



SUBMISSION

TO

JOINT COMMITTEE OF THE HOUSE OF COMMONS
AND THE SENATE OF CANADA
ON A RENEWED CANADA

Submitted by

QUEBEC FEDERATION OF HOME & SCHOOL ASSOCIATIONS

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DECEMBER 1991

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ABSTRACT

The mandate of Quebec's Commission on the Constitution was to canvas public opinion around the province, and subsequently to make proposals to the National Assembly for a new constitutional agreement. Premier Robert Bourassa excluded from the options the status quo and annexation to the United States. Quebec Federation of Home & School Associations (QFHSA) would also exclude the model 'national' Sovereignty/Association, i.e., one where there is a common currency and free trade between the provinces but, in sensitive areas where jurisdiction is shared by the federal and provincial governments, such as immigration, manpower, education, communications and the environment, Quebec acquires exclusive political control by a transfer of jurisdictions from the federal level. Such transfers relieve the Federal Government of its constitutional protective obligations in regard to individuals and minorities in Quebec without compensating protection at the provincial level that enables such individuals and minorities to continue to develop and flourish.

From its beginning in 1867 Canadian federalism has in fact been a version of sovereignty/association. Sections of the Constitution, 1867, tabulate the powers of the federal and provincial government, and within those jurisdictions each is supreme. Education is a good example because two fundamental Canadian compromises, entrenched in the Constitution, 1867 and 1982, were in this area. In the Constitution education is a provincial responsibility and the provinces are sovereign in that domain, except for parental rights and associated conditions that were agreed to in the Confederation Debates and entrenched in Section 93, Constitution, 1867. This latter granted dissentient minority rights to parents and provided for remedial measures by the federal government.

Over the years the flexibility of the federal system Canada had adopted has provided its citizens with a reasonably stable equilibrium in governance. In recent years however the federal system has shown signs of disequilibrium as the system of checks and balances became eroded by the passage of time and the transfer of powers. To correct this institutional malaise Parliament, in the past decade, has legislated another fundamental compromise in education between provincial and federal governments - Section 23 of the Charter of Rights and Freedoms, 1982. This section was a political compromise designed to correct on a national scale the progressive erosion of minority official language groups. Despite the initial intention of Section 23, its achievement has been partially obstructed by the presence of Section 59 in the Constitution, 1982. This section facilitates Quebec's denying to naturalized

Canadians of English mother tongue the right to have their children's school instruction be in that tongue. The justification for the denial is the fear in Quebec that the linguistic minority school system would be swamped by new Canadians of English mother tongue. But the demolinguistic profile of Quebec shows that such fears are totally unfounded and the suggestion of asymmetric linguistic rights in education is totally erroneous in the context of the statistics and the Constitution. Since the English minority in Quebec is part of the national linguistic majority community it has equal rights and status with the majority linguistic community in Quebec. Whatever form of governance the Commission ultimately recommends it should ensure the repeal of Section 59, or its new equivalence.

of Quebec. These associations are active from the Gaspé peninsula in the East to Aylmer in Western Quebec, from the Eastern Townships in the South to Baie Comeau on the North Shore. The policies of QFHSA reflect the concerns and aspirations of its local associations and individual members across Quebec. Although the Federation originated with and still consists largely of local Home and School Associations within English schools of the provincial Protestant school system, Quebec Federation itself is non-sectarian and includes groups of both official languages. Membership is voluntary and its annual fee is \$9.00. Thus the membership of Quebec Federation is a cross section of Quebec parents - Protestant and Catholic, English and French - who share a common set of values and goals.

In addition to the local Home & School Associations, the Federation includes about 100 Group Affiliates. These include School Committees, Parents' Committees, School Boards, private schools, Teachers' Associations, Indian Education Centers and other groups interested in the education and welfare of children.

QFHSA itself is a constituent member of the Canadian Home & School and Parent-Teacher Federation, the largest voluntary, independent, parental organization in Canada. Further information concerning the history, structure and goals of

A. INTRODUCTION

The members of Quebec Federation of Home & School Associations (QFHSA) welcome this opportunity to participate in the nation-building process of Canada through the auspices of the Joint Committee of the House of Commons and the Senate of Canada. We appear here not as constitutional consultants proffering professional advice, but rather as spokespersons for concerned parents of children who are the consumers of educational services in Quebec. For generations informed parents had believed the nature and quality of such services were guaranteed by provisions of constitutional clauses that were ironclad. But since the onset of the 'quiet revolution' in Quebec in the 1960's and the response of the federal political parties since then of currying the 'nationalist' vote in Quebec, the guarantees have proven to have had little protective strength.

At a QFHSA meeting of its Board and the Presidents of local associations, this past summer, there was unanimous agreement that the remedy of this constitutional deficiency should have priority in the nation-building process. We will explain why we arrived at that conclusion, but first we will tell you a little about QFHSA.

1. The Organization

The membership of QFHSA is drawn from families and individuals within local Home & School Associations throughout the Province

QFHSA may be found in the brochure "It's About Us" (Appendix I).

2. The Aims of Home & School

While there have been active Home & School Associations in the Province since 1919, the Quebec Federation of Home & School Associations was founded in 1944, and eventually was incorporated by Letters Patent issued under the Quebec Companies Act in 1959. The Federation's stated objects and purposes are the following:

To provide facilities for the bringing together of the members of Home & School Associations for discussion of matters of general interest and to stimulate cooperative effort.

To assist in forming public opinion favourable to reform and advancement of the education of the child.

To develop between educators and the general public such united effort as shall secure for every child the highest advantage in physical, mental, moral and spiritual education.

To raise the standard of home and national life.

To maintain a non-partisan, non-commercial, non-racial and non-sectarian organization.¹

Quebec Federation of Home & School Associations, as an independent volunteer parental body, has an exceptional history of responding to the issues in public education, particularly in the last 25 years. During that time QFHSA has submitted

¹ QFHSA, Constitution, Article II, p. 1.

numerous briefs to various governmental authorities on relevant educational issues (Appendix II).

The preparation of this Brief and of its thrust was approved by the 34 member QFHSB Board of Directors on November 22, 1991.

B. PRELUDE TO THE ISSUE

The last week in March, 1991, the Campeau-Bélanger Commission reported. It had concluded Quebec was unlikely to get the constitutional changes it is asking for to meet its specific needs, aspirations and vision.

Having drawn that conclusion, the Commission adopted a dubious premise: that in the constitution the Fathers of Confederation had had the foresight to include a provision, the equivalent of a motorist's four-lane freeway to take separatists to their desired destination -- secession. This freeway offers unhindered access to its fast lane and the costs of choosing it are the nuisance costs of changing the route.

The reality is there is no such equivalent in the constitution to accommodate the separatists' desire today for self-determination. To ignore that reality incorporates an uncertainty about massive devolution in the future that should not be weighted lightly, as events in Northern Ireland, Sri Lanka, and Croatia so sadly illustrate.

Nor will such separatists qualify for self-determination under United Nations' criteria, since Quebec has never been an independent sovereign nation at some time in the past, as have, for example, the Baltic nations of Estonia, Latvia and Lithuania. So without challenging the statements that Quebec is different from the other provinces, or that French culture is unique in North America, nevertheless, one of the basic assumptions of the Campeau-Bélanger Report in regard to massive devolution has an air of fantasy about it.

Having developed its arguments, the Commission then simplified the array of multiple options by premising that the choice to be made by the Quebec electorate related to a collective journey along one of two mutually exclusive routes: 'secession' or 'renewed federalism', the latter route excluding from the choice the current Canadian 'status quo'.

