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LANGUAGE, ACCESS TO JUSTICE, AND THE LEGAL REGULATION OF GIRLS IN QUEBEC, 1950-1977

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Language shaped the operations of the Social Welfare Court (SWC; in French, Cour de bien-être social), which managed juvenile delinquency cases in Quebec between 1950 and 1977. In many Western countries after the Second World War, factors like **age, gender, social class, ethnicity, and religion** influenced how juvenile courts treated children and adolescents.[4] In Quebec, the system also had to accommodate both French- and English-speaking youth, meaning that **language** played a key role in determining how delinquency cases involving Anglophone[5] girls were handled.

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4 For more on how juvenile justice policy emerged and developed across North America and Europe, see William S. Bush and David S. Tanenhaus, eds., *Ages of Anxiety: Historical and Transnational Perspectives on Juvenile Justice* (New York University Press, 2018); Heather Ellis, ed., Juvenile Delinquency and the Limits of Western Influence: 1850-2000 (Springer, 2014); Sarah Fishman, The Battle for Children: World War II, Youth Crime, and Juvenile Justice in Twentieth-Century France (Harvard University Press, 2002); David Niget, La naissance du tribunal pour enfants: une comparaison France-Québec (1912-1945) (Presses universitaires de Rennes, 2009).

5 For the purposes of this paper, Anglophone refers to people who learned English as their first language, and Francophone refers to people who learned French as their first language. These definitions apply to the defendants, judges, and other court personnel discussed in this brief.

The Social Welfare Court as a Reflection of Quebec Society

In 1950, the provincial government under Maurice Duplessis passed a new Act concerning Youth Protection Schools (*Loi des écoles de protection de la jeunesse*). This law created the SWC and set forth a new system for dealing with vulnerable and at-risk youth.[6] The SWC was responsible for a range of family- and youth-related issues, including adoption, child protection, and working with adults who contributed to youth delinquency. However, its main role was to oversee cases involving young people charged under the *Juvenile Delinquents Act*.[7]

There were many individuals involved in these cases, including police and probation officers, social workers, judges, and reform school staff. They apprehended, evaluated, and supervised young people, as well as determined their sentences. In practice, their decisions were influenced by societal attitudes toward gendered, class-based, ethnic, religious, and linguistic identities. **The policies and practices of SWC officials changed over time, especially during the Quiet Revolution, when ideas about families, gender roles, and youth shifted throughout Quebec society.**

Language tensions were also a key feature of this period, and they impacted operations at the SWC. A closer look at the juvenile justice system alongside Quebec's language politics during the 1950s, 1960s, and 1970s reveals how language affected the ways young people were treated during this time of rapid change.

