The Fight for Francophone Rights

by Anne-Marie Rocher

Francophone minorities fighting for French education

Teacher’s Guide
Introduction

1 Background to Documentary Series

Getting an education in French in regions of Canada where French is a minority language is a story of endless struggle. The three-part documentary series *The Fight for Francophone Rights* and this teacher’s guide are intended to help current and future generations appreciate what the struggle is about and discover the core issues.

The language question has always figured in major Canadian debates, ever since the nation was founded.

It was even implicit in the first Canadian constitution. By granting powers over education to the dominant religious communities—to the (French-speaking) Catholic community and to the (English-speaking) Protestant community—the Constitution Act of 1867 gave a major role to the dominant languages:

Section 93

In and for each Province the Legislature may exclusively make Laws in relation to Education, subject and according to the following Provisions:

(1) Nothing in any such Law shall prejudicially affect any Right or Privilege with respect to Denominational Schools which any Class of Persons have by Law in the Province at the Union;

(2) All the Powers, Privileges, and Duties at the Union by Law conferred and imposed in Upper Canada on the Separate Schools and School Trustees of the Queen's Roman Catholic Subjects shall be and the same are hereby extended to the Dissentient Schools of the Queen's Protestant and Roman Catholic Subjects in Quebec;

The advantage of this interpretation (implicitly linking language and religion) of section 93 was that it allowed minority French-language (outside Quebec) and English-language (within Quebec) denominational communities to benefit from educational services in their own language. But in 1917 the Privy Council upheld regulation 17 of the Ontario Ministry of Education banning the use of French in the province’s French-language Catholic schools. The ruling stated that language was not implicitly included in the concept of religion.

Minority language rights would not receive solid support until the Canadian Charter of Rights and Freedoms (the Charter) came into force in 1982. Section 23 of the Charter provides clear protection for the right to education in the official language of the minority community.

Section 23

(1) Citizens of Canada:

a) whose first language learned and still understood is that of the English or French linguistic minority population of the province in which they reside, or,

b) who have received their primary school instruction in Canada in English or French and reside in a province where the language in which they received that instruction is the language of the English or French linguistic minority population of the province,

have the right to have their children receive primary and secondary school instruction in that language in that province.

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

(3) The right of citizens of Canada under subsections (1) and (2) to have their children receive primary and secondary school instruction in the language of the English or French linguistic minority population of a province

a) applies wherever in the province the number of children of citizens who have such a right is sufficient to warrant the provision to them out of public funds of minority language instruction; and

b) includes, where the number of those children so warrants, the right to have them receive that instruction in minority language educational facilities provided out of public funds.

The three parts of *The Fight for Francophone Rights* explain how French-speaking minority communities have pressed their claims right across Canada since the Charter was enacted. From the formal recognition of the very subject of section 23 of the Charter to the workings of how it has been applied to education in French, the series offers an overview of the legal aspects of the issue, as well as the often emotional social and human realities underlying the demands.
2 Language Rights and Educational Program

The Fight for Francophone Rights and this guide are intended for high school teachers who want to help their students understand Canadian bilingualism, especially the legal provisions used by French-speaking minority communities to protect the gains they have made and ensure their continued development.

While useful in a wide variety of areas, the lessons proposed here are particularly relevant to the following subjects:

French – Regardless of where you live, in Canada or elsewhere, the issue of language rights provides a perspective on how a language develops, especially in a minority language community. The Fight for Francophone Rights reflects a diverse range of communities and will expose students to a variety of different accents and levels of language.

Humanities/social science – The language issue offers an instructive example of the compromises that had to be made when Canada was founded, especially for students from minority language communities. This is an excellent way for young people to learn about Canadian history, while at the same time reflecting on the place of bilingualism in various areas of the country.

Law – It is perfectly logical for French-language schools, especially those in minority French-speaking communities, to study the development of minority language rights. Exploring legal rulings helps students understand legislation and boosts their engagement with the topic.

Social and personal development – One of the great strengths of The Fight for Francophone Rights is the emphasis on the emotional involvement of the protagonists. The topics dealt with in the films encourage students who want to have an impact on their own future as members of a community to be determined. As a result, the topics should also spur social commitment, which is one of the main educational goals of minority community French-language schools.

