

Commentary

A Note on Non-Ostentatious Religious Signs

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On November 7, 2013, on the heels of a heated public debate about the role of religion in public life, the government of Québec tabled its controversial *Bill 60, Charter Affirming the Values of State Secularism and Religious Neutrality and of Equality Between Women and Men, and Providing a Framework for Accommodation Requests*. The legislation, introduced by Bernard Drainville, at the time the minister for democratic institutions and active citizenship, sought to affirm the religious neutrality of the state, in particular by prohibiting public sector employees—including those working in hospitals, schools, daycares, and universities—from wearing “*signes ostentatoires*” (“conspicuous religious symbols”). The legislation also proposed to amend the Québec Charter of Human Rights and Freedoms in order to enshrine the “equality of men and women” as the highest human right to which other rights (such as freedom of religious expression) would be subordinated. From the initial indications from the government concerning this legislative initiative in May of 2013, through a noisy publicity campaign launched in September, to televised public hearings over the winter, and culminating in the stunning electoral defeat of the governing Parti Québécois on April 7, 2014, the Charter of Québec Values (as it was popularly named) created tremendous division within Québec society, lining up politicians, journalists, media celebrities, unions, and other public figures and institutions onto bitterly opposing sides. Supporters of the charter characterized the initiative as a consummation of the Quiet Revolution of the 1960s, when Québec society first began to reject the dominant political role enjoyed by the Catholic Church, and thus a necessary step to protect the public sphere from “religious influence.” In this respect, the charter was clearly inspired by legal initiatives in France and elsewhere in Europe (see Arêas, 2015; Gonzalez, 2015), and as such it was framed as a repudiation of “Canadian” multiculturalism policy, which for its part was perceived by its detractors as a weak and dangerously indiscriminate mechanism for regulating cultural and religious diversity and for securing social solidarity. On the other side, opponents decried the charter as a thinly disguised attack on religious minorities—especially Muslim women, who risked facing unprecedented barriers to employment and participation in public life—and a sign of the Québec government’s

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lamentable endorsement of a broader Islamophobia that has swept the Western world in the post-9/11 context.

The defeat of the government at the polls in the spring of 2014 would seem to indicate that the agenda of the charter has now come to an end, and that Québec voters have rejected its divisive politics. In the words of Drainville, the principal architect of *Bill 60*, on the day after the election: “It’s over, the Charter. We did what we could to get there. Unfortunately, things ended rather abruptly” (Lemay, 2014). However, a longer view of the debate surrounding *Bill 60*, and of the social factors that fuelled this debacle, suggests that the charter’s underlying politics of religious identity and inclusion have far from subsided. Certainly, concerns about the visual signs of “religious radicalism” continue to be expressed both within Québec and across the rest of Canada, not least with regard to the wearing of the niqab and the burqa and their perceived threats to Canadian public civility (cf. Arêas, 2015). What follows is a closer analysis of some of the terms on which the previous Québec government sought to regulate religious difference in the public sphere. It remains to be seen how the newly elected Liberal government in Québec—or any other provincial or federal government in Canada, one might hazard to suggest—will manage these questions of religious identity and diversity, and whether they will end up entangled in the very same language of “liberal tolerance” one finds at the root of the previous Québec government’s charter initiative.

To unearth the reasons why the animating force of *Bill 60* might remain in play within Québec politics, even in the wake of the recent election, we need to examine more closely one of the key planks of the proposed charter, namely its proposal to draw a line between “ostentatious” and “non-ostentatious” religious signs, and their respective degrees of permissibility within the public sector workplace. “From this point on,” it was stated in one document explaining the government’s legislative intention, “those working for the state must demonstrate their religious neutrality, not only in their behaviour but also in their appearance” (Government of Quebec, 2013, p. 4, my translation). To ensure this “appearance of religious neutrality,” the proposed *Bill 60* would specifically proscribe the wearing of religious signs that were deemed to be “easily visible” and that possessed the power to “draw attention” to themselves (*ayant un caractère démonstratif*). The language adopted here of visibility and attention—condensed in the key category, that of “*signes ostentatoires*”—was embedded in a larger conversation concerning the place of religion in modern nation-states, as emphasized by none other than then-Première Pauline Marois, when, during one media scrum, she defended her government’s initiative as conforming to “a well-known international standard.” No doubt, one of the most important precedents being invoked here was that of France, which in 2003 tasked the Stasi Commission to help “defend secularism” within the French public school system through the codification of acceptable legal limits for the wearing of religious attire (Government of France, 2003). In this context, the Québec initiative offered a variation of what has already become a familiar international theme that conceives secularism and its threats in specifically visual terms. The word “ostentation,” after all, assumes an intentionality on the part of the wearer to be noticed: more precisely, to be noticed in an excessive, provocative manner. In this framework, undesirable religious affiliations and modes of public presentation can be treated as forms of visible pollution (cf. Gonzalez, 2015).

