

David Fraser. “Honorary Protestants”: The Jewish School Question in Montreal, 1867–1997 (Toronto: University of Toronto Press, 2015), 536 pp., ISBN: 9781442630482.

If I had a nickel for every time I had to explain the legal aspects of Quebec’s former school tax panels in a lecture on Jewish education, I would have – well, a lot of nickels. Small compensation, nevertheless, for the inevitable glassy looks I get from an audience more interested in hearing about the efforts of the province’s Jews to forge a place within the system through court action, political agitation and even strikes. Happily, with the appearance of David Fraser’s *“Honorary Protestants”: The Jewish School Question in Montreal, 1867–1997*, I can refer to a full legal history of the topic that is exhaustive in its attention to detail. The book is extensively researched and forcefully argued, outlining the passage of laws pertaining to Jewish education, the debates over their implementation, and their impact on human rights. It is also, despite the detail, lacking in historical context and frustratingly short on nuance.

Take the quotation marks in the title, for instance. The phrase comes from my own work, *A Meeting of the People: School Boards and Protestant Communities in Quebec, 1801–1998* (McGill–Queen’s University Press, 2004), co-authored with Mary Anne Poutanen, and is the carefully chosen title of Chapter Seven, about the place of Jewish pupils under Protestant school boards. Learning of Fraser’s monograph, we were happy, as always, to see that part of our ambitious study had inspired more detailed research. We were less happy to find that Fraser had lifted “our” phrase and used it sarcastically, in the manner of quoting a mildly outrageous historical statement in a conference paper title. We intended the phrase to be read with a certain irony, reflecting the manner in which most titles of an honorary nature sound rather grand but really offer little in the way of privilege. Fraser, however, referring to us rather glibly as “historians of Quebec Protestant education,” assumes that we saw the Protestant school system as entirely welcoming to Jewish pupils. “Honorary” is paraded throughout his book, always sporting quotation marks to remind readers of the irony that presumably escaped us.

This is a pity. Fraser’s heart is in the right place, and he and we are essentially on the same page on the issue of Jewish educational rights. The following telescoped history of the subject could easily have been distilled from his book. Section 93 of the 1867 British North America Act (essentially Canada’s constitution) only guaranteed Protestant and Catholic educational rights in Quebec; consequently, people of other religious backgrounds discovered that they had no inalienable right to send their children to public school and had to rely on Christian charity. For complex reasons, Jews came to send their children to Protestant schools and agreed that their school taxes should support the Protestant school system – but their presence was forever a matter of convenience, never an acknowledged right, and was perpetually subject to the whim of Protestant school commissioners and trustees, who resisted any move

to enable Jews to sit on school boards or even to vote. In 1903, legislation was passed equating Jews and Protestants “for school purposes,” an equality that nevertheless did not extend beyond taxation and the accommodation of pupils (hence the notion of “honorary”). Moreover, turf wars and anti-Semitism made the educational life of Quebec’s Jews tense at the best of times. Only in two rural communities, Sainte-Sophie and La Macaza, did Jews succeed in exercising the democratic rights implied by the 1903 legislation and in forming their own school boards. In 1928, equality for school purposes was declared unconstitutional, and the Jewish community was obliged to negotiate contractual agreements with Protestant boards, which they did right to the time of the Quiet Revolution – indeed, right to 1997, when Section 93 was amended.

Fraser might well concede that applying the phrase “Jewish School Question” (normally associated with the 1910s and 20s) to this entire 130-year period is slightly misleading, rather like calling the entire history of the Soviet Union “the Russian Revolution.” Still, Fraser’s point is well-taken: Jews were consistently ill-served by all public education regimes in Quebec until the abolition of confessional school boards in 1998, and therefore schooling remained a “question,” even a crisis, throughout the entire period. At least, I assume this is Fraser’s point; the absence of any effort to position his work within the often contentious literature on the subject frequently makes for confusing reading. Things become no clearer on a number of occasions when Fraser introduces a particular issue as “the next Jewish School Question” and one senses that the phrase is being stretched a little thin.

Fraser’s unwillingness to engage with us, or with any of the literature on Quebec schooling (other than on one occasion tearing into Gerald Tulchinsky for apparently attributing a motive to the wrong party), suggests that he views other scholarship simply as material from which information may be gleaned, rather than the result of careful thinking (albeit always with potential bias) on complex issues. The manner in which he cites other works – for content, never for interpretation – confirms the impression that he reads broadly but not carefully. More attention to the nuances of historical argument would have avoided many of the generalizations, sweeping statements and outright errors that plague this book.

