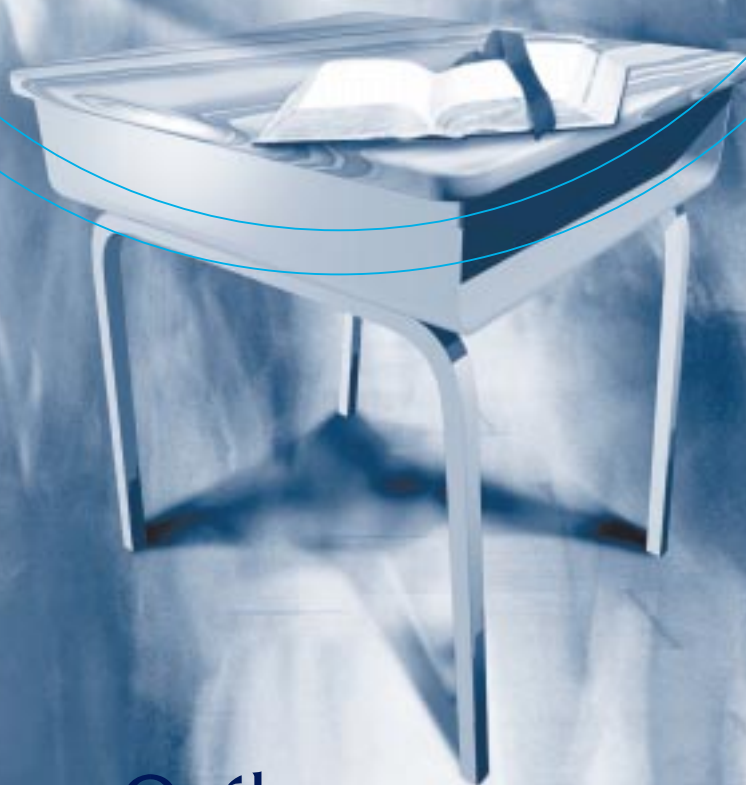


Religion in Secular Schools:

**A New Perspective
for Québec**



Québec 

© Gouvernement du Québec
Ministère de l'Éducation, 1999 — 98-2003

ISBN 2-550-34293-3

Dépôt légal — Bibliothèque nationale du Québec, 1999

A Note to Readers

This abridged version of the report produced by the Task Force on the Place of Religion in Schools in Québec basically contains the same elements as the unabridged version. The general introduction, chapters 8 and 9, and the conclusion are reproduced here in full. Chapters 1 to 3 and 4 to 7 were summarized and are presented here as two chapters, under the same headings as those used in the long version for the first two parts of the report, namely “The Issues” and “Parameters of the Debate.”

This abridged version of the report thus provides readers with the essential data on which the Task Force based its deliberations, and with the full rationale for its conclusions and recommendations.

Foreword

This report is timely since Québec schools are now in the midst of the education reform which followed the 1996 Estates General on Education.

Parents and students, as well as teachers, principals and other stakeholders, are most directly concerned by the issue of religion in schools and by the debate surrounding it. However, the issue is of interest to Québec society as a whole, since the values taught in our schools are a reflection of both the shared and the divergent values of citizens.

The Task Force was composed of eight people, some working in schools, others in universities or elsewhere, some living in Montréal, others elsewhere in the province. Some have a religious affiliation, others none at all. Most were born in Québec, but a few come from other provinces or countries.

We began by looking at the complex issue before us through the prism of our different views in order to understand all of its historical, political, legal, sociological, cultural and educational aspects. The first part of our work therefore involved extensive study, the result of which is presented here, in a well-documented discussion of the place of religion in schools. Although this discussion is not exhaustive, it does provide what is probably the single, most wide-ranging overview of the situation in Québec.

We then deliberated, and finally came to the unanimous conclusion that the time has come to define the place of religion in our schools from a new perspective. This new perspective provides for open, secular schools that would draw on the common values of citizens and include the study of both religious and secular world views. It recognizes the spiritual dimension of individuals and allows schools to offer common spiritual and religious services if they wish to do so. It also provides that schools may, outside school hours and in keeping with their priorities, make facilities available to religious groups that wish to offer services to their members.

The debate is open. It is now up to Quebecers to decide the place of religion in our schools.

Jean-Pierre Proulx
Chair

Table of Contents

GENERAL INTRODUCTION	1
I. Context	1
II. Task Force Mandate	7
III. Task Force Work Schedule and Research Plan	9
CHAPTER 1 – THE ISSUE	13
I. Religion in Schools Today	13
II. Demographic, Social and Cultural Considerations	14
III. The Issues to Be Resolved	15
CHAPTER 2 – PARAMETERS OF THE DEBATE	19
I. Principles and Objectives of the State with Respect to Religion in Schools	19
II. Fundamental Rights and Parental Rights	20
III. Québec’s Policy with Respect to Cultural Diversity, Social Integration and Equality	22
IV. Social Expectations with Respect to Religion in Schools	23
CHAPTER 3 – FUNDAMENTAL CHOICE BETWEEN EQUAL RIGHTS AND DENOMINATIONAL PRIVILEGES	31
I. Arguments for Equal Rights	32
II. Arguments for Denominational Rights and Privileges	34
III. Use of the Notwithstanding Clauses	35

CHAPTER 4 – OPTIONS	39
I. Parameters	39
II. Scenarios	41
A. The Status of Schools	41
Scenario 1: Secular schools and Catholic or Protestant denominational schools	41
Scenario 2: Secular schools and separate denominational schools for all religions	45
Scenario 3: Secular schools for all	49
Scenario 4: “Specific-project” schools	54
B. Religious Instruction	57
Scenario 1: Religious instruction in each denomination and the study of religions from a cultural perspective	60
Scenario 2: The study of religions from a cultural perspective	64
Scenario 3: No religious instruction of any kind	70
C. Pastoral or Religious Animation	72
Scenario 1: Religious support services for each denomination	74
Scenario 2: Common religious and spiritual support services	75
Scenario 3: No state-subsidized religious support services	79
D. Other Considerations	80
E. Institutional Consequences of the Proposed Changes	82
F. Public Debate	82

CONCLUSIONS AND RECOMMENDATIONS	85
REFERENCES	89
APPENDIX 1: MANDATE OF THE TASK FORCE	95
APPENDIX 2: TASK FORCE MEMBERS	97
APPENDIX 3: LIST OF STUDIES	99

General Introduction

The question of denominational versus secular schools, first raised in the early 1960s (Élie et al. 1961; Morel et al. 1962), has yet to be resolved some 40 years later. In fact, its importance as a subject of social debate is probably greater now than ever before. The 1997 amendments to section 93 of the Constitution Act, 1867 and the transformation, in July 1998, of Québec's denominational school boards into linguistic school boards has done nothing to bring the discussion to a close; rather, the debate on the place of religion in schools has now been revived.

This is the context in which our Task Force was established in October 1997, by then Education Minister Pauline Marois. She gave the Task Force a general mandate to examine the place of religion in schools, to define appropriate guidelines and to propose methods for their implementation. In order to understand the underlying rationale of the mandate, the context in which it was given must be analyzed; we will then define its scope and explain the steps taken to bring it to a successful conclusion.

I. Context

The context in which our mandate was defined has its roots in both the recent and the distant past: recent, because it was a direct offshoot of the Estates General on Education, held in 1995-96; distant, because the Estates General recommendations were themselves influenced by several significant events in the history of denominational schooling in Québec.

Background. Two major events have marked the history of denominational schooling in Québec major in that both constituted a radical break with tradition. The first was the creation of the Ministère de l'Éducation in 1964. Since 1875, the education system had been under the responsibility of the Catholic Church, on the one hand, and the Anglo-Protestant community, on the other. As the Government took charge of education, it left the religious denominations a certain number of powers relating to religion in schools. The second, more recent, event was the amendment, in December 1997, of section 93 of the Constitution Act, 1867. The amendment repealed the denominational rights and privileges enjoyed by the Catholic and Protestant communities under the Act, and made way for the replacement, on July 1, 1998, of "Catholic" and "Protestant" denominational school boards by French and English boards. The shift brought, in its wake, another change of major importance: all the statutes of Québec and all provisions relating to religion in schools became subject to the constitutional rules set out in the Canadian Charter of Rights and Freedoms.

Between these two milestone events in 1964 and 1997, the denominational landscape was also affected by other important changes that, as we will see, have a bearing on our mandate. First, the 1967 adoption of the first regulations to be made by the Catholic

- 1 The Conseil supérieur was established in 1964, at the same time as Québec's Ministère de l'Éducation, and the Catholic Committee and Protestant Committee were placed under its administrative authority.
- 2 This Act (Bill 3 of 1984) was struck down in its entirety in June 1985, on constitutional grounds, and was never applied.
- 3 Unless otherwise indicated, quotations in this report from the Education Act are taken from chapter I-13.3 of the Revised Statutes of Québec, which incorporates the 1997 amendments (Bill 109 and Bill 180).

Committee and Protestant Committee of the Conseil supérieur de l'éducation (superior council of education),¹ which defined the general basis on which each body would “recognize” a school as Catholic or Protestant, following an application made by the school itself. This mechanism was set in place in response to a requirement that the denominational character of schools be preserved—a requirement put forward in 1963 by the Assemblée épiscopale de la province civile de Québec (assembly of Québec bishops), during the negotiations between Church and state surrounding the creation of the Ministère de l'Éducation (Roy 1983).

Surprisingly, though, not a single school had applied for recognition by 1974. Acting on its own initiative, as provided for by law, the Catholic Committee decided to grant legal recognition to all the schools under the authority of the “Catholic” school boards as Catholic schools. At the time, it explained its action by the fact that the schools were generally considered to be Catholic schools and were perceived as such by the general public, that the episcopate still considered them to be Catholic schools, and that the Government itself had always been aware of the denominational nature of public schools. Nevertheless, all new schools established after 1974 were required to take action if they wished to obtain recognition from the Catholic Committee. The Protestant Committee, meanwhile, had always granted recognition on its own initiative and continued to do so until 1988.

For the most part, the system established in 1967 is still in force. It received formal approval in 1984 under the Act respecting public elementary and secondary education,² in response to a request from the Catholic episcopate that the school system should make provision “for schools officially recognized as Catholic schools, wherever a majority of parents in a given community requests such schools” (Assemblée des évêques du Québec [assembly of Québec bishops] 1982, 8). The Education Act of 1987 (Bill 107)³ confirmed this legal framework.

Since 1974, most new schools established by the Catholic school boards have applied for and obtained Catholic status, in each case based on the majority rule. Only a few schools have elected not to apply for denominational status (Proulx 1994), and only in 1996 did four schools in the Sainte-Croix school board on the Island of Montréal apply for and obtain revocation of their Catholic status, conferred automatically in 1974. In Montréal and Québec City, the 1981 decision of the Superior Court in the Notre-Dame-des-Neiges case (Durand, Durand, Proulx, Proulx 1980) imposed a constitutional freeze on the denominational status of schools in those cities, which was relaxed only 16 years later when the constitutional amendment mentioned above was passed.

Two other events must also be mentioned in connection with religious instruction. The first is the 1975 adoption of the Québec Charter of Human Rights and Freedoms which recognized that “[P]arents or the persons acting in their stead have a right to require that, in the public educational establishments, their children receive a religious or

moral education in conformity with their convictions, within the framework of the curricula provided for by law.”⁴ The second, actually an extension of the first, is the inclusion in the Act respecting public elementary and secondary education of 1984 (Bill 3), later confirmed in Bill 107 of 1987 which became the Education Act, of the right of parents to choose that their children receive Catholic or Protestant religious instruction, or non-denominational moral education, regardless of the public school attended and regardless of its denominational status, if any.

Of course, these changes were not introduced without public debates of varying intensity. Most of the discussion was tied to the question of language and, through language, to the question of national identity. Religion and language have long been, and clearly will long remain, two important structural values in Québec society, although their relative importance varies over time. From the publication of the final volume of the Royal Commission of Inquiry on Education (Parent Commission) report in April 1966 to 1997, the main change to occur was the restructuring of the education system and the creation of linguistic school boards, which actually set the two values in opposition to each other (Proulx 1997a). The transformation was inextricably linked to the outcome of the discussions on section 93 of the Constitution Act, 1867, and the issues were simultaneously denominational, since they involved the status of schools in Montréal and Québec City, and linguistic, since the English-speaking community, or at least its Protestant segment, saw the process as a means of guaranteeing control over its own schools.

Since the early 1960s, the whole education question has also been coloured by another issue—that of secularization. From 1960 to 1970, the Mouvement laïque de langue française (French-language lay movement) was the primary force behind this trend; it suspended its action at the end of the decade once it considered its position vindicated by the recommendations of the Parent Commission (1966; Rochon 1971). Its main proposal was the creation of non-denominational schools to exist side by side with Catholic and Protestant schools grouped under secular school boards in the same territory. Its militant energies were to find a new outlet in national and language-related issues until the adoption of the Charter of the French Language in 1977.

The 1975 adoption of the Québec Charter of Human Rights and Freedoms followed, in 1982, by that of the Canadian Charter of Rights and Freedoms, provided a new basis for the demands of the supporters of non-denominational schools: both Charters gave freedom of conscience and religion the status of fundamental, universal social values, together with the equality of all before the law. Québec’s Commission des droits de la personne (human rights commission) took action on several occasions (1979, 1983, 1988, 1994, 1995, 1997), in particular during parliamentary debates on new education legislation, to make the Government aware of the possible threats to freedom of conscience, freedom of religion, or equality contained in certain legislative provisions dealing with denominational schools.

5 Louis-Albert Vachon, president of the Assemblée des évêques du Québec, to Camille Laurin, Minister of Education, February 20, 1984.

6 Both the Canadian Charter of Rights and Freedoms and the Québec Charter of Human Rights and Freedoms contain provisions allowing other legislation to override a Charter provision, providing the override is expressly indicated in the subordinate legislation. An override of the Canadian Charter is valid only for the period fixed in the legislation, which may not exceed five years. Unless renewed, it lapses at the end of this period. An override of the Québec Charter remains in force until repealed by another piece of legislation. A provision to override the application of a Charter is known as a "notwithstanding clause," because it is generally introduced by the word "notwithstanding" More loosely, the term "notwithstanding clause" is sometimes used to refer to the Charter provision that originally allows for derogation.

7 Jean-Guy Bissonnette, chair of the Catholic Committee, to Claude Ryan, Minister of Education, November 11, 1986.

8 It is important not to confuse the Mouvement laïque québécois with the Mouvement laïque de langue française which imploded in 1969. The MLQ emerged in the early 1980s from the transformation of a group fighting for recognition of the right of parents to withdraw their children from Catholic religious instruction.

At the request of the Assemblée des évêques du Québec,⁵ the 1984 Parti Québécois government decided to preserve the privileges of the Catholic and Protestant communities by including a notwithstanding clause⁶ in the Act respecting public elementary and secondary education (Bill 3) in order to override the provisions of the Québec Charter of Human Rights and Freedoms. Following this, subsequent Liberal governments asked the National Assembly, this time at the request of the Catholic Committee⁷, to introduce notwithstanding clauses into the main education legislation in order to override the Québec and Canadian Charters beginning in 1986. These clauses were re-enacted in 1989 and 1994. The current notwithstanding clauses under the Canadian Charter of Rights and Freedoms will expire in July 1999, since they can remain in force only for a five-year period, whereas the clauses to override the Québec Charter will remain in force until explicitly revoked.

In recent years, demands for non-denominational schools have come from two quarters: first, from groups such as the Mouvement laïque québécois (Québec lay movement)⁸ whose struggle is based on the ideology of secularized schools, and second, from groups whose arguments are based on the fundamental human rights granted under the two Charters. In short, Québec is now home to a social movement supporting a lay, secular approach to education, opposed by another social movement supporting denominational schools. Inevitably, some of the focus is also on the degree to which these movements can be considered to be representative, and on their ability to rally public opinion.

If, as we have seen, the debate on denominational schools is a debate based on principles, it is also a debate about the relevance of religion in schools. The range of religions represented today in Montréal's schools, and the obvious secularization of Québec society, have elicited varying opinions. On the one side are those who wonder why public schools should remain denominational when other major public institutions such as hospitals, social services, unions, credit unions and even colleges jettisoned their denominational ties in the early 1960s. On the other, are those who reply that a majority of parents still back both denominational schools and religious instruction for their children, thus showing a preference that must be respected. The controversy extends to striving for a social consensus on the place of religion in schools. The last few years have seen a public opinion battle in which surveys and polls have become a major weapon.

Current status. It should come as no surprise that many of these issues were discussed during the 1995-96 Estates General on Education. The Commission that directed the work of the Estates General clearly identified the different value systems underlying the positions of the denominational and secular camps (Commission for the Estates General on Education 1996a). Finally, its majority decision was to "continue moving toward a non-confessional education system" (Commission for the Estates General on Education 1996b, 53), on the basis that it constituted a "social choice" that could no longer be postponed. This

9 P. Cauchon, "Confessionnalité et enseignement privé. Deux consensus impossibles à dégager, constate Bisailon." *Le Devoir* newspaper, May 24, 1996. The supporters of denominational schools reacted to the position of the Commission by quoting from a quantitative assessment prepared by the Direction de l'enseignement catholique of the Ministère de l'Éducation in 1996, based on the briefs submitted to the Commission. According to this assessment, only 22 percent of the briefs that discussed the question of denominational schools were in favour of secularization. This statistic had a major impact and was widely used to illustrate the anti-democratic nature of the Estates General recommendation.

decision took into account the "cultural and democratic evolution of Québec society," characterized as "a pluralistic, secular society" (p. 49). Ultimately, though, the Commission opted for the secularization of schooling on the basis of two fundamental principles: equality before the law and non-discrimination, since ". . . to maintain schools that are both confessional and all-inclusive, we must go against the Québec Charter of Human Rights and Freedoms, which means, to an extent, subjecting the values of some citizens to the majority choice of others. Even if discreet, such an application of the confessional educational project, once included in the Education Act, is potentially discriminatory" (p. 50).

The Commission made the four following recommendations:

- Transform confessional school boards into linguistic school boards.
- Undertake action to have section 93 of the Canadian Constitution repealed with a view to abolishing existing confessional structures and mechanisms.
- Encourage groups currently holding confessional guarantees to introduce mechanisms that will enable all Christian education to be dispensed in places more appropriate than the schools.
- Reinforce values and civic education as well as knowledge of the religious phenomenon from a cultural viewpoint, and provide civic support services. (p. 82)

These recommendations, especially the last two, led to a heated controversy and debate about the presumed support they enjoyed among the general public. In fact, the Commission, observing the distinct lack of consensus and the basic opposition between the two main positions, had simply decided to take a stance. The supporters of denominational schooling stated that public opinion, on the contrary, leaned heavily toward the continuation of denominational schools.⁹

The Government decided to implement the first two recommendations, with the result that section 93 of the Constitution Act, 1867 no longer applies in Québec and that school boards are now organized along linguistic lines. That was the extent of its response. On March 26, 1997, then Education Minister Pauline Marois presented a ministerial statement in the National Assembly on how to deal with the range of religious expectations found in schools, at the same time as a motion to revoke section 93 of the Constitution Act, 1867 was being debated by the same Assembly. It is important to recall the main elements of the statement here, since this was also the statement that led to the creation of our Task Force. The Minister's statement essentially set out the guidelines and measures that the Government would propose in order to meet the various demands of the population in connection with religious and moral education in the public school system. There were three main guidelines.

First, all expectations and demands were to be addressed from the point of view of creating an open, pluralistic society. According to the Minister, this created an obligation to respect individual students' free choice or free refusal of the religious phenomenon and, consequently, an obligation to ensure freedom of conscience for each individual, even a single individual differing from the majority. This did not mean, however, that schools had to altogether dismiss the religious phenomenon. Schools were to remain open and able to recognize, regardless of specific convictions and from a critical point of view, the contribution made by the different religions in terms of culture, values and humanism.

Second, all expectations and demands were to be addressed by implementing change progressively. The approach proposed by the Minister was pragmatic. She emphasized that many problems that seem insurmountable in principle become surmountable as soon as we look at the facts with realism and good will.

Third, all expectations and demands were to be addressed in keeping with Québec's history and culture. All humanist and religious options were to receive equal consideration, but nevertheless, the Minister stated that Christian tradition, both Catholic and Protestant, has had and will continue to have a strong influence on Québec's architecture, place names, culture and society. In the Minister's view, it was possible to recognize this historical and cultural fact without resorting to exclusion or discrimination, while remaining aware of the contribution made by new cultures and other religious groups. She stated that the objective would be to facilitate the adaptation of all students to the symbolic references for Québec and North America.

Pauline Marois announced that:

- school boards would no longer be denominational;
- the denominational status of individual schools would be maintained while new, linguistic school boards were set up, and that a general review of denominational status would take place two years hence;
- there would be freedom of choice between religious instruction and moral education, in accordance with section 41 of the Québec Charter of Human Rights and Freedoms that provides for “children receiving a religious or moral education in conformity with their [parents'] convictions, within the framework of the curricula provided for by law.” Similarly, freedom of choice would also apply to pastoral and religious animation.

Finally, the Minister asked whether it would not be relevant for all students to receive instruction on religion as a phenomenon, courses on world religions integrating all the major traditions, and courses on the history of religions. To answer these questions, she announced her intention to set up a task force to study all issues relating to

the place of religion in schools and to submit its report to the National Assembly's Standing Committee on Education, which could then extend the debate to include all groups with an interest in the issues.

This, then, is the context in which our Task Force came into being. It is important to note, however, that the situation already has a future dimension because of the existence of two statutory deadlines that will affect, first, the Government of Québec, and second, all schools in Québec.

The first deadline will occur at the end of June 1999, the date of expiry of the notwithstanding clauses of the education legislation which override the Canadian Charter of Rights and Freedoms in order to preserve the denominational rights and privileges of Catholics and Protestants. The Government will find itself in a novel situation. Previously, the notwithstanding clauses were always extended within a constitutional framework that, through section 93, protected the rights and privileges of Catholics and Protestants. The clause acted as a natural continuation of the provisions that protected the other rights and privileges granted under general Québec legislation. This will no longer be the case in July 1999. If the Government extends the notwithstanding clauses, it will have to provide new, credible reasons, in both moral and political terms, for continuing to grant priority to the rights and privileges of Catholics and Protestants over fundamental freedoms and the right to equality. This question, as we will see later, is at the very core of the Task Force's concerns.

The second deadline, for schools, was set by the then Education Minister Pauline Marois in April 1997 and was later confirmed by an amendment to the Education Act. Each linguistic school board must, before July 1, 2001, consult the governing board of each school currently recognized as Catholic or Protestant, and all the parents concerned, on the advisability of maintaining the school's status. The school board may then apply to the Catholic or Protestant Committee for the withdrawal of recognition, and will be required to do so "where the governing board so requests" (Education Act, ss. 218 and 520). It is important to note that this 2001 deadline is also an element in the debate, since it shows that denominational and secular status are both equally valid options, and that the final decision will be left to each school concerned. This question will, of course, be examined extensively in this report.

II. Task Force Mandate

Before discussing how the Task Force decided to interpret its mandate, we will examine the mandate itself.

The general mandate of the Task Force is to examine the place of religion in schools, to define relevant guidelines and to propose methods for their implementation. More specifically, the Task Force shall:

1. identify the issues regarding the place of religion in schools, both as regards its status and the educational services it involves, with a particular focus on the evolution of Québec society subsequent to the work of the Parent Commission (1966) in the same area;
2. determine the principles, objectives and approaches that should guide the state in defining the place of religion in schools and, where appropriate, indicate those it recommends. In this connection, the Task Force shall
 - a) present a critical inventory of the various possible relationships between the state and the different denominations with respect to education;
 - b) clarify the relationship between fundamental human rights and the right of parents to make decisions concerning the religious instruction of their children;
 - c) clarify the expectations of parents in terms of religious instruction, and the expectations of other closely involved groups such as teachers and principals;
 - d) take into consideration the fundamental social choices previously made in Québec in the cultural arena as expressed, in particular, in the preamble to the Charter of the French Language, and Québec's immigration policy;
 - e) take into consideration the points of view expressed by representatives of the main religious denominations and the groups supporting a secular approach to education;
3. with the authorization of the Minister, conduct research required for the execution of its mandate.

