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EDITORIAL

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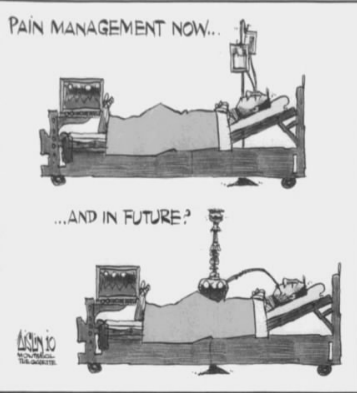


ILLUSTRATION BY JENNIFER STIERANT

EDITORIALS

Legally clear and clearly absurd

We will defer to the learned wisdom of Justice Pierre J. Doherty of the Quebec Court of Appeal. The government does indeed have the right to force a certain 10 private-school students into French school. But the case's rigorous legal framework serves only to demonstrate the rigid irrationality behind Quebec's co-ercive school-language laws.

Parents of the 10 students in question have chosen to fight for the opportunity to move from fully private grade schools to government-subsidized secondary levels in the same schools. This progression would violate Bill 104 of 2002, passed by a Parti Québécois government to close a so-called loophole in the Charter of the French Language, Bill 101 of 1977, which closed off English schools to most Quebec students.

Last fall the Supreme Court of Canada invalidated Bill 104 as unconstitutional. But the high court suspended its ruling for a year, to give Quebec time to draft and pass an acceptable substitute. So 104 stays in effect until October.

In the case that had the Appeals Court Working Saturday, the parents had argued that with Bill 104 repealed, and the replacement Bill 103 not yet enacted, their children should be allowed into English high school this fall.

Quebec Superior Court bought that argument, and ruled in the parents' favour last week, but on Saturday Justice Doherty didn't. Since the Supreme Court suspended

its judgment, Bill 104 remains in effect until October. Legally the argument seems clear. But the absurdity of the premise underlying Bill 104 (and the mean-spirited Bill 103 with which today's Liberal government expects to replace Bill 104) shines through Saturday's ruling. If these kids get into an English-language school, many other parents would want the same thing, the ruling noted, and giving the public what it wants would be... contrary to the public interest. Further, permitting such requests would add complications for educational administration and also for the National Assembly's debate on Bill 103.

After decades of social engineering over language, here's what we have come to: Everybody, except many parents, defines "the public interest" as removing almost all choice in language of education. The only remaining freedom of choice is for those eligible for English school, and for those wealthy few who can pay many years of very high tuition fees.

It gets worse. As the distinguished and dedicated Montreal lawyer Michael Bergman argued on our opinion page in July, Bill 103 is in some ways even tougher than Bill 104 was. Bergman noted, "distorts and circumscribes" rules the Supreme Court put in place - the Solaki criteria - for deciding each case on its own merits. This raises the interesting possibility that Bill 103, too, could be thrown out by the highest court in the land.

Quebec governments keep on trying to patch and preserve the dam they have built to prevent parents from exercising language choice in education. How long can they ignore the evidence that parents, including many Francophone ones, want more choice, not less?

Days start getting longer in just 16 weeks

Only the weather, it seems, didn't get the message Summer is ending now. La rentrée is well and truly under way. There are only a few more days to wear white. Vacationers have returned, so buses and commuter trains and the highways are more crowded. School's in, which means office-supply stores, computer shops, and then are all madhouses. Neighbourhood pools are on shorter hours. It's getting dark a lot earlier. Any minute now there'll be Halloween-themed advertising, and when that starts, can The Little Drummer Boy be far behind?

Even the steamy days we've had this summer are giving way, now, each evening to a certain crispness in the air. There's no more preening.

Instead of succumbing to nostalgia, however, this year let's all adopt the attitude that summer is over-rated anyway. This is a counter-intuitive position for Canadians, who soldier on through months of slush, snow, and slipperiness sustained solely by the certainty of summer to come.

But when it arrives? You get some time off, maybe, or else the boss does. But there are mosquito bites, sunburn, the lawn to cut, your garden to shame your indolence, over-rated rose wines, burned barbecue, wardrobe anxiety, relentless humidity, rain on the day of your picnic, bugs everywhere...

Nope, give us autumn every time. Cory swears, wood fires, exciting new classes at school, something new on TV, hearty meals...

We refrain in deference to our female readers in mentioning the National Football League, but everyone can enjoy crisp leaves to kick, the chill honey of a cold crunch apple, the return of (some) intelligent movies...

You're not buying this, are you? Neither are we, to tell the truth. Autumn has its moments, but as the summer solstice recedes and our part of the planet tips away from the sun, Canadians know better than to try to kid ourselves. Winter's coming.

There is, however, some good news: As early as Dec. 22, the days will start getting longer again.

