

ETHICS & RELIGIOUS CULTURE – WHY THE FUSS? *

Douglas Farrow
Professor of Christian Thought, McGill University

** A public lecture delivered at McGill on 28 October 2009 in a series on Religion and the Public Sphere sponsored by the Centre for Research on Religion (CREOR). A recording of the lecture and discussion is available at <http://podcasts.mcgill.ca/arts-humanities/ethics-and-religious-culture-why-the-fuss/> Among subsequent legal developments, it should be noted that the Drummondville case is before the Supreme Court of Canada and that the Loyola case, decided in the school's favour by the Québec Superior Court, is currently under appeal. (19/01/12)*

Religion & the Public Sphere: This is a rubric under which I am always happy to speak, since my own theological research has led me deeper and deeper into this issue. Tracing primitive, medieval, and modern permutations of the doctrine of the ascension was the task of my doctoral work, and there is perhaps no more politically charged doctrine than that!

Let me say immediately that I hold, in my fashion, to two of the three principles Professor Charles Taylor put forward last week. We should indeed have a society in which we have liberty to express those beliefs that are at the core of our identities and worldviews, a society in which “maximum input” at this level is encouraged not discouraged. With Taylor I also reject the “containment of religion” or (as I would say) the “militant” model of secularism. And of course I embrace his commitment to religious literacy.

He mentioned ERC in this connection and I was glad that he did so, because ERC has made for a very interesting test case, not only for how religion is to be handled in the public sphere, but for the viability of the model of secularism that he espoused: the “management of diversity” model, which besides committing to religious liberty and “maximum input” from every serious partner in civil society, commits also to the neutrality of State institutions as regards religious and non-religious worldviews.

We’ll come back to that, for here my view diverges from his, but I must speak first to the question posed in my title: Ethics & Religious Culture – why the fuss?

I. History of the Reform

By way of background, to refresh your memories, let me quote at some length from a 2003 document entitled *Religious Rites and Symbols in the Schools: The Educational Challenges of Diversity*. This was a brief to the Minister of Education from the Comité sur les affaires religieuses.

The reform of Québec’s education system began with the Estates General on Education, which held hearings in 1995 and 1996. In its final report, the Commission for the Estates

General on Education recognized the secularization of the school system as one of ten priority actions of the reform. In the wake of these efforts, the National Assembly sought a solution to this situation by requesting an amendment to section 93 of the Constitution Act, 1867. This amendment, adopted in December 1997, allowed Québec to abolish denominational school boards in Québec City and Montréal and to eliminate the right to dissent elsewhere in Québec. Thus Bill 109, adopted on June 19, 1997, provided for the establishment, effective July 1, 1998, of French and English linguistic school boards.

The Task Force on the Place of Religion in Schools in Québec, established in October 1997, tabled its report in March 1999. [NB: This report, generally known as the Proulx Report, “recommended the abolition of denominational school boards, the replacement of religious instruction by the study of religions from a cultural perspective, and the establishment of common spiritual and religious animation services.”] The Parliamentary Commission on Education held consultations from June to November 1999, after which ... Bill 118 which amended the Education Act, among others, was adopted on July 14, 2000. Because this bill abolished the denominational status of schools, no schools have been recognized as Catholic or Protestant in Québec since July 1, 2000.¹

One footnote adds that “the changes to the denominational nature of the school system brought about by Bill 118 were clearly in favour of greater secularization. In general terms, this bill made a sharp distinction between Church and State, an essential component of secularity.” Another note lists “the changes brought about by Bill 118: there are no more confessional organizations within State structures; public schools no longer have a confessional status; those said to be ‘project-specific’ can no longer adopt a religion-based educational project; a new spiritual care and guidance and community involvement service replaces confessional animation services; and a common Ethics and Religious Culture program will be offered to all Secondary II students.”²

Five years later, Bill 95 abolished the last vestiges of faith-based or confessional elements in public education and imposed the new curriculum: “a single educational path for all students” that is compulsory for both public and private schools. It occupies a much larger portion of teaching time than did the old curriculum, and it runs right through primary and secondary education.