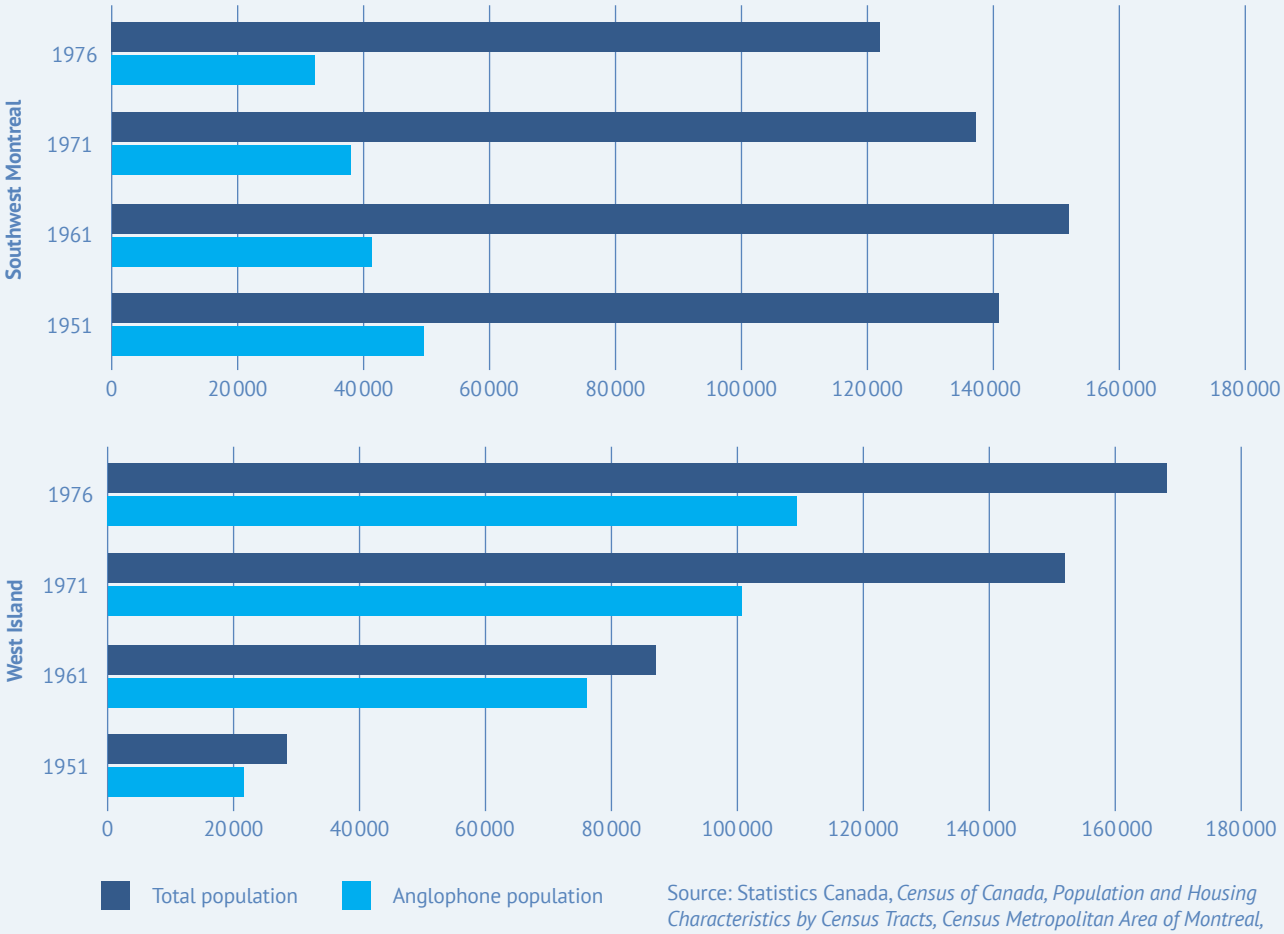
[6] For more on the history of the SWC, see Frédéric Moisan, "'Plus une œuvre qu'un tribunal punisseur': les jeunes délinquants devant la Cour du Bien-Être Social," *Revue d'histoire de l'Amérique française* 65, nos. 2-3 (Fall 2011-Winter 2012); Lisa Moore, "'Unmanageable and Incorrigible': Girls and Young Women before the Cour de bien-être social, 1950-1977" (PhD diss., Concordia University, 2026); Catherine Tremblay, "Plus que des histoires de jeunesse: les mineur.e.s devant les tribunaux dans la région du Saguenay—Lac-Saint-Jean entre 1950 et 1977" (PhD diss., Université de Sherbrooke, 2022).

[7] Passed in 1908, the *Juvenile Delinquents Act* was a federal law intended for the protection of children. It put forward the idea that children were the responsibility of the state and resulted in the creation of Canada's first juvenile courts. For more on the *Juvenile Delinquents Act*, see Neil Sutherland, *Children in English Canada: Framing the Twentieth Century Consensus,* 2nd ed. (Wilfrid Laurier University Press, 2000), 125-126.

How Language Shaped the Juvenile Justice Process for Girls

The case files of female youth living in Montreal Island's **Southwest**[8] and **West Island**[9]—two areas of the island that had significant Anglophone populations (Figure 1)—show that Anglophone girls and their families often had limited access to English services and support. This was evident in three key areas: **court personnel, trial proceedings, and institutional resources**.

Figure 1:
Anglophone Populations in Southwest Montreal Island and the West Island, 1951-1976



Source: Statistics Canada, *Census of Canada, Population and Housing Characteristics by Census Tracts, Census Metropolitan Area of Montreal,* 1951, 1961, 1971, 1976.

