

LANGUAGE AND SOCIETY



Summer 1989

SPECIAL REPORT

ON THE 25TH ANNIVERSARY OF THE B AND B
COMMISSION AND THE 20TH ANNIVERSARY OF
THE OFFICIAL LANGUAGES ACT

ENGLISH AND FRENCH IN CANADA

SPECIAL REPORT

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COMMISSIONER OF OFFICIAL
LANGUAGES
COMMISSAIRE
AUX LANGUES OFFICIELLES



**Our cover: starting at the top
and from left to right,**

Lester B. Pearson, Pierre Elliott Trudeau, Brian Mulroney, André Laurendeau, Davidson Dunton, Jean-Louis Gagnon, Gertrude Laing, Louis Robichaud, Frank McKenna, David Peterson, Jean-Robert Gauthier, Gérard Pelletier, Serge Joyal, Ray Hnatyshyn, René Lévesque, Robert Bourassa, Keith Spicer, Max Yalden, D'Iberville Fortier, Sterling Lyon, Hubert Gauthier, Royal Orr, Gordon Robertson, Guy Matte.

Statements by Prime Minister Mulroney

Through the Meech Lake accord, for the first time in Canadian history, we are recognizing the role all governments in Canada have of protecting these Francophone and Anglophone minorities which for so long have been a model of pride and tolerance.

Quebec forms a distinct society within Canada. That's a fact. It's finally recognized in our Constitution. The existence of an Anglophone minority in Quebec and Francophone minorities elsewhere in Canada and our role in protecting them is another fact. Our Constitution acknowledges this, and its opening section now recognizes Canada's linguistic duality. I'm very proud of this.

Speech before the Edmunston, New Brunswick, Chamber of Commerce, February 5, 1988.



Right Hon. Brian Mulroney: I think that the Premier of Saskatchewan should do what, for example, the Premier of Ontario should do, and the Premier of Quebec, and the Premier of British Columbia, and everyone, which is to ensure absolute equality and perfect protection with fairness for every citizen before the law in Canada. That is what I believe should be done. That is my vision of Canada and *a perfectly bilingual society*. [Emphasis added.] I know it is not for tomorrow. I know we are not going to get that tomorrow no matter how hard we try. What is important is to build on the progress and the attitudes that do exist.

House of Commons Debates, April 11, 1988.

The Wisdom of the B and B Commission

D'Iberville Fortier

At the start of this report published on the occasion of a 25th and two 20th anniversaries (the B and B Commission and the federal and New Brunswick official Languages Acts), it is appropriate to let the Commission speak. While the following quotations, taken from the *Preliminary Report* and the six books of the final report, do not presume to summarize seven years of hard work in the service of all Canadians, they will at least provide some necessary reference points to aid in understanding the articles that follow.

Equal partners

"In short, the problem is now seen to be propounded in its most radical form: is French Canada going to think of itself as maintaining a vital solidarity among its dispersed parts, although centred in Quebec, or as an exclusively Quebec society? This is a question which it will first have to resolve by itself, but the decision will undoubtedly be made in

the light of attitudes adopted by English-speaking Canada. This brings us back to the central concept of 'equal partnership'." (*Preliminary Report*, paragraph 116)

There is a crisis

"All that we have seen and heard has led us to the conviction that Canada is in the most critical period of its history since Confederation. We believe that there is a crisis, in the sense that Canada has come to a time when decisions must be taken and developments must occur leading either to its break-up, or to a new set of conditions for its future existence. We do not know whether the crisis will be short or long. We are convinced that it is here. The signs of danger are many and serious." (129)

Major reforms

"There are those who feel that the problems will lessen and go away with time. This is possible, but, in our view, it is

more probable that unless there are major changes the situation will worsen with time, and that it could worsen much more quickly than many think." (136)

In both languages

"A bilingual country...is a country where the principal public and private institutions must provide services in two languages to citizens, the vast majority of whom may very well be unilingual." (*Book I, General Introduction*, 29)

Quebec's leadership

"All these facts combine to give Quebec a leading role in promoting the French language and culture in Canada, whatever may be the political solution finally adopted. This conclusion is in the nature of things; it is not the outcome of ideology or some messianic notion. In this sense it is an obvious and incontrovertible fact that Quebec is not 'a province like the others.'" (90)

Historic ties

"Furthermore, a significant number of Francophones live in New Brunswick and in Ontario, next door to Quebec. Because of this contiguity, and for historical reasons, the French language has deep roots there — an important fact that in our opinion should receive more notice from these two provinces. A chain of historical and geographical



links unite the Acadians of the Maritime Provinces. Interprovincial co-operation, already under way, opens up the possibility that some of New Brunswick's French-language institutions could extend their service beyond the boundaries of the province, in Nova Scotia, Prince Edward Island, and even the adjoining regions of Quebec." (91)

Assimilation

"...as a general rule, the further a community of French origin is from Quebec, the higher the rate of assimilation and, as a corollary, the larger the group, the lower the rate of assimilation." (Book I, *The Official Languages*, 86)

One reform

"...the language régime which will prevail in the officially bilingual provinces. Except for our proposals for the legislatures, which could be implemented quickly, neither New Brunswick nor especially Ontario could establish such a system overnight." (318)

Services in the language of choice

"Our aim is to encourage an active co-operation among all governments in providing services to the regional minority in its own language. The objective is not so much the recognition of a specific right as the linguistic reorientation of a number of institutions in the three levels of government. Their combined action will noticeably alter the living conditions of the minority in a defined area." (330)

"Indeed, in language considerably reminiscent of that of section 133 of the B.N.A. Act, section 23 of the Manitoba Act of 1870 provided for the use of either English or French...several acts of the Manitoba legislature extended official bilingualism considerably beyond the scope of section 23...after 1890, Manitoba became a unilingual jurisdiction." (paras. 146 and 149)

"Official bilingualism was sanctioned formally when the Northwest Territories Act was amended in 1877 and sec-

The federal capital

"We believe it is clear that the establishment of official status for both English and French at all levels will not be sufficient. Much more will be required to bring about the federal capital we envisage. Co-ordinated action and co-operative arrangements covering both sides of the river appear to us essential." (382)

On an equal footing

"In Quebec, both languages were placed on an equal footing, and the principle establishing the right of both English-speaking and French-speaking children to be taught in their mother tongue was enshrined in the educational system of the province, in spite of the fact that it was not required by law. Because this linguistic equality was not firmly guaranteed for the country as a whole, however, the French-speaking minorities have been largely deprived of the right to an education in their mother tongue." (384)

Language of work

"French has a rightful place as the principal language of work within the major work institutions of a province whose population is 80 per cent Francophone." (Book III, *The Work World*, 1300)

Equal opportunity

"The first requirement for action centres on the need for clear policy statements on equal opportunity and the language of work." (1305)

Business firms

"We recommend that in the private sector throughout Canada, the Canadian head offices of firms with extensive markets or facilities inside Quebec develop appropriate bilingual capacities, including French-language units and bilingual senior executives." (1307)

Public servants

"It is not enough to tell public servants that they may speak French if they wish; the whole milieu will have to be changed if the Public Service is to become a bilingual institution." (597)

Senior positions

"The Francophone presence was relatively strong, however, in senior and high-paying posts filled by appointment through Order-in-Council. Although participation generally dwindled at each successively higher salary level of appointments covered by the Civil Service Commission..." (616)



In the beginning...

A Francophone majority

"Quebec has the only government on this continent elected by a French-speaking majority. Its responsibility is therefore exceptional. The subject will recur constantly in this Report, but here it concerns the responsibility for an official language, for the quality of the language used, and for the practical and symbolic affirmation of French. We believe it would be in Quebec's own interest to scrutinize its language practices, especially in its relations with the federal government and with the other provinces." (320)

tion 11 of the amending statute provided: At that time the French-speaking population numbered 2,896 and the English-speaking population 3,104...If doubt surrounds the legality of the abolition of French in the Northwest Territories, by implication the same might be said of the Yukon Territory Act of 1898 which rendered applicable to the Yukon all existing Northwest Territories legislation until amended or repealed. Similar reasoning might be applied to the provinces of Alberta and Saskatchewan." (149 and 153)

Integration

"Integration, in the broad sense, does not imply the loss of an individual's identity and original characteristics or of his original language and culture...it seems to us that those of other than French or British origin clearly prefer integration." (Book IV, *The Cultural Contribution of the Other Ethnic Groups*, 8)

"Original" culture

"But in adopting fully the Canadian way of life, sharing its advantages and disadvantages, those whose origin is neither French nor British do not have to cast off or hide their own culture." (12)

Ethnic groups

"What counts most in our concept of an 'ethnic group' is...one's sense of belonging to a group....To stress ethnic origin as a basic principle for shaping society would create closed groups based on accidents of birth. An 'ethnic group'...is a force which draws its vitality from its members' feeling of belonging to the group." (14)

..

To introduce this report, here are some words and ideas that have already left an indelible mark on the history of Canada. But what has become of them? We have sought to trace their course through the often tortuous paths of the life of a country. To this end, we have called upon privileged witnesses, in many cases actors in the drama that is still being written today. Our authors include former members of the Royal Commission, a prominent minister, language commissioners, experts, journalists, eyewitnesses to history and others who look into the future. The new tensions of the late 1980s also claim their share of attention and give rise to calls to take sides.

Despite our efforts to organize the material in the logical order that pleases the French mind, we find ourselves instead, to be frank, in an English garden. This was probably inevitable in a country that affirms its duality, at least in language matters. It seemed quite natural to us, however, to divide the articles into two sections, consisting of those that deal with national developments and those that discuss the topic from the regional point of view. We would like to think that this symbolism, which arises from the very nature of a federation, has some merit. ■

Bilingualism in Canada: The Past and the Future

Jean-Louis Gagnon*

The widespread use of French in Canada should be seen as a sign of unity within the federation and a brake on Americanization.

The question has been asked since 1867: to what extent can Canada be called bilingual?

The thaw came 25 years ago, with the establishment of a Royal Commission co-chaired by André Laurendeau and Davidson Dunton. But it was starting with the Official Languages Act of 1969 that a *de facto* bilingualism in the Public Service and federal agencies, as well as in provincial services, gradually took form. From this point of view, we can be pleased that *Language and Society* has taken advantage of this double anniversary to take a second look at the development and status of language arrangements in Canada. Such an assessment is timely. Having lived through "the greatest crisis in its history", Canada is now experiencing stormy times. While Saskatchewan and Alberta have complied with the spirit but not the letter of a Supreme Court decision, Quebec has not hesitated to use the notwithstanding clause to derogate from its constitutional obligations toward its Anglophone minority. Facts are facts. But are we to see in this a new development or simply the after-effects of the events of October 1968, about which there is nothing to be done? Or are we to conclude that these repeated disagreements herald that "manifest destiny" that many Americans regard as inevitable? While nothing is clear, all indications are that bilingualism in Canada will increasingly follow Western cultural, economic and political imperatives and that the

*Jean-Louis Gagnon is a journalist and writer and was the last Co-Chairman of the B and B Commission.

issue therefore cannot be settled in isolation, like a family quarrel.

The "Canadian crisis"

When Prime Minister Lester B. Pearson decided to follow up on André Laurendeau's request, everyone agreed that the epicentre of what would be known as the "Canadian crisis" was located in Quebec. Laurendeau himself had called only for an investigation of the Public Service, where French-Canadians were commonly relegated to clerical and secondary tasks. Very soon, however, it was realized that the problem was general. Because they felt themselves isolated from the major currents of activity, marginalized and abandoned, an increasing number of French-speaking Quebecers behaved like people under siege. All the recommendations of the Commission therefore were aimed at putting an end to this separate existence of French Canada.

One of the facts about bilingualism in Canada is that the mother tongue English population in Quebec roughly corresponds to the Francophone minorities of the diaspora, who account for 15% of French-speaking Canadians. Moreover, nearly 80% of these minorities live in Ontario and New Brunswick. The Commission therefore came to the conclusion that French Canada constitutes a distinctive entity because it is a pan-Canadian reality. Bilingualism therefore cannot have a local or regional character, as in Belgium or Switzerland. Quebec, to be sure, is the keystone of French Canada, and the Commission would propose a coherent set of realistic measures to strengthen its cultural autonomy. But,

in the face of Anglophone North America, Quebec needs a cordon sanitaire that would also serve as a bond with the Francophone minorities in the outlying regions. Ontario and New Brunswick, ought, according to this line of thinking, to declare themselves officially bilingual. The existence of a

the interdependence of the industrialized nations — to the extent that the new political and economic developments in the West are taking place at the expense of the social and cultural frontiers that, until very recently, divided the new continental communities. To the celebrated dictum of Georges



Davidson Dunton and Jean-Louis Gagnon

continuous block of territory, from Moncton to Sudbury, and including two-thirds of Canada's population would thereby proclaim the reality of an officially bilingual Canada. This recommendation was not to be a dead letter. New Brunswick gave effect to it almost immediately. Ontario, for its part, agreed at least to comply with its spirit. Bilingualism would become common practice in most essential services, and social and cultural institutions would be open to Franco-Ontarians.

Western multilingualism

Having said this, Canadian bilingualism must also be seen in the context of Western multilingualism. However, as Orwell might have said, some languages are more equal than others. Pastoral societies, for better or for worse, are long dead. The actions of governments today are influenced by

Bidault, "Borders are the scars of history", Mikhail Gorbachev replies, "Europe is our common home." It is unrealistic, under these conditions, to decree language policies that do not take account of this new world a-borning. The Tower of Babel's days are numbered and the language of the Europe of 1992 will be English, according to Alain Mine. For his part, Michel Vastel observes that English will be the language of North American free trade. It is undeniable that English is now the language of science, of the multinationals and of tourism. But French, backed by a deeply-rooted culture and already entrenched in the United Nations, the European Economic Community and NATO, remains as well the mother tongue or second language of approximately 150 million people. There is nothing outlandish about the idea that it might be to English what Greek once was to Latin.

A sign of unity

It is hardly surprising that many people are concerned about the predominance of English. But are they justified? The acceptance of Latin as the language of the Christian Church in Western Europe, of the monarchies and of the intelligentsia, certainly did not result in the disappearance of the vernacular languages of the time. If English becomes the language of exchange or communication for the West, as French was in the 17th century, this would not cause the decline of national languages in the geopolitical communities of the year 2000. Finally, it should be noted, in this connection, that the widespread use of French in Canada should be seen both as a sign of unity within the federation and as a brake on the increasing Americanization of Canadian society.

Moreover, if we think about it, the European community will give a new dimension to bilingualism rather than sounding its death knell. In it, French will hold the same place as it does in the United Nations, but it will be more firmly rooted. The United States (whose economic hegemony is already threatened), placed in a position of competition, will have, almost by definition, to take account of the European model and, to this end, recognize Canadian bilingualism. But will we be able to take advantage of this situation? And why would Anglophone Canadians take the risk of remaining unilingual like... the Americans?

Bilingualism in Canada has always been felt and experienced as a kind of concession, as an imposition by one on the other. Evidence indicates that it is an act of will; to rehash history requires less effort, and often less courage, than to swim against the current. Too many reactionary governments since 1867 have, unfortunately, attempted to block the expansion of bilingualism *a mari usque ad mare*. But that has no effect on the grand design launched 25 years ago. On this point the 1988 Annual Report of the Commissioner of Official Languages is explicit. According to 1986 census data, 16.2% of Canadians say they can conduct a conversation in both official languages, and the percentage is higher among 15 to 24 year-olds: 20.5%. In other words, despite the prejudices and problems, nothing can stop the trend. Common sense (which is a mixture of reason and instinct) is not fooled. It is better to speak two languages than one. Especially when the languages are English and French! ■

Bilingualism and Biculturalism

N. M. Morrison*

The B and B Commission based its recommendations on the principle of equality between the two dominant societies — English-speaking and French-speaking — not between the official language minorities.

In the preamble to *The Cult of the Fact*, his remarkable book about meaning and the nature of enquiry, the English research psychologist Liam Hudson wrote: "In the search for coherence, some examination of one's own intellectual history and prehistory is essential: and in the event, this means that one must reconsider the institutions that provide that history..."

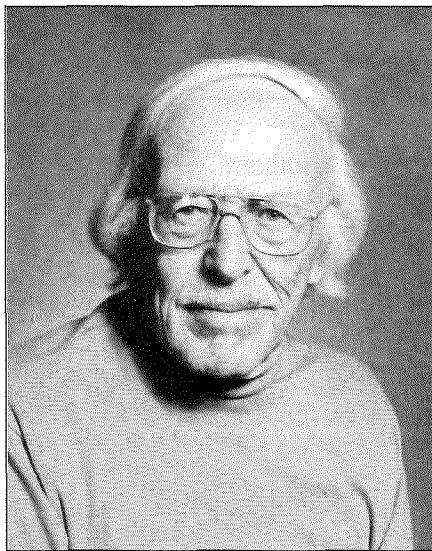
Language, culture, constitution

Problems of language and culture and the constitution have been at the centre of Canadian politics and history since the conquest in 1759. But it was over 200 years before the first serious, comprehensive study of these fundamental characteristics of the society, and of the institutions that reflect and shape them, was undertaken by the federal government. The Commission was followed immediately by another parallel, "Inquiry on the Position of the French Language and on Language Rights in Quebec", initiated by the provincial government (the Gendron Commission, 1968-1972).

In discussing the evidence the B and B Commission said: "This is not a treatise in social science we are submitting; it is an eyewitness report of the Canadian crisis." This was an innovative approach in the procedure of royal commissions. And to anyone privileged to take part in these travels and meetings it was a unique and memorable experience, sometimes painful. I remember vividly one meeting the Commission had with representatives of some of the "other ethnic groups" in

*N. M. Morrison was the Co-secretary of the Royal Commission on Bilingualism and Biculturalism from 1963 to 1968.

the north end of Winnipeg, my home town, when I became so angry and embarrassed by the attacks on André Laurendeau and other French Canadians that I almost walked out of the meeting. I was only persuaded to stay by a calmer and more rational Dave Dunton.



Neil Morrison

I also recall the highly charged atmosphere of public meetings at Chicoutimi and Quebec City when separatists strongly attacked the Quebec members of the Commission. But, as a result of our experience, I became convinced that there really was an English-Canadian society with its own language, culture and identity, separate and different from the "distinct" French-Canadian society of Quebec. I can also attest that the members of the Commission arrived at their conclusions concerning the existence and nature of the Canadian crisis on the

basis of their observations and experience, and not because of any predetermined ideology or convictions.

