Religion in Secular Schools:

## A New Perspective
for Québec

Québec ⠇⠇

March, 1999

Mr. François Legault
Minister of Education
Ministère de l'Éducation
1035, rue De La Chevrotière, 16ᵉ étage
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Dear Minister Legault:

We are honoured to submit the unanimous report of the Task Force on the Place of Religion in Schools in Québec. We hope that we have satisfactorily carried out the mandate we were given by your predecessor, Pauline Marois, on October 8, 1997.

Our greatest wish is that our work and recommendations will provide a useful basis for the public debate and for any decisions the Government and the National Assembly may be required to make on the place of religion in schools.

Yours sincerely,
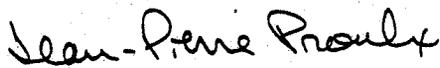
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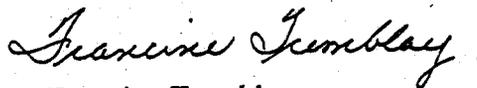
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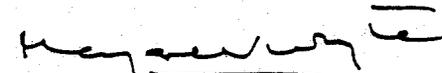
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Jean-Pierre Proulx
Chair

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

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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 Committee and Protestant Committee of the Conseil supérieur de

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.

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-denomi-
national moral education, regardless of the public school attended and
regardless of its denominational status, if any.

Of course, these changes were not intro-
duced 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 Com-
mission) 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 1997). 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 suspend-
ed 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 of religion the status of fundamental, universal social
values, together with the equality of all before the law. Québec's Commis-
sion 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.

General introduction

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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 clause[6] 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 Committee,[7] 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

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, the 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.[10] 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 moral and religious instruction in the public school system. There were three main guidelines.

9   P. Cauchon, "Confessionnalité et enseignement privé. Deux consensus impossibles à dégager, constate Bisaillon." 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.

10 The complete statement is found in Appendix 2 of this report.

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 then 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 moral education and religious instruction, 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 instruction 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

11 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, 1999.

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.[11]

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 instruction 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

12 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 latent[12] functions (Mifflen and Mifflen 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 detailed report of our work.

Part 1 The Issue
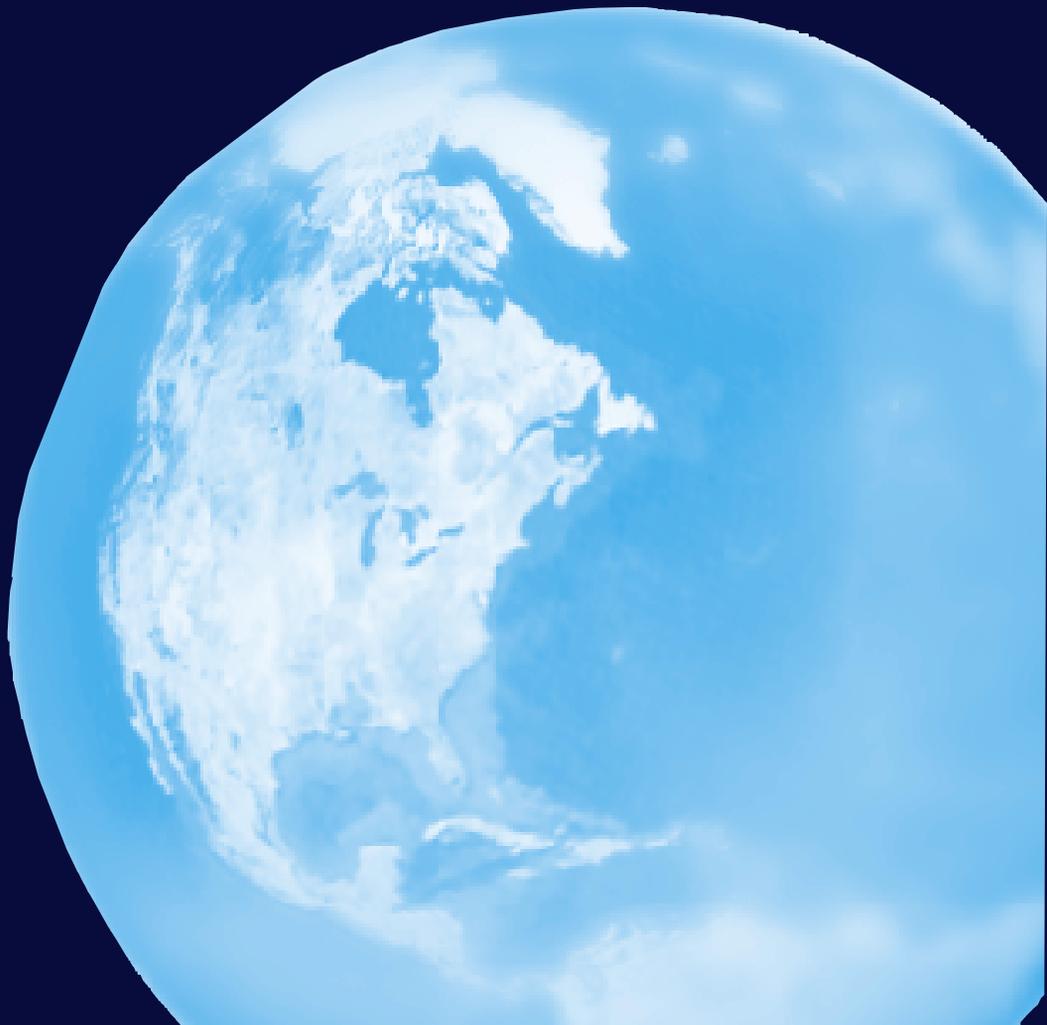
Chapter 1

RELIGION IN SCHOOLS TODAY

Before examining some of the issues raised by the place of religion in public schools, it is important to examine the situation as it exists today, especially since the current legal provisions and guidelines concerning denominational schooling are, all too often, misunderstood by the general public.

In Québec, almost all public schools currently hold Catholic or Protestant denominational status, and provide Catholic or Protestant moral and religious instruction along with moral education. The teaching of religion in public schools is governed by a relatively complex set of rules, found essentially in three statutes: the Education Act, the Act respecting the Conseil supérieur de l'éducation and the Act respecting the ministère de l'Éducation.[1] The regulations made under each Act explain in detail how the rules are to be applied. The system involves a number of institutions: the Ministère de l'Éducation, the Conseil supérieur de l'éducation and its two denominational committees, the school boards and Québec's schools. Other groups in society are also affected by the options chosen: students, parents and school staff. Any discussion of religion in schools must necessarily also extend to the ideological and pedagogical elements that influence the overall educational mission of each school.

Vocabulary. The following discussion will inevitably contain many references to the notions of denominational and secular schooling. We will begin, then, by defining the meaning we attach to each term since, in Québec as elsewhere, meaning sometimes varies widely depending on the field of activity or the social and political climate.

The terms "denominational" and "secular" are used in this document with the meaning commonly found in dictionaries. Although the terms "confessional" and "non-confessional" have often been used in Québec in the past to refer to the same concepts, we prefer the more widely used "denominational," defined as "belonging to or organized by a particular religious denomination" (Collins Cobuild Dictionary), and "secular," defined as "something which has no connection with religion or churches" (Collins Cobuild Dictionary), in other words the opposite of denominational. Although "secular" is sometimes considered to have anti-religious connotations, readers will understand that it is used here in a neutral sense, devoid of any ideological reference.

Another problem is that the above terms are often used loosely to describe a range of realities. For example, both a school and the religious instruction it provides can be described as denominational; despite the close relation between the two, it is important to consider them separately.

A link between a school and a religious denomination can affect the school as a whole, or certain aspects of the school. Certain denominational services, such as religious instruction or

2 Examples of secular institutions are found elsewhere within the state apparatus: hospitals, prisons and the armed forces are all non-denominational, but provide denominational pastoral care.

3 The word "school" is used within the meaning given in Chapter III of the Education Act; it is an institution that provides elementary education, or general secondary education to young students. The chapters of the Act that govern vocational education centres and adult education centres contain no provisions dealing with religion, either with regard to the institutions themselves or the educational services they provide. Such institutions are clearly non-denominational.

pastoral or religious animation, can be provided both by a school that has chosen a denominational orientation, and a school that has not.[2] The terms "denominational" and "secular" can thus be applied both to the institution itself and to the services it provides.

The relationship between a school and a religious denomination, or a component of the denomination, may be of various types depending on the intensity of the relationship. For example, the denomination may have a strong influence over the general philosophy of the school, or of any one of its components, in which case the relationship can be described as "organic." On the other hand, the relationship can be "nominal," meaning that the link between the religion and the school, or any particular aspect, is an arrangement in form only. However, even a nominal denominational relationship has a social dimension, in particular because of the symbolic identity it bestows. These distinctions are important to a clear understanding of the Québec system of Catholic and Protestant schools.

We will now examine the various institutions and structures that influence the place of religion in schools, and the related legislative provisions and options.

I. Institutions

The school[3] is at the heart of the education system, but it is also an element in a much larger education system that includes school boards and, at the higher levels, the Ministère de l'Éducation and the Catholic Committee and Protestant Committee of the Conseil supérieur de l'éducation. Each element has a role—sometimes authoritative—in the way religion is dealt with in the school. This is why schools cannot be separated from the other elements in the system.

The Education Act is based on a simple principle; it sets out, first, the right of all students to obtain educational services, and, second, the obligations imposed (1) on schools to provide such services; (2) on school boards to organize and supervise the provision of such services; (3) on the Ministère de l'Éducation to define guidelines and general standards; and (4) on the Catholic and Protestant Committees to define guidelines and general standards specifically for religious matters. Each level of authority has the powers it needs to fulfil its obligations.

We will first examine the high-level structures that determine the legal framework governing the rights, obligations and powers of individuals and administrative units within individual schools, which will be looked at later.

A. Government Organizations

Four different authorities have a role in religious matters at a higher level: the Government, the Ministère de l'Éducation, and the Catholic Committee and Protestant Committee of the Conseil supérieur de l'éducation.

The Government. Through its general power to establish a basic school regulation for elementary and secondary education, conferred by section 447 of the Education Act, the Government may intervene in religious matters. The basic school regulation determines the subject-time allocation for each level of education, and the special educational services and student services provided in schools. In establishing the subject-time allocation, the Government may decide that Catholic or Protestant religious instruction will be part of the curriculum, and that Catholic or Protestant pastoral or religious animation will be among the student services offered. In this way, the Government meets its obligation to give effect to the legislated rights of parents. The exercise of the Government's power is, however, subject to the regulatory power of the Catholic Committee and Protestant Committee of the Conseil supérieur de l'éducation (s. 449), a subject we will discuss later.

The Ministère de l'Éducation . With regard to the denominational status of schools, the powers of the Minister are limited to issuing a regulation (Ministère de l'Éducation 1989) to determine how parents are to be consulted before the Catholic Committee or Protestant Committee grants or withdraws denominational status. The Minister must also consult both Committees before issuing the regulation (s. 457).

With regard to religious instruction as such, and contrary to the general belief, the Catholic and Protestant religious instruction programs are not drawn up by the two Committees, but rather by the Minister of Education in the same way as any other program (s. 461). Two departments within the Ministère de l'Éducation, the Direction de l'enseignement catholique and the Direction de l'enseignement protestant, are responsible for drafting the programs. Before the Minister brings them into force, however, they must be approved by the relevant Committee. The textbooks approved by each Committee are added by the Minister to the list of approved textbooks.

Under the Act respecting the ministère de l'Éducation, the Ministère has "two Associate Deputy Ministers, one [appointed] after consultation of the Catholic Committee and the other [appointed] after consultation of the Protestant Committee" (AME, s. 7). Each Associate Deputy Minister "is responsible for ensuring that the confessional status of educational institutions recognized as Catholic or Protestant is respected and for securing the exercise of confessional rights by Catholics and Protestants in the other educational institutions." The Associate Deputy Ministers are ex officio members of the relevant Committee, and are assisted in their work by the Direction de l'enseignement catholique and the Direction de l'enseignement protestant.

The Catholic Committee and Protestant Committee. These two Committees, which operate under the administrative authority of the Conseil supérieur de l'éducation, enjoy complete independence in the exercise of their duties and powers; they are the two main

regulatory bodies for matters of denominational status of schools and services related to religious instruction. Their existence and powers are defined in the Act respecting the Conseil supérieur de l'éducation.

The Catholic Committee considers that, according to civil authorities, it is the official representative of the Catholic population in matters of Christian education (Catholic Committee 1987, 11). The Roman Catholic episcopate recognizes the Committee's right to "speak on behalf" of the Catholic community (Assemblée des évêques du Québec [assembly of Québec bishops] 1995). The Catholic Committee's fifteen members ensure an equal representation of Catholic religious authorities, parents and teachers; the five religious representatives are appointed by the assembly of the Catholic bishops of Québec, and the ten remaining members are appointed by the Government on the recommendation of a majority of the Catholic members of the Conseil supérieur de l'éducation after the "assent" of the assembly of bishops (ACSE, s. 16). The Catholic Committee exercises its powers independently, but acts in collaboration with the bishops and the Catholic Associate Deputy Minister (Nadeau 1998).

The Protestant Committee is made up of representatives of the Protestant denominations and of parents and teachers. Its ties to the Protestant churches are, organically speaking, less close than on the Catholic side. Its fifteen members are appointed by the Government after consultation with "the associations or organizations most representative of the Protestant denominations" and on the recommendation of a majority of the Protestant members of the Conseil supérieur de l'éducation (ACSE, s. 17).

Both committees have regulatory powers, and a power of supervision over the Ministère de l'Éducation's actions in religious matters. Their regulatory powers over denominational status and religious educational services are exercised subject to Government approval (s. 22), meaning that the state exercises final control over all legislation.

Powers affecting the status of schools. Each Committee can adopt—and has adopted (Catholic Committee 1987a; Protestant Committee 1991)—regulations "to recognize educational institutions . . . as either Catholic or Protestant, and to ensure the confessional character of educational institutions recognized as Catholic or Protestant . . ." (ACSE, s. 22(e)). They are also given the power to recognize institutions and withdraw recognition from those "which no longer fulfil the necessary conditions therefor" (ACSE, s. 22(f)). The powers are exercised at the request of the school board concerned.

Both Committees have, in fact, granted recognition to practically all the public schools in Québec. The Catholic Committee granted recognition on its own initiative up to 1974 for all schools under the authority of the "Catholic" school boards, and has granted recognition since then to over 200 schools in response to requests from school boards. In all, 2 333 schools held Catholic status in December

1997, in addition to some 200 schools under the authority of the Commission des écoles catholiques de Montréal.[4] In contrast, five schools had applied for and been granted withdrawal of their denominational status (Direction de l'enseignement catholique 1996). In September 1992, a survey of all school boards found 13 new schools that had not addressed the question of their denominational status, and 11 others that had opted to remain secular. Ten of these 24 schools were "alternative" schools (Proulx 1994).[5] The Protestant Committee also acted on its own initiative until 1988, and has apparently received no applications since then, either for the granting or withdrawal of recognition.

Powers affecting educational services . The two Committees have the power "to make regulations respecting Catholic or Protestant moral and religious instruction, Catholic pastoral care and guidance and Protestant religious care and guidance, in educational institutions" (ACSE, s. 22(a)).[6] With respect to religious instruction, the regulations concern the obligation to provide instruction, educational programs, timetabling and student evaluation. With respect to pastoral or religious animation, the Catholic Committee regulation makes the provision of services compulsory (Catholic Committee 1987a), whereas the Protestant Committee regulation does not address the question.

The Act also requires the two Committees to make regulations concerning the "qualifications" of teachers providing Catholic or Protestant religious instruction, and of the staff responsible for pastoral or religious animation (ACSE, s. 22(b)). The current regulations require all such staff to have appropriate university training. The teachers responsible for Catholic religious instruction must be "of the Catholic faith" (Catholic Committee 1987a, s. 15, 1), which means that they must have "been baptized into the Roman Catholic Church (or a baptism as recognized by the latter), and that [they] declare [themselves] to be of the Catholic faith. This condition respects the right of the parents to ensure that their children receive religious instruction in accordance with their convictions" (Catholic Committee 1987a, official commentary to s. 15, 1).

With regard to those responsible for Catholic pastoral animators, the regulation requires that they "have authorization in writing from the bishop of the diocese in which the school is located" (Catholic Committee 1987a, s. 20, 2). There is no requirement, however, that other teaching and administrative staff be of the Catholic faith.

The Committees are also responsible for approving the "curricula, educational guides, textbooks, teaching material or classes of teaching material" used in providing Catholic or Protestant religious instruction (ACSE, s. 22(c)). Similarly, they must approve the "handbooks of objectives and the accompanying teachers' guides" used in pastoral or religious animation (ACSE, s. 22(d)). Finally, they have the right to examine the programs, textbooks, and instructional materials used in other subjects and can advise the Minister of Education "from the point of

4   Schools in Montréal ceased to be subject to the authority of the Catholic Committee following the 1981 Superior Court decision in the case of École Notre-Dame-des-Neiges. The Supreme Court of Canada struck down the ruling in 1993, in its decision on the constitutionality of Bill 107.

5   It is not clear whether the status of these 24 schools has remained the same. In the spring of 1998, 3.3 percent of all school principals working for Catholic school boards declared that their school did not hold Catholic status, making a total of roughly 95 schools. In addition, 2.9 percent were not aware of their school's denominational status (Milot and Proulx 1998). Finally, 26 percent stated that they had taken part in a process to obtain recognition for their school, and 7.3 percent had taken part in a process for the withdrawal of recognition.

6   Although the Education Act refers to pastoral or religious care and guidance, the education community in Québec uses the term "pastoral or religious animation."

7   The right is, however, subject to the enrol-
    ment criteria established by the school
    board on the basis of each school's capacity,
    with students living near the school having
    priority (s.239).

8   "In case of refusal or failure to make the
    choice, the student shall receive the
    instruction chosen in the preceding year or,
    where no choice was made, moral instruc-
    tion" (s. 241).

9   The school is still bound, however, to offer
    Catholic and Protestant religious instruc-
    tion. It is the service, and not the school,
    that is "denominational."

10 "After consultation with the parents of the
    students of the school in accordance with
    the regulation of the Minister and after
    consultation with the governing board, the
    school board may apply to the Catholic
    Committee or the Protestant Committee
    for recognition as a Catholic or Protestant
    school; it may similarly apply for the with-
    drawal of such recognition" (s.218).

11 In the official commentary on its regula-
    tion, the Catholic Committee (1992) states
    that "The school board must also evaluate
    the impact on the population of a request
    for recognition as Catholic, particularly in
    cases in which that population is more or
    less equally divided between those in
    favour and those against such a confession-
    al status" (s. 2). The form that a school
    board must fill in when applying for recog-
    nition states clearly that the Catholic
    Committee will take several other elements
    into account in making its decision in addi-
    tion to the result of the public consultation,
    which will obviously carry considerable
    weight. Nothing similar is found in the
    Protestant Committee regulation (1991).

view of religion and morals"; the Minister is bound to forward documents
to the Committees at least 60 days before they are approved (ACSE, s. 23).

B. Schools

A school is an educational community made
up of students, parents and school staff. It is also an institution, and its
main administrative bodies are the principal and the governing board. The
rights and obligations connected with religious matters are shared between
various groups, as discussed below.

Student rights. The Education Act gives
each student (or the student's parents, in the case of a minor) the right "to
choose, every year, the school that best reflects their preferences from among
the schools of the school board whose jurisdiction the student comes under
that provide services to which the student is entitled" (s. 4). Where a given
school board has authority over Catholic, Protestant and, sometimes, non-
denominational schools, the parents have, since July 1998,[7] had the right to
choose the school they prefer regardless of their own religious affiliation or
lack of affiliation.

In addition, each student has the right, each
year, to choose to receive secular moral education, Catholic or Protestant
religious instruction or, where available, religious instruction in another
denomination, at the school where he or she is enrolled (s. 5). At the
elementary level and the first two years of secondary education, this right is
exercised by the parents, and by the students themselves thereafter.[8] Once
again, the right is not dependent on the student's religion: a Catholic may
choose Protestant religious instruction and vice versa; students with another
religious background, or none at all, are also free to choose the instruction
they prefer. However, only "Catholic students" are entitled to receive
"student services of pastoral care and guidance," and only "Protestant
students" are entitled to receive "student services of religious care and
guidance" (s. 6).

Parental rights. All parents have the right to
be consulted on whether or not they think the school attended by their child
should be recognized as Catholic or Protestant, or not recognized as
Catholic or Protestant in a regulation made under the Act (EA, ss. 218 and
457; Ministère de l'Éducation 1989). Every new school is, initially, secular;
the aims and objectives set out in its educational project are not linked to a
particular religious denomination.[9] By law, no parent or individual, and no
group of parents, has a legal entitlement to a Catholic or Protestant school.
The right they are granted is, essentially, the right to express their wishes
during the process leading up to the granting of recognition. Legally, they
are not entitled to demand recognition, since the application for recognition
is made at the discretion of the school board concerned[10] and the final
decision is made at the discretion of the Catholic Committee (1987a) or the
Protestant Committee (1991).[11] Parents who prefer a secular school, but
whose child is already enrolled in a Catholic or Protestant school have no
individual legal entitlement to a secular school either; their only right is to

express their wishes if the governing board of the school board intends to apply for a withdrawal of status, and the decision on whether or not to withdraw denominational status is made at the discretion of the Catholic Committee or Protestant Committee. For both Committees, however, a joint statement by a majority of parents supporting a granting or withdrawal of recognition carries a great deal of weight, and is recognized as the basis of a moral entitlement to the type of school concerned.

The rights of teachers. Every teacher "has a right to refuse to give moral and religious instruction of a religious confession on the grounds of freedom of conscience" (EA, s. 20). This, however, does not amount to the right to be dispensed from teaching a class simply upon making such a request.

The rights and obligations of the governing board. Since the recent changes to the Education Act, the governing board, along with the principal, constitutes the main governing body for each school. Its membership reflects a partnership between parents, the users, and school staff, the providers of educational services.[12] The chief function of the governing board is to "adopt, oversee the implementation of and evaluate the school's educational project" (EA, s. 74). The educational project sets out "the specific aims and objectives of the school, and the means by which the educational project is to be implemented and evaluated" (EA, s. 37). Each board is free to adopt aims and objectives based on Catholic or Protestant religious values or beliefs, or on secular values, provided they comply with the provincial standards defined by law.

Although the governing board can act on its own initiative in this respect, it is important to note that it does not have the power to require the school board to apply for Catholic or Protestant denominational status. As we will see later, this is a discretionary power held by the school board. The governing board must be consulted before an application for the granting or withdrawal of recognition is made by the school board (EA, s. 79(3)). On the other hand, the governing board is entitled to require that the school board apply for withdrawal of the school's denominational status if all parents have been formally consulted beforehand.[13]

With regard to the values and beliefs of other religions, it is not clear whether a governing board could use them as the basis for the general aims and objectives of a school's educational project, since no provision for this is made in the provincial standards defined by law;[14] this would appear to be a privilege reserved for Catholics and Protestants. However, a governing board may ask a school board to "provide moral and religious instruction of a religious confession other than Catholic or Protestant" (EA, s. 228), although this does not guarantee that the desired result will be obtained, since the decision rests with the school board. The governing board also has the power to approve the orientations of local programs of study "to meet the specific needs of the students at the school" (EA, s. 85), which needs may, obviously, be religious in nature.

12 Each governing board is made up of an equal number of parents and staff members of the school concerned, plus student and community representatives who are not entitled to vote (EA,s. 42). The principal is an ex officio member of the council, but is not entitled to vote (s. 46); the principal, however, does play a major role since the Act specifies that the principal may act on his or her own initiative in many areas.

13 "After consulting with the parents of the students attending the school in accordance with the regulation of the Minister, at the request of the governing board, the school board must apply for such a withdrawal where the governing board so requests" (EA, s. 218). This paragraph was added by Bill 180 of 1997.

14 This is also the opinion of Professor Otis (1995, note 52) of Université Laval.

15 "The principal shall ensure that every teacher assigned to Catholic or Protestant moral and religious instruction has the qualifications required by the Catholic or the Protestant Committee established by the Act respecting the Conseil supérieur de l'éducation" (EA, s.96.21). We will examine this in more detail when we discuss the powers of the two Committees.

16 The regulation also assigns the principal responsibility for "ensuring the carrying out of the educational project of the school," with reference to the former sections 45 and 46 of the Education Act. Since the new law assigns the latter responsibility to the governing board (s.74), it seems reasonable to suppose that the principal's obligation is also transferred.

The governing board is required to ensure "that the minimum time prescribed by the Catholic Committee or the Protestant Committee, as the case may be, for Catholic or Protestant moral and religious instruction is respected" (EA, s. 86, par. 2). For Catholic religious and moral instruction, the minimum is 60 hours per year at the elementary level and 50 hours per year at the secondary level (Catholic Committee 1987a). For Protestant moral and religious education, the minimum is 100 minutes per week or the equivalent at the elementary level and 50 hours per year at the secondary level (Protestant Committee 1991).

The obligations of principals. The principal of an educational institution must "see to the implementation of the decisions of the governing board and of the other provisions governing the school" (EA, s. 96.12), including decisions and provisions relating to religion. The Education Act also specifically requires that the principal check the qualifications of teachers assigned to religious instruction, whether Catholic or Protestant. [15]

Under the Catholic Committee regulation (1987a), the principals of institutions recognized as Catholic have special obligations. First, a "public school recognized as Catholic shall integrate the beliefs and values of the Catholic religion in its educational project, while maintaining respect for freedom of conscience and of religion" (s. 4). The application of these provisions is the responsibility of the principal. [16]

The Catholic Committee regulation also sets out the other obligations of Catholic school principals. They are responsible for "ensuring the orientation, animation, coordination and evaluation of activities of Catholic moral and religious instruction and pastoral animation" (s. 6(2)). Similarly, at least once every five years, they must forward to the Catholic Committee "a report on the evaluation of the school's functioning as a confessional institution" (s. 7). This evaluation will now be conducted with the participation of the governing board and other key players.

Specific obligations of Catholic school staff and users. Under the Catholic Committee regulation (1987a), "the staff of a public school recognized as Catholic, as well as any other person working there, the parents and the public shall be respectful of both the public and Catholic character of the school" (s. 23).

Specific obligations of teachers in Protestant schools. Like their colleagues in Catholic schools, teachers in schools with Protestant status (Protestant Committee 1991), "shall respect the philosophy and confessional character of a recognized educational institution" (s. 5).

C. School Boards

Although they hold certain powers of their own, schools are under the control of school boards, whose main, fundamental mandate is to ensure that all students receive the educational services to which they are entitled (EA, s. 208). The first task of a school board is to

organize educational services in its territory (s. 209, par. 2). It is also responsible for supervising the services provided and, within this general framework, has specific powers and obligations connected with religion.

Powers and obligations affecting denomina-tional status. As discussed above, school boards have a discretionary power to "apply to the Catholic Committee or the Protestant Committee for recognition as a Catholic or Protestant school" (EA, s. 218) as well as for the withdrawal of recognition. This power is exercised, in theory, at the school board's discretion, but in practice is used only following consultation of all the parents of students attending the school concerned. The power to apply for a withdrawal of recognition is not exercised solely at the discretion of the school board, since it is required to apply for withdrawal to the Catholic Committee or Protestant Committee where so requested by the governing board (s. 218), provided all parents have been consulted.

Powers and obligations affecting education-al services. As we have seen, schools are responsible for providing educational services, and school boards are responsible for organizing those services. With regard to religious instruction, each school board exercises its supervisory powers by ensuring that students are properly enrolled, and that religious instruction is provided and evaluated.[17] A school board may organize "moral and religious instruction of a religious confession other than Catholic or Protestant" or not, at its discretion, but may act only at the request of a governing board. If it organizes such services, it must ensure that the compulsory objectives are attained and that the content of the moral education program is acquired (s. 228). School boards exercise supervisory powers with regard to pastoral or religious care and guidance and ensure that the services are provided (s. 226). Finally, the school board also exercises its supervisory powers to ensure that religious instruction and pastoral or religious care and guidance are consistent with the regulations of the Catholic Committee or the Protestant Committee (s. 227).

It is clear that close attention is paid to educational services relating to religion; school boards are required to appoint a "person to be responsible for administrative support" for denominational schools and for the "moral and religious instruction and pastoral or religious care and guidance services provided in those schools" (EA, s. 262).[18] The person's time "shall be devoted primarily to the exercise of such functions," and the person must

be approved by the bishop of the Catholic diocese in which the head office of the school board is situated and by a committee formed by the Protestant churches within the territory of the school board.

The person appointed shall consult and inform, on a regular basis, the parents of Catholic students and the parents of Protestant students, and the religious authorities, both Catholic and Protestant, having jurisdiction within the territory of the school board, concerning the matters under the person's responsibility. The person shall,

17 "At the time of registration, every school board shall ensure that the student or his parents indicate whether the student is to receive Catholic moral and religious instruction, Protestant moral and religious instruction or moral instruction" (EA, s.241). Regarding the provision of services, the school board must ensure that schools provide Catholic or Protestant moral and religious instruction and Catholic pastoral care and guidance services or Protestant religious care and guidance services (ss.225 and 226); regarding service evaluation, the school board must ensure that instruction is given in such a way as to "enable each student to achieve the objectives and acquire the contents defined in the programs of studies established by the Minister" (s.225). This specific obligation is in addition to the general requirement that the school board ensure that "the programs of studies . . . are implemented" (s. 222.1) and the general mandate of school principals to "ensure that educational services provided at the school meet the proper standards of quality" and the general application of the other "provisions governing the school" (s.96.12).

18 The role of liaison officer was added in July 1998 to the task of administrative support provided for in Bill 107. The principle of dual assent given by the Catholic and Protestant authorities is also new.

once a year, report to the director general on the status and needs of the schools and the services under the person's responsibility; a copy of the report shall be sent without delay to the council of commissioners. (EA, s. 262)

Schools boards are also permitted to appoint two such persons, one for Catholic schools and services and one for Protestant schools and services (s. 263).

II. Denominational Content

Apart from the complex administrative mechanisms we have just examined, denominational content is also linked to the Catholic or Protestant character of each school, the religious instruction and the pastoral or religious animation provided, and the required qualifications of the teaching staff involved. The Catholic Committee, the Protestant Committee, the Direction de l'enseignement catholique and the Direction de l'enseignement protestant have produced many documents on the goals and objectives pursued, and we will examine them on a comparative basis to illustrate the differences between the Catholic and Protestant systems. The focus will be on the elements specifically related to religious questions, as required by our mandate, and the exercise should not be considered as a summary of the broader educational objectives pursued in the Catholic and Protestant systems.

A. The Denominational Status of Schools

The Catholic or Protestant status of a school is, as we have seen, granted in the form of legal recognition, following a process that involves the parents of students attending the school, the governing board, the school board and either the Catholic Committee or the Protestant Committee. The meaning attached to denominational status, however, varies between the two systems.

The Catholic approach. As stated in the Catholic Committee regulation, "A public school recognized as Catholic shall integrate the beliefs and values of the Catholic religion into its educational project, while maintaining respect for freedom of conscience and of religion" (1987a, s. 4). What exactly does this mean?

A first explanation can be found in the preamble to the regulation: "the Catholic school must be conceived of as an educational institution which openly accepts the religious dimension as an integral part of its educational project, and which considers the Christian concept of the human person and of life as proposed by the Catholic faith as the inspirational principle of its educative action."

In the official commentary to section 4 of the Catholic Committee regulation, the Catholic Committee describes the intention of a Catholic educational project as follows:

Such an educational project, drawing its inspiration from the Gospel, aims at the overall development of the person and promotes the values of autonomy, responsibility, respect for others, justice, love, solidarity, etc., as factors of growth for the educational community. Such an educational project must be carried out in a way which respects the freedom of conscience and religion of all those who frequent the school.

The Catholic Committee specifies that the project of a Catholic school has an educational function only and is not a religious project.

It would be erroneous to think that the denominational status of a Catholic school imposes on it the responsibility of transmitting the faith, or that its educational project should include the formulation of religious beliefs any more than the promotion of values found only in Christianity. Christian tradition does not lay claim to a monopoly on values, although it does emphasize certain values. (Catholic Committee 1996, 19, free translation)

However, it is expected that each Catholic school will "indicate clearly" in its educational project that the values and practices of the school "are based, for the most part, on a Christian view of the person, the world and life, as expressed through the beliefs and values of the Catholic faith." In short, "the school is denominational in that it relies coherently and deliberately on the precepts of Christian tradition to inspire and support the pursuit of its educational mission" (p. 19, free translation).

The Catholic Committee proposes, "as a guide," three objectives to ensure that Christian inspiration is translated into a "distinctive project."

-   To provide young people with an overall education that extends beyond instrumental, economic or technological rationality . In practice, this objective can become part of the life of the school "through the integration of values and attitudes, such as a sense of service and giving, a wish to surpass oneself, a fondness for truth, the cultivation of responsible freedom, and the development of moral and religious discernment" (p. 20, free translation).

-   To encourage young people to participate in the effort to humanize the school environment. This objective can result in collective projects that will make the school "a living environment."

-   To develop the social responsibility of young people and their commit - ment to the community (p. 21, free translation).

The Catholic Committee notes that these three objectives can correspond to the objectives of non-Catholic schools, while retaining the characteristic hue of the evangelical spirit. It considers that the incorporation of the objectives into the educational project of a

19 From this point of view, the position of the Catholic Committee represents a departure from the official discourse of the Church. See, in particular: Congrégation pour l'éducation catholique, 1997.

20 The notion of educational project first appeared in Québec's education vocabulary in the early 1970s, during work conducted by the Ministère de l'Éducation (1972) on the objectives of secondary education, later developed by the Catholic Committee in Voies et impasses (1974). It became part of official education vocabulary in a 1979 Ministère de l'Éducation document entitled The Schools of Québec, and then later the same year in the Education Act.

school constitutes an adequate and practical way of successfully integrating the beliefs and values set out in the regulation (p. 22).

The implementation of the educational project, according to the Committee,

does not require that all individuals belong to the Catholic faith, but rather that they agree with the objectives inspired by, and values transmitted by, the Catholic faith. This is made possible by the fact that the objectives and values converge with aspirations that are not the exclusive property of one particular religion, even though they are clearly influenced by the Christian faith. (p. 22, free translation)

Finally, at a practical level, the Catholic Committee says that the Catholic nature of the school

should be perceptible in the climate of the school, whether in the relationship established with students and between teachers, in the spirit in which various educational activities are carried out, or in the manner in which the meaning of certain events is discussed and in which certain occasions and times are celebrated. (p. 23, free translation)

This analysis shows that the approach adopted by the Catholic Committee and promoted within the community is, above all, based on a form of Christian humanism that it expects to be readily apparent in all schools that adopt the approach, but that contains no compulsory references to the doctrinal or ecclesiastical elements of Catholicism.[19]

The Protestant approach. In contrast to the regulation of the Catholic Committee, the regulation adopted by the Protestant Committee (1991) contains no mention of a Protestant educational project,[20] and gives no definition of a Protestant school. It simply states the conditions required to obtain recognition. On the other hand, the Committee mentions the "philosophy and confessional character" of officially recognized Protestant schools with which teachers must comply (s. 5), but without specifying the nature of that philosophy. In 1992, the Protestant Committee published a document entitled Protestant Educational Values that schools are free to use as a component in the program of Protestant moral and religious education, in the school's educational project, or in religious animation. Concerning religion, the document states that "In Protestant education the family is seen as the primary educator and the place where responsibility lies for the religious orientation of the child" (p. 4). In addition, "Protestant education encourages a holistic approach to education in which the spiritual dimension is an integral part" (p.5). It also emphasizes "a passion for truth" (p. 6), "a positive orientation to life and the world of work" (p. 8), "attitudes of accountability and respect for persons" and the development of "independent but responsible citizens" (p. 9).

The Protestant Committee "suggests" that these values can be embodied (p. 10) into a program of religious instruction based on:

- the physical, intellectual, social, emotional, moral and spiritual development of the child;

- the right of the child to his or her own heritage without alienation from home and community;

- the acquisition of a knowledge of the Bible;

- the freedom of the individual to interpret religious and moral questions according to his or her conscience;

- the right of a child to receive an education which presents various opinions concerning truth without imposing a particular religious or ideological position. (pp. 17-18)

The Committee also suggests that the mission statement of a Protestant school should include the objective of developing "a critical understanding of the full range of the child's cultural heritage and the interrelationships with other faiths and civilizations" (p. 18).

An important point to note is that, even for schools with Protestant status, the Committee stresses that "the nondenominational approach to education implies that Protestant education will be non-proselytizing and non-indoctrinating in its outcomes. It will train the child to be independent, fully integrating the spiritual dimension into his or her life" (p. 6).[21] In fact, this definition opens up a wide range of possibilities, from schools that are denominational in name only to schools with a "specific" religious project characterized by the fact that this project "fully" integrates the religious dimension.

B. Approaches to Religious Instruction

This report is not the appropriate place to give a detailed analysis of the programs of religious instruction provided to students in Québec's elementary and secondary schools, but it is important to examine their general guidelines, as established by the Catholic Committee[22] and the Protestant Committee.

Catholic religious instruction . The Catholic Committee has prepared two sets of guidelines, one for elementary education and one for secondary education.

Elementary Education

At the elementary level, the Committee (1994a) specifies that Catholic religious instruction is situated somewhere between a simple transmission of information and systematic instruction in

21 This is in contradiction to section 5 of the regulation, which requires teachers to respect the "confessional character" of a school holding Protestant status. On the question of whether or not Protestant schools are denominational, see Magnuson, 1994, who concludes that Protestant schools in Montréal, and elsewhere in Québec, are denominational in terms of the law, but not in practice. Apart from the classes in Protestant moral and religious education, which are stripped of all doctrinal teaching, one searches in vain for any other sign of religious ideology in these schools; in short, today's Protestant schools are a parody: their goals are not religious, and the way they are implemented even less (p. 134, free translation). We should point out, though, that this analysis obviously does not apply to Protestant denominational schools of the Evangelical type.

22 The Catholic Committee performs, in this respect, the role of interpreter of the objectives of the Assemblée des évêques du Québec (1984), although it distances itself clearly from them.

the Catholic faith. It has set three overall goals for the religious instruction dispensed at the elementary level:

- An initial cultural introduction to the Catholic heritage (pp. 5-6)

  The Committee says that Québec culture is the bearer of Christian values and representations that have left an imprint on Québec's contemporary secular culture in the form of a cultural identity. According to the Committee, religious instruction can introduce students to this important aspect of the Québec identity and of universal culture.[23]

- Moral and spiritual development (pp. 6-7)

  This goal is met through the presentation of what the Committee calls the main tenets of Christian faith and fundamental moral values of Catholic tradition. Catholic religious instruction draws its inspiration from Catholic tradition and offers students a set of meanings centred on the teachings of Jesus Christ.

- The development of a moral conscience (pp. 8-10)

  Moral development refers to the biblical experience and focusses, in particular, on the work and message of Jesus.

  The Catholic Committee proposed to the Ministère de l'Éducation that these three overall goals be expressed in the form of five general learning objectives:

- To be familiar with the main stories and characters in the Bible.

- To discover the main beliefs and major symbols of Christian faith in the Catholic tradition.

- To learn to practice attentiveness, silence, inner awareness and prayer.

- To learn to examine one's own choices and actions.

- To learn to respect the cultural and religious characteristics of other people.

  It is clear that, according to the Committee, Catholic religious instruction provides a cultural frame of reference that students can use to make their own religious choices, freely, in their own time and at their own pace. It is designed to help students discover and appreciate a way of existing as a human being according to the Christian heritage and ideals. The Committee says that, although religious instruction is not directly intended to instil faith in children, it makes it possible for faith to emerge and grow within their own culture, values and background.

Secondary Education

In contrast to its 1994 document directed at elementary education, the 1991 publication of the Catholic Committee did not present overall goals for religious instruction at the secondary level. Instead, it presented and explained six general learning objectives that it considered to be essential:

- To define one's own position in terms of the main elements of Christian faith and life.

- To become aware of one's inner life.

- To consider the major religious traditions, and the various current manifestations of religion within the community, with respect and understanding.

- To exercise one's moral judgment.

- To read the Bible for its original meaning and its meaning for today's world.

- To interpret current events and events in one's own life in terms of Christian faith and experience.

The Catholic Committee (1996) has provided the following summary of this approach:

Its underlying rationale is not to force young people to believe or to join the Church, but to draw on the human and spiritual resources of the Christian experience to illuminate and support the human development of young people as they grow and meet the challenges of the various stages of their lives.[24] This instruction is denominational in that it is based essentially on a Christian view of the person, of the world and of life as tools to help young people in their quest for human meaning. (p. 25, free translation)

Protestant moral and religious education . The general objectives of Protestant religious education have been set out by the Protestant Committee in its regulation (Protestant Committee 1991). They read as follows:

The aim of Protestant moral and religious education is to foster the personal development of the pupil:

(1) by providing a knowledge of the Bible;

(2) by fostering an understanding of the moral and religious values of the community in which the pupil lives;

(3) by cultivating respect for all religious traditions including the pupil's own religious tradition;
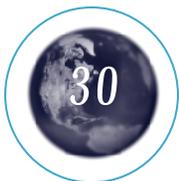
(4) by helping the pupil to become aware of the moral principles directing the pupil's actions;

(5) by contributing to the development of the reasoning used to make moral judgments.

Moreover, within the framework of an educational project and within the limits of the Protestant moral and religious education program, instruction of a denominational character appropriate to the pupil's own denomination may be given, at the request of the parents, or, where it applies, the pupil who has reached the secondary three level. (s. 9)

The regulation thus distinguishes between two types of program. The Protestant Committee confirms that the Protestant moral and religious education program is non-denominational and does not impose a particular religious, moral or secular position; indeed, to attempt to do so would contravene the Protestant principle that responsibility for religious commitment belongs to the Church and the home (Protestant Committee 1992a, 13). In exceptional circumstances, the same program can be adapted to make it truly denominational. In a document prepared for the use of parents (Protestant Committee c. 1998), it is stated that the main program:

-   is informational in nature;

-   is not designed to impose a particular belief system on students;

-   recognizes the right of the individual to interpret religious and moral questions according to personal conscience;

-   is designed to interest students who have a wide range of religious and philosophical orientations.

In practice, the program is taught in every year of elementary and secondary education in three modules:

(1) The Judaeo-Christian story and biblical studies, whose aim is to give students a knowledge of the Bible while leaving religious commitment to the family and its own religious community.

(2) Celebration and phenomena of religion, whose aim is to provide students with an understanding of the moral and religious values of the community in which they live and to cultivate a respect for other religious traditions.

(3) Relationships and personal and social development, whose aim is to encourage an understanding of self and an awareness of the need to respect the integrity of other people.

There are close similarities between the intentions of the Catholic Committee and those of the Protestant Committee: both deny that their objectives are to convert students, deepen their faith or draw them into the Church. The tone adopted by each Committee, however, is very different. The Protestant Committee is firm: although its instruction is "Protestant," it is not denominational. The Catholic Committee adopts a more qualified approach: although it is not directly intended to instil faith in children, it makes it possible for faith to emerge and grow within their own culture, values and background. The instruction provided is denominational, since it is explicitly contained within the Catholic tradition. The teaching staff are the official bearers of that tradition, which is why they are required to be of the Catholic faith. The Protestant Committee points out that its program "is informational in nature,"[25] while the Catholic Committee writes that Catholic religious instruction is situated somewhere between a simple transmission of information and systematic instruction in the Catholic faith.

Regarding their content, both programs emphasize knowledge of the Bible, but once again the focus is different. The Protestant Committee considers the Bible, essentially, as a source of the values of the Protestant tradition,[26] of artistic, legal and even political culture, and of Western civilization, and thus takes a clearly cultural position. The Catholic Committee, on the other hand, presents the Bible as a source of meaning that allows students to understand their cultural heritage, and to further their religious, spiritual and moral development.

The Protestant Committee emphasizes the importance of exploring a range of different religions, beginning at the elementary level, whereas the Catholic Committee postpones this approach until the final years of secondary school. Both programs have moral development as an objective; for the Protestants, it is generally considered apart from the religious context, whereas for Catholics it is grounded in Biblical tradition and the teachings of the Catholic Church. The Protestant program by-passes, and even ignores, the doctrine of Protestant tradition, while the Catholic program invites students to define their own position in terms of the main elements of Christian faith and life.

C. Catholic Pastoral Animation and Protestant Religious Animation

As discussed above, Catholic students are offered pastoral animation, whereas Protestant students have access to religious animation. In contrast to the religious instruction program, students are not required to take part in the activities involved.

Catholic pastoral animation . The basic school regulations for elementary and secondary education contain the following official definition of the goals of this student service:

Catholic pastoral care and guidance services are designed to enable students to discover the meaning that their faith gives

25 "The [Protestant moral and religious education] program is strictly informational in nature," states the President of the Protestant Committee. "It does not teach religion per se but, rather, it teaches about religion. In the pluralistic society in which we live, respect for all religious practices must be engendered" (Jackson, 1997).

