THE MAJORITARIAN EPISTEMOLOGY ON RELIGIOUS SYMBOLS
A RELIGIOUSLY-BASED STEREOTYPING TECHNIQUE TO "PACKAGE OTHERS' RELIGIOUS RIGHTS"

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Abstract: The paper will focus on a particular form of stereotyping technique which aims to narrow religious rights for non-Christian believers, moving from an exclusively Judeo-Christian epistemology on religious symbols that, no by chance, defines them as "ostensive". According to this perspective, freedom of religion is eminently a heartfelt attitude, therefore the term "ostensiveness" is intended to emphasize not mandatory behaviors, which are conceived as a redundant way to live faith. Starting from its philosophical assumptions, the article deals with the stereotyping tools related to religion, functional to conceal the social complexity and to deny legal protection, through a legal and political concept like state neutrality. The piece seeks to show how the concept of religious right, when it cannot be declined as a majoritarian right, is rife with plural levels of intersecting stereotyping, concerning other categories of diversity like gender and 'ethnicity'. This approach flatters each dimension and does not take into account coexisting identities within the same person, ignoring that intersectionality highlights the necessity of assessing religious diversity as fundamentally socially located. This stereotyping attitude can be traced back to the complex relationship between law and religion that provides a direct way to assess crucial issues like belonging, identity, community and authority. Law, as a cultural and non-neutral construct, regards religion as a valuable fact and worthy of legal protection since it is attributable to an individual phenomenon and as quintessentially private matter. Therefore, to assess identity or belonging in the fault lines of the interaction of law and religion means find an opportunity to legitimize targeting law related to religious diversity making it seems like a way to deal with religious 'differences' that cannot be assimilated. In this respect, we discuss about the radical secularist claims through a case-study, namely the "affaire Québécois" within the Canadian system, not only in a geographical sense, but in the theoretical field mapped out by religious pluralism as the focal point of the multiculturalist approach, on one hand, and the secularist revival, on the other hand.

Keywords: Religious pluralism; majoritarian epistemology; secularism; multiculturalism; stereotyping

1. The philosophical assumptions of the stereotyping techniques related to religion

According to Rebecca Cook and Simon Cusack, "the term 'stereotyping' refers to the practice of applying a stereotypical belief to an individual member of the subject group. It occurs when a person ascribes to an individual specific attributes, characteristics, or

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roles by reason only of her or his membership in a particular group" (Cook, Cusack 2009, p. 12). In the light of this perspective, the philosophical assumptions of the stereotyping techniques related to religion can be traced in the dichotomy "liberals-communitarians" and in the underlying anthropological antinomy between the "unencumbered-self", the liberal prototype of individual, conceived as independent from any tie, even family ties, and the "religious doped", a person described as encumbered with a monolithic community[1]. As a matter of fact, this above-mentioned *antithesis* arises from a process of generalization or an *a priori* vision of the attributes and characteristics possessed by an individual ascribed to a non-western community and of the roles that are, or should be, played by her or him.

This anthropologist premise assigns relevance to the idea of individual responsibility, as a prerequisite for successful self-determination that allows the subject to defend herself or himself from the assimilationist pressure, thus pushing her or his limits. The article deals with these stereotyping tools, functional to conceal the social complexity and, as we will see in detail below, to deny legal protection, taking into account that the stereotyping attitude is above all an epistemological view.

With regard to religion, this can lead to the central role of the Judeo-Christian epistemology on religious symbols. Sure enough, the adjective "ostensive" used to describe a religious symbol, arises from a majoritarian view, according to which religious faith and worship is eminently an interior fact for the believer. It can be considered a crucial notion within the debate on religious issues, namely a term used by the political discourse to draw the boundaries of the exercise of freedom of religion in multicultural societies. Therefore, the "ostensiveness" is often declined as a redundant demonstration through a person can express her or his religious belief. As multicultural and multireligious societies show, "non-Christian-secularist" do not conceive religious symbols as mere external expressions of their faith.

> "For millions of believers around the world, belief and practice are inextricable: religion is as much system as it is a way of life made of ritual practice and symbols that connect them to God or to higher principles. Asking a religious person to ignore a dress code that they consider essential is the equivalent of demanding a vegetarian to put aside her ethical convictions on animal rights from nine to five"[2].

