

THE LANGUAGE PROBLEM AND SCHOOL BOARD REFORM ON THE ISLAND OF MONTREAL

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### L'Abstract

Dans les années 1960 des propositions de réforme scolaire des commissions scolaires de Montréal devaient se retirer à cause de l'opposition sur la langue et le religion. Des lois en 1972 accommodaient entre temps la réforme fiscale et administrative des commissions scolaires de l'île de Montréal, et ne faisaient pas de recommandation pour la solution finale sur d'autre sujet, ainsi favorisant le status quo de 1977.

En 1984, des lois soutenaient les commissions scolaires des langues, mais ces lois étaient considérées plus tard d'être ultra vires. Des lois passées en 1985 étaient modifiées en 1986, laissant en effet la question de réforme comme elle était en 1972.

On constate que les tentatives pour la réforme des commissions scolaires sur l'île de Montréal, du milieu des années 1960 jusqu'au présent (1986), échoués, en partie, à cause d'un manque d'un climat de confiance pour promouvoir la dialogue sur les modifications constitutionnelles à fin de réaliser les aspirations linguistiques et religieuses des groupes diversés de la province.



### Abstract

In the 1960's, proposals for school board reform on the Island of Montreal had to be withdrawn because of opposition over language and religion. Legislation in 1972 provided for interim fiscal and administrative school board reform on the Island, and left recommendations for the final solution on other matters, including language and religion, to a local body, which, in 1977, reported in favour of the status quo. In 1984, legislation provided for language boards, but it was later found ultra vires. Legislation passed in 1985 was amended in 1986, in effect leaving the reform question as it stood in 1972. Findings suggest that attempts at school board reform on the Island of Montreal from the mid-1960's till the present (1986) failed, in part, for want of a climate of trust to foster dialogue on constitutional amendments to meet the linguistic and religious aspirations of various groups in the province.

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### Abbreviations

APCQ	Association des parents catholiques du Québec
BNA	British North America Act - Confederation (1867)
CECM	Commission des écoles catholiques du Montréal (MCSC)
CEGEPs	Collèges, d'Enseignement Général et Professionnel
CEQ	Centrale de l'Enseignement du Québec.
CNTU	Confederation of National Trade Unions
CSIM	Conseil Scolaire de l'Île de Montréal
CSN	Confédération des Syndicats Nationaux.
FCSCQ	Fédération des commissions scolaires catholiques du Québec
FLQ	Front de Libération du Québec
LIS	Ligue pour l'Intégration Scolaire
MCSC	Montreal Catholic School Commission (CECM)
MDS	Mouvement pour la démocratisation scolaire
MEQ	Ministère de l'Éducation du Québec
MLF	Mouvement laïque de la langue française
MSC	Mouvement scolaire confessionnel
MTA	Montreal Teachers Association (Protestant)
PACT	Provincial Association of Catholic Teachers
PAPT	Provincial Association of Protestant Teachers
PSBGM	Protestant School Board of Greater Montreal
PQ	Parti Québécois
QAPSA	Quebec Association of Protestant School Administrators
QAPSB	Quebec Association of Protestant School Boards
QFHSA	Quebec Federation of Home and School Associations (Prot)
QFL	Quebec Federation of Labour
SSJBM	Société Saint-Jean-Baptiste de Montréal
UQAM	Université du Québec à Montréal

## Definitions

COLLECTIVITY The French-speaking population born in Quebec.

COMMON SCHOOL BOARD/ COMMISSION Catholic or Protestant; open to all pupils other than those belonging to a Dissident School Board.

COUNCIL OF PUBLIC INSTRUCTION (1856) In 1869 divided into committees, Catholic and Protestant; 1875-1964 the main school authority.

DISSIDENT SCHOOL BOARD Open only to children belonging to the minority religion in a district, Catholic or Protestant.

ENGLISH CATHOLIC SCHOOL POPULATION Anglo-Irish; 40 per cent Italian.

INTEGRATED SCHOOL BOARD Catholic or Protestant, administering both elementary and secondary schools.

ISLAND SCHOOL COUNCIL The School Council of the Island of Montreal.

LAY SCHOOL MOVEMENT For non-confessional (neutral) school boards.

LINGUISTIC SCHOOL BOARD Language-based; French or English-speaking.

LINGUISTIC NATIONALISM Since the 1950's demands priority, if not exclusive, status for the French language in public institutions.

MULTI-CONFESSIONAL SCHOOL/ BOARD Instruction in different religions.

'OPERATION 55' A plan in the 1960's to provide fifty-five secondary Catholic regional school districts in Quebec.

PARENTS' COMMITTEE Composed of all the chairmen of School Committees in a school district to advise the school board.

PLURALIST SCHOOL/ BOARD Optional instruction in religion.

PROTESTANT SCHOOL POPULATION English and French-speaking; Jews, Greek Orthodox and other non-Protestants form 40-50 per cent.

RELIGIOUS NATIONALISM Traditional- that Quebec be French-speaking and Catholic; the Protestant minority to have its own institutions.

SCHOOL COMMITTEE Elected parents, teachers to advise on the school.

STATUS QUO The confessional organization of school boards in Quebec, Catholic or Protestant, under the BNA ACT (1867).

SUPERIOR COUNCIL OF EDUCATION Set up in 1964 to advise the Minister of Education on any matter which he refers to it. Consists of two Committees, Catholic and Protestant.

UNIFIED SCHOOL BOARD To administer French and English-speaking, confessional and non-confessional public schools in a district.

## INTRODUCTION

### The problem

This thesis examines the extent to which the language problem in Quebec affected successive attempts at school board reform on the Island of Montreal.

### Background to the problem

In the 1840's, public school boards in Montreal and Quebec City were established both common and confessional. They were open to all school-age children within their territories but were divided on confessional or denominational lines, Catholic and Protestant, with respect to school board membership. At Confederation, under the British North America Act (BNA, 1867), Section 93, education was designated the responsibility of the provinces, with the provision that no legislature may pass laws prejudicial to the rights to denominational schooling enjoyed by any class of persons in the province in 1867 (Appendix A).

In 1966, a royal commission on education recommended that school boards on the Island of Montreal be reformed on unified lines and that the pre-Confederation boards in Montreal and Quebec City be abolished. Bill 62 (1969) proposed unified boards on the Island of Montreal but had to be withdrawn because of Protestant and Catholic opposition to non-confessional school boards. The Parti Québécois contrived to block its successor,

Bill 28 (1970), until school board reform included a language policy. Bill 71 (1972) reduced the forty-two school boards on the Island to six Catholic and two Protestant boards with a seventeen-member Island School Council, which, according to the bill, was to submit to cabinet a plan for the final reform. In February 1977, the Island School Council voted in favour of a modified status quo to provide for Protestant and Catholic school boards on the Island of Montreal plus a French-language non-confessional sector within the Catholic school system.

The Parti Québécois chose to ignore the recommendations of the Island School Council (1977). In 1977, Bill 101 restricted access to English schooling (Appendix B). Notwithstanding, the Canada Act (1982) gives all Canadian citizens the right to have their children educated in the minority language of their choice, French or English, where numbers so warrant (Appendix C).

Bill 3 (1984) created nine English and 120 French language boards in the province. The constitutionality of the bill came into question, and Bill 29 (1985) was an attempt to correct this. The new law was amended in June 1986, leaving the question of school board reform the way it was under Bill 71 (1972).

By June 1986, it had become generally accepted that further attempts at school board reform on the Island of Montreal must follow the constitutional route to secure constitutional protection for language-based boards, as well as, or instead of, confessional boards on the Island of Montreal (Appendix D).

### Limitations of the study

The thesis deals with the language question in relation to school board reform on the Island of Montreal and does not deal with the matter of reform as such, nor with confessionality.

### Research methodology

Literature review and research includes: books and journals to provide a general background; government documents, bills, reports, minutes, newspapers, occasional papers, theses, and interviews. In addition to primary sources, the press is covered from 1960-1986 in order to guide the research from the perspective of the public on the language problem in relation to school board reform. Coverage is similar and adequate in both the French and the English press.

### Presentation of findings

- 1 Chapter One traces the early attempts at school board reform on the Island of Montreal, beginning with the early 1960's.
- 2 Chapter Two puts the reform attempts into perspective by examining the history of language planning in Quebec.
- 3 Chapter Three deals with the recommendations of the Island School Council to the Minister of Education in 1977.
- 4 Chapter Four deals with the attempts of the Parti Québécois at school board reform on the Island of Montreal.
- 5 Chapter Five presents analyses and conclusions.

## Chapter One

### THE QUESTION OF REFORM

#### Liberal Reforms

Language and confessionality played a key role in educational reform in the province of Quebec in the 1960's. Bill 60 (1964) introduced a Ministry of Education in the face of both French and English-speaking Catholic anxieties for confessional guarantees and English Protestant fears of the consequences to their language and culture in the loss of their traditional educational autonomy.<sup>1</sup>

In the fall of 1952, the Montreal Chamber of Commerce had called on Premier Duplessis for a government inquiry on the distribution of taxes between the various levels of government, federal, provincial and municipal, including school boards. The following year, the government set up a Royal Commission of Inquiry on Constitutional Problems under Judge Thomas Tremblay, mandated to present a complete inventory of the social, political, demographic, and economic state of Quebec, including a report on education at all levels.<sup>2</sup> Of the 240 briefs submitted to the Tremblay Commission (1956), 140 concerned the need for educational reform.<sup>3</sup> Evidently, a major dilemma was how to preserve the traditional role of the Church in education while permitting state intervention.<sup>4</sup>



Paul Gérin-Lajoie, as legal advisor to various educational institutions, influenced many of the briefs submitted to the Tremblay Commission, and, in 1960, on becoming Youth Minister with responsibility for education and with financial responsibility for the Department of Public Instruction in the new Liberal administration, he co-opted Arthur Tremblay as special assistant for education. Subsequently, Arthur Tremblay, a research assistant with the Tremblay Commission, was to recommend a Royal Commission of Inquiry on Education.<sup>5</sup> Both Paul Gérin-Lajoie and Arthur Tremblay advocated state intervention in education, especially in finance.<sup>6</sup>

In May 1961, bills making revolutionary changes in education were given first reading in the legislature. Termed the Magna Carta of education in Quebec, the new amendments to the Education Act were aimed at reorganizing rural and urban education, while all educational disbursements were transferred from the Superintendent of Public Instruction to the Minister of Youth.<sup>7</sup>

The Union Nationale clamoured for a referendum on the Liberal reforms, alleging that the measures before the House were a deliberate assault on the confessional system guaranteed to Catholics and Protestants in Quebec under the British North America Act (1867). Daniel Johnson, Union Nationale, noted that the powers of the Superintendent of Public Instruction were radically altered in favour of the Youth Minister, a departure from a principle held fundamental in Quebec for over a hundred

years: the separation of politics and education.<sup>8</sup> Johnson also accused Premier Lesage of laying the groundwork for the eventual state control of the school system and of giving in to linguistic nationalists, even cabinet ministers, in the avant-garde wing of the Liberal Party.<sup>9</sup> Premier Lesage, to avoid contention over language and confessionality, argued that the Quiet Revolution had broken Quebec loose from centuries of clerical paternalism and that the time had come for a more active role of the state in education.<sup>10</sup> Further, he promised those who demanded the option of non-confessional schooling, especially in pluralist metropolitan areas such as the Island of Montreal, the same measure of justice due to the rest of the electorate.<sup>11</sup>

#### The Parent Commission

In February 1961, Gérin-Lajoie introduced a bill establishing a Royal Commission of Inquiry on Education, under the Chairmanship of Mgr. Alphonse-Marie Parent Vice-Rector of Laval University with the task of proposing a plan that would inspire provincial educational policy, with regard to organization and finance, for the next twenty years.<sup>12</sup>

As soon as the Parent Commission began public hearings in Montreal in November 1961, English Protestants remonstrated over their loss of educational autonomy under Gérin-Lajoie's Magna Carta. In a brief submitted to the Commission, the Protestant Committee of the Council of Public Instruction expressed grave

concern that the distribution of educational funds had been transferred from the Superintendent of Public Instruction to the Department of Youth. The brief further argued that this loss of financial control was unconstitutional and would, sooner or later, have serious consequences for English-language schooling in Quebec and, in particular, on the Island of Montreal.<sup>13</sup>

In December 1962, English Catholics called for an English Catholic Committee in the Council of Public Instruction. The same brief noted that the Catholic Committee of the Council of Public Instruction was, by virtue of numbers alone, French and that, likewise, the Protestant Committee was English. They noted that the Protestant Committee of the Council of Public Instruction numbered twenty-two for 100,000 Protestant school children, while English Catholics on the Catholic Committee of the Council numbered only two for 50,000. They claimed that English Catholics in Quebec were voiceless within the French Catholic school system and that the pre-occupations of the larger French-language system invariably proved prejudicial to their linguistic and cultural interests.<sup>14</sup>

The Société Saint Jean-Baptiste de Montréal (SSJBM), in a brief to the Parent Commission in June 1962, contrasted the English minority in Quebec to French communities in other Canadian provinces, and they recommended that bilingual instruction be given in all English elementary schools but that instruction be only in the French language at the secondary

level. They also asked that cabinet develop a French-language policy for the province.<sup>15</sup>

Supporters of the Movement for Neutral Schools asked for non-confessional school boards, divided on the basis of language.<sup>16</sup> Although it was openly admitted that their school system was confessional in name only, Protestants were vigilant lest legislation providing for a language-based non-confessional school system compromise linguistic privileges and cultural advantages presumed secured for the English-speaking community in Quebec under the confessional guarantees of the BNA Act.<sup>17</sup>

Neutral schools were quite unacceptable to the Catholics who, for the most part, held that teachers must work within a professional framework consistent with their confessional commitments.<sup>18</sup>

Jews and Unitarians had, since 1840, advocated neutral schooling on the Island of Montreal, and they were strongly committed to the concept, but only within the existing confessional structures, for the sake of the minority cultural safeguards which they assumed were implicit in the BNA Act.<sup>19</sup>

La Fédération des Liges du Sacré-Coeur approved of neutral schools on the principle of fairness to all, but condemned the concept as tantamount to opening the door to atheism. They insisted that the French Catholic demand for non-confessional or neutral schooling represented a small but well-organized element who should have their own schools where numbers warranted. They held that the Protestant school system was, in practice, neutral,

and, as such, was readily amenable to English-speaking groups seeking non-confessional schooling.<sup>20</sup> The Federation of Classical Colleges, although entirely made up of clergy, defended the rights of French Catholic parents to non-confessional schooling and asked that non-Catholics and non-Protestants be represented on the Council of Public Instruction.<sup>21</sup>

A brief submitted by the French-speaking Montreal Association of University Educated Women called for non-confessional schooling and also urged improvements in the French language curriculum of the French-language school system. They pointed out that elementary school pupils in Montreal did not speak proper French, and that they were gravely deficient in their grasp of the French culture. They urged that Latin immigrant children be directed to the French-school system and that the English Catholic schools on the Island of Montreal no longer serve to anglicize both immigrants and French Canadians.<sup>22</sup>

Montreal lawyer, Paul Lacoste, claimed that the Education Act (1875) was primarily designed to preserve the confessional school system. He held the Protestant system was, in practice, non-confessional, but pointed out that there were ethnic groups in Montreal, even third and fourth-generation non-Protestant and non-Catholic Canadians who were not recognized in the school legislation of the province. Lacoste argued for unified school boards which would administer French and English-language Catholic and non-confessional schools.<sup>23</sup>

By January 1963, one thing was clear: there was no meeting of minds in the province of Quebec on the subject of educational reform. For Catholics, French and English-speaking, the school had a confessional role, while the Protestant approach was pragmatic, secular, and utilitarian, leaving the church and the home to look after matters of creed. It seemed unlikely that the vast majority of Catholics would ever agree to abolishing that cornerstone of their faith, the confessional school system.

At the same time, as previously noted, officials of the Protestant School Board of Greater Montreal (PSBGM) warned that unless Protestant school boards in Quebec preserved at least a token confessional character, they might one day compromise the linguistic and cultural safeguards presumed secured for the English-speaking minority in the province under the provisions of the British North America Act.<sup>24</sup>

#### BILL 60

The Parent Commission, however, could not ignore the need for a ministry of education in the province and, in April 1963, recommended accordingly.<sup>25</sup> Premier Lesage had publicly vowed his administration would never create a Ministry of Education, and Cabinet was deeply divided on the issue, as was indeed the whole province.<sup>26</sup> The support of the Church was vital, and, the previous October, Premier Lesage had the matter referred to Rome. The bishops had to be re-assured that the confessional system

would not be eroded.<sup>27</sup> Protestants were not enthusiastic either, since the Education Act (1875) abolishing the Ministry of Public Instruction established a Department of Public Instruction based on two semi-autonomous confessional committees and, in effect, formally acknowledged the bi-religious and bi-cultural basis of education in the province, thus virtually giving the Protestants carte blanche in their own affairs.<sup>28</sup>

Protestants feared that Bill 60, presented in June 1963, would leave them in a weak position. Previously, the Department of Education was under a Superintendent assisted by two deputy heads, the Superintendent being obliged to comply with the two confessional committees of the Council of Public Instruction. Questions exclusively affecting the interests of Catholics or Protestants were decided by the appropriate confessional committee (1875 Act, 39 Victoria, Chapter 15, Section 23). Under Bill 60, the Committees' broad powers were to be replaced with authority to make regulations respecting religious and moral instruction, subject to the approval of the Lieutenant-Governor in Council. Bill 60 was also to abolish the position of Superintendent of Public Instruction, establish a Ministry of Education and abandon the title of Director of Protestant Education. The minister would be assisted by a deputy minister and two associate deputy ministers, Catholic and Protestant, with responsibility for the respective confessional committees of the new Superior Council of Education.<sup>29</sup>

In July 1963, the Quebec Association of Protestant School Administrators (QAPSA) came out strongly against cabinet's haste over Bill 60. A telegram to Premier Lesage asked that Protestants retain control over curriculum, construction programs, examinations, and teacher-training. They reiterated the warning that Bill 60 compromised guarantees presumed secured for the English-speaking community under the BNA Act (1867), a path they considered unsafe to follow in Quebec at that time:

The admission has been made by our representative on the Commission; that although under the proposed educational re-organization, we shall lose our autonomy, nevertheless, given goodwill and understanding, the future of Protestant education will not be jeopardized. This may be true under the present government, but the surging tide of nationalism and separatism in the province may destroy this good will, leaving Protestants at the mercy of an unsympathetic majority.<sup>30</sup>

The Protestant Committee of the Council of Public Instruction warned that it was one thing to advocate a ministry responsible for administration and finance but, that it was quite another matter to put the minister in charge of curriculum, the foundation of language and culture, and to reduce the Council of Public Instruction to a multiplicity of advisory committees.<sup>31</sup>



Former Superior Court Chief Justice Professor W.B. Scott alleged that the unified Superior Council of Education would be in charge of curriculum in Protestant and Catholic elementary schools and would be prejudicial to Protestant cultural interests and would, in his opinion, be ultra vires in terms of the BNA Act.<sup>32</sup> The Federation of Classical Colleges, on behalf of French Catholic confessional interests, sounded the same note on the same clarion.<sup>33</sup> Others held that the linguistic nationalists saw in the ministry of education an indispensable means to realize their cultural objectives.<sup>34</sup>

In July 1963, the Lesage cabinet chose to postpone Bill 60 until the fall, and Gérin-Lajoie undertook a circuit of the province, echoing the labour unions' appeals for a Quebec at home in technology, business, and the professions, holding a promise for the French language and culture and a sure place for French-Canadians on continental North America. In October 1963, he launched his book Pourquoi le bill 60 outlining ideas he developed on his tour, and, after he satisfied Cardinal Léger in the matter of confessional guarantees, the battle was over.<sup>35</sup> Bill 60 became law in February 1964.

The revised text of Bill 60 retained most of the original, but it included a preamble inspired by the Quebec Council of Bishops in line with Vatican II on the rights and privileges of parents in the education of their children: that parents have the right to choose the institutions, which, according to their

convictions ensure the greatest respect for the rights of their children; that persons and groups are entitled to establish autonomous educational institutions, and subject to the common welfare, to avail themselves of the administrative and financial means necessary for the pursuit of those ends (R.S. 1964 c. 233 Education Act).

In adopting the suggestions of the bishops, cabinet left the door open for the establishment of non-confessional public schools by leaving it up to individual institutions to apply to the appropriate Committee of the new Superior Council of Education for confessional recognition. Jean-Jacques Bertrand, Union Nationale, moved that the bishops' preamble be included in the articles dealing with the powers of the minister, but Premier Lesage objected that this might grant legal standing to groups which desired to set up language-based non-confessional public school boards while the province was not ready for such a school system.<sup>36</sup> Union Nationale Opposition Leader Daniel Johnson, in supporting Bertrand's motion, said that parents in favour of non-confessional schooling, especially on the Island of Montreal, should have the same legal protection as Catholics and Protestants, and that this was what the bishops had in mind.<sup>37</sup> Michel Giroux, Secretary of the Parent Commission, later noted that if the spirit of the Parent Report (1964) had been followed there would have been no division along religious lines, but that Lesage had to appease Protestant anxieties.<sup>38</sup>

### 'Operation 55'

'Operation 55' was derived from a federal-provincial formula in 1964, designed to develop technical education at the regional level throughout Canada and, in Quebec, secondary education in the French Catholic sector. To come under the project, Quebec had to reorganize the province into fifty-five secondary regional school districts for Catholics and nine for Protestants by the end of 1967. French Catholics accepted school regionalization more readily than did the English Catholics, for whom regional boards posed a cultural threat. In fact, one reason for the English Catholic demand for autonomy was protection against the nationalism of the French-Catholics, with whom they shared a common religion but not a common culture.

Common to all groups was the fear that regionalization would bring major changes with far reaching implications for traditional family values.<sup>39</sup> Significantly, a map proposing regional school board boundaries was drafted by the Department of Education in 1963, based merely on geographical rather than on sociological factors.<sup>40</sup> With the completion of 'Operation 55' in January 1965, attention focused on school board reform on the Island of Montreal.<sup>41</sup>

Neither the Montreal Catholic School Commission (MCSC) nor the PSBGM were originally part of 'Operation 55', but they were included in the seven regional planning committees established under the project for the Island of Montreal in November 1964.

An Advisory Metropolitan Planning Committee, consisting of delegates from each committee, was set up under André Gagnon, MCSC Chairman, to present a global inventory of facilities, equipment, demographic trends, programs and resources, and to make recommendations consonant with criteria set out under 'Operation 55' for technical and vocational schooling on the island.<sup>42</sup> In December 1964, this committee was reorganized by Education Minister Gérin-Lajoie as The Metropolitan Co-ordinating Regional School Planning Committee for the Island of Montreal, under Jacques Viau, Q.C.

