

BILL 23: MONITORING, STANDARDIZING, AND PUNISHING

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ABSTRACT. The passage of Bill 23 aims to improve academic success and excellence in education. However, it is part of a legislative continuum which has led to a growing surveillance and control of the Quebec education system in the hands of the minister of education. This centralization opens the door to ideological management which undermines the education of young people, the training and work of school staff, science, and academic freedom. Borrowing the idea of the *panopticon* from Foucault, and from James C. Scott's analysis of the *eye of the state*, this article presents the risks of authoritarian control with the aim of modernizing, monitoring, standardizing, and punishing.

LOI 23 : SURVEILLER, UNIFORMISER ET PUNIR

RÉSUMÉ. La loi 23 a l'objectif d'améliorer la réussite scolaire et l'excellence en éducation. Par contre, elle s'inscrit dans un continuum législatif qui a pour effet de produire une surveillance et un contrôle inquiétants du système d'éducation québécois aux mains du ministre. Cette centralisation ouvre la porte au pilotage idéologique qui met à mal l'éducation des jeunes, la formation et le travail du personnel scolaire, la science et la liberté académique. Empruntant à Foucault l'idée du *panopticon*, et à James C. Scott, son analyse de « l'œil de l'État », la présente contribution présente les risques d'un contrôle autoritaire dans l'objectif de moderniser, de surveiller, d'uniformiser et de punir.

No democracy is ever impervious to populism and the spectre of authoritarianism, and Quebec is no exception. Since being elected in 2018, the government of Premier François Legault has adopted a populist stance on issues of systemic racism and “wokeism,” and, above all, has passed a series of legislation which furthers the weakening of democratic spaces, rights, and liberties, and which also furthers the centralization of

the education system in the hands of executive power. On December 7, 2023, Bill 23 became law, *An Act to amend mainly the Education Act and to enact the Act respecting the Institut national d'excellence en éducation*, following in the steps of a series of legislation (Bills 21 and 40) characterized by an adoption procedure which many researchers consider authoritarian (Désautels, 2023; Lévesque, 2023). Supporters of the legislation argue that Bill 23 will improve decision-making, make scientific and school data more accessible and reliable, and its establishment of a National Institute for Excellence in Education (Institut national d'excellence en éducation [INEE]) will provide “evidence-based data” of best practices to schools and the Ministry of Education. For its opponents, Bill 23 is propelled by a business-minded conception of public management rather than one based on a societal vision that builds on the needs of the Quebec school and the Quebec educational program. In their opinion, Bill 23 entails a number of risks, including the centralization of powers in the hands of the minister of education, the possibility of ousting directors of school service centres (centres de services scolaires [CSSs])¹ on the basis of results, and the closure of independent bodies such as the Committee for the Accreditation of Teacher Training Programs² and the Higher Council for Education,³ replaced by the INEE. This reform project was guided by a select committee from the Ministry of Education, the Committee on Scientific Results and the School Environment,⁴ whose agenda underpinned the public hearings held in spring 2023 by the Committee on Culture and Education of the National Assembly of Quebec.

This article takes a critical look at the risk of Bill 23's centralizing nature and authoritarian tendencies, based on two conceptual elements: Michel Foucault's image of the panopticon, and James C. Scott's theory of the causes of the collapse of major state projects. Michel Foucault (1975) describes the *panopticon* (the observation tower for prisoners, who feel watched even without the presence of a supervisor) as an abstract model of a disciplinary society focused on surveillance, social control, and standardization. Surveillance, social control, and standardization are, according to James C. Scott (1998) in *Seeing Like a State*, the essential mechanisms of the modernization of public action, and entail certain risks; since these mechanisms seek to render the population more visible, controllable, and disciplined, they can ignore or destroy the forms of autonomy and resistance of local or subordinate groups. These two authors' contributions allow for the formulation of a critique of the process undertaken by the Coalition Avenir Québec (CAQ)⁵ through their aforementioned legislative actions, and to show the risks associated with the domination of a uniform and centralized approach to controlling

education, one of the consequences of which, according to Scott (1998), is the erasure of practical or experiential knowledge of the various players in the education system. As we shall make clear in our theoretical framework, the panopticon allows us to capture the idea of surveillance – by a limited number of individuals, through indicators and evidence-based data – of everything that happens in CSSs, schools, classrooms, and university courses, ranging from students' personal files to teaching practices. In this article, we will show that the centralization and hierarchization in Bill 23 is a panoptic illusion (Aïm, 2020), whose logic – to monitor, control, standardize, and punish – is not without risks, particularly with regard to data confidentiality, professional autonomy, respect for the knowledge of school staff, and academic freedom. This article therefore takes a critical position with regard to Bill 23 by reflecting on the various dimensions of the legislation in order to identify certain potential risks for research, teaching practices, and school democracy, which only the application of Bill 23 can ultimately refute or confirm.

