

Towards Reconciliation? The Language Issue in Canada in the 1990s

*Proceedings of a conference
jointly organized with the
Ecole de droit, Université de Moncton*

*Edited by
Daniel Bonin*

Institute of
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Foreword

With the publication of this book, the Institute of Intergovernmental Relations and the Ecole de droit of the Université de Moncton complete our cooperative project to examine official language rights and policies in Canada. The idea for this conference arose from discussions between Queen's University and the Université de Moncton in 1988 on the need to take a comprehensive look at the issues related to official language rights and policies in Canada, and to bring together a broad community of interest in these issues. With the Institute's long-standing interests in the development of the federal system and in inter-governmental relations, and the work of the Ecole on the development of minority language rights and the law, our two institutions seemed to be a good combination to launch such a project.

The conference held in December 1989 came one year after the tabling of Bill 178 in the Quebec National Assembly, and at the end of a year in which there were a number of controversial incidents involving minority language rights. Intertwined in this volatile language debate was the closely related discussion of the merits of the Meech Lake Accord. The conference held at Queen's University on 8 to 10 December 1989 did not shrink from dealing with the many difficult issues. It brought together, as shown in the list of participants reproduced in this volume, a remarkable group of Canadians who gave generously from their experience and judgement on these issues.

Much has happened to the evolution of language policy issues — and to the continuing constitutional debate in which language plays such an important part — since December 1989. We regret the delay in getting these proceedings into print, due in part to the diversions of day-to-day developments on the constitutional scene. However, the issues and situations presented in this book are still very current and remain to be critically examined and resolved by our policy-makers. Whatever the resolution of the current constitutional impasse, the long-term coexistence of Canada's official languages communities will

require renewed attention to the detail of our relationships, whether it be in our legislatures, our courts, our schools or our workplaces. We hope that this publication will contribute to that process.

Finally, on behalf of the Institute and the Ecole de droit, we would like to acknowledge the financial support of the Secretary of State of Canada and the Governments of New Brunswick, Quebec and Ontario, which made this project possible, and the assistance of many others listed on the Acknowledgements page. We are also grateful to Daniel Bonin, editor of this volume, for his skillful perseverance in the completion of this project.

Douglas M. Brown
Acting Director
Institute of Intergovernmental
Relations

Yvon Fontaine
Dean
Ecole de droit
Université de Moncton

April 1992

Acknowledgements

On behalf of the organizers of the conference "Towards Reconciliation: Official Languages Rights and Policies in Canada," I would like to thank the Secretary of State, Canada, and the Governments of New Brunswick, Ontario and Quebec for their generous financial support which made both the publication of this volume and the organization of the conference possible.

With respect to the conference, credit is due to the joint organizers, Ronald L. Watts, Director of the Institute of Intergovernmental Relations and Yvon Fontaine, Dean of the Ecole de droit of the Université de Moncton, who spared no time, energy or enthusiasm in order to make this event a success. They were well assisted in their endeavours by the staff of the Institute. Among others, we would like to thank the chairs of the sessions, the authors of the background papers as well as the invited speakers. Of course, we are also grateful to all the participants whose stimulating contributions added a great deal to the quality of this conference. We also wish to thank the interpreters and staff of both CIC and ISTS for their impeccable work, as well as the translation services of the Université de Moncton.

The editor of these proceedings is also indebted to Douglas Brown, Acting Director of the Institute of Intergovernmental Relations, to Bob Young, Visiting Scholar at Queen's University, and to Yvon Fontaine, for their very useful comments on drafts of this volume. We acknowledge the professional services provided by Terrance Hughes for the translation into English of both the Introduction and the summary of discussions as well as Marilyn Banting and Denis Desjardins for proofreading the English and French parts of this book. Finally, special thanks to Valerie Jarus for her careful and tireless work in the desk-top publishing process.

Daniel Bonin

Introduction

Daniel Bonin

This volume contains the proceedings of a conference held on 8-10 December 1989 at Queen's University. The conference's organizers wished to emphasize optimism and openness, as the event's theme clearly indicates: *Towards Reconciliation: Official Languages Rights and Policies in Canada*. Participants sought to take stock of the language situation and explore means of drawing closer together the two main linguistic communities in Canada. It should be remembered that exacerbated tensions between partisans and opponents of the Meech Lake Accord were monopolizing the political and constitutional stage at the time. Moreover, in the preceding months, agitation over the language issue increased noticeably with the adoption in Quebec of Bill 178 pertaining to signs, and legislation adopted in Alberta and Saskatchewan that put the French-speaking minorities in both provinces at a disadvantage, all measures that aroused sharp reactions across the nation.

Over 80 participants from different milieus attended the conference, in particular representatives of the French- and English-speaking minorities, the federal and provincial governments, the media, universities, labour unions, the business community, and other organizations. This volume contains a summary of the discussions that took place and of papers prepared for the conference.

The full texts are also included of speeches given by three guests speakers: Claude Ryan, Quebec Minister responsible for the administration of the Charter of the French language; Senator Lowell Murray, then federal Minister responsible for Federal-Provincial Relations; and Frank McKenna, Premier of New Brunswick.¹ Their presence clearly indicates the importance that these governments attached to the event.

The theme of the first session was "Status Report and Fundamental Approaches to Policy." Statistician Réjean Lachapelle began by presenting an

overview of the demolinguistic situation in Canada. A key notion emerged from his comments, i.e., the weight of each linguistic group increases when the group is the majority and decreases when it is the minority. While Lachapelle noted a decline in the demographic importance of French speakers nationwide, he nonetheless observed an increase in the number of French speakers in the country. In a broader perspective, Jean Laponce claimed that the survival of languages is closely tied to their ability to establish a "territorial niche." The territorialization of languages advocated by Laponce raised a number of reactions, several of them negative, because of the model's consequences for French-speaking minorities outside Quebec. Several participants debated the opposition between collective and individual rights, specifically as the question pertains to language.

The second session, with the theme of "The Politics of Language Policy," initially focused on the minority viewpoint. The relative optimism of representatives of French speakers outside Quebec concerning the future of their respective communities contrasted starkly with the morosity of English-speaking Quebecers, preoccupied by the decline in their demographic importance. As for the political climate in Quebec, political scientist Pierre Fournier stressed that there was a consensus, now stronger than ever, on the need to intervene politically to protect and promote the French language. To the contrary, Bob Keaton of Alliance Québec claimed that the adoption of Bill 178 was pointless because it was predicated above all on an "imaginary insecurity." Federal and provincial public servants reviewed the achievements of their respective governments in the field, emphasizing in particular collaboration between both levels of government.

The general theme of the third session was "Areas for Action," with education being the first domain to come under scrutiny. D'Iberville Fortier reviewed education in Canada as regards the linguistic minorities. He pointed out, in particular, that most of the provinces are extremely reluctant to enforce section 23 of the *Canadian Charter of Rights and Freedoms*. This observation was reiterated by French-speaking participants from outside Quebec, many of whom objected to the trials and tribulations they had experienced in their dealings with certain governments while seeking to obtain the right to fully manage their own schools. Other participants deplored the fact that Ottawa subsidizes "non-constitutional" regimes that favour immersion courses to the detriment of a dual school system. Government ministers Claude Ryan from Quebec and Charles Beer from Ontario confirmed, on behalf of their respective governments, their support for dual school systems. The second part of the session focused on "Public Services and Private Sector." Most of the intervening parties agreed on the essential nature of bilingual services to be offered to minorities, especially the French-speaking minority. While the new *Official Languages Act* makes it compulsory to offer such services, the notion of "significant demand"

underlying the attendant regulations left some participants sceptical about the Act's applicability.

Given unfolding political events at the time, a large portion of the final session, which was to focus on "The Future: Directions for Policy and Reform," was given over to the possible consequences of the failure to ratify the Meech Lake Accord. At the conclusion of the session, participants voiced their ideas on the "Process to facilitate: constitutional or other solutions." In particular, Don Stevenson suggested establishing the appropriate procedures to ensure that, in each province, the linguistic minorities meet regularly with government officials responsible for the language question. D'Iberville Fortier stressed the need to better inform Canadians about all facets of official languages policy.² Max Yalden severely criticized the territorial approach, which would clear the way for the provinces to oversee the language question, each one in isolation. In his view, it is important for the federal government to maintain its presence in the area. To conclude, Yvon Fontaine, co-organizer of the symposium, stated that while language policy had initially centred on promoting and developing languages in Canada, the focus has now shifted to maintaining and developing the official language *communities*.

Despite the occasionally diametrically opposed views of some participants, there was general agreement on at least two issues, i.e., that appreciable progress has been made over the past two decades with regard to the language issue in Canada, and that dialogue must be maintained between the main intervening parties involved in the language question.

While the conference thoroughly examined the language question, it is important to review these discussions in light of events that have occurred since December 1989. This introduction seeks to take stock of the matter and review important events in the field over the past 20 years. For a thorough examination of this period, the reader may refer to the background papers by Pierre Foucher and Pierre Fournier in Part II of this volume.

For nearly 25 years, Canada has pursued the reform of its language policy, based on the principle of the equality of the two founding peoples. The socio-linguistic contract instigated by the Trudeau government with the adoption in 1969 of the *Official Languages Act* sought to resolve the crisis in relations between French- and English-speaking Canadians diagnosed several years earlier by the Royal Commission on Bilingualism and Biculturalism, more commonly known as the Dunton-Laurendeau or "B and B Commission." According to former Commissioner of Official Languages for Canada, D'Iberville Fortier, the institutional bilingualism advocated by the authors of the B and B Commission Report was imperative "in the name of history and equity: the federal administration had to cease to be linguistically a foreign

government to Francophones in Canada wherever they existed in sufficient numbers."³

Twenty-three years later, it is obvious that significant progress has been made in terms of the provision of bilingual services. The federal reform of official languages has also genuinely influenced certain provincial governments and a number of local governments. To varying degrees, the latter have pursued the objective of protecting and ensuring the development of official language minority communities and, in the case of New Brunswick, of recognizing the equality of English and French as national languages. Some observers point out that language has generated a plethora of jobs in education, publishing, translation and other fields that have contributed appreciably to Canada's GNP.⁴

However, neither federal language legislation, nor provisions governing language in the *Canadian Charter of Rights and Freedoms* reinforced by numerous judgments handed down by the Supreme Court of Canada have succeeded in dissipating the hostility or opposition in principle expressed in various quarters to Ottawa's official bilingualism policy. Indeed, the federal government's attempts to promote the French fact from coast to coast has collided with the identity of many non-French-speaking Canadians, especially in western Canada. In 1971, the Trudeau government gave in to vigorous lobbying by ethnic groups demanding the equality of all nationalities and cultures in Canada, and adopted its official multiculturalism policy. Over the years, this gesture has not prevented an endless stream of recrimination from certain English-speaking Canadians on the cost of bilingualism and the supposedly discriminatory nature of the policy toward unilingual English speakers.

A veritable antibilingual backlash has recently appeared in various forms, e.g., the wave of revolt during the winter of 1990 in favour of unilingualism in Ontario municipalities, abetted by the Association for the Preservation of English in Canada (APEC); the election of eight Confederation of Regions (CoR) MLAs, hostile to bilingualism, in the New Brunswick provincial election in September 1991; and the upsurge across Canada of the Reform Party, which calls for a major overhaul of the current policy on bilingualism.

More recently in January 1992 Alberta's Premier Don Getty spoke out against the forced imposition of institutional bilingualism, when he called for the abandonment of the *Official Languages Act*. Political analysts have suggested that the premier's position reflects a hardening of public opinion in Alberta, influenced by the position of the Reform Party. For all that, Premier Getty's declaration did not fail to arouse sympathetic reactions in certain quarters. However, overall, his remark raised a general hue and cry among many opinion makers across Canada (including those in Alberta). Some commentators interpreted Getty's gesture as a blow to national unity at a critical period when the country's constitutional future is being played out. Two months later,

partly in response to pressure from his critics, the Alberta premier softened — perhaps only temporarily — his attacks against bilingualism.⁵

The foregoing events have only served to confuse Canadians. Paradoxically, according to a recent Gallup poll, six Canadians out of ten appear to feel that bilingualism has failed,⁶ although a majority of them have continued to support this very policy for 20 years.⁷

Premier Getty's stance is part and parcel of a trend that has seen most of the provincial governments in Canada stall over the past century on the recognition of the language rights of their French-speaking minorities, even after the adoption in 1982 of the *Canadian Charter of Rights and Freedoms*. The importance accorded language rights in sections 16 to 23 of the Charter was explicitly reinforced in 1988 in the Supreme Court's judgment in the *Mercure* case involving Saskatchewan and, indirectly, Alberta. The nation's highest court declared that language rights "are a well-known species of human rights and should be approached accordingly."

Section 23 is a crucial component of the Charter's provisions pertaining to language. It guarantees the right to public education in the official language of the province's minority and has encouraged linguistic minorities across the country to approach the Supreme Court. The Quebec English-speaking community was the first to invoke section 23 in 1984 when it successfully sought to have struck down provisions in the Quebec *Charter of the French language* (Bill 101) limiting access to the province's English-language schools to the children of parents who had both been educated in English in Quebec. As a result of the Supreme Court's decision, based on paragraph 23(1)(b), the children of parents educated in English anywhere in Canada are eligible to attend Quebec English-language schools.

Outside Quebec, especially in the western provinces and the Maritimes (with the possible exception of New Brunswick), the French-speaking minorities, because of their precarious demographic and cultural situation, perceived section 23 as a long-awaited legal prop in their struggle to confirm their language rights. According to the then Canadian justice minister, section 23 of the Charter was aimed first and foremost at improving the situation of French speakers outside Quebec.⁸ In recent years, French speakers have challenged provincial governments before the Supreme Court to clarify the expression "where numbers justify" and to ascertain whether section 23 grants the language minority in question the right to control and manage schools in its language. Numerous judgments handed down by the Supreme Court concerning such litigation and, in particular, the historic judgment in *Mahé* (1990), have largely sided with the French-speaking communities involved in the cases mentioned earlier. Some provincial or territorial governments, such as those in Prince Edward Island and the Yukon, decided to immediately comply with the *Mahé*

decision. The situation elsewhere is not entirely satisfactory, and Alberta and Saskatchewan head the list of governments that are dragging their feet.⁹

The problem arises because, despite the Supreme Court's exhortations to the provinces, the latter ultimately maintain full latitude to elaborate procedures pertaining to the implementation of section 23.¹⁰ The inertia of the recalcitrant governments largely reflects their determination not to alienate a vocal English-speaking minority that is adamantly opposed to bilingualism. Moreover, this wait-and-see policy may reveal the governments' state of uncertainty concerning the future of the Canadian federation. The governments in question refuse to act vigorously in the realm of language and are already anticipating, should constitutional talks fail, that the services to be offered to the French-speaking minority will be called into question.

According to the *Annual Report 1990* of D'Iberville Fortier, former Commissioner of Official Languages for Canada, since succeeded by Victor Goldbloom, federal institutions responsible for official languages have not performed equally well. In 1990, Fortier noted a partial thaw with respect to language reform, although his overall assessment of institutional bilingualism in the federal government highlighted numerous shortcomings at various levels: language of work, language of service, fair participation, the ombudsman and individuals, federal policies and programs, and so on. Despite the adoption in 1988 of the new *Official Languages Act*, the former Commissioner deplored in his *Annual Report 1990* that fully half of all federal institutions had more or less ignored provisions in the new Act. Partly because of Meech Lake, it was not until January 1992 that Ottawa adopted regulations governing the supply of bilingual services to the public. The new regulations, which will only come into force in December 1992, centre on the notion of "significant demand," the definition of which is fairly elastic. With his mandate virtually completed D'Iberville Fortier wondered in his final annual report, perplexedly, "whether there is still a concerted strategy at the highest levels of government to assign adequate priority to official languages among the host of government objectives."¹¹

Despite everything, the adoption in 1988 of the *Official Languages Act* has led to the signing of multi-year umbrella agreements with several provinces or territories, covering projects such as schools, community centres and government services. Co-financing agreements also bind each province or territory and the federal government with regard to education in the language of the minority, pursuant to section 23 of the Charter, and the teaching of second languages, pursuant to Part VII of the *Official Languages Act*.

Many provincial or territorial governments have recently sought, to varying degrees, to improve access to services in the language of the minority. Quebec was not to be outdone with respect to its English-speaking minority when, in 1986, it adopted Bill 142 guaranteeing the right to receive social services and

health care in English throughout the province. Elsewhere in Canada, New Brunswick has taken a clear lead in terms of institutional bilingualism. With the exception of the *Gautreau* case,¹² since 1982, the province has applied an official languages policy based on the equality of the French- and English-speaking communities. Despite the rise of the CoR party and growing anti-bilingualism in the province's English-speaking majority,¹³ the McKenna government does not intend to call into question the right of the Acadian community to separate institutions, as stipulated in Bill 88, the *Act Recognizing the Equality of the Two Official Linguistic Communities in New Brunswick*, adopted by the province in 1981. Consideration is now being given to the possibility of enshrining the Act in the constitution at the conclusion of the current round of negotiations, through bilateral negotiations between Ottawa and Fredericton.

Ontario shifted its position with the adoption in 1986 of the *French Language Services Act* (Bill 8). The Act came into force in November 1989, and guarantees Franco-Ontarians the right to receive services in French in 22 designated regions where French speakers number at least 5,000 in urban centres or account for 10 percent of the population in a given area. Over four Franco-Ontarians out of five live in designated regions. Ontarians are also demanding other language rights of their government. Mention should be made of demands to extend provisions in Bill 8 to all Ontario municipalities, the establishment of more post-secondary French-language educational institutions and school boards, and other management structures such as district or local boards. However, representatives of the Franco-Ontarian community have, in light of the current constitutional situation, delayed a demand that the province become officially bilingual. In the fall of 1991, the Ontario premier clearly indicated that the province had other constitutional priorities (among them aboriginal peoples, a social charter and the economic union).

Apart from Quebec, where 82 percent of Canada's French speakers live, the true strength of the French-speaking community lies in what is called the "bilingual belt," made up of New Brunswick and Ontario, where Acadians and Franco-Ontarians account for over three-quarters of French speakers outside Quebec. Depending on whether the criterion of mother tongue or language of everyday use is used, they number between 700,000 and one million. A number of observers feel that the very high assimilation rate prevailing among French speakers in the English-speaking provinces is an irreversible trend. The assimilation of the minorities is attributable to various factors: mixed marriages, low birthrate, and the absence of significant, sustained migration. Certain observers also point to the adverse effects of the "bilingualization" of French-speaking culture outside Quebec, which results for many French speakers in a loss of cultural identity at the expense of English, which appears to impose itself as the dominant component of bilingualism.¹⁵ It is important to make a distinction

between the situation of French and that of French speakers outside Quebec described above. According to demographer Réjean Lachapelle (see Part II), the increase in bilingualism among non-French-speakers, notably since 1971, has led almost everywhere in Canada to an increase in the proportion of French speakers, combined with a sustained rise in the number of English-speaking students enrolled in French immersion classes across Canada.¹⁶

Despite their undeniably precarious demolinguistic situation, French speakers outside Quebec were quick to take umbrage when popular Quebec writer Yves Beauchemin brutally compared them to "still-warm corpses" before the Bélanger-Campeau Commission in the fall of 1990. It is impossible to deny the relentless assimilation that is occurring, especially among the most dispersed, numerically limited French-speaking minorities which, more often than not, seek to resist linguistic and cultural extinction with an undreamt-of energy. We must also acknowledge the vitality of the French-speaking communities overall, e.g., the solid infrastructures they have developed, centred around religious and lay institutions and establishments, such as credit unions, schools, and community centres. The vitality of the French-speaking minorities outside Quebec, sustained in part by financial support from the federal government, is reflected in numerous facets of cultural and intellectual life. French-language media networks, publications and festivals immediately come to mind.

In political and constitutional terms, the Meech Lake episode marks the beginning of the ideological gulf now separating French-language organizations outside Quebec and the Quebec government. It should be remembered that such organizations were initially opposed to the Accord, then rallied unenthusiastically at the eleventh hour, in a display of solidarity with Quebec's position. They had to put behind them the Bourassa government's intervention against a group of Franco-Albertans appearing before the Supreme Court in 1988, a gesture justified with difficulty in Quebec City and which was subsequently interpreted in some quarters as the abandonment by the Quebec government of French speakers outside the province. However, Quebec has offered support to encourage other types of cooperation, e.g., cultural agencies, conferences, joint projects, and so on.

Bitterly disappointed by the 21 lines devoted to them in the Bélanger-Campeau Commission Report, French speakers outside Quebec ultimately decided one year after the failure of the Meech Lake Accord to thoroughly review their constitutional strategy. Since then, they have advocated a strong federalism and a redefinition of the space occupied by French speakers in Canada. In June 1991, French speakers outside Quebec established their final emancipation from Quebec during their general meeting by removing any reference to Quebec from the name of their national organization, now called the *Fédération des communautés francophones et acadienne du Canada*.

This shift by the Canadian French-speaking community occurred at almost the same time that Alliance Québec, a pressure group in the Quebec English-speaking community, adopted a new linguistic strategy. Last year, the organization fully endorsed the credo put forward by Reed Scowen, a former Quebec Liberal MNA and former Delegate General for Quebec in London, in his manifesto *A Different Vision* (Maxwell, Macmillan Canada, 1991). His thesis centres on three main elements: to encourage Anglo-Quebecers to *affirm* their cultural presence by speaking English at all times; to halt the exodus of young English-speaking Quebecers, one-third of whom plan to leave Quebec in the coming years; and to promote *actively* the integration of immigrants into the English-speaking community with a view to bolstering the community by 100,000, through immigration, over the coming decade. The latter objective is intended to be a clear response by Anglo-Quebecers to the Bourassa government's recent action plan in the realm of immigration, aimed at increasing the proportion of French-speaking immigrants to Quebec by 1995. In the same vein, the Chambers Report commissioned by Quebec Minister of Education Michel Pagé, released during the winter of 1992, raised a general outcry from Quebec nationalists because it recommends that immigrant children of anglophone origin be eligible to attend English-language schools in the province.¹⁷

In recent months, Quebec politicians have sought to reestablish a dialogue with the English-speaking minority. It is in this context that some commentators in Quebec recently advocated a relaxation in the provisions of Bill 178, governing signs, adopted by the Bourassa government in 1988. Three English-speaking ministers in the Bourassa government resigned when the legislation was adopted; it also led to the establishment of the Equality Party, and has since been denounced by Anglo-Quebecers and English-speaking Canadians. Singled out by the French- and English-language media in Quebec and formally called into question by the Quebec Liberal Party and the Bloc québécois, Bill 178 must be reexamined in 1993, as Quebec must decide at that time whether or not to renew the "notwithstanding" clause of the *Canadian Charter of Rights and Freedoms* that makes it valid. As for a possible review of legislation governing signs, the Bourassa government decided on 15 January 1992 not to reopen this veritable Pandora's box, to avoid hindering the current process of constitutional reform.

The next two years will probably reveal the fate of Canada's official bilingualism policy and the outcome of federal-provincial language disputes. For the time being, growing numbers of English-Canadian intellectuals and academics are subscribing to Alberta Premier Don Getty's antibilingual stand, but in a more sophisticated, discursive form.¹⁸ This group maintains that the federal government sought, through official bilingualism, to water down Quebec nationalism by disseminating it across Canada, a strategy they claim has failed.¹⁹

Other observers have suggested transferring jurisdiction over language to the provinces,²⁰ an idea already put forward by the Pepin-Robarts Commission in 1979 and which Conservative Senator Lowell Murry said he had in mind during an April 1991 interview with *The Gazette* of Montreal. Following through on this logic leads us straight to a territorial solution in the Swiss or Belgian manner, of the sort advocated by a number of Canadian academics.²¹ Other observers feel that Canada's bilingualism policy, based on the notion of a partnership between French-speaking and English-speaking Canadians, no longer reflects the situation in the country at a time when other groups such as the aboriginal peoples are seeking to have their rights recognized in the constitution.

Prime Minister Brian Mulroney, dogged defender of the official bilingualism policy and father of the *Official Languages Act* adopted in 1988, has since intervened at various times in favour of the current linguistic scheme which, in his view, is the key to national unity and national reconciliation. He has accused proponents of antibilingualism of wanting to destroy Canada in the same manner that Quebec sovereignists do. At the height of the English-only movement in Ontario during the winter of 1990, Mulroney went so far as to say that without bilingualism, Canada would be nothing more than an annex of the United States.

It remains to be seen whether Ottawa intends to make official bilingualism a symbol of national unity, solidly linked to its current constitutional project, or whether it intends to defer the question for fear of upsetting public opinion for the time being. The federal proposals put forward on 24 September 1991 and the constitutional symposia held during the winter of 1992 broached in an almost allusive manner the question of linguistic duality. The Beaudoin-Dobbie Committee gave in to concerted pressure from French speakers outside Quebec and agreed that the federal Charter should guarantee in the proposed section devoted to the distinct society and linguistic duality "the vitality and the development of the language" of Canada's language minorities,²² including Anglo-Quebecers, all to the great displeasure of a number of Quebec nationalists disturbed to see Bill 101 possibly threatened by such a provision. However, French speakers outside Quebec have not waited for Ottawa's final offers to express their frustration over the fact of not being part, in the spring of 1992, of the intergovernmental constitutional process, unlike the aboriginal peoples. The francophones outside Quebec feel, quite rightly, that it is they who have the most to lose if the efforts to renew federalism fail and on the constitutional front, Quebec becomes independent, where some of them would quickly become the first victims of a future "Canada without Quebec."²³

To conclude, whatever the outcome with respect to the current constitutional round, it appears already established, to cite former Commissioner of Official Languages D'Iberville Fortier, that "Our past, present and future are marked by

language, whether we like it or not."²⁴ Canada's linguistic future hangs in the balance.

Notes

1. The texts of these speeches as delivered on 8-9 December 1989 are reproduced in Part II of this volume.
2. The Spicer Report, submitted in June 1991, drew more or less the same conclusions, to the extent that it deemed it essential to conduct an independent inquiry on the manner in which the official languages policy is applied, in order to show Canadians the advantages of the policy. Failing that, the report raised the possibility of growing public dissatisfaction that could lead to an outright rejection of official bilingualism. Citizens' Forum on Canada's Future, *Report to the People and Government of Canada* (Ottawa: Supply and Services Canada, 1991), p. 125.
3. See *Language and Society*, No. 35, Summer 1991, p. 5.
4. See Jean Paré, "Bilingualism may save us in 1990s," *Financial Post*, 18 January 1992, p. S-4.
5. See the more conciliatory stance adopted by the Albertan committee on national unity — dominated by the Conservatives — regarding official bilingualism. Cf. *Edmonton Journal*, 13 March 1992, p. A14.
6. See *La Presse*, 12 March 1992.
7. According to a recent *Maclean's/Decima* poll, 57 percent of Canadians and, in particular, 79 percent of Quebecers, support official bilingualism. See *Maclean's*, 6 January 1992, p. 51. For other corroborating data, see the report by George Perlin in Part II of this volume.
8. See François Dumaine, *The 90's Decade: Consolidation Period* (Ottawa: La Fédération des francophones hors Québec, 1990), p. 9. For a thorough analysis of the meaning and scope of section 23 and an overview of education in minority communities in each of the provinces and territories, see Angéline Martel, *Official Language Minority Education Rights in Canada: From Instruction to Management* (Ottawa: Office of the Commissioner of Official Languages, 1991), 392 pp.
9. We have to mention here the recent intention expressed, mid-March 1992, by the government of Alberta about finally allowing Franco-Albertans to manage their own schools. In doing so, it has distanced itself from the Reform Party over the linguistic issue. Nevertheless, the Getty government has been continuing to compete with this party, at the constitutional level, in order to champion the triple-E Senate issue.
10. See Dumaine, *The 90's Decade*, p. 17. Some members of the French-speaking communities now wonder about the effectiveness of section 24 of the Charter in terms of obtaining remedy when rights are infringed or denied. Although the Saskatchewan Court of Appeal endorsed the Supreme Court's decision in *Mahé* when it was petitioned by the Fransaskois community, the court refused to order the government to comply with its constitutional obligations respecting the management by the French-speaking minority of its own schools. However, we are

- still far from a hypothetical damage suit against those governments that violate language rights, as contemplated by a number of Canadian legal scholars. See Jean-Pierre Proulx, "La longue attente des minorités francophones de l'Ouest," *Le Devoir*, 7 May 1991, p. B1.
11. Commissioner of Official Languages, preface to the *Annual Report 1990* (Ottawa: Supply and Services Canada, 1991), pp. 3-4.
 12. For an explanation of this matter, see the summary of discussions of the second session of the conference.
 13. See the background paper presented at the conference by George Perlin.
 14. See Suzanne Dansereau, "L'Ontario refuse de donner aux francophones ce qu'elle accorde aux autochtones," *La Presse*, 17 October 1991.
 15. See the series of books on the future of French language and culture in Canada published by the Commission nationale d'étude sur l'assimilation. Reference is made here to the first two books published in September 1989, *Le déclin d'une culture* and *Le choc des nombres*. Roger Bernard, sociologist at the University of Ottawa, took over the supervision of these studies.
 16. See *Le Devoir*, 4 January 1992, pp. A1 and A4.
 17. Task Force on English Education, *Report to the Minister of Education of Quebec*, January 1992, 27 p.
 18. Within that group, there is among others William Thorsell, Chief Editor of the Toronto daily newspaper, *The Globe and Mail*. According to him, Don Getty's stance on official bilingualism has some legitimacy insofar as it reflects a certain growing nationalism in English Canada, inhibited besides by the current scheme of linguistic duality. Cf. *The Globe and Mail*, 11 January 1992, p. D6.
 19. See William Thorsell, "Radiographie d'un grand malade," *Le Devoir*, 17 April 1991, p. B8. This article was first published in *The Globe and Mail*. See also Kenneth McRoberts, "Making Canada Bilingual: Illusions and Delusions of Federal Language Policy" in David P. Shugarman and Reg Whitaker, *Federalism and Political Community* (Peterborough: Broadview Press, 1989), pp. 141-171.
 20. See in particular Robert A. Young, "How to head off the crisis," *The Globe and Mail*, 10 January 1991, p. A17.
 21. See the background paper by Jean Laponce in Part II of this volume.
 22. Special Joint Committee of the Senate and the House of Commons, *Report on a Renewed Canada*, issue no. 66 (Ottawa: Supply and Services Canada, 28 February 1992), p. 26.
 23. See, among others, the article by Jeffrey Simpson, "It is folly to expect language rights in Canada without Quebec," *The Globe and Mail*, 3 March 1991, p. A18, and the analysis by Catherine Ford, *Language and Society*, no. 35, Summer 1991, pp. 12-13. For a good prospective analysis of this whole issue, see also the shrewd conclusion of Pierre Foucher's paper in this volume.
 24. Commissioner of Official Languages for Canada, *Annual Report 1990*, p. xxx.

PART I

Summary of Discussions

Session I: Status Report and Fundamental Approaches to Policy

Chairman's Remarks: Michel Bastarache

The Supreme Court of Canada confirmed in 1986 that constitutional language rights were based on a political compromise that is in fact the source of federalism. The compromise involved recognizing minimal judicial guarantees that seemed well suited to the very decentralized system of government that was then being developed. Language rights were to be a threshold below which negotiations would be unnecessary to allow a member of a minority to use his or her language, and above which linguistic privilege only would be recognized.

The minimal constitutionally recognized guarantees were adopted at a time when the linguistic groups were large enough proportionally to carry a lot of weight on the political scene. This was the case in Ottawa, Quebec and Winnipeg. The minorities have since scattered and the conditions giving rise to the compromise have changed.

In 1986, once again, the Supreme Court of Canada decided that constitutional language rights were of a personal rather than a collective nature. Access to some services in the recognized languages was not given to linguistic collectivities but to individuals regardless of their mother tongue. This resulted in limiting the scope of the constitutional provisions, especially since the rights of the civil servant and the judge would oppose those of the general public.

Surprisingly enough, constitutional language rights were not broadened before the end of the 1960s. It was the constitutional crisis of the time that sparked the decision to pass language acts in Ottawa and Fredericton. Quebec followed suit in the 1970s; other provinces and territories passed legislation in the 1980s either to restrict rights recognized by the courts (Alberta, Saskatchewan)

or to create new rights (Ontario, Northwest Territories, Yukon). Here again, a political compromise seems to underlie all development.