Meanwhile, due to the pace of educational reforms, the Liberals fell from grace in June 1966, and, in October 1966, in a Report submitted to the Union Nationale education minister, Jean-Jacques Bertrand, the Viau Committee outlined a high-school plan for the island. Viau proposed the establishment of secondary schools regrouped on linguistic rather than on confessional lines, or a modified status quo with separate boards for French Catholics, English Catholics and Protestants, or unified secondary school boards for both Protestant and Catholic, French and English-speaking students.<sup>43</sup> The Viau Report noted that the enrolment of the forty-two school boards on the island varied from 1,000 to 212,000, and that the inequalities implicit in such a dispersion made school board reform on the Island of Montreal urgent. In addition, Viau called for a legal opinion on the constitutional protections of the PSBGM and the MCSC.<sup>44</sup>

The Parent Report (1966)

The Parent Commission Report, Volume IV, in May 1966, recommended unified school boards on the Island of Montreal, including the abolition of both the PSBGM and the MCSC.<sup>45</sup> Parent also recommended that, although the law recognize no confessional distinctions between school commissions, schools still be obliged to provide moral or religious instruction. The existing system would be replaced by unified three-level administrative structures: the school committee, the regional board and the council of school development - consisting of all the regional school commissions in an economic area to ensure planned development, and a uniform tax-rate throughout its territory.<sup>46</sup>

For the Island of Montreal, the Parent Commission recommended seven regional school commissions, unified with respect to language and confessionality, and that these form an Island council of school development.<sup>47</sup> Parent also recommended that the MCSC organize French and the PSBGM organize English non-confessional schools by September 1966.<sup>48</sup>

The Catholic Committee of the Superior Council of Education in October 1966, adopted the recommendations of the Parent Report for unified school boards. However, the Quebec Association of Protestant School Boards (QAPSB) warned that the Parent Commission proposals were in violation of the BNA Act and that it was doubtful if the Protestant school tradition on the Island of

Montreal could survive in times of rising nationalism under a unified school system, as in most instances English schools would be under French majority school boards.<sup>49</sup> In May 1966, the Quebec Association of Protestant School Administrators (QAPSA) proposed that the fifty-five Catholic and nine Protestant regional school boards set up under 'Operation 55' be reorganized on a language basis. They asked that, at least, the school committee be guaranteed choice of the language of instruction and of the confessionality of the school.<sup>50</sup>

Both English and French Catholics were against the idea of abolishing confessional school boards, fearing the consequences of making confessionality a matter for the local school committee.<sup>51</sup> Also, both Protestant and Catholic English-speaking parents were united in their determination to hold on to any cultural protections afforded by the BNA Act.<sup>52</sup>

Movement Laïque de la Langue Française President Jacques Godbout ridiculed the Parent concept of unified school boards as an administrative nightmare, contending that unified school boards consisting of two parallel linguistic divisions looking after schools of three different confessional orientations, Protestant, Catholic and multi-confessional, would present insurmountable problems throughout the system.<sup>53</sup> His counterpart, Dr. Henry Morgentaler, President, The Neutral (Lay) School Committee, caricatured Protestant confessionality as a myth and a luxury the tax-payer could no longer afford.<sup>54</sup>

### The Pagé Report

In the aftermath of school regionalization, resulting in large impersonal comprehensive high schools requiring long-distance busing and the Parent recommendations to abolish confessional school boards, the Liberals lost in June 1966 to the Union Nationale under Daniel Johnson. Education Minister Jean-Jacques Bertrand, in September 1967, set up a Council for School Development on the Island of Montreal under Joseph L. Pagé, vice-president, MCSC, with a mandate to promote school board reform on the Island of Montreal in the light of the Parent Report (1966) and of the Viau Report (1966).<sup>55</sup> The Pagé Report, submitted in October 1968, warned that unified school boards would result in impoverishing the efficiency of school services on the island while increasing the complexity of the system, and that one of the basic principles of democracy, given the context of the Island of Montreal, was freedom of choice with regard to language and confessionality.<sup>56</sup> Pagé further recommended that both language and confessional rights be constitutionally guaranteed.<sup>57</sup>

Pagé noted that it should be easy to set up language-based school boards on the Island of Montreal since each of the two groups had a sufficient enrolment to make this feasible. The MCSC was responsible for 225,000/ 285,000 pupils enrolled in Catholic school boards on the island, while the PSBGM served 65,000/ 78,000 Protestant pupils on the island; and such

parallel linguistic systems should serve the whole island.<sup>58</sup> Planning, co-ordination, and fiscal management at the metropolitan level would be under a unified island council for school development as recommended by the Parent Commission.<sup>59</sup>

The Pagé Majority Report recommended language-based school boards to administer confessional, multi-confessional and pluralist schools, with the MCSC and PSBGM each being sub-divided to give a total of nine 25,000-45,000 student French-language school boards and four 21,000-57,000 student English-language boards. Effective January 1, 1971, the forty-two school boards on the Island of Montreal, including one central board, two regional boards, twenty-four French-Catholic boards, and fifteen English-Protestant boards would be reduced to thirteen.<sup>60</sup> A council of school development, consisting of thirteen members, one from each school board, would own plant and equipment, assume the assets and liabilities of the school boards, and be responsible for taxation, financing, planning, and co-ordination of educational services for the whole island.<sup>61</sup> However, the Pagé Council felt that establishing unified school boards was the ideal solution in the long term and that language-based boards should only serve as an interim measure until the political climate in Quebec permitted further reform.<sup>62</sup> A minority report recommended eleven unified boards for the island.<sup>63</sup>

In June 1968, the Saint Léonard Catholic School Commission in East-end Montreal, narrowly voted to phase out English-language



instruction, beginning with grade one in September.<sup>64</sup> The Saint Léonard Italian community subsequently formed the Saint Léonard Parents' Association, and, after failing to get admission for their children into English-language schools under the unilingualist-dominated MCSC, they successfully negotiated terms with the PSBGM to enrol their children, with exemption from Protestant religious instruction.<sup>65</sup>

Arising out of the Saint Léonard situation, the Pagé Council was asked by cabinet to review the question of the integration of immigrant children into the French-language school system on the Island of Montreal.<sup>66</sup> Pagé noted that the Education Act (1964) did not oblige school commissions to provide instruction in English or in French (R.S.Q. 1964, Chapter 235, Art. 203). However, Pagé recommended that the government establish a language policy before attempting school board reform; that the French in Quebec had a collective right to their language and their culture; and that, on the Island of Montreal, every pupil who finished high school should be able to communicate fluently in French.<sup>67</sup> Pagé also noted that the greatest part of the non-Catholic and non-Protestant population of the province was on the Island of Montreal and that it was not possible to devise a just and democratic school system for the island that did not take that into account.<sup>68</sup>

In September 1969, a bilingual association of Montreal area educators was formed by Principal Robertson of McGill University

and former MCSC chairman André Gagnon to lobby for language-based boards as an alternative to the Parent proposals for unified structures.<sup>64</sup> Also, the Quebec Association of Protestant School Boards (QAPSB) in its brief to the Gendron Commission of Inquiry on the Position of the French Language and on Language Rights in Quebec, October 1969, called for an end to confessionality as the basis for school board organization: that language-based boards would best answer situations such as that in Saint Léonard.<sup>70</sup>

The Union Nationale held out for unified school boards as best calculated to strengthen the language and culture of the French "collectivity."<sup>71</sup> Education Minister Guy Cardinal warned English Quebecers must face sweeping language policies in order to allow the French language and culture to survive. He said that the decline in the birth rate of the French-speaking population in Quebec, coupled with the Latin immigrant option to assimilate into the English milieu through the English Catholic school system on the Island of Montreal, meant something had to be done to protect the French-speaking majority.<sup>72</sup>

French-language associations began forming a common front to block attempts to reorganize the Montreal Island school system along language lines.<sup>73</sup> The Front du Québec Français, in November 1969, asked that French be the official language of Quebec and that the language in all publicly subsidized institutions in Quebec be French.<sup>74</sup> Société Saint Jean-Baptiste de Montréal President, François-Albert Angers, in October 1969, <sup>75</sup>

said that an English school system on the Island of Montreal amounted to official recognition of English as an official language in Quebec and that parents should not have a choice in the language of instruction in Quebec anymore than they would in any "other" sovereign country.<sup>75</sup> The activist Ligue pour l'Intégration Scolaire, which had been heavily involved in the Saint Léonard affair, opposed language division on the grounds that it would weaken the French language, claiming that bilingualism always worked in favour of the dominant economic language.<sup>76</sup>

As will be further noted, the Union Nationale, in November 1969, overwhelmingly passed Bill 63, the first legislative measure ever adopted by Quebec to make French a national language.<sup>77</sup> Bill 63, along with certain measures to strengthen the French language in Quebec, guaranteed the right of parents to send their children to either the French or the English school system, affirming what had existed in fact in the province of Quebec for one hundred years.<sup>78</sup>

More and more, the question of unified school boards on the Island of Montreal was seen to involve a language policy for the province as much as the matter of school board reform per se. Unified school boards were perceived by the unilingualists as being more conducive to their long term political aims than either confessional or language-based boards. However, Section 93 of the BNA Act (1867) was in the way of reform.

Bill 62

Bill 62, introduced in November 1969 by Education Minister Guy Cardinal, called for eleven unified boards on the Island of Montreal, as recommended by the Parent Commission Report (1966), each responsible for Catholic and Protestant schools, while demands for confessionality would be decided by the school committee. An appointed council of school development for the island would collect taxes, own buildings and equipment, and co-ordinate services.<sup>79</sup> Bill 62 and Bill 63 taken together would permit six types of schools: Catholic, Protestant, and non-confessional in either French or English. Premier Bertrand, in October 1969, said Bill 62 was designed to complement language policy Bill 63, since the language question was now seen to be inextricably linked to school board reform on the Island of Montreal.<sup>80</sup>

As public hearings on Bill 62 began in February 1970, the Provincial Association of Protestant Teachers (PAPT) announced a campaign for language-based school boards.<sup>81</sup> The Montreal Board of Trade in a brief to the committee on education of the National Assembly likewise rejected unified boards and, instead, asked for language-based boards which would have ownership of plant and equipment.<sup>82</sup> The Presbyterian Church and United Church of Canada also rejected unified boards and called for language-based boards.<sup>83</sup> Likewise, in March 1970, the Montreal Diocese of the Anglican Church in Canada warned that Bill 62 failed to provide

adequate protection for English-language schooling on the Island of Montreal, and it called for amendments to the BNA Act (1867) to provide constitutional guarantees for English-language instruction in Quebec.<sup>84</sup>

In March 1970, the PSBGM served notice of a court challenge to Bill 62, warning that English-language school boards would be in the minority in nine out of the eleven boards proposed under Bill 62. It contended that Bill 63 did not give constitutional protection to English-language instruction, and further added:

It is imperative that the rights of the minority as confirmed by the British North America Act, Section 93, be maintained, for overall conditions may change and ministers come and go. The deterioration of the social and political climate that has taken place in Quebec is hardly calculated to encourage the English community to entrust their children, their language and their culture to the control of school boards of a different language and a different culture. The answer is a system of regional school boards united by cultural and linguistic ties, rather than school boards whose ties are purely circumstantial, and whose geographical bases are a series of lines on a map. A less well disposed government might some day in the future quite simply revoke Bill 63.<sup>85</sup>

The PSBGM position was endorsed by the Lakeshore Regional School Board which also noted that the pedagogical aims of the French and English-language school systems were basically different: that Protestant schools emphasized science and mathematics, whereas French Catholic schools concentrated on the liberal arts, religion and philosophy. The Lakeshore board also warned that the Saint Léonard situation was a clear indication of what might happen to English-language interests under French dominated unified school boards.<sup>86</sup> Also, supporting the PSBGM, the Quebec Association of Protestant School Administrators (QAPSA) said minority language rights must be enshrined in the Canadian constitution before school board reform on the Island of Montreal was contemplated.<sup>87</sup>

Société Saint Jean-Baptiste de Montréal President François Angers said cabinet must first legislate a language policy with adequate guarantees for the survival and development of the French language and culture in Quebec and then deal with the matter of school board reform on the Island of Montreal. Angers also warned traditional Catholics that only confessional school boards guaranteed confessional schools.<sup>88</sup> Attention was drawn by the Groupe de vie Chrétienne to the peril of Catholic schools under Protestant majority boards and to the dangers of atheistic communist ideology held inherent in unified boards.<sup>89</sup>

Le Devoir Editor Claude Ryan noted that even if Catholics in unified school boards insisted on confessional schools, that

their option would not necessarily be followed by the Protestants, who were traditionally more concerned about language and culture than they were about confessionality, and that neither could anyone count on a growing number of French Catholics who had little time for confessional schools.<sup>90</sup>

The Alliance des Professeurs de Montréal said that to champion the continued existence of confessional school boards on the Island of Montreal constituted a refusal to acknowledge the pluralist realities of the situation.<sup>91</sup> The same point was made by the Centrale Enseignement du Québec (CEQ). It argued that a public school board had no more reason to be confessional than did a business firm, the government of Quebec, or any other public service organization in the country; that responsibility for the school belonged first and foremost to the state and not to any local group of parents; and that Quebec must decide in the best interests of the "collectivity."<sup>92</sup>

Bill 62 highlighted the existence of two linguistic communities that apparently could not develop within the same unified educational framework. La Presse Editor Guy Cormier noted that, in the eyes of the English-speaking community, Bill 62 was a coercive instrument of assimilation and he warned that if Cardinal was forced to abandon Bill 62, the French-speaking population of Quebec must conclude that without an acceptable language policy it was useless to take initiatives in school board reform on the Island of Montreal.<sup>93</sup>

Le Devoir Editor Claude Ryan further added that Bill 62 suffered from a lack of guarantees of fair representation for each of the two linguistic communities on the island: that the six types of schools and the use of two languages in the same school board would only complicate the administration. He speculated that Bill 62 would result in the creation of language ghettos, serving only to accentuate the tension that existed between the French and the English-speaking population in the province.<sup>94</sup> Ryan also pointed out that language, not confessionality, had become the determining factor in school board reform on the Island of Montreal and that democracy must acknowledge that the French and the English-speaking communities formed not one, but two distinct cultural entities. He warned that the lack of respect for the real situation shown by Cardinal in the drafting of the reform measure would be its undoing.<sup>95</sup>

The Montreal Star noted that confessional school boards helped foster inequalities which would become even more entrenched in linguistic boards.<sup>96</sup> The Gazette warned that people were not ready for unified school boards and that transitional language-based boards might enable the English and French-speaking communities to work toward common solutions on an island basis, under a unified Island council of school development, thus building trust and the habit of working together.<sup>97</sup> Bill 62 finally died on the order table when Premier Bertrand called an election, March 12, 1970.



Bill 28

The Union Nationale failed to get a new mandate from the English-speaking electorate because of the passions aroused over Bill 62. It failed to get a mandate from the French-speaking population for two reasons: the Groulx-type religious nationalists disliked non-confessional unified school boards and the secular linguistic nationalists disliked Bill 63. Responsibility for a solution to the problem now devolved on the Liberals under Premier Bourassa.

Bill 28 was introduced by Liberal Education Minister Guy Saint-Pierre in the fall of 1970, to establish unified school boards on the Island of Montreal. An Island council of school development, to be in place by July 1, 1972, would decide, effective July 1, 1973, on the boundaries and on the final number, between seven and eleven, of boards for the island.<sup>98</sup> Unlike Bill 62, and as a compromise to the PSBGM and other Protestant interests, Bill 28 gave ownership of plant and equipment to the school boards rather than to the island council of school development.<sup>99</sup>

The Société Saint Jean-Baptiste de Montréal (SSJBM) said Bill 28 only served to legislate the privileges of the English-speaking minority. It asked that Bill 63 be repealed and that French be declared the only language of the island school system.<sup>100</sup> The SSJBM warned that the count-down had now begun to determine either the survival or the assimilation of the French

language and culture in Quebec and that the matter of school board reform on the Island of Montreal was pivotal to that question.<sup>101</sup>

The Confédération des Syndicats Nationaux (CSN) said that the question of language in school board reform on the Island of Montreal went to the very heart of the struggle waged by the people of Quebec to guarantee the right of their elected government to direct the linguistic and cultural development of the province.<sup>102</sup>

The Alliance des Professeurs de Montréal claimed that the right to cultural survival of the majority came before any other consideration and that to sanction a bicultural and bilingual school community on the Island of Montreal, as proposed by both Bill 62 and Bill 28, was to go against the interests of the "collectivity."<sup>103</sup> The CEQ said that Bill 28, along with Bill 63, would only confirm the Island of Montreal as a bilingual school district.<sup>104</sup>

The Association des Cadres CECM (MCSC) warned that the French language was threatened and that the situation would further deteriorate unless legislation put a halt to the galloping anglicization of immigrants through the English Catholic schools on the Island of Montreal, and it asked that all Latin immigrant children be directed into the French-Language school system.<sup>105</sup> The MCSC, itself, said it was mandatory that French have priority status in the island school system and that

it should not be in the hands of a public school board to offer freedom of choice in the language of instruction.<sup>106</sup>

The Quebec Federation of Protestant Home and School Associations (QFHSA) asked that, before attempting school board reform on the Island of Montreal, Quebec first obtain an amendment to the BNA Act to guarantee Canadian citizens freedom of choice in the language of instruction, in either of the official languages, right across Canada.<sup>107</sup> The PSBGM also insisted that the confessional rights enjoyed by Catholics and Protestants in Quebec, under the provisions of the BNA Act, Section 93, be extended to include protection for the language of instruction, both French and English.<sup>108</sup> Referring to the Saint Léonard situation, the Lakeshore Regional School Board reiterated its warning that French unilingualists had little or no respect for English-language schooling.<sup>109</sup>

Archbishop Grégoire of the Montreal Roman Catholic archdiocese suggested reform take two stages: first, a unified island council of school development, and school committees at the local level; then, school board reorganization on a confessional basis but with provision for optional non-confessional schooling.<sup>110</sup> The Superior Council of Education also called for a two-stage implementation of Bill 28. In stage one, the proposed council for school development would make recommendations on school board reform on the island. In stage two, the legislature would ratify these recommendations, even if

they were for other than unified boards.<sup>111</sup> The above, in fact, formed the basis for a revised version of Bill 28 in 1972.

The Gazette pointed out that Bill 28 still ignored the reality of two distinct cultural and linguistic entities on the Island of Montreal.<sup>112</sup> Claude Ryan, Le Devoir, said that if the Liberals insisted on unified school boards on the Island of Montreal, democracy decreed that constitutional linguistic and cultural protection be first extended to both communities.<sup>113</sup>

Bill 28 was finally withdrawn in March 1972, after it had become clear that the Parti Québécois, along with members of the Liberal cabinet, were not about to allow passage of the measure without the repeal of Bill 63, and without legislation making French the official language of the province.<sup>114</sup> Ryan said that the failure of Bill 28 was a lesson to any government that no school board reform on the Island of Montreal was feasible that did not contain a language policy.<sup>115</sup>

#### Bill 71

Bill 71 was introduced in December 1972, but, in the interim, school board reform was effected off-Island. Bill 27 (1971) institutionalized a legal consultative role for parents at the local and school board levels in terms of the Parent Commission Report (1966). Under Bill 27, about 1,100 school boards off the Island of Montreal, were reduced to about 190 boards, including 22 Protestant and the rest Catholic. Bill 27 also granted

universal suffrage in school board elections in June 1972 - except on the Island of Montreal - for the first time in Quebec.<sup>116</sup> The school committee was composed of parents whose children attended the school with ex-officio, one teacher and the principal both without the right of vote. Parent committees, comprised of the chairman of each school committee, served as consultative bodies at school board level. School committees applied to the Island of Montreal, as of September 1972. Bill 27 also reduced the number of Catholic regional school boards set up under 'Operation 55' from fifty-five to fifty and it increased the number of Protestant regional school boards from nine to ten.

Bill 291 (1971), conceived as an off-Island measure abolishing statutory grants, initially proved unpopular as the amount of money received by a school board was now at the discretion of the minister, giving him virtual control over curriculum.<sup>117</sup> However, Bill 291 did make the school tax rate uniform throughout a school district, and this principle, along with universal suffrage, also contained in Bill 62 and Bill 28, was later applied to the Island of Montreal under Bill 71.

Premier Bourassa, in February 1972, gave the education portfolio to François Cloutier, Minister for Immigration and Cultural Affairs, who at the same time retained responsibility for the Office de la Langue Française the key element in the development of the French language and culture, which was now considered a crucial element in school board reform.<sup>118</sup>

In February 1972, Cloutier set up a Committee for Educational Development (CED) on the Island of Montreal, chaired by Claude Beauregard, assistant deputy minister, and comprised of school board delegates, to answer basic administrative needs on the Island. The creation of such a committee was not meant to prejudice the future of school board reform on the island, and the body's powers were to be limited to problems of a planning and developmental nature.<sup>119</sup> The CED was to be composed of thirty-six members delegated by the school boards on the Island. However, because of overwhelming opposition from the MCSC, which would have held only five (fourteen per cent) of the committee's thirty-six seats although it accounted for fifty-seven per cent of the students on the Island, a new CED, composed of fourteen members, five from the MCSC, three from the PSBGM, four additional members from the other Catholic boards and two members from the remaining Protestant boards on the Island, was announced in May 1972.<sup>120</sup>

Education Minister François Cloutier criticised both Bill 62 and Bill 28 for proposing a school system on the Island of Montreal under tight provincial control, and by September 1972, cabinet abandoned the commitment to unified school boards altogether.<sup>121</sup> Unlike his predecessors, Cloutier was careful not to tamper with the confessional and linguistic aspects of school board structures on the Island of Montreal.<sup>122</sup> However, he did not favour committee hearings on his new proposals as he felt

that all legitimate groups had already expressed themselves fully on the matter, thus bringing upon himself the displeasure of the unilingualists, who still insisted on the repeal of Bill 63 and the institution of a comprehensive language policy prior to school board reform on the Island of Montreal.<sup>123</sup> In the event that he gave in to the nationalists, Cloutier knew that he would have to meet the QAPSB in the courts and that school board reform on the Island of Montreal might once more be postponed, while the injustices identified by the Viau Committee (1966) would remain unresolved.<sup>124</sup>

Bill 71, as noted, was introduced in December 1972 and would reorganize the forty-two school boards on the Island of Montreal into seven Catholic and two Protestant boards, including a sixteen-member elected Island school council exercising the powers originally proposed under Bill 62 (1969). The bill also proposed universal suffrage and a uniform tax-rate for the whole island.<sup>125</sup>

The PSBGM accepted the idea of an Island school council but noted that Bill 71 made no provision for language at council or board level.<sup>126</sup> Education Minister Cloutier said language policy would have to be dealt with under separate legislation and that school board reform on the Island of Montreal could wait no longer. He said that the existing system was institutionalized injustice as students got different services in different parts of the island and that there was no democracy in either the MCSC

or in the PSBGM, which, since their inception in 1846, were appointed boards.<sup>127</sup>

The English Catholics asked to be recognized in the legislation and waged war on behalf of autonomous English Catholic boards. Cloutier acknowledged there were more English Catholic than Protestant students on the island but pointed out that the BNA Act guaranteed only confessional, not linguistic, schooling.<sup>128</sup> At issue was parity for 73,000 English Catholics scattered over six predominantly French-speaking Catholic boards, while 69,000 Protestants had two boards.<sup>129</sup> To grant the English Catholics their own assimilationist English-language boards, would have incurred for Cloutier the anger of the unilingualists even more.<sup>130</sup> A petition containing over 100,000 signatures supporting the English Catholic cause had no effect except to make English Catholics aware that their cultural interests, in the matter of school board reform, lay with the Protestants.<sup>131</sup>

Bill 71 became law in late December 1972, despite the sustained opposition of the unilingualists inside and outside the legislature. The boundaries of the PSBGM and the MCSC were untouched, and the remaining boards on the island were regrouped to give a total of six Catholic boards and two Protestant boards, together with a seventeen-member island school council.<sup>132</sup>

According to Bill 71 (1972), Article 593, the Island School Council of Montreal was to develop a plan for the final reorganization of school boards on the Island and submit a



progress report to the Minister of Education by December 31, 1974.133

### Summary

The matter of school board reform, from the start, involved alleviating Protestant fears in regard to their loss of autonomy. It also had to pay attention to those who desired priority for the French language and culture. Protestants were loathe to sacrifice confessional guarantees in view of the surging tide of nationalism in the province, and they pressed for constitutional language guarantees. Bill 60 (1964), in giving the minister of education responsibility for the disbursement of education funds, curbed local autonomy and presented a definite challenge to the confessional basis of the school system. Constitutional problems had to be addressed, and, in particular, the scope and meaning of the BNA Act, Section 93.