Stereotyping techniques related to religion exclude that religious freedom encompasses much more than convictions stemming from religious sources, because as Roderick A. Macdonald argues religion could operate in someone's life as a source and a set of norms (Macdonald, 2011), involving ethical and epistemic issues.

More widely, the hypostatizing attitude recalls that "the social, political and conceptual complexity of religious diversity (…) is concealed by organizing legal and political concept like state neutrality" (Berger, Moon, 2016a, p. 9), getting "our attention

[1] On this conceptualization see Michael Joseph Sandel (Sandel, 1984, pp. 81-96).
[2] In Maclure, 2016, p. 20.

to the burdens and conundrums involved in imagining a *divide* between the religious and non-religious *within the subject*" (Berger, Moon, 2016a, p. 9).

In this respect, the management of the relationship between secular states and religious groups can be referred to the 'ideal types' of *top-down* and *bottom up*, which involves respectively a different perspective on religious rights. The former is connected to the relevance of the religious tenets and to a monistic epistemology according to which each behavior can be legally protected only if it is provided for a dogmatic provision or it can be reasonably sacrificed if it is not mandatory while the latter is underpinned on a subjective concept of freedom (Weinstock, 2011) that implies that a believer can feel she/he would betray herself/himself if she/he had agreed to take off – for example – a turban or a *hijab*. Overcoming an objective approach on religious rights, this second paradigm focuses the legal protection on the "sincerity of belief"[3]. As Berger aptly pointed out:

> "There is perhaps no more important access point into the key issues of modern political and legal theory than the questions raised by the interaction of law and religion in contemporary constitutional democracies. Of course, much classical political and moral theory was forged on the issue of the relationship between religious difference and state authority"[4].

With regards to religious matter, the institutional hetero-definition also operates along to the gender-line because gender equality, in the sign of the old liberal contrast between autonomy and dependence, is invoked as an argument to neutralize religious pluralism or multiculturalism, which would support submission of women to the will of men, holders of decision-making power[5]. Therefore, the concept of religious right, when it cannot be declined as majoritarian right, is rife with plural levels of intersecting stereotyping, concerning other categories of diversity like sexuality, gender, 'ethnicity', ability and age[6]. This approach flatters each dimension and does not take into account coexisting identities within the same person, ignoring that "intersectionality highlights the necessity of considering religion and religious diversity as fundamentally socially located" (Beaman, Beyer 2019, p. 10[7]). That is why there is no effective balancing of interest in so

[3] The Supreme Court of Canada affirmed a subjective perspective on freedom of religion, grounding her judicial reasoning on the relevance of the so-called sincerity of belief, compare Supreme Court of Canada, *Syndicat Northcrest v. Amselem*, 30 June 2004, [2004] 2SCR, 2004 SCC 47. Benjamin L. Berger argues that the subjective sincerity test that has been adopted as the means of defining what 'counts' as religion for the purposes of Canadian rights jurisprudence has the capacity to intervene in the internal dynamics of religious groups (Berger, 2012).

[4] In Berger, 2011, p. 41.

[5] On this issue, see Okin, 1999, especially the response 'Liberal Complacencies' of Will Kymlicka who replies to the theoretical perspective of Susan Moller Okin about the incompatibility between multiculturalism and gender equality within a liberal framework, (Kymlicka, 1999, pp. 31-34).

[6] In this regard, stereotyping approaches do not consider growing transformative capability of the younger generations with respect to their religious heritages. On this issue, see S. Lefebvre, A. Triki-Yamani, 2011.

[7] In the aforementioned essay the authors present the main outcomes of a huge project on religious diversity, namely the *Religion and Diversity Project*, a seven-year project conducted between 2010 and 2017 and centered at the University of Ottawa. In addition to Peter Beyer and Lori G. Beaman, Solange Lefebvre, Sheryl Reimer-Kirkham, Jennifer Selby, Michael Wilkinson, took part in that relevant research.

many cases that concern religious rights, for example, for Muslims or for Sikhs who are deemed adherents to all-encompassing or "problematic" religions, not individuals as they engage with their differences and conflated characteristics in the daily life.