The Task Force shall submit its report to the Minister in the fall of 1998.

Three comments are in order here.

First, we considered that our first duty was to execute our mandate as citizens, regardless of any ties linking the individual members of the Task Force to particular religious denominations. This does not mean, however, that the ties were ignored; in fact, in many cases they allowed us, through the diversified store of understanding, experience and awareness to which they gave access, to better understand the realities we were examining, and thus to enrich the work of the Task Force. Seen in this light, religious affiliation was a factor similar in effect to professional experience, social and cultural background and geographic identity.

Second, we were guided in our mandate by a desire to seek the common good; this did not prevent us from taking special interests into account, since the common good is not a pure abstraction but the end result of a process of reconciliation and, sometimes, arbitration of the various points of view found within a democratic society.

Finally, since our mandate was conferred by the state, we examined the question of religion, and of religion in schools, with all the neutrality that it is fitting for the state to adopt in such circumstances. Neutrality, though, does not mean indifference; as we will see later in this report, the Task Force considered the question of neutrality very carefully when it examined whether or not the state, as such, has a role to play in the religious education of the citizens it represents.

Democratic process. It should be recalled that our mandate was but one part of a broader democratic process, the main stages of which were set out by the then Minister of Education in her ministerial statement of March 26, 1997. The Task Force report was to be referred to the National Assembly's Standing Committee on Education, which could decide to hear all the groups with an interest in the issue. This commitment was repeated on the following October 8 in the press release announcing the creation of the Task Force. The political decision makers, hopefully enlightened by our report, will then be able to bring to its final conclusion a debate that is in actual fact a debate on society, given that some of the fundamental aspects of the education system are at stake.

This democratic process should normally lead to a vote in the National Assembly which, in an ideal situation, will reflect the unanimous wishes of the population or, at the very least, a broad consensus. In most cases, however, the vote will convey the values of the majority in the form of an acceptable compromise. Our work takes place before the vote; we hope simply to help fuel public debate. Democracy cannot be reduced to a vote, and even less to a percentage in an opinion poll, however carefully circumscribed; a vote can be cast for the wrong reasons, and an opinion, even a majority opinion, can be wrong. The quality of a deliberation process and of the decision it leads to can be measured by the actual, visible willingness of all participants in the debate, even those whose points of view are diametrically opposed, to base their arguments on reason. This is why we will attempt to provide clear justification for each of our conclusions.

III. Task Force Work Schedule and Research Plan

Our mandate provided the basis for the definition of our work schedule and research plan. The requirement to determine the principles, objectives and approaches that should guide the state in defining the place of religion in schools indicated the need to refer to political philosophy to better understand the fundamental issues raised by the relationship between Church and state. It is important to mention here that for the state no dogmatic answer exists, or will ever exist, to the

10 This study has been undertaken in a separate research report, published as an appendix to this report: S. Nadeau, *Le Discours de l'État québécois sur la place de la religion à l'école, 1966-1997*. Ministère de l'Éducation, Task Force on the Place of Religion in Schools in Québec, 1998 [Study No. 3].

question posed. The answer can come only from a closely argued, rational and critical deliberation, that is neither evasive nor relativistic. In the end, however, the state, faced with rational but contradictory positions, will have to make a final decision and justify its choices. Our task is to make recommendations to the state and to justify them.

We are also enjoined to pay particular attention to the evolution of Québec society subsequent to the work of the Parent Commission. We have already, in this introduction, touched on certain events and issues connected with the evolution of Québec society. We believe that it is important for the state to take into account the positions defined by its authorized representatives in the field of education, in other words the various ministers responsible for the Ministère de l'Éducation since 1964. Almost all Québec's education ministers have, in the wake of particular events, been required to make decisions involving the relationship between Church and state in connection with denominational schools. In so doing, they have stated convictions and developed arguments that allow the principles, values and norms that guide them to be traced over time. The Task Force has studied their speeches in order to highlight examples of continuity and change, and to allow future political decision makers to define a position in light of that of their predecessors.¹⁰

Furthermore, debates about education and religion fall within the framework provided by law. The mandate of the Task Force requires it to clarify the relationship between fundamental human rights and the rights of parents to make decisions concerning the religious education of their children. This is a central question because of the pivotal importance in public life acquired by the Charters of both Québec and Canada. The deadline for the expiry of certain notwithstanding clauses at the end of June 1999 makes it crucial to examine this issue, since the clauses will soon cease to have effect. The Task Force commissioned legal experts from both the French-language and English-language university communities to elucidate the relationship between fundamental human rights and parental rights. Since Québec operates under the same constitutional framework as the other provinces of Canada, we also considered it appropriate to examine the situation of religion in schools under other provincial legislation.

In a democratic society, the role of the state is to meet the legitimate aspirations of the population, which is why we made it our duty to conduct public consultations. However, we were asked specifically to ascertain the aspirations of parents, on the one hand, and the providers of educational services, such as teachers and principals, on the other. In recent years, both groups have expressed their opinion through various channels, in particular during the Estates General process and the debate on the amendments to be made to the Constitution Act, 1867. However, we decided that they should be able to express their views directly, as part of a process centred on the place of religion in schools. By doing so, we wanted to highlight the points of convergence and divergence in the expectations of two groups that, as underlined by the adoption of Bill 180

- 11 Latent functions are the functions attributed to schools that are not explicit or officially recognized by the state or by society, but that are seen as real by at least one group of individuals.

in the National Assembly in the fall of 1997, are key players in the school system. This was achieved by asking their representative bodies to submit written opinions. Similarly, we undertook a wide-ranging sociological survey, in quantitative form, of a broad representative sample of Catholic and Protestant parents, parents belonging to other religions, and parents with no religious affiliation. The same survey covered teachers and principals working in French and English schools, both Catholic and Protestant.

Nothing in our mandate required us to consult students, but the Task Force nevertheless considered it appropriate to consult them by surveying a sample of student councils at the secondary level. Under the law, students are authorized to form associations to express their opinions and even, in the second cycle of secondary education, to take part in meetings of the governing board. It would have been discourteous to ignore them.

For obvious reasons, the Task Force was required by then Education Minister Pauline Marois to take into consideration the points of view expressed by various religious denominations, and of other groups supporting a secular approach to education, so we sought the opinion of the most representative bodies in each instance. Most of the groups, at least the most prominent, responded to our request, and so we were able to work with a clear vision of the respective points of view.

The school system is but one element in a much larger social system and, through its explicit and sometimes latent¹¹ functions (Miffen and Miffen 1982), constitutes a link with other important elements in society. This is why the Task Force was specifically asked to take into consideration the fundamental social choices previously made in Québec in the cultural arena as expressed, in particular, in the preamble to the Charter of the French Language, and Québec's immigration policy. The Education Act, as amended in 1997, explicitly assigns schools the mission of socialization (in addition to providing instruction and qualifications), or in other words, of promoting behaviour that is acceptable in their culture or society (as defined in the Collins Cobuild Dictionary). Social relationships within Québec society already function on the basis of shared values, goals and standards, some of which are fixed while others are still under discussion. In the 1990s, the focus has been on the social relationship between new immigrants and the host society, but it has subsequently broadened to include intercultural relationships, as illustrated by the new names of the government department and council that oversee such matters, the Ministère des Relations avec les citoyens et de l'Immigration (the ministry of relations with the citizens and immigration) and the Conseil des relations interculturelles (the council for intercultural relations). Now, more than ever before, social relationships are influenced by certain determining factors in each individual's religious affiliation or secular world view.

The Task Force decided to examine closely the political choices that have already been made, as well as the opinions of

the organizations that advise the Government on social policy, which, as we will see, have also studied within their field of specialization the impact of religious diversity in schools. The Task Force could not fail to take into account the choices already made by the National Assembly or the Government, or the briefs issued by the organizations concerned, which, after all, receive their mandate from the National Assembly and issue briefs only after in-depth public consultation and lengthy deliberations.

After reading the submissions made by various groups in the social arena, we were struck by the importance assigned by several groups to fundamental rights, especially in connection with freedom of religion, freedom of conscience and the issue of equality. As stated above, we focussed on the legal aspects of the relationship between fundamental rights and parental rights. We also studied the briefs issued by the Commission des droits de la personne, which holds a mandate from the National Assembly to “promote and uphold . . . the principles enunciated in this Charter” (that is, the Québec Charter of Human Rights and Freedoms).

Finally, the then Education Minister specifically asked the Task Force to examine the relevance of introducing a course on the study of religions, and we asked a committee of experts to examine the issue in detail.

Summary

Our first observation is that the mandate of the Task Force is clearly the latest episode in a debate that stretches back to the time of the Parent Commission. The Commission for the Estates General on Education gave the debate a new impetus in 1996 when it recommended a radical secularization of the school system. The repeal of the constitutional privileges of Catholics and Protestants in late December 1997 and the abolition of denominational school boards then refocussed the debate on the situation at the school level. The debate has now polarized around two major positions, one based on the rights and freedoms of individuals, and the other on the rights of parents.

Our Task Force was established by then Education Minister Pauline Marois to shed light on these issues. We have since undertaken a series of studies and consultations, in the hope that our report will fuel a democratic debate that will begin and grow in 1999 in the spirit of true social debate. The following pages contain a report of our work.

Chapter 1

THE ISSUE

Before examining some of the issues raised by the place of religion in public schools, it is important to briefly examine the situation as it exists today. The current situation is the outcome of a process of change begun in the mid-1960s, after the reform which followed the proceedings of the Royal Commission of Inquiry on Education (Parent Commission). Since schools are part of society, it is also necessary to analyze the social context in which they have evolved.

I. Religion in Schools Today

The place of religion in schools today is defined by a complex set of legislative and regulatory provisions, but essentially by the Education Act, the basic school regulations made under this Act, and the regulations of the Catholic Committee and Protestant Committee of the Conseil supérieur de l'éducation.

Since 1974, the great majority of public schools in Québec have been recognized either as Catholic by the Catholic Committee or as Protestant by the Protestant Committee. A number of schools have no denominational status because they never applied for such a status after they were set up. Schools are therefore non-denominational by default, as it were. However, a few schools that were recognized as Catholic applied for and were granted withdrawal of their denominational status.

Regardless of whether or not a school holds a denominational status, students have the right to receive Catholic religious instruction, Protestant religious instruction or non-denominational moral education, according to their choice. A school may also offer instruction in another denomination at the request of parents, but the school board is not bound to grant such requests. Catholic students are entitled to pastoral animation services and Protestant students to religious animation services, while students of other denominations are not entitled to any such services.

The actual legislative provisions are practically identical for Catholics and Protestants, and are designed to ensure that students have access to denominational schools, religious instruction and pastoral or religious animation. However, the approach taken by the Catholic Committee and the Protestant Committee, as revealed in the regulatory provisions they have adopted and, especially, the program content they propose for religious instruction, show major differences. The Catholic Committee has sought to reconcile Catholicism and public schools by basing its educational project on a Christian humanist approach whose Catholic origins are clearly identified and named, and that is thus a denominational program. It also indicates that religious instruction should propose, but not impose, Christian faith and tradition to allow young people to grow as human beings. The Protestant Committee proposes a vision of secular schools, Protestant in name only but inspired by a philosophy based on the humanist values of Protestant tradition, and religious animation services partly inspired by the Bible, but with no doctrinal references to Protestantism and open to the different world religions.

II. Demographic, Social and Cultural Considerations

An examination of the place of religion in schools necessarily involves looking at how the demographic, social and cultural context in which schools operate has changed.

Demographic realities. Several important trends are revealed by an analysis of the demographic data. First, over 86 percent of Québec's total population considers itself Catholic. The proportion of Catholics in the population, although greater than 30 years ago, has dropped by 2 percent since 1981. The Protestant community, despite losing many of its members since 1961, is still the largest religious minority. Numbers in the Jewish community have fallen slightly, whereas the Orthodox, Eastern religious and Islamic communities have grown considerably. The strongest growth, however, is in the number of people who declare no religious affiliation, which has increased by a factor of 3.4 in 20 years; their total number is now almost 264 000. The religious minorities are concentrated, in proportions ranging from two thirds of their number or more, on the Island of Montréal and its off-island suburbs. As a consequence, the proportion of Catholics is smaller on the Island of Montréal, where they form only 69 percent of the population, compared to 90 percent or more elsewhere in Québec.

The general demographic situation is obviously reflected in schools. Almost 84 percent of the members of the school population declare themselves to be Catholic; 185 000 students belong to religious and non-religious minorities, including 48 800 Protestants, 95 700 students belonging to other religions and 41 100 with no religious affiliation.

Private schools, where the student population is still Catholic in the majority, contain a greater proportion of non-Catholic and, in particular, Jewish students when compared to the public schools.

In the public system, almost 90 percent of the student population served by the French school boards is Catholic, whereas the dominant characteristic of the English school boards is pluralism—no single religious group is in the majority, although Catholic students form the largest group with almost 40 percent of the student population. The English-speaking community is concentrated in the Montréal region and western Québec, the geographical area in which pluralism is the most in evidence.

The demographic data reveals a clear division between the Montréal region and the rest of Québec, especially in the French sector. The three French school boards on the Island of Montréal are, themselves, responsible for 47 percent of the non-Catholic students in the entire French sector, and together with the French boards in Laval and Montérégie, for almost 69 percent of the non-Catholic students. In other

words, the student populations served by the remaining French school boards in Québec are predominantly Catholic.

Sociocultural realities. Besides the demographic realities, there are also the sociocultural realities of modern-day Québec which, over the last 40 years, has been undergoing a process of secularization. The process has affected not just the way society is organized but also its culture, especially in connection with morality, the family, and the value of authority, which were previously governed by religion. Religion has not disappeared, but its influence is now largely confined to the purely religious sphere.

The various Christian Churches have been transformed from within as they have absorbed the values of modernity. Religion has become more of a personal than a group experience, as reflected in the data on religious attendance. Certain rites have remained popular, but mainly to mark major events in the life of the family—the Church is no longer in a position to dictate the moral attitudes of a majority of individuals. Similarly, the points of reference provided by religion are being used again in ways that often differ markedly from official doctrine.

In addition to the variety of religious affiliations declared for census purposes, another form of pluralism can be observed within each religious denomination. This trend has been noticeable in Québec Catholicism for many years. Although a minority of individuals within the population still “embrace” Catholicism, a majority merely “relate” to it; the range of possible “relations” is broad, and can include an amalgam of religion and national identity, as in former times. This type of pluralism is found throughout Québec, but once again the region of Montréal is the area in which the greatest variety within the major religious traditions is concentrated.

The various forms of pluralism obviously require a response from the school system; however, schools as institutions have tended to remain less pluralistic than society as a whole.

III. The Issues to Be Resolved

The current social debate on the place of religion in schools is complex, since the many issues to be resolved are often of different orders.

First come the fundamental questions, those that touch on underlying social structures and the relationship between Church and state. Should the state remain neutral, or should it base its approach on the tradition or culture of the majority to promote one or more religions? Then there is the question of who owns schools: civil society? the citizens? the state? Opinion in Québec is divided on these questions. Although there is general agreement on the fact that schools must target the full development of the human personality, it is not clear whether this

includes a religious dimension and, if it does, whether this should necessarily be transmitted via denominational religious instruction. There is also recognition for the socialization that takes place in schools but, once again, it is not clear whether this should be transmitted via specific religious traditions, in particular the Judaeo-Christian tradition that, for historical and demographic reasons, is the dominant tradition in Québec, or rather via the shared values that underlie our democratic society.

Our society is also based on human rights and freedoms. We will therefore have to choose between a continuation of the system in which the rights and privileges of the Catholic and Protestant traditions take precedence, in the religious instruction dispensed in schools, over freedom of conscience, freedom of religion, and the right to equality. It will be necessary to clarify, once and for all, the relationship between human rights and the right of parents to choose religious instruction for their children in keeping with their beliefs.

Recently, a growing awareness of the pluralism and diversity of Québec society has led to the emergence of a social objective that, although not new, has taken on a new dimension: that of reinforcing the social cohesion of all Quebecers, whatever their origin. Are denominational schools the best means of achieving this objective, or should secular schools be promoted?

Furthermore, what are the actual social expectations of the religious majority, and of the various religious minorities, with respect to religion in schools? What is the significance of the disparity observed between the wishes of parents and those of other partners in the school community, especially teachers and principals?

In terms of the actual organizational arrangement available, a series of issues arise within the current system. For example, the existing mechanisms give the Catholic majority a virtual monopoly on deciding the status of a school. The terminology and orientations of religious instruction are hopelessly confused; Protestant religious instruction is described as non-denominational, while Catholic religious instruction has adopted a humanist approach but nevertheless remains denominational. The choices offered between moral education and denominational religious instruction leave a significant number of students, especially in Catholic schools, without any kind of religious instruction. The system also has the potential to marginalize students who, in contrast to most of their class, opt for moral education. Finally, there is something paradoxical in the fact that students are introduced to other religions by religious instruction programs that are supposedly Catholic or Protestant. Pastoral or religious animation services do not seem to create any particular difficulties, except for the fact that they are officially made available to only Catholic and Protestant students.

The main partners in Québec's school community, the students and staff, have been exposed, especially in the Montréal area, to a diversity of traditions and customs that have in some cases led to increased levels of tension. The need for a reasonable level of accommodation has not necessarily been fully accepted in all schools. Similarly, a large number of elementary school teachers who, as part of their homeroom duties, are required to teach denominational religious instruction feel uncomfortable with this task, a fact not reflected in the small percentage who officially ask to be exempted on grounds of freedom of conscience.

These are, in brief, the questions, issues and problems that the Task Force attempted to analyze and better understand in order to find the most appropriate solutions wherever possible.

Chapter 2

PARAMETERS OF THE DEBATE

The issues surrounding the place of religion in public schools are difficult and complex. They relate to several dimensions of our social and educational system. In its attempt to resolve these issues, the Task Force chose to examine them in terms of four aspects which, in its opinion, constitute the main elements or parameters of the debate.

The first parameter is tied to political and educational philosophy on the role of the state with regard to religion. Since we live in a society under the rule of law and since the state itself is subject to the constitutional or quasi-constitutional norms set out in the Canadian and Québec Charters, there is no getting around the legal aspect. The second parameter has to do with parental rights, which are often cited in the debate on the place of religion in public schools. The third is connected to the general cultural and social policies adopted by Québec, which have an impact on schools. Schools should, in principle, work toward the goals stated in these policies or at least be organized in such a manner as to be consistent with them. The fourth and last is related to the fact that the school stakeholders—parents, teachers and school professionals—have expectations with respect to religion in school, as do groups and organizations in civil society. A democratic state must take all of these expectations into account and strive to meet them as fully as possible.

I. Principles and Objectives of the State with Respect to Religion in Schools

First and foremost, we agree that public schools must contribute (in partnership with parents and the community) to the development of young people as whole persons, and not just as future citizens. However, this must be done in a context where all citizens and their choices are considered to be fundamentally equal. This involves accepting the constraints imposed by neutrality. The contribution of public schools to the development of young people must be consistent with the normative constraint imposed by the fundamental interest of citizens in a democratic state to ensure that the democracy survives and flourishes from generation to generation. It is for this reason that the state has a responsibility and a specific interest in education if it wishes to uphold the right of children to become competent citizens.

Children are future citizens. In this capacity, they have a fundamental interest in being prepared for life in a pluralistic, liberal democratic context. In addition to the skills and general knowledge that are not specific to liberal democracy, we have discussed the importance of autonomy, which can be developed only if young people are able to assimilate, as fully as possible, the resources offered by their culture, and the critical capacities that will enable them to evaluate those resources. These critical tools will also enable them to take part in a democratic debate on questions of public interest, and to evaluate the proposals and arguments put forward by the individuals and parties seeking their votes during elections. It will also be necessary to cultivate an openness to culture or at least cultural tolerance and the ability to appreciate differences. At the same time,

schools must help instil in young people a sense of belonging to the community. As regards the development of the whole person, the state must, subject to its duty of neutrality and within the limits imposed by the common good, facilitate the organization of public schools within which the diversity of conceptions related to the development of the whole child can be expressed.

From this standpoint, religion may have a place in schools, as a contribution to the development of the child as a whole person, provided it is organized in a way that is consistent with the principle that all citizens are fundamentally equal, and provided it promotes the attainment of the goals identified as necessary for educating citizens and forging the social bond.

The Task Force therefore subscribes to the following principles:

1. Québec is a liberal democracy that must, in all areas, uphold the principle of fundamental equality of all citizens.
2. Any Québec state policy on the question of religion in schools must be subject to the requirement of egalitarian neutrality.
3. Schools fall under the shared responsibility of parents, civil society and the state. This partnership aims to provide all children with a well-rounded and high-quality education.
4. Children have fundamental interests with respect to education that must be guaranteed by the state. These fundamental interests, in addition to the development of general cognitive skills, are generally translated into the right of children to be properly prepared for their lives as citizens in a liberal democracy. This type of education must include the development of personal autonomy and critical thinking, the capacity to reason, tolerance, an openness to diversity and a sense of belonging to the community.
5. Religion may have a place in schools, as a contribution to the development of the child as a whole person, provided its teaching is organized in a way that is consistent with the principle of fundamental equality of all citizens, and provided it promotes the attainment of the goals identified as necessary for educating citizens and forging the social bond.

II. Fundamental Rights and Parental Rights

The Canadian Charter of Rights and Freedoms, the Québec Charter of Human Rights and Freedoms and the international instruments applicable in Canada establish the fundamental rules of law governing the place of religion in schools. All these texts guarantee freedom of conscience and religion and the right for all individuals to exercise that freedom equally. Legal provisions must not violate freedom

of conscience and religion, nor may they discriminate against one religion in favour of another. The state has a duty to remain neutral on religious issues.

However, in the opinion of the legal scholars the Task Force consulted,¹ the existing legislation is definitely discriminatory, in terms of both the status of schools and the provision of religious instruction and pastoral or religious animation, since it grants rights and privileges to the Catholic and Protestant denominations only. The same applies to the rights and privileges observed in the higher-level educational structures. The legislation is legitimate only because of the notwithstanding provisions in the Canadian and Québec Charters.

With respect to freedom of conscience and religion, the Catholic denominational status of schools is more problematic than the Protestant status, in that the former includes Catholic values and beliefs in the educational project, whereas the latter does not, at least not in all cases. It would also be necessary to examine the facts of each case, to see if an individual school's status violates freedom of religion. For the time being, this is not possible, precisely because the notwithstanding clauses prevent the people whose rights may be infringed from challenging denominational status. One thing is certain: granting Catholic or Protestant status to a school constitutes a denial, at the symbolic level, of the identity of the other religions. This will or may place undue pressure on students to conform to a given religious model, and may cause the members of other religions to feel marginalized.

The system of options in religious instruction discriminates in favour of Catholics and Protestants, and is therefore, of itself, contrary to the two Charters. In addition, it is likely, depending on the circumstances, to generate the same kind of marginalization as the system of exemptions, and would hence violate freedom of conscience and religion. Both Canadian and international jurisprudence considers non-denominational religious instruction to be valid because it is respectful of freedom of conscience and religion.

A further aim of the Task Force was to clarify the relation between fundamental rights and parental rights. Supreme Court jurisprudence indirectly establishes the right of parents to choose private schools for their children. This right is derived from the right to freedom of religion. Parents are not entitled to state funding for private education, but if the state does elect to subsidize private schools, it must do so without discrimination.

As for section 41 of the Québec Charter, which grants parents the right to demand religious instruction in accordance with their convictions, it is not legally binding for the legislator, although it can be used to interpret ordinary legislation. When combined with section 10, it can also be used as a basis for contesting discriminatory legislation—and hence the current legislation—in Québec, unless the existing notwithstanding

- 1 Sonia Pratte, *La place de la religion dans les écoles publiques des provinces anglo-canadiennes*, Rapport de recherche, Québec, Ministère de l'Éducation, Task Force on the Place of Religion in Schools in Québec, 1998 [Study No. 4]. William J. Smith and William F. Foster, *Balancing Rights and Values: The Place of Religion in Québec Schools*, Montréal, McGill University, Office of Research on Educational Policy (OREP); Québec, Ministère de l'Éducation, Task Force on the Place of Religion in Schools in Québec, 1998 [Study No. 5]. José Woehrling, *Étude sur le rapport entre les droits fondamentaux de la personne et les droits des parents en matière d'éducation religieuse*, Québec, Ministère de l'Éducation, Task Force on the Place of Religion in Schools in Québec, 1998 [Study No. 6].

clauses are maintained. Even if it does not, itself, have the same scope as the sections of the Charter guaranteeing fundamental rights, it nevertheless constitutes a moral and official commitment by the state. It would probably be sufficient to justify legal recourse if religious instruction were to be withdrawn altogether.