Here a footnote of my own: Stéphane Dion, who as Minister of Intergovernmental Affairs tabled the 1997 resolution to amend the Constitution Act so that Bill 109 could come into effect, observed at the time that “the right to religious instruction is still guaranteed under Section 41 of the Québec Charter of Human Rights and Freedoms, a document that has quasi-constitutional status according to the Supreme Court of Canada.” But this guarantee proved worthless. When Bill 95 was passed in June 2005, the Québec Charter was amended – without public notice, meaningful debate, or a recorded vote. Article 41 was extensively revised, removing the right of parents “to require that, in the public educational establishments, their children receive a religious or moral education in conformity with their convictions.” That right was replaced with a

¹ p. 4f.; cf. Appendix 3.

² p. 22, n. 57

right to give their children private religious instruction as long as it does not violate “their children's rights or interests.” No clarification was offered as to who will decide what those rights and interests are.

In September 2008 the new curriculum began to be taught, or at least some pretence was made at teaching it. On the ground there were no officially approved manuals and teacher training was spotty, to say the least. Public opinion remained divided, as did the Assembly of Catholic Bishops, which showed it a yellow light. Among the general public some 45% opposed the course, while 72% desired a choice between the new curriculum and a more traditional one. A few months ago that figure stood, in one poll, at 79%.

ERC has been opposed by militant secularists from the Mouvement Laïque Québécois and by some who question the value of religious literacy, by nationalists and those who think it too pluralistic, and by religionists who think it too relativistic. It has also become the occasion of three lawsuits, as the UQÀM professor, George Leroux, anticipated it would: “We can already foresee,” he wrote in 2006, “long debates about reasonable accommodation and even legal challenges under our charters.”³

One suit, in Granby, contested the expulsion of some students who refused to attend the classes; the judge overturned these expulsions, pending the outcome of the Drummondville case. In Drummondville a family sued the School Board and the Ministry for refusing to grant exemptions, claiming that parents and students should have the liberty to decline the State’s version of ethical and religious education. The judge in that case (leaning heavily on the expert witness of the Rev. Prof. Gilles Routhier) decided that ERC participation is compatible with the family’s Catholic faith and that compulsory attendance therefore does not violate their rights and freedoms. The Drummondville decision was announced on 31 August and is currently under appeal.

The third case, which is still awaiting a decision, involves a suit against the minister by Loyola High School in Montreal, contesting the demand that it teach the new curriculum and seeking an institutional exemption on the basis of its own instruction in ethics and in world religions. Loyola claims that the ERC pedagogy – not so much the subject matter but ERC’s particular approach to the subject matter – would contradict its Jesuit teaching mandate and so violate its Charter rights. This case also has a parental co-plaintiff who happens to be a distinguished member of our Faculty of Arts.

I served as an expert witness to the court in the Loyola case, at Loyola’s request, and while the judgment is awaited it is not my place to offer any analysis or opinion respecting the legal questions. This I can and will say, however, *apropos* religion in the public sphere, that the Drummondville and Loyola cases are not about religious *literacy* but about religious *liberty*. They raise important questions

³ “Ethics and Religious Culture: An Education Program for Québec Society”(29 November 2006), p. 5.

about the way in which citizens, communities, and free-standing civil institutions (private schools, e.g.) relate to the State and vice versa.

It has been stated in the press on more than one occasion, and by people in the academy who ought to know better, that “what parents were demanding [in the Drummondville suit] was the right to ignorance, the right to protect their children from being exposed to the existence of other religions.” This is false and misses the point entirely. No doubt there are people who prefer ignorance to knowledge, but the question that we face in the ERC controversy is a question about how knowledge is communicated, to what use it is directed, and who gets to decide that. It is also a question, then, about the kind of secularism we have or intend to have in Québec society.

So much for background. Let’s see if we can penetrate more deeply into this issue by considering the purpose and rationale of the ERC program. I am going to lean heavily on my report to the court, which is now a document of public record, quoting freely from it where I want to, but without attempting either to follow it out or to be governed by it.⁴ I have other purposes here.

