhaps states the obvious when she remarks of the Supreme Court of Canada that

> . . . the Court's pronouncements are not determinative of the way people interact with each other and organize their identities, affiliations, and relations. . . . The everyday lives of people and communities are governed by customs and regulation not within the direct ambit of Civil Codes, common law cases, or Charters. [Van Praagh 2001: 607]

The competing weight of a multitude of other factors ("country of origin, culture, history, language, faith, race, ethnicity, class, abilities, and sexual orientation") means that "the law is but one set of influences that direct our behaviour and relationships" (Van Praagh 2001: 608; also see Bosset and Eid 2006: 12–13 and 15; Thériault 2012: 75). This fact accounts in some measure for the fluid, negotiated, tentative, and indeed moderate quality of much Canadian legal reasoning about personal identities (Lefebvre 2010: 81 and 87). For, in Canada as around the world, as Diamond (1971: 48) quotes a Vietnamese proverb, "The customs of the village are stronger than the law of the emperor."

Rather than expect that constitutional law will act as an all-purpose explosive, to demolish barriers and to excavate spaces in a nation's common life for the recognition of distinct identities and the exercise of individual rights, Canada's jurisprudence seeks out the

[14] "What is there to say, indeed, about a party that votes to keep in place a crucifix in the *Assemblée nationale* but recommends at the same time banning from employment in the public and parapublic sectors private citizens who, in their personal capacity, wear a religious symbol like the Islamic headscarf or the Jewish *kippa* [skullcap]? The crucifix does not cause me to lose any sleep; *laïcité* acting as a screen for intolerance does."

natural niches and crevices that occur within any society and attempts to plant something useful in those places.

In the end, the design that is exemplified in the federal case law of Canada and in the decisions of subordinate administrative bodies offers a more flexible model for regulating religion in public spaces than those that prevail in other national contexts. As such, it is more attuned to the flight from general principles that characterizes social life in the postmodern period. It acknowledges historical tradition and cultural specificity at the same time that, prospectively, it seeks their adaptation to new circumstances. Canadian accommodation demonstrates a theoretical openness to, and a welcoming readiness for, the currently uncontemplated levels of pluralism to come. It incorporates, in addition, a respect for small-scale democracy and for cooperation in practice.

What the Canadian approach lacks, to be candid, is the simplicity that might reduce the management of complex diversity to a few explicitly codified and easily applied "rules of thumb.". More seriously, it lacks as well a strong textual backstop to remedy aberrant decisions without subsequent protracted legal process.

Instead, like the jury system in legal trials, resorting to the Canadian case law on accommodation assumes the commonality of common sense and depends on the good will of the good and bad alike. It values the delicacy of interpersonal dialogue and conciliation over the force of legal mandates (Lefebvre 2010: 92). It trusts citizens at the local level to respect others, even quite different others, and to honor the basic rights that they all share. It asks that people put themselves in others' places, and it requires those people, upon assumption of unaccustomed roles, to exhibit both reason and reasonableness. Invariably untidy, it nevertheless does not endeavor to compensate for disorder by worrying into existence a sterile social cohesion.

In this respect, the Canadian system is more an insistence on a profound civic hope than a guarantee against the abuse of governmental processes. With it, admittedly, there is much that can go wrong. But, then, the same could be said about the entirety of the democratic experiment in the West.

References

Balthazar, Louis. 1990. "La laïcisation tranquille du Québec." Pp. 31–42 in *La laïcité en Amérique du nord*, edited by Jacques Lemaire. Collection: "La pensée et les hommes," no. 14. Bruxelles [Belgique]: Les Éditions de l'Université de Bruxelles.

Barnett, Laura. 2011. "Freedom of Religion and Religious Symbols in the Public Sphere." *Background Paper*, Publication No. 2011-60-E. Ottawa: Parliamentary Information and Research Service, Library of Parliament.

Baubérot, Jean. 2005. "*Laïcité* and the Crisis of the Nation-State." Pp. 132–136 in *Canadian and French Perspectives on Diversity: Conference Proceedings (October 16, 2003)*, edited by Margaret Adsett, Caroline Mallandain, and Shannon Stettner. Ottawa: Minister of Public Works and Government Services Canada.

Berger, Benjamin L. 2008. "The Cultural Limits of Legal Tolerance." *The Canadian Journal of Law and Jurisprudence* 21 (July): 245–277.

Bock-Côté, Mathieu. 2009. "L'identité occidentale du Québec ou l'émergence d'une 'cultural war' à la québécoise." *Recherches sociographiques* 50 (septembre-décembre): 537–570.

Bosset, Pierre. 2004. "Le droit et la régulation de la diversité religieuse en France et au Québec: Une même problématique, deux approches." Catalogue no. 2.500.120, Commission des droits de la personne et des droits de la jeunesse. Québec: Gouvernement du Québec.