International instruments grant the right to private education, but not the right to subsidies. As far as religious instruction is concerned, the right granted has been interpreted negatively—in other words, children must not be subjected to religious instruction that is not in conformity with their beliefs or those of their parents. However, international law does allow denominational religious instruction, provided there is a system of exemptions or a non-discriminatory system of options.

Finally, an analysis of current legislation in the rest of Canada revealed the existence of three main models: a completely secular system (Prince Edward Island, New Brunswick and British Columbia), a constitutional right to non-denominational religious education (Newfoundland), and constitutional recognition of denominational rights (Ontario, Nova Scotia, Alberta, Saskatchewan and Manitoba), based on different guidelines for denominational and non-denominational religious education.

The legal scholars consulted for the purposes of this study felt that a secular system respectful of the right to private education would satisfy the demands of both domestic and international law. The same would apply to courses on the study of religions from a cultural perspective. If the denominational path is chosen, the system must be egalitarian in terms of both schools and teaching, and must be respectful of both those with and those without religious affiliations. The possibility of enforcing this respect will depend on concrete circumstances.

III. Québec's Policy with Respect to Cultural Diversity, Social Integration and Equality

Québec has already made a certain number of cultural and social choices that impact upon the mission of its schools. This is the case in particular for its 1990 policy statement on immigration and social integration, in the document entitled *Let's Build Québec Together*. The policy statement has served as a basis for an ongoing process of reflection, and has been a major source of reference for many Québec boards and advisory bodies. The same applies to the 1975 Charter of Human Rights and Freedoms, which has provided Québec society with the foundations of the common civic space that its citizens are building together.

These policies have been mirrored in the mission of schools as places of learning and socialization around shared values, and hence as places of social cohesion. At the same time, they are reflected in the vision of schools as places for sharing Québec's common heritage. It is within this framework that the question of the religious

traditions of Quebecers is raised. Two opposing trends have appeared, not with respect to the objective, on which a consensus has been reached, but with respect to the means. The state's principal "secular" advisory bodies favour courses on the study of religions. The Catholic Committee of the Conseil supérieur de l'éducation feels that Catholic schools adequately fulfil their mission of social and cultural integration, in particular because they are based on a "significant part of our historical memory." Similarly, the Protestant Committee rejects the idea of courses on the study of religions in place of religious instruction, because it is convinced that the latter goes further "along the road of education about values" than what is proposed.

The Québec immigration policy is based on the principle of integration in a society defined as pluralistic, with due respect for the fundamental democratic values that form its basis. In this respect, the state's principal "secular" advisory bodies generally feel that the current denominational system is an obstacle to this policy, since it is based on recognition of the rights and privileges granted to the Catholic and Protestant denominations alone. The Catholic Committee of the Conseil supérieur de l'éducation does not agree with this view, and feels that Catholic schools, due to the values and openness of their educational project, have proved their worth in the immigrant integration process. It proposes institutional diversity as a means of satisfying the demands of the other religious traditions. The Protestant Committee also believes that Québec, thanks to its Judaeo-Christian heritage, is welcoming as a society toward its immigrants.

The Commission des droits de la personne has said on several occasions that the education laws are not respectful of human rights and individual equality, since they grant privileges only to Catholics and Protestants. In the Commission's view, denominational schools may violate the freedom of conscience and religion of non-Catholics. The Catholic Committee agrees that the system infringes the principle of equality, but believes the infringement is justified on the grounds of equity, given the preponderant place of Christian tradition in shaping the history and society of Québec. On the other hand, it objects to the idea that Catholic schools actually violate the freedom of conscience and religion of their students, given the steps that have been taken to ensure that this freedom is respected.

Finally, Québec's social integration policy is also based on the principle of respect for special characteristics, especially in religious matters. In the school community, this principle translates into the right to reasonable accommodation. Any accommodation granted must not, however, call into question fundamental human rights.

IV. Social Expectations with Respect to Religion in Schools

Part of our task was to clarify the expectations of the main partners in the school community, especially parents, teachers and principals, and also the points of view of the main religious

- 2 M. Milot and J-P. Proulx, *Les attentes sociales à l'égard de la religion à l'école publique. Rapport de recherche*, Québec, Ministère de l'Éducation, Task Force on the Place of Religion in Schools in Québec, 1998 [Study No. 2].

denominations and the groups defending a secular vision of education. Our first step was to call for written submissions from the main groups; we went on to conduct an extensive telephone and postal survey to seek the opinions of parents, teachers and principals.² The parents were grouped according to their religious affiliation, or lack of affiliation; teachers and principals were grouped according to the language and denomination of the schools in which they worked.

The Briefs. Written briefs were received from all the main organizations representing the major groups in society with an interest in the place of religion in schools. Obviously, many of them are linked directly to certain religious denominations.

As a first step, we observed that the briefs received from these organizations reflected the existence of polarized opinions, and sometimes opposing viewpoints. For example, it was clear that certain opposing trends exist within the school community: parents' associations tend to support the freedom of parents to opt for denominational or secular schooling, whereas the main teachers' unions and the groups representing principals (those, at least, that gave their opinion) opt clearly for a secular vision of education. In short, the users and providers of educational services are divided on certain basic questions. Of course, we are dealing here with the opinions of the representative organizations, as presented by their legitimate leaders; the fact remains, however, that this opposition is a major social concern in light of the fact that the educational projects of Québec's schools are henceforth to be decided by consensus among the two key groups in the school community: parents and educators.

A second point that emerges from the briefs submitted is the homogeneity of opinion, as regards the basic questions, of all the groups that, in one way or another, are linked to Catholicism, from the Catholic bishops to the Catholic Committee, from Catholic parents' groups to educational professionals providing Catholic educational services. All underline the primary importance of parental rights, Catholic educational philosophy that considers religion to be an essential component in the overall education of each child, Québec's social identity as forged by Catholic tradition, and the presumed majority support among parents for Catholic tradition. The opinions of the Protestant Churches are less clearly defined. A certain level of tension can be observed between the "established" churches, those that trace their roots back to the Reformation, and the Evangelical, or radical Reformed Churches. The first group is clearly more favourable to the establishment of secular schools, provided that education retains a religious, but non-denominational, dimension. In contrast, the position of the Evangelical Churches is close to that of the Catholic groups.

The groups that support secular schooling stress the importance of fundamental human rights, in particular the right to equality and the right to freedom of religion and freedom of conscience. Special emphasis is laid on cultural and religious diversity, and the mission of schools to promote the involvement of parents in their children's education.

One last school of thought, which is somewhat related to Catholicism, focusses on parental democracy: parents should be able simply to decide the denominational status of the schools attended by their children and the type of religious instruction they are to receive.

The survey. The direct survey of parents, teachers and principals focussed essentially on school status, educational projects, religious instruction and pastoral or religious animation.

A majority within each group surveyed did not consider the denominational identity connected with their school's status to be an important point, as such, except for 56 percent of Catholic parents.

A majority of partners in the education community support the principle of equality among the religions represented in each school. Among Catholic and Protestant parents, and parents belonging to other denominations, the majority opinion supports an extension of current privileges to all religions; among parents with no religious affiliation, a broad majority considers that no denominational privileges at all should exist. This is also the opinion among teachers and principals in French schools, whereas in English schools, opinions are divided between an extension or the abolition of denominational privileges.

Despite the majority opinion of parents that the rights and privileges of Catholics and Protestants should be extended to other denominations, in practice only a minority supports the establishment of schools for other religious minorities, even among the parents belonging to those minorities. The first choice of all these groups would be the establishment of schools with no links to any religion. This position is shared by a majority of teachers and principals, except the principals in English Catholic schools who would prefer to see privileges extended to other groups.

With regard to the educational project of schools, a majority of parents, except among Catholics, assign little or no importance to the founding of their school's educational project on their religious values or beliefs. In fact, all parent groups, and all groups of teachers and principals (except the principals in English Catholic schools), would prefer schools with educational projects founded on values shared by all citizens of whatever religious affiliation. Support for this approach exceeds 75 percent in all groups, except among Catholic parents where support is 53.2 percent. A more searching analysis of Catholic opinions shows that a preference for Catholic or secular schools is linked more to the attitude taken toward social relationships than to religious convictions: individuals who are strongly affiliated with the Catholic community in a social sense tend to prefer Catholic schools, whatever their degree of religious commitment; individuals who are more strongly affiliated with society as a whole tend to opt for secular schools, once again regardless of their degree of religious commitment.

- 3 The questions involved were: D2 and D3 from the questionnaire for parents; 20 and 21 from the questionnaire for teachers; 33 and 34 from the questionnaire for principals; the research report is found in the appendices (Proulx and Milot 1998).

The survey showed that the current formula allowing parents to decide the values that underlie the status of their school is rejected by all groups of parents, including Catholics when they take into consideration situations where they would be in the minority. Teachers, except teachers in English Catholic schools, also reject this formula. Opinions among principals are more varied; the principals in French schools are generally in favour of the formula, whereas the principals in Protestant schools are against it.

With respect to religious instruction, parents who are religious and whose children are enrolled in religious instruction are generally in agreement with the objectives of denominational religious instruction. Opinions are more varied among education professionals, but the secular approach is still supported by a majority of individuals within each group (except English Catholic school principals) when they express their preferences. The most support is expressed for the study of religions from a cultural perspective, often by a majority of respondents, followed by the option of no religious instruction at all. Once again, Catholic parents diverge from the other groups, since 46.8 percent still prefer denominational religious instruction.

Finally, with regard to pastoral or religious animation, a majority of respondents indicate their preference for a secular approach, meaning either common services for all students (the approach that receives the most support) or no services at all. The denominational approach receives support from 43.6 percent of Catholic parents, but only minority support from other groups. A secular approach is also supported by teachers and principals, except English Catholic school principals.

We cross-tabulated two fundamental questions, the first concerning possible types of religious instruction, and the other concerning the educational project of schools.³ This allowed the establishment of profiles based on the preferences expressed by parents, teachers and principals for a particular type of religious instruction and a particular type of educational project. The choices presented in the questionnaires were as follows:

With respect to religious instruction, do you think schools should:

- offer only Catholic or Protestant religious instruction;
- offer appropriate religious instruction for each religious group;
- offer all students courses on the study of religions from a cultural perspective, giving general knowledge about various religions;
- offer no religious instruction.

With respect to a school's educational project, do you think it should be founded on:

- Catholic religious values;
- Protestant religious values;
- the values of another religion;
- values shared by all citizens, including those with no religious affiliation.

By cross-tabulating the answers given to these two questions, it is theoretically possible to obtain 16 different profiles. In practice, only five profiles relate to a significant number of respondents, whether among parents, teachers or principals. Each profile on the place of religion in schools has a different denominational/secular balance: depending on whether respondents support denominational schools and denominational education, non-denominational schools and religious instruction, or non-denominational schools and the study of religions, the balance in favour of preserving denominational schools or establishing secular schools changes. In effect, profiles can be defined on the basis of the denominational or secular character of the school because the school's orientation is broader than the provision of educational services. The profiles form a continuum from a totally denominational approach to a totally secular approach.

Continuum of School Profiles

Denominational type	Mixed type	Secular type
Denominational school with denominational religious instruction	Denominational school with courses on the study of religions from a cultural perspective	Secular school with denominational religious instruction Secular school with courses on the study of religions from a cultural perspective or no religious instruction

Denominational type: both the school and the religious instruction it dispenses are denominational.

School with an educational project founded on religious values (Catholic or Protestant, or those of another religion), that provides denominational, Catholic or Protestant religious instruction.

Mixed type: only one element (the school or the religious instruction it dispenses) is denominational.

Denominational mixed type:

School with an educational project founded on religious values (Catholic or Protestant, or those of another religion), that provides courses on the study of religions from a cultural perspective.

This type is closer to the denominational type, since overall the school is a denominational type school; the religious instruction it provides, however, is not associated with a particular denomination.

Secular mixed type:

School with an educational project founded on values shared by all citizens, that provides denominational Catholic or Protestant religious instruction.

This type is closer to the secular type, since the school itself is secular; religious instruction is provided within a secular framework.

Secular type: neither the school nor the religious instruction it provides are denominational. There are two possible sub-types:

School with an educational project founded on values shared by all citizens, that provides courses on the study of religions from a cultural perspective;

School with an educational project founded on values shared by all citizens, that provides no religious instruction.

Table 1**Denominational and Secular School Types—Parent Preferences (%)**

Type of School	Catholic	Protestant	Other Denominations	No Religious Affiliation
Denominational	33.7	14.2	6.0	1.1
Denominational mixed (denominational viewpoint)	10.9 (44.6)	6.3 (20.5)	0.9 (6.9)	1.2 (2.3)
Secular mixed	12.8	7.7	8.9	3.7
Secular (secular viewpoint)	40.0 (52.8)	68.4 (76.1)	74.0 (83.9)	90.9 (94.6)
Other residual types	1.2	1.6	7.8	1.9
Undecided	1.4	1.9	2.5	1.2

Table 2

Denominational and Secular School Types—Teacher Preferences (%)

Type of School	French Catholic	English Catholic	French Protestant	English Protestant
Denominational	15.5	30.8	7.5	4.7
Denominational mixed (denominational viewpoint)	3.8 (19.3)	10.6 (41.4)	2.8 (8.3)	(7.5)
Secular mixed	13.0	5.8	5.3	5.8
Secular (secular viewpoint)	67.2 (80.2)	52.9 (58.7)	86.5 (91.8)	84.7 (90.5)
Other residual types	0.5	1.6		1.9

Table 3

Denominational and Secular School Types—Principal Preferences (%)

Type of School	French Catholic	English Catholic	French Protestant	English Protestant
Denominational	15.5	52.9	18.2	1.6
Denominational mixed (denominational viewpoint)	2.4 (17.9)	11.8 (64.7)	– (18.2)	1.6 (3.2)
Secular mixed	11.4	14.7	–	1.6
Secular (secular viewpoint)	70.4 (81.2)	20.6 (35.3)	81.8 (81.8)	92.2 (93.8)
Other residual types	0.4	–	–	3.1

Clearly, it is possible to state that, overall, all the groups that play an essential role in the public school system, namely parents, teachers, other professionals and school principals (except for English Catholic school principals), tend to favour the establishment of a school system defined along secular lines even if a significant minority of Catholic parents still prefer Catholic denominational schools and religious instruction.

Chapter 3

A FUNDAMENTAL CHOICE BETWEEN EQUAL RIGHTS AND DENOMINATIONAL PRIVILEGES

The previous chapter established that the fundamental equality of individuals is the basic principle of any liberal, democratic society and that Québec is such a society. However, historically, that is, since the creation of our education system in the 19th century, Québec and several provinces of Canada have relinquished religious equality in schools and granted certain privileges to Catholics and Protestants. This is the very essence of section 93 of the Constitution Act, 1867. Since 1982, Québec has reinforced this choice by including notwithstanding clauses in its education legislation with respect to freedom of conscience, freedom of religion and equality for all. The question before us now is quite simple: are there valid reasons for Québec continuing in the same direction and using notwithstanding clauses, or should Québec give full force and effect to the principle of equality?

A comment is in order before that question can be answered. The Catholic religious authorities argue that the state has made a commitment to protect parents' denominational rights.¹ According to the Catholic Committee (1997b), to this day, the Church has clearly shown its intention to safeguard these rights, despite the 1997 amendment to section 93 of the Constitution Act, 1867. Furthermore, the Church did not object to this amendment provided that the Government agreed to maintain its commitment to respect the freedom of choice prized by parents and the general public as regards religious educational services and the status of schools (p. 1). In the Committee's view, should these rights be abolished, the Catholic community would likely feel cheated (p. 3). Therefore, the state should take appropriate political and legal measures to conclude a new social pact on religious education (p. 4).

It is not the Task Force's role to interpret any commitments the state has or may have made toward the Church. This is essentially a political matter which falls outside the scope of our mandate. However, neither our mandate nor the ministerial statements on which it is based contain any restrictions that would require us to formulate our recommendations within the limits of the state's commitments to the Church or Churches. On the contrary, our mandate is defined in very broad terms.

A more general question comes to mind: do the commitments made by the state to certain citizens or groups of citizens at a given point in time apply to subsequent generations? These commitments are designed to address issues that are generally the result and the reflection of a set of historical circumstances. This does not mean that the state can renege on its commitments as it sees fit. However, it does imply that the state has the responsibility to re-examine its commitments whenever the common good, for which it has the ultimate responsibility, so dictates. If, in addition, the commitments or "social pact" have to do with a matter of general interest, which is the case with public education, then all members of society must be recognized as equal parties in negotiating this pact. If it deals more specifically with the place of religion in schools, as in the present case, such a commitment or pact could not be limited, in a democratic

¹ Some argue that an implicit social pact or a sort of informal arrangement has existed between the Church and the state since 1964, when the Ministère de l'Éducation was created (Dion 1967). Thus, in 1964, the Catholic Church gave up what it deemed was its responsibility to run the education system, provided that parents' right to Catholic schools was protected. Similarly, the Church relinquished the denominational school boards and guarantees provided for in the Constitution Act, 1867, on the condition that parents' denominational rights be protected in a number of ways, including notwithstanding clauses providing for exemptions to the Charters of Rights. The state agreed to this condition. In 1986, the Liberal government, through its Minister of Education, Claude Ryan, explicitly referred to the commitment made by the state to the Church in 1964, when the Ministère de l'Éducation was created, to justify the adoption of notwithstanding clauses at the request of the Catholic Committee (Nadeau 1998). In 1987, reference was made to an agreement concluded in 1985 between the Government of Québec and the federal government concerning the provisions of defunct Bill 3 on the creation of linguistic school boards (p. 32). In 1994, the Liberal Education Minister, Jacques Chagnon, in turn justified the renewal of the notwithstanding clauses because of the need to preserve the foundation of the sociopolitical compromise reached in 1964 between the state and religious authorities regarding confessional arrangements affecting the school system (p. 32).

society, to one or a few religions to the detriment of other religions and of those members of society with no religious affiliation.

For this reason, the Task Force felt that it was part of its mandate to look at all of the feasible alternatives, including those likely to call into question the denominational rights and privileges granted by the law as it now stands, and to examine the issue of equal rights as they apply to freedom of conscience and religion. It is no doubt on this issue that our society must come to a highly important decision after weighing all of the arguments.

I. Arguments for Equal Rights

There are two types of arguments which support the restoration of equal rights with respect to religion in schools: social coherence and social consensus.

Social coherence. Social coherence is the first argument in favour of fully recognizing the principle of fundamental equality. In 1975 and 1982 respectively, Québec and Canada adopted Charters of Rights which made equality the cornerstone of our society. They did so for an even more fundamental reason: equality, with the other human freedoms, is the foundation of justice and peace. This is expressed in solemn terms in the preamble of Québec's Charter of Human Rights and Freedoms:

Whereas all human beings are equal in worth and dignity, and are entitled to equal protection of the law;

Whereas respect of the dignity of the human being and recognition of his rights and freedoms constitute the foundation of justice and peace;

...

In the opinion of the Task Force, it is of the utmost importance that public education, one of the strategic channels for human rights education, be consistent with this fundamental value which Québec included in the choices it made as a society just under 25 years ago. Furthermore, the Universal Declaration of Human Rights defines the ultimate goals of education as including both "the full development of the human personality and . . . the strengthening of respect for human rights and fundamental freedoms" (art. 26, par. 1). It appears to us that maintaining an education system organized along lines that are expressly contrary to this dual goal would in fact defeat this goal. The Education Act states that it is the teacher's obligation to "take the appropriate means to foster respect for human rights in his students" (art. 22, par. 3). How can a teacher foster such respect in an education system based on a principle that contravenes this ideal?

Some may raise the objection that education is an exception. Canada, for its part, did not strive for the social coherence deemed essential today when it adopted its Canadian Charter of Rights and

Freedoms in 1982, nor did it call into question section 93 of the Constitution Act, 1867. The legislator even specified that “nothing in this Charter abrogates or derogates from any rights or privileges guaranteed by or under the Constitution of Canada in respect of denominational, separate or dissentient schools” (s. 29).

First, human rights are not the same as denominational rights and privileges. They do not have the same basis. The former are fundamental. The latter are not; otherwise they would apply to all of Canada, which is not the case. As the Supreme Court stated in its ruling on the Reference re the Education Act, S.Q. 1988, c.84: “Section 93 is unanimously recognized as the expression of a desire for political compromise. It served to moderate religious conflicts which threatened the birth of the Union” (Supreme Court of Canada 1993, 529; Proulx 1998). Second, Québec (and subsequently Newfoundland) chose, with the assent of the Parliament of Canada, to re-examine the political compromise made in 1867 and to revoke the denominational rights and privileges it granted. If a constitutional inconsistency was perpetuated in 1982, it was later corrected in Québec.

Social consensus. Social consensus is the second argument in favour of the recognition of the principle of religious equality in schools. We previously saw that the councils and organizations responsible for advising the Government of Québec and the Commission des droits de la personne view all citizens as equals, regardless of their race or religion, and view this equality as one of the fundamental principles of our society. None of these bodies (with the exception of the Catholic Committee) felt it was relevant to make an exception to this principle for the school system.

When it comes to the right to equality, we must first consider the opinion of the minorities. The majority seldom suffers from inequalities since it is in the best position to influence the policy maker in its favour. However, the few non-Christian religious groups that presented their views to this Task Force stressed that the basis of our education system should be equal rights for all.

The Task Force observed that even the majority of parents who enjoy these privileges are not in favour of maintaining denominational rights and privileges for their benefit only. Only 21.4 percent of Catholics and 12.2 percent of Protestants were in favour of this. This proportion is even lower among parents with other religious affiliations and parents with no religious affiliation (7.9 percent and 4.2 percent respectively). The principle of equal rights for all is therefore supported by the great majority, regardless of religious affiliation and particularly by those groups that are currently discriminated against. However, parents are divided on the issue of how this principle is to be applied in schools. We will come back to this point later.

- 2 In a letter to the Minister of Education, the Protestant Committee stated that it agreed entirely with the concerns expressed by the Catholic Committee in its brief of November 1997 (Graham Jackson, President, to Pauline Marois, Minister of Education, February 12, 1998).
- 3 These are the terms used by several Catholic organizations in their briefs to the Task Force. The Conférence de la pastorale scolaire (conference of pastoral animators) (1998) wrote: "In Québec, life is permeated with Catholic Christian culture. It would be inappropriate to ignore this fact. We should not, out of a desire to be open to other cultures, forget our own identity or deny who we are as individuals and as a society. Immigrants and people with other cultural or religious backgrounds will only respect us more if we respect ourselves" (p. 2, free translation).

II. Arguments for Denominational Rights and Privileges

Equal consideration must be given to the position of those in favour of maintaining the rights and privileges of Catholics and Protestants. This position was officially defended by the Catholic Committee of the Conseil supérieur de l'éducation, and therefore warrants careful attention, given that both the state and Church have given the Committee a mandate to serve as an interface between the various partners involved in school-based religious instruction (Catholic Committee 1997b, 11).²

The place of Christian tradition in Québec's culture. The central argument in favour of the recognition of the rights and privileges of Catholics and Protestants is tied to the key role the two traditions have played in Québec's history. In its submission to the Task Force, the Catholic Committee wrote that in any society, some cultural traditions inevitably play a predominant role given their historical and social significance (1998, 7). The Committee had previously written that Québec's culture has its roots in both the Christian tradition and in French culture. Giving the same privileges to all segments of a pluralistic society would, in its view, have a levelling effect that could lead to the extinction of Québec's culture (1995, 29). In short, the Catholic Committee justifies the privileges granted to the Christian traditions on the grounds of "equity" (1997a, 17).