The B and B Commission's conclusion about the resolution of the crisis still holds true today: "Wide-ranging negotiations...will be necessary between major groups of Canadians. We believe that Canada will live and thrive if there can be a satisfactory matching between the minimum of what French-speaking Canadians consider as vital, and the maximum that English-speaking Canadians will accept." Otherwise we are likely to face further political confrontation, and possibly ultimate division.

Two dominant societies

The Royal Commission based its recommendations on the principle of equality between the two dominant societies — English- and French-speaking — not between the official language minorities. That shift in policy occurred with the change in leadership and ideology of the Liberal party and the government when Lester B. Pearson resigned as Prime Minister and was succeeded by Pierre Elliott Trudeau in 1968. And in the same year, indeed during the June federal election campaign, André Laurendeau, initiator and co-chairman of the Commission died, with the result that the planned final volume of the Report, dealing with constitutional issues and the role of Quebec as a distinct society, was never written.

The government proceeded to implement many of the specific language recommendations in adopting the Official Languages Act in 1969. But it ignored the fundamental bicultural policy concepts which the Commission presented in the General Introduction to the final Report. In particular, the Trudeau government rejected the role assigned to Quebec by the Commission, e.g., "...we believe the place of the Québécois in the French fact in Canada will in practice have to be recognized much more than it is today....All these facts combine to give Quebec a leading role in promoting the French language and culture in Canada, whatever may be the political solution finally adopted." In other words, French will survive as a living, working language in Quebec, or not at all and survival of the minorities depends on a strong French Quebec. "This conclusion is in the nature of things; it is not the outcome of ideology or some messianic notion. In this sense it is an obvious and incontrovertible fact that Quebec is not 'a

⇒

province like the others.” Pierre Trudeau however believed strongly that Quebec was just “a province like the others” and did not need additional powers or special status in order to preserve and promote the French language and culture in Canada — and North America. Individual human rights replaced or overrode collective rights.

English Canada was persuaded that if it accepted bilingualism at the federal level — which in the main it did — the Quebec problem would be solved. French Canadians would feel at home anywhere in the country. However, in Quebec — among the French-speaking majority in that province — bilingualism was seen as the road to assimilation. The Quebec problem is still with us, despite 20 years of the Official Languages Act, and the French language minorities outside Quebec, except possibly in New Brunswick, are still being assimilated at a distressing rate. And a great many English Canadians feel betrayed.

On the afternoon of December 5, 1967, André Laurendeau and I were crossing Wellington Street on our way to the House of Commons for the tabling by Prime Minister Pearson of Book I of the Report on “The Official Languages”. Finally, after more than four years of strenuous effort and considerable stress, it should have been an occasion for rejoicing. Instead André was depressed and disappointed. He had hoped that the book on the use of French in the work world would be the first volume of the Report submitted, but the research on which this was to be based was still not finished. I tried to

look on the bright side and cheer him up by saying that Book I would mean more jobs for French Canadians in the federal Public Service, and more recognition and a higher status for the French language in Ottawa and elsewhere in the country. He replied: “But, Neil, it does nothing for Quebec.” And he was right. Multiculturalism replaces biculturalism.



Maurice Lamontagne

Multiculturalism

On October 8, 1971, Prime Minister Trudeau made a statement in the House of Commons announcing a new policy of multiculturalism based on implementation of recommendations in Book IV of the Report about “The Cultural Contribution of the Other Ethnic Groups”.

This effectively replaced the bicultural aspect of the terms of reference (drafted by Maurice Lamontagne, President of the Privy Council in 1963) that the Commission had received from the Pearson government. The Commission did not advocate a multicultural policy for the country but rather proposed integration — but not necessarily assimilation — with one of the two dominant cultures, English or French.

In his statement Mr. Trudeau said that “the government, while responding positively to the Commission’s recommendations, wishes to go beyond them to the spirit of Book IV to ensure that Canada’s cultural diversity continues.” That is a plausible but tendentious and debatable statement. Of course the Commission recognized that “there are a number of cultural groups in Canada with a clear sense of identity....To deny their existence would be to shut one’s eyes to the Canadian reality....A country like Canada must admit diversity within unity, show itself hospitable, and refuse to tolerate any kind of discrimination.” But “We have rejected, for moral and practical reasons, a concept of the Canadian population based on ethnicity.” In fact, while pretending otherwise, the government’s multicultural policy concerning the role of “other ethnic groups” contradicted the policy advocated by the Commission — both in the General Introduction to the Report and in the Introduction to Book IV itself. The Commission warned against the dangers of such a policy, dangers which seem to be surfacing now, 20 years later. ■

Public Opinion

The children of the provincial official language minority should have the right to be educated in the minority language.

Atlantic	76%
Ontario	68%
Prairies	72%
British Columbia	57%
Quebec	88%
Canada	74%

Source: *Réalités canadiennes*, 1985.

It is “very” or “moderately” important for young people to be able to speak the other official language.

Age	Anglophones	Francophones	All
15-24	78%	98%	83%
25-34	78%	99%	83%
35-40	82%	100%	86%
41-49	84%	99%	86%
50+	80%	99%	85%
Average	80%	99%	84%

Source: *Réalités canadiennes*, 1985.

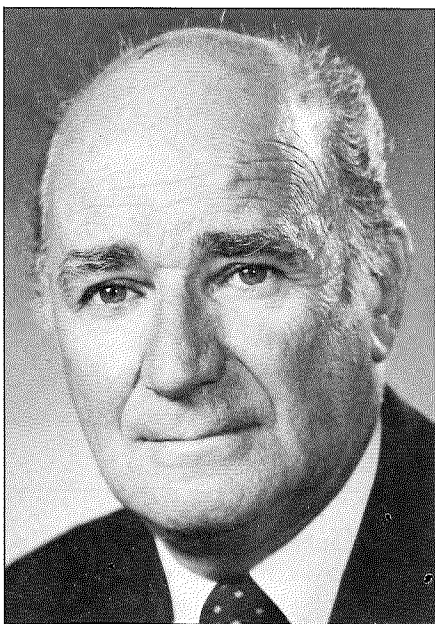
The Kick-Off

Gérard Pelletier*

It is extraordinarily rare for a newspaper article to persuade a government to take positive measures, but that is what André Laurendeau's editorial of January 20, 1962, did.

It all began with an editorial in *Le Devoir*, the Montreal daily, signed by André Laurendeau and entitled "Pour une enquête sur le bilinguisme" — for an inquiry into bilingualism.

Early in the 1960s, in the midst of the Quiet Revolution, there was much talk in Quebec about the federal government's linguistic practices. Among other things, the demand was made for the thousandth time that cheques issued



Gérard Pelletier

by the federal government be made out in both of Canada's languages! Laurendeau's editorial, however, did not dwell upon such details. It called, for the first time, for a comprehensive approach to the problem. That, no doubt, is why it

***Former journalist Gérard Pelletier has been Secretary of State and ambassador to France and to the United Nations.**

played the role of a catalyst, why it prompted a movement of opinion and gave rise to a policy.

To be sure, it is not unusual for a journalist's opinion to prevent a government from taking an ill-advised action — or, for that matter, a well-advised one. But what is far more surprising (and extraordinarily rare) is that a newspaper article persuaded a government to take positive measures. In the case of the Laurendeau-Dunton Commission, which was to lead to the Official Languages Act and the subsequent language policy, that is exactly what happened.

The editorial

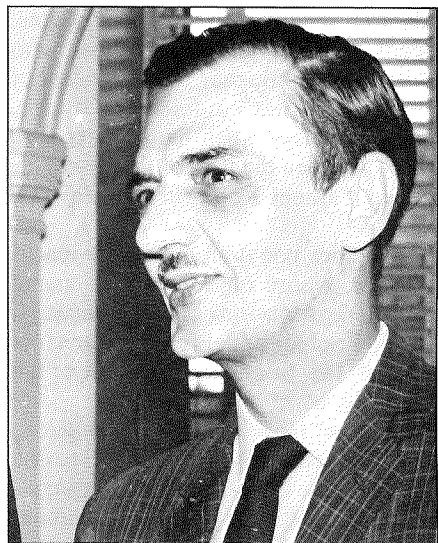
It must be said that this was no ordinary editorial and no run-of-the-mill journalist. André Laurendeau, one of the sharpest minds of his time, stated the problem clearly, persuasively and calmly, but without concealing the urgency of the action he recommended. This lead editorial of January 20, 1962 is a text that is still worth reading today.

At the start of 1962 the Diefenbaker government had been in power for almost four and a half years. Rumours of a general election were rife throughout the country. Laurendeau therefore devoted his first paragraph to the Speech from the Throne, which had been delivered two days earlier. It was a document, in his view, "characterized by silence on the major issues" — particularly the economic situation and unemployment, the question of nuclear weapons on Canadian soil and, thirdly, "the problem of Confederation."

This third question would be the subject of the article. "It is understood," the author wrote, "that governments do not reveal all their intentions at the outset of a session and that they like to save some surprises for the eve of an election. We may be permitted, then, to take up one of the three issues absent from the official document, that of the

participation of French Canadians in Confederation."

Laurendeau hastened to add that this issue could not be restricted simply to the repatriation of the Constitution, and still less to bilingual cheques. "Let us acknowledge that the policy of French Canadians has consisted in asking Ottawa for large favours and that Ottawa's policy, from one election to another, has consisted in granting small ones. For my part, I propose a moratorium on favours. No bilingual cheques,



André Laurendeau

no new bilingual inscriptions, no piecemeal concessions for a while. In their place, a Royal Commission."

The mandate

The mandate of the Commissioners was defined as a tripartite one: to find out what Canadians, from Atlantic to Pacific, thought about the issue; to look at how other societies faced with the same problems (Belgium, Switzerland, etc.) had solved them; to examine the treatment of the two languages in the federal administration. Throughout his article, Laurendeau made a point of speaking of "the bilingual state" and "the bilingualism of the state". In his mind, therefore, it was a question of institutional bilingualism only.

I can testify that André Laurendeau had no idea of finding himself co-chair of the Commission he proposed. But when he was invited to follow through on the proposal he had made, how could he refuse? Accordingly, he and Davidson Dunton set to work in the fall of 1963. Meanwhile, there had been two general elections, and it was from the Pearson government that the Royal Commission received its mandate.



After five years of work, in the spring of 1968, André Laurendeau left us before being able to complete the work of the Commission. A few weeks later, the Trudeau government won the general election and, starting in August, a committee of lawyers, which I joined as Secretary of State, set about drafting the Official Languages Act.

The Act

What a task! An inspiring task to which I applied myself wholeheartedly — and with my complete ignorance of the law. My role was to interpret the concepts, needs and requirements of those who called for a bilingual state. It was hot and humid that summer in Ottawa. Except on days when the Cabinet met, we were given the loan of the air-conditioned Cabinet Room in the old East Block.

How does one draft such a far-reaching Act, whose objective is to ensure that the government, in all its services, treats English and French as perfect equals? The first thing was to state the principle, which was soon done.

But then? How to define the language rights of citizens? How to prescribe equitable use of both official languages, in Parliament and in all government departments and offices, both at home and abroad? How to anticipate the linguistic needs of taxpayers who want information about the activities of their representatives and government officials, about their rights and duties within political institutions? How to solve the linguistic problems of the travelling public at all the country's train stations, ports and airports? How to meet the needs of union members and business people in their dealings with the government?

In certain areas, it is impossible to "legislate equality", as the Americans say. But we started from the idea that it was perfectly possible, by legal means, to bring about uniform use of the country's two official languages in the relations between Parliament, the government and the whole of the population. Services in English already existed, except perhaps in a few offices in rural Quebec. It was French that needed the assurance of equality. Its treatment in nearly all federal services was deplorable. For example, it was mainly in English that we discussed, in that torrid month of August, methods for improvement. But I retain the memory of an absorbing task accomplished by men and women of good will who were not afraid to move much of the furniture to make the house more livable. ■

How the Linguistic World Looked in 1970

Keith Spicer*

The mandate seemed to be a fairly simple one: to uphold and preach the idea of the equal dignity of English- and French-speaking Canadians. Reality was different.

It was the best of times and the worst of times. The best, because on April Fool's Day in 1970, the day I entered my little second-story office at 100 Metcalfe Street, languages were at the heart of Canadian politics. The worst, also because languages were at the heart of Canadian politics. I knew I was going to be juggling important issues; but discomfitingly often these issues looked (and sounded) like bombs.

The new boy

I was a new boy. As I told the first journalist to interview me as Commissioner (Ben Tierney of the *Ottawa Citizen*), I had never before administered "anything bigger than a two-hole outhouse." Although I had worked in government before as a minister's speech writer, I didn't know much about the guts of government — the vital stuff like ordering pencils. On this first day I had a desk, and even a secretary generously steered to me by Secretary of State Gérard Pelletier. And I had a copy of the Official Languages Act. Plus a copy of Marcus Aurelius's *Meditations*, just in case.

It didn't take long for things to get interesting. Within hours I had the visit of a strange little man who asked my name, then turned around mysteriously (to reach for a revolver? This was the heyday of the *Front de libération du Québec*). When he whirled back to face me, he whipped out a big white document in place of a gun. With great pomp and authority, he announced he was a bailiff serving me a writ as an accomplice in the "unconstitutional"

*Currently Editor of the *Ottawa Citizen*, from 1970 to 1977 Keith Spicer was Canada's first Commissioner of Official Languages.

Official Languages Act, along with one P.E. Trudeau and Mr. Pelletier. The gentleman launching the action was Joseph T. Thorson, former President of the Exchequer Court, ironically the father of Donald Thorson, the civil servant who drafted the Act.



Keith Spicer

I remembered thinking what a fine start this was. Imagine: a green-behind-the-ears 35-year-old lad like me being sued in the exalted company of the Prime Minister and the Secretary of State! But then I had to get back to more prosaic stuff, like figuring out my mandate, choosing a style to fit the volatile climate of the times, forming an organization, and hiring some colleagues.

A non-judicial view

The mandate I saw as a fairly simple one: to uphold and preach the idea of the equal dignity of English- and French-speaking Canadians. I was not a lawyer and — why not avow a prejudice? — I didn't like lawyers much, for

I saw them as professionally narrow-minded trouble-makers who would pettifog linguistic justice to death.

I decided to take a resolutely non-judicial view of the Act, seizing its essence of equal dignity (as I understood it) and using whatever I could in it to support that ideal. But for the details, I set out as operating principles values which would horrify any lawyer: common sense, generosity, imagination. These were ideals that became a credo to our whole staff.

Of course I was not quite naive enough to think I could get away with not reading the Act in full — although I don't think I really did ever get through the whole thing. So I quickly accepted an offer by Royce Frith, a lawyer-member of the B and B commission, to lend a hand. Within a few weeks, I politely sent back the legal adviser the Department of Justice had offered me, on the grounds that it was improper for an officer of the legislative branch to be getting legal advice from the executive branch. For the rest of my seven years and four months on the job, Frith managed to keep me out of jail.

Friendly activism

I also decided that we could get the Public Service onside by taking a friendly, activist, preventive medicine

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role instead of a negative, passive role resting only on embarrassing complaints. I went to most of the deputy ministers and asked their advice on this, and they leapt at it. Naturally, they could not love us — after all, we could get them in trouble by denouncing their sins of omission and commission. But they welcomed the chance to avoid such problems by working with our "special studies" staff. They often kept us from talking nonsense about their departments, so it was a good deal for both sides.

The style I chose had to be natural, fitting and effective. It emerged mainly from my own rather bohemian personality plus the need to survive in a linguistic climate characterized by fear,



The three Commissioners: Keith Spicer, D'Iberville Fortier and Maxwell Yalden

loathing and incipient hysteria. I quickly decided that in such a gloomy atmosphere a straight faced, super cautious or apologetic approach would only embolden the bullies on all sides of this argument, and make a lot of innocent bystanders fall for the angry lies not a few of these haters were peddling.

I also thought an orthodox, deadly serious approach would fail to reach the many decent English-speaking Canadians who were turned off because nobody had ever explained the language reform to them in simple, positive terms. Finally, I thought it vital to seize the attention and respect of a deeply sceptical, and often cynical, French-speaking population which had heard too many fairy stories and condescending flatteries. On this score I regularly told my colleagues that sometimes we might have to offend quite a few English-speakers and "ethnic" Canadians, but that the fragile new Act would wither if we let French-speaking Canadians conclude that it was a farce.

Hence the need to incarnate the Act's seriousness in a plucky, irreverent, even stubborn and daredevil persona. Besides, what a dream job: to get paid for hammering the hell out of the government! Don Quixote knew no greater ecstasies.... So I decided that the most prudent approach was calculated imprudence — thoughtful provocation to get attention, and good humour

(indeed slightly wacky humour) to sugar the pill.

My main goal was to get people to think about languages not as problems but as opportunities. To do so I had to speak to their hearts as well as their minds, to confront their historic fears and prejudices head-on and try to show them new perspectives and new hopes.

Since the language issue is so different for English and French, I could not present it in identical terms for both groups, as no doubt the law suggested I should. As I said in a couple of annual reports, it seemed to me that the task required playing Joan of Arc for the French and the Pied Piper (then patriotic trumpeter Bobby Gimby) for the English. In short, it demanded securing long-denied new rights for the French, and showing the English that at least their children could benefit from Canada's acceptance of English and French, "two world languages", as national resources.

A high profile

To get all this across, I had to take a very high-profile stance. Since bombs, real and metaphorical, were going off all too frequently, the media were always calling up — especially when they found out this wild young guy, who leapt more or less death defyingly in and out of hot water, made fairly good copy. Since I had hair then,

indeed too much of it, and was taken to wearing dashikis, sandals and other hippie-like garb, it was not too hard to use humour, outrage and spectacle to slip the message across. Playing to the gallery was a good way to get heard; and I must confess it was enormous fun.

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What about getting our administrative act together? By the end of my first day, I had called up the Privy Council Office for help, and they were extremely kind and helpful. I remember two advisers who became friends: Gordon Osbaldeston, who ran me through the arcana of budgets; and Lawrie Wren, a wonderfully accommodating man from Supply and Services, who not only got me the notorious pencils but almost anything else I needed of a practical nature.

Politicians

On both mandate and organization I consulted all four party leaders (Liberal Pierre Trudeau, Conservative Robert Stanfield, New Democrat David Lewis and Créditiste Réal Caouette). During my whole time I consulted them all at least once a year — giving them a private briefing on what I was up to and asking them for comments or advice.

