

**THE CATHOLIC COMMITTEE'S RESPONSE  
TO BILL 118**

**May 29, 2000**

## ***INTRODUCTION***

This response focuses primarily on Bill 118, but also on the recently published document by the Minister of Education titled *Responding to the Diversity of Religious and Moral Expectations*.

From the outset, the Catholic Committee has recognized the quality of the democratic process that led to the Minister's orientations. We also acknowledge the extensive research undertaken to determine the principles for an agreement concerning the place of religion in the schools. The polarization of the different points of view made this task very arduous. We recognize that the proposed solution is a compromise and will not fully satisfy all parties. Furthermore, it would be unrealistic to think that a position that obviously favored one group over another would be accepted.

While the Catholic Committee is satisfied with several of the Minister's decisions, it finds others problematic. The following comments will present the Committee's response from a perspective inspired primarily by an interest in the education of young people and by a desire to be open to change, while remaining faithful to the principles of social equality and respect for the will of the population.

### ***Minority Rights***

The Catholic Committee reiterates its position that rather than wanting to safeguard privileges, it believes it is essential that the public system of education grant a more equitable treatment to other confessions, in particular Judaism, Islam and the Orthodox Church. These have particularly influenced western history and Québec culture. An extension of the right to religious education, on the condition of a minimum number of students, would perhaps have avoided recourse to the *notwithstanding* clauses. This condition would also apply to Catholic and Protestant students. Besides the experience of other countries in this situation, particularly in Belgium, demonstrates that such openness is in fact possible and that it fosters a spirit of mutual understanding and social cohesion. The Committee remains convinced that solutions could have been found for these situations.

The disappearance of the possibility of accommodation, as indicated by Article 228 of the Education Act, further aggravates the situation. We understand that the government does not permit the schools to recruit students belonging to an exclusive and excluding religious denomination. However, the use of local programs of instruction, permitted until now by Article 228, would not necessitate any such orientation. The Catholic Committee considers it extremely regrettable that the government has chosen to eliminate from the law, the slight overtures made to the minority communities concerning religious education, particularly after the recent debates have created a strong movement of support for the recognition of their rights.

A consequence of the ministerial orientations may well be that the members of the religious, confessional minorities will swell the ranks of the private schools. In addition, this regrouping toward the private sector may limit access to a preferred type of education to economically privileged families.

**We may only hope for more profound political reflection oriented toward a just recognition of the rights of minorities concerning religious education in the course of the next few years. During this period it would be useful to provide within the law the possibility of experimentation at the local level.**

### ***The confessional status of the schools***

The Catholic Committee recognizes the necessity of establishing public schools without confessional status, as it indicated in the brief titled *Renewing the Place of Religion in the Schools*, (November 1999). The Committee understands the motives that may justify the Minister's decisions concerning this issue, while it regrets that these orientations do not intend to leave a place for religious diversity within the network of public schools. If guided by precise norms that respect freedom of conscience and the demands of social cohesion, such openness would clearly manifest a willingness to welcome and recognize minority communities.

The limited timeframe that has been determined to implement these structures raises some questions. It does not explain how the government will interpret and respect the principle of parental choice, which was defended vigorously in parliamentary commissions, particularly in reference to schools and the values that they represent. In addition, the rapid implementation would not necessarily consider the wishes of the communities, since a significant number have followed the prescribed consultation process outlined by the Minister and have recently obtained Catholic confessional status for their schools. Unfortunately, the timing of this legislation at the end of the school year will permit few reactions prior to implementation. **It would be preferable to postpone the implementation of such legislation for several months, in order to allow adequate time to inform and sensitize the stakeholders. This would make the legislation more understandable and acceptable by the communities and ease the process of change, particularly when the confessional character of a school appears natural or even necessary.**

It should be expected that the abolition of the confessional status raises another type of difficulty. For example, we may conclude that beyond the confessional activities permitted within a framework of spiritual animation and community involvement, the 'lay' character of the school does not leave place for either religious manifestations or for any visible sign of religious characteristics. To avoid all misunderstandings concerning this issue, **the law must specifically state that manifestations of a religious nature in the school remain possible, with respect for religious diversity, freedom of conscience and the culture of the community.**

### *The exercise of parental choice*

Having abolished the possibility of a choice concerning the status of the school, it is necessary to find another means to honor the principle of parental choice concerning the type of school their children will attend. It would be inappropriate, and in many circumstances impractical, to restrict this possibility to a choice between different schools. In urban areas, this situation may force parents to register their children in a school that is too far from their residence; whereas in outlying regions, parents may only have the option of sending their children to a single school. As far as possible, it is essential that parents are effectively able to influence the orientation of the school in their community.