As Peter Beyer and Lori G. Beaman underline: "problematic religion is the sort that is too determinative in lives of its adherents, that thereby supposedly seeks to isolate them from the rest of society because it does not share and even contradicts the dominant values", (Beaman, Beyer, 2019, p. 2). According to this stereotyping premise, lived religions amount to the institutional frame where minoritarian religions are presented, and institutional frames do not support certain kind of diversity and religious expressions. Consistent with this view, the "problem" of the Sikh *kirpan* is that is conceived as a symbol of violence, not as a vehicle of contact with the divinity and the problem of Muslim women' veil is that is considered a symbol of oppression, gender inequality and of the refusal to integrate into society. To this we must add that, in the so-called western societies, coverage of traditions other than Christianity is negative, reductive and stereotypical (Knott, Poole, Taira, 2013, p. 90). Tending to essentialize religious groups and flattening the practical experiences of lived religion, media shaped the coverage of religion by focusing on stories with political impact rather than crucial aspects for groups themselves (Knott, Poole, Taira, p. 174).

Secularism as a legal and political category does not imply *per se* an inclination towards a particular regime of citizenship, either republican or multicultural. But it is clear that the question of secularism directly mobilizes normative conceptions of citizenship, either republican or multicultural (Milot, 2013, p. 18). The multiculturalist debate, burdened in a culturalist drift[8], preserves this theoretical framework and does not leave it, far from a relational and personal perspective within an individual is not stuck on a religious or cultural belonging. This approach radicalizes the collective instance and consider this a peculiar way of specific religious groups not taking into account that, on a legal point of view, the collective aspect could be fundamental in the effective exercise of a religious right. We can think that the whole exercise of the freedom of religion for a believer involves the right to profess religion, to practice religious worship and to propagandize it[9], these last two expressions being generated by the interaction between the subject and the collective contexts. Affirming a tight connection among the guarantee of rights and the political direction, the Canadian Supreme Court, for example, identifies in a legal protection, which does not consider the collective relevance of subjective situations, the expression of a paradigm contrasting with the democratic and multicultural nature of a juridical system[10]. According to this judicial reasoning, a majoritarian law violates individual religious freedom, but it inhibits the conditions for the ownership of the same

[8] On the critical aspects of a culturalist perspective on multiculturalism, the analysis of Anne Phillips remains a crucial reference (Phillips, 2007).

[9] With regard to the Article 19 of the Italian Constitution, Anna Ravà defined religious freedom "a triple right" (Ravà, 1959).

[10] In the leading judgement *R. v. Big M Drug Mart Ltd*, the Canadian Supreme Court relied on these arguments its perspective on the multiculturalist instance as a way to protect religious rights within a pluralist and secular theoretical framework that marks the limits of a monistic law (namely in that judicial case the *Lord's Day Act*), see Supreme Court of Canada, *R. v. Big M Drug Mart Ltd*, 24 April 1985, [1985] 1 SCR 295.

right by the subjects belonging to any group other than the majority, including those who identify with an atheism or agnosticism[11].

Simplifying versions of multiculturalism that deal with it as an exclusively theoretical notion, as a model or as an outdated or inflated topic are liable to hinder a rethinking of counteracting social strategies against an instrumental use of the concept of religion and culture[12] and they threaten to increase the "targeting law" in the today's "Nation-States". Not by chance, "ideas about legal and political accommodation of (…) diversity have been in a state of flux for the past forty years around the world. A familiar way of describing these changes is in terms of the rise and fall of multiculturalism" (Kymlicka, 2010, p. 97).

Because of that, it is useful to move away from this above-mentioned approach to multiculturalism. We would call that a "literary" version. In a similar way, it needs to get some distance from a mere sociological perspective according to which the multiculturalist instance amounts to living together in a multiculturalist society. Beyond the terminological options, the core-idea of multiculturalism and pluralism implies that the public sphere has to enhance crucial aspects for the development of the personality of the subject, also starting from her or his religious belonging.