II. Reform or Revolution?

Professor Leroux is the foremost philosopher and apologist for the ERC program, and we may safely follow his lead in describing it. He also served as an expert witness, both in the Drummondville case and in the Loyola case, at the request of the Ministry. Leroux insists that “no one can truly gauge the magnitude of change under way” through ERC, and that “someone looking in from the outside on the transformation in progress could say we are preparing a sort of revolution.”⁵

The revolution in question can only be understood by recognizing that ERC is designed to fill a void, or rather two related voids, one moral and the other religious. The first void is created in part by the lamentable fact that “literary culture is no longer the vector for the moralization of youth, and even less so for their introduction to thought.”⁶ The second void is generated by the end of confessional education in the schools and, more generally, by what Leroux calls “a deconfessionalized society.” To deconfessionalize means to break

with the structure of religious denominations and faith, in order to gain access in school, as everywhere else in the public sphere, to a non-denominational, secular space. That break cannot erase the past, but it also cannot help being a true interruption. Public

⁴ Loyola and Zucchi v. Courschesne: Québec Superior Court No.: 500-17-045278-085: *Report from Douglas Farrow respecting Loyola High School’s and John Zucchi’s demand for exemption from the requirements of the ERC curriculum*

⁵ “Ethics and Religious Culture,” p. 3; see also his more expansive treatment of the program in *Éthique, culture religieuse, dialogue*.

⁶ Leroux, “Ethics and Religious Culture,” p. 17.

schools will no longer be the setting for any confessionality whatsoever, and we must take the full measure of the break with the past. But this non-denominational space is nonetheless not destined to become empty, a space whose neutrality would require complete indifference to everything moral, spiritual and religious. The positive aspect of this movement must now challenge us more than the impact of the break in communities of believers, which are called on, for their part, to face the challenge of reconstruction of denominational transmission in their own institutions.⁷

In other words, it now falls to the State rather than to the churches and synagogues, etc., to take the lead in equipping our youth to deal with “the considerable issues, both moral and religious, facing the contemporary world.” The ERC program “does not intend to leave empty the place for the religious and the symbolic, but to fill it another way. It also assumes, as resolutely as possible, responsibility for the education of all young people to face the moral issues of these times.”⁸

This is indeed a revolution. If the State is to assume responsibility for equipping young people to face the moral issues of our times, it will have to assume responsibility also for determining what those issues are and how they should be presented. If it does not intend to leave empty the place of the religious and the symbolic in the schools, it will have to decide how that space should be filled. What was once the task of the family and of the religious community, working in cooperation with the schools – has now become the task of the State. Otherwise put, the ERC revolution transfers to the State some of the most fundamental responsibilities of civil society.

That might not be Professor Leroux’s preferred way of putting it. Still, when he insists that “Québec’s choice is radical and absolutely unprecedented,” he points to just such a transfer. Québec has not adopted either the communitarian model followed in many other States or the republican model adopted by France. The former leaves schools – even public schools – free to craft moral and religious education in a manner consonant with the communities in which the schools are found; the latter eschews formal education in those subjects and entrusts the schools only with the task of studying the kind of literature that is capable of raising some of their fundamental concerns. Québec’s choice is for a new model that puts moral and religious education in the schools wholly into the hands of the Ministry; that is, of the State or its agents. The religious and moral formation of the youth of Québec will not be neglected but transformed – transformed by the State’s assumption of responsibility for it, and so also of the right to shape the vision that guides and governs it. For “to educate is, first and foremost, to train human beings,” as another Ministry document says.⁹

⁷ Ibid., p. 5

⁸ Ibid., p. 3.

⁹ *The Spiritual Development of Students*, p. 45.

This ambitious goal explains, by the way, the determination to include both religious and ethical instruction in the ERC program. “Seeking to assume responsibility for the transmission of norms – and that means not limiting ourselves to the transmission of basic knowledge such as language, mathematics and science – we decided [says Leroux] to fill the gap left by deconfessionalization, not with one project, but with two concomitant projects for the transmission of norms.”¹⁰

III. Can a revolution be neutral?

The new program, then, is not revolutionary because it eschews the transmission of norms, but because it continues, even under the conditions of deconfessionalization, to embrace and insist upon the transmission of norms. It is revolutionary because it assumes that burden and does not shy from carrying it, though it handles it very differently than did confessional education: “We believe that moral and religious knowledge must be explicitly transmitted, not suppressed, and we believe that transmission must reflect the pluralism of our culture.”¹¹

Here we should observe that there is an unresolved tension at the heart of the program, generated by the assumption, on the one hand, that deconfessionalization belongs to the pursuit of a neutral secular space and by the commitment, on the other hand, to a robust educational philosophy that recognizes the importance of human formation through the transmission of norms. This tension did not exist before “deconfessionalization” and it is vital that we grasp it.