26 It is probably the emphasis placed on the Bible that justifies the program's identification as Protestant. The editorialist of a newsletter issued by the Direction de l'enseignement protestant maintains that Protestant moral and religious education has its own orientation. It is prepared from a Protestant perspective. That is why one of its three modules is reserved for a look into the Bible. The Protestant mindset has always seen the Bible as the principal source for interpreting not only the Judaeo-Christian tradition but also the human condition (Ross Davidson, Spring 1993).

to their personal and community experiences, in an environment conducive to learning about gospel values and life. They are also designed to ensure that students continue their moral and spiritual development. (Gouvernement du Québec 1990a, s. 10 and 1990b, s. 9)

The Catholic Committee has stated that pastoral animation has both an educational and a religious function (Catholic Committee 1996, 26). It states that pastoral animation is designed to allow students to integrate values into correct behaviour, to learn how to transfer their knowledge into their own lives, through various projects and activities. The activities, offered to all students, bear the imprint of Christian inspiration without being religious in nature.

Pastoral animation is also intended to deepen and give expression to the faith of those students whom they say choose this path freely. This is achieved on a day-to-day basis by the fraternal presence of pastoral animators, and also by the organization of meditative activities and, on occasion, by periods of prayer and the celebration of the Eucharist.

Protestant religious animation . Religious animation services are a relatively new feature of life in Protestant schools and apparently are not yet very widespread. The Protestant Committee regulation makes no mention of these services, although they are defined in the basic school regulations:

Protestant religious care and guidance services are designed to contribute to the students' development by encouraging them to deepen their faith and values, in an environment conducive to the development of spiritual and cultural life. They are also designed to ensure that students continue their moral and spiritual development. (Gouvernement du Québec 1990a, s. 10 and 1990b, s. 9)

The Protestant Committee (1992a, 23) has commented as follows on this mandate. "Religious animation is a witness of commitment to the spiritual realm of life." It is intended to meet the needs of students to "discuss matters of faith and belief" without resorting to indoctrination or proselytizing. Religious animation also provides an opportunity to "foster by example a sense of social responsibility for a neighbour."

Specifically, religious animation is intended to nurture spiritual maturity by promoting the development of a sense of personal identity, providing support and personal counselling on a spiritual basis, fostering a sense of belonging among those of the same religious tradition, providing an opportunity to celebrate within the school setting important events of a religious nature, and furnishing opportunities to exercise a sense of commitment and responsibility.

In practical terms, the Protestant Committee sees religious animators in a five-fold role: as counsellors, animators, community liaison officers, social advocates and resource persons.

Summary

Our examination of the education legislation has revealed a complex web of provisions to guide and support religion in schools, and the religious identity of schools. 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, in its words, 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.

Chapter 2

DEMOGRAPHIC, SOCIAL AND CULTURAL CONSIDERATIONS

An examination of the place of religion in schools necessarily involves, in the words of our terms of reference, "a particular focus on the evolution of Québec society." This is self-evident—although schools have their own mission which they pursue independently of society in general, they are at the same time part of society. This is why it is necessary to analyze the social and cultural context in which Québec's schools operate.

We will begin our examination by looking in more detail at two inescapable realities—religious pluralism and secular-ization—that must be taken into account by all stakeholders in society in considering the place of religion in schools. We will focus on both the demographic and the sociocultural aspects of these questions, taking into consideration the special linguistic context of Québec schools, in which instruction is dispensed in French or in English under the authority of school boards organized now along linguistic lines.

In 1966, the Parent Commission, in the chapter of its report devoted to denominational schooling, wrote, "Today, however, it is obvious that religious pluralism is growing . . ." (p. 33). This was over 30 years ago. Religious pluralism was reflected in the wide range of religious affiliations, and also in the lack of religious affiliations that could be observed, even though 30 years ago Islam and Eastern religions were a rarity in Québec. Another phenomenon was also emerging as the Parent Commission finished its work: the crisis within the Catholic Church that began in the years following the 1965 conclusion of Vatican II, and that had strong repercussions in Québec. The Church "exploded" from within, as was observed toward the end of the sixties (Commission d'étude sur les laïcs et l'Église 1971, 19-25). Since then, the explosion has never been contained but has, in fact, continued to expand (Dumont et al. 1982; Assemblée des évêques du Québec 1992).

I. Demographic Data

Data on religious affiliations in Québec comes from two main sources. First, data on the population in general is available from the 10-year censuses prepared by Statistics Canada. Second, data on the Québec student population at the elementary and secondary levels is compiled annually by the Ministère de l'Éducation. We will look at both sets of data.

A. The General Population

Data from the four most recent 10-year censuses (1961, 1971, 1981, 1991)[1] reveals the evolution of religious affiliation and non-affiliation within Québec's population. We will begin by looking at the most recent data contained in the 1991 census, which is more detailed than its predecessors.[2] The information on religion given by census respondents is necessarily subjective, and does not specify the degree of religious affiliation or religious practice. Due to the uneven distribution of the population in terms of religious affiliation, the results are given accord-

3   Source: Statistics Canada, cat. 95-326; 95-319

4   Seventh-Day Adventists (4 780), Mormons (3 495) and Jehovah's Witnesses (33 420) have been subtracted from the total for Protestants and counted as "other religions."

5   Armenian, Coptic, Antioch, Greek, Romanian, Russian, Serbian, Ukrainian Orthodox and others.

6   Muslims have been subtracted from the total for "other religions."

7   Within this group, the churches established following the Reformation in the 16th century form the largest block, with 69 percent of Protestants. The so-called radical Reformed churches, including the Baptists, Evangelists and Pentecostals, currently have 62 500 members.

ing to three main divisions in Québec's territory: the Island of Montréal, off-island suburban Montréal (including Laval and the urbanized section of the South Shore) and the rest of Québec.

Table 1

1991 Census

Religious Affiliation of the Québec Population by Region (Island of Montréal, Off-island Suburban Montréal and Rest of Québec)[3]

	Island of Montréal		Off-island suburban Montréal		Rest of Québec		Province of Québec	
	Number	%	Number	%	Number	%	Number	%
TOTAL POPULATION	1 775 871		1 315 239		3 719 190		6 810 300	
Catholic	1 228 760	69.2	1 170 200	89.0	3 462 245	93.1	5 861 205	86.1
Protestant[4]	162 900	9.2	67 430	5.1	126 700	3.4	357 030	5.2
Orthodox[5]	60 830	3.4	24 495	1.9	3 955	0.1	89 280	1.3
Jewish	88 935	5.0	7 775	0.6	1 025	0.0	97 735	1.4
Islamic	34 205	1.9	7 010	0.5	3 715	0.1	44 930	0.7
Eastern Religions[6]	37 155	2.1	10 150	0.8	5 305	0.1	52 610	0.8
Other Religions	16 640	0.9	7 570	0.6	20 485	0.6	44 695	0.7
No Religious Affiliation	119 905	6.8	47 760	3.6	96 225	2.6	263 890	3.9

The first fact to note in Table 1 is the large number of individuals who declare themselves to be Catholic: the group of approximately 5 900 000 Catholics constitutes over 86 percent of Québec's population. In contrast, roughly 955 000 individuals, or 14 percent of the population, belong to religious minorities. Among the religious minorities, the Protestant group is the largest, with 5 percent of the population and 347 000 individuals.[7] Next comes the group of individuals who claim no religious affiliation, with 264 000 members. The Jewish community has slightly under 100 000 members, followed by the Orthodox churches with 90 000 followers. The Eastern religions bring together 53 000 individuals, and Islam 45 000. Lastly, various other religious groups such as Jehovah's Witnesses, Mormons, Seventh-Day Adventists and others, account for a total of 44 700 members.

The religious groups are spread unevenly over Québec's territory. The Island of Montréal is clearly the area with the highest representation of religious affiliations, even though Catholics are in the majority, making up 69 percent of the population on the Island of Montréal, compared to 89 percent in the off-island suburbs and 93 percent elsewhere. Table 11 in Appendix 6 gives a clearer picture of the uneven representation of religions within Québec. While a majority of Catholics (59 percent) live outside the Montréal area, the Jewish (91 percent), Islamic (71 percent), Eastern religious (70.6 percent) and Orthodox (68.1 percent) communities are concentrated on the Island of Montréal. Almost two thirds

Histogram 1
Change in the Size of the Catholic Population, 1961 to 1991

Catholics

7 000 000	
6 000 000	
5 000 000	
4 000 000	
3 000 000	
2 000 000	
1 000 000	
0	

1961   1971   1981   1991
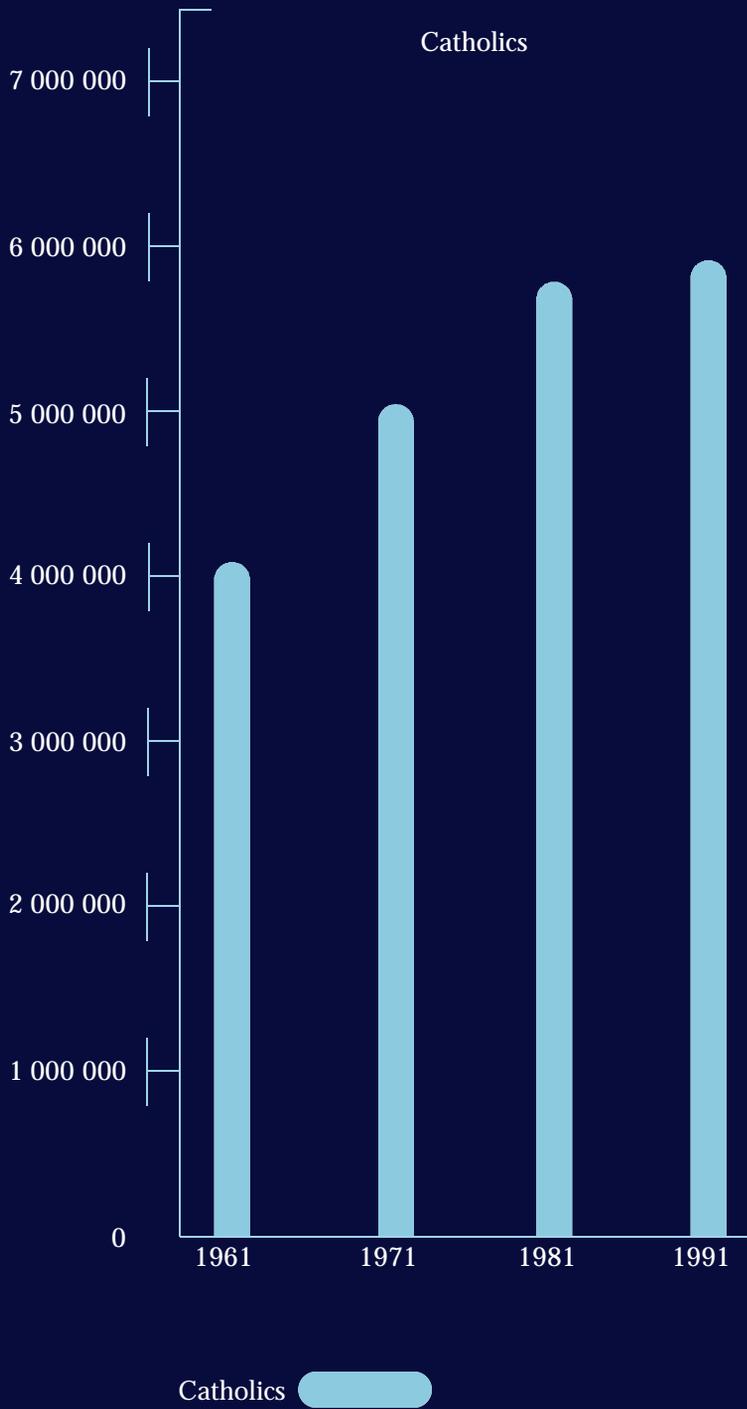
Catholics

Histogram 2

Change in the Number of Persons Belonging to Religions Other Than Catholicism or with No Religious Affiliation, 1961 to 1991
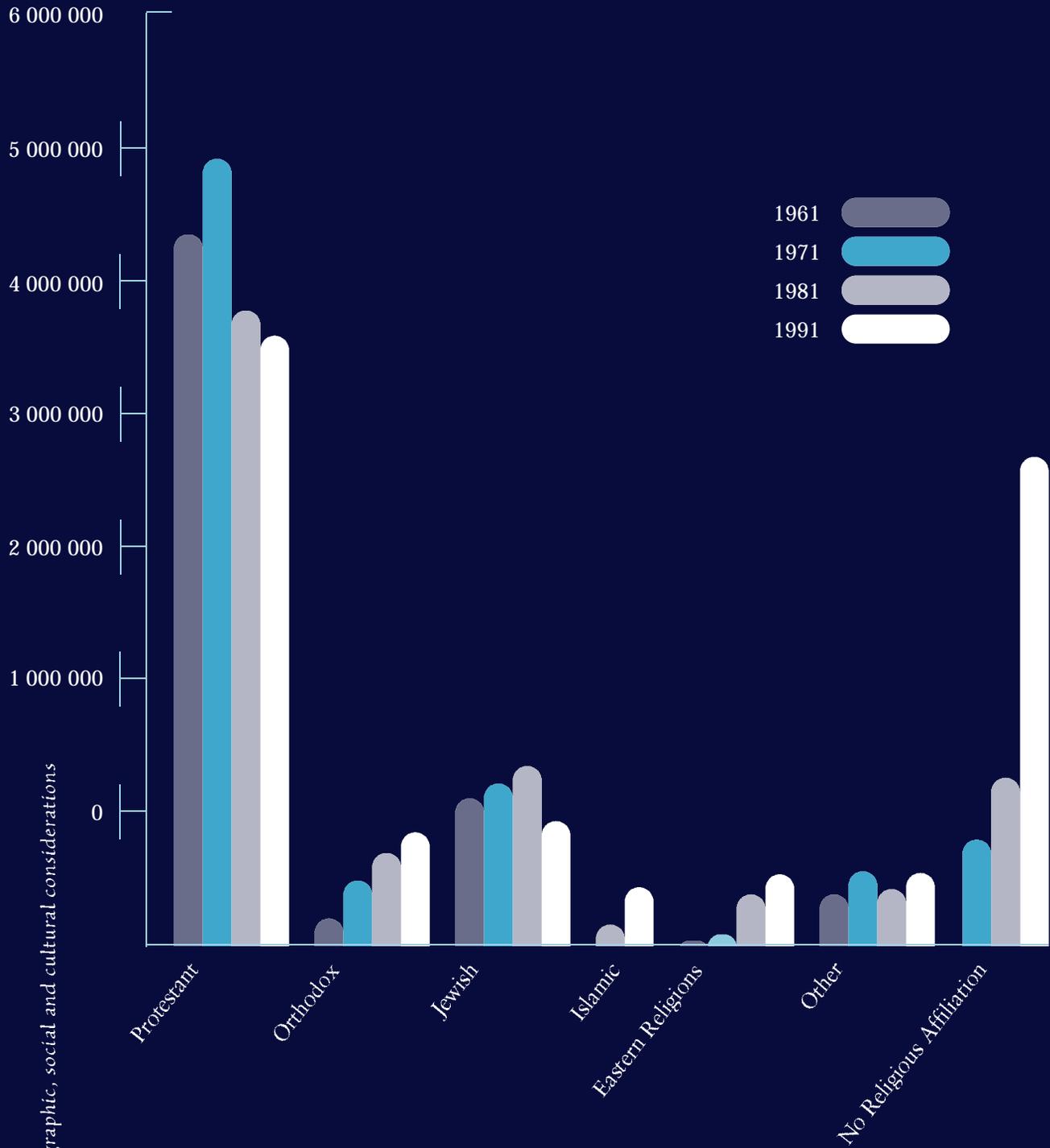
Legend:
- 1961
- 1971
- 1981
- 1991

Y-axis: 6 000 000, 5 000 000, 4 000 000, 3 000 000, 2 000 000, 1 000 000, 0

X-axis categories: Protestant, Orthodox, Jewish, Islamic, Eastern Religions, Other, No Religious Affiliation

Demographic, social and cultural considerations

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of Protestants live on the Island of Montréal and in the off-island suburbs (although the members of the radical Reformed religions are probably more dispersed), as do most of the individuals who claim no religious affiliation. On the other hand, the members of certain religious groups such as the Jehovah's Witnesses are found in approximately equal numbers in the Montréal area and the rest of the province.

Trends since 1961. The changes in the religious profile of Québec's population over the last 30 years reflect several important trends. First, the number of people declaring themselves to be Catholic has risen from 4.6 million in 1961 to almost 5.9 million in 1991, an increase of over 26 percent. Over the same period, however, the relative weight of the Catholic community within the total population has fallen from 88.3 percent to 86.1 percent, a drop of 2.2 percentage points. The second major trend is the significant drop in the number of Protestants in Québec, from 451 401 in 1961 to 347 485 in 1991, a decrease of almost 24 percent. Their representation within the population as a whole has fallen from 8.6 percent to 5.1 percent. The Jewish community has also seen its numbers drop, from 104 727 in 1961 to 97 735 in 1991. It now represents 1.4 percent of the population, compared to 2.0 percent 30 years ago.

In contrast, religious non-affiliation, which the 1961 census did not even include as an option, has surged. In 1971, the first year in which figures were recorded, 76 685 individuals declared that they had no religious affiliation. Twenty years later, in 1991, their number had risen to 263 890, or 3.9 percent of the population. The other major trend has been the emergence of non-Christian religions. It is not known how many Muslims lived in Québec in 1961 or 1971, since they were grouped under the residual "other religions" category.[8] The 1991 survey found close to 45 000 in 1991, concentrated on the Island of Montréal. Eastern religions have increased considerably since 1961, going from 933 individuals to almost 53 000 in 1991. Lastly, the other religious groups, such as Jehovah's Witnesses, Mormons, Seventh-Day Adventists and para-religious groups, have practically doubled their numbers, going from 24 300 to 46 400.

These statistics show clearly that the Island of Montréal is the area where religious pluralism has gained the most ground. Whereas Catholics formed 77 percent of the population in 1961, their representation had fallen to 69.2 percent in 1991. In 1961, 28.9 percent of Québec's Catholics lived on the Island of Montréal, compared to 21 percent today. The suburbs, on the other hand, have become more Catholic (probably because of people moving away from the Island of Montréal); the proportion of Catholics has risen from 83.4 percent in 1961 to 89 percent today. The rest of the province has remained predominantly Catholic: 93.1 percent of respondents were Catholic in 1991, compared to 95.1 percent 38 years ago.

Demographic, social and cultural considerations

As far as we know, only the Commission des écoles catholiques de Montréal has, in recent years, asked the members of the "other" religions to state a specific religion. In contrast, at least one school board, the Sault-Saint-Louis school board, does not give parents the option of entering "none," but instead enters "other religion."

B. The School Population

The data on the religious affiliation of students in school comes from the declarations made by parents when enrolling their children. They are not required to provide any kind of official documents issued by a religious authority. The parents are given four possible options: Catholic, Protestant, Other (regardless of the specific religion) and None.[9] The number of students from Jewish, Islamic and other backgrounds, apart from Catholic and Protestant, who attend Québec schools is unknown. The declaration is generally made when a student is first enrolled in a school and is repeated only if the student changes schools. In other words, an administrative error, made in good faith, can follow a student for several years.

Under the Protestant school boards, a significant number of parents who declare another or no religion are Catholic. This fact was already well known, and our study of parents confirmed the finding (Milot and Proulx 1998). Under the denominational school board system, it was the easiest way for a Catholic student to attend a Protestant school because it was closer or because it had some other particular feature, without having to go through the uncertain process governed by attendance agreements between school boards, all of which were doing their best to retain their student base.

In analyzing the religion of students in school, it is also necessary to take into account the linguistic and denominational duality of the school system, as well as the existence of both a public and private school system. It is known, for example, that a large proportion of parents from several cultural communities, and in particular the Jewish community, send their children to private schools.

In order not to make our analysis more complex than necessary, we have decided to describe the situation as it existed in the 1997-98 school year, and to base it on the assumption that the religious characteristics of the student population were subject to the same trends as the population in general.

Overview. The Québec school population is, like the population in general, overwhelmingly Catholic, as shown in Table 2. It is likely that the official statistics even underestimate the Catholic population, because of the "strategic" declarations made by certain Catholic parents. Next, it is clear that students from "other" religious groups are twice as numerous as their Protestant counterparts, although the Protestants, as a group, certainly outnumber any other single religious group. The students belonging to no religious group make up the second largest group, after the Protestant students.

The distribution of students between the public and private systems shows that the private system receives a more diversified student group, in terms of religions, than the public system. Nearly 25 percent of the students in the private system are not Catholic.

The proportion of students from other religious groups is twice as high as in the public system. In fact, 18.5 percent of students from "other" religious groups attended private school. This phenomenon can be primarily explained by the existence of a large number of private Jewish schools (Commission consultative sur l'enseignement privé 1993). Similarly, a slightly higher proportion of students claiming no religious affiliation is found in the private system. Overall, though, the differences found in the private system do not significantly affect the profile of the student population as a whole.

Table 2

School Attendance in the Public and Private Systems by Religion, 1997-98

	Public	%	Private	%	Total	%
Catholic	881 817	84.6	78 575	76.2	960 392	83.8
Protestant	46 251	4.4	2 568	2.5	48 819	4.4
Other	77 958	7.5	17 718	17.2	95 676	8.3
None	36 843	3.5	4 288	4.2	41 131	3.6
Total	1 042 869	91.0	103 149	9.0	1 146 018	100

Table 3

School Attendance in the Public and Private Systems by Religion and Language of Instruction, 1997-98

	Public, French sector (%)		Public, English sector (%)		Private, French sector (%)		Private, English sector (%)	
Catholic	842 234	89.7	39 475	39.0	75 380	83.4	3 195	25.0
Protestant	17 302	1.8	26 934	26.6	1 068	1.2	1 500	11.8
Other	50 309	5.4	27 643	27.3	10 515	11.6	7 203	56.4
None	29 594	3.2	7 249	7.2	3 423	3.8	865	6.8
Total	939 539	100	101 301	100	90 386	100	12 763	100

Table 3 shows, first, the religious homogeneity of the public French sector, where almost 9 out of 10 students are declared Catholic. This still means, however, that almost 100 000 students are non-Catholic. The same homogeneity, but to a lesser degree, is found in the private French sector, where 12 percent of students are from "other" religious groups. Probably a large percentage of these are students at Jewish schools. In the English sector, whether public or private, the situation is different. No single religious group is in the majority, even within the private system, since the "other" category brings together a number of mostly non-Christian religions. In the public system, Catholic students form the largest single group, but this is probably not true in the private system since a majority of students belong to other religions and are probably, once

again, Jewish. In short, there is a wider range of religious representation in the English sector than in the French sector.

The public school system. We will now look more closely at the public system, in which 91 percent of all Québec students are enrolled. This will involve distinguishing between the figures for the French and English school boards, and, within each group, the figures for the Catholic and Protestant sectors.

Table 4

School Attendance by Religion Within the Catholic and Protestant Sectors of French School Boards, 1997-98[10]

	Catholic sector[11]	%	Protestant sector[12]	%	Total	%
Catholic	841 282	92.6	705	2.5	841 987	89.8
Protestant	6 035	0.7	9 315	33.2	15 350	1.6
Other	36 466	4.0	13 745	48.9	50 211	5.4
None	25 263	2.8	4 319	15.4	29 582	3.2
Total	909 046	100	28 084	100	937 130	100

The student population served by French school boards is, as stated above, generally homogeneous, even more so in the Catholic sector, where 93 percent of students declare themselves to be Catholics. In actual figures, the 7.5 percent of non-Catholics represents almost 68 000 students. The Protestant sector, on the other hand, has a strongly diversified student body, since only one student in three is Protestant. They are probably the largest single group, however, since the "other" category brings together several different denominations. As a smaller unit within the French-language school system, the Protestant sector caters to a much larger proportion of non-Protestant students than the Catholic sector does to non-Catholic students; the relevant ratios are roughly one non-Catholic student for every nine Catholic students, on the one hand, compared to 21 non-Protestant students for every nine Protestant students, on the other. In all, the effect of combining the student groups from Catholic and Protestant schools under the authority of the new French school boards has been to increase religious pluralism by adding 27 400 non-Catholic students, bringing the proportion of Catholic students down to just under 90 percent.

Table 5

School Attendance by Religion Within the Catholic and Protestant Sectors of English School Boards, 1997-98

	Catholic sector	%	Protestant sector	%	Total	%
Catholic	30 443	86.8	8 763	13.8	39 206	39.7
Protestant	1 138	3.2	23 557	37.0	24 695	25.0
Other	2 613	7.4	24 970	39.2	27 583	27.9
None	905	2.6	6 338	10.0	7 243	7.3
Total	35 099	100	63 628	100	98 727	100

The new English school boards are, in contrast to their French-language counterparts, extremely heterogeneous; no single denomination is in the majority, but Catholic students form the largest group with almost 40 percent of the student population. The relative weight of non-Catholic students is less than in the English sector of the former Protestant school boards, and the proportion of Catholics is less than half what it was in the English sector of the former Catholic school boards. In short, Catholic students attending English schools have entered a pluralistic world, in contrast to their counterparts under French school boards who remain in the majority.

Nevertheless, the Catholic sector of the English-language system has roughly the same demographic profile as the Catholic sectors of the French boards: Catholic students are in the majority, although the proportion of students from "other" and "Protestant" backgrounds is slightly higher in the English system. Pluralism can be observed mainly in the Protestant sector where Protestant students, although a minority overall, still form the largest single group, with Catholic students probably forming the second largest group. A certain number of Catholic students attend English Protestant schools by agreement, especially in the Eastern Townships and on the North Shore, where only Protestant school boards formerly provided instruction in English. In addition, as stated above, an undetermined number of Catholic students are, for reasons of convenience, recorded in the "other" and "none" categories.

The regions. As shown by the federal census data, the distribution of many religious denominations between Greater Montréal, and even the Island of Montréal, and the rest of Québec is quite uneven. This description of the demographic and denominational characteristics of the school population would be incomplete, and more importantly inaccurate, if the question of distribution within Québec were not taken into account. For the administration of the education system, Québec is divided into 17 regions that we have retained as the basis for the following analysis, once again distinguishing between the French sector and English sector.

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13 The percentages should be read from left to right.

14 This region includes Montréal's suburbs on the south shore of the St. Lawrence, from Sorel to Valleyfield and even as far as Granby.

Table 6

School Attendance by Religion and Administrative Region under French School Boards, 1997-98

Administrative region	Catholic	%[13]	Protestant	%	Other	%	None	%	Total
Saguenay–Lac-St-Jean	48 969	98.1	463	0.9	329	0.7	142	0.3	49 903
Gaspésie–Îles-de-la-Madeleine	15 625	97.7	46	0.3	179	1.1	139	0.9	15 989
Bas-Saint-Laurent	32 780	96.9	153	0.5	444	1.3	470	1.4	33 847
Chaudière-Appalaches	63 009	96.9	379	0.6	779	1.2	848	1.3	65 015
Côte-Nord	14 373	96.5	124	0.8	190	1.3	201	1.4	14 888
Centre-du-Québec	34 057	95.9	183	0.5	856	2.4	425	1.2	35 521
Lanaudière	59 072	95.7	329	0.5	1 232	2.0	1 081	1.8	61 714
Mauricie	33 862	95.5	423	1.2	808	2.3	345	1.0	35 438
Québec	74 905	94.1	1 104	1.4	1 595	2.0	2 003	2.5	79 607
Laurentides	64 813	93.5	548	0.8	2 065	3.0	1 905	2.7	69 331
Nord-du-Québec	3 070	93.3	106	3.2	86	2.6	30	0.9	3 292
Abitibi-Témiscamingue	26 154	93.2	203	0.7	1 250	4.5	444	1.6	28 051
Outaouais	40 004	92.3	449	1.0	1 545	3.6	1 338	3.1	43 336
Estrie	35 545	91.4	699	1.8	1 127	2.9	1 502	0.3	38 873
Montérégie	164 309	91.4	2 422	1.3	7 743	4.3	5 314	3.0	179 788
Laval	33 906	86.3	785	2.0	3 613	9.2	991	2.5	39 295
Montréal	96 453	68.0	7 036	4.9	25 693	18.5	12 203	8.6	141 385

For the French sector, we have arranged the regions according to the relative weight of Catholic students within the sector. Sixteen of the 17 regions display a high degree of homogeneity: Catholic students make up over 90 percent of the student population, except in Laval (86.3 percent), and in 8 of the regions their proportion rises to 95 percent or over. In fact, only the Island of Montréal, where one third of the students under the French school boards are not Catholic, constitutes an exception. The greatest number of non-Catholic students (almost 45 000) is also found in Montréal, followed by the Montérégie region[14] (15 000) and Laval (5 400). In other words, only the French school boards in the Greater Montréal area can be considered pluralistic.

In theory, each school board can run both Catholic and Protestant schools. However, of the 17 regions, 4 have no Protestant sector (Gaspésie—Îles-de-la-Madeleine, Bas-Saint-Laurent, Centre-du-Québec and Lanaudière). In 13 other regions, the number of students attending Protestant schools ranges from 73 in Chaudière-Appalaches, to 1 919 in Laval. Only the Montréal and Montérégie regions have French-language Protestant sectors of a significant size, with 16 267 (11.5 percent) and 5 869 (3.3 percent) students, respectively.

The most outstanding feature of the English school boards is the concentration of the student base of the English schools in four regions: Montréal, Laval, Montérégie and Outaouais, in other words south-western Québec. There is no English presence in the Centre-du-Québec region, and in six other regions the English presence is slight: Mauricie, Bas-Saint-Laurent, Chaudière-Appalaches, Côte-Nord, Saguenay–Lac-Saint-Jean and Côte-Nord, which record between 33 and 1 000 students. Second, the English school boards are far more heterogeneous, in terms of religion, than their French-language counterparts. Once again, though, the regional variation is great. The largest religious group is formed by Catholic students in nine regions out of 17: Montréal, Laurentides, Québec, Mauricie, Laval, Lanaudière, Chaudière-Appalaches, Côte-Nord and Saguenay–Lac-Saint-Jean. In six of these regions, they form an absolute majority. Protestant students are the largest group in four regions: Montérégie, Estrie, Gaspésie–Îles-de-la-Madeleine and Nord-du-Québec. The "other" category has the greatest number of students in the Outaouais and Bas-Saint-Laurent regions.

At the school level, however, the Protestant sector has the advantage. Every region has one or more Protestant schools (except the Centre-du-Québec region which has no English schools), while five have no Catholic schools, even though three of these regions, Chaudière-Appalaches, Nord-du-Québec and Côte-Nord, have Catholic majorities. The Catholic student population is largest in Laval and Saguenay—Lac-Saint-Jean. On the Island of Montréal, a significant proportion of students (46 percent) are enrolled in the Catholic sector.

Table 7

School Attendance by Religion and Administrative Region under English School Boards, 1997-98

Administrative region	Catholic	%	Protestant	%	Other	%	None	%	Total
Saguenay–Lac-St-Jean	384	75.4	50	9.8	39	7.7	36	7.1	509
Gaspésie–Îles-de-la-Madeleine	511	39.6	721	55.9	53	4.1	5	0.4	1 290
Bas-Saint-Laurent	5	14.3	11	31.4	19	54.3	0	0.0	35
Chaudière-Appalaches	126	67.0	39	20.7	17	9.0	6	3.2	188
Côte-Nord	277	72.3	64	16.7	34	8.9	8	2.1	383
Centre-du-Québec	0	0.0	0	0.0	0	0.0	0	0.0	0
Lanaudière	721	64.5	167	14.9	155	13.9	75	6.7	1 118
Mauricie	487	52.6	160	17.3	250	27.0	29	3.1	926
Québec	935	44.7	260	12.4	779	37.3	116	5.6	2 090
Laurentides	1 762	36.1	1 625	33.3	1 286	26.4	207	4.2	4 880
Nord-du-Québec	0	0.0	85	81.7	18	17.3	1	1.0	104
Outaouais[15]	2 288	30.1	2 317	30.5	2 547	33.6	438	5.8	7 590
Estrie	1 407	38.7	1 701	46.8	315	8.7	214	5.9	3 637
Montérégie	6 374	30.9	7 213	35.0	5 251	25.5	1 764	8.6	20 602
Montréal	20 554	41.9	9 618	19.6	14 738	30.0	4 165	8.5	49 075
Laval	2 884	52.8	547	10.0	1 860	34.0	176	3.2	5 467

Demographic, social and cultural considerations

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School boards. The most significant measurement of pluralism in demographic terms would have to be made within individual schools, clearly an impossible task since there are some 3 000 schools in Québec. We therefore restricted our analysis to the situation at the school board level, which allows fairly accurate estimates of the reality within schools. Our decision was also motivated by the fact that school boards have important powers concerning the management of religion in schools. We took two measurements, the first to assess the degree of religious heterogeneity (and its opposite, homogeneity) of the student population, and the second, designed to complement the first, to arrange school boards in decreasing order on the basis of the actual number of non-Catholic students they serve, which gives a more realistic picture of the situation.

Table 12 in Appendix 6 shows that a vast majority of school boards serve student populations that, in religious terms, are more homogeneous than heterogeneous. On a scale of 0 to 100 (ranking the school boards in terms of the relative homogeneity of their student population), 58 out of 69 school boards score over 50; unsurprisingly, all the English school boards are found in the heterogeneous group that scored under 50. This group also includes the Commission scolaire de Montréal and the Commission scolaire Marguerite-Bourgeois, both French boards, that are found in the second quintile (21 to 40 on the scale). The third quintile (41 to 60) contains the Island of Montréal's third French school board, Pointe-de-l'île, and the school board serving the southern suburbs, Marie-Victorin, although the latter two are more homogeneous than heterogeneous. The fourth quintile corresponds to a homogeneity score of 61 to 80. The 49 remaining schools boards are in the fifth quintile, with a homogeneity score above 80, and are located at an increasing distance from Montréal.

Table 13 in Appendix 6 illustrates the situation from another angle, by showing the actual numbers of non-Catholic students served by each school board. The school boards are grouped into six categories, based on the number of non-Catholic students: less than 100; 100 to 499; 500 to 999; 1 000 to 4 999; 5 000 to 9 999; and 10 000 and over. Of course, these categories, based on the number of non-Catholic students served, are purely analytical and say nothing about the potential range of the students' expectations, whatever the religion they declare. The categories allow a simple demonstration of the overall weight of religious minorities within the school system, and in particular in the case of French school boards where Catholics are the majority.

Our first observation is that 27 out of 69 school boards serve more than 1 000 non-Catholic students, who constitute a minority in French schools boards and a majority in English school boards. In the case of these 27 school boards, the size of the non-Catholic minorities is significant, given that the student body of an average school comprises roughly 300 students at the elementary level and 800 at the secondary level.

The Commission scolaire de Montréal leads this group of 27 school boards with 27 300 non-Catholic students, ranking it first for Québec as a whole and first of the group of four school boards with more than 10 000 non-Catholic students. Two of these four boards are French, two are English, and both English boards are situated on the Island of Montréal. A second group of six school boards with between 5 000 and 9 999 non-Catholic students includes three French boards and three English boards, all situated in the immediate vicinity of Montréal except the Western Québec School Board, the English school board that covers the Outaouais and Abitibi regions. A third group of school boards with between 1 000 and 4 999 non-Catholic students is found in the off-island suburban Montréal area and in the Estrie, Outaouais and Québec regions. A majority of school boards, 42 out of 69, serve less than 1 000 non-Catholic students, including 28 boards serving less than 500 non-Catholic students. These are all French boards, mostly situated in central and eastern Québec.

II. Evolution of the Religious Situation in Québec

Although examining the demographic data is a necessary step, it is one that clearly cannot provide a complete picture of sociocultural realities as they relate to religion. It gives no insight into the current state and characteristics of the religious beliefs, religious traditions and secular world views that are found in Québec. As we know, the place and role of religion in the life of society have undergone considerable change in Québec since the Quiet Revolution.

Since the 1960s, the pace of demographic, structural and cultural change has increased, with an enormous influence on religion within our society. Examples are the secularization of institutions, remarkable changes in the attitude toward religion among the general population, and the rise of pluralism. These aspects of current religious realities in Québec are often mentioned in connection with the question of religion in schools, and it is appropriate here to describe their extent and examine their meaning for the social and cultural dynamics of our society.

A. Secularization

Québec society has become widely secularized, reflecting a trend that is apparent in all Western societies. Secularization is an overall change in which the institutional and cultural role of religion is reduced: religion loses its determining influence over social models and cultural values, especially with regard to the underlying values of life in society such as law, knowledge and morality.

In Québec, traditional Catholicism was closely linked to the conditions in which most of the Québec population lived and held an almost total monopoly in the religious arena. The state began a modernization process in the 1960s, taking over from the religious authorities in sectors where, until then, they had played a primary role: health, social services and education. In the education sector in particular, the creation of the Ministère de l'Éducation transferred responsibility for the

It is important to realize that "secularization" is not the same as "laicism," the latter being initially defined as a utopian political approach in which social ties are based on the political affiliation of each citizen rather than on membership in a community. Secularization and laicism represent two different sociological realities, although they share several social and historical links.

17 It should also be understood that a significant number of individuals assign to their existence a meaning that has no connection with any religious belief or spiritual reference.

education system from the Church to the state. However, following negotiations between the two authorities, it was decided that the education system would remain denominational, and Catholic and Protestant bodies were created with the state apparatus to oversee the denominational aspects of the education system.

Although both the Catholic and the Protestant denominations have maintained a major presence in public schools up to the present, it is clear that the schools have been affected by the large-scale cultural changes that have altered our society. In only a little over a quarter of a century, we have witnessed the forging of a new social organization, the search for a social blueprint, massive urban development, and an opening up to outside influences, in particular through the rapid expansion of communications. These structural changes have been mirrored by cultural changes, as seen in the liberalization of moral constraints, the transformation of the family—the primary source of moral standards—and the decline in the value of authority. Religion, which had been the major background influence in these areas, was more affected by these changes than any other institution.

Secularization is not, in itself, an anti-religious ideology.[16] Secularization is a sociocultural process that parallels the emergence of the values of modernity: democracy, the separation of Church and State, independent thinking and a critical assessment of traditional schemas, liberalism and technical rationality. In the context of a modern, democratic and pluralistic society, no religion can expect to mould the national identity, impose social standards or define social institutions. Where a given religion attempts to maintain this role, it can succeed only by excluding, even symbolically, those citizens who do not share its vision of the world. This does not mean that all religions are banished from the cultural landscape; in this connection it is impossible to deny that some religions, such as Catholicism in Québec, are indissociable from culture. The institutional role retained by some religious denominations is legitimate, but within the religious arena only; in other words, the influence of the denominations is confined to the religious sphere, although they take part in certain moral or social debates and play a major role in helping the least privileged members of our society.

B. Changes in Religious Attitudes

The fact that the Church is no longer one of the institutions that shape the overall direction of society does not mean that religious concerns have disappeared entirely from the lives of individuals.[17] The relationship between individuals and religion has not disappeared, but it has been transformed. The values associated with modernity have been transferred to the religious experience: they include individualism, freedom of conscience, equality, freedom to challenge authority or established structures, respect for human rights, and striving for personal fulfilment. This process has been described as an individualization of the religious sentiment, meaning that for most individuals, the religious experience is now less a group and community process than a personal quest.

Virtually all religious denominations have experienced a strong decline in regular attendance at religious rites, the most community-oriented aspect of the religious experience. In the case of Catholicism, for example, attendance at weekly services fell from 85 percent, in the mid-1960s, to 40 percent 10 years later, and roughly 20 percent in 1985. Today, it fluctuates around 15 percent in all regions of Québec. The Protestant denominations and the non-Christian religious traditions, however, record higher rates of weekly religious practice, at roughly 34 percent (Milot and Proulx 1998).[18] In religious traditions, the rites in which most people participate are those that are linked to family traditions and festivities (Christmas for Christians, Ramadan fasting and the Id al-Fitr for Muslims, and Passover for Jews). The rites of passage (birth, marriage, death) are still observed by most people and are also linked to family traditions. Many people who take part in such rites consider that the religious institution concerned has no right to require some form of commitment before it dispenses the services that are requested from time to time (such as marriages between non-practising individuals). Despite their efforts to the contrary, the major religious traditions have been relegated to the status of background references and symbolic resources in the exercise of the religious beliefs of individuals.

Another important point, underlined by research into contemporary religious change, is that most individuals no longer turn to social institutions for answers to their spiritual or religious concerns, as these concerns tend to diverge from the inherited codes and moral standards put forward by the religious authorities. This attitude is particularly evident among persons whose declared religion is Catholicism, over 50 percent of whom state that they attach little or no importance to following the rules prescribed by their religion (Milot and Proulx 1998).

Individuals select, from religious tradition, only the points of reference that appear necessary to lead their daily lives; traditional religious elements (references to God, to prayer, to traditional rites) are freely re-used by individuals and amalgamated, sometimes in surprising ways, with other spiritual elements from various sources. The belief in God is a good example of this phenomenon: over 80 percent of individuals, regardless of their original religious affiliation, state that they believe in God or in a higher power (Milot and Proulx 1998), although it has been observed that few rely on an image or meaning of God that is close to the official doctrine of their original religion (Bibby 1988; Lemieux and Milot 1992; Milot and Proulx 1998).

This rapid overview illustrates the fact that the relationship between individuals and religious tradition has undergone a radical change, giving rise to varied personal approaches that range from atheism to the use of a diversified range of religious or spiritual experiences. In turn, this change has created new expectations with regard to social institutions.

C. Pluralism

As reflected in the demographic data presented above, Québec's religious landscape has undergone profound change because of religious diversity and the growing number of people who state that they have no religious affiliation. The question of pluralism, which will be examined in this section, should not be seen as a question of quantity or percentage, although the relevant figures illustrate one aspect of the new reality. Rather, the notion of pluralism expresses the "ability to live together" current in contemporary society. Pluralism is an important element in our report since, like secularization and the change in religious attitudes, it creates certain specific consequences for the way in which society, and its institutions, must be organized.

Spontaneously, the word "pluralism" brings to mind ethnocultural diversity, especially as found in the Montréal area as a result of immigration. However, diversity, which is at the root of social pluralism, is also found within individual religious traditions and manifests itself in the diversity of ways in which beliefs are defined, in which community practices are observed and in which religion is assigned a role in the life of individuals, as discussed above. Pluralism also means that a growing number of people claim no religious belief or religious identity for themselves. We will look in more detail at these various facets of religious pluralism, before examining the ways in which they affect society.

Pluralism is not a reality that has emerged suddenly following an influx of immigrants. As early as 1960, in "Feu l'unanimité," Gérard Pelletier indicated that pluralism had become inherent in Québec society thanks to the transformation of its institutions and attitudes, the profound change in the roles played by women in public life, the diversification of lifestyles, the emergence of new values, and the contributions of immigration, all of which helped to impose pluralism on Québec's social organization. Since the 1960s, pluralism has increased, and although it remains most prevalent in Montréal, there is no community in Québec that has not had to deal with diversity and to become more receptive to different conceptions of life and values.

With regard specifically to religion, as already mentioned, Catholicism has lost its monolithic stature. Although it is still the religious tradition with which most Quebecers identify, it is fair to state that instead of "belonging" to it, they now "relate" to it in a variety of ways. This diversity could already be observed in the late 1960s (Wener 1971). However, as the religious tradition of the majority, Catholicism has had an undeniable influence on Québec's history, and has also been the most affected by the current ideological and religious pluralism. Its status as part of Québec's cultural heritage is at stake, but any attempt by the Church to continue to shape shared values, or the organization of public institutions, is inevitably confronted by sociocultural reality, in other words, the existence of a wide range of ethical and lifestyle choices not inspired by Catholicism.

The diversity of religious denominations is most evident in the Montréal region where new immigrants go to live on arrival, and where the experience of dealing with people of a wide range of religions is most immediate. Pluralism is not, however, limited to the geographical area of Montréal, since all Quebecers now live in a pluralistic society, given the diversification of lifestyles within an ongoing tradition, the growth of communications, and the social mobility required for study and work purposes. It would not be realistic to restrict the examination of pluralism to Montréal and the question of immigration; pluralism is not a reality measured by the differences perceived in one's immediate surroundings, but the ability to live together that must be practised by all.

Québec society has been confronted by the wide range of dietary and dress practices and prescriptions of various religions; it understands its duty to accommodate difference and to allow freedom of conscience and religion. However, religious diversity is not limited to these aspects, which constitute only the most visible facet of religious pluralism. Moral preferences, cultural identities and approaches to male-female relationships are also involved in issues of religious pluralism. For the members of religious minorities who arrive in Québec as immigrants and whose traditions are no more monolithic that Catholicism, religion is certainly an important element in the challenge of integration, since they must seek to fit into Québec culture without endangering their own religious and social affiliations. The host society must, in turn, be open to diversity and must not perceive it as a threat to its own cohesion. Pluralism requires citizens to be receptive and open to different cultures, in a way that goes beyond curiosity for the folklore involved in customs and lifestyles. Schools are one of the places where children are exposed to diversity, and where pluralism is often a reality of daily life.