[8] Montreal's Southwest is a borough located along the south and north sides of the Lachine Canal that includes Griffintown, Pointe-Saint-Charles, Little Burgundy, Saint-Henri, and Côte-Saint-Paul/Ville-Émard. The term "Southwest" is also often used to refer more broadly to the general southwestern area of the island of Montreal, extending to the borough of Verdun. The data presented in Figure 1 for Southwest Montreal shows the combined population of Verdun, Pointe-Saint-Charles, and Côte-Saint-Paul/Ville-Émard, the three neighbourhoods south of the Lachine Canal.

[9] The West Island refers to the area at the western end of the island of Montreal, bordered by Lac St-Louis to the south, Lac des Deux-Montagnes to the west, and Rivière des Prairies to the north. During the period that the SWC was in operation, this area consisted of the following municipalities: Dorval, Kirkland, Pointe-Claire, Beaconsfield, Baie d'Urfé, Sainte-Anne-de-Bellevue, Île-Bizard, Sainte-Geneviève, Pierrefonds, Roxboro, and Dollard-des-Ormeaux.

Court Personnel

Most Anglophone girls encountered Francophone law enforcement and court officials. Between 1950 and 1977, 89% of the Anglophone girls detained were arrested and brought to the SWC by Francophone police. **Before 1962, there was only one Anglophone judge available in Montreal for all Anglophone defendants (compared to seven Francophone judges)**.[10] As a result, many girls appeared before Francophone judges (Figure 2). Although most Francophone judges attempted to communicate with Anglophone defendants in English, French remained the primary language of interaction in exchanges among court officials during trial proceedings.[11] In 1964, a new court was opened in Verdun to serve the Southwest, and a Francophone judge was appointed to preside over all delinquency cases.[12] A similar pattern appeared in the West Island after 1970. During the court's first four years there, all girls appeared before one of two Francophone judges. An Anglophone judge, Barrie H. Brown, was appointed only in 1974. Language politics had a direct impact on the selection of judges. In the 1950s, appointments often reflected political patronage under Maurice Duplessis.[13] As time went on, growing nationalist sentiment in Quebec reinforced language divisions within society as a whole and the juvenile justice system.[14]

Probation officers were typically assigned according to language, but there were far fewer Anglophone probation officers. This meant that many Anglophone girls were supervised by Francophone officers, some of whom were bilingual while others spoke little English. During the 1950s, **only four Anglophone probation officers worked at the SWC serving the island of Montreal, compared to 25 Francophone officers** assigned to girls' cases. When the Verdun court opened in 1964, it had only one female Anglophone probation officer (out of a total of eight female officers) until the early 1970s. The West Island court had more balanced staffing, with three Anglophone and three Francophone female probation officers. Still, across the SWC, there were consistently fewer Anglophone court officials, reflecting a broader issue of understaffing, even as probation services expanded in the late 1960s.

[10] This changed in 1962, when Judge J.W. Long was added to the SWC roster of judges. *Lovell's Montreal Directory 1962* (John Lovell & Son, Ltd., 1962), 54.

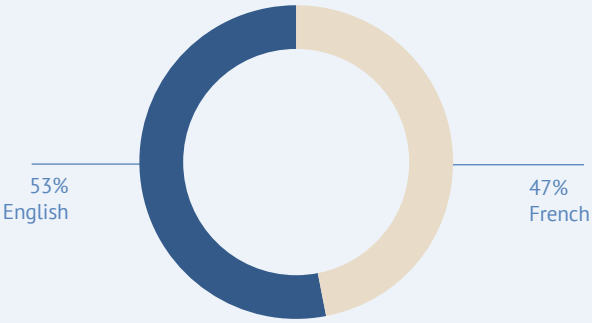
[11] Some case files indicate the presence of interpreters for Anglophone girls. Because references to interpretation services are sporadic and inconsistently recorded, the extent to which these services were available remains unclear.

[12] The SWC expanded its services over the course of the 1960s and 1970s to accommodate the growing number of cases in Montreal. See Moisan, "'Plus une œuvre qu'un tribunal punisseur,'" 284.

