



PHOTO CREDIT: PHOTO FROM PEXELS

►► The Case for Bill 21

By: John Richards, Professor Emeritus, School of Public Policy, Simon Fraser University

July 6, 2026

►► Introduction

In 2019, the Quebec legislature enacted Bill 21, which prohibits provincial government employees from wearing visibly religious symbols when exercising authority in a public institution. It immediately brought into focus the interpretation of individual versus collective rights.

Section 2 of the Charter of Rights and Freedom of the Canadian Constitution has four sub-sections:

- a. freedom of conscience and religion;
- b. freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication;
- c. freedom of peaceful assembly; and
- d. freedom of association.

Section 1 of the Charter qualifies section 2. The rights and freedoms in the Charter can be subject to “reasonable limits prescribed by law

as can be demonstrably justified in a free and democratic society.”

In March 2026, the Supreme Court heard four days from 13 appellants.¹ The appellants have argued that the Quebec national assembly has violated freedom of religion, as stated in s.2a, and exceeds its use of the notwithstanding section 33 of the Canadian Charter of Rights.

Debate over Bill 21 has a precedent in the Supreme Court’s *Ford* decision on complete freedom of language (s.2b), French or English: “Language is so intimately related to the form and content of expression that there cannot be true freedom of expression by means of language if one is prohibited from using the language of one’s choice”.² Release of the *Ford* decision in December 1988 brought Quebec nationalists onto the streets; several anglophone ministers of the Quebec cabinet resigned. Quebec subsequently legislated a compromise in limiting use of English in commercial contexts. Despite the compromise, the Supreme Court decision was catalyst to secession in the second Quebec independence referendum in 1995.

The Supreme Court has yet to release their decision. At first reading, the Bill 21 case is straightforward. Appellants before the Supreme Court want to eliminate Bill 21; it is allegedly a case of racism and religious prejudice, defended by the Quebec assembly's dubious use of s.33. Hopefully, the Supreme Court judges re-read what happened in the Ford case and "let sleeping dogs lie". This case has the potential for a third secession referendum.

Public opinion research has indicated that the [majority of francophone Québécois favour Bill 21](#). In a 2025 survey, the majority ranges from 54% to 58%, with the percent varying based on wording of the question. The majority of Quebec anglophones and those in other provinces clearly oppose Bill 21. The most affected by the legislation are professional Muslim women, banned from wearing a hijab while at work. Probably, those living outside Quebec consider Bill 21 as either trivial or an unjustified Islamophobic restriction of Muslims.

More than 120 years ago, the French law of 1905 enacted by the Government of France officially defined France as a secular or *laïcité* state. The French law bans wearing "ostentatious" religious symbols in schools among students and teachers. In early 20th century, the intent of the law was to reduce conflicts between Catholic and secular families, a debate prominent since 1789 and throughout the 19th century. One dimension of the French revolution is the critique – among many – that the Catholic priesthood exercised too much political power. Over the 20th century, the Catholic/secular debate has subsided. In early 21st century, the Muslim/secular conflict has catalyzed a new debate. Salafist (fundamentalist) Sunni Muslims accept the imams' literal instructions based on the Quran; on the other side, moderate Muslims realize that many instructions of the Quran should not be followed.

Clearly, the French secular law has influenced the Quebec government's decision to legislate Bill 21. As in France, Muslim immigrants from the Maghreb and west African ex-French colonies have become an important religious minority in Quebec. In the 2021 census, there were 373,000 Muslims in Montreal. They now comprise 13% of the city's metropolitan population. Québécois support of Bill 21 is not racism; it is fear that, over time, the Muslim community will not integrate with the secular culture among most Québécois. Muslim teachers are welcome to teach in the French school system for example, provided they respect the secular values implicit in Bill 21. However, several cases of [Muslim teachers organizing prayers in their schools](#) have generated considerable negative publicity.³ In the 1960s, an important dimension of the "quiet revolution" was the national assembly's exercise of authority, as opposed to the previous Catholic hierarchy. Quebec now endorses its secular society. Some imams have exercised the equivalent of pre-1960s' Catholic control of education.

In Europe and Quebec, radical imams advance variable interpretations of "Shariah law" – the obligation among believing Muslims to honour instructions in surah of the Quran and hadith. A prominent example advises Muslim

women to exercise modesty – surah 24-31 "... And say to the believing women that they should lower their gaze and guard their modesty; that they should not display their beauty and ornaments except what appear thereof; that they should draw their veils over their bosoms and not display their beauty except to their husbands". This surah and many hadith imply that Muslim women should wear clothing that does not attract attention from men, other than their husband. These surahs and hadith imply male authority. If Bill 21 violates freedom of religion, as prescribed in s.2a of the Canadian Charter, the Quran's instructions can be interpreted as violating equal rights of men and women in s.28 of the Charter.

Not all Muslim women follow the Quran's surah. There are [vocal secular Muslim women who have integrated in Quebec](#). They support the social revolution in the 1960s; they support Bill 21, and insist on the equality of women and men. The conflict between individual religious freedom and respect for majority social values has emerged this century in all European countries. The "line in the sand" box illustrates the Danish case among European countries, debating the same issues as have arisen in Quebec.

