

# Secularism and the National Question

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This text brings together some reflections on the draft Charter of Secularism that the Parti Québécois (PQ) planned to table in 2013 as Bill 60 (2013). On 7 April 2014, the provincial election results quashed the PQ's ambition to pass this bill. The Quebec Liberal Party (QLP), which opposed the PQ's version of the Charter, won a majority of seats in the National Assembly (70 out of a total of 125, whereas the PQ only won about 30). However, the debate around the Charter of Secularism is far from being over, if not just for the fact that the QLP, Québec Solidaire (QS) and Coalition Avenir Québec (CAQ) also defended their own versions of the Charter.

In this article, I propose to examine the links between the draft Charter of Secularism and Quebec nationalism. To understand these links, gain some insight into what lies ahead and help us avoid the political blunders that we saw in 2013–2014, it would first be useful to recall the events that have taken place since the reasonable accommodation crisis.

## From the Reasonable Accommodation Crisis to the Charter of Secularism

For a few years running, and especially after 2005, the media in Quebec reported on events related to what it dubbed “the reasonable accommodations crisis”, eliciting strong reactions in public opinion. For example, there was a media story about a Sikh boy who wore a kirpan to school. The kirpan, a small ceremonial dagger carried by some members of the Sikh community, was viewed by some as a safety risk for other children. This story ended with a judgement from the Supreme Court that supported the right to wear a kirpan under certain conditions (Multani v. Commission scolaire Marguerite-Bourgeoys, 2006). The media also reported on the story of a YMCA in Montreal that frosted a row of windows so that its patrons would not be seen exercising by

its neighbours in their synagogue. Some of the YMCA's secular-minded patrons then successfully petitioned to take the frosting off the windows. The YMCA's decision to frost these windows was not, as some have said, a case of "reasonable accommodation" but simply a friendly agreement between neighbours that would have fallen under the statutes of Quebec's civil code on building standards, had it ever been a legal matter. However, there was never any question of legal action nor was there any coercion on the part of the synagogue in question. The conflict arose when some YMCA patrons objected to frosting the windows for a religious neighbour. In a similar vein, there was also a story about public pools reserving particular hours for Muslim women to bathe on their own, which was met with some unfavourable reactions. Several analogous stories were reported in the media around the same time, creating a climate of tension in Quebec society. These were among the events that led to the QLP's decision to create the Bouchard-Taylor Commission on 8 February 2007.

The Bouchard-Taylor Commission's report, submitted in 2008, recommended the adoption of a white paper on secularism, defended the concept of open secularism, justified reasonable accommodations and extolled the merits of interculturalism. Interculturalism differs from multiculturalism in that it incorporates in its very definition the obligation to integrate into a host community. However, we can claim that both policies are somewhat similar because, even if they differ in their wording, they can produce the same effects in their respective contexts. Thus, Canadian multicultural policy, combined with Canadian law regarding citizenship (which demands that immigrants demonstrate their French- or English-language proficiency) contextually produces the same kind of effects as interculturalism. While I agreed with these recommendations, I interpreted the reasonable accommodation crisis as another manifestation of Quebec's need for national recognition and validation (Seymour, 2010a).

Gerard Bouchard and Charles Taylor (2008) also diagnosed Quebec's identity crisis, but immediately concluded that it had been caused by misperceptions on the part of Quebecers about the willingness of immigrants to integrate. For example, the Commissioners wrote:

We must ask ourselves what form debate on accommodation would have taken and how the public (French-speakers, in particular) would have reacted had they been exposed to the documented version of events instead of the stereotyped version. The most plausible hypothesis is that

the accommodation crisis would not have happened. We would, of course, have observed difficulties and serious problems with respect to these harmonization practices, in particular a number of complex legal problems along with ethical questions, jolts in the long, difficult process of learning diversity during the transition to pluralism. But a crisis? (p.75)

I was compelled to formulate some criticisms regarding the Commissioners' interpretation of the facts. Both Commissioners were perhaps in large part correct with regard to nature of these misperceptions, but it is wrong to reduce Quebec's identity crisis to a question of misperception in this way. The problem of identity goes deeper than that. It goes back to our need as Quebecers for national affirmation and recognition.

Some people might make the counter-argument that I am wrong to associate the issue of reasonable accommodation with the national question—this, despite the fact that the national question has been haunting Quebec for decades (Maclure, 2014). After all, they claim, the issue of reasonable accommodation mainly concerns the relationship that society maintains with its religious minority citizens—an issue that all societies face, including those who form sovereign States. It is, according to that view, a problem that would come up in Quebec even if Quebec were a sovereign State. The national question therefore has nothing to do with the problem of reasonable accommodations any more than it does with that of secularism (or so goes the argument).