It must be said that, especially in the school system, the recognition of religious pluralism has met head on the structural reality of denominational organizations and the clear preponderance of the Catholic and Protestant denominations. Although mechanisms are in place to ensure a minimum of respect for freedom of conscience, pluralism, even now that it has become part of the fabric of life in society, finds no reflection in the way the Québec school system is designed. Certain forms of institutional symbolism can transmit messages that are far stronger than anything taught in the classroom. Pluralism constitutes a challenge not just for the structure of the education system, but also for safeguarding diversity while ensuring the continuity of social ties between citizens. Québec schools clearly have a major role to play in seeking a balance between the development of individual identities and a new openness toward pluralism.

Summary

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.

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.

THE ISSUES TO BE RESOLVED

The place of religion in schools raises a variety of issues that concern both society in general and the education community in particular. For some people, the problems relate to the organization of religion in schools; for others, the problem is that religion itself has no place in schools. The various points of view are broadly determined by the values, principles and objectives adopted, or deemed true or desirable, by particular individuals. We have identified a first set of issues that relate to generally held views about how the relationship between Church and state should be reflected at the school level.

In the previous chapter, we saw how the place of religion in Québec's public schools is largely determined by law; the legal framework mirrors the prevailing conception of the relationship between Church and state. However, certain specific rules, considered by some to be based on the legitimate aspirations of parents, if not on their rights, are deemed by others a contravention of fundamental human rights. This raises a second series of issues that also need to be examined.

The debate about denominational versus secular schooling is also political, in that it affects the social goals to be promoted in the best interest of Québec society. Some people consider that religion has no place in school, given their priorities; other people consider that religion does not receive enough emphasis in school, given what they deem desirable for their children or for society in general.

This debate again makes reference to the potentially contradictory expectations which schools must satisfy, and in particular to the expectations of certain key players in the school system, including parents, who belong to a range of majority and minority groups.

Finally, there are more concrete issues such as the choices affecting the denominational status of schools and the educational services, religious instruction or pastoral or religious animation that they provide. To a large extent, it is the way the issues outlined above are resolved that leads to certain choices being made. Because there are concrete implications to these choices, any changes made at this level will be most apparent. This brings us to the next section to look at some of the concerns currently raised.

I. The Relationship Between Church and State: Principles and Ultimate Objectives

Québec's current education system creates close ties between Church and state, the Catholic Church in particular. At the government level, the two sides intermingle as a result of the 1964 agreement between the Lesage government and the Assemblée des évêques du Québec (assembly of Québec bishops) (Dion 1967), which today has been strongly challenged by a segment of public opinion. The heart of the controversy concerns the principles and objectives that should guide the state in relation to the Church.

A. *The Principle of Neutrality*

It is generally agreed that the relationship between Church and state should be based on the principle of neutrality, although the application of the principle can lead to a range of options that are both diversified and, sometimes, contradictory. For example, the Constitution of Belgium specifies that the Community shall organize education of a neutral type (Groupe de travail belge 1991, 36), a principle that does not prevent the Government, under the Constitution, from offering students a choice between Catholic, Protestant, Jewish, Islamic and secular moral education in its schools. In contrast, the application of the same principle in France and the United States has led to the establishment of a strict separation between Church and state and a prohibition of denominational religious instruction in public schools. Even so, the French government is willing to subsidize private denominational instruction, which the US government refuses to do. In Québec, the Parent Commission (1966) recommended that the school system be based on the principle of religious neutrality through the establishment of a dual system of denominational and non-denominational schools and religious instruction. No legislation was ever passed, however, to enact this principle; in fact, Québec legislation (and, until recently, the Canadian Constitution), has assigned priority to the Catholic and Protestant religions to the point that they are protected by notwithstanding clauses from the application of the right to equality before the law. Neither is there any separation between Church and state, since responsibility for drafting the programs for Catholic and Protestant religious instruction lies with the Minister of Education, subject to the approval of the Catholic Committee and Protestant Committee. It is also the state that, through its Associate Deputy Ministers for the Catholic and Protestant faiths, supervises the denominational aspects of the school system.

In Québec, should the state remain "neutral" with respect to religion in schools and, if so, what does "neutral" actually mean? In other words, does the principle of a neutral state, with respect to religious matters and the various conceptions of social well-being, mean that it should cease all intervention? Or, rather, does it mean that the state should only intervene in religious matters to ensure equity in the relationships between minority and majority religious groups, and between religious groups and the supporters of a secular approach to education? Does the state, because of its current or potential role in the field of education, have valid reasons for encouraging religious instruction for its citizens? If so, what type of instruction should be provided?

B. *Ownership of Schools*

The answers to this first set of questions depend on the answer to yet another question: who owns the schools? In other words, who can claim legal title or legal right to the schools, and use them or manage them like the owner of any other form of property? Do schools belong to the state, or are they an extension of the family, in which case, do they belong to civil society? This is a central question, and the answers to it given by the various protagonists in the current debate tend to take the form of postulates (according to the Collins Cobuild Dictionary, a

postulate is "an idea that is suggested as or assumed to be the basis for a theory, argument, or calculation"). However, as the following quotations show, each group has put forward a different postulate:

-    "The question of how much control over schools should be left to the state must be examined. Schools are institutions of civil society[1] that democratic states are required to support and supervise, but not control" (Catholic Committee 1996, 14, free translation).

-    ". . . that increased representation at the school level be accompanied by elections at this level is not intended merely as a technicality. Rather, it reflects our conviction that the schools belong first and foremost to the citizens . . ." (Estates General on Education 1996b, 103).

-    ". . . this vision of schools open to all without discrimination and with no artificial internal barriers is based on a fundamental postulate: that Québec's schools are an institution of Québec society. This means that they are accountable to Québec society as a whole. . . . They are not a patchwork of institutions belonging to various communities separated on ethnocultural or denominational grounds. . . . They belong to a collectivity, to a society made up of its citizens" (Coalition pour la déconfessionnalisation du système scolaire 1998, 19, free translation).

-    "Awareness of the fact that schools do not belong to the state, and even less to the Church, has progressed. In keeping with the general trend toward decentralization, the legislation repeatedly states that schools belong to the community. This means that schools are there to serve parents, which is why the Education Act allows parents to structure their schools in the way that best reflects their values and convictions" (Jacques Chagnon, Minister of Education,[2] free translation).

These quotations demonstrate the range of philosophical premises underlying the positions of the various groups. The principles involved, however, are not dogmas, but rather positions that are open to discussion and may be submitted to rational criticism.

C. Ultimate Objectives and Goals of Schools

The current debate raises another important issue relating to the philosophy of education: the ultimate objectives and goals pursued by schools. An international consensus, as expressed in the Universal Declaration of Human Rights, has defined the ultimate objective of education as "the full development of the human personality" (art. 26(2)). The preamble to two Québec Acts, the Act respecting the ministère de l'Éducation and the Act respecting the Conseil supérieur de l'éducation, recognizes that "every child is entitled to the advantage of a system of education conducive to the full development of his personality." Finally, the Education Act, on the recommendation of the Commission for the Estates General on Education (1996b), now states that "in keeping with the principle of equality of opportunity, the mission of a school is to impart

3   This mission statement is, in our view, more a statement of goals than an ultimate objective.

4   This change of direction is a subject of debate among Catholics.

knowledge to students, foster their social development and give them qualifications" (s. 36). [3]

The full development of the human personality, as an ultimate objective of education, is uncontroversial because it represents a broad consensus of opinion. The difficulty resides in the precise definition given to the full development of the human personality, or to the "development of the whole person," the main formulation used in traditional educational philosophy in Québec. Does the development of the whole person necessarily include denominational religious instruction? If education includes a religious component, should it be the responsibility of schools, or of families and the Church? These questions, once again, refer to the issue of school "ownership."

D. The Socializing Function of Schools

Another controversial issue, and a fundamental issue for the philosophy of education, relates to the mission of schools to socialize their students, a function that is formally codified in the Education Act. The controversy does not concern the function as such, but rather its scope: what concepts should socialization instil in students? Widely held social values, unrelated to the various religious affiliations, or specific and, more particularly, religious traditions?

In this connection, the position of the Catholic Church has, on its own admission, evolved. According to the Catholic Committee, the religious instruction programs have moved progressively further from a Catechism-based approach designed to instil faith and encourage membership in the Church (1997, 4).[4] Nevertheless, the Committee still considers that a legitimate role of schools, in keeping with their responsibilities toward parents and local communities, is to contribute to the continuity of certain specific traditions within the boundaries of public interest (Catholic Committee 1998, 3). The Protestant community, where less emphasis is placed on the function of schools to instil religious tradition, is nevertheless under strong pressure by the Evangelical movement to ensure "communitarian" religious socialization.

However, those whose main focus is on the social integration of immigrants and, more broadly, on social cohesion, reject the religious community-based approach, and the trend is also apparent in the final report of the Commission for the Estates General on Education:

"To socialize" is another overall goal of educational institutions. They must transmit the values that underlie our democratic society (equality, fundamental freedoms, respect for others, justice, cooperation, solidarity) and foster respect for common institutions, while remaining places in which value systems can be explored. They prepare students for the exercise of citizenship based on instruction in their rights and duties, compliance with a set of common rules and an open attitude toward diversity. Schools are also the melting pot for a democratic

society, in the sense that they provide equal opportunities and contribute toward the attainment of social cohesion. For schools to neglect this segment of their mission would be to run the risk of themselves becoming agents of social dysfunction. (1996b, 5)

The socialization process described above is no longer associated with religious traditions. Instead, the final report of the Commission for the Estates General on Education urges Catholics and Protestants "to introduce mechanisms that, with the cooperation of interested parents and the Churches, will enable all Christian education to be dispensed in places more appropriate than the schools, without the state being required to pay the costs" (1996b, 50).

II. Fundamental Judicial Principles

The issues of political philosophy and philosophy of education examined above give rise to judicial principles which, in a society living under the rule of law, become the foundation on which its institutions rest. They reflect the social and cultural values current in a given society at a given time.

As a first step, we must dissipate some of the confusion surrounding the term "rights." In debating certain issues, it is common for all sides to invoke their "rights" in support of their claims. Some of their claims are, in effect, based on positive legal rules, but in other cases they relate to principles that are falsely assumed to have a legal basis; in other words, they are not recognized in legislation. In this case, the "rights" concerned could be termed moral rights. In this section, we will examine the rights based on positive legal rules that are recognized in legislation or in jurisprudence.

The amendments made to section 93 of the Constitution Act, 1867 have brought about a radical change in the legal landscape as far as religious matters are concerned. The Québec statutes that deal with education must now conform to the rules of law established by the Constitution of Canada, including the Canadian Charter of Rights and Freedoms, since "The Constitution of Canada is the supreme law of Canada, and any law that is inconsistent with the provisions of the Constitution is, to the extent of the inconsistency, of no force or effect" (s. 52(1)).

Several questions must be elucidated. Do the rights and privileges currently granted to Catholics and Protestants by Québec's legislation contravene the rights and freedoms recognized by the Canadian and Québec Charters, in particular freedom of conscience, freedom of religion, and equality before the law?

More specifically,

- Does the Catholic or Protestant denominational status of a particular school and its educational project constitute an infringement of the

rights and freedoms of the individuals who do not belong to the denomination concerned?

- Is the obligation imposed by regulation on Catholic public schools to integrate, "while maintaining respect for freedom of conscience and of religion," the beliefs and values of the Catholic religion into their educational project sufficient to make those educational projects consistent with the Charters?

- Is it a contravention of the Charters if Catholics and Protestants, on the one hand, and other religious denominations, on the other hand, are treated differently in connection with religious instruction and pastoral or religious animation?

Certain international legal instruments, along with Québec's Charter of Human Rights and Freedoms, assign parents certain rights concerning the religious instruction of their children. This raises other questions:

- How do the fundamental rights of all individuals compare to those of parents?

- What is the scope of the priority right of parents, recognized by the Universal Declaration of Human Rights (art. 26.3), to "choose the kind of education that shall be given to their children"?

- What is the scope of the commitment made by the member states to the International Covenant on Civil and Political Rights, and the commitment of Québec in particular, to "undertake to have respect for 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" (art. 14(4))?[5]

- What is the meaning of section 41 of Québec's Charter of Human Rights and Freedoms, which states that "Parents 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"?

- What is the effect of section 41 of the Québec Charter in light of the rights, under section 3, of all individuals to freedom of conscience and freedom of religion, and under section 10, to "full and equal recognition and exercise of [their] human rights and freedoms," and in light of similar rights granted under sections 2 and 15 of the Canadian Charter of Rights and Freedoms?

- Is an option to choose between Catholic or Protestant religious instruction, on the one hand, and moral education, on the other, in schools

The issues to be resolved

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officially recognized as Catholic or Protestant, sufficient to guarantee respect for the rights of parents and students to freedom of conscience and freedom of religion?

Notwithstanding clauses. As mentioned previously, the denominational rights and privileges of Catholics and Protestants under the law are protected by notwithstanding clauses that exempt them from the application of the Canadian and Québec Charters. The issue here is not to discuss the legality of notwithstanding clauses, which are allowed under the Charters to ensure the supremacy of the legislative, or political, power over the judicial power.

However, not all the protagonists in the social debate see the current use of the notwithstanding clauses in the same light. Some consider that they have been invoked in a way that is totally unjustified in terms of political ethics, since the result is to deprive citizens of fundamental rights; others believe that, on the contrary, their use is justified because it makes it possible to satisfy the legitimate aspirations of a majority of citizens.

Both Charters contain provisions that authorize the use of notwithstanding clauses, although the details of application vary. Under section 52 of the Québec Charter, there is no time limit for a provision that applies notwithstanding the Charter, provided the derogation is expressly stated in the provision concerned. In contrast, a notwithstanding clause introduced to override a right contained in the Canadian Charter "shall cease to have effect five years after it comes into force" (Constitution Act, 1982, s. 33(3)). The "twilight" clause in the Canadian Charter illustrates Parliament's clear intention to underline the exceptional nature of a derogation from a right contained in the Canadian Charter, since the legislature concerned must adopt new legislation to implement a notwithstanding clause and thus justify its actions.

Two main questions can be formulated, one theoretical and one practical. First, are there legitimate ethical grounds for assigning priority to the rights and privileges of religious denominations over the rights of all individuals to freedom of religion, freedom of conscience and equality before the law? Second, is it socially and politically appropriate for the National Assembly, and the whole of Québec society, to return every five years, with no hope of reprieve, to a social debate that calls into question its fundamental values?

III. Consistency Between the Goals of the Education System and Those of Society

In recent years, an ongoing debate has raged in Québec concerning the meaning of citizenship in a context of increasing diversity. Recently, the Conseil des relations interculturelles (1997) published a brief whose title neatly summarized the entire debate: "Un Québec pour tous ses citoyens–Les défis actuels d'une démocratie pluraliste" ("A single
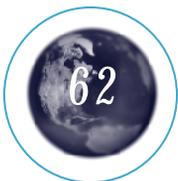
Québec for all citizens–current challenges for a pluralistic democracy"). The brief stated the following:

> To highlight the fundamental values and underlying principles that constitute the civic framework of Québec society, while taking diversity into consideration, in order to ensure that all Quebecers play a role in the life of society: this is our major challenge for the future, one that requires broad, democratic public participation. (p. 5, free translation)

As early as the 1970s, the still-unanswered question of how best to integrate immigrants into Québec society was raised. The question now extends beyond the bounds of immigration, and concerns the broader problem of how citizenship can reconcile the needs of persons from widely divergent perspectives. In short, the question now concerns social cohesion.

Given this situation, it was inevitable that we should have to examine the role of the school, especially in light of its responsibilities in terms of socialization. The Estates General were quick to point out that schools played a key role in "strengthening the fabric of our society" (Commission for the Estates General on Education 1996b, fore-word). The following year, the Task Force on Curriculum Reform (known as the Inschauspé Group) published a report that went into great detail concerning the role of schools in socializing students, and specifically the goals assigned to schools: "to reinforce [a] sense of belonging to a community" and "social cohesion." According to the report, the role of providing for social cohesion was formerly performed by the "underlying alliance of Church, State and Family, the institutions which ensured its continuity and survival." The report continued as follows:

> This is no longer the case in a pluralistic society, and schools can no longer rely on this approach to socialization, since they must now also work to reinforce social cohesion. The challenges facing schools in coming years will include defining common values based on common goals, namely, preparing students to exercise their citizenship, integrating students into a common culture based on both past and future experience, and maintaining equality of opportunity. (p. 32)

This leads straight to the issue of the structure of the public school system, based on the Catholic and Protestant religious traditions. In recent years, the place of Christianity, and Catholicism in particular, in the forging of shared values in Québec has been the subject of vigorous debate. The main thesis of the Catholic Committee is that Catholic schools make a vital contribution to the development of Québec culture, and that they represent a considerable cultural advantage for Québec. They provide a place where a shared identity can be affirmed, and contribute in their own way to the promotion of certain shared values in a pluralistic society (1996, 31).

We are thus faced with two lines of reasoning that can be summarized in the following question: will the strengthening of social cohesion and the integration of immigrants, two social goals on which a consensus has been reached, be achieved best by schools based on values shared by all citizens, or by schools based on traditional religious values?

IV. Social Expectations

One of the most difficult and controversial issues in the current debate concerns the social expectations connected with religion in schools, and the religion of schools. This has been demonstrated in a number of opinion polls conducted since the mid 1960s, that have been used to support opposing points of view.

First, it should be stated that most of these surveys measured the expectations of the Catholic majority (Proulx 1997b). Almost nothing is known about the expectations of the Protestant or other religious minorities, nor about the expectations of those who claim no religious affiliation. This is an area that needs more work, given the range of religious affiliations found in Québec and also the values represented by freedom of conscience, freedom of religion and equality before the law, which are at the foundation of our social organization. We will return to this aspect later.

With regard to the expectations of parents, however, there are some even more general issues to be examined. The opinion polls, like the surveys of Catholic parents on the denominational status of schools, have shown a clear preference for Catholic schools. This may appear surprising, given the secularization of both society and individuals, and the variety of religions represented in the Montréal area. The explanations for these trends are, for now, only hypotheses.

What exactly do parents want when they indicate their preference for a Catholic or Protestant school? How do they imagine such a school? Is their preference for a denominational school linked to their own religious and spiritual needs? Is it linked to an expression of identity? Are parents confusing the means with the end, by establishing an association between denominational status and religious instruction? What are their specific expectations concerning religious instruction per se?

The Montréal area is home to a wide variety of religions, whereas the rest of Québec is less diverse. Does this have a significant effect on social expectations?

The schools in Québec today, even those with denominational status, are common schools in the sense that they are required to accept all students. The expectations held or choices made by parents in connection with religion can sometimes conflict with the other values or social goals they espouse as citizens. What balance do parents

strike between the specific values of their religious tradition and their shared values as citizens? How, for example, do parents see the relationship between the rights and privileges of Catholics and Protestants and the principle of equality guaranteed by the two Charters? What connections do they see between denominational schooling and social goals such as the integration of immigrants and social cohesion?

Parents, though, are not the only people whose opinions must be taken into account—there are also all the people who work in schools. Even before the establishment of our Task Force, signs of disagreement between parents and other partners in the school, especially teachers and principals, had begun to emerge concerning the place of religion in schools. The extent of the disagreement remains largely unknown. If a partnership is to be established between the parents, teachers and principals on each governing board, they will have to hold a common vision of the values to be used as the foundation for their school's educational project. This is why we believe it is of the utmost importance to clarify the position of all the partners in the school community.

If the divergent viewpoints observed in particular since the holding of the Estates General were confirmed, it would create a major problem for Québec schools that could not be solved simply by pointing out that parents, administrators and unions do not have the same stake in schools (Catholic Committee 1997a, 19). Each school, as stated above, is required to review its denominational status before July 1, 2001; the group formed by the parents of children at the school will have to take a clear stand, as will each governing board. The principal and the teachers could, if only to keep the peace, decide to opt for the continuation of the school's denominational status even if they were personally against it; the core of the problem, however, would remain unresolved, if one takes the point of view that the quality of an educational project depends on a genuine sharing of values and objectives.

V. Organizational Arrangements

Depending on the point of view, what is considered to be a problem for some is not for others. We will thus restrict our examination to the options that have already provided a significant level of debate.

A. Denominational or Secular Status

Since the early 1960s, a debate has raged about the denominational or secular status of Québec's schools. The focus has shifted, however, since today the legitimacy of secular schools is no longer contested. In fact, as discussed earlier, every new school is a secular school "by default" at the time of its creation.

Within the current legal framework, the main concrete difficulty in this area concerns the mechanism used to decide a school's status, which is based on a majority opinion expressed by the

parents of the students at an individual school. Up to now this mechanism has led in virtually all cases to recognition as a Catholic school. In practice, this means that parents who would like their children to attend a secular school are unlikely ever to achieve their goal. They are doomed to failure, and the current rules can only leave a dissatisfied minority.

The same problem will inevitably arise for the new French linguistic school boards in connection with Protestant schools: in areas where no Protestant school currently exists, it will be practically impossible to gain Protestant recognition for a school for the simple reason that Catholics are, everywhere, in the majority.[6] For English boards, a decision on the denominational status of a new school could lead to major disagreements, since the demographic distribution of the various religious groups means that, in general, Catholics, Protestants, the members of other religions and groups with no religious affiliation are present in roughly equal numbers.

Provided the principle of equality of treatment is respected, the possibility now exists for denominational schools to be established within the public system for religions other than Catholic or Protestant denominations, at least in the form of "specific projects." This social need has, until now, been at least partly met by the establishment of private ethnic-religious schools (Commission consultative de l'enseignement privé 1993). The decisions to be made by the school boards and the Minister of Education will, in each case, be especially difficult, either because of the symbolic values contained in certain school projects, or because of their direct impact on the local school population in terms of building allocation and school transportation.

One even more fundamental change has altered the scope of the debate. The principle of denominational recognition as the basis of school organization is now hotly contested, while secular schools are being promoted as an alternative. This, however, is not a question of structures, but rather refers to the wider debate on the relationship between Church and state, the ownership of schools, the ultimate objectives of education, fundamental rights and parental rights, the role of schools in socializing students and, finally, the expectations of the general public. It should also be borne in mind that the word "secularization" and the concepts it refers to are themselves controversial, since their application in Québec is linked to foreign experiences that have lent them particular connotations in the popular imagination and in the ongoing ideological debate.

The last issue concerns the relevance of denominational schools in a largely secular society. It is true that the purely religious goals of Catholic or Protestant schools are the affair of the Church concerned, and not the state, but it is also true those schools are funded by the population as a whole regardless of religious affiliation. By providing financial support, the state recognizes the legitimacy of the objectives pursued by its ecclesiastical partners. However, if the growing secularization

of society and religious pluralism lead to a breakdown of the internal coherence of the denominational system, will the system still be relevant? The Catholic Committee has already addressed this issue saying that the future of the Catholic schools will depend on the degree to which they are able to create a coherent link between their status and reality (1996, 24).

B. Religious Instruction

The issues concerning denominational religious instruction focus on its legitimacy in light of the current social and cultural context and its relation to the educational mission of public schools. The first step, as for denominational schools, will be to resolve the broader issues raised in the first part of this chapter. Nevertheless, the current choices will also be discussed.

Unclear terminology and guidelines . The religious instruction dispensed in schools suffers from a problem of perception that can be at least partly explained by the complexity of the current system. Many people spontaneously equate denominational schools with denominational religious instruction, leading to the belief that the abolition of the former would lead to the disappearance of the latter (Quintal 1995; Lemieux 1996). There is, however, no direct link; it is perfectly possible to imagine a school, as stated previously, linked to no particular denomination, and therefore secular in status, dispensing one or more different types of denominational religious instruction to meet the needs of its student population.

The debate on denominational instruction also seems to be clouded by confusing terminology, in which the same word is used to refer to different realities, and by subtleties of vocabulary. For example, the program taught in Protestant schools is called "Protestant moral and religious education" and has been duly approved by the Protestant Committee, despite the fact that the Committee itself has stated that the program is not denominational and imposes no religious, moral or secular opinion (Protestant Committee 1992, 15). The Catholic Committee, in turn, states that Catholic religious instruction has abandoned a Catechism-based approach designed to instil faith and encourage membership in the Church in favour of an approach centred on humanist training within the Christian tradition in order to make the programs concerned more compatible with the educational mission of the public schools (1997a, 4). It has presented this change in direction as a response to the requirements of the pluralistic, secularized context of modern-day Québec (1996, 25). However, it still underlines the denominational character of the religious instruction program in the sense that it is essentially designed to promote a Christian vision of the individual, the world and life, as a guide in the quest for humanization of each student (1997, 25). In addition, the regulation of the Catholic Committee, unlike that of the Protestant Committee, requires that the teachers providing Catholic religious instruction be of that faith.

It is not our role to judge the fundamental merits of the guidelines set by the Catholic and Protestant Committees, but we are nevertheless forced to point out that, at first sight, their statements contain several major ambiguities. On the one hand, the Protestant Committee uses religious vocabulary to describe programs it says are not denominational; on the other hand, the Catholic Committee describes its intentions in humanist and cultural terms, while maintaining its denominational goals.

It is not clear how parents (at least those who have an interest in the issue) perceive the changes made to the programs of Catholic religious instruction, especially since the changes are relatively recent and have been only partly implemented. In general, though, it is clear that the Catholic Committee considers that the challenge of keeping parents informed is of prime importance (1994b, 19).

In the Protestant system, the program content seems likely to leave parents with the impression that the program is, first and foremost, a non-denominational moral education program. The program is clearly described as non-denominational and, as we have seen, contains three modules: knowledge of the Bible, study of various religious traditions, and personal and social development.

Current options. The current range of options provides students (and their parents) with an unbalanced choice: they must choose between denominational religious instruction, on the one hand, and non-denominational moral education, on the other, rather than between various types of denominational or non-denominational religious instruction. For example, a student who has opted for moral education classes throughout elementary and secondary school will end up with no instruction at all in the area of religion. This situation can be traced back to the origin of the options, which replaced the former system of exemptions from religious instruction, designed to respect the freedom of conscience of parents who wished their children to receive no religious instruction. From the point of view of their overall development, is it acceptable for significant numbers of students (approximately 20 percent) to receive absolutely no instruction about religious traditions? This situation is less likely to occur in the Protestant system, where the program has no denominational emphasis and students are less likely to be exempted from it. As a result, they generally receive instruction in moral education and on different religions.

Another of the problems created by the current options in the Catholic system, at the elementary level, is their potential for marginalizing the minority of students who opt for moral education. In this regard, the majorities are clearly not the best judges of the situation. In addition, the concrete difficulties encountered in applying the option can lead to a number of problems, which include letters sent to parents in good faith to ask them if their child, the only student in the class to have opted for moral education, can remain with the group in religious instruction; groups made up of students of widely varying ages to allow

sufficient numbers for the moral education course; and the complex administrative problems involved in forming groups, making up timetables, and assigning teachers.

Furthermore, the change brought about in the basic organization of religious instruction by the establishment of linguistic school boards has gone practically unnoticed. Since the beginning of the 1998-99 school year, every school, whether Catholic or Protestant, has been required to offer Catholic religious instruction, Protestant religious instruction and secular moral education simultaneously. Under the Education Act, students are entitled not only to attend the school of their choice under the authority of the relevant school board, but also to choose, "every year, between either Catholic or Protestant moral and religious instruction or moral instruction" (s. 5). This situation stems from the fact that not all the French school boards in Québec run Protestant schools, just as not all English school boards run Catholic schools; nevertheless, students belonging to both religious affiliations are found throughout Québec. The legislation was clearly designed to guarantee the traditional rights and privileges of the Catholic and Protestant minorities, but it is likely that it will be difficult to implement, not least because of the limited abilities of schools to offer all three options to their students and the resulting creation of many small minority groups.

The place of other religious groups. In the current system, religious denominations other than Catholic and Protestant are treated unequally, since although school boards can, as discussed above, provide services on demand, they are not required to do so. Although the actual level of demand is low, this is quite possibly because the members of a given religious minority, isolated in a public school, are unwilling to demand services from the majority.

With little or no reference to how the various religious denominations would want to have their tradition taught, religious diversity is reflected in the educational content of the Catholic and Protestant programs. Learning about other religions is dispensed from a specific denominational perspective, perhaps less so in the Protestant programs which nevertheless retain their denominational title.

Another more general and fundamental question can also be asked: should schools be providing instruction on one, or several, religions? In what form should this instruction be dispensed: denominational, multi-denominational, or non-denominational? Regarding this last point, although certain opinion groups are opposed to any form of religious instruction in schools, a large segment of the population remains attached to the study of religions from a cultural perspective. To a large extent, the debate now focusses on the best educational means of achieving this end. Should denominational religious instruction classes be extended to include a cultural perspective, or should they be replaced entirely? The nature of eventual courses on the study of religions also raises questions

about their orientation: should those courses be given as part of the history or citizenship education programs, or should they constitute an independent subject?

C. Pastoral or Religious Animation

The pastoral or religious animation (strictly speaking, the Catholic pastoral care and guidance and Protestant religious care and guidance) provided as part of the current denominational system raises no particular problems. It is generally appreciated by staff, parents and students, especially for the efforts of the animators to make the school environment more humanistic. The development of religious animation within the Protestant system, though, is limited. Under the Education Act, only Catholic and Protestant students (s. 6) are entitled to receive pastoral or religious animation services, but in multicultural communities and communities in which many religions are represented, Catholic pastoral animators are unsure about the role they are expected to play with respect to non-Catholic students, especially since all requests about religion are automatically relayed to the animators as the resident experts.

Pastoral or religious animation services have, however, been called into question as part of the broader contestation of denominational schooling as a concept. The Estates General on Education suggested that pastoral or religious animation services should be converted into "civic support services" (1996b, end of section 2.9) as part of the further development of citizenship education. This proposal was immediately rejected by the Catholic Committee, which sees it less as a conversion and more as a substitution that would jeopardize the so-called "humanistic approach" that has prevailed up to now in the world of education (1997a, 6). The reaction of the Protestant Committee was similar; it argued that religious animation services are necessary to promote dialogue on values and for the overall development of students (1997, 4). Underlying this controversy is the question of whether this type of service can legitimately be offered in schools and, in connection with an egalitarian approach, whether the same type of service should also be made available to the members of other religious denominations.

School stakeholders. Several relatively new problems connected with religion now affect the partners in the school community—students, parents and staff, and teachers in particular.

First, the students. The diversity of religious affiliations, especially in the Montréal area, has led to new demands with respect to behaviour, timetables, and rules on food or clothing, that sometimes lead to critical incidents in schools, such as the controversy surrounding the wearing of the Islamic veil at the Louis-Riel school in Montréal several years ago. Other demands relate to standards of social behaviour that clash with the dominant culture, such as a rejection of co-educational schools or the wearing of revealing clothing, such as athletic shorts. All of these new demands require reasonable accommodation which sometimes

runs up against concrete obstacles; however, schools are beginning to find ways to introduce satisfactory solutions.

Next, elementary school teachers. Only a small minority of teachers ask to be exempted from teaching religious instruction on grounds of freedom of conscience. This is surprising, considering that a majority of teachers state that they are uncomfortable giving denominational religious instruction. Applications for exemption are, to a certain extent, discouraged by the administrative constraints and timetable reassignment they cause. This is less of a problem at the secondary level since religious instruction is usually provided by specialists. The problem may arise, however, when religion must be added to the workload of a teacher who did not choose to teach this subject.

Concrete symbols. The values of a school are both embodied and expressed in its physical attributes, and it is natural to find a certain number of symbols in denominational schools that reflect their values. Many Québec schools, and not only the long-established institutions, display these symbols that were often carved or inscribed in stone at a time when Québec society was more consistently Christian and Catholic. A majority of people, used to the dominant culture, are not disturbed by the crucifixes and religious images. But what about people from the religious minorities? Should the symbols of their own religions also be displayed in schools? The answers to these questions will depend both on expectations concerning the application in schools of the principles of freedom of expression, freedom of religion, and equality before the law, and also on our expectations concerning school ownership. The same questions apply to the issue of whether certain premises should be set aside for specific denominational groups in a school.

Summary

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? Second, the question of who owns the 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 tradition 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 players 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.

This chapter has presented a brief overview of the series of questions, issues and problems that, in the following chapters, we will attempt to analyze and understand in order to find the most appropriate solutions wherever possible.

Part 2   Parameters of the Debate
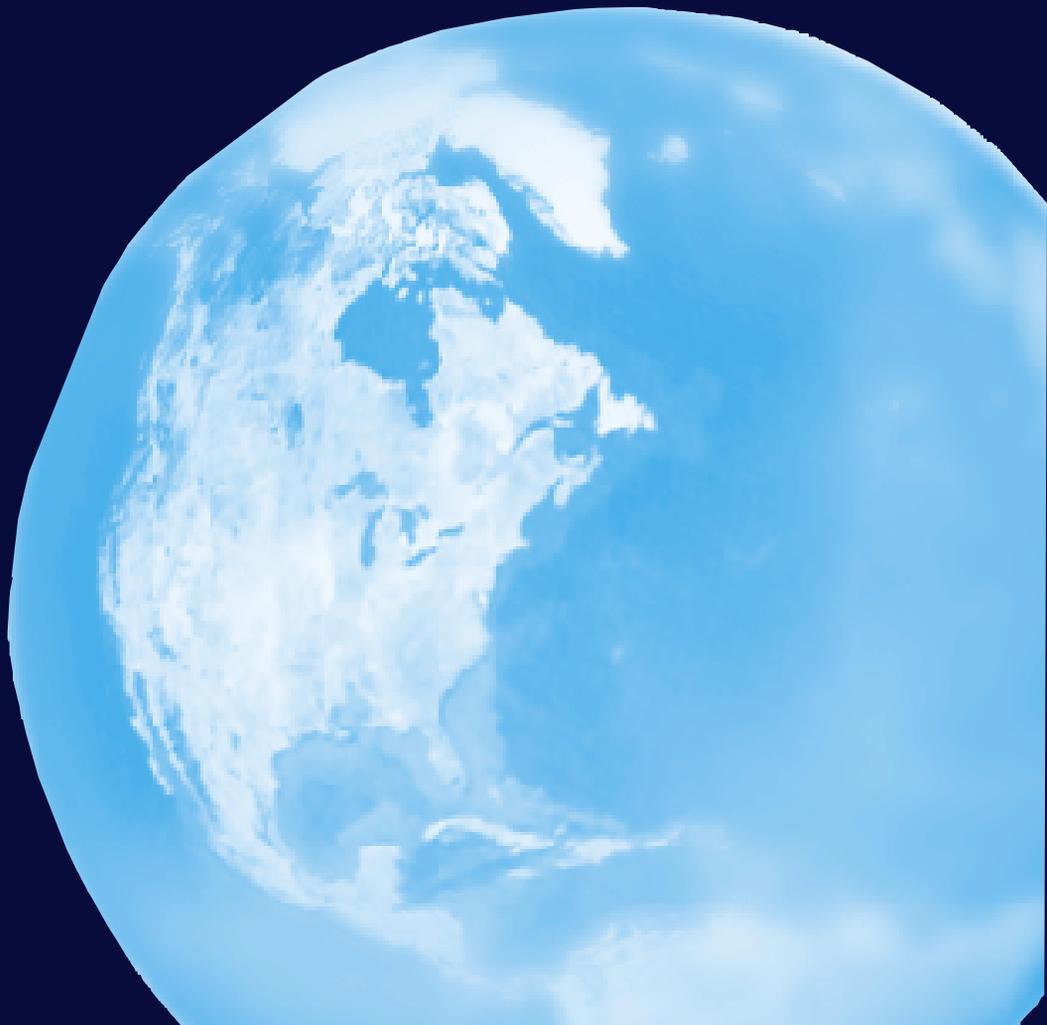
PRINCIPLES AND OBJECTIVES OF THE STATE WITH RESPECT TO RELIGION IN SCHOOLS

Before we examine the legislative norms pertaining to the place of religion in public schools, as well as Québec's main social and cultural orientations and the social expectations of its citizens, we must consider the general norms that should guide the state in all policy making and the implications of these norms for public schooling. Indeed, we cannot establish the place of religion without first answering some fundamental questions. Should the state be neutral with regard to religion? To whom do schools belong? What goals should the state pursue with respect to education? Québec, like all the world's leading liberal democracies, seeks to make its laws and institutions consistent with the ethical norms that form its moral basis.

Schools are one of the main institutions in any society. In fact, it is largely through its schools that a society is sustained. It is through its schools that its most important values are conveyed to and instilled in its young people. A society may have the most liberal constitution in the world and may have created perfectly democratic political institutions, but it will never succeed in preserving its liberal and democratic nature if the values conveyed in its schools go against the spirit of liberal democracy. We must therefore ask ourselves what public schools should look like if they are to be consistent with the demands of ethical norms that underpin liberal democracy. What constraints does the latter impose on the public school system? And more precisely, given our mandate here, is there room for religion in such a school system?

This chapter attempts to answer these questions. We will proceed as follows: first, we will set down what we believe to be the most important moral commitment of a liberal democracy–the state's commitment to acknowledge the full value of all individuals. This commitment prevents the state from treating certain citizens as though they were less important than others. It means, among other things, acknowledging the fundamental equality of all citizens. We will then try to explain the implications of this fundamental moral principle for the question at issue here–the place of religion in schools.

I. The Fundamental Principles of Liberal Democracy

Québec is a liberal democracy that must, in every area, uphold the principle of equality of all citizens.

Any consideration of the state's role in the organization of public schools must begin with the premise that Québec is a liberal democracy.[1] Liberal democracies are based on two principles. The first of these, the democratic principle, requires that the major social debates are decided by appropriate mechanisms expressing the will of the majority of the people. The second, the liberal principle, presupposes that the decisions made at the end of the democratic process will be consistent with the normative restrictions imposed by individual rights. In particular, it seeks to ensure that the majority will not make decisions that are detrimental to human rights, except in very serious and exceptional circumstances.

1   At this point, it will be useful to clarify what we mean in this chapter by "liberalism," to avoid all ambiguity. For us, liberalism means a tradition of thought that includes thinkers ranging from John Stuart Mill through Benjamin Constant to Alexis de Toqueville, in which emphasis is placed on respect for human rights in all legislation. Liberal thinkers have defined the scope of these rights in different ways. Some believe they include only social and political rights, while others think the state should also protect the economic rights guaranteed by the welfare state. For another group, however, the adjective "liberal" or "neo-liberal" refers to thinkers and policies that give priority to the right to ownership, and that believe that the vast majority of political decisions should obey market laws. We do not subscribe at all to this second interpretation of the term "liberal."

2 Charles Taylor, one of the major Québec philosophers to have considered the question of Québec's political culture in the context of contemporary political philosophy debates, said for example that Quebecers and English Canadians had different conceptions of liberalism, with the latter endorsing a hyper-individualistic view with its apotheosis in the Canadian Charter of Rights and Freedoms, and the former preferring a conception of liberalism in which, once the fundamental individual rights have been guaranteed, other rights can then be subjected to collective considerations.

A certain tension between these two founding principles of liberal democracy has often been observed. Indeed, the liberal principle appears to impose a significant restriction on the scope of the democratic principle. However, this tension exists in appearance only, since both principles aim to give concrete expression to the primary standard of any liberal democracy–in other words, the fundamental idea that all citizens are equal. This ethical standard is demonstrated in the democratic principle, in that all votes must count equally in public decisions. It is also reflected in the liberal principle, in that individuals and minority groups must be able to protect their interests and their most fundamental rights, even against the weight of the opinion of the majority.

However, this fundamental standard is also very abstract and general in nature. In the following pages, we will attempt to specify its main implications for the question of religion in schools.

It might be claimed by some that we are trying to tie Québec down with normative shackles not suited to its situation. Indeed, the fundamental standard of liberalism–equality–emphasizes the moral importance of the individual and of the individual's rights and interests. In contrast to this, some people propose a more community-oriented normative vision, in which the individual's community may, under specific circumstances, be justified in subordinating certain individual rights to the interests of the group in order to ensure that the community can survive and flourish.[2] The legislative provisions that protect the French language from pressures of assimilation exercised by the surrounding English-speaking culture have been viewed and interpreted from this standpoint. There are some people who still believe that Québec's traditional Catholic (and to a lesser extent Protestant) religious heritage is also as vital a component of its identity, and hence of its survival, as the French language. Why, then, could the Québec state not use its power to uphold its religious heritage, as it has done for its linguistic heritage?

We consider this type of analogy between language and religion to be inappropriate and even excessive. In effect, the ability to speak French provides all citizens with easier access to Québec's common public sphere and is thus consistent with the principle of equality. On the other hand, granting a special status to one or more religions would create different classes of citizens. This has never been truer than in the present context. Québec has become a land of immigration, attracting people from very different cultural and religious backgrounds. It is both possible and legitimate to demand that a person learn the language of the majority as a condition of integration into the national community, in order to ensure that he or she is able to participate fully, as a citizen, in the life of that community. Moreover, all immigrants can learn a language if they set their minds to it. The same cannot be said of religion. For many immigrants, their religion forms an integral part of their personal identity. It would not be legitimate to ask a person who did not already share the values of a given religious tradition to do so as a condition of membership in the new nation. If Québec were to give priority in this way to a particular religion or sub-

group of religions, it would fail in the task of creating a public culture that is open and accessible to everyone on an equal basis.

But, to justify policies aimed at protecting and promoting the French language, do we not have to renounce the liberal framework and accept the community standpoint, at least to some extent? We do not think so. We do not need to abandon liberal democracy's normative framework to justify such measures. Indeed, to live in a culture that is not constantly threatened with imminent extinction is a necessary condition for individual fulfilment. Individuals cannot exercise their ability to choose and deliberate in a vacuum. They need resources rooted in a culture–to such an extent that we could say they have a right to a culture. A culture that is in the minority on a given continent, as is the case for Québec, can guarantee this right for its citizens only if it adopts measures to protect itself from the pressure to assimilate that is exercised by the continental English-speaking majority. The maintenance of a French-speaking cultural milieu in which every citizen is able to take full advantage of a right enjoyed automatically by the members of the majority continental culture is therefore justified within a liberal-democratic normative framework.

For this reason, we believe that it is preferable to continue to think about such questions within the normative context of liberal democracy, to ensure that any measures taken will always be consistent with the fundamental right to equality of all citizens. In other words, the fundamental principle of liberal democracy allows us to distinguish between collective measures that are compatible with the principal of individual rights, and those that violate them.

It emerges from the above discussion that Québec is right to think of itself as a full member of the liberal democratic family, and that it must, accordingly, subject its legislation to the fundamental liberal principle that all citizens are morally equal.

II. The Need for State Neutrality on the Question of Religion

Any policy adopted by the Québec state on the question of religion in schools must include the requirement of egalitarian neutrality.

If we accept that education is one of the state's responsibilities (we will come back to this point later), the issue is to decide how a public education system can reflect the principle of fundamental equality as faithfully as possible. This raises a number of questions. What about public funding of education? Does the state have the right and the power to impose a curriculum? How can we reconcile parental choice with the fundamental interests of children, when the two differ?

Our interest here concerns the place of religion in public schools. In a society where a significant percentage of par-

ents express the desire to enrol their children in denominational schools, or at least to give them religious instruction in accordance with their beliefs, must the state then satisfy their expectations, simply to respect their choice? Or does the state have other responsibilities with respect to the interests of children, or of society in general, that would prevent it from satisfying the wishes of the parents? It is precisely this relationship, between the fundamental principles of liberal democracy and the questions raised above, that we will now consider.

A. The Argument for Neutrality

Although major philosophical debates have often focussed on the precise meaning of the concept of neutrality or its scope in a liberal democracy, a broad consensus has now emerged: the liberal state should be guided with respect to religion by the principle of neutrality. Generally speaking, this means that the state must abstain from taking a stand in favour of or against a particular set of religious beliefs.

The reasons for this are many and varied. From a purely pragmatic point of view, history has taught us that social peace depends on ensuring that no group attempts to make the state into a vehicle for its own religious beliefs. From a more abstract point of view, there are just as many arguments in favour of religious neutrality. First, the principle of fundamental equality for all citizens seems to require that the state be neutral. Indeed, a state that, through its legislation or the justification it gives to its legislation, suggests that religion x is "superior" to religions y and z would also be suggesting that the followers of religion x have a priority status in society. Legislation favouring a particular religion or obtaining its justification from within the resources of a particular religion would also raise problems of legitimacy. In a liberal democracy, a law or political measure is legitimate insofar as it can be justified, at least in principle, from the standpoint of the reason of each citizen. However, it is inconceivable in a context of religious pluralism, such as it exists in Québec, that a law based in some fundamental respect on one specific religious tradition would satisfy this requirement.