Unified school boards posed a threat to English Catholics who wished to avoid close ties with both the French Catholics and the Protestants, because of the linguistic nationalism of the former and the secular pragmatism of the latter. The Viau Report (1966), offered different proposals for school board reform on the Island of Montreal on linguistic lines or unified lines or the confessional status quo.

The Parent Commission Report (1966) recommendations for unified boards were unacceptable to the English-speaking

population since they would be in the minority in most unified school boards on the island. English and French Catholics found unified school boards equally unacceptable as they implied the abolition of confessionalism. A solution would have to be found that had respect for Catholic confessional sensitivities and still afforded protection to the English language and culture. In addition, there was the question of constitutional rights claimed by the MCSC and the PSBGM in respect to boundaries.

The Pagé Council for School Development (1967) was an attempt to focus the question of school board reform specifically on the Island of Montreal. The Pagé Report (1968) recommended in favour of linguistic boards and suggested the time was not ripe for unified boards. The Saint Léonard situation (1968) proved that French unilingualists were not prepared to wait any further, while highlighting for the English-speaking population of Quebec what could happen under unified boards; where, as in most cases, French-speaking commissioners would be in the majority.

Bill 63 (1969) legislated, for the first time in the province of Quebec, the right of parents to choose the language of instruction for their children. This meant that French Catholic school boards must welcome non-Catholic children whose parents desired their instruction in French, putting the authentic Catholic school in jeopardy and bringing the propriety of the confessional basis for school board organization, under review.

Bill 62 proposed eleven unified school boards for the

Island of Montreal. However, the plan was unacceptable to the English Protestants since they would be in the minority except in two or three boards. The plan had no appeal for the French unilingualists who saw Bill 62 along with Bill 63 as confirming bilingual schooling on the Island. Significantly, the Protestant Churches were far more interested in promoting the English language and culture than they were in finding safeguards for Protestant confessionality. Protestants, as a last resort, could always offer a constitutional challenge to unified boards, as the abolition of the confessional system left them open to the Saint Léonard situation repeating itself. Protestants would settle for language guarantees in conjunction with unified boards.

French unilingualists would settle for unified boards if the government legislated a French-only policy for the province. French and English Catholics, on the other hand, insisted on confessional guarantees. Differences between French and English schooling was also a problem for both language groups, but especially for the English - in North America, Bill 62, providing for unified boards and an appointed island council, was seen by the Protestants as an assimilation technique and passions aroused made reform impossible from the start. Language, not religion, was the determining factor. Language boards could lead to an intensification of the climate of mistrust, and although English-speaking ghettos could form under either unified school boards or language boards, language boards would likely entrench

the long-standing inequalities between the two school systems.

Bill 28 (1971), was substantially the same as Bill 62, except that Bill 28 gave ownership of plant and equipment to the school boards rather than to the proposed Island council of school development. The old questions remained and Guy Saint-Pierre's attempts to put the bill through as an administrative measure did not succeed. Unlike under Bill 62, Catholics were now ready to settle for confessional guarantees at school level, and they no longer insisted on confessional boards. The Protestants still dug in behind the BNA Act to protect their language and culture.

French unilingualists, rather than French confessional interests, sabotaged Bill 28, since Premier Bourassa preferred to await the outcome of the Gendron Commission before instituting the repeal of Bill 63 and bringing in a comprehensive French language policy. Bill 28 would make metropolitan Montreal a bilingual district, and this was quite unacceptable to the French-unilingualists. Calls for constitutional freedom of choice in the language of instruction went unheard, making the co-operation of English groups on the Island impossible.

Bill 71, December 1972, was essentially a temporary measure to enable the Island of Montreal to be reorganized into effective school districts, providing for universal suffrage and the equitable distribution of the burden of taxation and of school revenues, while leaving the final question of school board reform to the recommendations of the Island School Council.

## Chapter Two

### THE LANGUAGE QUESTION

#### Historical Review

Anglicizing the Canadians was a first priority after the Conquest in 1760. The Royal Proclamation in Quebec (1763) intended the assimilation of the Canadians, but it failed due to lack of co-operation from the local administration.<sup>1</sup> The Quebec Act (1774) meant religious emancipation for the French Canadians, but it made no reference to language.

Chief Justice William Smith's proposals in 1787 for free public schooling in the colony were opposed by Bishop Hubert of Quebec on the grounds that the state was usurping the prerogatives of the Church.<sup>2</sup> Two years later, Postmaster-General Hugh Findlay campaigned for the anglicization of the French Canadians through the free school system.<sup>3</sup>

In 1801, the Royal Institution for the Advancement of Learning created the colony's first public system of education, with the government being responsible for funding and the appointment of teachers. The architect of the Royal Institution, Jacob Mountain, Anglican Bishop of Quebec, saw in it a means of anglicizing the Canadians, although Royal schools in French parishes were, in fact, French-Catholic.<sup>4</sup> The Royal Institution was seen by the Catholic bishops as a vehicle for assimilation.<sup>5</sup>

The Fabriques Act of 1824 authorized each fabrique, or parish council, to devote a portion of its revenue for the establishment of a school. Such schools were French-Catholic and had the backing of the ~~bishops~~ but they failed because of public indifference and want of government funding.<sup>6</sup>

The Syndics Act (1829) made the Legislative Assembly the supreme authority in education and provided for the election of syndics or local trustees to oversee the building of schools with government funding. This legislation was also opposed by the bishops who feared the principle of denominational schooling would be undermined.<sup>7</sup> Nevertheless, by 1832, a third of the children in the colony were receiving formal schooling.<sup>8</sup>

Following the Lower Canada uprisings of 1837-38, Lord Durham visited the colonies, and one of the appendices of the Durham Report (1839), proposed a common public elementary school system where religion would be taught without denominational bias. The common public school was conceived as an agent of assimilation by Lord Durham and was condemned for that reason by the bishops.<sup>9</sup> Lower Canada entered the Union of the two Canadas in 1841 as Canada East without a public school system, and when Charles Mondelet, a Montreal lawyer, proposed common schools divided on language rather than on confessional basis, strong resistance came from Jean-Baptiste Meilleur, later Lower Canada's first Superintendent of Education, as well as from the Catholic bishops.<sup>10</sup>

By legislation of 1841, 1845 and 1846, a Department of Public Instruction was created, headed by a superintendent of public instruction, and through the principle of religious dissent, schools were divided on religious rather than on language lines. Schools outside the cities of Montreal and Quebec City were classified as common, open to all children of the district, or dissentient, open to the minority religion only, and not obliged to accept children of the other majority faith. Dissentient schools were legally Protestant or Catholic and became the basis for Quebec's bi-religious school system, resulting in a de facto language-based school system.<sup>11</sup>

The ascendancy of the Catholic Church in all facets of French-Canadian society was a marked feature of the second half of the nineteenth century. In the 1840's, the Church became the guardian of the French language and culture in Quebec. Bishop Bourget of Montreal held uncompromisingly to the ultramontanist principle of the supremacy of the church over the state, and he was especially influential in having the school boards in Montreal and Quebec City, although legally common, divided on strictly confessional lines.<sup>12</sup> Under the British North America (BNA) Act (1867), Section 93, education was designated the exclusive responsibility of the provinces, with the exception that no provincial legislature could pass any law which would prejudicially affect any right or privilege with respect to the denominational schools which any class or persons had by law in

the province at the union.<sup>13</sup> However, the enshrining in the federal constitution of denominational rights in Quebec education was the work of Protestants rather than of Catholics. Anxious to secure cultural protection, knowing that they would constitute a minority in the new province of Quebec, Protestants, through their representative in cabinet, Alexander Tilloch Galt of Sherbrooke, obtained the inclusion of the educational provisions of Section 93 in the BNA Act.<sup>14</sup>

Immediately after Confederation, a great Catholic reaction set in. The bishops supported ultramontanist: the state must conform to the Church as a bulwark against revolutionary ideology in France and America, and against the Privy Council in London.<sup>15</sup> French Canadians moved to build a rural society based on the French language, Québécois culture, and the Catholic religion.<sup>16</sup> Henceforth, politics in Quebec would mean a deal between the Church and the state.<sup>17</sup> In the belief that the cultural integrity of French Canada could not be sustained without control of the schools, the Catholic bishops ensured that education remained denominational and separate.<sup>18</sup>

Support for lay education came from the historian Garneau and organizations like the Institut Canadien founded in Montreal in 1844, advocating church-state separation and lay public education.<sup>19</sup> However, Bishop Bourget of Montreal relentlessly waged war on the Institut Canadien until it succumbed to the Church in 1869.<sup>20</sup> Not until 1902 did Catholics in Quebec,



through the Ligue de l'Enseignement, again campaign for lay public education, and it was not until the 1960's that the lay school movement in Quebec became fully organized.<sup>21</sup>

Protestants were still anxious about their minority status, and, in 1869, the Council of Public Instruction, which had been under a Ministry of Public Instruction since 1867, was divided into Catholic and Protestant Committees chaired by the Superintendent of Public Instruction.<sup>22</sup> In 1875, the ultramontanist de Boucherville became Premier of Quebec and proceeded to bring the organization of education into conformity with the Church by abolishing the Ministry of Public Instruction.<sup>23</sup> The Education Act (1875) formally acknowledged that each denominational committee was supreme in its own sphere of influence and gave Protestants almost carte blanche to manage their own affairs.<sup>24</sup> Then, in the face of a cumbersome and inactive Council of Public Instruction, the confessional committees emerged as the de facto powers in Quebec education.<sup>25</sup> By the end of the century, the two confessional systems were operating in isolation, with each cultural group enjoying almost complete autonomy. Even school taxation was on a confessional basis.<sup>26</sup>

The curricula of Catholic and Protestant elementary schools reflected the cultural differences between the two systems: the Catholic emphasis on religion and cultural ideology versus the Protestant emphasis on the secular and the pragmatic. English

was taught for economic reasons in the Catholic system, but French was purely optional in the Protestant system.<sup>27</sup> Also, because French and English Quebecers saw themselves as minorities, history became a means of fostering cultural allegiance.<sup>28</sup> In fact, a literature arose which presented l'Anglais as a threat to the stability of the ultramontane society: Lionel Groulx's novel L'Appel de la Race (1922) found an echo in Bill 101 (1977). Groulx changed how French Canadians saw their history, turning it into a struggle between the French and the English, with Providence, in the long run, on the side of the French.<sup>29</sup> Historian Michel Brunet later noted that the French Canadian school was less a vehicle for social and economic progress than an instrument for conserving the French-Canadian culture.<sup>30</sup>

The English Catholic schools came under the French Catholic school commissions. From the beginning, Irish immigrant children attended the French Catholic school system, and the English Catholic curriculum was almost a duplication of that in the French schools. In 1939, the Catholic Committee granted separate regulations for the English Catholic schools, thus putting English Catholics almost on the same footing as the Protestants.<sup>31</sup> After the Second World War, Italian immigrants greatly expanded the English Catholic school system, since Italian parents saw more economic advantages for their children in the English language.<sup>32</sup> This fact was later to cause many

problems in the Catholic school boards on the Island of Montreal.

Linguistic nationalism is a feature that has dominated school board politics in Quebec for almost 30 years. Quebec linguistic nationalism began in the late 1950's when Catholic organizations proposed Quebec become politically sovereign because of the threat of cultural and linguistic assimilation in North America.<sup>33</sup>

The appointment of the Royal Commission on National Development in the Arts and Sciences, the Massey Commission (1947), was greeted with considerable anxiety in Quebec. From the point of view of Quebec, intervention by the federal government in the cultural domain posed a threat to French survival.<sup>34</sup> The Montreal Chamber of Commerce, giving expression to views central to the writings of Groulx, articulated the traditional perception of the dominance of the English in briefs to both the Massey Commission and the Tremblay Commission (1954). Such briefs led linguistic nationalists in the 1950's to fall back on the provincial government.<sup>35</sup> When the Massey Commission finished its work in 1951, Père Richard Arès, S.J., editor of the Jesuit Relations, warned about the Report's implications for Quebec, especially the recommendation that a Canada Council promote the arts, letters and sciences.<sup>36</sup>

The Tremblay Commission Report (1956) identified the French language and culture with Quebec and English-speaking Canada with Ottawa.<sup>37</sup> The Montreal Chamber of Commerce, whose

overtures to the provincial cabinet resulted in the Tremblay Commission, was influenced by Esdras Minville, who wrote the section on culture in the Tremblay Report, and by Françoise-Albert Angers, both of whom were disciples of Lionel Groulx.<sup>38</sup> Père Richard Arès, as Commission member and as advisor to the Société Saint Jean Baptiste de Montréal (SSJBM), also strongly influenced the Tremblay Commission, seeing in it a call to preserve the French language and culture in Quebec.<sup>39</sup> For the Tremblay Commission, cultural control was reserved to the provinces by the BNA Act (1867); the nationalism that resulted was centred solely on Quebec.<sup>40</sup>

The solution proposed by the Tremblay Commission was to involve the provincial government in education, social welfare and economic activity.<sup>41</sup> In its brief to the Tremblay Commission in 1954, the SSJBM articulated what was to become the standard nationalist position: that the provincial government fashion a comprehensive policy of defence for the French language and culture in Quebec.<sup>42</sup> The same idea was held by Georges-Émile Lapalme, who was the predecessor of Jean Lesage as head of the provincial Liberals, and who, in 1959, proposed a department of cultural affairs with an Office de la Langue Française (1961): a move which identified the provincial government as the custodian of the French language and culture.<sup>43</sup> Lapalme was succeeded as Minister of Cultural Affairs by Pierre Laporte, who in 1964 urged that the government of Quebec assume responsibility for language

and cultural development in the province.<sup>44</sup>

As the Church was declining in influence in Quebec, there was a renewed interest in relations with France. Françoise Hertel, writing in Cité Libre in October 1954, called for cultural ties with France in order to prevent the demise of the French language and culture in Quebec.<sup>45</sup> Then, with Charles de Gaulle's first visit to Quebec in April 1960, the stage was set: increased cultural, economic and political relations with France became a standard demand of the nationalist societies.<sup>46</sup> In January 1964, after negotiations between Ottawa and France, the Minister of Youth Paul Gérin-Lajoie established a program which provided training for Quebec officials and citizens in Paris, as well as exchange and co-operation with France in education.<sup>47</sup> Also, in the 1960's with the Church on the wane, the religious nationalism of Lionel Groulx retreated before an ideology that held up the secular state as the guardian of Quebec's cultural and political interests.<sup>48</sup>

The Rassemblement pour l'Indépendance Nationale (RIN) was formed in September 1960 to counter English-Canadian domination of the federal civil service, and subsequently, along with the Mouvement Laïque de la Langue Française (MLF), formed in April 1961 by professional middle class linguistic nationalists, began attempts to define a distinctive Quebec culture, agitating for a department of education headed by a cabinet minister.<sup>49</sup> The radical, L'Action Socialiste pour l'Indépendance du Québec, formed

in April 1959, argued that Quebec's English-language schools must equip their students with functional French.<sup>50</sup> Reforms in education and school board reorganization, especially on the Island of Montreal, would ensure that policies to make French the primary language in the province would complement economic policies.<sup>51</sup>

### Language Policy Development

The 1960's saw a trend back to the myth created by Groulx, as Marcel Chaput, in his Pourquoi je suis séparatiste (1961), said that in Quebec French Canadians only lived a folkloric existence in French.<sup>52</sup> In 1965, Cultural Affairs Minister Pierre Laporte warned that French was little used except in translation, and as such would soon disappear.<sup>53</sup> Earlier, in 1962, separatist proposals were put forward by constitutional expert, University of Montreal professor, Jacques-Yvan Morin: that French Canada was a nation, and that Quebec should be accorded statehood.<sup>54</sup> Then, in October 1967, linguistic nationalism got a new thrust when René Lévesque left the provincial Liberal Party and founded the Mouvement Souveraineté-Association and the following year, 1968, formed the Parti Québécois.<sup>55</sup>

French had very little status at the federal level of government until Le Devoir publishing director André Laurendeau, in 1962, called for the creation of another royal commission to study the state of language and culture in the country.<sup>56</sup> After

the Liberals under Pearson gained power in Ottawa in 1963, the Royal Commission on Bilingualism and Biculturalism (B & B Commission) was created with Laurendeau and former CBC president Davidson Dunton as co-chairmen. The B & B Commission (1963-1967) drew attention to the assimilation of French-speaking Canadians outside of Quebec and noted the discrepancies in the opportunities for the French-speaking minorities in Canada as compared to the English minority in Quebec to have an education in their mother tongue. The Commission also called for equal treatment for anglophones and francophones in the federal civil service; and recommended that the right of Canadian parents to have their children educated in the official language of their choice, French or English, be nationally recognized.<sup>57</sup>

Subsequently, in June 1969, Ottawa passed the Official Languages Act, giving French a national status equal to English.

The Parent Commission (1966) said reasons why immigrants chose English schooling was the poor quality of English language education in French schools, plus the economic advantages of English.<sup>58</sup> The Parent Commission held a position opposite to that of the Tremblay Commission. Parent held that Quebec could no longer reflect in its institutions, legislation and culture, the religious values of the French-speaking population.<sup>59</sup> Père Richard Arès, education editor for the Tremblay Commission, noted the Parent Commission failed to take account of the cultural interests of the French-Quebec "collectivity."<sup>60</sup> Meanwhile,

Canon Groulx, warned that the Parent Commission's recommendations would lead to the erosion of the French language and culture in Quebec, unless cabinet framed definitive language policies to pervade all facets of Quebec society, not least, education.<sup>61</sup>

As already noted, linguistic nationalists in the late 1960's were alarmed as demographic projections foreboded ill for the French language in Quebec. Beginning in 1958, the Quebec birth rate began a decline from 28.8 live births per thousand to 14.2 in 1973.<sup>62</sup> Alarm among unilingualists rose when studies indicated that by the year 2001, francophones might account for only 71.6 per cent of the population of Quebec, and 52.7 per cent of the population of Montreal.<sup>63</sup> As early as 1963, nationalist groups had demanded that English-language schools be reserved for those children whose mother tongue was English, and that all other children, especially Latin immigrants, be required to attend the French-language school system.<sup>64</sup>

As noted in Chapter One, before 1968, no legislation had been introduced on the question of minority language education in Quebec. The first round of the language struggle was fought in the Italian Montreal suburb of Saint Léonard in 1968, where 36 per cent of the students went to schools which taught 60 per cent of the time in French and 40 per cent in English.<sup>65</sup> In June 1968, the Saint Léonard Catholic School Commission resolved that its schools become unilingual French, beginning with grade one as of September 1968.<sup>66</sup> The Union Nationale government, to pacify



the Italian community, introduced Bill 85 in December 1968. This bill granted parents the right to choose the language of instruction for their children; proposed a linguistic committee within the Superior Council of Education; and required that immigrants acquire functional French and send their children to French schools.<sup>67</sup>

Bill 85 was condemned by the unilingualists, who saw in it a recognition of bilingualism and a threat to the French language and culture, especially on the Island of Montreal.<sup>68</sup> The bill was eventually withdrawn and re-submitted in revised form as Bill 63 in October 1969, still granting freedom of choice in the language of instruction, but with additional measures designed to promote the development and expansion of the French language.<sup>69</sup>

Bill 63 left it to the minister of education to ensure that immigrants to Quebec and their children, as well as persons attending English language schools, would have a functional knowledge of French. In addition, Bill 63 required that the Office de la Langue Française (1961) foster proper spoken and written French and advise the government on measures to ensure that French be the working language of Quebec.

Bill 63 received support from the anglophones, but it was opposed by French unilingualists who argued that access to English schools should be limited to the children of Quebec's 'true' English-speaking minority, born of English-speaking parents, and that immigrant children be coerced, by legislation,

into the French language school system.<sup>70</sup> Jacques-Yvan Morin noted that Bill 63 cost the Union Nationale the goodwill of the electorate and had made Quebecers, while repudiating the FLQ, more ready to support radical measures to ensure the survival of the French language and culture.<sup>71</sup> In December 1971,

Jacques-Yvan Morin, President of the Quebec Federation of Saint Jean Baptiste Societies, again warned that a grassroots movement was developing in the province aimed at language policy reform.<sup>72</sup>

In December 1971, the Parti Québécois (PQ) blocked Montreal Island school board reform measure, Bill 28, until an amendment was passed that required all school commissioners on the Island of Montreal to possess a working knowledge of French, and until Bill 63 was repealed.<sup>73</sup> The postponement of the debate on Bill 28 in December 1971 and its final abandonment in the spring of 1972 was seen as a turning point in the politics of language development in Quebec. In fact, both Bill 63 (1969) and Bill 28 (1971) narrowed the debate on language policy in Quebec to school board reform on the Island of Montreal.<sup>74</sup> Premier Bourassa was unwilling to formulate a global language policy for the province until the Gendron Commission on the Position of the French Language and on Language Rights in Quebec, set up in 1968, had submitted its final report.<sup>75</sup>

Meanwhile, François Cloutier, Minister for Cultural Affairs, while retaining responsibility for language development, in February 1972, became Minister of Education, to ensure that

school-board reform on the Island of Montreal was adapted to the new language policies expected to come from the recommendations of the Gendron Report.<sup>76</sup> In November 1972, the Liberals put down a language bill introduced by Parti Québécois parliamentary leader Camille Laurin, that Latin immigrant children attend French schools, but that English schooling for residents of the province, or for immigrants from English-speaking countries, not be affected.<sup>77</sup> The Quebec Liberal Party Convention in Montreal, in November 1972, adopted a language policy that required all future immigrants from non-English speaking countries to send their children to French-language schools and cabinet to act on a coercive language policy before further attempts at school board reform on the Island of Montreal.<sup>78</sup>

However, the Gendron Report (1972) recommended that French be the official language of Quebec, but that both French and English be given the status of national languages. Gendron showed that French was alive and well and not in any immediate danger, but that the economic supremacy of English in the workplace was evident. The Commission found that the language of work and not the language of instruction was the crucial variable for the maintenance of the French language and culture in Quebec. The Report advocated government intervention in language and culture and warned that the tendency for assimilation of immigrants had reached alarming proportions: 'economic motivation' was the determining factor, and the government must intervene to make

French the language of work in Quebec.<sup>79</sup>

The Gendron Commission cautioned that the number of immigrant children involved hardly warranted coercion, that the introduction of French as the language of work would be a better inducement to integration, that Bill 63 not be repealed until its long-term effects were assessed, but that immigrant children be encouraged to attend the French school system.<sup>80</sup> Although the Commission established that 66.3 per cent of French-speaking people worked in French while only 2.9 per cent French-speaking people worked exclusively in English, the myth that the majority of French Canadians lived in French, but worked in English, survived and justified Bill 22 in 1974 and Bill 101 in 1977.<sup>81</sup>

In January 1973, the Montreal Catholic School Commission (MCSC) released a study which showed that slightly over 97 per cent of the students in its French-language sector spoke French at home and that children of Italian origin constituted the largest cultural group, almost 50 per cent, in its English-language sector. Students of English mother tongue in the MCSC English-language sector accounted for 24 per cent, while 11.5 per cent of the students whose mother tongue was French were also attending its English-language schools, and only one per cent of the students whose mother tongue was English were attending its French-language schools. In fact, 89.3 per cent of the non-French and non-English student body were in its English-language sector.<sup>82</sup>

Bill 22

The Gendron Report (1972) urged that Bill 63 be retained for at least three to five years to see if a policy of persuasion rather than coercion would be enough to guarantee the ascendancy of the French language in Quebec. However, Jean-Denis Gendron abruptly reversed his stand on language rights in February 1974 and urged Quebec to change the legislation guaranteeing parents the right to choose their children's language of instruction.<sup>83</sup> Premier Bourassa, in May, 1974, said his government had a responsibility to ensure the survival and security of the French language and culture in Quebec.<sup>84</sup> Bill 22 was tabled in May 1974 in the National Assembly to make French the official language in the province and to make immigrants to the province pass language tests to determine whether they would be eligible to attend English schools.<sup>85</sup>

According to Parti Québécois parliamentary leader Jacques-Yvan Morin, Bill 22 afforded the English minority more protection in Quebec than their French counterparts had in the other provinces.<sup>86</sup> The most controversial chapter in Bill 22, Chapter Five, Article 41, dealing with the language of instruction, restricted access to English schooling to children who possessed a sufficient knowledge of English to receive their instruction in that language. All other pupils, no matter their religion or mother tongue, were required to attend French language schools. Bill 22 was to intensify the climate of

mistrust in school board reform on the Island of Montreal.