From our reading of its text, to us the Report seems tilted toward the choice 'sovereignty'. But the alternatives are discussed fairly by the Commission, and it refrains from recommending a choice, saying that choice is up to the electorate. But it did recommend that a referendum on the choices be held before September, 1992.

In response to the developments in Quebec, in late September, 1991, the Federal Government released a draft proposal for

renewed federalism. A few weeks later it announced the appointment of a Parliamentary Committee of 30 members from the House of Commons and the Senate. They were to hold public meetings in the regions of Canada to gather the concerns and expectations of ordinary Canadians. But the time elapse between the announcement of intent (September 25th) and dates for hearings (early December) has been so short it has defeated the Committee's own mandate as well as the desires of 'ordinary' Canadians.

QFHSA for example, is a federation of local Home and Schools that have been organized and operated by parents of children in the school in question. These parents are 'ordinary' Canadians -- professionals, tradesmen, salesmen, managers, owners of small businesses, nurses, schoolteachers, housewives, managers, corporate executives, etcetera. They and the schools their children attend are scattered across Quebec -- up the Ottawa Valley, in the Eastern Townships, on the North Shore, down in the Gaspé, and in the Greater Montreal area. Our members voluntarily pay through their locals an annual fee to QFHSA. Eighty percent of QFHSA's revenue is from this source.

Many of the schools are 'denominational' or 'dissentient', or both, as defined by Section 93 of the British North America (B.N.A.) Act, 1867. That section, as I am sure you know, was defined by former Justice Bertha Wilson, in her judgement on

Ontario Separate schools, as the basic compromise of Confederation. So our members are not only 'ordinary' Canadians, they are the Canadians targetted as being the most likely to be affected by a possible change in provincial jurisdiction in regard to education.

If we really believe in our vaunted democracy, surely the voices of people in the minority linguistic community in Quebec should be heard. If given the opportunity to speak, you will find they are down to earth people. They are likely to express concern about the future prospect of their provincial public school system.

Protected status has not sheltered schools from the precipitate drop of enrolments due to language legislation, nor from the prospective further future decline of enrolment owing to the present losses from the minority community (100,000 net departures between 1976 and 1985) as the child-bearing generation (21 to 40 years of age) moves elsewhere before settling into their individual life careers.

Such a loss of prospective human contribution was sufficient to induce the former East German regime to put up the Berlin Wall. But it was not sufficiently audible from across the Ottawa River to induce the Joint Committee struck for the Meech Lake

Accord to give QFHSA -- which only speaks for its members and not for the whole "forgotten minority" in Quebec -- a hearing.

This time around we have been promised a hearing. But there has not been enough time to canvas all our member families spread across Quebec in regard to the Federal Government's plan and its implications for rights pertaining to language or education.

Fortunately we have our readings of our members' desires and concerns from the canvassing we did for our position on the Meech Lake Accord. Those desires and concerns will guide our comments in regard to the issue and the Federal Government's response.

C. THE ISSUE

Since 1759, Quebec has twice failed either to avoid dismemberment, or to satisfy enough of its ascendant class (middle-class professionals) that they prefer the prevailing status quo (British Colony, 1838) to an independent French state (Rebellion, 1838). Today, one hundred and fifty-three years later, Canada is faced with the same dilemma. Has contemporary Quebec failed to satisfy enough of its ascendant class (middle-class professionals and burgeoning capitalists) that in majority they do not prefer that Quebec be an equal partner in a federal state, to being masters in a unitary

French state? If the majority turn out to favour the latter there will have to be some restructuring of the nation. If we can use an analogy from America's favourite sport, Federalism is at bat, it has two strikes against it, and the coming pitch could be strike three and it's out -- literally. So we had better be sure we have our best pinch hitter at bat. That entails knowing a bit of our history (Appendix III).

D. THE POLITICAL SETTING

A striking feature of the Historical Preview is how circumstances and strategies recur in the evolution of communities. For example, in the first parliament in 1841 -- after the Rebellion of 1837-38 -- the circumstance was one of linguistic duality in the Legislative Assembly, but by law one official language -- English. Lafontaine used his parliamentary and political skills to recover official status for the French language, to establish the principle of "double majority"; to achieve responsible government for the Province of Canada while retaining a degree of autonomy for sections Lower and Upper Canada, and by the precedents he set for his successor to achieve an elective Legislative Council. With those achievements he established the equality of individual and community rights between the two Canadas. But such equalities do not necessarily sum up as cultural equality.

In the 108 years from occupation to Confederation, the culture of French Canada was always under the domination of the British. Indeed, even after Confederation the French culture of the national linguistic minority community has been under the domination of the North America majority linguistic community. So, as a community they had over 230 years of experience in the defensive use of cajolery, obstruction, alliances of convenience, and convenient mythology. They have refined their skills in opposition in order to offset domination, and in the techniques of community response; initially to survive as a community, and more recently to grow and develop as a province -- as illustrated by the phrase, Quebec Inc.

Hence in the post-Meech Lake Accord era, as in the post-Rebellion, 1837-38, Quebec has sought out political allies with whom it can make common cause, and at the same time has adopted a political pose of self-isolation to assert the equality of the dual national linguistic communities. This is in contrast to the Canadian convention of equality of the provinces. This political self-isolation accentuates the impression that although multicultural in reality, in political choice, Quebec tends to be ethnocentric.

But the inward-look is not all due to Quebec. There is an element of 'politics Canada' in it. Both major federal

political parties have made appeals to Quebec nationalism as part of their electoral strategy.

First the Liberals, under Lester Pearson, sought to develop in the early 1960's a new relationship with Quebec -- called co-operative federalism -- to recapture the Quebec lost to Diefenbaker in 1957. In Patricia Smart's book, The Diary of André Laurendeau, Laurendeau in a footnote cites from Lester Pearson's, The Memoirs of Lester Pearson.

Pearson describes in his memoirs the concept of "co-operative federalism" he held at the time:

My viewpoint was one of sympathy to the provinces, especially to Quebec, in their desire for more control and for more resources. By co-operative action one could encourage the devolution of power, with the provision that a province could, if it wished, restore authority to Ottawa. In this manner we might make provision for Quebec to develop de facto jurisdiction in certain areas where she desired it most. Although the federal government had to retain intact certain essential powers, there were many other functions of government exercised by Ottawa that could be left to the provinces. By enforcing a centralism perhaps acceptable to some provinces but not to Quebec, and by insisting that Quebec must be like the others, we could destroy Canada. This becomes my doctrine of federalism.

Lester Pearson's doctrine of federalism -- co-operative federalism -- continued under Pierre Elliot Trudeau's regime in the 1970's. Edward McWhinney in his book, Canada and the

Constitution, 1979-1982², comments:

There was a time when we seemed in Canada, to be mounting two radically different and mutually irreconcilable language policies, federal official bilingualism policies, expressed in the Official Languages Act of 1969 and resting on the 'personality' principle, and Quebec government policies which effectively 'territorialized' the French fact within the province of Quebec. A collision course seemed more or less inevitable, but has been avoided. The federal government refrained from frontal assaults, in the courts, to both Quebec language laws. Such complaints as emerged came from individuals or pressure groups within the anglophone community of Quebec.

Though the federal government might intervene in such private litigation, as in the Blaikie case, the litigation was usually on subsidiary or peripheral issues, so that even if successful, as in the Blaikie, it would not threaten the major sections of the bill. Ottawa's legal interventions, though no doubt designed with some degree of mischief in regard to the Lévesque government, seemed also directed as much or more to the anglophone community outside Quebec -- to indicate that the federal government was indeed actively fighting Quebec's language policies. Such interventions were deliberately modest and low key and never pejorative.