B. Types of Neutrality

There are therefore some excellent reasons for stating that a liberal democracy must be rigorously neutral with respect to the religion of its citizens. However, the meaning of neutrality must be made clear. Neutrality has been a central concept for many years in countless philosophical debates that we will not attempt to summarize here. We will simply review the main elements of the concept and identify the one that we believe is the most consistent with the fundamental principle of moral equality for all citizens.

Neutrality as abstention . The conception of neutrality that comes to mind spontaneously is perhaps the notion of abstention. To comply with the requirement of neutrality in a given area, the state need only abstain from intervening in any way. If the area in question

is extremely controversial or contentious, as is potentially the case for religion, it would be up to the law of "supply and demand," rather than the state, to dictate the outcome of the conflict or disagreement. In the case of religion in public schools, this doctrine would take the following form: the state, realizing that some of its citizens want schools with denominational status x, while some want schools with denominational status y and others prefer secular schools, would leave it up to the parents, in local educational communities, to decide on the religious or non-religious nature of their schools by a majority vote. This conception of neutrality seems, at first glance, to be acceptable. Indeed, any state intervention would, in the end, work in favour of one group to the detriment of the others. The best guarantee of neutrality would therefore be for the state to abstain from any form of intervention.

Despite its apparent plausibility, however, this conception of neutrality must be rejected. Indeed, if the principle of fundamental equality provides the basic justification for state neutrality, this conception clearly betrays the principle on which it is supposed to be based. Neutrality as abstention in fact ensures that the preference of the majority will always take precedence over the preference of the minority. It is therefore a purely formal conception of neutrality. Majoritarianism as an institutionalized form of the principle of moral equality in fact denies the other dimension of liberal democracy–the normative constraints designed to prevent the tyranny of the majority.

Neutrality of justification . There is a second conception of neutrality that we will call neutrality of justification. According to this conception, a law or political measure is neutral if the reasons invoked as justification do not depend on a given moral or religious conception. A law may be neutral within the meaning of this second conception without actually being neutral in terms of its effects. For example, we might say that social cohesion is possible only if every member of society adheres to the same social ethic, which would draw its elements from the resources of one of the religions present in the society. Such an argument would satisfy the requirement of neutrality of justification while clearly giving preference to one religion over the others. In the present context, this conception of neutrality must also be rejected, for reasons similar to those that led us to reject neutrality of abstention. Indeed, as the above example suggests, it will always be possible to "translate" a sectarian argument in order to give it a neutral appearance. A policy that appears to be neutral from the standpoint of justification could therefore produce highly discriminatory effects. It is for this reason that a conception of neutrality that does not consider the effects of legislation seems to us to lack plausibility.

Egalitarian neutrality . A third conception of state neutrality with respect to religion makes the state responsible for ensuring that no religious group has rights and privileges in the public sphere that are not also available to all other religious groups. Such a conception clearly demands that the state intervene at some point, since it is highly likely that this type of equality will not emerge spontaneously.

There are two ways for the state to uphold this conception of neutrality. First, it can ensure that all religious groups present in sufficient numbers in a given location can obtain denominational schools and instruction while satisfying the requirements of those that do not want any denominational religious instruction at all. In such a case, we would be witnessing communitarian neutrality. On the other hand, the state could decide not to allow any form of denominational presence in its public schools (because religion is the responsibility of the family and the community), so that no group can obtain religious schools or denominational instruction. This would be republican neutrality.

The state's choice of one of these conceptions is less a question of principle than a question of circumstance, since both are consistent in their intention with the principle of neutrality and its foundation, the principle that all citizens are equal. Hence, the conception of egalitarian neutrality, whatever its variants, is morally acceptable. It does not leave the door open for tyranny on the part of the majority. We therefore believe that any policy adopted by the Québec state on the question of religion in schools would, to be consistent with the fundamental principles of liberal democracy, need to include the requirement of egalitarian neutrality.

III. To Whom Do Schools Belong?

Public schools fall under the collective responsibility of parents, civil society and the state. The goal of this partnership is to provide all children with a well-rounded, high-quality education.

We have assumed, so far, that the organization of education falls under the jurisdiction of the state. However, this point is both disputable and disputed. It may be that the state is not required to uphold the principle of neutrality in the field of education, simply because education is not one of its responsibilities. Two arguments in favour of this assumption seem to us to be particularly important. They are based respectively on the right of parents and on the value for democracy of civil society's institutions and associations.

A. Do Schools Belong to Parents?

A first argument would be to claim that any state intervention in education (other than financial or administrative) would constitute a violation of parental rights. According to this viewpoint, the parental role includes the right to make the most important decisions concerning education, religion, health, etc., on behalf of the child. The link between this role and the right of parents would be necessary rather than contingent. Denying the existence of the right to make these decisions would be the equivalent of denying the existence of parental right. Hence, if parents really do have the right to decide the type of education their children will receive, among other things, the state would be abusing its power if it decided, in their place, what would be suitable for their children. For parents who want their children to have a religious education, it would be even more inexcusable to deny them access to religious schools and religious

instruction, since in doing so the state would also be violating the freedom of conscience of its citizens. Upholding parental right would therefore mean that decisions concerning school organization and the curriculum should be left to the parents rather than the state.

It would thus be the parents or the people wishing to offer educational services who would freely decide on the different forms of school organization, simply because the state would have no responsibility other than that of ensuring material access to schools for all children (since the state requires children to attend school). The structure and content would be determined by parents or by establishments offering an educational "product" suited to a particular user group. In short, the type of school would depend on supply and demand.[3]

Parental rights and the fundamental interests of children. The above argument cannot be accepted. The existence of a right emerges from the need to protect certain fundamental interests of citizens, and those interests can only be satisfied in an appropriate institutional context. For example, the right to free expression reflects a belief that, in a democracy, the capacity for individuals to express their values and beliefs freely is in fact a fundamental interest and a necessary condition for a good life.[4] Also, society as a whole, through its constitution and via the state, guarantees this interest, instead of handing over to individual citizens the responsibility for protecting it against threats. Individuals have a right to something if they are free to pursue it, and if they may prevail upon the authority and power of the state to defend themselves against anyone who tries to prevent them from doing so.

Consequently, for a right to exist, the object of that right must correspond to an interest that is sufficiently fundamental for the individual to justify committing the state's power in its defence. Is this the case with parental rights and the underlying interests? At first glance, the answer seems to be "yes." Nobody would deny that children have a fundamental interest in receiving a proper education, and that their parents must play a leading role in satisfying that interest. Parents would therefore be free to attempt to protect the well-being of their children, and they should be able to prevail upon the authority and power of the state to defend themselves against any party–including the state–that tries to hinder them. A parental right would therefore exist, at the same level as a right to free association, a right to free expression, and so on.

However, if we look more closely at this question, we see a significant difference between a parental right conceived in this way, and individual rights as they are generally recognized. Indeed, the primary function of the latter is to ensure that every individual has the institutional and material means to attempt to pursue his or her own conception of a good life under conditions of freedom. In other words, fundamental rights do not give individuals a direct power over others. Freedom of expression does not imply the obligation to be listened to, and

3   We need not spend much time on the thesis which holds that children are the "property" of their parents. We have long since abandoned the idea that children are "things" over which parents (typically the father, in the history of ideas) have the power of life and death. We acknowledge that children have interests independent of those of their parents. The widespread existence of public services responsible for protecting those interests bears witness to the fact that, in the final analysis, parents are not the only guarantors of the most fundamental interests of their children. In some unfortunate circumstances, the parents actually become obstacles to the satisfaction of the child's interests, and in these cases, society must intervene on behalf of the child.

4   Some clarification is needed here. It is generally agreed that one of the state's main functions in a liberal democracy is to provide all citizens with a judicial and material framework within which they all have the opportunity to proceed with their projects, plans and intentions. It is also agreed that in a pluralistic framework, the state cannot promote a given set of plans and projects as the way of leading a good life. All lifestyles must be respected, provided they do not hinder the rights of others. Moreover, the state cannot and must not attempt to guarantee that all individuals will be able to achieve their goals. The state's responsibility is to guarantee that every individual will have access to the political and material resources that every person is likely to need, regardless of their plans and projects. Free expression is one of these resources, and it is for this reason that it has become a right.
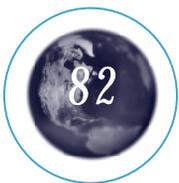
the fact that an individual has freedom of association does not mean that others will necessarily associate with that person.

The parental right is somewhat different, since it gives its holder power over another person, that is, a child. If children have interests that are independent of those of their parents, they must also be given independent rights, to ensure that their interests can be satisfied. At the very least, then, the rights of parents do not occupy the entire playing field. It may even be the case that parents have rights over their children in the area of education, but only to the extent that they are the main trustees of a social obligation toward those children. Their rights therefore exist alongside the rights of their children. Similarly, the fundamental interest at stake in the education of a child is not to do what the parent wishes, but to ensure, as far as possible, that the child fulfils his or her potential. The values linked with the parental role are in fact fully achieved when the child is able to realize his or her own most fundamental interests. The parental right and the underlying parental interests therefore depend on the interests of children and the conditions in which children are able to fulfil their potential.

Hence, the notion of parental right does not have either the paramount nature or the unlimited scope that is often attributed to it. It must exist alongside the rights of children. If we look more closely at the question, what we have traditionally referred to as parental rights are in fact obligations. Just as the state has the obligation to protect the fundamental rights of its citizens, parents must protect the fundamental interests of their children.

Parents therefore do not have unlimited discretion with regard to the education of their children. Accordingly, it is wrong to use the existence of a parental right as a basis for concluding that the state has no responsibility for the organization of children's education. To the extent that children have fundamental interests independent of those of their parents, sufficiently to claim they too have rights, it therefore follows that the state is responsible for ensuring that appropriate institutions designed to allow the exercise of rights are created.

However, before establishing the fundamental and irreducible interests of children with respect to education, we must first examine a second argument. This second argument is to the effect that the state should not intervene in the organization of education, or at least that it should not intervene on the question of the denominational or non-denominational nature of schools. This argument is based on the importance for every democracy of a strong and independent civil society, and especially on the fact that public schools are part of civil society rather than under state jurisdiction.

B. Do Schools Belong to Civil Society?

Many past and present thinkers in the democratic tradition have taken an interest in the role fulfilled in democratic life by the associations or intermediary bodies (unions, professional groups, churches, neighbourhood associations, etc.) that individuals join freely, according to the interests they share with others. Such associations are situated "between" the purely private sphere of the individual and the family, and the public sphere of the state. Citizens, through their participation in such associations, are called upon to manage, with others, a limited "common good," but without the constraint exercised over them by the state in their role as citizens. These associations constitute what political philosophy has called "civil society."

It is generally agreed that civil society is of capital importance in the life of a democracy, for at least two reasons. First, it constitutes a shield between the state and the citizen. It preserves the freedom of the latter against the type of state misbehaviour often seen in societies that do not have a strong sphere of free association. It is not surprising to observe that one of the first actions of authoritarian governments is to eradicate civil society. Citizens who join forces with others on the basis of shared interests are better able to resist unjustified state intrusions into areas protected by their rights than they would be if they had to confront the state alone. Second, in mass societies whose size makes it impossible for individual citizens to participate directly in the legislative process, free associations are an excellent vehicle for active citizenship. Moreover, it is by taking part in the life of such associations that individuals rise above their own narrowly defined interests and learn to link their interests to a common good.

If, as we have agreed, parents have the right and even the responsibility of educating their children (a right that is in fact derived from the rights of their children), it follows that they also have the right to associate freely, in order to pursue the implementation of this obligation as a group.[5] Participation by parents in the common good of the education of children is, for our society, an extremely important facet of active citizenship. Since parents are by definition closer to their children and to the specific local context in which they live than the state's civil servants, they will also be sensitive to the special needs that are likely to emerge in different situations. The importance of the role of civil society in education is therefore beyond question.

However, simply observing the happy consequences of the free association of parents in schools does not necessarily lead to the conclusion that schools fall solely within the province of civil society. If this were the case, civil society would have to provide an absolute guarantee that children could exercise their right to education. However, it cannot do this, for two reasons. First, the bodies or associations that comprise civil society are based on the free association of individuals. There is therefore no way of guaranteeing that parents or citizens will actually come together to ensure that educational services are provided for all children, nor

that they will work with the other public school players (principals and teachers) to direct those services. Second, the right of children to education must be combined with equality of opportunity. There is no way of guaranteeing that this will be the case if civil society and, in the final analysis, market laws, are responsible for education. If children truly have rights with respect to education, it is up to the state to provide the institutional conditions that will enable them to exercise those rights.

Hence, we must conclude that the state, too, has a responsibility for ensuring that children are fully able to exercise their right to education. Obviously, the field and scope of that responsibility remain to be established. For the time being, however, we can draw an initial conclusion: parents and, by extension, civil society, and the state have a shared responsibility for education in the implementation of children's rights.

In short, schools in their various dimensions belong as much to parents and civil society as to the state. The three are therefore joined in a partnership aimed at providing all children in our society with a quality education that is consistent with certain generally applicable principles, and especially the principle that all individuals are fundamentally equal. At the same time, parents and civil society take part, within local communities, in defining the orientations that will be used as a basis for applying those principles. This conclusion enables us to reconcile, on the one hand, the principle by which children's education falls under the responsibility of parents and civil society, and on the other hand, the fact that children have fundamental interests that generate rights, and that the state is responsible for ensuring that all children are able to exercise those rights equally.

IV. The Fundamental Interests of Children with Regard to Education

Children have, with regard to education, primordial interests that must be guaranteed by the state. These primordial interests, in addition to the development of general cognitive skills, are expressed in the right of children to prepare adequately for their future lives as citizens in a liberal democracy. Education of this type must include 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.

But what rights do children actually have with regard to education? From the specific standpoint of the state and hence of the common good, children are entitled to an education that prepares them, among other things, to become competent citizens in a modern liberal democracy. This assertion, which at first glance seems to be a truism, has repercussions on all aspects of education. In the following pages, we will highlight those that are most important in terms of our mandate.

6 Some people believe the state's role should stop there. It would fulfil its responsibility, for example, by entrusting private institutions, under the authority of civil society, with the task of organizing schools, and by giving the parents subsidies that would enable them to pay the cost of educating their children.

7 "Whereas every child is entitled to the advantages of a system of education conducive to the full development of his personality."

To avoid ambiguity, however, we must first clarify one major point. Our mandate does not require us to undertake an exhaustive examination of the aims, goals or objectives that individuals, whether parents or citizens, and groups within civil society may legitimately and freely wish schools to pursue. There is a wide range of opinions on this question. Our task is more limited, although still fundamental: we must identify the objectives and principles that should guide the state as it educates its citizens and, from this standpoint, judge whether or not religion has a place in schools.

We have seen that the primary responsibility of the state is to organize an appropriate institutional sphere within which children can enjoy their right to education. However, we believe this to be insufficient.[6] As we have just said, and as we will see in more detail later, the state is also responsible for ensuring that future citizens are educated within the framework of the principles upon which our democratic society is based. This does not mean that educating future citizens is the only goal and role of schools. The general objective of education is to allow the personality of the child to flourish and to allow the child to develop as a whole person. In this respect, there is a general consensus that it is not our place to question. In Québec, this objective constitutes the founding principle of our school system and forms the preamble to the Act respecting the ministère de l'Éducation.[7]

Schools can pursue a variety of educational goals within the limits imposed by the common good, provided that these goals are compatible with the interests of the child. These goals are aimed at developing many different facets of the personality of each child. They must be organized coherently at the pedagogical level. It is conceivable that one such goal may be concerned with the religious dimension of human life, given the importance of religion for many individuals and for society as a whole, provided the principle of neutrality, aimed at preserving the fundamental equality of citizens, is upheld.

But what is at issue here is the state's responsibility for educating its citizens, and hence the goals it must necessarily pursue. What are those goals?

A. General Skills

First, children have a fundamental interest in developing the knowledge, skills and attitudes that constitute the most general cognitive tools, in the absence of which they could not become minimally skilled individuals. They must learn to read, write, count, and so on. We will not review these competencies, whose acquisition constitutes in some ways the basic purpose of any education system. Children must also acquire the main elements of culture. (No one in Québec will contest the fact that the primary culture, like the general culture, includes elements of a religious nature.)

However, Québec's children will become citizens in a liberal democracy. Our political community is a democracy that seeks to survive as such from generation to generation. Young Quebecers will be called upon to make sure this society continues and flourishes, by maintaining its fundamental democratic institutions and by agreeing to live within its normative constraints. It is therefore essential, for their own fulfilment within that society as well as for the viability of the society itself, that the education system should enable young people to develop the skills, virtues and traits of character necessary for life in a liberal democracy.

B. Rationality and Independence of Judgment

Liberal democracy is based on the primacy of the idea of the rational, independent individual. Though individuals are free to choose to live their lives by adhering to community values, in close contact with others, they are ultimately responsible for their own destiny. It is up to them to decide on the conception of the good life that they will strive for through their own efforts and in cooperation with others. The main function fulfilled by rights and freedoms is precisely to give individuals the means with which they can represent themselves, select the goals that will guide their lives (also drawing from the resources available to them through their culture), and attempt to achieve those goals.

To develop critical and independent judgment, individuals must first and foremost use critical thinking to assimilate their own culture, in all its complexity and diversity. It is upon this culture that they will draw when they make their most important choices. Second, they must be open to other cultures, so that they can understand their place in the world and achieve a critical outlook on their own culture. Obviously, the distinction between an individual's own culture and cultures that are foreign to him or her is not clear-cut. The two are rather ends of a continuum. Indeed, modern young Quebecers belong to their national culture, but at the same time, and in different ways, they also share North American culture and even the "global" culture. This clarification, in our opinion, simply reinforces the idea that if individuals are to assimilate their cultural heritage, they must be presented with other cultures that both resemble and differ significantly from their own.

Individuals must also possess the critical capacities needed to evaluate the different conceptions of a good life with which they will inevitably come into contact, and to avoid having one such conception imposed upon them by external authorities. Thus, the development of critical judgment is vital for the development of the individual's moral independence.

These same critical tools will then enable individuals to develop the "capacity to think" that is characteristic of competent citizens. Indeed, the citizens of a liberal democracy are not simply passive consumers of rights. They participate in debates on difficult questions of public interest. Even if it is only during elections, they evaluate the different positions taken by candidates. Demagogy is an ongoing risk in any

democracy. It can be avoided only if citizens are able to take critical stock of the positions defended by the politicians seeking their votes and take part responsibly in deliberations.

It is conceivable that the presentation of religious traditions may be useful in the development of such tools. Indeed, religion has historically been the spawning ground of values. Although we must avoid endorsing a reductionist vision of non-religious moral education, within which instruction is necessarily reduced to shallow abstract humanism, it goes without saying that religious instruction, provided it is consistent with the demands of state neutrality in public schools, can actually report on the moral reflection developed within different religious traditions. In short, if moral reflection is independent, it would not claim to be, and could not be, exercised in isolation.

C. An Openness to Cultural and Moral Diversity

Citizens living in a democratic society must be able to situate themselves and function within a context that is pluralistic in cultural and religious terms as well as in terms of values. Ideally, they must also be able to appreciate that diversity. Québec has become, and will continue to be, a society of immigrants. Immigrants bring their own religious rituals and cultural practices that differ from those of the host population. Citizens in a culturally and religiously diversified society are encouraged to adopt an openness to these new lifestyles, and where the cultural distance is too great, to practice tolerance, at least initially. One of the means of developing openness and tolerance in schools is to introduce students to different cultures and religions, and to present them as manifestations of the creative human spirit that are just as legitimate as their own. The organization of school life, or the "hidden curriculum,"[8] will also have an impact on the development of openness and tolerance. A school in which students from different cultures and different religions are also treated as equals in all respects will probably develop these dispositions to a greater extent than a school that suggests, through its institutional structure, that one culture or religion is superior to others. The challenge is particularly great in Québec, where Christianity in general, and Catholicism in particular, have historically and demographically played a dominant role.

A multiplicity of values would exist even in the absence of the cultural and religious diversity generated by immigration. Indeed, in a free society, individuals can use the resources of reason to reflect on major issues and draw their own conclusions. Since reason does not, a priori, establish one set of values as the only one that is rationally acceptable, it is inevitable that thinking individuals with freedom of conscience will reach very different conclusions on the major moral and political questions as well as on the more abstract and general values underlying the answers to those questions. Democratic citizens must therefore develop what we can refer to as a disposition for "epistemic" tolerance, a somewhat academic term that refers to everything related to the acquisition of human knowledge. It consists in accepting that a person who reaches conclusions different from those of another person cannot, on that basis alone, be accused of

irrationality. Provided those conclusions are the product of rational thought, they are worthy of respect.

If this attitude is to be developed, absolutism and relativism must be avoided. Absolutism refers to the belief that there is only one "right" way of thinking on the major moral issues, and that there is only one "rational" set of values. Relativism refers to the belief that all answers are equally valid, and that a discussion on values is no more meaningful than a discussion on favourite foods. The instruction received by students must enable them to recognize positions that, although different from theirs, are nevertheless rational and they must be able to distinguish such positions from those founded on sophistry and prejudice.

At this point, we will address an objection that is bound to arise. It might be claimed that, by renouncing the objective of developing a highly integrated system of values among students, and by promoting instead a form of pluralism in education about values, we will be taking the first step on a slippery slope leading directly to relativism, and consequently to nihilism. Nothing could be further from the truth. First, a basic confusion must be avoided. Relativists claim that there are an infinite number of moral values, and that all moral positions are equally legitimate. Pluralists, on the other hand, claim that there is a plurality of values whose rationality can be proved. It is this latter position that we are defending here. Second, relativists believe the difference in viewpoints makes it impossible to debate values, whereas the tenets of pluralism, as it is perceived in the liberal democratic tradition, view such a difference as a basis for exchange and discussion in conditions of mutual respect–discussions that can, where necessary, lead to the reconciliation or consolidation of apparently contradictory points of view (or at least to epistemic tolerance).

D. The Social Bond

Competent citizens possess another characteristic that enables them to form an emotional bond to their society. In spite of the sometimes heated debate on the issues which inevitably arise in connection with the common good, citizens must be united at a deeper level by the will to continue to live together in spite of their differences. Metaphorically, this could be referred to as the creation or strengthening of a common "we." Some refer to it as a sense of patriotism, others, as a sense of trust that unites citizens beyond their most basic disagreements.

Defining what we will simply refer to here as "the social bond" and defining what schools should do to strengthen this bond, and make it as inclusive as possible, falls well outside the scope of our mandate. We will only say that such a definition should avoid two extremes. The social bond will never be strong enough if it is based on abstract, universal values that bear no relation to the common reality of Québec. Such values would not garner the emotional support of future citizens. However, they must be sufficiently inclusive as to not alienate those who do not share the same historical, religious or cultural references as the majority

of Quebecers who have been here for generations. This is a challenge that schools, and other institutions in Québec, must strive to address.

E. Some Objections

We feel it is important, at the end of this analysis, to consider some objections to the conception of education that emerges from this chapter. First, it might be claimed that our vision of the competencies, skills and virtues of competent citizens violates the requirement of neutrality. Does it not, in itself, constitute a specific definition of a good life? Why would it be exempt from the requirement of neutrality? Why should the values of liberal democracy take priority over those promoted by religious or other cultures?

This objection is in fact based on a misunderstanding. Liberal democracy does not need to be neutral toward itself. It is not a question, in this type of system, of excluding or eliminating values from the organization of the public sphere, but of ensuring that the public sphere and its institutions uphold a very specific value: that all its citizens are fundamentally equal. It is because, in a modern society, there are so many different ways of perceiving what constitutes a good life, and because these conceptions are rooted in so many different religious and non-religious philosophies, that the state must be neutral toward them. It will thus avoid favouring some citizens at the expense of others. The interests pursued by a democratic and liberal state with respect to education are therefore clearly the result of a preferential normative choice–a choice that gives preference to the fundamental equality of all citizens. This is a value that we believe is largely agreed upon in Québec society, even though it has not been achieved by all its institutions.

The second objection is this: a public school system that is content to produce good citizens would not satisfy the fundamental interests and needs of its young people. Everyone agrees that schools must aim for the full flourishing of the person, and if they reduce the person to the role of citizen, they are carrying out their mandate imperfectly.

We have to agree completely with the spirit underlying this objection. As we have already said, the individual cannot be reduced to the role of citizen. We believe schools should also aim for the full flourishing of the whole person. While, as we have seen, there is a general consensus on the primacy of this objective, there are nevertheless, in practice, some significant differences in the way it is pursued. This should not be surprising. Objectives are a means of expressing the most important values held by individuals or by groups, with a view to action. Some people believe the flourishing of the person necessarily involves the religious dimension, while others believe this dimension must be completely excluded. For yet another group, the debate should focus on appropriate means. While admitting that the religious dimension forms part of integral human development, they believe that families and communities, not schools, are responsible for it.

There are in fact as many conceptions of integral human development as there are of a good life, because the former are simply manifestations of the latter. If the state must remain neutral toward religious or non-religious conceptions of a good life, it must also remain neutral toward them on the educational playing field. Obviously, we do not wish to suggest that the state must remain silent on all moral issues. As we have already pointed out, the state must protect the fundamental interests of its citizens, since rights have ensued from such interests. It may also be that in some societies, consensus is ultimately reached by adherents of both religious and non-religious conceptions around certain values that the state may then be allowed to promote. For example, there is a broad consensus in a society such as ours concerning the principles of mutual aid and compassion, which belong to the great religious traditions as well as to secular humanism, and which are embodied in the welfare state. State neutrality must apply only to issues on which there is no consensus, and in respect of which we have good reason to believe a consensus is not possible.

Summary

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 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 ideally what we have referred to as "epistemic" tolerance. 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. At the opportune time, we will have to consider in more detail the place it should be allocated.

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.

FUNDAMENTAL RIGHTS AND PARENTAL RIGHTS

Under the terms of our mandate, we were asked to clarify the relations between fundamental human rights and parental rights with respect to the religious education of their children. In Chapter 2, we raised a series of questions on this theme. The questions emerged from the new legal context that now prevails following the repeal of the provisions of section 93 of the Constitution Act, 1867 concerning the denominational school privileges of Catholics and Protestants. From now on, Québec's legislation is subject to the constitutional provisions of the Canadian Charter of Rights and Freedoms and to Québec's Charter of Human Rights and Freedoms. Moreover, as we saw in the last chapter, the supporters of denominational schools tend to invoke parental rights as a basis for their views, whereas the supporters of secularization plead in favour of human rights.

This chapter is also based to a large extent on the conclusions of two studies commissioned by the Task Force and carried out by Professor José Woehrling (1998) of the Faculty of Law, Université de Montréal,[1] and Professors William J. Smith and William F. Foster (1998) of McGill University's Office of Research on Educational Policy.[2] We entrusted them with substantially the same mandate, in order to obtain opinions from legal scholars in both the French-speaking and English-speaking communities. We also asked a fourth legal scholar, Sonia Pratte (1998), to carry out an exhaustive review of the legislation and jurisprudence on the question of religion in public schools in the other Canadian provinces.[3] This chapter does not consider all the elements examined in the three studies. Interested readers may refer to the reports[4] themselves. Obviously, where the Task Force departs from or adds to the positions expressed by the legal scholars, this is clearly indicated in the text.

The task of the experts consulted was to draw up an inventory of the provisions of international law, Canadian constitutional law and Québec law on:

- fundamental human rights, especially the provisions relating to freedom of conscience, freedom of religion and the right to equality;

- the right of parents to choose the type of education to be given to their children, and their rights in respect of their children's religious and moral instruction;

- the rights and obligations of teachers and other educational staff with respect to religion;

- the rights of religious minorities.

Having done this, the experts defined the scope of the provisions identified and analyzed their mutual relationship based on the relevant doctrine and jurisprudence in Québec, in Canada and abroad. They then examined certain provisions of Québec's legislation to see if they were consistent with Canadian constitutional law and international

1   José Woehrling, Étude sur le rapport entre les droits fondamentaux de la personne et les droits des parents en matière d'éduca- tion religieuse, Université de Montréal, September 1998. Professor Woehrling is a constitutional expert.

2   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), August 1998. William Smith is Director of OREP and an Assistant Professor with McGill University's Department of Educational Studies. William Foster is an associate professor with McGill University's Faculty of Law, and works with OREP.

3   Sonia Pratte, La place de la religion dans les écoles publiques des provinces anglo- canadiennes, Rapport de recherche présenté au Groupe de travail sur la place de la religion à l'école, August 1998. Sonia Pratte is a specialist in constitutional law and was a visiting lecturer at the Université Laval when the study was commissioned. Since then, she has worked for the Government of Québec's Ministère du Conseil exécutif.

4   They are published separately.

5	Accordingly, Professor Woehrling also analyzed the Convention and Recom - mendation Against Discrimination in Education and the European Convention on Human Rights.

6	It was this Committee that issued a decision concerning the language of signs in Québec. The National Assembly amended its legisla- tion as a result. With respect to religion in schools, a question has been referred to the same Committee by a group of Jewish par- ents and Evangelical Church members from Ontario. In the Adler case, the Supreme Court did not uphold their right to subsi- dies for their private schools. The Committee has not yet handed down its decision.

law. Finally, at the request of the Task Force, Professors Smith, Foster and Woehrling proposed some hypothetical situations that would, in their opinion, be legally consistent with the rights listed above.

Before we consider the results of this process, three preliminary remarks are in order on the subject of international law. First, Canada is not bound to the same extent by all international instruments. In some cases it signs texts or declarations, but the documents are not legally binding. An example would be the 1948 Universal Declaration of Human Rights. Although not bound by these instruments, Canada nevertheless has a moral commitment to such docu- ments. In other cases, Canada passes laws of application for the treaties it signs. These are the only texts that can be invoked in court. Examples include the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child and the American Declaration of the Rights and Duties of Man. Finally, in a number of other cases Canada simply has not signed some international conventions. These texts are still frequently used by the courts as a source of reference.[5]

Our second remark concerns the fact that citizens cannot appear directly before the international authorities to invoke the rights stipulated in the texts ratified by Canada. There are, however, two exceptions to this rule. The first is the International Covenant on Civil and Political Rights. For its application, Canada agreed to sign a "protocol" that allows citizens who have exhausted their rights under domestic law to appear before the United Nations Committee on Human Rights. The Com- mittee's "findings" are not legally binding, but have a very strong persuasive value, since no state wishes to be rejected by the international community.[6] A similar mechanism also exists for the American Declaration of the Rights and Duties of Man.

Finally, where domestic and international law are in conflict, the Canadian and Québec courts must apply the former, not the latter. There is therefore no presumption of superiority in favour of international law, because Parliament is sovereign. However, when interpreting domestic law, it must be presumed to be consistent with the rules of international law that are binding on Canada. It is for this reason that a recourse to international law exists if a domestic standard is ambigu- ous or if there is proof that it is based directly on an international text. Outside these two situations, the courts often refer to international law as a source of inspiration for Canadian law.

I. Fundamental Human Rights and Freedoms

The question of the place of religion in schools brings into play two fundamental rights and freedoms: freedom of conscience and religion, and right to equality. Both are guaranteed in Québec's Charter of Human Rights and Freedoms and in the Canadian Charter of Rights and Freedoms. At the international level, these same rights

are proclaimed in a variety of instruments[7] by which Canada is partially bound.

A. The Rights and Their Scope

As we begin our analysis, it is appropriate to distinguish between freedom of conscience and religion on the one hand, and the right to equality on the other, even though, as we will see later, the two are closely connected. It is also appropriate to distinguish between the provisions of the Canadian and Québec Charters and similar provisions in the international instruments, basically because their scope is different.

Freedom of conscience and of religion . The Canadian Charter states that "Everyone has the following fundamental freedoms: (a) freedom of conscience and religion; . . . " (s. 2). The Québec Charter, for its part, states that "Every person is the possessor of the fundamental freedoms, including freedom of conscience, freedom of religion, . . ." (s. 3). Hence, both Charters use similar terms to guarantee freedom of conscience and of religion to all citizens, and can therefore be interpreted in the same way. The Canadian Charter forms an integral part of the Constitution, which means, among other things, that all legislation adopted by the Parliament of Canada and the provincial legislatures must be consistent with it. The Québec Charter is quasi-constitutional in scope, in that legislation adopted by the National Assembly may not derogate from sections 1 to 38 (except as indicated in those sections). The provisions of this portion of the Charter are concerned with fundamental rights and freedoms, the right to equal recognition and exercise of rights and freedoms, and political and judicial rights. The Canadian Charter applies only to government action, which in some cases includes action by decentralized bodies such as municipalities and school boards. The Québec Charter applies to institutions and individuals alike.

Freedom of religion is defined both positively and negatively. In positive terms, it covers the right to hold religious beliefs, to profess those beliefs openly, and to manifest them through practice. Non-believers have similar rights. In negative terms, freedom of religion means the right not to be forced or constrained to act against one's beliefs, including the right not to be subjected to indirect forms of control that place limits on the potential for action.

Freedom of conscience and of religion also generates the obligation for the state to be neutral–a concept we will discuss in more detail later. All we need say here is that laws whose objective is secular (that is, those that do not call state neutrality into question) can nevertheless indirectly restrict freedom of conscience and of religion. This is the case, for example, of the Act respecting hours and days of admission to commercial establishments, which served to establish the jurisprudence on this issue. The jurisprudence clearly shows that individuals have a right to reasonable accommodation,[8] provided this is consistent with the public interest. On the other hand, a measure whose goal is to promote a religion is

9   "33 (1) Parliament or the legislature of a province may expressly declare in an Act of Parliament or of the legislature, as the case may be, that the Act or a provision thereof shall operate notwithstanding a provision included in section 2 or sections 7 to 15 of this Charter.

…

(3)   A declaration made under subsection (1) shall cease to have effect five years after it comes into force or on such earlier date as may be specified in the declaration.

(4)   Parliament or a legislature of a province may re-enact a declaration made under subsection (1)."

10   The fundamental rights proclaimed in section 2 (including freedom of conscience and religion), the legal guarantees granted in sections 7 to 14 and the right to equality recognized in section 15.

11   "52. No provision of any Act, even subsequent to the Charter, may derogate from sections 1 to 38, except so far as provided by those sections, unless such Act expressly states that it applies despite the Charter."

not likely to be justified if it restricts freedom of religion. It would be invalid, and the question of accommodation would not arise.

Under section 33 of the Constitution Act, 1982,[9] the Parliament of Canada and the provincial legislatures may include provisions in their ordinary legislation that are contrary to the rights recognized in the Canadian Charter,[10] including freedom of conscience and religion and the right to equality. Such a derogation (often referred to as a "notwithstanding" clause) ceases to have effect on the date stipulated in the law or not later than five years after it comes into force, and may be re-enacted. Similarly, the Québec legislature may adopt provisions that derogate from the rights guaranteed in sections 1 to 38 of the Québec Charter if the derogation is stipulated expressly in an Act.[11] Québec has in fact invoked the notwithstanding clauses for the provisions of its education laws that concern the rights and privileges of Catholics and Protestants.

With respect to international law on freedom of conscience and religion, article 18 of the International Covenant on Civil and Political Rights is worded as follows:

1.   Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

2.   No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.

The American Declaration of the Rights and Duties of Man also recognizes the right to freedom of religion, in the following terms: "Every person has the right freely to profess a religious faith, and to manifest and practice it both in public and in private."

The International Covenant on Civil and Political Rights also contains a provision allowing member states to take measures that derogate from the Covenant "in time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed," provided the derogation does not generate discrimination based "solely on the ground of race, colour, sex, language, religion or social origin." However, the provision does not authorize derogation from certain fundamental rights, in particular the right to freedom of conscience and religion.

There is thus a clear common view in Québec law, Canadian constitutional law and international law concerning freedom of conscience and religion. The overly concise domestic provisions have been enriched by jurisprudence that is obviously inspired by article 18 of the International Covenant. However, the Covenant is more severe than domestic law with respect to freedom of conscience and religion, since it

does not allow for derogation even in cases of public emergency, whereas domestic law not only allows for derogation, but imposes no conditions on it.

The right to equality . Canadian and Québec law, like international law, also guarantees that freedom of conscience and religion may be exercised equally by all individuals–in other words, without discrimination. The term "discrimination" covers both direct and indirect discrimination, and hence includes discrimination due to the "prejudicial effects" of an objectively neutral measure.

The right to equality is guaranteed by section 15 of the Canadian Charter:

Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

Section 10 of the Québec Charter, for its part, reads as follows:

Every person has a right to full and equal recognition and exercise of his human rights and freedoms, without distinction, exclusion or preference based on race, colour, sex, pregnancy, sexual orientation, civil status, age except as provided by law, religion, political convictions, language, ethnic or national origin, social condition, a handicap or the use of any means to palliate a handicap.

Discrimination exists where such a distinction, exclusion or preference has the effect of nullifying or impairing such right.

Three conditions are required for discrimination to exist. There must be: (1) a distinction, exclusion or preference, either direct or indirect; (2) a cause-and-effect link between the discrimination itself and the grounds on which it is based; and (3) a serious material or moral prejudice.[12]

In theory, under Canadian constitutional law a provision that is directly discriminatory can be invalidated unless it can be shown to be reasonable and justified in a free and democratic society (we will look at indirectly discriminatory provisions later). However, the Supreme Court has ruled that, by definition, a provision that causes direct discrimination on a question of religion cannot be justified under section 1 of the Canadian Charter because it enters into direct conflict with the very object of religious freedom (Woehrling 1998, 45).

Earlier, we discussed the state's duty of neutrality in respect of freedom of conscience and religion. We must now

13 Cited by Woehrling (1998,92).

14 We reiterate that, if the objective is of a religious nature, the restrictions are not likely to be justified under section 1.

15 If indirect discrimination is to be justified under section 1 of the Canadian Charter, it must, pursuant to established jurisprudence, be possible to prove: (1) that the objective pursued is legitimate and important; and (2) that the objective is generally proportional to the means. This latter requirement can be broken down into three cumulative and successive subrequirements: a) that there is a rational link between the restriction and its objective–in other words, the restriction must be necessary for the objective to be achieved; b) that there is no other way of proceeding; and c) that the benefits are proportional to the restrictive effects of the measure.

consider the question of state neutrality as it affects the right to equality. In Canadian constitutional law, unlike American and French law, the duty of neutrality does not prevent the state from supporting a denomination or a religion. This is clear in section 93 of the Constitution Act, 1867 and similar provisions in the Canadian Constitution, which allow certain provinces to support the Catholic or Protestant denominations. On the other hand, the right to equality demands that the same support be given to all religions. Consequently, if a province subsidizes private religious schools, it must do so without giving preference to one religion in particular.

The international law applicable in Canada also includes a number of provisions prohibiting all forms of discrimination, including discrimination on religious grounds. This is the case in particular for article 2.1 of the International Covenant on Civil and Political Rights, whose wording is similar to that of section 15 of the Canadian Charter, and probably served as its inspiration:

Each State Party to the present Covenant undertakes to respect and to ensure all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

The United Nations Committee on Human Rights also specified in one of its declarations that the existence of a state religion or a majority or traditional religion must never hinder an individual's enjoyment of the rights guaranteed by the Covenant, in particular by articles 18 and 27, nor lead to discrimination of any kind against the followers of other religions or against non-followers.[13]

We have drawn a distinction, for the purposes of our analysis, between freedom of conscience and religion on the one hand, and the right to equality (that is, the right not to be discriminated against on religious grounds) on the other. However, the two are generally taken to be interchangeable, since jurisprudence has established that freedom of religion implicitly includes the requirement for equality in religious matters. Indeed, unequal treatment in favour of a given religion places pressure to conform on the people who do not belong to that religion.

The right to reasonable accommodation. Measures taken by the state or its bodies, while neutral in their goals and hence constitutionally valid in this respect,[14] may nevertheless have indirect discriminatory effects or may violate a fundamental right guaranteed by the Charters. Where a justified measure[15] taken by the state is indirectly discriminatory, Canadian jurisprudence clearly establishes an obligation of accommodation. This may consist in exempting the victim of the indirect discrimination from the rule that causes it, or in granting that person an advantage to compensate for or alleviate the discriminatory effect. The reasonable

nature of the accommodation is difficult to evaluate in theory and depends on the particular circumstances of the case.

B. A Review of Québec's Legislation

We will begin with the provisions of Québec's education laws that touch on the subject of religion, considering them from the standpoint of rights and freedoms. We saw Chapter 1 that these laws grant rights and privileges to parents as individuals (and to their children) as well as to the denominations, in this case the Catholic denomination and the various Protestant denominations taken as a group.

Denominational schools . The Act respecting the Conseil supérieur de l'éducation allows the Catholic Committee and the Protestant Committee to recognize any school as either Catholic or Protestant if a majority of the parents, when consulted, say they want the school attended by their children to have this status. This system came into application for Catholics from 1974 onwards, but was not available for Protestants until 1988. Hence, all Catholic schools in existence before 1974 were recognized automatically, while for Protestant schools, recognition was not automatic until 1988. In other words, the denominational nature of the vast majority of schools was recognized automatically.

Two questions arise here concerning the Canadian and Québec Charters:

1. Does the fact that recognition is possible only for the Catholic and Protestant denominations constitute a violation of the right to equality?

2. Is the Catholic or Protestant status of a public school consistent with the freedom of conscience and religion of individuals, both parents and students, who belong to another denomination or who do not adhere to any religion?

The legal scholars' answer to the first question was a resounding "yes." The advantage granted to Catholics and Protestants constitutes a disadvantage for individuals who are neither Catholic nor Protestant. The fact of recognizing only Catholic and Protestant schools is therefore clearly discriminatory. Moreover, the legal scholars do not believe this form of discrimination is justified under section 1 of the Canadian Charter [16] or under section 9.1 of the Québec Charter.[17] Similarly, Professor Woehrling states in his report that simply maintaining existing traditions clearly does not constitute an objective sufficient to justify a restriction of rights and freedoms.

The answer to the second question is more complex. In order for a denominational public school not to violate freedom of conscience and religion, everyone who attends it must freely accept its educational project and be able, if they do not, to attend another school. This presupposes that secular schools (or schools of other denominations)

18 The Supreme Court of Canada refused to hear an appeal from this decision.

19 It is important to remember that parents, as well as students, are recognized stakeholders in schools, and that they have rights, including the right to sit on the school's governing board.

20 The Catholic Committee's regulation reinforces this: "The staff of a public school recognized as Catholic, as well as any other person working there, as well as the parents and the pupils shall be respectful of both the public and Catholic character of the school" (Catholic Committee 1992, s.23).

are available in the same vicinity. In the Bal case in Ontario, confirmed in the Court of Appeal,[18] the courts ruled that the existence of denominational schools in the public system violated freedom of conscience and religion. Either the children living in the vicinity of the schools are admitted and exempted from religious instruction (risking marginalization), or they attend a more distant secular public school, and hence suffer a prejudice due to their religious beliefs or lack thereof.

The higher the level of denominationality in the school, the greater the risk that it will violate freedom of conscience and religion. In the words of the Catholic Committee's regulation, "A public school recognized as Catholic shall integrate the beliefs and values of the Catholic religion into its educational project, while maintaining respect for freedom of conscience and of religion" (1987a, s. 4). The preamble to the regulation states that ". . . the Catholic school must be conceived of as an educational institution which openly accepts the religious dimension as an integral part of its educational project, and which considers the Christian concept of the human person and of life as proposed by the Catholic faith as the inspirational principle of its educative action."

The regulation, as we have just seen, requires Catholic schools to incorporate the values and beliefs of the Catholic religion "while maintaining respect for the freedom of conscience and of religion." This precaution does not, however, mean that the provision is any more consistent with the Charters. First, as confirmed by jurisprudence, it is up to the minority, not the majority, to decide what constitutes a violation of the minority's freedom of religion. And second, this decision must be made on the basis of actual content, not intention. The term "content" as used here refers explicitly to the Catholic faith.

Finally, what constitutes a violation of freedom of conscience and religion must also be decided with reference to the facts. In this respect, legal evidence is lacking. The notwithstanding clauses prevent the rights and privileges of Catholics and Protestants from being attacked through the legal system. As a result, there has never been any legal test of whether the denominational status of schools violates the freedom of conscience and religion of people who do not belong to those religions. The position of the Task Force is that denominational status does violate freedom of religion. The identity of the students, parents[19] and teachers whose religions differ from that of the school is not acknowledged by the school. Similarly, a preference given to a particular religion, even if merely symbolic or nominal, constitutes a pressure to conform[20] and can create a situation in which the people who do not belong to that religion are marginalized. It is in terms of this same symbolic and identity-related aspect that the status of Protestant schools constitutes a problem. The Protestant Committee does not claim, at least for its schools in general, to propose a Protestant educational project similar to that of the Catholics. On the contrary, it asserts that its project is not denominational. Protestant schools are nevertheless invited to use the moral and spiritual values of the Protestant tradition as their basis, although they are not permitted to refer to specific Protestant doctrines.

As far as international law is concerned, it is not possible to judge the validity of Québec's denominational public school system, since the issue is not addressed directly.