The Fight for Francophone Rights provides a means of exploring a variety of aspects of each subject. Here is a list of the main ones:

a) Language Rights and Democracy

Generations of French-speaking parents have invested enormous effort and passion into asserting their rights to French schooling. They have left the future of French Canada a vital legacy that is the result of democracy in action. Democracy is a fundamental value to instill in the future voters who are your students.

b) Language Rights and Critical Thinking

Knowledge of the details of the demands for French-language schools and for full management of those schools should help students arrive at their own views on these social issues. The events they’ll see in some segments of the film will spur them to develop their critical thinking and assess their own potential for getting involved in social causes.

c) Language Rights and Justice

Without equality there can be no justice. Students will be prompted to ask basic questions about the recognition of equality between the two language communities, French and English. In so doing, they will develop their own definition of social justice that they will be able to apply in a variety of contexts.

d) Language Rights and Vitality

The concept of the vitality of a language is central to the struggle to obtain educational services in French, since it is also the very basis of the survival of a linguistic and cultural community, as a number of sequences show. As students become aware of that reality, they will naturally react to the current dynamic of their own community in this respect.

3 Using the Guide

The Fight for Francophone Rights consists of three approximately one-hour episodes, each covering more than one topic. Here is an overview:

Part 1. Winning the Case
Segment 1: from start to 28:55 – The Mahé case in Alberta
Segment 2: from 28:55 to end – The Doucet-Boudreau case in Nova Scotia

Part 2. Our Rights, Our Fights
Segment 1: from start to 30:30 – The situation in Saskatchewan
Segment 2: from 30:30 to end – The situation in Yukon

Part 3. Setbacks and Justice
Segment 1: from start to 29:02 – The situation in the Northwest Territories
Segment 2: from 29:02 to end – The situation in British Columbia
Exploration

4 Presenting Series to Students

Overall Structure
The following pages will help you choose among the topics explored in the episodes. To help you decide, each of the sections in the teacher’s guide is organized as follows:

A) Segment summary – A short overview of the episode’s two segments will give you a general idea of the content.

NOTE: The first segment in episode 3 presents two very different situations in the Northwest Territories, so two summaries are provided, each for a distinct case.

A segment summary comprises a certain number of key moments: sequences that can spark discussions in class. The description of these sequences is intended to help you identify topics that might be of particular interest to your students.

A) Areas for exploration – Questions are proposed to arouse interest in The Fight for Francophone Rights and to encourage students to express their views, stimulate discussion and serve as starting points for related projects. Areas for exploration can be proposed to students before the screening, or afterwards to get a discussion going.

B) Enrichment activities – A series of statements designed to prompt questions serves to establish a link between the screening of The Fight for Francophone Rights and the day-to-day reality of your students. Each activity focuses on a fact taken from the film and makes a connection with students’ everyday experiences, while taking into account the wide variety of different contexts across Canada.

Preliminary Activities
Once you’ve chosen a segment to screen based on what you want to teach, it’s important to put the students in a position to benefit fully from the activity. To do so:

• Help students relate experiences they’ve had to events shown in the film.
  ○ Were they alive when the events took place? If so, how old were they? If not, how old were their parents?
  ○ What events marked this period?
  ○ What big hits (music, movies, etc.) are from this period?

• Help students to situate the events geographically.
  ○ Starting with what your students know, guide them in finding the places mentioned or shown in the film. You can do it before, during or after the screening, depending on what your group of students is like.
  ○ Don’t just be satisfied with the information on municipalities given in the film. Find out more. The more students know about the places where the events take place, the more they’ll be motivated to learn.

• Always start with what your students already know.
  ○ Before introducing the subject of the segment, ask students what they know in connection with the subject. Some may have lived in the place in question. Others may have heard their parents talk about it. Build on what they know to help them benefit fully from the screening and the associated activities.

