

BRIEF

A RATIONALE FOR CHANGING

BILL 101

Presented by:

English Sector Parents
Coordinating Committee,
La Commission des écoles catholiques
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SYNOPSIS

The adoption of three linguistic laws in less than ten years, under three different governments, testifies to numerous social and political changes experienced in Quebec since the onset of the quiet revolution. Bill 63, (1969), Bill 22, (1974) and, more recently Bill 101, (August 1977) attest to the rapid advancement of the Franco-phone community's demands re: language which are applicable to all of the residents of Quebec.

For many this evolution exemplifies the need for self-assertion and identity long held in check by a system of social values which favored the introversion of the French Canadian collectivity thus keeping it aloof from the socio-economic mainstream of Canadian life in North America.

The first part of our brief attempts to relate the principal constituent elements in the field of education in Quebec before the complete reorientation of our system in the late sixties. What emerges from this is that the secret of the peaceful coexistence of the "Two Solitudes" stemmed from a systematic and complete mutual ignorance of the needs and objectives of each linguistic community. Thus we are easily convinced that the great reforms in the decade from 1960 to 1970 strove to correct delays and deficiencies originating from the tremendous indifference of the French collectivity towards affairs of state, commerce, industry, finance, and education. Can we, under these circumstances grieve against the English Community for having perceived those conditions for its survival to be the organization of a modern, democratic system of education in conformity with the needs of its citizens? The generation of Francophones over 35 years of age will recall how difficult it was to progress normally to the completion of

Secondary Studies (High School) because such courses were non-existent; one had to go to private colleges or to the diocesan seminary. The doors of the French universities were open to holders of a baccalaureate degree acquired after an average of fifteen years (7 years in public elementary school or eight years in private institutions such as colleges, or diocesan seminaries, scholasticates etc.). Except for certain liberal professions (medicine, law ...) English universities admitted high school graduates after only twelve years of scholarship. (Senior Matriculation) This structural difference alone made an English education considerably more enticing.

It was not until the mid 60's that Francophones organized a public secondary school system binding for all.* This reform capped by the creation of the CEGEP in 1969, established a necessary parallel between the English and French education systems. From this point of view, there was nothing surprising in the fact that many Quebec Francophones and the large majority of new-Canadians opted for the English school system. In our opinion, this choice stemmed more from socio-economic needs than from cultural and socio-linguistic imperatives.

In this respect, it is necessary to mention, notwithstanding Bill 63, that demand for admission into Anglo-Catholic elementary schools of the M.C.S.C. coming from the Francophone sector diminished on a regular basis from 1972 to 1978.

	<u>1972</u>	<u>1973</u>	<u>1974</u>	<u>1975</u>	<u>1976</u>	<u>1977</u>	<u>1978</u> **
Primary	11.3%	10.9%	8.8%	7.9%	6.8%	6.2%	5.6%

Does this trend not indicate that at last the French sector offers better guarantees for a normal and equitable scholastic develop-

*Compulsory school attendance until 16 years of age dates back to 1962

** Langue parlée (à la maison), C.E.C.M.

ment? Can we not equally conclude that these figures point to confidence and pride in the French language.

The second part of our proposal concerns the general tenor of Chapter VIII of Bill 101 and deals in particular with two types of implications deriving from the application of the four criteria of accessibility to English instruction.

First of all, the fact that instruction in English falls under the rule of a system of "Exceptions" or again is allowable only by derogation can satisfy the nationalist aspirations of a few, but surpasses the actual requirements originating from the need to ensure a French profile to Quebec. To render derogatory the exercise of a privilege guaranteed by a tradition of more than 100 years and founded on common sense as well as on an accurate perception of the North American demographic and economic realities implies a lack of confidence and an admission of weakness concerning the possibility of attaining the central objective of Bill 101. Is it not minimizing the attachment of the Anglophone Quebecois to this corner of the country and underrate their will and capability to adapt to new requirements? Already in 1978, on CECM territory alone, there are some 750 children admissible to English instruction who are freely attending French schools. If it is true that Quebec new nationalism now focuses on French as a means of cultural and political identification, and forges objectives which aim to establish the primacy of French for all of the usual activities of an organized collectivity, must we accordingly create the impression that there exists two categories of Quebecois, sharing a common citizenship? Must one also conclude that the intent of Bill 101 is to orient some 1.2 million Anglo-Quebecois (200,000 students) towards a last ditch struggle for the defense of the moral right to learn and to speak their language?