This orientation is defined in the educational project by which the school expresses its institutional culture, specific values and the means it will undertake to attain its objectives. We recognize that the institutional culture of a school constitutes the critical factor regarding quality or mediocrity. The values expressed and shared by the stakeholders and partners in the school are an extremely important component of this culture. The more these values are shared and clearly indicated, the more they contribute to the vitality of the educational project. In this perspective, we must ask ourselves if the presence of a few parents on the governing boards are sufficient to ensure their voice and participation in a process as significant as the elaboration of the educational project.

The relatively new institution of the governing boards raises questions relating to the influence that parents may effectively wield. These boards face well-organized school staffs, perhaps under the leadership of administrations whose values and orientations may be very different from their own. Thus parents may not always have the means to fully exercise their role. In addition, the effectiveness of their own representation may vary if, for example, a governing board is composed of a nucleus of parents with a common ideology. The law has made provision that the parents are guaranteed a voice on the governing boards. (Education Act, Article 96) However, this structure may not yet be in place and even where it exists, its effectiveness may leave much to be desired.

**In order to ensure the full participation of parents and the community in the elaboration of the educational project of the school, the Catholic Committee recommends reaffirming the regulations of Article 74 of the Education Act. This Article refers to the compulsory consultation of parents and the community concerning the orientation of their school.**

### *The services of religious education*

The Minister has opted for religious education that reflects the tradition to which the great majority of students belong, rather than for a universal and compulsory instruction in the human sciences of religion. Thus the Minister had favored an approach centered on the human and spiritual growth of young people in coherence with Québec history and culture. The legislation recognizes the legitimacy of religious institutions connected to particular traditions in the public school and continues to situate itself in the view held by a great majority of western countries. The legislation also confirms the role of the school in reference to the spiritual development of young people, (Bill 118, Article 19) not only through teaching activities but also by animation services designed to support young people in their search for meaning in their lives. By maintaining this essential and existing right, the law and the Charter of Rights give a juridical foundation to religious education in the public schools.

These dispositions may, in the final analysis, be weakened by the manner in which they are presented and applied. The most problematic measures in this aspect are those that define the time allotted to religious instruction.

### *The reduction of teaching time*

The Catholic Committee has been very insistent in emphasizing the need to maintain the norm of 60 hours per year in elementary school and 50 hours in secondary school for Catholic Moral and Religious Instruction. There are significant reasons for this position.

- This discipline actually covers two domains, morality and religion, each having considerable implications. In addition, the new programs of study have undertaken to develop the cultural content of the discipline and progressively to integrate an inter-

religious component which will require increased preparation time by the teachers and a great deal of tact and knowledge when dealing with the students. What must be removed from these programs to conform to the new demands of reduced time? How may we consciously allocate the time that is left? Will there be members of the governing boards who will be able to understand and appreciate these constraints?

- Even if religious instruction will initiate young people to a rich and complex body of knowledge, it is not merely a ‘content’ subject. Rather, it refers to a discipline whose purpose is to support young people in the difficult process of their search for meaning, their critical appreciation and their progressive self-awareness. This slow and laborious process of growth requires far more than small increments allotted to ‘formation.’

The drastic reduction of time proposed by Bill 118 would seriously compromise any possibility of achieving these various objectives. In fact, it will become extremely difficult to ensure that students will have a significant education in their own religious tradition, while opening their minds to religious diversity. The equilibrium between the development of one’s identity and the discovery of the other must be pursued in different stages during the educational process, using appropriate means for each age group. In this respect, it would be inappropriate to dedicate certain years (at the elementary level) to a confessional instruction, in order to reserve others (at the secondary level) for a more diversified religious cultural instruction. The two years of Cycle 5 would have a significant impact if, during the preceding years the students were able to have sufficient knowledge of their own moral and religious heritage. This would enable them to have a basis for reflection when discussing questions of moral and religious content with friends of different religious convictions. In order to attain such equilibrium, there must be sufficient time set aside.