Religious instruction. As we have already seen, the law states that, in every public school, students or parents whose children are minors are entitled to opt for Catholic religious instruction, Protestant religious instruction or secular moral education, and the schools are bound to offer such a choice. School boards may also organize courses in other religions, at the request of a governing board.

Taken from the standpoint of equality, this system is clearly discriminatory because it gives an advantage to Catholics, Protestants and people with no religious affiliation, and that advantage is not available to other people. In addition, it contravenes section 41 of the Québec Charter, which states that parents have a right to require that, in the public schools, their children receive a religious education in conformity with their convictions. It is even more discriminatory if considered from the standpoint of section 10 of the Charter. Even assuming that the goal of a system of options is neutral–for example, promoting the moral education of citizens–the discrimination still cannot be justified under section 1 of the Canadian Charter, since there is no rational link between the fact of promoting moral education and that of reserving religious instruction for two denominations only.[21]

Moreover, the Task Force notes that the objective of the religious instruction programs in the system of options is not neutral. The Education Act makes the Minister of Education responsible for preparing the Catholic and Protestant religious instruction programs, and for enacting them subject to the approval of the Catholic and Protestant Committees. The Minister's aim here is not to provide moral education for citizens, but to provide religious instruction for Catholics and Protestants, in accordance with the prescriptions of their respective denominations. In addition, the Act respecting the ministère de l'Éducation makes two associate deputy ministers responsible for ensuring that the denominational status of establishments recognized as Catholic or Protestant is respected, and that the denominational rights of Catholics and Protestants are exercised in other educational establishments (s. 8). These rights include the right to receive denominational religious instruction. Clearly, the state's objectives in this case are not neutral, but are the same as those proposed by two specific religions. The Supreme Court's comment in the Big M. Drug Mart case appears relevant here: protecting one religion without granting the same protection to the other religions has the effect of creating a form of inequality that destroys freedom of religion in society.[22] In other words, the inequality created by the absence of neutrality is tantamount to denying religious freedom itself.[23]

The situation with respect to freedom of religion and conscience is rather more complex. Ontario's Court of Appeal has ruled that denominational religious instruction in public schools is

21 In Professor Woehrling's opinion, the state, by introducing a system of options, is pursuing a general objective that is neutral (that of providing moral education for all citizens), but is making the students and parents responsible for achieving that objective, by selecting one of the three types of instruction. Since the objective is neutral, the system appears to be constitutionally valid. If it produces effects that indirectly restrict guaranteed rights, however, the restriction must be justified under section 1 of the Canadian Charter. In the case of the existing system, this is not possible.

22 Justice Dickson in the Big M Drug Mart case, cited by Woehrling (1998,36).

23 Here, the remedy would require a "benevolent" neutrality toward all religions. Professor Woehrling wrote that "neutrality, in its most fundamental sense, persists provided the state behaves in the same way toward all religions, and does not treat one religion more or less favourably than the others" (p. 40, free translation).

24 "Stigmatizing" is the term used in Ontario's jurisprudence.

25 As a legal scholar from Ontario wrote: "The child who is forced by his parents to participate in a religious activity may not claim that his religious freedom is abridged by the state. The latter is merely facilitating the practice of religion. Therefore in such a case, pressure to make a religious statement emanates from the home rather than from classmates." Cited by Smith and Foster (1998, 78).

26 The distinction between the rights and interests of the child and the rights of the parents is very important here.

27 We will come back later to the interpretation of this article from the standpoint of parental rights.

28 The "observations" of the Committee on Human Rights are not legally binding. However, they are often cited by the courts, including those of Canada and Québec. It is the Committee on Human Rights that has the power to receive and study complaints from citizens of member states who have exhausted their domestic recourses. Its observations are therefore likely to direct its "findings."

contrary to section 2 of the Canadian Charter, even if it is possible for students to obtain a dispensation. This is based on the fact that a dispensation would (1) force the child or the parents to express their beliefs or lack thereof, which the state cannot require a person to do; or (2) have the effect of marginalizing[24] the child who requests it. No appeal was brought before the Supreme Court as a result of this decision.

Hence, even a system of options is likely to place restrictions on religious freedom. Like dispensation, the system of options forces people to assert their beliefs, this time by "opting in" rather than by "opting out." It certainly has fewer negative impacts on freedom of conscience and religion. It does not aim to force people to act against their beliefs or conscience. On the contrary, the goal is that they should exercise their freedom.[25] The potentially marginalizing effect of the optional system must be considered on the basis of the facts. Obviously, in schools offering several options to fairly equal groups, marginalization would be slight or non-existent. On the other hand, in schools with some minorities and a significant religious majority, the risk of marginalization is real. Students, especially when young, may feel psychologically excluded because of their beliefs (or those of their parents).[26] Second, the constraints of managing a system of options may lead school principals and teachers, even in good faith, to put pressure on children (or their parents) not to exercise their right to choose. Religious freedom may also be restricted by a school timetable organized in such a way that students who wish to exercise their right must choose not between two types of religious instruction and moral education, but between religious instruction and secular education. In short, even the system of options raises certain problems, related not to the system's intention, but to the context in which it is implemented.

Finally, with respect to international law on religious instruction, article 18.4 of the International Covenant on Civil and Political Rights stipulates that:

The State Parties to the present Covenant undertake to have respect for the liberty of parents[27] and, where applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.

The United Nations Committee on Human Rights[28] believes that public schools may dispense education on the history of religions or the history of ideas, provided they do so objectively and neutrally. However, public education that includes the teaching of a given religion or conviction is incompatible with paragraph 4 of article 18, unless it provides for exemptions or non-discriminatory options corresponding to the wishes of the parents or guardians (Woehrling 1998, 91).

International law is somewhat less demanding than domestic law with respect to the right to equality. Under international law, it is apparently sufficient to grant the right to a dispensation or "non-discriminatory" choice between denominational education and neutral cultural or moral education. Similarly, the existence of private subsidized

schools would alleviate the state's obligation to respect religious equality in its public schools. Accordingly, Québec's system of options might satisfy international requirements if all its private schools were subsidized. However, this is not the case for most of its elementary schools.

Finally, the legal scholars note that Ontario's jurisprudence and international doctrine both take the stance that the study of religions from a cultural perspective or the history of religions does not infringe the freedom of conscience and religion of the students who receive it.[29]

Pastoral or religious animation . The legal scholars we consulted did not directly address the question of pastoral or religious animation. However, known principles can be applied to this issue. An initial distinction must be drawn between activities of a religious nature, such as worship, and those with non-religious aims, such as charitable activities. The former are generally and specifically aimed at members of either the Catholic or the Protestant denomination. Provided nobody is forced to participate, they do not violate freedom of conscience and religion. However, they may, in certain circumstances, have the effect of marginalizing children, especially younger children at the elementary level, if they take place during classroom hours. Pastoral activities of a secular nature–such as charitable activities or activities requiring a social commitment–generally address all students and may, in some cases, indirectly violate freedom of conscience and religion. They do this by placing undue pressure to conform on students who might not wish to take part in an activity prepared, directed or carried out under the authority of a given denomination or its representative, or by marginalizing them if they decide not to take part because of their convictions. Here again, however, this is a question of fact that can be judged only in the specific circumstances of each case.

Religious exercises . To our knowledge, Québec legislation is silent on the subject of religious exercises, except for the Protestant Committee's regulation, which provides for the possibility of an exemption. Ontario jurisprudence has established that religious exercises in public schools constitute a violation of freedom of religion, even when dispensations are available. This is because individuals are required to express their beliefs when they request a dispensation, and in some cases can be marginalized if they do not wish to take part in the exercises. Hence, the Protestant Committee's provision for a dispensation would infringe the freedom of conscience and religion of the people requesting such a dispensation.

Denominational requirements for certain jobs. A distinction must be drawn here between the status of the employer and the status of the positions to be filled. School boards (the employers) no longer have denominational status. As a result, they may no longer use their religious nature as a basis for requiring that employees adhere to a given religion. On the other hand, the legislation and regulations stipulate a number of denominational requirements for the exercise of specific duties or

positions. For example, employees providing support for denominational schools and religious instruction courses must be accredited by the local bishop and a committee composed of Protestant Church representatives. People providing Catholic religious instruction, and Catholic pastoral animators, must all be Catholics. The legislation and regulations do not stipulate conditions of this nature for other personnel. The Québec Charter prohibits discrimination in employment (s. 16), but permits "a distinction, exclusion or preference based on the aptitudes or qualifications required for an employment" (s. 20). If Catholic religious instruction is intended to be denominational, it is reasonable, logically, to claim that the above require-ments are "qualifications required" by the people teaching it, and conse-quently do not infringe freedom of conscience and religion. At the same time, teachers can be dispensed from religious instruction on the grounds of freedom of conscience.

However, the situation is not quite as simple as it appears. The Education Act stipulates that "No teacher may be dis-missed, suspended or disciplined in any other way for exercising his rights under this section" (s. 20). However, the salaries of teachers who obtain a dispensation are reduced by an amount equal to the number of hours of religious instruction they do not teach, if the school does not manage to find other tasks for them. They must therefore pay for the privilege of exercising their right. This, in the view of the Task Force, is clearly disadvantageous and violates the teachers' freedom of conscience and religion.

Second, teachers who request a dispensation are forced to assert their beliefs, and hence also run the risk of becoming marginalized with respect to the school administration, their colleagues and the parents. In the opinion of the Task Force, the principles invoked by the courts when ruling that a system of exemption for students was invalid also apply, for similar reasons, to the system of exemption for teachers. The situation is somewhat different at the secondary school level. Teachers of religion have freely chosen to teach the subject, since it is, like every other subject at the secondary level, a specialized discipline.

Although it is possible to obtain a dispensa-tion, we believe a significant difficulty related to the right to equality still affects the hiring[30] of elementary school teachers. The task of a homeroom teacher includes the teaching of all subjects in the program, and consequent-ly, the teaching of Catholic or Protestant religious instruction and secular moral education. Hence, the religion of applicants will be considered implicitly or explicitly in the hiring process, since the successful candidate will have to teach Catholic religious instruction, and non-Catholic appli-cants for teaching positions in elementary schools therefore appear to have less chance of being hired. In addition, the treatment differs for Catholic and Protestant religious instruction, since there is no requirement of religious affiliation for the latter.

Not only must teachers be Catholic in order to teach Catholic religious instruction, but an additional requirement

relating to teacher training also exists. Would-be elementary school teachers are required to take a course on "the essential content of the Catholic faith" (Catholic Committee 1987a, s. 15). As they wish to maximize their chances of being hired, most of them, regardless of their religious convictions, take the courses that enable them to satisfy this requirement. This, in the view of the Task Force, constitutes a pressure that violates freedom of conscience and religion.[31]

The specific individual religious practices and expressions of faith. Independently of religious instruction, the students and staff of Québec schools have different ways of practising their religion or simply of expressing their religious convictions. Certain regulatory provisions adopted by the Government, school boards or schools concerning the organization of schools and teaching, although themselves neutral and reasonable, either violate or may cause an indirect violation of individuals' freedom of conscience and religion. This is true, for example, of the school timetable, which conflicts with certain Muslim and Jewish religious holidays. It is also true of some dress codes, imposing uniforms to be worn by all students or for particular sports activities. School cafeterias with set menus that include foods prohibited by certain religions also violate the freedom of religion of the members of those religions.

Even if rules that create indirect discrimination or violate freedom of conscience and religion can be justified, schools have, as we have seen, an obligation of reasonable accommodation in favour of the people whose rights have been infringed. Neither the legal scholars consulted nor the Task Force members were able to identify any legislative or regulatory provisions imposing an obligation of reasonable accommodation. However, such an obligation is clearly established in the jurisprudence. The Ministère de l'Éducation has already published a guide for school personnel on administering reasonable accommodation (Ministère de l'Éducation 1997, 1998). In practice, however, the Task Force is not able to say how this obligation is currently applied in Québec's schools.

Higher government structures. The Act respecting the Conseil supérieur de l'éducation creates a Catholic Committee and a Protestant Committee responsible for drawing up regulations governing the recognition of Catholic and Protestant schools and various other aspects of religion in schools. The Act respecting the ministère de l'Éducation, for its part, appoints associate deputy ministers traditionally described as "of the Catholic faith" and "of the Protestant faith." As we saw earlier, they oversee the denominational aspects of Catholic and Protestant schools and the rights of Catholics and Protestants in other schools. Since these provisions are aimed at Catholics and Protestants only, to the exclusion of all others, they are clearly discriminatory.[32]

II. Parental Rights

Under both domestic and international law, parents have a certain number of rights concerning the religious instruction of their children. However, there is growing acceptance that certain rights

31 The Catholic Committee itself agrees that the requirement for future teachers to take university courses in Catholic religious instruction creates a systemic effect that places real pressure on conscience (Catholic Committee 1998, 6). It has, it says, undertaken to correct this situation with the relevant governmental and university authorities. The Protestant Committee's regulation also imposes training for teachers giving courses in Protestant religious instruction, but does not refer to the Protestant faith.

32 The Task Force believes the same can be said of the rules concerning the composition of the Conseil supérieur de l'éducation, which give clear preference to Catholics and Protestants. The members who are neither Catholic nor Protestant are entitled to just one seat out of 24, even though they are more numerous than Protestants in Québec as a whole.

are held by children (or students) and exercised by parents on their behalf and in their best interests. This trend must also be taken into account when considering the question of religion. The Education Act explicitly recognizes it in connection with the right to choose a school (s. 4) and with religious instruction (s. 5). Under the Act, these rights belong to students. Domestic and international law are not consistent in this regard. In the following paragraphs, we will consider the rights granted to parents by the Canadian and Québec Charters and by certain international instruments.

A. Domestic Law

Canadian constitutional law does not stipulate the rights of parents with regard to religion. Section 93 of the Constitution Act, 1867 (and similar provisions) addresses this question indirectly, but is no longer applicable in Québec. Nevertheless, in the Jones and Adler cases, the Supreme Court of Canada used section 2a of the Canadian Charter as a basis for inferring that parents have the right to select private schools and even home schooling for their children.

The preamble to the Act respecting the ministère de l'Éducation grants parents "the right to choose the institutions which, according to their convictions, ensure the greatest respect for the rights of their children." Although this provision appears to grant an effective right, this is not in fact the case, because it is situated in the preamble to the Act. However, it does serve to interpret the Act.

Section 41 of the Québec Charter is unique in Canadian law and stipulates as follows:

Parents 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.

It is important to understand that this section does not have the same legal scope as sections 1 to 38 of the Québec Charter, which stipulate the fundamental rights and freedoms, the right to equality, and the political and judicial rights of individuals. Sections 1 to 38 are covered by the provision concerning primacy, in section 52 of the Charter. Under this provision, the National Assembly may not adopt a law that is contrary to the rights and freedoms guaranteed by sections 1 to 38, unless the law in question expressly states that it applies despite the Charter. A law enacted in contravention of section 52 would eventually be invalidated. However, like all the other economic and social rights set forth in Chapter 4 of the Charter, the right to religious instruction described in section 41 is not covered by the primacy clause. It cannot therefore be invoked in court against an ordinary law.

This being said, section 41 may influence the interpretation of ordinary legislation if the courts consider the economic and social rights to be "statements of policy" that can be confirmed in other

relevant legislation. An interpretation of section 41 consistent with section 10 of the Charter, concerning equality, would mean that the members of all denominations present in sufficient numbers in a given school would have to be offered religious instruction in conformity with their convictions. At the same time, the school would also have to offer secular moral education. The current situation, which limits the choice to Catholic religious instruction, Protestant religious instruction and moral education is therefore contrary to the Charter and is legal only because of the notwithstanding clause.

Section 41 does, however, constitute a moral commitment by the state that can certainly be invoked at the political level, especially since it forms part of the Charter. Moreover, given the rules of interpretation, if the state abolished all forms of religious instruction but maintained section 41, it would be possible for parents to use that section as a basis for legal action to demand that religious instruction be provided for their children.

What is also needed is an interpretation of section 41 that is compatible with the Canadian Charter, since the Québec Charter, like all other legislation in Canada, is subject to its provisions concerning freedom of conscience and religion. As we have seen, Ontario's jurisprudence has established that a denominational program of religious instruction violates religious freedom, even if students not belonging to the denomination in question are exempt from receiving it. The violation exists because students must state their convictions in order to obtain a dispensation, and also because they may feel marginalized as a result. A system of options, if non-discriminatory (in other words open to all denominations represented in sufficient numbers), is more likely to pass the Canadian Charter test, even though, at a practical level, it may sometimes place undue pressure on students. For example, students who exercise their right to choose may be marginalized, or conversely, the fear of marginalization may prevent students from exercising their right, especially in homogeneous religious environments. This is clearly a question of fact.

B. International Law

Under international law, parents have certain rights with respect to their children's religious instruction, although the comment we made at the beginning of this chapter should be borne in mind here: international law has no legal superiority over domestic law. Moreover, not all international instruments are legally binding on Canada. Article 26(3) of the Universal Declaration of Human Rights, which Canada signed, stipulates that "Parents have a prior right to choose the kind of education that shall be given to their children." This provision, while not legally binding on Canada, is nevertheless a statement of principle that constitutes a significant moral commitment for the signatory countries. Canada is, however, legally bound by article 18(4) of the International Covenant on Civil and Political Rights, which is based on and constitutes an extension of the Universal Declaration of 1948. It is appropriate to cite this article again:

33 Québec has expressed this obligation in section 42 of its Charter: "Parents or the persons acting in their stead have a right to choose private educational establishments for their children, provided such establishments comply with the standards prescribed or approved by virtue of the law."

34 Article 18(1) of the International Covenant on Civil and Political Rights states that freedom of conscience and religion includes the freedom "either individually or in community with others . . . to manifest his religion or belief . . . in teaching"

The State Parties to the present Covenant undertake to have respect for 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.

Under the authorized interpretation (that of the United Nations Committee on Human Rights, and used in international jurisprudence), this right does not create a parallel and positive obligation for states to organize denominational religious instruction in their public schools. It does, however, create a negative obligation not to subject students to a form of religious instruction that would infringe their freedom of religion.

The above-mentioned right is expressed first and foremost in the freedom of parents to select private educational institutions for their children, and at the same time to create and manage such institutions. Articles 13(3) and 13(4) of the International Covenant on Economic, Social and Cultural Rights state that:

The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to choose for their children schools, other than those established by the public authorities, which conform to such minimum educational standards as may be laid down or approved by the State . . . .

This right to private schooling[33] is also derived from article 18(1) of the International Covenant on Civil and Political Rights, which stipulates that freedom of conscience and religion also implies the freedom "either individually or in community with others . . . to manifest his religion or belief . . . in teaching." States are not required to subsidize private schools, but if they do so, it must be without discrimination.

None of the international instruments provides for or grants a parental right to denominational schools in the public education system. However, freedom of religion can carry over into the organization of denominational schools.[34] In such a case it would be exercised by choosing a private school.

In view of the foregoing, the Task Force concludes that Québec's legislation is entirely consistent with the international law applicable in Canada concerning the right of parents to choose private education or home schooling for their children. In fact, Québec goes further than international law, since the Act respecting private education provides for the possibility of public funding for private education, and this is of significant benefit to a number of minority religious denominations, in contrast to the situation prevailing elsewhere in Canada. However, it allows the Minister of Education a certain amount of discretion over funding, so that the question of discrimination against certain communities appears to be a question of fact. It seems clear to us that the Minister cannot exercise his discretionary power on the basis of a religious criterion.

III. Legal Systems in the Rest of Canada[35]

The rest of Canada uses three main models to determine religious instruction and the place occupied by religion in public schools. In the first model, the system is entirely secular. In the second, there is a recognized constitutional right to non-denominational religious education. In the third, the school boards are responsible for the teaching of religion, with or without normative guidelines. This last model is the most common, and there are several variations of it.

The first model, applied by three provinces, consists in an entirely secular school system. Hence, the public schools in Prince Edward Island, New Brunswick and British Columbia are expressly non-denominational by law. Other than this legislative stipulation, there are no normative provisions dealing with the teaching of religion in schools, except in British Columbia, where the teaching of dogma is prohibited, and in New Brunswick, where teachers are prohibited from using any religious catechism. In this system, religious instruction is either relegated to the private school network or left entirely in the hands of families and churches.

The second model exists only in New-foundland, where there is a constitutional guarantee that all the province's public schools will offer a form of religious education not based on any specific religion. In Newfoundland, specialists are currently working on the development of a standard educational program designed from a non-denominational perspective. The program will be under the responsibility of the Department of Education, and the school boards will be required to ensure that the prescribed courses are given in the schools under their jurisdiction. Dispensations will be granted to students who do not wish to receive religious education. This new arrangement is not yet in force, and the terms of its application appear to be causing some problems.

In the third and last model, school boards have the power to authorize offering religious instruction, with or without normative guidelines. In some cases–for example, in Nova Scotia and Alberta–the school boards have full discretion in this respect. In Nova Scotia, the law simply states that religious instruction can be dispensed by different people, including non-teachers. Ontario's separate school boards also have full discretion, since the regulations governing religious instruction expressly do not apply to them. In these systems, an analysis of the policies adopted by individual school boards would be needed to obtain a more accurate idea of the true place of religion in schools. Is religious instruction available or not? If so, is it denominational or cultural? Is it optional or mandatory, with a right of exemption? Is it offered during or outside school hours? Is it offered in the schools themselves, or elsewhere?

In other cases, the exercise of school board discretion is subject to certain legislative guidelines. In Saskatchewan, for example, the law establishes the maximum duration of religious instruction classes. Arrangements such as this raise the same questions as for Alberta, Nova Scotia and Ontario. In other provinces, the law is even more restric-

tive. In Manitoba, for example, not only does it stipulate the maximum duration of religious instruction classes, but it also states that the classes must be held during school hours. Manitoba's model is unique in Canada. The law stipulates initially that the provision of religious instruction is left to the discretion of individual school boards. However, groups of parents, if they have a minimum number of members stipulated by law, may force a school board to authorize religious instruction. The law also appears to take a denominational approach to the question of religion in schools, since it states that courses may be given by a pastor, priest, rabbi, another clergyman, a representative of parents recognized by the school board as forming a religious group, or by any other person, including a teacher, duly authorized by a pastor, priest, rabbi or clergyman.

Ontario, too, has its own model. Here, the regulations governing the power of public school boards are more stringent. Two types of religion courses are distinguished: courses on the study of religions, and denominational religious courses. The regulation governing courses on religious studies is left to the discretion of individual school boards, although the regulation stipulates that any program offered must be optional. Its content, although under the authority of the school boards, must comply with certain guidelines. It must promote freedom of conscience and religion, include the study of different religions, not give priority to one religion or belief in particular, and avoid indoctrination. No more than 60 minutes of religious studies may be given each week, at least in elementary schools. Denominational religious instruction, on the other hand, may not be dispensed by or under the aegis of a school board. The school board's role is limited to the provision of premises, fairly and in response to requests, as it would do for any other community activity. The courses are optional and must be given on a day the students do not attend school or outside regular school hours on a school day.

IV. Possible Ways of Remedying Legislative Deficiencies

The legal scholars consulted for this study were asked to propose scenarios for providing for religion in schools that would be consistent with the Canadian and Québec Charters and with international law. They were unanimous in stating that the current system, in terms of school status, religious instruction and pastoral or religious animation, violates the right to equality guaranteed by the Canadian and Québec Charters.

Professors Smith and Foster state that it must first be decided whether or not to comply with human rights norms. If the answer to this question is negative, it is up to the legislator to invoke the notwithstanding provisions in the two Charters. If the answer is positive, however, it would be possible to opt for either a denominational system or a secular system.

In the event that one decides to make the system purely secular, human rights norms are respected provided that:

- reasonable accommodation is provided to students, staff and others within the system so as not to unduly interfere with or adversely affect their individual religious beliefs and practices;

- private or home schooling is available as an option for those wishing a denominationally based education. (p. 82)

In this case, accommodation measures would be required for the observance of religious holidays, and to allow for religious dress and accessories. If the state also elects to fund private education, it must do so equally for all.

Foster and Smith go on to say that if the state opts for the denominational route, there are two possible solutions: denominational schools under the authority of linguistic school boards, or denominational religious practices and education within non-denominational schools. "In either of these cases, one must open up such rights to all religions, subject to reasonable limits . . ." (p. 82). In the former case, it would also be necessary to provide for the creation of secular public schools. In the latter case, secular schools could offer either neutral, objective teaching of religion, or moral education, in addition to denominational religious and moral education. In all cases, schools would have to be prepared to accommodate individual beliefs and practices.

Still in the context of secular schools, ". . . denomination-specific instruction, etc. could be made available to students either as (i) part of the regular curriculum; ii) extra-curricular activities under the official auspices of the school; iii) outside of the regular instructional program by third parties who are given access to school facilities in the same manner as any other community group" (p. 83).

Professor Woehrling believes that if a denominational school system is to comply with the Charters, that is, by being equally accessible to all, it would have to include denominational schools for all denominations that were represented in sufficient numbers, as well as secular public schools. Similarly, everyone must have access to them in materially equal conditions, that is, at a reasonable distance from home, taking into account the geographical, demographic and economic situation (p. 156). Finally, such schools would be consistent with freedom of conscience only if the people attending them did so on a voluntary basis, which presupposes a choice of schools and the widespread existence of secular schools.[36]

36 The Task Force observes that the apparently democratic mechanism that ultimately allows the Catholic Committee or the Protestant Committee to recognize schools as being Catholic or Protestant itself violates the freedom of conscience and religion of people who, due to their beliefs, want secular schools or schools of a denomination different from that of the majority. Their wishes are entirely subordinate to those of the majority. The same principle also applies to Protestants in certain regions, whose wishes are subordinate to those of a majority of parents in favour of Catholic schools, and vice-versa. In fact, in all denominational schools, the freedom of conscience and religion of non-Catholics or non-Protestants is automatically violated.

In respect of educational services, the solution,

if we wanted to eradicate discrimination, would be to extend the right to religious instruction or pastoral or religious animation to all religions for which the demand is sufficient, while continuing to maintain secular moral education. It would be prudent to provide for the possibility of a dispensation for children or parents, as the case may be, who for reasons of conscience or religion feel they cannot take either the religious or the moral education offered. (Woehrling 1998, 152, free translation)

While this solution eliminates the problem of discrimination, it may not prevent violations of freedom of conscience and religion, since in practice a system of options can cause marginalization. Professor Woehrling mentions three methods proposed by a legal scholar from Ontario to eliminate this difficulty:

1. Reserve a timetable slot for religious instruction dispensed on school premises by the representatives of the different denominations.

2. Reserve a timetable slot outside school premises for religious instruction dispensed in the places of worship of the different denominations, by their representatives.

3. Allow the representatives of the different denominations to dispense religious instruction on school premises, before or after school hours.

In all three cases, schools would not require students to attend the denominational religious instruction classes. In the first two cases, a replacement activity would be arranged for students who opt not to take the courses, and moral education would be offered for those with no religious affiliation.

Section 41 of the Québec Charter also entitles parents to demand that their children receive religious or moral education "in the public educational establishments" that is "in conformity with their convictions, within the framework of the curricula provided for by law." It is not certain that the three solutions proposed above are entirely consistent with this requirement. On the other hand, neither is it certain that the equal application of section 41 through a system of options would, under the circumstances, satisfy the requirements of section 2 of the Canadian Charter. Professor Woehrling proposes an amendment to section 41, in order to grant parents the right to ensure that their children are educated in accordance with their religious and philosophical convictions. This formula would have the advantage of being consistent with international law, and could not therefore be contested.

Summary

The primary aim of this chapter was to establish the fundamental rules of law governing the place of religion in schools, as set out in the Canadian and Québec Charters and in the international instruments applicable in Canada. 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.

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 chapter 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 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.

QUÉBEC'S POLICY WITH RESPECT TO CULTURAL DIVERSITY, SOCIAL INTEGRATION AND EQUALITY

In a democratic society, the state's policy concerning the place of religion in schools must take into account a whole set of factors, such as its constitutional commitments, the prevailing social and cultural climate and the expectations of its citizens. It must also reflect and be consistent with society's general orientations. While schools shape future citizens, they are also influenced by the overall public discourse. In the present case, our mandate requires us to give particular consideration to the political choices already made in the field of culture and immigration, as a basis for our recommendations on the question of religion in schools. Accordingly, we believe it is important to examine the documents that describe those choices.

The policy statement entitled Let's Build Québec Together (Ministère des Communautés culturelles et de l'Immigration [MCCI] 1990), adopted by the Government of Québec in 1990, expresses the Government's main orientations for immigration and integration, and proposes a range of measures designed to achieve the objectives set out in the policy. It constitutes the Government of Québec's official policy on these issues, and will therefore receive due consideration in this chapter. In addition to this, the Government's main advisory bodies on issues connected with religious and cultural diversity have developed positions which, although they do not have the status and scope of policies, nevertheless make a significant contribution to the overall picture of the orientations which form part of Québec's political discourse on these issues. In the course of this chapter we will therefore examine the positions taken by the Commission des droits de la personne et des droits de la jeunesse du Québec, the Conseil des relations interculturelles du Québec, the Conseil du statut de la femme, the Conseil supérieur de l'éducation and its Catholic and Protestant Committees, and the Commission consultative de l'enseignement privé. Also considered is the new policy on educational integration and intercultural education prepared by the Ministère de l'Éducation (1998), which applies some of the orientations proposed in the above positions to the field of education.[1] As a sector-based policy, it does not have the same status as the 1990 policy statement from the MCCI.

The spirit of Québec's Charter of Human Rights and Freedoms also sheds some light on the general political framework, since it clarifies the relations that must exist between individual citizens and between them and their public institutions, with emphasis on the question of equality. Reconciliation of social diversity and equality is an ever-present concern in Québec society. It is therefore important to consider recent developments in the province, especially the political changes generated by pluralism. In this chapter, we will review the guiding principles behind Québec's political project, and examine their impact on the question of religion in schools.

1   Following the final report of the Commission for the Estates General on Education (1996b), which described the need for a policy statement clarifying the Ministère's orientations with respect to educational integration and intercultural education, Pauline Marois, the then Education Minister, mandated an interdepartmental task force to prepare such a policy. An advisory board composed of different specialists and partners from the field of education was created to assist the task force. The policy was published and ratified by the then Education Minister in November 1998.

Québec's policy with respect to cultural diversity, social integration and equality

I. Building a Common Civic Space and Ensuring That Values Are Shared by All Citizens

In Québec, pluralism is not a product of immigration alone, but also derives, as is the case in other democratic Western societies, from the exercise by citizens of their freedom of conscience, freedom of religion, freedom of expression and freedom of association. The Government of Québec and some of its advisory bodies have insisted for some time, with respect to pluralism, that religious or value-based conflicts derive from a range of sources. It is therefore wrong to see them as stemming exclusively from immigration. The new name of the Ministère des Relations avec les citoyens et de l'Immigration (the ministry of relations with citizens and immigration), formerly known as the Ministère des Communautés culturelles et de l'Immigration (the ministry of cultural communities and immigration), and the Act relating to its reorganization, clearly show that, in the Government's eyes, the diversity of Quebecers is due not only to their origins, but also to their different beliefs, living conditions and lifestyles, choices and personal convictions.

The diversity of the Québec population, in terms of origins, values, lifestyles, beliefs and convictions, has encouraged the Government of Québec to promote initiatives aimed at developing social cohesion and a sense of belonging (Ministère des Communautés culturelles et de l'Immigration, 1990). Since schools are the main seat of learning and training for citizens, they play an important role in providing the tools needed by individuals to participate actively in community life and to organize a common civic space.

A. The Schools' Mission of Socialization

The different beliefs and values of the Québec population have complicated the mission of socialization entrusted to schools by the Education Act. The efforts made by schools to integrate their students must now take this pluralism into account, and it is for life in a pluralistic society, with all the characteristics that make it so special, that schools must prepare their students.

The general framework proposed in the 1990 immigration and integration policy statement describes Québec as a pluralistic, democratic society in which French is the common language of public life. The components of the shared civic framework in Québec, to which all Quebecers must adhere, basically take up and develop the three characteristics of Québec society introduced by the 1990 Policy Statement. These characteristics were explained in a brief issued by the Conseil des relations interculturelles in 1997.[2] The brief concluded that the main structuring element of the civic framework is the set of rights and freedoms guaranteed to the citizens of Québec by the Charter of Human Rights and Freedoms. It went on to say that it is essential, in a pluralistic democracy, to preserve certain fundamental gains made in Québec, including human rights, freedom of expression and gender equality, and that efforts in support of these gains must continue. To this common civic framework is added a

common pluralistic heritage–historical, cultural and natural–with which all citizens, regardless of their origins, must be able to identify (Conseil des relations interculturelles 1997). Finally, the brief also stated that Québec's social pluralism is shaped by acknowledging the value of the different contributions made by Quebecers to the common heritage.

As part of their mission of socialization, schools must teach their students how to live as part of the community. The aim of this "ability to live together" that schools try to instil in young people is basically to preserve the cohesion of Québec society, which is the expression of successful integration in the sharing of common values (Ministère de l'Éducation 1998, 9).

Schools introduce students to a set of common references that make it possible for them to integrate into community life. Students learn about the values of social justice and equality (especially non-discrimination, equity and gender equality), as well as other values related to democratic participation, such as negotiation, peaceful conflict resolution, and solidarity (Ministère de l'Éducation 1996, 59). Schools provide an excellent means of preparing individuals "to exercise their citizenship, by teaching them their rights and duties, informing them of the need to comply with common rules, and instilling in them an openness to diversity" (Gouvernement du Québec 1996, 59, free translation).

A number of measures have been proposed to ensure that all members of society adhere to the common values and develop an openness to diversity. The measure that is currently the most popular is citizenship education. The citizenship education course to be offered in schools is intended to allow students to learn about democratic life and to become familiar with inherent rights and responsibilities (Ministère de l'Éducation 1998), so that they can participate actively in community life.

Initiatives to promote solidarity and create closer links between the different groups that make up Québec society, and especially between groups with specific religious beliefs, have received a great deal of attention in recent years.[3] The withdrawal or confinement of individuals into their groups is seen as having a potentially negative impact on Québec's social fabric (Conseil des relations interculturelles 1997). To maintain the social bond between the different groups and to promote closer relationships and dialogue between citizens, the Ministère des Relations avec les citoyens et de l'Immigration also introduced a series of activities in 1998, on the theme of Citizenship Week. The activities in question fell under three main headings: developing an open attitude to pluralism, promoting democratic values, and strengthening solidarity. The focus was on exchange and sharing, to celebrate the contributions of all Quebecers to the enrichment and development of Québec. In this respect, schools that work to develop an open attitude among young people and to forge the mentalities and behaviours that shape identities and encourage acceptance of otherness provide an excellent means of contributing signifi-

cantly to the dialogue and cooperation between future citizens (Conseil supérieur de l'éducation 1993, 69).

The Ministère de l'Éducation also proposed promoting closer intercultural relations and solidarity between citizens to strengthen their sense of belonging to Québec society, by incorporating the cultural and religious heritage of all Quebecers into a common heritage, and ensuring that all citizens are able to appropriate it (Ministère de l'Éducation 1998, 29). This is an excellent way of meeting the goals of enriching the heritage and encouraging citizens to identify with it (Conseil des relations interculturelles 1997). The diversity of Québec society is seen as a benefit for Québec, and its value should be asserted accordingly (Ministère des Communautés culturelles et de l'Immigration 1990; Conseil des relations interculturelles 1997).

The policy for educational integration and intercultural education, based on this objective of solidarity and social cohesion, proposes that the Ministère de l'Éducation design an introductory course on religious cultures

focussing on the Christian religions that have played a major role in Québec's history and the other major religions practised in Québec. This approach would make it possible to ground the instruction in the traditional practices of the students, their parents or their extended families. In addition it would stimulate dialogue among students of different religions concerning their respective religions and the place of religion in contemporary society. (p. 26)

One of the recommendations made in the conclusion of the Estates General on Education is the introduction of courses about different religions, using methods that do not divide students according to their religious beliefs (Commission for the Estates General on Education 1996b, 59). Participants in the 1996 consultations of the Conseil des relations interculturelles emphasized

the need to retain a certain amount of non-denominational religious education in order to promote tolerance and emphasize the common aspects of various religions; this religious education should be based on religious fact and existing pluralism, and not on the beliefs of a specific religion. (Conseil des relations interculturelles 1997, 63, free translation)

Schools, in addition to their mandate of providing students with the common references they will need for life in the community, must be especially careful to promote a climate in which students can maintain harmonious relations among themselves. The schools' mission of socialization, under the new educational integration and intercultural education policy, therefore means that the entire curriculum and school life in general must be reviewed in depth, to ensure that they reflect an open attitude to ethnic, cultural, linguistic and religious diversity (Ministère de l'Éducation 1998, 30).

For its part, the Catholic Committee of the Conseil supérieur de l'éducation fully subscribes to a public school model which conveys values and provides training that contributes to the cultural and social integration of all young Quebecers. The Committee believes that, while helping to promote certain common civic values, Catholic schools can also provide an environment in which specific cultural or religious characteristics are recognized, and where young people learn to know and appreciate one another while respecting their individual differences (1996, 29).

In the Catholic Committee's view, Catholic schools contribute to social cohesion through one of their aims in particular, that of developing young people's social responsibility and commitment to the community. They do this by offering training in citizenship and civic values, so that students will eventually become enlightened participants in social, economic and political life (1996, 21). Denominational religious instruction and pastoral or religious animation do not prevent schools from offering an education in civics in the broad sense of the term. The Committee points out that Christian education has its roots in a culture, and offers an existential commitment to certain values, including civic values (1997a, 22). In short, the Catholic Committee does not believe that the objective of promoting social cohesion necessarily clashes with that of maintaining a reference to specific traditions in the education system. Both, in their own way, can make a powerful contribution to the promotion of the democratic values that society wishes to embrace (1998, 3).

In more general terms, the Catholic Committee believes denominational schools contribute to the development of Québec's culture through their commitment to maintain an ongoing link with the Christian roots of our society in the exercise of their educational mission. In this way, they help assert the value of a significant portion of our historical memory, providing access to precious resources that might otherwise be forgotten or neglected (1996, 29). In the Committee's view, universal secular schools would be less effective at drawing students together than the current denominational system, which agrees to accept certain constraints in order to be able to integrate and respect students with different convictions and beliefs (1997a, 20). The Catholic Committee also believes that the integrative function of accessible, democratic public schools is not incompatible with a relative diversity of types of schools and educational approaches (p. 21). To counter the risks of fragmentation that may arise from such diversity, the Committee recommends that all schools be subject to the conditions currently imposed on denominational schools. These conditions include the requirement that the schools respect their commitment to promote the civic and democratic values generally embraced by Western societies (p. 20). On the other hand, says the Committee, rigidity of requirements could generate a perverse effect worse than the objective sought, that is, an uncontrollable race toward a kind of free school market (p. 21).

The Protestant Committee, for its part, believes that religion plays a role in the common public culture, in that education presupposes the application of ultimate values that resemble and

are sometimes identical to the religious content. The Committee believes that reference to the religious phenomenon is unavoidable in education. In concrete terms, the current Protestant religious instruction program proposes education about religion and about the values that are important in Québec society (Protestant Committee 1997, 3). Moreover, the common culture must allow for an inter-religious dialogue between citizens. In the Committee's view, this dialogue must be respectful of differences and take place in a context where common values are asserted and celebrated (p. 4). It should also identify elements that cannot be tolerated in our society. At the same time, the Committee points out the importance of emphasizing the Judaeo-Christian heritage of Québec society. Québec's cultural, religious and ethnic diversity, it says, should not neutralize our own convictions and values (p. 4).

B. The Role of Schools in the Integration of Immigrants

The integration of immigrants is defined in the policy statement on immigration and integration as a long-term process of adaptation that affects all aspects of community life and that requires the commitment not only of immigrants, but also of the entire host society (Ministère des Communautés culturelles et de l'Immigration 1990, 44). Integration is achieved when new arrivals participate fully in the collective life of the society they have joined, and when they have developed a sense of belonging to that society. Immigrant integration therefore has a social dimension which, in addition to learning and mastering the common language, also involves learning the values, codes, norms and cultural referents of the host society (Ministère de l'Éducation 1998, 29; Conseil supérieur de l'éducation 1993, 81).

The 1990 Policy Statement stipulates that the host society is responsible for supporting immigrants in the integration process (Gouvernement du Québec 1990, 45). Its institutions must demonstrate both this commitment and the openness needed for new arrivals to be able to forge a place for themselves in society. Schools are given three main tasks in the immigrant integration process: teaching and promoting French as the common language, supporting equality of opportunity and success in school, and preparing students to live together within a pluralistic society (McAndrew 1997, 309).

In the context of the Charter of the French Language, emphasis has been placed in recent years on the linguistic integration of immigrants. Québec clarified the terms of this integration in the "moral contract" introduced in the 1990 Policy Statement, which defined the host society through which the immigrant integration process takes place. In Part A of this chapter, in describing the socialization mission of schools, we gave a definition of the host society that immigrants must integrate into when they arrive in Québec. In the next few pages, we will be looking more closely at the third characteristic of Québec society, its pluralistic nature.

It is the pluralistic nature of Québec society that establishes the type of social relationship maintained by its public institutions toward diversity, and that sets limits on the expression of pluralism (Conseil des relations interculturelles 1997, 29). A pluralistic society allows its individual members to develop and pursue specific projects, either individually or in groups, within the limits imposed by the common civic framework. The limits on pluralism are clear–they are those imposed by compliance with fundamental democratic values and the need for intercommunity exchange (Ministère des Communautés culturelles et de l'Immigration 1990, 17).

This recognition of pluralism necessarily has an impact on the issue of religion in schools. Québec's schools, based on the denominational principle and the granting of rights and privileges to Catholics and Protestants, must now come to terms with the demands of a pluralistic society respectful of the many different religious identities present within it (Ministère de l'Éducation 1998). An open approach to the diversity generated by immigration is thus vital if new arrivals are to integrate into society (Conseil des relations interculturelles 1997). Students, as future citizens of a pluralistic democracy, must become familiar with the different religious traditions represented in that society, and with the resulting lifestyles.

The mission of schools in welcoming and integrating immigrant students also includes ensuring that students assimilate the basic "rules of the game" that will enable them, eventually, to become citizens responsible for the development and openness of Québec's society (Conseil supérieur de l'éducation 1993, 79). The Conseil supérieur de l'éducation, like other bodies, has asked the Government of Québec to adjust its education system so that the desire to welcome students from the cultural communities is made clear (p. III). In its view, the current framework, with its denominational privileges for Catholics and Protestants, is incompatible with the freedom of conscience and religion guaranteed in the Charters (p. 91). With respect to religion, it has proposed that schools should not have denominational status, especially in the Montréal region. It has also proposed that courses on the study of religions should be available to those who want them (p. 58).

The Conseil du statut de la femme concludes, for its part, that the denominational nature of schools stands in the way of their integrative mission. It also suggests that schools should not be responsible for transmitting religious beliefs to their students. Accordingly, it recommends that the Ministère de l'Éducation replace denominational religious instruction courses with courses on the study of religions, to encourage the children of immigrants to integrate into Québec's pluralistic society (Conseil du statut de la femme 1997, 47).

The Conseil supérieur de l'éducation (1993) emphasizes the fact that public schools should promote the integration of immigrant students. It points out that private schools, in which students are

grouped together on an ethnic or religious basis, can actually slow down the social integration of new arrivals and their involvement in the active life of their new community. This, says the Conseil, raises the question as to whether government action is in fact consistent with its own integration goals (pp. 91-92). It recommends a review of the policy governing private ethnic schools. The Commission consultative de l'enseignement privé (1993), in its brief on Private Schools and the Cultural and Religious Communities, stated that the Ministère de l'Éducation should ensure that such schools have action and development plans designed to help students become integrated into the French-speaking culture of Québec (1993, 74). It also asked for more stringent criteria to govern the creation of such schools.

On the same subject, the Conseil du statut de la femme had this to say:

Schools that bring children from cultural or religious minorities into contact with children from the majority group have a better chance of integrating the former into Québec society, and also provide both sets of children with opportunities to experience pluralism and develop mutual respect. (Conseil du statut de la femme 1997, 48, free translation)

The Conseil also drew attention to the fact that the sexist practices of some private religious schools compromise the right of girls to an equal education.

After the adoption of the Charter of the French Language, the Catholic Committee suggested that moral and religious instruction should become a "factor of understanding" for young people of different religions, to help integrate immigrants from the cultural communities (Catholic Committee 1978). Today, it believes the Catholic schools have demonstrated their capacity to appropriately welcome allophone students or students of different religions in their folds (1995, 23; 1996). According to the Committee, this capacity and the adaptation it has engendered explain the lack of requests by other denominations for the creation of schools with specific denominational projects in the public sector. To provide another option to the members of the ethnic and religious communities other than their own private schools, the Catholic Committee recommends the introduction of a right to public denominational schools other than Catholic or Protestant schools, within certain limits (1997a, 17). The Protestant Committee, for its part, believes the Judaeo-Christian heritage means that Québec, in many respects, is welcoming as a society toward adoptive Quebecers (Protestant Committee 1997, 4).