Also under Bill 22, the Régie de la Langue Française was set up to pursue activities in the area of terminology initiated by the Office de la Langue Française, in addition to awarding francization certificates and developing francization programs.

For the SSJBM, the Centrale Enseignement Québec (CEQ) and the Mouvement Québec Français, Bill 22, notwithstanding the repeal of Bill 63, was a further step towards the legitimization of bilingualism in Quebec.<sup>87</sup> They warned: that, as of September 1974, the Montreal Catholic School Commission English-language sector was composed of 43,588 students, of which 26 per cent were native English-speaking students; and that 11.7 per cent were French-speaking and 62.2 per cent were Latin immigrants.<sup>88</sup> The MCSC in June 1974 resolved by nine votes to eight that the provincial government be asked to restrict English language education on the Island of Montreal to the English minority resident in Quebec at the time Bill 22 went into effect. All other students, including those from other parts of Canada or the United States or the United Kingdom would be required to attend French schools.<sup>89</sup>

That French was losing ground as a language of instruction in Quebec was also noted in July 1974, in a department of education study by demographer Louis Duchesne: in 1972-73, 86.3 per cent of students whose mother-tongue was other than French or English attended English-language schools; the percentage of 51.7 (5,700

students) for the rest of the province rose to 90.3 per cent (54,900) in the Montreal area; and French-speaking students in the English-language schools on the Island of Montreal in 1972-73 numbered 25,307.<sup>90</sup>

Language testing was a feature of Bill 22 that caused much unrest in the immigrant community. Language competence testing was covered in Bill 22, Sections 42, 43 as follows:

It is the function of each school board and corporation of trustees to determine to what class, group or course any pupil may be assigned, having regard to his aptitudes in the language of instruction. The minister, however, may, in accordance with the regulations, set tests to ascertain that the pupils have sufficient knowledge of the language of instruction to receive their instruction in that language. He may, if need be, require a school board, regional school board or corporation of trustees, to reassign the pupils on the basis of the results of those tests.<sup>91</sup>

School boards were forbidden to set up new classes or hire additional teachers for their English-language schools unless they obtained prior approval from the minister of education.<sup>92</sup>

Education Minister François Cloutier, in December 1974, indicated to the Protestant School Board of Greater Montreal (PSBGM) - with

about 1,000 of its 52,500 students in French schools - that no expansion would be allowed in its French-language sector.<sup>93</sup>

Meanwhile, immigrant children were being organized into underground English-language classes to prepare for the language tests.<sup>94</sup> The CEQ, including its largest member union,

l'Alliance des professeurs de Montréal, February 1975, called on its 75,000 members to boycott the tests. CEQ President, Yvon Charbonneau, said Quebecers must hold out for a unified French school system with only those whose mother tongue was English having access to English schooling.<sup>95</sup> Education Minister Cloutier announced in February 1975 that the government's proposed language tests had been postponed and that for 1975-76, Bill 22 would be implemented without them: the school boards themselves would decide, for September 1975, who went to French schools and who went to English schools.<sup>96</sup> As noted above, Cloutier had earlier pointed out that Bill 22, Article 40, if enforced, could arbitrarily control the growth of the English sector and that the English sector must depend on the population whose mother tongue was English.<sup>97</sup>

The MCSC, in May 1975, was the first school board on the Island of Montreal to draw up a language test scheme.<sup>98</sup> Subsequently, school boards decided one category could enter with a test, one category by an interview, and another category without either test or interview. Some boards decided they would accept the declaration of the parents as to mother tongue, and



other boards were testing everybody.<sup>99</sup> The Jérôme-Le Royer School Board, responsible for English and French Catholic schools in the East-end of Montreal, including the heavy Italian immigrant suburbs of Saint Léonard and Anjou, resolved, May 1975, that in the absence of evidence of the child's ability to take instruction in English, he be directed to the French sector regardless of the language spoken at home.<sup>100</sup> The PSBGM, in May 1975, resolved that the solemn declaration of the parents as to the language spoken at home be sufficient.<sup>101</sup>

Finally, in May 1975, to bring order out of chaos, the Department of Education began official testing in the Ste. Croix Catholic School Commission, with dire predictions in circulation that immigrant parents wishing English-language instruction for their children would be the losers.<sup>102</sup>

Freedom of choice in education was not necessarily a basic right, according to Jérôme Choquette who became Minister of Education in July 1975 after François Cloutier resigned, evidently over the ambiguity of Bill 22.<sup>103</sup> Choquette would simply limit English enrolment to children whose mother tongue was English, the first language learned and still spoken.<sup>104</sup>

Matters heated up as priests from Italian parishes in a letter, September 1975, to Archbishop Grégoire of Montreal, charged that parents of about 2,500 school children chose to renounce Catholicism in order to get their children into the PSBGM schools where they would be made welcome and were assured

of quality English-language instruction.<sup>105</sup> Grégoire told the Italian families who were withdrawing their children from the Jérôme-Le Royer School Board that there was no reason to become involved in a dilemma of choosing between language and religion: religion came first, and that Bill 22 was a just measure to ensure the survival of the French language and culture in Quebec. Reiterating the stand taken by the Quebec Superior Council of Education before Bill 22 became law in 1974, the Archbishop added that all children of Latin immigrants should attend French schools.<sup>106</sup> Choquette resigned in the aftermath, in September 1975, and about 350 English Italian children denied access to English classes by Jérôme-Le Royer School Commission were, at length, allowed English-language schooling in their own schools by the new Education Minister Raymond Garneau who authorized the school commission to increase its English-language quota which had been frozen by François Cloutier in June 1975 at the September 1974 level.<sup>107</sup>

The MCSC alleged that Bill 22's ambiguous wording and a lack of uniformity in its application prevented it from carrying out the law, that a climate of mistrust was created by Bill 22 in 1975, and that 'sufficient knowledge of the language of instruction' was open to interpretation.<sup>108</sup> The quota system to limit the number of English classes was regarded as interference with the internal administration by both the Protestant and the Catholic school boards.<sup>109</sup>

The fourth education minister in six months, Jean Bienvenue was appointed in January 1976. However, in an election year, Bill 22 restrictions on English-language schooling was to prove an embarrassment for the Liberals. Education Minister Jean Bienvenue announced in February 1976 that the ministry would take over the administration of all language tests. Children who scored 45 per cent or better were deemed to have 'sufficient knowledge' of English and could be sent to English schools, while a 60 per cent score was an undisputed pass.<sup>110</sup>

Montreal Island school boards set different standards to determine which child could enter an English-language school. Seven boards announced the minimum marks required for entry to their English schools: the PSBGM, Lakeshore Regional Protestant School Board, Baldwin-Cartier Catholic School Commission, 45 per cent; Ste. Croix Catholic School Commission 50 per cent; the MCSC, Jérôme-Le Royer Catholic School Commission, Sault Saint Louis Catholic School Commission, 60 per cent.<sup>111</sup>

Robert Dobie, Secretary-General, Provincial Association of Catholic Teachers (PACT), said language testing was aimed primarily at the English-language sector in the Catholic school commissions and suspected that tests were manipulated so that as few children as possible would be permitted to attend English-language schools since even children of unilingual English parents failed.<sup>112</sup> When the MCSC resolved in June 1976, by eight votes to seven, to send the 456 children with test

results in the 'grey area' (45 - 60 per cent) to French schools, a group representing English Catholic principals and vice-principals on the Island of Montreal described the decision as cultural genocide.<sup>113</sup> The Association of Catholic Principals of Montreal, in a telegram to Premier Bourassa, said that failure on the part of the government to intercede would be confirmation that it was "clandestine" cabinet policy to stamp out the English language in the school system on the Island of Montreal as "efficiently and brutally" as possible.<sup>114</sup>

It was only a matter of time before a legal challenge would be launched by the Protestants. The Quebec Association of Protestant School Boards (QAPSB), in September 1975, launched a constitutional challenge in the Quebec Superior Court to the validity of Quebec's Official Language Act, Bill 22, having petitioned the federal cabinet in February 1975 to annul Bill 22 or submit the same to the Supreme Court of Canada as a reference case.<sup>115</sup> Prime Minister Trudeau, in July 1975, had informed the QAPSB that, in cabinet's opinion, no prejudice was caused by Bill 22 to the English minority in Quebec, and, hence, no action would be taken by Ottawa in terms of disallowance under the BNA Act.<sup>116</sup>

As well as Bill 22 itself, the QAPSB asked the Quebec Superior Court to declare unconstitutional the April 1975 Regulations of the education minister respecting knowledge of the language of instruction, by which Cloutier devised a quota system so that the ratio of the English school enrolment in the province

could not exceed the ratio of the English-speaking population to Quebec's total population.<sup>117</sup> The QAPSB contended that the BNA Act regarded Protestants in Quebec as forming a class of persons which had, by law, certain rights and privileges to manage and control their own denominational schools; that Section 93, gave parents the right to the choice of schooling on the basis of religion; and that Bill 22, Section 41, prejudiced this right.<sup>118</sup> The Court was further asked to declare that the BNA Act, Section 93, did provide for the choice of the language of instruction for denominational school boards and that Bill 22, Article 40, gave the minister discriminatory rights in the matter of the language of instruction and represented an interference in school board administration. The QAPSB also argued that Protestants in Lower Canada had their own schools in 1861 because they desired instruction in the English language and not because French schools were Catholic and that instruction in the English language was thus an inherited right.<sup>119</sup>

The province held that neither the French nor the English language was protected by the BNA Act, Section 93, as far as the schools were concerned; that nothing in the constitution could prevent the linguistic majority in Quebec from legislating their own language as the language of instruction for the province; and that the BNA Act, Section 133, protected French and English in Quebec in the legislature and in the courts and in the federal parliament, but not in education.<sup>120</sup> The province further held

that the Ontario courts had consistently interpreted the said Article 93 as a protection for language, not just religion, and that Quebec should now follow Ontario's example.<sup>121</sup>

The QAPSB challenge to the constitutionality of Bill 22 ended in the Quebec Superior Court in March 1976. In April 1976, Chief Justice Jules Deschênes ruled the Official Language Act (Bill 22) valid. His Lordship also ruled that a Lower Canada statute of 1861 did confer on school commissioners and trustees the "power to regulate the course of study to be followed in each school" but that the plaintiffs had read into this legislation an implicit power to choose the language of instruction, which interpretation was not there, and that under the BNA Act, Section 93, the language of instruction in Quebec schools was simply not protected.<sup>122</sup>

The emotions surrounding Bill 22 and the recurring strikes by teachers focussed attention on education on the eve of the provincial elections, November 1976. During their first mandate the Bourassa Liberals put the finishing touches to the educational reforms of the Quiet Revolution by completing the province's network of comprehensive high schools and intermediate colleges or Collèges d'Enseignement Général et Professionnel (CEGEPs) and going ahead with reorganization of the local school board jurisdictions in a new and difficult period of declining enrolments, financial austerity and militant unionism among Catholic and Protestant teachers. Further resentment surfaced

when Montreal-L'Acadie Liberal candidate and former MCSC president Thérèse Lavoie-Roux said Bill 22 should be extended to cover all English-language private schools which received public funds - that Bill 22 would be undermined unless state-subsidized English-language private schools were restricted to students from the anglophone milieu. She noted that English-language private schools, the majority of which received 60-80 per cent state funding, offered immigrants and French-speaking students the only way out of the Bill 22 impasse.<sup>123</sup>

Days before the election, cabinet's abolition of school 'streaming' according to the language tests did not begin to meet Premier Bourassa's problem over voter confidence with many conflicting views being offered by his leading candidates on the second-language issue. Madame Thérèse Lavoie-Roux favoured streaming all children except those of English mother tongue into the French system. This also was the position of the Superior Council of Education, of Archbishop Paul Grégoire, and of Le Devoir publishing director Claude Ryan.<sup>124</sup>

The Parti Québécois (PQ) had previously stated that they would retain the English-language school system only for students of English mother tongue already resident in Quebec. They also gave assurances that Bill 22 would be speedily amended to provide better guarantees for the French language and culture in the province.<sup>125</sup> The electorate opted for a new government, and the reign of the Parti Québécois commenced, November 17, 1976.

Bill 101

The new Cultural Affairs Minister Camille Laurin, in December 1976, outlined the objectives of the PQ government: the compulsory enrolment of all school-age immigrants in the French-language sector including children from English-speaking countries, the rest of Canada, the United States and Britain; and a further elevation of the status of French from being the official language to the only official language of Quebec by April 1977.<sup>126</sup> According to Kevin Quinn, president of the Association of English-speaking Catholic School Principals of Montreal, the intent of the proposed French-language Charter was the extermination of the English language and culture in Quebec, particularly on the Island of Montreal.<sup>127</sup>

The Mouvement Québec Français, representing Quebec's largest labour and cultural groups including the Quebec Federation of Labour (QFL), the Confederation of National Trade Unions (CNTU) and the Centrale de l'Enseignement du Québec (CEQ), in a brief submitted to cabinet in February 1977, urged the Parti Québécois government: to wipe out the BNA Act, Section 133, which guaranteed the right to use English in the National Assembly and in the courts; to declare French to be the only official language of Quebec; and to restrict access to English schooling to children of English mother tongue parents resident in Quebec when the Official Language Act, Bill 22, Chapter Five, was finally amended.<sup>128</sup>



Reminiscent of the Tremblay Commission (1956), a brief by the Société Saint Jean Baptiste de Montréal (SSJBM) to cabinet in February 1977 reminded Education Minister Jacques-Yvan Morin and Social Development and Cultural Affairs Minister Camille Laurin that the BNA Act, Section 93, permitted Quebec unilaterally to decree French unilingualism in all cultural areas which came under its jurisdiction, including the language of instruction.<sup>129</sup>

Also, the School Council of the Island of Montreal, in a resolution put forward by commissioner Pierre Carignan voted by a narrow margin (9-8) in February 1977 to ask the government to restrict access to English schooling to children belonging to the 'true' English-speaking community.<sup>130</sup>

In February 1977, however, the Superior Council of Education offered the PQ government a constructive compromise on school language policy: to end the testing of five-year olds and to abolish the quota system. Under the Superior Council's recommendations, the language of instruction would be French, except for Indians, Inuit, and children whose mother tongue was English. Newcomers to Quebec whose first language learned and still spoken was English could choose the English-language school system. The same right would be accorded to non-francophones already in Quebec for whom English was the second language.<sup>131</sup>

Delegates to a PQ regional convention in Montreal in March 1977 adopted a resolution that a single French-language school system be implemented in Quebec over the next 11 years, starting

with grade one in September 1977.<sup>132</sup> Pressure was building on cabinet to announce its language policy. In April 1977, Camille Laurin, Minister of State for Cultural Development, published a white paper, La politique Québécois de la Langue Française, which set out the general principles of the Parti Québécois policy on language, and four weeks later he introduced Bill 1, the first version of the Charter of the French Language. At the beginning of July 1977, the bill was withdrawn and re-submitted with minor alterations as Bill 101. Education Minister Jacques-Yvan Morin said the measure was designed to change a situation that no "country" tolerated in which immigrants could be absorbed by the minority language school system. Under the PQ, Quebec would exercise all the prerogatives of a sovereign state.<sup>133</sup>

Laurin's white paper, which proposed a unilingual French policy for Quebec, placed the province in a state of shock and shook the country to its foundations. The white paper said the Quebec Act (1774) recognized a French country and preserved the law, language, culture and customs of a French country, which jurisdictional preserve was later confirmed in 1867 by the BNA Act, Section 93.<sup>134</sup> Claude Ryan, Le Devoir, said Laurin ignored the concrete reality of Montreal with two distinct linguistic, cultural and historic communities, French and English.<sup>135</sup>

The long term impact of the PQ language policy on the English-language school system on the Island of Montreal is a subject in itself. While its goals were similar to those of the

Liberal government's Official Language Act (Bill 22), the PQ language policy (Bill 1), tabled April 1, 1977, was intended to eliminate loopholes and to impose sanctions to ensure success.

Bill 101, July 1977, gave access to English-language schools to four groups: children whose mother or father received primary schooling in Quebec in English; children whose mother or father lived in Quebec at the time of the promulgation of the law and who had received their primary instruction in English outside Quebec; children, who, in the previous school year had been legally registered in the English system; and younger brothers and sisters of the latter. Temporary residents were covered for three years, and then for another three years only. Municipal governments and school boards catering mainly to the English public were given until 1983 to convert to French in their official documents.<sup>136</sup>

Camille Laurin, in defending the Charter of the French Language (Bill 101) in the National Assembly, held that the assimilation of immigrants through the English school system threatened the demographic primacy of French Canadians in the Montreal area.<sup>137</sup> Several hundred children unlawfully attending English schools were 'non-persons' to the PQ Education Minister Jacques-Yvan Morin - physically present in the schools, but as far as financing or granting diplomas were concerned, they did not exist.<sup>138</sup>

Bill 101 became law August 26, 1977 making Quebec a

unilingual province, although the federal white paper on language tabled in the Commons two months previously, on June 21, 1977, endorsed the right of Canadian citizens, anywhere in Canada, to instruction for their children in the official language of their choice. At the time, however, the Secretary of State John Roberts, to the chagrin of the English-speaking population of Quebec, stressed that the federal document, entitled 'A National Understanding' allowed that circumstances, such as Quebec's insecurity over the future of the French language and culture, might make deferment of this principle necessary as the price Canada must pay for national unity.<sup>139</sup>

The PSBGM's response in August 1977 was to take Bill 101 to the Supreme Court of Canada and resolve that children who did not qualify for English-language schooling under Bill 22, but who attended English-language schools anyway, be allowed to remain as legally registered.<sup>140</sup> The MCSC English-language schools also welcomed children desiring English-language instruction, while the Alliance des Professeurs de Montréal alleged both school systems were breaking the law.<sup>141</sup> Jean-Pierre Proulx, newly appointed Quebec Director of the Office of Admissibility into English Language Schools, reported in September 1977 that an estimated 2,100 pupils were illegally enrolled in the Island school system, mainly in the PSBGM and in the MCSC, but that the Jérôme-Le Royer School Commission was enforcing the law.<sup>142</sup>

Meanwhile, the Charter of the French Language (Bill 101) was

found wanting in the Quebec Superior Court as Chief Justice Jules Deschênes, in January 1978, ruled that Quebec did not have the power unilaterally to amend the BNA Act, Article 133. Directly, the judgment confirmed: that litigants had the constitutional right to plead in English; that the official version of the laws of the province would continue to be in English as well as in French; and that government regulations would have to be in both languages.<sup>143</sup> Justice Minister Marc-André Bédard ordered an appeal in view of the situation in Manitoba, which had been officially unilingually English since 1890, when the provincial government simply defied the constitution.<sup>144</sup> However, Premier Lévesque asked the Lieutenant-Governor to sign an English version of Quebec's Official Language Act (Bill 101).

By 1978, a falling birthrate plus the effects of the French Language Charter, migration from Quebec, and English parents choosing French schools were having their toll on English language enrolments in the PSBGM and the MCSC.<sup>145</sup> Also, a projected three million dollar deficit soon forced the PSBGM to re-think its open-door policy.<sup>146</sup> The Montreal Island School Council in April 1978, refused to comply with a directive from Education Minister Jacques-Yvan Morin, which, if implemented, would have bankrupted the PSBGM by eliminating 9.5 million dollars in revenues from its 1977-78 operating budget. The seventeen-member Council voted eleven to four to ignore the ministerial order instructing it to lower the PSBGM's 1977-78

enrolment figure by 5,000 as a way to punish the board for refusing to reveal the exact number of 'illegal' students attending its schools in 1977-78 in violation of Bill 101.<sup>147</sup>

The province had a right to withhold grants from the PSBGM because of its defiance of Bill 101, according to Chief Justice Jules Deschênes, Quebec Superior Court, July 20 1978. His Lordship ruled that the Charter of the French Language was adopted through the democratic process and that the PSBGM had to respect the law.<sup>148</sup> Faced with crushing deficits for 1978-79, the PSBGM voted, July 1978, to comply with Bill 101 - a decision that ended freedom of choice for parents in the language of instruction for their children within the board.<sup>149</sup>

Meanwhile, Camille Laurin made clear that his white paper on culture, released in June 1978, was a blueprint for the cultural future of Quebec. Three of its chapters dealt at length with the role of education, and Laurin told a provincial meeting of school commissioners:

The importance given to education in our global cultural policy comes from the fact that we are convinced that education represents the vehicle that is probably the most constant and important for the cultural development of individuals and society. For Quebecers, it is one of the rare instruments over which they can exert an exclusive jurisdiction.<sup>150</sup>

Education Minister Jacques-Yvan Morin also told the delegates that education in Quebec must evolve in the interests of French Canadian language and culture and that planned changes would be effected through the schools and school boards of Quebec.<sup>151</sup>

A return to freedom of choice as to the language of instruction would not threaten the position of the French language in Quebec, according to a July 1978 report prepared by one of the province's most respected demographers. Even if all restrictions on choice were removed, English-speaking Quebecers would not increase their 14.7 per cent share of the province's population by the year 2001, according to Jacques Henripin, director of the University of Montreal's School of Population Studies; the proportion of anglophones in Quebec could fall to 8.6 per cent within 20 years if Bill 101 remained in force.<sup>152</sup>

Meantime, an estimated 2,100 students were deemed illegally enrolled in English language schools as of September 1980. An extensive underground network had been created of CEGEPs in Quebec and universities right across Canada which would accept 'illegal' school records as official.<sup>153</sup>

Jacques-Yvan Morin did nothing in the way of school board reform on the Island of Montreal. As an expert on the constitution, perhaps he was shrewd enough to realize that nothing could be done as long as the BNA Act remained intact and that, for the moment, in view of the impact of Bill 101, the system stood more in need of stability than of change.<sup>154</sup>

In November 1980, Laurin became Minister of Education, and the matter of school board reform on the Island of Montreal entered a new stage of conflict. In March 1981, he released a study by the Conseil de la Langue Française - set up in 1977 under Bill 101 - on the future of English-language schooling in Quebec. Figures indicated that, since 1973, students in English Protestant schools on the Island of Montreal had fallen by almost 30 per cent, primarily due to a 20 per cent fall in the birth-rate among anglophones, migration, and the failure of English-language schools to provide adequate French-language training. A comparison with the French sector between 1971-1980, indicated a more pronounced decline among francophone students, mainly on account of the fall in the French Canadian birth-rate. The decline in the Quebec birth-rate was seen to be the common factor in the declining enrolments for both school systems.<sup>155</sup>

#### The 'Canada clause'

In August 1980, the federal government laid before the provinces a proposed Canadian Charter of Rights and Freedoms, preliminary to repatriating the British North America Act (1867) from the United Kingdom parliament at Westminster, both documents to be integral to the Canadian Constitution or Canada Act. Section 24, the so-called 'Canada clause' of the revised charter, dealt with the language of instruction and applied equally to all Canadian citizens irrespective of their province of residence.