That Québec was shaped by the Catholic and Protestant traditions is a historical and sociological fact no one can deny. Our survey of parents has even shown that a fair majority of Catholic parents (60 percent) identify Catholic schools as a fundamental aspect of Québec's identity as a society. To a varying degree, a majority (57 percent) of them also identify their religion as a fundamental aspect of their identity as Quebecers or Canadians. The same was not true of parents with other religious affiliations or with no religious affiliation.

Beyond this sociological fact, which is under discussion, the main issue lies in whether or not religious traditions, and more specifically Catholicism, should be given a normative status in our society in general and in our public education system in particular. There is a strong argument for not giving Christian religions a normative, policy-shaping status in public education. Indeed, in the sociological perspective we have just described, Quebec society is divided into "us," those who belong to the tradition of the majority, and "them," those who do not belong.³ And this perspective hampers our goal of fostering in all Quebecers a feeling of solidarity and of belonging to Québec society. This polarization into "us" and "them" could even lead the majority to consider itself "us," as a static entity that must be protected from extinction, when this entity is in fact experiencing tremendous change, as evidenced in the last 40 years. In all likelihood, this entity will continue to evolve toward cultural and religious pluralism rather than a single religious identity, despite the demographic predominance of Catholics.

- 4 The existence of notwithstanding clauses could paradoxically facilitate such a challenge since they deprive citizens of domestic legal recourse. In the early 1990s, the Committee condemned the Charter of the French Language, even though it contained a notwithstanding clause providing for exceptions to the unilingual French sign rule (Morin, Rigaldies and Turp 1997).

Acknowledging this likelihood in no way diminishes the importance, nor does it deny the existence of the Christian tradition that has most shaped Québec society: its influence is still felt in many ways in Quebecers' lives as individuals and as social groups. That is why it must be given an important place in Québec's schools. But it cannot be recognized as the "norm" for public schools without calling into question the principle of equality for all, nor can it be given a status that would, in practice, exclude all other traditions.

The second argument for not giving the Catholic and Protestant traditions a normative status in Québec culture is that of consistency with our international commitments in the area of human rights. Canada and Québec are both parties to the International Covenant on Civil and Political Rights. As seen earlier, the United Nations Committee on Human Rights, the final appeal committee responsible for arbitrating conflicts between individuals and states bound by the Covenant, has already provided a very clear interpretation of the issue at hand. Although we referred to it earlier in this report, we have cited it again here because it goes directly to the heart of the matter:

The fact that a religion is recognized as the state religion, that it is established as the official or traditional religion or that its members constitute the majority of the population must in no way prejudicially affect the exercise of the rights guaranteed in the Covenant, particularly articles 18 and 27, nor must it provide grounds for any form of discrimination against members of other religions or non-believers. (cited in Woehrling 1998, 90, free translation)

The Covenant guarantees the right to equality (art. 26) in addition, of course, to freedom of conscience and religion (art. 18). Should Québec continue to base its education system on principles that contradict its international commitments, and should a citizen challenge⁴ the rights and privileges of Catholics and Protestants before the United Nations Committee on Human Rights, it is highly unlikely that the argument of a "national religious culture" would hold sway.

For all of these reasons, the Task Force confirms its position in favour of a school based on the principle of equality for all.

III. Use of the Notwithstanding Clauses

Québec has for a number of years used notwithstanding clauses to exempt education legislation from the application of equal rights and freedom of conscience and religion as guaranteed in the Charters of Rights. In light of our position in favour of equal rights, the use of such clauses appears unjustified to an even greater degree. Given Canada's international commitments under the International Covenant on Civil and Political Rights, the use of such clauses is extremely difficult to legitimize from a democratic point of view. Under the terms of the

Covenant, use of a notwithstanding clause is allowed only if a “public emergency . . . threatens the life of the nation,” provided that such a measure does not involve discrimination, and more particularly, discrimination based on religion (art. 4). How could we then allow an exception based on the existence of a tradition or on the demographic or cultural predominance of a given religion?

However, further debate is necessary given another aspect of the issue. Although the Catholic Committee still deems the use of notwithstanding clauses to be legitimate, it also acknowledges that it “raises problems” and “is controversial.” In November 1997, it urged

the Government of Québec to promptly find a legal provision of a constitutional or other nature which would make it possible to restore the balance between the requirements set out in the Charters, including those set out in section 41 of the Québec Charter, and the legitimate expectations of the public. Such a provision would free it from the dilemma discussed earlier as to whether to maintain or abolish the notwithstanding clauses. (1997b, 4, free translation)

Aside from the expectations of the public, a fact remains: section 41 of the Québec Charter exists and unless there is the political will to apply it in an egalitarian manner in future, the state must continue to use the notwithstanding clauses. To avoid this trap, the Catholic Committee urges the Government of Québec to find a legal solution of a constitutional or other nature (1997b, 4). Such a solution would imply another amendment to the Canadian Constitution in order to introduce, for Québec, a provision similar to that made in section 29 of the Canadian Charter. This would be tantamount to introducing the equivalent of a permanent notwithstanding clause that affirms the primacy of denominational rights and privileges over the right to equality. We would in effect be going back to square one. Leaving aside questions on the political wisdom of backtracking to request a new constitutional amendment, it is certain that such an amendment would be admissible only if it made parents’ right to denominational instruction for their children as stated in section 41 compatible with fundamental human rights and, foremost, the right to equality. In other words, this would imply incorporating the equivalent of section 41 of the Québec Charter of Human Rights and Freedoms into the Canadian Charter of Rights and Freedoms.

The consequence of such a solution would be to constitutionally force Québec public schools to offer religious instruction consistent with the denomination of any religious group where a reasonable number of members of the group request such education. This brings us back to a previous, more fundamental question: should Québec maintain the right to denominational religious instruction in its public schools, as provided for in section 41? If the answer is yes, then we must do so for all religions. As discussed earlier, section 10 of the Québec Charter encourages us to do so. We cannot answer either question in the abstract.

We must first scrutinize the various models for providing religious instruction in schools in light of a number of educational, social, cultural, legal and administrative parameters. This is what we will do in the following chapter.

Chapter 4

OPTIONS

The Task Force was asked to “determine the . . . approaches that should guide the state in defining the place of religion in schools and, where appropriate, indicate those it recommends.” That will be the focus of this chapter: we will present and consider the options open to us in light of the issues discussed in the previous chapters.

I. Parameters

In the first part of this report, we looked at the issues raised by the current model for delivering religious instruction in schools. We will now see how various models might better address these issues. In doing so, we must take into account the parameters or elements examined earlier in this report and recapped here in brief.

Principles and objectives. The first of these elements has to do with the more general principles and objectives that should, in our view, guide the state in defining the place of religion in schools. We established that decisions on the place of religion in schools should be based on the principles of equality and state neutrality. We established that Québec should, in its policies, confirm its choice to place the right to equality and freedom of conscience and religion above all others in education. We agreed that education is a responsibility that is shared between parents, civil society and the state, and that the goal of this partnership is to provide each student with a well-rounded and high-quality education. The interests of children are generally translated into the right of children to adequately prepare for their lives as citizens in order to preserve our political community and the democratic values and principles on which it is based. In addition to general cognitive skills, preparation for citizenship involves the development of personal independence and critical thinking, the ability to reason, a capacity for tolerance, an openness to diversity, and a sense of belonging to the community.

Binding legal principles. The legal framework is the second element to be taken into account, particularly the constitutional and quasi-constitutional framework established in the Canadian and Québec Charters and in international law with respect to both fundamental human rights and the rights of children and parents where religious education is concerned. There is in fact no getting around the legal underpinnings in our society, given that it is based on the rule of law. The legal framework places on the legislator, institutions and individuals a certain number of normative constraints which must be respected since they form the basis of any democratic society. We consulted with legal experts and proposed an interpretation of the general legal framework which sets out the rights of each party with respect to religion in schools. This framework will be our point of reference in assessing the legal validity of the various scenarios we will examine. Basically, this framework guarantees freedom of conscience and religion and the right to equality of all citizens. The current model for religious instruction in schools overrides this right since it grants rights and privileges only to Catholics and Protestants and is legal only by virtue of the notwithstanding clauses. The Québec Charter also establishes, although

indirectly, that parents have a constitutional right to private education for their children. Finally, the right of parents to require religious instruction for their children—a right guaranteed in section 41 of the Québec Charter—does not, from a legal point of view, have a binding effect on the legislator. It may nevertheless be used to interpret ordinary legislation and must be interpreted in conjunction with the right to equality. It does, however, constitute an official political commitment on the part of the state.

Society's choices in social and cultural matters. While the first two parameters are of a normative nature, not all of the parameters have the same binding force. Some, for example, are the outcome of public debate. Nevertheless, some do have more weight than others. The choices we have already made as a society after lengthy democratic proceedings are a case in point. Québec has adopted an immigration and cultural integration policy whose goal is to promote social cohesion by building a common civic space where cultural and religious pluralism is respected and everyone's contribution to the common heritage is valued. This policy is based on the fundamental values proclaimed in our Charters and, more specifically, on the right to equality. The Task Force feels that these choices are socially relevant and cannot be set aside, especially in light of the fact that they were endorsed by the advisory bodies to the Government of Québec. Any decisions about the place of religion in schools must therefore be consistent with these choices and promote the attainment to the greatest possible extent of the social goals that have already been set.

The principle of democracy and citizens' expectations. The fourth parameter to be considered is the principle of democracy, which compels the legislator to take the legitimate expectations and interests of citizens into account. Obviously, these expectations and interests are diverse. We looked at them in detail and focussed more specifically on those of educators, of several of the religious groups present in Québec, and of groups with a secular approach to education. We attempted to find some common ground, always keeping in mind our guiding principle: the fundamental right to equality of all citizens and neutrality that it is fitting for the state to maintain in religious matters. It is for this latter reason that the opinions of the various religious and non-religious groups on the place of religion in schools merit equal consideration in and of themselves.

Receptiveness to change. The legitimate religious views of citizens, including those witnessed in schools, are manifold and, moreover, unequally shared, if only because of the demographic profile of different religions. These opinions should not be shunned as abstract ideas for they are supported by organized groups with relative degrees of power. This is where politics come into play. The Task Force wishes to take this into account in terms of Québec society's receptiveness to change, assessed, at least summarily, on the basis of the information it has gathered. Assessing the change itself, that is, the result of the state's decision on the place of religion in schools, is a responsibility that lies with our elected representatives.

1 The most recent assessment of the cost of denominational schools was for the 1994-95 school year. The total was \$32 322 638, or \$34.80 per student. The costs included expenses related to the operation of higher-level structures (such as the Catholic Committee, the Protestant Committee and the Ministère de l'Éducation), direct funding to school boards for certain educational services offered to Catholics and Protestants or to facilitate the choice between religious instruction and moral education, and two services funded by the school boards, that is, pastoral or religious animation and Christian education counsellors. These costs excluded those related to religious instruction per se because, according to the basic school regulations, the time that students spend in school is considered as a whole. If religious instruction were to be removed from the timetable, there would be no savings as such, because teaching time would not be decreased. This was the case with non-denominational moral education, which replaced moral and religious instruction, for those students who wanted it. (Ministère de l'Éducation, Estimation du coût de la confessionnalité en 1994-1995, n.d.)

Administrative feasibility . The sixth and last parameter concerns the administrative or pedagogical feasibility of the various models for religious instruction in schools and, more particularly, with how easy or difficult they will be to manage. On this point, we can only make general comments. It did not appear relevant to pursue this matter further until we could at least define some orientations more clearly.¹

II. Scenarios

There are a number of scenarios that allow religion to have a place in schools, assuming it should have one. In defining orientations, we focussed on three essential organizational aspects: (1) the status of schools and the process for determining this status; (2) the type of religious instruction to be offered; (3) the type of religious support services to be offered. Other important aspects include the accommodation of religious differences, the institutional consequences of our choices, and the public debate that must follow the publication of this report.

We chose to examine and discuss all imaginable models, within reasonable limits, so that policy makers and those called to take part in the ensuing debate might be aware of the various options and of the arguments on which our conclusions are based.

A. The Status of Schools

By status, we mean the officially determined place that religion can have (or not have) among the general orientations of a school, that is, among the values it holds and the goals it pursues. These values and goals may have some connection to one or several religions or, conversely, no connection at all. The status of schools is generally determined by the representative competent authorities and is therefore a feature of the schools' identity. This raises a question that is closely tied to the status of schools, namely, that of how a school's status is determined. A number of methods are possible. We will now examine each of them in turn.

Scenario 1: Secular schools and Catholic or Protestant denominational schools

Maintain the current legal framework which provides for secular schools and denominational schools recognized as either Catholic or Protestant by the competent authorities.

Determine the secular or denominational status of a school on the basis of the wishes expressed by the parents of the students attending that school.

This, basically, is the status quo. Under the rules set out in the current legislation and regulations, schools are secular by default, but may be recognized as Catholic by the Catholic Committee or Protestant by the Protestant Committee according to the majority vote of parents.

From the point of view of the principles and objectives which should guide the state in defining the place of religion in schools, the status quo does not respect the principle of fundamental equality for all nor that of state neutrality since the law grants privileges to two religions by placing the state at the service of these two religions only. Furthermore, the process by which the status of a school is determined through a majority vote of parents, though democratic in appearance, violates the principle of state neutrality in religious matters. The state must preserve its neutrality to safeguard another, even more basic value: equality of all citizens. In fact, neutrality as abstention subordinates the fundamental rights of the minorities to the will of the majority. The first principle of liberal democracy embraced by Québec is applied: decisions are made by a majority vote. The second principle, however, is compromised since the majority may disregard the fundamental human rights of the minorities, particularly, their right to equality and freedom of conscience and religion.

From the point of view of the legal framework which governs our society, the current system is discriminatory because it does not respect the right to equality in matters of religion, a right guaranteed in both the Canadian and Québec Charters. Under the current system, non-Catholics and non-Protestants do not enjoy the same rights as Catholics and Protestants. Recognizing a school as Catholic or Protestant is also an infringement of freedom of conscience and religion. The symbolic recognition inherent in such a status does not extend to the beliefs of parents and students of other religions. In certain circumstances, such a status may even pressure parents and students to conform and thereby have a discriminatory effect or encroach on their freedom of conscience and religion.

These two parameters alone provide sufficient ground to reject the status quo. However, they also raise questions about Québec's choices as a society. Québec has chosen to create a common, democratic civic space in order to promote a form of social cohesion and pluralism which integrates the cultural and religious heritage, both old and new, of all members of society. However, the place religion currently has in our schools runs counter to this social goal. The Catholic and Protestant religions serve as official standards in determining the status of public schools. The common space our schools represent is monopolized by these Christian traditions, and parents and students are divided into "us" and "them." Even though our schools are open to "them," "they" are still not part of "us." At best, "they" are valued, but still relegated to the fringes of the school community. At worst, "they" are seen as a potential threat to "our identity."

The current process for determining the status of schools perpetuates a no-win situation for minorities. Either they vote for recognition of the school as Catholic or Protestant and thus give up their own religious identity at school, or they vote for non-recognition and are outvoted by the Catholic majority. This is what has happened in the

great majority of schools over the last 25 years. It should be noted that, to our knowledge, a similar process has never been used in the Protestant community: until 1989, the Protestant Committee automatically recognized all schools under the jurisdiction of Protestant school boards. Now that the school boards are organized on the basis of language rather than denomination, it would be virtually impossible to establish a Protestant school in a French school board given that the great majority of parents in French schools are Catholic. The situation is different in the English school boards, where the majority in a school is sometimes Catholic, sometimes Protestant and sometimes of another religion. In fact, in many schools, there is no majority. The process of determining a school's status as Catholic or Protestant is therefore likely to provoke religious dissension that is anything but desirable.

What are the social expectations of those school stakeholders who would maintain the status quo? In the briefs they submitted to us, the two parents' associations and Catholic organizations (which included education-related bodies as well as others) expressed support for the status quo. The Protestant denominations and the non-Christian religions were generally against maintaining the status quo. Teachers and principals in both the Catholic and Protestant sectors were clearly in favour of secularizing the education system. There is therefore a significant discrepancy in point of view between users and providers of educational services, or at least between their official spokespersons.

Our survey of parents, teachers and principals gave us a better picture of public expectations with respect to schools' status. We noted a clear consensus on one point: none of the groups surveyed were in favour of maintaining privileges for Catholics and Protestants only. The principle of equality won the support of most. Also, the current process for determining the status of schools based on the majority vote of parents was widely rejected by parents of minority religious affiliations and by those with no religious affiliation. Catholic parents, for their part, were initially in favour of this process, but that response is due largely to the fact that they are the majority. When asked if they would still be in favour of this process if the preferred religion were different from their own, most Catholic parents said no.

However, a considerable percentage of Catholic parents (45.5 percent) were in favour of schools where values are based on the Catholic religion. In contrast, only 18 percent of Protestant parents preferred Protestant schools. Among respondents of other religious affiliations or no religious affiliation, only a very small minority preferred either Catholic or Protestant schools. The discrepancy mentioned earlier between parents' expectations and teachers' and principals' expectations was confirmed by our survey: 45.5 percent of Catholic parents preferred Catholic schools, compared with only 18.9 percent of teachers and 18 percent of principals in French Catholic schools. A greater percentage of teachers and principals in English Catholic schools opted for Catholic schools. Among

- 2 Following the evaluation of the “confessional character” of Québec schools, the Catholic Committee concluded that the educational project was the only element of the confessional character that was “somewhat unsatisfactory.”

Protestants, the discrepancy between parents and staff disappeared, with only a very small proportion opting for Protestant schools.

We can arrive at only one conclusion: the concept of a Catholic or Protestant school based on an educational project founded, as stipulated in the Education Act, on a partnership between students, parents, teachers and administrators is virtually impossible to apply where religion is concerned. Twenty-five years ago, the Catholic Committee (1974b) spoke of the minimum coherence needed for a school to be able to carry out its educational project. In our survey, teachers and principals were invited to express their opinions on a few points related to the Catholic or Protestant character of their schools. Their comments largely confirmed the difficulty in implementing their school’s educational project. Although Catholic schools have been recognized as such for 25 years and in spite of the abundant documentation on the denominational status of schools, only slightly over a third of them explicitly refer to their Catholic status in their educational projects. Furthermore, teachers and principals generally feel that their community (with the exception of a few parents) attaches little or no importance to the Catholic or Protestant status of their school. According to the majority of teachers, the values and beliefs of the Catholic religion have very little or no real impact on school life, its organization, general climate and teaching. However, a slim majority of principals feel that Catholic values and beliefs significantly affect school organization and climate, but not teaching. In short, the image of Catholic schools that emerges from these various opinions is rather unclear.²

Given that the model under consideration is equivalent to maintaining the status quo, it would be irrelevant here to speak about receptiveness to change. We could only measure how strongly the proponents of the status quo feel about keeping things as they are. Nevertheless, in all of the three groups surveyed—parents, teachers and principals—the majority was in favour of schools based on values common to all Quebecers.

It would be wrong to minimize the importance some groups attach to the status quo. Among Catholics, who account for the broad majority of the population, the status quo is supported by a considerable percentage of parents (45.5 percent). But the main difficulty lies elsewhere: the current system has all of the appearances of democracy since it gives parents the power to choose, by a majority vote, the denominational status of their children’s school. Suggested in the early 1980s by Catholic authorities as the natural extension of their rights as parents, this system was doubly endorsed by the Church and by the state, which agreed to protect it by incorporating notwithstanding clauses to override the Charters of Rights. Only in the last few years did this elicit some reaction in public opinion. The current model is regarded as completely “normal” by a segment of society, and particularly parents’ organizations.

Finally, our survey brought an important social fact to light. If education based on Catholic values is the preference of

- 3 This method of distributing enrolments among the schools according to parents' request was essentially the solution proposed in 1966 by the Parent Commission, although it was then limited to secular, Catholic and Protestant schools. "We recommend that each year a census be taken by the school authorities to ascertain the number of children whom parents wish to enrol in each sector of education—Roman Catholic, Protestant or non-confessional, French or English" (1966, 91). A similar solution was suggested for residents of Montréal and Québec City in a plan of action published by the Minister of Education in 1996. This was before the decision was made to request an amendment to the Constitution Act, 1867. The plan proposed that a French and an English school board in each city have the obligation to establish Catholic and Protestant schools in sufficient numbers to meet parents' requests (Ministère de l'Éducation 1996). The option under consideration here would therefore consist in extending this solution to all of Québec and to any denominational or secular group represented by a sufficient number of parents.

a minority of Catholic parents (although a considerable one), it is also seen by many as part of their identity. As the Government changes its approach to pedagogy, it will face the major challenge of helping Quebecers change the way in which they define who they are.

In short, the Task Force is of the opinion that the status quo should be rejected for the following reasons:

1. The current system is contrary to the principle that the state must remain neutral when it comes to religion in public schools.
2. It goes against the Canadian Charter of Rights and Freedoms and the Québec Charter of Human Rights and Freedoms, both in principle and in practice, in that it discriminates against religions other than the Catholic and Protestant religions and potentially prejudicially affects freedom of conscience and religion.
3. It runs counter to the social and cultural goals of citizenship based on social cohesion and of the creation of a common civic space.
4. It no longer meets the social expectations of the majority of parents of all religions, nor does it meet those of teachers and principals. It therefore becomes a concept that is practically impossible to apply, given the lack of a common will among the partners concerned.

However, the Task Force realizes that the status quo is the option preferred by a considerable minority of parents who profess to be of the Catholic religion and who may not welcome any change in this area.

Scenario 2: Secular schools and separate denominational schools for all religions

Extend the privilege of establishing public denominational schools to all religions, where justified by the number of students.

For each school board, set the number of places available for students according to parents' choice of a denominational or secular school and enrol students in the schools designated as denominational or secular according to their parents' choice.

The second scenario would consist in having each school board recognize schools with various denominational statuses (Catholic, Protestant, Jewish, Islamic, Orthodox, and so forth) alongside secular schools. The school board would be required to grant all requests for denominational schools on an equal footing, where justified by the number of requests.³

Table 1

Distribution of Parents According to Their Preference for the Values Underlying the School's Educational Project and Language of the School Board Attended by Their Children (1997-98)

VALUES	French School Boards (%)	Students (N)	English School Boards (%)	Students (N)
Catholic	45	418 050	16	15 640
Protestant	1	10 710	4	3 420
Other religions	0.8	7 450	2	1 470
Common	54	500 920	79	78 200
TOTAL		937 130		98 730

The above table reflects, for all of Québec, the type of educational project preferred by the parents who took part in our survey on the basis of the values underlying these projects. It takes into account the language of instruction at the school board attended by students in 1997-98, and not their parents' religious affiliation. In the French sector, parents' preference was essentially almost equally divided between schools based on Catholic values and those based on common values. Around 1 percent of parents preferred Protestant schools, a figure corresponding to about 10 700 students, compared to 7 500 or so students for all other religions. In the latter case, parents' preference was divided among various religions, no doubt the ones with the most members, namely, Judaism, the Greek Orthodox Church and Islam. In the English sector, the great majority of parents preferred schools where common values are taught. Nonetheless, some 15 600 parents preferred Catholic schools, while 3 400 or so preferred Protestant schools and under 1 500 preferred schools connected with other religions. Obviously, these figures do not take into account other factors which influence parents' choice of a school, such as proximity to the place of residence, the services offered or desired, the school's reputation, and so forth.

Demand may also vary according to region. Independently of the language of instruction, a factor we were unable to isolate, Catholic schools were preferred by 31 percent of parents in Montréal, by 43 percent in the Québec City region, and by 50 percent elsewhere. Schools where common values are taught were the preference of 65 percent of parents in Montréal, 52 percent in Québec City and 49 percent elsewhere. In the regions, parents' preferences were equally divided.

This second scenario respects the general principles of equality and of state neutrality in its communitarian sense. From a legal point of view, it respects, in spirit, the principle of equality for all to the extent that it grants the same rights to members of all religions and to those with no religious affiliation, provided there is a sufficient number of students.

- 4 In many cases, schools were originally tied to the parish, but this organizational model was gradually abandoned. Today's neighbourhood or village school has its roots in the community and these roots are still very strong in some areas. It should be noted that the English Catholic and French Protestant minorities built their schools more on the communitarian principle than on the territorial principle.
- 5 The Education Act stipulates that parents have the right to choose the school that "best reflects their preferences" (s. 4). However, if the number of applications for enrolment exceeds the capacity of the school, the enrolment criteria established by the school board must "give priority . . . as far as possible, to students whose place of residence is nearest to the school premises" (s.239).