_____. 2005. “Le droit et la régulation de la diversité religieuse en France et au Québec: Une même problématique, deux approches.” Thème spécial: “La laïcité au Québec et en France.” *Bulletin d’histoire politique* 13 (3): 79–95.

Bosset, Pierre, and Paul Eid. 2006. “Droit et religion: De l’accommodement raisonnable à un dialogue internormatif?” Catalogue no. 2.500.127, Commission des droits de la personne et des droits de la jeunesse. Québec: Gouvernement du Québec.

_____. 2007. “Droit et religion: De l’accommodement raisonnable à un dialogue internormatif?” *Revue juridique Thémis* 41: 513–542.

Bouchard, Gérard, Céline Saint-Pierre, Geneviève Nootens, and François Fournier. 2011. “Après la commission Bouchard-Taylor: Relancer le débat sur l’interculturalisme.” *Le Devoir* [Montréal] (2 mars).

Casanova, José. 2007. “Immigration and the New Religious Pluralism: A European Union / United States Comparison.” Pp. 59–83 in *Democracy and the New Religious Pluralism*, edited by Thomas Banchoff. New York: Oxford University Press.

Christiano, Kevin J. 2000. “Church and State in Institutional Flux: Canada and the United States.” Pp. 69–89 in *Rethinking Church, State, and Modernity: Canada Between Europe and America*, edited by David Lyon and Marguerite Van Die. Toronto: University of Toronto Press.

_____. 2007. “The Trajectory of Catholicism in Twentieth-Century Quebec.” Pp. 21–61 in *The Church Confronts Modernity: Catholicism Since 1950 in the United States, Ireland, and Quebec*, edited by Leslie Woodcock Tentler. Washington, D.C.: Catholic University of America Press.

_____. 2009. “Personal Liberty, Social Difference, and the Dynamics of Devotion: Voluntary Religion and State Regulation in the United States and Canada.” Pp. 99–118 in *Religious Cultures -- Communities of Belief*, edited by Jürgen Gebhardt. Publications of the Bavarian American Academy, Volume 10. Heidelberg [Germany]: Universitätsverlag Winter.

_____. 2012. “Christianity in North America: Changes and Challenges in a Land of Promise.” Pp. 139–153 in *Introducing World Christianity*, edited by Charles E. Farhadian. Malden, Mass.: Blackwell Publishing.

Courtois, Charles-Philippe. 2010. “La nation québécoise et la crise des accommodements raisonnables: Bilan et perspectives.” *Revue internationale d’études canadiennes* 42: 283–306.

Diamond, Stanley. 1971. “The Rule of Law Versus the Order of Custom.” *Social Research* 38 (Spring): 42–72.

Dorion, Jean. 2012. “Charte de la laïcité: Quand un séparatiste se sépare.” *Le Devoir* [Montréal] (24 septembre).

Durham, John George Lambton, Earl of. 1963. *Lord Durham’s Report: An Abridgement of* Report on the Affairs of British North America *by Lord Durham* [1838], edited by Gerald M. Craig. Toronto: McClelland and Stewart Limited.

Fossum, John Erik, and Johanne Poirier. 2009. “The Ties That Bind ‘Post-National’ Polities Together: An Introduction.” Pp. 11–30 in *The Ties That Bind: Accommodating Diversity in Canada and the European Union*, edited by John Erik Fossum, Johanne Poirier, and Paul Magnette. Collection: “Études canadiennes.” Brussels [Belgium]: P.I.E. Peter Lang.

France. Commission de réflexion sur l’application du principe de laïcité dans la République [CRAPLR], Bernard Stasi, dir. 2003. *Rapport remis au Président de la République*.

Gallichan, Gilles. 2008. “La symbolique religieuse à l’Assemblée nationale.” *Cap-aux-Diamants: La revue historique du Québec* 94: 63–66.

Gruda, Agnès. 2009. “Le Québec sur une pente dangereuse.” *La Presse* [Montréal] (31 octobre).

_____. 2011. “Accommodements culturels: Gérard Bouchard revient à la charge.” *La Presse* [Montréal] (2 mars).

Karmis, Dimitrios. 2006. “Le ‘dissensus’ québécois: L’affaire du kirpan sous la loupe.” Pp. 138–145 in *Le Québec: En panne ou en marche?*, edited by Michel Venne and Miriam Fahmy. L’Annuaire du Québec, 2007. Montréal: L’Institut du Nouveau Monde et Les Éditions Fides.

Koussens, David. 2007–2008. “Le port de signes religieux dans les écoles québécoises et françaises: Accommodements (dé)raisonnables ou interdiction (dé)raisonnée?” Thème spécial: “La religion au Québec: Regards croisés sur une intrigue moderne.” *Globe: Revue internationale d’études québécoises* 10 (2) – 11 (1): 115–131.