Fraser might have appreciated, for instance, that there was a tension perpetually at the heart of Protestant education over whether it was essentially a liberal, secular form of public schooling in keeping with most of North America, or a narrower educational programme geared to a particular religious group. Protestant school officials were capable of resorting to either definition, depending on the context. Normally, they presented themselves as liberal and tolerant, but sometimes tensions would give rise to various strains of anti-Semitism and the rhetoric would shift to extolling Christian values. Fraser’s critical assessment of this rhetoric is reasonable, but he all but ignores the liberal tendencies within Protestantism; at best, his oc-

casual references to “revanchist” elements serve to imply the existence of other points of view, but these are never articulated. Instead, Fraser repeatedly refers to the “fundamental nature” of Protestant education or to the “core Protestant nature of Protestant schools” without ever explaining what he means – although he clearly believes that rejecting the company of Jews is somehow fundamental to Protestantism. Part of the problem lies with Fraser’s sources, which are for the most part documents generated by lawyers and others at the time who researched cases on behalf of the Jewish community, rather than Protestant school board records. Many of these legal documents, since deposited in the Canadian Jewish Congress archive, contain extensive quotations from school board minutes, but the information is still cherry-picked and only provides part of the story.

Fraser’s lack of nuance perpetuates age-old stereotypes about Protestant intransigence that all too often serve political interests in Quebec. He casually cites Pierre Anctil’s claim that Protestants were the province’s first anti-Semites – which is true only if one denies the fact, as Robert Gagnon and Jean-Philippe Croteau have done, that Catholic boards did not admit Jews in their schools, thereby avoiding the public occasions when Protestant discourse became conspicuously anti-Semitic. Fraser appears unaware of this contentious issue, although he does pepper his text with “probably,” “almost never,” and “perhaps” as if that were enough to permit him to move on to the next legal argument. The conspicuous aside describing Anctil as “the noted historian of Quebec Jewry and intercultural relations” is perhaps Fraser conceding that he may be on thin historiographical ice and in need of reinforcement. In any event, it is clear to me that Quebec Jews saw the Protestant educational system as the lesser of two evils by far, largely because its schools functioned for the most part like secular public ones.

Fraser does much to undermine the liberal aspect of Protestant schooling by his problematic use of certain terminology and by making assumptions that, when repeated often enough, sound like facts. One relatively minor irritant is his constant use of the term “denominational” rather than “confessional” when characterizing Quebec’s school systems; the former has a very different meaning for Protestants, who saw their schools as expressly non-denominational. Fraser also betrays a lack of awareness of Quebec educational history when he asserts that both Catholic and Protestant curricula included “religious instruction,” when in fact the Protestant school day never devoted more than a few preliminary minutes to prayer and scripture – still awkward for Jewish pupils, though hardly so onerous as an hour’s catechism. Fraser’s narrative spends very little time in the classroom, preferring to make sweeping statements based on information drawn from an abstract level of legal discourse.

Much more serious is Fraser’s frequent assertion that Montreal’s Protestant school board segregated Jewish students. This claim is introduced in the context of a situa-

tion at Dufferin School, which in 1895 was (according to Fraser but not corroborated by any statistics I have seen) overwhelmingly Jewish, that prompted the Protestant commissioners to consider creating a segregated system. A few pages later, Fraser writes of segregation as if it was central to board policy, and the next reference a further twenty pages along is to “the de facto and almost de jure segregation of Jewish and Protestant pupils in schools.” None of these claims is accompanied by proof, and in the only real discussion of the issue Fraser asserts that segregation had little to do with residential patterns. By the early twentieth century, several schools (but not as many as nine, as Fraser claims) had populations that were majority Jewish, but that surely does not constitute segregation; the schools were overwhelmingly Jewish because the families who lived nearby were almost all Jews. Fraser’s error here may be due to his evident ignorance of Montreal geography: he frequently refers to the Downtown Jewish area as “the east end” and later to Hampstead as lying “just west of Mount Royal” within easy reach of the centre. Even so, to claim that Jews were segregated in Montreal goes beyond a mere sweeping statement. Yes, a case could be made that the Protestant commissioners opened Baron Byng High School in the heart of The Main (as the area is known, never by Fraser’s insulting term “ghetto”) in order to diminish the percentage of Jewish students at the prestigious High School of Montreal, but one could also argue that they were simply building a high school in the midst of a major working-class catchment area, just as they were doing in other parts of town. In any event, Baron Byng’s creation in the 1920s can hardly serve as an example of segregation when discussing an earlier period. By contrast, what happened in Outremont in the 1940s was a clear case of a Protestant school board wanting to segregate its Jewish students. The board did so in defiance of not only the local Jewish community but also much of the Protestant population – to say nothing of international opinion in the wake of World War II. Unfortunately, by having repeatedly dropped unsubstantiated claims about the Montreal board, Fraser diminishes the significance of the anomalous Outremont project and completely undermines the efforts of local Jews and Protestants to defeat it.