It is in connection with the social goals of Québec that the greatest problems arise. This communitarian scenario is not compatible with the goal of an education system where students learn to live together regardless of their differences and where they prepare for their future lives as citizens in a society characterized by shared values and a common heritage. Instead, from kindergarten on, children would be divided on the basis of their religious affiliation or their secular upbringing. Rather than learning to live together and sharing in the richness and challenges of their diversity, they would go to school with students with the same religious or secular background as their own and not have the opportunity to interact with students whose background differs from their own. This would be a contradiction in a society which has been striving for more than 20 years to promote social cohesion based on common values and openness to diversity.

Espousing this communitarian model of school organization would be a departure from the predominant principle of school organization. Schools, especially French elementary schools, primarily serve their neighbourhood or village, in other words, a given territory.⁴ The Education Act, as amended in the fall of 1997, confirmed this principle by making the proximity of parents' place of residence an important enrolment criterion.⁵ After bilingualism, proximity was the most important criterion for 70 percent of the parents who took part in our survey and who felt they had a choice between a Catholic school and a Protestant one. The importance local communities attach to "their" school is evident in the discussions and the sometimes very bitter quarrels we have seen over the last 30 years about school closures or the assignment of a new vocation to a school.

At first glance, the communitarian option seems to meet social expectations. Regardless of religion, a majority of parents, albeit a slim one, would be in favour of extending the rights and privileges of Catholics to other religions, including the right to denominational schools. Parents may agree with the principle, but its application is another matter. Only 14 percent of Catholics, 13 percent of Protestants and 6 percent of parents from another religion felt it would be appropriate to set up schools especially for immigrant children of a religion other than the Catholic or Protestant religions. This alternative was overwhelmingly rejected by parents born outside Canada. Also, the great majority of parents (85 percent of Catholics and 97 percent of parents with no religious affiliation) preferred that their children attend schools open to all children regardless of their religious background. Most parents, irrespective of their background, placed little importance on teachers' being of the same religion as themselves. Finally, members of religions other than the Catholic religion preferred that their children attend schools that teach values common to all citizens, regardless of religion, rather than schools where the emphasis is on values inspired by their religion (the choice of 18 percent of Protestant parents and 7 percent of the others).

Change in the direction of a communitarian school or an "à la carte" school would at best astonish the stakeholders in

education and at worst meet with strong opposition, particularly from those who endorse the social trend aimed at promoting an egalitarian, pluralistic society based on the pursuit of common values.

As for administrative feasibility, here again, we meet with major difficulties. This scenario would involve setting a reasonable minimum number of enrolments as the criterion for setting up denominational schools at the request of parents from religious minorities, among whom, as we have already seen, the demand for such schools is not strong. The demand would be assessed locally, not globally. The numerous *clausus* are always difficult to apply because they are arbitrary to a certain extent. However, the greatest difficulty would lie in assigning school buildings in keeping with parents' choices. As we have already seen, in the French sector, parents' preferences are divided almost equally between Catholic schools and secular schools. Should parents translate their preferences into concrete choices, schools throughout Québec would have to be reorganized to meet the demands of the two main groups and of any minority religious groups. In many cases, this would imply bussing students to another neighbourhood or village so that they could attend a school in keeping with their parents' choice. Student transportation would necessarily become even more complex. Such a reorganization would also logically create pressure to change the rules for the assignment of school staff. Parents who would choose to send their children to a denominational school could legitimately require that the school principal or teachers be of the same religion as they are.

All of these schools, being public schools, would nonetheless be obligated to admit anyone wishing to enrol there. School boards, however, would be required by law to grant parents' requests. One can only imagine how complex such a system would be to manage, given the basic incompatibility of the communitarian and territorial models of organization. It is perfectly understandable that parents living next door to a school would choose to enrol their children there, even if the school were not their first choice from the point of view of their religious convictions. Their children would be under even greater pressure to conform since the school would be dedicated to a specific group of students, be they Catholic, Protestant, of another religion or of no particular religion.

In short, although this second scenario respects the principle of state neutrality and recognizes, at least in principle, the equality of all citizens, the Task Force is of the opinion that it should be rejected for the following reasons:

1. It is particularly incompatible with the social goal of promoting social cohesion by teaching students to live together, and with the popularity of the neighbourhood or village school, at least in the French sector. It would lead to social fragmentation.

2. It falls short of the main expectations of parents, regardless of their religious background, and of those of teachers and principals.
3. It would be very complex to manage from an administrative point of view.

Scenario 3: Secular schools for all

Create a system of public secular schools.

Recognize parents' right to private denominational schools.

Specify the secular nature of all public schools in legislation.

Four comments are in order before we can discuss this third scenario further.

First, the following discussion deals mainly with the status of schools, that is, their general orientation, and not with the type of religious instruction or pastoral or religious animation they could offer. As clearly explained in the introduction of this report, a school's status and the educational services it offers are two different things.

Second, here again, as we have done throughout this report, we are using the term "secular" in its broadest sense, that is, "which has no connection to any one religion." This does not imply that schools are to be devoid of any religious dimension or that we must altogether take religion out of schools. However, it does mean that schools, as far as their status is concerned, should not have any organic links with a particular religion.

Third, we must dispel a grave misconception that has come to light in the debate on denominational versus secular education. Secular schools are often described as schools where, because of religious neutrality, no values are taught. When religion is construed as having a monopoly on values, it is then argued that religiously neutral schools could not adopt coherent educational projects based on the values they feel are important.

Since 1980—that is, for almost 20 years now—Québec has opted for a demanding social education approach where by each school develops an educational project whose very core consists in identifying the values on which its policies are to be founded. Most schools took up the challenge (Schoeb 1995). Bill 180, adopted in the fall of 1997, confirmed this approach and gave it new force by requiring that each school establish a governing board on which all of the parties involved in the school—both the users and providers of educational services—sit as partners in education. The governing board's first job is to develop, implement and evaluate the school's educational project with the help of all of the partners

in the school. The Education Act defines the educational project in the following terms:

A school's educational project shall set out the specific aims and objectives of the school, and the means by which the educational project is to be implemented and evaluated.

The aims and objectives of the project, and the means by which it is to be implemented, shall be designed to ensure the provincial educational policy defined by law, the basic school regulation and the programs of studies established by the Minister are implemented, adapted and enriched to reflect the needs of the students and the priorities of the school. (s. 37)

The Task Force agrees with the general principle according to which education is a responsibility shared by parents, civil society and the state. This partnership is aimed at providing all children with a well-rounded and high-quality education. Like any partnership, it involves a certain number of constraints. Specifically, it means that parents respect the neutrality to be maintained by the state with respect to religion in public schools because education is within the public sphere. Respecting the state's neutrality, however, does not prevent parents from deliberating with their partners in the school and choosing certain common values as the pillars of school life. By "common values," we mean values that can be shared by all because they exclude no one at the outset.

The "provincial educational policy defined by law" imposes on all schools the four-pronged mission to "impart knowledge to students, foster their social development and give them qualifications, while enabling them to undertake and achieve success in a course of study." The law also sets a standard and names the value on which this standard is based, namely, "the principle of equality of opportunity." But the law does not say how schools should "impart knowledge to students, foster their social development and give them qualifications," nor does it spell out, with the exception of "equality of opportunity," the values they should uphold in pursuing these goals. The law clearly leaves this responsibility to each school when it states that the educational project is to "enrich" the provincial educational policy. To enrich something means to improve its value. Here, it means to enhance the meaningfulness of the school's official goals. The choice of common values, principles and objectives is the very substance of the orientations contained in the educational project as it has been implemented in schools over the last 20 years (Naud and Morin 1978; Ministère de l'Éducation 1979; FCPPQ 1990).

In other words, secular schools do teach values. They are the product of the choices made by local communities and the provincial educational policy framework which, by its very nature, is designed to guarantee all individuals the right to education. It would be wrong to think that secular schools breed uniformity. On the contrary, they

- 6 This has not always been the case. When our education system was first established in 1841, a distinction was made between common schools, which admitted all students, and dissentient schools, which were either Catholic or Protestant. The term “common school” was officially dropped and replaced by “public school” around 1889. The terms “common schools” and “separate schools” are still used in American English (Callan 1997).
- 7 Nowhere does the Education Act use words like “secular” or “non-denominational” with reference to the status of schools that are neither Catholic nor Protestant.

provide ample room for the expression of diversity within the limits of the religious neutrality imposed by the schools’ partnership with civil society and the state.

Our fourth comment follows from the third. Given the above, in theory, the expression “common school” would provide a more fitting description of the model proposed here. This expression reflects the fact that schools belong to all and are open to all, and that the values they teach can be shared by all as full equals and do not infringe anyone’s freedom of conscience and religion. In actual fact, however, in Québec, because most students attend Catholic schools, we have come to equate “Catholic school” with “common school.” Were it not for the confusion it might create, the term “common school” would indeed be more appropriate than “secular school.”⁶ Were we to choose this option, should the law specify that Québec’s schools be secular? Because of its importance from a legal point of view, particularly the interpretation of legislation, this is an issue which the legislator will have to resolve.

At present, the denominational status of schools is fixed by a decision of the Catholic Committee or the Protestant Committee. Schools that never requested such a status are secular by default. In fact, there is no such thing, in the law, as secular schools.⁷ To secularize public schools, therefore, the legislator need only repeal the provisions of the Act respecting the Conseil supérieur de l’éducation which give the Council authority to recognize schools as Catholic or Protestant and to make resolutions to that effect.

We can now return to the task at hand, which consists in assessing this third scenario in light of the parameters we established earlier. In terms of the principles and objectives which must guide the state in defining the place of religion in schools, secular schools do not compromise the state’s neutrality. We will repeat here what we have already said to those who consider this expression of neutrality to be equivalent to the denominational option: liberal democracy need not be neutral with respect to itself. Religious neutrality protects the foundation of democracy, namely, fundamental equality of all citizens, which is in turn the foundation of justice and peace.

In terms of the legal principles discussed earlier, secular schools respect the principles of equality and of freedom of conscience and religion since, by their very nature, they do not impose religious views on students, parents or any other of the partners in the school. That, in fact, is their objective. However, the state recognizes that parents may legitimately feel that secular schools do not correspond to their views on education or to their convictions and that some parents cannot, in good conscience, place their children’s education in the hands of schools that are not grounded in the same religious tradition as they are. Consequently, in keeping with its constitutional and international commitments, the state recognizes that parents have the right to choose to send their children to a private school that reflects their religious convictions.

We did not deem it was part of our mandate to discuss issues related to the funding of private schools. We simply took note of the current provisions in the Act respecting private education which allow such funding, although on a largely discretionary basis. However, it is clear from the legal constitutional principles in force that, if the state agrees to finance private schools with religious affiliations, then it must not give preference to one or more particular religions while doing so. Assuming that all of the general requirements are met, the state must guarantee equal treatment to all religious groups with the legitimate wish to open a school so that their members may enrol their children there, if they so desire. This principle of equality should be applied all the more rigorously if the public school system is a secular one.

In terms of the broad social goals pursued by Québec, secular schools would meet the standards set as to learning to live together and promoting social cohesion since they would be open to all students and their parents, and would acknowledge their religious or secular views without any form of symbolic or actual exclusion. It would be up to the schools, through their educational projects, to recognize the ways in which the various religions and cultures contribute to school life and to the community. Of course, it is assumed they would do so in all equality and without infringing anyone's freedom of conscience and religion. Such recognition could take the form of activities focussing on particular religious traditions.

How does this third scenario rate with respect to meeting social expectations? No one or hardly anyone is opposed to the establishment of secular schools in Québec. The real issue is whether all schools should be secular. Our consultations with organizations confirmed that opinion is divided into two camps, as had also been found during the Estates General on Education. Basically, Catholic organizations are in favour of secular schools provided that denominational schools are not affected in any way. The Anglican Church and the traditional Protestant Churches tend to prefer secular schools, while others such as the Baptist, Evangelical and Pentecostal Churches are in favour of denominational schools. The parents' associations advocate free choice, while teachers' and principals' associations generally insist on the complete secularization of the education system. The latter are part of a more general movement supported by a coalition of social and cultural organizations in favour of secularization.

Our survey of parents, teachers and principals shows that secular schools based on the values held by all citizens, regardless of their religious background, are by far the first choice of parents of the Protestant religion, of parents from other religions and of those with no religious affiliation. They are also the choice of a very wide majority of teachers and principals (with the exception, it would seem, of principals of English Catholic schools). A majority of Catholic parents (52.8 percent) are also in favour of secular schools.

Québec's receptiveness to the proposed change, that is, to the secularization of the public education system, appears to be good since secular schools are the first choice of parents, teachers and principals. However, within the Catholic majority, opinion is divided. As noted earlier, this may be due to the fact that, in the eyes of many who profess to be of the Catholic religion, Catholic schools are part of their identity as Quebecers. Other difficulties can be foreseen in the minority school communities, particularly among the French Protestant schools and even more so among the English Catholic schools, which have developed a long tradition of belonging to the community. The challenge here would lie mainly in developing the social strategies that could help deal with this kind of change.

From an administrative point of view, replacing the denominational status of the denominational schools with a secular status raises no difficulties as such. In fact, the principals of denominational schools would be freed from the duties involved in applying and monitoring the application of the various requirements related to denominational status.

In short, the Task Force is of the opinion that the secularization of public schools is the most desirable option for Québec society, provided that parents' right to choose to send their children to private denominational schools is protected:

1. Secularization respects the principle according to which the state must remain neutral in religious matters to guarantee citizens' fundamental equality.
2. It respects the principle of partnership between parents, civil society and the state in education.
3. It conforms with the legal principles set out in the Canadian Charter of Rights and Freedoms and the Québec Charter of Human Rights and Freedoms and with Canada's and Québec's international commitments.
4. It gives school communities the leeway, within the limits of religious neutrality, to carry out educational projects whose orientations are based on common values chosen by all through democratic deliberation.
5. It is consistent with the goals Québec society has chosen to pursue, namely, learning to live together by building a common civic space in order to promote social cohesion and openness to the diverse religious or secular lifestyles of citizens.
6. It has the broadest base of support among the stakeholders in education, among parents of all backgrounds, and among teachers and principals.

8 For the 1998-99 and 1999-2000 school years, the then Minister of Education Pauline Marois approved a dozen or so specific Protestant projects centred on Bible values. See Pauline Marois to Viviane Schofield, president of the Commission scolaire du Val-des-Cerfs, June 29, 1998.

However, the Task Force acknowledges that a significant divergence of opinions among Catholic parents exists. Should the state choose this option, the Task Force suggests the implementation of some form of program for managing change which includes public deliberation.

Scenario 4: "Specific-project" schools

Allow the establishment of schools with specific projects based on religious criteria.

Use the mechanisms already provided for in the law for the establishment of specific-project schools.

Section 240 of the Education Act reads as follows: "By way of exception, at the request of a group of parents and after consulting with the parents' committee, a school board may, with the Minister's approval, establish a school for the purposes of a specific project, subject to the conditions and for the period determined by the Minister. The school board may determine the criteria for the enrolment of the students in that school." These specific projects could be defined in terms of religious criteria.⁸ These schools may determine enrolment conditions or criteria but, as specified in the Education Act, they must not "operate to exclude a student from the school of the student's choice if the student has a right to enrol in that school" on the basis of the general criteria established by the school board which, as far as possible, must give priority to those students who live the closest to the school (s. 239).

As regards the principles and objectives which must guide the state in defining the place of religion in schools, schools with specific religious projects are in keeping with the communitarian version of the principle of neutrality, provided the state does not favour one religion over another. Presuming that these specific projects are in keeping with the principles of liberal democracy, that they respect children's rights and that they meet the requirements of the provincial educational policy, of the basic school regulations and of the programs of study, the Minister of Education must, to be consistent with the principle of state neutrality in religious matters, either approve all of them or approve none of them.

However, with respect to the fundamental legal principles, public schools with specific religious projects raise a number of potential problems in relation to the right to equality. On the one hand, we would have members of certain religions who would be required to attend a private school to receive an education in keeping with their religious convictions and who would consequently have to pay tuition fees. On the other, we would have members of other religions who would be entitled to free schooling under the terms of a specific project of a religious nature in a public school. In the Bal case in Ontario, which the Court of Appeal upheld and the Supreme Court refused to hear, the Court of Appeal rejected

the parents' claim for a denominational school within the public school system. The Court felt they were indirectly asking for funding for their children's education when it had ruled, in *Adler*, that they were not entitled to such funding (Pratte 1998; Woehrling 1998). The situation is somewhat different in Québec in that the Act respecting private education provides for subsidies to private schools. This funding is not a right, however, and is discretionary. It is hard to tell which way a court would rule in this case.

There is another more serious reason for doubting the legal soundness of this fourth scenario. In *Bal*, the Court ruled that, depending on the circumstances, allowing a denominational school within a secular system might infringe the freedom of conscience and religion of certain students who do not share the same convictions as those on which the school is founded. The Court explained that the presence of a denominational public school in a given neighbourhood or village might force students who are not of the religion sponsoring the school to attend a school farther away from their home in order to protect themselves from the school's influence. Should the denominational school be the only school within a reasonable distance, the students might not have any choice but to attend it. If this were the case, they would be subject to the religious orientations of the school and might feel pressured to conform to the religious beliefs underlying them, especially given that the pressure to conform may be magnified by the religious nature of the school's specific project. Those who would not conform might be marginalized. According to an Ontario legal expert, it would be unconstitutional for a province to allow denominational schools within a public school system even if the individuals attending these schools agreed with the denominational character of the school (Wiltshire 1995-96, cited in Woehrling 1998).

Furthermore, public schools with specific religious projects do not appear to be compatible with the social goal of making schools a place where students learn to live together and to live with differences. However, society ranks freedom of conscience and religion, one of the fundamental rights, above this goal and accepts that it must respect the convictions of those who believe that education and religion necessarily go hand in hand. Viewed from this angle, this fourth scenario is reminiscent of the pre-Confederation dissentient schools guaranteed by the Constitution Act, 1867, to Catholic and Protestant minorities in their communities. Opting for a public system with specific-project schools would be tantamount to extending the right to dissent to all religions.

As for meeting social expectations, we have found in our consultations that, at present, there is an explicit demand for specific-project schools only among Evangelicals, Baptists, and Pentecostals. We can probably establish a correlation between this demand and our survey findings, which showed that a fraction (around 7 percent) of parents from other religions and about 18 percent of Protestant parents preferred to send their children to a school with the same religious affiliation.

9 Over time, “dissidence” has led to the bi-denominational system we are discussing here.

It is possible, even likely, that the Catholic majority would submit requests for schools with specific religious projects. Our survey has shown that 28 percent or so of parents say that the Catholic status of the school attended by their children is very important for them. The same proportion of parents feel it is very important that the school’s educational project reflect their religious values. Close to 14 percent of Catholic parents would even prefer that their children’s school be attended only by Catholics. This would correspond to over 115 000 children across Québec, or more than one school out of ten.

Of course, between the attitudes and opinions parents expressed in surveys and the choices they actually make, there is a discrepancy we cannot measure, since their choices are based on a number of incalculable factors. However, our survey does show that there is a sufficient number of potential “dissidents” among Catholics so that schools with specific religious projects might no longer be the exception, as the law would have it, simply because the majority of Québec’s population is Catholic. Given that the Minister of Education must respect all citizens’ right to equality and preserve state neutrality in religious matters, he would have no choice but to approve all requests, no matter who made them.⁹ This would take us back to the second scenario of “à la carte” schools, an option we did not recommend for reasons we stated earlier.

Quebecers’ receptiveness to schools with specific religious projects seems to depend on a number of factors, particularly the nature of the projects and their actual impact on the schools and their communities.

In communities where the Catholic majority would opt for schools with specific Catholic projects, non-Catholic minorities would no doubt feel short-changed and would likely ask for schools based on their own religious or secular values. Within a legal framework where all religions could establish schools with specific religious projects (traditional, sectarian, esoteric, etc.), we could witness a proliferation of requests for such schools, even in areas of low population density. This would likely create tension within communities, especially as regards financial resources and staffing. Children who would otherwise have the right to attend the school closest to their home would have no other choice but to be bussed to a neighbouring community in order to attend a school consistent with their parents’ preferences.

However, the greatest difficulties would likely arise elsewhere, more concretely, in the administration of such a system of specific-project schools (religious or not). Each school would require a school building. Assigning a building to house a specific-project school would mean moving the students not involved in the specific project to another building. This is where the complications begin: some parents want their children to attend a school close by, while others want their children to attend a school centred on values similar to their own.

Obviously, the problems would only get worse with each new request for a specific-project school. And they would not end here: schools with specific religious projects would likely expect, and legitimately so, that the teachers and principal assigned to them hold the same values. They might even expect to choose their teachers and principal themselves.

In short, the Task Force is of the opinion that this fourth scenario is not desirable. In its view, parents who want their children to attend schools that reflect their values should look to the private school system, as this is precisely the purpose of the private school system. The Task Force bases its opinion on the following reasons:

1. According to the jurisprudence, the legality of schools with specific religious projects is debatable in light of the equality and freedom of conscience and religion guaranteed in the Charters.
2. Such schools are likely to hamper the goal of the public school system to promote social cohesion. To the extent that these schools would no longer be the exception but the norm in a context where all are entitled to equal benefit of the law, this fourth scenario would be equivalent to the second scenario, which did not receive a favourable recommendation earlier.
3. The establishment of schools with specific religious projects would pose major administrative problems, as the number of requests for them could potentially be very high. These administrative problems would in turn create serious conflicts within communities.

B. Religious Instruction

We will now examine the place of religion within the universal system of secular schools we recommend. To do so, we must once again refer to the principles and objectives that should, in our opinion, guide the state in this matter. We came to the conclusion in Chapter 2 that, where the state was concerned, religion may have a place in schools, as a contribution to the development of the whole child, provided it is organized in a way that is consistent with the principle of fundamental equality, and provided it promotes the attainment of the goals identified as necessary for educating citizens and forging the social bond. These goals include the development of general skills, of critical and independent moral judgment, of an openness to cultural and moral diversity, and finally, of a sense of belonging to the community. Let us take a brief look at how religious instruction could contribute to the attainment of these goals.

General skills . It is part of the school's basic role to expose students to the main elements of culture. The religions of the world have historically been and still are extremely important sources of culture such as knowledge, aesthetics and ethics. Should our schools not introduce students to these elements of culture and not give them the background they need to understand them, they would not be fulfilling their

duty, which is to see to students' best interests and therefore to their full development.

Rationality and independence of judgment.

To freely choose how they will lead their own lives, children must form their own idea of a good life, on the basis of the examples they are given and of what they are taught. To do so, however, they must be able to think critically and to think for themselves. The Task Force believes that developing these skills is one of the basic responsibilities of schools. Schools must broaden students' horizons in order to prepare them for their future lives as citizens in a common civic space. Schools provide a setting for critical thought and discussion on religious and secular world views, a setting where students can become aware of their own views and of views different from their own. Critical and independent judgment are essential for accepting one's personal choices and respectfully understanding those who do not agree with these choices. The idea is not to prevent children from expressing their own views, but rather to give them the opportunity to come into contact with other world views.

For example, all religions have their own moral code. In several cases, these moral codes are based on beliefs that have been held for thousands of years and that have become part of the common, secular values on which our modern societies are founded. The idea is not to confuse sources and genres or to combine religious beliefs and the study of morals. It is to recognize that religions can provide a wealth of topics that can be objectively presented to and examined by students, an exercise that will help them form their own value judgments.

An openness to cultural and moral diversity.

Diversity has become a characteristic of modern societies such as ours and this applies to religion and values as well. Students in Montréal are exposed to various religions in their neighbourhoods and at school, while those in the regions are exposed to them through the media if not in their community. Many students in the regions will become familiar with them one way or another later in life, either when they travel or move to the city or through use of communications technologies, which have virtually eliminated time and distance barriers. However, even in the regions, where the great majority are Catholic, diversity has been manifest for quite some time in people's beliefs, values, attitudes and practices. Both in Montréal and throughout Québec, it is appropriate for children to acquire essential virtues such as tolerance and respect for or, even better, acceptance of differences at school, through learning activities. Study of the religious dimension of the human experience in literature, art and history is, we believe, necessary, even natural. However, while it is true that the religious dimension has provided fertile ground for wonderful accomplishments in both the past and the present, it has also been a seedbed of serious misunderstandings between groups of different religions. For this reason, the study of religions and of the major secular trends that have marked the 20th century seems just as appropriate and relevant as the learning of the civic values we discussed earlier.