In order to do so we must consider more closely the ERC’s underlying philosophy, which Leroux calls *normative pluralism*. “The first reason that we, the Government and all those who have supported it, judged that it is necessary, even essential, to draw up the course of ethics and religious culture,” he says, “is normative pluralism. It is essential that diversified experience, both on the moral and the religious level, be valued in its diversity.”¹²

The term “pluralism” is even more polyvalent than the term “secularism,” so permit me to comment on this parenthetically: Pluralism can refer to a *social phenomenon*; that is, to increasing diversity in a given society, to growing variety in the cultural landscape. Or it can refer to a *philosophy*, marked by skepticism about our ability to offer a convincing unitary account of reality. When that philosophy is proposed as a strategy for coping with diversity – that is, when it becomes a *political* philosophy – it asserts that public life should not be governed by any particular unitary account of ultimate reality.

¹⁰ Leroux, “Ethics and Religious Culture,” p. 6

¹¹ *ibid.*, p. 13

¹² Quoted by Jean Morse-Chevrier, “Gare au pluralisme normatif,” *Le Devoir*, 4 June 2007

“Normative pluralism” implies that pluralism, precisely as a political philosophy, should prevail everywhere in the public sphere. Leroux speaks of “the political determination to make the pluralist social and cultural experience a success in a non-religious, secular framework.”¹³ The function of normative pluralism is thus both negative and positive. On the one hand, it must see “that no one principle, ideal, or way of life can dominate.”¹⁴ On the other hand, it must provide the means of engagement that creates a common society out of its diverse and sometimes incommensurable components. Normative pluralism, then, refers to something not unlike the “management of diversity” model of secularism described by Professor Taylor. Its management strategy, if you please, is to emphasize that valuing *diverse* moral and religious perspectives is to become the norm, though in the realm of morals it is still prepared (or at least Professor Leroux is prepared) to posit a few universal maxims.

Now this presents us with something of a conundrum: Pluralism may celebrate the fact that different ethnic and religious or cultural groups bump up against each other in the public sphere. It may celebrate the multicultural reality of a country with a high rate of immigration from diverse places. There is no conundrum there; nor does one need to be a pluralist in order to join the celebration. But if pluralism is to guarantee the engagement that creates a common society, and if indeed it is to do so by policing the engagement in an attempt to see that no one principle or ideal dominates, what then are we to make of pluralism itself? Is its very normativity not in fact its self-contradiction? Is “the political determination to make the pluralist social and cultural experience a success in a non-religious, secular framework” not in fact a dominating principle?

This conundrum appeared already with the Proulx report, which championed moral and religious diversity in just such a way as to demand ideological conformity to a non-religious, secular framework. Of that report, Peter Lauwers (now a justice of the Superior Court of Ontario) astutely observed: “It is no small irony that it trumpets pluralism in Québec's society but then prescribes uniformity in public education as the appropriate antidote.”¹⁵ That uniformity is currently imposed upon every school in the province, even on explicitly religious schools like Loyola.

From the beginning, as Leroux acknowledges, the ERC revolution was inspired by a passionate commitment to normative pluralism. Its proponents have not been neutral about normative pluralism, in other words, nor should we expect

¹³ “Ethics and Religious Culture,” p. 14

¹⁴ To borrow Avigail Eisenberg's phrase, in a review of David Miller and Michael Walzer, eds., *Pluralism, Justice and Equality* (Oxford 1995), in *American Political Science Review*, 90.3, 1996, p. 636.

¹⁵ “The Proulx Report and Educational Changes in Québec,” p. 2. Lauwers adds: “The Report is a brilliant piece of propaganda for its own policy prescription. It wraps itself in the cloak of human rights but it is really aimed at social homogenization.”

them to be. It would be an odd revolution if it were produced by the uncommitted! But ERC claims to be neutral about religion, and to aim at presenting religions in a neutral, objective manner. Is the ERC curriculum actually neutral in its approach to religion? Let us take a moment to consider that question.