The necessary adjustments of the world of business, finance and research should obey the demands of North America and ought to function on the principle that the availability of human resources in the Canadian context is in the porportion of one to four. The routine transfers of

staff and specialists play an essential role in the maintenance and progress of provincial economy. What does one improve in creating a sentiment of alienation and cultural uprooting by the imposition of French education on the children of Canadian citizens without any distinction and without regard to the eventual costs of such an imposition. Quebec does not have to organize and deploy new teaching services in the English language. These exist already and they possess all the necessary human and physical resources required. The feeling of injustice, the lack of understanding and a growing feeling of revolt result not from the learning of a second language, but result instead from the obligation of having to accept a delay of at least a year before being able to follow a normal scholastic development amongst other things. Must the desire to live in French in the province of Quebec necessitate the display of a coercive front because 70% of Canadian citizens learn and speak English? However, over and above the present concerns, should we not equally fear lest the primacy of French in Quebec becomes no more than a cover-up for an out-dated isolationism?

A second aspect concerns the retro-active effects stemming from the application of the selection criteria for admission to English Schools (Chap. VIII, art. 73). The spirit and the letter of these criteria involve administrative decisions whose abusive and coercive character violate the common sense of numerous Quebec citizens. The general presumption is that those citizens who can comply with one or another of the provisions of the law, can be assimilated into the English community and are thus admissible to English school. As for the others, they are reputed to be Francophone; that is to say not admissible to instruction in English. These non-admissibles comprise, of course, all the French Quebecers, and also all non-Francophones residing in Quebec before August 1977 who, for a variety of reasons, cannot conform to one or another of the provisions of article 73. Their establishment of residence in Quebec not having been dependent on choosing the French language in the name of which principle or what kind of justice can we, after five, ten, fifteen or even twenty years require that citizens already integrated into the English community,

be obliged to have their children educated in French.

During the public debates before the adoption of Bill 101, the Minister of Education, the Minister of Cultural Development, and the Premier himself have clearly indicated that after one or two years of application of the law, it would always be possible to bring about required corrective measures to Chapter VIII of the law.

IS IT NOT TIME TO CONSIDER THE NECESSARY MODIFICATIONS
AND PROCEED WITH THE ADOPTION OF THE APPROPRIATE AMENDMENTS?

We do not contest the will nor the right of Francophone Quebecers to live and to work in their own language, nor do we strive to diminish the obligation of the non-Francophone to learn and to speak French as a second language.

Rather, our intent is:

- A. To RECOGNIZE the free access to an English education for all non-Francophone Quebec residents who were living in the province prior to the adoption of Bill 101.
- B. To GRANT the same privilege (according to the law) to all citizens of other Canadian provinces called upon to live in Quebec for an indefinite period of time.

PART A: HISTORICAL BACKGROUND

Jurisdiction and confessionality

The Act of Confederation of 1867, in its division of powers and rights between federal and provincial levels of government, delegates complete authority in matters of education to the provinces. Specific consideration is given to the province of Quebec in article 93 of the B.N.A. act:

- "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 Dissident Schools of the Queen's Protestant and Roman Catholic Subjects in Quebec:"*

These two sections form the legal basis for the existence of two systems of confessional education; one for Catholics (French speaking), and the other for Protestants (English speaking). Due to the historical and social evolution of the not-too-distant past, all non-catholics were required to attend schools within Protestant School Boards. Furthermore, this educational concept formed the basis for the inclusion of the Jewish pupil-population in this educational milieu as well as newcomers of the Orthodox faith.

*Codification of the British North America Acts (1867-1960)
Acts codified as of January 1, 1967, page 29.

From the middle of the nineteenth century, with the advent of Irish Catholic immigrants to Quebec, there arose a need for catholic education to be given in English. The growth and development of this particular group under the auspices of Catholic School Commissions can be explained, in its origins, by the sharing of a common faith and a common mistrust towards the English Protestant. At the turn of the century, it is noted that important groups of English Catholics emerged in such major urban centers of the province as, Sherbrooke, Three Rivers, Quebec City and Montreal.

These few remarks summarize the judicial and historical beginnings which characterized the evolution of the educational world along linguistic and confessional lines. The cornerstone of the educational system, the Council of Public Instruction, never fulfilled its mandate (thirteen meetings between 1860 and 1908; and three meetings in the early 1960's); the Catholic and Protestant committees worked with total independence in structuring and organizing educational systems which would best respond to the respective needs of each linguistic community according to their confessionality. The cultural, social and economic preoccupations of each group, without in themselves being contradictory, were for the most part different. The objectives of both elementary and secondary public school systems may be outlined as follows:

Catholic

- formation of good Christians
- cultivation of the soul and the heart
- establish a docile and hardworking workforce

Protestant

- formation of good citizens
- development of practical knowledge on issues and realities of social and economic life
- learning to organize and to direct

Globally these characteristics, until the most recent past (the 50's and 60's) were the principles which defined the respective goals to be accomplished by a "good" system of education.