Professor McWhinney is a well-informed and positioned oberver. He was a member of the Law Faculty at McGill in the early 1970's, and had been the only representative of the English community on the Gendron Commissions's 1972 enquiry into the Status of the French Language in Quebec.

Professor McWhinney describes the federal Liberal's policy as a passive one of self-restraint in regard to violations of the

²Edward McWhinney, Canada and the Constitution, 1979-1982, University of Toronto Press, Toronto, 1982, p.37.

Constitution by Quebec's language laws. Actually, QFHSA in its encounters in Ottawa found the federal posture to be proactive, but not in coming to assist a beleaguered minority official language community as predicted by Georges-Etienne Cartier; but to dissemble and give the national majority linguistic community outside Quebec the impression the federal government was defending the rights of the minority official language community in Quebec.

For example, Quebec's second language law was passed in 1977. In that same year the federal government put out a glossy pamphlet entitled: Towards a National Understanding. QFHSA found the text so biased and misleading that it wrote a five page commentary to the Secretary of State. He replied with reassurances it did not represent government policy, that it had been written by an Albertan, and that the intent was simply to explain the goals and values of each linguistic community to the other.

Our commentary had included observations about the irreconcilability of the 'personality' and the 'territorial' approaches to language policy. We never received an answer on that issue. Maybe Professor McWhinney's dismissal: "Such complaints as emerged came from individuals or pressure groups within the anglophone community of Quebec" represents, too, the attitude of the political 'elite' -- that the largest minority

official language community in the country can be ignored because it has no political alternative.

The Progressive Conservative Party

In 1943, the Progressive Conservatives stole a page from the Liberal book of strategy. They now sought to repeat the success of John Diefenbaker in 1957 by recapturing the Quebec nationalist vote. The new P.C. leader, Brian Mulroney, fashioned a national coalition of Quebec conservatives and nationalists, and Albertan populists. They campaigned under a banner of 'national reconciliation', and swept the province in both the 1984 and 1988 national elections. In the latter year the P.C.'s won 63 seats and the Liberals 12 (7 of which had large concentrations of English-speaking voters).

By 1989, the unusual alliance woven by Brian Mulroney had begun to unravel. Although both provincial segments are supporters of provincial rights, the Albertans do not want to break-up Canada. What they are after, one suspects, is exclusive control over the ownership, extraction, and marketing of natural resources. They do not want to dismantle the federal structure of Canada; they want to decentralize its power centres.

The Quebec nationalists, on the other hand, are concerned about the survival of their French culture in North America, which is

centred in Quebec. They want the Province to have exclusive control over all aspects of culture that impact upon the territory of Quebec; services, for example, such as immigration, education, communications, television, manpower, manpower training, etc. For a surprisingly large number of such nationalists, it does not matter to them whether that control over culture is achieved within or without the Canadian federal framework.

The Prime Minister believes a satisfactory compromise within the federal structure along the lines of the aborted Meech Lake Accord can be achieved. But to many Canadians that Accord conceded too much. Yet, in Quebec many nationalists insist the 'bottom line' has to be the Accord package plus a sweetener to compensate for alleged hurt feelings due to rejection. Here we encounter the familiar pattern, honed over generations of use, of myth concoction, exaggeration, and posturing, all of which has been skillfully used in the past to off-set cultural domination.

Quebec's Strategy

But is Quebec's strategy appropriate in the 1990's? It ignores the very pertinent fact that the status of Quebec culture in the late 70's and early 80's has changed drastically. Under the disguise of language legislation, Quebec has effected a revolutionary social and economic change.

The core of the Anglo cultural dominance in Quebec had been the English-speaking corporate and professional elite in Quebec City, the Eastern Townships and in the Montreal business community. By the mid '80's they had literally been swept away to a remarkable degree. Into their places have flowed a torrent of younger Francophones: able, well-educated, ambitious and hungry for success. They felt ready to take on the world. And as if by a miracle, new economic institutions, such as the Caisse Dépôt and the Quebec Stock Savings Plan, opened their tills and gave access to what was the new entrepreneurs' one short-coming -- the lack of access to sufficient financial capital for seeding new projects and businesses. Growth and development in the context of global markets are the passwords for this new class.

There are no signs that this class feels culturally inferior or subordinate to an ascendant class. They are now the ascendant class. As part of the provincial majority, they have a responsibility for leadership and vision, rather than for the skillful obstructionism that was justifiable in the past.

E. THE FEDERAL GOVERNMENT'S PLAN - Strike 3?

You cannot generate a successful revolution without redistributing power and costs. In the matter of power there seems little difference between Robert Bourassa and Jacques Parizeau. They both support Quebec having sovereign authority

for its territory in regard to economic, social, and political policies. But Robert Bourassa would prefer to achieve that goal by restructuring federalism, and by introducing asymmetric standards in the Constitution for the rights of individuals and minorities. In place of the present standard of equality of ten provinces and of all individuals, the standard would vary depending upon the desires of the provincial majority.

Jacques Parizeau, on the other hand, would achieve the same goal of sovereign authority by either negotiation or a unilateral declaration of independence.

What Robert Bourassa proposes constitutes the ultimate power that can be achieved by a national minority community -- sovereign authority over the territory within which it resides as the majority population. What concerns QFHSA is that by some ruse or other the achievement of de facto independence will be permitted without accompanying it with ironclad guarantees for the rights and freedoms of individuals and minorities. Particularly we fear it will be packaged and presented to the Canadian electorate under the rubric of renewed federalism.

In the event that the above happened, the cost of the symbolic but illusory national unity would be the sacrifice of some of the rights and freedoms of those members of the national

linguistic majority who reside in Quebec. How deep or shallow this erosion of rights and freedoms would be is impossible to say, because in the Federal Government's plan, Part 1, paragraph 7, no limit is placed on "the special responsibility borne by Quebec to preserve and promote its distinct society".

Distinct Society

In Part 1, paragraph 3, the plan for a New Canada took from the Meech Lake agreement the "intention to recognize the historical reality that linguistic duality is a fundamental characteristic of Canada and that Quebec is a distinct society within the federation".

QFHSAs in its Brief on the Accord objected to this paragraph because of its deliberate ambiguity and because of the dissembling that its proponents engaged in. These latter, for example, contended the paragraph was merely a gloss intended to guide the Court in its interpretations. 'Quebec is a distinct society' merely acknowledged the political and geographic reality today, they said. While maintaining that view, the signers of the Meech Lake Accord nevertheless ensured that "nothing in the section derogates from the existing powers, rights or privileges of either order of government". This was hardly necessary if their counsel were right and, if they were wrong, made the 'distinct society' a menace in regard to the

rights of individuals and minorities insofar as they were exposed to Quebec's jurisdiction.

In the Federal Government's Plan there is less deception. The 'distinct society' clause is now moved to the interpretive clause of the Charter of Rights and Freedoms. It is thereby reduced from an element in the interpretation of the entire Constitution to an element in the Charter. Which is an acknowledgement that it will affect adversely the rights of individuals and minorities in Quebec except in respect to matters of multicultural heritage or to aboriginal people.

Nevertheless, there is still no limit as to the possible effects of the 'distinct society' clause. All we can say with confidence is that it will either influence adversely the definition of rights in the Charter, or it will extend the limitations that can be imposed on them. Either way it is a serious threat to parental rights in regard to education in Section 23 of the Charter.