Figure 1



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To help clarify the terms on which state neutrality was to be defended, as well as to generate broader support for the bill, in the late summer of 2013, the Québec government launched a public relations campaign, one element of which was an infographic (see Figure 1) designed to concretize this distinction between (permissibly) “non-ostentatious” and (impermissibly) “ostentatious” religious signs. On one side, one finds a hijab, a niqab, a kippa, a dastar (Sikh turban), and a “large” crucifix; lined up on the other side are several items of jewellery—a small crucifix, a ring bearing a Star of David, and a crescent moon-shaped earring. What is going on here?

First, let us note how the infographic performs the work of comparative religion through the generation of equivalences. A rather disparate collection of bodily disciplines, habits, aesthetic sensibilities, and material affordances for the cultivation of piety disappears behind the surface of signs that function synecdochally as markers of one’s religious identity and affiliation. Not unlike the *sumptuariae leges* of Ancient Rome, in which different colours and types of clothing served to distinguish citizens according to their age, gender, and social rank, the modern liberal state conceives of its agents as “a unity encompassing difference,” while at the same time providing a visual means for distinguishing between tolerable and intolerable categories of persons. Indeed, once they enter the arena of the “neutral state,” regardless of the intentions or assumptions of their wearers, the hijab, the niqab, the kippa, and the dastar all become equally recognizable as “visual matter out of order”; they are now markers of identity and affiliation that somehow risk occluding the very possibility of an integral and consistent form of state agency.

Following closely from this, we might further note that whereas much discussion of *Bill 60* focused on the proposal to ban ostentatious signs, this infographic pointed out how the modern state has had an equal stake in defining the category of the “non-ostentatious” religious sign. This was explained by some as a “compromise solution,” whereby the government of the day—recognizing that the removal of all visible evidence of religious affiliation was untenable—opted to make provision for a degree of “tolerable offense” to its vaunted principle of state neutrality. With the creation of the category of “permitted religious signs,” it was argued by some, the government was simply seeking to preempt protracted legal debate over whether the bill was discriminatory against religious minorities, or whether it failed to protect the fundamental human right of liberty of conscience. It might also be suggested that the bill was crafted to avoid ruffling the feathers of the large numbers of practicing Christians currently working in Québec’s public sector—a not insignificant number of whom happen to wear (typically small) crucifixes around their necks or pinned onto their clothing. The visual code presented here thus seemed to be designed to focus attention more narrowly on “undesirable” religious minorities, while at the same time allowing the government to proclaim its even-handedness and willingness to compromise. But whatever the actual intentions of the government, the deployment of this category of the “permitted sign” wonderfully epitomized a much larger and more longstanding liberal project to (re)construct modern religions as spheres of personal conviction, and to ground the authority of the state in the consensus of religious communities and actors to make themselves recognizable on such terms.

The non-ostentatious sign is thus a marker of religion that “knows its place” in the *pax moderna* of privatized, personal convictions and secular state power. And, in the benevolent, paternalistic spirit of this project to contain religion, a gesture was made toward “impolite” forms of religious activity. As depicted in the infographic (Figure 1), those deemed guilty of visual offence are offered *substitute signs* through which their religious identities, affiliations, convictions, and practices might be made more acceptable, such as a Star of David ring or a crescent moon-shaped earring. Paradoxically, the very state that sought to create and protect a form of public space as “religiously neutral” ended up inventing entirely new religious practices by creating its own iconographic repertoire that would allow kippa-wearing Jews, hijab-wearing Muslims, and dastar-wearing Sikhs to enter into the public space of the state and join the ranks of its small-crucifix-bearing liberal citizens. This paradoxical gesture should not surprise us. On the contrary, the strange visual language of *Bill 60* perfectly instantiates what Talal Asad (2006) has described as “the game of religious signs” (p. 504) played by the secular state, which, in the act of being played, allows the abstract being of the modern state to be realized in the first place. What new versions of this game will be invented by future governments in Québec, or for that matter, anywhere else in the world, where the fantasy of securing liberal public tolerance through the privatization of religious conviction continues to hold sway?

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