• Share your own experiences related to the events.
  ○ Students will appreciate your comments on the segments you screen for them. As an adult and a teacher, your opinion and the interest you show in the events will help motivate them for the activities that follow.
  ○ A number of the enrichment activities ask students to relate what they see in the film to their own lives, and you should do the same. Telling your class about an experience or stage in your life and linking it to what is shown in the film will prompt students, in turn, to make connections that will be a major source of motivation.
Part 1 – Winning the Case

**Mahé**

**A) Segment Summary**

This segment takes a look back at the well-known Mahé case, which triggered a series of legal challenges focusing on language rights, specifically the French-speaking minority’s right to education in French. The main players in the case discuss the events that led to the trial that began in 1981, one year before the Charter was brought in.

**Key Moments**

- The first scene is shot at a place that is highly significant for the two friends. The backdrop is the chain-link fence around the old French immersion school where the two of them enrolled their children, at a time when there was no French-language school.

- They discuss the reasons why immersion was not a solution for their children.

- After lobbying the provincial organization, the parents met with the Minister of Education. But the meetings were unproductive. As a result, they decided to form an association made up of nine parents, which was to become the standard-bearer for subsequent efforts to assert their rights.

- As the process got bogged down, the parents decided to establish a private French-language school.

- Judge Michel Bastarache explains how section 23 of the Charter became a powerful tool enabling minority French-speaking communities to acquire their own French school system.

- Legal challenges became essential to the advancement of the cause of the right to education in French. Parents demanded not only French-language schools, but also full responsibility for managing them. Those demands didn’t go over well, even within the French-speaking community.

- A meeting with three generations of the Dubé family provides insight into how initiatives in favour of French education in the 1980s helped keep the language alive.

**B) Areas for Exploration**

- What is the significance of the chain-link fence in the first scene where the two friends meet?

- Why were the parents not satisfied with the French immersion school?

- Why was the parents’ association given the name “Bugnet”?

- What challenges had to be overcome to establish a private French school at that time?

- What steps led up to the trial to secure educational services in French?

- Why did the parents decide to go all the way to the Supreme Court?

- What were the consequences of the Supreme Court ruling for all French-speaking communities in Canada?

**C) Enrichment Activities**

From the start of the episode, the key players discuss their doubts about whether an immersion school was right for their children. When parents choose a school for their children nowadays, do they ask themselves the same kind of questions? Will it be the same for parents in the future?

This segment presents the position of the government of the day on the issue of education in French. What are the current issues of the French-speaking community where you live? To what degree is the government criticized for its opposition to various causes?

Parents explain the challenges they faced in seeking to establish a French school. They persisted because they were convinced that schooling was the only way to ensure the survival of French. What kind of institution do you think would contribute the most to ensuring a more dynamic French-speaking community where you live? What challenges would have to be overcome to see such a project become a reality?

The grandfather, father and son of the Dubé family discuss the place of French education and French in general in their daily lives. To what extent does getting an education in French in schools like the ones demanded have an impact on students’ futures? How does it influence the role that French will play in their adult lives?
D) Webography

Mahé case (Supreme Court Judgment)


Biography of Justice Bastarache


Canadian Charter of Rights and Freedoms

**Doucet-Boudreau (29:00)**

**A) Segment Summary**

After the fight for French schools and the right to manage those schools, new demands were made. In Nova Scotia, parents quite legitimately wanted to assert the right to a French high school education, which they didn’t have. Another long legal challenge began. This time, it involved not only the provincial government, but also the school board, which had specifically been established to ensure those rights were protected.

**Key Moments**
- In her region, Glenda Doucet-Boudreau became the figurehead of the struggle for French education at the high school level. The Doucet-Boudreau case would become a landmark decision for the application of section 23 across the country.
- At the beginning of the sequence, Glenda talks about the dreams she had for her children.
- An experienced teacher describes the situation in the high school in his area at the time when the curriculum was entirely in English, despite the fact a clear majority of the students were French-speaking Acadians.
- First-person accounts describe the tension around the issue and endeavour to explain what the causes were. The daughter of the parent most closely associated with the case explains how the situation affected her day-to-day life at school.
- The trial that was supposed to take place in French took place in English in the end. The main players give a detailed description of that experience, which placed an extra burden on French speakers.
- The segment ends with thoughts on the period that followed the establishment of French high schools.