The Conseil de la Langue Française concluded that the 'Canada clause' constituted a major peril for the French language and culture in Quebec and, reminiscent of the Quebec response to the Massey Commission (1947), warned that legislative jurisdiction for language must remain solely in Quebec hands.<sup>156</sup> Section 24 of the federal proposals stipulated:

Citizens of Canada who in a province are members of an English-speaking or French-speaking minority population of that province have a right to have their children receive their education in their minority language at the primary and secondary school level wherever the children of such citizens resident in an area of the province is sufficient to warrant the provision out of public funds of minority language education.<sup>157</sup>

This section was in direct conflict with the French Language Charter, Bill 101, Article 73, which laid down the conditions under which parents qualified to gain English-language instruction for their children, as noted above. Negotiations between Quebec and Ottawa proved fruitless and, in the end, Quebec did not join the other provinces in the constitutional accord. However, the federal education clauses remained. In the province of Quebec, it would only be a matter of time before the two charters would collide.<sup>158</sup>

The Canada Act, proclaimed on April 17, 1982, Section 23  
(Section 24 in the draft proposals) i, ii, laid down:

i. Citizens of Canada whose first language learned and still understood is that of the English or French linguistic minority population of the province in which they reside, or who have received their primary school instruction in Canada in English or French and reside in a province where the language in which they received that instruction is the language of the English or French linguistic minority population of the province, have the right to have their children receive primary and secondary school instruction in that language in that province.

ii. Citizens of Canada of whom any child has received or is receiving primary or secondary school instruction in English or French in Canada, have the right to have all their children receive primary and secondary school instruction in the same language.<sup>159</sup>

There was no 'mother tongue' provision in Bill 101 to allow minority language instruction based on the first language learned and still understood. Under Bill 101, the right to English-language instruction only occurred when a parent had been educated in English in Quebec. Also, Bill 101 said that all

children in a family could have the right to English-language instruction only when one child was enrolled in the Quebec English-language system prior to September 1977.<sup>160</sup>

The new Canadian Charter of Rights and Freedoms appeared to open up English-language education in Quebec to all Canadian citizens who received their primary education in English in Canada. In April 1982, the PSBGM sought an opinion regarding conflicts between provisions for the language of instruction contained in the Canada Act and in Bill 101.<sup>161</sup> The QAPSB, in August 1982, began a landmark court case that pitted Bill 101 against the Canada Act. English educators in Quebec were relieved September 8, 1982, when Quebec Superior Court Chief Justice Jules Deschênes ruled that the 'Canada clause' took precedence over Bill 101. Deschênes was particularly scathing in his remarks, describing the contention that collective rights had precedence over individual rights as symptomatic of a totalitarian mentality foreign to Canadian democratic ideals.<sup>162</sup>

Parents immediately began to enrol their newly-eligible children in the PSBGM schools, which move Education Minister Laurin labelled illegal, irresponsible and premature.<sup>163</sup> The MCSC was disappointed with the result and narrowly voted to wait and see if Quebec launched an appeal, in which case, the status quo would apply until final disposition of the case by the Supreme Court of Canada.<sup>164</sup> However, the Deschênes ruling did not affect an estimated 1,500 children of immigrant parents who

were educated elsewhere in Canada, and who had not acquired citizenship.<sup>165</sup> Quebec Justice Minister Marc-André Bédard appealed the Superior Court ruling partly on the grounds that Quebec was not a signatory to the Canada Act (1982) and its accompanying Charter of Rights and Freedoms.<sup>166</sup> Premier René Lévesque declared that the federal Charter of Rights and Freedoms impinged on Quebec's exclusive and inalienable rights in linguistic policy-making, posing once more a serious threat to French linguistic and cultural security.<sup>167</sup>

In October 1982, the MCSC voted, seven to five, to persuade the 'Canada clause' pupils newly enrolled in its English-language schools to switch over to the French-language sector. The narrow majority indicated a split on the board, as Chairman Luc Larivée spoke against the motion but the vice-president Louis Bouchard argued that the appeal to the Quebec Court of Appeal by cabinet blocked the Deschênes ruling and that, meanwhile, MCSC parents must obey the law.<sup>168</sup>

It took Quebec's highest court less than five hours June 9, 1983, to confirm that Canadians who were educated in English anywhere in Canada could send their children to English schools in Quebec. The Quebec Court of Appeal decided unanimously that Chief Justice Jules Deschênes of the Quebec Superior Court was right in September 1982 when he ruled that the Canada Act (1982) and the accompanying Charter of Rights and Freedoms, Section 23, the so-called 'Canada clause', took precedence over any

provincial legislation in the matter of the language of instruction for children of Canadian citizens. It was no surprise when Justice Minister Marc-André Bédard announced that Quebec would appeal the decision to the Supreme Court of Canada. Premier Lévesque vowed to exhaust every avenue of appeal to defend Quebec's constitutional prerogatives even to the extent of restrictions on English-language schooling in the province.<sup>169</sup>

Meanwhile, more than 140,000 English-speaking Quebecers left the province between 1977-1983. The English-speaking school population decline was also accelerated by the restrictions of Bill 101 and the increased number of English-speaking students in French-language schools, which had risen dramatically since Bill 101 became law, as reported by the Conseil de la Langue Française in June 1983. In 1980-81, 18,700 anglophone students were in French-language schools as against 13,200 in 1976-77 - a rise of 42 per cent.<sup>170</sup> Bill 101 also erased options for francophone students to attend English-language schools. In 1980-81, 14,000 francophone students attended English-language schools, compared to 24,000 students in 1976-77, the year before Bill 101 became law.<sup>171</sup>

Contrary to its brief to the Tremblay Commission (1956), the Montreal Chamber of Commerce in June 1983: warned that Montreal could not retain international status if it did not restore a certain balance in its linguistic communities; that only such a move could arrest the exodus of anglophones from the province;

and that maintaining Montreal's bicultural character was vital to the city's economic growth. The brief also implied that Bill 101, Article 73, must be amended to bring it into conformity with the federal Charter of Rights and Freedoms.<sup>172</sup>

That Quebec needed a strong language law to protect it from the omnipresence of the English language was pointed out by Gérald Godin Minister of Immigration and Cultural Communities in October 1983, as hearings opened on the review of Bill 101. Godin noted that French was universally under assault as the language of technology and science and was unremittingly losing the battle to English quite apart from cultural assimilation through English-language schools on the Island of Montreal.<sup>173</sup>

Bill 57, November 1983, was designed to amend Bill 101 to allow English-language schooling for children whose mother or father was educated in a province in which the Quebec cabinet felt provisions for French-language minority schooling were comparable to provisions for English-language schooling in the province of Quebec.<sup>174</sup> As of February 1, 1984, under Bill 57, amendments to Bill 101 permitted English-language schooling for the children of parents educated elsewhere in Canada, if his or her province of residence provided French-language schooling which cabinet judged to be equivalent to provisions for English-language schooling in Quebec.<sup>175</sup> Meanwhile, other parents denied access to English-schooling for their children would have to await the decision of the Supreme Court of Canada.

In April 1985, Premier Lévesque said that his government would not demand that the 'Canada clause' be replaced by the 'Quebec clause' under Bill 101. Instead, he said Québec would negotiate with Ottawa and the nine other provinces for special status within Canada.<sup>176</sup> In August 1985, the Supreme Court of Canada finally put the matter to rest when it ruled that the federal Charter of Rights and Freedoms took precedence over Bill 101. The 'Canada clause' was the law in Quebec.

In October 1985, the Conseil de la Langue Française reported that French-language schools were having trouble integrating children who spoke no French, since the quality of second language instruction was poor in the French system, and English was still seen to be the language of economic success on continental North America. Major problems stemmed from parents who reminded their children they were in the French system under coercion. Children of long-established ethnic communities, such as the Greek and Italian, strongly resisted integration.<sup>177</sup> In October 1985, however, there were 8,000 francophones as against 24,000 anglophones in the PSBGM system, indicating a considerable shift in the demography of the English school population on the Island of Montreal.<sup>178</sup>

As a result of Bill 101, most educators reported they had become more open to other cultures. In other words, French-speaking Quebecers no longer viewed themselves as homogeneous in terms of race, language and religion.<sup>179</sup>

Bill 58

The Liberal Party, elected with massive popular support in December 1985, soon discovered it must exercise caution on the language question. When Cultural Affairs Minister Lise Bacon said she was to merge the various language agencies under Bill 101, the proposal was seen as a plot to reward anglophone Liberal supporters.<sup>180</sup> At issue, in January 1986, were between 850 to 1850 students enrolled in English-language schools contrary to Bill 101. In April 1986, however, Premier Bourassa announced that cabinet would soon grant amnesty to the so-called 'illegals' attending English schools.<sup>181</sup>

Bill 58 was tabled in the National Assembly in May 1986 by Education Minister Claude Ryan to grant full pardon to the "illegals." However, to head-off further defiance of the education provisions of Bill 101, the measure announced penalties for principals, teachers and school board members who still maintained a cavalier attitude towards the law. Bill 58 made no provision for recognizing the education of those who had left school. Amnesty would only relate to children illegally enrolled in English schools as of April 15, 1986. Parents still had to apply for an English education eligibility certificate from their boards, which had to remit the same to the minister, who, in doubtful cases could make exceptions on humanitarian grounds.<sup>182</sup> Bill 58 became law in June 1986 and put an end to a nine year clandestine network set up to defy Bill 101.



### Summary

In the 1840's, Mondelet's proposal for a common school system divided on language lines was rejected by the bishops because it undermined the denominational principle. By the mid-18th century, the Catholic Church in Quebec had become the guardian of the French Canadian language and religion. Through the principle of dissent, schools were divided on religious rather than linguistic lines. In 1875 the Catholic and Protestant Committees of the Council of Public Instruction became virtually autonomous, with far reaching consequences for the schools of Quebec.

For Tremblay (1956), cultural control was reserved for the provinces by the BNA Act, and, with the Church declining in influence, the state assumed control of language development. The B & B Commission (1967) noted that there were serious discrepancies between the opportunities for French minorities in other provinces and English-speaking minorities in Quebec to have schooling in their mother tongue, and it recommended that Canadian citizens have freedom of choice in the language of instruction. Both Parent (1966) and Gendron (1972) found that immigrants chose English-language schools mainly on account of the economic advantages of English.

The declining French Canadian birth-rate alarmed the unilingualists, and the Saint Léonard crisis (1968), which resulted in Bill 63 (1969), reflected this concern. In 1971, the

Parti Québécois blocked Bill 28, thus placing the focus of the language question on school board reform on the Island of Montreal. Gendron (1972) recommended that French be the official language of Quebec but noted that the language of work and not the language of instruction was crucial for the maintenance of the French language. He believed that the number of immigrant children involved did not warrant coercion.

Bill 22 (1974) made French the official language in Quebec, subjected immigrant children to language tests, required school boards to obtain ministerial permits to hire additional teachers for English-language schools, and allowed the minister arbitrarily to control the growth of the English school system. In 1976, a Quebec Superior Court ruling clarified that the BNA Act does not protect the language of instruction.

Bill 101 (1977) made Quebec a unilingual province and restricted English-language schooling to children whose mother or father had received their primary schooling in English and who were resident in Quebec when the law was enacted. A falling birthrate, combined with the effects of Bill 101, migration and English parents choosing French-language schools had a toll on English enrolments. In 1978 the Quebec Superior Court ruled that school boards must respect Bill 101, thus ending freedom of choice in the language of instruction.

To the Parti Québécois, education had to ensure the interests of the French language and culture. When the federal Charter of

Rights and Freedoms (1982) proposed that Canadian citizens have freedom of choice in the language of instruction, the battle over Bill 101 took on a new meaning. In September 1982, the Quebec Superior Court ruled that the 'Canada clause' took precedence over Bill 101, which ruling was confirmed in June 1983 by the Quebec Court of Appeal. Cabinet referred the case to the Supreme Court of Canada which, in August 1985, confirmed the lower courts that the federal Charter of Rights and Freedoms took precedence over the Quebec Charter of the French Language, Bill 101.

The number of English-speaking children attending French-language schools rose under Bill 101, which measure also erased freedom of choice for French-speaking parents. Bill 57 (1984) amended Bill 101 to allow English-language schooling for children, one of whose parents was educated in a province in which the provincial cabinet felt provision for French-language schooling was comparable to provisions for English-language schooling in Quebec.

Bill 101 has proven to be inadequate to the task of fully integrating children who speak no French into the French-language school system, since English is still regarded as the language of economic success. Bill 58 (1986) pardoned "illegals" but penalties were included in the measure for officials ignoring the educational provisions of Bill 101. However, the language question is far from solved. Cabinet must always be sensitive both to the English fact and the unilingualist cause in Quebec.

### Chapter Three

#### THE ISLAND SCHOOL COUNCIL REPORT

##### The Reorganization Committee Hearings

Under Bill 71 (1972), a provisional Island School Council was formed in January 1973 with a mandate to oversee the reorganization of the 42 school boards on the Island into six Roman Catholic and two Protestant boards, in accordance with schedules contained in Bill 71, and to prepare for the school board elections, by universal suffrage, on July 1, 1973.<sup>1</sup> The School Council of the Island of Montreal, as of July 1973, was composed of 17 members, three appointed by cabinet and 14 delegated by the eight school boards: the MCSC delegated six, the PSBGM two, and the rest one member each.<sup>2</sup>

According to Bill 71, Article 593, the School Council of the Island of Montreal was to make recommendations to the minister of education on school board reform on the island by December 1974.<sup>3</sup> In September 1973, the Island School Council set up a Reorganization Committee under Jacques Mongeau to complete this task. The Reorganization Committee consisted of: Jacques Mongeau, Baldwin-Cartier Catholic School Commission, President of the School Council of the Island of Montreal; Pierre Carignan, MCSC; Madame Thérèse Lavoie-Roux, MCSC; Michael McDonald, MCSC; Robert Desforges, Sault Saint-Louis Catholic School Commission;

Dr. L. P. Patterson, PSBGM; and Guy Durocher, Jérôme-Le Royer Catholic School Commission.<sup>4</sup> Public consultation began in late March 1975 and the Reorganization Committee Report was submitted to the Island School Council in November 1976, which, in turn, submitted its recommendations to the minister of education in March 1977.

Briefs submitted to the Reorganization Committee that related to the language question represented three identifiable groups: the English-speaking community, the French-speaking religious nationalists of the traditional Canon Groulx category, and the French-speaking secular linguistic nationalists.<sup>5</sup> The confessional question was found to be of rather minor importance in comparison to the linguistic objectives of the various briefs submitted to the Committee.<sup>6</sup>

The question of representation for the English Catholics, as already noted in Chapter One, had been left out of Act 71 (1972). In 1975 the Committee for the Co-ordination of English Catholic Education proposed two English Catholic school boards, since the student enrolment for 1974-75 on the Island of Montreal represented 72,117 English Catholics as against 67,356 Protestants.<sup>7</sup> They preferred boards that were homogeneous in language and religion but would settle for language boards. As far as they were concerned, Catholic boards with English-language sectors were unsatisfactory, while unified boards were deemed the least satisfactory.<sup>8</sup> The Association of English Officers of the

MCSC made the same point in their brief to the Reorganization Committee hearings in April, 1975:

The English Catholics on the Island of Montreal want confessional schools to continue. The English-Catholic community in Quebec is highly mobile and expects boards to provide an education in the English language comparable to any other board in North America and in harmony with that available to their Protestant co-citizens in Quebec. Boards cannot operate viable communications in two languages. It is too much to expect officers to be familiar and sympathetic with the needs of both groups. The requirement of bilingualism would limit the engagement of otherwise competent staff, and bilingual administrators would be chosen in relation to the needs of the majority. Both language and religion would suffer in unified boards.<sup>9</sup>

The MCSC minority brief, signed by three English commissioners, blamed unilingualist commissioners for the MCSC not supporting the English Catholics:

We, like the majority report of the MCSC, desire confessional boards, but at least one Catholic board on the island should be English Catholic. It is clear to

us that the sole deterrent to the creation of such a board is, in the minds of our colleagues, the danger it could pose to the "collectivity." Our colleagues say "A political choice must be made - an Anglo-Catholic board is not recommended because, while permitting the justified freedom of Anglo-Catholics, it would favour the integration of immigrants into that group."<sup>10</sup>

Protestant briefs unanimously demanded that confessional school boards be retained, especially in the light of Bill 22. The Association of Administrative Officers of the PSBGM noted that the Protestant school system in Quebec had been confessional in name only for years and that the PSBGM had long served the non-Catholic and non-Protestant population of the Island of Montreal. They said that although confessionality was no longer appropriate as a basis for school administration on the Island of Montreal, confessional boards did offer some protection for the English language and culture in Quebec. They also noted that, historically, no Protestant creed was ever central to Protestant school administration and that Protestant schooling in Quebec served primarily a cultural ethos.<sup>11</sup>

The Provincial Association of Protestant Teachers (PAPT) warned that until such time as freedom of choice in the language of instruction was constitutionally guaranteed across Canada, it was necessary to preserve the confessional protections of the BNA

Act, no matter how inappropriate as a basis for the organization of school boards. PAPT further noted:

Ever since the deliberations of the Pagé Committee, PAPT supported the linguistic boards as the first essential step towards the ultimate goal of unified boards. PAPT now advocates confessional boards because the essential pre-condition for the establishment of language boards is a climate of trust between the communities making up the Quebec society. The present tensions exemplified by the government's linguistic policies and Bill 22 and by the nature of the opposition from the English-speaking minority and the French-speaking nationalists, reveal a deep gulf of suspicion and hostility which make the establishment of language boards premature. Until such time as legislation provides guarantees for the two major linguistic communities to survive and flourish we are reluctantly forced to cling to such protection for language and culture as may come under the confessional guarantees enshrined in the BNA Act.<sup>12</sup>

The West Island Macdonald High School Parents' Committee noted that Bill 22 had destroyed the climate necessary for school board reform.<sup>13</sup> The Quebec Federation of Home and School Associations (QFHSA) warned that Bill 22, Article 40, ultimately



gave the minister power to diminish the English school system and that language-based school boards could develop into a French unilingual system. The QFHSa called for the status quo, adding:

It is unacceptable that the French-speaking majority want to impose their culture on the minority in Quebec. Reorganization must ensure autonomy for the English school system in Quebec. This co-existence of the two opposite traditions has been a characteristic of Quebec. It remains one of the corner-stones of the cultural duality which is Quebec. For a government or a government body to attempt to submerge one tradition by superimposing upon it the other tradition would be an act of cultural aggression of great proportion.<sup>14</sup>

The Quebec Association of Protestant School Administrators (QAPSA) noted that, although most school boards across North America were unified on a geographical basis, the unique bilingual and bicultural character of the Island of Montreal required different solutions. They said that, given the political climate prevailing in Quebec, it would be unwise, in the interests of the English-speaking community, to initiate change in school board organization at that time.<sup>15</sup>

The PSBGM, both prophetic and naive, left no doubt where it stood on school board reform given the reality of Bill 22:

The PSBGM advocates the retention of confessional boards in order to protect rights which they now possess. Protestant schools remain formally and legally Protestant because of the BNA Act that protects the language and cultural rights of the non-francophone minority in Quebec. Until the objectivity of the majority on the Island School Council of Montreal is assured, Protestants will have cause for unease. A factor that disturbs anglophones is the indifferent attitude of some Quebec francophones towards the position of francophones in the rest of Canada: the conclusion that can be drawn is that the preservation of culture is secondary and that the real drive is for narrow nationalism. Parents must be free to choose as regards religion and language of instruction as a historical right. We do not advocate unified school boards because there is a real possibility that it could afford an opportunity for one culture to impose that culture on others. The school is one of the two dominant factors which bear upon a culture and the school board is the representative policy-making organization of a cultural group. As long as a group wishes to preserve its culture it must retain control of its schools. The choice of language of instruction is one of the protected legal rights in Quebec. We, whose

mother tongue is English, cannot divorce our thinking from the North American or indeed the global environment. We hasten to say that in our desire to retain the cultural values so integral a part of the English language, we equally support the retention of their own cultural values by our French fellow citizens. We are concerned that those attempting to force immigrants to have their children placed in French schools number educated leaders within their ranks. When such people advocate such restriction of liberty, society as a whole can easily take further steps into positions where causes can be justified even if minorities suffer.<sup>16</sup>

The Canadian Jewish Congress noted that the confessional basis for the organization of school boards was no longer appropriate in cosmopolitan Montreal with its high density of non-Catholic and non-Protestant population. They also said that the cultural priorities of the French and the English were very different and, accordingly, asked for language boards.<sup>17</sup> The Association des Parentes des Écoles Protestantes, the French sector of the PSBGM which came into being in 1967, desired an authentic French cultural milieu. They regarded the French Catholic system as an excuse for indoctrination, and holding the PSBGM prejudicial to their interests, demanded their own board.<sup>18</sup>

The Association des Parents d'Outremont asked: that reform be on the basis of unified school boards; that, in each unified board the school be designated either French or English-speaking but be neutral in matters of confessionality; and that French become the working language of each school board on the island, and of the School Council of the Island of Montreal.<sup>19</sup> The Fédération des Principaux du Québec said French must become the working language of Quebec and, to that end, Quebec youth must first and foremost speak the language and think in terms of the culture of Quebec. They alleged that the planned informality of the Bill 22 language tests left plenty of latitude for those who wished to continue the anglicization of immigrants through the MCSC English-language sector.<sup>20</sup>

The Alliance des Professeurs de Montréal said that, for a democratic climate on the island, three types of boards were needed: French and English-speaking Catholic and Protestant.<sup>21</sup> Le Module des Sciences Religieuses de l'UQAM, the Social Sciences Faculty, University of Quebec at Montreal, proposed that reorganization make the school system on the island adjust to the cultural and political objectives of Quebec society.<sup>22</sup> A parent organization, Communauté de base, said unified structures would eliminate the socio-economic and cultural differences which the confessional, de facto linguistic, school boards had bred over the past one hundred years, resulting in two island school systems operating in almost complete isolation of each other.<sup>23</sup>

The Jérôme-Le Royer School Board said reform should provide an opportunity for the development and expansion of the French language and culture in Quebec, while, at the same time, making provision for the "true English-speaking minority" on the Island of Montreal. They added that unified boards would allow French to become the official language of Quebec, a step that would fit in with the general plan to ensure Quebec prospered culturally, socially, politically and economically.<sup>24</sup> The Saint-Croix Catholic School Commission advocated language boards, making out that unified boards would be inefficient and undemocratic.<sup>25</sup> The Baldwin-Cartier Catholic School Commission, an almost evenly divided bilingual school board, said: that reform should respect the fact of religious pluralism and cultural duality on the Island of Montreal; that the choice of the language of instruction for the parents was a fundamental right already laid down in the preamble to the Education Act; and that democratic school board reform must provide accordingly.<sup>26</sup>

The Association des Cadres de CECM (MCSG) noted that confessional school boards allowed all groups to protect their socio-cultural identities and warned that any unified approach to school board reform, such as Bills 62 and 28, would only fail on Section 93 of the BNA Act. They also warned that assimilationist English Catholic school boards, especially on the Island of Montreal, would be prejudicial to the linguistic and cultural interests of the "collectivity."<sup>27</sup>

English and French Catholic confessional groups advocated the restoration of the authentic Catholic school, and only a minority, all French-speaking Catholic, advocated non-confessional schooling. Confessional groups such as Association des Parentes Catholiques du Québec, Plein Jour, the Mouvement Scolaire Confessionnel, Carrefour Chrétienne, the Comité Interparoissial de l'Éducation Chrétienne de Rosemont, the Groupes de vie Chrétienne and others, were, first and foremost, interested in preserving the authentic Catholic school, implying confessional integrity with respect to teachers, students, parents, board members, and administrative personnel. Even the Office de l'Éducation de l'Archevêché de Montréal, while holding that the Catholic school board must be retained to ensure the integrity of the Catholic school, said that, within this confessional framework, provision should be made for those French-speaking Catholic parents who no longer desired confessional schooling for their children. It also held that the establishment of schools for 'others' would serve to clarify this situation in the Catholic sector.<sup>28</sup> English Catholics did not have any representative group seeking non-confessional schools. An interesting characteristic common to the strictly confessional groups was that they all asked that Protestants and those seeking non-confessional schooling be assured of their own language boards, and they were generally unconcerned about the socio-political aspirations of the "collectivity."<sup>29</sup>

### The Reorganization Committee Report

Final deliberations began in February 1976 after the Committee had an opportunity to assess the briefs submitted at the public hearings, as well as various research monographs commissioned on language, confessionality, school board size, demographic trends, the constitutional question in relation to the boundaries of the PSBGM and the MCSC, and language guarantees and level of schooling protected under the BNA Act. The Committee failed to present a unanimous report. After three years of costly and arduous debate, the language question in school board reform on the Island of Montreal defied solution. The Committee, consisting of seven members from diverse cultural and confessional backgrounds, tended to work from the position of their respective school boards rather than from an island perspective; a situation which resulted in one majority and four minority reports being submitted to the Island School Council.<sup>30</sup>

On November 1, 1976, two weeks before the election of the Parti Québécois, Jacques Mongeau submitted the Report of the School Board Reorganization Committee to the School Council of the Island of Montreal recommending the creation of four types of school boards: English Protestant, English Catholic, French Catholic, and French non-confessional. The Report noted that the school system on the Island of Montreal was composed of several cultural and religious sub-groups and that almost 40 per cent of the Protestant school population on the Island of Montreal were

non-Protestant.<sup>31</sup> The Report also noted that although a wide variety of attitudes had come to characterize Quebec Catholicism, nevertheless, there still was a majority of French Catholics who preferred the authentic Catholic school. At the same time, in the French-speaking community, there was an increasing number of parents for whom confessionality was secondary to quality education.