This fundamental principle is implemented by a way to conceive Citizenship as a social practice, not as a *status*. In the Canadian experience, the *Equal Religious Citizenship* is intended to recognize the expression of the religious belief in the public sphere (*ex multis* Ryder, 2008). It does not force anyone to choose between the freedom of religion and, for example, the exercise of a public employment. As a matter of fact, beyond the recent events, in Canada, the exercise of the public authority and, in general, of the public function is marked by a multiculturalist or pluralistic character. Broadly speaking, religion has found its way to the political and legal discourse about multiculturalism, determining a number of cases before the Canadian Supreme Court, a new body of legal scholarship, a series of administrative bodies daily committed to consider the potential of *accommodating diversity*.

A way to understand multiculturalism as a political and legal tool means to try to affirm a legal-pluralistic perspective. Like the feminist approach was introduced in the

[11] "The Lord's Day Act to the extent that it binds all to a sectarian Christian ideal, works a form of coercion inimical to the spirit of the Charter. The Act gives the appearance of discrimination against non-Christian Canadians. Religious values rooted in Christian morality are translated into a positive law binding on believers and non-believers alike. Non-Christians are prohibited for religious reasons from carrying out otherwise lawful, moral and normal activities. Any law, purely religious in purpose, which denies non-Christian the right to work on Sunday denies them the right to practice their religion and infringes their religious freedom. The protection of one religion and the concomitant non-protection of others imports a disparate impact destructive of the religious freedom of society" (*R. v. Big M Drug Mart Ltd*, p. 337). This idea can be considered the cornerstone of the view on the relationship between secularism and religious pluralism of the Canadian Supreme Court up to the present day. The Italian Constitutional Court expressed a similar approach with the judgement n. 188/1975, n. 117/1979 and n. 203/1989. In the same way we can conceive the hermeneutics of the Spanish Constitutional Tribunal (example given: judgement n. 46, 15 February, 2001) and the evolutionary interpretation of the European Court of Human Rights on the ECHR Article 9.

[12] On the reductionist views about multiculturalism see Phil Ryan (Ryan, 2010).

theory of law, bringing out the legal-historical origin of gender inequality, stereotyping processes related to the person in law and the discriminatory content of the normative provisions, in the same way, pluralism should be introduced in the legal theory.

2. The attitude of radical (nationalizing) secularism

The techniques of targeting law on religious issues are based on an instrumental use of the idea of identity that is underpinned by a political and discursive power to ascribe persons to specific religious groups, defined according to the conceptual couple *radical/moderate*. An example of this attitude is the culturalist hypothesis (Huntington, 1997) which, starting from the assimilation of the so-called Islamic fundamentalism to terrorism, theorizes the incompatibility between Islam and western democracies and associates the former with radicalization[13]. For example, they become radical or moderate Muslims or radical or moderate *sikh*. In addition, a manipulation concerns the self-description of the subject, the fact that she or he connects herself or himself to a specific religious group is not presented as a temporary choice but as an immutable and irrevocable result.

This stereotyping attitude can be traced back to the complex relationship between law and religion that provides a direct way to assess crucial issues like belonging, identity, community and authority. Law, as a cultural and non-neutral construct, regards religion as a valuable fact and worthy of legal protection since it is attributable to an individual phenomenon and as quintessentially private matter. Therefore, to assess identity or belonging in the fault lines of the interaction of law and religion means find an opportunity to legitimize targeting law related to religious diversity making it seems like a way to deal with religious 'differences' (that cannot be assimilated). Within a collective paradigm, law is intended to maintain an individualistic understanding of religious issues, shaping religion and depriving the person of her meaningful choice to express her faith. "Through the force of its cultural understandings, law may encourage religious claimants to think of their traditions as less complicated, more fragile, and more insular than might otherwise be. In short, the law might induce a kind of religious fundamentalism" (Berger, 2012, p. 28).

The legal-philosophical debate had emphasized the erosion of the national sovereignty and, consequently, it underlined the inadequacy of the "state-shell" with regard to the pluralistic and multiculturalist social realities. But the public debate has strategically shifted on to delegitimize forms of accomodating diversity and to uphold the neutrality of the public space as a priority and a key-point to assess the relationship between the State and religious belonging. Recent years have seen a migration of issues regarding religious difference and the nature and structure of the state back to the center of legal and political theory (Berger, 2011, p. 41).