The Quiet Revolution

In the post-war years, a tremendous urban growth stemming from industrialization and a progressive detachment from an ethnocentric concept of traditional values (Franco-Catholic), facilitated the commencement of an evolution which had been, for a long time, held in check by a system which was introspective and refractory for the most part to the pursuit of temporal and economic objectives. On the socio-political plan, Quebec's development over the last three decades has been marked by the new importance given to the role of the State in the orientation and improvement in the life of a collectivity, and in the complete reform of a system of education so patterned as to allow each person the accessibility and pursuit of studies in line with his capacities and his motivation. The beginning of the sixties is marked by a wish to evaluate and to bring into question traditional values.

Until then, the life of the Francophone in Quebec was centered on the family and on the parish. These two institutions advocated the vocations of the craftsmen, the farmers and the woodsmen for the large majority, and restricted priesthood, medicine, law and notaries for a small carefully chosen elite. The aftermath of the second world war and the greater accessibility to information (newspapers, radio, television) contributed greatly to a rapid change in thinking and the awareness to new and urgent needs.

Collectively, French Canadians become aware of their lack of preparation to face and to integrate (themselves) into the industrial and economic world of North America. On the political level, the Power, exercised by a young technocracy open and aware of contemporary values, define the new orientations and the modes of interventions that would permit the province of Quebec to insure fully its responsibilities in the development of a new society.

Henceforth, the government will no longer limit its role to that of being the builder of bridges and sections of road at election time, the

dispenser of funds for settlements and farming and the builder of parochial elementary schools in the shadow of the church belfry. In education, it is noted that public education was in a state of chronic under-development. Two extracts from the Memoire presented to the Royal Commission of Enquiry into Education in June 1962 by the Association of Professors from the University of Montreal, outline some of the reasons that explain the backwardness in this area:

"The ecclesiastical leadership feared the State, conscious of the power that she held, having not forgotten the battles that she had to fight after the conquest, to assure her liberty of action in the face of an hostile State and before an inglorious and/or irresponsible Canadian laity, basking in the adulation of a people who benefitted from the work done in hospitals and in education, counting on the devotion of its thousands of priests, religious, teaching brothers and nuns, orienting by its institutions of university learning, the political and economic thinking of its directors of the masses, the Church in Quebec had come to consider the role which it had been temporarily assigned by the existing circumstances as a mission of right. The episcopacy, supported by the traditional and conservative groups, watches the provincial State constantly, and forbids it to interfere in those domains which the clergy propose to maintain as its own. The miserable conditions in which Catholics lived in many countries of continental Europe, where the church is a victim of an open and systematic persecution, made the religious leaders of French Canada vigilant and suspicious. The teaching and the predications of the French religious who had been chased from their country by a sectarian legislation, would contribute, towards the end of the nineteenth and beginning of the twentieth centuries, to define more precisely the anti-State thinking of those chief interpreters of French Canadian society. Whosoever would propose a reform, a measure, a project necessitating the intervention of the provincial State in educational domain or in the area of social security risked being accused of having some Masonic allegiance or of being a Socialist.

In the name of anti-Masonry and anti-State and in the name of religion, the "opinion-molders" of the community blindly supported the status quo. They opposed compulsory school attendance, the unification of school texts, the founding of Ecole des Hautes Etudes Commerciales, the suppression of the one-room country school, the creation of specialized schools directed by the State, a better organization of the teaching profession, the reform of the Department of Public Instruction,

etc... To recall these sterile and oppressing debates, is to underline the recent causes which have delayed the progress of education in French Canada. It is hard to evaluate the consequences." (p.p. 18-20)

"The ecclesiastical administrators, in the domain of education had the ambition to maintain the monopoly which they had acquired at a period when the Church alone took an interest in secondary and university education. In many circumstances, the clergy showed itself to be uncompromising and its attitude created grave injustice to the detriment of the youth of French Canadian extraction. For example, it was only after long, hard battles, that the school commissions began to establish high schools, then called primary superior schools. The graduates of these public institutions had difficulty in being accepted in university studies. The tenacious opposition of high school institutions, directed by the clergy, made the task of coordinating education very difficult. Even though the monopoly in high school institutions called "private" was definitely broken some years ago, after thirty years of debates, the problem of the coordination of instruction is not as yet resolved. As far as university and higher education is concerned, it vegetated. The colleges and the universities of French Canada never received the revenues nor the professors it needed for normal development. Deprived of financial aid from the State, which it feared, and to which it did not want to have recourse, it meted out an inferior quality of instruction. All the eloquent discourses and all the emotional declarations voiced by these 'bastions of our human culture and of our survival', even if they possessed a grain of truth, did, unfortunately too often, serve to hide the brutal reality. In this area, the Church had assumed too heavy responsibilities. Its leadership and the French Canadian community in general, took a lot of time to become aware of this." (p.p. 22-23)

This historical view of the role of Church in education, primarily underlines that in the absence of a clear lay political direction, other instances thought it necessary and useful to become involved in issues essential to the progress and development of French Canadians.