This was often highly useful. Trudeau, for example, asked if I could come up with a yearly “report card” on the language performance of main departments — this idea ended up as the much appreciated “Guide Michelin” in our third annual report. Lewis advised me to publish one bilingual report instead of two unilingual ones, and to bluff the idea of language of work into the Act’s absolutely vague Section 2 which spoke only of “equal status, rights and privileges.” I did, and found that nobody dared disagree. Caouette encouraged me to take on the infamous mayor Len Jones of Moncton, which I did. And Stanfield, in his droll, wise way, advised me to change a phrase I was then using about on-and-off language training. When I told him I planned to call it “coitus interruptus”

in my next annual report, he deadpanned, “Well, Mr. Spicer, maybe you have enough troubles to deal with without putting it quite that way.” So in my report this lusty phrase ended up as the “Don Juan syndrome: an endless series of unconsummated seductions.” A rose by any other name....

The children’s crusade

The final, and absolutely decisive, element in getting the show on the road was people. To get off to a fast start, I brought to Ottawa 10 of my best students from the University of Toronto and York University. I assigned to each a dossier, such as the Public Service, the “ethnics,” the Quebec English, and the Armed Forces. By the end of the summer, when I realized that Public Service hiring moved slightly more slowly than the Columbia Icefield, I realized how lucky I was to have these students with me. They were bright, hard working, enthusiastic. Together we looked like a children’s crusade, and I think that summer — what with our sandals (if not bare feet), our innocence (well, maybe ignorance is not unfair) and our brash let’s-do-it attitude — we shook up dusty old Ottawa and set the stage for the more stable administration which followed.

In 1970-71 the cause of language equality attracted many of the best talents around Ottawa. Within the year we had a tight little team of a few dozen people of widely different backgrounds but with a common, youthful commitment to making Parliament’s language reform work quickly and fairly. We were intensely aware that our actions

*I had to speak to
people’s hearts
as well as their minds.*

and words could tangibly help or hinder this great national purpose. In doing so, we worked hard and played hard — our office parties and picnics assuming some sort of legendary status at the time. With history’s season and our youth as allies, we all had the time of our lives.

That, at least, is what I hear whenever I meet those 10 ex-students and the gang of Year One, when I run into them

now in their often impressive positions in this country. A certain (then usually barefoot) girl, Helen Sinclair, now represents the Canadian banking industry; another, Ratna Ray, is Ontario’s rental czarina; still another, Gabrielle Kirschbaum, is that province’s chief of protocol. Guy Robitaille and Jeanne Marsolais are senior officials with the CBC; Lloyd Stanford is the federal government’s chief adviser on racism;

*I marvelled at the
wisdom and maturity
of Canadians.*

Georges Tsai is a big player at Treasury Board — as is Orest Kruhak for the Secretary of State in Vancouver.

There were days in that first year or two when I wondered if we would last the month — and not only when Tory MP Tom Cossitt launched an impeachment motion against me for echoing René Lévesque’s infamous phrase about the “Westmount Rhodesians”. But gradually, as our reports found voice in government policies and as press and public accepted our reasoning about languages as opportunities, we sensed the tide was turning. Even after the Parti Québécois came to power in 1976, it seemed that the country had made a sea change in its attitude towards languages. There would always be alarms and excursions, as we see again in 1989. But, in some deep way, Canadians had sought and found new compromises, new methods and new sophistication for resolving our inevitable linguistic tensions.

When I left this most interesting of jobs on July 31, 1977, I marvelled at the wisdom and maturity of Canadians — at how, in their modest, sometimes infuriating, way they were coming to terms with Canada’s long neglected linguistic opportunities. I was of course sad to leave. But I wanted to depart while still fresh and enthusiastic. As I rode the last elevator down our old Vanguard Building that warm summer evening, after seven years and four months “on the ramparts”, I rejoiced in the privilege and the fun it had been to share in this tumultuous yet sweet growing up — of Canada, and of all of us present at the creation. ■

Reinforcing Canada's Commitment

Maxwell Yalden*

Most of the efforts of the Office went to encouraging government to make good on the definition and application of the Act, boosting of federal investment in language education, and developing of better constitutional safeguards.

Ten years ago I found myself trying to sum up the fortunes of Canada's first decade of official bilingualism. Today, we are on the eve of the third decade and what for some started out as a quixotic gesture has become an enduring national goal. That "the language question" is not "resolved" even today is obvious and need surprise no one. What may be more helpful is to consider what we hoped to achieve and how far we have come.

Linguistic reciprocity

There has always been a tendency among detractors to pretend that the federal government decreed universal, individual bilingualism in the 1960s and that it has failed. The truth of the matter is that no such thing was attempted. The blueprint that was bequeathed to us by the B and B Commission was one in which, by making certain services available in either English or French, Canadians would enjoy a choice of official language. Those services included such things as federal government programs, broadcasting, education and the right to be heard in the criminal courts.

In 1979 the federal Official Languages Act was almost the only legal underpinning of official bilingualism. The full meaning of the proposition that English and French should enjoy equal status in Canada and that the country was founded — and could only hope to continue — in a spirit of linguistic

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reciprocity, had not sunk in and was not very widely reflected in our institutions.

Quebec scepticism

Such was Quebec's scepticism about the "equality of status" of the two languages that it had passed the Charter of



Maxwell Yalden

the French Language (Bill 101) in 1977 to reinforce the majority language in that province. The Task Force on Canadian Unity, chaired by Jean-Luc Pépin and John Robarts, pointed in 1979 to "a growing tendency toward the geographical concentration of Canada's French and English speaking populations." Later that same year, however, the Supreme Court decided in the Blaikie

and Forest cases that the English minority in Quebec and the French minority in Manitoba had constitutionally protected language rights which could not be unilaterally abrogated by a provincial legislature. Thus the stage was set for a major effort to establish constitutional rights for English and French that would be, as far as humanly possible, equivalent for both communities.

Definitions

One of the issues that greatly exercised our constitutionalists, then and now, was how to define the scope of those constitutional guarantees so as to afford the greatest real protection to the minorities concerned. It had become quite obvious that an Official Languages Act, a few federal support programs, and some rather tenuous rights to use either English and French in the legislatures, laws and courts of some provinces, were hardly enough to stem the flow toward linguistic polarization. Most of the efforts of the Commissioner's Office were devoted to encouraging governments to make good on those deficiencies: the definition and application of the Official Languages Act; the boosting of federal investment in language education; and the development of more adequate constitutional safeguards.

A first slate of recommended amendments to the Act went forward in 1978, but it was not until the creation of a Joint Parliamentary Committee in 1980 that it became possible to focus parliamentary and government attention on the need for both practical and legal reforms. In early hearings before the Joint Committee the popular bogie of rampant federal bilingualism from coast to coast ran smack into the facts: of 6,500 Canada Post jobs in British Columbia, for instance, it turned out that only one was designated bilingual.

Education

It also took some years to make more acceptable the proposition that bilingual jobs should normally have bilingual incumbents, and to begin to make the use of French as a language of work outside Quebec a realistic possibility for the growing number of Francophones in the Public Service. But as we pressed, year in and year out, for more effective compliance with the Act, we also tried to keep in mind that the health of our official languages minorities lies much more in the provision of appropriate education than in the availability of bilingual tax forms.



Even as Minority Language Educational Rights were being written into our Charter of Rights and Freedoms, the viability of French schooling outside Quebec, New Brunswick and Ontario remained seriously in doubt and the English school system in Quebec had begun a sharp decline. On the other hand, the immersion boom was getting under way and the growth of individual bilingualism among Canadians was beginning to make its mark on the relations between the two language communities.

Cool, clear facts

Language matters were never far from public attention during my years as Commissioner. Then as now, the task was to separate cool, clear facts from the heat and noise of public controversy. As I said in my farewell report five years ago, one has to have lived through some of these reforms to know how remarkable they are and how well they speak of Canada's commitment to reform.

Say what one will, the federal Public Service is immeasurably more responsive to, and more representative of, English-speaking and French-speaking taxpayers than at any time in our history.

The idea of effective French schooling in Western Canada or Newfoundland no longer seems a political pipe dream. Most remarkable of all, for my money, has been the growth in public belief that official bilingualism can not only be made to work but is becoming a defining characteristic of our country, a badge of honour rather than a mere bone of contention.

I do not delude myself that the work of reform that was so thoroughly outlined by the B and B Commission is anywhere near complete. On the other hand, I do see a much better public understanding of what that work entails. Throughout the seven years of my own Commissionship, I was particularly conscious of three needs: to broaden public support for the goals of official bilingualism; to tie them in with other national objectives; and to ensure that there are proper systems of financing, accountability and enforcement in place to make the whole thing work. I think all of us who were at the Office in those days can take some pride in the extent to which we were able to move toward those objectives during my term of office. I am delighted to see that those same goals have been made even more explicit in the new Official Languages Act. ■

Official Languages from 1984 to 1989: Is the Struggle Over?

D'Iberville Fortier

Who, 25 years ago, would have believed that the concept of the equality of status of the official languages in federal institutions would have made such progress?

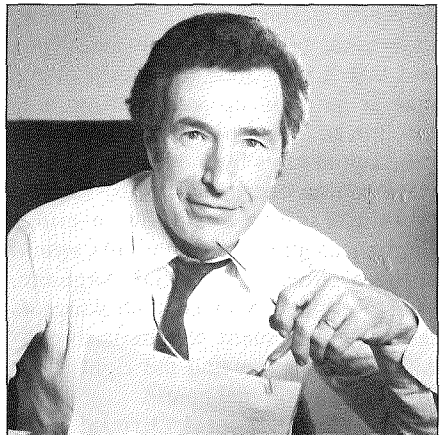
This early spring of 1989 is a time of trenchant declarations and of questioning. *Maclean's* trumpets: "A nation divided". Another publication declares: "The Meech Lake accord in trouble." Sixty thousand marchers in Montreal call for a return to Bill 101. Prime Minister Mulroney and Premier Bourassa resolutely take opposite sides on keeping the notwithstanding clause in the Charter of Rights and Freedoms. A crisis or an incidental setback? It is certainly too early to write history; after all, the Charter of Rights is only seven years old.

I took up my duties in 1984, one week before the Mulroney government was formed. I therefore wondered, not without some apprehension, what the attitude of the new Conservative government, formed by a party of which many members had somewhat grudgingly approved the 1969 Official Languages Act, would be if it committed itself to a real renewal of the language reform we considered essential, would its troops follow, or would we see a more or less general pulling back?

In its Speech from the Throne of November 5, 1984, the government committed itself "to ensuring that the equality of the two official languages — so vital to our national character and identity — is respected", to cooperating with the provinces in supporting official language minorities and to promoting the multicultural character of our country. It would be four years before these commitments received legislative sanction. But who would have believed, a quarter of a century ago, that the concept of the equality of status of the two languages in federal institutions would have made enough

progress in some 20 years for a new Official Languages Act, significantly strengthened and broadened in keeping with a 1982 Charter of Rights, to have become generally acceptable?

In this Act, federal bilingualism at the service of Canadians takes on a new clarity. The rights of the public and the obligations of the government are specified and given a priority and enforceable character. The Act also makes provision for the promised cooperation with the provinces in ensuring the vitality of the minorities and the advancement of both official languages in all of Canadian society.



D'Iberville Fortier

If its advent met with some resistance from members of the government party, as echoed across the country in various hitherto rather marginal opposition movements, it was nevertheless adopted by a huge majority. Some — wrongly in our opinion — saw in the Act merely the finishing touches to a reform that had already, in essence,

passed into practice. Had this reform not largely neutralized, to the extent that federal language legislation could, the alienation of Quebec resulting from the behaviour of a central government that had denied Francophones their fair share for too long? The development of an instrument of such quality nevertheless represents major progress — above all, a new state of mind. The legislative reform should therefore bring in its train, without delay, the administrative reform that has been stalled for some years in many federal institutions.

This spirit of renewal is also to be found elsewhere: very positive developments in Toronto, renewed commitment in Fredericton, Whitehorse following Yellowknife's lead into the bilingual camp. The situation in Quebec is more complex because certain measures strengthening minority rights are being taken there, while another step was taken in the opposite direction. Moreover, the inexcusable slowness of most of the provinces in fully and effectively implementing the provisions of the Charter of Rights and Freedoms concerning minority language education rights is still cause for regret. While the discrepancy in the status of our minorities from one Canadian province to another is no doubt the logical consequence of a highly decentralized federal system, it is still far too pronounced.

But let us return to Quebec. For many Quebecers, national reconciliation can be achieved only if the Francophone partner of our double linguistic majority experiences an adequate sense of collective security within Canada. A solution therefore had to be found to the political impasse resulting from the repatriation of the Constitution in 1982 without the support of Quebec. Such a solution would not solve all the problems, but, in a sense, the bond of the partnership between the two language communities would then be reknitted — a consummation long desired. Hence the Meech Lake accord of June 1987. We know the vicissitudes of its ratification, but not its ultimate fate. From the linguistic point of view, we are in favour of this accord, despite reservations about minority rights which, we believe, could be addressed in a future agreement. Everyone knows that if the 1987 accord should come undone, it would be necessary to replace it with another. But when? How? And at what cost?

The relatively recent concern, not to say obsession, in Quebec with the demographic future of Francophones is

no doubt the most important development that has occurred in the area of the relationship between the two languages. The increasing minority status of English Quebecers is another. Did the "revenge of the cradle" not give French-speaking Quebecers much of the strength and energy needed for the Quiet Revolution and the flowering that followed? The possibility of their numerical decline clearly would jeopardize the present balance of power. This concern can be the source of creative solutions, and the prophets of doom may be mistaken. But, so long as constitutional and demographic solutions have not been found, can it be said that the struggle is over?

The responses to the Supreme Court decisions of 1988 on the status of French in Saskatchewan (and Alberta) and in the cases involving commercial signage in Quebec, despite the significant legal and political differences between them, have reminded us unequivocally that language matters come under the jurisdiction of two levels of government which are not necessarily in agreement. They also draw attention to the clearly asymmetrical situations that exist between the two languages, in the Canadian and North American context, the fragility of the

balances, and the divisions that subsist in Quebec with regard to the appropriate solutions to all the problems that centre around language.

But there are also reasons for hope. They spring, among other things, from the desire of Canadians to preserve their national identity in a world in rapid transition where implementation of the Free Trade Agreement with the United States poses a major challenge and from the vitality of Quebec and the acquisition by Quebecers of a greater sense of cultural security, which would result in their taking less defensive positions. The changing attitudes in English Canada, as indicated by the dizzying increase in interest in French immersion courses, and the opportunities that more rapid movement on the minority education issue could offer the scattered Francophone communities are also significant factors. It would be wrong, in our opinion, to lose sight of the forest for the trees. History does not proceed without backward steps; if it is true that its moving force is the dialectic of challenge and response, the progress made in the past quarter of a century, despite obvious blemishes, justifies hope. Canada is not, in my view, a federation that is coming apart, but a country which is still in the making. ■

Official language minorities

	1971	1986
FRANCOPHONES		
New Brunswick	215,725 (34%)	237,570 (33.6%)
Ontario	482,040 (6.3%)	484,265 (5.5%)
Elsewhere in Canada	228,635 (3.2%)	224,025 (2.5%)
Total	926,400 (6%)	945,860 (5%)
ANGLOPHONES		
Quebec	789,185 (13.1%)	678,785 (10.4%)

Source: Statistics Canada, censuses.

Bilingualism in Canada

	Bilingual Francophones	Bilingual Anglophones
1971	34.0%	5.5%
1986	38.5%	8.5%

Source: Statistics Canada, censuses.

Equal Partnership and Language Policy

Gordon Robertson*

In its 1965 Preliminary Report the B and B Commission spoke of English and French in Canada: "There exists a deep gulf, with unawareness on one side, and strongly rooted feeling on the other." How far have we come since then?

The terms of reference of the Royal Commission on Bilingualism and Biculturalism of July 1963 charged it "to recommend what steps should be taken to develop the Canadian Confederation on the basis of an equal partnership between the two founding races." In particular it was to make recommendations about the promotion of bilingualism and better cultural relations in



Gordon Robertson

Canada. Its Preliminary Report of February 1, 1965, opened with the much-quoted warning that "Canada, without being fully conscious of the

*Gordon Robertson, Clerk of the Privy Council and Cabinet Secretary from 1963-75, has been a Fellow-in-Residence of the Institute for Research on Public Policy since 1984.

fact, is passing through the greatest crisis in its history." The source of the crisis, it said, was in Quebec: "the state of affairs established in 1867, and never since seriously challenged, is now for the first time being rejected by the French Canadians of Quebec." The early hearings of the Commission made it clear that the extent of the rejection and of discontent with the "state of affairs" encompassed French-speaking Canadians in all provinces.

B and B: The Preliminary Report

A re-reading of the Preliminary Report is salutary. The most encouraging thing is to be reminded, when one is frustrated by Alliances for the Protection of English in Canada and other signs of bigotry, how far English-speaking Canada has come in 25 years. The quotations in the Report from presentations to the initial hearings in the English-speaking provinces betray a total unawareness that French-speaking Canadians had any right or expectation to be heard or to be served at all in French outside Quebec. There was frequent resentment that any such proposition should even be raised to disturb the peace: "We have no problems here — Let's all be Canadians — One Canada: no 'hyphenated Canadianism'." These comments were not from extremists. They represented a general innocence of any real problem for Francophones in "English" Canada. As the Commission said "There exists a deep gulf, with unawareness on one side, and strongly rooted feeling on the other."

There is no such unawareness today. With the educational work of the "B and B Commission", the Official Languages Act in 1969, the seemingly endless constitutional conferences from

1968 to 1987, the separation crisis of 1976 to 1980, Bills 101 and 178 and the Meech Lake accord, few English-speaking Canadians are "unaware". They know that French-speaking Canadians are not just another minority-language group. They are different — and not just in Quebec. Only a small minority of extremists continue to oppose the idea that there are, indeed, two languages in Canada, although many still gag over the word "official". Gaggling or not, most now accept that accommodation must be made for two official language minorities: one in Quebec and the other in the rest of Canada. And, in spite of delays and disappointments, more has been accomplished than seemed to be a realistic expectation when I used to discuss these problems with Davey Dunton and André Laurendeau in the early days of their Commission.

Two incomprehensions

However, the reaction today to the "distinct society" clause in the Meech Lake accord, the problem of approval of the accord in Manitoba and New Brunswick, the "sign language" crisis

More has been accomplished than had seemed realistic.

in Quebec and the revulsion in English-speaking Canada at the use of the "notwithstanding" clause of the Charter of Rights in passing Bill 178, all make clear that, if we have passed out of the two solitudes of the 60s, we are mired in two incomprehensions. Those incomprehensions, among Québécois on the one side and about Quebec on the other, are a major source of suspicion.