The Report said that, in September 1976, on the Island of Montreal, there were 11,275 non-Catholic francophone children between the ages of five and sixteen, in fact, a greater student population than in the Saint-Croix School Board, and also that 20 per cent of French Catholic parents, representing 38,500 children as of September 30, 1975, had stated a preference for non-confessional schooling, resulting in a total of nearly 50,000 children - almost equivalent to the PSBGM student population.<sup>32</sup> Hence, the creation of a French-speaking, non-confessional school board was justified, and, because of the absence of non-confessional schools for French-speaking children, Catholic schools in practice became pluralist.<sup>33</sup> Still, about 40 per cent of Catholic parents desired the homogeneous 'authentic' Catholic school.<sup>34</sup>

The Report also noted that language had gained greater importance than confessionality for all groups on the island and that school board reform must reflect this situation (35). The Committee, however, noted that the linguistic and nationalist



tensions in Quebec since the 1960's, and more recently Bill 22, made school board reform no longer feasible: the will to change the confessional status quo was simply not there.<sup>36</sup>

English Catholic parents, traditionally part of the French Catholic school community, had, because of Bill 22, become aware that their cultural interests were more in line with those of the Protestants.<sup>37</sup> Since English Catholic students were scattered over six Catholic school boards, they were never certain of representation on any one board. Moreover, they were at a distinct disadvantage as to services in the smaller Catholic boards. Hence, the Report insisted that democracy demanded the creation of one or more English Catholic boards.<sup>38</sup>

On the language question, the Reorganization Committee noted that Quebec increasingly and legitimately aspired to control the planning and development of its own language and culture and that, in the North American context, compulsory measures to promote the French-language school system on the Island of Montreal were explicable, justifiable and absolutely necessary.<sup>39</sup> Considering the long-standing historical situation, the Report said it was necessary to grant the English-speaking community of the Island of Montreal their own English-language school boards, de facto or de jure.<sup>40</sup> At the same time, legislation must ensure that no publicly subsidized school system, such as the English Catholic school sector, serve to anglicize the resident or immigrant population of the island.<sup>41</sup>

The Committee also noted that, under the Official Language Act (Bill 22), for a child to have access to an English school, he merely had to "have sufficient knowledge of the language of instruction to receive his instruction in that language" but that a good number of non-English children met this requirement. Therefore, the Official Language Act must be amended by replacing this requirement by that of "belonging to the English-speaking community" so that only children whose verbal expression was most adequately and usually in the English language attend English-language schools, while children with French as their mother tongue, as well as children whose mother tongue was other than French or English, attend the French-language school system.<sup>42</sup> Again, the Committee found that, although the French-speaking population of Quebec constituted 60 per cent of the Island of Montreal, it attracted that same percentage of children into the French school system. On the other hand, the English-speaking population, accounting between 24-27 per cent of the island, received 40 per cent of the school population into its schools.<sup>43</sup> In other words, faced with the economic domination of the English language, the government would have no alternative but to impose its political will.<sup>44</sup>

Dr. Patterson and Michael McDonald, in their minority report, held that the principle of parental choice in the language of instruction was already included in the preamble to the Education Act (R. S. 1964 c. 233 Education Department Act), and, moreover,

that the Howard Report on Constitutional Rights in the Field of Education in Quebec (PSBGM, 1974) found that under the BNA Act, on the Island of Montréal, the right to decide the language of instruction rested with the MCSC and the PSBGM.<sup>45</sup>

Pierre Carignan submitted a minority report noting that Quebec's aspirations to foster its own distinctive culture was a collective challenge on the North American continent. He found that English schools attracted large numbers of French-speaking students as well as nearly all those of other ethnic origins. He felt it was paradoxical that the school, the agent of culture under the provincial legislature, contributed to the anglicization of Quebec. Carignan, in recommending common, unified, non-confessional, French-language school boards, along with Protestant boards, found that a coercive French-language policy was justified on the Island of Montréal.<sup>46</sup>

Thérèse Lavoie-Roux, in her minority report, recommended language-based school boards as corresponding concretely with the sociological reality on the Island of Montréal. However, she pointed out that Quebec had given itself a linguistic policy (Bill 22) making French the official language in all fields of social, cultural and economic activity and that the school in this endeavour was of the greatest importance.<sup>47</sup> A minority report submitted by Robert Desforges called for the status quo but with the addition of a non-confessional French-language sector within the Catholic system.<sup>48</sup>

### Deliberations of The School Council of the Island of Montreal

The change in government in November 1976 left a cloud of uncertainty over both the language policy and school board reform on the Island of Montreal. The Parti Québécois had already let it be known that it would not be bound by the recommendations of the Island School Council.<sup>49</sup> Meanwhile, the MCSC, on December 17, 1976, voted (eight to five) for the Reorganization Committee Report, the dissenters wanting all non-Protestants to be grouped in common French-language, unified school boards, while three commissioners called for the status quo.<sup>50</sup>

The PSBGM, on November 29, 1976, while approving the Report in general, voted against the recommendation that Bill 22 be amended to make French obligatory for all children except those from the English milieu and also called for a rider giving parents freedom of choice in the language of instruction.<sup>51</sup>

The School Council of the Island of Montreal, January 24, 1977, rejected the Reorganization Committee recommendations to create English Catholic and French-language non-confessional school boards on the Island of Montreal. They also rejected recommendations for a unified school system on the island. Council Chairman Jacques Mongeau, nevertheless, insisted that the creation of the two additional school boards was the only way to meet the religious and cultural aspirations of all the parents.<sup>52</sup>

Commissioner Pierre Carignan (MCSC), in proposing a common French-language school system along with a Protestant system

exclusive to Protestants, said the traditional confessional division was no longer economically justified or appropriate in view of the socio-cultural reality of metropolitan Montreal.<sup>53</sup> Carignan protested that confessional divisions were anachronistic because religion was no longer a divisive force in society, and that a confessional division was impractical since modern education called for specialized schools, which, for financial and administrative reasons, could not be multiplied merely according to the number of school boards.<sup>54</sup>

Commissioner Pierre Legaré (MCSC) said English Catholic school boards would enable the English Catholic schools to continue the anglicization of non-English immigrant as well as French Quebec children. He added that such a move would discriminate against English-speaking non-Protestant and non-Catholic children who were not at all brought into consideration by the Reorganization Committee except in so far as they might be accommodated by the Protestant system.<sup>55</sup>

The Council voted (thirteen to four) to reject the majority report which called for a system based on four kinds of school boards: French Catholic, English Protestant, English Catholic and French non-denominational. This was despite a plea by Jacques Mongeau that only such a school system would lessen the tension between language and confessionality.<sup>56</sup> Carignan's minority report calling for a system of common unified French-language school boards with only the Protestants having

their own boards, was rejected (twelve to five), despite his argument that such a system would meet a trend towards unification while at the same time respecting historical constitutional rights of Protestants to their own system.<sup>57</sup>

Council also rejected (thirteen to four) a minority report by Robert Desforges for a modified status quo and as well rejected his argument that the Island of Montreal was not ready for unified school boards. Council rejected (fourteen to three) the minority report presented by former MCSC commissioner, and more recently Liberal MNA, Thérèse Lavoie-Roux (Montreal-L'Acadie), in favour of language-based school boards. She pleaded that her proposals, while facilitating administrative efficiency, had respect to the socio-cultural situation.<sup>58</sup> A motion by L. P. Patterson (PSBGM) in favour of the majority report, but with the label 'English' dropped from Protestant boards and the label 'French' dropped from Catholic boards because French Protestants, Jews, Greek Orthodox and other non-Protestant and non-Catholic parents had now overwhelmingly expressed their desire to stay with the PSBGM, was rejected (fourteen to three).<sup>59</sup> After hours of acrid debate, no agreement could be reached and the matter was left until the next meeting.

Finally, January 31, 1977, the Island School Council wound up three years of discussion. For the second time, they rejected a recommendation submitted by Pierre Carignan for a system of common boards which would exclude Protestants.<sup>60</sup> Council

President Jacques Mongeau said he would not re-submit his previously rejected motion under the majority report for a system of four boards, English Protestant, French Catholic, English Catholic, and French non-denominational. Mongeau noted that the majority report, in fact, conflicted with strong pressures within the Island School Council for French-language unified boards, and, in the absence of a consensus, he would give his support to the Desforbes minority report (which also had been rejected at the previous meeting).<sup>61</sup> Desforbes, in re-presenting his recommendation, called it a partial step on the road to the ultimate goal of unification: while the population as a whole was not yet ready for unified school boards and while the constitution still guaranteed the right of Protestants to a separate school system, in the meanwhile, a French-language non-confessional sector in the Catholic system would serve as a testing ground for the unification plan.<sup>62</sup> Pierre Carignan said that in voting for a non-confessional sector within the Catholic school system, the Island School Council would be taking into account the wishes of a growing number of Catholic parents, and that traditional Catholics had, in fact, always asked for such a sector in order to rid the schools of liberal influences.<sup>63</sup>

Desforbes' motion failed to satisfy the demands of the English Catholics who claimed they were neglected in the French-dominated Catholic system. Pierre Legaré still said that an English Catholic structure would be tantamount to anglicizing

non-anglophones.<sup>64</sup> Madame Thérèse Lavoie-Roux's motion for a linguistic system got no support. Patterson said the PSBGM would challenge the constitutionality of linguistic school boards, since only the confessional system afforded any protection for the English language and culture in the Montreal Island school system, especially in times of rising linguistic nationalism.<sup>65</sup> Donat Taddeo (MCSC) finally got the vote for the Desforges motion after getting an amendment aimed at strengthening the English Catholic position at the administrative level. A second amendment presented by Taddeo calling for improvements in pedagogical services in the Catholic English sector was rejected by Council after Lise Sarrazin (MCSC) denounced the implication that the MCSC discriminated against English Catholics.<sup>66</sup>

The Desforges motion failed to satisfy those who favoured the defeated motion presented by Pierre Carignan for common unified French-language school boards while respecting the constitutional rights of Protestants. Supporters of the Carignan motion included ardent champions of the French language who saw in the status quo an opportunity for the Protestant system to continue anglicizing non-Protestant, non-anglophone groups such as the Greek Orthodox, who, by law, may choose between either the MCSC or the PSBGM, both constituted legally common, open to non-Protestants and non-Catholics, by statute of 1846.<sup>67</sup> Carignan's plan found favour among those who felt the need for groups to come together after a century of cultural isolation.<sup>68</sup>



Fears were expressed that the new Parti Québécois government would take advantage of the Council's ambivalence and impose its own solution, even ruling the Liberal dominated School Council of the Island of Montreal redundant in favour of the Ministry of Education branch office in downtown Montreal. Finally, as members agreed on the impossibility of achieving a consensus in the matter of reform, Council narrowly voted (nine to eight) in favour of the status quo, along with a non-confessional French-language sector in the Catholic school system.<sup>69</sup> The Island School Council ratified this decision on February 2, 1977, thus bringing to an end three years of tortuous debate on the question of school board reform on the Island of Montreal.<sup>70</sup> The vote was essentially a compromise between two conflicting bodies of opinion within the council - one favouring the creation of a single French-language unified system alongside the Protestants, and the other, the creation of further divisions to ensure that each linguistic or denominational group had its own school board.

The Report of the School Council of the Island of Montreal to the minister of education was tabled in the provincial legislature in March 1977, but little heed was paid to it as the Parti Québécois had already chosen to follow their own agenda in the matter.<sup>71</sup> A Report by the Ministère de l'Éducation (1976) examining, in broad terms, the question of school board reform on the Island of Montreal, and in general agreement with the Reorganization Committee Report, was also ignored.<sup>72</sup>

### Summary

The confessional question was found to be of minor importance in comparison to the language question. English Catholics demanded their own autonomous confessional boards and an education in harmony with that available to Protestants. They also claimed that boards cannot operate in two languages and that both language and religion would suffer in unified boards. Unilingualists on the MCSC were blamed for the lack of support for English Catholic boards because of the threat such boards might pose to the French-speaking "collectivity."

Protestant briefs unanimously demanded that confessional boards be retained in the light of Bill 22, although confessionality was seen as no longer appropriate for school board organization. Protestants insisted that the status quo prevail until such time as freedom of choice in the language of instruction was constitutionally guaranteed. Moreover, the Protestants stressed that the essential pre-condition for unified boards was a climate of trust in Quebec. Meanwhile, Bill 22 had destroyed the climate necessary for school board reform. It was also held that, under Bill 22, a language based school system could easily develop into a French unilingual system. English and French-speaking Catholics as well as English and French-speaking Protestants demanded autonomy. Unilingualists and Catholics who no longer desired confessional schooling for their children also had to be accommodated.

Others asked for unified school boards and that French be the working language of each board and of the School Council of the Island of Montreal, while language and confessionality be decided at the level of the individual school. Concern was expressed that Quebec youth must first and foremost think Québécois, as well as speak the language of the majority in the province. Still others suggested that school board reform must make the school system on the Island of Montreal adjust to the cultural objectives of Quebec society. At the same time, it was pointed out that unified school boards would help eliminate socio-economic differences and would realize true equality of opportunity. Jérôme-Le Royer, for example, said reform should provide an opportunity for the development and expansion of the French language while making adequate provision for the 'true' English minority.

It was generally agreed that unified boards would allow French to become the official language of Quebec. The final report in November 1976 was not unanimous. The creation of four types of school boards - English Protestant, English Catholic, French Catholic and French non-confessional - was the choice of the majority on the Committee but failed to win the support of the Island School Council. Almost 40 per cent of the Protestant school system was non-Protestant. There was a growing demand for non-confessional French-language schooling. Linguistic tensions in Québec made reform no longer feasible.

In the North American context, compulsory measures to promote the French-language school system were deemed justified. Because of the long-standing historical situation, it was found necessary to give Protestants their own school boards. The minority positions included: determination to hold on to protections for the English language assumed to exist under the BNA Act; recommendations for common, unified, non-confessional, French-language school boards along with Protestant boards and language boards; and the preservation of the status quo with the addition of a non-confessional French-language sector within the Catholic system.

The change in government in November 1976 left a cloud of uncertainty on school board reform. The School Council of the Island of Montreal, in January and February 1977, was unable to improve on the recommendations of the Reorganization Committee. An English Catholic system might perpetuate the anglicization of immigrants. English-speaking non-Protestants and non-Catholics had not been considered by the Committee. Although there was strong pressure within the Island School Council for French-language unified school boards, a motion for the status quo, including a non-confessional French-language sector within the Catholic system, was regarded as a partial step to unification and was narrowly adopted. However, the status quo meant the continued anglicization of non-Protestants and non-Catholics and school board reform still defied solution.

## Chapter Four

### THE PARTI QUÉBÉCOIS PROPOSALS

#### Parti Québécois Reforms

A proposal to dismantle confessional school boards was among 100 possible changes outlined in the Green Paper released in October 1977 by Parti Québécois Minister of Education, Jacques-Yvan Morin.<sup>1</sup> Morin, however, in April 1978, gave assurances that he would not turn schooling over to education sub-committees under municipal councils.<sup>2</sup>

In January 1979, the school boards learned they had lost most of their property tax rights. In response to municipal pressure, the government abolished, effective September 1980, the right of school boards to levy local taxes, except up to six per cent of its revenues, not subject to a local referendum. Starting 1980-81, school boards would get most of their operating funds through government grants and the surtax would fund local initiatives.<sup>3</sup> Jacques Mongeau, Chairman, the School Council of the Island of Montreal, warned that the Parti Québécois was on a collision course with the school boards. Once the normalized tax was transferred the surtax would follow, and then there would be no need for school boards, confessional or otherwise.<sup>4</sup>

Bill 96 (1979) would limit school board powers over the appointment, dismissal and working conditions of their employees,

as well as remove taxation and property ownership from the boards.<sup>5</sup> Bill 30 (1979), which was viewed as another intimidation tactic, would allow the government to assume ownership of all school properties while reducing school boards to little more than advisory bodies. Bill 30, however, was passed in June 1979, minus key clauses which would have given the MEQ title to all school property in the province, but it established the right of parent representatives to sit alongside elected school commissioners but without the right to vote.<sup>6</sup>

Meanwhile, Quebec Superior Court Justice Roger Laroche, in response to a request by the Federation of Catholic School Commissions, granted an injunction in April 1980 blocking the application of Bill 57 (1979) and curtailing the power of school boards to levy taxes.<sup>7</sup> The legal ramifications surrounding the bill were subsequently to compromise the constitutionality of the Parti Québécois school board reform legislation, Bill 3 (1984).

The Green Paper (1977) generated much discussion and was followed by the Policy Statement and Plan of Action (1979) which was not referred to the Superior Council of Education, as would usually be the case, but was sent to cabinet after it had been reviewed by the Comité Ministériel Permanent du Développement Culturel.<sup>8</sup> Morin's Plan d'Action: called for school boards to consult parents on school closings and orientation; proposed that school boards establish non-denominational schools; that French schools start second language training only in grade 4;

and required at least one member of the parents' committee to sit on the school board's council of commissioners.<sup>9</sup> The new curriculum emanating therefrom became law by order-in-council in February 1981. A common core curriculum, however, met the nationalist objectives of the cabinet more than the needs of the local community.<sup>10</sup> The pedagogical relevance of the school board was seen to be questioned. Also, the matter of second language instruction in francophone schools was to divide the francophone community as some school boards disregarded the law even under constant threat of government censure. Six years later, in the fall 1986, those "outlaws" finally won approval from the Superior Council of Education, plus a promise from the minister of education that the law would be revoked to allow the teaching of English in French schools in grade one. This move was welcomed by the MCSC, but, as noted in Chapter Two, such "assimilationist" Liberal initiatives were opposed by the PQ and denounced by the nationalists and the minister's promise had to be withdrawn.<sup>11</sup>

The possibility for non-confessional schools existed on the Island of Montreal for some time. The Catholic Committee of the Superior Council of Education had, in 1974, published guidelines authorizing different types of schools, from the authentic Catholic school to pluralist and multi-confessional schools, and offered recognition to any school requesting non-confessional status in accordance with the law (Article 22b, Education Act, 1964).<sup>12</sup> There were no applicants for such

schools until Morin's Plan d'Action. Subsequently, in February 1979, a school under the MCSC, Notre Dame des Neiges elementary school, asked for multi-confessional status. The school committee's request was based on two things: 39 per cent of the student population had been excused from catechism classes and, instead, took courses in ethics, and 92 per cent of the parents said they favoured multi-confessional status, since more than 60 per cent of the students were from fifteen religions other than Catholic.<sup>13</sup> The Notre Dame des Neiges school committee was opposed by the Quebec Catholic Parents' Association (APCQ) and, in April 1979, a motion to offer students at Notre Dame des Neiges a choice between religion and morals was narrowly defeated (nine to eight) by the MCSC.<sup>14</sup> The Catholic Committee of the Superior Council of Education exercised its authority (Act 9, C. 234, Statutes 1964) and gave an order transforming the Notre Dame des Neiges school from a Catholic institution to non-confessional status on request from the school committee, but without such request by resolution of the MCSC.<sup>15</sup> The Association of Catholic Parents of Quebec, the Confessional School Movement (MSC) grouping organizations across Quebec, the Notre Dame des Neiges Committee for the Maintenance of Confessional Status, and the MCSC took legal action.

Chief Justice Jules Deschênes, Quebec Superior Court, in April 1980 ruled that, under the BNA Act, MCSC elementary schools cannot be non-confessional. By implication, schools under the



two pre-Confederation school boards in each of Montreal and Quebec City may only be confessional.<sup>16</sup> Morin said in September 1980 that the Notre Dame des Neiges ruling implied that unified boards were not possible on the Island of Montreal and that the government must find another route towards school board reform.<sup>17</sup>

Meanwhile, a conservative reaction was setting in against the PQ reforms as almost everyone running for Catholic seats in the June 1980 school board elections was backed by the Mouvement Scolaire Confessionnel (MSC).<sup>18</sup> On the one hand was the the MSC which was formed in 1973 representing a coalition of nineteen groups including the Association of Catholic Parents of Quebec (APCQ), and on the other was the trade union backed Mouvement pour la démocratisation scolaire (MDS) which stood for equality of opportunity, democratic structures, the directing of all immigrant children to French schools, and unified school boards with confessionality a matter to be decided by the individual school committee in conjunction with the school board.

In the 1973 school board elections, the MSC had taken most of the seats in the MCSC and in June 1977 repeated this record. By 1979, it was clear that although the MDS had the tacit support of the PQ, school board reform based on the deconfessionalization of the school boards would not get a sympathetic hearing at the MCSC, the island school boards, or the Island School Council.<sup>19</sup> The Notre Dame des Neiges ruling was followed by the school board elections of June 1980 - three weeks after the May 20 referendum

'No' vote to Quebec sovereignty. The MSC again made a clean sweep at the MCSC, thus making it likely that the Island School Council would, for the duration of the PQ mandate, be firmly in the control of those opposed to the PQ secular ideology, non-confessional, unified school boards, and the surrender of the protections of the BNA Act.<sup>20</sup> The PQ, however, to everyone's surprise, won in April 1981 with almost 50 per cent of the popular vote, and the matter of school board reform was pursued with renewed vigour.