On the economic level, the French Quebecer discovers that participation in the development of the province is both planned and controlled by outside interests. The world of industry, commerce and finance speaks English, makes decisions in English and identifies with the Canadian and North American contexts.

On the linguistic level we see reborn the primacy of the French language. This language ought to reflect the values and the culture of a people in the exercise of its fundamental rights and is perceived as an essential condition to the full and complete exercise of these two.

The World of Education

After the war, Quebec quickly becomes an industrialized society from which fact stems the identification of numerous needs, one of which being the need for the democratization of the system of education. On the administrative and financing levels, we witness a progressive centralization of the financing and decision-making powers in public Education. The teachers' unions become laycized and more radical as much in their professional and monetary demands as in the stands taken on the future and orientation to be taken by French Quebec Society. The high birthrate in the first part of this period 1945 to 1965, the high rate of immigration, an effort at intensive education as well as the obligation of attending school till sixteen years of age, (1962), are as many factors which tax to the limit, the network of human and physical resources available. We had to channel our best efforts to assimilate and to promote the administrative and organizational procedures flowing from the final objectives of a society which had decided to forge a new identity for itself on one hand and to participate in and to integrate itself in the economic and industrial development of the province on the other. Gradually, one notices that the waves of immigrants integrate themselves into the English Catholic and Protestant educational sector (90% of them). This new awareness coupled with the dramatic decrease in the Francophone birthrate (from the mid-sixties), as well as the necessity for a goodly part of the Francophone work-force to know and to work in English, particularly in the Metropolitan area, constituted the main factors which led to the creation of a movement for unlinguism in Quebec. The school crisis in St. Leonard, the campaign for a French McGill, and the passage of law 63 in 1969 are, at the same time, the direct manifestations of and the consequences of this concern.

It is appropriate to underline in passing a few of the reasons which motivate the immigrant to choose English as the language of education for his children. To begin with, has he not chosen a country which is legally bilingual, which can offer him by the same token greater possibilities to determine which of the two languages answer better his immediate and long range needs. Upon his arrival in Quebec, he discovers the indifference if not the hostility of the French speaking community. He gets the feeling of being perceived as a "robber" of jobs. His children, in the majority of cases are refused entry to the French school, which generally speaking, directs them to the English schools. Gradually, these English schools develop means of welcoming them which in turn help in creating a climate which diminishes the feeling of expatriation and fosters rapid integration. Moreover, isn't economic success found by knowing the English language, which knowledge his children would not acquire in a French school, even if they were admitted to it? Likewise, don't many Francophones attend the English school for the same reasons?

These tendencies are danger signs to the medium and long range survival of the French community. After having regained control of its system of education and after having reformed its objectives and structures, Quebec wanted to give itself the means to assert its identity and its will to live and to flourish in French. The means for affirmation were concretized by three successive linguistic legislations in less than ten years under three different governments. The progressive development witnessed through these three laws, as well as the general economy of each of these laws, translate a new feeling of confidence and assurance in the future of Quebec in general and in the French Canadian people in particular.

Language Legislations

For the first time in the educational systems of Quebec, a law (Bill 63) recognizes the principle of freedom of choice between instruction in the French or English language within the existing confessional systems.

It (the new law) establishes the necessity of having a knowledge of the French language for the clientele of the English system and decrees that the parents of future immigrant children are to have them taught in the French language. This legislation created the need for the establishment of the "Classes d'accueil" in the principal Francophone school commissions in the urban areas, classes which aimed at the linguistic and social integration of these children in the Francophone school milieu.

In this regard, it is appropriate to point out that the Anglo-phone sector, particularly during the years that followed the second World War, repeatedly welcomed children of all races and religions to make them residents of Quebec and Canadian citizens, and all this was done without receiving any additional funds (from the government). It must also be mentioned that the French educational sector in urban centers showed very little willingness to welcome the immigrants and make the necessary efforts to integrate this new clientele.

In 1974 a second law (Bill 22) decreed that French is the official language of Quebec, recognizes the linguistic duality of the educational system and limits the admission to the English sector to those who have a sufficient knowledge of that language needed for a particular level of instruction. Also, a knowledge of spoken and written French becomes a prerequisite for the completion of an English secondary course; and the Ministry of Education must take the necessary steps to insure the teaching of English, as a second language, to those pupils attending the Francophone sector.

