

# Women, Religion, and, Governance in Quebec and Ontario

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## Introduction

This report assesses the relationship between Quebec and Ontario's State Institutions, Documents and Lobby Groups that are concerned with women's rights and issues and where these organisations intersect with questions of religion. In researching Women and Religion we failed to find consistent themes or narratives pulling together this line of research as a coherent whole. In addition, there are not always clear delineations of women's rights and religion within the particular issues that we identify within this report. Therefore, what this reference report does is document a series of only somewhat related areas where we have found Ontario or Quebec specific information relating women to religion with specific focus on Women's equality and rights. Indeed this particular research paper has raised some methodological concerns about our ability to find and access similar or matching data between the two provinces, an issue which did not occur in our reports on Education and Health.

In Quebec, Erin found that the relatively homogeneous nature of Quebec society frames women's issues in what she describes as a uniquely *québécois* way. Particularly, Erin found that the main Quebec concerns with Women and Religion issues are focused upon the management of religious minorities with particular attention paid to Islam. Again these issues are repeated in Ontario but not through a coherent rubric such as *Laïcité*.

Running through this report are sets of categories which require further conceptual development, definition and clarification when and if this particular research is pursued further. This series of categories includes the following: Women's Freedom to Religion, Women's Freedom from Religion, Institutions Protecting Women's Rights, Women Specific Legislation, Women's Rights Lobby Groups and Women's Participation within Religion.

Moreover, it is possible that Quebec's interculturalism and Ontario's Multiculturalism create different conceptual spaces and institutional approaches for discussing women and their religion at the Provincial level. These distinctions may also create and sustain different notions of the secular which are then applied to public discussions women. Certainly, Quebec has been more sustained in its attempts to remove discussions of religion from the public sphere and public institutions than has been the case in Ontario. We have seen in our previous reports that in Ontario the public policing of women's bodies is influenced by religious actors when it comes to sexual health services and sexual education. These issues which we identified in our Health and Education reports did not similarly arise in Quebec.

The report is structured in two parts. First, Section One briefly outlines the inequalities and demographic details surrounding women in Canada. It then contrasts this information with a brief summary of human rights legislation and Institutions which protect the rights of women in Quebec and Ontario. Section Two, then discusses some of the specific cases studies which have arisen during the research period. In each of these cases we find political instances where Women's rights and Religion have come into either an uneasy compromise or conflict in the public spheres of Quebec and Ontario. The report concludes with our recommendations for further research.

## **Section One: Equality Legislation and Women's Economic Inequality**

In setting the context of this report we want to make it clear that all discussions of women and religion in Canada should be framed in a way that begins with awareness that women, especially minority women are economically unequal to men. Consequently, in this section, we briefly give an overview of this inequality and we contrast this socio-economic position with a discussion of the Province specific legislation which guarantees women equal rights within Quebec and Ontario.

In the paragraph above, I made the claim that in Canada women are economically unequal to men. This comment was drawn from the 2007 findings of Shelagh Day and Gwen Brodsky who in a report written for the Status of Women Canada's Policy Research Fund argued:

Women in Canada are economically unequal to men and more likely to be poor. They are also disproportionately reliant on social programs, including social assistance and related social services. For all women, and particularly for women whose race, disability, age or single motherhood deepens their disadvantage, access to adequate social programs is integrally linked to human rights.<sup>1</sup>

Moreover, it appears that these authors are arguing that there are places where this disparity is growing. In particular they find that: "Since the repeal of the *Canada Assistance Plan* (CAP) in 1995, social assistance and civil legal aid have been in decline, with devastating effects for the poorest women."<sup>2</sup> These authors also argue that a current Federal process and focus upon decentralisation is perpetuating the inequality of women's access, they point to a lack of national standards for legal aid and social care as potentially perpetuating some of this inequality.

Erin found some excellent demographic information outlining the differences between women and men in Quebec. According to report produced by the *Conseil du statut de la femme* women make up 50.4% of the population of Quebec in 2010 (Conseil, 2011a, p.4). Of

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<sup>1</sup> Shelagh Day and Gwen Brodsky. *Women and the Canada Social Transfer: Securing the Social Union* The research and publication of this study were funded by Status of Women Canada's Policy Research Fund. This document expresses the views of the authors and does not necessarily represent the official policy of Status of Women Canada or the Government of Canada. March 2007. VIII.

<sup>2</sup> Ibid.,

these, 15% are immigrants and 1.4% are indigenous women. Women in Quebec tend to be highly educated. In 2010-2011 they represented 58% of all college students 57.9% of all university students (Conseil, 2011a, p.5). In 2009, Quebec women made up just over half of all master's level graduates (52%) and just under half of those receiving doctorate degrees (43.9%). However, despite their high level of education, women entering the workforce tend to have lower starting salaries than men (Conseil, 2011a, p.6). The vast majority of women are also part of the workforce. But, their average income in 2008 was 66% of the average income of men (Conseil, 2011a, p.13).