The incomprehensions poison the atmosphere, not only about Meech Lake but also about further steps in the solution of problems of minority language rights. Until they are diminished it is going to be difficult to make further progress either in the substance of minority language rights or in the establishment, through Meech Lake, of the constitutional basis for equal partnership.

Anglophone attitudes

The "winter of discontent" of 1988-89 over signs, Meech Lake and the distinct society came as a rude reminder of the relationship between perceptions about the situation of Quebec and its English-language minority and attitudes in English-speaking Canada on language

*The problem of
education that faced
the B and B
Commission
was enormous.*

as such. After the storms of opposition to bilingualism during the 1970s, in Western Canada and Ontario especially, the results of a national poll by Angus Reid Associates in May 1986 had been cheering. The Reid report was able to assert that "After more than two decades of concentrated, often heated public debate on the subject, results... indicate that language may not be the divisive issue it once was in this country." Sixty-six per cent of people throughout Canada whose mother tongue was English in 1986 either strongly or moderately supported official policy based on the proposition that "Canada is a bilingual country with both English and French as official languages." Eighty-eight per cent of those whose mother tongue was French supported the policy at that time. Across the four western provinces there was 55% support for bilingualism, in Ontario 71%, in Atlantic Canada 77%. The report optimistically said that "The policy of official bilingualism appears to have taken hold in Canada."

If language policy could be insulated from the emotions aroused by Bill 178, from a fear about the implications of "distinct society" and from apprehension over the use in Quebec of the "notwithstanding" clause, the results of the poll of 1986 would probably still represent the attitudes of English-speaking Canada. However, unless those emotions can be calmed it seems unlikely that Meech Lake will receive its two final provincial approvals — and unless it is approved the whole effort of 25 years may unravel.

A society at risk

The underlying problem is that French-speaking Quebec sees itself as a society

and culture at risk, with a continuing need to defend its existence. English-speaking Canada has no understanding of that worry. It resents, as a denial of basic human rights, the defensive measures Quebec thinks reasonable and necessary for self-preservation.

The first step to understanding is somehow to inform English-speaking Canada about the reality of the risk to the French culture and society of Quebec: the third lowest birth rate in the world, the surrounding sea of English-speaking North America, the temptation for immigrants to Quebec to opt for English. The debate over the Free Trade Agreement with the United States brought English-speaking Canadians face-to-face with the risk that *their* cultural identity might be lost. Even a large proportion of those who supported the FTA were worried. There was insistence that "culture", in all its ramifications, should be exempt from the agreement. The American negotiators and government were as uncomprehending about the concern of Canada as English-speaking Canadians

even more opposed to seeing Quebec leave Canada. Only 28% would favour it on the Prairies, where that view is strongest. If Quebec were a separate state it could take defensive measures for its language and culture, just as Canada has done in various ways for decades and as it has made clear it will continue to do. No one damns such measures with the epithet "collective rights". No one sees them as opposed to individual rights. They are laudable, reasonable measures by a people, proud of its cultural identity, to protect that identity from being swamped in a surrounding sea of American culture.

The risks for the cultural and linguistic identity of Quebec are as real and as great as those for Canada living beside the United States. Measures of defence must take a different form since Quebec is not a state, but they are not to be condemned unless they become unreasonable infringements of the fundamental rights of individuals of other languages in Quebec. We accept, and the Charter of Rights and Freedoms provides for, the subjection of rights

A Preliminary Report of the Royal Commission on Bilingualism and Biculturalism

today are about the concerns of Quebec. With that experience so recent, it should not be impossible for a more informed English-speaking Canada to appreciate why Québécois are worried.

Collective and individual rights

The second step in comprehension would be to establish the proposition that "collective rights" on the part of French-speaking Canadians are not an "evil" in direct conflict with the "good" of individual rights. The problem of "collective rights" arises because Quebec is not an independent state and neither English-speaking nor French-speaking Canadians want it to become one. An Angus Reid poll taken in January 1989 found 63% of Francophones in Quebec opposed to independence. English-speaking Canada is

and freedoms "to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society." A free and democratic society can as justifiably decide to preserve its predominantly French character as one can to preserve its Canadian identity. The only question is whether the measures to achieve the goal are reasonable when they limit the actions of individuals.

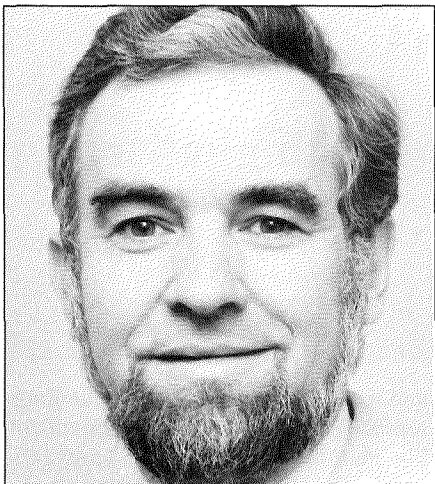
The problem of public education that faced André Laurendeau and Davey Dunton was enormous but the years since have seen a great measure of success. The degree of incomprehension that remains is minor in comparison. However, unless it can be resolved, the "equal partnership" so necessary for Canada's second century will remain unachieved. ■

A French Quebec in a Bilingual Canada

Jean-Pierre Proulx*

The Quebec of the 1960s was considered the bilingual province and the model to imitate. Now Quebecers have chosen a French Quebec in a bilingual Canada.

On the day after passage of the 1969 Official Languages Act, Claude Ryan, then editor of *Le Devoir*, wrote, "Ten or 15 years ago Quebecers would have been almost unanimously in favour of Bill C-120. Today, they are profoundly divided on the issue. In the view of thousands of them...it would be in Quebec's interest to move as quickly as possible toward a more or less complete form of official unilingualism. A decisive battle," Mr. Ryan prophesied,



Jean-Pierre Proulx

"is about to begin between this conception and that embodied in Bill C-120."

Until 1960 Quebecers had been the champions of bilingualism. André Laurendeau's famous editorial of January 20, 1962, "Trop peu, trop tard" — too little, too late — summed up their struggle. Moreover, the Quebec of the 1960s, though we have forgotten this

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today, was considered the bilingual province of Canada and the model to imitate. Book I of the B and B Commission leaves no doubt about this.

However, a contrary movement was already underway. As early as 1955 the late Pierre Laporte led the unsuccessful battle to change the name of the Queen Elizabeth Hotel to "Château Maisonneuve". CN proposed to make the hotel's name bilingual, but Laporte refused: "We want a French name because we form the majority of the population of Montreal and of the province of Quebec. We want that to mean something."

Then, in 1961, Marcel Chaput published the first manifesto of French unilingualism in *Pourquoi je suis séparatiste*. André d'Allemagne, the founder of the Rassemblement pour l'indépendance nationale, gave it renewed impetus in 1962 with *Le bilinguisme qui nous tue*. Raymond Barbeau, founder of the Alliance laurentienne, outdid them in 1965 with *Le Québec, bientôt unilingue*.

"I hope," he wrote, "that the publication of my work will lead the Quebec government to proclaim French unilingualism. I hope at least that I will succeed in wrecking the Royal Commission on Bilingualism and Biculturalism."

Turbulent times

At the conclusion of the Commission's hearings in 1964, Laurendeau realized that the wind had changed direction: "It was the English-speaking Canadians who showed the most confidence in the curative powers of bilingualism....As far as they are concerned this is the key to the problems that exist between the two ethnic groups. On the other hand, Quebec was far more reserved in its attitude toward bilingualism. We felt

that this was in part due to the participants' conviction that up to now French Canadians alone had carried the load of bilingualism...."

The Union Nationale was returned to power in June 1966, but remained faithful to bilingualism. At the 1968 constitutional conference Daniel Johnson stated, "English and French are and will continue to be official languages in Quebec." During the St. Leonard crisis of 1969, moreover, Quebec Liberals supported Bill 63, which granted freedom of choice as to the language of instruction.

The same year, in this turbulent atmosphere, Parliament passed the Official Languages Act. It was based on two principles: linguistic duality and the



Claude Ryan

equality of the founding peoples. These principles also strongly inspired the vision of Canada and the political commitment of certain Quebecers on the federal scene, chief among them, Pierre Elliot Trudeau and Jean Chrétien.

In 1974, however, Quebec embarked decisively on a new path. Bill 22 proclaimed French the official language of Quebec. Mr. Trudeau quickly condemned this "regression towards unilingualism." In the following year he wrote to the Protestant School Board of Greater Montreal: "Federal policy consists, as you know, in doing everything possible to promote the use of both official languages in the areas under its jurisdiction...and in encouraging the provinces to do likewise in their areas of jurisdiction. We intend to pursue this policy in Quebec as in the other provinces of Canada."

The new Parti Québécois government's White Paper on language policy appeared in April 1977. Jean Chrétien

commented in the House of Commons: "The fundamental problem is to determine what sort of society we want to have in Canada, and we believe it is possible to have a bilingual and multicultural society in Canada, in Quebec, as elsewhere."

The White Paper flatly contradicted this vision. "The Quebec that we want to build will be essentially French," the government declared. "Quebec will no longer be bilingual. It is not required to be bilingual by reason of its being part of Canada."

A distinct society

In January 1980, in its statement of constitutional policy, the Quebec Liberal Party, on this specific point, adopted the view of the Parti Québécois: "Quebec sees itself as a society whose essence is French. Within the Canadian political family, Quebec has all the usual attributes of a distinct national society."

The federal Parliament itself agreed, in 1988, in the wake of the Meech Lake accord, that Quebec constitutes a "distinct society". Then, last summer, it passed the new Official Languages Act, whose purpose is to "advance the equality of status and use of the English and French languages within Canadian society." The change from the 1969 Act is important: all of Canadian society, and not just "federal institutions", is now targeted by the action of the government of Canada.

In the opinion of the Conseil de la langue française du Québec, the Official Languages Act represents "the negation, pure and simple, of recognition of the distinct character of Quebec society."

Like the Conseil de la langue française, the Parti Québécois Opposition saw in this Act a threat to Quebec's language powers. Claude Ryan, now the minister responsible for Bill 101, stated on June 16, 1988 in the National Assembly that he found the federal Act in compliance with the federal constitution and compatible with the spirit of Meech Lake.

For Mr. Ryan at least, the "decisive battle" of which he spoke 20 years earlier therefore seems to have ended. But nine months later, in March of this year, 50,000 people marched in the streets of Montreal to denounce both Bill 178 and the Official Languages Act!

At the time of the 1980 referendum, Yvon Deschamps asked Quebecers to vote for an independent Quebec in a united Canada. Instead they have chosen a French Quebec in a bilingual Canada. ■

Opinion Takers, Opinion Makers

Tom Sloan

From the 1965 Preliminary Report of the B and B Commission to the present, Canada's newspapers have always had opinions to express and advice to give. Here is a sampling.

As in most democratic societies, the media in Canada play the dual role of reflecting public opinion on crucial issues and also, on occasion, of leading it. Over the past quarter century of sometimes intensive discussion over the relations between English and French, the country's leading newspapers of both official languages have generally tried to balance the two roles as public opinion gradually developed, waveringly, and seldom in a straight line.

As we approach the 1990s, while official bilingualism at the federal level of government appears to have been accepted by a majority of Canadians, the debate over language rights continues at the regional level. The country's leading papers and their editorialists reflect that fact.



Tom Sloan

Nine newspapers

In this brief study, we shall look at how attitudes have evolved and are continuing to do so in several of these papers. The French-language papers are *Le Soleil* of Quebec, and *La Presse* and *Le Devoir* of Montreal, all opinion leaders

in their communities. Among English-language media, we shall consider the *Montreal Gazette*, the *Ottawa Citizen*, the *Toronto Globe and Mail*, the *Toronto Star*, the *Winnipeg Free Press* and the *Vancouver Sun*. The coverage is far from complete, but we hope it is sufficiently representative to allow us to draw at least a few general conclusions. In so doing, we shall give special attention to three key events: the appearance of the Preliminary Report of the Royal Commission on Bilingualism and Biculturalism in February 1965, in which Canadians were told they faced a crisis of national unity; the passage of the first federal Official Languages Act in July 1969; and the passage of the revised Act in July 1988, along the disputes that erupted in Quebec over language a few months later.

Quebec French-language newspapers

Quebec City's *Le Soleil* serves the provincial capital and the eastern part of Quebec, an overwhelmingly Franco-phone region. In 1965 and 1969 it welcomed both the Royal Commission Report and the languages law with enthusiasm. The 1965 editorial set the tone. Describing the Report as "lucid and frank", it went on to note: "An authentically bicultural policy is capable of imprinting on Canada a more definite personality to distinguish it more from the United States. This very fact could contribute to better attract French Canadians to our great national ideals."

Since that epoch of full, unquestioning support for bilingualism, *Le Soleil* has undergone major editorial changes, matching to some extent those of the Quebec political scene. Senior editors mark 1973 as a watershed year, when new editorial leadership accompanied a change of ownership at the paper. The

result has been a new, somewhat harder line, especially when it comes to language in Quebec. While it cautiously approved Bill C-72, the new languages Act of 1988, it had reservations. Noting that the new law "proceeds from a vision of a bilingual and bicultural Canada where two minority languages need the help of the federal government", it argued that "there is one indisputable fact....only French is threatened."

*Quebec and its
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Consequently, the paper has rejected any changes in the Charter of the French Language, Bill 101, to allow greater use of English-language commercial signage. In terms of priorities, editorial page editor J-Jacques Samson makes it clear that in possible conflict between federal bilingualism and the right of Quebec to protect French, the latter must come first.

Like its Quebec City neighbour, *La Presse* greeted both the 1965 Report and the first Official Languages Act with enthusiasm, praising them as giant steps towards unity and justice. But by 1988 it too was less interested in the coast-to-coast bilingualism represented by Bill C-72 than in events in Quebec. Noting that *La Presse* is essentially a newspaper of information rather than one devoted to disseminating ideas, Associate Editor Claude Masson stresses that the perceived interests of French-speaking Quebecers is the paper's first priority. In December 1988 he wrote five editorials in two weeks on the issue of the Quebec response to the Supreme Court of Canada ruling limiting bilingual commercial signage rights. While "all linguistic extremism must be rejected", nevertheless "Traditional bilingualism in Quebec is an outdated notion." The paper gave editorial support to the idea of Quebec's use of the notwithstanding clause in the Canadian constitution — which permits a province to exempt itself from some court decisions — to permit some use of languages other than French inside commercial establishments while

retaining basic French unilingualism on the outside. This was the solution eventually adopted by the government.

As for the new federal law, the paper's position now is similar to that of *Le Soleil*. It is acceptable to the extent that it does not interfere with the rights of Quebec, and a framework agreement should be worked out to ensure this will not happen.

It was at *Le Devoir* where, as befits a small circulation but intellectually influential newspaper, the modern drive for bilingualism in a sense all started with an editorial by André Laurendeau.

The paper warmly welcomed the 1965 Report. The crisis perceived in the Report was one "that has its source, but not its only cause in Quebec....We no longer find ourselves before a classic majority and minority but two societies, each with its own majority, its own way of life and its own aspirations." The French-speaking community needs a new arrangement. "She doesn't want to leave, but neither does she want to stay without solid guarantees."

In 1969, while praising the new language Act as a "cornerstone" for the future, the paper warned that, even then, it was, perhaps, a bit late. "Too many Quebecers are now conscious of the specificity of the Quebec reality for there to be any question of drowning these feelings under a deluge of official bilingualism."

*"Traditional
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Today, Editor-in-Chief Paul-André Comeau describes *Le Devoir* as the paper in Quebec "most concerned for Canadian Francophonie" in general. Here too, however, there has been a change of emphasis towards a greater concern with internal Quebec issues, especially the protection of French at home. The 1988 Act is viewed positively but, unlike 1969, when there was a hint of revolutionary change in the air, federal bilingualism is now seen simply as the normal state of affairs.

As for minority rights in Quebec, the Editor of *Le Devoir* was the only editor of a French-language daily to support the Supreme Court decision. The edito-

rial staff was not, however, unanimously in agreement with that position.

In short, while Quebec's major French-language dailies have nuances separating them, there has been a general shift away from an overwhelming degree of interest in the progress of federal and Canadian bilingualism to a greater nationalistic concern with the protection of French in Quebec. This does not mean that outside events, such as the 1988 Act, are ignored. But, for the time being at least, they are being interpreted in a specifically Quebec context. Outside that context, minority rights issues are seen, not as irrelevant, but as secondary. To an optimist, this could, perhaps, be seen as an indication as to how far those rights have progressed since 1965, not to mention their impact on the 1980 referendum. Whether or not that is the case, Quebec and its media are now engaged in a process of self-analysis that appears likely to continue for at least a while.

English-language papers

Among the English-language media, for obvious reasons, no daily paper has been closer to the issue of language than the *Montreal Gazette*; and none has been more sympathetic to the cause of official language minority rights. In February 1965, in response to the interim Report, it insisted there was no need to fear changes in Confederation to help make French-speaking Canadians feel at home throughout the country. "This generation of Canadian leaders ought to know that they have a place awaiting them in Canadian history as great as that of the men of 1867."

In 1969 it warmly greeted the new Act, but with a warning: "All the ground work...will be in vain if the passage of the Official Languages Bill lulls the predominantly English-speaking provinces into a feeling that language equality is now a reality, and no more reforms are necessary." Among other things, English-speaking Canada should take further steps to improve French-language education.

In 1988 the *Gazette* welcomed "the new and improved OLA." However, it took issue with what it called the ambiguity in statements by some federal leaders, suggesting that the government was "preaching bilingualism in one part of the country and condoning French unilingualism in another."

Since then, the *Gazette* has often returned to the topic, especially with reference to the signs issue. Following Premier Robert Bourassa's decision to maintain a legal ban on English-

language outdoor signs last December, despite the Supreme Court ruling, the paper wrote: "He chose the course of political expedience and injustice." Like Quebec's French-language press, the *Gazette* too has become ever more concerned with internal provincial matters, albeit from a different perspective — the defence of Anglophone minority rights. This too represents a shift from the early days of the debate, when the focus was on Francophone rights.

*"It befits
the majority
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and generous."*

Also involved from the start was the Toronto *Globe and Mail*, though it was not at first impressed with what it saw and heard. Commenting on the 1965 Report, it asked: "Why did the Royal Commissioners feel compelled to rush into print"? It described the document as one of "essentially alarmist pessimism....What we need now is not shocks, not new springboards for militant extremists but constructive ideas for the majority of Canadians who....love their country."