_____. 2009. “Neutrality of the State and Regulation of Religious Symbols in Schools in Quebec and France.” Special Theme: “29th ISSR [International Society for the Sociology of Religion] Conference, Leipzig, Part II.” *Social Compass: International Review of Sociology of Religion* 56 (June): 202–213.

_____. 2011a. “La religion ‘saisie’ par le droit: Comment l’État laïque définit-il la religion au Québec et en France.” Thème spécial: “Catholicisme et laïcité au Québec.” *Recherches sociographiques* 52 (septembre-décembre): 811–832.

_____. 2011b. “Religious Diversity and the Divergence of Secular Trajectories: Comparing Secularization Practices in Quebec and France.” *EUI* [European University Institute, Florence] *Working Papers* (Max Weber Programme), No. MWP 2011 / 31. San Domenico di Fiesole [Italy]: European University Press.

Kraus, Peter A. 2012. “The Politics of Complex Diversity: A European Perspective.” *Ethnicities* 12 (February): 3–25.

Kurland, Philip B. 1962. *Religion and the Law: Of Church and State and the Supreme Court*. Chicago: Aldine Publishing Company.

Labelle, Micheline. 2012. “L’enjeu de la laïcité à la lumière du débat sur l’identité et le pluralisme culturel.” *Vivre ensemble* 19 (printemps): 1–6.

Lacombe, Sylvie. 2009–2010. “French Canada: The Rise and Decline of a ‘Church Nation.’“ *Québec Studies* 48 (Fall / Winter): 135–158.

Lebeuf, Sophie-Hélène. 2012. “Élections Québec 2012: Le PQ propose une charte de la laïcité.” *Radio-Canada.ca - Information régional - Québec* (14 août).

Lefebvre, Solange. 1998. “Origines et actualité de la laïcité: Lecture socio-théologique.” Thème spécial: “Autre regards sur la laïcité.” *Théologiques* 6 (1): 63–79.

_____. 2010. “Le Canada: Entre unité et diversité.” Pp. 81–99 in *Les religions sur le scène mondiale*, edited by Solange Lefebvre and Robert R. Crépeau. Sainte-Foy, Québec: Les Presses de l’Université Laval.

_____. 2011. “Immigration et religion, réflexion à l’usage des décideurs: Bilan de quatre commissions sur la diversité.” Unpublished paper. Montréal: Chaire de religion, culture et société, Faculté de théologie et de science des religions, Université de Montréal.

McAndrew, Marie. 2011. “Reasonable Accommodation: A Tool in the Development of Pluralist and Inclusive Schools.” *Canadian Issues / Thèmes canadiens* (Spring / printemps): 47–50.

Mancilla, Alma. 2011. “Religion dans l’espace public et régulation politique: Le parcours de la notion de laïcité dans le discours étatique québécois.” Thème spécial: “Catholicisme et laïcité au Québec.” *Recherches sociographiques* 52 (septembre-décembre): 789–810.

Milot, Jean-René. 2009. “Le paradoxe de la liberté de religion: Produire des effets discriminatoires pour un groupe en voulant protéger un individu contre la discrimination.” Pp. 29–37 in *Inégalités, racisme et discriminations: Regards critiques et considérations empiriques*, edited by Micheline Labelle and Frank W. Remiggi. Textes issu du symposium: “Les multiples dimensions des inégalités, du

racisme et des disciminations." Collection: "Les Cahiers de la CRIEC [Chaire de recherche en immigration, ethnicité et citoyenneté]," no. 33. Montréal: Université du Québec à Montréal.

Milot, Micheline. 1998. "La laïcité: Une façon de vivre ensemble." Thème spécial: "Autre regards sur la laïcité." *Théologiques* 6 (1): 9–28.

_____. 2005. "The School and Religious Diversity in Canada and Québec." Pp. 137–143 in *Canadian and French Perspectives on Diversity: Conference Proceedings (October 16, 2003)*, edited by Margaret Adsett, Caroline Mallandain, and Shannon Stettner. Ottawa: Minister of Public Works and Government Services Canada.

_____. 2010. "When Religion Disturbs: The Debate Over Secularism in Quebec." Special Theme: "Quebec Immigration and Diversity: Crossroads of Cultures, Engine of Economic Development." *Our Diverse Cities* 7 (Spring): 84–89.

_____. 2011. "Religious Accommodation in Schools: First and Foremost, Guaranteeing Universal Access to Education." *Canadian Issues / Thèmes canadiens* (Spring / printemps): 51–54.

_____. 2012. "La laïcité dans les programmes des partis politiques." Unpublished paper. Montréal: CEETUM [Centre d'études ethniques des universités montréalaises].

Morris, Ronald. 2011. "Quebec's Ethics and Religious Culture Program: Controversy, Content, and Orientations." *Canadian Issues / Thèmes canadiens* (Spring / printemps): 55–59.