Since the centralization in Bill 23 affects not only the hierarchical chain of governance over educational institutions (CSSs, schools, and universities) and their accountability to the minister but also the orientation of research, training, and teaching materials, this article also questions the creation of the INEE, its role, and its objectives in managing educational services with the use of evidence-based data. Relatedly, this article further questions the notion of situating evidence-based approaches in opposition to experience-based ones, as they should be complementary. In conclusion, the article highlights some of the primary risks of adopting an authoritarian approach and the ideological control of education and science.

CONCEPTUAL FRAMEWORK: MONITORING, CONTROLLING, NORMALIZING, AND PUNISHING

Discipline and Punish remains the book that researchers in surveillance studies consider central (Aïm, 2020). In Foucault (1975), the idea of the panopticon is associated with modernity, confronted with the problem of the multitude that must be managed (particularly in demographic terms), which gave rise during the 18th and 19th centuries to the development of a disciplinary system to make “visible” the population to be monitored or disciplined. The primary objective of panoptic devices, as “surveillance apparatus,” is to integrate, manage, and control large numbers of bodies, “arranged with a view to establishing a relationship of gaze and power” (Aïm, 2020, p. 48), which Foucault calls biopolitics.

The panopticon is a type of prison architecture imagined by the philosopher Jeremy Bentham and his brother Samuel in the late 18th century. The aim of the panoptic structure is to enable an overseer, housed in a central tower, to observe all prisoners without them knowing whether they are being observed, thus creating a feeling of invisible omniscience among inmates. In *Discipline and Punish*, Foucault (1975) described it as the abstract model of a disciplinary society focused on social control. Foucault borrowed from Bentham the image of the central tower of the panopticon, which no longer requires the presence of an overseer in the tower for the design to function: “The awareness among the prisoners of being watched is enough for the ‘microphysical’ arrangement of the stones and the gazes to make the panopticon work” (Aïm, 2020, p. 54). While surveillance as a practice, more or less codified, of controlling the population, has existed for as long as power has existed (censuses, information, spying, dividing cities into sectors, etc.), the panopticon constitutes a normalization at the heart of disciplinary societies, which confers on the monitoring system a more reasoned and rational dimension. In the modern epoch, it takes the form of a hierarchized surveillance, in part linked to the management of grand epidemiological catastrophes, in order to produce effects on bodies, behaviour, and, above all, norms, which are called upon to systematize everything to create the “right moves” (Foucault, 1975, as cited in Aïm, 2020, p. 43).

Foucault (1975) extends the model of the panopticon to the multiplication of disciplinary institutions (schools, hospitals, police, etc.), which become machines to observe conduct, and include social, institutional, professional, and industrial spaces. These institutions expand with the evolution of technological means: electronic eavesdropping, cameras, and so forth.

Each time that one deals with a multiplicity of individuals on whom one must impose a task or a form of conduct, the panoptic model can be used. ... It is polyvalent in its applications ... it serves to reform prisoners, but also to care for the sick, instruct students, look after lunatics, supervise workers, and make beggars and idlers work. (Foucault, 1975, as cited in Aïm, 2020, p. 43)⁵

As argued by James C. Scott (1998), these three elements – surveillance, control, and standardization – are the essential mechanisms of modernization of public action, and entail a number of risks. He documented how various state reforms could have adverse effects on citizens when four conditions were met. The first is the existence of a state apparatus whose goal is to arrange and control /organize the surrounding nature and the population, which gave rise to essential modern tools that

maintain the welfare state and liberties, as much as they did too to the production of despotic powers. The second is an ideology of "high modernism" (Scott, 1998, p. 4) characterized by the importance accorded to technical progress as a driver of the satisfaction of human needs, and by the rational and uniform organization of nature and of society. One might also include management by indicators, monitoring, and evidence-based data in this condition, a type of governance which can support public decision-making but can also be seen as the domination of a uniform and centralized approach imposing models that are unsuitable for the complex realities of the social world. When these two conditions are combined with the third – the coercive or authoritarian willingness of a government – and the fourth – the existence of a "prostrate" civil society – the situation becomes "lethal" (Scott, 1998, p. 5). The centralization of powers becomes authoritarianism when it aims to impose a uniform and simplified vision of society, to the detriment of diversity and of the complexity of practical local knowledge and against the will of actors. The high modernism projects of the state become debatable when they seek to render the populations more visible, controllable, and disciplined, ignoring or destroying the forms of autonomy and resistance of local or subordinate groups (i.e., an infrapolitical, underground, or silent resistance). For example, in the classroom, it is the educator's competence, stemming from experience and adaptation to certain contexts, that is threatened by the "normalizing judgements" of an overarching "state framework" (Perez-Mugg, 2022, p. 5).