In 1969 it also had some problems with the languages Act. Canadians in general support the Bill, it editorialized, but "they will also regret that the Government which introduced it found it necessary to make some of its techniques so arbitrary and to reject amendments that would have corrected these faults." The *Globe* specifically criticized what it considered to be the excessive powers given to the Commissioner of Official Languages.

Last year, while welcoming the new OLA, "which will do much to make French-speaking Canadians more at home in many parts of this country", in a way consistent with its activity support for a generous approach to official languages and Quebec's aspirations, the paper echoed the *Gazette*, warning the government not to forget English-speaking Quebecers. "If Ottawa cannot work to provide services for Anglophones in Quebec, it will have a harder time selling its worthy plans to provide services for Francophones outside Quebec."

A second Toronto paper, the *Star* — Canada's largest in terms of circulation

— from the start took a more positive attitude towards the whole process than did the *Globe*. In a 1965 editorial entitled "Toward a True Partnership", it called on all English-speaking Canadians to work to meet Francophone requests. "As always, it befits the majority to be sympathetic and generous."

In 1988, following the passage of C-72, the *Star* took the argument one step further, into the provincial arena. After taking some Anglophones to task for trying to cut back French-language rights as set out in provincial laws, it called for further action: "...it's time for [Premier] Peterson to end the unnecessary delay and declare Ontario an officially bilingual province." That, the *Star* suggested, was also an appropriate example to set for Premier Bourassa and his government in Quebec.

For its part, the *Ottawa Citizen* has had a history of consistent support for official bilingualism, starting with the 1965 Report, which it described as "an honest and compassionate dissection of the Canadian anatomy", continuing through the 1969 Act to 1988. At that time it strongly denounced the small group of Progressive Conservative MPs who opposed the Act, while also questioning the wisdom of Quebec government decisions on English-language rights.

Further west, in Winnipeg, the *Free Press* was already hailing the announcement of the Royal Commission in 1963. "The calibre of the men and the woman who will serve...is such as to command the respect of all Canadians." Two years later, the paper's Ottawa editor, Maurice Western, lauded the Commission for "its frank recognition that the survival of Canada is in doubt." In 1969 the paper gave rather muted support to the Act, which is described as "much misunderstood", while noting that the provinces had the responsibility to improve French-language education in their own jurisdictions. In 1988, while expressing general support for C-72, the *Free Press* implied that, nevertheless, there might be some valid criticisms to be made. If these were not made, it was due to the "political ineptitude" of the Bill's opponents in Parliament. "They tried, in effect, to repeal bilingualism....They took a position outside the central consensus view in which Canada rests....They made themselves irrelevant."

Joining the *Globe and Mail* in expressing reservations about the 1965 Report was the *Vancouver Sun*, which referred to "rather extravagant lan-

guage" and "a cry of wild alarm". Perhaps, the paper suggested, it was designed to "shock the two language groups...into true dialogue....It does, however, run the risk of irritating and antagonizing some sections of the country instead."

By 1969, however, the *Sun* was giving its full support to bilingualism policies and the languages Act, which it described as "...a truly magnificent achievement in nation-building."

In 1988 the paper's focus was essentially on the language disputes in Quebec, assailing Premier Bourassa for "his government's repudiation of its solemn undertaking to preserve bilingualism as a national characteristic."

Living through the paradox

Like the French-language newspapers of Quebec, and despite its own nuances, the Anglophone press in Canada has lived through its own evolution in attitudes towards official languages and bilingualism. In the early and middle 1960s the issue was still essentially a simple if controversial one: the kind of Canada, from coast to coast, that was seen as desirable by Canadians. Quebec had always been bilingual and, it was assumed by many,

*"A truly magnificent
achievement in
nation-building."*

would continue in that state. One or two other provinces were gradually evolving in that direction; and so, especially, was the federal government. In 1989 the situation is more complex, involving crosscurrents and consequent confusion of direction.

The paradox we are living through today is a growing consensus on bilingualism in national as well as strictly federal terms and the difficulty of reconciling such a consensus with an increasing concern in Quebec about the future of French in its own home and a belief that bilingualism is part of the danger.

The extent to which Canadian editorialists have simply reflected the fears and the aspirations of their readers, and the extent to which they have been and are attempting to exert leadership in maintaining and extending harmonious and civilized relations among Canadians, must remain an open question. They are living through the paradox with the rest of us. ■

The Official Languages and Federal Public Servants

Frank Howard*

Though the Official Languages Act was widely accepted in its original form, it has encountered difficulty in the second decade of its existence as new objectives were loaded on a shrinking bureaucracy.

It's been 20 years since the Official Languages Act was put into the statutes by the Parliament of Canada and few would deny two decades later that it has been largely accepted both by the public and the Public Service of Canada. What the 1969 law was designed to do was to oblige the bureaucracy to provide service in both official languages.

Objectives

A secondary objective was assumed. Implicit in the notion of a functionally bilingual Public Service was the need for an increase in the number of bilingual bureaucrats both at the point of delivery of services and throughout the hierarchy. On the basis of this secondary objective it was also assumed that there would be a greater participation of French-speaking employees at all levels of the bureaucracy.

In other words, the law was intended not only as a means of satisfying the needs of French-Canadians, and especially those living in Quebec, as taxpayers, but also as a way of providing more opportunities for talented technocrats and executives from Quebec in the Public Service of Canada.

This need was becoming increasingly acute at the close of the 1960s because of the sudden, some say revolutionary, development of a large and dynamic civil service in Quebec. From 1959 to 1969 the government of Quebec had been transformed from the minimalist government of clerks that Union Nationale Premier Maurice Duplessis ran to the positive state created by the

Liberal government of Premier Jean Lesage and led by the likes of Arthur Tremblay (now a senator), Claude Morin and Jacques Parizeau (both of whom went on to take up leading roles in the separatist upsurge of the next decade).

It was at least partly to counter this attraction of the Quebec state that linguistic reforms recommended by the Royal Commission on Bilingualism and Biculturalism were incorporated in the Official Languages Act of 1969.

Whether that particular objective has been achieved is still problematic. Even more problematic is whether the new social contract that underlay the legislation will turn out to be stable in the next generation.

All that can be said is that the overt objectives of the 1969 legislation were achieved peaceably as far as the bureaucracy is concerned.

But all that was required in those terms was that services be provided to both languages. Other objectives — the right to work in one's own language and "balanced participation" of each language group — were only stated later in a 1973 Parliamentary Resolution and in the Annual Reports of Commissioners of Official Languages. They have encountered more difficulties both in terms of implementation and political acceptance.

An advisory council and a secretariat were created along with several other official language bureaucracies — the official languages programs under Assistant Under Secretary of State Max Yalden, the Office of the Commissioner of Official Languages under the first Commissioner, Keith Spicer, and the language training establishment in the Public Service Commission under John

Carson, to name the most obvious.

There was from the outset, however, one glaring mistake in the 1969 Act. It called for the creation of bilingual districts and created a mini-bureaucracy to put that objective into practice.

The bilingual districts bureaucracy ran into difficulties from the start. The law required the creation of bilingual districts wherever the minority official language group made up 10% or more of the population according to the latest decennial census. In those districts the Public Service and other federal institutions would be obliged to provide bilingual service on the ground. That is, on the phone and at the counter. A combination of political and administrative snags resulted in the rejection of three plans despite some creative gerrymandering.

By the time Max Yalden was named to succeed Commissioner Spicer in 1977, the 10% solution had been rejected and another solution suggested by the new Commissioner — the "significant demand" formula was adopted for the creation of designated districts where local bilingual bureaucracies became mandatory.

Aside from the bilingual districts bureaucracy, others have had relative success in varying degrees.

The Commissioner's office has expanded greatly both as a central agency and an advocate extending its mandate far beyond the federal jurisdiction.

Language training

The official languages program, under Yalden, was handed over to Treasury Board Secretariat and continues to play a major role in the definition and policing of this major part of personnel policy.

The Public Service Commission's language training programs are in decline as a reflection of the government's attempts to impose bilingual facility as a condition of eligibility for an appointment.

There is a lot of evidence to suggest that the language schools were not very successful pedagogically. Language training has created a large number of officially bilingual bureaucrats. But retention of tested language skills is low, especially among English-speaking employees.

However, the language training schools performed two important functions when it came to acceptance by the English-speaking majority in the bureaucracy of the objectives of the 1969 Act and the 1973 Parliamentary

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Resolution. The most obvious function was to allow unilinguals, mostly English-speaking, to apply and get jobs designated bilingual under the new dispensation. An applicant could apply and get appointed by agreeing to learn the second language, at government expense, within a reasonable length of time.

A more subtle function of the language training program was to create an understanding and appreciation of the linguistic difficulties faced by their colleagues from the other language group. In these terms the language training program was probably a success, at least in the first decade when there was relatively little open opposition in the Public Service to the expansion of French presence in the bureaucracy.

Another contributing factor to the acquiescence of the English-speaking bureaucracy was the relative prosperity of that decade. It was a period when Treasury Board might allow as much as 13% in allocated person-years in a given year. Even if the English-speaking sector was not growing as fast as it might have without the efforts to increase French-speaking bureaucrats' participation at all levels, there was still respectable growth for all, even the unilingual English.

It's only since the downsizing of the last decade and the ever more explicit expression of the doctrine of "balanced participation" (in new legislation) that one begins to hear both inside and outside the bureaucracy of the "over-representation" of Francophones in the bureaucracy in general and of the under-representation of Anglophones on the ground in Quebec, especially.

There is also evidence of French-speaking disaffection in this decade. It's not expressed any more in terms of participation — now above their 24% demographic ration in most categories of the Public Service — but in terms of language of work.

The latest work on linguistic satisfaction was conducted by the Treasury Board in the first half of the decade.

In 1981, according to Treasury Board figures, 80% of Francophones said they would like to use more French in their work. Two years later, the dissatisfied group had increased to 83%. Another depressing aspect of the numbers is that they were highest by a large margin in the National Capital Region. In Quebec, for example, 14% were dissatisfied in 1981 and that was down to 10% in 1983.

In other words, *l'appétit vient en mangeant*. ■

The Role of the Judiciary in Defining Language Rights in Canada

Gérald-A. Beaudoin*

The judiciary always has a vital role, especially in a country like Canada where legislation is rigorously reviewed for its constitutionality.

The importance of language rights in Canada can hardly be exaggerated. Their role has become a vital one. This is one of the key aspects of our Constitution.

The issue has been a sensitive one for some time.

There are a number of ways to protect language rights in a Parliamentary democracy such as ours. It can be done simply by passing legislation or, more commonly, by entrenching guarantees in a constitution. Canada has taken the latter route. Nevertheless, the judiciary always has a vital role to play, especially in a country like ours where legislation is rigorously reviewed for its constitutionality.

The 1867 Constitution contains only the germ of bilingualism. Only on the federal level and in Quebec have Parliamentary, legislative and judicial bilingualism enjoyed constitutional protection since 1867. There was no such protection in Ontario, New Brunswick or Nova Scotia at the time of Confederation, even though the Acadians of the land of Antonine Maillet were and still are numerous.

Section 23 of the fundamental law of Manitoba of 1870 contains a similar constitutional guarantee. In 1905 Saskatchewan and Alberta were created by federal Acts. Previous laws remained in force and continued to protect the two official languages, as in Quebec, but this provision was not made part of the Constitution of Canada. It was, however, included in the constitutions of both provinces. In 1982

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New Brunswick became *resolutely* bilingual as a result of a major amendment to the Canadian Constitution. The same year protection was finally given to the minority official language in the schools of the 10 provinces, which had been without protection, as the *Mackell* decision showed.



Gérald-A. Beaudoin

At the federal level, relatively little happened in this regard between 1867 and 1964. Every victory for the broadening of legislative protection of French was hard-won, piece by piece.

Then came the B and B Commission, which changed the course of the history of language rights. The Parliament of Canada passed the Official Languages Act in 1969.

Other federal laws followed, with similar aims in view.

Meanwhile, Quebec passed four language laws, all of which caused considerable controversy: Bills 63, 22, 101 and 178.

New Brunswick passed an Official Languages Act that was much to its credit.



What role did the judiciary play in all this? In my view, a crucial, beneficial and irreplaceable role! In the paragraphs that follow I do not intend to discuss all the key decisions on the subject made by our court of last resort. The space available to me does not permit this.

Major decisions

The major decisions are well known: *Jones*², *Forest*³, *Blaikie*⁴, *Blaikie II*⁵, the *Manitoba Reference on Language Rights*⁶, the *Reference on Bill 101*⁷, *MacDonald*⁸, the *Société des Acadiens*⁹, *Mercure*¹⁰, *Ford*¹¹, *Devine-Singer*¹² and a host of others that revolve around them.

In the space of a few years, the courts, and chiefly the Supreme Court of Canada, have handed down landmark decisions on the long road toward bilingualism in Canada. Their work, often done under pressure, evokes admiration. It is far from being completed; other important decisions remain to be made in the future.

The sometimes difficult progress of language rights leads me to formulate some reflections:

1) Although the Supreme Court is the watchdog of the Constitution by virtue of the principle of reviewing the constitutionality of legislation, and although it has the responsibility of interpreting the law and the Constitution, nevertheless it does not play the only role in constitutional law and does not seek to. In the *Société des Acadiens*¹³ case, the Supreme Court stated that language rights are the fruit of political compromises worked out in the political arena. It is the constituent in the first instance, and then the legislator, who determines their form and defines their substance. However, in the *Mercure* case, Mr. Justice La Forest, on behalf of the majority, wrote, "Not surprisingly, language rights are a well-known species of human rights and should be approached accordingly."

2) The legislator must do his part to protect fundamental rights. It is his responsibility to make the appropriate compromises and to legislate. He must occupy the field of jurisdiction. It is not the responsibility of the judiciary alone to provide this protection in its entirety.

3) The role of the courts is indispensable, especially in times of crisis. Unfortunately, parliamentary majorities sometimes trample on the rights of minorities; they sometimes lack courage. Judges must take on the task of protecting our central values.

4) On more than one occasion, the courts have innovated with great talent and considerable tact. I refer to the

*Manitoba Reference on Language Rights*⁴, for example.

5) Legal battles are long, arduous and costly, but they are necessary in Canada, as is language legislation. The legislator alone will not suffice, nor will the judiciary. The two must combine their efforts. A legislative vacuum does not advance matters, as witness the federal legislation on official languages, which has changed the face of the Public Service. Court decisions on the issue, which have followed, have formed the jurisprudence.

6) There is too much asymmetry from one province to another with regard to the constitutional and legislative protection of rights. The fact that a *single* province in a federation was, for a hundred years, subject to institutional bilingualism and complied with it creates an unfair situation. This asymmetry came close to tearing the country apart. Manitoba, which, like Quebec was subject to bilingualism, complied with it for only 20 years, from 1870 to 1890; it made the mistake of renouncing the official character of French. Fortunately, the Supreme Court set things right, but it was decades before the problem was referred to it.

7) In the Canadian and North American context, it is French first and foremost that needs legislative and constitutional protection. There is no question that it was poorly protected in the beginning. Since 1968 the federal administration has resolutely and irreversibly been committed to bilingualism. Some of the provinces should follow its lead.

Conclusion

It is largely thanks to the judiciary that language rights have received much greater protection in recent years. The Court has shown remarkable leadership in certain cases: *Forest*¹⁵, the *Manitoba Reference on Language Rights*¹⁶, the *1984 Reference on Bill 101*¹⁷.

If language cases had not been referred to the Supreme Court in the past 20 or 30 years, discussion would have made no progress. The Court has left a profound imprint on the linguistic face of Canada.

This issue is a difficult one, as we said at the outset. In a sense, it has never been as acute as in the past two or three years. Perhaps this is because we are finally tackling it head-on, without evasions. The time had to come!

We believe, however, that the legislative authority and the judiciary together have the capacity to take additional giant steps in the right direction. Close

co-operation between the two is required. In recent months the Supreme Court has defined the parameters of its jurisdiction. The legislature must also determine when it is necessary for it to intervene.

While the Canadian constitutional problem is not one that is restricted to language, the latter nevertheless constitutes a cardinal aspect of it.

The judiciary can do nothing to correct the asymmetry that is still too apparent from one province to another, as we saw in the *Mercure*¹⁸ case. The Court did what it could, but was obliged to recognize that constitutional protection was not the same in Saskatchewan as in Manitoba. Only the legislator, or better, the constituent, can rectify this state of affairs.

After the *Mercure*¹⁹ decision, it was thought for a moment that the number of provinces where there is judicial, parliamentary and legislative institutional bilingualism would increase from three to five. The rejoicing, alas, was short-lived! There are still only three such provinces — Ontario is making progress toward bilingualism. We can only strongly encourage it. ■

Notes

¹ *Trustees of the Roman Catholic Separate Schools for the City of Ottawa v. Mackell*, (1917) A.C. 62.

² *Jones v. A.G. for New Brunswick*, (1975) 2 S.C.R. 182.

³ *A.G. for Manitoba v. Forest*, (1979) 2 S.C.R. 1032.

⁴ *A.G. for Quebec v. Blaikie*, (1979) 2 S.C.R. 1016.

⁵ *A.G. for Quebec v. Blaikie*, (1981) 1 S.C.R. 312.

⁶ *Reference: Language Rights in Manitoba*, (1985) 1 S.C.R. 721.

⁷ *Quebec Association of Protestant School Boards v. A.G. for Quebec*, (1984) 2 S.C.R. 66.

⁸ *MacDonald v. Ville de Montréal*, (1986) 1 S.C.R. 460.

⁹ *Société des Acadiens du Nouveau-Brunswick v. Association of Parents*, (1986) 1 S.C.R. 549.

¹⁰ *R. v. Mercure*, (1988) 1 S.C.R. 234.

¹¹ *A.G. for Quebec v. Ford et al. (Chaussure Brown's)*, Supreme Court, Dec. 15, 1988.

¹² *A.G. for Quebec v. Devine (Singer)* Supreme Court, Dec. 15, 1988.

¹³ *Supra*, note 9.

¹⁴ *Supra*, note 6.

¹⁵ *Supra*, note 3.

¹⁶ *Supra*, note 6.

¹⁷ *Supra*, note 7.

¹⁸ *Supra*, note 10.

¹⁹ *Idem*.