II. Equality for Citizens

Québec's Charter of Human Rights and Freedoms guarantees that all citizens can exercise their human rights equally. This is therefore a policy in Québec, proclaimed by the National Assembly itself. The resulting battle against inequalities of all kinds, including social inequalities, is of major importance in Québec. The Government

aspires to the ideal that all individuals from every religious and cultural group in society should feel included in and respected by that society. All Québec's public policy documents deem respect for pluralism and consideration of diversity necessary conditions for the equal exercise of rights and freedoms by all citizens (Conseil des relations interculturelles 1997, 32; Commission des droits de la personne du Québec 1995). In addition to the right to equality (s. 10), the Québec Charter guarantees freedom of conscience and religion (s. 3), the right to free public education (s. 40) and the right of parents to require religious or moral education for their children in conformity with their convictions (s. 41). In addition, if citizens are to exercise their rights and freedoms equally, they must also be prepared to recognize the rights and freedoms of others.

Canada's policy on multiculturalism also forms part of the background to the relationship between equality and diversity. The purpose of multiculturalism is to achieve equity by recognizing and considering the cultural diversity of the groups that make up the society of Québec. This policy, aimed traditionally at preserving cultures of origin, has evolved in recent times. Its objectives now include civic participation by all citizens, adaptation of public institutions to diversity, and the elimination of obstacles that prevent fair access to public institutions. It is focussed on the values of social justice and equity, and is intended to fuel an enlightened dialogue on cultural diversity, multiculturalism and racism. The Department of Canadian Heritage, which is responsible for the application of the Multiculturalism Act, states in its 1996-97 Annual Report that the multiculturalism policy should be aimed at mobilizing the community in order to resolve and prevent conflicts based on ethnic origin, race, religion and culture, and to prevent hostile acts (Department of Canadian Heritage 1998, 2-3).

Although education falls under provincial jurisdiction, the multiculturalism policy is often invoked by parents of minority students to give weight to their claims for recognition of their children's needs in schools. The impact of multiculturalism on education can be seen in the reform of the public school curriculum (history and literature courses are being revised to give greater recognition to cultural and historical contributions by ethnic and cultural minorities). It can also be seen in the way institutions have been adapted to pluralism, and in the review of dress codes to accommodate the practices of immigrant groups.

In the field of education, the guarantee of equality translates into the principle of equal opportunity. This principle was taken up in the 1995-96 Estates General, and by the 1998 policy on educational integration and intercultural education, where it is predominant. It is now formally included in the Education Act as a principle of the school mission. Equality of opportunity involves not only access to basic educational services for all children, but also the introduction of special means and compensatory measures (measures to support French language learning, for example) for students who need them (Ministère de l'Éducation 1998, 7). The Commission des droits de la personne du Québec states that not only

4   This body was known as the Commission des droits de la personne until 1996.

5   The Commission des droits de la personne du Québec defines the right of parents with respect to their beliefs as "the right of every person to have access, in the public educational institutions, to a form of education that is entirely respectful of their religious beliefs, including their lack thereof" (Commission des droits de la personne du Québec 1979,10, free translation).

should the school system treat children equally from a social and legal standpoint, but it also offers an excellent means of correcting inequalities and aiming for equal results (Commission des droits de la personne du Québec 1995, 11). The 1966 Parent Report had already highlighted the dual aspect of equality in schools, that is, the absence of discriminatory exclusions in the system, and recognition of the diversity of needs.

A. The Absence of Discrimination in Schools

Québec's Charter of Human Rights and Freedoms recognizes the equality of all individuals and guarantees the right to full and equal exercise of the fundamental freedoms granted by section 10, including freedom of religion. Québec's Commission des droits de la personne et des droits de la jeunesse[4] takes the view that, for citizens, freedom of religion involves not only the right to respect for their beliefs, but also the right not to be forced by the public education system to accept religious instruction of any religious denomination whatsoever. In other words, it involves the right to non-denominational education (Commission des droits de la personne du Québec 1979, 8-9).[5] As reported in a brief published by the Commission des droits de la personne du Québec, the Parent Report had previously stated that:

. . . in the context of religious pluralism, the state has a duty to protect the freedom of conscience of its citizens, by ensuring that the denominational nature of the public schools, or the religious instruction dispensed therein, does not harm the religious convictions of children who attend those schools. (Commission des droits de la personne du Québec 1979, 11, free translation)

Section 41 of the Québec Charter is consistent with this. It stipulates the right of parents to require a religious or moral education for their children "in conformity with their convictions." This section has been interpreted as granting students the right to be exempted from religious instruction courses if they do not adhere to the religion in question (Commission des droits de la personne du Québec 1979, 16-19). In its 1979 brief, the Commission observed, however, that the negative nature of the right to be exempted from religious instruction courses meant that it was insufficient to guarantee the right to freedom of religion and the right to equality based on religion, without discrimination. It also stated that Québec's schools have an obligation to accept students belonging to other religious denominations, and to make arrangements accordingly. For example, schools must offer students a choice between religious instruction and moral education (Commission des droits de la personne du Québec 1995, 9).

The Education Act provides for the possibility of establishing denominational schools within linguistic school boards. The Commission has already said that the granting of denominational status to a school places students of other religions, or those with no religious affiliation, in a situation where the values of Catholicism or Protestantism are conveyed and presented in educational material and in numerous aspects

of life at school (Commission des droits de la personne du Québec 1995, 21-22). In this respect, the Commission believes that obstacles to the equal exercise of freedom of religion still exist in Québec's public educational institutions. In its view, the preferences granted to the Catholic and Protestant denominations are no more acceptable today than they were previously, and these preferences could neutralize the beneficial impact of the removal of denominational status from the school boards (Commission des droits de la personne et des droits de la jeunesse du Québec 1997, 6).

The Commission has intervened publicly on a number of occasions[6] to assert that respect for the individual freedoms of conscience and of religion was incompatible with the presence of public and common schools where the beliefs and values of a specific religion are included in the school's entire educational project (Commission des droits de la personne du Québec 1988, 3). It is clear to the Commission that the fact of maintaining Catholic and Protestant structures grants these two denominations a preference that is contrary to section 10 of the Charter:

If the authorities continue to support a dual discourse, one on the openness and modernity of Québec and its institutions, and the other on the protection of history and the religious tradition in its education system, ambiguity and inconsistency are bound to arise. . . . It is not possible to continue to give preference to representative structures bound by religious adherence in a state that promotes the fundamental freedoms, the right to equality, and the division between state and Church. (Commission des droits de la personne du Québec 1995, 25, free translation)

Such recognition is also contrary to the provisions of the Charter, which provide that the right to public education must be exercised without distinction, exclusion or preference based on religion (Commission des droits de la personne et des droits de la jeunesse du Québec 1996, 10). The Commission therefore recommends that the provisions of the Education Act concerning the granting of denominational status to schools be repealed (1997). It adopts a position in favour of secular common public schools (1996). It is also against denominational religious instruction in public schools, and recommends abolition of the denominational status of structures under the authority of the Conseil supérieur de l'éducation and the Ministère de l'Éducation (1990).

The Catholic Committee, for its part, admits that the denominational system constitutes an "infringement" of the right to equality guaranteed by the Charters. However, it also believes the infringement is justified by

the vitality of the Québec culture, which draws its strength from the sources of the Christian tradition as much as from the French culture. Whether we like it or not, this is how things are. Is it therefore not normal, under the circumstances, for Catholic religious instruction also to have a special status in our schools? Is this not a way of respecting both our history and our present-day social and religious situation?

If we wished to grant exactly the same advantages to all groups in a pluralistic society, we would have to equalize the situation to such an extent that we might actually extinguish the national culture. (1995, 30, free translation)

The Catholic Committee justifies this unequal treatment in the name of "equity." It writes in this regard:

The Charters of Rights have themselves stipulated that some departures from this principle of equality may become necessary, in certain conditions, to avoid placing an excessive burden on our social institutions, or creating a harmful disturbance. Equality pure and simple does not always appear to produce equity. (1997a, 17, free translation)

The Committee takes up this same argument in its brief to our Task Force: "In every society," it writes, "it seems inevitable that some cultural and religious traditions should occupy a preponderant place because of their historical and social significance" (1998, 7, free translation). The Catholic Committee points out that the religious minorities seem to accept the preferential treatment given to the religious traditions that have marked Québec society's history and culture the most (p. 17). Nevertheless, the public school system could also allow for denominational schools in line with these traditions.

In its brief to our Task Force, the Catholic Committee believes that the notwithstanding clauses constitute "a legitimate recourse where the state considers it necessary. They are not aimed at legitimizing violations of fundamental rights, but at preserving the capacity to legislate while taking into account, as far as possible, all the aspects of a given reality. One such reality is the right of parents to a religious education of their choice, in conformity with religious freedom" (1998, 6, free translation).

While the Catholic Committee agrees that the various religions are not treated equally, it emphatically objects to the idea that denominational schools generate or constitute a violation of the freedom of conscience and religion of the students who attend them. It maintains that if this were the case in reality, it would have to be proved, and nobody has done this so far. On the contrary, it believes that Catholic schools undertake to respect their students' freedom of conscience and religion, that their educational project is educational, not religious, in nature, and that it is not a vehicle for specific religious beliefs (1997a, 17). In addition, a certain "accommodation" exists to protect the rights of minorities. These measures include the choice between religious instruction and moral education, the right of teachers to be exempt from dispensing religious instruction, an openness to courses based on other denominations, and the possibility of establishing other types of schools (1996, 30).

The obligation of reasonable accommodation has been recognized in matters of employment, but also extends to matters of education (Ministère de l'Éducation 1998, 33-34; Conseil des relations interculturelles 1997).

8 At the time, the then Minister of Cultural Communities and Immigration invited the Conseil to identify the principles that should serve as reference points and guidelines in the search, by organizations that must adjust to a pluricultural situation, for reasonable accommodation between usual practices and the changes or exceptions demanded by Quebecers from the cultural communities (Conseil des relations interculturelles 1993, I).

B. Recognition of Special Characteristics

In addition to the absence of discrimination in the school environment, the diversity of student needs must also be recognized if citizens are to have equal access to education. Immigrant integration, as we saw earlier, is a process of reciprocal adaptation by the two parties, that is, the host society and the new arrivals. Both are jointly and equally responsible for resolving conflicts of values that might threaten either the right to equality of some immigrants or minority group members, or the social cohesion of the host society itself (Conseil des relations interculturelles 1993, 1). If immigrants were considered in the past to be the main source of conflicts of values, it is no longer possible, as we pointed out earlier in this chapter, to associate religious diversity exclusively with the immigrant phenomenon. It is also a result of the citizens of Québec exercising their fundamental freedoms.

Some specific characteristics may prevent the citizens of Québec who exemplify those characteristics from having equal access to services that are, in principle, available to everyone. The courts, in order to guarantee the right to equality, have therefore invoked the need for reasonable accommodation in situations of direct or indirect discrimination.[7] Accommodation has been judged to be an essential condition for the equal exercise of the right to public education (Commission des droits de la personne du Québec 1994, 11).

The duty of accommodation means the duty to apply measures in favour of certain individuals with specific needs, due to a factor related to one of the grounds for discrimination prohibited by the Charter. These measures are designed to avoid situations in which apparently neutral rules have the effect of compromising the equal exercise of a right by the individuals in question. However, this does not constitute an unlimited obligation to yield unconditionally to every single special characteristic, and even less to yield to every intransigence. According to jurisprudence, the accommodation must be "reasonable" for the organization upon which it is incumbent. (Commission des droits de la personne du Québec 1995, 12-13, free translation)

The obligation to consider cultural and religious diversity in public institutions is also designed to prevent the dominant group from imposing its lifestyle and beliefs on the members of the minority. The Conseil des relations interculturelles, during its consultations, identified a certain anxiety concerning the "law of the majority," in that the majority could impose its point of view unduly as part of the democratic process (Conseil des relations interculturelles 1997, 21).

In 1993, this same Conseil had already issued a brief on dealing with conflicts arising from organizational requirements in Québec society. It described the basic and procedural principles that should guide the search for reasonable accommodation.[8] It also recognized that these basic principles were derived from social choices defining Québec as a French-speaking, democratic and pluralistic society (1993, 21),

and stated that individual rights and freedoms should be exercised with proper regard for democratic values and public order.

For the Conseil, the reasonable accommodation described in its brief (1997) must not call into question fundamental rights or the common civic framework. With respect to the organization of religious diversity, the Commission des droits de la personne et des droits de la jeunesse states that, for an accommodation to be refused, a violation of public order or of gender equality must be proved and not simply presumed (Commission des droits de la personne du Québec 1995, 19). Moreover, the organization of diversity must take into account the operational constraints of educational institutions: the accommodation must aim to reconcile religious concerns and the way in which an institution operates (p. 14).

Many of the Government of Québec's public policy documents describe the efforts made by educational institutions to take the religious diversity of their partners into account. All these documents agree that such efforts must continue. The preparation of a guide for school principals on decision making and the resolution of value-related conflicts was supported by the Ministère de l'Éducation (Ministère de l'Éducation 1997 and 1998). The main points of contention concerning the cultural and religious conflicts identified after the guide was produced were the conception of schools and learning, the conception of discipline and the rights of the child, the status and respective roles of men and women, linguistic practices in schools, and respect for the prescriptions and practices of religions other than the Catholic and Protestant religions (McAndrew 1995, 322-323).

Racism has also been identified as a potential source of religious intolerance (Commission des droits de la personne du Québec 1995). The Commission believes it may be possible to promote the social integration of young people by fighting discrimination and racism. No student, it says, should be excluded from school or forced to leave the school chosen, simply because of religious affiliation or a symbol used to express that affiliation. The Commission adds that one of the conditions for exercising the right to a free public education is that the student should, in principle, be free to choose his or her school (s. 4, Education Act) (Commission des droits de la personne du Québec 1994, 8).

Intercultural education, which promotes respect for all cultural forms as well as reciprocal exchanges, forms an integral part of the conditions for individual equality. Another important element is the preparation of teaching material that takes into account both the religious diversity of Québec's citizens and the need for awareness of that diversity among schools and their staff.

Summary

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 the 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.

Chapter 7

SOCIAL EXPECTATIONS WITH RESPECT TO RELIGION IN SCHOOLS

In a democracy, the legislator settles debates according to the common good and in line with the legitimate expectations of the general public. Accordingly, we were asked to clarify the expectations of the main partners in the school community, especially parents, teachers and principals. At the same time, we were required to consider the points of view of the main religious denominations and the groups defending a secular vision of education. Chapter 7 describes the results of this process.

We began by calling for briefs from approximately 80 of the organizations representing the major groups in society with an interest in the place of religion in schools. Twenty-four accepted our invitation. Six organizations also submitted briefs of their own volition. We then asked 26 student councils from secondary schools throughout Québec to tell us what they thought. Only two did so.

We did not hold public or private hearings. The reason for this was simple: when the Task Force was created in March 1997, the then Education Minister Pauline Marois announced her intention to submit our report for consideration to the National Assembly Standing Committee on Education, which will, at that time, hear all the groups that wish to appear before it.

In addition, given the key role played by parents, teachers and principals in Québec's schools, we undertook an extensive telephone and postal survey to seek their opinions on the different aspects of religion in schools. Clearly, they are the ones who make Québec's schools what they are!

This chapter therefore analyzes two separate components: the briefs received and the survey results. Although very different, these components nevertheless help elucidate one another.

I. The Briefs

Our analysis of the briefs takes into account both the place and the role of their authors in the school community, and the positions taken. Some authors actually work in schools, as first-line partners. Others–the various denominations present in Québec–have a particular interest in the subject of religion in schools. A number of social groups, some religious in nature and others secular, have a more general interest in education and the issue under discussion here.

We also sought opinions from two bodies to which the state itself granted a special role with respect to religion in schools, under a political agreement reached in 1964 when it created the Ministère de l'Éducation. The bodies in question are the Catholic Committee and the Protestant Committee of the Conseil supérieur de l'éducation. In some respects they constitute the "interface" between the state and their respective denominations.

1   It should be noted that not all the briefs were argued in such detail. For the less detailed briefs, the analysis is much shorter.

2   For a detailed analysis of the briefs received, see Milot and Proulx (1998), Les attentes sociales à l'égard de la religion à l'école publique. Rapport de recherche.

3   The publications of Nadeau and Cadrin-Pelletier (1992) and Bédard-Hô (1992) provide significant data on the spiritual world of secondary school students and their interest in religious education. Nadeau and Cadrin-Pelletier wrote, in their conclusion: "At the religious level, the teenagers proved themselves to have more religious beliefs and to be more inclined to pray than might have been thought. They also maintained a closer relationship with God than appeared to be the case, and had a much greater affinity to religious values, especially Christian values, than they sometimes admitted. They said they were interested in religious knowledge, either on the religion in which they had been brought up, or on other religions. But their interest was in specific areas of knowledge, including ways of looking at life, death and God" (p. 127, free translation).Bédard-Hô asked students to rank subjects in order of importance, and observed that religious education was the subject that the largest number of students wished to see removed from the timetable altogether, or relegated to optional status (p. 35). Students were also invited to draw up an ideal timetable comprising ten subjects. Catholic religious instruction was selected by 23.6 percent of all respondents, and was ranked last (7.1), immediately after career choice education (7.0) and personal and social education (6.8) (p. 47).

As regards the content of these briefs, we felt it was important to report on both the recommendations themselves and the reasons put forward by the authors to justify and give meaning to those recommendations. In democratic deliberations, the rational justification for the positions of each party on what must be done is as important as the position itself. It is for this reason that we have analyzed the aims and values that the authors propose, the mission they ascribe to education and schools, the standards they feel should govern them, and the social facts they consider relevant.

The analysis examines five main themes:
1) Religion in schools: before considering questions concerning the religion of schools and religion in schools, we also looked at the more general question of the place of religion in schools. Specifically, should religion have a place in schools? And if so, how should this be achieved? 2) The status of schools as institutions. 3) Educational services, especially religious instruction and pastoral or religious animation. 4) Other arrangements, such as religious holidays and symbols, dress and dietary customs, etc. 5) The students, parents and staff.[1]

It is worth stating here that this chapter does not take a critical stance with respect to the positions expressed. Its goal is much simpler–to present the authors' positions as objectively as possible, to give the Task Force a reasoned basis for selecting its own orientations, and to allow the participants in the public debate to situate themselves.

In accordance with our mandate, when consulting the organizations we took into account their respective missions as school community players, religious denominations or supporters of a secular vision of education. Consequently, we will begin by summarizing these various points of view based on the diversity of the respondents, and will then summarize them according to the basic positions advocated.[2]

A. Opinions According to Groups and Organizations

We will look in turn at the positions of the various school partners, the religious denominations, the Catholic and Protestant Committees, and the different citizens' associations concerned.

1. Partners in Education

Students. Our consultation of students was not particularly fruitful. However, we did receive two briefs from very different sources: one from a French Catholic school in Brossard, and one from a French Protestant school in Cap-de-la-Madeleine. In the former case, the students were not particularly anxious to maintain the Catholic status of schools. They did, however, ask for a reform of Catholic religious instruction, and were keen to preserve pastoral animation, although its Catholic identity was problematical for some students who did not see these services as being essentially Catholic. In the latter case, the "evangelical" project provided a focus for all aspects of life at school, and the students were keen to maintain it.[3]

Parents. The Fédération des comités de parents and the Association des parents catholiques took the same basic stance. Both were in favour of the freedom of choice for parents, but their perspectives were very different. The Fédération exhibited liberal neutrality toward the choices available, whereas the Catholic parents regarded the Catholic religion as the main organizer of the system. Hence, in their view, non-denominational schools were for "others."

Their reasons were also different. The Fédération based its position on mainly functional arguments: religion helps develop young people, forms part of Québec's heritage, and in any case young people want to be able to choose. This is what constitutes "parental democracy." The Catholic parents, on the other hand, mentioned the Christian view of humanity and of education, and the right to choose schools in conformity with this view. Moreover, they said, this is what the majority of Quebecers want. Quebecers do not want to renounce a right in favour of "other" groups, with all due respect to them.

Teachers. The unions of teachers working in French Catholic schools (CEQ) and in Protestant schools (PAPT) shared the same view of secular schools. They also shared an attachment to the values proposed in the Charters of Rights. As a result, they both recommended abolition of the notwithstanding clauses.

However, their opinions about what to teach differed. The CEQ proposed common courses on the study of religions from a cultural perspective, while the PAPT preferred a choice between "specific religious instruction" in conformity with the student's beliefs, and "secular education."

The associations of specialist teachers of religion or moral education were in favour of leaving the denominational aspect as it was. This position was implicit in the brief from the Association québécoise des professeurs de morale et de religion, but was clearly expressed by their colleagues in English Catholic schools, represented by the Provincial Association of Teachers of Ethics and Religion.

Specialist teachers in the Protestant schools proposed a compromise solution. To preserve social cohesion, they recommended that schools should truly be "common," but to preserve tradition and heritage, they also suggested a diversity of religious instruction courses based on demand.

Specialist teachers of ethics proposed a clear and uncompromising solution, that of secular schools, in order to preserve the public schools themselves and their mission of social cohesion, and to respect individual equality. The religious aspect would be taught in history courses, and in a new "personal education" course that would cover some aspects of spirituality.

In short, the CEQ and the specialist non-denominational ethics teachers basically agreed that schools should be secular, while the PAPT and teachers of religion in Protestant schools supported the idea of schools that the former referred to as "secular" and the latter as "common schools." The teachers of religion in Protestant schools also agreed on the idea of providing students with religious instruction in conformity with their convictions, or with neutral, non-denominational education. Finally, the associations of French-speaking and English-speaking Catholic religious instruction teachers recommended that the denominational aspect should remain unchanged.

School principals. The two associations of school principals (French-speaking and English-speaking) agreed on the basics, although they used different terms, one opting for "secularism" and the other for "religious neutrality." Neither wished to see schools linked organically to one or more religious denominations. Both also agreed on one of the reasons given: in public schools, religious diversity must not become a basis for excluding certain students, and must not endanger social peace. The two associations supported the idea of moral education as practised in their respective sectors.

School professionals. The basic discourse of the pastoral animators and Christian education counsellors was similar. They believed religion definitely had its place in schools. Their reasons for this stance included parental rights, as already recognized by law, a concrete expression of the will of the majority, and the predominant role of Catholicism in forming Québec's identity. Moreover, they felt spiritual and religious instruction was needed if students were to develop to their full potential. Nevertheless, Québec society is also pluralistic, and the parental right principle also applies to the "other" religions in a democratic framework governed by majority rule. According to the two groups, an attempt must be made to reconcile the majority will with the prescriptions of the Charters. They also believed the current system to be consistent with the Charters, except as regards the structures of the Ministère de l'Éducation, which grant particular privileges to Catholics and Protestants.

2. The Religious Denominations

None of the religious groups recommended that religion should be eradicated from schools, but their positions ranged from maintaining the present denominational system (proposed by Catholics) to an "accommodating" neutrality toward specific religious projects for some communities (proposed by most of the other groups and denominations).

The Catholic Church. The two briefs submitted by the Catholic community (the Assemblée des évêques du Québec [assembly of Québec bishops] and the Table diocésaine d'éducation chrétienne pour la région de l'Estrie [Christian education diocese table for region 05]) both identified the right of parents as the standard principle underlying the organization of religion in schools. The brief stated that

denominational schools should be maintained in all respects, although where religious pluralism is clearly present, different types of schools should be made available, and certain options should be offered in denominational schools with students from different denominations. The AEQ also reasserted the need for the Government to apply the notwithstanding clause.

The Protestant Churches. The Protestant Churches expressed positions that were very similar in many respects. These positions reflect the Protestants' pluralistic tradition and the fact that religious education is seen as the responsibility of families and the Church. There is a common desire to help the new generation, which is often perceived as lacking meaning in its life, as illustrated by the alarmingly high suicide rate. All the Churches believed the right of parents to choose the education they want for their children to be a fundamental principle. However, they differed in their proposals for the overall organization of denominational schools and denominational education. The traditional Reform Churches wanted schools to recognize the spiritual aspect of human existence, and hence to dispense non-doctrinal Christian religious education. Québec's Anglican dioceses went so far as to propose a common religious education program for all Christian students, Catholics and Protestants alike. The Montréal Presbytery of the Presbyterian Church in Canada, the Anglican Diocese of Québec, and the Laurentian Presbytery of the United Church of Canada all supported secular or common schools. In contrast, the Pentecostal Assemblies of Canada, the Salvation Army and the Protestant consultation committee on education were clearly in favour of maintaining the denominational aspect of both religious instruction and the schools themselves. The committee even asked for additional guarantees to replace the notwithstanding clause.

Non-Christian denominations. The opinions expressed by other religious groups differed considerably from those of the two denominations that enjoy special rights in the education system. The Canadian Muslim Forum and the Canadian Jewish Congress (Québec Region) talked about the principles of equality and equity that they thought should form the basis of any school system. In other words, a right granted to one group should be available to all the others. The Jewish Congress, while proposing the creation of a network of neutral public schools, also believed schools with a "religious speciality" should be preserved. The Muslim Forum was adamant that dietary and dress requirements should be respected in schools. The Jehovah's Witnesses also emphasized the need for schools to respect the religious practices of children, in particular through reasonable accommodation. The Bahai Council of Québec believed schools should be defined by language and not by religious denomination. A combined program of religious and moral education, including universal values (atheist and agnostic values, as well) should be offered to all students. The Council also felt that schools should recognize the main religious holidays and symbols to allow students to identify with their schools.

3. The Catholic and Protestant Committees

The different positions adopted by Catholics and Protestants were reflected in the briefs presented by the denominational committees of the Conseil supérieur de l'éducation. The Catholic Committee came down in favour of maintaining the denominational aspect and invoking the notwithstanding clause, since the state has a duty to follow up on the expectations of parents and give more support to the religious traditions that have most influenced Québec. The Protestant Committee, on the other hand, recommended a form of secularization that would take the presence of religion into account, by offering a single, non-denominational religious education course. It did, however, seem open to the idea of more specific religious projects in certain schools.

4. Citizens' Associations

Three citizens' associations submitted briefs that supported a clearly secular vision of education with a place for the study of religions from a cultural perspective. The associations in question were the Coalition pour la déconfessionnalisation du system scolaire, the Mouvement laïque québécois and the Civil Liberties Union. Their positions, and the arguments upon which they were based, resembled one another. The right to equality of all citizens, and the state's duty of neutrality toward the moral and religious preferences of its citizens, were the two normative principles that these associations thought should guide the organization of religion in schools. All three rejected denominational privileges as essentially contrary to the principles set out in the Charter. They said that recognition of individual dignity and equality is fundamental, and that no exceptions should be tolerated. They did not think it would be viable to extend denominational rights to all religious groups, for social and educational reasons. Dividing the education system into small communities on the basis of their ethnic, cultural or denominational roots would be contrary to the purpose of the school, which is to provide a place in which students can exchange views and learn about their role as future citizens. The groups recommended the creation of courses on the study of religions from a cultural perspective. The Mouvement laïque québécois, however, did not think this was a priority in the present education system.

Two associations–Citoyens pour les droits scolaires confessionnels and the Association des communautés scolaires franco-protestantes–adopted a more denominational stance. Both pointed out the importance of Judaeo-Christian values, which they felt should continue to be core elements in school life. Their view was that parents have rights with respect to religion in education, and hence the state has a duty to protect those rights. If it fails to do so, they felt it would violate the fundamental rights of parents and perhaps even freedom of conscience and religion.

B. Opinions According to Basic Positions

Three trends emerged from the respondents' opinions about the place of religion in schools:

- Maintaining the existing denominational system (eventually extending the rights to other denominations);

- Secularizing the school system (sometimes allowing certain schools to adopt a specific religious profile);

- Leaving the choice entirely up to parents (this position was less common).

We cannot say there was a "majority" or a "minority" opinion in the briefs received, for two reasons. First, the bodies and associations that submitted briefs were not necessarily equal in terms of "representativeness." Some wrote on behalf of a few dozen people, and others on behalf of several thousand. Moreover, given the denominational framework currently existing in the education system, many of the associations expressing opinions had a priori "denominational" interests. As a result, simply adding together the number of briefs "for" or "against" a given position does not produce a clear, prescriptive picture of the situation.

1. Arguments in Favour of Maintaining Denominational Status

The defenders of denominational status invoked similar principles, which they considered to be fundamental and prescriptive, to justify the maintenance of denominational education. They also invoked similar social facts and elements of culture in support of their position.

First, the right of parents to obtain religious and moral education for their children according to their own beliefs was regarded as taking priority over all legislation and over the school's social goals. Schools are not instruments of the state, but belong in some ways to the parents. This principle of the right of parents is based mainly on section 41 of the Québec Charter of Human Rights and Freedoms, which was interpreted in the briefs as having a "supra-legislative" scope. Some pro-denominational briefs invoked freedom of conscience and religion (referring to section 3 of the Charter). They interpreted this freedom as giving the right to a form of religious organization in schools in conformity with the parents' conscience and religion. In other words, a secular system would go against the presumed right of parents to express their religious affiliation even in the education of their children in the public schools. The pro-denominational briefs all recognized cultural, moral and religious pluralism as a fact of life, and the vast majority believed it justified the granting of denominational rights to other religions. However, they proposed a number of limitations to this extension, of a historical (predominance of Christian traditions), social, economic or simply practical nature.

A postulate was grafted onto these two prescriptive principles, to the effect that every human being has a religious dimension, and consequently schools have a mission to take that dimension into account in order to ensure that the child develops as a whole person. Schools that did not promote religious or spiritual education would not

allow children to fulfil their potential. Moreover, the schools' mission was clearly seen as a continuation of the moral and religious values conveyed by the students' families.

Three basic empirical elements were invoked to legitimize the denominational position. First, most of the population was said to favour denominational education. The briefs cited survey data, the "fact" that denominational education and denominational schools were selected by the majority, or simply the "conviction" that a consensus existed among the people of Québec. They also said it was important to avoid breaking with the cultural and religious heritage that has shaped Québec society, and schools were considered the best places for ensuring its continuity. Finally, many of the briefs mentioned difficult psychological and social situations. These included the psychological and social problems encountered by young people, such as suicide, drugs and dropping out of school, and the social phenomena that place pressure on education, such as globalization, utilitarian logic, and so on. Religious and moral values would provide a defence against phenomena such as these, which threaten the personal identity and personal fulfilment of individuals.

2. Arguments in Favour of Non-Denominational Status

The proponents of a non-denominational school system, like their opponents, referred to the Charters but interpreted them in a different way, emphasizing different aspects. They also referred to different social and historical elements in support of their arguments.

Secularization of the school system derives logically from the application of the fundamental rights guaranteed in the Charters: right to equality, freedom of religion, and right to non-discrimination based on religious opinions or choices. Hence, recourse to the notwithstanding clause appears to constitute a denial of fundamental rights. This is not acceptable in a democratic state that has a duty of neutrality toward religious issues–in other words, the state must limit its interventions where they would benefit or penalize a specific religious or moral choice. Freedom of conscience and religion and freedom of association, like the right to express one's religion, are not the responsibility of the social and political authorities, but of families and civil society.

The social facts given in support of a non-denominational school system were, first, the cultural and religious diversity of Québec society, which must be respected in all components of the law. This was followed by the secularization of public institutions and of society in general, which calls for a better "fit" between the education system and the social environment. Finally, the existence of the Charters means that the fundamental principles they contain must be applied, especially sections 3 and 10 of the Québec Charter that relate to freedom of conscience and religion and freedom from discrimination. These sections must be consistent with the Canadian Charter and the Universal Declaration and are more forceful than section 41 of the Québec Charter concerning the right of parents to require that their children receive religious instruction.

In such a context, the schools' mission is to ensure that all students become part of the education process, to avoid the creation of ghettos based on parental religious convictions, and to promote respect for and understanding of the different groups that make up society. Promoting a given denomination in schools or in the school curriculum would be incompatible with the three roles to be fulfilled by the education system.

Some briefs in favour of a non-denominational system, such as those submitted by the Protestant Committee and the Jewish Congress, also suggested that some public schools (for example, schools in French-speaking Protestant and Jewish communities) could preserve a religious speciality. However, they did not present arguments to support a "hybrid" system of this kind.

Most of the groups, except for the Mouvement laïque, were open to accommodation for religious holidays as well as dietary and dress requirements. They felt such an approach would foster a sense of recognition and acceptance among the children concerned. In addition, the accommodation would target the religious expression of the students, and hence would not contravene the principle of school neutrality.

3. Arguments for Parental Democracy

Between the two extremes summarized above, a third trend emerged, that of state neutrality toward religious issues, making parents entirely responsible at the local level for choosing denominational or secular schools. The main proponent of this line of thought was the Fédération des comités de parents. In practical terms, this position is consistent with the denominational argument, but differs in terms of the principles used as justification. Here, decentralization is regarded as the application of parental democracy. The Protestant teachers expressed a similar view with respect to religious instruction.

II. The Task Force Surveys

What are the opinions and preferences of parents, teachers and school principals concerning the place of religion in Québec's public schools? In the spring of 1998, the Task Force carried out an extensive survey among these three groups, all of which play a leading role in schools.

A. The Populations Surveyed

The survey of parents was carried out by telephone. In forming the sample, we were careful to include a representative number from each of the following categories of parents: Catholics, Protestants, other religious denominations, and those with no religious affiliation. The parents were selected initially according to the stated religion of their children, but the results, in most cases, are presented according to the stated religion of the parents themselves, identified during the telephone interview. A total of 2 234 parents took part in the survey. It should be noted that the

interviewers asked to speak to the person responsible for school-related matters, and as a result 76.6 percent of the respondents were women.

The survey of teachers and school principals was carried out by means of written questionnaires mailed to their place of work. We selected the teachers and principals according to the Catholic or Protestant status of their schools. This choice is explained logically by the fact that these two types of schools were originally created to satisfy the social demand of Catholic and Protestant parents. Parents from other religions, or with no religious affiliation, have a choice between the two types of schools.[4] Since the denominational status of schools was also influenced, historically, by the French-speaking and English-speaking cultures, we also tried, when making up the sample, to take into account the language of instruction. A total of 1 194 teachers and 602 principals took part in the survey.

The research report (Milot and Proulx 1998) provides details of response rates and relevant methodological considerations. However, one element is of particular importance to our comments in the next few pages. In some categories of teachers and school principals, very few responses were received. They were: teachers from the English Catholic and French Protestant sectors (108 and 136 respectively), and principals from the French Protestant, English Catholic and English Protestant sectors (23, 37 and 66 respectively). This is due to the relatively small number of schools with these categories of staff, compared with the French Catholic schools. The initial samples were therefore necessarily smaller, and the margin of error for these respondent categories is very high compared with that of the categories with several hundred respondents. In the smaller categories, it is therefore more appropriate to talk of trends rather than opinions that are clearly representative of the group as a whole.

In the following pages, we present a summary of the survey results for each of the three groups (that is, parents, teachers and principals). A detailed analysis can be found in the research report, published separately. To simplify our presentation, we have avoided giving detailed statistics wherever possible.

The summary identifies the responses to questions concerned specifically with the different aspects of our mandate, that is, the denominational status of schools, the educational project, religious instruction, pastoral or religious animation, and other elements of organization relevant to religion in schools (religious holidays, symbols, dress and dietary customs).

B. The Place of Religion in Schools

Generally speaking, and in the final analysis, our survey revealed a definite preference for a secular school system–in other words, a system based on the values shared by citizens, and hence detached from the religious denominations. This preference was expressed to different degrees by parents, teachers and school principals. However,

respondents took an open approach to secularization, and were generally prepared to allow for the study of religions from a cultural perspective and common religious support services for the different religions. While this preference was clear among Protestant parents, parents of other religions and those with no religious affiliation, it was much less strong among Catholic parents, a large minority of whom came down in favour of a denominational approach. Support for the secular approach was unequivocal among the teachers and school principals, except for English Catholic school principals, where we identified a clear trend in favour of a denominational approach.

Should we be surprised with these results, since they seem to contradict those of other surveys in recent years, which generally concluded that most parents were in favour of denominational schools? The answer probably lies in the different conceptual and methodological frameworks[5] within which the respondents were asked to answer the questions.

In the present survey, a number of questions were asked for each of the denominational components of schools, to allow respondents to express their preferences at different levels. Respondents were asked 1) to say whether they were in favour of or against, or whether they agreed or disagreed with a certain number of elements or parameters concerning religion in schools; 2) to consider certain legal, social and ethical principles with possible consequences for the place of religion in schools; and 3) to consider different institutional options based on these principles. Our aim was to do more than simply measure attitudes toward given "denominational subjects," which was the approach taken by most known surveys on religion in schools. In short, by inviting the three groups of respondents to consider different elements, we tried to give them the opportunity to move from their own preferences to the principles involved, and then to the real impacts of the choices made on the basis of those principles. Subsequent opinions varied from one level to the next.

As we will see later, most of the parents who said they were Catholics agreed that their values and religious beliefs should influence the educational project of their children's school. Most also thought denominational schools were part of Québec's identity. Yet, in the majority of cases, these attitudes did not have a determining effect when the parents considered the type of school organization best suited to their children's needs.

Our summary of the survey results begins with respondents' perceptions of and attitudes to different aspects of religion in schools. We then go on to consider respondents' preferences with respect to certain prescriptive principles (moral, social and legal). We end with the results concerning the different ways of organizing religion in public schools. In subsequent sections, the results with respect to the status of schools and the educational project, religious instruction, pastoral or religious animation and other measures for accommodation are presented in a similar way.

1. The Denominational Status of Schools

Denominational status derives from the official recognition given to a school in which a certain number of components–for example, the educational project or the educational services–take on a religious aspect. It gives the school its religious identity. We first tried to see whether a school's denominational identity might, of itself, have a symbolic value in the eyes of respondents, and if so, what it was likely to mean to them.

Among parents, the value assigned to the denominational identity of schools varied considerably. The Catholics were the only group in which the majority felt it was important, and even here, the majority was small (54.9 percent). Intensity levels also varied, with 28.2 percent saying it was "very" important, and 26.7 percent that it was "fairly" important. Two thirds of the Protestant respondents felt Protestant status was "not very" or "not at all" important. Finally, since public schools are either Catholic or Protestant, it is not surprising to see that the vast majority of parents from other religions or with no religious affiliation ascribed no importance at all to the fact that their children's schools were identified with one or the other of the denominations.

Most of the teachers did not feel it was important for their schools to be identified as Catholic or Protestant. In all, 58.8 percent of teachers in French Catholic schools said this aspect was "not very" or "not at all" important. The results were similar in the English and French Protestant sectors, with respectively 72.7 percent and 63.9 percent of teachers stating that this aspect was "not very" or "not at all" important. In contrast, 70.4 percent of teachers in the English Catholic sector said it was "fairly" or "very" important. The trends observed among school principals mirrored those observed among teachers.

Would Québec lose a part of its identity if its public schools were no longer denominational? Only 39.8 percent of Protestant parents were in "strong" or "moderate" agreement with this view, compared with 60.1 percent of Catholic parents. Again, very few parents from other religions or with no religious affiliation connected the denominational status of schools with the identity of Québec. Most of the teachers and school principals thought the loss of denominational status for schools would not have a negative impact on Québec's identity.

We then asked respondents to consider two prescriptive principles related to the relationship between religion and schools. These were the rights and privileges currently granted by law exclusively to Catholics and Protestants, and equal treatment for all religions. In the latter case, equal treatment could be given in two ways: either by granting the same rights to all religious denominations, or by not granting special rights to any religion. The vast majority of parents from all four categories came down in favour of equality, as shown in Table 1. A small majority of parents with a religious affiliation opted for an extension of denominational rights and privileges to all religions. A large minority of

Catholic parents (21.4 percent) favoured the status quo, compared with just 12.2 percent of Protestant parents.

The option of not granting rights and privileges to any religion garnered support from the vast majority (72.3 percent) of parents with no religious affiliation. A significant, but much lower, percentage of the other three categories of parents were also in favour of this option (24.1 percent of Catholics, 27.5 percent of Protestants and 35.6 percent of other religions). As we will see later, however, these choices of principle are by no means reflected in the parents' opinions concerning school system organization.

Table 1

Privileges or Equality—Parent Preferences (%)

The state should	Catholics	Protestants	Other Denominations	No Religious Affiliation
Maintain rights and privileges for Catholics and Protestants only	21.4	12.2	7.9	4.2
Grant the same rights and privileges to the other religions	50.8	55.1	54.4	21.1
Grant no rights and privileges to any religion	24.1	27.5	35.6	72.3

A majority of the teachers came down in favour of the principle of equality. Nevertheless, there were differences between the categories as to how the principle should be applied in practice. Among French-speaking teachers in both the Catholic and Protestant schools, a majority (55 percent and 56.4 percent respectively) said the state should not grant rights and privileges to any religion. Among English-speaking teachers, 58.8 percent of those working in Catholic schools said the state should grant rights and privileges to all religions, while opinions were divided in the Protestant sector, with 46.1 percent of teachers saying the state should extend rights and privileges to other religions, and 44.7 percent saying it should not grant rights and privileges at all.

The school principals were more clearly in favour of no rights and privileges for any religion (63.6 percent in French Catholic schools, 59.1 percent in French Protestant schools and 69.2 percent in English Protestant schools). Their counterparts from English Catholic schools, however, thought the state should grant the privileges currently enjoyed by Catholics to all religions.

The question of the integration of immigrants is, as we saw in the last chapter, one of the social goals on which Québec places the most value. It is therefore often raised in debates on the denominational status of schools. Some people view the existence of denomi-

national schools as an obstacle to integration, while others feel denominational schools are perfectly able to fulfil this function. What, then, is the best way of helping immigrant children who are neither Catholic nor Protestant to become part of Québec society? Is it by admitting them to the existing Catholic and Protestant schools, allowing them to have schools affiliated to their own religion (if they have one), or creating schools not affiliated to any religion and open to all students? This question, which shifts the attention from abstract principles to concrete options, produced answers that were very different from those given to the earlier question on the principle of equality.

A small majority of all three categories of parents with a religious affiliation opted to extend denominational rights to the other religions, which supposes that every denomination would have its own schools. However, when the objective of social integration was taken into account, they were much less favourable to the creation of schools for the different religions. In fact, only 14.1 percent of Catholics, 13.3 percent of Protestants and 9.0 percent of parents from other denominations supported this type of system. Interestingly, parents from other religious denominations were the least enthusiastic about this option, as were immigrant parents, and only 10.2 percent said they would be in favour of schools for each religion.

To promote the objective of integration, the option of creating schools not attached to any particular denomination and open to all students garnered the most support in the four groups of parents. In all, 43.6 percent of Catholic parents favoured this choice, compared with 60.3 percent of Protestant parents and 72.3 percent of parents from other religious denominations. The latter group clearly preferred the children of immigrants to attend schools with no religious affiliation, as did immigrant parents. In short, although a majority of the members of other religions were favourable, in principle, to extending the denominational rights currently enjoyed by Catholics and Protestants, and hence to the principle of equality, in practice a small minority regarded denominational schools as advantageous for the integration of immigrant children.

The teachers and school principals from the French Catholic, French Protestant and English Protestant sectors came down even more strongly in favour of the creation of schools with no religious affiliation as the best way of integrating immigrants not of the Catholic or Protestant faiths. The staff of the English Catholic sector, however, tended to be more supportive of the present school system as the best way of integrating immigrants.

Related to question of school status is that of student and staff selection criteria, especially within a system where each religion would have its own schools. The vast majority of parents, teachers and school principals alike said they preferred schools for all children, without distinction based on religious affiliation. A majority of parents in

all four groups thought it was "not very" or "not at all" important for the teachers to be of the same religion as themselves.

The parents' choice between a Catholic school and a Protestant school, when both are available in the vicinity of their place of residence, is limited by certain legal standards, including the language of instruction and, at the time of our survey, the religion of the parents. Before the institution of linguistic school boards in July 1998, Catholic and Protestant students were required to attend Catholic and Protestant schools. For the parents who were able to choose between two schools,[6] their choice was based on a number of factors. The survey results suggest that factors related to religion were generally more important for the "other denominations" and "no religious affiliation" groups. In the former case, 40 percent of parents said that the school's ability to welcome children of their religion had been a "very" or "fairly" important reason for their choice. In the latter case, 57.1 percent of parents said they had based their choice on their perception that the school was more accepting of children with no religious affiliation.

Generally speaking, however, the reasons for choosing a school were based on more pragmatic concerns. By far the most important consideration ("very" and "fairly" important) was the fact that the school was perceived as promoting bilingualism. In all, 81.6 percent of Catholic parents, 88.0 percent of Protestant parents, 60.4 percent of parents from other religions and 65.5 percent of parents with no religious affiliation mentioned this factor. The proximity of the school ranked second on the list of "very" and "fairly" important factors for 73.6 percent of Catholic parents, 67.8 percent of Protestant parents, 73.6 percent of parents from other religions and 69.9 percent of parents with no religious affiliation.