A SUCCESSION OF LEGISLATION WHICH REINFORCES THE POWERS OF THE MINISTER

Bill 23 is part of a continuum of recently adopted legislation which bear witness to a democratic backsliding and centralizing governance to, in Foucault's (1975) words, "monitor and punish." In this regard, let us remember certain elements of Bills 21 and 40.

First, Bill 21, *An Act respecting the laicity of the State*, was adopted under closure⁶ by the Legault government to reduce debate in the National Assembly, and the notwithstanding clause⁷ was employed to pre-empt proceedings in the judiciary. This legislation reiterates the recommendation of the Bouchard-Taylor report to prohibit the wearing of religious symbols by certain government employees in a position of authority in the exercise of their functions (Bill 21, p. 1). These include judges, police officers, and prison guards, but teachers and those directing public establishments associated with a CSS were also added to the bill.⁸ On the day before the bill was tabled, a number of unions and CSSs

announced that they would not apply the legislation, and many forms of legal remedies were raised. A number of jurists recognize that the use of the notwithstanding clause contradicts the values of secularism and non-discrimination, and that Bill 21 is in conflict with the Quebec Charter of Human Rights and Freedoms, notably with respect to the principles of gender equality, freedom of religion, the right to vote, the right to work, and the recognition of the equal value and dignity of human beings, who have the right to equal protection under the law (Jones et al., 2019). Furthermore, for the first time, the Quebec Charter was modified without deliberation or consensus of the parties in the National Assembly in order to give precedence to the principle of state laicity and that of equality between women and men in its preamble.

On April 20, 2021, Judge Blanchard of the Superior Court of Quebec delivered a judgement (*Hak c. Procureur général du Québec*, 2021) that, in paragraphs 768 to 770, strongly criticized the choice of Quebec lawmakers to resort to the notwithstanding clause in the passage of Bill 21, which suspends rights and liberties.

Then came Bill 40, *An Act to amend mainly the Education Act with regard to school organization and governance*. Also adopted under closure, this legislation harms representative democracy in the name of budgetary rigour and the depoliticization of school governance. The minister of education at the time considered it well advised to end school elections by abolishing the representative and participatory mechanisms of school boards (and the position of commissioner). If parents appreciated the increase in the number of seats they could now hold on a CSS's board of directors (climbing from two to five), the experts were worried. Jean-Pierre Proulx, for example, reminded us that “the commissioners were political waystations. If a parent was unhappy, [they] could call the commissioner in [their] neighbourhood to explain the problem and bring up [their] concerns in the hierarchy of the school system. This no longer exists” (Barlow, 2020, para. 10).

On Bill 23, many in the education sector did not mince words, going so far as to label it a “cluster bomb” (Baby, 2023, para. 1; Lévesque, 2023). We should bear in mind that the bill was largely the result of recommendations from an advisory group of eight experts, mandated by the Ministry of Education to provide ad hoc and confidential opinions on the priority issues in education in Quebec. Notably, these experts, who concurred with the importance of evidence-based data in education, produced a *View on Evidence-based Practices and Results in Education*, the recommendations of which can be found in Bill 23: the adoption of a

policy on the utilization of evidence-based data in education; the creation of an institute, the aforementioned INEE, dedicated to evidence-based data and to “best practices” (Bill 23, art. 5(3), p. 19); the modification of the Committee for the Accreditation of Teacher Training Programs; the integration of evidence-based results into teacher training programs; the creation of a system of data collection, notably for microdata on students; and the funding of evidence-based research by the Ministry of Education.

Bill 23 incorporates essentially two types of centralizing measures: (a) a concentration of the minister of education’s prerogatives concerning their direct relationship with CSSs, and (b) an internal centralization within each CSS, giving the director general of a CSS responsibilities that previously fell to the board of directors. Thus, the minister names the director general (and the assistant director general) of a CSS (Bill 23, art. 20, p. 8), formerly appointed by each CSS itself, who is granted powers previously allocated to the board of directors, such as the nomination of school principals and assistant principals. In addition, the minister also has the ability to assign a director general “any mandate” (Bill 23, art. 22, p. 8). Furthermore, the committees of governance and ethics, auditing, and human resources will no longer assist a CSS’s board of directors, only its director general. Before, in cases of differences, complaints, and other reasonable motives, the board of directors could, with the support of two thirds of its members, fire management; with Bill 23 adopted into law, only the minister retains this right.