[13] For more on this subject, see Jonathan Livernois, *La Révolution dans l'ordre: une histoire du duplessisme* (Éditions du Boréal, 2018).

[14] Peter Gossage and J.I. Little, *An Illustrated History of Quebec: Tradition & Modernity* (Oxford University Press, 2012), 269.

Figure 2:
Mother Tongue of Judges for Anglophone Girls from Southwest Montreal Island and the West Island, 1950-1961



Source: Archives nationales de Montréal, Fonds Cour de bien-être social du district de Montréal, Délinquance, Dossiers (TL484, S2, SS45, SSS1), 1950-1961.

Court Documents and Proceedings

Most court documents, including trial transcripts, were written in French. When no Anglophone judge was available, cases involving Anglophone girls were deferred to Francophone judges. These judges typically chose the language that would be used in the case file. Some judges did communicate in English when needed. However, **in 90% of cases involving Anglophone girls brought before Francophone judges, the files were written almost entirely in French.**[15]

Some standard forms were available in both English and French, such as information sheets that provided biographical details about defendants. Longer documents—including trial transcripts and probation reports—were usually prepared in the judge's language, even when the defendant was English-speaking. When Francophone court officials tried to write reports in English, they were often unclear. Spelling and grammar errors, along with awkward translations, made these documents difficult to understand.

These language issues complicated the legal process for many Anglophone girls and their families. They also made it harder for some court officials to clearly explain their decisions and findings. As a result, these issues added complexity to a system whose personnel were working in two languages.

[15] Archives nationales de Montréal, Fonds Cour de bien-être social du district de Montréal, Délinquance, Dossiers (TL484, S2, SS45, SSS1), 1950-1977; Archives nationales de Montréal, Fonds Cour de bien-être social du district de Verdun, Délinquance, Dossiers (TL484, S143, SS45, SSS1), 1964-1977; Archives nationales de Montréal, Fonds Cour de bien-être social du district de Kirkland/Pointe-Claire, Délinquance, Dossiers (TL484, S84, SS45, SSS1), 1970-1977.

Access to Institutional Resources

Anglophone girls had access to fewer institutional resources than Francophone girls at the SWC. **Those sentenced to confinement often faced a shortage of space in English-language youth protection schools**.[16] Before 1956, the Girls' Cottage School was the only institution that could accommodate Anglophone girls from Montreal and nearby areas. In contrast, Francophone girls had access to four schools: Maison Ste-Domitille, Maison Ste-Agnès, Maison Notre-Dame-de-Laval, and Maison Ste-Hélène.

In 1956, the Catholic group Sisters of the Good Shepherd addressed this shortage and opened Marian Hall, an institution for delinquent or at-risk Anglophone girls. However, the school struggled to secure government funding, a circumstance its administrators believed was due in part to language politics. One memo from the Montreal Federation of Catholic Charities described efforts to secure funding for a new school property. A board member met with Premier Duplessis in 1956 but was told to wait until after the election of that year.[17] A small grant was eventually awarded in 1959, but it was not large enough to support the planned expansion. As a result, the new building could house only 40 girls instead of the intended 60.[18]

These challenges continued into the 1970s. In 1975, Maison Notre-Dame-de-Laval closed its temporary reception wing for Anglophone girls.[19] Marian Hall was then forced to take in an additional dozen girls, which worsened the already overcrowded conditions.[20] The school was understaffed, and the added pressure led to harsher disciplinary measures. It also created tension with the Quebec government. The Ministry of Social Affairs was hesitant to provide more funding and staff, partly because of disagreements about Marian Hall's role in a new social service network.[21]

[16] Youth protection schools were institutions where at-risk and delinquent youth were sent to be rehabilitated. For more on their history, see Jean-Marie Fecteau et al., "Une politique de l'enfance délinquante et en danger: la mise en place des écoles de réforme et d'industrie au Québec." *Crime, histoire et sociétés 2*, no. 1 (Winter 1998): 75–110; Sylvie Ménard, *Des enfants sous surveillance: La rééducation des jeunes délinquants au Québec (1840-1950)* (VLB Éditeur, 2003); and Moore, "'Unmanageable and Incorrigible,'" 294-341.