The social bond. Citizenship, though exercised by individuals, finds its expression in social interaction. Each person is both an individual in his or her own right and a social being. Within a political community, the bond with fellow human beings transcends the individual and cuts across generations. It is shaped by culture—the product of our history, which is always in the making—and the contributions of new citizens from other societies who have chosen to integrate into the community and therefore play a role in its development.

In Québec, the political community has been shaped by religious tradition, particularly Catholicism and Protestantism. In its early days, it was exposed to the Native traditions, which it largely chose to ignore, and later was gradually enriched by other traditions: Judaism in the early 20th century, the Greek Orthodox tradition, after 1945 and, more recently, by Islam and the great traditions of the Orient. Particularly in the past 40 years, secular world views have come to the fore. Most of our actions as citizens, both in private and public life, explicitly, but more often implicitly, have their roots in past or present religious influences. The role of schools in forging a social bond may consist in allowing our young people to understand and appreciate the various ways in which we live together and which reflect our different backgrounds.

It is within this broadly outlined framework and the general parameters we used earlier to examine the status of schools that we must now look at the various possible ways of teaching about religions in schools. Of course, we will consider only those options that are consistent with the neutral role the state must maintain in religious matters and with the legal principles of equality and freedom of conscience and religion—the principles that underlie our recommendation in favour of secularizing the school system. We excluded the status quo from the very outset because it is discriminatory. At present, Québec schools offer only Catholic and Protestant religious instruction and the state serves the needs of only the Catholics and Protestants by drafting and approving programs of study for these courses.

In light of the above, we will discuss three possible scenarios: a system in which students would choose between religious instruction in each denomination and the study of religions from a cultural perspective; courses on the study of religions from a cultural perspective instead of religious instruction for all students; and no religious instruction of any kind in school.

What about moral education? This question was not part of our mandate. However, we are assuming that moral education will continue to be offered both at the elementary and secondary levels and the learning objectives set for these courses will continue to be compulsory for all students. As for the dispensing of moral education, it will have to dovetail with whatever decision is made regarding the place of religion in schools.

10 The religious instruction courses would include moral education objectives, as is currently the case. The courses geared to the study of religions from a cultural perspective could complement the moral education courses, but details of the various possible arrangements have yet to be worked out.

This assumption is easily justified. The learning objectives pursued in moral education courses clearly contribute to the development of rational, independent judgment, one of the fundamental goals pursued in educating students and preparing them to become responsible citizens. Moral education courses provide an ideal (though not exclusive) forum for teaching about the values that form the basis of our personal and social ethics. Among the parents who took part in our survey, whatever their religion, between 66 percent and 84 percent felt that schools had a very important role to play in the teaching of social and moral values, a much higher percentage than for a similar question on the teaching of religious values. On the latter question, the percentage of parents who felt schools played a very important role varied between 3.5 percent among parents with no religious affiliation and 34.2 percent among Catholic parents.

Scenario 1: Religious instruction in each denomination and the study of religions from a cultural perspective

Offer a system in which students would choose between a number of denomination-specific religious instruction programs and the study of religions from a cultural perspective.

According to this first scenario, schools would offer a variety of courses (within reason) aimed at meeting the diverse needs and expectations with respect to religious instruction. Parents of all denominations and those with no religious affiliation could enrol their children in denomination-specific religious instruction courses or courses geared to the study of religions, as long as the number of students justifies the forming of classes.¹⁰ Courses on the study of religions would necessarily meet the principles set out by our committee of experts.

With respect to principles and objectives, this scenario is in keeping with state neutrality. Similarly, with respect to legal principles, this option respects the right to equality and freedom of conscience and religion of all citizens. The risk of marginalizing students is lower, particularly in diversified communities, since all students are guaranteed, in principle, the right to receive instruction in keeping with their beliefs.

As for social goals, this scenario constitutes progress as it recognizes the heritage of all religious denominations on an equal footing and is conducive to their development. In addition, it enables those who do not want denominational instruction to become familiar with the heritage of various religious groups. However, it does not promote the interaction or the sharing of this diversified heritage by all students since a “territory” is assigned to each group. As a result, the objective of social cohesion that Québec schools are seeking to attain is obviously not met.

Social expectations and interest with respect to such a system are not very high, however. None of the organizations we

- 11 We obtained these figures by making a projection based on total enrolments in the French and English schools boards and on the preferences of Catholics, Protestants, parents of other religions and parents with no religious affiliation. It was assumed that Catholics who preferred Catholic religious instruction (46.8 percent) would choose the corresponding course for their children. The same assumption was made for Protestants who preferred Protestant religious instruction (22.7 percent). Parents of other religions who preferred religious instruction in each religion (12.1 percent) were treated as one category, while those who preferred either Catholic or Protestant religious instruction (5.8 percent) were equally divided among the corresponding categories. Parents with no religious affiliation who preferred either Catholic or Protestant religious instruction (1.9 percent) or religious instruction for each religion (3.1 percent) were equally divided among the three categories. The same figures were applied to total enrolments in both the French and English sectors.

consulted suggested a similar system. In our survey of parents, teachers and principals, we did not solicit their opinion on this scenario per se but on a similar one, according to which schools would offer a different religious instruction course for each of the religious groups. It was favourably viewed by only a fraction of respondents. Only 12 percent of parents of “other” religions preferred this option. Paradoxically, it received the most support from Catholic parents. Parents were asked to state their preference among four options: Catholic and Protestant religious instruction; religious instruction in each religion; courses on the study of religions from a cultural perspective; and no religious instruction of any kind. Overall, for all groups of parents, the result was the same: the majority preferred courses on the study of religions from a cultural perspective.

We assessed the demand there would theoretically be for each type of course based on the very liberal assumption that all schools would offer all of the different types. However, a certain percentage of parents would prefer that no religious instruction of any kind be offered in schools. We assumed these parents would make the compromise of enrolling their children in courses on the study of religions from a cultural perspective. Table 2 shows that, in both the French and English sectors, courses on the study of religions were most parents’ first choice, with Catholic religious instruction courses coming in second. The demand for Protestant and other religious instruction would be much less.

Table 2

Distribution of Students According to the Type of Religious Instruction Preferred by Parents and Language of Instruction of the School Board¹¹

PREFERENCE	Students in French School Boards		Students in English School Boards	
	(N)	(%)	(N)	(%)
Catholic	396 000	42.2	19 269	19.5
Protestant	5 443	0.6	6 527	6.6
Each denomination	6 569	0.7	3 459	3.5
Study of religions from a cultural perspective	426 612	45.5	52 520	53.2
None	92 361	9.8	15 937	16.1
Not stated	11 018	1.2	1 076	1.1
TOTAL	938 033		98 788	

What kind of reception would this scenario have? It would no doubt be welcomed by the parents’ organizations as well as the denominational organizations, particularly the Catholic ones, since they defend parents’ right to choose. However, parents belonging to other religions are largely not in favour of this scenario. Teachers and principals, especially in the French sector, would undoubtedly be against it, as would secular groups, in light of their belief that denominational religious instruction is not the responsibility of schools, but of religious authorities and

- 12 So far, the education system has taken special financial measures to enable parents to exercise their right to choose. For example, in 1994-95, the sum of \$2610 300 was allocated to facilitate the management of parents' right to choose between religious and moral education (measure 30380) and was used to hire teachers to dispense religious or moral education in schools where the number of students did not justify the forming of classes. See Ministère de l'Éducation, *Estimation du coût de la confessionnalité en 1994-95*.
- 13 This is not the case, however, for Protestant religious instruction, but there is pressure to impose such a condition in Protestant "specific-project" schools. We may well suppose that parents of other religions would have the same requirement.
- 14 The Catholic Committee considered this possibility as a part of its efforts to find ways to better respect teachers' freedom of conscience and religion. After consulting the community, it was concluded that this hypothesis had more drawbacks than advantages.

families. Teachers, at least, felt that schools should be open to religious diversity. In other words, it all depends on the mission of schools: should they socialize students with peers of the same religion, or should they prepare students for life in society at large, where they will come into contact with a number of different religions? These views may appear to be two opposites, but in actual fact, both models are legitimate and could exist side by side, assuming the right to equality was safeguarded.

Beyond the debate dividing people on this issue, as reflected by their preferences, is the question of administrative feasibility. In other words, is this scenario viable? It would require that all schools offer at least Catholic religious instruction and courses on the study of religions. The demand for both types of courses in both the French and English sectors would justify their being offered. It would also be necessary to determine the minimum number of students required in each school in order to justify offering Protestant religious instruction and religious instruction in other denominations. This would not be an easy task, given regional variations in the density of student populations. However, given their obligation to respect freedom of conscience and religion and equality of all citizens, schools and school boards would have to take measures to meet the demand as best as possible.¹² The scenario under consideration would surely involve additional expenditures we have no way of assessing here.

The main difficulty raised by this scenario has to do with its management from an educational point of view, particularly at the elementary level. How would the different types of courses be assigned to teachers to satisfy the choices made by the various groups? The denominations could legitimately require that the teachers giving each type of religious instruction be of the corresponding religion, just as Catholic religious instruction is currently taught by Catholic teachers.¹³ There would be no such requirement, however, for teachers giving the courses on the study of religions. The delicate problem posed by this option is tied to freedom of conscience and religion: teachers in secular public schools would be forced to state their religious affiliation. Under the current system, any teacher may be assigned to teach Catholic or Protestant religious instruction, but may also ask to be dispensed from doing so. A similar system would be difficult to justify in secular schools. Teachers would necessarily have to be permitted to "opt out."

Another possibility would be that home-room teachers continue to give religious instruction but, here again, we run into workload distribution problems, given the varying numbers of students choosing each type of course. How could teachers be assigned groups of a comparable size? Furthermore, all of these courses would have to be offered in the same time slot. In all likelihood, these administrative problems would lead, in the medium or long term, to the creation of a specialized teaching force, as is currently the case with French as a second language or physical education teachers. This organizational structure would also cause a number of serious problems at the elementary level.¹⁴

This leads us to another question: should there be teaching specialists for each type of religious instruction course and teaching specialists for the courses on the study of religions? As these courses would be offered in the same time slot, separate groups of specialists would be required, unless schools are willing to totally reorganize their timetables. Although possible in theory, the alternative of assigning both types of courses to the same specialists would be very difficult to carry out. How could we guarantee that the courses about religions are no more than that? We must keep in mind that there are some 100 000 students in our public schools whose parents are against religious instruction in schools in any shape or form. Again, such a system of teaching specialists at the elementary school level would pose serious administrative problems, especially in rural regions, given the need to assign each teacher a full workload.

The problems would probably not be as serious at the secondary level. Each subject is already, in principle, taught by a specialist. However, the same difficulties would arise should both types of courses be assigned to the same specialists.

Finally, this scenario would create problems at the time teachers are hired, since they would have to state their preference for teaching a given type of religious instruction. This, in turn, raises a question as to the kind of teacher training universities should provide. Again, prospective teachers would have no choice but to disclose their religious affiliation.

The Ministère de l'Éducation, for its part, would be required to draft and approve a number of different religious instruction programs and to fund them on an equal footing. Of course, this would be the consequence of a more general policy decision that is up to the state to assess within the framework of its priorities.

In short, the Task Force is of the opinion that this scenario would be an inappropriate choice. Although it generally meets the principles and objectives pursued by the state and legal principles with respect to equality and freedom of conscience and religion, it does not adequately satisfy the other parameters.

1. A system where students would choose between denomination-specific religious instruction and courses on the study of religions from a cultural perspective would not be consistent with the social goals of promoting openness to diversity and social cohesion.
2. It would meet current expectations, only to a very limited extent within majority groups and, even less so, within minority groups.
3. It would be unfeasible from an administrative point of view.

- 15 An optional course was offered at the secondary level for a few years and may still be offered in some private schools.

Scenario 2: The study of religions from a cultural perspective

Offer to all students courses on the study of religions from a cultural perspective instead of religious instruction courses.

As a community service, provide facilities to those religious authorities that wish to offer religious instruction to students outside regular school hours, given that this form of education falls outside the jurisdiction of the state.

Courses on the study of religions from a cultural perspective were last offered in our schools in 1982.¹⁵ Within the scope of its mandate, the Task Force asked a committee of experts to examine this option and to suggest relevant policy directions. The conclusions of this committee consist mainly in guidelines rather than a program proposal as such. Proposing a program would have required resources and learning content decisions that would not have been appropriate at this point in time. The Task Force found the guidelines submitted by the committee to be extremely useful. They appear to be rational, coherent and likely to have the potential to provide a framework for the development of programs of study. Furthermore, they provide sufficient grounds for a position statement and for the ensuing discussions. The orientation and guidelines proposed by the committee are the following:

Orientation:

The study of religions from a cultural perspective is intended for all students, regardless of their or their parents' religious background.

Guidelines:

1. The study of religions examines religious phenomena and secular schools of thought from a social sciences viewpoint.
2. It reflects the diversity of religious traditions and secular schools of thought present in Québec society and in the world.
3. It gives a prominent place to Christian traditions.
4. It presents the richness and complexity of religious traditions and secular schools of thought.
5. It prepares students for life in a society characterized by ideological, cultural and religious diversity.
6. It takes into account students' cognitive development, lifestyles and diverse interests.

Two comments are in order on this topic.

First, the study of religions cannot replace moral education. It may complement moral education by explaining the religious background of common values and by promoting tolerance, understanding and appreciation of differences. For this reason, the study of religions is not presented here as an alternative to moral education. The committee stressed that a distinction must be made between the moral aspects of religions and the moral education to be provided by schools as an adjunct to that provided by the family and the community (p. 14). In our opinion, this implies that schools must offer both courses on the study of religions and on moral education. It was not part of our mandate to look at the issues related to the dispensing of moral education. These should be discussed by the parties concerned. For its part, the committee made the following comment:

Though compulsory, courses on the study of religions need not be offered throughout the year at each grade level of elementary and secondary school. The teaching time allocated for these courses could be combined with that allocated for moral education or citizenship education and distributed over the year. (Comité sur l'éducation au phénomène religieux 1998, 16, free translation)

Our second comment has to do with the spiritual dimension of religious education or what is commonly referred to as the “quest for meaning.” The committee felt that it was inappropriate to include spiritual development as one of the goals of courses on the study of religions. For one thing, the study of religions implies maintaining a certain distance with respect to religious belief systems and the subjective aspects of religious phenomena (p. 13). For another, the committee feels that pursuing the goal of spiritual development may require that teachers get unduly involved in students’ personal lives against their parents’ wishes. However, the committee believes that the study of religions can provide a framework within which students can become aware of their own quest for meaning and of where they can look for the answer or answers they need, on the basis of a better understanding of the background behind the central message of each religion (p. 13).

We recognize the relevance of this comment. We also acknowledge the role that the study of religions can play in students’ quest for meaning, as explained above. But it can never fully satisfy the expectations of parents who would rely solely on it to foster their children’s spiritual development with respect to their religious affiliation. It can never do so because of the basic underlying principle that such study must be neutral. Parents’ expectations could be satisfied only through denominational religious instruction.

Spiritual development, which is part of the development of the whole person, may be promoted through different types of learning activities. Parents’ expectations with regards to religious instruc-

16 In our survey, more than half of the Catholic school principals that have evaluated the confessional character of their schools since 1988 stated that this exercise had been of little or no use.

tion and their children's spiritual development are perfectly legitimate. Until now, public schools were entrusted with the task of meeting these expectations through denominational religious instruction. However, we must face the fact that, in today's secular society, the conditions that would make it possible to offer denominational religious instruction to all simply no longer exist. In fact, Catholic religious instruction, and more particularly, its objectives, has been a topic of debate for some time and studies aimed at evaluating the confessional character of Catholic public schools have not resolved the issues.¹⁶ We must say, with all due respect, that the Catholic Committee's views on the goals of Catholic religious instruction have clearly changed in the last few years and shifted toward an increasingly diluted version of the goals still assigned to religious instruction by the Catholic Church (Congregation for Catholic Education 1997). Of course, this phenomenon is a reflection of parallel changes in Québec's religious mores and of Catholic organizations' will to keep abreast of these changes. However, the denominational specificity of the goals pursued in Catholic religious instruction has suffered in the process.

The problems affecting both Catholic and Protestant religious instruction are wide-ranging. Our survey of elementary school teachers shows that one out of three teachers in French Catholic schools, one out of five in English Catholic schools and one out of two in Protestant schools feel uneasy about teaching religious instruction. This uneasiness bears a strong correlation to religious convictions. However, only a fraction of teachers ask to be dispensed from teaching religious instruction. Furthermore, we know that, English Catholic teachers excepted, one out of three would prefer that no religious instruction of any kind be dispensed at school, as would more than 36 percent of principals in French schools. In the words of Guy Côté, current president of the Catholic Committee: "We must unfortunately lament that religious instruction courses are too often taught by reluctant or ill-prepared teachers, and that parents' choice of religious instruction for their children is not always accompanied by a willingness to continue the teachers' work at home" (Côté 1998, 5, free translation).

That is why, in our opinion, only the respective religious authorities themselves can now adequately support the religious aspirations of students and their parents as part of a voluntary, mutually agreed-upon process. Public schools may nonetheless, without compromising their neutrality, play a role in this process, given the state's duty to promote the exercise of all fundamental freedoms, including freedom of conscience and religion. In addition to their primary mission of providing the educational services prescribed by law, public schools must also "contribute to the social and cultural development of the community" (EA, s. 36). The term "cultural" is broad enough to include the religious dimension. In light of the above and in keeping with Québec's educational traditions, we feel it is legitimate and desirable that public schools provide facilities to the religious authorities of the different religions so that they may organize and dispense, at their expense, religious instruction to those

- 17 This is the solution adopted by Ontario for its secular public schools, as set out in subsections 3 and 4 of section 29 of its General Regulation Respecting the Operation of Schools (RRO 1990, Reg. 298):

- “(3) A board* may permit a person to conduct religious exercises or to provide instruction that includes indoctrination in a particular religion or religious belief in a school if,
- (a) the exercises are not conducted or the instruction is not provided by or under the auspices of the board;
 - (b) the exercises are conducted or the instruction is provided on a school day at a time that is before or after the school’s instructional program, or on a day that is not a school day;
 - (c) no person is required by the board to attend the exercises or instruction; and
 - (d) no board provides space for the exercises or instruction on the same basis as it provides space for other community activities.
- (4) A board that permits religious exercises or instruction under subsection (3) shall consider on an equitable basis all requests to conduct religious exercises or to provide instruction under subsection (3).
- *“Board” means a district school board or a school authority, not the school governing board.

- 18 At present, section 90 of the Education Act gives school governing boards the power to organize, on their own initiative, educational services other than those prescribed by the basic school regulation, “outside teaching periods during the school days of the school calendar or on non-school days, and may organize social, cultural and sports services. It may also allow other persons or organizations to organize such services on school premises.”

who want it.¹⁷ To this end, schools or their governing boards, which already have the authority to do so,¹⁸ under the law, should consider all requests for facilities on an equal footing and never reject the request of a religious group out of overt or covert hostility toward its beliefs. To avoid any ambiguity, it would be preferable for the law to specify that the governing boards have the power to allow religious groups to use school facilities, outside school hours, to provide educational or other services to their members. The governing boards should exercise this power without discrimination, that is, without favouring or excluding any one religious group, and in keeping with any priorities they may have set.

That being said, we can now examine this scenario in terms of the parameters we set earlier.

With respect to the principles and objectives that must guide the state in defining the place of religion in schools, the proposed scenario is perfectly in keeping with the principle of neutrality. In addition, it gives the various religious groups who wish to do so the opportunity to go beyond the schools’ work on the school premises. The study of religions meets the four goals set for schools by the state with respect to adequate preparation for citizenship: it exposes students to cultural heritage as it relates to religion; it exposes students to a diversity of opinions likely to help them develop critical and independent moral judgment; it promotes the development of tolerance toward, or even better, appreciation for various world views, both religious and secular; finally, it introduces students to life in a society richer for the integration and appreciation of the heritage of different religions, namely, the Christian traditions passed on by the first settlers and the various religious traditions of those who came to Québec after them.

With respect to legal principles, this scenario respects students’ equality rights and their freedom of conscience and religion. However, it does present a difficulty in relation to section 41 of the Québec Charter of Human Rights and Freedoms, which reads as follows: “Parents or the person acting in their stead have a right to require that, in the public educational establishments, their children receive a religious or moral education in conformity with their convictions, within the framework of the curricula provided for by law.” In the opinion of the legal experts we consulted, it is doubtful that religious instruction dispensed by the various religious groups outside school hours complies with the letter of section 41, even though it complies in spirit. They therefore suggested that section 41 be amended to make it consistent with international law. On this topic, Professor Woehrling (1998) wrote the following:

Rather than give parents and guardians “the right to require that, in the public educational establishments, their children receive a religious . . . education in conformity with their convictions,” the amended section 41 should give them “the right to provide their children with an education in keeping with their religious or philosophical convictions.” Consistent

with international law, this provision of the Charter would simply give parents the right to send their children to a private school or to have them excused from the religious or moral education offered at a public school, given the state's duty to abstain from imposing religious doctrine in any course taught in public schools. In our view, there is little likelihood that such a reform would be contested in the political arena. Not only does it perfectly comply with international law, but it also defines parents' rights in clearer terms than those used in the Canadian Charter. (p. 141, free translation)

From the point of view of the social goals discussed earlier, this scenario is particularly consistent with the goal of creating a common civic space where the various religious and secular world views are seen as contributing to the enrichment of a shared heritage. Rather than emphasizing our "vertical" identities, which define who we are in terms of our family or community roots, this scenario highlights our "horizontal" identities, which shape our common, shared ideals. It fosters the development of a sense of belonging to the community of humankind, without however depriving students of their own distinctive identities.

As for social expectations and interest, this scenario was submitted to us mainly by groups with a secular outlook on education, but also, as we have already seen, by many government advisory bodies. Our survey confirmed that this scenario would be endorsed by 44 percent of Catholic parents, 64 percent of Protestant parents, 56 percent of parents from minority religious groups and 57 percent of parents with no religious affiliation. Among teachers, support for this scenario varies between 44 percent in French Catholic schools and 58 percent in English Protestant schools. School principals, however, are divided: 40 percent in French Catholic schools would favour this scenario, compared with 46 percent in French Protestant schools, 29 percent in English Catholic schools and 70 percent in English Protestant schools.

Among the goals to be pursued in religious education, the non-denominational goals rallied the greatest support. Respondents were practically unanimous on the goal of teaching tolerance. Similarly, a strong majority in all groups, including Catholics, were in favour of introducing students to the various religions represented in Québec society and to their history.

What kind of reception would this option receive should it be adopted? According to our survey, this scenario was the one that obtained the most support. While it is true that a considerable percentage of Catholic parents expressed their preference for Catholic religious instruction, the study of religions, although it might not fully meet their expectations, is not contrary to them since, as also shown in our survey, they largely agree with its objectives. Furthermore, those religious groups that would wish to do so could dispense religious instruction outside school hours on school premises. Given that the different denominational groups would themselves take care of transmitting their teachings, this

- 19 The synod of the Montréal diocese adopted the following two recommendations to this effect in late October 1998:

“We recommend that the Church in Montréal make an all-out commitment to ensure that public schools offer quality religious instruction.

“We recommend that the Catholic communities in the Montréal diocese offer catechism in the parishes” (free translation).

Édition officielle : Mille Visages, Une Église. Toutes les propositions et les amendements présentés à l'Assemblée synodale du Diocèse de Montréal, les 28-29 novembre 1998, <http://www.archeveche-mtl.qc.ca/synode/synode.html#three>.