In this riverbed, the radical secularist claims lay. The rhetoric used by radical secularism has endorsed instance of neutrality for individuals, not for the State. A secularist radicalization enhances a "*nationalizing idea*" of secularism, reintroducing defining criteria and selective tools to include persons into majoritarian belonging. Rogers

Brubaker refers the adjective "nationalizing" to the State that, unlike the Nation State, is a political-legal unit in which the nation-building is underway or has not taken on a complete and definitive form (Brubaker, 1996). So, in this sense, the term, led back to secularism, alluding to an ongoing process in which the secularist and pluralist instances face each other.

Thinking at gender issues, the hetero-patriarchal perspective of the political power no longer allowed expressly gender inequality and, for example, with the endorsement of the Vatican City State, begins a "new way" to use female stereotypes like the "multi-tasking woman" not shutted in the private sphere but always engaged in domestic and family care (Garbagnoli, Prearo, 2017)[14], in the same way the political and legal monism of "western civilization" cannot explicitly emphasize the race as a tool to discriminate. After all, the birth and the very existence of the "western identity" is linked to the colonial conquest, which is not conceived as the black page of the western history or like an accident in the pathway of the modern Age (Said, 2003). Colonization played a crucial role in the historical, political and cultural experience of the West, being the main form of the Altering Process (Todorov, 1982). In the light of the persistent altering dynamics which gave birth from this historical turning point, we can affirm that contemporary forms of Altering Processes concern the use of religion as a new tool of "racialization" (Triandafyllidou, 2017).

We could suppose that the great success of these stereotyping and degrading processes is linked to the "epistemology of ignorance" (Sedgwick, 1990, p. 8), an approach that, starting from a hierarchical vision, is not interested in human conditions and in social realities, political and legal experiences that are not "self-referable", namely that cannot be traced back to the universe of those who hold the "right to speak". This epistemological perspective is the pillar of the securitarian policies in the aftermath of Nine Eleven, namely the evolutionary – or better the involutionary – version of the anthropological dichotomy underlying the antinomy liberals-communitarians, that is called by Judith Butler "binarism" (Butler, 2010). In this sense, it is but a short step from hypostatization and hierarchization of identities to political practices that assume an "asymmetric value of existences" (Avallone, Torre, 2018, p. 8). According to Paul Bramadat and Dawson's studies, the Canadian system met this attitude as well (Bramadat, Dawson, 2014). In that regard, in the Canadian multicultural federation, the *québécoise* experience is significant.

3. The *Québécois* affaire: the ban of the so-called "ostensive" religious symbols

In recent years, and consistent with Canadian constitutional history, Quebec has been the center of gravity of debates and reflection in Canada about the management

[14] In this sense, it has been interesting that this rhetoric has been used to affirm the current restrictive trend in the Italian family-law, expressed by the Bill n. 735 "Rules on shared custody, direct maintenance and guarantee of double parenthood", communicated to the Presidency on 1st August 2018 during the eighteenth legislature on the initiative of senators Pillon, Ostellari, Candura, Pellegrini, Piarulli, D'Angelo, Evangelista, Giarrusso and Ricciardi, the so-called "ddl Pillon".

of religious difference in a religiously diverse society (Berger, 2016b, p. 24). We can also note that the notion of secularism has really entered into social use, because of the critics with regard to accomodation for religious reasons in public institutions[15]. "Reasonable accommodation" analysis asks whether the law (the way in which it advances its policy) can be adjusted so that it does not interfere (to the same extent) with the religious practice, without compromising the law's public purpose in any significant way" (Moon, 2012, p. 42).

From the very beginning of Nineties, a number of anti-multiculturalist outbreaks gave birth to a conspicuous debate on religion that is still in progress, through which the *Parti Québécois* and the *Coalition du Avenir du Québec* – the extreme wing of the right party coalition – sought to fight against religious pluralism and the judicial interpretation of secularism as a pluralist and inclusive instance, and to thwart the *Equal Religious Citizenship* as well. Not even the *Liberal Parti*, though starting from the different theoretical framework of the left wing, got some distance from this intention.