#### The Laurin White Paper

Jacques-Yvan Morin was replaced as education minister in March 1981 by Camille Laurin, Minister of Cultural Affairs, and cabinet once more tried to settle the matter of school board reform on the Island of Montreal, precipitating unprecedented conflict in the process. The Report of the Superior Council of Education on Confessionality addressed to Education Minister Laurin, September 1981, said that on the Island of Montreal there existed a definite desire for non-confessional schools. What it advocated was not pluralist or multi-confessional schools but a plurality of schools. It said the public demanded in the first instance quality schooling as well as optional moral and religious instruction. Further, Council found that there was no urgent need for change, and advised that the status quo should be retained to protect cultural and confessional rights.<sup>21</sup>

Lysiane Gagnon, La Presse, in September 1981, revealed that the new school boards envisaged by Camille Laurin would be composed of delegates from newly-created school councils on which parents would predominate. The reform was intended to deal primarily with the situation on the Catholic side to meet the growing demand for French-language, non-confessional schools. The Protestant system already provided for a pluralist environment, but the right to designate schools non-confessional in Quebec implied the abolition of the confessional principle.<sup>22</sup>

The Quebec Federation of Parents' Committees, in December 1981, endorsed Laurin's plans to replace confessional school boards by school corporations administered by the parents.<sup>23</sup> A revised draft of Laurin's proposals in December 1981 called for the elimination of confessional school boards and the transfer of power to individual schools, with about 100 regional councils serving between 25 and 30 schools each.<sup>24</sup> There would also be linguistic boards for the Island of Montreal and unified boards with linguistic committees elsewhere. Quebec's Catholic bishops said in March 1982 that they would prefer confessional school boards but would agree to their abolition if legislation provided that schools could remain confessional. Archbishop Grégoire of Montreal sided with the APCQ who denounced the capitulation of the bishops into Laurin's hands as betrayal, while the Mouvement laïque de la langue française condemned the proposals for staying with confessional schools.<sup>25</sup>

Camille Laurin, in June 1982, formally tabled his plan for school board reform abolishing confessional school boards. There would be no English-language boards in the province except on the Island of Montreal. Under the Laurin plan, entitled The Québec School, A Responsible Force in the Community, boards would have administrative and financial powers to act as service pools for the schools. They would assign students to the schools, hire school staff, and decide which optional courses would be offered. The number of boards would be about 109 instead of the current 253, and most would follow municipal boundaries. Boards would be comprised of one delegate from each school council, three representatives of the regional municipality and a representative of private schools in the area. Election of school boards by universal suffrage would be abolished, and linguistic committees for anglophone students residing off the Island of Montreal would act almost as boards within boards. A school board with at least three English-language schools in which anglophones accounted for 10 per cent of the student enrolment, would set up a linguistic committee. There would be about twenty-three such committees off-Island. Where the English schools did not meet that requirement they might still be guaranteed a member on the board's executive committee.<sup>26</sup>

Each school would be set up as a separate legal corporation, and the school council, composed of a majority of parents, teachers and in secondary schools, senior high school students,

would be responsible for the régime pédagogique. While school boards would be non-confessional, each local school council would decide for itself whether to be organized as Catholic, Protestant or non-confessional.<sup>27</sup> The white paper also said that if the two pre-Confederation boards in Montreal and Quebec City wished to invoke confessional rights, they must revert to their 1867 elementary school boundaries.<sup>28</sup>

Montreal Island would be divided into thirteen school boards - five English and eight French-speaking. Marcel Fox, director general of the PSBGM, noted that it would be more logical, in order to meet the needs of the English community on the island, to set up one English Protestant and one English Catholic board, each with about 30,000 students, as the proposed councils would be too small to provide adequate pedagogical English-language support services.<sup>29</sup> Fox also said that school councils elected by parents would be no substitute for school boards with mandates from electors at large: school councils would be too small and too weak to be effective, and the result would be an even more centralized system with the decision-making vacuum being taken up by the minister.<sup>30</sup>

Ernest Spiller, Associate Deputy Minister of Education responsible for Protestant affairs, resigned in protest only days after Education Minister Laurin released his white paper. He alleged that the main consideration behind the proposed school board reform was the Parti Québécois vision for Quebec society:

Those who send their children to English Protestant schools always think that the main purpose of the school is for the individual and the family. The school, for the supporters of the white paper and for many in the Parti Québécois, is for the purpose of developing the language and culture of the collectivity. It is related to the interests of the state and not to the interests of the family. The chief question is the degree to which the school is going to serve the state.<sup>31</sup>

Another revised draft of the white paper on educational reform, outlined in June 1982, confirmed that Laurin was proceeding as planned and had not changed his original intent, leaked ten months earlier, to eliminate locally elected school boards. Eliminating all the school boards off the Island of Montreal which functioned in English put English schooling off-Island in a precarious position. There would be five English boards and eight French boards on the Island, and, while they would have less clout than one large board such as the PSBGM, they would have control of English education and would be able to function in English in their internal activities.<sup>32</sup>

The eight school boards on the Island of Montreal in June 1982 launched a concerted attack on the Laurin reform plan. Jacques Mongeau, President of the School Council of the Island of Montreal, said that although there was no consensus on questions

of language or confessionality, all the school boards on the Island agreed on four basic principles: the school board must be maintained as a level of local government; boards must be elected by universal suffrage because their decisions affected the entire community and not just individual families; boards must have the powers necessary to administer the schools in their territory; and boards must continue to levy taxes to respond to local needs.<sup>33</sup> Mongeau added that the Laurin plan was manifestly designed to "nationalize" the schools.<sup>34</sup>

Standing against reform were the traditional Catholics and the Protestants. The Association des parents catholiques du Québec (APCQ), founded in 1966 to oppose the Parent Report recommendations for unified school boards, now allied with the QAPSB against Laurin in the interests of the Catholic faith on the one hand and of the English language and culture on the other. In October 1981, APCQ President Adeline Mathieu, to no avail, presented Laurin with her 'Christian Parents' Manifesto' containing 60,000 signatures against unified school boards.<sup>35</sup>

Quebec experienced bad times in 1981-1982 with unemployment over 15 per cent. and teachers suffering salary cuts, loss of job security, increased work load, and review of personnel allocation. Teachers went on strike, only to be forced back into the classrooms in February 1983 under the harsh terms of Bill 111 which provided that teachers could not use the Quebec Charter of Rights and Freedoms against charges stemming from the new law.

The manner in which the PQ handled teacher relations in times of economic distress ensured non co-operation for the reform on all fronts except from the most committed partisan nationalists.<sup>36</sup>

The MCSC allied with the CEQ and refused to comply with requests from the MEQ for information on teachers not obeying Bill 111.<sup>37</sup>

The Quebec Federation of Parents' Committees in March 1983 again endorsed the Laurin proposals, holding to the promise of greater parental influence in school management.<sup>38</sup> Other Quebecers would lose the right to vote in school board elections but would retain the burden of school-taxation, on which point the parents' committees and the minister seemed equally out of touch with public opinion.<sup>39</sup> The largely francophone federation asked that Bill 101 be amended to permit English school boards to function internally in English only and that English-language school boards, restricted to the Island of Montreal in the white paper, be expanded province-wide.<sup>40</sup> Nevertheless, the Parents' Committees on the Island of Montreal opted for the status quo.<sup>41</sup>

Laurin, in March 1983, announced amendments to his White Paper. Universal suffrage was re-introduced, but at the school rather than at the board level. Electors within a given school district would elect the parent and community representative of its school council and its language-based school board, with a certain number of seats being reserved for the parents to ensure for them a measure of control. The proposals to make each school a public corporation were dropped and schools would remain under



the control of the boards. Although English Quebecers across the province would have their own school boards, Laurin felt they would be better served by linguistic committees within unified school boards.<sup>42</sup> The FCSCQ and the QAPSB informed Lévesque that the Laurin plan contained the seeds of civil disorder and urged caution.<sup>43</sup> The boards were not satisfied with the suffrage provisions, and the Protestant Committee of the Superior Council of Education questioned the wisdom of uniting English-speaking Catholics and Protestants under the same school boards.<sup>44</sup>

Liberal education critic Claude Ryan found unacceptable Laurin's plan to have universal suffrage restricted to the election of school councils and to have school board members elected indirectly by the councils. Ryan noted that, under such a scheme, there would be nobody with a mandate to act on behalf of the whole.<sup>45</sup> Likewise, Yvon Charbonneau, President, Centrale de l'Enseignement du Québec (CEQ), in May 1983, warned that the Laurin plan had a very evident centralizing aim, under the guise of giving power to everyone everywhere in the province: Laurin would be the only one with any power and the schools would become branch offices of the education department.<sup>46</sup>

School boards, according to further amendments announced in May 1983, would be replaced by linguistic service centres whose boundaries would not be set in law but would be regulated by decree, thus bypassing the National Assembly. Such administrative units would have no protection in law, and their

existence would be solely at the pleasure of the minister.<sup>47</sup>

Such arbitrary approach to reform was to prove its undoing.

#### Bill 40

Bill 40, "An Act Respecting Public Elementary and Secondary Education," tabled on June 20, 1983, by Education Minister Laurin, effective July 1, 1985, proposed 122 French-language and thirteen English-language school boards across the province.

Universal suffrage was restored, but under a new formula. For each school within a district, one member would be elected to the school board by all resident Canadian citizens, eighteen years and over, who chose to identify with that school; the same member to sit on the school council. While the boards would remain in control of pedagogy, the new parent-controlled school council would assume many of their traditional responsibilities.

There would be five French and three English school boards for the Island of Montreal, and the Island School Council, composed of the presidents of the eight new boards, would continue to exist as a co-ordinating body. The French-language commissions would follow the same territories as newly proposed municipal regional counties. The two pre-Confederation boards in each of Montreal and Quebec City would retain their confessional status, control of curriculum and a degree of taxation autonomy, but they would revert to their 1867 elementary school boundaries.<sup>48</sup>

Jacques Mongeau, June 1983, noted that, with the schools

electing one commissioner each, the public would not have the same electoral weight and that Montreal Island school boards would each have between forty and fifty commissioners.<sup>49</sup> The same charge was levelled by the Liberal education critic Claude Ryan - that under Bill 40 each school was to have a representative whether it had 200 or 2,000 pupils, a distortion of the principle of universal suffrage.<sup>50</sup> Bill 40 was to remain controversial in its complicated system of applying the principle of universal suffrage. The constitutionality of linguistic boards as well as the shifting of the choice of confessional status to the school committee remained open to challenge.

At the end of August 1983, the FCSCQ demanded that the minister either table the regulations that accompanied Bill 40 or withdraw the bill. The QAPSB in October 1983 sought a declaratory judgment on Bill 40 from the Quebec Superior Court. In its brief, the QAPSB contended that Quebec had progressively restricted, and in some cases abolished, the constitutional rights of Protestants and Catholics under the BNA Act and that Bill 57 (1979) stripped the boards of most of their taxation powers. The brief further contended that having the régime pédagogique set compulsory curriculum guidelines for all schools in the province and the imposed contract settlement for teachers in 1982, which obliged boards to hire surplus teachers from other commissions, were both unconstitutional. Moreover, the new school board boundaries would exist subject to the pleasure of

the minister and, under Bill 40, the four boards in Montreal and in Quebec City would revert to their 1867 boundaries. Fears were also expressed that Bill 40 would become a vehicle for a party whose primary aim was the reconstruction of Quebec society, that a school system would be developed through which all substantive elements of education would be initiated and monitored by the minister, and that this had become the purpose of the reform.<sup>51</sup>

Meanwhile, the Quebec Court of Appeal, in a split decision (two to one), October 12, 1983, ruled that Bill 57 (1979), which stripped school boards of most of their tax powers, violated the BNA Act, Section 93, in limiting to 6 per cent the taxing powers of constitutionally-protected boards. The decision called into question the constitutionality of Bill 40 in respect to the two pre-Confederation boards in Montreal and Quebec City.<sup>52</sup>

Instead of entirely abolishing locally elected boards, Bill 40 would simply remove their authority to develop educational policy. Future school boards would be exclusively preoccupied with management tasks.<sup>53</sup> On the other hand, the minister's role was increased. He was to establish the program of study, authorize text books, set provincial exams, issue or revoke teaching permits, and establish the rules for the allocation of funds over which he could exercise extraordinary discretionary powers.<sup>54</sup> Either by law or through regulation, the minister could intervene in almost any issue regarding the schools.<sup>55</sup>

In July 1983, Superior Court Justice Jean Provost ruled that

guarantees under the BNA Act Section 93 did not apply to Nouvelle Querbes elementary school in Outremont under the Ste-Croix school Board. By implication, as far as Montreal was concerned, the pre-Confederation confessional guarantees confirmed by the BNA Act applied only to the PSBGM and the MCSC.

A brief prepared by the McGill University Faculty of Education in November 1983 was critical of Bill 40, but the approval it gave to the thinking behind the proposed legislation stood in disagreement with the views expressed by the Montreal Island school boards, the Island School Council of the Island of Montreal, and the QAPSB. The McGill brief declared that confessional boards were no longer appropriate and did not provide for the diversity of modern Quebec society. While supporting the proposal for an educational system structured along linguistic lines, the brief said that, in the French-language community, there was considerable pluralism, but that, in certain areas, the dangers of conflict over confessional rights were still present. The brief, however, noted that the prevailing political climate in the province did not present the most promising moment for change: there had been too many unpopular measures affecting school boards in the recent past, and now, the optimism, confidence and co-operation, prerequisite for reform, did not exist.<sup>56</sup>

Legislature committee hearings on Bill 40 began in January 1984. Executives of the FCSCQ, the QAPSB, and of the Island

School Council accused Laurin of bad faith in organizing the hearings, as, out of almost 250 briefs submitted, only 78 groups were invited to appear, and, of more than 250 school commissions in the province, only 25 would be heard.<sup>57</sup> The MCSC with 107,000 students was the largest school commission in Canada, but, under Bill 40, it would be reduced to fewer than 10 schools with about 5,000 pupils. Chairman Marcel Parent told the hearing that the MCSC's success had, in large part, been the result of its size; more than 90 per cent of the educational programs in Quebec since 1960 were developed and piloted by the MCSC, and its dismemberment would serve only the interests of MEQ bureaucrats.<sup>58</sup> William Bedwell, an aide to Laurin whose appointment to the Superior Council of Education by the PQ remained controversial, reminded the QAPSB that, in their 1968 brief to the Pagé Committee, they had asked for a dual language education system - the key proposal in Bill 40.<sup>59</sup>

Lise Bissonnette of Le Devoir, January 1984, said Laurin's attitude at the hearings on Bill 40 amounted to gross contempt, as if boards wishing to be heard were of no account.<sup>60</sup> The Protestant Committee, unlike the Catholic Committee of the Superior Council of Education, rejected Bill 40. Laurin was also accused by Constance Middleton-Hope chairman of the Protestant Committee of treating her committee with contempt. She warned that he would have the same attitude towards the structures proposed under Bill 40.<sup>61</sup> Jean-Guy Debuc of La Presse alleged

that Bill 40 served an option of the minister and of the Parti Québécois rather than the population of Quebec and that the bill represented a move in the direction of oligarchy.<sup>62</sup>

Laurin brushed off a brief from Quebec's largest group of school boards, the FCSCQ, as merely demonstrating an insatiable need for power.<sup>63</sup> The federation, however, would approve of constitutionally guaranteed linguistic boards.<sup>64</sup> CEQ President Yvon Charbonneau called for the withdrawal of Bill 40, saying that the new school councils were an unnecessary fragmented third-level authority in competition with the school commissions meant to ensure that no one would have power except the minister and that centralization under the guise of decentralization, not deconfessionalization, was at the heart of the reform.<sup>65</sup>

The MCSC Central Parents' Committee, representing 177 French sector school committees, supported Bill 40 in January 1984.<sup>66</sup> MCSC Chairman Marcel Parent said that not all parents were willing or competent to assume the duties given to the school councils under the bill.<sup>67</sup> Moreover, the MCSC would challenge Bill 40 in the courts, since thereby its confessional status would be confined to its boundaries of 1846-67. Rodrigue Dubé, President, Alliance des Professeurs de Montréal, noted that the unity of diverse groups against Bill 40 was a first in Quebec and a phenomenon worth observing.<sup>68</sup>

Jacques Mongeau Chairman of the School Council of the Island of Montreal told the hearing in January 1984 that Bill 40 would

turn the Island School Council into a puppet and enable the minister to arrogate unto himself control of public schooling on the island.<sup>69</sup> Liberal education critic Claude Ryan also said that an objective of Bill 40 was to enable the Parti Québécois to control the Liberal-dominated Island School Council while eliminating strong confessional school boards traditionally unsympathetic to the nationalist, oligarchic perspective.<sup>70</sup>

In January 1984, Laurin said he would like to see the BNA Act, Section 93 (Constitution Act, 1982), amended to protect language instead of confessionality and would be willing to discuss such proposals with Ottawa. Lévesque, however, did not accept the new Canadian constitution, and Quebec was not a signatory thereto.<sup>71</sup> Liberal justice critic Herbert Marx said that the Canada Act (1982), Section 23 - the 'Canada clause' - guaranteed Canadian citizens the right of choice in the language of instruction for their children anywhere in Canada.<sup>72</sup>

A coalition of school commissioners and directors of the MCSC urged Education Minister Laurin to withdraw Bill 40 and appoint a Royal Commission to solve the problem of reform.<sup>73</sup> Four weeks of National Assembly hearings convinced Laurin in February 1984 that Bill 40 needed revision. His offer to rewrite the bill was a welcome gesture. Meanwhile, the newspapers speculated on whom Lévesque might have on the sidelines to take over the education portfolio, giving cabinet a graceful exit. The collapse of Bill 40 once more vindicated Section 93 of the BNA Act as a bulwark



against arbitrary attempts at school board reform on the Island of Montreal. Bill 40 was more sympathetic to nationalist sensitivities than to the demands of the situation.<sup>74</sup>

### Bill 3

In March 1984, Lévesque announced the appointment of Yves Bérubé - the tenth education minister since Gérin-Lajoie to deal with school board reform on the Island of Montreal - to preside over the strategic retreat of Bill 40. Bérubé announced in May 1984 that Bill 40 would be shelved for at least a year, pushing back the possible implementation of reform to just months before the provincial election, at the latest, April 1986. Bill 3 in the fall of 1984 proposed province-wide language-based school boards, with confessionality a matter for the individual school, to be in operation by July 1, 1986. Also, under Bill 3, the confessional guarantees of the BNA Act, Section 93, applied to the pre-Confederation boards in Montreal and Quebec City with respect to their 1867 elementary school boundaries.

According to modifications to Bill 40, the principal would be directly responsible to the school board, and teachers would decide on pedagogy. The school council would remain an advisory body. The territories of the PSBGM and the MCSC would be left intact, and the powers of the Island School Council would be the same as under Bill 71 (1972). Bill 3 would create, within each school board, school councils made up of parents, teachers and

other school staff with a specific decision-making and advisory role in regard to the operation of the school. In addition, there would still be a parents' committee to advise the school council. There would also be an education committee composed of teachers having a certain pedagogical and advisory function.

School boards were no longer service co-operatives, as under Bill 40, and their status as managers of the system was restored.

Two-thirds of the commissioners were to be elected by universal suffrage and one-third from the parents on the school councils.<sup>75</sup>

The CEQ found unacceptable the contradiction that schools could be common and confessional at the same time.<sup>76</sup> English Catholic representatives supported the move to autonomous language boards provided they had guarantees that their schools be confessionally authentic and not just schools where religious instruction was available.<sup>77</sup> Principals, board administrators and commissioners complained about the proliferation of committees at the school and board level.<sup>78</sup> There was concern for the fragility of language rights under Bill 3, as well as for the bill's constitutionality in the light of Bill 57 (1979), which, as noted above, had been declared unconstitutional by the Quebec Superior Court.<sup>79</sup> At least 80 per cent of the groups heard urged the government to test the constitutionality of Bill 3 in the courts before it became law.<sup>80</sup> The PSBGM petitioned for a declaratory judgment on the bill, and asked that the status of school boards under the BNA Act be clarified, once and for all.<sup>81</sup>

The National Assembly's education committee completed public hearings on Bill 3 in mid-November 1984, and the measure which created nine English and 120 French-language school boards in the province and left the decision as to the school's confessional status to the school council became law on December 20, 1984. Bill 3, Articles 447-477, came into force in December 1984, empowering the minister to pass regulations governing the régimes pédagogiques, school finance, pupil transportation, conditions for employment of non-unionized personnel, teacher qualifications, and special education services. Also, by March 1, 1985, the minister had to publish in the Official Gazette the territories and boundaries of the new language boards.<sup>82</sup>

In February 1985, it seemed that English-speaking Montrealers would end up with two school boards if Bill 3 survived in the courts. The Quebec Superior Court was told by the QAPSB in April 1985 that it was impossible to reconcile the pedagogical objectives of Catholics and Protestants under one English language administration.<sup>83</sup> Montreal Island's school boards boycotted discussion on the new boundaries and, from the start, challenged the constitutionality of Bill 3. The latest education minister, François Gendron, consulted the 'The Group of Seven' - formed in 1982 by McGill education faculty, teacher unions, and school boards - which finally achieved consensus that there be two English boards for the Island of Montreal.<sup>84</sup> The boards did not co-operate and, in April 1985, Guy Dozois, Director General

of the Montreal Directorate of the MEQ, asked the group to come up with boundary proposals to be in effect in July 1986.<sup>85</sup>

#### Bill 29

In April 1985, François Gendron tabled Bill 29 to amend Bill 3 because, also on December 20, 1984, the day Bill 3 became law, the Supreme Court of Canada upheld the Quebec Court of Appeal ruling that Bill 57 (1979) was ultra vires in respect to pre-Confederation school boards in Quebec. Since the courts upheld the QAPSB position that Bill 57 would allow non-Protestants and non-Catholics in Montreal to vote in referenda should the Island School Council grant leave to the PSBGM and the MCSC to exceed the six per cent ceiling on tax revenues, and, since the Supreme Court decision also clarified, citing the Privy Council ruling in the Hirsch Case (Dominion Law Reports, 1928: 1042-1048), that the said school boards must be controlled by persons of the same religion, Bill 29 provided that, in Montreal, only Catholics and Protestants could vote in the pre-Confederation territories of the MCSC and the PSBGM. The QAPSB had taken legal action and, on May 25, 1985, Superior Court Justice André Brassard ruled that Quebec could not unilaterally reduce the pre-Confederation boards in Montreal and Quebec City to their 1867 boundaries and also ruled that the said boundaries grew as the city grew. Bill 3 was unconstitutional, and Justice Brassard issued an injunction preventing its implementation.<sup>86</sup>

Bill 29, adopted May 30, 1985, prevented non-Protestants and non-Catholics from voting for the PSBGM and the MCSC respectively, including their counterparts in Quebec City, and withdrew the PSBGM and the MCSC from the jurisdiction of the School Council of the Island of Montreal. In October 1985, the QAPSB and 'others' (representing the Jewish and the Greek Orthodox faiths) filed for a Superior Court injunction to block the application of the suffrage clauses of Bill 29 and to deal with the anomaly that the Island School Council still approved the budgets of the PSBGM and of the MCSC although both boards were now excluded from the jurisdiction of the same.<sup>87</sup>

The Provincial Association of Catholic Teachers (PACT) said English-speaking Catholics needed Bill 3 if their schools were to remain confessional under autonomous English-speaking boards. As English enrolments fell over the years, Catholic school boards made agreements with Protestant boards to send English Catholic students to Protestant schools. Since, however, the parents were not enumerated as Protestants, they were prevented from voting for Protestant school boards.<sup>88</sup>

In November 1985, the QAPSB lost its action (1983) in regard to the régimes pédagogiques, as the Quebec Superior Court upheld the province's control over the curriculum. By common consent, this has serious implications for the school boards.<sup>89</sup>

The Estates General on the Quality of Education in Quebec met in Montreal in April 1986 and heard that English-language

education could flourish only under linguistic boards and that the time had come for the pooling of Protestant and English-speaking Catholic resources to provide a strong English-language school system in the province.<sup>90</sup> Jérôme-Le Royer Catholic School Commission, however, made it clear that it would still challenge the constitutionality of non-confessional "assimilationist" linguistic school boards in Montreal.<sup>91</sup>

By fall 1986, it was widely felt that the constitutional route was the only way open for school board reform on the Island of Montreal. Twenty years of attempts at reform have failed, partly for the reason that the British North America Act, now incorporated in the Canada Act (1982), still does not reflect the linguistic, cultural, pluralist, and political climate obtaining in Quebec since the 1960's.<sup>92</sup> The Coalition for Equality in Education, formed in 1986 out of the ad hoc Committee for the Repeal of Bill 29 by the Mouvement Laïque Québécois, the Ligue des droits et libertés, and the Centrale de l'Enseignement du Québec, takes the position that there is a strong consensus in Quebec for non-confessional school boards and that an amendment to the Canadian Constitution Act (1982) is necessary to ensure that reforms reflect the pluralism of modern Quebec society and better respect the rights and liberties of all its citizens.<sup>93</sup>

Bill 29 was amended by the Liberals in June 1986, leaving the PSBGM and the MCSC under the jurisdiction of the Island School Council, and removing the confessional qualification from the

suffrage provisions of the law. Bill 3 is still on the books. The constitutional route to school board reform is another matter since Quebec is ~~not~~ yet a party to the constitution.<sup>94</sup>

### Summary

Proposals to dismantle confessional school boards were put forward by the Parti Québécois as soon as they took office. The Plan d'Action (1979) authorized school boards to establish non-denominational schools but the Quebec Superior Court ruled in April 1980 that, according to the BNA Act, only confessional schools may exist under the pre-Confederation schools boards in Montreal and Quebec City. The Superior Council of Education in September 1981 reported that what the parents demand is quality education, optional moral and religious instruction and that they see no urgency to change the confessional status quo.