Finally, Bill 101 (1977) reaffirms that French is the official language of Quebec and decrees that, "teaching must be given in French in kindergarten, in the primary and secondary schools subject to the exceptions mentioned in the present chapter". * However, the law makes provisions that, at the request of the parents, admissibility for instruction in English, is possible by derogation to article 72, following a number of conditions (Law 101, Chapt. VIII, article 73) and formalities which are

* Law 101, Chapt. VIII, Art. 72, 1st paragraph

onerous and fussy. The right for the existence of English sectors is maintained but limited to the number of students going to English schools before the passage of the law. The principle of free choice of English schools is maintained for all those who have a right to it.

Bill 63 was contested principally by Francophones, whereas the majority of those who opposed Bills 22 and 101 were believers in freedom of choice in the language of teaching. After ten years of debate, controversy and polemics concerning language rights and privileges, it is important to redefine certain fundamental notions.

According to the perceptions of some, in certain aspects, the struggles of the Quebec Anglophone community can be compared to similar struggles which took place on behalf of Francophone minority groups in the Maritimes, Ontario, Manitoba and by Maillardville in British Columbia. The resistance and set-back encountered, stem in large measure from the act of Confederation born out of the political union of two peoples who had their respective traditions, language and religion, and retained only confessionality as a fundamental right. The B.N.A. Act granted the provinces exclusive jurisdiction in the area of education. Neither the Canadian Declaration of Human Rights 8-9 Elizabeth II, c. 44 sanctioned the 10 August 1960, nor the Bill on the Rights and Liberties of the Individual sanctioned by the National Assembly of Quebec in 1970, retain language among the enumerated rights of Canadian citizens. It is understood that, notwithstanding the recognition of the language of the minority, the language of a country or of a province is the language of the majority national group of that same country or province.

PART B: PRINCIPLES UNDERLYING THE
RECONSIDERATION OF CHAPTER VIII
OF BILL 101

Linguistic privileges

Historically linguistic privileges in Quebec emanate from one's belonging to a particular confessional group. Historical circumstances along with the socio-political evolution of the Francophone majority favored the development and growth of the Anglophone network. The direction taken over the past twenty years reflects a political desire to have a Quebec which is as Francophone as the other Canadian provinces are Anglophone. To this end, chapter VIII of Bill 101 also respects the provisions of the Universal Declaration of the Rights of Man relative to the struggle against discrimination, (Section 11, article 5, paragraph c), which stipulates:

"It is necessary to recognize the right of national minorities to control their own educational activities which include the management of schools and, according to the educational policies of each state, the use and the teaching of their own language, with the following conditions:

- i) that this right not be exercised in such a manner as to prevent the members of minorities from understanding the culture and language of the collectivity and from taking part in its activities, or in a way which will compromise national sovereignty;
- ii) that the level of instruction in schools not be inferior to the general level of instruction prescribed and approved by competent authorities; and
- iii) that attending these schools remain optional."

Articles 72 to 88 in chapter VIII of Bill 101 deal specifically with the language of instruction and the conditions under which English instruction would be accessible to the Anglophone residents of Quebec.

First of all, taking into consideration the social, political and economic realities characteristics of Quebec and modern day Canada, taking into consideration the particular circumstances that determined the evolution and development of the teaching network, also taking into consideration the historical predominance of English in the world of business, commerce and finance and considering the facts and the necessity to continue to communicate and deal with the Anglophone people in the northern part of the continent; the inherent interest of both linguistic communities demands an immediate reconsideration of the overly restrictive aspects of article 73. This article read as follows:

"By derogation to article 72, they may receive instruction in English, at the request of their father or mother,

- a) children whose father or mother received primary schooling in English in Quebec,
- b) children whose father or mother was, at the time that this Bill was sanctioned, domiciled in Quebec and had received primary schooling in English outside of Quebec,
- c) children who, during their last year of schooling in Quebec before the coming into effect of the present Bill, were legally receiving English instruction in a public kindergarten class, primary or secondary school,
- d) the younger brothers and sisters of those children mentioned in paragraph c."

Progress of the French Language

The aforementioned administrative criteria determine the norms for admissibility to English language instruction. Their application over the past two years proved to be regressive, unjust and discriminatory towards many neo-Canadians (to mention only one affected group) residing in Quebec before the adoption of the Bill. In other respects, it is worth mentioning that a significant change in attitudes took place in the metropolitan Anglophone community. The newspaper, La Presse, on its editorial page of the September 5, 1979 edition, commented on the results

of a study conducted by the SOREGOM Society. According to this study, it seems:

"that the Franco-Quebecers are having progressively less difficulty using their language to work and to be served in French by business.