IV. Pedagogies and Presuppositions

ERC, we should note, has quite limited religious literacy goals. Not only does it eschew confessional instruction or catechesis, it is explicitly not a course in philosophy of religion, or religious doctrine, or the history of religion. Rather it is a course in “religious culture.” The Dalai Lama, when he was here at McGill recently, seemed to have trouble grasping that concept, but this is what we are told in the introduction to the program:

This instruction is aimed at an informed understanding of the many forms of religious expression present in Québec society and in the world. It is considered “cultural” because it is aimed at the ability to grasp the field of religion by means of its various forms of expression in time and space. It allows for understanding the signs in which the religious experiences of individuals and groups are conveyed that contribute to shaping society. Moreover, it does not espouse any particular set of beliefs or moral references.¹⁶

ERC intends to steer clear of contentious religious concepts and judgments by being strictly phenomenological. “The goal is neither to accompany students on a spiritual quest, nor to present the history of doctrines and religions, nor to promote some new common religious doctrine aimed at replacing specific beliefs.” The main responsibility of its teachers, we are told, “is to accompany and guide their students in their reflections on ethical questions, in understanding the phenomenon of religion and in engaging in dialogue. Teachers therefore play the role of cultural mediator, that is, they build bridges between the past, the present and the future, especially with regard to Québec culture.”¹⁷

I leave it to my betters to explain the nuances here, to draw the line for us between the spiritual and the merely cultural (no doubt the gallery will be packed with Goethe and Wagner fans, if not with devotees of the Dalai Lama) and show us how to build bridges between the past and the future without espousing any particular set of beliefs or moral references. What I want to underline is that ERC quite deliberately places “new demands on teachers with regard to the professional stance they adopt.” On the one hand, “to ensure against influencing students in developing their point of view, teachers abstain from sharing theirs;” on the other, teachers hone their pedagogical skills so as to “foster openness to diverse values, beliefs and cultures.”

¹⁶ *Introduction to the Ethics and Religious Culture Program* May 2008 Update (Québec Education Program, Secondary Education), Preamble.

¹⁷ *ibid.*, 12

Since this subject matter touches upon complex and sometimes delicate personal and family dynamics, teachers have an additional obligation to be discreet and respectful, and to not promote their own beliefs and points of view. However, when an opinion is expressed that attacks a person's dignity or if there is an action that is suggested that compromises the common good, the teacher will intervene by referring to the program's two objectives. The teacher must also cultivate the art of questioning by promoting such values as openness to diversity, respect for convictions, recognition of self and others, and the search for the common good. ¹⁸

I draw attention to the professional posture because that, really, is the defining feature of ERC. It is also the ground on which the Ministry refused to allow Loyola to offer an equivalent program by teaching these subjects in its own Catholic and Jesuit way. About this posture I want to make three critical observations.

First, pedagogies, like political philosophies, are not neutral. They are rooted in worldviews. If you see the world as Socrates saw it, you will adopt Socrates' pedagogical methods. If you see it as Kierkegaard saw it, you'll prefer Kierkegaard's. If you see it as Nietzsche saw it, you'll prefer Nietzsche's, and so forth.

Second, while the teacher is told to keep his own views under wraps, he is also told to promote certain "values" and to avoid anything that compromises the common good or the dignity of the person. But what is the common good? What is the dignity of the person? What is recognition of self and of the other? Either this advice is empty advice, or some quite profound matters have already been decided upon and some very significant beliefs embraced.

Third, by making ERC mandatory – universally mandatory – the State imposes its philosophy and its pedagogy on everyone.

The Loyola case is especially revealing here. Loyola asked of the Ministry only that it be allowed to cover the prescribed topics of ERC in its own way. It did not object to the two main objectives of the program – to encourage recognition of others and pursuit of the common good.¹⁹ How could it object? These two objectives are lifted straight out of Catholic teaching. Vatican II's famous *Declaration on Religious Liberty* speaks of the function of government to make provision for the common good, which consists, it says, in the sum of those conditions of social life under which the dignity of persons can be properly pursued and developed.²⁰ Nor did Loyola in any way object to the three main competencies of the ERC program. It was more than happy to see that the student "carries out thorough reflection on ethical questions; demonstrates an informed understanding of the phenomenon of religion; engages in dialogue

¹⁸ *ibid.*, 12f.