Catholic bishops, in March 1982, played into the hands of the Parti Québécois when they agreed to the abolition of confessional boards as long as schools would be designated confessional.

Bill 40, tabled in June 1983, effective July 1985, provided for five French and three English-speaking school commissions on the Island of Montreal, while the two pre-Confederation boards in Montreal and Quebec City would retain their confessional status with respect to their 1846-67 boundaries. The constitutionality of linguistic boards was in question, and shifting the choice of confessional status to the school level

was also open to challenge. The provincial Federation of Central Parents' Committees, unlike the association of Central Parents' committees for the Island of Montreal, supported Bill 40, even though not all parents were competent or willing to assume the duties falling on the new school councils under the bill.

In January 1984, Laurin said he would like to see the BNA Act, Section 93, amended to protect language instead of confessionality. However, Quebec was not a signatory to the Canada Constitution Act (1982), and constitutional amendment would require negotiations between Quebec and the federal government and the other provinces. Meanwhile, the Canada Act, Section 23, guarantees Canadian citizens the right of choice in the language of instruction for their children.

In May 1984, cabinet withdrew Bill 40. Bill 3, which became law in December 1984, provided for province-wide, language-based, common, non-confessional, school boards, effective July 1, 1986. Again, the confessional guarantees of the BNA Act would still apply to the pre-Confederation boards in Montreal and Quebec City with respect to their 1846-67 boundaries. English Catholics supported language-based boards provided they had constitutional confessional guarantees at school level. Protestant boards across Quebec rejected Bill 3.

Bill 57 (1979) which limited the tax powers of the two pre-Confederation boards in each of Montreal and Quebec City, was ruled unconstitutional by the Supreme Court of Canada. Bill 29,



passed in May 1985, resulted from the Supreme Court's decision on Bill 57 which also clarified that the two pre-Confederation boards in Montreal and Quebec City must be controlled by persons of the same religion. Bill 29, amended in June 1986, prevented non-Protestants and non-Catholics from voting in the elections for the two pre-Confederation boards in Montreal and Quebec City.

Bill 3 was declared unconstitutional in June 1985 by the Quebec Superior Court which, at the same time, ruled that no provincial legislation could reduce the two pre-Confederation boards in Montreal and Quebec City to their 1867 boundaries. The Superior Court also granted a permanent injunction preventing the application of Bill 3, in whole or in part.

Twenty years of attempts at school board reform on the Island of Montreal have failed. In 1986 there was a growing consensus on the Island of Montreal for non-confessional school boards. There was also a realization that constitutional amendments to the BNA Act, Section 93, were necessary to ensure that reforms reflected the pluralism of Quebec society. Bill 29 has been amended and, essentially, the situation is back to that under Bill 71 (1972).

Meanwhile, there is a new Liberal administration in Quebec City, and, subject to accommodations on the educational provisions of Bill 101, it might be possible to work out a political solution to meet the legitimate linguistic and confessional aspirations of all Quebecers.

## Chapter Five

### CONCLUSION

Bill 62 (1969) proposed unified school boards on the Island of Montreal, as recommended by the Parent Report (1966).

However, unified boards were anathema to traditional Catholics and a cultural threat to the English community. Bill 71 (1972) abandoned the commitment to unified school boards, but the nationalism of the Bill 62 debate and the mistrust it generated set the tone for the reaction of English-speaking Quebecers to attempts at school board reform from Cardinal to Laurin.

Nationalist groups were consistently perceived to urge unified school boards in order to further their own political and cultural aspirations.

Bill 63 (1969) did not satisfy the Protestants as it did not provide constitutional linguistic guarantees, and neither did it please the unilingualists who felt that the measure, along with Bill 62, promoted bilingual schooling. Bill 28 (1971) was a turning point when the Liberal cabinet, under pressure from the Parti Québécois, decided to bring in a language policy before further pursuing the matter of reform. Bill 22 (1974) thus became a signal to the Protestants, in the interests of cultural survival, to dig in behind the BNA Act. In 1976, with the PQ coming to power, Catholics chose to do the same, fearing the

government was likely to abolish confessional school boards.

From the early 1960's, Protestants, while acknowledging that confessionalism was no longer appropriate as a basis for school board organization, warned that the status quo should be maintained until legislation provided for constitutionally protected language boards. In the 1970's, there were Catholics, who, while acknowledging that the confessional question was of minor importance in comparison to linguistic and cultural concerns and that a wide variety of attitudes had come to characterize Catholicism, still demanded the authentic Catholic school. This indicated that reform would have to accommodate those supporting the confessional option.

Briefs submitted to the Reorganization Committee (1975) identified three main groups to be taken into account in school board reform - the English-speaking community, the French-speaking religious nationalists, and French-speaking secular nationalists. The Committee, however, worked in a tense political situation due to linguistic nationalism, the rise of the PQ and the vacillation of the Liberals over the language question. Mistrust and the climate created by Bill 22 made reform impossible. The Island School Council itself was perceived to be highly political in terms of its party affiliations, in competition with the larger school boards, and not free from unilingualist bias, which perception limited its effectiveness as a negotiating body on behalf of the reform.

The Reorganization Committee Report (1976), pointed out that French-speaking non-confessional boards would be welcomed by traditional Catholics, since having had to provide for the needs of a large francophone non-confessional school-age population already, many Catholic schools in practice had become pluralist. Declining enrolments, on the other hand, ruled out a proliferation of school systems. The compromise motion finally adopted by the Island School Council for the status quo plus a non-confessional French-language sector within the Catholic system was meant both as a step towards unification and as an effort to meet a rising demand for such a sector among Catholics. In fact, Bill 101 (1977) pre-supposed the provision of non-confessional schooling.

At first, there was support for the Laurin concept of giving greater responsibility to the school until people suspected that under the plan no one would have power except the minister and that centralization in the interest of cultural nationalism was the objective of the PQ reform. In a climate of distrust the Laurin reform was doomed. From the start, Bill 101 made the English-speaking community suspect that the motive behind the reform was political - in the interests of linguistic nationalism.

Groups that usually had very little contact were unified against Laurin. His whole approach was considered to be arbitrary. Bills 40 and 3 would make such arbitrary behavior

legal as the minister could make changes merely through orders-in-council. The complicated formula for suffrage and the uncertain status of boundaries was unacceptable. Attempts to reduce the MCSC and the PSBGM to their 1867 status finished the plan in the courts.

The Liberals won all by-elections, even in PQ strongholds, but Laurin ignored the weak support for his party. By 1984, the PQ no longer had a popular base on which to proceed with a reform of such wide-sweeping implications. One PQ Bill after another was open to constitutional challenge. The unpopularity of the reform proposals, Bill 101, and the general economic crisis spelled caution, but the PQ came to the end of their mandate with their school board reform legislation in tatters. Bill 62 (1969) had shown that any approach that disregarded the aspirations of the population at large and was contrary to the BNA Act was bound to fail. Laurin operated in oblivion to the needs of reform as perceived by the rest of Quebec and, like Cardinal in 1970, offered accommodation when it was too late.

Since the early 1960's, unilingualists urged that the English Catholic schools no longer anglicize immigrants and French Canadians. In the 1970's and 1980's they insisted that reform make the school system adjust to the cultural and political objectives of Quebec society and that coercive measures to promote the French language in Montreal were justifiable. It was partly this attitude towards coercion of the minority that cost

the reform public sympathy.

Still, the approval of the federation of Quebec Parents' Committees, the capitulation of the bishops, the unexpected second mandate given the Parti Québécois, the court judgments in support of the educational provisions of Bill 22 and Bill 101, and the enthusiasm of English Catholics did lessen the hostility of the boards.

English-Catholics had no status under the existing law, Bill 71 (1972), and Bill 40 and Bill 3 held out for them the possibility, in some areas, of defacto English-language Catholic boards. In February 1982, teacher unions began to promote linguistic boards with confessional guarantees at school level, and, once English Catholics accepted that confessionalism be decided locally, there was more support for the Laurin proposals. A broad consensus developed that language boards with confessional guarantees at the school level was the answer.

There was a less hostile reaction to Laurin towards the end and there was a fundamental change in the perspective of the public on the benefits of the reform. If Laurin had proceeded with the sensitivity characteristic of Cloutier who engineered Bill 71 (1972) he might have succeeded.

Since 1975 there has been a major shift in the priorities of the Protestant school system on the Island of Montreal with declining English enrolments, increasing French enrolments and increasing demand for bilingual schooling on the part of the

parents. Demand has shifted from confessional protections in the 1960's to cultural protections in 1970's to quality bilingual schooling in the 1980's. Thanks to the attitude change brought about under Bill 101, there might be growing support for unified non-confessional geographically based school boards.

In 1976, the Quebec Superior Court ruled it was within the competence of the province to legislate the language of instruction, but, in 1985, the Supreme Court of Canada found that the educational provisions of the Canada Act (1982) applied equally to Quebec and the rest of the country. In 1986, however, school boards found cabinet ambivalent on the issue for fear of the nationalist groups, as was the case in the early 1970's, and this matter has to be unequivocally clarified.

In times of declining enrolment, mass unemployment among French-speaking teachers and rising nationalism, the matter of immigrants choosing English schools took on more importance than the numbers involved deserved. In Montreal, it should be understood, schools will probably always experience difficulty integrating immigrant children who speak no French, since, in North America, English is the language of economic success.

Language has gained greater importance than confessionality for all groups on the Island. Some Catholic school commissions, however, might still fight language boards for the sake of unilingualism. English boards presuppose a fairly homogeneous community, but the English in Montreal are far from uniform in

language, culture and religion. English-speaking Catholic students are mainly of Italian and Irish immigrant descent. The Protestant school population, including the French-speaking sector, is 40-50 per cent non-Protestant. The confessional aspirations of Protestants and non-Protestants are not the same as those of English-speaking Catholics, and it might be difficult to reconcile their pedagogical objectives under one system. The Catholic ethos is still a salient part of Catholic schooling and, for that reason, English Catholics prefer autonomy.

The impact of Bill 101 compromised the confessional system. The BNA Act contains no provision for what Bill 101 required - pluralist, neighbourhood, French-language schools. However, the 1980 Quebec Superior Court ruling that only Protestant and Catholic Schools may exist under the pre-Confederation school boards in Montreal and Quebec City suggested reform was impossible without constitutional amendments. The same applied to the 1985 Quebec Superior Court ruling that Quebec cannot alter the boundaries of pre-Confederation school boards. The constitutional protections of the PSBGM and MCSC stand to compromise any comprehensive attempts at reform.

There is consensus that the constitutional route to reform may be the only way after twenty years of attempts to reflect the pluralism of Quebec society and to better respect the rights and liberties of all its citizens. Constitutional amendment, however, is a complex and lengthy process involving outcomes



contingent upon the will of the House of Commons, the Senate, and the legislative assemblies of at least two thirds of the provinces. As yet, Quebec is not party to the Constitution, and much might depend on the terms upon which Quebec agrees to join.

However, negotiation between the school boards and the province rather than constitutional change might be the most appropriate route to follow. Further, the terms of such an accommodation are not cast in stone and are more responsive to demographic needs than constitutional decree. Negotiation may also be more appropriate than the constitutional route when public attitude is in a state of flux, reflected by the shift in priorities from confessional and cultural concerns to demands for bilingual schooling for the 1990's.

The impact of the language problem in Quebec on school board reform on the Island of Montreal was to generate mistrust from the start, resulting in a hardening of the positions of linguistic and confessional groups towards the reform and underlining for some the merits of the status quo. In 1975, a major shift in attitude was discernible as priority was given to cultural protections over confessionalism. In 1986, this attitude change had reached the point where the main concern was for quality bilingual education. The present ambivalent status of English-language schooling must be clarified. A negotiated settlement of the language question in relation to school board reform is unquestionably preferable to the constitutional route.

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- DESFORGES, ROBERT. (May 1984). Past Chairman, Sault Saint Louis Catholic School Commission.
- DOUGHERTY, JOAN. (February 1984). Past Chairman, PSBGM; Liberal MNA, Montreal-Jacques Cartier.
- DOZOIS, GUY. (March 1984). Director General, General Directorate, Department of Education, Montreal.
- FOX, MARCEL. (Mar. 1984; Ap. 1985). Director General, PSBGM.
- GECCI, JOHN. (February 1983). Assistant D. G., MCSC.
- LAFERRIERE, JEAN-PIERRE. (May 1982). Director General, Sault Saint Louis Catholic School Commission.
- LAPLANTE, RAYNALD. (March 1984). Director General, The School Council of the Island of Montreal.
- LAVOI-ROUX, THÉRÈSE. (March 1983). Past Chairman, MCSC; Liberal MNA, Montreal-L'Acadie.
- MCDONALD, MICHAEL. (Feb. 1983; May 1985). MCSC Commissioner.
- MIDDLETON-HOPE, CONSTANCE. (February 1984). Assistant Director General, The School Council of the Island of Montreal.
- MONGEAU, JACQUES. (March 1982; March 1984). Chairman, The School Council of the Island of Montreal.
- PATTERSON, L. P. (February 1982; April 1983; March 1984; March 1985). Past Chairman, PSBGM.
- PROULX, JEAN-PIERRE. (March 1983). Past Secretary, School Board Reorganization Committee (1973-76).
- ROBIDOUX, GÉRARD. (May 1983). Assistant Director General, Sault Saint Louis Catholic School Commission.
- SPILLER, ERNEST. (May 1982). Associate Deputy Minister of Education, Protestant.

## Appendices

### A      THE BRITISH NORTH AMERICA ACT (1867)

Section 93. In and for each Province the Legislature may exclusively make laws in relation to Education subject and according to the following provisions:

- (1) Nothing in any such Law shall prejudicially affect any Right or privilege with respect to Denominational Schools which any Class of Persons have by law in the Province at the Union.
- (2) All the Powers, Privileges, and Duties at the Union by Law conferred and imposed in Upper Canada on the Separate Schools and School Trustees of the Queen's Roman Catholic Subjects shall be and the same are hereby extended to the Dissentient Schools of the Queen's Protestant and Roman Catholic Subjects in Quebec.
- (3) Where in any Province a System of Separate or Dissentient Schools exist by Law at the Union or is thereafter established by the Legislature of the Province, an Appeal shall lie to the Governor General in Council from any Act or Decision of any Provincial Authority affecting any Right or Privilege of the Protestant or Roman Catholic Minority of the Queen's Subjects in relation to Education.
- (4) In case any such Provincial Law as from Time to Time seems to the Governor General in Council requisite for the due Execution of the Provisions of this Section is not made, or in case any Decision of the Governor General in Council on any Appeal under this Section is not duly executed by the proper Provincial Authority in that Behalf, then and in every such Case, and as far only as the Circumstances of each Case require, the Parliament of Canada may make remedial Laws for the due Execution of the Provisions of this Section and of any Decision of the Governor General in Council under this Section.

Section 133. Either the English or the French Language may be used by any Person in the Debates of the Houses of the Parliament of Canada and of the Houses of the Legislature of Quebec; and both those Languages shall be used in the respective Records and Journals of those Houses; and either of those Languages may be used by any Person or in any Pleading or Process in or issuing

from any Court of Canada established under this Act, and in or from all or any of the Courts of Quebec.  
The Acts of the Parliament of Canada and of the Legislature of Quebec shall be printed and published in both those Languages.

**B**      THE CHARTER OF THE FRENCH LANGUAGE (BILL 101) 1977  
CHAPTER VIII - THE LANGUAGE OF INSTRUCTION

Section 72. Instruction in the kindergarten classes and in the elementary and secondary schools shall be in French, except where this chapter allows otherwise.

Section 73. In derogation of Section 72, the following children, at the request of their father and mother, may receive their instruction in English:

- (a) a child whose father or mother received his or her elementary instruction in English in Quebec;
- (b) a child whose father or mother domiciled in Quebec on 26 August 1977, received his or her elementary instruction in English outside Quebec;
- (c) a child who, in his last year in Quebec before 26 August 1977, was lawfully receiving his instruction in English, in a public kindergarten class or in an elementary or secondary school;
- (d) the younger brothers and sisters of a child described in paragraph (c).

**C**      CONSTITUTION ACT, 1982 - PART 1  
CANADIAN CHARTER OF RIGHTS AND FREEDOMS

Section 23. (1) Citizens of Canada

- (a) whose first language learned and still understood is that of the English or French linguistic minority population of the province in which they reside, or
- (b) who have received their primary school instruction in Canada in English or French and reside in a province where the language in which they received that instruction is the language of the English or French linguistic minority population of the province, have the right to have their children receive primary and secondary school instruction in that language in that province.

(2) Citizens of Canada of whom any child has received or is receiving primary or secondary school instruction in English or French in Canada, have the right to have all their children receive primary and secondary school instruction in the same language.

(3) The right of citizens of Canada under subsections (1) and (2) to have their children receive primary and secondary school instruction in the language of the English or French linguistic minority population of a province (a) applies wherever in the province the number of children of citizens who have such a right is sufficient to warrant the provision to them out of public funds of minority language instruction; and (b) includes, where the number of those children so warrants, the right to have them receive that instruction in minority language education facilities provided out of public funds.

D

CONSTITUTION ACT, 1982 - PART V  
PROCEDURE FOR AMENDING THE CONSTITUTION OF CANADA

Section 38. (1) An amendment to the Constitution of Canada may be made by proclamation issued by the Governor General under the Great Seal of Canada where so authorized by (a) resolutions of the Senate and House of Commons; and (b) resolutions of the legislative assemblies of at least two thirds of the provinces that have, in the aggregate, according to the then latest census, at least fifty per cent of the population of all the provinces.

(2) An amendment made under subsection (1) that derogates from the legislative powers, the proprietary rights or any other rights or privileges of the legislature or government of a province shall require a resolution supported by a majority of the members of each of the Senate, the House of Commons and the legislative assemblies required under subsection (1).

(3) An amendment referred to in subsection (2) shall not have effect in a province the legislative assembly of which has expressed its dissent thereto by resolution supported by a majority of its members prior to the issue of the proclamation to which the amendment relates unless that legislative assembly, subsequently, by resolution supported by a majority of its members, revokes its dissent and authorizes the amendment.

### SIGNIFICANT DATES

- 1774 The Quebec Act: Freedom of Worship. French Civil Code.
- 1791 The Constitutional Act: Separate Legislatures for Lower Canada (Quebec) and Upper Canada (Ontario).
- 1840 The Act of Union: Province of Canada. Equal Representation. Official Language English.
- 1846 Principle of Religious Dissent. Common Denominational School Boards in Montreal and Quebec City.
- 1867 The British North America Act.
- 1869 Council of Public Instruction: Catholic and Protestant Committees.
- 1875 Abolition of Ministry of Public Instruction.
- 1951 Massey Commission on the Arts and Sciences (Canada).
- 1956 Tremblay Commission on Constitutional Problems (Quebec).
- 1961 Parent Royal Commission of Inquiry on Education (Quebec).
- 1963 Royal Commission on Biculturalism and Bilingualism (Canada).
- 1964 Bill 60: Ministry of Education, Province of Quebec.
- 1966 Viau Report: School Board Reform Island of Montreal.
- 1968 Saint Léonard Language Crisis Island of Montreal.
- 1968 Pagé Report: School Board Reform Island of Montreal.
- 1969 Bill 63: "To Promote the French Language in Quebec".
- 1969 Bill 62: School Board Reform Island of Montreal.
- 1969 Official Language Act (Ottawa).
- 1970 Bill 28: School Board Reform Island of Montreal.
- 1970 Quebec October Crisis. War Measures Act (Canada).
- 1972 Bill 71: School Board Reform Island of Montreal.

- 1972 Gendron Report on The French Language in Quebec.
- 1974 Bill 22: The Official Language Act (Quebec).
- 1976 Quebec Superior Court: 'Bill 22 is not ultra vires.
- 1977 Island School Council Report.
- 1977 Bill 101: Charter of The French Language (Quebec).
- 1978 Quebec Superior Court: Bill 101 ultra vires BNA Act (Section 133).
- 1979 Supreme Court of Canada: Bill 101 ultra vires BNA Act (Section 133).
- 1980 Québec Superior Court: Only Protestant and Catholic Schools exist under PSBGM, MCSC.
- 1982 ~~Con~~stitution Act (Canada).
- 1982 Quebec Catholic Bishops agree to Abolition of Confessional School Boards.
- 1982 Quebec Superior Court: 'Canada clause' applies to Quebec.
- 1983 Bill 40: School Board Reform (Québec).
- 1983 Quebec Court of Appeal: 'Canada clause' applies to Quebec.
- 1983 Quebec Court of Appeal: Bill 57 (1979) ultra vires.
- 1984 Bill 3: School Board Reform (Québec).
- 1984 Supreme Court of Canada: Bill 57 (1979) ultra vires.
- 1984 Bill 57 (1984): Bill 101 Amendment.
- 1985 Supreme Court of Canada: 'Canada clause' applies to Quebec.
- 1985 Bill 29: Bill 3 Amendment.
- 1985 Quebec Superior Court: Bill 3 ultra vires.
- 1986 Bill 58: Amnesty to 'illegals'.
- 1986 Bill 29 Amended.