The same group carried out a similar poll in 1971 under the auspices of the Gendron Commission. A comparative study of the two consultations shows that great progress was achieved over the last eight years.

It is true that during this period, two language laws were adopted in Quebec; Bill 22 in 1974 and Bill 101 in 1977. Without denying that they played an important role in the evolution of the situation, we cannot grant them all the credit.

The evolution referred to in poll is the product of several factors of varying importance, the principal one being without doubt the pride which filled the Franco-Quebecers as a result of their accomplishments in various sectors over the last twenty years.

Notwithstanding certain drawbacks, the Quiet Revolution from its inception in the sixties, gave the Quebec Franco-phones a greater sense of self-assurance. Having taken the affairs of State in hand, the ambition to gain greater control over the economic and social environment of a society where they constituted the majority, followed naturally. One must not forget the great nationalist spirit which played a motivating force in developing this consciousness.

Having become more proud and more confident, Franco-Quebecers tolerate less and less their being treated as inferiors and strangers in a society in which they constitute a majority and which they are in the process of transforming to their image and their likeness.

It is this very change in the psychological climate which permits the legislator to accelerate matters by means of restrictive linguistic laws.

If, among the particular factors which contributed to these changes, it is necessary to mention the legislations, we must not neglect to underline the role played by the Trade Union movement, which by means of collective agreements and, at times, strikes, succeeded before the law maker in making known the rights of the French in several areas of work.

Another factor which must not be neglected is the natural evolution of the English minority which dates back prior to the adoption of linguistic legislation. Feeling and fearing the profound changes which were occurring in Quebec, the English community began to modify its attitudes and certain modes of behavior.

Over the past few years, more and more Quebec Anglophones, particularly the young, began studying French. Today many Anglo-Quebecers have an acceptable knowledge of French and are not opposed to using it in their dealings with the majority.

Sign of the times: apparently it is the unilingual Anglophone who experiences the greatest difficulty in today's labour market.

This study reveals that the Francophone of Quebec has a new sense of security and satisfaction in linguistic matters. This is very encouraging for the future."

This short article indicates very revealing trends and indicates, in spite of noted tensions, a rapid evolution of both traditional and reciprocal attitudes on the part of each linguistic community. The approach taken over the past twelve years, and the enactment of two restrictive laws (Bills 22 and 101) shattered the existent inertia and allowed for the search for a new equilibrium which is more in line with the socio-cultural realities of Quebec.

Implications and consequences

However, does the need to affirm the primacy of the French language, necessitate that 20% of the Quebec population (1.2 million Canadian citizens) be forced to become involved with exemption procedures if they want to be educated in the language of their choice? Would it not be better to recognize that for many years, the Anglophone school networks and universities were the cultural, economic and social link with the rest of Canada, the United States, Europe and the Commonwealth nations. This system of education owed it to itself to reflect, first and foremost, the needs, values and aspirations of its own linguistic community.

At the same time, this network of institutions permitted numerous French Canadians to acquire the knowledge and expertise not yet available at similar levels in Francophone institutions (commerce, engineering, science, research, etc..). It is only after many long struggles that permission was given to teach these disciplines in Francophone universities.

Is not the Quebec of today the result of the merging of socio-economic, cultural and political forces emanating from the contributions of milieus which though linguistically distinct are subjected to similar conditions and constraints? In this context, the fact of constantly referring to the English language as "a language other than" without naming it, and to decree that from now on, accessibility to instruction in this language will only be possible by derogation, cannot help but create a feeling of frustration and of rejection shared by a great number of Quebecers. Quebec was never a part of Confederation by derogation, and very few Canadians, landed immigrants, independent of their language of origin at the time of the adoption of Bill 101, or their descendants, would have accepted that a statute and its accompanying privileges fall henceforth under the rule of a regime of exception.

Notwithstanding Quebec's legislative powers in matters of language, and without prejudice to these same powers, the question arises as to whether it is worthwhile (sociologically and economically) to create a climate of distrust, of confrontation, of uncertainty and this, particularly at a time when we are witnessing a movement of head offices from the East to the West of the country. As a case in point, the shift of populations between the provinces tragically underscores the flight of both human and financial capital towards more hospitable quarters. In point of fact, for the period 1973-1974 and 1977-1978, the report of Statistics Canada pertaining to losses and gains in population 0 - 18 years of age, confirms this trend.