[17] The Montreal Federation of Catholic Charities was an umbrella organization that helped fund the initiatives of private English-Catholic groups in Montreal, including Sisters of the Good Shepherd. William A. Dyson, "*Memorandum*," William A. Dyson Fonds Montreal Federation of Catholic Charities, Marian Hall files, MG31-E75, vol. 13 (July 23, 1969), Library and Archives Canada.

[18] Wilbur Arkison, "Quebec Whittles Down Welfare Costs," *Montreal Gazette*, May 7, 1959, 8.

[19] While Maison Notre-Dame-de-Laval operated primarily as an institution for French-Catholic girls, it often accommodated Anglophone girls in a transitional reception unit when space was unavailable at English-language youth protection centres such as the Girls' Cottage School or Marian Hall.

[20] Gillian Cosgrove, "Funds, staff sought to curb girls' centre violence, vandals," *Montreal Gazette,* April 23, 1975, 3.

[21] Alycia Ambroziak, "Marian Hall: Ultimatum is cash lined," *Montreal Gazette,* April 24, 1975, 3.

Concerns Raised by English-Speaking Groups

Social reformers raised concerns about the limited access to English-speaking staff, services, and resources at the SWC. In 1955, the Catholic Girls' Voluntary Committee noted that the court did not replace an Anglophone probation officer after a staff member left for Toronto. They warned that this created "a weak link in a chain that has been much strengthened," calling attention to their efforts to increase Anglophone personnel at the court.[22] The Montreal Federation of Catholic Charities raised similar concerns in 1959, underlining the need for an English-speaking social worker at the SWC.[23] In 1964, Anglophone psychologists pointed to a shortage of guidance counsellors in English schools. Only two counsellors served more than 50 elementary schools and 10 high schools. They argued that this lack of support contributed to more young people entering the juvenile justice system.[24] These criticisms continued into the 1970s. In 1972, a coalition of seventeen anglophone organizations called for the resignation of SWC Chief Justice Paul Lavallée, accusing him of incompetence, insensitivity, and arrogant attitudes.[25] They argued that under his leadership, young people appearing before the court faced ethnic and linguistic prejudice. These criticisms highlight how language barriers created ongoing disadvantages for Anglophone youth at the SWC.

Conclusion

Language played a critical role at the Social Welfare Court, shaping how the system functioned and who it served. Anglophone girls faced obstacles at every stage, from police interactions to trial proceedings and institutional placement, all of which made the legal process more difficult to understand and access. These barriers reflected broader language divisions in Quebec society during this period and contributed to unequal experiences within the juvenile justice system.

While Anglophone minors in Quebec continue to face challenges obtaining services in English, particularly outside of Montreal, access to justice has improved substantially since the era of the Social Welfare Court. Since the 1980s, there has been an expansion of language rights protections, the development of bilingual legal services, as well as greater institutional recognition of the province's English-speaking minority.[26]

[22] "Rehabilitation for RC Girls is Progressing," *Montreal Gazette*, March 1, 1955, 10.

[23] William A. Dyson "Minutes of Special Meeting." William A. Dyson Fonds, Montreal Federation of Catholic Charities, Marian Hall files MG31-E75, vol. 13 (June 20, 1959), Library and Archives Canada.

[24] "Judge Terms Social Welfare Court 'Inadequate, Archaic, Overworked'," *Montreal Gazette*, April 13, 1964, 12.

[25] Roger Bellefeuille, "La démission du juge en chef de la Cour du bien-être social est réclamée," *Le Soleil,* November 22, 1972, 45.

[26] Richard Silver, "The Right to English Health and Social Services in Quebec: A Legal and Political Analysis," *McGill Law Journal* 45, no. 3 (Sept. 2000): 682-755; Department of Justice Canada, "Improving Access to Justice for Minority Language Communities in Quebec," news release, April 12, 2019, https://www.canada.ca/en/department-justice/news/2019/04/improving-access-to-justice-for-minority-language-communities-in-quebec.html

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