In addition, the reduction of time resulting from this legislation may lead to serious complications concerning the teachers’ workload. The details of the workload that would apply both to the elementary level and to Cycle I of the secondary level each present specific difficulties.

The drastic reduction in the time guaranteed at the elementary level is difficult to reconcile. In the case where the specialist or the homeroom teacher may also teach religious instruction in addition to science and technology, human sciences and citizenship, mother tongue instruction and mathematics, any time taken away from the 90 minutes that are currently reserved in the schedule for religious education (or moral education) will be added to one of these subjects in order to maintain a full teaching load for the classroom teacher. Therefore it will not be the subjects taught by specialists that will profit from this time. We may wonder if two hours or periods per week that are actually set aside in the schedule for religious and moral instruction are so excessive, keeping in mind that it is the only time remaining in the schedule for a discipline focussing on the personal development of young people and the integration of values.

Furthermore, what would be a significant loss for these subjects would represent only a minimal gain for another subject, particularly in the context of a pedagogy that focuses on projects and where the distribution of time by subject area will not be so distinctly divided.

We can not but question whether the *raison d'être* for such a reduction in time allotted for religious and moral instruction relates to educational and administrative issues, or whether the purpose is to reassure those opposing religious instruction in the schools than we are moving toward less and less religion in the schools. Once the choice is made to maintain confessional instruction, it is more appropriate to ensure conditions that guarantee the feasibility of this instruction.

At the secondary level, we are puzzled by the proposed cuts of one third of the units (from 6 to 4) in Cycle 1. If we regroup these units during the two first years of secondary school, it will not be easy, after a time lapse, to shift the focus again to religious themes in Cycle 2. On the other hand, if there is a redistribution of these units over three years, there will be very little time added so that from one week to the next, the students will receive instruction that can best be described as piecemeal. In addition, specialists will be obliged to teach very large numbers of groups. We must also keep in mind the cancellation of the subjects of career choice and personal and social formation, two subjects that are often associated with *Field 14*, which is a specialists' field, and which deprives them of many hours of teaching, compared with colleagues in other

*fields*. If in addition to that restriction there is a severe reduction in the time allotted for religious instruction, their teaching workload would thus become unrealistic. It would be necessary to combine religious education with a second discipline belonging to another *field*. This situation will pose new problems from the point of view of university formation and collective agreements.

Only the time spent in the classroom by highly qualified and motivated teachers may compensate for the proposed quantitative reduction. The future availability of such instructors will be seriously compromised for the following two reasons.

First, we are concerned whether future teachers will be interested in investing in the training required for a subject that has been undervalued and also whether current teachers will continue to persevere. Do we not risk the possibility of assigning teachers who have not received adequate training and who may accept to teach religious and moral instruction in order to complete their workload? The reduction of time proposed by the legislation may have drastic consequences concerning the availability and the quality of the teaching personnel. The reduction in the allotted time raises the problem of whether we be able to rely on specialists at the primary level particularly in less populated regions where they will be obliged to teach many groups located in different schools.

Second, the suppression of Articles 262 and 263 of the Education Act without any replacement is a cause for concern regarding the means by which the school commissions will discharge their responsibilities in supporting religious activities in the schools. The perception of this suppression may well be that the obligation to ensure such support is no longer necessary. Meanwhile, we believe that there must be a position created for a consultant between the Ministry of Education and the schools. This position will exercise a supporting and vigilant role concerning religious educational services. This position will also provide support for moral, spiritual, and religious education, outlined by legislative or regulatory means, according to the pedagogical plan. It is understood that this position must have the power to fulfill its mandate. Therefore, there must be a place for the consultant in the decision-making processes concerning religious education in the school commissions.