In QFHSA's Brief on the Accord, we had asked that Section 23 be protected in the same way as the Charter section on multiculturalism and on aboriginal people. We asked for this status on two grounds: the intentions of the Fathers of Confederation, and by the very standard of fairness that is proclaimed in the Plan. At the time of Confederation, the

minority official language community in Quebec was the most powerful economic group in Canada. People such as James Ferrier, A.T. Galt, D'Arcy McGee, and George Etienne Cartier were the prime movers, along with counterparts in Toronto and Hamilton, in conceiving, organizing, marketing, and executing the idea of merging the initial four provinces into one united Dominion of Canada. As successful colonial capitalists they felt as at home in Toronto as in Montreal. In other words, although from Quebec, they were part of the national official language majority community in Canada. As such, the English minority in Quebec is part of one of the three communities that have special status in the Constitution:

- 1) the national majority linguistic community (of which the English minority in Quebec is a part);
- 2) the national minority linguistic community (of which the French majority in Quebec is a part);
- 3) the national aboriginal community.

We think our two grounds for protecting Section 23 by inclusion alongside multiculturalism and aboriginal people are still valid and should be incorporated as such into the government's plan.

F. RISK AND CONSTITUTIONAL PROTECTION

Although the changes in legislation after 1867 affecting schools may have improved the quality and delivery of educational services, nevertheless there was a risk element due to uncertainty. The post-1867 changes were not constitutionally protected and it was recognized that the dynamics of political jockeying would inevitably leave the provincial linguistic minority community vulnerable. The M.P. from the Eastern Townships, Christopher Dunkin, had explained why in the Confederation Debates:

They [the French] will find themselves a minority in the General Legislature, and their power in the General Government will depend upon their power within their own Province and over their provincial delegations in the Federal Parliament. They will thus be compelled to be practically aggressive, to secure and retain that power. They may not, perhaps, wish to be; they may not, perhaps, be aggressive in the worst sense of the term -- I do not say they certainly will be; but whether they are or not, there will certainly be in this system the very strongest tendencies to make them practically aggressive upon the rights of the minority in language and faith, and at the same time to make the minority [Irish-Catholics and British-Protestants] most suspicious and resentful of aggression.

(P.B. Waite, The Confederation Debates in the Province of Canada/1865. McClelland and Stewart, 1963, pp. 119-120)

If the minority was to flourish, it would have to be protected by legislation. The protection provided was at the provincial and federal levels. The drafting of the articles in 1865-1867, for example, made Quebec the only Province with an upper house -- an appointed legislative council. In it, the English-

speaking Quebecers were to be over-represented so they could block any anti-English legislation coming from the Assembly.

Risk and the Quebec Majority Community

The benefits of federalism were not restricted to educational services. In the Constitution, 1867, 'Property and Civil Rights' were tabulated as a provincial power. By this assignment, the Fathers of Confederation preserved the Quebec Civil Code from basic changes at the time of Confederation. Subsequently, being in the provincial domaine, it could only be changed as the Quebec Legislature might choose to alter it. Thus, although Quebec culture relates to an official language minority community on the national scale, all Canadians are committed to the preservation of its legal core by the jurisdictional (federal/provincial powers) and safeguarding clauses of the Constitution (minority rights regarding language, religion and education). Given the general principles of national unity at Confederation: that the linguistic majority in Quebec should retain their language, religion and civil law on a basis of equality of rights and that there be proportional representation for the provinces, one can understand the rationale in Henri Bourassa's thinking.

One can also appreciate Christopher Dunkin's foresight. Given that the linguistic majority in Quebec constitutes approximately 85 percent of the linguistic, official language

minority in Canada, the strategy to be adopted for any federal/provincial bargaining is to be aggressive about provincial powers: since, unlike the case for the other provinces, an extension of provincial powers is an increase of minority rights.

Risk and the Minority Community

Under Section 80 of the 1867 Act, twelve of the then sixty-five provincial electoral districts in Quebec (nine in the Eastern Townships and three in the Ottawa Valley) were designated and their boundaries could not be altered by the provincial legislature without the concurrence of the majority of the members representing those electoral districts. The effect of this provision, which no longer has effect, was to prevent the Quebec Government from joining part of an overwhelming French riding to a largely English one.

Similarly, at the federal level, there were provisions to protect the minority in Quebec. Unlike the provision for other provinces, for example, the Senators from Quebec were to be designated as representing specific ridings. This provision was intended to assure the appointment of English-speaking representatives from regions such as the Eastern Townships and the Ottawa Valley. Then, in addition, Section 133 of the 1867 Act protected language rights in Quebec by decreeing parity for English and French in the provincial legislature and in the

Courts. Section 93 of that Act constrained the complete control over education by the provinces by protecting and guaranteeing "the rights and privileges which the Protestant or Catholic minority in both Canadas possess as to their denominational schools at the time when the Union came into operation." The Section provides for a right of appeal to the Cabinet and authority for federal remedial legislation should it be necessary.

Risk and the Federal Government

To reinforce the above scheme of protection within the constitutional system were further provisions. The Federal Government, for example, had the power of disallowance in relation to provincial legislation. Neither the provincial nor the federal legislatures, however, could alone alter or change rights or privileges granted with respect to schools or the use of English or French. Such changes had to be approved by the Parliament of the United Kingdom -- a disinterested body. In the words of Abbé Lionel Groulx, "the English Protestant minority in Quebec had received full security".

G. THE CURRENT SETTING

The checks and balances of the federal system were originally intended to protect minorities. But now, in the 1990's, they are in serious disequilibrium. Patriation of the Constitution removed the function of the United Kingdom regarding the

sensitive issues of linguistic and educational rights. The most recent decision of the Supreme Court, written by the late Justice Beetz on Section 93, to give it the narrowest of possible interpretations to denominational rights. Instead of the protection of religious conscience by exercising the right to denominational schools (including control of the curriculum) as it had been interpreted since 1841, we now have the right to the denominational aspect (the religious features of the curriculum) of denominational schools, which to a layman seems to destroy the legal basis of the Montreal Protestant School Board, which has existed since 1847, since we have the right to dissent, but not necessarily the right to a system of dissentient schools.

While protection for minorities outside Quebec is being strengthened by Section 23 of the Charter and by Bill C-72, it is being circumscribed and diminished in Quebec by Law 101, Bill 107 and Law 178. As a result, the English community in Quebec and its educational system have steadily diminished. The community's constitutional rights and guarantees for control of its important institutions have been steadily eroded. The community's right to manage its educational system has been continuously threatened. The growth of the educational system - key to the stability and renewal of a community - has been seriously undermined by imposition of

restrictive language laws. Let us examine some of these important issues more closely.

H. PARENTAL RIGHTS AND THE NATIONAL COMPROMISE

Education is a provincial responsibility and the provinces are sovereign in that domain, except for parental rights and associated conditions that are guaranteed by the Constitution.

The Charter of Rights and Freedoms

Section 23 of the Charter of Rights and Freedoms deals with the limitations imposed on any provincial school legislation regarding the parent's choice of language of instruction for the child. The substance of the limits was a political compromise designed to correct, on a national scale, the progressive erosion of minority official language groups and to give effect to the concept of the 'equal partnership' of the two official language groups in the context of education. [Judgement, Supreme Court of Canada, Mahé et al case, rendered March 15, 1990, p.3.]

It harkens back to the thinking of the Fathers of Confederation when the attempt of the Colonial Office to efface linguistic duality had failed and French Quebec had faced a contest of survival and had triumphed. After two attempts to impose assimilation on French Quebec, the English had recognized the French national minority community as partners in full

equality, alongside the national aboriginal community and the English national majority community.