¹⁹ *ibid.*, p. 2

²⁰ *cf. Dignitatis humanae* §§3, 6, 8.

with a view to contributing to community life.”²¹ Nor yet did Loyola object to the notion that “to educate is, first and foremost, to train human beings.” This language, too, is Catholic: “True education,” says Vatican II’s *Declaration on Christian Education*, “is directed towards the formation of the human person in view of his final end and the good of that society to which he belongs and in the duties of which he will, as an adult, have a share.”²²

What Loyola objected to was the Ministry’s demand that it pursue these objectives and these competencies as if the human being could be properly formed without any reference to his or her “final end,” or as if the school and its teachers did not believe in any such end – in short, as if they were all agnostics. What Loyola objected to, in other words, was the Ministry’s insistence that these goals and these competencies could not be achieved if pursued in a Catholic way. That the Ministry would take this position suggests that it has its own quite different view of what a human being is, and also of what the common good is, and that it cannot tolerate any competitors to its view.

According to Catholic canon law, “since true education must strive for complete formation of the human person that looks to his or her final end as well as to the common good of societies, children and youth are to be nurtured in such a way that they are able to develop their physical, moral, and intellectual talents harmoniously, acquire a more perfect sense of responsibility and right use of freedom, and are formed to participate actively in social life.”²³ The appeal here to a “final end” is the only part of this that the crafters of ERC have dropped, but the appeal to a final end (read “God”) is the most decisive element. To require Catholics to drop it is to require them not to *be* Catholic. “It is clear,” says the Church, “that the school has to review its entire programme of formation, both its content and the methods used, in the light of that vision of the reality from which it draws its inspiration and on which it depends. Either implicit or explicit reference to a determined attitude to life (*Weltanschauung*) is unavoidable in education because it comes into every decision that is made.”²⁴

²¹ July 2007 Brief, p. 5. The three aims of the Québec Education Program – “the construction of identity, the construction of world-view, and empowerment” – stand in a similar relation to a Catholic philosophy of education, and to Loyola’s own mission, which is to help its students “explore their religious experiences in an environment where Catholic doctrine and values are understood, cherished and fostered; form sound moral judgment and a firm will to act according to it; and develop a fraternal respect for people of differing creeds and cultures.”

²² *Gravissimum educationis* §1

²³ Canon 795

²⁴ *The Catholic School* §28f. Again, there is a shared goal – “It must never be forgotten that the purpose of instruction at school is education, that is, the development of man from within, freeing him from that conditioning which would prevent him from becoming a fully integrated human being” (§29) – but a different understanding of how that goal is reached and of what is attained when it is reached: “If, like every other school, the Catholic school has as its aim the critical communication of human culture and the total formation of the individual, it works towards this goal guided by its Christian vision of reality ‘through which our cultural heritage acquires its special place in the total vocational life of man’” (§36).

ERC of course has its own *Weltanschauung*. *Religious Rites and Symbols in the Schools* cites a UNESCO report from the International Commission on Education for the Twenty-first Century: “We must be guided,” says Jacques Delors in that report, “by the Utopian aim of steering the world toward greater mutual understanding, a greater sense of responsibility and greater solidarity, through acceptance of our spiritual and cultural differences.”²⁵ This utopianism, so far as I can tell, is an article of faith, a core belief, a basic presupposition of the ERC program. The implementation of ERC is itself a vital instrument for realizing the vision. ERC, we are told, “will facilitate the management of religious diversity.”²⁶ How? By teaching students of all faith traditions – perhaps we should say, all other faith traditions – to accept the utopian notion that differences can be dealt with simply by acknowledging and accepting them.

Does this sound something like Professor Taylor’s “management of diversity” model of secularism? In practice, it is hard to distinguish from the “containment” model Taylor rejects. ERC seems designed to reduce the dangerous flux of conflicting religious and moral commitments to something safer and less threatening, by insisting that it is all a sort of game that can be played without injury so long as there are level-headed referees who will rule every actual truth-claim out of bounds.