The Roots of Change: Legal Sources of the 1988 Official Languages Act

D. Martin Low*

With the Charter of Rights came a legally enforceable demand for clearer elaboration of language rights.

Legislation is invariably, in our system of parliamentary democracy, the culmination of a complex set of competing forces, pressures, interests and claims upon a government, which bring it eventually to commit itself to a Bill. That is never a decision that is lightly taken. It requires the commitment of a scarce and precious resource — parliamentary time — and the acceptance of the inevitable risks that go with adopting a specific and public position in areas of political controversy. Complexity and risk are hallmarks of the evolution of linguistic fairness in Canada, with a swirling mix of socio-cultural, demographic, economic, educational, political and other factors at play whenever hard decisions are needed. The law and legal decisions were among the more obvious stimulants for the changes that led to the Official Languages Act, 1988.

Details and interpretation

Early in the life of the first Official Languages Act it became clear that the usual uncertainty about statutory details and the precise interpretation of a new law was not likely to be cleared up in the normal way, by litigation and judicial interpretation. Early cases in the courts, such as *Thorson v. Attorney General of Canada*, said that the law was “declaratory and directory” in nature, the inference being that it could be given no direct executory effect by the judges. In short, this meant that there was little incentive for a person

who felt wronged by some action or inaction of a government institution to take the matter to court. Courts cost money; language rights are frequently matters of principle; and if the judges had no power to give a remedy, what was the point of suing? Whatever the reason, there were few court cases on the 1969 Act, although those that arose were very controversial.

Early decisions

The effect of these early decisions was to shift the responsibility for clarifying the law from the courts to other institutions — most notably the Office of the Commissioner, the Standing Joint Parliamentary Committee on Official Languages and individual Members of Parliament. But, unlike the courts, these bodies have no power to lay down the law with real authority, to decide clearly what the law means through a process of legal challenge. Their power is more indirect: the power to complain in public; the power to cajole; the power to embarrass; the power to persuade. And their effect is proportionately slower than the power to compel change through a judicial decision, which the courts had found to be lacking in the 1969 Act. However, none of these bodies were reluctant to press their points of view, and even slow, but continuous, pressure eventually has an effect.

By the end of the 1970s there were important legal developments, in constitutional cases such as the *Blaikie* and *Forest* decisions, on the requirements applicable to bilingual laws, and the status and use of the two languages in the courts of Quebec and Manitoba, as well as in federal courts and criminal courts.

Limited rights

It would not be until the 1980s, though, that the very limited scope of some of the linguistic rights of the Constitution would become known. In 1985, in the case of *MacDonald v. The City of Montreal*, the federal government argued that the right to use either language in the courts did not require the City to issue summonses for prosecutions in both languages. That argument provoked a burst of criticism, in and out of Parliament, about the government's stilted and stingy approach to language rights in the courts. That criticism was only matched in intensity when the Supreme Court upheld the argument. Moreover, in the case of the *Société des Acadiens*, decided at the same time as *MacDonald*, the Court held that a judge was not required by the language rights provisions of the Constitution to be able to understand the parties directly, in their own official language, without the aid of interpretation. It went on to say that language rights were not to be given the same broad approach to interpretation as other constitutional rights, because the language rights were “political” in nature. In the aftermath of the Manitoba language crisis, the Supreme Court decided the *Manitoba Language Reference*, vindicating the constitutional obligation for bilingual laws in Manitoba, but leaving the gains of the members of the minority language community of the province far short of their hopes and claims. The net effect of these and other cases was an ever-deepening realization of the fact that constitutional rights that were crafted in the last century had not kept pace with the needs of our times. More immediately, however, at the policy levels of government, it was becoming increasingly apparent that however limited the Constitution might be, we could and should be fairer and more responsive to the needs of litigants in the federal courts.

1969's inadequacies

On the statutory plane, the inadequacies of the 1969 Official Languages Act were being laid bare. The extent and criteria under which services to the public should be provided by federal agencies were the subject of ever more forceful claims in the 1970s, but without resort to the courts. Language of work came before the courts in the *Gens de l'air* crisis between 1976 and 1978, but the outcome was a distinct setback for the claim that the Act should have some direct, mandatory

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The Supreme Court's Grand Entrance Hall

and overriding effect. Significantly, the decisions in the *Gens de l'air* and the *Joyal* cases confirmed the 1974 *Thorson* decision that the law was essentially a declaration of the status of the two languages, not a regulatory mechanism to carry the equality of the two languages into practical, everyday effect in the federal administration. The efforts of successive Commissioners in prodding government departments to live up to the purpose and spirit of the Act, while energetic and spirited, were not producing quick and tangible results. The Commissioner's annual reports were beginning to make stronger and more persuasive arguments for the need for more power and protection for the Office of the Commissioner. The reports of the Joint Committee on Official Languages became more detailed in the articulation of the need for change and the nature of the necessary changes. And eventually, in its 1983 report, the Committee laid out a series of recommendations which had a significant influence on the shape of the ultimate package that would be laid before Parliament in 1987.

The Charter

In April 1982 the Canadian Charter of Rights and Freedoms came into force, giving constitutional status and over-

riding legal effect to many principles of the 1969 Official Languages Act, subject to certain differences of detail and application. Most notable was the formulation of most of the Charter's language provisions as *rights*, as opposed to their status as *institutional obligations* in the Act. The Charter guaranteed the right to services in both languages, without reference to the geographical limits of the bilingual districts of the old Act. The Charter gave a very broad and, some thought, potentially unlimited power to the courts to create remedies for breaches of its guarantees, and it was clear that the 1969 Act did not measure up to the new requirements embodied in those guarantees.

The government had established a review of legislation to bring federal laws into conformity with the Charter and, as this review progressed, the need for at least some limited changes to the Official Languages Act was demonstrable. Legislation to implement the findings of the review was introduced in February 1985, but in the aftermath of the critical debate in Parliament on the government's position in the *MacDonald* case, the Minister of Justice announced that a broader assessment of the Official Languages Act would be undertaken and brought forward. As is

known, a complex process of analysis, policy development, consultation and legislative drafting had begun, and the 1988 Official Languages Act would be the ultimate outcome.

A story emerges from this selective review of the legal stimuli to statutory reform. Complainants under the 1969 Act and plaintiffs in the courts suffered a series of setbacks over the years. Limits on the powers of the Commissioner under the Act, the declaratory character of the law, its lack of primacy, its debatable efficacy in the implementation of language of work and service to the public requirements throughout Canada, the strained and restricted rights of litigants seeking to use their own language in the courts, and exceedingly complex provisions on legislative and other texts put out by government; all these and other weaknesses, gaps and inadequacies were vividly emphasized by developments in the law. Legal decisions clearly demonstrated that there were real problems in the working of the existing Act. With the advent of the Charter came a legally enforceable demand for clearer elaboration of the constitutional standards of language rights. As a result, Parliament had both a clear imperative and a singular opportunity to act. ■

Bilingualism and "The American Challenge"

Jean-Louis Gagnon*

The concept of a bilingual country seems all the more sensible today since it corresponds to the actual state of affairs throughout the world.

It was a quarter of a century ago, but just yesterday in the life of nations. Early in September 1963, the members of the Royal Commission on Bilingualism and Biculturalism met for the first time in Ottawa under the co-chairmanship of André Laurendeau and Davidson Dunton. The Commission's inquiry and the writing of its report would take until the fall of 1970. Meanwhile, Parliament was to pass the Official Languages Act, which was the start of a slow and quiet revolution, as befits the character of a northern people. This revolution would continue for some 20 years, until the revision of the Act by Parliament last summer, as governments gradually implemented most of our recommendations. If a tree is to be judged by its fruit, it can be said, at least on the federal level, that today's harvest wipes out the memory of the anger of the 1960s. Canadians have become aware, on the one hand, of a French presence — to varying degrees, but existing from coast to coast — in all the English-speaking provinces, and, on the other, of the multicultural or pluralist dimension of post-war society.

The threshold of the 21st century

The concept of a bilingual country seems all the more reasonable today since it corresponds to the actual state of affairs throughout the world on the threshold of the 21st century. There are few countries in the industrialized world (or among the developing nations) that are not bilingual or multilingual; from federations to common markets, all countries have to co-operate in order to survive. To refuse to do so is to acquiesce in becoming the vassal of a more powerful neighbour. As a

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case in point, Europe will abolish its internal borders in 1992; they will then appear for what they are — scars of history, in the words of Georges Bidault.

The bilingual state has clearly ceased to frighten governments and governing councils. Individual bilingualism, however, may seem a nuisance to those not used to it or when it seems to go against the traditional unilingualism of the environment in which one lives. The evidence cannot be denied: just as people go to the dentist only out of necessity, as a last resort, so they resign themselves to learning a second language only if they see this as being to their benefit or if they enjoy it. But can we stop there? Why not admit that to live in society means to accept, both in one's personal and collective life, the existence of a network of social and cultural institutions and traditions that make people what they are?

A distinctive character

What is Canada, and why is it not one or more states of the United States?

Largely explored by navigators in the service of the British Crown or the Kingdom of France, Canada, which would not become a nation until 1867, became British in 1763. A dozen years later, the American rebels marched on Quebec City. For the first time, British militiamen and French Canadians fought side by side to repulse the invader. Just previously, Great Britain had proclaimed the Quebec Act of 1774, by which the rights of the Catholic Church were restored, and French had regained its place in government administration. Since the Custom of Paris had always had force of law, nothing further was needed for the new colony to take on the distinctive character that it has retained ever since. French Canadians for their part, were satisfied to accept for themselves the political institutions and legal system of the United King-

dom, including its penal code. It was from this common heritage that the Canadian identity would acquire its substance and become transmissible from one generation to another.

Customs are generally dependent on geography or the environment. Today they must also respond to the imperative of what is known as "American civilization". As a people of North America, we have adopted certain habits that we share with our continental neighbours. Our social and cultural development, however, has always had a different character, one in many ways opposed to that of the United States. Canada, for example, is also a country of immigration or a land of refuge. But, since we retained close links with Great Britain and France and gradually developed special relations with the other countries of the Commonwealth and of the nascent French-speaking community, we have never aimed at an American-style melting pot. Every immigrant, naturally, must comply with Canadian laws and customs and should know or learn one of the two official languages, but Canada wishes to be multicultural and thereby respect everyone's heritage.

Over the years, Canada has also developed a social security system modelled on social legislation that, well before the Second World War, had already set European liberalism apart from American capitalism. It was in this spirit of compassion and justice that we successively borrowed (without always realizing it) the idea of old age pensions from the Kaiser's Germany, that of family allowances from the Third French Republic and that of hospital insurance from the Labour government of Clement Attlee. The system of social security and the concept of multiculturalism, in addition to the parliamentary system and bilingualism, help to strengthen our identity and make Canada a country very different from the United States.

In the circumstances, it is surprising that we continually question the nature of Canadian identity. The history of Canada dates back, after all, to the search by John Cabot for a Northwest Passage and to his discovery of Newfoundland in 1497 — in other words, nearly five centuries. Whence comes this constant fear of Manifest Destiny, which means, to put it plainly, our annexation to the United States? Already in 1963, at the very beginning of the B and B Commission's inquiry, it was present in people's minds, as these two statements, taken from the Prelimi-

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nary Report of 1965 and made by Anglophones in London and in Saskatoon, indicate:

I do not think we have a chance of keeping [Canada independent] unless we do develop something which will clearly distinguish it culturally from that mass reservoir. We are going to be sucked in without any pressure from them. We have to become a bicultural and bilingual nation from coast to coast.

It is eminently obvious that if we separate into two nations, French Canada and English Canada, then neither of them will exist any more — we will all become Americans.

Something cultural

Leaving aside the political question — “if we separate into two nations” — it is clear that what distinguishes us in the final analysis is something cultural and has to do in particular with the bilingual character of Canada. “Why?” some will ask. The answer is simple: How does one survive when one’s ambition is to live like an American? To be sure, our institutions differ and we have a different concept of quality

Representation in the federal Public Service

	Anglophones	Francophones
1974	74.7%	24.3%
1981	72.8%	27.2%
1988*	68.5%	26.3%

*The 1988 figures include for the first time the employees of Crown corporations and the Armed Forces.

Source: Official Languages Information System.

Management positions

In 1960 the Glassco Report called the number of Francophones filling management positions “insignificant”. In 1976 it was estimated that 20.4% of senior managers had French as their mother tongue. In 1988 this figure stood at 21.6%. On the other hand Anglophones are clearly under-represented in the federal Public Service in Quebec.

Population of Canada by mother tongue

	English		French		Other	
	000s	%	000s	%	000s	%
1951	8,281	59.1	4,069	29.0	1,660	11.8
1971	12,974	60.2	5,794	26.9	2,801	13.0
1986	15,710	62.1	6,355	25.1	3,245	12.8

Source: Statistics Canada, censuses.

Public Opinion

Services should be offered in both official languages

Respondents	federal govt.	provincial govt.	Private enterprise
Canada	74%	57%	53%
Quebec	88%	72%	76%
Outside Quebec	68%	52%	44%

Source: Réalités nouvelles, 1985.

of life from that common in the United States — less violence and more compassion; more respect for nature and less scorn for foreign cultures. Having said this, we can agree that our way of life and our attitudes (according to the dictionary, “a manner of acting, feeling or thinking that shows one’s disposition, opinion, etc.”) are easily confused with those of the Americans. Everything — from films to fast food, from laissez-faire in behaviour to our refusal to make the repeated effort that is the price of excellence, from our want of rigour to intellectual mediocrity — proclaims the Americanization of customs and attitudes.

Dead letters

How many filmmakers and singers, Anglophone or Francophone, feel that the time may have come for films, dramas and music made in Canada, but that if they are to succeed, they must be carbon copies of current American productions? Moreover, what do we see in the scholarly and academic world? It was in 1967, the year when the first volume of the B and B Commission’s report appeared and the centenary of Confederation as well, that Canadian universities decided to abolish the requirement to study a second language in order to obtain a degree. In doing so they reflected the spirit of the times, which, one might say, came from across the border. They even claimed to be

following the example of the secondary schools, which, after abandoning Latin and Greek, had also dispensed with the widespread teaching of living languages. Under the circumstances, the obligation of all young Canadians to learn the other’s language, as the Commission recommended, would obviously remain a dead letter.

National unity and solidarity nevertheless demand that bilingualism become the characteristic or distinctive sign of Canadian institutions, whether government or Public Service agencies, academic or mass media institutions, churches or union head offices. It is not that each individual must be bilingual, but because, by their pan-Canadian nature, these institutions are a kind of extension of the bilingual state. I doubt, however, that this is sufficient to make us citizens of a country with an established identity which is determined to defend its integrity. To arrive at this point, it will be necessary to develop a distinctive culture and be prepared to defend it.

Many people will be surprised that we dare to speak of a national culture in the context of a bilingual and multicultural state. The presence of two official languages and the flourishing of multiculturalism from coast to coast seem to contradict the concept and the reality of a national culture. This is not my view. Pluralism reflects all the cultural facets of a society that, for historical and sta-

tistical reasons, writes and speaks in English and in French. If you think about it, you will agree: that is Canada!

A national culture

From this point of view, we can even say that we already have a national culture, so many are the common expressions, acquired habits and idiosyncrasies that set us apart abroad. Sociologists, historians and novelists, all in their work first contemplate their own environment and then compare life in it to life in other places. Whatever the subject of the essay or drama, it turns into a moment of our collective reflection and of oneness as Canadians. Only the place and the surroundings change — a day in the life of Montreal, a weekend in that of Toronto or Vancouver, an hour with Samuel de Champlain or an afternoon with Marshall McLuhan. In the case of music and painting, they inspire without using words. Finally, the language of science, like Chinese ideograms, constitutes a symbolic language that is international.

But that is not the issue. The problem comes down to our apparent inability to take the necessary but most difficult step in our liberation: the willingness to listen to the world and, if we have something to say to it, to finally be able to do so. If this is the case, it stems from the fact that while Canada has a government, there exists as yet no Canadian nation; that we find regional cultures that usually remain unknown to one another. The Canada Council has done a great deal to make the literature and artistic creation of one culture accessible to another, but for lack of intellectual curiosity these productions usually arouse only moderate interest. As a result, with the exception of a few works, these regional cultures are problematic to export because they create the impression, in the eyes of the world, of a fragmented national culture. And what is its quality?

To be sure, political genius and the economy count for a great deal in the lives of nations. But it is chiefly in cultural terms that peoples are distinguished from one another. Europeans and Americans are not interchangeable; while the pursuit of excellence is the rule for all, they take different routes in striving for it. All have their own ways of thinking because all have their own reasons for existing. It is not easy to take up "the American challenge". If we are to do so, we must learn to "look in the same direction", in the words of Saint-Exupéry. It will then remain for us to set to work. ■

Bilingualism and Free Trade

Michel Vastel*

The lingua franca of free trade will be English, but French will remain a trump card we must learn to play.

A commercial union, like any international organization, always ends up adopting a "working language". Within the European bureaucracy, for example, in spite of the existence of nine official languages, French has long been, and remains today, the lingua franca. It was in fact, along with German, the dominant economic language and the common language of several of the countries that made up the original six-country European Economic Community before Great Britain joined.

Language policies

The lingua franca of the Canadian-American free trade zone will be English. Canadian and American negotiators certainly took great care to preserve the integrity of the official languages policy, and the Quebec government says that it feels assured that the attributes of its cultural security remain intact. In practice, however, Ottawa and Quebec will have to keep a close eye on and, if necessary, counteract the harmful effects of such extensive economic integration on their linguistic policies. There is a risk that the power of English as the language of business may destroy an already asymmetric equilibrium.

Commissioner of Official Languages D'Iberville Fortier alluded to this risk in his Annual Report for 1987. Indeed, he believes "that an economically stronger Canada will be in a better position to promote its cultural uniqueness, notwithstanding any 'Americanizing' pressures which a trade deal might bring with it."

Commercial relations

In balancing the daily reality of closer commercial relations between Canada

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and the United States and the practice of bilingualism, the federal government has already had to make a number of admittedly prudent concessions related to free trade. For example, it adopted a regulation pursuant to the National Transportation Act exempting used cars imported from the United States from the requirement that certain safety instructions for the owners be displayed in both languages.



Michel Vastel

Even more significantly, the by-laws of the panels to settle commercial disputes specify that simultaneous translation will be provided only in Canada and only upon request. In addition, the panel's decision will take effect as soon as it has been rendered, presumably in English, without any requirement to wait for publication of the French version.