Is there a link between bilingualism and demographic tendencies? Is there another political compromise explaining recent developments? Will the linguistic progress of minorities last; is the Canadian public willing to broaden the 1867 guarantees?

Our participants will first describe the present demographic and judicial situation. What have we accomplished and for whom? What are the current forces and issues for 1990?

Our participants will then study the socio-political background of the current system: the security of linguistic groups versus the freedom of individuals; the recognition of languages rather than the recognition of linguistic communities. Possible approaches will be analyzed based on the present context and on the advantages and disadvantages of foreign models as suggested by an analysis of such models.

Concentration of language groups, the development of bilingual contact zones, the desire of Quebec to convince the rest of Canada that the English and French minorities are not in symmetrical situations — these are the factors that will influence linguistic legislation in the years to come. Let us now look at what constitutes this linguistic duality and political power that form the background for our discussions.

Summary of Discussions

DEMOGRAPHIC ISSUES

At the beginning of the session, Réjean Lachapelle (of Statistics Canada) presented a demolinguistic profile of contemporary Canada. Lachapelle noted the persistence of the French-English duality, an underlying structural component in the country. He also pointed out another key factor, for instance, the very marked territorial concentration of English- and French-speaking Canadians which, for the past 25 years, appears to have remained fairly stable. English-speaking Canadians live in areas in which English is the first official language of over 90 percent of the population, while French-speaking Canadians are concentrated in regions where French is the first official language of over 80 percent of the population. The statistician drew attention to another striking tendency since the mid-1960s: "the weight of each language group, French or English, has increased when it is in the majority, and decreased when it is in the minority." While the relative importance of the French-speaking community is declining on a national scale, the number of French-speakers in the country seems to be on the upswing, especially because of the appeal for English-speaking Canadians of French immersion classes. According to

Lachapelle, the French-speaking community outside Quebec has a low birthrate and seems unlikely to grow, unless through immigration. He also alluded to a number of methodological problems in the realm of statistics, pertaining first to the definition of mother tongue in the 1981 and 1986 Censuses, and the concentration index used which, as Robert Keaton, president of Alliance Québec, has pointed out, does not take into account infra-urban concentrations.

Réjean Lachapelle's remarks drew varied reactions. Pierre Fournier (Université du Québec à Montréal) began by criticizing the statistician's "very reassuring vision" of the rapid decline of French speakers in Montreal. According to Roger Turenne (Government of Manitoba), Lachapelle's analysis confirms the stability of French-speaking minorities outside Quebec and runs counter to widespread perceptions in Quebec. This opinion was also stated by D'Iberville Fortier, then Commissioner of Official Languages for Canada, who noted the absence between 1981 and 1986 of new assimilation among French speakers in New Brunswick and Ontario, who account for three-quarters of all French speakers outside Quebec. Guy Matte, president of the Fédération des francophones hors Québec (FFHQ), pointed out that such minorities transcend prognoses and statistics and that we must avoid materializing their existence. John Meisel (Queen's University) wondered about the importance of multi-cultural policy on the mother tongue of allophones.

CURRENT CONSTITUTIONAL AND STATUTORY PROVISIONS AND CASE LAW

With respect to jurisprudence, Roger Bilodeau (Ecole de droit, Université de Moncton) saw two trends in decisions of the Supreme Court of Canada. The most recent trend confirms a restrictive approach to the interpretation of language rights; the second derives from a Manitoba judgment on language rights that resulted in a "very strong statement about the approach to adopt with regard to language rights." Bilodeau went on to explain that section 23 of the *Canadian Charter of Rights and Freedoms* has been contested before the courts everywhere in Canada (except British Columbia, Newfoundland and the Territories), proof, according to the constitutional expert, of the provinces' reluctance to voluntarily apply provisions in the Charter. He also mentioned the SANB (Société des Acadiens du Nouveau-Brunswick) and *Gautreau* cases as contradictory legal references in the realm of linguistic rights. To conclude, Bilodeau stressed that, in recent years, linguistic minority groups have been compelled to vigorously lobby their governments and resort to the courts to gain recognition of their rights.

In response to Roger Bilodeau, Bob Richards (Government of Saskatchewan) sought to refute the notion that the provincial governments in English Canada do not wish to comply with the letter of section 23. In his view, by demanding that the courts examine this section, the governments in question

want above all to ascertain to what extent the constitution compels them to grant French-speaking minorities administration of and control over their school systems. Pierre Foucher (Ecole de droit, Université de Moncton) wondered about the soundness of this policy, given the different problems it creates for French speakers outside Quebec. Foucher added that the values pertaining to multiculturalism and the aboriginal rights recognized in the constitution occasionally conflict with the notion of linguistic duality.

TERRITORIALITY/PERSONALITY

Political analyst Jean Laponce (University of British Columbia) gave a presentation in which, from the outset, he emphasized that, in ethno-linguistic terms, we are entering a "new age" in which languages that have limited influence are doomed to vanish. In this perspective, Laponce claimed that the languages with the best chance of surviving are those that have a "territorial niche." He went on to enumerate various factors that determine the survival of some languages and the disappearance of others, then stated that the languages of independent states are among those most likely to survive. There are two typical examples of control over a geographic niche. In the first case, the Norwegian solution consists of isolating one language from another at the international level (Norway separated from Sweden). The second solution, adopted by the Swiss, consists of delineating certain languages by internal demarcation. Canada has adopted neither of the foregoing solutions. For this reason, despite the remarkable advances recorded in recent years, French is still vulnerable. This observation led Laponce to confess his pessimism concerning the future of the French language in Canada. He feels that language minorities need territorial rather than individual protection. To those who perceive this notion as a violation of the democratic-liberal principle of the equality of all citizens, Laponce would respond that such asymmetry intrinsically underlies any federal system.

Jean Laponce's presentation sparked a number of questions aimed at clarifying the notion of territoriality. According to Denise Reaume (Faculty of Law, University of Toronto), the territorial delineation of languages in Canada should not necessarily coincide with current provincial borders. In the same vein, Aurèle Thériault and Guy Matte (FFHQ) wondered whether the linguistic territory contemplated by Laponce could reflect a given community and not, strictly speaking, an administrative or governmental territory. Laponce concurred with this possibility. Other participants were more critical of the territorialist approach. Dan Soberman (Queen's University) asked whether the territorial foundation of a language is not threatened by the ongoing development of various means of communication. Max Yalden (Chairman, Canadian Commission on Human Rights) added that the establishment in Canada of a territorialized linguistic scheme would lead sooner or later to the elimination

of services in French for certain minorities outside Quebec. A representative of the federal government, like a number of other participants, rejected Laponce's claim that the system of official bilingualism implemented by the Trudeau government 25 years ago was a "mistake," given the problematical living together between French and English in Canada, a phenomenon called by Laponce "bilingualism without diglossia." The same participant wondered how Laponce can reconcile his theory with the openness to French displayed by a majority of English-speaking Canadians. In response, Jean Laponce confirmed that the territorialist approach is based on the hypothesis that French-speaking and English-speaking Canadians display the same pro-unilingual stance.

Robert Keaton suggested that ethno-linguistic harmony is more a question of attitude than territoriality. He said he was perplexed by the degree of insecurity felt by French-speaking Quebecers about their cultural future. This insecurity is more pronounced than it was 20 years ago, despite Bill 101 and an increase in the number of French speakers in Quebec. Michel Doucet (Ecole de droit, Université de Moncton) stated that Laponce's viewpoint coincides with that of French speakers outside Quebec to the extent that linguistic control over a territory also underpins administrative regionalization, a traditional demand of the French-speaking and Acadian minorities.

In response to participants, Laponce conceded that, in the case of numerically small linguistic minorities, the territorial solution is not the only possible approach. He feels that the federal government may eventually "withdraw" from the language field and leave this responsibility to the provinces, as the Pepin-Robarts Commission had already recommended. In that case, Laponce does not fear for the future of French-speaking minorities outside Quebec.

INDIVIDUAL/ COLLECTIVE RIGHTS

In her presentation, constitutional law scholar Denise Reaume first raised a number of theoretical questions inherent in the two approaches mentioned earlier. Reaume felt that, in a linguistic community, it is the social rather than the collective dimension that must predominate. In legal terms, she thought it easier, under certain circumstances, to grant rights to individuals rather than the group. In her view, the approach centred on collective rights "sets a trap" for the population to the extent that it seeks to impose itself to the detriment of the other approach in a situation where both types of rights come into conflict. Reaume cited Switzerland as a typical example of the prevalence of collective over individual rights. She added that numbers do not constitute an adequate criterion to judge the superiority of collective rights over individual rights. She nonetheless felt that the collectivity must not be confused with an entity that is invested with a "moral status."

During a discussion with Denise Reaume, Alain Prujiner (Université Laval) sought to clarify the "nature" of linguistic rights. He maintained that a linguistic right is "not simply freedom of expression" and, as a result, must "necessarily" be opposed to freedom of expression. Moreover, the linguistic right is, in essence, a collective right which, in his opinion, the territorial approach clearly demonstrates. To conclude, he defined the linguistic right as "a social organization measure and not an individual right that falls within the logic of individual freedom."

Getting back to the previous topic, André Tremblay (Constitutional Advisor, Ministère du Conseil Exécutif, Gouvernement du Québec) promoted the territorial approach put forward by Quebec. According to him, history shows that before 1960 in Canada, the territorial approach was adopted but with hostility towards the French fact. This would explain why now, a large majority of the Quebec people think that the protection of the French must be ensured by the National Assembly of Quebec and not by "another parliament." Tremblay emphasized that Bill 101 subscribes to this philosophy of strengthening French. While he stressed the fragility of the French language in Quebec vis-à-vis the English-speaking predominance in North America, Tremblay upheld that the promotion of bilingualism in this province would lead, in fact, to a fostering of English unilingualism. At the same time, he understood the anxiety felt by francophones outside Quebec about the territorial approach favoured by Quebec, which reinforces the two linguistic majorities in Canada at the expense of the French-speaking minorities. But the territorial approach does not exclude the possibility of arrangements between a government and its French or English minority, in Tremblay's view, by the openness traditionally shown by Quebec towards its anglophone community.

COMPARATIVE INSIGHTS

In a presentation on this theme, Kenneth McRae (Carleton University) first outlined two theoretical models, the "consociational" and "control" models, relevant to a political and linguistic analysis of the Canadian situation over the past 30 years. He then went on to review the principal traits of the Belgian example in the realm of language. Essentially, he sees Belgium as a model that, in terms of settling conflicts, has proven a reasonable success. According to McRae, linguistic tension in Belgium has been somewhat attenuated by a reduction in formal contacts between languages, especially in Brussels, as disputes have been decentralized towards the communities. He felt that the Belgian experience is germane to Canada, as that country has already gone through most of the phases that we are traversing.

Session II: The Politics of Language Policy

Chairman's Remarks: Max Yalden

The politics of language policy, in Canada or elsewhere, is inseparable from the concept of language rights. Language rights, in turn, bear some necessary relation to various aspects of human rights and consequently to the general question of what regimes of promotion or protection may be lawfully imposed in the public interest.

Before considering how language rights are to be defined, however, one must consider the raw material, the sociology of language politics, which covers such issues as:

- the historical, political and demographic forces that bring different language communities into contact, and more often than not into some degree of conflict;
- the different cultures and value systems that are more or less intimately associated with languages in contact;
- the real *rappports de force* among different languages that occupy the same geographic and political space, as measured, for instance, by their relative ability to maintain themselves or to attract speakers of other languages;
- the perceptions that either sophisticated or unsophisticated speakers of those languages have of their own and other languages, both as regards their social scope and their political power; and
- the relationship of language politics, in a general sense, to other political power struggles that may affect the viability of linguistic communities.

In Canada, the shaping of language policy must take account of the historical, economic and political relationships of four major groupings: the aboriginal peoples; the French-speaking and English-speaking communities; and the ever-increasing number of individuals and groups whose origins lie elsewhere. As a result, *official* languages are no longer the sole preoccupation of language policy.

The various federal and provincial language-related laws and policies now in place can be seen as designed to deal at one and the same time:

- with a past of historical injustices;
- with a present in which linguistic and cultural minorities of all kinds feel compelled to assert themselves; and
- with a future in which changes in language demography may be more rapid in the past and other forms of political consensus will be unpredictable.

Specific questions that one would like to hear discussed in this session include:

- How far does Canada's coherence as a political entity depend on a common, symmetrical and pan-Canadian language policy?
- In light of present demolinguistic realities (and existing and foreseeable majority-minority relationships) what is the best conceivable political balance among language interests in Canada?
- How does one reconcile, in either political or policy terms, the contrasting linguistic realities of, say, Ontario and Quebec: theoretical liberty in a context of practical constraints versus theoretical constraints in a context of substantial practical freedom?
- Is it demonstrably legitimate, given the special circumstances of French in North America and in Quebec, to build the defence of that language on a legal restriction of other languages?
- Given those same circumstances, what are the practical duties of the other provinces towards their French-speaking citizens; can their under-performance in this respect politically justify restrictions on other languages in Quebec?
- How is the promotion of official language or official languages policy to be reconciled with appropriate degrees of promotion and protection for aboriginal or heritage languages?

Summary of Discussions

PERCEPTIONS OF MINORITIES

The first speaker, Michael Goldbloom (Martineau, Walker, Montréal) stated that he did not see any asymmetry between the situation faced by English-speaking Quebecers and that of French speakers outside Quebec. He maintained that the former have, for the past 15 years, pursued a two-prong strategy, centred on resolutely displaying an openness to French and ensuring that English-language public institutions in Quebec offer services in French. Goldbloom thought that Quebec language legislation was too radical "in some sectors," citing as an example Bill 178, which has spawned disarray and insecurity among English-speaking Quebecers and has led to the emergence of the Equality Party. He concluded his presentation by stressing the rapid demographic decline affecting English-speaking Quebecers, which now appears to be more pronounced than that affecting French speakers outside Quebec.

Michel Doucet (Ecole de droit, Université de Moncton) began his presentation by noting that the Acadians are part of a community which is more misunderstood than English-speaking Quebecers. In describing the Acadians, he stressed their regional concentration and the complete homogeneity of their school system as the community's main strengths. In his view, the survival of the Acadian community will require some form of linguistic duality rather than bilingualism. However, the relative economic weakness of the Acadians has compelled many of them to move to more prosperous, often English-speaking regions, where assimilation is more pronounced. Another handicap faced by the Acadian community is the "bombardment by English culture," against which it must struggle every day.

Doucet then challenged D'Iberville Fortier's assertions (which were based on demographer Jacques Henripin's estimates), that the assimilation rate in New Brunswick is nil, and noted moreover, that the Acadian community must deal with a low birthrate. Doucet mentioned the growing anti-bilingualism in New Brunswick, exacerbated to some extent by the Confederation of Regions (CoR) Party, a genuine threat to the acquired rights of French speakers in the province. Although the McKenna government has firmly promoted official bilingualism in New Brunswick, Doucet deplored its ambiguous stance in the *Gautreau* case, which passed unnoticed in the national press. The government, through the New Brunswick attorney general, decided, "to the great surprise of the Acadian community," to appeal the case of a resident whose right to receive a ticket or government services in the language of his choice, pursuant to subsection 20(2) of the *Constitution Act, 1982* had been recognized by a second court. According to Doucet, this decision can be explained by the fact that,

"despite its good will," the New Brunswick government is "more inclined to listen to the English-speaking majority."

While regretting the limited political weight of the Acadians compared with the strong position of English-speaking Quebecers, Doucet nevertheless claimed to be optimistic about the future of his community. It is important, however, to maintain linguistic duality, which should from now on entail administrative regionalization based on language lines. This ensures that Acadian areas have more input in formulating policies of concern to them. To conclude, he called for a genuine "reconciliation in French-speaking Canada," including Quebec, with a view to adopting a "common stance" on language in relation to the rest of Canada.

Georges Arès (Association canadienne-française de l'Alberta, ACFA) was also equally optimistic about the future of French speakers in western Canada, especially Franco-Albertans. To support his viewpoint, he noted the changing attitudes of growing numbers of English speakers with respect to the French fact, as reflected in opinion polls and the popularity of French immersion schools in Alberta. According to Arès, English-speaking Albertans are inherently "reasonable," but they expect the Alberta government to display more leadership on language issues. He felt that there is "a legitimate place for French in western Canada," provided that political leaders in the region decide to follow the example that leaders, in particular, have set in this domain. The absence of such leadership creates a "vacuum" that encourages those opposed to bilingualism to skillfully influence undecided English-speaking Albertans. In conclusion, he pointed out that the key for French-speaking Alberta communities is not so much to manage their schools, but to *obtain* them, in conjunction with legal battles surrounding section 23 of the federal Charter.

During the ensuing discussion, Michel Bastarache (Lang, Michener, Lawrence and Shaw, Ottawa), emphasized that the current New Brunswick government generally links bilingualism with respect for individual choice in the realm of language. He stated that provincial political leaders still "do not understand" the desire of Acadians to be perceived first and foremost as full-fledged "partners" rather than a simple minority to whom services in French must be offered.

In response to Michael Goldbloom, Gordon Robertson (Institute for Research on Public Policy, former Clerk of the Privy Council), opined that it would be advisable to adopt a "realistic" approach to the language question in Quebec. While he understood English-speaking Quebecers' confusion over Bill 178, Robertson felt that it is quite natural for a majority community such as French-speaking Quebecers to take measures to protect their language and culture from the continental domination of English, whether or not its apprehension is warranted. He compared the uncertainty of French-speaking Quebecers over their language with the fear of English-speaking Canadians that they would lose

their cultural identity in the wake of the Canada-U.S. Free Trade Agreement. Moreover, he suggested that it is Quebec's recourse to the "notwithstanding" clause in the constitution that has aroused such opprobrium towards Bill 178 in English Canada. According to Robertson, English-speaking Canadians would have experienced a lesser shock had the Quebec government invoked section 1 of the *Canadian Charter of Rights and Freedoms*, referring to "reasonable limits" and "demonstrable justification."

Rolande Soucie (Association canadienne-française de l'Ontario, AFCO) drew a parallel between the situation faced by Acadians and Franco-Ontarians. Both communities are constantly seeking to manage their own institutions. She placed the *French Language Services Act* (Bill 8) into perspective by pointing out for example, that English is the working language in the provincial public service. She added that Franco-Ontarians are "becoming disenchanted with bilingual institutions" because, contrary to their expectations, they have been unable to impose themselves as the linguistic "elite," given the growing trend towards bilingualism among English speakers. Ms. Soucie concluded by deploring the Ontario government's wavering about meeting the specific needs of the French-speaking community.

Aurèle Thériault wound up the discussion by following the example of Doucet and Soucie and pleading for a stronger linguistic duality. In his view, for the past 15 years or so, Canada has made a "fundamental mistake" in "eliminating cultural and community issues from the language question."

PERCEPTIONS OF MAJORITIES

George Perlin (Queen's University) reviewed the highlights of the study he prepared for the conference (see Part II). First, he described as "volatile" the data pertaining to the opinions of English-speaking Canadians concerning bilingualism over the past 20 years. He went on to note that English speakers have little genuine interest in issues that are not of "immediate interest." When confronted with open-ended questions, English-speaking respondents tend to rank the language question far from the top of their lists of pressing concerns. Perlin stated that, generally speaking, three out of five English-speaking Canadians accept the principle and support federal policy in this respect. In his view, only 20 percent of Canadians are implacable opponents of bilingualism. He described this segment as a somewhat "marginal" group in political terms, sufficient reason according to him not to overestimate the significance of their opinion of bilingualism.

POLITICAL SITUATION IN QUEBEC

In his presentation to the conference (see Part II), Pierre Fournier attempted to explain the underpinnings of the cultural and linguistic insecurity of French-

speaking Quebecers, and the effects of the main language legislation adopted. Fournier then turned to set the political situation in Quebec against the backdrop of Meech Lake, stressing two apparently contradictory facets of contemporary Quebec, a people "looking to the future" and "open to the rest of the continent," especially in business, on the one hand; and that of a Quebec uncertain about the future of its language and culture, on the other. According to Fournier, both attitudes "cohabit in each individual." However, there is a consensus in Quebec, "stronger than even before," about the need for political intervention to protect and promote French, which explains the adoption of Bill 178. Like Michael Goldbloom, Pierre Fournier indicated that the French-speaking and English-speaking communities in Quebec are both threatened, but for different reasons. French speakers are threatened because of the long-term demographic situation, and English speakers because of their exodus to other provinces. Tension between the communities unquestionably derives from the determination of each to absorb as many immigrants to Quebec as possible.

During the discussion that followed, Bob Keaton deplored the lack of empathy among English-speaking Canadians for the plight of their fellow English speakers in Quebec. In response to Gordon Robertson, Keaton claimed that there was no acceptable justification for Bill 178 once it deprived individuals of certain rights. He added that the legislation was designed less to protect French in Quebec than to "hide English." In his view, there was no point in adopting the legislation as the decision to do so was based by and large on an "imaginary insecurity" nurtured by demographers who subscribe to self-fulfilling prophecies and cast demographic and linguistic issues in a somber light.

Finally, John Meisel expressed the fear that the upsurge of parties and organizations opposed to official bilingualism from coast to coast might draw the country into a "totally unforeseeable and extraordinarily dangerous" situation.

RELATIONSHIP TO MULTICULTURAL INTERESTS AND POLICY

Roland Penner (University of Manitoba) briefly reviewed multiculturalism in Manitoba. Citing a plebiscite on the status of French that was held in the province in 1983, he stressed that the idea of granting Franco-Manitobans increased language rights is perceived differently depending on ethnic origin. Manitobans of British and German extraction are more inclined to oppose such a move, while those of aboriginal and Jewish origin are more favourably disposed. Penner feels that events in 1983-84 had a "cathartic effect" in the province and that bilingualism is now "more widely accepted" in Manitoba than it was a decade ago.

ROLES OF THE FEDERAL AND PROVINCIAL GOVERNMENTS

David Cameron (special advisor on constitutional affairs to the Premier of Ontario) began his presentation by noting the "state of national schizophrenia" prevailing in Canada. There is a striking cleavage between Quebec and the rest of Canada in terms of the attitudes and values shared by each society, and this is clearly reflected, in his opinion, in perceptions of the language question. Cameron then analyzed progress in this area since the 1960s and paid tribute to the Trudeau government for implementing its language policies. He added that, in particular, these policies had enabled English Canada to adhere to a new concept of Canadian identity based on the principle of two languages and two cultures, to which a good portion of the new generation of Canadians subscribe. Cameron went so far as to assert that future generations of Canadians would remember the Trudeau government more for its language policies than for the *Canadian Charter of Rights and Freedoms*. To conclude, he blamed the "erosion of the linguistic consenses" now underway on the absence of a "national framework of values and principles" shared and understood throughout the country.

Diane Wilhelmy (Secrétaire générale associée aux affaires intergouvernementales canadiennes, Gouvernement du Québec) outlined the initiatives launched by the Quebec government with respect to language in three key sectors — health and social services, education, and language in the workplace. With regard to Bill 142, which makes provision for health and social services in English, Ms. Wilhelmy outlined the process of enforcing the legislation and the collaboration with Ottawa about the regionalization of services offered to the English-speaking community. In the realm of education, she confirmed the Quebec government's commitment to fully applying section 23 of the *Constitution Act, 1982*. She discussed institutional duality in the Quebec education system, improvement in the teaching of English among French-speaking students, and the integration of immigrants into the French-speaking majority. She emphasized the Quebec government's intention to provide "support and assistance" to businesses that, pursuant to Bill 101, comply with the objective of adopting French in the workplace. Following the example of Claude Ryan (whose speech appears in Part II), Diane Wilhelmy pointed out that the broad philosophy adopted by the Bourassa government with respect to language is to "seek a consensus" between the French-speaking majority and the English-speaking minority in Quebec. She maintained that the Quebec government is acting "flexibly and intelligently" in enforcing Bill 101. She concluded by deploring the disproportionate attention that the media in Canada accord the "handful of problems" encountered in Quebec over the implementation of the legislation.

Donald Dennison (Deputy Minister of Intergovernmental Affairs, Government of New Brunswick) expressed his firm opposition to the principle of

"exclusive territoriality" in the realm of language. In his view, the protection of French in Canada should not be left solely to Quebec. The federal government must continue to play a key role in this area. Dual federal-provincial jurisdiction over language is the best way to increase the linguistic security of minorities, in Mr. Dennison's opinion.

Jean Fournier (Under-Secretary of State, Government of Canada) focused on the federal government's role with respect to the language question. Of all the umbrella agreements reached between Ottawa and the provincial and territorial governments, Mr. Fournier noted that he was particularly pleased with those involving the Northwest Territories, the Yukon, and Prince Edward Island. In the latter province, especially, the positive results achieved in terms of services provided by the provincial government and school management in French reflect the "outstanding" political leadership displayed by provincial officials, which can serve as an example to the other provinces. Overall, Fournier noted a striking revitalization of French-speaking communities in Canada over the past ten years, which he felt to be largely attributable to the partnership between various governments and the communities concerned. He generously gave credit for these initiatives to the provinces that instigated them. The federal government's role has consisted above all of providing technical and financial support. Nonetheless, Fournier acknowledged that pressure must be maintained to ensure that, by the year 2000, half of the provinces still opposed to school management by French speakers finally accept the idea. He called for closer collaboration between Quebec and Ottawa to help French speakers outside Quebec.

The ensuing discussion opened with an observation by Satya Das (*Edmonton Journal*) on the complex nature of the backlash now apparent in Alberta. According to Das, the backlash is unfocused in that it is aimed at official bilingualism and, among other things, federal immigration and fiscal policies. Georges Arès (ACFA) promptly responded that it is an exaggeration to say that there is a veritable backlash in Alberta. In his view, this reactionary current is attributable by and large to a noisy minority that has the ear of politicians. Arès thought that English-speaking Albertans overall are prepared to support a "reasonable position" on language issues. It is the vacuum in leadership by the provincial government that allows the anti-bilingualism movement to flourish.

David Cameron's presentation sparked a number of comments. Don Smiley (York University) subscribed to the recommendations of the Pepin-Robarts Commission calling for the decentralization to the provinces of jurisdiction over language, without necessarily enshrining such a move in the constitution. Alan Cairns (University of British Columbia) argued to the contrary that linguistic reconciliation must, "in the final analysis," be broached as a constitutional question. Cairns endorsed Cameron's thesis concerning the decline in a consensus on language. He felt that this decline was attributable to the

proliferation of intervening parties in constitutional matters who, in their struggle to have their credo incised in the constitution, have on occasion called into question the "privileges" granted to the two founding nations. Norman Spector (Secretary to the Cabinet for Federal-Provincial Relations, Government of Canada) concurred with Cameron's perception of the lack of a consensus on language matters. However, he tried to show that contradictory viewpoints in this field have prevailed since the *Official Languages Act* was adopted in 1969. Basically, Spector thought that it is important to clarify the semantic ambiguity surrounding terms such as "bilingualism," "linguistic duality" and "official languages" in the eyes of many Canadians.

Ian Scott (Attorney General, Government of Ontario) emphasized how hard it is to devise a constitution for an "ungovernable mass that shares no common vision." He maintained that we must review the current constitution which, above all, imposes Pierre Elliott Trudeau's vision, and look instead to a new, more flexible constitution that allows for political compromise. Rolande Soucie (ACFO) turned to the question of education in minority language communities and called for a federal-provincial conference on section 23 of the federal Charter and its enforcement in the provinces, in order to avoid the need for either of the parties involved to resort to the courts. John Meisel wondered finally about the "representativeness" of conference participants in terms of multicultural communities in light of the country's current political and constitutional agenda. He noted a striking decline of interest among most Canadians in the language question.

Session III: Areas for Action

Chairman's Remarks: Michael Decter

EDUCATION

How are minority language education rights faring across Canada? In Law? In practice?

What are the significant challenges to be addressed in provision of education and its control and management?

Is the scale of effort consistent with the goal of a bilingual nation?

Are there sufficient opportunities and incentives for use of second language skills once acquired or is much of the educational effort wasted?

PUBLIC SERVICES AND PRIVATE SECTOR

Public Services

How have recent actions in Manitoba, Ontario and Quebec affected the provision of services in second languages? Specifically the Premier Filmon speech to la Société Franco-Manitobaine, the proclamation of Ontario legislation and the Quebec legislation in the area of health and social services?

What further actions are likely? Are needed? How will progress be monitored by provinces?

Private Sector

Has the Free Trade Agreement eroded interest in an expanded role for the French language in the Quebec business milieu?

How is globalization interacting with language policy?

Summary of Discussions

EDUCATION

The discussion part of the third session began with a reflection by Tom Courchene (Queen's University) on the place of French in the North American economy. He noted that the development of Quebec capital and entrepreneurship since the mid-1960s has, increasingly, made French the language of business in Quebec. He feels that the true challenge facing Quebec in terms of language is to convince foreign investors to acknowledge that French is the language of the workplace in the province.

D'Iberville Fortier then briefly reviewed the question of education in minority language communities in Canada. He first pointed out the "extreme reluctance" of most of the provinces to enforce section 23 of the federal Charter. Nonetheless, the teaching of French and English as second languages has "progressed significantly" in terms of immersion programs and the teaching of core curricula. According to the (then) Commissioner of Official Languages for Canada, the enrolment of nearly 250,000 Canadian students in immersion classes is almost akin to "an act of faith" by their parents, especially English speakers.

The next speaker, Rodrigue Landry (Université de Moncton) discussed the notion of "ethnolinguistic vitality" and described its application in the schools as it pertains to each language group, whether the majority or the minority.

Vitality is first defined as a factor that "enables a linguistic community to evolve as a distinct entity." A power struggle occurs when two or more linguistic communities come into contact as each group seeks to assert itself within a given territory, depending on its resources. Four criteria are used to measure the degree of ethnolinguistic vitality of a community, i.e., demographic capital, economic capital, political capital, and cultural capital.

Proponents of this theory maintain that the notion of vitality is more accurate than the traditional "majority-minority" dichotomy. As proof, they point out that a group can be a majority and possess a language that has little vitality, e.g., certain African languages that are dominated by a European language. On the other hand, a minority group can enjoy a high degree of vitality, e.g., English-speaking Quebecers who, despite their limited numbers, display a very low assimilation rate. In micro-sociological terms, the education system and, more specifically, the schools, are key institutions for the minority. According to Landry, "the more pronounced a group's minority position, the more important the role the school plays in maintaining its first language." He added that there is one exception, i.e., the mixed schools found in western Canada, where the insufficient development of the minority language actually leads to a "subtractive bilingualism" in the French-speaking minority, which loses its first

language. To conclude, Landry feels that, as essential as it may be for the survival of language minorities with limited vitality, the school is not in itself a "panacea" and that other milieus, such as the family and the socio-institutional milieu, are necessary adjuncts to contact between language groups.

In response to a question from Michael Goldbloom, Claude Ryan (Minister of Education, Gouvernement du Québec), solemnly reconfirmed Quebec's support for dual institutional networks, whether in the case of the networks of the English-speaking community in Quebec or those that French-speaking communities in the other provinces are seeking to create or preserve. Mr. Ryan attempted to reconcile the Quebec government's support for French speakers outside Quebec with the position his government adopted in the *Mahé* case dealing with a claim by the French-speaking community in Alberta to obtain the right to manage its schools. According to Mr. Ryan, Quebec's refusal to formally support Franco-Albertans does not mean that it repudiates their cause. To justify his government's position, he alluded to the "practical implications" for Quebec arising from the Supreme Court's endorsement of the Franco-Albertan petition. Mr. Ryan felt it necessary to "act cautiously" in this case and suggested that the Quebec government feared that an indirect result of the case, if found in the Franco-Albertans' favour, would be that Quebec would be compelled by the Supreme Court to superimpose on the existing network of denominational school boards in Quebec, guaranteed by section 93 of the *Constitution Act, 1867*, a network of school boards drawn on language lines.

Charles Beer (Minister Responsible for Francophone Affairs, Government of Ontario) briefly described the educational facilities available to Franco-Ontarians and, as did Claude Ryan, reaffirmed his government's commitment to reinforcing institutional duality in the province, especially with regard to the management of French-language educational institutions. Don Stevenson (Glendon College) wondered whether the possible establishment of an entirely French-language university, such as Franco-Ontarians are demanding, might not be achieved "to the detriment" of existing bilingual universities.

Pierre Foucher said it was regrettable that the authors of the *Constitution Act, 1982* did not consider at the time procedures that might have avoided the legal battles which have involved the linguistic minorities in the country in order to ensure respect for their rights. As the Association canadienne-française de l'Ontario (ACFO) representative did during the preceding session, he called for a federal-provincial conference to examine ways of implementing section 23 of the *Canadian Charter of Rights and Freedoms*.