This counter-argument presupposes that Quebec's "national question" only concerns the external relationship that Quebec has with Canada and comes down to the issue of Quebec's sovereignty. In actuality, the "national question" extends far beyond the issue of Quebec's sovereignty. The national question is also one that can be raised internally in conjunction with the relationships that the community as a whole maintains with its sub-groups. Indeed, the national question can most certainly be pondered independent of the debate on sovereignty.

The same counter-argument also presupposes that, on the international scene, the issue of making accommodation for Quebec's religious minorities does not affect the national identity of nations that form sovereign States. Still, it is worth noting that in both France and the United Kingdom the national question (i.e., a national identity crisis) has well and truly, for better or for worse, been raised in relation to the integration of citizens who belong to religious minorities and come from

immigrant backgrounds. And if the national question is raised in these countries, then I truly do not see how it can be avoided here. Moreover, given that Quebec is not a sovereign State, it is easy to imagine that the crisis might even be amplified here (Seymour, 2014).

In the Bouchard-Taylor Commission's final report, the Commissioners did not bring any solution to the table to remedy the need for national affirmation in Quebec. Bouchard and Taylor had irreconcilable differences regarding constitutional matters and so set them aside, but in the process they also set aside the national question—a move that exacerbated the conditions that led to the reasonable accommodation crisis. In other words, the Commissioners did not see that they could, despite their fundamental differences of opinion, take identity into account as a vital aspect of the public debate, presenting it in a way that the people of Quebec could relate to. They should have taken into account the need for national affirmation instead of limiting themselves to recommending that all Quebecers be more open to religious minority Quebecers. They should have made proposals for reciprocal recognition: recognition by all Quebecers of the identities of religious minority Quebecers found in Quebec, and recognition by religious minority Quebecers (who find themselves in Quebec) of the identities of all Quebecers. Unfortunately, this relationship was perceived by the Commissioners as being a one-way street, hence their limited suggestions: interculturalism, reasonable accommodations, open secularism for religious minority Quebecers, but nothing for the people of Quebec as a cohesive whole.

My argument is that perhaps Bouchard and Taylor should have proposed that Quebec equip itself with an internal constitution in which three charters would be enshrined: the Quebec Charter of Human Rights and Freedoms, the Charter of the French Language, and a charter of open secularism. In so doing they likely would not have succeeded in putting an end to the debate about the integration of religious minority Quebecers, but in order to move forward our existing national identity must be taken into account on an ongoing basis all the same. The necessity of this exercise is a leitmotif that reappears without fail for all peoples, sovereign or not, each time that a problem of reasonable accommodation for religious minority citizens comes up.

I have just suggested that the Commissioners should have insisted on the importance of giving Quebec the constitution of its choosing. Some have judged that such a recommendation would have far surpassed the scope of the Commission's mandate. I beg to differ. The mandate of

the commission was “to take stock of accommodation practices related to cultural differences, analyse the attendant issues[,] bearing in mind the experience of the other societies, conduct an extensive consultation on this topic and formulate recommendations aimed at ensuring that accommodation practices *conform to Quebec’s core values*” (italics mine, Bouchard & Taylor, 2008, p.33).

The Commissioners had the possibility of recommending that a more in-depth analysis be conducted to allow Quebecers to make pronouncements concerning their fundamental values. They could also have recommended that a constituent assembly be created and charged with the mission of making these values more explicit and drafting them in the form of constitutional principles.

Given that the Bouchard-Taylor Commission turned a deaf ear to citizens who sought to formulate these kinds of rules for “Living Together” (“vivre ensemble” in French) and who were discussing equality between men and women, the French language and secularism, Quebecers heard some condescension behind the Commissioners’ words. This fact contributed to turning some Quebecers not only against their fellow religious minority citizens, but also against the Commissioners themselves. One year later, in various opinion polls, Quebecers expressed their wholesale rejection of the Commission’s recommendations: interculturalism, reasonable accommodations and open secularism (Seymour, 2010b).

In 2010, the *Manifesto for a Pluralist Quebec* was published, signed by 800 Quebec intellectuals (Bosset, Leydet, Maclure, Milot, & Weinstock, 2010). Once again, we saw Bouchard-Taylor’s words reprised without taking into account the identity-based recognition of the people of Quebec, who could have been given the chance to equip themselves with a constitution of their choosing. Taking another tact, the *Intellectuels pour la laïcité et le pluralisme* (intellectuals for secularism and pluralism) signed another document, setting forth the simple observation that pluralism existed. They did not propose any formal recognition of the pluralism they acknowledged. I felt in this other document that a position inspired by the French republican model was being taken (Collectif d’auteurs, 2010). It was signed by 3 000 people. I, personally, refused to sign both of these documents.