“If ERC is to attain the objective of recognition of others,” argues Professor Leroux, “it is first and foremost in the recognition of the absolute value of the fundamental positions of everyone, believers and unbelievers alike. That is the ideal of neutrality which ERC seeks to implement.”²⁷ This is a game in which only the referees can win. For if absolute value is to be accorded to the fundamental positions of everyone, it is to be accorded to the fundamental position of no one. If everyone is special, no one is special. Except the referees, of course.

It is one thing to believe that greater mutual understanding is a good thing; quite another to believe that greater solidarity can be achieved simply by accepting differences. Those who believe the latter are motivated to present our differences as merely “cultural” – not as substantial but as superficial, a bit like dress or diet. Where these differences are more than superficial they are said to belong to the sphere, not of public reason and debate, but of private preference or of personal autonomy. In other words, everything that might threaten the desired solidarity is simply bracketed out.

But not everyone is persuaded by this procedure. Some take their own Catholic or Jewish or Muslim or Hindu or Buddhist worldview and community more

²⁵ Paris 1996; quoted on p. 3f.

²⁶ July 2007 Brief, p. 20.

²⁷ See his Expert Report in the Loyola case.

seriously than that. What to do with them? Well, we'll go into their schools and tell them they must stop, at least for a few hours a week, thinking and acting like Catholics, Jews, Muslims, Hindus, etc. We'll ask their teachers to begin a new regime, a new kind of exercise. We'll take away their own mandates and reasons for teaching, and impose on them a new government mandate, a utopian mandate, and a new kind of pedagogy that goes with it: a pedagogy in which "objectivity" no longer means paying scrupulous attention to the facts, but adopting the standpoint of one who has and makes no religious commitments. This is a pedagogy that always refers the student back to himself as the final reference point, rather than to his end – that is, to the divine – as a final reference point. What is more, we'll not recommend this; we'll demand it. Which means that the final reference point is not really the autonomous individual, who might for example choose to be involved in a Catholic or a Jewish school. No, the final reference point will be the State, which will force everyone to be free.²⁸

V. Is there an alternative?

Normative pluralism, I have suggested, is a political philosophy which holds that public affairs – including education, whether public or private – should be conducted on the basis that there are a variety of worldviews operative in society today and that the State should commit to none of them, except to normative pluralism. Otherwise put, normative pluralism suppresses diversity while claiming to support it. It tends to monoculturalism, not multiculturalism or interculturalism. It is more Rousseauvian than Rawlsian, more statist than democratic.²⁹ A revealing footnote in the main ERC consultation document actually indicates that the purpose of the program is to "allow Québec students to develop a religious culture consistent with ministerial orientations."³⁰

This is the place to acknowledge that there is some extra baggage the ERC is asked to carry in Québec. In his book, *Éthique, culture religieuse, dialogue. Arguments pour un programme*, Georges Leroux speaks of the State becoming the "sole owner" and the "sole actor" in education – a change, he insists, of

²⁸ I've alluded to Rousseau but J. S. Mill has his fingerprints all over this program. Working on the premise that "in an improving state of the human mind, the influences are constantly on the increase which tend to generate in each individual a feeling of unity with all the rest," Mill invites us in *Utilitarianism* to imagine a situation in which "this feeling of unity [would] be taught as a religion, and the whole force of education, of institutions, and of opinion, directed, as it once was, in the case of religion, to make every person grow up from infancy surrounded on all sides both by the profession and by the practice of it." ERC makes that rather easier to imagine.

²⁹ "By grouping all the students together, rather than dividing them into groups according to their beliefs, and by promoting the development of attitudes of tolerance, respect and openness, we are preparing them to live in a pluralist and democratic society" (May 2008 Update, preamble). This may sound like an exercise in political liberalism, but it is actually an exercise in the authoritarian "comprehensive liberalism" that Rawls rightly resists in the sphere of education (see *Political Liberalism* 199f.).