LETTERS

Humans don't deserve respect

Re: "A question of respect. The idea that humans should be considered special is more vulnerable than you would think" (Opinion, Aug. 27).
Being a dishevelled animal lover who won't even kill spiders, I've had this debate many times. Their comments like "Humans are superior to all animals and other life," or my favourite: "God put animals on the planet for food!"
Human thinking about "life" is warped, self-righteous, and egotistical. The only thing that separates us from other life is our

egos. Animals think, feel, and have emotions. I once saw a skunk hit by a car only to watch its partner howl over the dead body. When I open the paper every day or turn on the news, there is another suicide bomber, another murder, oil leaks, mothers killing their kids, and I think to myself: "Humans superior?" Ridiculous!
Humans cannot even respect one another, let alone other living things.

Jennifer Stierant
Montreal

Make riders pay

Re: "Here's a cool idea: air-conditioned buses" (Editorial, Aug. 28).
Air-conditioning for buses would be wonderful - but only if the riders pay for it.

The service is already too heavily subsidized and it would be unfair to add to the burden of those who are really paying just to provide a system that would provide real benefits for perhaps 10 days a year, especially when the riders who would benefit likely don't have central air conditioning at home.
Let's make the operation self-sufficient and then the Société de transport de Montréal and the Agence métropolitaine de transport can spend their money in any way they believe beneficial. Until then it's my money and I vote no.

Brian Frank
Dollard des Ormeaux

Toronto's cooler

Re: "Air conditioning 'just doesn't work' for buses" (STM) (Gazette, Aug. 27).
Councillor Marvin Borland is completely off base. Buses in Toronto are equipped with air conditioning that works just fine, even on routes with frequent stops.

He and Montreal's transit officials should consider who leaves a bigger carbon footprint: the commuter who's one of 50 people on an air-conditioned bus, or the driver who's stuck in a stifling 30-degree heat and chose to drive instead.

Patrick Farrell
Toronto

Injustice has little to do with terrorism

Re: "Security forces get their act together" (Opinion, Aug. 28).

Anthony Seaboyer writes that "in the end, we also need to address the underlying causes of terrorism. These are the social injustices." I am curious as to why he would say this when most of the accused "citizen terrorists" among the Toronto 18 and the Ottawa 3, come from good backgrounds, professional educations.

Although foot soldiers in Afghanistan might be poor, the planners, and financiers of terrorism are motivated by ideological and religious beliefs.

Ted Pearson
Montreal

Lesson unlearned

Re: "Quoted attributed to him don't sound like the Jean Charest I know" (Opinion, Aug. 30).
L. Ian MacDonald writes that Premier Jean Charest learned his lesson 20 years ago when he resigned from the Mulroney government for having made a call to a judge.

Really? Then how does MacDonald explain

Keith Linton
Orono, Ont.

A poor analogy

Re: "You register your car - why not guns?" (Opinion, Aug. 26).
Has the car registry stopped people from driving drunk? Has it prevented people from speeding? Or driving through stop signs and red lights? Obviously not.

Just because a database contains information about an inanimate object, be it a car or gun, does not preclude human criminal behaviour.

As for the gun registry making police work safer: It did nothing for the four Mounties killed in May-erthorpe, Alta, nor did it save Constable Valérie Gagnon in Lével, or Constable Daniel Tessier shot dead in Brasseur.

Stephen Budo
Hainville

Enough!

Re: "Quebec Court of Appeal overrules students' access to English schools" (Gazette, Aug. 28).

It's unbelievable that in this day and age, parents can't send their children to the school of their choice. Enough is enough.

Maurice Desautel
Laval

More than a 'thing'

Re: "The circus rules at Park's" (Gazette, Aug. 28).
In his article on the mosque at Park's Mark Le-pagge refers to "that whole 9/11 thing."

I was just wondering what "thing" was that. Was that the "thing" in which 3,000 people died?

Eric Gregor-Pearse
Montreal

Fall reverie

Re: "Nature's bounty awaits" (Editorial, Aug. 28).
Your brief editorial comment brought to mind John Keat's delightful Ode to Autumn:

Season of mists and mellow fruitfulness,
Close bosom-friend of the maturing sun,
Conspiring with him how to load and bless
With fruit the vines that round the thatch-eaves run...

These lines were memorized more autumn ago than I will admit to, a practice encouraged by teachers who could, still can, and will continue to instill in their protégés an appreciation of the achievement and potential of the human spirit.

As for George Bernard Shaw's saying: "Those who can, do. Those who cannot, teach." In praise of teachers. (Opinion, Aug. 24), it can be best characterized - at least by this retired teacher - by deleting one of the initials by which Shaw is commonly known - GBS.

A. Gerard Davey
Beaconsfield

WE WANT TO HEAR FROM YOU. Send your letters to letters@thegazette.ca or west.com