In a similar vein, the legislation makes the minister of education the supreme authority over pedagogical orientations and teaching practices. Each CSS must reach an annual agreement with respect to management and accountability, with the goal of establishing key indicators for scholarly success, which include a rendering of accounts directly to the minister. The minister may also regulate distance learning courses and “annul, entirely or in part, the school services centre’s decision and make the decision that, in [their] opinion, ought to have been taken in the first instance” if the CSS does not submit the grounds for their decision within the prescribed time period, or if, according to the legislation, “the decision [the CSS] intends to make [is] not to the Minister’s satisfaction” (Bill 23, art. 45, p. 14). The justification for refusal is made in applying the annual agreement for management and accountability reached with the minister.

Thus, these centralizing measures endow the minister with an unprecedented amount of power of surveillance and control, including that of naming individuals who share their vision of education, and who, in turn, are given greater latitude in managing a CSS. Stripped of the

counter-power of the school boards or boards of directors, the Quebec education system will lack the necessary tools to oppose the hypothetical (and sometimes actual) patronage and ideological orientation of a government.

NATIONAL INSTITUTE OF EXCELLENCE IN EDUCATION: CONTROL OVER RESEARCH OR ACADEMIC FREEDOM?

Bill 23 enshrines the *Act respecting the Institut national d'excellence en éducation*. The mission of this institute, vague at best, is “to promote excellence in educational services for preschool education and for elementary and secondary school education” (Bill 23, art. 4, p. 18), based on evidence-based data and indicators. Defenders of the institute (Gauthier et al., 2023) justified its creation by asserting the importance of the government taking enlightened decisions with respect to educational practices and orientations. They championed an independent institute, capable of producing longitudinal studies with sustained financing from the ministry.

A number of commentators have stressed that the power to define the excellence of educational services entails the risk of a disturbing degree of control over research (its subjects, approaches, and methods) and of teaching (the content taught in training teachers at university; Laferrière et al., 2024). According to Désautels (2023), the legislation will deprive “universities and teachers of their autonomy, not only in terms of the material taught, but also with respect to the way of teaching, thus conferring on the ministry the hitherto unseen power to intervene in the management of our classes” (p. 3).

Furthermore, Bill 23 shows that the independence of the INEE with regard to the state is not assured, as it will depend financially on the Ministry of Education. In paragraphs 6 and 7 of Article 5 of Bill 23, one will read that, “in collaboration with the Minister,” the INEE must formulate views concerning the “qualifications required of teachers,” as well as “teacher training” (pp. 18–19). This signifies that it will, under the guidance of the minister, play the role occupied to date by the Committee for the Accreditation of Training Programs in Education and by the universities. This same article stipulates that the institute commits to “carrying out any other mandate entrusted to it by the Minister” (Bill 23, art. 5(10), p. 19). It is difficult to appreciate the degree of influence that these directives will have on research and on the educational system. Will this be merely recommendations or advice, as the Higher Council for Education was already doing? Or will it be directing programs, content,

and practices in initial teacher training? If this is the case, the INEE will be able to impose its ideas on pedagogical practices, determining what activities will be recognized in the 30 hours of obligatory continuing training for teachers.

The chair of the board of directors, as well as the CEO of the INEE, will be named directly by the government “on the Minister’s recommendation,” while the seven other members will be named by the government “after consulting with organizations that the Minister considers to be representative” (Bill 23, art. 9, p. 20). Once more, given the vagueness of the selection criteria, the legislation relies enormously on ministerial discretion without the minister being responsible for their decision. The minister will be able to refuse to consider a candidature or to consult an organization that does not share their vision of teaching and research. The power to name and fire, without justification, opens the door to the ideological risk of partisan shifts within these organizations through the appointment of members loyal to the minister. This constitutes a threat to the free expression of viewpoints dissenting from those of the minister within a body which will have an immense impact on Quebec’s educational system.

These fears are not merely hypothetical since, as reported in *Le Devoir* (Sioui, 2023), the process of writing and examination of the legislation took place in a very opaque manner. During the detailed examination of Bill 23, opposition party education spokespersons learned, through an access to information request, that the minister had mandated a Committee on Scientific Results and the School Environment to make proposals in 2021, the eight members of which spoke in parliamentary committee on Bill 23 without their membership on this secret panel being revealed to the deputies. The spokespeople judged that the credibility of these experts had been tarnished by this omission and feared seeing them named to the head of the INEE to reinforce the views of the minister (Sioui, 2023).