Period: 1973-74 to 1977-78

Age Group 0 - 18 years

<u>Losses</u>		<u>Gains</u>	
<u>Quebec</u>	<u>Ontario</u>	<u>Alberta</u>	<u>British Columbia</u>
24479	17925	30897	4374

Quebec seems to be unduly subjected to sudden fluctuations in the area of actual losses. For each of the years recorded the following variations are noted:

<u>1973/74</u>	<u>1974/75</u>	<u>1975/76</u>	<u>1976/77</u>	<u>1977/78</u>	<u>Total</u>
-293	-2316	-2970	-6546	-12354	-24479*
	<u>Bill 22</u>			<u>Bill 101</u>	

It is important to notice that Quebec displays a proportionally higher rate of departures than Ontario and that the particular conditions of the Quebec economy cannot by themselves explain the number of tabulated departures.

Bill 101 and the economy

Since the sanction of Bill 101, several organizations such as The Chamber of Commerce of the Province of Quebec and Le Conseil du Patronat, have, on various occasions, underlined the difficulties and anxieties of the Quebec business milieu resulting from the recorded trends, as well as from the direct and indirect consequences of the exacting demands of the law on the development of the provincial economy. More particularly, there was a great concern for additional difficulties encountered by businesses in recruiting diversified and qualified personnel to a greater or lesser extent, in short supply in Quebec.

* Inter-provincial and international migrations of Canadian children 1977-78, Statistics Canada, Catalogue 81-216, June 1979.

Furthermore, the routine transfer of executive personnel and specialists necessary to assure the survival and the competitiveness of Quebec enterprises becomes more and more of a problem.

The measure selected by the legislator (an exemption of three years, renewable for a period of the same duration, dependent upon the presentation of a proof of need by the enterprise) denotes a theoretical approach rather than a logical and a practical one. In addition, it engenders additional administrative measures and pointless interference. It hampers the freedom of movement of people within a country. Would it not have been more worthwhile to rely on the fact that the progressive use of French in the Quebec business world proves the evident need to communicate in this language? It would then have become unnecessary to define by law the duration of sojourn of Anglophone citizens from other provinces.

During the public debates before the adoption of Bill 101, the Minister of Education, the Minister of Cultural Development, and the Premier himself have clearly indicated that after one or two years of application of the law, it would always be possible to bring about required corrective measures to Chapter VIII of the law.

IS IT NOT TIME TO CONSIDER THE NECESSARY MODIFICATIONS AND PROCEED WITH THE ADOPTION OF THE APPROPRIATE AMENDMENTS?

Criteria of admissibility and retroactivity

The actual experience acquired since September 1977, following the application of Bill 101 and the procedures adopted to determine admissibility to English schools brought to the fore numerous cases which demonstrate the retroactive effects of the legislation as unjust, punitive and vexatious.

Paragraphs a) and b) of article 73 stipulate that: can receive instruction in English at the request of their parents or tutors, those children whose parents are Anglophones. The anglophone is one who has received six years of primary instruction in English in Quebec; or outside Quebec, if he was, however, a resident of the Province before the adoption of Bill 101 in 1977. What do we do with the children of Quebec residents already integrated into the Anglophone community for several years, but who cannot comply with the above criteria? The age at the time of entry into Canada (secondary education level, collegial level or university level) or again the economic conditions of the family having forced them into a premature entry into the work force, constitute factors which can render inadmissible to instruction in English, the children born to such couples. Strictly speaking, we can admit that instruction at the primary level in a particular language is one sign of belonging to a particular linguistic community, but there is much more to such a belonging than a few years of schooling even if they were at the primary level. In this respect, the average scholarship of the majority of Francophones before 1950 would not have allowed them to be classified as such (Francophones); and yet they were Francophones for many other reasons (historically, socially, linguistically, religiously, etc...).

The same type of reasoning is applicable to members of the Quebec English community (before 1977) who had desired and obtained the right to have their children educated in the French language at the elementary level, and then to continue their subsequent studies in English. Their descendents are not admissible to English schools. On the other hand, children of Francophone parents who had attended English primary school, and thereafter continued their education in French can avail themselves of the privilege of choosing English as the language of instruction for their descendents.

Paragraph c) recognizes as admissible children who were registered under Bill 22. Is it not ironic that after having discredited the use of certain aptitude tests instituted by another political regime,

the new regime renders them acceptable one year later for the purposes of another law.

Paragraph d) recognizes as admissible younger sisters and brothers of an older (member of the family) who is legally registered in an English school. However an older sister or brother becomes inadmissible if the younger one has preceded them.