John Whyte (Queen's University) believed that education policy must be the object of a veritable national debate, failing which, in his view, our objectives in the field could be "very destructive" for a liberal society such as ours.

Guy Roy (Government of Manitoba) described the education system in Manitoba and acknowledged, from the outset, that French-language schools in

the province are "to a large extent" controlled by essentially English-language school boards. Indeed, the English-language boards enjoy a degree of autonomy unmatched elsewhere in Canada. Because a prerogative enables the boards to distance themselves from the Department of Education, the latter may eventually have to adopt measures to enforce the management by French speakers of their own schools. The objective of the local school boards is to avoid being directed in an "overly restrictive" manner by provincial officials. This situation has exacerbated the ongoing struggle waged by Franco-Manitobans to obtain better curricula. Mr. Roy felt that the "Council of Ministers of Education, Canada" is the "ideal body" to broach various issues affecting the linguistic minorities in Canada. In his view, it was the collective inability of the provinces, in the wake of the annual Premiers' Conference in St. Andrews in 1978, to agree on measures that favour their linguistic minorities that subsequently led the federal government to include section 23 in the *Canadian Charter of Rights and Freedoms*.

In the same vein, Aurèle Thériault said he failed to understand the reluctance of certain provincial governments to allow French speakers to manage their own schools. In his opinion, these provinces should follow the lead of New Brunswick, where the English-speaking majority understood, after numerous confrontations with French speakers during the 1960s and 1970s, that implementing a dual school system was the only way to achieve a *modus vivendi* between the two linguistic communities.

Bob Keaton compared the situation of French-speaking minorities outside Quebec with the English-speaking minority in Quebec and stressed that for the latter, education is first and foremost a guarantee of employment rather than an essential means of protecting language and culture, as is often the case in French-speaking communities in the rest of Canada. The Quebec English-speaking community wishes to ensure that the growing use of French on the Quebec job market does not ultimately penalize young English speakers in the province. Alliance-Québec hopes to prevent their eventual departure and is demanding that governments offer greater assistance for second language instruction to English-speaking school boards in the province, similar to that offered to French-language school boards.

Michel Bastarache deplored the fact that the federal government, under its education policy, subsidizes "unconstitutional regimes" pursuant to which the provinces establish schools that do not satisfy the requirements of section 23 of the federal Charter. According to Bastarache, under the pretext of "meddling to a limited extent in the field of education," Ottawa allows the provinces to give priority to immersion classes rather than to minority-language schools, a situation that decidedly favours English-speaking students. He felt that this anomaly must be corrected. To this end, the provinces must first establish a complete, homogeneous system for the French-speaking minority, already

guaranteed by the constitution, before setting up a parallel immersion system for English-speaking students, for which there is no justification in the constitution. In a similar vein, Dan Soberman (Queen's University) finds it "insulting and totally unwarranted" for French speakers outside Quebec to bear the brunt of a "paternalistic" school system that prevents them from managing their own schools. He added that this situation results from a "combination of bureaucracy and hidden prejudice."

Bob Richards (Government of Saskatchewan) claimed that we should avoid prematurely criticizing those provinces that, like Saskatchewan, have had recourse to the courts to ascertain whether section 23 of the federal Charter does indeed grant the French-speaking minority the right to manage its own schools. Richards maintains that the provinces' conduct is dictated solely by rudimentary caution, given the long-term implications of the judgments. It is because they want to avoid alienating restive English speakers over the question of the language rights of the minority that the governments in question have no choice but to adapt their educational and linguistic policies to the decisions handed down by the courts. Pierre Foucher replied by noting the Saskatchewan government's initial refusal to comply with the decision handed down by the Court of the Queen's Bench which recognized that the French-language minority is entitled to manage and control its own schools. According to Foucher, the subsequent decision handed down by the Supreme Court in the *Mercure* case, also favourable to the French-speaking community, shows beyond a doubt how urgent it is to call a halt to the judicial battle and to seek a political solution.

PUBLIC SERVICES AND PRIVATE SECTOR

D'Iberville Fortier began his presentation by expressing satisfaction with the new *Official Languages Act* adopted in 1988 which, he feels, contains stricter rights and obligations and promises to be easier to manage than the previous legislation. Unlike its predecessor, the new Act will be largely interpreted through regulations. At the time of the conference, the Commissioner of Official Languages for Canada still hoped that the Treasury Board would unveil, before the end of 1989, a preliminary version of the regulations, based on the concept of "significant demand" with respect to the services offered in federal institutions. He briefly assessed the performance of such institutions and deemed the results obtained a relative "success" with respect to equitable participation, although "considerable effort" will have to be made in terms of the language of the workplace. He stressed that the new Act makes it compulsory to offer bilingual services, to ensure that Canadians can communicate with federal officials in the language of their choice.

Fortier then listed the various services under provincial jurisdiction that the linguistic minorities deem to be essential, such as education, communications,

and health, among others. He pointed out the federal government's implicit role in encouraging the provinces to provide the utmost support for the linguistic minorities. He does not envisage total uniformity with regard to the main rights accorded the minorities. Instead, he hopes that the question of reducing the "discrepancies" between the provinces will be broached at a future constitutional conference. As for the private sector, constraints and obligations differ. In the realm of labelling, regulations are weak and requirements are extremely limited. This situation may eventually cause problems, according to Fortier, especially because of the Canada-U.S. Free Trade Agreement. The Commissioner hopes that a "dialogue" will be established with the private sector so that employers strive for fairness when members of the French- and English-speaking communities are present in significant numbers.

Larry Brown (National Union of Provincial Government Employees) presented another side of the language question. He first suggested that, by and large, conference participants were engaged in discussions on the theme that "have nothing to do with what people face on a day-to-day basis." Brown feels that the "neo-conservative agenda" emphasized by the federal government in recent years, clearly centred on market forces, has already produced an increase in the number of social victims, who encourage various kinds of intolerance from which the linguistic minorities can hardly escape. He said it was "futile" to attempt to isolate the language question from the socio-economic context surrounding it.

In response to earlier remarks by the Commissioner of Official Languages for Canada, Roger Turenne (Government of Manitoba) returned briefly to the notion of "significant demand" with respect to government services. He called for closer collaboration between Ottawa and the provinces to avoid incoherence when the latter pinpoint the very clientele to be served.

Two participants responded to Larry Brown's comments. Charles Beer clearly indicated that the program of services in French offered in designated areas by the Ontario government was tailored to existing jobs in the provincial civil service. He added that the Ministry of Francophone Affairs intends not only to provide services in French to the French-speaking community, but to offer the latter a number of programs geared to its cultural needs. The minister pointed out that, while Bill 8 does not specifically encompass municipal services, it does apply indirectly to certain areas that affect the municipalities in which services could be offered in French. Aurèle Thériault refuted the thesis put forward by those who associate services in French with new services. In particular, he attacked the myth that providing such services is prohibitively expensive. In his view, any service, whether in French or in English, includes a basic cost that cannot be cut down. Additional costs, when they occur, are engendered solely by training and the resources needed to provide the services. He then indicated several cases of administrative anomalies involving French-

language services that could easily have been avoided through rational management.

On another note, Alain Prujiner stated that, between the Dunton-Laurendeau Commission and the *Official Languages Act* of 1988, the locus of the language problem in Canada had shifted. If, at the outset, the "essential problem" was to maintain and protect French in Quebec and elsewhere in Canada, it has since given rise to a new definition of the language question that has "instantly propelled English to the rank of a threatened language in Canada." According to Prujiner, the emergence of the concept of a linguistic minority has largely profited the English-speaking minority in Quebec, as witnessed by recent federal language legislation that confirms Ottawa's "political role" in becoming the "protector of English in Quebec."

Georges Arès alluded to the problems raised by the question of significant demand, especially among the French-speaking minorities in western Canada, a community that has been devastated by assimilation and has failed to demand services in French. The notion of significant demand has had little effect on the intended clientele. According to Arès, the Alberta government is banking on the relative satisfaction of Franco-Albertans with existing immersion programs to avoid complying with provisions in section 23 of the federal Charter dealing with the management by the French-speaking minority of its own schools. He feels that governments should actively offer programs of services aimed at the French-speaking minorities in Canada instead of basing such programs on significant demand.

To conclude, Pierre Foucher placed the question of services in French in a broader perspective. He claimed that it is pointless to focus solely on providing such services if, at the same time, the linguistic minorities do not benefit from economic policies that enable them to remain in their traditional regions instead of moving to areas where linguistic assimilation is more likely to occur.

Session IV: The Future: Directions for Policy and Reform

Chairman's Remarks: John Meisel

The purpose of the final session is to synthesize the insights generated so far and to relate these to feasible policies and action. To a great extent, therefore, the precise agenda will be determined and nourished by previous discussions.

Certain desirable directions can, nevertheless, be specified.

It is obvious, for example, that language issues are deeply intertwined with constitutional developments and with federal-provincial relations. We cannot, therefore, ignore the broader constitutional debate and the state of the Meech Lake Accord. What is to be done?

At the same time, it is not enough to focus on the formal behaviour of governments. Underlying this dimension is the even more important world of informal social, political and economic processes, including the critical psychological states of mind of an extremely large and diverse number of actors.

Opinion polls indicate that with respect to the prevailing language regimes, politicians (at least in English Canada) have generally provided conciliatory leadership and have from time to time moved beyond the less open positions espoused by significant segments of the public. This directs our attention to measures required to bring into harmony the goals of elites and of mass publics. Intriguing differences between French and English Canada need to be noted and their implications for action explored.

In these circumstances it is inescapable that the reconciliation lying at the heart of the conference can only follow from a more effective congruence that has occurred so far of policies pursued by the federal and provincial governments on the one hand, and public opinion on the other. How should this be

brought about? At least equally important, what actions should emanate from the private sector—voluntary associations, political parties, educational institutions, professional associations, the media and so on?

Among the specific questions to be tackled during the final, action-oriented session, these are essential:

- What actions, at various sites and in all jurisdictions, are necessary in the light of the current state of the Meech Lake Accord? i.e., What needs to be done about the substance of a new constitutional arrangement and about the psychological states that have evolved in French and English Canada as the result of the “Meech” experience?
- What courses of action are desirable in the light of the hardening of Quebec positions on French unilingualism and of the revival of *indépendantisme*?
- How, if at all, is one to respond to the reactions in English Canada and in Quebec to Bill 178?
- What is to be done about the rise of various racist political movements and parties in English Canada and about some media reactions to them?
- Is it necessary to clarify the exact meaning and implications of the 1988 federal Language law and of provincial language legislation, particularly in Ontario?
- What really is the Mulroney government’s position on bilingualism in the light of the Hnatyshin appointment and of its vigorous pursuit of multiculturalism?
- Can or should anything be done about the growing tendency among both anglophones outside Quebec and francophone Quebecers to let centrifugal forces run their course? How valid is Jeffrey Simpson’s view that “something has now snapped in the English Canadian psyche” and that “the problem lies in hearts without malice which hunger for repose from the demands for accommodation?”
- Can or should anything be done about maintaining or reviving the *élan* needed to improve and extend measures aiding linguistic accommodation?
- What measures, if any, are needed to inform both language groups of the situation of the French and English languages in Canada and of the implications accruing from it?
- What new measures, if any, are recommended from all three levels of government and from the private sector? What existing measures, if any, should be dropped or modified? (These two questions, although occupying only a small space in this catalogue, are in fact the critical issues before the conference.)

- Should this conference take any action to further linguistic accommodation in Canada? If so, what?

Summary of Discussions

THE MEECH LAKE ACCORD

At the time of the conference, the Meech Lake saga was in full swing. The event was unavoidable. For this reason, John Meisel, the chair of the final session, decided to add the future of the Accord to the program because of its effect on language rights and policies, and the repercussions of its ratification or rejection.

In the opening presentation on this theme, Roland Penner opined that the adoption of the Meech Lake Accord would be a "formidable" opportunity to achieve appreciable gains in terms of official language policy. He said that he agreed with Claude Ryan who, in his speech, spoke of Quebec's exemplary historic treatment of its linguistic minority, compared with the situation of French-speaking communities elsewhere in Canada. However, he added that it was important for this message to be heard more clearly than it had been until now in the rest of Canada. To this end, he advocated setting up a mechanism that would take into consideration the anxiety of the English-speaking minority in Quebec. Penner, who is in favour of Meech Lake, feels that francophobia is not behind Manitoba's opposition to the Accord, but rather a feeling of alienation in western Canada towards central Canada. He noted that, even were the Meech Lake Accord to fail, we would still have to act "constructively" in terms of language policy, as though nothing had happened.

Looking to the future, Pierre Fournier sketched a number of post-Meech scenarios, most based on the premise that the Accord would not be ratified. Essentially, Fournier feels that, despite the unfavourable nature of the ensuing situation, "some types of progress would paradoxically be made" with respect to minority language rights. To conclude, he deplored the ignorance and fear that continue to prevail in Canada concerning the objectives of official bilingualism.

Before broaching the topic of the Meech Lake Accord, Jean Laponce pointed out that, in the industrialized nations, more than ever before, language will become a major instrument for integrating burgeoning numbers of immigrants, who will offset dwindling birthrates in the host countries. In Canada, only French and English can play this integrating role, although English has a much greater assimilative capacity than French. It is only in Quebec and in northern

New Brunswick that French is securely positioned to endure, provided that these regions remain entirely or almost entirely unilingual French. If such is the case, it will be possible to integrate immigrants into the French-speaking community. In Laponce's opinion, Quebec is undisputedly the seat of the French language in Canada, although he does not feel that the Accord confers on Quebec all of the guarantees necessary to ensure the long-term protection of its language.

Should the Meech Lake Accord fail, Laponce reiterated an earlier suggestion that Canada adopt the Swiss approach as "the best possible solution." It is essential to re-examine the proposals made by the Pepin-Robarts Commission, which called for the provinces to assume responsibility for the language question, although Laponce acknowledged that most minorities would condemn such a move. In his opinion, the *Canadian Charter of Rights and Freedoms*, like the Meech Lake Accord, reflects in particular Ottawa's mistrust of the provinces' attitude towards their linguistic minorities. He went on to note that an agreement based on mutual trust would be more appropriate. Such an agreement would grant the provinces jurisdiction over language matters; some provinces would opt for the territorial solution and others the "individual" approach centred on the protection of the French-speaking minorities.

Diane Wilhelmy first noted that Quebec had "done a great deal in terms of national reconciliation," especially in relation to its own English-speaking minority. However, she acknowledged that there was room for improvement, for example, in terms of access by English-speaking Quebecers to the Quebec public service, the implementation of Bill 142, and the financing of English-language schools. Following the example of Pierre Fournier, she felt it was vital to rectify a number of perceptions firmly rooted elsewhere in Canada that Bill 101 means strict unilingualism. She challenged detractors of Bill 101 in the rest of Canada to adopt similar measures in their territory. She emphasized that Bill 101 must be examined in its entirety, along with ancillary legislation and that, overall, these statutes constitute an "integrated body of legislation and services." She also noted that institutional duality is a "basic guideline" that "firmly links" Quebec with all French speakers outside the province. In her view, failure to ratify the Meech Lake Accord would be an "historic mistake with unforeseeable consequences," whose impact could be far-reaching indeed.

On behalf of the union he represents, Larry Brown said he opposed the Meech Lake Accord but not the idea of granting Quebec the right to protect French within the province. He made a distinction between "being nervous" about using the expression "distinct society" in constitutional provisions but not being the least bit hostile to recognizing Quebec as a distinct society. Greg Yost (Government of Manitoba), for his part, openly predicted the failure of Meech Lake. To support his claim, he pointed first to the consensus among Manitoba legislators about the need to make major amendments to the Accord. He also

mentioned the constraints inherent in the rules of procedure governing the Manitoba legislature, which require that public hearings be held. From the outset, public opinion seems to be against the Accord. Yost concluded by calling for a clear definition of linguistic rights, to avoid having the courts ultimately settle the matter instead of legislators.

Aurèle Thériault (followed later by Michel Doucet and Rémi Beauregard) endorsed Diane Whilhelmy's opinion that the failure of the Meech Lake Accord would be an historic mistake for Canada. He reiterated an idea put forward earlier by Norman Spector, and said he was in favour of redefining the concepts of linguistic duality and bilingualism to counteract the misinformation disseminated by parties or groups hostile to Canada's official languages policy.

Similarly, Gordon Robertson called for an information campaign aimed at English Canadians in the rest of Canada to make them aware that the English-speaking community in Quebec is not subject to a "tyrannical regime" that deprives it of its basic rights. Moreover, he concurred with the arguments put forward by Diane Whilhelmy, noting that Canadians outside Quebec had over-emphasized the "dreadful" nature of Bill 178 for English-speaking Quebecers. At the same time, they overlooked the positive effects of Bill 142 and failed to paint an accurate picture of the situation of English-speaking Quebecers. Unlike Roland Penner, Robertson believes that the failure of the Meech Lake Accord would create such a chill between Quebec and the rest of Canada that language policy would be one of the first victims of such a turn of events. To conclude, the former federal civil servant expressed the opinion that preserving the achievements of the past 25 years in the realm of language "is very definitely contingent on Meech Lake succeeding."

Bob Keaton wondered obliquely whether, on the basis of their remarks, Larry Brown and Greg Yost were genuinely concerned about Canada's linguistic minorities. While he supports the Meech Lake Accord, with reservations, he nonetheless feels it is of vital importance. For this reason, he issued a warning to anyone seeking to minimize the negative fallout from the failure to ratify the Accord.

Alan Cairns pointed out that, since the adoption in 1982 of the *Canadian Charter of Rights and Freedoms*, the language issue had changed markedly, especially with respect to section 23 of the Charter. According to Cairns, this section reflects Trudeau's vision, which underlies current language policy, and has proven essential to keeping the country together. In his view, by protecting the French-speaking minorities outside Quebec under section 23, the authors of the Charter had as their "basic objective" to have French-speaking Quebecers identify with the Canadian community as a whole. However, he added that the rationale for section 23 had been largely weakened, mainly because of a lack of determination among political leaders, in turn attributable to the "erosion of the theory of national integration" underlying the constitution.

Charles Beer claimed that he did not despair of current political decision-makers. To the contrary, he believes that we should rely more on their leadership to settle problems such as the language issue that are hard to resolve under the constitution. He favours broader synergy between the various levels of government involved in the matter. One striking example is the ties developed between Quebec and Ontario through the Ontario-Quebec Commission for Cooperation. He feels that each province could learn from the other about implementing language legislation.

Michael Decter (Peat Marwick, Winnipeg) briefly described the process that has led Manitoba, over the past 20 years, to take certain initiatives in terms of government services in French. He pointed out that, at the time of the Roblin and Schreyer governments, broadening the rights of the minorities was largely hypothetical. The watchword was to avoid arousing public debate on the matter, for fear of opening a linguistic "Pandora's box." Ten years ago, English-speaking Manitobans were still hostile to the idea of granting Franco-Manitobans services in their own language, although public opinion has gradually changed since then. On the strength of this change, the Filmon government was not afraid to announce in the fall of 1989 that it was adopting a linguistic policy on services in French "in recognition of the fact that the French-speaking population of Manitoba is an integral part of one of the two founding nations of Canada." Decter surmises that progress is also foreseeable with regard to the educational rights of the French-speaking minority, although he acknowledges that the process is a slow one.

Like many speakers before him, Rémi Beauregard (Ministry of Francophone Affairs, Government of Ontario) expressed the opinion that failure to ratify the Meech Lake Accord would make it harder to reconcile French- and English-speaking Canadians. He stressed that the notion of a distinct society confirms the dual linguistic majority in Canada. Failure to ratify the Accord would mean that the rules of linguistic reconciliation would be predicated solely on the rules of one majority, be it the French-speaking majority in Quebec or the English-speaking majority in the rest of Canada. Beauregard then turned to one of the sub-themes of the preceding session, the role of the private sector in the language question. He noted that the issue of the official languages in Canada had been almost exclusively associated with the government and public institutions. Big Canadian companies nonetheless have "an important role to play" in the matter. Some, like Bell Canada in Ontario, have already implemented policies pertaining to service in French, based on Bill 8, and monitored by the Ontario government. Beauregard expressed the hope that ties would be strengthened in this respect between the private sector and the Ontario government. He concluded by saying that it was important to "reverse the trend" among national firms of the perception that business is done in French in

Quebec and in English elsewhere in Canada, including communities in which French speakers are numerous.

André Tremblay (Constitutional Advisor, Ministère du Conseil exécutif, Gouvernement du Québec) closed this part of the session by confirming that, whatever happens to the Meech Lake Accord, the Quebec government has no intention of abandoning its responsibilities towards the linguistic minorities.

OBJECTIVES AND METHODS LIKELY TO FACILITATE THE PROCESS

The last three speakers at the second half of the session contributed substantially to elucidating the theme proposed. Don Stevenson (Glendon College) first expressed his ambivalence about Quebec's language policy. At the outset, he was firmly opposed to Bill 101, but is increasingly resigned to acknowledging the firm support given by French-speaking Quebecers to the legislation. In his view, the fragility of the French language in Quebec justifies the adoption of measures designed to protect French-speaking Quebecers who, by definition, clash with the intrinsic interests of English-speaking Quebecers.

Stevenson felt that Quebec must revamp its approach to language policy if it wants to make it more acceptable to English Canada. In Ontario, he noted a commitment and willingness on the part of the provincial government and the French-speaking community to cooperate in order to ensure linguistic security for Franco-Ontarians. He added that such cooperation should "serve as a model for the other English-speaking provinces." He expressed the hope that the appropriate procedures would be adopted to ensure that, in all the provinces without exception, the linguistic minorities can meet regularly with government officials dealing with language issues. A "static situation" is unthinkable in the realm of language. Moreover, Stevenson is of the opinion that, in light of the globalization of social problems, pluralist values will flourish. Such values could become the "norm" in French-speaking and English-speaking Canada. Our ability to adapt to a genuinely bilingual, multicultural society is a vital prerequisite to any "peaceful accommodation" in the country. He rejected the models for linguistic territoriality advocated by Jean Laponce and Kenneth McRae, and stressed instead a compromise centred on both territoriality and individuality. He claimed to be a fervent supporter of bilingual districts and favours various levels of service in French, and control by linguistic minorities over their institutions, "depending on the situation in different parts of provinces and in different provinces." Stevenson also felt that any retreat by Ottawa on language matters would be interpreted by most minorities as the complete abandonment of their cause.

D'Iberville Fortier prefaced his presentation with a definition of bilingualism, which he perceives as "an instrument designed to recognize and satisfy the exigencies of linguistic duality," the "very foundation of the *Charter of Rights*

and Freedoms and the *Official Languages Act*." He stressed the key to duality as the importance of fostering the development of the minorities. As for the Meech Lake Accord, for which he felt there was no "foreseeable substitute," Fortier indicated that the notion of linguistic duality "in no way contradicts" the notion of a distinct Quebec society. In a brief review of an earlier diagnosis of the state of official languages in Canada, Fortier deemed "fairly advantageous" the position of the English-speaking minority in Quebec, adding that Bill 178 is an "exception to the rule rather than a fundamental rule in Quebec."

Among the methods likely to foster harmony and bolster linguistic duality, D'Iberville Fortier, following the example of other speakers, first mentioned providing the public with adequate information. Such information must, he felt, be exhaustive: it must cover objectives, facts and principles, and take into account history, such as the history of French-speaking minorities in western Canada, whose linguistic rights have been neglected for nearly a century. Fortier is relying on Ottawa to adopt generous regulations "in keeping with the spirit of its legislation" and felt that it is ultimately up to the linguistic minorities to demand services in their own language. An advocate of "ongoing progress" at the "appropriate pace," he believed that past successes with regard to bilingualism may guarantee the future, provided that we really want them to do so. In this realm, it is essential to keep "a warm heart and a cool head."

Max Yalden, the last speaker, agreed with Don Stevenson that it is hard to export Belgian and Swiss experience to Canada. Moreover, he did not think that granting the provinces jurisdiction over language issues would produce the anticipated results. He noted that representatives of the French-speaking minorities outside Quebec attending the conference would bear him out. In light of progress over the past two decades in Canada, Yalden felt this was not the right time to let the provinces "control the game on their own." Furthermore, he felt that the territorialist doctrine fits poorly with the notion of multiculturalism that he felt is "fundamental" to the country's future progress. The former Commissioner of Official Languages for Canada denied endorsing the principle of individuality in its pure state. To prove his point, he claimed to subscribe to the territorialist philosophy underlying Bill 8 in Ontario. In his opinion, the Quebec government's recourse to the "notwithstanding" clause and the adoption of Bill 178 have done a disservice to the cause of French in English Canada. He added that Quebec must display generosity and, consequently, explain the positive facets of its language policy to the rest of Canada. Yalden noted that French-language and English-language newspapers reflect the vast ideological and cultural gulf separating the two linguistic communities. This situation, which could become disturbing in the future, is exacerbated by a plethora of inaccurate information or misinformation. To conclude, he stated that, compared to other countries, the situation in Canada was quite enviable.

Yvon Fontaine (Dean, Ecole de droit, Université de Moncton) and Ronald Watts (Director, Institute of Intergovernmental Relations, Queen's University), co-organizers of the conference, made the closing remarks. Fontaine noted that, while the first generation of linguistic policy focused on the development and promotion of languages in Canada, the second generation, which seeks to complement the first, is noteworthy for maintaining and developing official languages communities. He also mentioned the importance of designing new models in this field. In his view, the notion of space strikes him as a relevant means of discerning the current state of the linguistic communities in Canada. For French-speaking Quebecers, this notion coincides with the territory; in the other linguistic communities, this space appears first and foremost as a "network of places and institutions," although it may partially encompass a territory. Fontaine believes that the management of these networks depends on shifting federal and provincial powers to the linguistic communities.

For his part, Ronald Watts stressed how paradoxical it was that, despite the "clear overlap" of constitutional and linguistic issues, "the two do not coincide." However, following the example of Charles Beer earlier on, Watts was of the view that the language issue must continue to evolve and that progress could be achieved regardless of constitutional issues. Both organizers agreed that it is essential to adopt a realistic approach when dealing with the language question and to leave well enough alone.

PART II

Addresses and Background Papers

Address*

The Honourable Claude Ryan

I was very pleased to accept your kind invitation to address this important conference. The Quebec government follows with great interest the developments taking place on the linguistic and constitutional levels throughout the country. It strongly supports the action taken by the Institute of Intergovernmental Relations of Queen's University and the Faculty of Law of Moncton University in organizing this conference. The central topic being reconciliation, I will attempt to bring to your attention remarks inspired by this generous thought. The first form of generosity, the condition necessary for any lasting and solid reconciliation being, however, to present clearly and honestly one's position, I will present firstly a view of the language issue as perceived from Quebec. Then, I will listen with attention to views and proposals presented by the participants in this conference.

A first proposition needs to be clearly stated. Quebec wishes to remain master of language policy. It is essential for the survival of Quebec as a distinct society to maintain its language, culture and institutions. In this perspective, it is evident that for a Quebecer the Quebec government should be responsible for its own language policy. In this field Quebec will always wish that its authority be as vast as possible. It will not under any consideration sacrifice its powers in regard to language for an ideal of Canadian unity that would not guarantee firmly the preservation of Quebec's distinct character. One only needs to know a little about the history of Canada to understand the validity of Quebec's position. Quebec has learned throughout its history to rely on itself to ensure its linguistic and cultural identity. If it had not been for Quebec, its parliament

* *Editor's note:* It should be recognized that this speech was given in December 1989 and is not presented as a current statement of the Government of Quebec's views.

and government, the measures taken in the last two decades recognizing the rights of francophones in other provinces would clearly not have been sufficient to ensure the survival of the French fact in Canada. Quebec learned throughout its history to rely primarily on itself to ensure its linguistic and cultural identity. History also reminds us that if the French fact is still alive in Canada, it is largely because it has been able to rely on a strong Quebec.

In this contemporary era, Quebec's linguistic policy has found and still finds its main expression in Bill 101, called *The Charter of the French Language*. Regarding this law, I wish to make the following observations.

Bill 101 completed an evolution already started with Bill 22. It put an end to a tradition of fairly widespread institutionalized bilingualism which had existed in Quebec for more than a century. Under Bill 101, French is the only official language of Quebec and its public administration. It is also destined to become the common language of business, work and education.

Bill 101 originated in a philosophy that is different from the one that inspired the legislative intervention of the federal government in the language field. The federal legislation aims at people and its objective is to ensure that French-speaking and English-speaking citizens are treated equally by agencies within competence of the federal government. Quebec's legislation on the contrary is based on the concept of "territoriality." Its aim is that Quebec be a territory where French is the official and common language, with French institutions and a French image.

Bill 101 imposes French in the main sectors of activity, allowing the facultative use of English in most sectors. As regards educational and health and social services, distinct legislative measures provide for the existence and public funding of institutions managed by the anglophone community. Cases where it is stipulated under Bill 101 that French only be used, to the exclusion of other languages, are rare and of limited range. Most controversial are probably the clauses of Bill 101 dealing with commercial signs. Bill 178, no matter what has been said, provides for less limitations than before concerning the use of English in signs within businesses. With regard to exterior commercial signs, no changes are planned in the foreseeable future to the existing linguistic scheme that has been confirmed by Bill 178.

Bill 101 rests upon a broad consensus in Quebec. A large majority of the population approves of Bill 101 and insists that it must be maintained. The two leading political parties now consider Bill 101 as a precious component of Quebec's heritage. At the beginning, the Liberal Party of Quebec was opposed to Bill 101 and voted against it. But the reality of Quebec politics has taught us that the people felt differently and that a strong majority of the population has supported and continues to support this bill. The present government has pledged not to bring any substantial changes to Bill 101 unless they have widespread support in the population.

The attachment of Quebecers to Bill 101 is so strong that should federal and provincial legislations be in conflict, they will always spontaneously support Quebec's legislation. Quebec needs to be assured that no changes are to be imposed to its language legislation by sources outside Quebec. The notwithstanding clause was used by Quebec in 1988 to assert this will as much as to protect its legislation on commercial signs.

While Quebec clearly asserts language is within its competence, it is not a sovereign country. Quebec is part of a federal political entity whose other constituent members cannot remain indifferent to linguistic realities characterizing our country. A question must now be addressed: "Is Quebec's claim that language policy is within its competence compatible with the Canadian federal system?" This question must be examined in light of several constraints deriving from the Canadian constitution or the federal legislation.

On a constitutional level, Article 133 of the 1867 Canadian constitution provides for the free use of either the French or English language in the courts of Quebec and in the debates of the Quebec National Assembly and for bilingualism in the records and journals of the Assembly. This article is obviously in contradiction with Bill 101. Since the decision rendered in this matter by the Supreme Court in 1984, Quebec has faithfully, I would even say scrupulously, observed Article 133. This is an article with which Quebec can continue to live. It would be more readily accepted in Quebec, however, if it was also recognized by other provinces that have always refused to do so.

Article 93 of the 1867 constitution deals with confessional rights in the field of education, not with language rights. For historical reasons, Quebec's Protestant school boards are managed by anglophones and Catholic school boards by francophones. The most eloquent example is the Catholic School Board of Montreal: even though the enrolment of anglophone students in those schools is substantial, at this very moment, there is, I think, among the current 21 board members not a single English-speaking member. Article 93 imposes constitutional constraints that hamper the development of school legislation and organization. Many anglophones oppose any change to existing structures seemingly protected under Article 93 although their interest for purely religious rights is weak. This is in a way some kind of imposture which does not serve religious values. Certain people ask that confessional rights be abolished and replaced by guarantees to linguistic communities. The National Assembly adopted in 1988 a law by which Catholic and Protestant school boards will be replaced by linguistic school boards. Before any changes to Article 93 are considered, the extent and limitations of the existing confessional guarantees should be defined more precisely by the Courts. And it is in this spirit that the government presented in 1989 to the Court of Appeal of Quebec a set of questions on which the court will have to give a verdict over the next few months. These questions will be submitted to the Supreme Court and then we

will have much clearer indications about the true remaining room for manoeuvre for the National Assembly of Quebec, by virtue of the provisions included in section 93. Once that information is obtained, the government will be capable of assessing the opportunity or the necessity to ask for constitutional changes.

With the 1982 constitution, new restrictions were added to those created by the 1867 constitution. They stem from the chapter of the Canadian Charter of Rights and Freedoms concerning fundamental freedoms and also from the clauses of the Charter relating to linguistic rights.