By 2013, the divide between strict secularists and open or inclusive secularists had grown deeper yet. Les Inclusifs (inclusive secularists)

rightly criticized the Quebec government's Charter of Secularism, but most of them did not take into account the need among Quebecers for national affirmation. Others in the debate took this need for affirmation seriously, but most rejected the notion of recognizing the religious minority identities of Quebecers in the name of secularism, since any recognition of this kind is automatically associated with the Canadian multiculturalist model.

Of course, it was imperative to criticize the PQ's proposed Charter of Secularism since it was premised on a sort of Catho-secularism. It did not authorize overt religious symbols to be worn by public service employees. It did not recommend that the crucifixes be removed from Quebec's legislative assemblies, or that the prayers said before city council meetings be prohibited, or that income tax credits be reduced for religious groups, or that funding for religious private schools be curtailed. For the purposes of this article, the important factor in all of these well-intended efforts was that, in the midst of an identity crisis, no attempt was being made to strike a balance between the need for national affirmation and the formal recognition of pluralism.

## **A Common Public Identity**

An internal constitution for Quebec would have the advantage of strengthening the institutional identity of the people of Quebec. It would establish rules for Living Together within Quebec's borders. In short, it would contribute to consolidating Quebec's national identity. The chief concept most useful in describing what I am talking about is that of a "common public identity". The nation of Quebec brings together (and must bring together) all of its citizens. It is an inclusive civic nation<sup>1</sup> and this concept of nation is acceptable provided that we recognize minority Quebecers who are found within it. Without recognizing minority identity, the inclusive nation loses its legitimacy and minorities have the right to self-exclusion. By contrast, with a true recognition of minority identities, it is their self-exclusion from the inclusive nation that becomes illegitimate.

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<sup>1</sup> I use the term "civic" here to contrast this type of nationalism to traditional ethnic nationalism. However, it is important to note that the type of people who are associated with Quebec make up the socio-political nation (Seymour, 1998).

The important concept here is that of a common public identity (Seymour, 2001). It is this concept that we must define to more effectively address the need Quebecers feel for national affirmation. My argument is that an internal constitution could serve to construct and consolidate a common public identity. To this end, we must begin by answering the following questions: In formulating rules for Living Together under a constitution, should we exclude questions of identity? Doesn't talking about secularism force us to set aside questions of identity? In a highly diverse society like Quebec (characterized not only by a Francophone majority but also by an Anglophone minority, by 11 Indigenous peoples, and by historical or immigrant communities) shouldn't our rules for Living Together transcend particularisms?

It all depends, in fact, on what we mean by the word "particularism". There is no doubt that it would be difficult to identify the common traditions, customs, beliefs, values and finalities in Quebec within this kind of diversity. The answer to the question might, however, have a different answer if "particularism" referred to a common public language, common public institutions in which the common public language is predominantly spoken, and a common public history of those common public institutions. In this sense of the word "particularism", a common public identity might not transcend particularism. Conversely, Quebec's particularism might differ considerably from an identity applicable to the majority group only. In short, Quebec should not just aspire to reducing itself to the sum of its parts, nor to that of its majority, but should promote a new particularism for all. Quebec's common public identity might include French as official language, common public institutions (those in which French is mostly spoken) and the common public history of these institutions. These principles would be legitimate if at the same time all minorities (national, linguistic, religious and immigrant) were also formally recognized.

What role would a pluralist charter of secularism play and, more generally, what role would an internal constitution play, vis-à-vis a common public identity? The underlying notion from this vantage point is that secularism has something to do with the rules related to Living Together. Living Together means sharing a common identity. Therefore, if we are interested in drafting an internal constitution, it is difficult for us to avoid the question of national identity. Contrary to the position defended by Habermas (2001), who substituted the sentiment of belonging to a nation for constitutional patriotism, we must recognize

that the sentiment of national belonging does not go away because one is attached to constitutional rules. It is the other way around, since feeling an attachment to constitutional rules is constitutive to belonging to a nation.

That's all very well, some will say. But if this common public identity must be a civic identity, then we have to talk about creating a civic nation (as opposed to an ethnic nation or an ethno-cultural nation) and therefore refer to a citizenship that transcends the particular identities of people. In France's republican version of citizenship, particular, ethno-national, religious and cultural identities must be transcended. They must be relegated to the private sphere. Civic identity is therefore purged of all identity particularisms.