In 2009, the average number of children per woman was 1.73% and average age of giving birth to their first child was 28.02 (Conseil, 2011a, p.8). Women in Quebec have a greater life expectancy than men reaching 83.4 years in 2007 while men were expected to live only 78.6 years (Conseil, 2011a, p.14). They also tend to use medical services more often than men. Women are also five times more likely to be victims of domestic violence compared to men (Conseil, 2011a, p. 15). In Quebec's national assembly, women make up 29.6% of deputies 44% of the cabinet ministers (Conseil, 2011a, p. 18). They are also underrepresented at a municipal level. Women share more or less equal power with men in school boards and make up just under half of administrative committees in health and social service institutions (Conseil, 2011a, p. 18-19).

Thus, while women have some demographic equality with men, it appears that economic inequality is ongoing. It is likely, that economic inequality will also correlate with a series of other measures of socio-inequality that we have not currently found data for. As a consequence, it is important to always consider the issue of women's inequality when we discuss women and religion in Canada. And likely, this will become a more pertinent issue when looking at the treatment of religious women from minority communities, especially when we look to the discussion of Ontario's Arbitration Act 1991.

## **Protection of Women's Rights in Ontario and Quebec**

Quebec and Ontario have both clearly attempted to protect Women's rights both through their Charters and through public institutions. However, the fact that these protections exist indicates that there still remain reasons that these organisations exist.

In Ontario, women's rights are protected by a specific directorate. The *Ontario Women's Directorate* is a government agency under the *Ministry of Citizenship and Immigration* which is responsible for women's equality specifically with focus upon the issues of violence and economic independence. It does not have any specific mention of religion, however, it is the

provincial agency responsible for women and it is likely that it does deal with questions of the treatment of women in religious groups.<sup>3</sup>

The *Ontario Human Rights Commission*<sup>4</sup> protects the rights of Ontario's Women through the *Ontario Human Rights Code*.<sup>5</sup> The Ontario Human Rights Code protects against discrimination by gender and religion. The code also specifically targets any form of discrimination relating to pregnancy or sexual harassment. Therefore, under this human rights code women should be legally protected from any form of discrimination within the province of Ontario.

In Quebec, the *Conseil du statut de la femme* (Council on the status of women) is a governmental organization that serves a consultative function on women's issues. Since 1973 their mission has been to promote and defend the rights and interests of *québécois* women (Conseil, 2012a). Maintaining their goal of reaching equality between men and women, the council has two main initiatives, firstly to consult with the Québec government on all subjects related to equality, rights and the status of women and secondly to inform the public of pertinent information related to women (Conseil, 2012a).

The *Conseil du statut de la femme* lists the following as fundamental values of Quebec society particularly in relation to religious freedom: the separation of church and state, the primacy of the French language and equality between men and women (Conseil, 2007). These were also named by the Quebec Premier, Jean Charest, at the creation of the commission on reasonable accommodations.

The *Conseil du statut de la femme* also names a series of documents that reflect one of the fundamental values of Quebec society: namely the equality of men and women. These are the *Convention on the Elimination of All Forms of Discrimination against Women* (UN, 1981), The Canadian Charter of Rights and Freedoms (particularly Section 15):

“15. (1) 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.”

And the Quebec Charter of Human Rights and Freedoms (particularly Section 10):

“10. 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,

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<sup>3</sup> The Ontario Women's Directorate [http://www.women.gov.on.ca/owd\\_new/english/index.shtml](http://www.women.gov.on.ca/owd_new/english/index.shtml) last accessed 23/02/2012.

<sup>4</sup> The Ontario Human Rights Commission <http://www.ohrc.on.ca/en/> last accessed 23/02/2012.

<sup>5</sup> Ontario Human Rights Code [http://www.e-laws.gov.on.ca/html/statutes/english/elaws\\_statutes\\_90h19\\_e.htm](http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_90h19_e.htm) last accessed 23/02/2012

religion, political convictions, language, ethnic or national origin, social condition, a handicap or the use of any means to palliate a handicap.”

Here we can see that both Quebec and Ontario have codified the Canadian Charter to ensure the protection of equal rights for women within their province. The codification and the institutional protection of women at the provincial level appear to be particularly necessary and require institutional vigilance because women face economic inequality throughout Canada. Moreover, we would like our readers to keep in mind that the existence of women’s economic inequality is likely to be correlated with other social inequalities which are also associated with poverty. Thus, in Section Two when it comes to discussing women and religion in the case studies we have assumed that Women’s economic inequality is an additional factor to address in instances where religion and women’s rights are highlighted in Quebec and Ontario.