³⁰ "Consultation on the Draft *Ethics and Religious Culture Program*," p. 32, n. 22.

tremendous importance.³¹ He has in mind, when he says *seul acteur*, that the Church and other religious authorities are no longer actors, at least in any privileged sense; they are stripped of all that and reduced to the status of mere citizens. He thus invests ERC with the significance of a rite of passage for Québec. There is a coming of age and a transfer of authority in view. It will be the State, not the Church, that from now on will be in charge of Québec's destiny. It is *par la voix de l'Etat* that the people of Québec will now speak for themselves, and hear themselves speaking. Or at all events it now falls to the State to be the tutor and teacher of the people, so that they may learn to speak with their own voices. That is what ERC seems to represent for Professor Leroux.

Myself, I think it is time to discard this baggage, but in any case I do not wish to be distracted by it here. I want simply to say that ERC, as it is currently conceived, does not fit very well with the principles enumerated by Charles Taylor in support of his "management of diversity" model. If we are to have real liberty of belief and equality of treatment and maximum input from religious worldviews, I do not think we can continue down the path of a mandatory ERC curriculum. On that path the communities that have generated and sustained the religious worldviews that have hitherto shaped Canada and Québec are being squeezed out by a competing worldview in which the supposedly autonomous individual walks hand-in-hand with the putatively neutral state. Parents and families are being squeezed out as well. Article 26.3 of the *Universal Declaration of Human Rights* states that "parents have a prior right to choose the kind of education that shall be given to their children." Article 10.3 of the *International Covenant on Economic, Social and Cultural Rights* declares that signatories must "ensure the religious and moral education of ... children in conformity with their [parents'] convictions." The *Toledo Guiding Principles on Teaching about Religions and Beliefs in Public Schools* warns against any attempt by the State to "indoctrinate pupils in a particular worldview through the educational system against the wishes of the pupils' parents." ³² If there is a fuss about ERC, in the courts and outside them, it is because these principles and these liberties are being eroded by an unwanted and unwarranted advance of the State, under the guise of neutrality. As Oliver O'Donovan remarks in *The Desire of the Nations*, "the false self-consciousness of the would-be secular society lies in its determination to conceal the religious judgments that it has made."³³

But now there is one more thing to say. I confess to real doubt about the whole idea that State institutions can or should be neutral as regards religious and non-religious worldviews. I am inclined rather to think that every State rests, and must rest, on some worldview, the worldview that has shaped the society which

³¹ p. 20

³² p. 68. One ERC supporter, Professor Michel Despland of Concordia, went so far as to suggest in a recent FRS forum ("What is Religion?", 6-7 November 2008) that "the goal of public education is 'to release youth from the control of parents.'"

³³ p. 247

the State is meant to serve.³⁴ I have argued this in *Recognizing Religion in a Secular Society*, and again in *Nation of Bastards*, and suggested that when it comes to secularism we must distinguish three models rather than two: militant or “containment” secularism and liberal or “management of diversity” secularism are not the only options, if indeed they really are distinct options; there is also a Christian or “eschatological” secularism to consider, which commends itself not only because it contributed so much to the building of Canada but because it is capable both of honesty about its commitments and of modesty in their application. It knows how to defend liberty on the basis of its beliefs, not apart from them or in spite of them.³⁵ Admittedly, we have lost touch with this kind of secularism and no longer understand it very well. One can also point to its failures. But it has a longer and, arguably, a better track record than the other models do; and if it has its own internal tensions, they are less pronounced than those that afflict the Rousseavian/Millsian/Rawlsian model with which we are currently experimenting.³⁶ Discussion of all that, however, must await another occasion. I think we have before us enough already for a lively exchange.

³⁴ In other words, that the foundations of the State are more closely related to those of civil society than Taylor seems to allow.

³⁵ I am indebted here, as those who have perused “Of Secularity and Civil Religion” (*Recognizing Religion in a Secular Society*, chap. 9) or “Which Secularism?” (*Nation of Bastards*, pp. 85-109) will know, to Professor Oliver O’Donovan. See also “Three Meanings of Secular” in *First Things*, May 2003, pp. 20-33.

³⁶ The debate on the nature of liberty that Leo XIII (*Libertas praestantissimum*, 1888) took up with the “liberal” political theorists such as Mill has, on my view, some life left in it – or at all events I sincerely hope it does!