At first sight, the clauses of the Canadian Charter of Rights and Freedoms dealing with fundamental freedoms are not directly linked to language. Cases relating to the language of commercial signs have shown, however, that such links may exist. Conflicts are possible in this respect. As these conflicts may involve differing philosophies concerning the relationship between individual freedoms and collective rights, or as well, the relationship between linguistic and fundamental rights, Quebec appreciates greatly the fact that a derogation clause was added to the 1982 constitution. In the case dealing with commercial signs, the invocation of the derogation clause brought back to a democratically elected parliament the responsibility of taking a practical decision whose political consequences were to be most important. In certain highly controversial matters it is not easy to discern clearly the principles that may be involved. I consider that the authors of the 1982 Law on the Constitution were wise to reserve the last word to elected parliaments in such matters. Taking into account the delicate balance that should be maintained, Quebec holds that the derogation clause appearing in Article 33 of the Canadian Charter must be maintained.

The other part of the Charter that might have an impact on Quebec policies is the one dealing with linguistic rights. Since they are aimed at times at federal institutions and at other times at New Brunswick, Articles 16 and 21 of the Charter do not raise any particular problems for Quebec.

However, Article 23 concerns us greatly and I would like to comment, briefly, on its main provisions. Paragraph (a) of the first sub-section, dealing with the right to instruction in the language of the linguistic minority, is of utmost importance for Quebec. The first sub-section of this article guarantees instruction in English to all children whose parents have English as first spoken or still understood language, including children of immigrants who have become Canadian citizens. This provision would raise difficulties in Quebec should it be implemented; however, these difficulties have been bypassed with the inclusion of Article 59 which renders implementation in Quebec subject to an explicit decision by the Quebec government or National Assembly. Such a decision has never been taken and will not be in a foreseeable future.

Paragraph (b) of the first sub-section of Article 23 established the right to instruction in English for children whose parents attended an English primary

school in a Canadian province. This article defines what is commonly called the Canada Clause and has been applied in Quebec since the 1984 ruling of the Supreme Court of Canada with no major problems.

The second sub-section of Article 23 will have less consequences than the first one. However, implementation of this sub-section has already generated some problems and might generate more serious ones in the future. Quebec has made it clear that it wishes this second sub-section be re-examined. It did not insist that this subject be discussed during the Meech Lake round of negotiations. Finally, Quebec's policy regarding English instruction has always been beyond the minimum defined in sub-section 3 under which the right to instruction in the minority language is guaranteed where the number of children warrants it. In Quebec, access to English school is guaranteed to all children who are eligible, without any limitation as to the number of children concerned.

Among the constraints that might be put on Quebec as a result of legislative interventions from sources other than the National Assembly are those that may derive from the implementation of the new federal law on official languages. This law authorizes the federal government to promote the rights of the linguistic minority within firms and different sectors of para-governmental activities. Should the federal government decide to promote the rights of the linguistic minority within firms on the basis of a philosophy that would clash with Bill 101, one can imagine that some conflicts might be generated by its interventions. Quebec hopes that these provisions of the 1988 *Official Languages Act* will be applied cautiously and with discernment. This is the reason why on several occasions Quebec has required that federal interventions concerning Quebec institutions or organizations be priorly agreed upon formally by the two governments.

Quebec has long been considered as the logical protector of francophone minorities in other provinces. It played this role as a result of close historical relations between francophones from other provinces and the province which was generally seen as the mother-province. It also inherited this role from its own strength, from its status as a political society committed to the preservation of the French factor and from the important resources at its disposal to do so. It inherited this role also because the rights of the francophone communities had long been disregarded by governments and people from other provinces. Although Quebec is a province, it has always been considered as a rallying point, as the cornerstone of French life in Canada.

Quebec remains conscious of its responsibilities with regards to francophone communities in other provinces and will continue to assume its responsibilities in this respect. During the past few years, Quebec had to concentrate much of its attention on internal problems and on tensions with the rest of Canada and was not always as present as it would have wished to the needs of francophone communities from other provinces, even though it did implement important

financial and administrative measures. Quebec will continue to support the aspirations of francophone minorities. Its action, however, will take into account two principles inherent to the nature of our federal system:

- that each province carry out its obligations towards its linguistic minority within its jurisdiction as established by the constitution;
- that the federal government, rather than substituting itself for the provinces in the accomplishment of their functions, should support efforts by provinces for the recognition of the rights of their linguistic minority.

While respecting these principles, there is room for constructive action, for opinion forming and for persuasion with regards to other provinces. This is the course Quebec favours. Quebec is ready to provide francophone minority groups with technical, pedagogical and financial support in some cases. It will continue to support their demands with respect to their linguistic rights. However, it refuses to substitute itself for other provinces as regards the discharge of their proper responsibilities.

So, in this perspective, where does the Meech Lake Agreement fit? How should the importance given by Quebec to this agreement be explained? In order to fully understand the meaning of Meech Lake in the eyes of Quebec, we must remember the significant work accomplished in Canada over a quarter century on the linguistic and constitutional front. Since the Quiet Revolution of the sixties, Quebec has never ceased to assert its conviction that important changes must be made to the Canadian constitutional order. Two federal enquiry commissions, the B and B Commission in 1967 and the Pepin-Robarts Commission in 1979 studied these questions. By different paths, taking different approaches, both commissions arrived at converging conclusions. They both concluded that the answer to the uneasiness surrounding Quebec-Canada relations should be sought at two levels, that of linguistic rights and that of equality between our two leading communities (or societies).

The well-known Dunton-Laurendeau Commission had a report which we have called the Blue Pages in which it summarized in these words the purely political aspect of the problem of equality, and I quote from the Blue Pages: "We have in mind the power of decision of each group and its freedom to act not only in its cultural aspect but in all aspects of its collective existence. We are concerned with the degree of control which each of the two communities has over its government or governments." Applying this reflection to the case of Quebec, the report goes on as follows and that was back in 1967, 25 years ago:

Quebec is the only province where francophones form a majority and the anglophones a minority. Here, the weight of numbers favours francophones and it is a powerful lever. The problem can be succinctly formulated as follows: How can

we integrate the new Quebec into present-day Canada without curbing Quebec's forward drive and without risking the breaking up of the country?

Using different terms, the Pepin-Robarts Report reached the same conclusion 12 years later, and I quote again:

We firmly express our conviction, said the authors of the Report: Quebec is different and should be vested with the necessary powers in order to ensure the preservation and development of its distinct character within a viable Canada. Any political solution that would not satisfy these expectations would lead to a dismemberment of Canada.

Under Mr. Trudeau the federal government implemented the recommendations of the Dunton-Laurendeau Commission on linguistic rights. However, it totally ignored the conclusions reached by the commission on the political dimension of the problem. As for the Pepin-Robarts Report, the federal government at that time did not act on it and it was soon forgotten.

On the constitutional level the first major step since the publication of these two reports was the adoption of the *Constitution Act, 1982*. Although it had some unquestioned qualities, the 1982 Act was adopted and implemented without Quebec's approval. Today, Quebec is judged in the rest of the country in a severe, even cavalier manner as though it was chiefly responsible for the present confusion and uncertainty. It takes a great deal of unawareness, speaking very frankly, ignorance and arrogance to treat and judge Quebec as though it was the aggressor. In reality it was the victim of an operation that for the first time since the origins of Confederation brutally excluded Quebec from a major constitutional change.

In light of our recent past, the Meech Lake Accord represents a welcome breakthrough under three different aspects. First of all, the Accord deals for the first time with the political dimension of the problem. Second, the Accord, as its name reveals, is the expression of a written agreement reached between and signed by the heads of all legitimate governments of Canada, including Quebec. Finally, the Accord, although not complete and far from perfect, brings some notable improvement in the areas of language and sharing of powers; improvements that are significant for Quebec and at the same time fully compatible with the proper functioning of the Canadian federation.

On the linguistic front, the Meech Lake Accord above all retained attention because of the recognition we find therein of the distinct character of Quebec society. It is important to underline that this recognition takes the form of an interpretive rule whose true meaning will reveal itself over time with decisions to be made by the courts. By virtue of a clause in the Accord which is not often underlined in the things we hear about Quebec in these matters, Quebec is recognized as having the responsibility of protecting and promoting its distinct character. But Quebec also accepted to be tied by another clause of the Accord which obliges the federal government and the provinces to protect the

fundamental characteristic of Canada consisting in the existence in the country of French-speaking citizens concentrated in Quebec but also present in the rest of the country and of English-speaking Canadians concentrated in the rest of the country but also present in Quebec. I do not see in what respect these provisions of the Accord may constitute a danger to the integrity of the country. They were almost literally reproduced from some recommendations already made by the Pepin-Robarts Commission in 1979.

With respect to the division of powers, the Meech Lake Accord represents important gains for the provinces, once maintaining the fundamental equilibrium that is necessary for the good functioning of the Canadian federation. It defines in this regard a significant readjustment whose main elements, from the point of view of a Québécois, strike me as being as follows:

- a) First, the article that enlarges the right of veto of the provinces regarding amendment touching upon proportional representation of the provinces in the federal Parliament, the powers of the Senate and appointments to that body, appointments to the Supreme Court, the creation of new provinces and the extension of existing provinces all respond to a request that had been expressed by Quebec in the past. These clauses will permit, if they are ratified, the prevention of the deplorable repetition of constitutional experiences such as the one of 1982.
- b) Second, the article guaranteeing the right of a province to withdraw in return for fair financial compensation in the case of any amendment implying a transfer of provincial powers to the federal Parliament represents a significant enlargement in comparison to the clause that we find in the *Constitution Act, 1982*. This enlargement also responds to a desire frequently expressed by Quebec.
- c) Third, the articles relative to the appointment of members of the Senate and the Supreme Court create a new dynamic by implicating both the provinces and the federal authority in the nomination process. Despite the risks of an impasse that they carry, these clauses are likely to contribute to the quality and representative character of the future nominations.
- d) The section relative to immigration permits recognition of the particular situation of Quebec in matters of immigration. It provides the necessary constitutional means so that this situation is taken into account in Canadian immigration policies.
- e) Finally, the section relative to the federal spending power provides interesting provisions for both Quebec and the rest of Canada. Without passing judgment on the power to spend in itself of the federal government, the Accord recognizes the right of a province to withdraw, and this right is matched with financial compensation in regard to these programs on the condition that this province can offer a program

compatible with national objectives. In fact, this concept of national objectives has proven to be another major innovation in the Meech Lake Accord.

Because the Meech Lake Accord represented the first valid response of the rest of Canada to the aspirations that Quebec has been formulating for more than a quarter century, and which had been confirmed and reinforced by the two federal commissions to which I referred, Quebec adhered quickly, without equivocation and without tergiversation, to this agreement, taking for granted that the other governments and their respective populations would do the same.

After all the frustrations experienced over 25 years, after all the start-ups we have witnessed, it would be, in my humble view, profoundly deplorable if English Canada were now to seek to unilaterally and without valid reason retire, to withdraw solemn commitment by the federal government and all the provincial governments.

In light of what has been said and of certain recent developments, I wish to submit, in closing, some observations regarding possible paths of reconciliation between Quebec and the rest of the country.

First, it appears to me that we should bear in mind that linguistic policy, as to its origin and application, stems from different conceptions between Quebec and Ottawa and also the rest of the country. Quebec tackles this matter in a very particular historic, geographic and economic context which justifies, in my view, an approach inspired by the territorial principle. The rest of the country, and in particular the federal Parliament, are more inclined to adopt an approach that puts emphasis on the equality of individuals, be they francophone or anglophone. Rather than opposing these two approaches and seeking to eliminate the effects of one by referring to criteria borrowed from the other, it would be more productive just to try to understand each approach and to try and find out how they could be complimentary rather than opposed.

Quebec, for its part, seeks to preserve its responsibility in matters of its own linguistic arrangements. The role of the courts in this perspective must be approached with prudence. Linguistic rights are rarely absolute rights. As the Supreme Court indicated in a case which involved *la Société des Acadiens* a few years ago, linguistic rights are more often than not the fruit of political and historical compromises. From this, we note the large differences that exist in this matter from one country to the other and in Canada, from one part of the country to another. To seek to settle our linguistic policy debates by invoking, in an exclusive manner, fundamental liberties conceived to be applied mainly for other matters is to risk engaging the country along an unrealistic path.

Quebec is aware, on the other hand, of the negative effect which its policies regarding commercial signs and admissibility to English schools have had on public opinion in English Canada. On commercial signs, we do not share the opinion according to which the decisions taken by the National Assembly of

Quebec are a negation of fundamental individual liberties; rather, we believe that these decisions are related to public order and stem from the policy that seeks to publicly express the French character of Quebec. Regarding admissibility to English schools, the experience of 30 years prior to the language legislation of recent years, from 1945 to 1975, had clearly demonstrated that in the absence of a precise legal framework, immigrants, in a proportion of more than 80 percent, opted for English-language schools, even when their mother tongue was neither French nor English. This tendency was not the result of a choice inspired from bad motives. It resulted purely and simply from the very strong attraction of English on the North American continent.

Beyond these two controversial cases, Quebec scrupulously respects individual rights which are truly fundamental; it does so in light of a Charter of Human Rights and Freedoms which it gave itself in 1975 and which overrides all other laws adopted since that date. Quebec equally accords to its English minority a treatment, which, in a very general manner, compares more than advantageously with what we observe elsewhere in Canada. However that may be, misunderstandings have occurred, to which we must pay close attention. Quebec will remain disposed to examine with respect representations of which it may be apprised in this matter. It loyally seeks any improvement susceptible to creating a more serene climate in regards to relations between anglophones and francophones without at the same time putting in jeopardy the fundamental objectives of its policy.

Third, it appears to me important that we should continue in federal institutions, to practice a policy inspired by the principles that over the past 20 years have marked interventions by Ottawa in this domain. Even though the idea of a perfectly symmetrical bilingualism at the level of the provinces and regions would appear unrealistic, this ideal remains worthy of our common pursuit at the level of federal institutions. The ideal of federal bilingualism is defined, in part, in the constitution itself and in part in the federal official Languages Act. Excepting the provisions in this latter law which could serve as a pretext for federal interventions that would be in contradiction with the fundamental orientations of Quebec's language policy, the objectives defined in the 1988 *Official Languages Act* appear to me as just and worthy of being pursued.

Fourth, we are, with regard to Meech Lake, proceeding towards a crossroads whose consequences are likely to be very serious for the future of Canada. It is essential, in my view, that English Canada should respect the word given through the signature of its political leaders. The consequences of a refusal would, in my view, be disastrous for the unity and cohesion of the country. In Quebec such a refusal would certainly generate a reaction of heightened disaffection towards the federal Canadian project. We have nothing to waste in this regard.

Finally, I believe, for the advancement of the debate, in the usefulness of exchanges that bring together university people, civil servants, men and women politicians, journalists, communication specialists and leaders of business and labour organizations. These exchanges may appear to be non-productive to those who judge them with narrow emphasis upon immediate results. However, they permit a sifting of opinions which advances the debate by obliging each participant to clarify his ideas by confronting them with those of other people.

Address*

The Honourable Frank McKenna

The language question is a major subject of controversy throughout the country, and so it is important for us to give it our full attention.

I want to comment, first of all, concerning some of the polling that was revealed by Professor Perlin. I am very concerned about the results of the survey that Dr. Perlin conducted in New Brunswick. While on the other hand, I think we ought to take into account the more positive conclusions that emerged from other polls.

We have had surveys done fairly recently, which have been revealed publicly in New Brunswick. In the last survey, the question was asked whether bilingualism was a positive or a negative feature of New Brunswick. And we had 60 percent saying that it was positive. And perhaps more importantly, when you probe some of the service issues, as to how important it is for government services to be available in both languages, 68 percent said that it was very important. I think that that is a very instructive number; 57 percent of anglo-phones agreed. And 75 percent of New Brunswickers felt that it is important for children to be educated in both languages.

So examining poll results like this, and those of Professor Perlin, may help us to isolate the factors that represent irritants and those that represent positive features of bilingualism.

I believe that within our province there is a great deal of support for bilingualism, and certainly we have had an historical dedication to it.

I believe that we can see steady progress in our province with regard to the policy on bilingualism. But dealing with such an issue is never easy. I am sorry

* *Editor's note:* It should be recognized that this speech was given in December 1989 and is not presented as a current statement of the Government of New Brunswick's views.

about the ever-present tensions in the province of New Brunswick. In no way, however, do they affect our government's determination to persevere in this direction, and to make sure that services in both official languages are maintained in New Brunswick.

There has been significant progress during the last two years alone. There has been a dramatic increase in the number of appointments to the deputy minister level and to boards and tribunals in the province, so that we have a much higher representation of francophones than before.

We have introduced our linguistic policy. We have always had laws, but never a government policy. We have now introduced a policy by which we are ensuring that every government service is being made available to both linguistic communities. And I can tell you that it is difficult, it is controversial, and it is hard work. We have had a great deal of criticism for it, but we are determined to continue with that policy, to introduce it and to ensure that wherever you might live in New Brunswick, you have access to quality services in both French and English.

We have recently made a commitment that would ensure that both anglophones and francophones will receive justice before the courts and the tribunals, with a judge who understands both languages. That legislation will represent a concrete commitment to improving the language situation in the province of New Brunswick.

Then too, in the matter of services, we have adopted a remedial program in health care. The initiative was and continues to be very much appreciated.

We are not only dedicating more of our operating account resources to *rattrapage*, to ensuring the upgrading of health services in the northern part of New Brunswick, but we are also dedicating virtually all of our hospital construction budgets to francophone institutions so that we will be able to finish with a high quality network of hospitals for both the francophone and the anglophone community.

Undoubtedly, somebody would mention the Gautreau decision here, and perhaps would suggest to you that it represents a step backward. I just want to relate to you some facts that perhaps you were not made aware of when the discussion of Gautreau was held.

First of all, it involves a legal decision. And we, as a government, in the last two years have been zealous in trying to disassociate politics from justice. We have not only separated our policing function from our prosecutorial function by creating a separate ministry for policing; Solicitor General and Attorney General, but we have gone further and agreed to have a statutorily empowered Director of Public Prosecutions in the province of New Brunswick to be absolutely certain of the integrity of justice.

The deputy attorney general directly responsible for that department is Paul LeBreton, a very well respected Acadian lawyer, one of the most widely

respected in New Brunswick, and a former Secretary of the Bar Association. The attorney general, who made the ultimate decision on the advice on his prosecutorial branch, is Jim Lockyer who is the former Dean of Law at the University of Moncton Law School. He is fluently bilingual and has been dedicated, for years, to the equal rights of francophones and anglophones in the province. A man who does not take his responsibilities lightly.

Not only do we have the Gautreau decision, but we have another decision, the Boudreau decision, given days afterwards which repudiated everything that is contained in the Gautreau decision. A decision of another judge, of the same court, saying that he disagrees completely with Mr. Justice Richard in his interpretation of the statutes that affect that particular question.

So, faced with that situation, we had an attorney general who made a prosecutorial decision without the benefit, or without the interference, of his political colleagues.

In spite of the decision, which is being appealed for a number of technical reasons, the commitment of the Government of New Brunswick continues. Our commitment is for today and for tomorrow. We are committed in the case of our provincial police force, which is the RCMP, to give an active offer of service in both official languages. And I can tell you that whatever happens in the courts, our legislative commitments to bilingualism and services in two official languages will continue.

So, let us not think that there is any type of step backward. Our dedication to principles of justice and fairness continue to apply. We are doing everything in our power to make sure that our two major linguistic communities are being treated fairly.

I am going to give you a busman's tour of what I consider to be some of the pertinent issues facing Canada at this moment in time, not from the point of view of having the wisdom of answers, but just to try to explain to you in layman's language what I perceive to be the problems.

First of all, I believe that we have to accept that the principles of bilingualism, and respect for two linguistic communities, are under siege at the present time in Canada. I cannot recall in recent memory a time when the situation has ever been quite as serious as I believe it to be at the present time.

What are the reasons for it? There are all kinds of different reasons why this is happening, all of which are affecting our commitment to a national vision.

Our financial situation in Canada is playing a part in the whole language debate. Cuts are taking place to VIA Rail, to national institutions such as Radio-Canada or the CBC, and across the country in all the Established Programs Financing (EPF); people are being laid off, jobs are being reduced, and people are saying, "If we weren't spending all of this money on bilingualism, we wouldn't have to make any of these cuts."

Now, that is absolutely, totally and categorically false. But you can understand how ingenuous an argument like that is for people who just feel that we are having a difficult time coping financially.

We see it in our province with our bilingualism policy. We have been going through two years of firm economic management in the interest of getting the resources of the province under control. That has resulted in no increases in the public service. People in the public service are feeling this constant pressure on their jobs and they feel a sense of lack of security. And when bilingualism is imposed on top of that, all of the insecurities that are present in the public service start coming to the forefront.

When bilingualism was first introduced, you have to remember it was done in a period of rapid growth both in the public service and in the finances of the country. That is no longer the case. Everywhere, every government is holding the line on expenditures. Public servants are facing pressure from affirmative action programs for women, for aboriginals, for the disabled, and what they see is a constant eroding of their own job security.

I do not think it is coincidence that some of the most severe reactions with respect to bilingualism are likely to be in a city like Ottawa, or Fredericton, where many public servants feel they are most exposed at the economic level.

Second, the Meech Lake Accord is to some extent at the root of this national tension because, for many Canadians, the agreement proposes a different vision of our country — not shared, for example, by Pierre Trudeau and a number of other Canadians.

What we have done with the Meech Lake Accord is to let the furies out of the box. And all across the country, people, for whatever reason, are letting all of their pent-up feelings come to the forefront, and they end up saying all of the things that are on their mind about Quebec, about francophones, or about anglophones, as the case might be. There is a perception that Meech Lake represents some type of major concession to the province of Quebec, which in a time of restraint and a time of tension creates a great deal of backlash and animosity in the rest of Canada.

There is also a concern in many minority groups, both within the province of Quebec and outside the province of Quebec, that Meech Lake represents more of a dedication to the majority power in Quebec, and less protection and promotion of the rights of francophones and anglophones elsewhere in Canada.

This is one of the principal reasons we are insisting there be a clause that requires the Government of Canada to guarantee the protection and promotion of the rights of all the minorities in this country. Minorities feel a great sense of paranoia wherever they live. So we have to let them know that they count, that they are going to be protected, that their rights are going to be promoted, and that the Government of Canada is dedicated to our national vision by which you can live in the language and culture of your choice.

And the third factor, I believe, which has contributed to the current tension in Canada is clearly Bill 178 in Quebec. A number of Canadians understand the reasons that led the government to pass this law. Several of these reasons can be explained by the unique nature of Quebec's society. But these reasons are not widely understood in Canada. People do not understand the aspirations of Quebec and they do not understand the anxiety. Canadians see Bill 178 in a very clear way and that represents for them a reduction of majority rights in the province of Quebec. And everywhere across the country, they are saying "why should we pay homage to minority rights in our province, when we do not feel our anglophone brothers in the province of Quebec are getting equal treatment?" They do not understand the complexities. They do not understand the anxiety of living in a North American continent which is almost entirely English. And because they do not understand that, they perceive Bill 178 as being a direct attack against the principles of bilingualism which they felt that they had embraced.

What can we do to try to change that situation? I do not pretend to have any wisdom on that score. Certainly in our province, we have to work very, very hard at managing the relationships between our two linguistic communities; and I would be lying to you if I told you that our situation in New Brunswick was one of peaceful coexistence. It is not always that. We go through many years of friendship and harmony and then we go through periods of conflict and tension. But there are some observations that I have that may be pertinent to the question.

For one thing, I think it is important to realize in Canada that we are not alone. We are not the only people in the world that have this question of minority rights as one of our principal preoccupations. I sometimes think that we are so isolated, certainly in New Brunswick, that we think we are the only people that have to deal with this and in a harmonious way.

It is interesting that the Basques in France and Spain have gone through the same situation. They account for only 25 to 30 percent of the population. They struggled for years for survival. Now, the Basque provinces — Alava, Biscaya and Ghuipozcoa — have formed an autonomous community and the Basque language is officially recognized. The laws passed in Spain in 1982 recognized Basque as the language of normal use in that autonomous community. It has equal status with Spanish; and discrimination has been outlawed on linguistic grounds.

In France, progress has been slower, but Basque is taught a few hours a week from kindergarten through college in the French Basque regions of la Soule, la Basse Navarre et le Labourd. In two towns, bilingual classes are taught. Basque Press has existed for over a century and one radio station uses only the Basque language. French is the sole language of administration, but some villages now use signage in both Basque and French.

Then we have the situation in Estonia; in Latvia; in Lithuania and Georgia; Afghanistan, where the Kabul government has tried unsuccessfully to suppress nomadic tribes; and the situation involving the Palestinians. You may ask, what has all of this to do with the linguistic situation? Well, the point is, it has to do with minorities who have always been able to resist the forces of suppression and oppression, and maintain their cultures against enormous odds.

In the case of the Acadians of our province and other parts of Canada, we have seen their survival through 400 years of extraordinary strain. Who would have thought that, after being driven into the forest, the Acadians would ever be able to come together again and survive as a cultural entity?

The people of Quebec feel an enormous amount of pressure. But I ask you, how do you think it feels to have lived outside Quebec as an Acadian, and maintain your culture and your language against extraordinary odds?

What I am trying to say is, that we are not alone in this struggle for survival of minorities. And I believe we should look at lessons in world history, and say to ourselves clearly that the one option we cannot accept is that of suppressing, oppressing or trying to extinguish the minority. Because that has never worked anywhere in the world. And it will not work in Canada.

So, what can we do? What exactly are our options? First of all, we can organize conferences which bring together francophones and anglophones so that they can talk to one another and exchange ideas. We could have these meetings all across Canada where people would finally start talking and trying to understand each other's aspirations, ambitions, fears and anxieties.

We have just had a conference in New Brunswick, in which the two linguistic communities participated and it has been successful. It is not going to change our problems overnight. But instead of politicians, we had ordinary New Brunswickers led by an archbishop of the Anglican faith, Archbishop Nutter, and author Antonine Maillet. They led a group of citizens, leaders of their communities, businesspeople, leaders of organizations, and municipalities, talking and discussing. They were trying to understand each other better and trying to determine mutual aspirations.

We are heavily involved in exchanges at the school level, at the youth level, at the senior citizen level, so that people of the province can mix more, can understand each other better and can try to communicate better their respective desires.

Another thing that I believe we need in Canada — and this goes against everything that I have believed in for a long period of time — is more nationalism: more symbols, an identity for the country. You know, as Canadians, we have always resisted saying that we are Canadians, we have always resisted being like “gung-ho” Americans, we have always resisted the pride of country. And you know I have always felt that we were right on that, because it seemed a little hokey and old-fashioned, this kind of nationalism. But at some stage,

we have got to think bigger than the regions. Somebody has got to be from Canada first and New Brunswick second; Canada first and Quebec second; and British Columbia second and Canada first. Somehow, we have to get people thinking about the greatness and the wonder of our country and not simply about the problems they have in their particular region.

So, I believe that at any expense we have to save and preserve and protect national symbols like Radio-Canada, CBC, and Air Canada and our rail systems; all those things that bind us together and that, for one hundred years, have served as symbols of our country. We have got to spend more time in fighting for these symbols.

I believe, as well, that we have to recognize that bilingualism is a national issue, just like free trade or the GST. It is essential for us, for all Canadians, to address this problem. We cannot just ignore it and say, it does not exist — we have no problems.

We have seen national campaigns to sell free trade and national campaigns — which did not work very well — to sell the GST. We have seen national campaigns to sell all kinds of policies and programs. At some point, we are going to have to have a national campaign to sell Canada; to make people realize that the whole is bigger than some of the parts and that this country, truly, is a country of promise where people can live side by side in harmony.

We have to restate our vision, our national vision, on bilingualism. Nobody knows what bilingualism is. It might help to define what bilingualism is. For 20 years the public felt that it meant we were going to have people speaking both French and English, and people would put their sons and daughters into school systems so that we would end up producing people who spoke both languages.

But that is not what it is. It is much more complex than that. And I do not think Canadians understand the complexities very well. Discussions about bilingualism must include discussions of duality; regionalism; territoriality.

Well, where do all these fit into a bilingual Canada? Ask your ordinary Canadian what duality means to him. He will say, "I don't know. I bought into a vision of a bilingual Canada. It sounds like duality means, French and English are separate." Well, that is not necessarily what it means, but you can understand how people could be confused. They are confused nationally and Meech Lake confuses them. They think that Canada is bilingual. They do not understand why Quebec is unilingual. In New Brunswick, people think that New Brunswick is bilingual. And they have a hard time understanding why our school system is in French and in English, hospitals are French and English, university is French and English, community college is French and English. It is part of bilingualism. It is the only way of assuring the cultural survival of our two communities. But Canadians do not understand that that is a principal part of bilingualism. In my view, the federal language law that was recently passed,

was as much as anything based on principles of territoriality. But I do not think Canadians have ever bought into the vision that bilingualism is formed of all of these complex and various different ways of addressing the linguistic question. And I believe after some 20-odd years, they are very confused about where it is all taking them.

And I think that what we have to do, as Canadians, is to examine the question of bilingualism from a national, Pan-Canadian perspective. The debate does not have to be confined necessarily to the world of politics. It is to be engaged in also by ordinary men and women, in short ordinary Canadians, so they will have the chance to discuss various aspects of the policy.

And when it is all over, I hope to restate the commitment to bilingualism in all of its various forms and permutations. So that, as we go forward with the principles of duality and regionalism, Canadians will understand why we are doing it that way, why it is important for Quebec to devote so much attention to saving their language, why it is so important for the Acadians to have their own school system.

I think that if we do not end up taking the time to have that kind of a national dialogue, what we are going to get in Canada is a commitment to bilingualism by the elites and rejection by the masses. And increasingly, we are starting to see the entire issue divide itself on lines of educational skills and on lines of personal income.

So, we need to have ordinary Canadians committed to bilingualism. Remember how excited people were, some 20 years ago, about bilingualism and putting their young people into the school system and making them bilingual and so on? Well, we have got to tell them that there is nothing wrong with that vision of Canada and that it does fit in with the direction in which this country is moving.

And finally, the other thing I think we have to do is to tell the people of Canada where we are going. The Meech Lake Accord and Bill 178, in Quebec, are part of it; and things that have happened in the rest of Canada are part of it. At some point, Canadians have to feel that at the end of the day, we are going to end up with one country, undivided.

Why is there so much rejection now of the aspirations of Quebec? In my view, it is because Canadians are saying, "What is the message that we're getting from Quebec?" The way they understand the message is that Quebec wants Meech Lake and Bill 178, and they are not prepared to give anything in exchange. And the only thing that a lot of Canadians are asking for in return, is for Quebec to say, "We're Canadians and we are committed to the Canadian Confederation."

You know that might seem simplistic. But I ask you this, how many times have you heard it said? How many politicians in Canada, from Quebec or elsewhere, have stood up and said, "We're Canadians and we want to continue

to be Canadians?" And for that matter, how many English Canadian leaders have you heard stand up and say, "We're Canadians and Quebec is part of our country and we want Quebec to continue to be part of our country?" How many Canadians are standing up and saying that we believe in a Canada that includes Quebec? And how many Quebecers are standing up and saying, "We believe in our future, which includes Canada?"

I believe the time has come when we, as leaders, have to stand up and say those things. We have to be prepared to put a little emotion into the debate and a little idealism. And we have to be prepared to say some things that are controversial and that are going to create some anxieties among people. But until Canadians hear those kinds of messages, the problems will persist.

I want to close by telling an old story that we used to tell juries as trial lawyers. It was a little bit hokey then, and it is a little bit hokey now. But it does end up, I believe, in describing the situation that Canada faces at the present time.

It is the story about a very wise old man who was revered in his community. And one day a young fellow who was trying impress his friends decided that he would humiliate and ridicule the old man who had a reputation for always knowing the truth. So he went to the old man and said, "Old man, I want to test your wisdom. I have in my hands a bird. Is that bird alive or is that bird dead?" And the old man knew that if he said the bird was alive, the young boy would immediately crush the bird and show him a dead bird. If he said the bird was dead, he would open his hands and let the bird fly away. So the old man looked at him, thought for a while and said, "Young man, the answer to that question is in your hands." And the answer to this question is in *your* hands.