Section 23 was intended to establish uniform national standards for the eligibility of the child to receive educational services in the tongue of the Provincial minority official language. Article 23 (1)(a) defined the criteria for eligibility in terms of citizenship and 'mother' tongue. Article 23 (1)(b) defined the criteria as 1) citizenship and 2) that one of the child's parents must have received his/her elementary schooling in English in Canada. Section 59 of the Constitution, 1982, however, exempts the Province of Quebec from the standards of 23 (1)(a) until such time as the National Assembly authorizes a proclamation, to be issued by the Queen, declaring Section 23 (1)(a) in effect in Quebec and that Article 59 has been repealed. Citizens of Canada whose first language learned is English and who did not receive their primary school instruction in Canada in English will, only then, have a constitutional right to choose English as the language of instruction for their child in Quebec. Until that day, educational rights in Quebec are more limited in Quebec than elsewhere in Canada.³

³In our correspondence with provincial premiers, regarding the Meech Lake Accord, we discovered several premiers were unaware of the significance of Section 59. They thought there was equality of official language rights in Canada.

Section 59, Constitution, 1982

Section 59 grants the Government of Quebec exclusive control over the choice of whether parents, who are naturalized citizens of Canada, residing in Quebec, and have English as their maternal language, have the right to have their children receive primary and secondary instruction in English. Quebec's Law 101 restricts such rights to citizens of Canada who had received their primary school instruction in Quebec in English. But, the Supreme Court of Canada has ruled that Section 23 (1)(b) overrides Section 73 of Quebec's Law 101. Such, however, is not the case for Section 23 (1)(a) of the Constitution, since Quebec is exempted from its application, as long as Section 59 is in the Constitution.

The Antecedents to Section 59

Given the above context, it is relevant to recount the antecedents of Section 59, Constitution, 1982. When, before Patriation, the First Ministers met in early November, 1981, nine of the provinces signed the Provincial Accord. Quebec did not. The draft of the Constitutional Amendments, as initially tabled on November 5, 1981, included a political compromise on language in education rights in the form of Article 23. There was no Section 59. So Section 23 applied fully on a national scale. Its purpose, as pointed out by the then Chief Justice Brian Dickson of the Supreme Court, (see Jean Claude Mahé et al vs. Province of Alberta, 1990, p.14.) was to remedy an existing

problem in Canada and hence to alter the status quo. The Chief Justice quoted approvingly from an earlier Judgement of the Court:

This set of constitutional provisions was not enacted by the framers in a vacuum. When it was adopted, the framers knew and clearly had in mind the regimes governing the Anglophone and Francophone linguistic minorities in various provinces in Canada so far as the language of instruction was concerned. They also had in mind the history of these regimes, both earlier ones such as Regulation 17, which for a time limited instruction in French in the separate schools of Ontario... as well as more recent ones such as Law 101 and the legislation which preceded it in Quebec - rightly or wrongly - and it is not for the courts to decide - the framers of the Constitution manifestly regarded as inadequate some - and perhaps all - of the regimes in force at the time the Charter was enacted, and their intention was to remedy the perceived defects of these regimes by uniform corrective measures, namely those contained in Section 23 of the Charter, which were at the same time given the status of a constitutional guarantee. [Chief Justice's emphasis added.]

But something happened "betwixt the cup and the lip". In the interval between November 5 and November 18, newspaper columnists in their dispatches from Ottawa, hinted there were changes afoot as negotiations continued to induce Quebec to sign the Accord and that there was dissent in the Liberal Quebec Caucus regarding the 'mother tongue clause'. Quietly, and without commentary, or even singling out by the largest English daily newspaper in Quebec, Section 59 surreptitiously appeared amongst the constitutional amendments. Quebec was thereby removed from the full scope of Article 23 until such time as the Legislative Assembly or the Government of Quebec chooses that the Section comes into full force in the

Province - a situation which is the equivalent of making an accused the judge of his/her crime.

Federal Politicians and Democracy

When English-speaking Quebecers discovered what the Quebec Liberal Caucus had sponsored, twelve Members of Parliament, representing constituencies with significant concentrations of the minority official language groups, issued a joint statement to calm the concerns of their English constituents. The third paragraph of their House of Commons News Release, December 3, 1981, read as follows:

It is important to understand why this change was made. Mr. Lévesque has already raised the spectre of Quebec being swamped by naturalized Canadians of English-speaking origin from all parts of the world, from the United States, the Commonwealth countries and elsewhere no matter that this flies in the face of economic and social reality. It is widely believed by federalists in Quebec that the imposition of the mother tongue clause would provide unnecessary ammunition to the separatist movement at this time.

Section 23 was intended to remedy an existing problem in Canada by changing the status quo in Quebec. Instead, 'federalists' traded off the educational right of a segment of Quebec's linguistic minority - the protection of a national standard of minority official language rights in education - against the 'federalists' desire to pacify a vociferous segment within Quebec's linguistic majority. Indeed, it was not even a trade-off. It was a gratuitous surrender of a collective right of the linguistic minority by its Members of Parliament. The

Government of Quebec neither asked for the concession, nor provided a 'quid pro quo' for it in the form of a signature.

Survival Chorus is a Hoax

The extract above, from the House of Commons News Release, alleges that the then Premier of Quebec had already in 1981 raised the spectre of Quebec being swamped by New Canadians who met the criteria of Section 23 (1)(a) of the Constitution - Canadian citizens of English mother tongue.

This refrain of 'survivance' we have heard for a long time. Remember back in the 1830's, when Quebec's population doubled within a decade, society was split by the Patriotes' Revolt, the British Governor had garrison troops he could deploy and a new Constitution was implemented that was intended to efface linguistic duality from the scene and the only democratic weapon the community had for defence was an elected Legislative Assembly which had been suspended? Yet, by adept political maneuver and insistence upon justice and fairness, within a generation they had acceptance as an equal national linguistic community.

In Table 1 are the data for the linguistic composition of International Immigration. For the columns 'English' and 'Other' from 1971 to 1981, the total immigration was 2 percent of Quebec's population.

Table 1

**Linguistic Composition of International Immigration
Quebec, 1971 - 1986**

Mother Tongue

<u>PERIOD</u>	<u>ENGLISH</u>		<u>FRENCH</u>		<u>OTHER</u>	
	<u>Outside Quebec</u>	<u>Quebec</u>	<u>Outside Quebec</u>	<u>Quebec</u>	<u>Outside Quebec</u>	<u>Quebec</u>
	(1)	(2)	(3)	(4)	(5)	(6)
1971-76	364,168	33,832	13,624	39,676	233,709	34,691
	91.5%	8.5%	25.6%	74.4%	87.1%	12.9%
1976-81	235,765	15,435	9,435	30,065	226,300	39,200
	93.9%	6.1%	23.9%	76.1%	85.2%	14.8%
1981-86	173,205	12,295	7,795	22,205	210,468	37,940
	93.4%	6.6%	26.0%	74.0%	84.7%	15.3%

2

(2) + (4) + (6)

1971-76 31.3%

1976-81 18.2%

1981-86 16.9%

Source: Department of the Secretary of State of Canada,
Demolinguistic Profile, Quebec, 1990, p. 7.
[percentages added]

Asymmetrical 'Rights' in Education

Senator Lowell Murray, we assume, is a federalist. We were in correspondence with him in 1989 about the desirability of an equality of minority official language rights in education across Canada. His view of the purpose of Section 23 (1)(a) is very different from that of the former Chief Justice Brian Dickson. In the latter's Court Judgement, he emphasized that the "intention was to remedy the perceived defects of these regimes [including Quebec's] by uniform corrective measures, namely, those contained in Section 23 of the Charter of Human Rights.