Therefore, Bill 23 risks producing echo chambers, of patronage and of cronyism, both in terms of directors named to CSSs and to the INEE, which could endorse the minister of education’s views while silencing contrary opinions and their influence on ministerial decisions. Each level could have at its head a loyal individual in order to avoid dissension within the administration. This hierarchical chain of command is far from the bureaucratic independence from politics dreamed of by Max Weber. It particularly increases the risks of the politicization of these bodies and their dependence on those elected. Moreover, the legislation remains

silent on the status of directors of CSSs and of the INEE: Will they belong to the upper civil service like deputy ministers? And according to what criteria will they be named or fired? On evidence-based data? On management indicators? Performance indicators related to students' so-called academic success? According to the minister's views?

THE QUESTION OF EVIDENCE-BASED RESEARCH AND OF TRAINING: "KNOWING THAT" AND "KNOWING HOW TO"

According to Bissonnette et al. (2010), the benefits of evidence-based data and practices are recognized in various disciplines. This is a matter of "practices of prevention or intervention validated by a certain form of *scientific proof*, as opposed to approaches based on tradition, conventions, beliefs or non-scientific data" (La Roche, 2008, p. 2). For these authors, research has given rise to evidence-based results for the teaching of reading, writing, and mathematics, and for students in difficulty, but these results are largely neglected in the training of teaching and the teacher profession. In those domains, personal experience, belief, intuition, tradition, and ideology predominate, impeding the improvement of the quality of education and the professionalization of teaching (Gauthier, 2006).

This dichotomous vision leaves little room for the complementarity of different types of knowledge, as it places evidence-based data in opposition to practices based on knowledge from experience, which consider contexts, representations, values, and the needs of individuals. As Weinstock (2010) points out, when a health practitioner with 40 years of experience does this or that with their patient, do they produce solid evidence due to the repetition of their practice with many people? Is the experience of this person a source of evidence-based data or not? In teaching, a large part of knowledge also consists of knowledge from experience, which does not stem from controlled randomized attempts, but which proves its value in the classroom.

For those who are part of the evidence-based data movement (Bissonnette et al., 2010), one must test these practices on a grand scale before qualifying them as conclusive. Picking up the classification system of Ellis and Fouts (1993), they place at Level 1 basic research in education, that of a descriptive nature (surveys, case studies, laboratory research, and qualitative, quantitative, or correlational research), which permits researchers to describe a phenomenon, introduce theories, formulate hypotheses, observe a correlation between two variables, or describe experimental contexts, but not to establish causal links or to verify hypotheses. The research of Level 2 can do so by establishing experimental

or quasi-experimental protocols to test pedagogical strategies with the help of experimental and control groups to compare and measure their effects on the performance of students. Level 3 research evaluates the effects of proven Level 2 teaching strategies when implemented systematically and on a larger scale. Level 2 and 3 studies would, therefore, be “the most appropriate” to demonstrate the efficacy of a pedagogical strategy (Gauthier, 2006, p. 10).

However, numerous researchers grasp the danger of considering experimental and quasi-experimental research as superior to others, which is a weakening of scientific knowledge (Jacob, 2009; Hammersley, 2013). The academic literature reveals a diversity of research based on proofs, both quantitative and qualitative, but the notion of proof is itself questioned (Maunier, 2019). Weinstock (2010) reminds us that evidence-based data does not constitute proof, does not produce proofs of causality or certainties, but only generates confidence in a declaration of causal, probabilistic knowledge (i.e., this is probably true given the available data) that hinges on, and is limited by, the variables and indicators considered.

In the social sciences, there are a number of confounding / external variables difficult to control: environmental, contextual, institutional, situational, sociopolitical, and so forth. It can be problematic to develop a research design capable of isolating the one factor among the many external variables with which we are attempting to discover a causal link (its impact on the behaviour or thought processes of individuals), all the more since there are in education unforeseen and complex situations, sometimes traumatic (a suicide, a murder, a terrorist attack, etc.), which lead to intervening in an emergency.

The role of values in science

In the debate on evidence-based data, a dichotomous (and hierarchical) vision has developed, placing on one side evidence-based data, objective and neutral, which would apply to the entire world, and, on the other, vague values, subjective and variable, on which practitioners base their judgement. However, this dichotomy does not exist in the actual production of data, where there are also values, ethical and political choices, at all stages of the academic production (the choice of object, of the framework, of the method, etc.; Biesta, 2007). As the government’s priorities may increase the risk of the ideological directing of research and teaching, we may wonder about the values behind the choices of the CAQ government in Bill 23. Did it wish to impose a greater distributive or substantive justice, a more inclusive approach in its vision of educational

success? If so, the indicators will differ from those of the simple results of the ministry's exams or those of PISA.⁹