**B) Areas for Exploration**

- How did becoming parents have a significant impact on people’s desire to obtain a French education for their children?
- Why was it necessary to take the provincial government and the school board to court?
- According to the main players involved, what social and political factors hampered the advancement of education in French?
- What was the greatest contribution of the Doucet-Boudreau case to legal precedent with respect to access to education in French?

**C) Enrichment Activities**

The desire to maintain “social peace” is often cited as one of the main reasons for refusing to grant access to a French secondary education. Where you live, what issues are liable to divide the community and would risk disturbing social peace?

During the 1970s, before the Charter was brought in, what was French education like where you live? Who were the witnesses and architects of the changes that have occurred since then?

As a backdrop to the events shown in this segment, relations between the English-speaking and French-speaking communities seemed tense. How would you describe the situation between the two communities where you live, and what questions might be sensitive for some people?

**D) Webography**

- Doucet-Boudreau case (Supreme Court Judgment) [scc-csc.lexum.com/scc-csc/scc-csc/fr/item/2096/index.do](scc-csc.lexum.com/scc-csc/scc-csc/fr/item/2096/index.do)
  

  
Part 2 – Our Rights, Our Fights

Saskatchewan

A) Segment Summary

While the first episode took a look back at history and traced the development of minority language rights, this one examines a more recent situation: inadequate funding of the French-language school system in Saskatchewan. Lawyer Roger Lepage, born and raised in the province and long engaged in the struggle for language rights, gives us his own account of events. French schools and school boards were established all over the country, but there was still a lot to do to ensure equality of education for young minority language French speakers.

Key Moments

○ Roger Lepage describes what it was like for a young Franco-Saskatchewanian at a time when there were no French schools. The village of Montmartre is a typical example of a community that suffered the devastating effects of assimilation.

○ The famous case of Father André Mercure, who demanded a French trial when he was charged with speeding, was another milestone along the way to the recognition of minority language rights. Father Mercure’s assertion of his rights provoked some alarming reactions.

○ In a somewhat unusual case, Jean-Michel Tremblay, who had a limited knowledge of English, led another fight to be tried in French, this time under section 15 of the Charter. The trial had repercussions on criminal law, meaning it had an impact right across Canada.

○ Roger Lepage was the driving force behind the initiative to establish French schools and the right to manage them in his native province. His personal and professional lives are intertwined, with respect for language rights being the common thread.

B) Areas for Exploration

○ The village of Montmartre is an example of a community that has quietly been assimilated. How has your community changed over the last 30 years? How does it compare with Montmartre?

○ What happened in Roger Lepage’s life that spurred him to action?

○ A country priest and an escaped prisoner each decided to demand a trial in French. What were their respective motivations?

○ What factors in Roger Lepage’s personal life and professional life were decisive in turning him into an advocate for minority language rights?

C) Enrichment Activities

When Father André Mercure was charged with a highway code violation, he demanded that his trial be held in French, which provoked strong reactions in his community. How would people react where you live if someone stood up for their language rights?

Roger Lepage lived through some landmark events that made him a champion of French minority language rights. What factors prompted you to take an interest in the causes you cherish?

The segment shot in Saskatchewan shows what day-to-day life was like at a time when French was much more of a living language. How was the daily life of your parents and grandparents different from yours, when it comes to French?

D) Webography

Mercure case (article – Musée virtuel francophone de la Saskatchewan)
musee.societehisto.com/le-cas-mercure-n188-t1255.html

English: Mercure case
sympatico.ca/rd.fournier/inter.canada/doc/mercure.htm

Mercure case (Supreme Court Judgment)
scc-csc.lexum.com/scc-csc/scc-csc/fr/item/6897/index.do?r=AAAAQAHbWtvY3VvZQE


Montmartre, Paris of the Prairies (website – English only)
montmartre-sk.com
The Fight for Francophone Rights

Teacher’s Guide

Yukon (30:30)

A) Segment Summary

Roger Lepage became an acknowledged minority language rights expert, and people in the Yukon asked him for assistance in their fight against the government to obtain a French high school. The issue of “full responsibility for school management” came up again.