### **Laïcité and Interculturalism in Quebec**

The *Conseil du statut de la femme* defines *laïcité* as the principle of a separation between civil society and religious society, where the State does not exercise any power over the religious and the Church does not exercise any political power (Conseil, 2011b, p. 46). They go on to affirm that this model argues that the State’s role is to establish and enforce laws that keep in mind public interest and social peace (Conseil, 2011b, p. 46). This separation is never absolute however the relationship between the state and religious groups are negotiated differently from nation to nation (Conseil, 2011b, p. 45). The *Conseil* feels that it is both necessary and urgent for Quebec to affirm *laïcité*. This is understood as a unifying project that will allow each citizen to participate in identity creation (Conseil, 2011b, p.45). They reject open *laïcité* as something that is marked by multiculturalism, neglects the project of citizenship and leads to increased tensions and fragmentation of the population (Conseil, 2011b, p. 45).

In this sense *laïcité* is understood as a model which protects freedom of conscience by protecting a person’s right to believe, and manifest these beliefs, but also their right not to believe and to be protected from coercion forcing a belief upon them (Conseil, 2011b, p. 57). This is understood as protecting democracy. This demand for a strong affirmation of *laïcité* echoes some of same things the *Mouvement Laïque Québécois* (MLQ) argues for.<sup>6</sup> However, in some places it seems that there is a distinction between the protection of one’s right to believe and protection of one’s right to adopt the practices that stem from these beliefs. For example, theologian Louise Melançon, in an article arguing many of the same points as the *Conseil du statut de la femme*, talks about the importance of protecting the freedom of conscience but goes on to state that it is unequivocally necessary to uncover

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<sup>6</sup> See Mouvement Laïque Québécois. (2006). *Manifeste pour une république laïque*.

one's face in order to have a social identity and the ability to communicate (2011b, p. 5). In my opinion this is clearly a dig at the 'oppression' of veiled Muslim women.

As previously mentioned, Quebec follows an intercultural model most often described as a third choice failing somewhere between multiculturalism, which is practiced in the rest of Canada, and *Laïcité* which is found in France. Interculturalism encourages ethnocultural diversity on the one hand and the continuity of French-language culture on the other (Bouchard & Taylor, 2008, p. 118-119). This focus on the continuity of the French-language culture hints at the idea that the common values of this community must be promoted and immigrants must accept them. In some cases this seems to create a hierarchy of rights where some rights might be understood as more important than others. Recent discussion of the "Quebec government's plan to force new immigrants to sign a declaration pledging their respect for 'Quebec's common values'" (Zine, 2009, p.159) further emphasizes this point. Equality between men and women certainly falls into this category. These common values seem to turn around freedom, equality of men and women and the primacy of the French language (Aubin, 2006).

## **Section Two: Case Study Material**

In this section, due to the methodological difficulty of finding matching examples of issues surrounding women and religion in Ontario and Quebec we point to a number of case studies which have arisen in each province. Our intention here is to demonstrate a number of issues which have arisen and point to how women, women rights, and sexuality are central issues in the public controversies surrounding religion which have arisen in both Quebec and Ontario. In doing so, we subscribe to the notion that it is contesting claims surrounding women which most often allow us to think about public concerns with religion. This then allows us to consider rights, inequality and whether there remains a need for the institutional protection of women within these two provinces.

Here we will begin with a series of incidents which were directly aimed at Muslim women and then we will move to discuss a number of other issues including the ordination of women within the Catholic Church. We find that the concentration upon Muslim women is an important part of the debates which surround women's rights. But we also want to emphasize that Muslim women are not the only women who are still facing contested rights in relation to their religious beliefs. Indeed, we would tentatively like to argue for a more general position which claims that women's rights are still a political problem and a contested ground for most religious groups. Of course, more research would be required to further illustrate this argument.



Natasha Bahkt has pointed out that religious arbitrations had been functioning within Ontario for many years without controversy.<sup>13</sup> She has also argued that many of the debates which did arise against the Arbitration Act were fuelled by global concerns about policing Muslim communities which were then manifest in legal questions concerned with gender equality within these groups.<sup>14</sup>

Although no named group is discriminated against by the current *Arbitration Act*, critics argue that the application of the Act by religious tribunals would result in discrimination against women and therefore would violate section 15.15 Section 27 could be argued as justification for such discrimination in that it supports multiculturalism. Similarly, freedom of religion can be argued in support of the status quo, as it is not the application of the *Arbitration Act* that discriminates but the application of religious principles.<sup>15</sup>