To make decisions and to know how to act, education practitioners must master not only non-academic-based knowledge, but also legal knowledge of the benchmarks which frame their interventions; political knowledge to understand the current environment and the media, which daily appear in their classes; and many other forms of knowledge about their school, their students, and the curriculum (Biesta, 2007). Propositional knowledge (i.e., “knowing that” as opposed to “knowing how to”), which may or may not be based on evidence-based data from randomized control trials, is one part of the practitioners knowledge base, but a large part of their knowledge also consists of know-how, stemming from practice, and social or soft skills, based on moral, affective, and sensitive stances. These three components form one's knowing how to act in context (Tardif, 2006;¹⁰ Potvin et al., 2015, 2021). While some knowledge is factual, theoretical, or practical in nature, know-how consists of abilities, stemming from professional knowledge or experience, which allow for the determination of specific actions or interventions. Social skills signify the capacity to know when, how, and where to act in a given context, and concern attitudes, relational abilities, the ethics of responsibility, and reflexive and critical capacities (Potvin et al., 2015). Scott (1998) refers to the term *Metis*, an ancient Greek word, to designate practical knowledge, which is oriented to the present moment and to changing and unpredictable situations that require immediate action.

In education, practitioners should arbitrate (and integrate) scientific knowledge, their experiential knowledge, and contextual data, including the needs and values of those who are being offered services. Beaulieu (2016) summarizes this as how every practitioner (in medicine as in education) intervenes and makes decisions daily on the basis of a complementarity of different types of knowledge, which cannot be ranked:

Practicing EBM [evidence-based medicine] is essentially applying knowledge to individuals which summarizes what is “usually” happening to a great number of people. ... medicine is basically a science of probabilities. Any clinical process begins with taking the “history” of the person needing help ... putting this history into a precise context, that of the person in front of you, and formulating hypotheses on the probable causes of the problem to establish a short- and long-term course of action. ... The art of meeting with the person, of the capacity to understand the suffering, of interpreting unique stories is, by definition, at the heart of the practice Without the mastery of this art, we get nowhere. Yet to come to interpret these unique stories, to formulate diagnostic hypotheses, to propose treatments, one must be able to

balance them with the knowledge garnered from the observation of large groups of individuals. Therefore, one must draw upon one's scientific knowledge and evaluate the probabilities that the problem is this rather than that, and that, if one proposes one plan of action rather than another, one has "more chance of doing good than of causing harm." ... Practicing EBM day to day always necessitates balancing the scientific data, the values and preferences of patients, and the contextual elements, and applying them each time to unique histories. (pp. 11-12)

The INEE intends to direct the research and training of teachers, displaying the choice of a utilitarian, populational approach based on the law of large numbers. Yet, teaching practice is also that of individual histories: an immigrant child who has just arrived in class with the need to acquire confidence or a sense of belonging, a young victim of intimidation, a child reported to the Director of Youth Protection, and so forth. More broadly, the attack on the mosque in Quebec City in 2017, the murder of the teacher Samuel Paty in France in 2020, and the shots fired on Jewish schools in Montreal during the Israeli-Palestinian conflict in the fall of 2023 are all contexts that one cannot experience with evidence-based data. School staff are increasingly confronted with crisis situations and sensitive questions in their practice, which increasingly require more than just knowing about something. To respond to the individual and collective dramas in school at that moment, knowing how to act in context (i.e., practical knowledge) relies on the experience of the teachers, their personality, their reflexivity, their relationship with the students, their flexibility, and their capacity to take into account the always changing needs, values, resources, constraints, and sociopolitical context. Similarly, Biesta (2007) writes,

To suggest that research about "what works" can replace normative professional judgement ... is also to deny educational practitioners the right *not* to act according to evidence about "what works" if they judge that such a line of action would be educationally undesirable. (p. 11)

Weinstock (2010) rightly questions,

Do we want to deprive ourselves of the evidence that comes from accumulated years of "know-how" because we have decided that only "know that" is real knowledge and that only the kind of evidence that can justify "knowing that" is going to count? What are the values that underpin that decision? (p. 6)

CONCLUSION: THE PANOPTICON OF BILL 23 AND THE AUTHORITARIAN IDEOLOGICAL RISKS

This article takes a critical look at Bill 23, a piece of legislation adopted in the context of a so-called culture war in the Western world, which particularly targets the educational systems and the academic freedom of researchers. Our critical view of Bill 23 has drawn on Michel Foucault's image of the panopticon, James C. Scott's theory of the causes of the collapse of great state projects, and Raymond Aron's reflections on science and totalitarian risks. Our objective was to open a critical reflection on the various dimensions of Bill 23 in order to highlight certain potential risks for research, teaching practice, and school democracy.