The rationale that emphasizes quality, in order to compensate for the reduced quantity of time allotted to religious and moral instruction, is compromised. To reasons previously expressed, we add the following. The Minister's proposal that the subject be revisited in five years, referring to the *notwithstanding* clauses, has been interpreted as the re-opening of the question of the place of religion in the schools. For many, this was a signal that the end of religion in the schools is in sight and that the proposed measures will simply delay the inevitability of the complete abolition of religious education in the schools. This interpretation is taken from the wording of numerous modifications that have been guided for several years now by a rationale of secularization. It appears that this momentum continues, despite the (provisional?) maintenance of services, whereas a clearer, reaffirming message could have created a climate of confidence and engagement. Instead, a climate of uncertainty continues to foster dissatisfaction. In such a context, how can we undertake re-organizing university programs of formation and improving the programs of studies? How can we encourage teachers in their efforts in professional development? How can we convince the school administrations that the logistical challenges presented by religious and moral instruction are worth the effort? How can we encourage the governing boards not to consider the minimum number of hours indicated by the legislation as the maximum?

To summarize, our reticence springs from questioning the government's willingness to take the necessary means to ensure that the workloads of the teachers of moral and religious instruction remain both attractive and realistic, in order to guarantee quality instruction for the students. The reduction of time for such instruction proposed by the legislation is perceived as discouraging, and merely a compromise leading toward complete attrition. Without the necessary institutional support, including the initial formation and on-going professional development within the framework of the curriculum reforms, the rights that have been reaffirmed by the law will be compromised.

**The Committee thus recommends that the Minister revisit the time allotted to moral and religious instruction in the schedule, create a position of support for moral and spiritual education in the school commissions, and clarify any ambiguity surrounding the objectives of the review that must be made in five years.** Only under these conditions will we be assured that teachers will be able to do valuable work with young people, of the quality of services that will be offered and of the maintenance of these services within the public schools.

### ***The Service of Spiritual Animation and Community Involvement***

A certain number of questions remain unanswered regarding this service.

Which norms or guidelines will be used when referring to conditions surrounding the exercise of this service, particularly when it refers to the animator-student ratio and the actual time spent in a school?

What means will we use to verify if the persons hired for these positions possess ... *the ability to be accepted and recognized by the various religious groups and faiths represented in the school?* (Responding to the Diversity of Moral and Religious Expectations, p. 15, 3.1)

Could it happen that the same person is responsible for the animation service at both the elementary and secondary levels?

The transition period may permit us to answer these questions before beginning the process of implementing the Minister's decisions.

### ***The Committee on Religious Affairs***

This Committee would only act in a consulting capacity, except where it is concerned with the confessional component of a program of religious instruction. It will be part of the Ministry of Education. This raises several questions.

The ultimate justification for the replacement of the Confessional Committees by this new Committee is not as clear since there has been no access extended to different confessions. It is somewhat incoherent to wish to abolish *privileges* relating to Catholics and Protestants in the government system, when they are maintained in reference to religious education in the schools.

The possible contribution of this Committee would be considerably reduced in comparison to the work that the present Committees have provided. The absence of permanent personnel and adequate resources that could, for example, be provided for research would make it difficult to fulfill its mandate. **The mandate of the Committee must include the power to conduct necessary research and thus adequate resources must be made available.** We cannot see how the general resources of the Ministry of Education (Education Act, Article 477.26) or the limited resources of the Secretariat for Religious Affairs would be sufficient to fulfill the mandate of the Committee.

The linking of this Committee to the Ministry of Education raises the question of its necessary autonomy regarding policy making, particularly if the Minister of Education appoints the Chairperson. **In order to avoid all conflict of interest, it is essential that the Committee members elect the Chairperson, as is the case with the present Confessional Committees.**

What definition must be given to the term *confessional aspects* as it relates to the committee's power of approval? (Bill 118, Articles 25.3; 38.1) Does this mean beyond aspects relating specifically to a religious tradition, the state appropriates authority on moral values and the spiritual orientation that will be conveyed in such a program? Beyond the conformity of teachings with the doctrines of a particular religious institution or their harmony with the present state of theology and religious knowledge, whether exegetical or historical, there are several other related aspects that must be considered. For example, does the learning process respect the freedom of conscience of young people? Do these processes encourage the development of their moral, spiritual and religious judgment? Do they permit an appropriation that is both open and critical of the religious principles that are presented? Does the literary, visual or iconographic presentation do justice to the proposed religious experience or does it present a simplistic, idealized or otherwise misinformed picture? In other words, it would be practically impossible

to *approve* the *confessional aspects* of a program or a teaching subject without generally pronouncing oneself on these matters. **For this reason, the Committee's approval on religious matters must be required for the complete program and for the moral and religious teaching resources, prior to presenting them for the Minister's approval.**