Some examples

- A. Brothers and sisters of a family who have been integrated into the English milieu for a long time (have frequented different schools) some have frequented English primary schools and the others, French primary schools. Depending on the scholastic antecedents of the spouse, their descendants will have or will not have the choice of the language of instruction.
- B. Two neo-Canadian couples, married in 1968, will experience two different school orientations according to the date of birth of their first child. The first family's child born in 1969 attends the English school from 1974. The second family's child, born in 1973, is in 1978 not admissible to English instruction. These Quebecers, Canadian citizens, are treated differently with regards to the freedom of choice of the language of instruction which nonetheless exists and is available.
- C. The oldest member of a family has terminated or abandoned his high school studies in the English language; the younger sister or brother makes a request for admission to an English kindergarten in 1978. He/she is declared not-admissible to English instruction.

- D. Children whose mothers or fathers attended a bilingual school (so-called) can be declared not-admissible to English (instruction); these (bilingual) schools have been classified as having a Francophone status as of 1977.

These few examples illustrate several of the numerous categories of cases encountered during the period of requests for admission to the network of schools offering an education in English. On the one hand, they demonstrate the retroactive effects of the application of the selection criteria listed in article 73. On the other hand, one should not ignore the anguish engendered by orienting a child towards the Francophone school milieu, a milieu traditionally hostile to strangers, where the neo-Canadian has to endure at times name-calling and cat-calls, and at other times rebuffs and insults. Hasn't the experience of a neo-Quebecois child voluntarily attending Francophone school taught us that the voluntary approach tends to minimize if not eliminate these negative reactions? Under these circumstances, should the law necessitate that neo-Quebecois, already Canadian citizens or enjoying landed immigrant status prior to the sanction of Bill 101, be obliged to accept conditions imposed on immigrants who arrived in Quebec after August 26, 1977.

All those who are inadmissible to instruction in English, depending on their financial means and intelligence can without reservation attend an English private school which is not subsidized by the Quebec government.

Does not the role played by the Appeals Commission with regard to the interpretation which must be given to the number of years of elementary schooling in the English language, invite a reconsideration of the restrictive or incomplete nature of the criteria. In the same view, has not the Minister of Education, by virtue of a recent decision, recognized the permanent admissibility to English education of about 1000 students whose parents had decided to change their temporary resident permits to that of landed immigrants (Period: August, 1977 to June, 1979). The "à-propos" of such a decision requires no contestation but it particularly underscores the necessity for offering similar treatment to all neo-

Canadians who were residents of Quebec before the application of Bill 101.

The immigrant who arrived before August 1977, chose a new nationality and country which is officially bilingual. The fact of living in Quebec brought with it the advantage of having access to either of the linguistic networks of schools. It must be admitted that the expectations of the Ethnic communities during the last thirty years had to be oriented towards the Anglophone sector, after the undeniable and repeated refusals of the Francophone urban school networks to receive them and to make them feel at home. For many of their kinsmen (inadmissible cases) the objectives aspired to, strongly resemble an overall attempt to assimilate them against their wishes. Does not the dramatic drop in birthrate among the Francophones, as well as a consciousness of the short, medium and long term effects of such a tendency not constitute an explanation of the sudden self-interest of the French Canadian collectivity in their regard? The recent history of the evolution of the school systems of the two principal linguistic communities, and of their respective roles in the cultural and economic development of Quebec would be incomplete if we failed to mention that, despite Bill 63, the requests for admissibility to the primary level in the English Catholic Schools of the C.E.C.M., emanating from the French sector have diminished to a significant extent since the beginning of the present decade.

	<u>1972</u>	<u>1973</u>	<u>1974</u>	<u>1975</u>	<u>1976</u>	<u>1977</u>	<u>1978*</u>
Primary	11.3%	10.9%	8.3%	7.9%	6.8%	6.2%	5.6%

These statistics confirm that the possibility of the freedom of choice in the language of instruction is not a determining factor as far as the future for the Montreal Francophone community is concerned. Rather, it disproves the allegations which claim that emergency measures were necessary to stem the progressive orientation towards and the assimilation of an increasing number of Francophones by the Anglophone school network.

* Langue parlée (à la maison), C.E.C.M.

CONCLUSION

The adoption of Bill 101 by the National Assembly in August 1977 marked an important step for the affirmation and the future evolution of the Franco-Quebecer. It is not our intent to negate the will nor the right of Francophone Quebecers to live and to work in their own language, nor is it our intent to diminish the obligation for non-Francophones to learn and to speak French as their second language. It is necessary, however:

- A. To RECOGNIZE the free access to the instructional services in the English language to all non-Francophone residents in Quebec whose presence here is anterior to the adoption of Bill 101.

- B. To GRANT the same privilege to all Canadian citizens from other Canadian provinces who are called upon to reside in Quebec for an indefinite period.

These two measures along with the amendments which they imply respect the spirit of Bill 101. They aim solely, to eliminate the retroactive effects of article 73, to facilitate the free movement of people within the country, and to enhance the collective economic well-being.