According to our analysis, Bill 23 is characterized by an increased centralization of governance over the education system, a democratic retreat, and a risk of attack on academic freedom, all motivated by a determination to monitor, control, and punish: students profiled and standardized, teachers' professional autonomy undermined, researchers' critical research marginalized and discredited, CSSs reduced to mere transmission belts, and demands for accountability based on indicators and best practices imposed by the minister. The sequence of Bills 21, 40, and 23 form the image of a panopticon aiming to monitor, by a restricted number of (appointed) individuals, what occurs in CSSs, schools, classes, university training, and research, ranging from students' personal files to teachers' practices. This monitoring is performed through a rendering of accounts, indicators, and so-called conclusive evidence, with the objective of ensuring professed success, but also of controlling, normalizing, punishing, or sanctioning those who do not attain objectives. Yet, every control measure which seeks to gain a comprehensive view (Foucault, 1975), and to intervene to standardize practices, may erase the practical knowledge adapted to each context (Scott, 1998, p. 311).

The concern in the face of democratic backsliding and the attack on liberties and the autonomy of educational milieus is shared by a large number of education professionals (Laferrière et al., 2024), as witnessed in the briefs deposited with the parliamentary commission. Bill 23 provides the minister of education with a worrying control over the chain of command, ranging from governance indicators to indicators of individual student success, from the content of teacher training with evidence-based data to the content relating to students, as well as the usefulness or not of scientific research for the so-called best pedagogical practices and decision-making. This centralization of powers will allow more easily the minister to govern in an institutional environment where

the democratic foundations have been weakened, and to impose their ideological goals by appointing managers who share them. Certainly, the government is adopting a New Public Management approach and wants to have easier access to data and more transparency, which is entirely legitimate. But it must remain vigilant in the face of the necessary autonomy of school and university environments.

As this article has described, the legislation risks having the effect of greater control over research in education by directing funds to where the ministry judges they should be allocated. This control could prove to be ideological: By favouring the domination of the paradigm of evidence-based data, the INEE risks marginalizing certain teaching practices, which would be detrimental to the expression of other research paradigms in advising the minister. According to the political interests at play, could management by moral panic bring the minister to exclude researchers who adopt a critical approach in education and who create controversies? Does research on sensitive questions, or on issues which management prefers to keep hidden (such as racism and discrimination at school), risk being marginalized and attacked as wokeism in order to discredit critical voices or minorities in education? The production of epistemological injustices in research would be reinforced by a vision distinguishing between evidence-based data and that defined as militant. Moreover, in proclaiming the omnipotence of the paradigm of evidence-based data, the INEE risks abandoning the field of knowing how to act and knowledge gained from the experience of school staff.

As Raymond Aron mentioned in his introduction to Max Weber's (1919/1963) work *Le savant et le politique*:

Whatever the degree to which science is determined – the questions that it poses, the philosophical ideas in which it expresses itself – through external circumstances, those who invoke this determination to justify the authoritarian orientation of science by public authorities are committing a fatal error. ... the difference remains fundamental between the influence which the milieu itself exercises on science, through the spontaneity of scholars, and that which political leaders exercise if they assume the right to establish for science its objectives, then its methods, and finally its results. In the former case, in the main, the science community continues to obey its own specific laws. In the other, it abandons its autonomy and, at the same time, would jeopardize its vocation and its subsequent progress. (p. 15)¹²

One may be concerned about this tendency with regard to what is occurring in education in our recent past, or in other democracies today, notably in Hungary and the United States, where the authoritarian threat

is very real. In Hungary, the national-conservative party of Viktor Orbán has made school an ideological battleground against so-called western decadence; in July 2023, the party pushed through a law decreeing a 48-hour workweek for teachers, the suppression of the right to strike, and the stifling of pedagogical liberties and merit pay (Four, 2023). The current state of Quebec's education system has, obviously, nothing to do with the sad state of affairs in Hungary. Nevertheless, the new legislative framework produced by the sequence of laws criticized in this article (or some of their aspects) risks weakening that same system, rendering it less resilient to threats represented by the rise of authoritarianism.

Raymond Aron, who, shortly after the Second World War, recalled the potential dangers of too much government control over science, wrote:

When a state or a party claims to dictate to science the subjects to study or the laws governing their activity, when it claims to exclude a particular individual or nation, when it goes so far as to arbitrate controversies which stem from experience or reasoning, it is not sufficient to evoke, in a banal formula, the oppression of individuals by the collective. This is a matter of illegitimate intervention of a political collective in the activity of a spiritual collective. In other words, it is a case of totalitarianism at its very root. The most dreadful invention of totalitarianism is precisely to subordinate the multiple works of which man is the creator to the exclusive will of a party and sometimes of a single man. (Weber, 1919/1963, p. 14)¹³

Since laws can become weapons in the hands of ideologues, it is important that actors in the school and university milieus, like scientists, not be prostrate when certain governmental tendencies move to monitor, control, normalize, or punish more. It is very possible that, in the long term, the effects of Bill 23 will prove to be more positive than negative, and that the counterbalances and vigilance in educational environments will mitigate the potential risks described in this article.