If Fraser had understood more about the evolution of Quebec school boards he would not have made the countless petty mistakes he does in discussing them. He would have known how important it is to get their names right, even at the level of proper capitalization: for much of this period there was a Montreal Protestant school board (it was called the Protestant Board of School Commissioners for the City of Montreal) but never a Montreal Protestant School Board. In the latter chapters, the apparently interchangeable use of these terms, along with the Protestant School Board of Greater Montreal (a different beast again), renders the text all but unintelligible. It does not help that Fraser often refers to suburban municipalities on the Island of Montreal as lying within Montreal city limits (which Hampstead and Côte-Saint-Luc were not, as its residents will emphatically confirm) so that when he says “the Montreal Board” you cannot tell if he means the PSBGM (with which Hampstead etc. were affiliated) or the PBSC founded in 1846. Such imprecision is odd

coming from a legal historian who is clearly very particular about wording when it affects constitutional law.

Fraser is also very particular about the differences between “common” and “dissentient” school boards, as well as about that third variety: boards created by Order-in-Council. Except that he never refers to “boards” in this part of the discussion, only to “schools.” The key players in this story, at least on the Protestant side, are school boards, the recipients of school taxes and the makers of most decisions regarding schools within their jurisdictions. Fraser has people paying taxes to schools (impossible) and has schools petitioning for changes to their confessional status (illogical), when he should have been talking about boards. Yes, when a group of individuals under a common school board wished to dissent they would form a dissentient school, but more crucially they would form a dissentient board to administer the school – or schools, if more were needed. Fraser talks of schools as being “common” or “dissentient” as if these were inherent, essential qualities they possessed instead of being mere buildings operated by a particular type of board. He also talks of “Order-in-Council schools,” an institution that has never existed. Since the differences between these boards are crucial to his entire argument in the book’s latter chapters, this confusion is particularly unfortunate.

Above all, Fraser is particular about the law. Section 93 may have been unjust but it was the law of the land from 1867 to 1997, and therefore any deviation from it during this period was unconstitutional. But by insisting on this fundamental interpretation of legality, Fraser is obliged to characterize every attempt to mitigate Section 93’s inherent injustices as illegal. Although he is technically correct in this characterization, the cumulative effect is to undermine the legitimacy of every effort by Jews to carve out pockets of educational jurisdiction for themselves. In the truly remarkable story of the all-Jewish “Protestant” school board of Sainte-Sophie, Fraser’s account paints the Jewish farmers as obstinate in their procedurally unorthodox pursuit of dissentient status and the Protestant bureaucrats as the frustrated party searching for legally viable solutions to what was allegedly tying their hands. It is only via a direct quotation from our article on Sainte-Sophie that Fraser implies the possibility of anti-Semitism in the officials’ actions; he is apparently unwilling to assert this interpretation directly. Curiously, although no one at the time questioned the farmers’ self-identification as “Protestants for school purposes” under the 1903 law, Fraser cannot resist making an aside that borders on the patronizing: “Of course we know now [since the law was struck down in 1928] that their interpretation was faulty, but at the time it was perhaps understandable that they would rely on the equivalence established in the statute.” But the farmers’ interpretation was clearly not “faulty” if it won them the educational services they sought. For that matter, can any interpretation be considered wrong just because a later decision disagreed with the terms on which the reasoning was based? Is there a legal reality distinct from our various efforts to interpret the law – a constitutional tree falling in the interpretational for-

est, as it were? The answer may seem straightforward to a legal mind such as Fraser's (who, incidentally, consistently misuses the word "existential"), but the repeated assertion that people's actions were illegal diminishes their capabilities as historical agents.

Aside from the errors and confusing passages, the book's real shortcoming is the lack of a sense of human agency. The genre of legal history offers no more excuse than any other to downplay the efforts of individuals; many legal historians strive to show how ordinary people coped with injustice, making much more creative use of the phrase "the shadow of the law" than Fraser does. If the book ever goes to a second edition – and given its clear strength as a useful reference work this may indeed be necessary – Fraser would do well to rethink his analysis, tease out the motivations of people at the heart of this story, and rely a good deal less on unsubstantiated claims.

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