However, there is another way to conceive of citizenship. Under this other concept of citizenship people do not give up publicly expressing their national, religious or cultural identity. Rather, the experience of citizenship is regarded as the result of an exercise in tolerance and respect for cultures, national identities and religions that are different from our own. It is through the sometimes-painful experience of difference with others that citizenship is learned. Citizenship is not the result of each person's effort to spare the feelings of others, but the effort of each person to tolerate and respect the differences expressed by others. In Quebec, a substantial number of citizens share the latter way of regarding the experience of citizenship. The Charter of Secularism met with public outcry precisely because people were opposed to France's Jacobin republican concept that relegates religious expression to the private sphere. Many were resisting the idea of importing a model of citizenship from France that does not suit us because it demands that particularisms be transcended. This way of regarding society annihilates differences and imposes uniformity, thereby fostering intolerance and exclusion.

It is certainly true that half of Quebecers approved of the PQ's proposed Charter of Secularism. But in the same breath, a majority of citizens were opposed to firing public service employees who refused to submit to governmental directives of removing their religious symbols at work. On one hand, a fringe segment of the population believed that public service employees *must not* wear overt religious symbols. But on the other hand, this "rule" appears to be perceived by much of the public as a desideratum or norm to which ideally one *should* comply rather than seeing it as a law that must be enforced, like it or not. Here we see the immediate implications of the aforementioned notion that citizenship



is a concept that is learned through the confrontation of distinct and publicly manifested identities. Once the proposed law was framed in the real-life context of cases of real persons wearing a veil, the public's second-level concept of citizenship readily deferred to tolerance and respect for wearing overt religious symbols, even in the public service.

Quebec has a pluralist tradition. We've known for ages now that we must recognize the identities of the 11 Indigenous peoples and the Anglophone minority in our province. More broadly, it is a question of recognizing internal minority diversity in Quebec. All identities must be tolerated, respected and recognized. This pluralist approach is very much at loggerheads with that promoted by partisans of French republicanism and strict secularism.

Officially recognizing that the identity of internal minorities is vital. The same holds true for the common public identity of the people of Quebec as a whole, because Quebec also constitutes an internal minority within Canada. Alluding to recognizing Quebec's identity is thus not foreign to the subject of relations with minorities. As I indicated from the beginning, it is the identity crisis of the people of Quebec (who lack national affirmation) that explains the reasonable accommodation crisis. This identity crisis also explains why we should equip ourselves with a Charter of Secularism. For even if we set aside the problem of recognizing Quebec's identity within Canada, Quebec's peoples, the persons who live here, have every right to publicly manifest their identities as well as the people of Quebec, as a whole, also needs self-affirmation as a collective entity. This dual fact is crucial for a resolution of the conflict that we now face. From this point on, we have to recognize and lament the fact that most of the people who criticized the PQ for Bill 60 have not yet come to grips with these two dynamics. If we want to defuse tensions, we must not confine ourselves to condescension, admonishing an entire people, since this, in the long run, would only throw fuel on the fire.

But isn't that exactly what the PQ was trying to do with its Charter of Secularism? Didn't it want to resolve the problem of national affirmation for Quebecers? Many people from the *Inclusif* group claimed that the PQ was promoting a straw-dog problem, that its ambitions were focused on wedge-issue electioneering, that there had been practically no reasonable accommodation complaints, that most accommodations are made without eliciting any animosity, and so on. Fair enough, but in addition to the problems of integration experienced by newcomers to Quebec and accommodating religious Quebecers, there is a national problem that a

number of Quebecers are seeking to resolve. This problem is real and it must be seen beyond these debates.

So how could we revise the PQ charter of values? I would say that in the case of Quebec, the identity-based particularism we must affirm is not that of a *communitarian* society—that is, a society defined by beliefs, values and finalities that are commonly shared. The reason is that we are already steeped in a pluralism of irrevocable beliefs, values and finalities. Our identity particularism must be that of a common public language, common public institutions in which this language is spoken and a common public history that is compatible with diverse narratives of those common public institutions. To paraphrase Will Kymlicka (1989), this identity particularism must be that of a *structure of culture* and not of a *character of culture*. It must be affirmed within an internal constitution.