NOTES

1. The mission of school service centres (centres de services scolaires [CSS]) is to organize the educational services provided for in the *Education Act*; to promote and enhance public education within their territories; to ensure the success of students, young people, and adults; and to contribute to social, cultural, and economic development. Bounded by its individual territory, a CSS supports the educational establishments within its purview so that they can respond effectively to the needs of students, according to their characteristics and the needs of the community. CSSs include within their purview public schools, adult education centres, and vocational training centres. In Quebec, there are 61 CSSs, two special-status school boards, and nine English-language school boards.
2. The Committee for the Accreditation of Teacher Training Programs (Comité d'agrément des programmes de formation à l'enseignement) was established in 1992 and integrated into the *Education Act* in 1997 following the reform of initial training programs for teachers. At the time, the legislature gave the committee the mission of advising the minister of education on any question relating to the accreditation of primary and secondary education training programs for future teachers in Quebec universities.
3. Committee on Scientific Results and the School Environment (Comité sur les résultats scientifiques et le milieu scolaire).
4. The role of the Higher Council for Education (Conseil supérieur de l'éducation) has been, since 1964, to act with the minister of education in an advisory capacity for the analysis and development of education policies.
5. As of the writing of this article, the CAQ is the party that forms the current government in Quebec.
6. The translation of French quotations appearing in the text were performed by the author. Original French: «Chaque fois qu'on aura affaire à une multiplicité d'individus auxquels il faudra imposer une tâche ou une conduite, le schéma panoptique pourra être utilisé. ... Il est polyvalent dans ses applications ... il sert à amender les prisonniers, mais aussi à soigner les malades, à instruire les écoliers, à garder les fous, à surveiller les ouvriers, à faire travailler les mendiants et les oisifs » (Foucault, 1975, as cited in Aïm, 2020, p. 43).
7. In Quebec, the closure procedure, or exceptional legislative procedure, in the National Assembly allows the government to modify the rules relative to the adoption of a bill, notably to limit the time devoted to its debate and to accelerate its adoption. For more information: <https://www.assnat.qc.ca/fr/patrimoine/lexique/baillon.html>

8. Section 33 of the Canadian Charter of Rights and Freedoms (commonly called the “notwithstanding clause”) allows a law or an act of government to be declared valid, even if it contravenes Section 2 or Sections 7 to 15 of the Charter.
9. Bill 21 provided that those education professionals already employed under the jurisdiction of a CSS (then school board) at the time of the bill’s adoption were, under certain conditions, exempted from the prohibition of wearing religious symbols.
10. PISA, the Programme for International Student Assessment, is the international program of the OECD which measures the capacity of young people to use their knowledge and skills in reading, mathematics, and science.
11. For Tardif (2006), a skill involves “complex knowing how to act, drawing upon and effectively combining internal and external resources within a family of situations” (p. 22).
12. Original French: « Quel que soit le degré de la détermination de la science – des questions qu'elle se pose, des idées philosophiques dans lesquelles elle s'exprime – par des circonstances extérieures, ceux qui invoquent cette détermination de fait pour justifier l'orientation autoritaire de la science par les pouvoirs publics commettent une erreur fatale. ... la différence demeure fondamentale entre l'influence que le milieu exerce de lui-même sur la science, en passant par la spontanéité des savants, et celle que les chefs politiques exerceraient s'ils s'arrogeaient le droit de fixer à la science ses objectifs, puis ses méthodes, finalement ses résultats. Dans le premier cas, la communauté de la science continue d'obéir, pour l'essentiel, à ses lois spécifiques. Dans l'autre, elle abdiquerait son autonomie et mettrait en péril, du même coup, sa vocation et ses progrès ultérieurs » (Weber, 1919/1963, p. 15).
13. Original French: « Quand un État ou un parti prétend dicter à la science ses objets d'études ou les lois de son activité, quand il prétend exclure tel individu ou telle nation, quand il va jusqu'à arbitrer des controverses qui relèvent de l'expérience ou du raisonnement, il ne suffit pas d'évoquer, selon une formule banale, l'oppression des individus par la collectivité. Il s'agit de l'intervention illégitime d'une collectivité politique dans l'activité d'une collectivité spirituelle, il s'agit, en d'autres termes, du totalitarisme, saisi à sa racine même. L'invention la plus redoutable du totalitarisme, c'est précisément de subordonner les œuvres multiples dont l'homme est créateur à la volonté exclusive d'un parti et parfois d'un homme » (Weber, 1919/1963, p. 14).

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