Senator Murray sees it differently. In his letter to us of August 8, 1989, he stated:

Thus, the asymmetry of minority language education rights in the Charter reflects the differing states of minority language education opportunities prior to patriation.

The expanded rights for the francophone minorities outside Quebec could be claimed by prospective immigrants whose mother tongue was French, but the other provinces had no fear that French-speaking immigrants would flood the minority language schools and significantly alter the linguistic balance of the provincial population. However, the application of Section 23 (1)(a) to Quebec could have precisely these consequences and frustrate the provincial government's policy of integrating new immigrants into the franco-phone milieu.

The Issue of Principle

Senator Murray is advancing the view that the Charter of Rights and Freedoms has entrenched in the Constitution minority

language education rights on an asymmetric basis whereby the individual rights of "provincial minority official language groups" are overridden by the policy objectives of the federal minority official language group. That is, Section 23 (1)(a) expands the rights of the francophone immigrants outside Quebec, thereby allowing the minority communities to renew and refresh from new blood. On the other hand, Section 59 accommodates, in Quebec, the denial of an education right to naturalized Canadians of English mother tongue, thereby crippling the minority community's ability to preserve itself by attracting new blood to renew and refresh the community. How can the operation of that principle of asymmetric rights be reconciled with the criterion of 'fairness' in paragraph 7 of the Federal Government's Plan.⁴ The minority language community in Quebec is part of the national majority official language community in Canada and is on the same footing as the national minority official language community, of which the majority official language community in Quebec is a part. As partners of Confederation, they have equal minority rights.

Whether Catholic or Protestant, the members of the English-speaking community will face difficult adjustments in the

⁴The Supreme Court decision of 1990 states: Section 23 is also designed to correct, on a national scale, the progressive erosion of minority official language groups in the context of education. [Ibid. p.3.]

coming years. It will be even more dependent for its continued existence upon Section 23, or comparable guarantees, than it was in the past. A prerequisite for this, however, is the repeal of Section 59 of the Constitution, 1982, so that Canada can implement its still sought-after ideal of a uniformity of minority official language rights in education across Canada.

I. CONCLUSION

In order to enjoy a secure future, and thus to be able to contribute effectively and constructively to the further development of Quebec society, the English community must have, among other things, renewed and improved iron-clad guarantees for management and control of its educational system and the elimination of the restrictive access provisions that are now strangling its schools. Although we as an English community have, in recent years, felt abandoned by our federal parliamentarians we still firmly believe that a strong and confident Quebec in a multicultural and united Canada offers the best hope, and the best guarantee, for the preservation of our institutions and for our continuation as a vigorous and flourishing community. And the prerequisite before further devolution is the repeal of Section 59.

(File:CanConst.Int)

QUEBEC FEDERATION OF HOME AND SCHOOL ASSOCIATIONS HISTORY

Our beginnings

The first Home and School group in Quebec was organized by Dr. W. P. Percival and others at Macdonald College High School in 1919. However, the first association of which there is a record was that formed at MacVicar School in Montreal in 1930 under the leadership of the principal, Miss Helen Guiton.

When more Home and School Associations came into being it was found that they had numerous common problems. Larger groups could pursue their common aims more effectively and could make themselves better heard at levels of authority and by the general public. Thus in 1940 Mr. Leslie N. Buzzell, then President of Roslyn Home and School Association, undertook to organize the known local groups into a provincial council.

On June 27, 1940, under the chairmanship of Dr. W. H. Brittain, then Vice-Principal of Macdonald College, representatives of the following sixteen associations met at Ste. Anne de Bellevue to organize THE QUEBEC PROVINCIAL COUNCIL.

Asbestos	Maisonneuve
Beauharnois	Montreal West
Bourlamaque	Pointe Claire/ Beaconsfield
Chateauguay	Riverbend
Hampstead	Roslyn
Hemmingford	St. Lambert
Kings-Westmount	Sutton
MacVicar	Westmount High

During 1941-1942 this group issued pamphlets on such subjects as nutrition, school guidance, financing of education and the history and development of education in the province of Quebec.

A Federation of Home & Schools

On May 26, 1944, the inaugural meeting was held to form THE QUEBEC FEDERATION OF HOME AND SCHOOL ASSOCIATIONS. Since then Quebec Federation has developed into an important factor on the Quebec educational scene. It is recognized and consulted by the provincial government and all organizations in the province connected with education.

In order to give the Federation a more official legal standing it was decided to apply for a PROVINCIAL CHARTER and, on August 27, 1959, Quebec Federation was incorporated by Letters Patent under the Quebec Companies Act. Aside from promoting, encouraging and assisting Home and School Associations, the Letters Patent show the following aims:

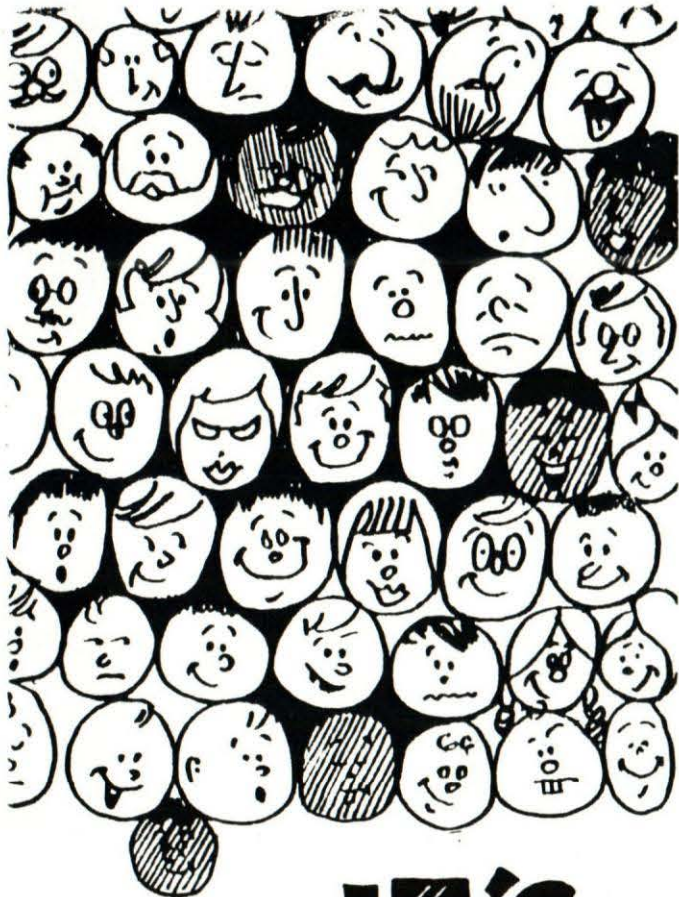
To provide facilities for the bringing together of the members of Home and School Associations for discussion of matters of general interest and to stimulate cooperative effort.

To assist in forming public opinion favorable to reform and advancement of the education of the child.

To develop between educators and the general public such united effort as shall secure for every child the highest advantage in physical, mental, moral and spiritual education.

To raise the standard of home and national life.

To maintain a non-partisan, non-commercial, non-racial and non-sectarian organization.