For his part, in late December 1998, the Archbishop of Montréal, Cardinal Jean-Claude Turcotte, commented that “the very great majority of parents still want religious instruction for their children.” He added that “Religion is the business of the churches But why could schools not teach those aspects of the Christian religion that are part of our heritage so that students could, for example, know the stories behind the names of our streets and convents?” S. Brouillet, “Une meilleure éducation à la foi et à la vie. Le cardinal Jean-Claude Turcotte livre sa vision de l'année 1998,” *La Presse*, December 27, 1998, sec. B, p. 12, free translation.

scenario could clear up the ambiguities undermining religious instruction as it is currently offered in our public schools. These ambiguities relate both to the objectives of religious instruction and to the conditions in which it is taught in public schools. The receptiveness given to this scenario could also depend on the attitude of the religious authorities of the major denominations and particularly of the Catholic Church, for whom it represents both an unprecedented break with tradition and an opportunity for renewal. The Task Force observed the stirrings of real openness to greater involvement in religious education by the Catholic communities themselves.¹⁹

Another important factor is the rate at which such a change would be introduced. Should it be abrupt, it will likely be accepted with greater difficulty than if it were gradual. Constraints involved in implementing change in the education system would, paradoxically, facilitate it. Changing over from religious instruction to the study of religions from a cultural perspective involves a series of long and complex operations. A program must first be developed, field-tested, then gradually implemented. In-service training must be offered to elementary school teachers and refresher training, to secondary school teachers. The entire process might span five or six years at least and, as demonstrated by similar initiatives in foreign countries, its success would be conditional on providing flexible forms for professional development so as not to overburden teachers. This implies that the state must agree to invest the necessary sums of money.

This process would give the various denominations the time they need to take the necessary measures to start dispensing religious instruction as part of the community services offered by schools, if this is the formula they choose to adopt, or otherwise. Of course, measures to facilitate this change could be taken jointly by all of the stakeholders involved.

With respect to administrative feasibility and especially educational management, there would be two major difficulties to contend with. The first has to do with the training of both student teachers and practising teachers. In the case of student teachers, the difficulty could be solved through adjustments to the current university programs, which already include a religious and moral education component. The colleges, too, should examine their future role in providing prospective teachers with a foundation in the study of religions. Practising teachers, for their part, would need in-service training to make the transition from religious instruction to the study of religions from a cultural perspective.

This change would also require the active support not only of teachers, but also of their professional associations and unions. According to studies on the hierarchy of the school subjects, at present, religion is the subject teachers rank as the least important (Lenoir et al. 1998). It cannot be assumed that switching over to the study of religions would reverse this trend since close to 30 percent of teachers would rather that their school not offer any religious instruction at all. The first and considerable challenge would therefore concern teachers' professional

associations and unions, and would essentially consist in generating interest among teachers for the study of religions.

The second challenge is of a different nature. Under the current system, many Catholic teachers no doubt teach religious instruction out of a personal commitment based on their own convictions. In fact, teachers cannot teach Catholic religious instruction unless they are themselves Catholic. Under this new scenario, however, they would be asked, not to renounce their convictions, but to take enough distance from them in order to be able to teach about all religions from a neutral standpoint. We are not questioning these teachers' good will, but simply calling attention to the fact that this important change involves teachers' personal values and sensibilities.

In short, the Task Force is in favour of replacing the current religious instruction programs with the study of religions from a cultural perspective. The various denominational groups would themselves see to providing religious instruction to their members and could do so on school premises outside school hours, within the framework of the school's mission to provide community services. This scenario is desirable for the following reasons:

1. It is in keeping with the principles and objectives that must guide the state in religious matters, both in terms of the neutrality it must maintain and in terms of the goals it must pursue in schools in order to prepare students for their role as responsible citizens.
2. It is in keeping with the legal principles set out in the Charters which guarantee equality for all and freedom of conscience and religion.
3. It is consistent with the social goals of building a common civic space and of preparing young people for life in a pluralistic society, where the various religions are seen as enriching the common heritage.
4. It provides what is, in our view, an acceptable compromise between the expectations of parents and those of other school stakeholders. It seems to reconcile the two prevailing views on the place of religion in schools.

The successful implementation of this option hinges on the support of parents, school staff, and religious groups, and on a gradual, well-planned implementation process with appropriate funding from the state.

Scenario 3: No religious instruction of any kind

Offer no religious instruction.

Offer moral education only .

The third scenario, still within a secular school system, is for schools to offer no religious instruction, not even courses on the study of religions from a cultural perspective. Schools would offer only secular moral education. It should be noted that there is some support for this third scenario.

From the standpoint of the principles and objectives which should guide the state, this scenario is consistent with the state's mandatory neutrality, in its most radical republican form. However, it is not compatible with the goals the state must pursue with respect to preparing young people for their future lives as citizens, promoting their cultural development, helping them learn to develop independent, critical judgment, and cultivating an openness to cultural and moral diversity. As seen earlier, the study of religions contributes to the pursuit of these goals in a specific, valuable way and young people would otherwise be deprived of this contribution. Where the more general aim of education is concerned, namely, students' development to their full potential, schools that would not provide any form of religious instruction would, in our opinion, miss conveying key personal, social and historical aspects of human existence, especially if these aspects are not covered in other subjects.

As for the legal principles discussed earlier, this scenario would respect the principles of equality and freedom of conscience and religion, provided that parents who feel it goes against their convictions can send their children to private school. However, schools that would offer no religious instruction are, without a doubt, contrary to both the letter and the spirit of section 41 of the Québec Charter of Human Rights and Freedoms. Adopting this option would imply either amending or repealing section 41.

With regards to Québec's stated social goals, although it does contribute to the building of a common civic space, this scenario relegates the various religions to the private sphere and thereby minimizes their contribution to the common religious and cultural heritage. It also fails to promote the mutual appreciation of differences.

Social expectations and interest in connection with this scenario are rather low as it rallies only a minority among parents, teachers and school principals. Few in each group proposed a similar approach. According to our survey, only 7 percent and 11.7 percent respectively of Catholic and Protestant parents would prefer secular schools where no religious instruction is offered, compared with 21 percent among parents of a different religion and 37 percent of parents with no religious affiliation. Among teachers and principals, however, between a quarter and slightly more than a third were in favour of this option, except in the English Catholic sector.

There are grounds to believe that such a radical change would not receive a warm reception, given that only 7 percent of Catholic parents, who represent the majority of parents, were in favour of

it; it does, however, have a support base especially among school staff. Indeed, Catholic opinion on the issue of religious instruction is divided into two camps: 47 percent still prefer Catholic religious instruction while 52 percent would rather that schools offer courses on the study of religions or not provide any form of religious instruction.

In short, the Task Force does not recommend this scenario for the following reasons:

1. It is contrary to the objectives pursued by the state as regards providing citizens with a complete education.
2. It is not compatible with Québec's social goals of promoting openness to diversity and appreciation of differences.
3. It is supported only by a minority, even among those with no religious affiliation.

To conclude this section on religious instruction, it would be useful to recall the school profiles that seem to meet the expectations of players in education as to both the values they should hold and the type of religious instruction they should or should not dispense. These school profiles ranged from fully denominational to fully secular, including a number of mixed profiles. Denominational schools as they now stand are based on religious values and dispense religious instruction. They were the preference of 33.7 percent of Catholic parents. However, 40 percent of parents were in favour of secular schools based on common values and dispensing courses on the study of religions or no religious instruction at all. Between these two poles, 11 percent preferred schools based on Catholic values, but which would also offer courses on the study of religions, while 13 percent opted for schools based on common values, but which would also offer Catholic and Protestant religious instruction.

The majority of parents, therefore, are in favour of secular schools. The above figures indicate that Catholic parents are divided on the issue and that further debate is warranted. However, parents belonging to religions other than Catholicism or Protestantism and parents with no religious affiliation are not so divided since, overall, a majority of them are in favour of secular schools. Among teachers and school principals, a clear majority (except the principals of English Catholic schools) preferred secular schools as well. Where there is a convergence of opinions among parents, teachers and principals in the minority groups, the same cannot be said about Catholics, where there is a greater discrepancy between the users and the providers of educational services.

C. Pastoral or Religious Animation

Pastoral or religious animation is the other educational service of a religious nature provided in Québec schools as part of student services. Pastoral animation is widely offered in Catholic schools,

while religious animation is not as prevalent in Protestant schools. Pastoral or religious animation is different from religious instruction in that the activities proposed under it are entirely voluntary. Furthermore, in principle, it is reserved either for Catholics or Protestants. At least, only these two religious groups are entitled by law to pastoral or religious animation.

The objectives pursued in Catholic pastoral animation differ from those pursued in Protestant religious animation less by the nature of the activities that are offered than by their inspiration. Catholic pastoral animation is clearly denominational while Protestant religious animation is more of an open service without any specific denominational affiliation. According to the law, pastoral animators must be mandated by the bishop of the diocese in which the school is located. There is no parallel requirement for Protestant religious animators in either the law or the regulations.

Because students use pastoral or religious animation services on a fully voluntary basis, we cannot examine these services from exactly the same perspective as we did the status of schools and religious instruction. We must rather assess their relevance, as we would other student services such as student life services, social services and psychology services. The question we must ask is whether these services meet real needs, whether there is a demand for them from students and their parents.

Pastoral or religious animation services are basically intended to meet students' spiritual and religious needs. The Task Force fully acknowledges the spiritual dimension of human experience, but also acknowledges that different people within our society have different conceptions of spirituality that do not necessarily involve an affiliation to a particular religious group. Close to 64 percent of the parents who took part in our survey and who stated that they had no religious affiliation said that spirituality was important in their eyes.

As for pastoral or religious animation services themselves, 61 percent of Catholic parents felt they were important, as did 51 percent of Protestant parents. Parents of other religious groups and parents with no religious affiliation, for their part, attached little or no importance to these services. This is justifiable since they are not intended for them. We would have liked to hear the views of young people on this topic. The only view which we did hear was voiced by young people in a South Shore suburb of Montréal, who said they truly appreciated these services. An empirical study showed a certain openness among secondary school students to the spiritual and religious dimensions of human existence (Nadeau and Cadrin-Pelletier 1992).

The Estates General on Education had recommended turning pastoral or religious animation into a civic support service. We do not share this opinion: many equate the spiritual dimension with a given religion, a fact which justifies that they be offered support from

20 Arguing for a civics approach to pastoral animation in secular schools, J. Berthelot (1994) wrote: "It is often thanks to pastoral animators that many schools have held activities on human rights, peace, the environment, and intercultural relations in recent years. They have played a major role in raising students' awareness of the principles of democracy and of democratic life in schools" (p. 248, free translation).

21 States will generally subsidize chaplaincies in order to allow citizens to exercise their freedom of religion when, because of special circumstances, they are temporarily cut off from civic life" (Prelot 1996, 66, free translation). This is the case, for example, for the military, people serving prison sentences, and people in hospitals. State-owned television and radio stations broadcast religious services for the same reason.

an educational perspective. As we just said, the spiritual dimension is equally important for many who are not affiliated with a specific religion. From a more general point of view, no one can deny and in fact many acknowledge that pastoral or religious animation plays a significant role in making secondary schools a more people-friendly, more stimulating environment because of the values it promotes and especially because of the concrete initiatives it encourages. These are most likely the very reasons which prompted suggestions to turn pastoral or religious animation into a civic support service.²⁰

However, should the state help subsidize these services? Again, we must look to the principles we defined earlier for the answer to this question. The role of the state is to enable all citizens to fully exercise all of the rights and freedoms guaranteed them.²¹ Freedom of conscience and religion is such a right. However, the state must also remain neutral without discriminating in favour of or against any one religion. If the state can meet this requirement, then whether or not it will favour the exercise of freedom of conscience and religion becomes a matter of whether or not it is relevant for it to do so and whether its decision is based on a democratic consensus. The state and civil society may, furthermore, establish partnerships in this area. At present, both the Catholic Church and the state financially support pastoral or religious animation services according to terms and conditions they freely agreed upon.

It is therefore in light of the above and of the previously established parameters that we will examine different scenarios with respect to what we will call "religious support services." More specifically, we focussed on three scenarios: religious support services for each denomination represented in the school; common multifaith religious support services; and no religious support services. The Task Force eliminated the status quo because it provides for animation only for Catholics and Protestants and is therefore contrary to the relevant principles and legal standards.

Scenario 1: Religious support services for each denomination

Offer religious support services for each of the denominations present in a school, where warranted by the number of students.

This implies that a representative of each denomination comes to the school to work with students of the same religion, where this is warranted by a sufficient number of students. This scenario is compatible with the principle of state neutrality and is therefore worth considering. It is also compatible with the applicable legal principles since it respects the principle of equality for all. As regards the goals Québec has set for itself as a society, it recognizes the contributions of the various religions to the common heritage but does not promote interaction between the religions.

Expectations and interest with respect to this scenario are, however, very low: barely 8 percent of parents of non-Christian denominations expressed any interest in this option and none of their representative organizations requested separate religious support services for each denomination.

From a point of view of administrative feasibility, this scenario is likely to raise a certain number of problems, particularly in terms of funding. To respect the right to equality, schools that would like to call on the services of a religious support specialist of a given denomination would be required to provide the same services to all of the denominations represented by a sufficient number of students. Schools would therefore have to develop a number of programs to meet the needs of the different denominations.

In short, although this scenario conforms with the principles of equality and neutrality and with the applicable legal principles, it does not seem advisable, for the following reasons, to provide religious support services for each denomination present in a school:

1. There is not much of a demand for this scenario, particularly among those religious groups that do not receive pastoral or religious animation at present.
2. It would likely be very difficult to administer.

Scenario 2: Common religious and spiritual support services

Allow schools that wish to do so to offer state-subsidized common religious and spiritual support services for all denominations present in the school.

In schools that choose not to offer common religious and spiritual support services, allow the delivery of religious support services to students of different denominations on school premises, but outside school hours and at the expense of the religious groups, as part of the community services to be provided by schools.

This scenario recognizes the relevance of providing support to all students who are looking for meaning in their lives or pursuing a spiritual quest. This support would take the form of one-on-one or group meetings with a person who can help them look for meaning in their lives, meet personal or group commitments and possibly celebrate their religion. In addition, this type of support should be offered to all students who want it.

Common religious and spiritual support services recognize that young people can pursue their spiritual quest for meaning together as a group or within given religious traditions. Provided religious support specialists are of the religion, they could dispense these

- 22 It would be up to each school to determine how to blend these services with its student life services or possibly with civic support services.

services themselves, or call on outside resources if they are not of the religion. These services could also, following a humanistic perspective, be intended for all students in a school, provided that they are presented as such to students and that students can freely choose to participate in activities or not.²²

This scenario implies that the religious support specialist knows individuals who belong to the various denominations represented in the school and who are qualified to provide religious and spiritual support services. It also implies that he or she can refer students to these individuals. He or she would thus become a religious or spiritual “dispatcher.” The religious support specialist could also, if he or she has the authority to do so, lead or organize interdenominational cultural activities or activities for members of his or her own religious group. This scenario requires that religious support specialists be very open to the diversity of religious experience, show a constant concern for respecting students’ freedom of conscience and religion, and not discriminate against anyone. Of course, it also requires that they refrain from trying to proselytize or indoctrinate students.

The Government would be responsible for formulating the general goals of these common religious support services, just as it defines the goals of all student services in the basic school regulations. These goals should be expressed in neutral language so as not to favour any one religion or faith. Of course, nothing would prevent the Ministère de l’Éducation from holding appropriate consultations.

The programs of activities based on these services would be established by the schools in light of the general goals set by their respective governing boards. Given the religious diversity of Québec’s communities even within each school board, it is important to provide the schools with the greatest possible autonomy as regards their programs of activities. The school boards should be given the prerogative of setting the criteria for hiring religious support specialists in light of the general goals fixed by the Government. These criteria should be non-discriminatory and should focus on the training and qualifications of the religious support specialists.

This scenario also addresses the issue of the use of school premises for the purposes of religious services or prayer. School facilities could be used, at different hours or on different days, by the various denominational groups present in a school. Schools could not, however, subject the use of their premises to any religious rules that would encroach on anyone’s human rights.

Common religious or spiritual support services also imply reviewing the rules set out in the law concerning student services. At present, the law gives Catholic and Protestant pastoral or religious animation services a special status in that it requires school boards

- 23 It is against Jehovah's Witnesses' beliefs, for example, to celebrate children's birthdays or to study music, the arts or literature using religious materials or texts.

to see that these services are offered in each school (Education Act, s. 226). This is not the case for the other student services. We feel that this special status is no longer justified. Under the law, "after consulting with the governing board, the principal shall inform the school board of the requirements of the school as regards goods and services" (EA, s. 96.22). It is up to the partners in the school to identify the needs of the school and set its priorities. Schools' needs are wide-ranging while financial resources are limited. Religious and spiritual support services are but one of the different types of student services schools may offer. Students are entitled to student services but nothing warrants that religious and spiritual support automatically be given top priority. Like other student services, religious and spiritual support services should therefore be subject to democratic deliberation and arbitration by the partners in the school.

The school community, through the school principal and the governing board, could therefore decide to discontinue religious and spiritual support services in order to place greater emphasis on other student services it feels are more important. As we suggested earlier for religious instruction, the legislation should include a provision by which schools could allow the different religious groups to use school premises in order to provide, at their expense, religious support services to students of their denomination outside class time. Schools would offer premises as a community service and without discriminating against or excluding any religious groups.

A scenario whereby schools would offer common religious and spiritual support services as part of their student services because they chose to do so is, in our view, in keeping with the principle of state neutrality with respect to religious matters in public schools. From a legal standpoint, this scenario respects the right to equality and it also respects freedom of conscience and religion, since students take part in activities on a voluntary basis. Activities intended for all students should focus on humanistic values that may be shared by all members of the school community, without emphasizing the religious beliefs or values of any given religious group. However, schools should be sensitive to the incidental discriminatory effects any activity, such as the celebration of holidays, might have, and make alternative arrangements, within reason. Such situations are most likely to arise at the elementary level.²³

In connection with Québec's social goals, common religious and spiritual support services are a particularly appropriate way of recognizing the diversity and richness of religious experience in its different expressions and of teaching tolerance and, even better, appreciation of differences. In this respect, their goals tie in well with those pursued through the study of religions.

This scenario meets the expectations of Protestants to a large extent. The Association québécoise des conseillères et conseillers en éducation chrétienne, a Catholic association of Christian

24 The Catholic Church in Montréal had chosen to take the lead at its October 1998 synod, as evidenced by this resolution: "We recommend that the Church in Montréal assess and redefine the role of pastoral animators in the linguistic school boards, and the role of the parishes" (free translation). Édition officielle : Mille Visages, Une Église. Toutes les propositions et les amendements présentés à l'Assemblée synodale du Diocèse de Montréal, les 28-29 novembre 1998, <http://www.archeveche-mtl.qc.ca/synode/synode.html#three>.

education counsellors, told us it was in favour, at least at the secondary level, of a shift toward a "multifaith approach." According to our survey, 39.7 percent of Catholic parents preferred this option. This percentage is lower, however, than the combined percentage of parents in favour of the status quo and parents in favour of separate pastoral animation for each religion (which necessarily includes Catholics), which amounts to 43.6 percent. Protestant parents, for their part, mostly preferred common religious and spiritual support services (55 percent). This scenario was likewise supported by half (49.9 percent) of parents from other religious groups and 38.6 percent of parents with no religious affiliation.

These figures indicate a certain receptiveness to change in this area. As we have just seen, this scenario is the one preferred by most Protestants and members of other religious groups. Although the Catholic majority is divided on this question, 40 percent of parents are nonetheless in favour of common religious and spiritual support services for all students. Those who would rather have separate pastoral animation for Catholics would be challenged by a change in this direction.

This scenario would represent a definite challenge, particularly among Catholics, for those already providing pastoral animation in the schools, given that they are currently doing so as part of the mission of the Catholic Church and with a mandate from their bishop. The proposed change would involve a radical adjustment for them, particularly for those working at the elementary level, where pastoral animation ties in closely with parish activities. These pastoral animators would be required to broaden the scope of their work to include students from all religions who wish to call on their services. Given that religious diversity does not exist to the same extent or in the same form in all school communities, the challenge of adjusting to the change will vary from one place to another. However, even before these proceedings were launched, pastoral animators had already started examining issues related to their role, the relevance of their work in a pluralistic society and the need to accommodate religious diversity (Direction de l'enseignement catholique 1997b).²⁴ Should the option of common religious and spiritual support services be adopted, these pastoral animators would need further training to familiarize themselves with and better understand the other religions represented in their schools.

From the point of view of administrative feasibility, this scenario also poses a new challenge to the school governing boards, which would have the responsibility of deciding whether or not religious and spiritual support services are part of the school's educational priorities. Given the current tradition, we are given to think that arriving at a decision will be difficult in some schools. There is, however, one thing that can be done to help smooth the process, at least in part, and that is to allow school communities the time they need to reach a consensus and prepare themselves to make the change. The fact that this scenario provides the alternative of offering religious support services outside class time as part of

a community service should attenuate the debate where a consensus cannot be reached.

In short, a shift from pastoral animation for students of the Catholic and Protestant religions to religious and spiritual support services for all students appears to be the most appropriate option for those schools that wish to offer such services.

1. It is in keeping with the principle of state neutrality with respect to religion.
2. It respects the right to equality; it respects and encourages the exercise of freedom of conscience and religion.
3. It promotes social cohesion as well as tolerance, and even better, an appreciation of religious diversity.
4. It meets the expectations of a considerable segment of the population and leaves local communities to decide on the relevance of offering religious and spiritual support services in light of all students' needs.

Scenario 3: No state-subsidized religious support services

Make no provision for state-subsidized religious support services in schools.

Make provision for offering religious support services to students of the various denominations as a community service, on school premises but outside school hours and at the expense of the religious groups involved.

This scenario leaves the responsibility of providing religious support services entirely up to the different religious groups, which may do so on school premises, as part of the school's community services, but outside school hours and at their expense. Religious support services would therefore not fall under the school's jurisdiction and would become part of civic support services as proposed by the Commission for the Estates General on Education.

This scenario is compatible with the general principle of state neutrality in its most radical form. Under this scenario, the organization of activities aimed at students' religious and spiritual development does not fall within the scope of public schools' responsibilities.

This scenario poses no difficulties with respect to the legal principles that are part of our parameters, since it fully guarantees the right to equality and freedom of conscience and religion. By providing for this type of support services in school but after school hours, the state would encourage freedom of religion within the bounds of its duty to remain neutral.

As far as expectations are concerned, this scenario would be supported by the groups with secular views on education which proposed it in their briefs. None of the other groups suggested a similar model. According to our survey, 55.6 percent of parents with no religious affiliation, 32 percent of parents of non-Christian religions, 19.8 percent of Protestants and 14.4 percent of Catholics preferred this scenario.

A change in favour of this scenario would constitute a radical break with the current situation and would predictably be opposed by a large majority of Catholics and Protestants, and even by members of other religions, half of which preferred common religious support services.

In short, the Task Force is of the opinion that this scenario would not be very appropriate, although it is in keeping with the state's duty to preserve its neutrality and with the requirements set out in the Charters.

1. It does not take students' religious and spiritual goals into account.
2. It does not meet the expectations of the various segments of Québec society.

D. Other Considerations

There are yet other considerations we must address in defining the place of religion in schools. The Education Act sets no standards and makes no provisions for certain forms of religious expression. While our schools can be secular, the students attending them will still follow the teachings of their religion.

Food and dress. Some religions have specific rules regarding food or dress. Schools, as public institutions, have a legal duty to accommodate these rules, within reasonable limits, when establishing common standards that are justifiable in a neutral educational setting, but which may indirectly infringe students' freedom of conscience and religion. For example, some schools have a uniform or require that students dress a certain way for special activities, when using sports facilities, or in workshops or laboratories. Other religions forbid certain foods and, on some days, these foods are in every menu item at the school cafeteria.

According to our survey, educational partners were very open-minded with respect to these distinctive forms of religious expression. In practice, though, things can be quite different. Some, particularly teachers, have asked for province-wide standards, as they did at the time of the debate over whether or not Muslim women and girls should wear the veil in school. Even if it is not always easy to accommodate religious differences in schools, it would be difficult to set province-wide standards, since by definition, reasonable accommodation can be found only

on a case-by-case basis. However, the Education Act, the basic school regulations and the Québec Charter form the non-negotiable framework within which each case must be handled, as some have had to be reminded.