This debate has been analysed in several different ways by a variety of scholars. Some scholars have argued that this type of debate fuels white secular stereotype of "...what might be done to save the Muslim woman and to keep the dangerous Muslim man in line."<sup>16</sup>

Others have argued that this particular dispute illustrates how religion can have multiple effects on women's agency<sup>17</sup> and that without this more nuanced conception Muslim women's choices begin to be demonised. Others have argued that the Sharia debate was a call for group rights to have priority over individual rights.<sup>18</sup> Certain feminist scholars found themselves conflicted by the debate:

I considered it risky for feminists to work with ideas of the secular over the religious, the modern and the premodern, in short with strategies that deployed the three figures I had come to know so well from the European context. Such constructs fit so neatly into the contemporary Western project to mark Muslims as suspect bodies and to limit their citizenship rights, that it seemed to me a considerable amount of caution was in order. On the other hand, it also seemed likely that those feminists who took an anti-Sharia position did so out of the conviction that Muslim women were at risk of losing their rights under faith-based arbitration, particularly if conservative Muslim interpretations of women's rights in Islam were to prevail.<sup>19</sup>

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<sup>13</sup> Natasha Bahkt, Religious Arbitration in Canada: Protecting Women by Protecting Them from Religion, 19 Can. J. Women & L. 119 2007. 120.

<sup>14</sup> Natasha Bahkt, Religious Arbitration in Canada: Protecting Women by Protecting Them from Religion, 19 Can. J. Women & L. 119 2007. 120.

<sup>15</sup> SHELLEY MCGILL RELIGIOUS TRIBUNALS AND THE ONTARIO *ARBITRATION ACT*, 1991: THE CATALYST FOR CHANGE 20 J.L. & Soc. Pol'y 53 2005. 57.

<sup>16</sup> Sherene Razack, The 'Sharia Law Debate in Ontario: The Modernity/Premodernity Distinction in Legal Efforts to Protect Women from Culture, *Feminist Legal Studies* (2007) 15:3–32.4.

<sup>17</sup> Anna C Korteweg, The Sharia Debate in Ontario: Gender, Islam, and Representations of Muslim Women's Agency, *Journal of Gender and Society*, Vol. 22 No. 4, August 2008 434-454.

<sup>18</sup> Sacha Ludgate, The Compromise of Canadian Multiculturalism Policy: Group Rights Versus Women's Rights, *Journal of the Institute for the Humanities*, 184 – 192.

<sup>19</sup> Sherene Razack, The 'Sharia Law Debate in Ontario: The Modernity/Premodernity Distinction in Legal Efforts to Protect Women from Culture, *Feminist Legal Studies* (2007) 15:3–32.6.



Bahkt has also argued that this debate “In the recent 'sharia debate', feminist organisations were critical in exposing several deficiencies in the Arbitration Act that had an unduly burdensome impact on women. Relying on their analysis feminists successfully lobbied to proscribe religious arbitration as the only acceptable means of protecting vulnerable women. It was resolved that the interests of women, Muslim women in particular, were best protected through the strict separation of law and religion. However, this strategy of secularism as the obvious solution to gender inequality was problematic for a number of reasons. First, it showed no consideration for religious women who might want to live a faith-based life. Feminist endorsement of an exclusively state run apparatus failed to understand legitimate resistance to government policies which post 9/11 that have perpetuated punitive and stigmatizing measures against people of colour.”

## **2. Sharia Law**

As debates over the sharia law and the Arbitration Act were going on in Ontario, “the government of Québec, on the other hand, let it be known by its Minister of Justice Jacques Dupuis, that the civil code of Québec (inherited from the French legal system where the State is defined as the unique source of laws in article 2639), prohibits the existence of private secular or religious courts of arbitration, for everything pertaining to public order and the rights of the person. On 26<sup>th</sup> May 2005, the National Assembly of Québec adopted a motion proposed by Fatima Houada-Pépin (member of the Liberal Party) and Jocelyne Caron (of the opposition Parti Québécois) against the creation of Islamic tribunals in Québec and in Canada as a whole” (Campos & Vaillancourt, 2012, p. 116). While this motion does not directly affect women, it can be understood to be a Quebec response to the political developments in Ontario.

## **3. Bill-94 in Quebec**

Where Quebec did legislate directly against Islamic women was in 2010, when the liberal government of Quebec tabled the controversial Bill-94; which requires one to show one’s face when providing or accessing government services. This bill came after an Egyptian woman was expelled from a provincially funded French language class for refusing to remove her niqab. Although the bill could be applied to anyone wearing any type of face covering—at a conference I attended Louise Beaudoin gave the example of wearing a motorcycle helmet—it is widely believed to be targeting Muslim women who choose to wear niqab. The opposition Parti Québécois criticized the bill and called for clearer limits to accommodation request be added to the Quebec Charter of Human Rights (CBC news, 2010). The *Conseil du statut de la femme* welcomed Bill 94 as an important step toward preserving the equality of women (CBC news, 2010). Salam Elmenyawy, chairman of the Muslim Council of Montreal remarked that the real impact of the bill would be to prevent women wearing religious headdresses from integrating into Quebec society (CBC news, 2010).