Correctly understood, this identity-based particularism is compatible with pluralism and is therefore compatible with the formal recognition of a diversity of beliefs, values and finalities. By contrast, the PQ's proposed Charter of Secularism was, as we have already pointed out, a charter for Catho-secularism, favouring a particular set of religiously biased values and beliefs over others. Why are we claiming that Bill 60 expresses a form of Catho-secularism? It isn't just that it licenses Catholic crucifixes and Catholic prayers in public administration. It is also because prohibiting the wearing of overt religious symbols may suit a majority of Christians just fine, but this policy does not suit many Muslims, Sikhs or Jews. The PQ's Charter of Secularism embeds its brand of secularism within a set of "commonly held values". However, within this set of values, the value of secularism is counterbalanced by the value of heritage, which narrows the Charter's focus and ushers in Christian heritage through the back door, thereby defining the heart of our collective values. Most importantly, the PQ's Charter presupposes that religion is something to be experienced as a private exercise of our freedom of conscience, which, again, may suit the majority of Christians just fine, but does not suit many Muslims, Sikhs or Jews. The equal recognition of the diversity of religions is clearly out of balance in the PQ's Catho-secularist charter. It would leave a majority of Christians satisfied to practise their religion in private and regard religious symbols as optional or occasional accessories while the same could not be said for many Muslims, Sikhs and Jews who experience their religion collectively, as a community, every day and wear their religious symbols accordingly.

There were some feminists, LGBT people, anti-clerical people and secular republicans who expressed their approval for the PQ's Charter, but they were not the ones that the PQ was seeking to convince in the first place. The PQ wanted to revive a sense of identity among the Francophone majority, but in the process of doing so, it created divisions and conflicts. The PQ made the mistake of pitting "Us" against "Them", Montreal against its outlying regions, the Majority against the Minority, and Quebec the host community against Quebec immigrants. The PQ also made a mistake of defending the French republican social model against the Anglo-Canadian social model. In its bid to weed out all things Anglo-Canadian to benefit the French roots of Quebec's identity, the PQ's Charter participated in a nationalism founded on identity closure. The feminists, LGBT people, anti-clerical people and some secular republicans who certainly did not endorse this identity closure, entered the fray to express their hatred for religion. In retrospect, it can safely be said that they were often instrumentalized by the PQ government (a fact worth recognizing).

All of these events have brought us squarely to the crux of the matter: A State that supports religious hatred to enforce its policies ceases to be secular. The institutions of a secular State are institutions that must refuse to take sides on religious matters. After all, the secularity of institutions should not be confused with the secularization of society.<sup>2</sup> Those who were hoping for a rollback of religion can keep debating it in hopes of changing society's ways and secularizing our social ethos, but they cannot use a secular State to accomplish this work because their debate falls under the responsibility of civil society.

## Conclusion

In this article I have sought to describe what national affirmation might look like in Quebec and how it would relate to a Charter of Secularism. In my view, the most unproblematic way to promote a sentiment of national affirmation in Quebec would be to foster a commonly held public identity, compatible with the recognition of identity pluralism. A *structure of culture* that is compatible with recognizing the irrevocable diversity of religious and cultural characteristics could be consolidated in

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<sup>2</sup> For an examination of the distinction between the secularism of political institutions and the secularization of society, see Maclure & Taylor (2010, p. 24).

an internal constitution. And a charter of *inclusive* secularism could be an important component in this constitution.

In this way, it would be entirely possible to propose a charter of secularism that is inclusive, progressive and open. A real charter of secularism is not one that attempts to dictate common values. The only “common values” are principles of justice that must be in place given the irrevocable and reasonable pluralism of beliefs, values and finalities within society. This kind of project could contribute to defusing tensions and partially answer the need for national affirmation. Indeed, the recognition of minority identities is an ongoing process, and the same applies to our inclusive national identity. Mutual recognition must constantly be updated within sovereign States, as it must be within non-sovereign nations.

In 2013, Québec Solidaire proposed Bill 398, a charter of secularism that came closer to reflecting principles for inclusion that apply specifically to Quebec. Bill 398 shed the PQ’s pro-heritage-backdoor-Catho-secular bias and introduced the notion that public servants could wear religious symbols, promoting the concept of non-intervention in matters of religion. Far from hindering the separation of Church and State and neutrality, the presence of a variety of religious symbols would confirm the secular character of our institutions, clearly confirming that people of all faiths can work in Quebec’s public service (Québec Solitaire, 2013).

Finally, given its quasi-constitutional status, Québec Solidaire’s charter would have helped Quebec formulate the constitutional order of its choice, which is not a negligible detail for those of us who want to effectively rally the needs of all Quebecers in our collective quest for meaningful national affirmation.

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