Such developments undoubtedly explain why in October 1986 the Conseil de la langue française referred* to the precedent set in Europe in the Ismu-nit case. The national health laboratory in France was forced to accept products labelled in English from an Italian sup-



plier because, the Commission of the European Communities ruled, "the French users of these products were supposed to know English because of their training and the requirement of the national laboratory was excessive and in restraint of trade."

Sovereignty and culture

At the federal level, it will inevitably be realized that absolute equality of the two official languages is not necessarily practical, given the nature of relations between the Canadian and American governments. There is a risk that this will reinforce the movement in favour of certain compromises with respect to the strict terms of the present policy.

For the Quebec government, the already real pressures in favour of relaxing the policy of francization of business will become greater. More-

grality of the Acts, programs and policies which, in the areas of social policy, communications and culture in general, contribute to the specificity of Quebec society."

In fact, one must wonder whether the Quebec government did not commit a strategic error by agreeing, without discussion, with English Canada's intention not to "put cultural industries on the bargaining table". The real market for Quebec cultural industries is not, in fact, the North American market, but rather the African and European markets; and Quebec's main competitor is France, not the United States.

An agreement protecting the North American cultural products market might have benefited a number of Canadian and Quebec post-creation services such as translation, adaptation, dubbing and distribution. The exclusion of cultural undertakings from the

aid to Francophone service companies classified as a trade barrier. In other cases however, compensatory measures could benefit France if, for example, they consist of reducing customs tariffs.

Services and communications

Moreover, that is why "agreements with other Francophone countries" should be considered only with extreme prudence. The rules of origin, which apply to the trade of manufactured products, do not seem as airtight with regard to services. It is therefore possible that foreign service companies based in the United States, French firms in particular, may still penetrate the Quebec market.

The points of contact between commercial English and French in Canada are not very well oiled. Did we not see France's Consul-General in Toronto advise European investors to use American services, rather than English Canadian services, in order to become more culturally integrated into the North American market? And might not American firms that would like to penetrate the Canadian consumer market, and therefore conform to the requirements of bilingual labelling, be tempted to use the services of their European subsidiaries to meet the special needs of the French Canadian clientele?

By expanding the area of commercial communication for certain products or services by a ratio of one to 10, Canada-United States Free Trade will also have an impact on the specificity of official languages in Canada. One can envisage French, in particular, becoming more international and standing aloof from Canadianisms, even those that are legitimate.

The giants of the North American consumer industry should certainly not use subsidiaries of French companies in order to communicate with French Canada. On the contrary, the familiarity of Canadian companies with bilingualism should give American companies the impetus to become more active in Africa, until now the private hunting ground of Great Britain and France. In areas such as computers, engineering, accounting and commercial law, institutional bilingualism should become a trump card for Canada. ■

Note

"Le libre échange Canada-États-Unis et la langue française au Québec", Conseil de la langue française, October 17, 1986.

THE CANADA - U. S. FREE TRADE AGREEMENT



over, might not the "National Treatment" that the agreement reserves for American professionals give rise to a movement in favour of applying the Canada clause at the expense of these same professionals?

It is useful to remember that when the Free Trade Agreement came into force, the mechanisms to protect the linguistic identity of Canada, that is the new Official Languages Act and Quebec's Charter of the French Language were already in place.

The Canadian Minister for International Trade, James Kelleher, pointed out that "our sovereignty and our culture...are not negotiable". And his Quebec counterpart, Pierre Macdonald, let it be known that "the Government of Quebec will not compromise the inte-

Agreement reinforces an imbalance that the Commissioner of Official Languages did not neglect to point out.

D'Iberville Fortier notes that "The challenge...stems not from the text of the agreement but from difficulties inherent in the relative size of our English and French markets, for instance when it comes to the impact of computer software on information services of all kinds." This in fact goes deeper than the computerization of information services and he is certainly justified in suggesting that "compensating domestic arrangements" be put in place. However, we are aware of the power of entertainment sector lobbies in the United States and these will undoubtedly attempt, with the support of France in certain cases, to have any

*Federal and Provincial Linguistic Dates***CANADA**

- 1963-1971 **Royal Commission on Bilingualism and Biculturalism**
- 1964 Language training for public servants starts
- 1966 **Lester B. Pearson** states principles of Public Service policy on bilingualism
- 1966 Bilingualism bonus is introduced
- 1969 **Official Languages Act**
- 1970 Federal funding is provided for minority and second-language education
- 1970-77 Bilingual Districts Advisory Boards present recommendations
- 1971 **Constitutional Conference, Victoria**
- 1973 **Parliamentary Resolution** on language of work in the Public Service
- 1977 **A National Understanding**: comprehensive statement of official languages policy
- 1977 Report of **Task Force on Canadian Unity**
- 1978 **Criminal Code** amended to allow trials in the language of the accused
- 1980 **Quebec referendum**
- 1980 First **Joint Parliamentary Committee on Official Languages**
- 1982 **Constitution Act and Canadian Charter of Rights and Freedoms**
- 1987 **Meech Lake accord**
- 1988 New **Official Languages Act**

ALBERTA

- 1969 **Alberta School Act** allows French to be used in bilingual schools
- 1982 **Lefebvre case** (language of civil justice) initiated
- 1985 **Paquette case** (language of criminal justice) decided
- 1985 **Bugnet case** (schooling) initiated
- 1987 **MLA Léo Piquette** denied right to speak French in Legislature
- 1988 **Language Act** limits French rights

BRITISH COLUMBIA

- 1986 Sections 16 to 22 of Canadian Charter do not apply in British Columbia

MANITOBA

- 1967 **Public Schools Act** allows half-day French instruction
- 1976 Georges Forest challenges the **Manitoba Official Language Act, 1890**
- 1979 **Supreme Court of Canada** rules Manitoba Act 1890 unconstitutional
- 1980 Roger Bilodeau challenges Manitoba Act
- 1982 **Constitutional amendments** proposed to avoid translating all statutes adopted in English only since 1890
- 1983 **Manitoba Bill** proposed and supported by unanimous resolution of Parliament
- 1985 **Supreme Court of Canada** decision invalidates all legislation enacted since 1890
- 1986 **Supreme Court of Canada** decides Bilodeau case

NEW BRUNSWICK

- 1969 Premier states **Principles of official bilingualism**
- 1969 **Official Languages Act**
- 1981 **Bill 88**, an Act recognizing the Equality of the Two Official Linguistic Communities
- 1982 Report of the **Task Force on Official Languages**
- 1982 Lockyer Report leads to gradual equality in judicial system
- 1986 **Supreme Court of Canada** rules in SANB case

NEWFOUNDLAND

- 1986 **Ringuette case**: right of accused to trial in the language of his choice is not in force in Newfoundland

NOVA SCOTIA

- 1981 **Bill 65** authorizes Acadian schools where the numbers warrant
 1988 **Sydney school case** initiated
 1989 Appeal Court decision in Sydney school case

ONTARIO

- 1969 Legislation authorizes establishment of **French public schools**
 1970 **Rule 13 of Legislature** permits use of French in the House
 1975 French-language services start in **courts**
 1977 French-language services in courts extended
 1978 French can be spoken in judicial proceedings in certain districts
 1979 Bilingual information and consultation services can be obtained in designated regions
 1979 Right to **criminal trial** in French comes into force
 1980 Number of courts that may hear cases in French extended
 1982 Right to use French extended to certain civil matters
 1984 Right of Franco-Ontarians to **education** in their language recognized
 1986 **Penetanguishene case** (schooling) decided
 1986 **French Language Services Act**

PRINCE EDWARD ISLAND

- 1980 Amendment to **School Act** provides French-language programs
 1986 Provincial government initiates **Education Reference**
 1988 Certain provisions of **School Act** declared inconsistent with Section 23 of the Canadian Charter of Rights and Freedoms

QUEBEC

- 1969 **Bill 63**, an Act to promote the French language
 1973 **Gendron Commission** recommends French be the only official language
 1974 **Bill 22**, the Official Language Act
 1977 **Bill 101** (Charter of the French Language)
 1979 **Supreme Court of Canada** rules Bill 101 provisions dealing with the language of legislation and courts unconstitutional
 1980 **Supreme Court of Canada** declares Section 133 of British North America Act continues to apply to regulations and rules of the courts
 1982 **School case** initiated in Quebec Superior Court
 1983 **Amendments to Charter of the French Language**
 1984 **Supreme Court of Canada** decides school issue
 1984 **Signage issue** initiated in lower court
 1986 Amendments to **Health and Social Services Act** extend services to English-language community
 1988 **Supreme Court of Canada** decides Nancy Forget case
 1988 **Supreme Court of Canada** decides signage issue
 1989 **Bill 178** amends Charter of the French Language

SASKATCHEWAN

- 1967 **Saskatchewan School Act** allows French as a language of instruction (initially for one hour a day)
 1981 **Mercure case** initiated
 1985 **Tremblay case** initiated
 1987 First **criminal trial in French** since 1905
 1987 **Court of Appeal** upholds right to use French in criminal courts
 1988 **Supreme Court of Canada** decides bilingualism is not constitutionally entrenched
 1988 **An Act concerning the use of English and French** awards limited rights to French

YUKON and NORTHWEST TERRITORIES

- 1983 **St-Jean case** initiated
 1984 Bill tabled to extend Official Languages Act to Yukon and Northwest Territories, dies on order paper
 1986 Court rules that Section 133 of the British North America Act does not apply to the ordinances of the Territorial Commissioner
 1988 **Yukon** adopts Languages Act

*The Office of the Commissioner of Official Languages***A Catalyst for Language Reform***Maurice Héroux***All three Commissioners have embodied the chief quality of the Office — the capacity to stimulate, to accelerate and to provoke change.*

In proposing that there be a federal linguistic ombudsman, the B and B Commission envisaged him as the protector of the Canadian public and the critic of federal authorities in official languages matters. It is not surprising therefore that the 1969 Act gave the impression that the only significant function of the Commissioner of Official Languages would be to investigate complaints.

Beyond the letter

This function was and still is essential. However, action of another kind proved indispensable to the advancement of language reform. The Commissioner's role has gone considerably beyond the letter, if not the spirit, of the Act and he has often served as a catalyst in a wide variety of cases and issues. There have been three Commissioners with very different styles and personalities, but all three have embodied the chief quality of the institution — the capacity to stimulate, to accelerate and indeed to provoke change, even in sectors not under their immediate jurisdiction. A brief retrospective look will convince us of this.

Even with regard to the issues unquestionably within his jurisdiction, the Commissioner has shown boldness and his interpretations have had spin-off effects. Thus, although the 1969 Act contains no express mention of public servants' freedom of choice of their language of work, the Commissioner

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proposed in 1970 that this principle be recognized. It would be three years before Parliament endorsed it.

Equality of status

Among the bold interpretations of the first years that have since taken on nor-



Maurice Héroux

mative character, the definition of what constitutes equality of status of the two languages might be cited: accessibility and active offer of services, equality with respect to availability and prominence, respect for language quality. The very broad interpretation given by the Commissioner to the word "service" has imposed linguistic obligations on certain concessionaires in federal buildings. This is not surprising if a service is involved, as in the case, for example, of an airport or a firm acting for and on behalf of a federal agency.

Everyone on Parliament Hill knew the enviable place that the Committee on Public Accounts had carved out for itself. But it was quite a step from that to suggest insistently on the creation of a committee on linguistic accounts — a step that the Commissioner cheerfully took in 1978. Two years later, a Special

Joint Committee on Official Languages (special because renewable from year to year) was created and, in 1984, this committee, like the Public Accounts Committee, became a standing one.

Acts of revision

It would take still more persistence to make revision of the 1969 Official Languages Act a reality — 18 years, to be exact. Tirelessly, in their annual reports, before the Parliamentary committee, in private conversations with influential members of Parliament, one Commissioner after another had explained the need for changes and pleaded for them. And when it came time to take action, the shopping list made public from 1985 to 1988 would largely be incorporated into the new 1988 Act.

The Commissioner has also played the role of a catalyst through his public statements, both in calm weather and in raging storms. Taking advantage of every opportunity, in his annual reports, at appearances before Parliamentary committees, in the course of his visits to the provinces where practically all doors are open to him, in every possible forum, he preaches tolerance, discusses the needs of all concerned and works out the conditions for a better linguistic future. He passes on demands to all the governments concerned and to commissions of inquiry and is granted leave to intervene in various courts considering language cases, especially when the educational rights of minorities are involved. His message — his messages — are heard on the radio waves, from university platforms, at meetings with editorial teams of the major newspapers and in press releases. And when that is not enough, he himself organizes conferences to discuss the progress and future of reform (Peterborough in 1982, Edmonton in 1984), the status of minorities (Ottawa in 1985) or linguistic arrangements in the world (1986). Not all the Commissioners' initiatives have necessarily been crowned with success, and some of them have produced sharp reactions, but, as one Commissioner once wrote, you can't make an omelet without breaking eggs.

To work for the equality of our official languages is, to be sure, to work mainly for the "less equal" of the two: French. But, in all fairness, the role of the Commissioner has always gone beyond this. In 1987, for example, among the three issues that he submitted in a special report to the Governor in Council was one dealing with the under-representation of Anglophones in the federal Public Service in Quebec.



Initiatives

In addition, in 1970 the Commissioner proposed the creation of an inter-provincial linguistic volunteer corps to support the efforts of second-language teachers. Last year the Official Languages Monitor Program had 1,300 participants. In 1977 it played the role of midwife in the birth by a group of parents in the Ottawa area of Canadian Parents for French, an association that now has more than 18,000 members.

The Commissioner's "youth option" led him to campaign for a time for a reduction in the funds allocated to the language training of public servants and the transfer of this money to the education of our young people. More discreetly, he frequently vaunted the merits of one or another educational project to a provincial minister.

The Office has never remained static.

In 1981 the Commissioner organized a meeting between six national associations with the aim of laying the foundation for a Canadian information centre on minority-language and second-language education. The centre that resulted may not have taken the desired form, but the co-operation born of this initiative is continuing.

Finally, tired of waiting for action, the Office of the Commissioner has developed kits, educational games, posters and decals to convince young people of the advantages of institutional and personal bilingualism. Hundreds of thousands of these products have been distributed to students in school thanks — *mirabile dictu* — to the co-operation of the Departments of Education.

The Office of the Commissioner has never remained static. In recent years it has awaited the launching of a general renewal that has been reflected internally in particular with respect to research, the handling of complaints (25,000 since the beginning), its regional representation, which now reaches directly into all the provinces, and its revamped information programs directed to people of all ages.

The Commissioners of Official Languages could quite legitimately have restricted themselves to their principal role as ombudsman and clung to the letter of the law. We must be grateful that they had the boldness and the courage to venture beyond it and thereby to have served as catalysts for language reform. ■

Progress in Official Languages at the Federal Level

Marc Thérien

The great revolutions that are successful result in the disappearance of the causes that gave rise to them and thereby become incomprehensible by virtue of their very success.

These are the words of Alexis de Tocqueville. Could this also be true of the reforms that affect the status of languages? One thing is certain: many Canadians seem to have forgotten the distance we have come since the B and B Commission and the passage of the 1969 Official Languages Act.

Services

Let us recall some of the milestones in this "deliberate progress", beginning with the situation of the official languages in the federal administration. The implementation of the Act made it possible, with a few exceptions, to settle the issue of the identification of federal property. Buildings and monuments, vehicles, aircraft and ships, printed forms and documents are now identified in both official languages. In regions where there is significant demand, Canadians can more consistently obtain services in the official language of their choice. In contrast, in 1969, the availability of services in French was not always assured, even in certain parts of Montreal and in the National Capital Region. A few figures on bilingual positions will serve to illustrate the changes that have occurred. Between 1975 and 1988, the percentage of bilingual positions in the Public Service increased from 19.4% to 28.9%. Today, there are some 60,000 bilingual positions in the Public Service, including 75% of those in the Management category and 41% of those in the Administrative and Foreign Service category.

Testing

Moreover, this transformation would not have been possible without the efforts made by many public servants to

learn their second language. As a result, the pool of bilingual personnel in the federal Public Service considerably exceeds the number of incumbents of positions designated bilingual. More than 20,500 incumbents of bilingual positions benefit from an exemption from language testing, meaning that they have a level of knowledge higher than the highest level measured by the tests. Finally, some 13,000 bilingual employees fill unilingual positions. Thus, the total bilingual capacity of the Public Service is approximately 66,500 employees, or 32% of the total number of employees.

The language of one's choice

Although the area of language of work is not the paragon of language reform, progress there has also been considerable. It should not be forgotten that the starting point was a system where the language used at work was very often and very widely English — even in Quebec. The creation of small French-language work units in 1971 was followed by the designation of large bilingual regions for language of work in 1977 and, finally, in the 1988 Official Languages Act, by an express guarantee of the right to work in the official language of one's choice in these regions.

Francophones

In 1962 the Royal Commission on Government Organization (the Glassco Commission) noted that the number of Francophone senior officials was "insignificant". Today, Francophones constitute 21% of the Management category. Overall Francophone participation in the Public Service proper (218,500 employees) stands at 28.1%. If we add to this figure the staff of

Crown corporations, Parliament, the Armed Forces and the RCMP — a total of 282,000 — we find the ratio is Anglophones, 68.5%; Francophones, 26.3%; not specified, 5.2%. Clearly, this apparent balance conceals hierarchical, sectoral and regional imbalances, but we may conclude that great strides have been made toward achieving the objective of making the institutions of Parliament and of the government a setting where Francophones and Anglophones participate fully.

*Language reform
is not limited
to the federal
administration.*

Beyond the federal level

But language reform is not limited to the federal administration. The accelerated program to expand the Canadian Broadcasting Corporation has made it possible to reach most of the small minority official language communities and to extend French-language radio and television broadcasting services. The federal Consumer Packaging and Labelling Act, supplemented by the Quebec regulations in this area, has prompted Canadian and foreign manufacturers to show more concern for the language preferences of consumers.

Moreover, the Canadian Charter of Rights and Freedoms of 1982 has not only entrenched the linguistic guarantees that apply to services and the federal courts, but has also confirmed the right of the official language minorities to have their children educated in their language, a right whose application unfortunately remains too sporadic and too slow to take effect. Finally, changes to the Criminal Code ensure the right of a citizen to a trial in his own language in criminal matters.

Measured on a historical scale, the achievements of federal language reform since the B and B Commission are far from negligible. Naturally, these successes provoke calls for others. The best course, perhaps, is not to abandon the road we have travelled, but to continue to follow it as actively as possible. That is what the 1988 Official Languages Act proposes. ■

The Community Power of the Acadians

*Pierre Poulin**

For Acadians, passage of the federal and New Brunswick Official Languages Acts may have seemed a sort of passport to emergence, but their own collective arrangements continue to sustain them.