Some human rights groups also cited concerns that Bill-94 could create a slippery slope. They worry that if the niqab is targeted today, tomorrow it will be the hijab and so on. Certainly there is some precedent in Quebec that supports this fear, for example the banning of hijabs in Quebec soccer leagues (Zine, 2009, p. 155). However, there are other instances which offer hope that Quebec will not slide down this slope. For example, in December 2011 the Quebec Public Security Department, following a complaint made four years ago and after reaching a deal with Quebec's human rights commission, passed a new rule allowing Muslim women working in provincial jails to wear hijab (White, 2011). "In order to comply with safety regulations, the department will provide a Velcro-fastened hijab to its staff upon request for religious reasons" (White, 2011).

The *MLQ* came out against the bill as well but for different reasons. They feel that its adoption is the result of open laïcité, which is their opinion, maintains the intrusion of religion in the public sphere and will ultimately create more legal contestations. They argue that an authentic laïcité, one that guarantees civic space exempt from all religious expressions, should be affirmed as a public value by the government (Mouvement Laïque Québécois, 2010). In this same document, they also renew their call for the adoption of Charter of Laïcité. Despite some opposition Bill 94 it has received 80% approval across the country and 95% approval in Quebec according to an online survey by Angus Reid Public Opinion (Editors, 2010).

#### **4. Conseil du statut de la femme: Religion and Women's Inequality**

There also exist within Quebec some interesting paradoxes between the protection of religion and the acknowledgement that certain types of religions have a tendency to proscribe gender roles which are not equal. For example, the *Conseil du statut de la femme* affirms that religion has long been, and for some continues to be, an essential element of culture which can play a central role in the definition of social norms (Conseil, 2011, p. 15). However, this very same document also argues that women have been inferiorized in all religions that rest on a patriarchal organization, particularly the Abrahamic faiths of Judaism, Christianity and Islam (Conseil, 2011, p. 15). It also argues that the foundational texts of these faiths, the Torah, Bible and Koran respectively, as well as multiple interpretations of them, also transmit the message that women are inferior (Conseil, 2011, p. 19).

This "inferiorization" occurs most notably, through the representation of God's masculine traits, theological arguments were developed that cast men as the authority in the couple, society and religious organization. Thus the Conseil argues that these documents present patriarchy as an expression of the will of God and a model for the exercise of authority (Conseil, 2011, p. 21). The *Conseil du statut de la femme* concludes that as Catholicism has historically held much influence in Quebec, it is not surprising that as the state disassociates itself from religion, women have received more rights (2011, p. 27).

The *Conseil du statut de la femme* denounces polygamy as something that by definition engenders an inequality between men and women and therefore is detrimental to society (Conseil, 2010a). They feel that it perpetuates the subordination of women and that the equality of the sexes must prevail over any attempt to legalize its practice.

## **5. Women's Rights Interest Groups in Ontario/Canada**

In considering the relationship between women and religion in Ontario more broadly we moved to include a survey of Women's Rights lobby groups which were concerned with questions of religion. There is some difficulty determining which groups represent Canada wide interests and which groups are Ontario specific. In order to alleviate this ambiguity, I have treated these groups as Ontario specific groups rather than Quebec based groups. Most groups that I found were attempting to find some compromise between religious expression and human rights for women. I could find only one organisation that was making arguments that claimed religion interfered with women's rights. Consequently, I list and discuss this organisation first and then follow this organisation with summaries of the other organisations operating within Ontario. The other groups argue for positions which attempt to maintain a position somewhere between women's equality and the freedom to belong to religious groups and the right to hold religious beliefs.

### **International Campaign against Sharia Law in Canada**

This group<sup>20</sup> argues that religion (in particular Islam) prevents women from attaining equal rights both worldwide and within Canada. For our interests, this group is currently focused upon Feticide, Honour Killing, and Polygamy. It also is in favour of developing a unified secular school system within Ontario. They appear to be attempting to articulate an argument that multiculturalism is incompatible with Women's equal rights.<sup>21</sup> The website is amateurish but generally well argued and it appears this organisation is fairly active in lobbying for its views.