IT'S ABOUT US



QUEBEC FEDERATION
OF HOME AND SCHOOL
ASSOCIATIONS

APPENDIX II

LIST OF BRIEFS SUBMITTED BY QFHSA ON EDUCATION

- 1962 A brief to the Royal Commission on Education in Quebec.
- 1966 A brief to The Superior Council of Education on Volumes 4 and 5 of Report of the Royal Commission of Inquiry on Education in the Province of Quebec.
- 1970 Brief on Bill 62 to the Education Committee of the National Assembly of the Province of Quebec.
- 1971 Brief prepared for submission to the Education Committee of the National Assembly of the Province of Quebec re Bill 28.
- 1974 A Position Statement regarding Bill 22.
- 1975 A brief on School Board Reorganization presented to the School Board Reorganization Committee, School Council of the Island of Montreal.
- 1976 A response to the Report of the School Board Reorganization Committee, School Council of the Island of Montreal.
- 1977 A Policy Statement to the Parliamentary Committee respecting Bill 101.
- 1981 An ad hoc Statement to The Superior Council of Education concerning School Confessionality.
- 1982 A brief to The Superior Council of Education in response to The Québec School: A Responsible Force in the Community.
- 1983 A brief presented to the National Assembly Standing Committee on Education on Bill 40 - "The Act Respecting Public Elementary and Secondary Education".
- 1984 A statement to The Superior Council of Education on Second Language Teaching.
- 1985 A report to The Superior Council of Education on The State and Needs of Education in 1985.
- 1986 A response to the question: "What is the Nature of the Protestant School System at this Time?" for the Protestant Committee, Superior Council of Education.
- 1987 A brief on Health Services in the School.

APPENDIX II (cont.)

- 1987 A submission to the Special Joint Committee on the 1987
Constitutional Accord.
- 1988 A submission to the New Brunswick Select Committee on
the 1987 Constitutional Accord.
- 1988 A brief on Bill 107 "Education Act" presented to the
National Assembly Standing Committee on Education.
- 1990 Submission to Commission on the Constitution [Quebec]
[Bélanger/Campeau Commission]

(File: Briefs\CanConst.AII)

APPENDIX III

HISTORICAL PREVIEW

The Royal Proclamation of 1763 had promised settlers coming to Quebec that they would have the rights of Englishmen -- essentially the use of the English language, registry offices to register title to land, and governance along the lines of the other British colonies in North America.

It was expected there would be a heavy inflow of settlers from the colonies to the South, and that Quebec's inhabitants would be assimilated into an English community.

Within a decade the heavy inflow of settlers failed to materialize. Instead, the winds of secession began to blow from the South. The colonial authorities found it prudent to inoculate the original inhabitants of Quebec against the contagion of the South.

They immunized the Province by passage of the Quebec Act, 1774. It restored the French feudal seigniorial system as the means of settlement development and of land tenure. It also restored the French Civil Code and the right of the Roman Catholic clergy to levy a tithe in the seigneuries.

By 1791 the revolt of the American colonies had succeeded. Thousands of those who had been loyal to the King and Empire were being resettled in Quebec as Empire Loyalists. In terms of numbers they were less than the French population. Yet they wanted to replicate the social institutions to which they were accustomed. As British subjects in a British colony, their desires could not be ignored with impunity. As members of the ascendant community, they could not be left in an inferior position to the French in regard to the use of language or to the ease of economic development (land settlement).

By The Constitutional Act, 1791, Quebec was partitioned into two colonies: Upper Canada and Lower Canada. And only on the territory of the latter were the concessions of the Quebec Act, 1774, operative. Thus territorial expansion by French settlers was discouraged and the leadership of the French clergy enhanced. In the collective memory of Quebec it was a loss of territory and a symptom of their weakness. Hence strike one.

Before 1759 Quebec had never experienced democratic government so there was no deep tradition of democratic governance overthrown by the British occupation. Now with the devices in place for control over the territory of their province, the customs of self-government had to be learnt.

The schools for such learning were the devices of governance supplied by The Constitutional Act. The curriculum to be

followed was the package of desires of the community (needs, aspirations and vision). In Quebec, that package was already torn and misshapen because of population cleavages in regard to religion, class and language. On all three factors the French community was more homogeneous than the British community which was a mixture of English, American, Scotch and Irish origins. Hence the former was more likely to respond in unison to provocation than the latter, which generated a perceived characteristic in Quebec politics of community solidarity.

The linguistic cleavage was readily apparent in the Legislative Assembly. A first step towards democracy had been taken by providing for an elected Assembly. Thus the majority of the members were French-speaking. But the Governor, the representative of the Monarch and the senior authority in the colony, was English-speaking. He was appointed by the Sovereign on the advice of a government preoccupied with events elsewhere than in Quebec. Moreover, he took orders from and reported to the Colonial Office, again far removed from Quebec.

The linguistic cleavage was accentuated by the devices available to the Governor. He, for example, appointed the members of the Executive Council, who were responsible for the administration in the colony. He also appointed the members of the Legislative Council, who were disproportionately English-speaking and associated with the interests of the urban English merchant class in Quebec City and in Montreal.

The only device of government that had any semblance of democracy was the Legislative Assembly. It was elective, and therefore permanently reflected in its membership distribution the demographic fact that Lower Canada was majority French-speaking.

By the end of the first quarter of the nineteenth century, the French majority in the Legislative Assembly had fully mastered the art of parliamentary obstructionism, and of subtle strategies and procedures. They used them to harass and frustrate the Governor and his administrative appointees.

The members of the Assembly were particularly adamant in their insistence that the members of the Legislative Council should be there by election. It was a demand that was strongly endorsed by the growing French nationalist movement under the leadership of Louis-Joseph Papineau. He was also an elected member of the Legislative Assembly, where he gave leadership to the nationalist and republican causes from his position as Speaker of the Assembly.

The nationalist agitation was fueled by the presence of a number of tensions in Quebec that aggravated one or more of the cleavages we mentioned above. For example, between 1830 and

1840 the population of Quebec doubled, which generated tension between new arrivals and native-born. Another source was the decline in the productivity of agriculture. It forced young Quebecers off the farms and into the cities, thereby generating tensions between rural and urban Quebec.

Again, there was the emergence of a significant middle class, engaged principally in the supply of professional services. They had laicist tendencies that challenged the status of the Catholic clergy.

To a remarkable degree the tensions of that decade were not unlike those of Quebec in the 1990's. To illustrate, below is a citation from a 1838 'patriot declaration' cited by Stanley Ryerson in Unequal Equals¹.

1838 Patriot Declaration

That from this day forward, the people of Lower Canada are absolved from all allegiance to Great Britain and that the politic between that power and Lower Canada is now dissolved. That a republican form of government is best suited to Lower Canada, which is this day declared to be a republic.

That under the free government of Lower Canada all persons shall enjoy the same rights as any other citizen of Lower Canada.

That all union between church and state is hereby declared to be dissolved and every person shall be at liberty freely to exercise such religion or belief as shall be dictated to him by his conscience.

That the feudal or seigneurial tenure of land is hereby abolished as completely as if tenure had never existed.

That sentence of death shall no longer be passed or executed except in cases of murder.

That the liberty and freedom of the press shall exist in all public matters and affairs.

That trial by jury is guaranteed to the people of Lower Canada in its most extended and liberal sense.

¹ Stanley Ryerson, Unequal Equals, Progress Books, Toronto, 1983, p.89.

The general and public education is necessary and due by the Government to the people, an act to provide for the same shall be passed as soon as the circumstances of the country will permit.

To secure the effective franchise, all elections shall be had by ballot.

The English and French languages shall be used in all public offices.

The Declaration reflects the wishes of the middle-class for a more democratic and more liberal political regime.

But instead of the idealistic 'nationalists' reaping accolades of praise from the middle-class for advocating their desires, Quebec harvested a crop of bloody encounters between 'patriots' and the garrison troops of the Crown. To cope with the disorder, the Legislative Assembly was suspended, schools were closed, and the Governor ruled by decree.