Eight years ago, in August 2013, the *Parti Québécois* has proposed the "Bill 60", known as *Secular Charter* or *Charte des valeurs*, that, in its main rule, the Article 5, provided for the ban of the so-called ostensive religious symbols with regards to specific sectors of public employment.

This proposal was struck down in April 2014 when the *Parti Québécois* has lost the provincial elections, but the assumptions of this proposal are not expired. Rather, we could think that the Liberal Party, behind a sort of political compromise, has decided to accept as a consequence of its proposal on secularism, the "Loi 62"[16], the labelling and the marginalization of a part of the *québécoise* population, providing the ban to offer as well as to receive a public service with a *burqa*.

As underlined Coline Bellefleure, laywer and member of the Association of Canadian Muslim Lawyers, this act is affected by a bad reception of the principle of religious neutrality[17] and had an impact on a negligible percentage of the *québécoise* population, marginalizing women who "wear" a *burqa*, because, for example, it is impossible for them to take a bus without having a penalty. In addition, the proposal aimed at affirming a "legalistic-systematic" idea of the "reasonable accomodation" that in Canada, thanking to the evolutionary interpretation of the Supreme Court, has received a "constitutional entrenchment"[18]. So, it seems a serious downgrading.

The proposal tries to separate the cases that imply "religious accomodation" from the general field of the "reasonable accomodation". According to the idea of the

[15] On the relationship between the secularist discourse and the intent to contain and criticize "accomodating diversity" compare Bauberot, 2006.
[16] This Act, promoted by the Liberal Party, entered into force on 18th of October 2017.
[17] "Nous sommes cependant d'avis que ce projet de loi représente à plusieurs égards une mauvaise application du principe de neutralité religieuse" (C. Bellefleur, 2016, p. 38).
[18] Compare Supreme Court of Canada, *R.v Oakes*, 28 February 1986, [1986] 1 SCR 103.

Commission des droits de la jeunesse, this separation provokes a hierarchical effect on the rights, upsetting the judicial balance[19]. As matter of fact, the judge will take into account rights or subjective interests previously packaged as "religious rights" or defined "non-religious rights". So, it's interesting that a "stereotyping goal" concerns the basis of the multiculturalist perspective, namely "the accomodating diversity". In the opinion of the *Parti Québécois* and the *Coalition du Avenir du Québec*, the action of the Liberal Party on this issue gave, even simbolically, poor results. Because of it, when the *Coalition du Avenir du Québec* won the elections, the "*Loi sur la Laïcité de l'État*" was drafted and, after intense parliamentary debates in the National Assembly, was approved on the 16 th June 2019[20].

The "*Loi sur la Laïcité de l'État*" radicalizes the premises of the "*Secular Charter*" providing a general ban on the so-called "ostensive" religious symbols for the public employers. On the other hand, this law saves all the Christian symbols, conceived in a "de-religioused" perspective as a part of the historical and cultural heritage of Québec: the Christian cross exposed in the National Assembly, under which the provisions on religious symbols were approved, and the famous and visible, we could say more than "ostensive" Christian cross on the Mont Royal Hill.

After the multicultural fabric has resisted to the secularist requests of the Secular Charter, it needs to understand why, after five years, the *Coalition du Avenir du Québec* has been able to impose a radical secularist idea.

It is not coincidence that, in Québec, a stereotyping technique also concerns the concept of "multiculturalism" because the implementation of the multiculturalist instance, in the framework of the French belonging, has been identified as a way, by Pierre Eliott Trudeau, to thwart the *québécoise* distinctiveness[21]. Under a legal point of view, while being contrary to the Patriation Constitution process, Québec cannot refuse to adhere to the Canadian federation, falling under the federal jurisdiction. Although multiculturalism as political and legal tool has been enhanced first of all in Québec, where the bilingualism was real as well as institutional, to be "*québecois*" instead of "*quebecer*" required to find a similar but different idea of multiculturalism, what is called interculturalism.

However, as Bibhu Parekh (2000), Tariq Modood (2013) and Louis Philippe Lampron argue, the last one as an insider of the *québécois* province, the difference between

[19] On this issue see Commission des droits de la personne et des droits de la jeunesse, *Memoire à la Commission des institutions de l'Assemblée nationale – Projet de loi n. 21, Loi sur la laïcité de l'État*, Québec, May 2019.