Key Moments

○ School board officials explain their role in the trial and how this fraught period affected their lives. The outcome of the trial was seen as a step forward for French education, despite the difficulties.

○ Staff and students describe the problems with their school facilities, which had to be renovated and expanded over the years as enrolment climbed.

○ A family talks about its new life in Yukon and the cultural references they’ve had to adopt to forge an identity for themselves that is in harmony with the surrounding community.

○ Académie Parhélie was designed to facilitate students’ integration into their community. It encourages them to have experiences specific to where they live. In this segment, one of those activities is presented as the students experienced it.

○ The conclusion of the segment explores the issue of funding, both for French-language school boards and legal challenges, which seem to be the only way that French-speaking communities can assert their rights.

B) Areas for Exploration

○ What were the main challenges facing the community in this region?

○ What are the pros and cons of the current situation in that school?

○ What are the distinguishing characteristics of the Parhélie project?

○ How does the family shown in the segment manage to maintain a vibrant French-language lifestyle in its host community?

○ What were the issues and outcomes of the court action taken by the Yukon parents?

C) Enrichment Activities

The staff and students of École Émilie-Tremblay describe what their school is like and compare it with other schools in the region. Compare the buildings of schools in your area with those of other school boards.

The students at this school seem disadvantaged in relation to students at English schools. How does the situation of your school compare with that of other schools in your region?

Keeping French alive in a family requires adopting cultural references specific to the community where you live. What are the cultural references in your community?

The Parhélie project was designed specifically to meet the needs of the Whitehorse area. To what extent are your school’s programs a reflection of your community?

D) Webography

Yukon Francophone School Board
(Supreme Court Judgment)

[link to Yukon Francophone School Board page]

English: [link to Supreme Court Judgment]

[additional links provided for Yukon Francophone School Board]
Part 3 – Setbacks and Justice

Northwest Territories

A) Segment Summary (Part 1) – Yellowknife

Two situations in the Northwest Territories reflect the characteristics and realities of the region’s two French schools. In Yellowknife, the École Allain St-Cyr needed a gymnasium and larger facilities to accommodate high school students.

Key Moments
○ Efforts to have the school expanded were unsuccessful. School board officials explain how the community and the government had different views on how to go about meeting their demands.
○ Students and their teacher describe how physical education classes and extracurricular activities are organized. They talk about the lack of action from the government and the injustice they see.

B) Areas for Exploration
○ What prompted the parents and school board to want to expand École Allain St-Cyr?
○ How do students perceive the situation of their school?

C) Segment Summary (Part 2) – Hay River

Families who live in Hay River, a six-hour drive from Yellowknife, have only one option if they want their children to be educated in French: École Boréale. The school’s admission policy—to accommodate the children of all communities that wanted to benefit from French schooling—was a major problem for the school board.

Key Moments
○ The case of Lorie Steinwand is symptomatic of the reality of a generation of Métis who were assimilated into English, but now want to take advantage of the possibility of educating their children in French. Ms. Steinwand’s testimony was decisive in the trial, which centred on defending the school board’s admission policy.
○ A request to expand École Boréale prompted the government to ask why many of the children enrolled there did not meet the criteria set out in section 23 of the Charter.

D) Areas for Exploration
○ What is the major difference between Yellowknife and Hay River when it comes to choosing a school?
○ What steps did Lorie Steinwand take to ensure her children would be educated in French?
○ Why did some students at École Boréale not meet the enrolment criteria defined in section 23 of the Charter?
○ What did the school board base its admission policy on?

E) Enrichment Activities

Connections can be made between Lorie Steinwand’s experience and the experiences of earlier French-speaking generations in many regions of Canada who did not get an education in French. In your region, how are French-speaking parents who didn’t get an opportunity to go to French school treated?

Each area of the country has its own criteria for admitting students to French schools. What are these criteria in your area and how do they reflect the reality of your community?