Holidays or absences to celebrate religious holidays. Many religious traditions observe holidays which come into conflict with the school calendar. It is a fact that members of non-Christian religions wish to observe the important rites or holidays in their religious calendar and that their religious calendar does not necessarily coincide with Québec's civil calendar, which is based, in part, on the Christian calendar. Should schools take into account the religious holidays or rites of their students' religions when planning the school calendar? Should they schedule examinations or pedagogical days accordingly?

The Task Force based its answers to these questions on the general guideline it is proposing concerning the place of religion in schools, and on the spirit of what is called reasonable accommodation. The Task Force is of the opinion that neither school boards, which are responsible for their school calendars, nor schools should plan students' or staff's non-school days on the basis of religious criteria. Here as elsewhere in matters related to religion in schools, the principles of equality and non-discrimination should apply. The Task Force does not see how all religious rites and holidays could be worked into the school calendar on an equal footing: in some schools, the religious diversity of the student population is so great that it would be impossible to take into account the various religious holidays and still meet the requirements set in the basic school regulations. Scheduling school holidays to coincide with the holidays of religious groups where this is justified by a sufficient number of students would not only discriminate against students who belong to religious groups that are not sufficiently represented, but would also be difficult to manage as the composition of the student population varies from one year to the next.

In religious matters as in other cases where absences are motivated by personal reasons, it is up to the parents to decide whether their children should miss school on a given day and make up for it by doing extra homework. Schools should not penalize students for such absences, just as they would not penalize them for missing a day because they were ill.

This being said, schools may decide, where possible and within reasonable limits, to accommodate certain holidays, provided this does not penalize the other students.

As for giving school staff leave for religious reasons, opinions published by the Commission des droits de la personne et des droits de la jeunesse, Québec's human and youth rights commission, stress that staff are entitled to adjustment measures, but that this right is subject to certain limits designed to maintain a balance between workers' and employers' rights. Decisions in this respect can be made only case by case and not across the board.

25 One of the Commission's duties is to advise the Minister on the approval of programs of study: "The council may, in exercising its powers and function, (1) form advisory committees and determine their powers and functions as well as their operating rules; (2) hire the services of experts" (EA, s. 477.7).

In any event, the Commission's opinions on the Islamic veil (1994) and religious pluralism in schools (1995) as well as the instruments prepared by the Ministère de l'Éducation (1997, 1998) to help school staff address these issues provide valuable guidelines. For this reason, the Task Force did not feel compelled to explore this matter further.

E. Institutional Consequences of the Proposed Changes

Should they be adopted, the options endorsed by the Task Force, namely, secular schools, the study of religions from a cultural perspective, and common religious and spiritual support services for students of all religions, would have obvious consequences on the structures currently in place to administer, manage and monitor the place of religion in schools.

The major religious education structures, the Catholic and Protestant Committees of the Conseil supérieur de l'éducation, would lose their purpose. The same is true for the departments within the Ministère de l'Éducation which currently play a role in developing programs and monitoring the denominational aspects of the school system.

Furthermore, these changes would require the development of programs for the study of religions from a cultural perspective. The Task Force feels that the programs could be developed using the mechanisms already provided for by law in the terms of reference of the Ministère de l'Éducation and the Commission des programmes d'études.²⁵ Matters related to teachers' professional development and initial teacher training programs must be submitted to a teacher training policy committee, the Comité d'orientation de la formation du personnel enseignant, for examination and recommendations.

Our proposals would also have consequences at the school board level, where the Education Act provides for the appointment of "a person to be responsible for administrative support to schools recognized as Catholic schools and schools recognized as Protestant schools and to the moral and religious education and pastoral or religious care and guidance services provided in these schools" (EA, s. 262). This position would no longer be relevant.

E Public Debate

The options favoured by the Task Force in the preceding pages and recommended to the legislator for adoption in the following pages are based on a body of arguments we have tried to present in the most rational manner possible. This does not mean that they will automatically win universal support. Our more modest goal was simply to provide a basis for further discussion.

Although they are a reflection of the general direction in which our society is evolving, in many ways, our proposals represent a break with Canadian and Québec tradition, which has until now

granted privileges to Catholics and Protestants. Instead, our proposals focus on the fundamental values of equality for all and freedom of conscience and religion. The amendment to section 93 of the Constitution Act, 1867, was a first step in this new direction. Our proposals are the second step.

Every change is a new challenge. All Quebecers are now invited to join in a public debate. The Task Force feels it is vital that this debate take place in the best possible conditions and is therefore pleased that it will be led by the Standing Committee on Education, as announced when the Task Force was created in 1997 and repeated since. This is the appropriate place to hold such a debate, since members of both the Government and the opposition will discuss the issues face to face. Together, they represent all Quebecers. Furthermore, as the most representative groups will be called to appear before the Standing Committee, an important segment of civil society will expose its views to state officials. At the conclusion of these proceedings, it will be up to the Government to identify those options it feels are most appropriate and to decide on the best way of making its final decisions.

Conclusions and Recommendations

The major events that have marked the recent history of our school system, namely, the 1997 amendments to the Constitution Act, 1867 and the creation, in 1998, of Québec's linguistic school boards, led us naturally to continue the debate launched by the Estates General on Education in 1996 regarding the place of religion in schools. Additional incentive to take up this debate collectively and, we hope, bring it to a close was provided by cultural and demographic changes, and by the organizational problems involved in denominational schooling.

The Task Force is submitting its conclusions in the form of a brief series of recommendations intended to serve as a basis for public discussion. These recommendations clearly represent a break with the tradition that has prevailed in Québec for more than a century. They amount to a proposal that, in the future, our education system be unequivocally based on respect for the right to equality and respect for freedom of conscience and religion. In 1975, the National Assembly enthroned the right to equality and freedom of conscience and religion in the Charter of Human Rights and Freedoms. Like the National Assembly, we believe that this right and this freedom, with the other fundamental rights guaranteed in the Québec Charter, are the "foundation of justice and peace." We have come to the conclusion, that to provide for the full exercise of these rights, Québec must replace its current denominational school system by a secular school system and consequently redefine the place of religion in schools.

This redefinition implies secularization in the broad sense of the term. Within the framework of schools based on common values shared by all citizens, it allows for the study of religions from a cultural perspective as well as secular world views. It acknowledges the spiritual dimension and therefore allows schools to offer common religious and spiritual support services, if they so desire. It also allows schools, as part of their role in the community and taking into account their priorities, to make their facilities available outside school hours to the various religious groups that wish to provide religious services at their own expense to members of their faith.

We have taken great care to ground our recommendations on the most rational arguments possible. Our purpose in holding the consultations, conducting the studies and discussions, and submitting the recommendations we have the honour of presenting in this report was to provide the Minister of Education, the Government of Québec, the members of the National Assembly and all of those who choose to take part in the debate with ample background to fuel their participation in this debate.

Recommendations:

1. We recommend that the Government of Québec and the National Assembly confirm the primacy of the right to equality and freedom of conscience and religion guaranteed in the Québec Charter of Human Rights and Freedoms and the Canadian Charter of Rights and Freedoms

1 As explained in the previous chapter, we are assuming that moral education will continue to be part of the elementary and secondary school curriculum and that the attendant learning objectives will continue to be compulsory for all students. The model for organizing and dispensing moral education should be harmonized with that adopted for the study of religions from a cultural perspective.

and, consequently, that they repeal or not renew the current notwithstanding clauses in education legislation which override the application of the Charters.

2. We recommend that legislation be enacted to establish a secular system of public schools dispensing preschool, elementary and secondary education.
3. We recommend that the current denominational statuses held by public schools be revoked.
4. We recommend that the Education Act be amended to stipulate that the values and beliefs of religious groups cannot be used as criteria to set up a public school for the purposes of a specific project.
5. We recommend that the basic school regulations for elementary and secondary education provide for the study of religions from a cultural perspective in place of Catholic or Protestant religious instruction, and that the study of religions be compulsory for all students.¹
6. We recommend that programs for the study of religions from a cultural perspective be developed and implemented in keeping with the guidelines and framework proposed by the Commission des programmes d'études of the Ministère de l'Éducation, and with the relevant provisions of the Education Act.
7. We recommend that the Ministère de l'Éducation encourage flexible measures for teacher in-service training for the study of religions from a cultural perspective and allocate the necessary financial resources for such measures.
8. We recommend that the Education Act authorize schools to provide common religious and spiritual support services for students of all faiths and that these services be publicly funded.
9. We recommend that the Government define the general objectives of religious and spiritual support services in the basic school regulations just as it defines those of other student services; that the local school governing boards draw up programs of activities in keeping with these general objectives; that the school boards set the criteria for hiring religious support specialists in keeping with these same objectives and without discrimination.
10. We recommend that the Education Act stipulate that the local school governing boards may, outside school hours, provide facilities to religious groups that wish to dispense religious instruction or offer services at their own expense to members of their faith attending the school; and that the Act stipulate that the governing boards must exercise this power without discrimination, taking into account any priorities they may legitimately set with respect to the use of school premises.

- 2 The Task Force felt that recommending the most appropriate time for repealing these provisions was not within its competence, especially if its recommendations are to be implemented gradually. However, in spite of the fact that legislation is presumed valid until definitively struck down, it may be juridically unwise not to renew the notwithstanding clauses adopted under the Canadian Charter of Rights and Freedoms as long as the debate to follow the publication of this report is still in progress and the current provisions on the place of religion in schools are still in force. The Task Force is aware that the rules established in the decisions of the Supreme Court of Canada require the legislator to indicate the nature of the provisions the legislator wishes to override.

11. We recommend that the provisions of the Act respecting the Conseil supérieur de l'éducation pertaining to the Catholic Committee and the Protestant Committee be repealed, that the provisions of the Act respecting the ministère de l'Éducation pertaining to the associate deputy ministers for the Catholic and Protestant faiths also be repealed and, consequently, that the appropriate changes be made to the organizational structure of the Ministère de l'Éducation.
12. We recommend that section 41 of the Québec Charter of Human Rights and Freedoms be amended to recognize, as stated in article 18(4) of the International Covenant on Civil and Political Rights, "the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions."
13. We recommend that any other applicable legislative and regulatory provisions be amended in keeping with these recommendations.
14. We recommend that, should these recommendations be adopted, they be implemented gradually, as follows:

General Provisions

- a) Repeal of the notwithstanding clauses in education legislation which override the application of the Charters of Rights²
- b) Amendment of section 41 of the Québec Charter of Human Rights and Freedoms
- c) Revocation, by law, of the current denominational status of public schools
- d) Abolition, by law, of the Catholic Committee, the Protestant Committee and the associate deputy minister positions for the Catholic and Protestant faiths
- e) Adoption of any other applicable legislative, regulatory and administrative provisions, including terms and conditions of implementation and the timetable for change

Provisions Relating to the Study of Religions from a

Cultural Perspective

- f) Start of the implementation process for the appropriate programs of study
- g) Assignment of a mandate to the Comité d'orientation et de formation du personnel enseignant with respect to the initial training of future teachers and the in-service training of practising teachers regarding the study of religions

- h) Simultaneous implementation of plans for the initial training and professional development of teachers

**Provisions Relating to Common Religious and Spiritual
Support Services**

- i) Definition, in the basic school regulations, of the objectives for common religious and spiritual support services
- j) Implementation of an initial and in-service training program for the staff concerned
- k) Introduction of common religious and spiritual support services

References¹

Assemblée des évêques du Québec. 1982. Le système scolaire et les convictions religieuses des citoyens. Montréal (March 18).

Berthelot, J. 1994. Une école de son temps. Un horizon démocratique pour l'école et le collège. Montréal: CEQ/ Éditions Saint-Martin.

Callan, E. 1997. *Creating Citizens. Political Education and Liberal Democracy.* Oxford: Clarendon Press.

Catholic Committee. 1974b. Religion in Today's Schools. Québec: Ministère de l'Éducation.

_____. 1997a. Vers un nouvel équilibre. Avis à la ministre de l'Éducation sur l'évolution de la professionnalité scolaire. Sainte-Foy: Conseil supérieur de l'éducation.

_____. 1997b. Avis à la ministre de l'Éducation sur l'amendement de l'article 93 de la Constitution canadienne. Sainte-Foy: Conseil supérieur de l'éducation.

_____. 1998. Éléments de réflexion sur la place de la religion à l'école. Sainte-Foy: Conseil supérieur de l'éducation.

Commission des droits de la personne du Québec. 1979. Liberté de religion et professionnalité scolaire. Document adopted by the Commission on December 7, 1979. Montréal.

_____. 1983. Mémoire de la Commission des droits de la personne à la Commission élue permanente de l'éducation sur le Projet de loi 40 : Loi sur l'enseignement primaire et secondaire public. Montréal.

_____. 1983. Résumé du mémoire [à la] Commission élue permanente de l'éducation sur le projet de loi no 40 : Loi sur l'enseignement primaire et secondaire public. Montréal.

_____. 1988. Mémoire de la CDPQ à la Commission permanente de l'éducation sur les projets de loi 106 (Loi sur les élections scolaires) et 107 (Loi sur l'instruction publique). Document adopted by the Commission on April 8, 1988. Montréal.

1 Some of the works cited in this bibliography were written by two Task Force members, Micheline Milot and Jean-Pierre Proulx. The Task Force believes these works are relevant to its mandate.

_____. 1994. Le port du foulard islamique dans les écoles publiques. Aspects juridiques. By Pierre Bosset, Direction de la recherche. Document adopted on December 21, 1994. Montréal.

_____. 1995. Le pluralisme religieux : un défi d'éthique sociale. Montréal.

Commission des droits de la personne et des droits de la jeunesse du Québec. 1996. Notes de présentation des positions de la Commission des droits de la personne et des droits de la jeunesse à propos de la mission éducative, de l'accessibilité et de la réussite, des curriculums d'études, de la formation continue, de la professionnalité. États généraux sur l'éducation (Provincial conference, September 3 to 6, 1996).

_____. 1997. Débats de la commission parlementaire sur l'éducation pour le projet de loi sur les commissions scolaires linguistiques (May 22, 1997). Montréal.

Commission for the Estates General on Education. 1996a. The Estates General on Education 1995-1996. A Summary of the Regional Conferences. Gouvernement du Québec.

_____. 1996b. The Estates General on Education 1995-1996. Renewing Our Education System: Ten Priority Actions. Final Report of the Commission for the Estates General on Education. Gouvernement du Québec.

Congregation for Catholic Education. 1997. L'école catholique au seuil du troisième millénaire, Internet, <http://www.vatican.va>.

Côté, G. 1998. École et religion : quelques enjeux éthiques. Conference, October 23.

Dion, L. 1967. Le bill 60 et la société québécoise, Montréal: HMH.

Direction de l'enseignement catholique. 1996. États généraux sur l'éducation. Relevé des mémoires traitant de la professionnalité scolaire. Mise à jour. Québec: Ministère de l'Éducation (February).

Durand, J., G. Durand, L. Proulx and J.-P. Proulx. 1980. La déconfectionnalisation ou le cas de l'école Notre-Dame-des-Neiges. Montréal: Libre Expression.

Élie, R. et al. 1961. L'école laïque. Montréal: Les Éditions du jour.

FCCPQ. 1991. Le projet éducatif de l'école. Guide de participation à l'intention des parents du conseil d'orientation et du comité d'école. Beauport.

Lenoir, Y. Larose, V. Grenon and A. Hasni, 1998. La hiérarchisation des matières scolaires chez les enseignants du primaire au Québec : Évolution ou stabilité des représentations depuis 1981 ? Sherbrooke, Université de Sherbrooke [to be published].

Mifflen, F. J. and S. Mifflen. 1982. The Sociology of Education. Canada and Beyond. Calgary: Detselling Enterprises.

Milot, M. and J.-P. Proulx. 1998. Les attentes sociales à l'égard de la religion à l'école publique. Rapport de recherche. Québec: Ministère de l'Éducation. Task Force on the Place of Religion in Schools in Québec.

Ministère de l'Éducation. 1979. The Québec School. Policy Statement and Plan of Action. Québec.

_____. 1996. Education Minister Pauline Marois presents the government guidelines for the creation of linguistic school boards, Communiqué No.1: The Confessional Debate. Québec: Cabinet de la ministre, GQM 00350 (June 12).

_____. 1997. Accommodating Religious and Cultural Diversity in the School: Training Unit for School Principals. Number 8. Québec: Direction de la coordination des réseaux and Direction des services aux communautés culturelles.

_____. 1998. Accommodating Religious and Cultural Diversity in the School: Unit for School Principals. Number 8.1. Québec: Direction de la coordination des réseaux and Direction des services aux communautés culturelles.

Morel, A. et al. 1962. Justice et paix scolaire. Montréal: Les Éditions du jour.

Morin, J. Y., F. Rigaldies, and D. Turp. 1997. "Affaire McIntyre." In Droit international public. Notes et documents, Volume II, Documents d'intérêt canadien et québécois. Montréal: Les Éditions Thémis (3rd revised edition), 713-727.

Nadeau, S. 1998b. Le discours de l'État québécois sur la place de la religion à l'école (1964-1997). Québec: Ministère de l'Éducation, Task Force on the Place of Religion in Schools in Québec.

Nadeau, S. and C. Cadrin-Pelletier. 1992. *Au-delà des apparences... Sondage sur l'expérience morale et spirituelle des jeunes du secondaire*. Québec: Ministère de l'Éducation.

Naud A. and L. Morin. 1978. *L'esquive, l'école et les valeurs*. Sainte-Foy: Conseil supérieur de l'éducation.

Pratte, S. 1998. *La place de la religion dans les écoles publiques des provinces anglo-canadiennes*. Rapport de recherche. Québec: Ministère de l'Éducation, Task Force on the Place of Religion in Schools in Québec.

Prelot, P.-H. 1996. "Les aumôneries dans les établissements secondaires publics." In *Les statuts de l'enseignement religieux*, ed. Messner F. and J.-M. Woehrling. Paris: Dalloz/Cerf.

Proulx, D. 1998. "La Modification constitutionnelle de 1997 relative aux structures scolaires du Québec : une mesure juridique opportune et juridiquement solide." In *Revue du Barreau* (Spring) 58: 43-94.

Proulx, J.-P. 1994. "Les écoles publiques non confessionnelles du Québec : cas d'espèce ou voie d'avenir ?" *Revue des sciences de l'éducation*, XX, 467-492.

_____. 1997a. "Restructuration scolaire : la concurrence des valeurs religieuses et linguistiques." In *Transformation des enjeux démocratiques en éducation*, ed. L. Corriveau and M. St-Germain. Montréal: Les Éditions logiques, 165-203.

Rochon, G. 1971. *Le Mouvement laïque de langue française (M.L.F.) et la question scolaire : 1961-1969*. Analyse d'un groupe de pression. Master's thesis, Department of Political Science. Université de Montréal. Montréal.

Roy, M. 1983. "Lettre des évêques au premier ministre de la province de Québec, le 29 août 1963." In *L'enseignement confessionnel*. Texte de l'épiscopat du Québec. Montréal: Fides. "L'Église aux quatre vents" Series.

Royal Commission of Inquiry on Education [Parent Commission]. *Report of the Royal Commission of Inquiry on Education in the Province of Québec*. Part Three. 1966. Québec. Gouvernement du Québec, vol. 4.

Schoeb, F. 1995. *Les écoles en projet... Ressemblances. Différences*. Rapport de recherche sur le projet éducatif des écoles francophones des commissions scolaires catholiques du Québec. Québec: Centrale de l'enseignement du Québec/Fédération des enseignants des commissions scolaires.

Smith, W. J. and W. F. Foster. 1998. *Balancing Rights and Values: The Place of Religion in Québec Schools*. Montréal: McGill University, Office of Research on Educational Policy. Québec: Ministère de l'Éducation, Task Force on the Place of Religion in Schools in Québec.

Supreme Court of Canada. 1993. Reference re: Education Act (Qué.), 2 S.C.R. 511.

Wiltshire, R. 1995-96. "The Right to Denominational Schools within Ontario Public School Boards." In *Education and Law Journal*, 81.

Woehrling, José. 1998. *Étude sur le rapport entre les droits fondamentaux de la personne et les droits des parents en matière d'éducation religieuse*. Québec: Ministère de l'Éducation, Task Force on the Place of Religion in Schools in Québec.

Appendix 1

MANDATE OF THE TASK FORCE

The general mandate of the Task Force is to examine the place of religion in schools, to define relevant guidelines and to propose methods for their implementation. More specifically, the Task Force shall:

1. identify the issues regarding the place of religion in schools, both as regards its status and the educational services it involves, with a particular focus on the evolution of Québec society subsequent to the work of the Parent Commission (1966) in the same area;
2. determine the principles, objectives and approaches that should guide the state in defining the place of religion in schools and, where appropriate, indicate those it recommends. In this connection, the Task Force shall
 - a) present a critical inventory of the various possible relationships between the state and the different denominations with respect to education;
 - b) clarify the relationship between fundamental human rights and the right of parents to make decisions concerning the religious instruction of their children;
 - c) clarify the expectations of parents in terms of religious instruction, and the expectations of other closely involved groups such as teachers and principals;
 - d) take into consideration the fundamental social choices previously made in Québec in the cultural arena as expressed, in particular, in the preamble to the Charter of the French Language and in Québec's immigration policy;
 - e) take into consideration the points of view expressed by representatives of the main religious denominations and the groups supporting a secular approach to education;
3. with the authorization of the Minister, conduct research required for the execution of its mandate.

The Task Force shall submit its report to the Minister in the fall of 1998.

Québec, October 8, 1997

Appendix 2

TASK FORCE MEMBERS

Chair

Jean-Pierre Proulx
Professor, Département d'études en éducation
Assistant director, Centre de formation initiale des maîtres
Université de Montréal
Montréal

Members

Yves Lafontaine

Vice-president, Tribunal administratif du Québec
President, Commission des droits de la personne et des droits de la jeunesse
(1991-1996)
Sillery

Micheline Milot

Professor
Département de sociologie
Université du Québec à Montréal
Montréal

Lise Racine

Principal
École Les Sources (Until September 30, 1997)
Commission scolaire Les Découvreurs
Cap-Rouge

Ammar Sassi

Secondary school teacher (Until June 30, 1997)
École Émile-Legault
Commission scolaire Sainte-Croix
Saint-Laurent

Francine Tremblay

Elementary school teacher
École André-Gagnon
Commission scolaire de Chicoutimi
Chicoutimi

Daniel Weinstock

Associate professor
Département de philosophie
Université de Montréal
Montréal

Margaret Whyte

Director
St. Lawrence Campus
Champlain Regional College
Sainte-Foy

Appendix 3

LIST OF STUDIES

The Task Force conducted or commissioned the following studies:

Comité sur l'éducation au phénomène religieux. 1998. L'enseignement culturel des religions, Principes directeurs et conditions d'implantation. Québec: Ministère de l'Éducation, Task Force on the Place of Religion in Schools in Québec. [Study No. 1]

Milot, M. and J.-P. Proulx. 1998. Les attentes sociales à l'égard de la religion à l'école publique. Rapport de recherche. Québec: Ministère de l'Éducation, Task Force on the Place of Religion in Schools in Québec, Comité sur l'éducation au phénomène religieux. [Study No. 2]

Nadeau, S. 1999. Le discours de l'État québécois sur la place de la religion à l'école (1964-1997). Québec: Ministère de l'Éducation, Task Force on the Place of Religion in Schools in Québec, Comité sur l'éducation au phénomène religieux. [Study No. 3]

Pratte, S. 1998. La place de la religion dans les écoles publiques des provinces anglo-canadiennes. Rapport de recherche. Québec: Ministère de l'Éducation, Task Force on the Place of Religion in Schools in Québec, Comité sur l'éducation au phénomène religieux. [Study No. 4]

Smith, W. J. and W. F. Foster. 1998. Balancing Rights and Values: The Place of Religion in Québec Schools. Montréal: McGill University, Office of Research on Educational Policy; Québec: Ministère de l'Éducation, Task Force on the Place of Religion in Schools in Québec. [Study No. 5]

Woehrling, José. 1998. Étude sur le rapport entre les droits fondamentaux de la personne et les droits des parents en matière d'éducation religieuse. Québec: Ministère de l'Éducation, Task Force on the Place of Religion in Schools in Québec. [Study No. 6]