Parti Québécois [PQ]. 2012. "S'affirmer: Pauline Marois s'engage à adopter des règles claires pour encadrer les accommodements raisonnables." *Communiqué* (14 août).

Pellerin, Maurice. 1982. "La lecture des prières au Parlement." *Bulletin de la Bibliothèque de l'Assemblée nationale du Québec* 12 (décembre): 1–22.

Pelletier, Jean-Guy. 1988. "Le crucifix à l'Assemblée nationale." *Bulletin de la Bibliothèque de l'Assemblée nationale* [Québec] (novembre): 7–8.

Peritz, Ingrid. 2010. "As Churches Crumble, Communities Fear Loss of Heritage." Series: "The Future of Faith, Part 3." *The Globe and Mail* [Toronto] (December 13).

Perreaux, Les. 2011. "Quebec Headed Toward 'Radical Option' on Religious Minorities, Sociologist Fears." *The Globe and Mail* [Toronto] (March 3).

Québec. Commission de consultation sur les pratiques d'accommodement reliées aux différences culturelles [CCPARDC], Gérard Bouchard and Charles Taylor, dirs. 2008. *Fonder l'avenir: Le temps de la reconciliation*. Québec: Les Publications du Québec.

Québec. Conseil du patrimoine religieux du Québec [CPRQ]. 2011–2012. *Nos églises: Un patrimoine à convertir*. Québec: Les Éditions Continuité.

Radio-Canada. 2010. "Patrimoine religieux: Québec investit près de 20 millions." *Radio-Canada.ca - Information régional - Québec* (5 octobre).

Rakobowchuk, Peter. 2012. "Charte sur la laïcité: Le PQ pourrait défier la Cour suprême, dit Lisée." *La Presse* [Montréal] (16 août).

Rochefort, Martin. 2008. "L'introduction de la prière et du crucifix à l'Assemblée nationale du Québec." *Bulletin de la Bibliothèque de l'Assemblée nationale du Québec* 37 (automne): 18–23.

Rousseau, Louis. 2012. "La laïcité québécoise en régime de religiosité culturelle." *Vivre ensemble* 19 (printemps): 1–5.

Seidle, F. Leslie. 2009. "Testing the Limits of Minority Accommodation in Quebec: The Bouchard-Taylor Commission." Pp. 77–104 in *The Ties That Bind: Accommodating Diversity in Canada and the European Union*, edited by John Erik Fossum, Johanne Poirier, and Paul Magnette. Collection: "Études canadiennes." Brussels [Belgium]: P.I.E. Peter Lang.

Stevenson, Garth. 2010. "Contrasting Images: 'Multiculturalism' as Conceptualized in Canada and the United States." Paper presented at the Annual Meeting of the Canadian Political Science Association, Montréal (June 3).

Stoker, Valerie. 2007. "Zero Tolerance? Sikh Swords, School Safety, and Secularism in Québec." *Journal of the American Academy of Religion* 75 (December): 814–839.

Thériault, Joseph Yvon. 2010. "Entre républicanisme et multiculturalisme: La Commission Bouchard-Taylor, une synthèse ratée." Pp. 143–155 in *La diversité québécoise en débat: Bouchard, Taylor et les autres*, edited by Bernard Gagnon. Collection: "Débats," no. 18. Montréal: Les Éditions Québec Amérique.

_____. 2012. "Universality and Particularity in the National Question in Quebec." Pp. 69–86 in *Rooted Cosmopolitanism: Canada and the World*, edited by Will Kymlicka and Kathryn Walker. Vancouver: University of British Columbia Press.

Thomas, Elaine R. 2004. "France's Renewed Reaction to the 'Islamic Headscarf': The Role of the Republican Model of Citizenship in Shaping French Public Responses to New Social Actors." Document de travail no. 2004–04, Chaire de Recherche du Canada en MCD [Mondialisation, Citoyenneté et Démocratie]. Montréal: Université du Québec à Montréal.

Vaillancourt, Jean-Guy, and Élisabeth Campos. 2011–2012. "The Regulation of Religious Diversity in Québec." Special Theme: "Religion in Québec." *Québec Studies* 52 (Fall / Winter): 111–121.

Van Praagh, Shauna. 2001. "Identity's Importance: Reflections of -- and on -- Diversity." *The Canadian Bar Review* 80 (March - June): 605–619.

Willaime, Jean-Paul. 2005. "Education and Religious Diversity in France." Pp. 144–148 in *Canadian and French Perspectives on Diversity: Conference Proceedings (October 16, 2003)*, edited by Margaret Adsett, Caroline Mallandain, and Shannon Stettner. Ottawa: Minister of Public Works and Government Services Canada.

Woehrling, José. 2007. "La place de la religion dans les écoles publiques du Québec." *Revue juridique Thémis* 41: 651–719.