### **Muslim Canada Congress**

The Muslim Canada Congress is a Canada-wide organisation which describes itself as being anti-gender apartheid and has petitioned for federal legislation to ban the wearing of masks, niqabs and the burka in all public dealings. It appears to be a liberal Muslim lobby group.<sup>22</sup>

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<sup>20</sup> International Campaign against Sharia Law in Canada <http://www.nosharia.com/> last accessed 16<sup>th</sup> of Feb 2012.

<sup>21</sup> Campaign to Stop Polygamy, <http://www.nosharia.com/Campaign%20to%20stop%20polygamy.htm> last accessed 16<sup>th</sup> February 2012.

<sup>22</sup> Muslim Canadian Congress <http://www.muslimcanadiancongress.org/> last accessed 16<sup>th</sup> Feb 2012.

### **Canadian Council for Muslim Women<sup>23</sup>**

The CCMW takes the position that “Muslim women must develop their Muslim identity while being a part of and making a positive contribution to Canadian society and that they must provide positive role models for Muslim youth.”<sup>24</sup> It is focused upon promoting the universality of women’s human rights in all its activities.

The council offers position papers on polygamy, prayer in schools, honour killing, and the role of sharia law in Canada. It also has on its website a series of papers that it has presented in and around Canada e.g. paper presented on Bill 94, statement on face covering and a statement regarding Muslim diversity in Canada.

### **Ontario’s Women’s Justice Network**

OWJN is a project of the Metropolitan Action Committee on Violence Against Women and Children (METRAC).<sup>25</sup> OWJN was originally funded by the Trillium Foundation of Ontario. In 2008, METRAC received funding from the Law Foundation of Ontario and the Elementary Teachers Federation of Ontario to launch a new and improved version of the website. METRAC is a community-based not-for-profit that works to prevent and end violence against women, youth and children.

Metrac took a position on Marian Boyd’s findings for the Arbitration Act (detailed in Appendix One). It notes that there are both Christian and Muslim communities within Canada which do not provide equal rights to women and that it is committed to working with representatives of these faiths to ensure a commitment to women’s equality. Metrac also includes on their website several further discussions regarding the Niqab in Ontario and Quebec. In relation to Bill 94 in Quebec they commented (See Appendix Two) that “Bill 94, if approved, will perpetuate gender inequality by legislating control over women’s bodies and sanctioning discrimination against Muslim women who wear the niqab.”<sup>26</sup> Specifically, in relation to a discussion of human rights legislation at a federal level, in Ontario and in Quebec, their position on the Niqab is as follows: “it is for each Muslim woman to decide the extent of her obligation within the parameters of her faith.”

What we can see within and through these groups is that there is a wide range of political concern about the intersection of women’s rights and religious rights. And much as Bahkt and Shachar have already noted these groups are particularly concerned with Islam. Perhaps some of these organisations are using these flash debates as a forum to denigrate Islam but it is more likely that that particular process occurs elsewhere. Instead, most of these organisations are looking to promote a more nuanced liberal religious

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<sup>23</sup> Canadian Council for Muslim Women <http://www.ccmw.com/index.html> last accessed 16th Feb 2012.

<sup>24</sup> Canadian Council for Muslim Women [http://www.ccmw.com/about\\_ccmw.html](http://www.ccmw.com/about_ccmw.html) last accessed 16th Feb 2012.

<sup>25</sup> Ontario’s Women’s Justice Network [http://owjn.org/owjn\\_2009/home](http://owjn.org/owjn_2009/home) last accessed 16th Feb 2012.

<sup>26</sup> [http://owjn.org/owjn\\_2009/component/content/article/70-social-change-and-law-reform/303-opposition-to-bill-94-in-quebec](http://owjn.org/owjn_2009/component/content/article/70-social-change-and-law-reform/303-opposition-to-bill-94-in-quebec) last accessed 16th Feb 2012.

accommodation which balances freedom to religion with the freedom from oppression. However, it appears to be a difficult negotiation for these groups.

## 6. Women's Ordination in Ontario

A brief investigation was conducted into Women's ordination in Ontario/Canada. Here we see an issue where women have fought and are continuing to fight for equal representation in the spiritual and pastoral roles within Canada's churches. The Anglican Church has since 1969 begun to ordain women first as Deaconesses (1969) then Priests (1975) and as Bishops (1986).<sup>27</sup>

Within Ontario I also found evidence of a splinter (read Radical) Catholic Women's group which is focused upon the Ordination of Female Catholic priests. It is difficult, to tell at the moment how organised this group is and whether their support is growing or not. This material comes primarily from online newspapers which give little snippets of information which indicate that there is sizeable resistance from Women Catholics regarding the male structure of the Church. For example:

Marie Bouclin, 70, a former secondary school teacher and freelance translator, has a master's degree in theology and has written about the abuse of power in the Catholic Church and women who have suffered sexual violence, harassment and exploitation at the hands of priests. She was ordained to the priesthood in 2007 by Roman Catholic Women Priests. For two years she served as assistant pastor in Christ the Servant church in Cobourg, Ontario. Bouclin has been married to Albert Bouclin for more than 40 years and they have three children and two grandchildren.<sup>28</sup>

Here we can see that this new understanding of ordination is controversial because it not only prioritises women priests but it also removes the requirement for chastity.