Address*

The Honourable Lowell Murray

It is in no perfunctory way, believe me, that I congratulate the Institute of Intergovernmental Relations here at Queen's and the École de Droit at the Université de Moncton, on their initiative in organizing this conference, thus giving me and all of us an opportunity to take stock of the status of official language rights and policies, exchange our views and perhaps even renew and reinvigorate our personal commitment to linguistic justice.

For me this is something of a homecoming. And not just because the event is sponsored by two universities for whom I truly have enormous respect and affection. But also because so many of us in this room have been together on so many similar occasions in the past. A couple of years ago, in this very room, not long after the signature of Meech Lake, I recall a similar meeting.

But it cannot be said often enough or strongly enough that what you are talking about here goes to the very heart of the social contract that underlies the Canadian federation. It touches on the most fundamental aspects of our collective will.

George Perlin's paper discerns slow but real progress in establishing a foundation of support, among anglophone Canadians in particular, for the objectives of language policy. Even with the caveats and the qualifiers that he puts on that, I still find that perspective more encouraging and more balanced than some of the hand-wringing that I see in some of the more pessimistic analyses that I hear in the country today. He is a bit more sombre when it comes to New Brunswick, and I do not quarrel with his analysis of the situation there, but I have had some experience in that province and I am, on balance, more

* *Editor's note:* It should be recognized that this speech was given in December 1989 and is not presented as a current statement of the Government of Canada's views.

confident about New Brunswick's ability and the ability of its politicians to overcome their current challenges.

John Meisel's paper makes just the point among others that generally, there has been a conciliatory leadership provided by politicians, especially in English Canada, and the need to bring into harmony the goals of elites and mass publics.

Well, take it from an old friend who happens, for the time being, to have some governmental responsibility in this area, do not ever underestimate the importance of conferences like this and related activities. I think that I would get a lot of agreement from people like Roland Penner and Mr. Beer, the minister from Ontario, and Mr. Seamans here from New Brunswick, that we really need to give each other all the help we can on these matters.

Linguistic justice is essential to our existence as a country and eternal vigilance is needed. The concept of equal partnership is a noble one. Every time we stray from it, every time we offend it, in the spirit or the letter, we have paid for it, whether it is 1890, 1917 or 1982. Every time we stray from it or offend it, we are diminished as a nation and we create a bitter legacy for ourselves and for future generations to try to overcome.

There has always been those in this country who have wanted to put the most narrow minimalist construction on language rights, whether it was with section 131 of the old *British North America Act (BNA Act)* or section 33 of the 1982 Charter. Need I say that not only harmony but justice is served by those who seek to put the widest and most generous interpretation on these rights.

I hope it will be said of governments in this country that in our policies, in our interventions in the courts in the relevant cases, and in our support for those who go the courts in the relevant cases, we have always tried to put that more generous and liberal interpretation on those rights. There have been setbacks, but there has been steady progress and there have been high points in our progress as well.

The Canada proposed by the Dunton-Laurendeau Commission would have anglophones and francophones work together to build this country. It is this idea that has fuelled the past 20 years' progress in language matters. And, still today, it is this idea that must show us solutions to our disputes.

Two decades ago, in 1969, the Parliament of Canada and the Government of New Brunswick responded in part to the Bilingualism and Biculturalism Commission (the B and B Commission) and passed legislation giving English and French the status of official languages. The federal act also created the Office of the Commissioner of Official Languages. Many programs supporting linguistic duality would be set up over the years.

In 1982, the *Canadian Charter of Rights and Freedoms* enshrined the official character of English and French in the constitution. The constitution entrenched the bilingualism of federal institutions and those of New Brunswick and gave citizens the right to receive services from their governments in the official

language of their choice. The constitution also recognized the right to minority language education across the country.

But if considerable progress has been made, much remains to be done. When the present federal government came to power in 1984, the *Official Languages Act*, already 15-years old, had not been touched since it was adopted. Its provisions on the creation of bilingual districts had not been brought into force. It had not yet been amended to take account of the new obligations imposed by the *Charter of Rights and Freedoms*. A renewal of government programs, especially those providing assistance to minority communities, was needed.

And we had to take advantage of the new climate of national reconciliation to convince the provinces to cooperate in the development of new tools for the communities — minority language communities — especially in the areas of services and education.

The government is determined to make the new *Official Languages Act*, Bill C-72 adopted in 1988, a dynamic tool that will enhance the vitality of the minority language communities and encourage their development.

I must say that as the minister responsible for Federal-Provincial Relations, I am particularly pleased with what has been accomplished in cooperation with the provinces in the areas of education and services. In that context, I might mention the renewal of the official languages and education program as well as bilateral agreements that will help support specific projects such as the founding of the Collège de l'Acadie in Nova Scotia and French language college in Ontario.

In 1989, over 800 community support projects received assistance under the promotion of official languages program; \$45 million were spent under this program last year, a quarter of which was provided through the Intergovernmental Cooperation Agreement. In addition, agreements under this program have established the broad mechanisms of cooperation with provincial governments to ensure that various services are provided in the language of the minority.

Since June 1987, New Brunswick, Saskatchewan, Prince Edward Island, Ontario, Quebec and the Yukon have signed such agreements. In Saskatchewan the Under-Secretary of State for Canada, Jean Fournier, effectively negotiated the agreement that enables statutes and regulations to be adopted in French and granted the minority a greater control over its education system. In Quebec, an agreement will make it possible to implement Bill 142 on access to minority language health and social services. In 1989-90, the federal government will contribute about half-a-million dollars to this project alone.

The first annual report on the Secretary of State Department's mandate concerning the official languages provides detailed information on these programs. It is eloquent testimony to the government's efforts to promote the

recognition and use of our two official languages and understanding and mutual respect between the two major language communities.

An overview, however, would require us to note important progress on provincial fronts. In Ontario, for example, where the *French Language Services Act, 1986* has just come into force this overview would indicate that we are living in a period of effervescence where language policy is concerned.

We are seeing progress being made at a rate that has not been equalled for 20 years and perhaps not since Confederation. But that is not all. The federal government, in cooperation with the provinces, has set a constitutional process in motion; when this process is completed, our linguistic duality will occupy its rightful place in our legislation.

Meech Lake is intended to allow Quebec to resume its place at the constitutional table. But it will also recognize Canada's linguistic duality; that is the existence of French-speaking Canadians centred in Quebec but present elsewhere in Canada and English-speaking Canadians concentrated outside Quebec but also present in Quebec. It is within this context that the Accord recognizes Quebec as a distinct society within Canada.

It is almost 20 years after the *Official Languages Act* came into being, and five years after important language rights were entrenched in the Canadian Charter of Rights and Freedoms. We are finally recognizing this fundamental characteristic which guides and justifies our efforts to ensure full recognition and use of French and English in Canada.

Aside from its symbolic importance, however, this affirmation is also a legal tool for the minorities. With ratification of the Accord, duality will be a fundamental characteristic of Canada, which the courts will have to take into account in interpreting the Constitution, including the *Charter* and its important language rights in the fields of services and education.

Furthermore, the Constitution will affirm the role, for Parliament and all the legislative assemblies, including that of Quebec, of protecting linguistic duality. For the first time, the Constitution will make the provinces responsible for the fate of their language minorities.

Although many people, including Prime Minister Mulroney, would have preferred the *Accord* to have gone much farther in this regard and affirmed a role of promoting duality, we must still not refuse to acknowledge the importance of this first constitutional affirmation.

Those who base their opposition to the Meech Lake Accord on Bill 178, Quebec's signage law, should focus on the real problem: the notwithstanding clause in the Charter of Rights. Alliance Québec, some of whose leaders are here at this conference, has even made that its constitutional priority, while accepting, as I understand them, the concept of Quebec as a distinct society.

The notwithstanding clause is indeed a source of some concern. A government may use it to suspend most of our fundamental freedoms. The clause in

the Meech Lake Accord, however, is direct to the courts. It will work with the Charter, not against it.

Now, no one here is going to be surprised when I say that the ratification of Meech Lake is far from a certainty. The debate of the last two months has led the representatives of three provinces to state officially serious reservations about most of the key elements of this accord, including the recognition of linguistic duality. The wise compromise of Meech Lake is the object of questions and contradictory proposals. Some of the proposed modifications may seem acceptable, other however call into question what the Accord has achieved.

The Government of New Brunswick wants to strengthen the duality clause by adding to it a role of promotion and protection for the Parliament and Government of Canada. This is a laudable objective, but the federal government has already given itself this role of promotion in the new *Official Languages Act*.

As well, federal efforts with the provinces and the private and voluntary sectors show that this commitment has not become a dead letter. Other proposed amendments are disappointing because they call into question the very significance that our linguistic duality would be given in the Accord. The proposals of the Manitoba Task Force on the Meech Lake Accord and those of Premier Wells of Newfoundland, although different, would both prevent the recognitions contained in the Accord from affecting the interpretation of the Charter of Rights and Freedoms. As a result, section 1 of the constitutional agreement would be emptied of all meaning. The courts would be prevented from using the new light shed by the recognition of the fundamental nature of Canadian duality to interpret, for example, minority language rights.

In addition, Quebec would be prevented from invoking its distinctiveness before the courts. The courts already agree, in the absence of any explicit constitutional recognition, to take Quebec's distinctiveness into consideration in their decisions. In exchange for recognition of its distinctiveness, Quebec would be asked to give up any possibility of using that recognition.

What is not understood is that all the other provinces would be free to ask the courts to consider their special characteristics and only Quebec would be deprived of that right. It would be a net loss for Quebec.

It is worth recalling, as the prime minister did on the occasion of the twentieth anniversary of the *Official Languages Act* that the Dunton-Laurendeau Commission articulated the two concepts, that of language rights across the country and that of the distinctiveness of Quebec society.

People appear also to have forgotten, in Winnipeg and St John's, at any rate, that the Charter already contains interpretation clauses respecting our multicultural and aboriginal heritage, which have not in any way diminished the Charter of Rights. The Meech Lake Accord would only add another interpretation

clause for the courts' use. I find it difficult to believe that Canadians would refuse to have the Charter interpreted in light of our linguistic duality and of Quebec's distinctiveness while agreeing to have it interpreted in light of our multicultural and native heritage.

There is more, however. Much of the debate among minority groups has centred on the need to strengthen the role of the federal and provincial governments respecting our duality, which is what Premier McKenna wants. Premier Wells proposes eliminating any mention of a role for Parliament and the provincial legislature with respect to our duality or any role for Quebec with respect to its distinctiveness. Premier Wells feels that only a reformed Senate should have the power to uphold these fundamental characteristics, and not in the exercise of its ordinary responsibilities but only when considering certain constitutional amendments. Many will see this, as I do, as the beginning of a serious setback.

By means of my comments on the proposals by Newfoundland, Manitoba and New Brunswick, I wanted to demonstrate that even well-meant proposals can create unexpected problems and that, although it was possible to achieve unanimity on a limited number of measures in 1987, there is no guarantee that today we will be able to agree on what improvements should be made.

Just as the policy on official languages and language rights has made progress slowly, in stages, extending social consensus a little more each time, the Meech Lake Accord extends to us not the end of a process, but the possibility of taking a step. Rejecting the Accord in its entirety and starting again from scratch because we want to do everything right away would be refusing to take a new step at a time when we are able to do so.

This view of the situation is one thing I point out to representatives of the provinces during the tour I have undertaken at the request of Prime Minister Mulroney. I try to assess the possibility of finding areas of agreement among the three provinces that have raised objections in order to encourage ratification of the Meech Lake Accord.

I do so because ratification of the Meech Lake Accord is an essential step if we are to pursue the work we have begun in language matters. By ensuring that Quebec takes part, and thus freeing up the process of constitutional reform, we will be able to ensure that the rights of Canada's language minorities, for example, move forward.

Prime Minister Mulroney is already firmly committed to addressing the further constitutional protection of minority language rights in their broadest context at the first constitutional conference following ratification of the Meech Lake Accord. This commitment was reaffirmed in the Throne Speech on 3 April 1989, in which language rights and strengthening the Charter of Rights and Freedoms were identified as constitutional priorities for this government.

On several occasions, we have committed ourselves to proceeding at the request of the Government of New Brunswick, to entrench through a bilateral constitutional amendment the principles contained in the province's Bill 88, respecting the equality of the language communities. When Premier McKenna and I met we agreed that provincial and federal officials should get to work together on the modalities, on the process.

During my meeting in Fredericton we discussed the language issue, of course, and agreed that any solution to the Meech Lake Accord will have to include measures intended to strengthen official language minority rights. That solution could well take the form of a parallel accord.

Much could still be done to fortify Canadians' language rights in the constitution. And this is one of the tasks of this symposium: to identify the most urgent needs and to point out solutions that the government and all Canadians should consider.

I know that you are conscientiously committed to this task and that governments will hear you: if we wish to affirm our identity as a nation, ensuring that our constitution and our institutions better reflect the Canadian reality and mirror our duality is an important task.

I am confident that together, anglophones and francophones, governments and communities, will be able to continue the task that the Dunton-Laurendeau Commission proposed 20 years ago, and which I believe the fathers of Confederation themselves would regard as no more than the duty of each succeeding generation — to build on their noble concept of linguistic partnership and to make a richer and more dynamic Canada.

Demography and Official Languages in Canada*

Réjean Lachapelle

Introduction

It seems that the country's linguistic duality and the geographical distribution of anglophones and francophones have been mainly resistant to change. This arises from what we might call, in the style of a population geneticist, the "founder effect." When an area is first being settled, founding groups establish institutions that subsequently promote integration of newcomers and therefore tend to perpetuate certain characteristics of the initial structure. The local structures are more unstable though, especially when the linguistic composition differs considerably from that of the region surrounding the locality in question.

A number of aspects of Canada's demolinguistic structure will be briefly discussed in this paper. I have also elected to draw attention to certain recent trends: the reduction of the anglicization among adults (assuming constant exogamy), the increase in intergenerational transmission of French as a mother tongue, the increase in the proportion of French speakers among non-francophones, and the rise in the popularity of French schools. These trends go against generally accepted ideas.

For want of space, I have had to neglect the changes in two areas — those in the fertility differences between the language groups and those in international immigration and its demolinguistic consequences.¹ A number of studies have shown that the fertility of francophones has been lower than that of other

* The opinions expressed in this paper are those of the author and do not necessarily represent the views of Statistics Canada.

Canadians since the mid-1960s and that, in the 1980s, this situation had spread to nearly all the provinces. As far as the ethnocultural and demolinguistic consequences of immigration are concerned, it is difficult to discuss them adequately in one or two pages. However, one can point out that heavy immigration usually leads to a drop — at least temporary — in the relative size of the majority group.²

Persistence of Linguistic Duality

With a population of 90 percent from British and French origin at the time of Confederation, Canada has gradually become a multi-ethnic society in the twentieth century. In 1986, almost 40 percent of Canadians claimed they or their ancestors belonged to an ethnic group that was neither totally British nor totally French (see Table 1). However, this ethnic diversity has not modified the country's linguistic duality. A little less than 10 percent of the population claims a language other than English or French as the language spoken most often at home (home language). There has been little change in this proportion since 1971, the first census in which this information was available. Use of non-official languages by persons in their homes is no more widespread in Canada than is the use of languages other than English in the United States and Australia.³

Usually, changes in demolinguistic structure are caused by heavy immigration, since the official language groups are underrepresented among the immigrants (more in the case of francophones than anglophones). Subsequently, immigrants who knew neither English nor French when they arrived become better able to express themselves in at least one of the official languages and use that language increasingly in their day-to-day lives, in proportion with the contacts they have with other Canadians. Some immigrants even become more at ease in one of the official languages than in their mother tongue at work and even at home, especially if they were young when they came to Canada. Their children, after going to school in Canada, will usually have one of the official languages as their main language and will not all maintain a good ability to express themselves in the mother tongue of their parents. In the following generation, only a minority of their descendants will be able to speak their heritage language and only in rare cases will the heritage language be their mother tongue. Allophones (from Greek root *allos* "other, different," and *phônê* "voice, language,") as a whole often manage, however, to maintain their relative size in the population thanks to the continued contribution from outside the country.

Linguistic assimilation may ultimately re-establish the duality initially disturbed by immigration, but language transfers do not restore the previous

TABLE 1: Ethnic and Linguistic Characteristics of Canada's Population, 1986
(Numbers in thousands)

Category	Ethnic Group		Mother Tongue		Home Language		Knowledge of Official Languages	
	N	%	N	%	N	%	N	%
British or English	8,407	33.6	15,334	60.6	16,596	66.3	16,717	66.8
Br. or English and Other	2,263	9.0	526	2.1	712	2.8		
French	6,099	24.4	6,160	24.3	5,798	23.2	3,958	15.8
French and Other	326	1.3	36	0.1	40	0.2		
Br. or English and French	1,139	4.6	333	1.3	352	1.4	4,056	16.2
Br. or English, French and Other	563	2.3	47	0.2	48	0.2		
Other	5,610	22.4	2,861	11.3	1,468	5.9	291	1.2
Others ¹	616	2.5	14	0.1	8	0.0		
<i>Maximum size of group:</i>								
Br. or English	12,371	49.4	16,239	64.2	17,708	70.8	20,773	83.0
French	8,127	32.5	6,575	26.0	6,238	24.9	8,014	32.0
Other	9,377	37.5	3,483	13.8	2,276	9.1	291	1.2
<i>Equal distribution of multiple responses:</i>								
Br. or English	10,295	41.1	15,779	62.3	17,144	68.5	18,745	74.9
French	7,019	28.1	6,360	25.1	6,010	24.0	5,986	23.9
Other	7,708	30.8	3,171	12.5	1,868	7.5	291	1.2
Total	25,022	100.0	25,309	100.0	25,022	100.0	25,022	100.0

Note: Except for mother tongue, these figures are drawn from a 20 percent sample from which institutional residents have been excluded.

¹Includes individuals who indicated several languages other than English or French (or several ethnic groups other than British or French).

Source: Statistics Canada, 1986 Census of Canada.

situation exactly, since other characteristics, especially habits with respect to food, may have not only persisted, but also spread into the population. Moreover, the internal differences of linguistic groups within the allophone population, as well as ethnic groups of the whole population, have also been proven to change. This is an inevitable effect of immigration, unless the immigrants come from the same sources as the founder population, and in the same proportion. This effect may be obvious from a demographic point of view, but it has consequences that are less obvious, particularly the progressive dissociation of the usual language in the milieu from ethnic characteristics that were previously closely associated with it.

Decline of Minorities and Strengthening of Majorities

Re-establishment of linguistic duality is not neutral from the point of view of the balance between the official languages communities, since immigration transfers favour English more than French. In the one hundred years from 1850 to 1950 the high fertility of French Canadian women offset the effect of these factors and enabled the French group to maintain its relative size at approximately 30 percent. Following World War II the fertility differences between the language groups decreased rapidly, then became reversed towards the mid-1960s, after which time the fertility of francophone women was lower than that of other Canadian women.⁴ The relative size of the population with French as a mother tongue decreased as a result, dropping from 29 percent in 1951 to 25 percent in 1986 (see Table 2). Transfers from French to English had almost no effect on this drop, relative to the effects of international migration and fertility.⁵

The decline in the proportion of francophones has not been associated, up to now at least, with a drop in the size of the French mother-tongue group. From 1951 to 1961, the size of this group increased by a yearly average of 2.3 percent, exceeding the population growth rate of nearly every developed country during that decade. The French group's average annual rate of increase subsequently dropped from 1.2 percent for the 1960s decade to 0.6 percent for the 1971-86 years, levels which are still higher than those of most European countries for the corresponding periods. The reason for the decline in the relative size of the francophone population lies in the exceptional growth rate of the rest of Canada's population.

The drop of relative size of francophones cannot be seen in every part of the area, since, for at least a quarter century, official languages groups everywhere, or nearly everywhere, have preserved or strengthened their relative positions in regions where they form a majority. This is the case for francophones in all

TABLE 2: Distribution of the Population by Mother Tongue, Canada and Linguistic Regions, 1931 to 1986 (Numbers in thousands and distribution in %)

		English	French	Other	Total (N)		English	French	Other	Total (N)	
Canada	1931 ¹	57.0	27.3	15.7	10,377	Canada	1931 ¹	73.1	7.2	19.7	7,503
	1941 ¹	56.4	29.2	14.5	11,507	less	1941 ¹	73.6	7.8	18.6	8,175
	1951 ¹	58.1	29.8	12.1	13,648	Quebec	1951 ¹	76.8	7.5	15.7	9,592
	1951	59.1	29.0	11.8	14,009		1951	77.6	7.3	15.2	9,954
	1961	58.5	28.1	13.5	18,238		1961	76.8	6.6	16.7	12,979
	1971	60.2	26.9	13.0	21,568		1971	78.4	6.0	15.6	15,541
	1976	61.5	26.0	12.5	22,993		1976	79.7	5.4	14.9	16,758
	1981	61.3	25.7	13.0	24,343		1981	79.4	5.3	15.4	17,905
	1986	62.1	25.1	12.8	25,309		1986	80.0	5.0	14.9	18,777
Quebec	1931	14.9	79.7	5.3	2,874						
	1941	14.1	81.6	4.4	3,332	Northern	1941	39.7	58.9	1.3	257
	1951	13.8	82.5	3.7	4,056	and	1951	39.4	59.6	1.0	296
	1961	13.3	81.2	5.6	5,259	Eastern	1961	39.6	59.1	1.3	336
	1971	13.1	80.7	6.2	6,028	N.B.	1971	40.8	58.0	1.2	346
	1976	12.8	81.1	6.1	6,234		1976	41.0	58.0	1.0	366
	1981	11.0	82.4	6.6	6,438		1981	40.7	58.3	1.0	377
	1986	10.4	82.8	6.8	6,532		1986	40.7	58.3	1.1	381
Contact regions of Quebec ²	1941	23.4	69.3	7.2	1,748	Contact	1941	53.5	37.1	9.4	560
	1951	22.9	71.0	6.1	2,157	regions	1951	55.9	36.6	7.5	646
	1961	20.9	70.3	8.8	2,977	of	1961	56.9	33.4	9.7	861
	1971	19.8	70.8	9.5	3,610	Ontario ³	1971	60.8	30.8	8.4	1,015
	1976	19.5	71.3	9.3	3,748		1976	62.6	29.1	8.2	1,067
	1981	16.7	73.1	10.2	3,827		1981	62.8	28.4	8.7	1,087
	1986	15.6	74.0	10.4	3,911		1986	64.2	27.3	8.5	1,138
Franco- phone regions	1941	3.7	95.1	1.2	1,584	Anglo- phone regions	1941 ¹	76.3	3.8	19.9	7,358
	1951	3.4	95.6	1.0	1,899		1951 ¹	79.6	3.5	16.8	8,650
	1961	3.3	95.4	1.3	2,283		1951	80.4	3.4	16.2	9,012
	1971	3.1	95.6	1.2	2,418		1961	79.3	3.1	17.6	11,781
	1976	2.7	96.0	1.3	2,487		1971	80.6	2.9	16.5	14,180
	1981	2.5	96.1	1.4	2,612		1976	81.8	2.5	15.7	15,325
	1986	2.5	96.0	1.5	2,622		1981	81.4	2.5	16.1	16,441
						1986	82.0	2.4	15.6	17,258	

Note: In 1986, multiple responses were attributed to one of the languages indicated using the method which makes the results approximately comparable to those of the preceding census.

¹Excluding Newfoundland.

²Montreal, Eastern Townships and Outaouais.

³Southeast and Northeast Ontario.

Source: Statistics Canada. Census of Canada, 1931, 1941, 1951, 1961, 1971, 1976, 1981 and 1986.

regions of Quebec, but especially the heterogeneous regions — the Eastern Townships, Montreal and the Outaouais — at the demolinguistic level. This is also the case for anglophones outside Quebec, including those in the parts of Ontario bordering on Quebec. Strictly speaking, there is only one exception: in northern and eastern New Brunswick, a region that contains little more than half of the province's population, the relative size of the population with French as a mother tongue has stayed at 58 percent since 1971.

Accentuation of the differences in the linguistic composition of regions with an anglophone majority and those with a francophone majority is a result of the joint effects of international immigration, interregional migration and language mobility, especially the latter two factors. In Quebec, language transfers may favour English more than French, but this phenomenon has a much weaker effect than interprovincial migration, which disadvantages the English group (see Table 3). Persons who keep or adopt English as their home language are ten times more likely to leave Quebec for the other provinces than are persons whose home language is French. Moreover, symmetrical differences have been noted in the tendency to leave the other provinces for Quebec, with that of Francophones greatly exceeding that of anglophones. These differences were already very clear in the 1941 and 1961 censuses;⁶ they have increased following the francization of Quebec society.

Contrary to what people often think, transfers to English are not a totally cumulative phenomenon, since those involved have a much stronger tendency to leave the province for the rest of the country than do those who transfer to French. This is the main reason why the relative size of the anglophone population has decreased — slowly and continuously since 1861, more rapidly since 1976.

Elsewhere in Canada, language transfers contribute significantly to the decline in the proportion of the population made up by the French group, and, sometimes, in the number of persons in that group. International migration, which involves a very small proportion of francophones, and, more recently, the low fertility of francophones are also pushing this group's proportion downward. However, as in Quebec, interregional migration often favours the French group in relative terms.

Reduction of Anglicization Among Adults (Assuming Constant Exogamy)

Anglicization is a process that starts in childhood, follows throughout adolescence and expands in early adulthood, when men and women enter the labour force, leave the family environment and marry or live together. The crucial phenomenon is the choice of a spouse, since anglicization, according to the

TABLE 3: Migratory Exchanges Between Quebec, the Rest of Canada, and Abroad (in the population of five year old and over at the end of the period), by Mother Tongue, 1966-71 to 1981-86

Period	Total	English		French		Other	
		N	%	N	%	N	%
<i>From Quebec to the rest of Canada</i>							
1966-71	160,400	99,100	62	46,900	29	14,400	9
1971-76	145,800	94,100	65	41,300	28	10,400	7
1976-81	203,000	131,500	65	49,900	25	21,600	11
1981-86	130,200	70,600	54	45,900	35	13,700	11
<i>From the rest of Canada to Quebec</i>							
1966-71	84,900	46,900	55	33,400	39	4,600	5
1971-76	83,800	41,900	50	37,200	44	4,700	6
1976-81	61,300	25,200	41	31,900	52	4,200	7
1981-86	67,000	29,000	43	33,000	49	5,000	7
<i>Quebec: internal balance</i>							
1966-71	-75,500	-52,200	69	-13,500	18	-9,800	13
1971-76	-62,000	-52,200	84	-4,100	7	-5,700	9
1976-81	-141,700	-106,300	75	-18,000	13	-17,400	12
1981-86	-63,200	-41,600	66	-12,900	20	-8,700	14
Total	-342,400	-252,300	74	-48,500	14	-41,600	12
<i>From abroad to Quebec</i>							
1966-71	137,600	36,900	27	38,500	28	62,200	45
1971-76	108,200	32,900	30	39,600	37	35,700	33
1976-81	84,700	15,400	18	30,100	36	39,200	46
1981-86	72,400	12,300	17	22,200	31	37,900	52
<i>From abroad to the rest of Canada</i>							
1966-71	686,000	376,500	55	12,600	2	296,900	43
1971-76	611,500	365,100	60	13,700	2	232,700	38
1976-81	471,500	235,800	50	9,400	2	226,300	48
1981-86	391,500	173,300	44	7,700	2	210,500	54

Note: In 1986, multiple responses were evenly distributed between the languages indicated.

Sources: Statistics Canada. Census of Canada, 1971, 1976, 1981 and 1986.

most common definition, corresponds to the adoption of English as the language most often spoken in the home.

To estimate the direction of the changes in anglicization, the extent of the phenomenon is compared, in a number of age groups, for French mother tongue women who are married or living in a common law relationship. The reduction in anglicization rates from older to younger women suggests that the phenomenon has weakened over time.

The data are presented for five major demolinguistic regions (Table 4). As predicted, it may be observed that, from region to region, the rate of anglicization varies inversely with the proportion of francophones. The smaller the proportion of francophones, the higher the anglicization rate. But the change of non-persistence (in this case expressed as anglicization) within a region is usually less clearcut and therefore more delicate to establish.

TABLE 4: Gross Rate and Standardized Rate of Anglicization of French Mother Tongue Women Living in a Husband-Wife Family, For Selected Age Groups, Canada and Linguistic Regions, 1986 (%)

	<i>Gross Anglicization Rate</i>			<i>Standardized Anglicization Rate</i>		
	<i>45-54 years</i>	<i>35-44 years</i>	<i>25-34 years</i>	<i>45-54 years</i>	<i>35-44 years</i>	<i>25-34 years</i>
Canada	7.1	6.9	6.2	7.1	6.4	6.1
Quebec	1.7	1.7	1.7	1.7	1.6	1.6
Francophone regions	1.0	0.8	0.8	1.0	0.8	0.8
Contact regions	2.3	2.4	2.5	2.3	2.2	2.3
Canada outside Quebec	35.0	35.1	32.4	35.0	32.8	30.5
Northern and eastern New Brunswick	7.5	7.1	5.3	7.5	6.9	5.1
Contact regions of Ontario	20.7	21.4	22.1	20.7	19.7	18.7
Anglophone regions	56.3	57.1	54.6	56.3	53.2	49.7

Note: The gross anglicization rate corresponds to the proportion of French mother tongue women who speak English most often in the home.

Source: Statistics Canada. 1986 Census, unpublished tables.

If we compare older women and younger women, anglicization is diminishing in northern and eastern New Brunswick (7.5 percent for the 45-54 age group and 5.3 percent for the 25-34 age group). The phenomenon has a tendency to increase in the contact regions of Ontario and the anglophone regions, although a slight drop is observed in the latter regions, between the 35-44 age group (57 percent) and the 25-34 age group (55 percent).

Variations in gross anglicization rate from one age group to the preceding age group is the result of two factors: changes in exogamy (more precisely in distribution by mother tongue of spouses) and tendency to anglicization of women in specific couple types. The two factors have evolved in opposite directions: although exogamy is rising everywhere, anglicization is falling for all types of couples (from older to younger age groups). For example, in the contact regions of Ontario, when the husband's mother tongue is English, the anglicization rate of French mother tongue women drops from 69 percent in the 45-54 age group to 58 percent in the 25-34 age group.

To clearly establish the evolution of anglicization (assuming constant exogamy), standardized anglicization rates were calculated (assuming distribution of spouses by mother tongue to be constant at the level observed for the 45-54 age group). It was then observed that, in all regions outside Quebec, anglicization of French mother tongue women is lower for any selected age group than it was for the older one.

The drop in anglicization in the various types of couples is probably due to the upswing in the status of French in the past 20 years. At the same time, however, the change could have facilitated contact between anglophones and francophones and thus promoted exogamy. However, that increased exogamy is probably due to a far greater extent to phenomena largely unrelated to the status of French (e.g., urbanization, secularization, labour market tertiarisation). Whatever the case, when considering the demolinguistic future of francophones, the overall result of the various phenomena (i.e., the gross anglicization rate) is what ultimately counts.

Increased Transmission of French from Mothers to Children

To measure changes in language mobility, researchers have mainly used an estimation method based on comparison of mother tongue with the language currently spoken at home. A different method can also be used, based on a comparison of the mother tongue of the children with that of their mother. Using data from recent censuses, one can establish then the trends in intergenerational language mobility by the period of birth of the children.⁷ The results obtained often run counter to generally accepted ideas.

In Canada as a whole, the net rate of anglicization of the French group varied only slightly around the 6 percent mark from 1956-61 to 1966-71, then fell to 3 percent for children born in 1976-1981, a level that was maintained in 1981-86. These trends are found in Quebec, as well as in the rest of the country. In Quebec, the net rate of anglicization was very low in 1956-61 (0.2 percent) and was nil in 1966-71. The rate subsequently reversed: net francization was 1 percent in 1976-81 and 1981-86. In the rest of the country, the net rate of anglicization dropped from 30 percent in 1966-71 to 27 percent in 1981-86. Between the two periods, it went from 5 percent to 1 percent in northern and eastern New Brunswick and from 13 percent to 12 percent in the areas of Ontario bordering on Quebec. In the other areas outside Quebec, where francophones account for less than 5 percent of the population, it varied only slightly around the 50 percent mark.