2. The Educational Project

A school's educational project is the set of general orientations and policies on which school life is supposed to be based. In Chapter 1, we saw how the Catholic educational project is explicitly defined in the Catholic Committee's regulation, while the Protestant Committee's regulation makes no mention of such a project. It does, however, stipulate a certain number of values that Protestant schools may incorporate into their educational services or their educational project. Despite the regulatory difference between the two types of schools, we nevertheless wished to know how important parents with a religious affiliation felt it was for their values and religious beliefs to be part of the educational project at their children's school.

The Catholic parents ascribed the most importance to this component–28.1 percent described it as "very" important and 33.7 percent as "fairly" important. In comparison, 47.8 percent of Protestant parents and 43.6 percent of parents from other religions thought it was important. The two extremes of opinion clearly illustrate the differences between the groups: 28.1 percent of Catholics, 29 percent of Protestants and 25.4 percent of other religions felt it was "very important" for

their religious values to be present in the school, whereas 17.5 percent of Catholics, 37.0 percent of Protestants and 45.3 percent of other religions thought this aspect was "not at all" important.

Under the terms of the Catholic Committee's regulation, "A public school recognized as Catholic shall integrate the beliefs and values of the Catholic religion into its educational project." As we saw in Chapter 1, the Catholic Committee also insists that Catholic schools should openly indicate their Christian foundations. We therefore asked Catholic school principals the following question: "Does the written text of your school's educational project explicitly state that the values and practices it advocates are based on the beliefs and values of the Catholic faith?" In the French schools, only one third (34.8 percent) referred to Catholic values and beliefs, 52.5 percent made no mention of them, and 12.7 percent had no written educational project. In contrast, 83.9 percent of the principals in English Catholic schools said their educational projects mentioned their Catholic values.

The teachers and school principals generally thought their school milieu (students, parents, school personnel, school committees) ascribed little importance to the school's Catholic or Protestant status. The two exceptions were the English Catholic sector, where respondents thought the milieu was very attached to the denominational status of their schools, and a slight majority of the French-speaking teachers from both sectors, who thought parents would also feel it was important. However, a large majority of teachers and principals alike said that, personally, they themselves did not consider their school's denominational status to be important.

A majority also thought that, in reality, Catholic or Protestant values and beliefs did not really leave their mark on the lives of their schools, in terms of school organization, the general climate at school, or the teaching dispensed. However, staff from the English Catholic sector did not share this point of view.

Educational project and local majorities . While a number of parents expect their children's school to constitute an extension of the values and beliefs conveyed at home, in reality schools now bear the stamp of a diversity of religious choices. Clearly, it is not possible for the visions of individual parents to take precedence in school. We therefore wondered how parents viewed the following equation: if the values and beliefs of all parents are to have an impact on the school's educational project, how should that project be established? It is easy to see that this question is directly linked to an important aspect of the debate on religion in schools, that is, whether or not it should be left to the parents to decide on the religious orientation of each school. The fact of handing over such a decision to the parents necessarily means that the weight of local majorities will come into play. What do the parents think of the democratic mechanism that such a choice would require, and of its effects?

Only a minority of each of the four parent categories was in "strong" agreement with a system where a majority of parents would define the values and religious beliefs on which the educational project of their children's school would be based. The Catholic group differed from the others, in that a small majority was in favour of this possibility overall (19.8 percent in "strong" agreement and 37.7 percent in "moderate" agreement). However, the Catholic group's opinion changed radically when the question referred to a situation in which the majority of the parents at their child's school were not Catholics. In this case, the proportion of parents opposed to this option rose to 74.3 percent. This suggests that the spontaneous opinion of the Catholic parents is entirely dependent on whether or not they are in the majority.[7]

Most (61.3 percent) of the teachers from the French Catholic schools were not in favour of parental responsibility for defining the values and religious beliefs on which their school's educational project is based. Of the 38.7 percent who said they were in favour, 61.1 percent would change their minds "if the majority of parents was not of the same religion" as them. Overall, then, 84.6 percent of teachers were not in favour of this scenario. In contrast, a majority (64.1 percent) of principals in French Catholic schools said they were in favour of the formula, although the figure dropped to 52 percent where the question referred to a situation in which a majority of parents opted for the values and beliefs of a religion other than their own.

A majority of teachers from English Catholic schools (60 percent) came down in favour of parental responsibility for establishing the school's religious values, and the principals of these schools were almost unanimous (94.6 percent) in their support of this formula. Neither group changed its opinion when confronted with the possibility that parents might opt for the values of a religion other than their own. Finally, teachers from Protestant schools, both English-speaking and French-speaking, were not in favour of this scenario (69.2 percent and 72 percent respectively), and the principals, too, rejected the possibility by a majority of 63.7 percent and 56 percent respectively.

If we agree that, generally speaking, schools have a role to play in terms of conveying values, what is the relative importance of religious values as opposed to social and moral values? Table 2 presents the results obtained in response to the question "Do you think schools have an important role to play in educating children about social values, moral values and religious values?"

Table 2

*Role of Schools in Conveying Social, Moral and Religious Values—
Parent Responses (%)*

Values	Catholics	Protestants	Other Denominations	No Religious Affiliation
Social	96.3[8]	95.6	95.6	97.3
(Very important)	(72.7)	(81.8)	(83.5)	(81.4)
Moral	94.1	94.8	94.2	93.3
(Very important)	(65.7)	(78.2)	(78.0)	(71.3)
Religious	68.4	63.0	38.6	13.4
(Very important)	(34.2)	(31.5)	(19.9)	(3.5)

In the view of almost all of the parents in all four groups, schools definitely have a role to play in conveying social and moral values. Religious values were important for a majority of Catholic and Protestant parents, but to a much lesser degree. In fact, social and moral values were seen as "very" important by at least two thirds of parents in all groups, while religious values were "very" important to one third of parents or less. Hence, the importance ascribed by parents to religious values in schools is relative compared with that ascribed to other choices. Parents from other religious denominations were much less anxious for schools to convey religious values.

Preferred options for the educational project. As we have just seen, the parents' view of the place of religion in schools differed according to whether they were asked to assess its pertinence as such, or to take into consideration other, equally desirable aspects. This was especially clear when the parents were asked to state their preference for different organizational options based on the principles of denominational rights and equality, analyzed earlier.

Did they want the educational project of their children's schools to be based on Catholic values, Protestant values, the values of another religion or values shared by all citizens, regardless of religious affiliation? Table 3 illustrates the overall results obtained. The responses to the question of how important the parents felt it was for their religious values and beliefs to influence the educational project of their children's school are provided for comparative purposes.

One aspect in particular stands out. A clear majority of parents said they preferred the educational project of their children's school to be based on values shared by all citizens. This shows that there may be a significant gap between their opinion concerning the place of their own religious values in schools and the principles they value on the one hand, and their thoughts about possible options on the other. For

example, the parents were generally in favour of a scenario in which their own religious values and beliefs would influence the school's educational project, as the last line of Table 3 shows. However, fewer respondents supported the practical implementation that would logically derive from that preference.

Table 3

Values That Should Influence the Educational Project—Parent Preferences (%)

Values Influencing the Educational Project	Catholics	Protestants	Other Denominations	No Religious Affiliation
Catholic	45.5	–	2.7	1.6
Protestant	–	18.0	5.3	1.0
Values of another religion	0.6	0.8	6.9	1.7
Values shared by all citizens	53.2	76.0	83.9	94.9
Important that own religion's values and beliefs influence the educational project (fairly important and ver y important)	61.8	47.8	43.6	–

An in-depth analysis of these results reveals four sub-groups of respondents in the Catholic group. The sub-groups are based on whether or not respondents felt it was important for the values and beliefs of the Catholic religion to influence the educational project of their children's school, and their preference for the type of values (religious or shared) upon which the project should be based.

"Committed" pro-denominational Catholics. The first sub-group is formed by the 36.6 percent of Catholics who consider it important that the educational project of the schools attended by their children be based on Catholic values and beliefs, and prefer schools founded on Catholic values.

"Committed" pro-secular Catholics. The second sub-group brings together the 24.1 percent of Catholics who also consider it important that the educational project of the schools attended by their children be based on Catholic values and beliefs, but prefer schools founded on values shared by all citizens.

"Indifferent" pro-denominational Catholics. The third sub-group contains the 8.4 percent of Catholics who do not consider it important that the educational project of the schools attended by their children be based on Catholic values and beliefs, but still prefer schools founded on Catholic values.

"Indifferent" pro-secular Catholics. The fourth sub-group is composed of the 28.3 percent of Catholics who do not consider it important that the educational project of the schools attended by their children be based on Catholic values and beliefs, and prefer schools founded on values shared by all citizens.

A comparison of these four sub-groups reveals the existence of a continuum in the degree of importance assigned to the main elements of religious education in schools. The continuum runs from "committed" pro-denominational Catholics, on the one hand, to "indifferent" pro-secular Catholics on the other.

The "committed" pro-denominational sub-group is significantly different from the three others, forming the nucleus of support for denominational schools. The "indifferent" pro-secular sub-group is also different from the two intermediate sub-groups and forms the nucleus of support for secular schools.

The question to be answered, however, is why two fifths of "committed" Catholics opt for secular schools, and why one fifth of "indifferent" Catholics nevertheless prefer denominational schools. According to one analysis of the data (Milot and Proulx 1998), the answer lies, above all, in different social attitudes in terms of equality of citizens, the reception of immigrants, and heterogeneous student and teacher groups.

For example, an individual who is committed to the values on which a school is founded and an individual who is indifferent to the same values can both prefer a Catholic school, because both place importance on social attitudes based on the relationship to the Catholic majority. On the other hand, the same two individuals can prefer a secular school, because they place importance on social attitudes based on the relationship to the group formed by citizens as a whole.

The two major positions are linked to various socioeconomic variables: 63.9 percent of the 36.6 percent of Catholics who form the nucleus of support for Catholic schools live in outlying regions of Québec, whereas 49.9 percent of the 28.3 percent of Catholics who form the nucleus of support for secular schools live on the Island of Montréal; roughly 55 percent of the other two sub-groups live in the outlying regions of Québec.

The most notable difference, however, between the supporters of the two positions lies in their years of schooling. The situation is clearly polarized: 56 percent of the supporters of secular schools have 13 or more years of schooling, or in other words have at least finished college, whereas 60 percent of the two sub-groups that support Catholic schools have 11 or fewer years of schooling. Not surprisingly, the first group are in a higher income bracket, are more aware of education issues and play a more active role in the life of schools.

Second, the data shows that the Catholic population is clearly distinguished from the three other parent groups in that it shows the least support for educational projects based on the values shared by all citizens regardless of denominational affiliation. Consequently, the Catholic group also shows the most support for schools founded on the religious values of its own religion. It is possible to advance the hypothesis that these results are influenced by the fact that Catholics are in the majority in Québec, and also that Catholic schools in the past had largely Catholic student populations, as they still do outside Montréal.

Third, it is clear that a vast majority of parents belonging to religious denominations other than the Catholic faith prefer their children to be educated in a context in which the values underlying the educational project are not linked to any religious denomination, whether a majority or minority denomination. This last result is consistent with the opinion of this parent group, as reported above, concerning the integration of children: a strong majority considered that the best way of integrating immigrant children from non-Catholic and non-Protestant backgrounds was to set up schools with no links to any religion whatsoever.

A clear majority of teachers, whatever the type of school in which they work, believe that the educational project of their schools should be based on values shared by all citizens regardless of religion, rather than schools based on religious values. In the Protestant sector, over 90 percent of teachers, in both French and English schools, support the secular approach; support drops to 80 percent in French Catholic schools and 59 percent in English Catholic schools.

Principals in French Catholic schools share the opinions of their teachers, with a similar 81.2 percent level of support; in contrast, 59.5 percent of principals in English Catholic schools prefer schools based on Catholic values. In French Protestant schools, 81.8 percent of principals opt for shared values, a figure that rises to 93.8 percent in English Protestant schools.

3. Religious Instruction

Current options. At present, denominational religious instruction and moral education are offered as options in Catholic schools. While a majority (69.9 percent) of Catholic parents choose religious instruction for their children, most non-Catholic students opt for moral education: 53.4 percent in the case of Protestant students, 81.6 percent in the case of students of other denominations and 86.4 percent in the case of students declared to have no religious affiliation. A small number of non-Catholic students are, however, enrolled in Catholic religious instruction (16.8 percent).[9] Some students (between 5 percent and 17 percent) are, over the course of their school career, enrolled in both kinds of education.

The options offered in Protestant schools are arranged differently, and this is reflected in the results of the survey. Protestant religious instruction has no denominational or doctrinal emphasis;

10 At the time of the survey, students in Protestant schools were entitled, from a legal point of view, to choose between Protestant moral and religious education and moral education. In practice, as we saw in Chapter 1, since the Protestant moral and religious education program is not, despite its name, denominational, little differentiation can be made between the choices. Statistically, we found no differences between the students enrolled in Protestant moral and religious education and those enrolled in moral education.

it introduces students to Christianity and also to other religions, and includes a moral education component. Given the fact that the program does not conflict with freedom of conscience, a great majority of students follow the same program.[10] This aspect of the program leads parents to believe that it has no link to the Protestant religion, even though it is officially known as "Protestant moral and religious education." Most respondents with children attending Protestant schools stated that their children were not taking Protestant religious instruction, but rather moral education with no religious overtones: this was the case for 61.3 percent of Catholic parents, 63.7 percent of Protestant parents, 85.0 percent of parents belonging to other denominations and 77.9 percent of parents with no religious affiliation. In other words, there is no direct relation between the name of the program and its content.

Teacher perceptions. How do the teachers responsible for teaching the program see their own role? In French Catholic schools, 30.1 percent of teachers say that they feel comfortable teaching Catholic religious instruction, 35.3 percent feel fairly comfortable, 27 percent are uncomfortable and 9.4 percent are very uncomfortable. In the English Catholic schools, 80 percent of teachers are comfortable teaching the program, of whom 48.8 percent, or almost half, are very comfortable.

The situation is completely different in Protestant schools. In both French and English schools, teachers are split down the middle: 52.3 percent of teachers in the French sector feel uncomfortable teaching the program (26.9 percent of whom are very uncomfortable), just as 49.8 percent of teachers in English schools feel uncomfortable (and 24.5 percent are very uncomfortable).

The reasons why such a large proportion of teachers feel uncomfortable teaching the programs have not been studied in detail. Statistically, however, there is somewhat of a correlation between the importance of religion and religious practice in the life of a teacher and a feeling of ease teaching religious instruction programs. In short, the more religious a teacher, the greater the feeling of ease teaching religion, and vice versa.

Managing the options. At the time they completed the surveys, the school principals involved knew that all students, whatever the type of school they attended, would be able to choose between three options beginning in September 1998: Catholic religious instruction, Protestant religious instruction and moral education. Almost 40 percent of French Catholic schools, 75 percent of French Protestant schools, 56 percent of English Catholic schools and 86 percent of English Protestant schools expected to apply the new system. School principals, in a proportion ranging from 69.8 percent in French Catholic schools to 78.6 percent in English Protestant schools, expected that the task would create difficulties.

Objectives of religious instruction. We asked parents two sets of questions to assess their agreement with some of the

objectives of religious instruction. The first set focussed on purely religious objectives, such as faith development, encouragement of religious practice, knowledge of the main religious truths and moral development. The second set focussed on non-religious objectives, such as knowledge of different religions and their history, discussion of the meaning of life and tolerance of other religions.

We asked parents with children enrolled in Catholic or Protestant religious instruction, who declared a specific religious affiliation, the questions on the religious objectives. In all cases, between 60 percent and 85 percent of parents were in "strong" or "moderate" agreement with the objectives. The objectives that received the most support (parents in "strong" agreement) were, among Catholic parents, development of beliefs (52 percent), development of community ties (50.6 percent), moral education (47.7 percent), and encouragement of religious practice (43.6 percent); among Protestant parents, moral education (49.7 percent), and encouragement of religious practice (47.8 percent); and among parents of other religious denominations, development of beliefs (48 percent).

All the parents surveyed, whether or not they belonged to a particular religion and regardless of the program in which their children were enrolled, were asked the second series of questions on the non-religious objectives, all of which were supported by a broad majority of parents: between 82 percent and 97 percent were in "moderate" or "strong" agreement. Even among Catholic parents, these objectives scored significantly higher than the strictly religious objectives, endorsed by two thirds of parents. For example, the objective that religious education should "make students aware of the different religions found in society" received "moderate" or "strong" support from 88.4 percent of Catholic parents, 86.5 percent of Protestant parents, 84.2 percent of parents of other denominations, and 90.3 percent of parents with no religious affiliation.

The objectives that received the most support (parents in "strong" agreement) were, among Catholic parents, study of the meaning of life (61 percent), knowledge of different religions (59.1 percent), and the history of religions (55.8 percent); among Protestant parents, the history of religions (67.3 percent) and knowledge of different religions (62.9 percent); among parents belonging to other religions, the history of religions (66.7 percent), knowledge of different religions (64.4 percent) and study of the meaning of life (57.6 percent); among parents with no religious affiliation, knowledge of religions (65.9 percent), the history of religions (65.5 percent) and study of the meaning of life (56 percent).

The objective that receives the most support from all parents is the development of "tolerance toward other religions": no less than 72.9 of parents surveyed indicated "strong" agreement with this objective, and no less than 93.1 percent indicated "strong" or "moderate" agreement. Clearly, parents are relying on a knowledge of a range of religions to teach their children social and moral values, which parallels how parents see the role of schools in teaching values as analyzed above and as

shown in Table 2. Parents who declare no religious affiliation show more support, as a group, than the other three groups of parents for an approach to religious education that includes no denominational objectives, but rather targets knowledge of and openness to religious diversity.

Teachers and school principals can be divided into three categories. First, a large majority of teachers and principals from all schools are in broad agreement with the non-religious objectives of religious education. Second, a majority of Catholic teachers and principals accept the religious objectives, showing strong support in English Catholic schools and a much lower level of support in French Protestant schools. Third, a majority of teachers and principals in the Protestant sector reject the religious objectives, in particular faith development and knowledge of the main religious truths.

Preferences regarding the types of religious education provided in schools. After considering the objectives of religious education in isolation, we asked parents to indicate their preferences regarding the possible options for religious education that could be provided in the schools attended by their children. In each category, "a study of religions from a cultural perspective, providing general knowledge on various religions" obtained the highest percentage of support, as shown in Table 4.

Table 4

Types of Religious Education—Parent Preferences (%)

Types of Religious Education	Catholic	Protestant	Other Denominations	No Religious Affiliation
Catholic and Protestant only	28.9	14.6	5.8	1.9
Individual denominations	17.9	8.1	12.1	3.1
(denominational viewpoint)	(46.8)	(22.7)	(17.9)	(5.0)
Cultural focus, the same for all students	44.2	63.8	55.6	56.6
None	7.9	12.7	25.2	38.0
(secular viewpoint)	(52.1)	(66.5)	(80.8)	(84.6)
No opinion	1.2	0.8	1.4	0.3

Once again, the results for the group of Catholic parents were different from the results for the three other groups; 28.9 percent of Catholic parents—more than in any other group—supported the idea that schools should provide only Catholic and Protestant instruction. In addition, 17.9 percent of Catholic parents—more than in the other groups—supported the idea that schools should provide individual courses for each religious denomination; and fewer Catholic parents supported courses on the study of religions from a cultural perspective for all students.

Only 14.6 percent of Protestant parents supported the continuation of Protestant instruction, and 63.8 percent opted for courses on the study of religions from a cultural perspective for all students. A majority of parents belonging to other denominations, or with no religious affiliation also supported courses on the study of religions from a cultural perspective.

The percentage of parents who would prefer schools to provide "no" religious education increased across the categories of parents, from Catholic (7.9 percent) and Protestant (12.7 percent) parents, to parents from other denominations (25.2 percent) and parents with no religious affiliation (38.0 percent).

Overall, it is clear from the survey that a secular approach to religious education whether defined loosely or more restrictedly receives more support from all parent groups than denominational instruction whether defined narrowly or broadly.

Apart from the principals in English Catholic schools, no group of respondents indicated a preference for the current situation, in which only Catholic and Protestant religious instruction is provided in all schools. The idea of providing instruction for all the individual religious denominations is scarcely more popular. Nevertheless, in the Catholic sector, almost one third of respondents would prefer to see the current situation along with the possibility of teaching other religions, an approach supported by two thirds of the principals in English Catholic schools.

Among teachers and principals as a whole, the secular approach receives the strongest support, except among the principals in English Catholic schools. The study of religions from a cultural perspective receives the most support, more so in the Protestant than in the Catholic system. The possibility of abolishing all religious education receives the most support from the principals in French schools, both Catholic and Protestant, among whom more than one third favour this solution.

4. Pastoral or Religious Animation

Regarding pastoral or religious animation, 61.3 percent of Catholic parents see it as "very" or "fairly" important, compared to 51.3 percent of Protestant parents, 28.2 percent of parents belonging to other denominations and 10.9 percent of parents with no religious affiliation. The low percentage found in the latter two categories is probably explained by the fact that the services are, in theory, offered only to Catholic and Protestant students. Protestant parents consider the services less important than Catholic parents, probably at least partly because religious animation services are less common in the Protestant system.

Preferences regarding pastoral or religious animation options . In the survey, parents were asked to indicate their preferences regarding the possible choices for pastoral or religious animation. As was the case for the options for religious education, a majority of parents in each category supported pastoral or religious animation services "shared by all denominations." The percentage of parents who supported the idea that schools should provide "no pastoral or religious animation services" is, however, higher than was the case for religious education services. Overall, the secular approach was preferred to the denominational approach by all groups.

Table 5

Pastoral or Religious Animation—Parent Preferences (%)

Type of Animation	Catholic	Protestant	Other Denominations	No Religious Affiliation
Catholic and				
Protestant only	31.6	16.0	8.1	2.3
Individual denominations	12.0	6.0	7.9	3.3
(denominational				
viewpoint)	(43.6)	(22.0)	(16.0)	(5.6)
Shared by all denominations	39.7	55.0	49.9	38.6
None	14.4	19.8	32.0	55.5
(secular viewpoint)	(54.1)	(74.8)	(81.9)	(94.1)
No opinion	2.4	3.3	2.2	0.4

Opinions among teachers and principals were divided. In the French sector, the preference was for a program offered to all students, but a majority of principals in the French Protestant sector were against this type of service being offered to students. Teachers and principals in the English Protestant sector were clearly against any kind of pastoral or religious animation in schools, whereas in the English Catholic sector, the preference was for a service for Catholics only.

5. Other Choices

The other choices (concerning religious holidays, symbols, dress, etc.) are not, strictly speaking, connected with educational services but, especially in pluralistic communities, they constitute a major factor. The religious symbols displayed in schools, the observance or non-observance of the holidays of various religions, and customs relating to dress and dietary customs that are regulated by religious rules, are all factors that affect students and their life in the school community. No education legislation requires these elements to be taken into account; in practice, a reasonable effort must be made to accommodate them. Our survey asked whether parents, teachers and principals thought that schools should take into account these factors related to religious beliefs.

All categories of respondents generally agreed that the Christian holidays should be celebrated, especially among the Catholic groups. Parents, teachers and principals also agreed, to a lesser extent, that schools should celebrate the holidays of other religions. All seemed open to the idea that schools should accept prescribed dress and dietary customs, although there was more resistance to the idea of displaying religious symbols from religions other than the Catholic and Protestant religions in schools, especially among Protestants. It appears that although a majority of respondents supported equal treatment for the various religions, they were less eager to accept religious holidays and symbols.

C. Preferred Options: Denominational or Secular Approaches

Up to this point, we have presented the results obtained for each of the main questions concerning religion in schools. It is possible to cross-tabulate some questions with other questions to obtain an overview of preferences regarding options affecting the place of religion in schools. This was done with two fundamental questions, the first concerning possible types of religious instruction, and the other concerning the educational project of schools.[11] This allowed the establishment of profiles based on the preferences expressed by parents, teachers and principals for a particular type of religious instruction <u>and</u> 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 <u>and</u> denominational religious instruction, non-denominational schools <u>and</u> religious instruction, or non-denominational schools <u>and</u> 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 <u>denominational type school</u>; 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 <u>school itself is secular</u>; 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.

To simplify the analysis, we will not consider the special services or options offered by individual schools, such as extra-curricular religious animation or timetabling options, since they may be offered by both denominational and secular schools,[12] and do not have a determining effect on the overall denominational or secular character of the school.

1. Parents

What is the position of the parents in the four categories of our sample in connection with denominational and secular school types? Table 6 shows the relevant percentages for each of the three types of school: denominational, mixed and secular. In order to reflect the actual situation within the parent population, we will include the percentage of undecided parents, which is low, and a percentage representing all their residual choices which interested too few parents to be noted separately.

Table 6

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	10.9	6.3	0.9	1.2
(denominational				
viewpoint)	(44.6)	(20.5)	(6.9)	(2.3)
Secular mixed	12.8	7.7	8.9	3.7
Secular	40.0	68.4	74.0	90.9
(secular viewpoint)	(52.8)	(76.1)	(83.9)	(94.6)
Other residual types	1.2	1.6	7.8	1.9
Undecided	1.4	1.9	2.5	1.2

Social expectations with respect to religion in schools

If the two extremes are compared, in other words, if totally denominational schools (denominational educational project <u>and</u> religious instruction) are compared to totally secular schools (secular educational project <u>and</u> religious instruction), the latter group receives more support in each parent category, even among Catholic parents. Among Protestant parents, parents belonging to other denominations and parents with no religious affiliation, a large majority indicate their preference for a secular organization of the school system.

As a category, Catholic parents are distinctly different from the three other categories: 33.7 percent support schools with both Catholic educational projects and Catholic religious instruction, in other words a minority, but still a larger minority than in the other categories. This result is found mainly in regions other than Montréal and Québec City (62.5 percent). Women are more likely to choose this type of school than men. The religious practice of Catholic parents correlates with their choices: among the Catholic respondents who attend religious ceremonies "weekly," 53.3 percent opt for the denominational type.

The secular type receives clear support from Protestant and other non-Catholic parents. Compared to Catholics, the variation between male and female respondents is less significant, and there is no difference between the results for Montréal and the rest of the province. There is a strong correlation between the parents' choice and the school attended: almost all the parents whose children attend English Protestant schools support this type. These parents tend to be more open to diversity, as reflected in their answers to the related questions. Religious practice, in general higher in these two groups than among Catholics, does not translate into denominational expectations for schools. Whatever the degree of religious practice, a majority of respondents always choose secular types of schools. Schools are not seen as having an important role to play in terms of denominational values, a role that is played instead by families and religious groups.

Overall, the secular type of school is the primary choice for all groups of parents, including Catholic parents, 52.8 percent of whom support secular schools compared to 44.6 percent who support denominational schools.

2. Teachers and Principals

The results obtained from the survey of teachers and principals are given in Tables 7 and 8. The trends are the same as among parents, but even more clearly marked. Among teachers and principals, in all systems (except for one group, principals in English Catholic schools), there is a general trend to support non-denominational options, in other words, schools founded on shared values providing courses on the study of religions from a cultural perspective, or providing no religious education at all. A vast majority of the main partners in the school community thus favour a secular approach. The principals in English Catholic schools are, once again, the only category of education profession-

als to show a majority preference for the continuation of denominational schooling; the Protestant system shows the highest percentages of teachers and principals in favour of secular models.

However, the results for the Protestant system differ strongly from the results for the Catholic system with regard to options for religious education. In the Protestant system, a clear majority of teachers and principals are behind the proposal for schools founded on shared values providing courses on the study of religions.

Apart from the principals in English Catholic schools, a significant proportion (almost one third) of all categories of teachers and principals would prefer schools to offer no religious education at all. The mixed types of schools receive support from only a minority in each category, although the secular mixed type is more popular than the denominational mixed type.

Overall, both teachers and principals clearly prefer a secular approach defined in the educational project, except for principals in English Catholic schools.

Table 7

Denominational and Secular School Types—Teacher Preferences (%)

Type of Denominational or Secular School	French Catholic	English Catholic	French Protestant	English Protestant
Denominational	15.5	30.8	7.5	4.7
Denominational mixed	3.8	10.6	0.8	2.8
(denominational viewpoint)	(19.3)	(41.4)	(8.3)	(7.5)
Secular mixed	13.0	5.8	5.3	5.8
Secular	67.2	52.9	86.5	84.7
(secular viewpoint)	(80.2)	(58.7)	(91.8)	(90.5)
Other residual types	0.5	1.6	_	1.9

Table 8

Denominational and Secular School Types—Principal Preferences (%)

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

Summary

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 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. 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 educational service users and providers 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 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.

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 principals in English Catholic schools) when they express their preferences. The most support is expressed for an approach to 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.

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.

Part 3 *Orientations*

A FUNDAMENTAL CHOICE BETWEEN EQUAL RIGHTS AND DENOMINATIONAL PRIVILEGES

Chapter 4 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 society, to one or a few religions to the detriment of other religions and of those members of society with no religious affiliation.

[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 1999). 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).

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 seen in Chapter 4. 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 saw, in Chapter 5, that the councils and organizations responsible for advising the Government of Québec and the Commission des droits de la personne et des droits de la jeunesse 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 of 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).

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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, as seen in Chapter 5, 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 of another religious affiliation or of 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.

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 in Chapter 5, 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 challenge[4] 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. 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 faith 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.

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. In Chapter 4, we established that decisions on the place of religion in schools should be based on the principles of equality and state neutrality. In Chapter 8, 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. Also in Chapter 4, 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, in Chapter 5, 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 to 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. We have seen, in Chapter 6, that 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. In Chapter 7, 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 the 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.

Administrative feasibility . The sixth and last parameter deals with 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 cur rent 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 frame-work 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 suffi-cient 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. As discussed in Chapter 3, 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 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 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

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.

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)

	French School Boards (%)	Students (N)	English School Boards (%)	Students (N)
VALUES				
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.

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

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).

Options

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 numerus 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 first chapter 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 whereby 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 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."[6] Were it not for the confusion it might create, the term "common school" would indeed be more appropriate than "secular school." 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

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.

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 con-firmed 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.

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

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.

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. We will come back to this point later.

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 many 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.

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

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.

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 opin-
ions 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, particu-
larly 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 minori-
ties 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. In Chapter 4, we came to the conclusion 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 of 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 educa-

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. On this point, see Appendix 1.

tion 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.

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]

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 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. As we have seen in Chapter 7, this scenario 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.

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 as reported in Chapter 7. 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 between 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.

Table 2

Distribution of Students According to the Type of Religious Instruction Preferred by Parents and Language of Instruction of the School Board[11]

PREFERENCE	Students in French School Boards (N)	(%)	Students in English School Boards (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	

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 confessionalité 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.

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 the responsibility, not of schools, but of religious authorities and 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 homeroom 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 by 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.

Options

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

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.

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 conclu-
sions of this committee are summarized in Appendix 1. They 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 frame-
work 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).

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.

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 instruction 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 Coté, 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 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,

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 of 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."

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 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.

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.

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 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.

As seen in Chapter 1, 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).

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.

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 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 anima-tion 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 reli-gious 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 offer these 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 option 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 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.

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 november 1998, http://www.archeveche-mtl.qc.ca/synode/synode.html#three.

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 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.

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.

F. 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

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and, consequently, that they repeal or not renew the current notwith-standing 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 guide-lines and framework proposed by the Commission des programmes d'études of the Ministère de l'Éducation, and with the relevant provi-sions 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.

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 Rights[2]

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

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.

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

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A NEW MODEL: THE STUDY OF RELIGIONS FROM A CULTURAL PERSPECTIVE

In various chapters of this report, we noted the views expressed in juridical doctrine and jurisprudence and by Québec's advisory bodies on the topic of non-denominational religious education. We saw, in Chapter 4, that the United Nations Committee on Human Rights is of the opinion that public schools can teach about the history of religions or ideas if they do so in an objective, neutral manner. The Canadian and international jurisprudence we consulted stated that the study of religions, or of their history, from a cultural perspective does not infringe the freedom of conscience and religion of those who receive it. In Chapter 6, in connection with the building of a common civic space in Québec, we quoted from the Ministère de l'Éducation's Policy Statement on Educational Integration and Intercultural Education, which encouraged the development of "an introduction to religious cultures, which would consider the Christian and Aboriginal religions that have particularly shaped Québec and other major religions practised in Québec" (Ministère de l'Éducation 1998, 27). In the same vein, the Conseil des relations interculturelles du Québec was in favour of maintaining a certain form of non-denominational religious education (1997) in order to promote tolerance. In 1993, to facilitate the integration of immigrants, the Conseil supérieur de l'éducation suggested introducing a form of religious education that would look at various religious traditions from a cultural point of view. The Conseil du statut de la femme made a similar suggestion in its 1997 brief.

All of these bodies and individuals were essentially speaking about non-denominational religious education, though not in exactly the same words. Some address the issue from the angle of its compatibility with the Charters and others from that of its contribution to citizenship education. None, however, describe exactly what would be taught as part of this "non-denominational religious education."[1] In order to get a clearer picture of what this type of religious education would involve, the Task Force deemed it relevant to appoint a committee of experts to determine general orientations and guidelines for a program that would not be based on the beliefs of any one religion and that would suit Québec's particular context. When the then Education Minister Pauline Marois announced the creation of this Task Force, she also commented on the relevance of exploring the possibility of incorporating a cultural overview of religions into the curriculum (March 28, 1997). That is exactly the purpose of this appendix, which is based on the report of the Comité sur l'éducation au phénomène religieux (1998), a committee struck by the Task Force to look into this question. This option is one of the scenarios considered in Chapter 9. We have limited ourselves here to presenting the leading principles on which such a program of study should be based and guidelines as to its content.

I. Religious Education in Pluralistic Democracies

In Chapter 2, which focussed on social and cultural changes, we came to the conclusion that, although Québec society has become more secularized, religion has not altogether lost its place. As in most Western societies, new, diverse forms of religious expression are making headlines and sometimes sparking debate. A number of countries

[1] We must, however, point out that a course on the study of religions from a cultural perspective was offered in some of Québec's public schools in the 1970s in the form of an optional course. In the early 1980s, when parents were given the option of choosing to enrol their children in either denominational religious instruction or moral education, the Catholic Committee repealed its regulation and, by the same token, took away the third choice. This type of course may still be offered in a few schools (mostly private schools) at parents' request.

2   This section is largely based on Chapter 2 of the report presented by the Comité sur l'éducation au phénomène religieux, entitled Un enseignement culturel des reli - gions. Principes directeurs et orientations pédagogiques (1998). Readers are referred to this report for details on adjustments to the curriculum and teacher training, and for a critical survey of the main approaches used to teach about religions from a cultural perspective.

have accordingly reviewed their religious education curricula in light of two considerations: the need to familiarize students with religious cultures in order to help them gain a critical understanding of and reflect on religious systems of the past and the present; and the importance of encouraging intercultural relations and openness to differences (given that religion is one of the strongest ways of expressing one's identity). The reviewed curricula also respect the human rights and freedoms which constitute the framework of civil society in liberal democracies.

An examination of the changes in the content of religious education courses in public schools, both in Europe and North America, reveal a general trend toward broader-based curricula in order to address these considerations. There is also a trend toward a non-denominational approach. Learning goals are increasingly geared to the objective study and understanding of religions and civics, to the appreciation of otherness.

These changes in the content and goals of religious education seem to be driven by a number of common factors, including:

-   the dissemination of information on world cultures to such a wide extent that, even within families, analyzing and understanding events and situations requires a level of religious literacy that transcends the belief systems of a given religion;

-   international migration trends, which translate into greater cultural and religious diversity within geographical areas, with the attendant consequences for student populations;

-   the clarification of the role of public education as a publicly funded service offered to the population under the aegis of the state with respect to human rights and freedoms.

Adapting the curriculum to changing times requires that schools take social diversity into account by teaching students about intercultural understanding, religious pluralism and citizenship, and moreover, that they do so from the perspective of a "global village" where the media are present in every aspect of daily life. Students will then develop the critical capacities they need to evaluate the various moral, ideological and religious views to which they are exposed.

II. Guiding Principles[2]

It appeared preferable, in the Committee's view, to speak of "the study of religions from a cultural perspective" rather than "non-denominational religious education." The first expression presents the subject in a positive light, in terms of the angle from which religious phenomena will be examined, while the second simply states what it will not be. Furthermore, the first uses the plural "religions"—a clear

indication that the program of study will cover a variety of belief systems. It fails, however, to convey that part of the program should deal with secular schools of thought. Adding the secular element would only make the expression more unwieldy and less suitable for educational programming purposes. The Committee stressed, however, the importance of including secular schools

of thought in such a program, to acknowledge that values, world views and meaning can be found outside the framework of religious belief systems. As pointed out by the Task Force on Curriculum Reform,[3] "traditional religions are not the only sources for far-reaching answers to questions concerning the meaning of life" (p. 33).

The Committee attempted to identify the main characteristics of a program of study on religions based on a general approach to education that is accessible to all, open to all, responsive to social change and geared to helping students develop the "ability to live together," in keeping with Québec's choices as a society. The Committee members agreed on the following series of statements, which are intended to serve as guidelines for the development of such a program.

Rationale: Respect for freedom of conscience and religion of all students and recognition of all students as equals

The study of religions is intended for all students, regardless of their own or their parents' religious background. As a public educational service offered by the state, it espouses the main general principles set out in the Charters with respect to freedom of conscience and religion. It avoids all forms of discrimination so that all students are recognized as equals in the classroom and in the school, regardless of their own or of their parents' religious background or secular vision of the world and of human existence. It also recognizes the freedom of expression and freedom of religion that all students are entitled to exercise on a reciprocal basis.

This rationale excludes all forms of religious instruction that approach religion or religions from the perspective of a given denomination. It also precludes any intention to inculcate or fuel a given religion or ideology, or to elicit a commitment to a given religious group or secular school of thought.

First Principle: Intellectual Foundations

The study of religions examines religious phenomena and secular schools of thought from a social sciences viewpoint.

The study of religions is based on the study of history, languages, humanities, social sciences and psychology, and on the critical examination of facts and documentary sources. It is aimed at fostering an understanding of religions and secular schools of thought as aspects of humanity's universal cultural heritage. Although based on scientific views, the program presents religious phenomena and secular schools of thought in

all of their facets and avoids any approach that would result in oversimplifications of these complex systems.

The study of religions provides students with opportunities to explore and familiarize themselves with the symbols and practices of various religions and secular schools of thought, that is, with the myths and rites, belief systems and world views, religious scriptures, works and actions that play a special role in their ceremonies, moral values, humanitarian efforts and so on. It respects the framework provided by the Charters and the principles associated with maintaining law and order, and does not take any stand whatsoever for or against any one religion or secular school of thought.

The study of religions sets aside any notion of a true or false religion as expressed in apologetic or polemic literature. It avoids endorsing any of the arguments advanced by a particular religion or school of thought in their assessment of other religions or schools of thought. It seeks to reflect the diversity that exists within each religion and secular school of thought, and to interpret these religions and secular schools of thought by constantly comparing the believer's point of view and an outsider's point of view. It thus explains the difference between these two points of view without favouring one over the other.

The study of religions thus enables all students to form their own opinions, in an enlightened, focussed and critical manner, on the various religions and secular schools of thought present in modern societies, including their own religious or secular views.

Second Principle: Content

The study of religions reflects the diversity of religious traditions and secular schools of thought present in Québec society and in the world.

To be consistent with this second guiding principle, the study of religions must include all of the great religions of the world such as Judaism, Christianity, Islam, Hinduism, Buddhism and other Eastern religions. All of these religions have long left their birthplace and are now practised around the world, including in Québec. Although some of these religions may appear not to have reached rural areas or outlying regions, it should be remembered that the media have reduced the world to a global village. Communications technologies, which today's young people use with the greatest of ease, are so many open windows onto the world, and through these windows, cultural, social or political events associated with a variety of religious traditions make their way into homes across Québec.

World events or local events are incomprehensible without a basic knowledge of these religious traditions, of the values they teach, of the commitments they demand and of the consequences they have on a social or world scale. Québec schools would provide students

with an incomplete education if they did not teach them about religions, even in those communities where there is little ethnocultural or religious diversity, for there is no telling whether students will leave their home town or neighbourhood at some point in their future. Furthermore, there is no reason why the culture or basic education of Quebecers living in rural areas should be different from that of Quebecers living in the main urban centres.

In the same vein, Québec schools should give secondary students an overview of Egyptian, Greek and Roman mythology, because of their influence on Western art, literature and culture. Studying mythology as a part of courses on the study of religions is all the more justified in that it is also covered in secondary-level history courses. Students would no doubt benefit from the complementarity of the two courses.

In addition to the above religions, students should learn about the religions of the traditional societies still in existence in many countries and those of Canada's First Nations. Many Quebecers have little knowledge of or misconceptions about the Native peoples and their contribution to Québec's heritage. Many among the Native peoples are going back to their roots, affirming their cultural specificity and even seeking for the true Amerindian or Inuit spirituality.

Secular schools of thought are other examples of the world views that are prevalent in our society. They, too, must therefore be included in the study of religions. The study of secular schools of thought, by allowing students to explore the values underlying complex and diversified social realities, introduces them to life in society and provides them with a better understanding of how individuals may live and work for the advancement of society outside any system of religious beliefs. Humanism, existentialism, Marxism, liberalism and atheistic scientism are a few of the schools of thought that could be included in a program on the study of religions. The influence of these schools of thought is apparent in the fields of philosophy, literature, music and filmmaking, in the media, in social and cultural organizations, and even in international trade rules.

Third Principle: Content

The study of religions gives a prominent place to Christian traditions.

Christianity should be given a prominent place in the study of religions, given its profound impact on the Western world and part of the Eastern world. Its influence is manifest in all fields of human activity. Literature, music, art, architecture and politics are but a few examples. However, Christianity has not always spread and evolved in peace and harmony, as evidenced by its history. Many religious conflicts have left scars that are still apparent today. It is impossible to understand the strife that has marked Christianity's recent history without knowledge of what initially led to the division of Christians into Catholic and Orthodox or Catholic and Protestant.

However, the main justification for the prominent place to be given to Christianity lies in the role that Catholicism and Protestantism have played in Québec's history, from its beginnings to the present, and in all aspects of Québec's social and cultural life. There is no need to delve into further detail here as this is common knowledge. Catholicism will be given the attention it warrants as the religion of the great majority of Quebecers throughout Québec's history and as the cultural matrix which shaped Québec as a society. Protestantism will also receive due consideration for its contribution to and impact on Québec's heritage, as will the Orthodox traditions many immigrants brought with them from their homeland. Québec's Catholic, Protestant and Orthodox communities have long ignored each other and even mistrusted each other to a certain extent. Knowledge of the religious traditions of each of the different communities is the best way of breaking this isolation and eradicating prejudice.

Fourth Principle: Content

The study of religions presents the richness and complexity of religious traditions and secular schools of thought.

The study of religions examines religious phenomena from three different angles:

- the personal experience of individuals;

- the experience of the groups to which these individuals belong;

- the religious tradition or secular schools of thought to which these groups and individuals adhere.

It describes the various traditions and schools of thought in terms of their distinctive characteristics, and places them in the context of the living cultures to which they belong while avoiding to present these cultures as static, separate realities. By correlating personal experience with social experience, this approach is likely to instil in students a respect for all religious traditions and secular schools of thought, including the tradition or school of thought embraced by their family and friends. This three-pronged approach prevents teachers and students from looking at a given tradition or school of thought as a universal truth or from reducing the attendant beliefs or world views to simplistic formulas.

Fifth Principle: Learning Outcomes

The study of religions prepares students for life in a society characterized by ideological, cultural and religious diversity.

The study of religions as described here pursues three main goals, which are:

- to provide students with the background they need to understand the role played by religions and secular schools of thought in the lives of individuals and organizations, both in Québec and throughout the world;

- to provide students with an understanding of their role as citizens and to prepare them for life in a society characterized by ideological, cultural and religious diversity;

- to help students find meaning in their lives through focussed, enlightened, critical thought.

The pursuit of these three goals has become imperative in modern-day Québec as in many other Western societies marked by cultural, ideological and religious diversity.

The first principle describes the intellectual goal to be pursued, which consists not in imparting abstract, textbook knowledge of religions, but in providing students with a background that is broad enough to allow them to understand individual, collective, local, national and even global situations and experiences.

The second principle indicates that, being non-denominational, the study of religions from a cultural perspective can contribute in a significant way to the building of a common civic space where religious traditions and personal choices with respect to religion are recognized in all of their diversity. The study of religions can also play a vital role in preparing students for their future lives as citizens by introducing them to the rules that govern life in society, rules designed to maintain a balance between the need for a common civic space and individual rights as regards freedom of conscience and religion. In order to develop the "ability to live together," students must also acquire attitudes and dispositions based on a knowledge and fair appreciation of the world views held by the various communities and groups that exist within society.