It also appears that there is a galvanised group of women who are prepared to take this debate and process forward within Ontario. The evidence for this statement comes from the fact that the second world conference for Women's ordination took place in Ottawa, between the dates July 22 and July 24, 2005.

It concluded with the so-called ordination of four "priestesses" and five "deaconesses" on the St. Lawrence River. As the Catholic archbishops of Kingston and Ottawa explained, the event had nothing to do with the Catholic Church.<sup>29</sup>

The response from Rome to these ordinations has been instant excommunication.<sup>30</sup>

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<sup>27</sup> Ordination of Women in the Anglican Church of Canada (Deacons, Priests and Bishops) <http://www.anglican.ca/help/faq/ordination-of-women/> last accessed 23/02/2012.

<sup>28</sup> CLAIRE PILON Woman ordained bishop by dissident group <http://www.thesudburystar.com/ArticleDisplay.aspx?e=3160669&archive=true> last accessed 23/02/2012

<sup>29</sup> Donna O'Connor-Hunnisett, O.C.D.S. The 'ordination' of 'women priests' [http://catholicinsight.com/online/feminism/article\\_643.shtml](http://catholicinsight.com/online/feminism/article_643.shtml) last accessed 23/02/2012

<sup>30</sup> Excommunication for participation in "Ordination" of women reiterated [http://catholicinsight.com/online/feminism/article\\_837.shtml](http://catholicinsight.com/online/feminism/article_837.shtml) last accessed 23/02/2012

On May 30, 2008 the Congregation for the Doctrine of the Faith restated its earlier condemnation of women seeking ordination. In the case of an attempted female ordination, both the candidate and the person performing the ceremony incur automatic excommunication (*latae sententiae*). Neither the Holy See nor the local bishop needs to intervene: the excommunication is automatic.<sup>31</sup>

Here we have an example of a theological notion of divine revelation preventing women from becoming priests in the same way that men can become priests. While it is difficult to determine the popularity of Catholic Women priests we are seeing in this particularly public example evidence of schisms growing and continuing within Christian communities directly over women's rights. And I expect that this process is also occurring within other Christian groups within Canada. This example is important because it somewhat weakens the argument that the policing of women's rights and religion in the public sphere is a specific attempt to regulate Islam. Here we see an example which allows us to perhaps generalise a little more to argue more broadly that Women's rights in many if not all religious groups in Canada are still highly contested and politicised areas of debate.

## **7. Upcoming Edited Volume Focused upon Women and Religion in Canada**

Terry Woo, Associate Professor, Dalhousie University, Nova Scotia, has made a call for chapters for a book studying Women and Religion in Canada. Expressions of interest closed 31<sup>st</sup> of Jan 2012, she is looking to produce an edited volume on this subject by the end of the year or early 2013. She can be contacted at [tdlwoo@gmail.com](mailto:tdlwoo@gmail.com)

## **Conclusion**

In conclusion, we have presented in section one of this report both the systemic ways in which Women's rights are regulated and how women in Canada face economic inequality. We also outlined how Laïcité in Quebec intersects with the status of women. In section two, we showed how the particular flash point issues which concerned Women and Religion in the two provinces have tended to concentrate upon the rights of Muslim women. We also saw, in the discussion of most women's rights groups that there are many religious actors seeking to find some more nuanced middle ground between the freedom from religion, rights for women and the right to believe and belong to a religious group. Moreover, we also discussed women's ordination which we believe is the tip of the iceberg when it comes to tensions over women's rights and personal expression existing within Canada's religious groups. We believe that, in the main, if these rights are discussed the way a group that Metrac discusses women's rights then we will see practical street level negotiations, compromises and solutions emerging within these groups.