[20] With the government of the Coalition du Avénir du Quebec, the caquiste proposal on the religious neutrality of the state, discussed since the very beginning of October 2018, on 16th of June 2019, becomes the *Loi sur la laïcité de l'État*.

[21] Pierre Eliott Trudeau (1919-2000), father of the Canadian Prime Minister in office Justin Trudeau, was an exponent of the Liberal Party since 1965 and became Prime Minister since 1968 to 1979, and then since 1980 to 1984. Pierre Eliott Trudeau prompted the project that ended up inscribing multiculturalism in the legal-political order and, later, in the Canadian constitutional system.

multiculturalism and interculturalism does not exist. "On the devrait fonder juridiquement l'interculturalisme" (Lampron, pp. 6-7).

For historical reasons, the *québécois* distinctiveness has burdened by a cultural connotation strictly connected with the "religiousization" of "non-Catholics" believers and the "de-religiousization" of Catholics. In that frame, the person who practices religion not leaving the *hjihab* or the *kirpan* must be excluded by the public sphere because she or he is following an option that is not mandatory.

As we have seen, the basis of the mentioned attitude is a majoritarian perspective on religious symbols as well as its interiorization and its implementation in legal-political terms. In this respect, if the term "porto" (in Italian language) or "port" (in French language) is not adequate to point the fact that a person has on her or him body a religious symbol, in the same way the verb "to wear" is not adequate because it suggests to downgrade or degrade the religious practice to a physical appearance or to an *apparence vestimentaire*.

The *caquiste* proposal arises from the intention to de-judicialize the legal system. As a matter of fact, in several times, first of all in the Canadian system, the judicial interpretation has struck down the stereotyping techniques and the stereotyping premises, like in the *Amselem case*[22], in which, as we have underlined, the Supreme Court affirmed a new idea of subjectivity, stating that a person before a Court is able to claim a religious right and a religious belonging but in the *hic et nunc* of the trial. She or he is requested to test to be animated by an authentic belief, by the sincerity of belief, beyond the fact that the religious practice is provided by a dogma or a formal provision. Therefore, she or he is not stuck on a "once and for all" religious belonging. According to this perspective, religions are moment-in history interpretations of a moving and dynamic tradition (Berger, 2012).

The *caquiste* proposal, in a theoretical paradox, is aimed at constitutional entrenching of secularism, but "unentrenching" the constitutional value of religious pluralism, expressed by the last fifty years Canadian case-law. The Supreme Court of Canada also identified in a pluralistic interpretation the core-principles in the relationship between the idea of religious neutrality and the exercise of the public function, with respect to the multicultural character of the system. After the "*Loi sur la Laïcité de l'État*", the person who exercises a public function becomes a subject allowed to have a job if she or he, with responsibility, decide to waive the right to exercise religious freedom.

The constitutional entrenchment of secularism is addressed to legitimize radical secularism and to enhance the idea according to which processes of self-definition different from the Catholic-secularist one, in Italian language we say "catto-laico"[23], have no room

[22] Supreme Court of Canada, *Syndicat Northcrest v. Amselem, cit*.

[23] This expression points out that it is paradoxical that who defends rhetorically Christian 'culture and heritage' is at the same time waiving in the daily life religious identities and practices. On this issue, see Clarke, MacDonald, 2017.

in a western society. This strategy involves a dangerous and reactionary overlapping between secularism and radical secularism.

The question is what will be the social response to this trend.

In a legal system where, exception for the Aboriginal Groups[24], in an attempt to avoid the backlash and to focus on similarity rather than sameness or difference, a no-stereotyping approach had an impact on powerful belonging key-tools as "ethnicity", "national identity", "otherness", through a new political-legal lexicon and a rethinking of the idea of living together, secularism could get stronger. In that case, it will strengthen a stereotyping Citizenship and the majoritarian attitude intended to package the 'Others' rights, in a framework where "law has not just struggled with questions of religious freedom but has challenged religion to test the resiliency, complexity, and resources of its own traditions" (Berger, 2012).

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