F) Webography

Hay River case – Commission scolaire francophone des Territoires du Nord-Ouest et al. (Supreme Court Judgment)


Yellowknife case – Commission scolaire francophone des Territoires du Nord-Ouest et al. (Supreme Court Judgment)

British Columbia (29:12)

A) Segment Summary

Equal education for the minority and the majority was also a major issue in British Columbia. Funding problems again constitute the backdrop and explain the glaring lack of space, the choice of school locations and the absence of certain essential facilities. This part of the documentary presents the situation at École La Vérendrye in Chilliwack and at École Rose-des-vents in Vancouver.

Key Moments

○ Lawyer Mark Power visits some schools, pointing out what facilities they are lacking, and condemns the inequality in relation to English schools.

○ Parents of students at École Rose-des-vents take steps to improve and expand their school. They realize that they also have to wonder about the school board’s role in responding to their demands.

○ As the trial approaches, we see the final preparations as the people involved review the main issues that will be contested. Various options are explored.

○ The conclusion of the episode takes a look at efforts to assert minority language rights in general and prompts us to think about their place in a changing Canada.

B) Areas for Exploration

○ What are the main demands in the largest education-related case so far?

○ What aspects do French-speaking parents see as unfair when they compare their school system with the English system?

○ Why was the school board accused of not meeting the needs that were expressed?

○ Why are the trials presented in this episode seen as a “second wave”? What do they have in common?

C) Enrichment Activities

“People learn French in school, not at home,” says lawyer Mark Power. Why is that so? Is that the case in your community?

Some testimonials reveal exceptional commitment to the French language and French education: lawyers dedicate themselves to various legal challenges, and parents and students are willing to make significant sacrifices for the sake of a French education. What are some examples of extraordinary commitment in your community?

Strong solidarity can be found right across Canada for legal cases centred on minority language rights. What organizations in your region share this spirit of cross-Canada solidarity?

In all the cases presented, there are facilities for preschool children. In what respect is accommodating children from a very early age crucial for minority French-speaking communities?

D) Webography

The case of the Association des parents de l’école Rose-des-vents (Supreme Court Judgment)
scc-csc.lexum.com/scc-csc/scc-csc/fr/item/15305/index.do?r=AAAAAQAtY29tbWlzc2lvbiB2Y29sYWlyZSB0ZXJyaXRva[X]cyBkdSBub3JkLU91ZXN0AQ


The case of the Conseil scolaire francophone de la Colombie-Britannique (Supreme Court Judgment)
scc-csc.lexum.com/scc-csc/scc-csc/fr/item/13186/index.do?r=AAAAAQAVw6IkRWNhGlvbiwgZnjhbsOnrWyizAQ

Conclusion – Special Scene from The Fight for Francophone Rights

As a review activity or to explore some sequences given less attention, ask students to form teams and watch a randomly chosen clip of a predetermined length (say, 10 to 15 minutes), taken from one of the six stories documented in the series:

- Mahé in Alberta
- Doucet-Boudreau in Nova Scotia
- Saskatchewan
- Yukon
- Northwest Territories
- British Columbia

Then ask students, individually or in teams, to find a scene or first-person account that focuses on one of the following aspects:

- Attachment to the French language
- Worries about the future
- Emotions associated with the topic
- Links with another known situation
- A reality that resembles theirs
- A shared point of view
- Different points of view
- A legal aspect of a case
- An emotional aspect of a case
- Or any other aspect that speaks to your group of students.

Lastly, ask students to share the “special scene” they watched with the larger group as a way of revisiting some of the events discovered in the series. Take advantage of the opportunity to ask review questions or to check students’ understanding of certain basic constitutional law concepts focused on in The Fight for Francophone Rights.

General Webography

Les droits linguistiques constitutionnels
ccppcj.ca/fr/rights-language.php

English: Constitutional Language Rights
ccppcj.ca/en/rights-language.php

L’historique des droits linguistiques au Canada
justice.gc.ca/fra/pr-rp/sjc-csj/franc/enviro/1.html

English: History of Language Rights in Canada
justice.gc.ca/fra/pr-rp/sjc-csj/franc/enviro/1.html

List of French school boards in minority language communities
fncsf.ca/notre-organisme/membres