Admittedly, some devout Muslim women have emigrated from Quebec due to Bill 21. [Farhat, a Muslim lawyer](#), wrote a public letter: "Either I remove my hijab and accept this flagrant violation of my rights under the Canadian and Quebec charters of rights and freedoms or I find another line of work." Should Muslim women interpret Bill 21 as a flagrant violation of their religious right to follow instruction of the Quran? Should they interpret Bill 21 as respect of equal male and female rights in section 28 of the Canadian Charter?

In conclusion, Bill 21 does not ban the hiring of Muslim women; it simply requires Muslims in a professional capacity to remove religious symbols while at work. Why are imams in Quebec advising Muslim women to emigrate to another province due to the banning of "ostentatious" symbols for professional time at work? Why are imams not recommending Muslims to integrate in the Québécois culture – which values *laïcité*?



Excellence in Public Sector Leadership (EPSL)

LEARN MORE

JOHNSON SHOYAMA

Develop the leadership skills today's public servants need.

Denmark draws a “line in the sand” to limit the Quran’s instructions for Muslim women

In all European countries this century, there have arisen conflicts between secular society values and Muslim conventions among the more Salafist (fundamentalist) imams in interpretation of the Quran. The nuances of conflict vary among European countries. Denmark has a typical secular society. The populations among francophones in Quebec and citizens in Denmark are both six million. The majority in both “nations” consider respectively French and Danish as their “langue commune” – two minor languages relative to speakers of other languages in North America and Europe. Furthermore, both nations endorse a generous welfare state combined with expectations of high employment rates.

In 2018, Denmark joined France, Belgium, the Netherlands, Bulgaria and the German state of Bavaria in banning niqabs and burkas in public. At the time, Danish Justice Minister Soren Pape Poulsen justified the law:

It is incompatible with the values of the Danish society or the respect for the community to keep the face hidden when meeting each other in the public space . . . With a ban, we draw a line in the sand and establish that here in Denmark we show each other trust and respect by meeting each other face to face.
(Gronholt-Pederson, 2018; CBC, 2018).

Like Denmark, the Quebec national assembly has “drawn a line in the sand” in defining an appropriate interpretation of the Canadian Charter’s section 2a. European and Quebec laws impose various limits to Salafist Islam. In Denmark, present government priorities are not women’s dress. Current immigrant government concerns in Denmark are improvement of immigrants’ learning the Danish language and reducing employment gap between native-born (76%) and non-European (56%) (Directorate-General for Migration and Home Affairs, 2026; UNHCR, 2026).

CBC. 2018. Denmark becomes latest European country to ban face veils in public. Accessed 20260514 at <https://www.cbc.ca/news/world/denmark-bans-face-veils-public-niqab-1.4685462>

Gronholt-Pederson, J. 2018. The Danish government is planning to ban face veils. *World Economic Forum*.

Directorate-General for Migration and Home Affairs. 2026. *New policies and studies on migrant integration in Denmark*. Accessed 20260514 at https://home-affairs.ec.europa.eu/news/new-policies-and-studies-migrant-integration-denmark-2026-02-27_en

UN Refugee Agency, Europe. (UNHCR). 2026. *Resources for employees in Denmark*. Accessed 20260514 at <https://www.unhcr.org/europe/resources-employers-denmark>



John Richards is an emeritus economics professor at Simon Fraser University. He has published many C.D. Howe Institute social policy monographs. Recently, he has published education monographs in Canada and South Asia. He is also the co-editor of *Inroads*, a Canadian policy journal.

►► Endnotes

1 Among the most prominent of the 13 appellants are the Canadian Civil Liberties Association, National Council of Canadian Muslims, and World Sikh Organization of Canada.

2 Supreme Court. *Ford v. Quebec* 1988, p.716.

3 Gouvernement du Québec. (2024). *Administration, organisation et fonctionnement du Centre de services scolaire de Montréal et de l'école Bedford*.

People who are passionate about public policy know that the Province of Saskatchewan has pioneered some of Canada’s major policy innovations. The two distinguished public servants after whom the school is named, Albert W. Johnson and Thomas K. Shoyama, used their practical and theoretical knowledge to challenge existing policies and practices, as well as to explore new policies and organizational forms. Earning the label, “the Greatest Generation,” they and their colleagues became part of a group of modernizers who saw government as a positive catalyst of change in post-war Canada. They created a legacy of achievement in public administration and professionalism in public service that remains a continuing inspiration for public servants in Saskatchewan and across the country. The Johnson Shoyama Graduate School of Public Policy is proud to carry on the tradition by educating students interested in and devoted to advancing public value.

[Sign up to receive digital copies of the Policy Brief](#)

For more information on the Johnson Shoyama Graduate School, visit www.schoolofpublicpolicy.sk.ca

Share your comments or feedback to the editor: dale.eisler@uregina.ca