The gains in transmission of French as a mother tongue from mothers to their children are greater when English or a third language is the mother tongue of the father. Transmission is already nearly universal when French is also the mother tongue of the father. In the country as a whole, among children born in 1956-61 who had an English mother-tongue father, 22 percent received the mother tongue of their mother, French, while 78 percent received that of their father, a difference of 56 points in favour of English. Transmission of French rose slowly at first until 1966-71, when it reached 27 percent, compared to 73 percent for transmission of English, a spread of 46 points. Subsequently, this gap narrowed very quickly: in 1981-86, French was the sole mother tongue of 27 percent of children, English of 55 percent, for a difference of 28 points. Over the last few five-year periods, double transmission of two mother tongues has also increased. Although it is possible that the parents' egalitarian orientation does not always withstand outside influences, the increase in "English and French" responses narrows the gap between the two official languages, since it occurs at the expense of the transmission of English as the sole mother tongue. In short, in the country as a whole, the dominance of English over French, which is still very significant, has been cut in half over some 30 years.

Increase in Bilingualism Among Non-francophones

By its very nature, evolution of the population's composition by mother tongue is somewhat constrained. Not all groups can be winners, nor can they all be losers. If there is a winner, there must be at least one loser. That is the zero-sum principle. If, instead, we are interested in the distribution of the population by knowledge of the official languages, this constraint disappears, since some

individuals can speak both English and French. These can be counted both as English speakers and French speakers.

In all the country's major linguistic regions, the proportion of French speakers has risen since 1971, and even since 1961 (see Table 5). In the predominantly francophone regions of Quebec, nearly everyone can speak the common language. In 1961, 97 percent could do so; in 1986, the figure rose to nearly 99 percent (80 percent of the population speaks French only, while 1 percent speaks English only). In the more heterogeneous regions of the province (Eastern Townships, Montreal and the Outaouais), French speakers accounted for 80 percent of the population in 1961; this proportion rose to 90 percent in 1986. The same increases were recorded in the various regions outside Quebec.

These changes are the result of the rise in proportion of bilingual persons, especially among non-francophones. Low in 1961, the proportion of French speakers among non-francophones has doubled, indeed tripled, outside Quebec in the last 25 years. In northern and eastern New Brunswick and in the areas of Ontario bordering on Quebec, it rose from 8 percent in 1961 to slightly more than 20 percent in 1986. Of course, there has also been an increase in the predominantly francophone regions and in the more heterogeneous regions of Quebec (32 percent in 1961, 62 percent in 1986).

Growing Attraction of French Schools

The proportion of children attending French schools is decreasing in the country as a whole. This decline, which is not occurring in Quebec, is attributable to the reduced proportion of the school-age population with French as its mother tongue, since French schools are attracting their target clientele more than they have in the past, in Quebec as in the rest of the country. Moreover, the proportion of French speakers in the school-age population is increasing, both in Quebec and outside.⁸

Outside Quebec, the proportion of francophones in the school-age population fell from 6 percent in 1971 to 4 percent in 1986. However, this decline is lower with respect to the proportion of pupils attending French schools (or, more precisely, classes intended for children of the francophone minority). This has produced a rise in the net attraction index of French schools. Another indication of the improvement in the situation is the fact that, in the school-age population, the ratio of children who speak French was 0.90 in 1986, compared with 0.84 in 1971, an increase probably attributable to the rise in enrolment in French schools.

Compared with 5 percent in 1971, pupils in French immersion programs and those attending French schools (or classes) accounted for 9 percent of children attending school outside Quebec in 1986. This increase parallels the rise in the

TABLE 5: Distribution of the Population by Knowledge of Official Languages, Canada and Linguistic Regions, 1931 to 1986

		<i>English only</i>	<i>French only</i>	<i>English speakers</i>	<i>French speakers</i>			<i>English only</i>	<i>French only</i>	<i>English speakers</i>	<i>French speakers</i>
Canada	1931 ¹	67.5	17.1	80.2	29.9	Canada less Quebec	1931 ¹	88.0	2.2	94.4	8.6
	1941 ¹	67.2	19.0	80.0	31.8		1941 ¹	89.6	2.0	96.7	9.1
	1951 ¹	66.2	20.1	78.8	32.7		1951 ¹	89.3	2.2	96.5	9.3
	1951	67.0	19.6	79.3	31.9		1951	89.7	2.1	96.6	9.0
	1961	67.4	19.1	79.6	31.4		1961	90.0	1.8	96.8	8.7
	1971	67.1	18.0	80.5	31.4		1971	89.0	1.4	97.0	9.3
	1981	66.9	16.6	82.2	31.8		1981	88.6	0.9	97.7	10.0
	1986	66.8	15.8	83.0	32.0		1986	88.0	0.8	97.9	10.7
Quebec	1931	13.8	56.2	43.1	85.5	Northern and Eastern N.B.	1931	40.0	29.1	70.8	59.9
	1941	12.3	60.5	39.1	87.3		1941	38.5	31.8	68.1	61.5
	1951	11.4	62.5	37.0	88.1		1951	37.4	33.6	66.4	62.6
	1961	11.6	61.9	37.0	87.3		1961	37.4	32.9	66.7	62.3
	1971	10.5	60.9	38.1	88.5		1971	37.5	28.8	71.1	62.4
	1981	6.7	60.1	39.1	92.5		1981	34.7	23.7	76.2	65.3
	1986	5.7	59.0	40.2	93.5		1986	32.8	22.3	77.5	67.1
	Contact regions of Quebec	1931	23.2	36.8	62.3		75.9	Contact regions of Ontario	1931	58.0	12.5
1941		21.1	41.3	58.5	78.6	1941	58.6		10.3	89.2	41.0
1951		19.5	43.9	55.5	79.9	1951	58.0		10.7	88.7	41.4
1961		18.8	45.3	53.2	79.7	1961	60.1		9.1	89.7	38.7
1971		16.3	46.5	52.0	82.1	1971	60.1		7.5	91.7	39.1
1981		10.6	45.6	53.3	88.3	1981	57.5		4.7	94.7	41.8
1986		8.9	44.7	54.3	90.0	1986	56.1		4.0	95.4	43.3
Franco-phone regions		1931	2.5	79.3	20.2	97.0	Anglo-phone regions		1931 ¹	91.6	0.6
	1941	2.6	81.7	17.8	96.9	1941 ¹		93.7	0.4	98.3	4.9
						1951 ¹		93.4	0.5	98.1	5.1
	1951	2.2	83.6	16.0	97.4	1951		93.6	0.4	98.1	4.9
	1961	2.2	83.6	16.0	97.4	1961		93.6	0.4	98.2	5.0
	1971	1.8	82.3	17.3	97.9	1971		92.4	0.2	98.0	5.9
	1981	1.0	81.4	18.3	98.6	1981		91.9	0.1	98.4	6.7
	1986	1.0	80.4	19.3	98.7	1986		91.4	0.1	98.5	7.3

¹Excluding Newfoundland.

Source: Statistics Canada. Census of Canada, 1931, 1941, 1951, 1961, 1971, 1981 and 1986.

proportion of French speakers. French immersion has undoubtedly been a major factor in the increase in bilingualism among young people whose mother tongue is not French.

In Quebec, the position of French is improving among young people, and the proportion with French as its mother tongue has been re-established since 1976. The proportion of pupils enrolled in French schools rose from 83 percent in 1976 to 89 percent in 1986. There has also been a significant rise in the proportion of French speakers among young people (from 89 percent in 1971 to 95 percent in 1986).

French immersion programs have produced an unexpected reversal. In fact, according to the 1986 census, outside Quebec, among children in the 5-14 age group whose parents both have English as their mother tongue, the knowledge of French is more widespread (7 percent) than the knowledge of English (5 percent) among Quebec children in the same age group whose parents both have French as their mother tongue. This situation merits further study.

Demolinguistic Area of Anglophones and Francophones

If anglophones and francophones in Canada were not concentrated in different areas, the everyday experience of the members of each group would be similar since the population of all localities would be three-quarters anglophone and one-quarter francophone. The polarization of francophones in Quebec and in areas bordering on Quebec produces a major difference between the demolinguistic area of anglophones and that of francophones.

This situation can be illustrated by means of a variable derived from the responses to the three demolinguistic questions in the last census (first official language spoken). The population is divided into two main categories — “English” and “French” — with two residual categories — “Both English and French” and “Neither English nor French” (see Table 6). Only slightly more than 1 percent of the population is unable to speak either official language. This category will be disregarded in what follows. Moreover, about 1 percent of Canadians have been ranged in the “English and French” category, since the information available is not accurate enough. To simplify matters, this sub-population will be divided evenly between the two main categories.

After all the calculations have been made, French is found to be the first official language of 26 percent of the population of Canada in 1986; English is that of the rest, that is, 74 percent. The relative importance of French is as follows: 87 percent in Quebec; 33 percent in New Brunswick; roughly 5 percent in Prince Edward Island, Nova Scotia, Ontario and Manitoba; and 3 percent or less in the remaining provinces and territories. More than four francophones

TABLE 6: Estimate of the First Official Language Spoken, Canada, Provinces and Territories, 1986

	Total Population	Percentage Distribution				Official Language Minority	
		English	French	English and French	Neither English nor French	Number	%
Canada	25,022,010	72.6	25.2	1.2	1.1	6,454,870	25.8
Nfld.	564,005	99.5	0.3	0.1	0.1	2,170	0.4
P.E.I.	125,090	95.7	3.8	0.4	0.0	5,050	4.0
N.S.	864,150	95.9	3.6	0.4	0.1	32,955	3.8
N.B.	701,855	65.9	32.8	1.3	0.0	234,720	33.4
Quebec	6,454,490	11.9	84.6	2.7	0.7	858,325	13.3
Ont.	9,001,170	92.9	4.8	0.9	1.5	469,990	5.2
Man.	1,049,320	94.1	4.2	0.6	1.2	46,730	4.5
Sask.	996,695	97.3	1.9	0.2	0.5	20,470	2.1
Alta.	2,340,265	96.7	1.9	0.4	1.0	49,205	2.1
B.C.	2,849,590	97.0	1.3	0.4	1.3	41,270	1.4
Yukon	23,360	97.3	2.4	0.1	0.1	580	2.5
N.W.T.	52,020	85.1	2.4	0.5	12.1	1,355	2.6
Can-Que.	18,567,520	93.6	4.5	0.6	1.2	904,495	4.9

Note. Responses to the three demolinguistic questions from the Census are used to derive the first official language spoken: first, knowledge of the official languages, then (for individuals who speak English and French and for those who speak neither English nor French), mother tongue and, last, home language. The total number of the official language minority is equivalent to the sum of the two terms: the number of the correspondent language and half of the category "English and French."

Source: 1986 Census of Canada. Population Estimates by First Official Language Spoken, September 1989, ref. no. 47013.

out of five (86 percent) live in Quebec, while more than nine anglophones out of ten (95 percent) live outside Quebec.

These data are available for the 6,000 or so census subdivisions — that is, for all cities, towns and villages in Canada. This makes it possible to estimate the average linguistic makeup of the localities in which the members of each official-language group live.⁹

Because of their geographic concentration, anglophones, like francophones, live in localities where they constitute a large majority of the population (see Table 7). In fact, the members of the anglophone community live in municipalities in which 94 percent of the population have English as their first official language (the remaining 6 percent have French). The members of the francophone group, for their part, live in localities where French is the first official language of 83 percent of the population (and English that of the remaining 17 percent). Therefore, because anglophones constitute the majority in the country as a whole, contacts with members of the other group are generally less frequent for anglophones than for francophones. This arises from the fact that the anglophones are the majority in the whole country.

TABLE 7: Average Demolinguistic Milieu of Anglophones and Francophones, Canada, Quebec, Rest of Canada, 1986

<i>First Official Language Spoken</i>	<i>Demolinguistic Milieu</i>		
	<i>English</i>	<i>French</i>	<i>Total</i>
		Canada	
English	93.9	6.1	100.0
French	17.3	82.7	100.0
Total	73.9	26.1	100.0
		Quebec	
English	35.9	64.1	100.0
French	9.9	90.1	100.0
Total	13.4	86.6	100.0
		Rest of Canada	
English	96.7	3.3	100.0
French	62.9	37.1	100.0
Total	95.1	4.9	100.0

Source: Estimates by the author based on the distribution of the first official language spoken in each of the 6,000 or so Census subdivisions.

The everyday linguistic experience of the English minority in Quebec and of the French minorities in the other provinces is quite different from that of other Canadians. The 860,000 anglophones in Quebec and the 905,000 francophones in the other provinces account for 7 percent of the country's population. In Quebec, anglophones live in localities where they represent on average 36 percent of the population (with the other 64 percent having French as their first official language). Francophones in Quebec live in municipalities where 90 percent of the population have French as their first official language (the other 10 percent have English).

Francophones in the other provinces live in municipalities where they represent, on average, 37 percent of the population. Outside Quebec, the members of the anglophone community live in localities where francophones are almost nonexistent (only 3 percent of the population). But the situation varies from province to province. In New Brunswick, because of the strong territorial concentration of the two language groups, francophones live in localities where they form 75 percent of the population, while anglophones live in municipalities that are 87 percent English speaking in terms of first official language. In the other provinces, the members of the francophone minorities generally live in localities where they make up less than half the population: between 30 percent and 40 percent in Prince Edward Island and Nova Scotia, between 15 percent and 30 percent in Ontario and Manitoba, and less than 15 percent in the other provinces and territories.

Of course, there are many other factors besides population distribution that affect the nature and frequency of contacts between anglophones and francophones, notably socio-economic differences between the two groups, the work environments, the organization of services and the media. Nevertheless, the proposed indicators provide an approximation of the possibilities of contact between the groups.

Conclusion

The demolinguistic structure of Canada is highly inert. Despite heavy immigration since the turn of the century and growing ethnic diversity, the longstanding linguistic duality has persisted. Less than 10 percent of the population most often speak a language other than English or French at home.

Three-quarters of Canadians are, or are on the way to becoming, anglophone, while one-quarter of the population has French as its first official language. Quebec accounts for roughly a quarter of the country's population. In that province, slightly more than 85 percent of the population are, or are on the way to becoming, francophone. In the other provinces, francophones rarely exceed

5 percent, except in New Brunswick, where they represent a third of the population.

Because of the respective geographic concentrations of anglophones and francophones, the members of these two groups generally live in communities where they constitute a large majority. In Canadian cities, towns and villages where francophones live, francophones generally represent more than 80 percent of the population, while anglophones live in localities where they constitute more than 90 percent of the population. Only anglophones in Quebec and francophones outside Quebec are frequently in contact with members of the other language group.

Quite definite trends occur within this quasi-permanent structure. The proportion of persons with French as their mother tongue fell from 29 percent in 1951 to 25 percent in 1986. This decline is attributable to heavy international immigration and changes in the respective birthrates of the two language groups. Linguistic mobility has played a minor role in the relative decline of francophones, but has had a decisive effect on the downward trend in the proportion (and sometimes the number) of francophones in all provinces except Quebec and New Brunswick.

However, since 1961, and especially since 1971, the proportion of French speakers has risen everywhere, or almost everywhere, as a result of the increase in bilingualism among non-francophones. French schools have also exerted a greater attraction. Moreover, at least in Quebec and New Brunswick, the net transmission of French as a mother tongue from mothers to their children has increased since the late 1960s. In the other provinces, the stabilization or the light rise of anglicization result from the joint but opposing effect of two phenomena: the rise of exogamy which, all things being equal, fosters anglicization, and the increased persistence of French in the different types of couples.

The rise of bilingualism among non-francophones has allowed the total proportion of French speakers in the population to remain constant. Consequently, these speakers are, more often than before, those whose mother tongue is not French; and who rarely choose French as the first language in the home.

The situation of French has improved in all respects, both in Quebec and in some other provinces. This progress is not always noticed, as it is offset by the negative effect of high anglicization, as well as the low percentage of francophone immigration and of the lower birth rate among francophones. Each of those factors contribute to the proportional drop of francophones. Apart from Quebec and northern and eastern New Brunswick, the improvement of the French status occurs often with a drop in the relative size, if not the number, of francophones. Will the French language and culture improve their position over the next decades if the proportion of those whose mother tongue is French still decreases? Will the rise of bilingualism among non-francophones continue if the proportion of French-speaking persons of French origin declines?

Notes

1. Réjean Lachapelle, "Évolution des différences de fécondité entre les groupes linguistiques au Canada," *Tendances sociales canadiennes*, n° d'automne 1988, pp. 2-8; "L'immigration et le caractère ethno-linguistique du Canada et du Québec," *Actes du Séminaire scientifique sur les migrations actuelles et l'insertion des migrants dans les pays de la francophonie* (Québec: Les Publications du Québec, 1989), pp. 159-177.
2. Réjean Lachapelle and Jacques Henripin, *La situation démolinguistique au Canada: évolution passée et prospective* (Montreal: l'Institut de recherches politiques, 1980).
3. Réjean Lachapelle, "Évolution des groupes linguistiques et situation des langues officielles au Canada," *Tendances démolinguistiques et évolution des institutions canadiennes*, n° spécial de la collection *Thèmes canadiens* (Montreal: l'Association d'études canadiennes, 1989), pp. 7-34.
4. Réjean Lachapelle, "Évolution des différences de fécondité entre les groupes linguistiques au Canada," pp. 2-8.
5. Lachapelle, "Évolution des groupes linguistiques," pp. 7-34.
6. Lachapelle and Henripin, *La situation démolinguistique au Canada*; Stanley Lieberman, *Language and Ethnic Relations in Canada* (New York: John Wiley, 1970).
7. Lachapelle, "Évolution des groupes linguistiques."
8. Réjean Lachapelle, "Évolution démographique des francophones et diffusion du français au Canada," in Lorne Laforge and Grant D. McConnell (eds.), *Diffusion des langues et changement social: dynamique et mesure/Language Spread and Social Change: Dynamics and Measurement* (Québec: Les Presses de l'Université Laval, 1990), pp. 183-204.
9. Réjean Lachapelle, "La composition linguistique: réalité et perception," *Cahiers québécois de démographie* vol. 14, no. 1, 1985, pp. 111-118.

Anglophone Attitudes Towards Bilingualism: A Summary of Some Findings From Survey Research

George Perlin

What is the state of anglophone commitment to bilingualism 20 years after the passage of the *Official Languages Act*? In Quebec, of course, where anglophones are members of a minority seeking to protect their own language rights, bilingualism is uncontested. In a survey by Angus Reid in January 1990, for example, 90 percent of Quebec anglophones said they "strongly" or "moderately" support the policy. Among anglophones elsewhere in the country, however, the policy clearly *is* contested.

This review will focus, therefore, on the attitudes of anglophones outside Quebec. Since my own research on this subject is still at a developmental stage, my comments here will be very brief. My purpose is simply to provide some information and initial propositions for discussion. The review is divided into two sections. The first deals with some general aspects of the attitudes of anglophones outside Quebec, the second with attitudes in New Brunswick, which is clearly a critical testing ground for bilingualism.

The data reported here are drawn from a variety of national surveys and from my own research in New Brunswick.

Some Caveats

Methodological comments are usually consigned to an appendix, but it is imperative in discussion of a subject as sensitive as this one that the reader be made aware at once of the limitations of the data.

There are three constraints on the commentary here. First, there are significant differences in the sources of the data on which the analysis rests: in sample sizes, in the form of interviews, and in the purposes for which the surveys were designed. Second, direct comparisons are difficult because few of the surveys have asked identical questions and even small changes in question wording can have a dramatic effect on responses. Third, it has not been possible to do any direct analysis of the data from earlier surveys because they are not available in machine-readable form and even to the extent that they provide tabular appendices these are not always in a form that permits re-interpretation.

The General State of Opinion

CHANGES IN LEVELS OF SUPPORT

These constraints are particularly troublesome in the measurement of stability and change in attitudes. The first problem is to establish a baseline for support for official bilingualism. In 1970, just a few months after the *Official Languages Act* was passed, a survey by Canadian Facts for the Department of Secretary of State found that 61 percent of anglophone Canadians believed official bilingualism would be good for Canada, 15 percent believed it would be bad for Canada, and 24 percent believed it would be neither good nor bad. But this question may be argued to have been a "soft" question that did not provide a true measure of opinion. In fact, the Canadian Facts study reported that few people knew very much about the content of the bilingualism policy when its survey was done. A more accurate measure of opinion at the time the policy was launched is probably provided by a Gallup question in 1972 when public awareness of the policy was higher. In that survey only 50 percent of anglophones said they supported the policy.

It is just as difficult to find a contemporary reference point. Data from studies by Angus Reid from 1986 to 1990 (see Table 4) show that in response to a question asking respondents whether they "support" or "oppose" official bilingualism, support ranged from a high of 60 percent down to 54 percent. But surveys by the *CBC-Globe and Mail* poll in 1990 and 1991 which asked the question in a different way produced higher levels of support. The *CBC-Globe* question (see Table 9) asked respondents whether they preferred a policy of bilingualism across the country or a policy of territorial unilingualism: French in Quebec and English elsewhere in the country. In response to this question 66 percent of anglophones chose the bilingualism option in 1990 and 59 percent chose it in 1991. In response to another question, 56 percent of the *CBC-Globe* respondents in 1990 and 61 percent in 1991 said the federal government should provide services in both official languages across the country (see Table 10). It appears then, allowing for inter-survey and inter-question variations, that

support for bilingualism among anglophones outside Quebec is somewhere around 60 percent — which does suggest some increase in support since the policy was introduced.

A Decima survey in 1986 for the Department of Secretary of State provides some other evidence to support this conclusion. Respondents were asked both about their opinions of bilingualism “thinking back to when the federal government formed its bilingualism policy over 15 years ago” and about their opinions of bilingualism “currently.” In aggregate (breakdowns by language group were not reported in the text) while 41 percent said they had originally supported the policy, 56 percent said they were currently in favour of it. There were substantial shifts in every part of the country.

Another way of measuring long-term change is to look at variations by age group. Many studies report data showing support for bilingualism is substantially higher among people under 30 than people over 50 and that generally it varies inversely with age. On the face of it this would seem to mean that support for the policy is gradually growing. But a comparison of age data from studies at different periods suggests the level of support falls off within each cohort as it ages. Nonetheless there is some upward movement.

SUPPORT FOR SPECIFIC ELEMENTS OF BILINGUALISM

It may be argued that these figures reflect a generalized commitment to the principle of bilingualism that may not stand up when confronted with specific elements of the policy. In fact, most surveys show that respondents who support bilingualism in principle also understand and support its specific objectives. But there is reason to question the extent to which they understand what is required to achieve these objectives. For the most part they seem disposed to believe that what has been accomplished already is satisfactory. Thus for example, only 17 percent of the anglophones interviewed in a *CBC-Globe and Mail* survey in October 1989 said not enough “is being done to protect French language rights outside Quebec” while in the Reid survey in January 1989 only 22 percent said “not enough has been done to promote French (in Canada)?” Over the whole life of the policy, in surveys in which similar questions have been asked the number who have seen the need for further action has seldom exceeded 25 percent.

Selected Data From National Surveys on Anglophone Attitudes Towards Bilingualism 1970-91

TABLE 1: 1970

(Thinking of "Canada as a Whole") do you feel that this bilingual programme will be good for Canada, won't make any difference, or will be bad for Canada?

<i>Good</i>	<i>No difference</i>	<i>Bad</i>
61	24	15

TABLE 2: July 1972

As you may know a number of steps have been taken in Canada to strengthen bilingualism, that is the use of English and French in certain civil service areas, on signposts, on package information, and in other ways. In general do you think this is a good thing for the future of this country or not a good thing?

<i>Good</i>	<i>Not good</i>	<i>Don't know</i>
51	38	11

Source: Gallup Canada.

TABLE 3: 1977, 1979, 1981

How much effort should be put into promoting bilingualism in Canada?

	<i>Much more effort</i>	<i>More effort</i>	<i>About the same effort as now</i>	<i>Less effort</i>	<i>Much less effort</i>	<i>DK</i>
1977	6	21	27	26	15	5
1979	5	16	29	30	17	3
1981	5	14	29	32	18	2

Source: York University Quality of Life Project — in home with anglophone samples of 1977 = 2328, 1979 = 1897, 1981 = 2184.

TABLE 4: May 1986, April 1988, January 1989, January 1990

Over the last 20 years or so, language has been a much discussed issue in Canadian Politics. Officially Canada is a bilingual country with both English and French as official languages. What do you think about official bilingualism? Would you say you strongly support, moderately support, moderately oppose, or strongly oppose official bilingualism?

	<i>Strongly support</i>	<i>Moderately support</i>	<i>Moderately oppose</i>	<i>Strongly oppose</i>	<i>DK</i>
1986	24	42	17	14	3
1988	23	39	17	19	3
1989	21	37	21	19	3
1990	13	41	20	23	3

Source: The Reid Report, by telephone with anglophone sample sizes of 1986 = 1003, 1988 = 929, 1989 = 936, 1990 = 984.

TABLE 5: May 1986, April 1988, July 1989

What about French? Do you feel enough has been done to promote French, that too much has been done, or that not enough has been done to promote French (in Canada)?

	<i>Enough</i>	<i>Too much</i>	<i>Not enough</i>	<i>DK</i>
1986	37	34	24	5
1988	37	37	23	3
1989	32	40	24	4

Source: Reid Report, by telephone with anglophone sample size of 1986 = 1177, 1988 = 929, 1989 = 936.

TABLE 6: October 1989

Would you say about the right amount, too much, or too little is being done to protect the language rights of French-speaking people outside Quebec?

<i>Right amount</i>	<i>Too much</i>	<i>Too little</i>	<i>DK</i>
33	40	17	11

Source: CBC-Globe and Mail National Survey — by telephone with a sample size of 1129 anglophones.

TABLE 7: 1986

Percentages of anglophones saying service to the public should be provided in both English and French.

by the Federal Government	69
by the Provincial Government	53
by business	46

Source: Canadian Facts Report to the Commissioner of Official Languages, 1986 by telephone with a sample size of 3004 of persons 15 years of age and over.

TABLE 8: 1986

Percentages of anglophones outside Quebec saying:

Postal service in the province should be offered in French	55
Hospital services in the province should be offered in French	65

Source: Canadian Facts Report to the Commissioner of Official Languages, 1986. Anglophone N = 3004, sample included persons 15 years of age and over.

TABLE 9: June–July 1990, April 1991

Which of these two statements better represents your opinion?

We should drop the policy of having two official languages and move toward French being the only official language in Quebec and English the only official language in the rest of Canada.

We should maintain the policy of two official languages with both French and English being the official languages throughout the whole country.

	1990 <i>Atlantic</i>	1990 <i>Ontario</i>	1990 <i>Prairies</i>	1990 <i>B.C.</i>	1990 <i>All</i>	1991 <i>All</i>
French in Quebec/ English in rest	12	24	25	30	24	34
Both languages throughout	77	68	58	60	66	59
Neither approach	8	7	14	9	9	6
Don't know/not sure	4	1	3	2	2	1

Source: (1990) CBC-Globe and Mail National Survey — by telephone with a sample size of 1129 anglophones and (1991) CBC-Globe and Mail National Survey by telephone and a sample size of 1145 anglophones.

TABLE 10: June–July 1990, April 1991

Do you think the federal government should provide services to the public across the country in both English and French?

	1990 <i>Atlantic</i>	1990 <i>Ontario</i>	1990 <i>Prairies</i>	1990 <i>B.C.</i>	1990 <i>All</i>	1991 <i>All</i>
Yes	78	59	42	52	56	61
No	21	39	55	45	42	36
Not sure/Don't know	1	2	4	3	2	4

Source: (1990) CBC-Globe and Mail National Survey — by telephone with a sample size of 1129 anglophones and (1991) CBC-Globe and Mail National Survey by telephone with a sample size of 1145 anglophones.

TABLE 11: June–July 1990

Do you think provincial governments should provide services to the public in both English and French — where numbers warrant?

	1990 <i>Atlantic</i>	1990 <i>Ontario</i>	1990 <i>Prairies</i>	1990 <i>B.C.</i>	1990 <i>All</i>
Yes	90	78	67	71	76
No	9	19	30	28	21
Not sure/Don't know	1	3	3	2	3

Source: CBC-Globe and Mail National Survey — by telephone with a sample size of 1145 anglophones.

TABLE 12: June–July 1990 and April 1991

Do you think having two official languages — English and French — adds to, takes away from or makes no difference to what is good about Canada?

	1990 <i>Atlantic</i>	1990 <i>Ontario</i>	1990 <i>Prairies</i>	1990 <i>B.C.</i>	1990 <i>All</i>	1991 <i>All</i>
Adds to what is good about Canada	48	43	31	36	39	43
Takes away from what is good about Canada	13	17	29	20	20	24
Makes no difference	37	37	38	43	38	30
Not sure/Don't know	2	3	2	1	3	3

Source: (1990) CBC-Globe and Mail National Survey — by telephone with a sample size of 1129 anglophones and (1991) CBC-Globe and Mail National Survey by telephone with a sample size of 1145 anglophones.

TABLE 13: June-4 July 1990

Would you say about the right amount, too much or too little is being done to protect the language rights of French-speaking people outside Quebec?

	<i>Atlantic</i>	<i>Ontario</i>	<i>Prairies</i>	<i>B.C.</i>	<i>All</i>
Too much	25	40	46	47	41
Right amount	34	27	30	36	30
Too little	27	25	13	10	20
Don't know	14	8	9	7	9

Source: *CBC-Globe and Mail* National Survey — by telephone with a sample size of 1145 anglophones.

THE STRENGTH OF COMMITMENT TO BILINGUALISM

Two questions from recent polls provide some evidence about the strength of commitment to official bilingualism. One is the question used in the Reid surveys that asked respondents whether they “strongly” or “moderately” supported or opposed the policy. The number who said they strongly supported it ranged from 24 percent in 1986 to 13 percent in 1990. The second is a question asked in the *CBC-Globe and Mail* surveys that asked respondents whether having two official languages “adds to, takes away from or makes no difference to what is good about Canada.” In 1990 the number saying “adds to” was 39 percent; in 1991 it was 43 percent.

The fact that support has not reached higher levels may be disappointing but it is understandable. It may be argued that outside Quebec, most anglophones who support bilingualism do so because it is consistent with their conceptions of equity or because they believe it contributes to national unity. Their commitment to the policy is abstract and disinterested; they feel little personal stake in it. For most of them language is a low-salience issue. Thus few anglophones ever mention language issues when they are asked in open-ended questions to identify the issues which they think most important. (In the *CBC-Globe and Mail* survey of October 1989, for example, language issues were identified as a first or second most important issue by less than 3 percent of the anglophone sample.) And when they are asked about the importance they ascribe to fixed sets of issues, bilingualism typically ranks lower in priority than most other issues.

OPPOSITION TO BILINGUALISM

A failure to support bilingualism should not be equated with intractable opposition to it. There has been some hardening of opinion since the policy was introduced, but the number of people who say they oppose the policy does vary from survey to survey. Responses to questions that have included internal measures of intensity suggest that the level of strong opposition has rarely exceeded 20 percent.

Levels of opposition appear to be event driven. The crude tracking possible through the available data shows variations that reflect the kind of attention language issues were getting when the surveys were conducted. This applies both to the general level of opposition and the strength of opposition.

There appear to be four different patterns in opposition to bilingualism.

- Some people oppose it because they do not understand or are unwilling to accept the concept of national identity it embodies. This form of opposition is most typically found among older people and people from non-Charter Group backgrounds, particularly those recently settled in the country.
- For many people in western Canada opposition to bilingualism is a form of attitudinal displacement. It does not express a response to bilingualism as such, but rather their feelings of western regional alienation. They equate bilingualism with a preoccupation in Ottawa with the concerns of Quebec. That preoccupation in turn is seen to perpetuate indifference in Ottawa to the concerns of the west.

In an analysis of the attitudes of a sample of Albertans in 1974 Elton and Gibbins found that while the people with the strongest feelings of regional alienation "were also the most antagonistic towards Quebec" few of these people held attitudes of hostility toward French Canadians. The authors argued that "Western Canadians are not bigots; rather, they are, in the main, reacting to a political situation that they find unjust and frustrating."¹

- For a third group opposition to bilingualism clearly expresses substantive concerns. They fear its spread because they believe it may pose a threat to their own personal economic security or social status.
- In a fourth group opposition to bilingualism is a deeply felt prejudice rooted in feelings of collective antipathy towards French Canadians. In part these feelings may be an attitudinal residue of the long history of conflict along the language cleavage, but they also have to be seen in part in the context of the more general phenomenon of racial prejudice. Thus, in a study of samples of members of the Alliance for the Preservation of English (APEC) in Cornwall and Kinston, Berry and Bourcier concluded that the hostility of APEC members to bilingualism

reflected both feelings of cultural and economic insecurity and an antipathy to French Canadians based in individual dispositions of ethnocentrism and authoritarianism.²

There is not much evidence that would help establish the extent of opposition based on attitudes of this kind.