In preparing for their role as citizens, students must learn the principles and rules established to maintain harmonious relations between the various individuals and groups sharing a common civic space. These principles and rules do not fall as such in the domain of religions and secular schools of thought. While a course on the study of religions could not claim to cover citizenship education in all of its breadth, it can help students become competent citizens by giving them the background they need to understand the religious and ideological differences that are part of the fabric of Québec's society.

The third principle expresses the link between the study of religions and the human experiences in which religious

traditions and secular schools of thoughts are rooted. The messages conveyed by these traditions and schools of thought imply a number of existential and ethical choices which in turn influence conduct. The study of religions cannot stop at facts and phenomena, but will inevitably cross over into the realm of meaning. For a number of reasons, students' questions and discussions are likely to shift from reiterating facts and phenomena to trying to understand their meaning.

In school, students familiarize themselves with their own culture and other cultures. To be well prepared for life in a pluralistic society, students must learn to form their own convictions and at the same time become aware of their relativity. This process of finding meaning in their lives requires focussed, enlightened, critical thought.

However, it is clear that the disciplines which involve the study of religions and secular schools of thought cannot be limited to helping students find meaning in their lives. These disciplines each have their own logic and postulates, and their methods imply maintaining a certain distance with respect to any religious or secular view. However, school accounts for only a relative part of the frame of reference students can use to guide them in determining what kind of direction they want to give their lives. This third principle must therefore be consistent with the mission of common public schools. This mission is different from that of other participants in the educational process, such as the family or the groups which are directly or indirectly part of students' references. In performing the role that is properly theirs to play, public schools should not altogether strip the learning experience of any spiritual dimension, but must handle this dimension in a manner befitting their educational mission.

The study of religions from a cultural perspective provides students with a frame for reflection and the opportunity to come into contact with a variety of symbols and ways of seeing life that will help them become aware of where they stand with respect to their own quest for meaning. This quest for meaning is closely tied to the spiritual dimension, given that spirituality can be expressed in forms other than that of a specific religion. However, the Committee chose not to formulate this third principle in terms of contributing to students' spiritual development. The Committee examined various education systems which included spiritual development as one of the goals pursued in non-denominational religious education and saw the controversy this had fuelled because of the delicate role teachers were asked to play and of parents' fear that teachers might influence students to believe otherwise than what they were taught at home.

In short, the goal pursued in courses on the study of religions from a cultural perspective is that of introducing and sensitizing students to the pluralistic context in which they live and the diversity of visible symbols through which different cultures and they themselves express their quest for meaning in today's world. In the Committee's view,

this goal is consistent with students' and parents' legitimate expectation that schools should provide a complete education.

Sixth Principle: Scope

The study of religions takes into account students' cognitive development, lifestyles and diverse interests.

A program on the study of religions should be structured in such a manner as to avoid repetition from one grade level to another and should mirror the questions that interest students at the various stages of their cognitive development. The following are meant as suggestions only.[4]

At the elementary level, the program should introduce students to religious and secular traditions using an approach based on the theme of celebration, with a different theme for each grade level. It should explore all of the different elements that combine together to create a sense of identity, belonging and solidarity within the family and the community. This approach would familiarize students with and make them aware of the various forms of expression used in different religious and secular traditions. Students would discover the universal aspect of celebration, its deeper meaning and its role in the lives of children their age, by learning about the related writings, ceremonies, stories, symbols, foods, clothing and decorations. The goal at this stage would be to arouse the curiosity of students and to stimulate their creativity.

At the secondary level, the program should be designed to deepen students' knowledge of various traditions by focussing on their complexity. It should also reflect the diversity of groups and ideologies that exist within each religious tradition or secular school of thought. It should introduce students to historical, anthropological, sociological and philosophical approaches that are useful in understanding the complex ways in which social issues, politics and religion are interconnected in modern societies. It should develop students' critical judgment with respect to the major issues raised by religion, identity, culture, politics and their interactions in contemporary societies. It should pay special attention to the role of religion and secular ideologies in the processes by which individuals, groups and nations come to gain a sense of their own identities.

Note on Moral Development

On the matter of the contribution of the study of religions to students' moral education, the Committee, like the Task Force on Curriculum Reform (1997), stresses that common values are taught in all subject matters, so that both learning activities and the climate that exists in a school play a role in students' moral education. These common values are of various types: moral, civic, intellectual, aesthetic, humanistic, economic, religious and so forth. Their connection to the study of religions and secular schools of thought lies in the fact that such study naturally leads to reflection on values.

By studying religious phenomena and secular world views, students come to realize that each belief system and religious organization has its own code of conduct, norms and taboos as well as its own set of expectations with respect to dependency, submission, responsibility and commitment. All of these elements have a direct relevance to moral conduct. Examination of the moral standards inherent in religions sheds light on how these standards can promote self-understanding, shape the way in which believers learn to interact with others, and have an impact on culture, arts and science. However, the fact that these religions and schools of thought are not always "enlightening"—that they can also hinder understanding of oneself and others, and produce blindness and fanaticism—should not be hidden. The comparative study of religions and secular schools of thought places different conceptions of "the good life" side by side and highlights their conflicting and sometimes radically opposite way of defining humanity's place and responsibility in the order of the universe. It thus exposes students to a world of values that are far from homogeneous.

A distinction must therefore be made between the study of moral values as components of religions and secular schools of thought, on the one hand, and the teaching of moral values at school as a complement to the moral education provided at home, in the community and in civil society. This aspect of the school's mission cannot be limited to courses on the study of religions and secular schools of thought. Combining moral education and the study of religions might cause students to see their teachers as imposing values and beliefs, thus preventing the content covered in class from being acceptable to all students. Finally, learning to make moral judgments is an object of study in its own right which involves knowledge, skills and methodologies that do not fall within the scope of the academic study of religions and secular schools of thought.

This being said, the study of religions from a cultural perspective can certainly contribute in a major way to the overall social education of students by preparing them to live as responsible citizens in a pluralistic, democratic society. However, it should not be made the only hope for transmitting values, for lack of any other alternative. Neither religions nor secular schools of thought have a monopoly on values.

III. General Guidelines for Program Content

The purpose of this section is to outline a few ideas in order to provide a glimpse of what sort of content should be included in a program on the study of religions from a cultural perspective. The themes and topics proposed for the various cycles of elementary and secondary school are suggestions. They provide no indication of the teaching and learning approaches which would be appropriate in each case, nor do they define learning objectives with any precision. Developing a program requires much more time and material and human resources than were available to the Committee, which, on a more modest scale in keeping with its mandate, simply wished to illustrate how the guiding principles could be applied.

A. Contribution of the Study of Religions
to Students' Education

The study of religions from a cultural perspective within two of the major areas of learning were defined by the Task Force on Curriculum Reform in its report (1997), namely, life in society and personal development. In connection with the former area of learning, the study of religions is intended to

help students understand the social aspirations of the human race . . . Ensure that students develop a sense of history by tracing the roots of present-day society to its origins. Students must understand the conditions that led to the emergence and development of human institutions and achievements to understand that they are the products of human will and that other changes will happen in the future as the result of our decisions . . . Introduce students to world history. (Task Force on Curriculum Reform 1997, 50)

As for personal development, the study of religions takes into account that students must adopt values freely, discover them and analyze them in a pluralistic context, and understand their connection to systems of symbols and views of the world and of human experience as so many factors that can influence their perception of life (Task Force on Curriculum Reform 1997).

The study of religions also contributes to the development of the "cross-curricular competencies" discussed in the report by enhancing students' ability to apply what they learn in one field to problems or situations in other fields. The study of religions plays a role in helping students to develop the "ability to live together" and in promoting social cohesion, by encouraging them to find their place in and become active members of their communities.

Finally, the study of religions may help correct some of the deficiencies noted in Appendix 4 of the report of the Task Force on Curriculum Reform by providing opportunities to teach about the role of Native peoples in the history of Québec, the contribution of the different waves of immigration to the development of our culture, and the major spiritual and humanistic movements that have influenced our culture. Incidentally, in Appendix 5 of its report, the Task Force on Curriculum Reform suggested trimming the current moral education program so that content on various religions and their traditions could then be added. The Committee feels that this content would best be addressed in the program on the study of religions.

B. Possible Themes and Topics

The breakdown of themes and topics suggested in this section is not a recap of the six guiding principles presented earlier in this appendix. Rather, it is meant to illustrate how the sixth principle could be applied in a program on the study of religions from a cultural perspective, that is, how such a program should take into account

students' cognitive development, lifestyles and diverse interests. Should a program be developed, its content may well be different from that suggested here, depending on the decisions made by the committee drafting the program and on the results observed at the field-testing stage.

The breakdown suggested for the elementary level does not spell out which religions or secular schools of thought should be studied in each cycle. The themes or topics proposed allow the exploration of several different traditions, and may be adapted to the particular sociocultural profile of each school or region. However, it should be kept in mind that the fourth and fifth principles require that these themes and topics be considered from three different angles (the personal experience of individuals; the experience of the groups to which these individuals belong; and the traditions which serve as their frame of reference) in order to reflect the internal complexity of the religions and schools of thought under study. They also imply that the program should cover the major religious traditions and schools of thought.

In contrast, the breakdown suggested for the secondary level does indicate which religions and schools of thought should be studied at each level. The rationale for doing so in this instance is to avoid repetition from one year to the next. As students accumulate knowledge over the years, they will become better able to make correlations between the various religions and schools of thought, as per the objectives of the program.

First cycle of elementary school. The program on the study of religions from a cultural perspective should match students' level of cognitive, social and emotional development. In the first years of elementary school, children are at the concrete operational stage of cognitive development and need observable facts and phenomena in order to learn. For this reason, in the Committee's opinion, students should start studying about religions only in the second grade level. The program at this level should be aimed at helping students to structure their symbolic thinking and to organize their imaginary representations in order to situate religious symbols in relation to symbols as a whole. The program should build on the cognitive and social learning achieved by students in their family and social settings and within the group to which their family belongs, if any.

Examples of themes and topics:

- Family and community celebrations and the symbols used in them according to cultural and religious customs and traditions: births, anniversaries, seasons, etc.

- Social practices and the meaning of the related religious practices: welcoming newborns into the family and community; everyday clothes and formal dress; rules about food; child-rearing norms and their connection to religious or secular traditions, etc.

- The simple "sacred stories or myths" on the origins of the world, of humanity, of animals, etc.

Second cycle of elementary school. At this stage, students know how to read and can express their ideas in a more structured manner. They can understand the meaning of stories. They have also reached a point in their social development where they are able to appreciate others and to respect their points of view and role models, whether they are fictional characters or actual people in their family or social circle. The program should therefore focus on content that is suited to students' capacity to discover, explore and understand their own world and the world in all of its diversity.

Examples of themes and topics:

- Religious groups and secular and humanistic associations in the school, in the neighbourhood, in the region and in the world

- The concrete ways in which people express their affiliation with a given group or community: practices, religious ceremonies and forms of worship

- The body of scriptures or stories on which the beliefs of a particular religious or secular group are based

- The founders or leaders of various religions or secular schools of thought

Third cycle of elementary school. Formal operational thinking, including critical judgment, appears at this stage, along with a relative degree of autonomy in choosing fields of interest. Students are therefore more critical of the information they receive and able to make certain choices as regards values, although they do not stray from what they perceive to be the behaviour expected from them by the adults and other children in their milieu.

Examples of themes and topics:

- Simple demographic and geographic data on the major religious and humanistic traditions of the world, and local and international news stories about related topics

- The causes people fight for in today's world (peace, the environment, justice, equality, etc.) and the involvement of religious or humanistic groups in these causes

- Identification, through research on the broad principles of life in society (without going into the details of legislative mechanisms), of the conditions needed in order to "live together" and get along in a society made up of people with different religious and cultural backgrounds

First cycle of secondary school. The appearance of formal operational thought in adolescents enables them to reflect on a number of intellectual hypotheses in the abstract at the same time as they must learn to live with the constraints of dependency inherent in their milieu. The study of religions can provide adolescents with models and references telling them that they are not alone and that others before them have pondered the same questions. It is aimed at helping adolescents determine the meaning of their own existence in the continuum of spiritual and religious traditions that have marked the history of humanity.

Examples of themes and topics:

• The religions of antiquity (Egypt, Mesopotamia, Greece and Rome) and Judaism

• The religions of archaic and pre-Columbian societies; the role of religion in the determination of group identity and in social organization and control

Second cycle of secondary school. At this stage, students are increasingly preoccupied with their future and their place in society, learning how to look ahead to the medium and long term. They become aware that the people around them do not all see the world and life in the same way: they discover the pluralistic face of society. Their preoccupation with the future is coupled with a desire to free themselves of the conditioned behaviours typical of their peers and family setting in order to make their own way. Interest in intellectual issues increases.

• Christianity and Islam: their origins, their history, their belief systems, the lifestyles they teach, and their place in today's world

• Hinduism, Buddhism and other Eastern religions: their origins, their history, their belief systems, the lifestyles they teach, and their place in today's world

• Religions in Québec: historical and demographic data, their role in shaping Québec culture

• New religions in Québec and the world, their form, organization and operation, and their place in the modern era

• Secular schools of thought in Québec and the world

MINISTERIAL STATEMENT OF MARCH 26, 1997

*Translation of a Statement Made by Former Education Minister
Pauline Marois before the National Assembly*
MANAGEMENT OF THE DIVERSITY
OF EXPECTATIONS REGARDING RELIGIOUS EDUCATION
IN QUÉBEC SCHOOLS

To introduce the motion indicating the Government's intention to regain full powers with respect to education and to remove itself from the application of section 93 of the Constitution Act, 1867, I would like to explain the orientations and structures the Government is proposing in order to respond to Quebecers' diverse needs with respect to moral and religious education in Québec schools.

First orientation: it is expedient to manage these expectations from the point of view of an open, pluralistic society. The social and religious landscape is shifting in all regions of Québec. Public schools must respect the free choice or the free refusal of religion. This is a democratic freedom. In other words, all schools must respect each student's freedom of conscience, even if the student stands alone with respect to the majority. All schools must teach students to respect different allegiances. However, our schools must not altogether dismiss religious education. They must show that they are 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 orientation: it is expedient to manage these expectations by implementing change gradually. Responding to the increasing diversity of the population's expectations with regard to moral and religious education is indeed a challenge for our schools, but it is one they can meet. Many difficulties that seem insurmountable in principle become surmountable as soon as we look at the facts realistically and willingly. The essence of the problem lies in finding a threshold, a workable compromise, which is an indispensable ingredient for life in any society. The situation in Québec calls for a gradual solution, one that is appropriate for our times and our communities. In the long term, this pragmatic approach will be more successful than any perfectly logical solution that looks good on paper, but will not carry over well into real life. The confederative agreement of 1867 and section 93, with its now obsolete provisions, were at the time a workable compromise. Similarly, the denominational structures agreed upon when the Ministère de l'Éducation was created in 1964 represented what was an acceptable compromise at the beginning of the Quiet Revolution. These structures were revised and amended in 1988, when Bill 107 was adopted. It will always be up to the National Assembly to make the adjustments that become necessary with time, without closing doors or denying the possibility of change, and with the awareness that it must provide for revisions and reforms.

Third orientation: it is important to manage these expectations in keeping with Québec history and culture. Even after

the constraints imposed by section 93 have disappeared, there is no question of obliterating Québec's history and social and religious culture. It is true that, to preserve Quebecers' freedom of conscience, all humanistic and religious options must be given equal standing. This, however, does not change the fact that the Catholic and Protestant traditions have had and continue to have a strong influence on Québec's architecture, place names, culture and society. These traditions are as distinctive a part of Québec's landscape as snowbanks and steeples. We believe that it is possible to recognize this aspect of our history and heritage in our schools, in an inclusive, non-discriminatory way that acknowledges the contributions of new cultures and other religious groups.

The objective sought will be to give all young people, whatever their background, access to the symbolic references of Québec and of North America. This is a shift that has already been initiated and is being increasingly felt in religious education programs in the schools, which no longer have the proselytizing and indoctrinating tone they sometimes did in the past.

In the light of these orientations, we plan the following structures:

First structure

The structure of school boards throughout Québec will be non-denominational. This is in accordance with a very broad consensus in the population.

Second structure

In order to facilitate a smooth transition to linguistic school boards, we will maintain the present denominational status, Catholic or Protestant, of the schools. However, two years after the establishment of linguistic boards, the schools will be asked to review their status, after consulting the parents, and to decide whether it is meaningful and appropriate. Furthermore, in accordance with the general orientations of the Education Act, this review may, at the express request of parents, take place in some schools as soon as the new boards are in place.

Third structure

The free choice between moral education and Catholic or Protestant religious instruction will be maintained, in accordance with section 41 of the Québec Charter of Human Rights and Freedoms, which provides for the possibility of instruction "in conformity with [the parents'] convictions." Pastoral or religious animation services will also be offered on the basis of free choice.

Finally, in the context of a pluralistic society, is it not desirable that all students receive some instruction concerning the

phenomenon of religion, courses on religious culture which cover the various great traditions, and courses on the history of religion? I intend to submit this question to a Task Force that I will set up to study the whole question of the place of religion in Québec schools. The conclusions of this Task Force will be referred to the National Assembly's Standing Committee on Education, which may then hear any groups interested in this issue.

In proposing these orientations and structures, the Government has chosen the path not of a complete break, but of a gradual and steady development, seeking both evolution and consensus. In choosing this path, the Government invites everyone involved in education to establish a "moral contract" to respect diversity and seek innovation, so that every school becomes truly responsible for its values and for the full and complete education of its students.

Appendix 3

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 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 4

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

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.

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.

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.

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.

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.

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 6

STATISTICAL TABLES (IN SUPPORT OF CHAPTER 2)

Table 8

1961 Census
Population by Religion by Region (Island of Montréal, Off-Island Suburban Montréal, Rest of Québec, Province of Québec (%V) and Among These Regions (%H)[1])

	Island of Montréal		Off-Island Suburban Montréal		Rest of Québec		Province of Québec	
	N	%V	N	%V	N	%V	N	%V
TOTAL POPULATION	1 747 696		361 813		3 149 702		5 259 211	
	33.2		6.9		59.9			
Catholic	1 345 509	77.0	301 766	83.4	2 994 911	95.1	4 642 186	88.3
%H	28.9		6.5		64.4			
Protestant	256 515	14.7	50 925	14.1	143 961	4.6	451 401	8.6
%H	56.8		11.3		31.9			
Orthodox	28 853	1.7	908	0.3	2 476	0.1	32 237	0.6
%H	89.5		2.8		7.7			
Jewish	98 702	5.6	4 022	1.1	2 003	0.1	104 727	2.0
%H	94.2		3.8		1.9			
Islamic[2]								
Eastern religions[3]	842	0.05			91	0.0	933	0.02
%H	90.2				9.8			
Other religions[4]	17 275	1.0	6 212	1.7	4 240	0.1	27 727	0.5
%H	62.30		22.40		15.29			
No religious affiliation[5]								

1. Source: Statistics Canada: Cat. 92-546; 92-554

2. This category did not exist in the 1961 census.

3. Buddhists and Confucians

4. Jehovah's Witnesses, Mormons, Adventists, Unitarians and other unspecified religions

5. This category did not exist in the 1961 census.

Table 9

1971 Census

Population by Religion by Region (Island of Montréal, Off-Island Suburban Montréal, Rest of Québec, Province of Québec (%V) and Among These Regions (%H)[6]

	Island of Montréal		Off-Island Suburban Montréal		Rest of Québec		Province of Québec	
	N	%V	N	%V	N	%V	N	%V
TOTAL POPULATION	1 959 180		784 050		3 284 530		6 027 760	
%H	32.5		13.0		54.5			
Catholic	1 479 240	75.5	668 370	85.2	3 103 470	94.5	5 251 080	87.1
%H	28.2		12.7		59.1			
Protestant[7]	254 785	13.0	80 890	10.3	168 685	5.1	504 360	8.4
%H	50.5		16.0		33.4			
Orthodox	53 570	2.7	4 115	0.5	2 225	0.1	59 910	1.0
%H	89.4		6.9		3.7			
Jewish	97 110	5.0	12 370	1.6	1 405	0.0	110 885	1.8
%H	87.6		11.2		1.3			
Eastern religions[8]	1 120	0.1			375	0.0	1 495	0.0
%H	74.9				25.1			
Other religions[9]	26 895	1.4	6 140	0.8	16 070	0.5	42 965	0.7
%H	62.6		14.3		37.4			
No religious affiliation	46 460	2.4	12 160	1.6	18 065	0.6	76 685	1.3
%H	60.6		15.9		23.6			

6. Sources: Statistics Canada: Cat. 92-724, 95-734

7. Includes Anglican, United, Presbyterian, Baptist, Lutheran, Pentecostal and Salvation Army. Other smaller Protestant denominations are included under "Other religions." See Note 4.

8. Buddhist and Confucian. The 1 120 individuals resided either on the Island of Montréal or on Île Jésus.

9. The category "Other religions" includes 3 465 individuals belonging to 10 small Protestant denominations duly identified in the provincial census data, but not in data for the Island of Montréal, in addition to 750 Adventists, 17 130 Jehovah's Witnesses, 885 Mormons, 375 Unitarians and 18 020 other individuals who did not state their religion.

Table 10

1981 Census

Population by Religion by Region (Island of Montréal, Off-Island Suburban Montréal, Rest of Québec, Province of Québec (%V) and Among These Regions (%H)[10])

	Island of Montréal		Off-Island Suburban Montréal		Rest of Québec		Province of Québec	
	N	%V	N	%V	N	%V	N	%V
TOTAL POPULATION	1 760 122		1 037 918		3 571 030		6 369 070	
%H	27.6		16.3		56.1			
Catholic	1 310 710	74.5	935 595	90.1	3 372 055	94.4	5 618 360	88.2
%H	23.3		16.7		60.0			
Protestant[11]	184 732 [12]	10.5	54 035	5.2	134 330	3.8	379 635	6.0
%H	48.7		14.2		35.4			
Orthodox	55 750	3.2	14 500	1.4	3 025	0.1	73 275	1.2
%H	76.1		19.8		4.1			
Jewish	90 005	5.1	11 360	1.1	990	0.03	102 355	1.6
%H	87.9		11.1		1.0			
Islamic[13]	8 201	0.5	2 734	0.3	1 185	0.03	12 120	0.2
%H	67.7		22.6		9.8			
Eastern religions	22 905	1.3	6 430	0.6	4 995	0.1	34 330	0.5
%H	66.7		18.7		14.5			
Other religions[14]	6 532	0.4	8 983	0.9	13 070	0.4	28 185	0.4
%H	23.2		31.9		46.4			
No religious affiliation	66 425	3.8	22 230	2.1	44 280	1.2	132 935	2.0
%H	50.0		16.7		33.3		100.0	

10. Sources: Statistics Canada, Cat. 95-387, 93-929, 93-912

11. Adventists, Christadelphians, Mormons, Jehovah's Witnesses, members of the Mission de l'Esprit, Spiritualists, and Unitarians were subtracted from the total of Protestants and counted under "Other religions."

12. 6 532 individuals belonging to the religions listed in Note 11 were subtracted from the official figure for the Island of Montréal.

13. In 1981, there were 10 935 Muslims in the Montréal Greater Montréal area. They were divided between the Island of Mon- tréal and off-island suburban Montréal on the basis of proportions similar to those observed in 1991, that is, 75 percent and 25 percent respectively.

14. Members of "Other religions" in the Greater Montréal area were divided between the Island of Montréal and off-island suburban Montréal (45 percent and 55 percent respectively).

Table 11

1991 Census

Population by Religion by Region (Island of Montréal, Off-Island Suburban Montréal, Rest of Québec, Province of Québec (%V) and Among these Regions (%H)[15])

	Island of Montréal (= MUC)		Off-Island Suburban Montréal		Rest of Québec		Province of Québec	
	N	%V	N	%V	N	%V	N	%V
TOTAL POPULATION	1 775 871		1 315 239		3 719 190		6 810 300	
%H	26.1		19.3		54.6			
Catholic	1 228 760	69.2	1 170 200	89.0	3 462 245	93.1	5 861 205	86.1
%H	21.0		20.0		59.1			
Protestant[16]	162 900	9.2	67 430	5.1	126 700	3.4	357 030	5.2
%H	45.63		18.89		35.49		100.00	
Orthodox	60 830	3.4	24 495	1.9	3 955	0.1	89 280	1.3
%H	68.1		27.4		4.4			
Jewish	88 935	5.0	7 775	0.6	1 025	0.0	97 735	1.4
%H	91.0		8.0		1.0			
Islamic	34 205	1.9	7 010	0.5	3 715	0.1	44 930	0.7
%H	76.1		15.6		8.3			
Eastern religions[17]	37 155	2.1	10 150	0.8	5 305	0.1	52 610	0.8
%H	70.6		19.3		10.1			
Other religions	16 640	0.9	7 570	0.6	20 485	0.6	44 695	0.7
%H	37.2		16.9		45.8			
No religious affiliation	119 905	6.8	47 760	3.6	96 225	2.6	263 890	3.9
%H	45.4		18.1		36.5			

15. Sources: Statistics Canada, Cat. 95-326, 95-319

16. Adventists (4 780), Mormons (3495), and Jehovah's Witnesses (33420) were subtracted from the total for Protestants and counted under "Other religions."

17. Muslims were subtracted from "Eastern religions."

Table 12

School Boards by Decreasing Heterogeneity of the School Population[18] as at September 30, 1997[19]

Code	School Board	Cath.	%	Prot.	%	Other	%	None	%	Total	X²	Non-Cath.
	Index: 0-20											
5004	Riverside, CS	3217	31.31	2781	27.07	3213	31.27	1064	10.4	10275	3.97	7058
5008	Lester-B.-Pearson, CS	9404	35.41	7386	27.81	7912	29.79	1858	7	26560	6.18	17156
5009	New Frontiers, CS	1583	30.91	1892	36.95	1260	24.6	386	7.54	5121	6.44	3538
5006	Western Québec, CS	2785	33.22	2411	28.76	2750	32.8	437	5.21	8383	7.12	5598
5007	English-Montréal, CS	11561	47.02	3226	13.12	7361	29.94	2438	9.92	24586	11.70	13025
5005	Sir-Wilfrid-Laurier, CS	5547	47.7	2308	19.85	3307	28.44	467	4.02	11629	13.25	6082
5001	Central Québec, CS	1913	50.69	588	15.58	1086	28.78	187	4.95	3774	15.53	1861
5003	Eastern Townships, CS	2236	35.76	3175	50.78	471	7.53	370	5.92	6252	19.33	4016
	Index: 21-40											
5002	Eastern Shores, CS	792	46.34	796	46.58	108	6.32	13	0.76	1709	24.77	917
0602	Montréal, CS de	48786	64.12	4163	5.47	14860	19.53	8277	10.9	76086	28.55	27300
0603	Marguerite-Bourgeoys, CS	23821	65.86	1135	3.14	8226	22.74	2986	8.26	36168	32.44	12347
	Index: 41-60											
0601	Pointe-de-l'Île, CS de la	23612	79.47	1739	5.85	3319	11.17	1043	3.51	29713	53.16	6101
1604	Marie-Victorin, CS	31119	82.36	815	2.16	3888	10.29	1962	5.19	37784	58.94	6665
	Index: 61-80											
1301	Laval, CS de	33619	85.64	881	2.24	3745	9.54	1013	2.58	39258	65.83	5639
0702	Portages-de-l'Outaouais, CS des	11390	86.51	131	0.99	934	7.09	711	5.4	13166	67.53	1776
0804	Or-et-des-Bois, CS de l'	6785	87.85	51	0.66	753	9.75	134	1.74	7723	70.88	938

18. This measure is that of X^2: $(P^1-25)^2$ /25 + $(P^2-25)^2$ /25 + $(P^3-25)^2$ /25 + $(P4-25)2$ /25, where P^1 = the % of Catholics, P^2, the % of Protestants, P^3, the % of other religions ("others") and P^4 the % of no religion ("none"). The range of the resulting index is 0 to 300. For greater convenience, it was divided by three to bring it back to a scale of 0 to 100.

19. Source: Ministère de l'Éducation, SM8JS027

Table 12 (continued)

School Boards by Decreasing Heterogeneity of the School Population[18] as at September 30, 1997[19]

Code	School Board	Cath.	%	Prot.	%	Other	%	None	%	Total	X²	Non-Cath.
0502	Région-de-Sherbrooke, CS de la	17364	89.22	424	2.18	746	3.83	927	4.76	19461	73.37	2097
1609	Trois-Lacs, CS des	11378	90.76	307	2.45	536	4.28	316	2.52	12537	76.90	1159
0303	Découvreurs, CS des	13262	91.59	198	1.37	352	2.43	668	4.61	14480	78.90	1218
1503	Laurentides, CS des	8171	92.16	80	0.9	200	2.26	415	4.68	8866	80.28	695
0302	Capitale, CS de la	23785	92.38	567	2.2	765	2.97	629	2.44	25746	80.72	1961
1606	Val-des-Cerfs, CS du	16343	92.43	492	2.78	349	1.97	498	2.82	17682	80.84	1339
	Index: 81-100											
1605	Patriotes, CS des	30627	92.81	297	0.9	1085	3.29	992	3.01	33001	81.79	2374
1501	Seigneurie-des-Mille-Îles, CS de la	33651	93.08	284	0.79	1253	3.47	963	2.66	36151	82.45	2500
1607	Grandes-Seigneuries, CS des	21500	93.4	161	0.7	827	3.59	531	2.31	23019	83.23	1519
0503	Sommets, CS des	9889	93.61	184	1.74	176	1.67	315	2.98	10564	83.70	675
0501	Hauts-Cantons, CS des	7906	93.75	81	0.96	205	2.43	241	2.86	8433	84.05	527
0902	Fer, CS du	5491	93.94	102	1.75	116	1.98	136	2.33	5845	84.50	354
0701	Draveurs, CS des	17491	94.02	229	1.23	438	2.35	445	2.39	18603	84.71	1112
0403	Riveraine, CS de la	6987	95.04	58	0.79	200	2.72	107	1.46	7352	87.23	365
1602	Saint-Hyacinthe, CS de	13614	95.08	132	0.92	279	1.95	294	2.05	14319	87.32	705
1603	Hautes-Rivières, CS des	20992	95.18	145	0.66	487	2.21	430	1.95	22054	87.58	1062
0102	Phares, CS des	11008	95.28	72	0.62	206	1.78	267	2.31	11553	87.84	545
0401	Chemin-du-Roy, CS du	20050	95.32	292	1.39	473	2.25	219	1.04	21034	87.92	984
1204	Navigateurs, CS des	22896	95.46	270	1.13	309	1.29	509	2.12	23984	88.27	1088
0405	Chênes, CS des	12660	95.46	58	0.44	392	2.96	152	1.15	13262	88.30	602

Table 12 (continued)

School Boards by Decreasing Heterogeneity of the School Population[18] as at September 30, 1997[19]

Code	School Board	Cath.	%	Prot.	%	Other	%	None	%	Total	X²	Non-Cath.
1502	Rivière-du-Nord, CS de la	18435	95.57	84	0.44	362	1.88	408	2.12	19289	88,55	854
1402	Samares, CS des	24384	95.62	86	0.34	621	2.44	410	1.61	25501	88.68	1117
0802	Rouyn-Noranda, CS de	6113	95.64	23	0.36	90	1.41	166	2.6	6392	88.74	279
1401	Affluents, CS des	34151	95.67	254	0.71	616	1.73	675	1.89	35696	88.80	1545
1504	Pierre-Neveu, CS	5594	95.75	9	0.15	126	2.16	113	1.93	5842	89.03	248
1608	Vallée-des-Tisserands, CS de la	10935	95.85	66	0.58	217	1.9	191	1.67	11409	89.25	474
0801	Lac-Témiscamingue, CS du	2962	95.95	14	0.45	38	1.23	73	2.36	3087	89.52	125
0703	Coeur-des-Vallées, CS au	6886	96.01	52	0.73	117	1.63	117	1.63	7172	89.65	286
0903	Moyenne-Côte-Nord, CS de la	1028	99.42			3	0.29	3	0.29	1034	90.13	6
0404	Bois-Francs, CS des	14817	96.2	94	0.61	307	1.99	185	1.2	15403	90.14	586
0304	Premières-Seigneuries, CS	25098	96.27	139	0.53	340	1.3	494	1.89	26071	90.32	973
0402	Énergie, CS de l'	13310	96.37	103	0.75	275	1.99	124	0.9	13812	90.56	502
0704	Hauts-Bois-de-l'Outaouais, CS des	3953	96.41	33	0.8	52	1.27	62	1.51	4100	90.67	147
1001	Baie-James, CS de la	3302	96.47	22	0.64	70	2.04	29	0.85	3423	90.82	121
1601	Sorel-Tracy, CS de	7207	96.97	25	0.34	121	1.63	79	1.06	7432	92.09	225
0202	Lac-Saint-Jean, CS du	9311	97.04	182	1.9	68	0.71	34	0.35	9595	92.28	284
0301	Charlevoix, CS de	4528	97.08	9	0.19	50	1.07	77	1.65	4664	92,39	136
1203	Beauce-Etchemin, CS de la	21547	97.2	221	1	223	1.01	177	0.8	22168	92.67	621
1205	L'Amiante, CS de	6662	97.26	22	0.32	81	1.18	85	1.24	6850	92.83	188
0803	Harricana, CS	4808	97.33	4	0.08	98	1.98	30	0.61	4940	93.03	132
0101	Monts-et-Marées, CS des	7260	97.36	65	0.87	66	0.89	66	0.89	7457	93,08	197

Table 12 (continued)

School Boards by Decreasing Heterogeneity of the School Population[18] as at September 30, 1997[19]

Code	School Board	Cath.	%	Prot.	%	Other	%	None	%	Total	X²	Non-Cath.
0104	Kamouraska–Riv.-du-Loup, CS de	8568	97.41	9	0.1	131	1.49	88	1	8796	93.23	228
1201	Côte-du-Sud, CS de la	11664	97.51	27	0.23	167	1.4	104	0.87	11962	93.47	298
1103	René-Lévesque, CS	8339	97.51	25	0.29	97	1.13	91	1.06	8552	93.48	213
1101	Îles, CS des	2079	97.7	13	0.61	9	0.42	27	1.27	2128	93.97	49
0203	Rives-du-Saguenay, CS des	16788	97.93	210	1.22	89	0.52	56	0.33	17143	94.56	355
1102	Chic-Chocs, CS des	5291	97.93	8	0.15	73	1.35	31	0.57	5403	94.57	112
0901	Estuaire, CS de l'	7893	97.99	24	0.3	70	0.87	68	0.84	8055	94.71	162
0305	Portneuf, CS de	7004	98.03	21	0.29	70	0.98	50	0.7	7145	94.82	141
0805	Lac-Abitibi, CS du	4374	98.16	13	0.29	46	1.03	23	0.52	4456	95.16	82
0103	Fleuve-et-des-Lacs, CS du	6061	98.22	6	0.1	41	0.66	63	1.02	6171	95.32	110
0204	De La Jonquière, CS	10969	98.46	58	0.52	72	0.65	42	0.38	11141	95.93	172
0201	Pays-des-Bleuets, CS du	11616	98.94	10	0.09	101	0.86	13	0.11	11740	97.20	124
	Unknown[20]	5020	88.21	201	3.53	299	5.25	171	3	5691	71.07	
	Total	881192	85.07	40043	3.87	77793	7.51	36825	3.56	1035853	64.27	

20. Students whose postal code corresponds to a region outside Québec or does not exist.

Statistical tables

Table 13

School Boards by Decreasing Number of Non-Catholics as at September 30, 1997

Code	School Board	Cath.	%	Prot.	%	Other	%	None	%	Total	X²	Non-Cath.
	10000 and over											
0602	Montréal, CS de	48786	64.12	4163	5.47	14860	19.53	8277	10.9	76086	28.55	27300
5008	Lester-B.-Pearson, CS	9404	35.41	7386	27.81	7912	29.79	1858	7	26560	6.18	17156
5007	English-Montréal, CS	11561	47.02	3226	13.12	7361	29.94	2438	9.92	24586	11.70	13025
0603	Marguerite-Bourgeoys, CS	23821	65.86	1135	3.14	8226	22.74	2986	8.26	36168	32.44	12347
	Between 5000 and 9999											
5004	Riverside, CS	3217	31.31	2781	27.07	3213	31.27	1064	10.4	10275	3.97	7058
1604	Marie-Victorin, CS	31119	82.36	815	2.16	3888	10.29	1962	5.19	37784	58.94	6665
0601	Pointe-de-l'Île, CS de la	23612	79.47	1739	5.85	3319	11.17	1043	3.51	29713	53.16	6101
5005	Sir-Wilfrid-Laurier, CS	5547	47.7	2308	19.85	3307	28.44	467	4.02	11629	13.25	6082
1301	Laval, CS de	33619	85.64	881	2.24	3745	9.54	1013	2.58	39258	65.83	5639
5006	Western Québec, CS	2785	33.22	2411	28.76	2750	32.8	437	5.21	8383	7.12	5598
	Between 1000 and 4999											
5003	Eastern Townships, CS	2236	35.76	3175	50.78	471	7.53	370	5.92	6252	19.33	4016
5009	New Frontiers, CS	1583	30.91	1892	36.95	1260	24.6	386	7.54	5121	6.44	3538
1501	Seigneurie-des-Mille-Îles, CS de la	33651	93.08	284	0.79	1253	3.47	963	2.66	36151	82.45	2500
1605	Patriotes, CS des	30627	92.81	297	0.9	1085	3.29	992	3.01	33001	81.79	2374
0502	Région-de-Sherbrooke, CS de la	17364	89.22	424	2.18	746	3.83	927	4.76	19461	73.37	2097
0302	Capitale, CS de la	23785	92.38	567	2.2	765	2.97	629	2.44	25746	80.72	1961
5001	Central Québec, CS	1913	50.69	588	15.58	1086	28.78	187	4.95	3774	15.53	1861
0702	Portages-de-l'Outaouais, CS des	11390	86.51	131	0.99	934	7.09	711	5.4	13166	67.53	1776

Table 13 (continued)

School Boards by Decreasing Number of Non-Catholics as at September 30, 1997

Code	School Board	Cath.	%	Prot.	%	Other	%	None	%	Total	X²	Non-Cath.
1401	Affluents, CS des	34151	95.67	254	0.71	616	1.73	675	1.89	35696	88.80	1545
1607	Grandes-Seigneuries, CS des	21500	93.4	161	0.7	827	3.59	531	2.31	23019	83.23	1519
1606	Val-des-Cerfs, CS du	16343	92.43	492	2.78	349	1.97	498	2.82	17682	80.84	1339
0303	Découvreurs, CS des	13262	91.59	198	1.37	352	2.43	668	4.61	14480	78.90	1218
1609	Trois-Lacs, CS des	11378	90.76	307	2.45	536	4.28	316	2.52	12537	76.90	1159
1402	Samares, CS des	24384	95.62	86	0.34	621	2.44	410	1.61	25501	88.68	1117
0701	Draveurs, CS des	17491	94.02	229	1.23	438	2.35	445	2.39	18603	84.71	1112
1204	Navigateurs, CS des	22896	95.46	270	1.13	309	1.29	509	2.12	23984	88.27	1088
1603	Hautes-Rivières, CS des	20992	95.18	145	0.66	487	2.21	430	1.95	22054	87.58	1062
	Between 500 and 999											
0401	Chemin-du-Roy, CS du	20050	95.32	292	1.39	473	2.25	219	1.04	21034	87.92	984
0304	Premières-Seigneuries, CS des	25098	96.27	139	0.53	340	1.3	494	1.89	26071	90.32	973
0804	Or-et-des-Bois, CS de l'	6785	87.85	51	0.66	753	9.75	134	1.74	7723	70.88	938
5002	Eastern Shores, CS	792	46.34	796	46.58	108	6.32	13	0.76	1709	24.77	917
1502	Rivière-du-Nord, CS de la	18435	95.57	84	0.44	362	1.88	408	2.12	19289	88.55	854
1602	Saint-Hyacinthe, CS de	13614	95.08	132	0.92	279	1.95	294	2.05	14319	87.32	705
1503	Laurentides, CS des	8171	92.16	80	0.9	200	2.26	415	4.68	8866	80.28	695
0503	Sommets, CS des	9889	93.61	184	1.74	176	1.67	315	2.98	10564	83.70	675
1203	Beauce-Etchemin, CS de la	21547	97.2	221	1	223	1.01	177	0.8	22168	92.67	621
0405	Chênes, CS des	12660	95.46	58	0.44	392	2.96	152	1.15	13262	88.30	602
0404	Bois-Francs, CS des	14817	96.2	94	0.61	307	1.99	185	1.2	15403	90.14	586
0102	Phares, CS des	11008	95.28	72	0.62	206	1.78	267	2.31	11553	87.84	545
0501	Hauts-Cantons, CS des	7906	93.75	81	0.96	205	2.43	241	2.86	8433	84.05	527
0402	Énergie, CS de l'	13310	96.37	103	0.75	275	1.99	124	0.9	13812	90.56	502
	Between 100 and 499											
1608	Vallée-des-Tisserands, CS de la	10935	95.85	66	0.58	217	1.9	191	1.67	11409	89.25	474
0403	Riveraine, CS de la	6987	95.04	58	0.79	200	2.72	107	1.46	7352	87.23	365

Table 13 (continued)

School Boards by Decreasing Number of Non-Catholics as at September 30, 1997

Code	School Board	Cath.	%	Prot.	%	Other	%	None	%	Total	X^2	Non-Cath.
0203	Rives-du-Saguenay, CS des	16788	97.93	210	1.22	89	0.52	56	0.33	17143	94.56	355
0902	Fer, CS du	5491	93.94	102	1.75	116	1.98	136	2.33	5845	84.50	354
1201	Côte-du-Sud, CS de la	11664	97.51	27	0.23	167	1.4	104	0.87	11962	93.47	298
0703	Coeur-des-Vallées, CS au	6886	96.01	52	0.73	117	1.63	117	1.63	7172	89.65	286
0202	Lac-Saint-Jean, CS du	9311	97.04	182	1.9	68	0.71	34	0.35	9595	92.28	284
0802	Rouyn-Noranda, CS de	6113	95.64	23	0.36	90	1.41	166	2.6	6392	88.74	279
1504	Pierre-Neveu, CS	5594	95.75	9	0.15	126	2.16	113	1.93	5842	89.03	248
0104	Kamouraska–Riv.-du-Loup, CS de	8568	97.41	9	0.1	131	1.49	88	1	8796	93.23	228
1601	Sorel-Tracy, CS de	7207	96.97	25	0.34	121	1.63	79	1.06	7432	92.09	225
1103	René-Lévesque, CS	8339	97.51	25	0.29	97	1.13	91	1.06	8552	93.48	213
0101	Monts-et-Marées, CS des	7260	97.36	65	0.87	66	0.89	66	0.89	7457	93.08	197
1205	L'Amiante, CS de	6662	97.26	22	0.32	81	1.18	85	1.24	6850	92.83	188
0204	De La Jonquière, CS	10969	98.46	58	0.52	72	0.65	42	0.38	11141	95.93	172
0901	Estuaire, CS de l'	7893	97.99	24	0.3	70	0.87	68	0.84	8055	94.71	162
0704	Hauts-Bois-de-l'Outaouais, CS des	3953	96.41	33	0.8	52	1.27	62	1.51	4100	90.67	147
0305	Portneuf, CS de	7004	98.03	21	0.29	70	0.98	50	0.7	7145	94.82	141
0301	Charlevoix, CS de	4528	97.08	9	0.19	50	1.07	77	1.65	4664	92.39	136
0803	Harricana, CS	4808	97.33	4	0.08	98	1.98	30	0.61	4940	93.03	132
0801	Lac-Témiscamingue, CS du	2962	95.95	14	0.45	38	1.23	73	2.36	3087	89.52	125
0201	Pays-des-Bleuets, CS du	11616	98.94	10	0.09	101	0.86	13	0.11	11740	97.20	124
1001	Baie-James, CS de la	3302	96.47	22	0.64	70	2.04	29	0.85	3423	90.82	121

Table 13 (continued)

School Boards by Decreasing Number of Non-Catholics as at September 30, 1997

Code	School Board	Cath.	%	Prot.	%	Other	%	None	%	Total	X²	Non-Cath.
1102	Chic-Chocs, CS des	5291	97.93	8	0.15	73	1.35	31	0.57	5403	94.57	112
0103	Fleuve-et-des-Lacs, CS du	6061	98.22	6	0.1	41	0.66	63	1.02	6171	95.32	110
	Under 100											
0805	Lac-Abitibi, CS du	4374	98.16	13	0.29	46	1.03	23	0.52	4456	95.16	82
1101	Îles, CS des	2079	97.7	13	0.61	9	0.42	27	1.27	2128	93.97	49
0903	Moyenne-Côte-Nord, CS de la	1028	99.42			3	0.29	3	0.29	1034	90.13	6
	Unknown	5020	88.21	201	3.53	299	5.25	171	3	5691	71.07	
	Total	881192	85.07	40043	3.87	77793	7.51	36825	3.56	1035853	64.27	154661