

## Quebec's Spring of Discontent

Written by Kimberley Brownlee

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KIMBERLEY BROWNLEE, JUN 24 2012

Since February, thousands of Quebec post secondary students have taken to the streets in nightly demonstrations against a government plan to hike tuition fees by 75% over the next five years.[1] Although, by 2017, Quebec students are expected to still pay some of the lowest fees in North America, there is a case to be made against the hikes, which is rooted in the public value of higher education, the importance of equal access, and, more parochially, the longstanding public commitment in Quebec to free higher education.[2]

In both the protests and the Quebec government's response, there has been a lack of civility, a quality that is crucial to well-meaning, conscientious political engagement, especially when that engagement includes modest breaches of law or 'civil disobedience.'

From the government's side, there has been some police violence.[3] Indeed the situation escalated in mid-May when the government passed Bill 78, which makes any demonstration of over 50 people illegal unless organisers give police eight hours notice and supply the date, time, and route of the demonstration, which police then have the discretion to modify.[4] The Act also makes illegal any demonstration within 50 metres of an education building as well as any act or omission that helps or induces someone else to commit an offence under the Act. Ironically, although the Act was framed as protecting the rights of students to attend their classes and not be intimidated by picketers, the Act suspended the winter semester at 14 colleges and 11 universities.

Bill 78 was condemned by human rights advocates including the UN High Commissioner for Human Rights, Navi Pillay.[5] It also brought onto the streets thousands of Quebecers who were not animated by the students' cause, but who roundly condemned the government's restrictions on free speech and assembly. On Tuesday May 22, the 100<sup>th</sup> day of the protests, reportedly, over 300,000 people marched in Montreal in opposition to Bill 78.[6] In addition, solidarity marches have been held in Toronto and other Canadian cities.

But not all of the protests have been open and peaceful. There has been violence against police, radical splinter groups, masked demonstrations, Molotov cocktails, vandalism, and car burnings.[7] Quebec Justice Minister Jean-Marc Fournier reportedly quipped, "Civil disobedience" is a nice word for vandalism.' Presumably, his comment was not a condemnation of all civil disobedience – that self-restrained practice of Gandhi, Martin Luther King Jr., and Aung San Suu Kyi – but instead a correct observation that rabblousing, gratuitous vandalism, and police-baiting are not the hallmarks of civil political participation.

Civil participation, including civil disobedience, requires high standards of conscientious conviction and self-restrained communication. Conscientiousness takes consistency. It also takes a willingness to accept some personal risk and to be seen to defend a commitment. Additionally, it takes self-restrained dialogic effort. Being willing to defend a commitment through reasonable means rather than through intimidation and coercion is a mark of non-evasion, on the one hand, and confidence, on the other, that the commitment is sufficiently credible that it can be given a reasoned defence.[8]

Although it's hard for civil disobedients to distance themselves from rabble-rousers and party-seekers, nevertheless there are strategies to do it. One strategy is to use visibly different behaviour such as markedly non-aggressive behaviour like silence and sitting down. Such strategies require rigid self-discipline, organisation, and restraint. And,

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they are most evidently conscientious when backed by a clear understanding of the cause.

The importance of civility highlights some ethical issues of the Quebec protests. Here are three of them. The first issue is the wearing of masks, which has been a common practice in these protests and which led the City of Montreal to pass a bylaw banning masks in public demonstrations.[9] The ban raises an obvious problem for women who wear a burqa and for anyone who wears a protective face cover to block tear gas since the ban effectively undermines their rights to free speech and assembly. But the deeper ethical question is whether it is permissible to wear a mask in a demonstration. Although, in general, face coverings are not impermissible, demonstrating in a mask as a self-protective evasion is impermissible when the surrounding political conditions are comparatively safe and subject to *reasonable* rule of law. In those conditions, a mask casts doubt on civility and sincerity.

A second issue of these protests is their amorphousness. The protests started out with students challenging tuition hikes, but morphed, with the passing of Bill 78, into much larger, general protests against the Quebec Liberal government, which have included workers' unions, opposition parties, and ordinary Quebecers as well as students. The amorphousness may explain how supporters came to think it reasonable to give the demonstrations the laudatory label 'the Maple Spring', which brings out connotations of the Arab Spring, but which belittles the stark differences between Quebecers' political situation and that of Egyptians, Tunisians, and others who struggled at a risk to their lives to free themselves from oppressive dictatorships.

In ethical terms, the amorphous shift from a tuition protest to a season of discontent lacks the coherence and clarity that are necessary for conscientious conviction and civil participation. To be conscientious, protesters' commitments must be intelligible, logically coherent, and minimally evidentially satisfactory. Otherwise there is no determinate content to their conviction and no way of assessing whether and how to be accommodating of it.

Of course, it's hard for any large group of people to agree on their core commitments. They might be united in their antipathy against their government but not in their ideas about which policies animate that antipathy. Even so, it is reasonable to expect serious protesters to be clear and coherent about their cause. And this expectation is not nearly as demanding as an expectation that they all agree on *why* they're advancing that cause. Protesters do not need to agree about the *why* because the arguments for and against any weighty issue, such as who should fund higher education, are complex, and protesters can have different, equally legitimate arguments for advancing the same view.

A third ethical issue of the Quebec protests is the creeping expansion of the government's restrictions on free speech and assembly. In addition to the Montreal mask ban and Bill 78, Quebec City passed a bylaw banning demonstrations between 11pm and 5am.[10] If these restrictions keep growing, the right to free speech and assembly in Quebec may come to resemble the right to an abortion in the US: it's legally protected in principle but hard to find in practice. This is worrying because peaceful demonstrations are among the few moderate ways that people have to participate politically when their government is apathetic, inattentive, or corrupt. Navi Pillay put it gently when she expressed 'disappointment' over the Quebec government's restrictions on free speech and assembly. In response to her, both the Quebec government and the Canadian government criticised her for mentioning the Quebec laws and highlighted Quebec's democratic rule of law. But, of course, the rule of law is a set of procedural norms of transparency, generality, predictability and due process, and as such is compatible with grossly unjust laws. A government could impose a prison sentence for walking on the grass and be fully in line with rule of law provided the law is transparent, general, and predictable.

So, let us hope that the Quebec and Canadian governments' responses to the on-going protests become nothing worse than 'disappointing', and that the protesters remember the fundamental importance of self-restrained, conscientious engagement. It sounds like, on all sides, a little more civility would go a long way.

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**Kimberley Brownlee** is an Associate Professor of Legal and Moral Philosophy at the University of Warwick. She is the author of *Conscience and Conviction: The Case for Civil Disobedience* (Oxford University Press, forthcoming)

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