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<sup>31</sup> Excommunication for participation in "Ordination" of women reiterated [http://catholicinsight.com/online/feminism/article\\_837.shtml](http://catholicinsight.com/online/feminism/article_837.shtml) last accessed 23/02/2012

## Questions for Further Research

1. Running through this report are sets of categories which require further conceptual development, definition and clarification when and if this particular research is pursued further. This series of categories includes the following: Women's Freedom to Religion, Women's Freedom from Religion, Institutions Protecting Women's Rights, Women Specific Legislation, Women's Rights Lobby Groups and Women's Participation within Religion.
2. We found that in this particular research topic that it was difficult to gain matching data, research and experiences between the two provinces. This does not mean this matching data cannot be found. But what it does mean is that any further research in this area will require more systematic research and will need to infer comparisons between the two provinces from what might be quite different source materials.
3. We think that this research has thrown up enough data to suggest that argument against debates over women's rights and religion are more generalisable phenomenon than simply veiled attacks on Islam. While we are sure that this may be the case on some occasions we find evidence to suggest that this process is not just confined to discussions of Islam. The Ordination debate shows us that Women's rights remain political issues within many Christian groups as well.
4. We think that any further engagement with this topic will need to take into account the forthcoming edited volume on Women and Religion in Canada which will be edited by Terry Woo.
5. We have argued that it is primarily Islamic women's rights which are concentrated upon within the debates about women's rights and religion. However, we think that this is probably the visible tip of a much larger iceberg of other contested grounds within Canada's religious groups where women are seeking to balance their faith, religious practice with the demands and rights of the modern nation state. Further research would be required to prove this argument.
6. We think that in light of this report further research could be pursued looking at the distinction between protecting the right to freedom of conscience and protecting the right to perform certain practices that stem from particular beliefs. This report has shown some indications that the former does not necessarily guarantee the latter, but further research would be needed to prove that this is so.

7. We think that further research needs to be done to clearly define what Quebec's common values are and examine whether or not the rhetoric of interculturalism as related these values do indeed create a hierarchy of rights in the province.



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## Appendix One

1. "METRAC acknowledges that the secular family law and court system fall far short of the mark in respecting women's equality and in ensuring the safety and well being of women leaving abusive relationships.
2. METRAC acknowledges that, although the public family law system may appear to many to be secular in nature, it is in fact based on many Judeo-Christian principles and values that make it culturally inaccessible to many.
3. METRAC's interest in this review is in the suitability of any kind of religious laws or codes in the resolution of family law disputes, not simply the use of Sharia Law within the Muslim community. Many religions, including the dominant religion in Canada - Christianity - fail to recognize women's equality rights and often do not acknowledge the serious issue of violence against women and children within the family.
4. METRAC is committed to working with and supporting the position of Muslim organizations with a commitment to women's equality, in particular the Canadian Council of Muslim Women, recognizing that these organizations offer the lived experience and expertise needed to lead this discussion."<sup>32</sup>

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<sup>32</sup> Ontario's Women's Justice Network [http://owjn.org/owjn\\_2009/home](http://owjn.org/owjn_2009/home) last accessed 16th Feb 2012.

## Appendix Two

### Metrac

#### **“No Bill 94 Coalition Statement**

Quebec Premier Jean Charest has proposed legislation which, if approved by the National Assembly of Quebec, would deny essential government services, public employment, educational opportunities, and health care to people who wear facial coverings. Bill 94 specifically targets Muslim women who wear the niqab (face veil). The bill is an exaggerated response to a manufactured crisis that will allow the government to deny women services to which they are entitled. A truly democratic society is one in which all individuals have the freedom of religious expression and a right to access public services.

Although touted as a step toward gender equality, Bill 94, if approved, will perpetuate gender inequality by legislating control over women’s bodies and sanctioning discrimination against Muslim women who wear the niqab. Instead of singling out a minuscule percentage of the population, government resources would be better spent implementing poverty reduction and education programs to address real gender inequality in meaningful ways. Barring any woman from social services, employment, health, and education, as well as creating a climate of shame and fear around her is not an effective means to her empowerment. If Premier Charest’s government is truly committed to gender equality it should foster a safe and inclusive society that respects a woman’s right to make decisions for herself. Standing up for women’s rights is admirable. “Rescuing” women is paternalistic and insulting. Further marginalizing Muslim women who wear niqab and denying them access to social services, economic opportunities and civic participation is unacceptable. Forcing a woman to reveal part of her body is no different from forcing her to be covered. Both the federal Conservative and Liberal parties have expressed support for Bill 94, which raises the very real possibility that similar legislation will be proposed across Canada. We demand that Bill 94 be withdrawn immediately, as it has no place in a democratic state that values autonomy, liberty and justice.

No Bill 94 Coalition is made up of concerned individuals, organizations and grassroots movements that are demanding that the proposed Quebec legislation, Bill 94, be withdrawn immediately.<sup>33</sup>

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<sup>33</sup> [http://owjn.org/owjn\\_2009/component/content/article/70-social-change-and-law-reform/303-opposition-to-bill-94-in-quebec](http://owjn.org/owjn_2009/component/content/article/70-social-change-and-law-reform/303-opposition-to-bill-94-in-quebec) last accessed 16th Feb 2012.