New Brunswick

The situation in New Brunswick is unique. After a period of considerable public controversy in the early 1970s — just after the province proclaimed its own *Official Languages Act* — both the principle of bilingualism and many of its specific elements appeared to achieve the acceptance of a majority of New Brunswick anglophones. This was reflected in a survey I conducted for the Task Force on Canadian Unity in 1978. But a new survey in 1986 showed a major shift in attitudes in the province, running completely counter to the general pattern of change that has been occurring in attitudes among anglophones in other parts of the country — including the other Atlantic provinces.

Among other things, a comparison of data from the two surveys shows:

1. In 1986 there was a significant drop in the number of anglophones who said they believed the Acadian language and culture “contribute to what is good about New Brunswick.” (62 percent in 1978; 42 percent in 1986)
2. There was also a significant drop in the number who said they approved the principle of bilingualism. (58 percent in 1978; 46 percent in 1986)
3. In 1986 there was a substantial increase in the number of anglophones who said provincial bilingualism policy “has gone too far.” (24 percent in 1978; 49 percent in 1986)
4. And there was a substantial increase in the number of anglophones who said francophones get better treatment from the provincial government than anglophones. (23 percent in 1978; 48 percent in 1986).

In addition, in 1986 while there was a general reluctance among anglophones to make cuts in government spending, 72 percent said they would make reductions in spending on the government’s French language services and 54 percent said they would be willing to make cuts in spending on French immersion programs in the schools.

Data from other surveys indicate there has been no significant change in these attitudes since 1986.

This breakdown in support for bilingual policy has been accompanied by a growing sense of isolation between the two language communities. In 1978, 47 percent of the anglophones interviewed said they felt closer to English-speaking people in other provinces than to their French-speaking fellow citizens in New

Brunswick. In 1986 that number increased to 56 percent. The growth in this sense of estrangement was even greater among francophones. In 1978 27 percent said they felt closer to French-speaking people outside New Brunswick, while in 1986 that number had increased to 43 percent.

A Concluding Comment

Two observations seem in order in the light of this brief review.

First, it seems to me that among anglophones as a whole some progress has been made in establishing the legitimacy of the concept of bilingualism and in establishing a foundation of support for the general objectives of bilingualism policy. The progress has been slow but that was to be expected. The fact is that three in every five anglophones outside Quebec say they support bilingualism and only one in five say they strongly oppose it.

Second, despite this, the situation in New Brunswick has clearly reached a state in which the whole regime of bilingualism in the province is threatened. With the emergence in that province of the Confederation of Regions (CoR) party — a party that exists to fight bilingualism — the situation has taken on an even more serious complexion. By giving institutionalized expression to anti-bilingualism opinion, COR affords a legitimacy to that opinion that it has never had before. The significance of what is happening in New Brunswick extends far beyond the boundaries of that province. For one thing, while attitudes there undoubtedly reflect some forces peculiar to that province, there is also evidence that these attitudes have been influenced by a more general set of forces at work in the country as a whole. In addition, what is happening in New Brunswick is of vital importance nationally because of the size of its linguistic minority. If official bilingualism fails in New Brunswick it is hard to see how it can succeed nationally.

Since my research in New Brunswick is still in progress, it would be premature to say anything more about the situation there in this review. I hope to have the basic work completed by the end of 1992 and will be reporting more fully about it at that time.

Notes

1. David Elton and Roger Gibbins, "Western Alienation and Political Culture," in Richard Schultz, Orest M. Kruhlak and John C. Terry, *The Canadian Political Process* (Toronto: University of Toronto Press, 1979), p. 90)
2. J.W. Berry and Diane Bourcier, "Attitudes Toward Official Bilingualism in Eastern Ontario," paper presented to the annual meeting of the Canadian Psychological Association, Halifax, 1989.

Language Rights Legislation and Case Law: Current Situation and Assessment of Twenty Years of Legislative and Judicial Activity

Pierre Foucher

There are presently more than one hundred decisions on language rights in Canada, including at least ten decisions of the Supreme Court of Canada. These decisions deal as much with bilingualism in the courts and of legislation as with education rights of linguistic minorities. Since 1975, there has been a dramatic increase in legislation and case law which no longer originates from Quebec only. Bill 101 now has "relatives": Ontario, New Brunswick, Saskatchewan and Alberta as well as the federal government have legislated on linguistic matters.¹ This brief text will list the principles stemming from the legislation and case law. The text is organized by themes: legislative bilingualism, judicial bilingualism, the right to services in one's language, education rights of linguistic minorities, and fundamental language rights. The main points of the legislation and decisions relating to these themes will be presented as well as a brief conclusion noting observations based on the preceding information. More information can be obtained by consulting the 1988 annual report of the Court Challenges Program of the Canadian Council on Social Development as well as the edited collection of articles *Language Rights in Canada*.² Given its brevity, the text will be a synthesis rather than a detailed analysis.

Legislative Bilingualism

There are three constitutional provisions stipulating that the concerned legislators must pass bilingual laws: section 17 of the Charter, section 133 of *The Constitutional Act, 1867*, and section 23 of *The Manitoba Act, 1870*. The Parliament of Canada, the National Assembly of Quebec, the Legislative Assembly of Manitoba and the Legislative Assembly of New Brunswick are subject to these measures. The bilingualism requirement includes non-legislative texts that are incorporated into statutes.³ There is currently a debate on whether section 133 extends to governmental decrees (orders-in-councils, and regulations).⁴

The law also governs matters at the federal level, in Ontario, New Brunswick and the two territories. In the case of Ontario and Saskatchewan, certain laws and regulations only are adopted in both languages.

As to the language spoken in parliamentary debate, the constitutional texts, where they apply, permit the use of French and English. In Alberta, this usage is restrained: the authorization of the House must be obtained.⁵ Only the federal Parliament guarantees the simultaneous translation of debates.⁶ Judge Beetz has given the opinion that the constitutional right to speak French or English does not include the right to translation.⁷

Constitutional provisions are entrenched⁸ and mandatory; not respecting the provisions leads to the nullity of texts.⁹ When the provisions are only legislative, they can be unilaterally repealed, which was done in Saskatchewan and Alberta.¹⁰ There has been much litigation over this measure which seems to be of great symbolic importance. To date, the courts have interpreted the provisions broadly. Since the constitutional texts are formulated in an imperative way and impose use on each of the two languages, there has been a tendency to enlarge, to a small degree, the original latitude of the provisions. One has also relied on this requirement to a larger concept, and one more promotive, of the equal access to two linguistic groups in the legislative life of the country. In this sense, the extension of this law in each of the provinces would contribute to national unity, but in the current political context, such a possibility seems utopian.¹¹

Judicial Bilingualism

Here again, there are constitutional and legislative provisions. Section 19 of the Charter, and sections 133 and 23, supra, are of primary importance; federal statutes, complete the picture. Legislative provisions complete the system. We will deal first with the language of legal procedure, and then with the language spoken in the courts. At the federal level, there is a legislative right (but not a

constitutional right) to be heard by a judge who directly speaks one's language in any federal court with the exception of the Supreme Court of Canada.¹² This right will be extended to New Brunswick. Under Part XVII of the Criminal Code (old Part XIV.I), an accused may choose to be judged by a judge and jury who speak his or her language. Every province must be in a position to offer this service on 1 January 1990. Certain cases have called into question the issue of the right of the accused to due process in his or her own language, conducted by an attorney who speaks the language of the accused. By virtue of article 133 of the *Constitution Act, 1867* and article 19 of the Charter, an attorney has the right to be served in the language of his choice, in communications with the court and with witnesses.¹³ At the same time, the prosecutor could direct the prosecution in a single language, and not that of the accused.¹⁴ In the *Beaulac* case, it was determined that the interest of justice requires procedural holdings in British Columbia to be held in English, rather than a bilingual process, taking into account the inherent delays in conducting a bilingual process.¹⁵ The difficulties invoked ran from the absence of qualified judicial personnel to the costs and delay implied in such situations. This is a deplorable interpretation of the notion of "the interests of justice," of paragraph 530(4) of the *Criminal Code*. In a Manitoba case, the delay in finding a bilingual judge led to a release founded on article 11(b) of the Charter.¹⁶ In Quebec, the courts ordered that there be held a case before a bilingual jury when one of the co-accused in the case was English-speaking.¹⁷ Clearly, part XVII of the criminal code is going to generate many cases.

In Ontario, in some districts designated by statutory order, there is a right to a criminal trial in French (for the infraction of a provincial penal law, since the criminal procedures are more often regulated by the *Criminal Code*, supra); in a civil trial, there is a right to file pleadings and process in French and to use French during the proceedings. Various French titles can not as yet be registered with the registry offices since some of them do not have a bilingual capacity.¹⁸ The situations in Manitoba, Quebec and New Brunswick are similar as far as rights are concerned: there is a right to use one's language in pleadings and process and to speak one's language in court, but there is not a right to be directly understood by a judge in one's language.¹⁹

It has been ruled that despite the language of trial procedure, certified analyses of an intoxication text can be conducted in the language of the technician, however, to be accepted as proof in a french procedure, the certified result written in English must be translated.²⁰

The right to be addressed directly by the judge has been and continues to be the topic of grim debate in the justicial community. In Judge Beetz's view, such a right is not part of Article 133 or of Article 19 of the Charter, among other reasons because it would require changes to the qualifications of judges, contrary to the constitution.²¹ This argument not being the main basis of his

decision, in our view, one can foresee a province or the Government of Canada imposing before all courts over which it has responsibility, including superior courts, the requirement for a judge to directly understand the official language employed by the parties or witnesses.

It is in this area that there has been the most legal action. In *Mercurie* and in *Société des Acadiens*, the court ruled that every person involved in the judicial process and benefiting from section 133 of *The Constitutional Act, 1867* or its equivalents has the choice of language. The court's view was that this was not part of the initial political compromise of 1867, nor of 1982; that one must interpret the provisions restrictively so that the provinces that so desire can understand precisely their obligations²² and that further progress towards linguistic equality beyond any constitutional compromise, belongs to the legislatures and not to the courts.

I have been critical about aspects of the "political compromise" in this decision.²³ On the purely linguistic side, the question of the right to understand²⁴ and to be understood seems to us to be placed in terms of the rights of the user of the language of choice. Judge Beetz has separated the two concepts and concluded that the second does not involve linguistic rights. Articles 18 and 19 of the Charter refer to the right of a person before the court to speak his or her own language; it seems logical that an objective of the effective implementation of these provisions would be to impose on the state an obligation to see that its official representatives can understand what is being spoken to them by the person speaking before the court (the litigant, the witness or even the lawyer), directly and without translation, since the legal process is in essence about interaction and communication. The person speaking before the court not only has the right to speak but also has the right to be understood in his or her language. Similarly with article 20 concerning governmental services, the person who receives the message has the right to understand the message.

The Language of Services

There is only one constitutional provision in this regard: section 20 of the Charter. There are also provisions in federal statutes, in New Brunswick statutes, in Quebec's Bill 101, and in Ontario's Bill 8.

Section 20 of the Charter applies at the federal level and in the province of New Brunswick.

In the first case, the public has the right to services in his or her language from institutions of Parliament and government in four situations: 1) in any office in the National Capital; 2) in any head office; 3) elsewhere in the country if there is a significant demand; or 4) elsewhere in the country due to the nature of the office.

In the second case, the public has the right to government services in his or her language everywhere in the province and in all situations. Already, a fisherman has been acquitted of an offense for illegal fishing, on the grounds that the official notice had not been released on French radio stations.²⁵ A debate is before the courts in New Brunswick as to the language used in issuing traffic tickets; some have raised the issue of article 20, therefore invoking the right to the use of one's language,²⁶ while others would rather invoke Article 19, and leave to the police their choice of language. Drivers have been acquitted of drunk-driving charges because they were not advised in French of their rights to consult a lawyer, or where they had not understood the police officer. (It was proven that they did not understand English.)²⁷ Two cases deal with the matter of French instructions, not translated, on a census form in English. A judge allowed the practice while another judge ruled it unconstitutional and, on appeal, the county court refused to hear the case on the grounds that Article 20 had not been in force when the form was written.²⁸

Statutes complement the general principle of the Charter. Federal statutes essentially repeat the constitutional provisions, but enrich them: there is a chapter on public notices and other official publicity. The provisions of section 20 of the Charter as regards services are repeated. Regulations should specify how to determine what constitutes a "significant demand" and what is meant by "nature of the office."

The New Brunswick statute is less specific. A civil servant must ensure that a citizen requesting services in his or her language receives the service in that language.²⁹ An internal linguistic policy aims for institutional bilingualism in such a way that one can find a person capable of offering service in the two official languages in each work unit.

Quebec's Bill 101 is clear: Quebec government services are offered in French and the external communication language is French, with three exceptions: 1) relations with other governments and companies — except those based in Quebec; 2) government publicity in the anglophone media; and 3) correspondence with a person addressing the administration in English. Correspondence with corporations based in Quebec is in French. Some organizations can be designated by the Office de la langue française; in this case, they can communicate internally and with their clientele in English; in all cases, they have to offer their services in French as well.³⁰

In Ontario, the new Bill 8 on French language services will allow Ontarians to obtain services in their language in certain designated districts. The statute comes completely into force in December 1989.

In Manitoba, the *City of Winnipeg Act* specifies that the city of Winnipeg must offer bilingual services; a citizen was acquitted of a parking violation because the notice on the parking meter was not in the two languages.³¹ A new language policy will assure certain bilingual services in the designated regions.

Manitoba is following more timidly in the footsteps of Ontario and New Brunswick.

There have been few litigations in the courts based on these provisions. Federal statutes could provide for litigation since the Commissioner of Official Languages has the power to start proceedings in the name of the complainant in the Federal Court.³²

If the first cases imply the police bodies of the state, one can expect that other problems will emerge in the implementation of bilingualism, such as bilingual labelling, human resources, and bilingual capacity of the federal public service,³³ and government advertising of public services of all sorts. The true effectiveness of Article 20 of the Charter remains to be demonstrated. It acts, in effect, as with Article 23, as a new dispensation making part of the "second generation" of linguistic rights in Canada, following the vogue of limited official bilingualism launched in 1867, and repeated in Manitoba and New Brunswick. While the first generation was limited, the second is more promising but also more exacting for public authorities, who must this time *provide* the services.

Linguistic Minorities and Education Rights

There is also a tremendous amount of political and legal action in this area. Legal proceedings have taken place or are about to begin in every province. Four Courts of Appeal throughout the country have concluded that francophones have the right to homogeneous schools and the right to manage their schools, when there are sufficient numbers; the details of implementation are left to the provincial governments.³⁴ The Supreme Court of Canada has delivered judgments on two occasions on the subject of Article 23. In the first, the court concluded that this article was corrective and was seen to modify the status quo.³⁵ In the second, the Court refined this idea. It concluded that the objective of Article 23 was to "protect and promote" Canadian linguistic duality (note in passing the choice of words, not accidental in view of the debate over the promotion of duality, or of the distinct society of Quebec), as well as to correct deficiencies in the constitutional regime. In the court's view, Article 23 guarantees the right to homogeneous schools, and the right to manage them. The court abstained from conferring a court order against the Alberta government, but it called upon Edmonton to respect francophone rights.³⁶ One year later, nothing has changed.

In Ontario and P.E.I. there are already francophone school boards. In B.C. and Newfoundland, these will be negotiated, although the process has not yet begun.³⁷

The jurisprudence on Article 23 has proven to be more generous than in any other constitutional provision on linguistic matters.³⁸ The courts have underlined the innovative and corrective character of Article 23,³⁹ as well as the link between minority instruction, controlled by the minority, and the vitality of the linguistic community. Certain issues have yet to be clarified, such as the difficult problem of determining "sufficient numbers" in paragraph 23(3), and the judicial consequences of legislative inaction. The "duty to legislate" incumbent upon the provinces in view of implementing Article 23 has become a controversial issue, not shared by all of the courts.

It seems essential that Article 23 be applied in the most effective way, for two basic reasons. First, it is demonstrated that bilingual education is a powerful factor in assimilation while minority education, if not a sufficient condition for the maintenance of a linguistic community, is nonetheless a necessary condition. In the second place, we have here a constitutional matter, invested with all the prestige associated with the constitution, given a primacy over other juridical norms, being to "correct" situations judged deficient by the courts. The "code" of educational rights of linguistic minorities has raised great hopes in the minority communities, which has only this sole defense against the inertia of their provincial governments. If it turns out that Article 23 does not play this role and yields to the pressures engendered by Canadian political life, the result will be a grievous injustice not only to the francophone community outside Quebec, especially given its feeble composition, but also to the constitution itself in terms of its expression of values and primary norms.⁴⁰

Language and Fundamental Rights

These issues were raised in Quebec. Anglophones contested the exclusive use of French, subject to some exemptions, on signs and in commercial publicity; the resulting decisions confirmed that the provision violated the freedom of expression of businesses and was not a reasonable limit under section 1 of the Charter.⁴¹ The legislator intervened by reimposing unilingual exterior signs, by evoking the notwithstanding clause of section 33 of *The Constitutional Act, 1867*. Of course, one knows the backlash that this measure has caused.

A nurse contested the regulatory provisions requiring her to write a linguistic aptitude test before obtaining her professional licence. She pleaded that the provision was discriminatory because people who studied in French during High School did not have to write the test. The Supreme Court ruled the regulation was not discriminatory and the provision was reasonable.⁴² The Court observed that its decision did not question the requirement to impose linguistic knowledge as an initial condition of professional access, but only the means of measuring this knowledge.

Several federal regulations require the use of one or two languages in labelling; they have not been contested.

Conclusion

Nowadays, one cannot blame the law if respect for collective rights of linguistic minorities is not a key value supported by Canadians. The constitutional and legislative scheme implemented in Canada ensures that the respect of certain basic principles is taken for granted, among them, first of all, the Canadian linguistic duality.⁴³ That principle itself is subject to difficult tensions: a movement to a provincial paramountcy in both linguistic and cultural powers; the replacement of duality by multiculturalism and individual equality; mistrust towards judicial power and an inclination to bring politics into the language issue.

To conclude this overview, which is rather descriptive and synthetic, I intend to explore these three topics by suggesting some paths for reflection.⁴⁴

The risky constitutional equilibrium that we are facing now is constantly jeopardized by both the regional lobby of westerners and by Quebec nationalists. These two groups have become "objective allies," although very dissimilar in their fight for the abandonment of official bilingualism as language policy in Canada. Even though Quebec acknowledges the fact that its demands sometimes clash with the interests of francophones outside Quebec, nevertheless it continues to claim more powers with respect to language and culture over its territory, invoking here its status as a distinct society. This decentralization towards Quebec about everything relating to francophone matters as well as this intention of controlling, at the provincial level, what happens in the provincial territory, looks threatening to francophone communities. On the one hand, if Quebec is given exclusive jurisdiction over language and culture to be exercised necessarily in Quebec territory, one can bet that the proportion of francophones outside Quebec will lead the federal government to lessen its contribution in the language field, unlike the current situation. On the other hand, if other provinces also claim decentralizing powers over language and culture or if the federal government is led to relinquish some of its activities in this realm, only those provinces that have francophone communities with significant numbers and political leverage will take into account the francophone reality in the exercise of those powers. In concrete terms, one cannot expect that other than in Ontario and in New Brunswick, will francophones be able to manage their own schools and benefit from legislative and judicial bilingualism at the provincial level. If the federal government does not support provinces in implementing language rights, they will go unheeded.

Replacing linguistic duality by individual equality and multiculturalism has proven to be a second matter of concern. Both sections 15 and 27 of the Charter still represent a potential for development for non-francophone and anglophone cultural communities of Canada. Owing to the context of competitiveness which makes public resources more and more rare, and depending on certain significant decisions at the judicial and political levels, national duality could be replaced by a regionalization of the language issue as well as a lessening of the francophone presence to the benefit of the broader concept of the "Canadian multicultural mosaic." One can already observe this trend in the western provinces. It arises from the regional decentralized conception, rather than the national and judicial conceptions of language policy. But given the changing nature of demography in Canada, perhaps this prospect will not occur. Thus, the francophone reality itself is becoming multi-ethnic. However, if multiculturalism overlaps into multilingualism, some deep realignments regarding Canadian language policy will be witnessed. Is linguistic duality a factor of national cohesion or national division? Nobody really agrees on this matter. We can find the answer to this question in the Canadian "social contract," in its *gründnorm*. If duality is interpreted as a mere political relationship between Quebec and Canada, and if this duality implies that its components are equal and multicultural, then the concept of national linguistic duality will have been evacuated. In such a case, the constitutional and legal scheme could undergo significant changes. I do not favour this alternative. Instead, I consider that national linguistic duality per se is one of the fundamental characteristics of Canada and deserves, for that, to be supported and encouraged. This does not mean though that language rights have to be settled on the basis of the lowest common denominator, or by imposing a symmetry between francophones outside Quebec, Acadians and anglophones in Quebec. It seems to me that the constitutional scheme on language should include a bottom line to be applicable at the national level (according to me, section 133 of *Constitutional Act, 1867*, represents this bottom line) to which would be added specific provisions peculiar to each francophone community. In working out this constitutional bottom line, we should refer to some guiding principles such as: collective rights, intervention areas, reciprocity, fundamental interests, essential constitutional agreements, etc. If the political development of language rights continues without any attempt at rationalizing and without raising new ideas or new principles capable of guiding this development, there is a strong possibility that current rights will be diminished. The old and never-ended debate between both personalist and territorialist policies, and between individual and collective rights will probably evolve towards a deeper and more genuine debate over the role of the constitution and its underlying values.

A third matter of concern results from the clash between language rights (individual or collective) and state power. This issue is only the expression, with

respect to "linguistic resolution," of the broader question about choosing the kind of forum (political assemblies, courts) where differences on social values might be sorted out. The "political compromise" theory of language rights is an example of this: according to this trend, conflicts about language rights do not have to be settled before the courts. For supporters of the representative democracy, therefore, the solution is to allow francophone communities their own institutions as well as representation within both parliamentary assemblies and administrative bodies — the latter invested by law with delegated powers — and, also, in the creation of non-judicial processes (as, for instance, the Office of the Commissioner of Official Languages, Canada's "political ombudsman") with a mandate for sorting out the problems.

This solution, in conjunction with the recognition of rights claimed before the courts, is particularly fostered by the Acadian community of New Brunswick.⁴⁵ On the other hand, weaker communities are very much hoping for the larger reach of constitutional rights and in their stringent application by a proactive judicial power. By virtue of our voting system and our representation system based primarily on territorial ridings, the political weight of those communities does not allow them to be efficiently represented in democratic institutions. Their only chance to make progress depends on whether national objectives are beneficial to them or on constitutional language rights claimed before the courts. Of course, in the framework of a national perspective, the anglophone minority of Quebec also claims the benefit of such rights: this leads to the clash between the national expectation of linguistic minorities and Quebec's expectations. Quebec is claiming powers and minorities are claiming rights. As a rule, Quebec does not oppose the recognition of certain rights to its anglophone minority (in fact several of these rights have been already recognized) but it objects to entrenching them in the constitution. Indeed, this puts them out of the legislator's reach and entrusts the ultimate responsibility of the arbitration about linguistic conflicts to the courts. Quebec does not favour this; as the only francophone government in America, it considers itself primarily responsible for the promotion of the French presence. For other reasons, anglophone provinces do the same insofar as they are careful about the increase of judicial powers over linguistic issues. As a result, there is an absence of political will at the provincial level to extend constitutional language rights. This lack of will is shared apparently by a large part of the population which supports the political parties favouring antibilingualism.

However, this inextricable confusion will have to be cleared up sooner or later. If Quebec is willing to stay within Canada, it will also have to accept some minimal commitments towards Canadian linguistic duality. In order to be formal, those commitments should imply support for constitutional language rights and the idea that francophones outside Quebec must be recognized and protected within national institutions. In short, Quebec will have to accept that

linguistic duality is not merely a Quebec-English Canada duality. One also has to find how to harmonize the linguistic constraints imposed on each province, and on which basis should they be defined. If Quebec separates from Canada (and if it survives such a dismemberment) it will have to determine to what extent the million francophones still living outside its territory can rely on certain rights. A sovereign Quebec will also have to opt for the means within its reach, in accordance with the international law, to preserve the French language within its area.

Here are the crucial issues that will be answered over the next decade. We will undoubtedly find those answers alongside the political battles which have already started. But these battles will also occur, although at a more discrete level, before the courts and within our universities. To me, it is in these latter places that the most essential elements of any answers can be found. Clarifying concepts can also help to formulate practical and interesting solutions. Let us hope that these institutions have enough time to take part in the current debate in an appropriate way, before political decisions be irreparably adopted.

Notes

1. *Charter of the French Language*, R.S.Q., 1977, c. C-11, hereinafter called Bill 101; for Ontario, see in particular, the *French Languages Services Act*, 1986, O.S. 1985, c. 45, hereinafter called Bill 8; *Official Languages Act of New Brunswick* L.R.N.B. 1973. C.O.-i; *Language Act 1988*, R.S.S. 1980c L-6.1 (26 April 1988) hereinafter called *Saskatchewan Language Act*; *Languages Act*, S.A. 1988, C.L.-7.5 (29 June 1988), hereinafter called *Languages Act (Alberta)*; *Official Languages Act of Canada*, S.C. 1988, c.38, now S.R.C. 1985, 4th supp. c.31.
2. M. Bastarache (ed.), *Language Rights in Canada* (Montreal: Yvon Blais inc., 1987).
3. *Brunet v. Attorney General of Quebec*, [1990] 1 S.C.R. 260.
4. In *Re Royal Inquiry into the Administration of Justice and Aboriginal Peoples* (1990), 62 Man. R. (2d.) 127 (C.A.M.), it has been concluded that governmental statutory orders of public interest have to respect section 23 of *Manitoba Act, 1870*. In Reference re Manitoba language rights, S.C.C. no 18606, judgment rendered 23 January 1992, the Supreme Court of Canada ruled that s. 23 of the *Manitoba Act, 1870*, S.C. 1870 c.3, applied to orders in council which are determined to be of a "legislative nature," and to some documents incorporated by reference in legislation. In *Attorney General of Quebec v. Sinclair*, S.C.C. no. 21762, judgment rendered 27 February 1992, the court applied s. 133 of the *Constitution Act, 1867*, to orders in council which provided for the issue of letters patent for a new city.
5. See T. Christian, "L'Affaire Piquette," in D. Schneidermann (ed.), *Language and the State* (Montreal: Yvon Blais inc., 1990), p. 107.
6. *Official Languages Act*, supra, par. 4(2).

7. *Société des Acadiens du Nouveau-Brunswick v. Association of Parents For Fairness in Education*, [1986] 1 S.R.C. 549. This approach is not determining. In this case, the issue was not about the right to understand, but the right of being understood, and in a direct way. Other cases concluded that the right to speak his or her language includes the right to be understood by resorting to an interpreter; see *infra*.
8. *Blaikie v. Attorney General of Quebec*, [1979] 2 S.C.R. 1016; *Forest v. Attorney General of Manitoba*, [1979] 2 S.C.R. 1032.
9. *Re Language Rights in Manitoba* [1985] 1 S.C.R. 721.
10. *Mercure v. A.G. Saskatchewan*, [1988] 1 S.C.R. 234.
11. The Victoria Charter was expecting section 23 to be applied to each province. Twenty years later, it is no longer the case. See the analysis of Pelletier, B., *Les réticences des provinces face à la reconnaissance des droits constitutionnels relatifs à l'usage des langues officielles*, (1991) 51 *Revue de Barreau* 247.
12. *Official Languages Act of Canada*, section 16.
13. See *Re Constitutional challenge against section 530. 1 (e) of the Criminal Code*, [1991] *R.J.Q.* 1430.
14. *R. v. Cotton*, Superior Court of Quebec, decision pronounced on 13 March 1991.
15. *R. v. Victor Beaulac*, decision by the Court of Appeal of British Columbia, on 11 February 1991; permission to make an appeal to Supreme Court of Canada rejected. Another demand was rejected by the Supreme Court of British Columbia, on 23 April 1991; *R. v. Rivest*.
16. *R. v. Allain*, decision by the Court of Queen's Bench pronounced on 15 January 1991 (no. CI-90i-06-00200).
17. *R. v. Garcia*, [1990], *R.J.Q.* 2312.
18. *Courts of Justice Act, 1984*, S.O. 1984 C.11. This act was modified in 1990 by *An Act to Amend the Courts of Justice Act, 1984*, S.O. 1989 c.79, s.1: henceforth, one can use either language in civil trials, without asking the opposing litigant; translation of procedures will be charged to he or she who asks for it. In New Brunswick, *Regulation 86-2* allows access to interpretation to everyone who requests it; it has been decided that when a lawyer makes that request, simultaneous interpretation is sufficient: *Cormier v. Fournier*, (1986) 69 RNB 2d. 155. The costs of interpretation will be borne by the government.
19. In New Brunswick, this procedure has been revised by an amendment to the *Official Languages Act*, in L.N.B. 1990, c.49. Henceforth, those to be tried in New Brunswick can be heard and understood by a judge directly in the language of their choice, before legal or administrative courts of the province.
20. *R. v. Leblanc* (1989), 101 N.B.R. 2d. 416, *R. v. Boudreau* (1990), 103 N.B.R. (2d.) 104 (B.R.N.-B.), 107 N.B.R. (2d) 298 (C.A.N.-B.).
21. *Société des Acadiens, supra*; the argument was also used in *Robin v. Collège de Saint-Boniface*, (1985) 30 Man.R (2d) 50, 15 D.L.R. (4d) 198.
22. By virtue of section 43 of *Constitution Act, 1982*, a province can be bound to this scheme if both its legislature and the Parliament agree on that matter.

23. P. Foucher, *L'interprétation constitutionnelle des droits linguistiques par la Cour suprême du Canada*, (1987) 19 *Revue de droit d'Ottawa* 381.
24. Concerned in *Macdonald v. Ville de Montréal*, [1986] 1 S.C.R. 460, where a citizen wanted to get a summons in his language.
25. *R. v. Saulnier* (1989), 90 N.S.R. (2d.) 77.
26. *R. v. Gautreau* (1989), 103 N.B.R. 2d. 104 (B.R.N.-B.) reversed on appeal on the basis of other grounds: 109 N.B.R. 2d. 54, permission of an appeal rejected by the Supreme Court of Canada. See also *R. v. Bastarache*, Court of Queen's Bench of New Brunswick, decision pronounced on 12 December 1990.
27. *R. v. Vanstaceghem* (1987) 48 M.V.R. 311 (CAO); *R. v. Michaud*, (1986) 45 M.V.R. 243 (Ont. Dist. ct.).
28. *R. v. Holman*, (1983) 28 Alta L.R. 2d. 35 (C. Prov. Alta.); *R. v. Jervis*, (1983) 7 CRR 289 (C. Pr. Man.); *R. v. Jervis*, (1984) 11 CRR 373 (C. Cte. Man.).
29. I have disputed the constitutional validity of this provision; P. Foucher and G. Snow, *Le régime linguistique dans l'administration publique au Nouveau-Brunswick*, (1984) 23 C. de D. 81.
30. *Bill 101*, section 113f.
31. *R. v. Jourdain*, Provincial Court of Winnipeg, 19 June 1991.
32. See *Official Languages Act*, R.C.C. 1985, 4th supp., ch. 31, section 77.
33. See *Attorney General of Canada v. Viola*, 123 N.R., 83 C.C.A.F.
34. *Re Education Act (Ont) and re minority language education rights*, (1984) 10 D.L.R. (4th) 491 (CAO); *Mahé et als v. AG Alberta*, [1987] 6 W.W.R. 331, 42 D.L.R. (4d) 514 (CAA); *Re: Reference respecting the education act, PEI, and minority language educational rights*, (1988) 69 Nfld & P.E.I. R 236. (C.A.I.-P.-E.); *Lavoie v. Cape Breton School Board* (1989). 91 N.S.R. (2d) 184 (C.A.N.-E.).
35. *Quebec association of Protestant school boards v. Attorney General of Quebec*, [1984] 2 S.C.R. 66.
36. *Mahé v. Attorney General of Alberta*, [1990] 1 S.C.R. 342. For a thorough analysis, see P. Foucher's comment on the *Mahé* Case in (1990) 69 *Can. Bar Rev.* 570.
37. My overview on judicial issues can be found in the journal *Education et société*, (1989), v. 19.
38. For an explanation of these distinctions, see P. Foucher, *L'article 23 de la Charte: un compromis audacieux*, (1989) 23 *Revue juridique Thémis* 220.
39. *Quebec Association of Protestant School Boards v. Attorney General of Quebec*, [1984] 2 S.C.R. 66.
40. See P. Foucher, "Droits linguistiques," in D. Schneiderman (ed.) *Langue et Etat*, *supra*, p. 93.
41. *Valérie Ford et al v. Attorney General of Quebec*, [1988] 2 S.C.R. 712; *Devine v Attorney General of Quebec*, [1988] 2 S.C.R. 790.
42. *Attorney General of Quebec v. Nancy Forget*, [1988] 2 S.C.R. 90.
43. It is really a matter here of collective rights: L. Green, *Are language rights fundamental?*, (1987) 25 O.H.L.J. 639.