The military defeat of the idealistic patriotes, accompanied by the killings and the transportation of some of their ringleaders to Bermuda or Australia, drained the nationalist movement of its fantasy element. Those who remained tended to be more practical and empirical.

There were two contenders for their leadership. Bishop Bourget in Montreal already was leader of that segment of the Roman Catholic clergy who supported the emerging Ultramontane Movement. He disapproved of the laicists and of the violence, but he was sympathetic to the idea of a French race, and aggressively asserted the supremacy of the Church over the State. This assertion made the Ultramontanists incompatible for the idealistic nationalists, but not necessarily so for the moderate ones.

The other contender for the nationalist leadership was Louis-Hippolyte Lafontaine. He shared the idealists' goal of building a superstructure of 'national life' on the foundation pillars of land, language, and religion, that French Canadians had retained, but Lafontaine was more flexible and had clearer vision. The idealists argued that a French cultural structure could only be built in North America by political isolation of a territory over which French Canadians would be the undisputed masters. Lafontaine, on the other hand, believed that the best means to guarantee the preservation of the acquired rights of French Canadians was to exploit the flexibility of the British constitutional devices, which he foresaw would lead to self-

government. The latter in turn would broaden the community's control over language and institutions and thereby give expression to a French Canadian nationality.

The two schools of thought have a very contemporaneous ring, as indeed is the case because, before the goal of self-determination could be reached, several major political hurdles had to be cleared. Lafontaine, with years of experience in the Legislative Assembly, understood the political prerequisites.

The Act of Union

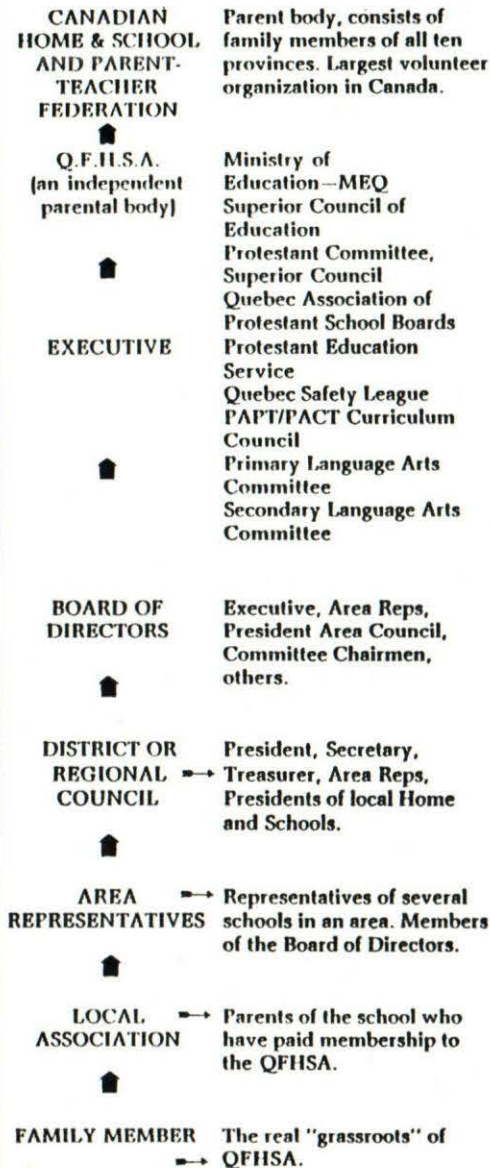
The Constitutional Act of 1791 had partitioned Quebec so that incoming settlers to the west of French settlements would not find their interests imperilled by the French majority. The Act of Union in 1840 did not strip Quebec of any territory, but it had the clear intention of assimilating the inhabitants of Quebec into the English culture. For Upper and Lower Canada there was to be one appointed Legislative Council, and one elected Assembly with equal representation, although Lower Canada's population was more than a third greater than Upper Canada's.

When you take into account the English-speaking representation for parts of the Ottawa Valley, of Montreal, and of the Eastern Townships, it is clear that the design of the Union was to ensure a majority of the seats for the ascendant English-speaking minority. Their dominance threatened the control of the French-speaking majority over key variables of their culture: language, religion, and territory; and it hampered the desire of the Ultramontane clergy for control over education. Thus, Ultramontanists and the nationalists of the early 1840's had a community of interest in subverting the intention of the British officials.

The Act of Union granted representative government, but not responsible government, because colonial officials thought the latter inconsistent with the status of being a British colony. The Reform leaders and the burgeoning capitalists of Upper Canada, however, envisaged responsible government as a stepping-stone to colonial autonomy. Lafontaine therefore could find willing allies in a common cause with the Reformers of Upper Canada. In the first election after Union, 1841, although he had the support of only six or seven of the twenty-nine French-speaking members from Lower Canada, he joined forces with the Reformers of Upper Canada under Baldwin to form a government.

(File: Appen[dix]III)

STRUCTURE



Quebec Federation of Home and School Associations is involved with:

- 1) **Ministry of Education, Quebec.** Educational concerns expressed by QFHSA are channeled to MEQ through the Associate Deputy Minister of Education (Protestant). As well, briefs and position papers on educational issues are presented to the Ministry.
- 2) **Superior Council of Education.** The advisory body to the provincial government. QFHSA is asked to make representations and present briefs to the Council.
- 3) **Protestant Committee of Superior Council.** Represents the concerns of parents in the Protestant sector in education. QFHSA is asked to share parental concerns with this body and to recommend names of parents for a position on the Protestant Committee. A member of the Protestant Committee sits at QFHSA Board meetings as liaison.
- 4) **Quebec Association of Protestant School Boards.** QFHSA is the only *parental* group which regularly attends meetings of the Board of Directors.
- 5) **PAPT/PACT Curriculum Council.** QFHSA provides the only parental input to this council. Its mandate is to study and monitor curricula for the English language school system.
- 6) **Primary and Secondary Language Arts Committees.** These MEQ committees are responsible for devising language arts programs for English schools. QFHSA provides a parent liaison to both committees.
- 7) **Federation of Parents Committees of the Province of Quebec.** Communication links are maintained through a liaison between the Boards.
- 8) **Provincial Association of Protestant Teachers.** A close liaison is maintained. A member of the PAPT Board sits on QFHSA Board of Directors as liaison.

HOW TO INFLUENCE GOVERNMENT:

An important function for Home and School is to persuade elected representatives to act promptly in any course of action which would improve the education and welfare of children and youth.

Working as a unit, the Home and School can often bring about positive changes in the educational system, in the health and welfare departments of government, in social services which affect young people, and in improved safety for our youth.

"There is a tendency for governments, and their bureaucracies, to exercise greater powers over the lives of its citizens. It is therefore essential that Home and School Associations be very active to give parents a greater degree of control over the decisions affecting the future of their children."

John Ciaccia
MNA, Mount Royal

The Quebec Federation of Home & School Associations has earned the admiration of all sectors of the educational community. At Lakeshore, we recognize the contribution which the Federation continues to make to the high quality of education which all of our boards deliver. It is one of the best examples of community involvement, by parents and teachers, with both long term and daily projects in the schools. Because of the Federation, many activities take place which otherwise would not have seen the light of day. The Federation has been one of the strongest proponents of local control in education. Its social commitment, as well as its legacy to our schools and to the children, merits our solid support and appreciation.

Joel Hartt
Chairman, Lakeshore School Board
Vice-Chairman, School Council of the
Island of Montreal
(father of nine children)

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