The composition of the Committee raises the question of the competence of the members to *approve* the programs of study. Do the Churches consider themselves adequately represented? What will be the nature of the consultation that the Committee must undertake for each confession that appears in a program of study? Should there be a formal agreement concerning this issue? In the case where the programs contain an increasingly important inter-religious component, must we obtain the approval of all the religious groups represented? In order to address these situations, the Catholic Committee recommends that the Minister **clearly state the conditions surrounding the required consultation process involving the religious authorities.** In recognition of the diversity of the points of view and the expertise that the Committee on Religious Affairs must consider, **it is essential that this Committee be able to create the necessary task groups in order to fully exercise its mandate,** as is currently the case with the Superior Council of Education and the National Committee of Programs of Studies.

## ***Conclusion***

In the brief that appeared November 1999, (*Renewing the Place of Religion in School*), the Catholic Committee indicated that all important modifications relating to the status of the schools would not be acceptable unless firm guarantees were given concerning religious education in schools without confessional status. An examination of Bill 118 and the ministerial proclamation leads the Catholic Committee to conclude that while certain juridical guarantees are present, they are simultaneously weakened by several circumstantial and organizational factors.

On the positive side, it is noted that Article 41 of the Québec Charter of Human Rights and Freedoms is maintained along with the reaffirmation of the right to religious instruction and to a service of spiritual animation, and the recognition of the necessity of a framework of services within government structures.

The factors that weaken these guarantees, however, are numerous. They include uncertainty concerning an effective role for parents in the governing boards, substantial reductions in the time for instruction, and a lack of a supporting framework within the school boards. They also include the weakening of the mandate of the government committee responsible for supervising the quality of religious education in the schools, as well as other factors that contribute to fostering doubt concerning the intentions of the government regarding the future of religious and moral education in the schools.

For these reasons, the Catholic Committee presents the following recommendations to the Minister that will allow him to assure the services of religious education in non-confessional schools.

The Committee therefore recommends that the Minister:

- Pursue a thorough political reflection toward a more just recognition of the rights of the minorities concerning the subject of religious education in the next few years. During this period it would be useful to make provision within the law for the possibility for experimentation at the local level..

- Provide a time period to inform and sensitize the stakeholders in the schools in order to make the *de-confessionalization process* more comprehensible and acceptable by the communities, particularly where the Catholic character of a school appeared natural or even necessary.
- Postpone for several months the implementation of the *de-confessionalization* of schools in order to ascertain the motives and the consequences, particularly in the communities where the confessional character of the school appeared natural or even necessary.
- State clearly that religious manifestations will be possible in schools, so as to respect religious diversity, freedom of conscience, and the culture of the community.
- Reaffirm the intentions of Article 74 of the Education Act by requiring a consultation that is understood by the parents and the community concerning the orientation of their school.
- Reconsider increasing the time allotted to moral and religious instruction in the school timetable.
- Create a position that will support moral, spiritual and religious education in the school boards.
- Clarify any ambiguity concerning the purpose of the review that will be made in five years, by specifying that it does not mean reopening the whole question on the place of religion in the schools.
- Guarantee that the approval of the Committee on Religious Affairs be required concerning the whole program, and the moral and religious teaching resources, before they are presented for the Minister's approval.

- Clearly specify the structure that refers to the compulsory consultations with the religious authorities prior to the approval of a program of studies or of teaching resources in moral and religious education.
- Guarantee that the Committee on Religious Affairs will have the necessary resources to fulfill its mandate, particularly the power to conduct research and form task groups.
- Assure that the members of the Committee on Religious Affairs elect the Chairperson, as is currently the case for the Confessional Committees.