44. These issues have been examined thoroughly in P. Foucher, "Les droits linguistiques," in Centre de recherche et d'enseignement sur les droits de la personne de l'université d'Ottawa, *Les droits de la personne au Canada, dans les années 1990 et au-delà*, Ottawa, Centre de recherche et d'enseignement sur les droits de la personne, 1990, p. 131.
45. See P. Foucher, "Droits linguistiques en Acadie: de la dynamique des droits à celle des autonomies" in C. Philipponneau (ed.) *Vers un aménagement linguistique de l'Acadie du Nouveau-Brunswick* (Moncton: Centre de recherche en linguistique appliquée, University of Moncton, 1991), p. 67.

Reducing the Tensions Resulting from Language Contacts: Personal or Territorial Solutions?*

J.A. Laponce

Do languages that come into contact either within the mind of a given individual or within the boundaries of a particular territory become linked by collaborative or by conflictual relationships?

Obviously one cannot, in the abstract, give a yes or no answer. Between the extremes of pure conflict and pure collaboration stand the many different intermediate stages characterized by their specific mixture of the collaborative and the conflictual, a mixture resulting from the interplay of a complex set of factors — economic factors such as the “purchasing” power of a language, ethnic factors such as the intensity of the loyalty to a group defined by a common language, social factors such as differences in prestige associated with different languages, etc.

But, through the complexities of many specific cases, a pattern emerges that enables us to answer our original question, a question that we shall now rephrase by asking: do languages behave like animals, are they territorially bound, do they fight for exclusive control over physical space?

The answer is *no* in the case of *diglossic bilingualism*, *yes* in the case of *bilingualism without diglossia*. In the first case, languages tend to enter into collaborative relationships and almost necessarily they mix territorially; while in the second case they tend to do the very opposite.

* A much expanded version of this paper appeared in the chapter on “Language and Politics” in Mary Hawkesworth and Maurice Kogan, *Encyclopedia of Government and Politics* (London: Routledge, 1991).

Before giving examples of territorial and personal solutions we need thus to consider the distinction between the diglossic and the non-diglossic.

Bilingualism With and Bilingualism Without Diglossia

The term *diglossia* was coined to describe the bilingualism of people who have two languages (two to simplify, the problem being the same with three or more), but two languages that do not meet because of their being used in different circumstances, associated as they are with different social roles.¹

The strong correlation between social role and language use which characterizes diglossia appears most clearly when a language such as Latin, Old Slavonic, or Hebrew is used as a sacred tongue while another language — English, Russian or Yiddish, for example — is used in the secular domain. The separation is not as marked but obvious nevertheless when the diglossic contact is between secular languages that distinguish private from public domains and are used, the one to affirm one's local ethnicity, the other to participate instrumentally if not emotionally in the communication system of a wider community.

Unlike the francophone Swiss who uses only standard French, the germanophone Swiss uses two forms of German, the standard literary language that links the user to the greater German community, and a local Swiss German that is learned and spoken at home as well as in public life at the local level (Swiss German is spoken in the cantonal legislature of Bern while standard German is used in the federal parliaments).² In Luxembourg, nearly all citizens speak three languages: Luxemburgese in private, and either French or German in public settings, French dominating in church and government while German dominates in the field of business. Similarly, many Africans or Indians will know a tribal or local language, a regional language that may but need not be a pidgin, and a national language that may, but need not be, an international language as well. Each of these languages will typically have their very specific social domain.

Diglossic bilingualism tends to be relatively stable when the languages in contact collaborate rather than conflict with each other, collaborate at separating social roles that the individual wishes to keep separated or at least does not mind being separated. The more the diglossic situation is wanted by the individual concerned — as in German Switzerland, Luxembourg, Andorra or Paraguay — the more the contact between the languages concerned will be collaborative, hence stable, hence in lesser need of intervention by the political system.

By contrast, instability characterizes the cases where diglossia is imposed by circumstances and is perceived as a burden by the individuals who have to know two languages — one to communicate with their parents, for example, and the other to communicate with their own children — as in Brittany in the early twentieth century. In such cases diglossia fades rapidly and relatively peacefully into unilingualism.³

Bilingualism without diglossia is a more frequent source of individual frustrations, hence of social and political conflicts. Extending as they do to all social roles, ready to be used in all or at least in most important social contexts, the languages are engaged in a competition for dominance.

If everyone in a given community preferred the same language, then there would be no reason — internal to the group — to retain another language. The latter would be abandoned, if not by the individuals who acquired it, at least by their children or grandchildren. That is the way most languages “imported” into English-speaking North America keep being assimilated and would be quickly annihilated in the absence of new migrations.

But if the individuals in contact do not all have the same preferred language, then differences between languages are very likely to become associated with differences in social and political power, differences that are likely to lead to the formation of ethno-linguistic minorities.

Asymmetrical power sharing between two language groups results in the dominant group having the power to decide how the burden of bilingualism will be borne and what language will have the greater social spread. In some rare occasions the dominant group decides to assume the cost of bilingualism. This happens when an invader, being comparatively small in number compared to the populations they conquered adopts the latter’s language to avoid the military and social costs of imposing its own tongue. The Roman conquerors spoke Greek in their Eastern empire and the Arabs who invaded Persia adopted Persian.⁴ In Bolivia, in the early days of Spanish colonization, the ruling group decided to learn Quechua because the natives were thought unworthy, if not incapable, of learning Castilian.⁵

More frequently the dominant group shifts the cost of bilingualism onto the ethnic minority. Flemish Belgians were and are still more likely to speak French than Walloons to speak Netherlandish; French Canadians are more likely to speak English than English Canadians to speak French; and in Switzerland, in the federal bureaucracy, the francophones are more likely to use German than the germanophones to use French.⁶

These asymmetrical situations favouring the dominant group will produce resentment within the minority and will tend to produce among the latter an “embattled fortress” mentality. Wanting to restrict as much as possible language contacts that are to its disadvantage (since the dominant group will normally impose its own language in all important transactions) the minority will seek

to reduce its contacts with the dominant group by means of territorial concentration.

Territorial or Personal Solutions?

When seeking to regulate the contacts among languages, the state has the choice of two fundamentally different solutions. *Territorial* solutions of the kind used by Belgium and Switzerland and *personal* solutions of the kind used by Estonia between the two World Wars, and used also, to a lesser extent, by Finland and the Canadian federal government.⁷

The classic example of a territorial solution is offered by Switzerland where language boundaries separate German, Italian, and French areas in such a way that unilingualism is the rule in the operations of local government services, schools, and public life generally. Swiss citizens are free to cross the language boundaries, but if they do they are expected to change language as would the typical immigrant to a foreign country. The political strategy guiding these stringent regulations consists in separating languages as much as possible at the regional level and restricting bi- or multilingualism to the central level of government; a strategy that seeks, in other words, to prevent contact in order to prevent conflict. Belgium adopted a similar system by making Flanders Flemish and Wallonia French but it has not been able to apply fully the Swiss model because its capital, Brussels, is a predominantly francophone city cast in Flemish territory. As an exception to the rule of territorial unilingualism the Belgian capital has been set aside as a bilingual area.

The political justification for the system of fixed language boundaries is given by the following decision of the Swiss federal tribunal when it rejected the claim of a businessman who had argued that a local regulation forbidding him to advertise his products in the language of his choice was in violation of the equality clause of the Federal Constitution:

The linguistic borders of our country, once established, must be considered to be unchangeable. Safeguarding the harmonious relationship among the various segments (ethnic groups) of our country requires that each be guaranteed the integrity of the territory over which its language is spoken and over which extends its culture; and that each be given the right to prevent any encroachment.⁸

Similarly, in 1965, the same tribunal rejected the complaint of an association of francophones in a German canton who wanted the language of instruction in the schools to be recognized as an individual right of the parents rather than as a group right given to the local authorities. The tribunal argued:

The risk resulting from foreign migration...is controlled only by means of linguistic assimilation of the immigrants...and it is in that regard that the school has an

important role to play; it is its duty to impart to the students the knowledge of the language of their new home.⁹

In the Swiss, and to a lesser extent in the Belgian case, the languages are rooted territorially, they are thus guaranteed secure territorial niches of their own and the power to protect the boundaries so created is given not to individuals but to collectivities — the cantons in Switzerland, and the regions in Belgium.¹⁰

In marked contrast to the Swiss system of territorial allocation of language rights, the Baltic countries, notably Estonia, used a system of personal federalism between the two World Wars.¹¹ In Estonia, for example, the system allowed any ethnic group comprising at least 3,000 people to set up a nation-wide community with institutions of its own; institutions with the power to tax its members and to administer its own public and private schools. These nation-wide ethnic governments resembled local governments except in their not being territorially grounded and having extensive language rights, in particular that of selecting the language of instruction in the schools. That system — which had its forerunners in the Polish Jewish *kahal* and in the *millets* of the Ottoman empire did not survive the war and has not been replicated, at least not in the regulation of multilingual situations.¹²

Between the extremes of the Swiss and the Estonian models, Finland offers the case of partially and temporarily grounded languages. Wherever the Swedish minority accounts for at least eight percent of the population of a given commune (the basic unit of local government) the public services are offered in the two official languages — Swedish and Finnish — but a bilingual district will normally become unilingual Finnish if the Swedish population is shown by the census to have declined below the required minimum. The Swedish territorial niche is thus not secure, first in its being bilingual rather than unilingual, and second in having fluctuating boundaries affected by demography and population mobility (In the Aaland Islands, however, a rule of territorial unilingualism protects the Swedish minority as a result of the international treaties that regulate the status of that territory).

The Canadian federal government has by and large patterned its language policies on those of Finland rather than those of either Switzerland or Belgium, partly out of fear that a unilingual French Quebec might be closer to secession than if it remained bilingual. One cannot deny that possibility but, interestingly, the increase in language security of the Québécois population as a result of the implementation of Law 101 is correlated with a lowering of separatist fervor. That appears to confirm that the Swiss strategy of reducing contact between competing languages by juxtaposing unilingual areas rather than merging the languages within the same territory has the desired effect of lowering tensions — at least when the language cleavage is not reinforced by other non-linguistic cleavages that would make the ethnic groups concerned incompatible on too many grounds.

In short, in diglossic situations such as those of Luxembourg or Paraguay a territorial solution is typically not available and if available would be likely to be dysfunctional since the characteristic of diglossia is that it separates not individuals but social roles; the language division runs not between people but within each person. The languages need to be territorially transportable.

By contrast, in non-diglossic bilingualism, the languages in contact having as their function the expression of all the social roles of each individual, they compete for dominance. And since in that competition the language of the dominant group has the advantage, the minority will seek protection through territorial concentration, it will typically seek to obtain unilingualism on what it considers to be its territory and will want to have the control of its language boundaries. The territorial solutions of the Swiss type recognize and satisfy this need.

In looking for models in Finland rather than in Switzerland, did Canada make a mistake? I think so.

Notes

1. See C.A. Ferguson, "Diglossia," *Word*, 15 (1959): 325-340; also, J.A. Fishman, "Bilingualism With and Without Diglossia, Diglossia With and Without Bilingualism," *Journal of Social Issues*, 23, 2 (1967): 29-38.
2. K.D. McRae, *Conflict and Compromise in Multilingual Societies: Switzerland* (Waterloo: Wilfrid Laurier University Press, 1984).
3. See W. Dressler and R. Wodak-Leodolter (eds.), "Language Death," *International Journal of the Sociology of Language*, Special Issue, 12, 1 (1977).
4. W.F. Mackey, "Geopolitics: its scope and principle," in C.H. Williams (ed.) *Language in Geographic Context* (Clevedon: Multilingual Matters, 1989), pp. 20-46.
5. R. Breton, *Géographie des langues* (Paris: Presses Universitaire de France, 1976).
6. See J.A. Laponce, *Languages and Their Territories* (Toronto: University of Toronto Press, 1987).
7. See J.A. Laponce, *The Protection of Minorities* (Berkeley and Los Angeles: University of California Press, 1960); and Laponce, "La répartition géographique des groupes linguistiques et les solutions personnelles et territoriales aux problèmes de l'Etat bilingue," in A. Martin, *L'Etat et la planification linguistique* (Québec: Office de la langue française, 1981), pp. 83-106. See also K.D. McRae, "The Principle of Territoriality and the Principle of Personality in Multilingual States," *Linguistics*, 158, 4 (1975): 33-54.
8. This was translated from G. Héraud, *L'Europe des ethnies*, 2ed. (Paris: Presses d'Europe, 1974), p. 247.
9. Ibid.

10. See McRae, "The Principle of Territoriality"; *Conflict and Compromise in Multilingual Societies: Switzerland*; and *Conflict and Compromise in Multilingual Societies: Belgium* (Waterloo: Wilfrid Laurier University Press, 1986).
11. K. Aun, *On the Spirit of the Estonian Minority Laws* (Stockholm: Societas Litteraturae Estoniae, 1940).
12. Laponce, *The Protection of Minorities*.

The Linguistic Situation in Quebec

Pierre Fournier

The linguistic situation in Quebec from an outsiders' point of view and often even from an insiders' point of view can seem confusing and contradictory. On the one hand, emphasis is placed on the growing linguistic and cultural insecurity of Quebecers and on the need to protect the francophone majority. On the other hand, significant progress has been made in francophone control of the economy, in the language of business and in the language of instruction in schools, as well as in the bilingualism of federal institutions.

The intention of the present text is not to explain these apparent contradictions, but rather to provide elements that will be useful for a deeper reflection on the issues. Following a brief analysis of the sources of francophone linguistic insecurity, the main linguistic bills passed by Quebec over the past 20 years will be examined. The impact of this legislation on the French language in the province and several future perspectives will be discussed.

Sources of Francophone Linguistic Insecurity

Historically, the survival of Quebec francophones has depended on a high birthrate and the relative isolation of the population. Today, the demographic situation and the geopolitical and cultural integration of Quebec into North America are the main sources of insecurity.

The birthrate decreased from 4.3 children between 1956 and 1961, one of the highest rates in industrialized countries, to 1.5 between 1981 and 1986. The year 1987 recorded the lowest rate in Quebec history — 1.35 children. There was a slight increase to 1.41 children in 1988. It is too early, however, to determine if this increase signals a significant change. Nevertheless, it is clear

that the present rates will not provide a renewal of the Quebec population. In addition, a large number of allophone immigrants continue to integrate into the anglophone community.

If the present birthrate and migratory movements remain unchanged, the Quebec population will start to decline at the beginning of the next century. In 50 years, demographers predict the number of francophones will be only 4.8 million. The percentage of Quebecers in the Canadian population was 26.5 percent in 1981 and will decrease to around 24 percent in 2006. A decline in the political influence of Quebec in Canada is feared. Moreover, according to Michel Paille, a demographer on the Conseil de la langue française, the percentage of francophones in the overall population of Quebec, which was 83 percent in 1986, has stopped increasing and will start decreasing in 1996. In Montreal, for example, the percentage of francophones could be approximately 57 percent of the population in 1996 compared with 60 percent in 1986 and 64 percent in 1951. Theoretically, the province could try to restrict the number of immigrants. Practically speaking, however, Quebec, more so than most of the other provinces, needs to increase its birthrate and slow the aging of its population.

In the foreseeable future, the main threat to the French language will come from sectors beyond the control of linguistic legislation, including the free exchange of cultural goods, the speed of international communications, the development of new technologies and world economic pressures.

The francophones in Canada are permanently, linguistically and culturally immersed in the Anglo-American world. According to a poll of the Conseil de la langue française done in 1985, 59 percent of the records and cassettes bought by Quebec francophones in the three preceding months were in English. In the 18-30 year-old group, 64 percent of the young questioned bought more records and cassettes in English than in French. Four films out of ten were seen in English by francophones and 30 percent of the hours spent watching television were spent watching English programs.

Quebec is not only imbued with North American culture but also with North American science and technology. The businesses specializing in computer equipment and scientific instruments are in the vast majority non-francophone, and Quebec's dependence on the United States in this regard is very strong. Most of the time, high-technology equipment is presented in English and functions in English. Moreover, under section 144 of Bill 101, the Office de la langue française authorized a large number of head offices and research centres to function in English.

The Free Trade Agreement with the United States could also, on a short- and long-term basis, constitute an important challenge for the French language in Quebec. In fact, will not the economic standards resulting from the Agreement have priority over the linguistic standards in numerous fields in which these

two aspects are present and in possible conflict? For example, is it possible that the standards directly or indirectly affecting the presentation of exchanged products would be protected from a United States claim that linguistic constraints dealing with labelling constitute an obstacle to free trade. More importantly, it is likely that the larger degree of economic integration resulting from free trade will make it more and more difficult to commonly use French as the language of business.

Historical and Legislative Context

On 27 June 1968, the members of the Saint-Leonard School Board, an area of Northeast Montreal, adopted a resolution making French the language of instruction for all students in grade one. This resolution provoked a serious linguistic crisis, including violent confrontations at the beginning of the 1969 school year. In an attempt to solve the problem, the Quebec government passed Bill 63 recognizing the right of parents to freely choose the language of instruction for their children.

As the dissatisfaction of Quebec francophones grew, the government decided to create a commission to study the French language and the language rights situation in Quebec. The Gendron Commission, filing its report in 1972, decided not to deal with the language of instruction, preferring to wait several years to better evaluate the effects of Bill 63. With only 64 percent of francophones working in their language, the Commission decided rather to emphasize the language of business.

Despite the incentives of Bill 63, most immigrants continued to send their children to English schools. Pressures stemming from public opinion and the 1971 census, clearly indicating the decline of French in Quebec and in Canada, pushed the Bourassa government to pass Bill 22: Official Language Act in 1974. The Bill declared French the official language of Quebec and dealt with the language of labour relations, of business, and of public signs. The *Regie de la langue française* was created to encourage employers to adopt francization programs for their businesses or risk losing government contracts and grants. Moreover, the Bill forced children wishing to receive their education in English to write entrance exams which caused much discontent among francophones, anglophones and allophones.

The Charter of the French Language or Bill 101 was passed in 1977, several months after the election of the Parti Québécois. This Bill reflects a systematic willingness to revitalize and reinforce the French language. It also symbolizes the gap that has developed between the francophone and anglophone communities in Quebec.

Bill 101 limits access to English schools to those children who have at least one parent who studied in an English school in Quebec. The Charter provides transition measures to avoid dividing children of one family and dispensation for people living temporarily in Quebec. As far as the language of business is concerned, a francization mechanism for businesses was put in place by the Office de la langue française. Contrary to Bill 22, the francization of businesses is no longer optional; all businesses having 50 employees or more must implement a francization program. Bill 101 lists the objectives of francization, specifies implementation methods and time frames, and provides for penalties for offenders.

The francization program must include measures to ensure the employees of the business work in French, and to ensure internal communications between management and the employees and between the employees themselves is in French. The business must have hiring and promotion policies that meet the francization objectives. Catalogues, manuals, manufacturing instructions and machine inscriptions must be in French. Finally, the business must have a French image by using French in its publicity and in its communications with its clientele, suppliers and the public.

The Charter of the French Language also deals with the francization of the "look" of Quebec. Thus, all commercial signs and publicity must be in French only. The civil service, public utility companies, professional associations and members of professional associations must provide their services in French. They can, however, communicate in another language with physically present people who address them in this other language.

What were the actual effects of Bill 101 on the linguistic situation in Quebec? The Charter had undoubtedly the greatest impact on immigrants when choosing a school for their children. In 1976, just before the Charter came into force, the percentage of students studying in English was 16.6 percent of the total student population of Quebec. Ten years later, in 1986-87, the percentage decreased to 10.4 percent. Moreover, the percentage of allophones who attend English school decreased from 85 percent to 36 percent in 1986-87, which indicates a total reversal in trends; especially since Bill 101 was not retroactive and allowed children legally registered in English school when the Bill came into force to continue to study in English as well as allowing their younger brothers and sisters to study in English. Finally, in the Montreal area, 76 percent of school-age children born outside Canada were registered in French schools in 1982-83 compared with only 23 percent when Bill 101 came into force.

The Charter of the French Language was efficient in the francization of the "look" of Quebec. In fact, French became almost universally used in company names, on billboards, on store signs, in publicity and advertising and on road signs. The vast majority of products offered in Quebec now have a French presentation, and labelling in catalogues and publicity folders is now in French.

From a Quebec francophone's viewpoint, significant progress has also been made in the francization of businesses, especially as far as internal communications, the use of French terminology by all sectors of the work force, and increased presence of francophones is concerned. The percentage of francophones in the management and executive levels of businesses increased from 64.9 percent in 1971 to 69.1 percent in 1981. The difference in revenues between francophones and anglophones has been decreasing since 1970. There has even been an important increase since 1961 in the number of businesses owned by francophones in Quebec (47.1 percent in 1961 and 54.8 percent in 1978, according to the number of jobs). Nevertheless, 50 percent of anglophone managers in Montreal worked only in English in 1979 compared with 32 percent of francophone managers who worked only in French. To get a job in Montreal in 1979, knowledge of English was a prerequisite required more of francophones (42 percent) than knowledge of French was required of anglophones (29 percent).

According to the Office de la langue française (OLF), more than 60 percent of Quebec businesses affected by Bill 101 have their francization certificate. However, a poll done by the OLF in 1988 indicated that 54 percent of francization committees were considered as "not very" or "not at all" active. Fifty-eight percent of businesses devote only seven and a half hours or less per year to the activities of the committee. It must also be remembered that only businesses with 50 employees or more must implement a francization program approved by the OLF. Businesses not affected by Bill 101, however, represent more than half the workers in Quebec. Finally, as new technology and especially computer technology is introduced in businesses, the general use of English increases, which could threaten the accomplishments of francization.

Over the years following the passing of Bill 101, several decisions have weakened the strength of the Charter. In March 1984, for example, in the Miriam case, the Court of Appeal ruled that an employer is only obligated to use French in his communications when he addresses all his personnel and not when addressing a single employee. In August 1983, the Superior Court, in the Sutton case, decreed that a patient wishing to have a French medical report from a professional must make the request before the report is written.

More importantly, in December 1979, the Supreme Court declared unconstitutional chapter 3 of Bill 101 which dealt with the language of the legislature and the courts. This chapter was judged to be in direct violation of section 133 of the constitution which required that all laws of Quebec be written and passed in French and in English, and that every person had the right to use the two languages in the courts. In July 1984, the Supreme Court ruled chapter 8, the Language of Instruction, of Bill 101 to be of no force or no effect, judging the chapter inconsistent with section 33 of the new *Constitutional Act, 1982*. This decision substituted the "Canada clause" for the "Quebec clause" of Bill 101;

that is, the decision provided children of parents who received their elementary instruction in English anywhere in Canada, and not only in Quebec, access from that time on to English schools. The Supreme Court judges recognized that section 33 of the *Constitutional Act, 1982* was deliberately written by the federal legislators to counter the language of instruction provisions of Quebec's Bill 101.

Finally, in its decision of 15 December 1988, the Supreme Court ruled that sections 58 and 69 of Bill 101 restricted the freedom of expression of businesses since these sections prohibit any language other than French in advertising, publicity and company names. This decision provoked strong reactions in Quebec. More than 60,000 people demonstrated for upholding Bill 101 and the Bourassa government passed Bill 178 to maintain French as the only language in exterior signs and posters, but also allowed for bilingual (with priority given to the French) signs in the interior of businesses. The government thus decided to use the "notwithstanding clause" to avoid implementing the Canadian Charter of Rights and Freedoms.

These decisions can only be understood in their historical perspective. Indeed, francophones have had the impression over the past few years that the integrity and objectives of Bill 101 are more and more threatened. In addition, the decisions of the Supreme Court, especially those based on the *Constitutional Act, 1982*, which Quebec has not yet ratified, provoke negative reactions.

Future Perspectives

Nationalist organizations in Quebec as well as the Parti Québécois have tried over the past several years to strengthen Bill 101. They want the rigour of the Bill to be guaranteed by imposing penalties on offenders. They also want the sections on the language of business to include businesses of less than 50 employees. Some would like Bill 101 to have precedence over other laws by giving Bill 101 a quasi-constitutional status which would protect it from contrary court decisions.

As far as the anglophone minority in Quebec is concerned, the constitution of 1867 ensured bilingualism in the legislature and in the courts. Bill 101 leaves intact the English-language school system and does not affect the anglophone information, broadcasting and communication media. According to a CROP — *La Presse* poll done in April 1987 — the Charter of the French Language has not been devastating for anglophones, who have little trouble being served in their own language and who, the majority of them, believe they still have "adequate" and even "considerable" influence over institutions such as schools, universities, hospitals, the media, and business. Bill 142 guaranteed anglophones health care and social services in their own language. Bill 178, however,

which does not allow bilingual signs on the exterior of businesses, provoked strong reactions from anglophones especially concerning their fears for the future of the community in Quebec. As with francophones, this issue has become an extremely important symbol.

If the rights of francophone minorities outside Quebec are to be promoted, opposing the rights of francophone minorities and those of Quebec francophones, which has been done too often in the past few years, must be avoided. To be effective, we must find ways of promoting the rights of both these groups simultaneously. A great challenge obviously lies ahead.

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PARTICIPANTS

Georges Arès

Association canadienne-française de
l'Alberta

Michel Bastarache

Partner
Lang Michener Lawrence and Shaw
(Moncton)

Jocelyn L. Beaudoin

Executif Vice-President
Council for Canadian Unity

Rémy Beauregard

Executive Director
Office of Francophone Affairs
Government of Ontario

Oscar Bedard

Executive Director
Program Development
Ministry of Education
Government of British Columbia

Charles Beer

Minister of Francophone Affairs
Government of Ontario

Roger Bilodeau

Ecole de droit
Université de Moncton

Daniel Bonin

Research Associate
Institute of Intergovernmental Relations
Queen's University

Claude Bourque

Regional Director of French Services
for Atlantic Provinces
CBC (Moncton)

Douglas M. Brown

Associate Director
Institute of Intergovernmental Relations
Queen's University

Larry Brown

Secretary-Treasurer
National Union of Provincial
Government Employees

Alan Cairns

Professor
Department of Political Science
University of British Columbia

Gary Caldwell

Chercheur, I.Q.R.C.

David Cameron

Special Advisor to the Premier on
Constitutional Affairs
Government of Ontario

Jean-Dennis Comeau

Acadian Affairs Officer
Cabinet Secretariat
Government of Nova Scotia

Tom Courchene

Director, School of Policy Studies
Queen's University

Satya Das
Editorial Writer
Edmonton Journal

Michael B. Decter
Partner, Peat Marwick (Winnipeg)

Maurice Demers
Policy Advisor, Francophone Affairs
Government of Ontario

Donald Dennison
Deputy Minister of
Intergovernmental Affairs
Government of New Brunswick

André Dimitrijevic
Associate Deputy Minister
to the Premier
Intergovernmental Affairs
Government of Saskatchewan

Michel Doucet
Directeur
Centre international de la
common law en français
Ecole de droit
Université de Moncton

François Dumaine
Stagiaire en droit
Fédération des francophones
hors Québec

Gerard Finn
Assistant Deputy Minister of
Intergovernmental Affairs
Government of New Brunswick

Yvon Fontaine
Doyen, Ecole de droit
Université de Moncton

D'Iberville Fortier
Commissioner of Official Languages
Government of Canada

Pierre Foucher
Professeur
Ecole de droit
Université de Moncton

Jean T. Fournier
Undersecretary of State
Government of Canada

Pierre Fournier
Professeur
Département de science politique
Université du Québec à Montréal

Michael Goldbloom
Martineau Walker (Montreal)

Stewart Goodings
Assistant Undersecretary of State
(Education Support)
Government of Canada

Dwight Herperger
Research Associate
Institute of Intergovernmental Relations
Queen's University

James R. Hurley
Senior Advisor
Federal-Provincial Relations Office
Government of Canada

Bob Keaton
President
Alliance Québec

Réjean Lachapelle
Director of Research
Statistics Canada

Rodrigue Landry
Directeur
Centre de recherche et de
développement en éducation
Université de Moncton

Jean Laponce
Professor
Department of Political Science
University of British Columbia

Pierre-Etienne Laporte
Office de la langue française

Oryssia Lennie
Executive Director
Constitutional, Fiscal and Social Affairs
Federal and Intergovernmental Affairs
Government of Alberta

Peter M. Leslie
Assistant Secretary to the Cabinet for
Federal Provincial Relations
(Policy Development)
Government of Canada

Monique Levasseur-Bouchard
Directrice des bureaux
de la coopération et de la francophonie
Secrétariat aux Affaires
intergouvernementales canadiennes
Gouvernement du Québec

Kathryn Manzer
National President
Canadian Parents for French

Jamie Martin
Senior Analyst
Intergovernmental Affairs Secretariat
Government of Newfoundland
and Labrador

Bernard Matte
Chairman
Council for Canadian Unity

Guy Matte
Président, Fédération des francophones
hors Québec

The Honourable Frank McKenna
Premier of New Brunswick

Kenneth McRae
Professor
Department of Political Science
Carleton University

J. Peter Meekison
Vice-President (Academic)
University of Alberta

John Meisel
Professor
Department of Political Studies
Queen's University

David Milne
Professor
Department of Political Science
University of Prince Edward Island

The Honourable Lowell Murray
Leader of the Government in the Senate
and Minister of State
(Federal-Provincial Relations)
Government of Canada

David Paget
Assistant Secretary to the Cabinet for
Federal-Provincial Relations
(Constitutional Affairs)
Government of Canada

Roland Penner
Dean of Law
University of Manitoba

George Perlin
Professor
Department of Political Studies
Queen's University

Alain Prujiner
Centre international de recherches sur
le bilinguisme (CIRB)
Université Laval

Denise Reaume
Professor, Faculty of Law
University of Toronto

Robert Richards
Department of Justice
Government of Saskatchewan

Gordon Robertson
Fellow-in-Residence
Institute for Research on Public Policy

Jean-Claude Rondeau
Secrétaire à la politique linguistique
Gouvernement du Québec

Guy Roy
Assistant Deputy Minister of Education
Government of Manitoba

L'Honorable Claude Ryan
Ministre de l'Éducation et ministre de
l'Enseignement supérieur et
de la Science
Gouvernement du Québec

Peter Sadlier-Brown
Assistant Deputy Minister of
Intergovernmental Affairs
Government of Ontario

Ian Scott
Attorney General
Government of Ontario

Hubert Seamans
Minister of Municipal Affairs and
Co-Chairman, Cabinet Committee on
Official Languages
Government of New Brunswick

Richard Simeon
Director
School of Public Administration
Queen's University

Donald V. Smiley
Professor
Department of Political Science
York University

Dan Soberman
Professor, Faculty of Law
Queen's University

Rolande Soucie
Présidente générale
Association canadienne-française de
l'Ontario

Norman Spector
Secretary to the Cabinet for
Federal-Provincial Relations
Government of Canada

Donald W. Stevenson
Associate to the Principal
Glendon College

Aurèle Thériault
Directeur général
Fédération des francophones hors
Québec

Claudette Thériault
Director
French Services Secretariat
Government of Prince Edward Island

André Tremblay
Conseiller constitutionnel
Ministère du Conseil exécutif
Gouvernement du Québec

Roger Turenne
Senior Advisor to the Premier on
French Language Services
Government of Manitoba

Ken Tyler
Department of Justice
Government of Saskatchewan

Ronald L. Watts
Director
Institute of Intergovernmental Relations
Queen's University

Diane Wilhelmy
Secrétaire générale associée aux
Affaires intergouvernementales
canadiennes
Gouvernement du Québec

Max Yalden
Chief Commissioner
Canadian Human Rights Commission

Greg Yost
Special Advisor to the Minister of
Justice and the Attorney-General
Government of Manitoba