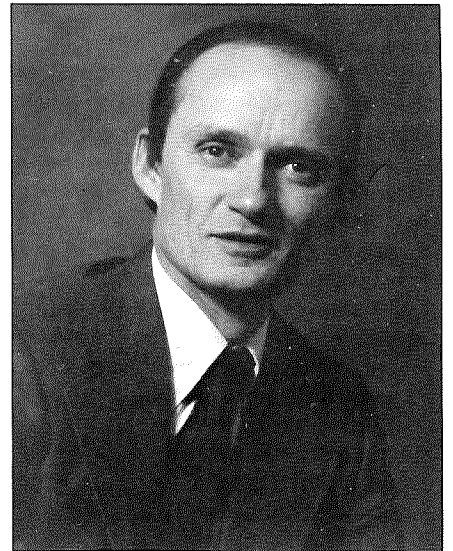
Nineteen sixty-nine is an important milestone in the long struggle of the Acadians to win the right to their existence. The adoption of official languages legislation by Parliament and the Legislative Assembly of New Brunswick constituted, in a sense, their passport to emergence into "official society" after more than a century of efforts and achievements on its fringes.

Towards self-management

In 1881, at the first national convention of more than 5,000 Acadians in Memramcook, they clearly expressed their desire to develop institutions that they themselves would manage and that would foster their existence as a community. At the opening of the convention, which was to adopt a national holiday, the Honourable Pierre Landry asked, "Is it a legitimate aspiration to want to see our race, so long ignored, emerge from this oblivion and take its equal place in the midst of the peoples around us?" Since this equality of status was not accorded by governments, the Acadians gradually won it for themselves by developing their own institutions. As early as 1854 the Collège Saint-Joseph opened its doors in Memramcook and, thanks mainly to the clergy and religious orders, such institutions subsequently multiplied. The establishment of this network of institutions — schools, hospitals, Société l'Assomption, Acadian parishes and dioceses, newspapers, caisses populaires, co-operatives, etc. — took

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place outside the framework of government, however, and in many cases despite it. A hundred years after the founding of Collège Saint-Joseph and on the eve of the bicentennial of the deportation, the Acadians in the Maritime provinces possessed an impressive number of institutions that they themselves managed.



Pierre Poulin

The B and B Commission

It is not surprising, therefore, that the Acadians who appeared before the B and B Commission called for equality of status and a greater number of French-language institutions. On April 10, 1964, during a meeting held in Fredericton, the Acadians suggested that French be officially recognized in New Brunswick and, on June 14, 1965, groups from Nova Scotia and Prince Edward Island appearing before the Commission emphasized the need to create more French-language institu-



tions. The work of the B and B Commission was viewed as very important by the Acadian community, and *L'Évangéline* devoted its first page to it for several days.

The Equal Opportunity Program

The adoption of the Equal Opportunity Program by the Robichaud government in New Brunswick marked another important step in the progress of the Acadian community. The program was not specifically addressed to the community, but it could only benefit it, because it was most often disadvantaged in terms of the distribution of services. As a member of the cabinet noted upon the passage of the Municipalities Act on June 14, 1966, "the provincial government will assume the responsibility of providing all residents of New Brunswick with decent education, health and welfare services". By centralizing administration, however, and assuming greater responsibility for financing services, the government in a sense "dispossessed" the Acadians of the institutions that they had patiently developed. It was necessary for them to adopt a new approach. Instead of developing "on the fringe" of official society, they now had to integrate their efforts with those of the government while continuing to develop their own institutions. The accession of Louis J. Robichaud to power in 1960, a first for an Acadian, had opened the way to integration of the Acadians into the political process, and they now had to work within it.

Access to equal status

It was in this context that the Official Languages Acts of Canada and of New Brunswick were passed. While the report of the B and B Commission had recommended the demarcation of bilingual districts, the Robichaud government opted for an Act that would apply to the entire province. These two Acts were greeted with considerable rejoicing by the Acadian community and, along with such other factors as the Quiet Revolution in Quebec, the introduction of television, the presence of Radio-Canada and the official recognition of Acadia by the President of the French Republic, to mention only a few, were followed in the next 20 years by very important developments for the Acadian community.

The federal Act, it is true, was primarily of symbolic value in recognizing French as an official language on the same footing as English in federal institutions. For Acadians it meant the

opportunity to be served in their own language. Finally, it had significant corollaries tending to strengthen the historical forces that were encouraging the Acadians to develop their own institutions. The programs of the Department of the Secretary of State for official language communities had a decisive impact on the development of the Acadian community in the three provinces. Organizations such as the Société Saint-Thomas d'Aquin, active since 1919 in Prince Edward Island, the Fédération acadienne de la Nouvelle-Écosse, founded in 1967, and the Société des Acadiens du Nouveau-Brunswick, established in 1973, could now count on greater financial resources to carry out their activities. Soon, especially in New Brunswick, but in the other two provinces as well, many other spheres of Acadian life

*All these achievements
are the result
of a long travail.*

became organized and developed homogeneous structures, most often with the financial support of the Secretary of State. Whether we speak of young people's or women's organizations, of cultural groups, of the Jeux de l'Acadie, of associations of guidance counsellors, of business people, of lawyers, of municipalities, of fishermen or of farmers, to name only a few; whether we speak of establishing school and community centres in Fredericton, Saint John, Newcastle and, soon, in Halifax-Dartmouth and Charlottetown — the Secretary of State was generally a contributor.

All these achievements were the fruit of bitter, patient and lengthy struggles by the Acadians and, in many cases, they resulted in the replacement of more or less bilingual structures by the adoption of homogeneous structures in which the Acadians could manage their affairs among themselves. This scenario was repeated many times. As early as 1945 the caisses populaires ended their association with the credit unions and set up their own federation. In 1970, after many unsuccessful attempts, the Francophone teachers of New Brunswick formed their own association while maintaining, on an equal footing with their Anglophone counterparts, a federation responsible for han-

dling common problems. Subsequently, the movement toward the establishment of homogeneous groups accelerated — guidance counsellors, farmers, residential schools, lawyers, municipalities. Despite problems of all kinds, and appeals from Anglophones and certain Francophones, to maintain unity in order to ensure understanding, the movement expanded so that today there is less and less recourse to bilingual structures.

As for the New Brunswick Official Languages Act, assented to on April 18, 1969, it represented a milestone for the Acadians of the province, but had important limitations. Its generality, the fact that in many cases it provided service in "the other language" by means of translation, with all the delays that can imply, the absence of mechanisms for the implementation of its provisions and the delays in the coming into force of most of its provisions (the last of which were promulgated only on July 1, 1977), quickly made many Acadians realize its limitations. Section 12, for example, on education, did not recognize the obvious need to establish a separate school system for the two communities, and the 1970s were marked by the school battle in which the Acadians called for and eventually won, after a long and difficult struggle, "duality" in the Department of Education (although not totally) and a completely homogeneous school system, both as regards the schools themselves and the school boards. The Act, moreover, recognized individual rights, and it would not be until July 1981 that the provincial government recognized the collective rights of Acadians in an Act acknowledging the equality of the two official language communities in New Brunswick. This latter Act, despite its limitations, marks another step in the efforts of Acadians to develop their own institutions. It is not surprising, therefore, at a time when debate about the Meech Lake accord is raging, that the Acadian groups in New Brunswick are calling for the incorporation of this Act in the constitutional accord.

Education

In the other two provinces, the past 20 years were also marked especially by battles for French-language education. In Nova Scotia a French section of the Department of Education was established on June 24, 1981, and Bill 65 granted the Acadians of that province the right to Acadian schools. More recently, a homogeneous school board for Clare-Argyle was established, as

well as a school and community centre for the Halifax-Dartmouth area. The struggle continues in other areas, such as Sydney. In Prince Edward Island, a complete French-language school system has been introduced in the Évangéline area, where the highest concentration of Acadians is to be found. The School Act was amended in 1980 to include the right to French-language education. More recently, a school and community centre has been promised for Charlottetown, and pressure is being kept up to obtain French-language instruction in other areas of the Island. Many other institutions have also been developed, including co-operatives for arts and crafts, cable broadcasting and the manufacture of potato chips, and efforts are being made to promote the tourism potential of the Island's French-speaking regions.

Acadian territory

The Acadians of the Maritimes, not having a territory of their own to administer (although the Parti acadien in New Brunswick has promoted the idea of creating an Acadian province), enlist their efforts in activities related to the exercise of power by and for themselves. The concepts may vary over time and from one province to the other — duality, regionalization, homogeneous work units, etc. — but one unchanging fact, the exercise of community power, dominates the history of the Acadians. There is no complete consensus, of course, and there are always Francophones more inclined to favour an approach whereby Anglophones and Francophones work together "in mutual harmony"; but the achievements of the past 20 years seem to indicate instead that parallel structures, based on language, contribute to making a more harmonious society. Many areas of conflict are thereby defused and energies that would otherwise go unused are brought to bear.

Twenty years ago the introduction of a degree of bilingualism into the groups in which Acadians worked was welcomed. Today, the preference is definitely for homogeneous structures where language and culture have a better opportunity to develop. Whereas in the past Acadians developed institutions that, most often, operated on the fringes of "official" life, today they have succeeded in gaining acceptance for these institutions. Twenty years ago the language of the Acadians received official recognition. Today that recognition is increasingly accorded to their institutions. ■

Reflections on Quebec's English-Speaking Community

Michael Goldbloom*

A distinction must be drawn between the international strength of English and the relative fragility of Quebec's English-speaking community. The language is not endangered, but the community is.

The past 25 years have brought with them more changes for Quebec's English-speaking community than any other period in its history.

Perhaps the most significant change of all during this quarter century has been the emergence of a sense of community. English Quebecers have come to recognize that they form a distinct community, and are not simply part of the English Canadian majority.

Traditionally strong divisions existed amongst English speakers in Quebec along religious, cultural, class and regional lines. One's identification as a Catholic, a farmer, a Scot or a Gaspesian far outweighed one's sense of being an English-speaking Quebecer. The political evolution has changed this, and today there is a profound sense of identification in being an English-speaking Quebecer.

Adjustments to reality

The experience of being a member of a linguistic minority in a North American society is one that no other English-speaking Canadians share. At various times in the last 20 years that experience has meant being at odds with successive provincial governments over language policies. It has also entailed a remarkable effort of individual and collective adjustment to the changing reality of Quebec.

A recent Statistics Canada study indicates that 60% of English speakers in

Quebec are now bilingual, up from 37% in 1971. Over one-third of our students are enrolled in immersion courses or French schools. Indeed, sending one's child to an immersion course is so highly valued that parents have lined up overnight — in the month of January — to ensure that their children have a place in the classroom for September.

English-speaking Quebecers take great pride in the efforts they have made to become a truly bilingual community, and there is a deep sense of frustration that these efforts seem to have gone largely unnoticed. (One of the unique Canadian experiences which occurs increasingly in Quebec is when two Quebecers are conversing in French, only to discover part way through their conversation that they are both English-speaking. The reaction of both bemusement and pride is a good measure of how far we have come.)

English-speaking Quebecers have also gained a greater appreciation of the difficulties experienced by the Francophone minorities in other provinces. Our experience as a minority has heightened our awareness of the enormous challenges facing Francophones outside Quebec, and we have recognized our responsibility to become forceful advocates for linguistic equality across Canada.

Our interest in the cause of these minority communities has occasionally been met with some scepticism because our concern for all minority language rights in Canada has coincided with the efforts of successive Quebec governments to limit ours. The fact remains, however, that English Quebec has become the most consistent and vocal

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proponent of the vision of a bilingual Canada.

Linguistic duality

English Quebec believes in a country where English- and French-speaking Canadians can be assured of a common denominator of linguistic rights in areas such as education, justice and government services, regardless of where they choose to live in Canada. It believes in that vision because it knows from its own experience in Quebec that it is attainable.

Advocacy for Canada's linguistic duality is often carried out, however,

projections for our community are gloomy indeed.

This population decrease has resulted in declining enrolments in English schools and threatens the long-term survival of our institutions. It has left our community with an older population and with the attendant challenges of providing care for our elderly. Most importantly, it has become difficult to attract new members.

Traditionally, our community has been highly mobile. This mobility, however, proceeded along a two-way street — as English-speaking Quebecers left, they were replaced by

English-speaking immigrants would be required to attend French schools. A community which had been accused of not respecting the French language was now graduating so many bilingual students from its schools that a significant and growing majority of its members are effectively competent in French. A community which in 1974 had rejected the required use of French and the optional use of English and other languages on commercial signs had come to accept that formula as a reasonable compromise.

In sum, by the middle of the present decade Quebec's English-speaking community had committed itself through its words and actions to defining a new social contract with its French-speaking fellow citizens. There was a steep price paid in the 1970s and early 1980s, but by 1984 a renewed sense of confidence was finally emerging.

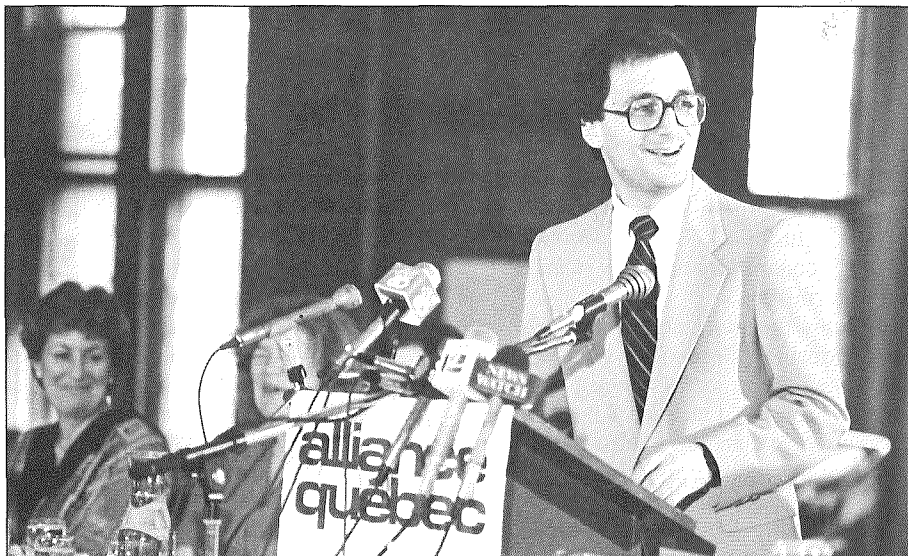
The Parti Québécois showed that it was not afraid to "toucher à la loi 101" when it amended Bill 101 to provide statutory recognition for the English-speaking community's institutions.

By 1988 one of the few persistent areas of conflict on the language front was the prohibition of the use of English on commercial signs. But the Quebec Liberals through three successive election campaigns (1976, 1981 and 1985) and with three different leaders (Robert Bourassa, Claude Ryan and Gérard D.-Lévesque) had adopted policies which respected fundamental liberties and opposed the prohibition of languages other than French.

Bill 178, and its use of the notwithstanding clause to override what the Supreme Court had recognized as a fundamental right, consequently came as a devastating blow because it cast doubt upon the legitimacy of the English-speaking community. It has caused many people to view the community's efforts of the last 15 years as having been repudiated.

Whether Bill 178 will represent the ultimate repudiation in Quebec of the vision advanced by the B and B Commission, or whether it will be only a painful but temporary setback, remains to be seen. The answer will undoubtedly depend on our ability to address the real issues facing us rather than remaining bogged down in old myths, stereotypes and apprehensions.

Quebec decided in the 1970s that Allophone immigrants would be integrated into the French-speaking community through the school system. But there seems to have been little recogni-



Michael Goldbloom

against a backdrop of provincial politicians with little interest in the promotion of a bilingual Canada. Most provincial governments seem to believe in a "lowest common denominator" approach to the protection of rights and to guarantees of services for their official language minority communities. The only time they draw attention to minorities outside their respective provinces is when they seek to justify imposing constraints upon their own minorities.

Population decline

For Quebec's Anglophones the negative side of the ledger of the last 25 years has been the community's steady population decline.

While the low birth rate of French-speaking Quebecers has received a great deal of attention, it is rarely noted that the birth rate of English-speaking Quebecers is no greater. When this is coupled with a large population loss through out-migration, demographic

English-speakers from other provinces or abroad. Unfortunately, our customary "coming and going" has become simply "going".

This demographic decline has been felt most intensely in the communities outside the Montreal region. Many are finding it increasingly difficult not only to maintain the few institutions they have but also to receive basic government, health and social services in English.

It is against that backdrop that the events following the Supreme Court's December 1988 decision in the signs case must be viewed.

Minority status

English-speaking Quebec, which in the 1970s had been accused of acting as if it was the majority in Quebec, had come to terms with its minority status. A community which had been accused of using its school system to attract and integrate Allophone immigrants had come to accept that the children of non-

tion of the inescapable fact that French-speaking Quebec itself would change as a result of that decision; yet that is the reality we are facing today. The challenge now is not simply to teach immigrants French. The vast majority of immigrants are sending their children to French schools and French is becoming the common (but not the exclusive) language of Quebecers. The challenge is to establish the climate of mutual respect which is necessary if all Quebecers are to be truly involved in determining what kind of society we are to be. That will not occur as long as Quebec's non-Francophone communities are portrayed and perceived as a threat and their legitimacy is undermined.

*English Quebec
has become the most
consistent and vocal
proponent of a
bilingual Canada.*

At a crossroads

In the dialogue between English-speaking and French-speaking Quebecers, a distinction must be made between the international strength, influence and widespread use of the English language and the relative fragility of Quebec's English-speaking community. The language is not in danger, but the community is.

Twenty-five years after the B and B Report it is clear that we are once again at a crossroads in our efforts as a nation to respect the noble vision of its authors.

In 1988 the governments of Saskatchewan, Alberta and Quebec introduced legislation which removed constitutional rights of their linguistic minorities. And so in 1989 we must again ask ourselves whether Canada will continue to pursue the vision of a country committed to the equality of two official languages, or whether we will retreat to the concept of a country of nine English provinces and a French one.

The future of our linguistic minority communities hangs in the balance. So does the very nature of Canada. ■

Bilingualism in Ontario over the Years

Gaétan Gervais*

The policies of Ontario, with Canada's largest Francophone population outside Quebec, are critical to the future of bilingualism in Canada.

The Advisory Committee on Confederation, appointed in 1965 by the Ontario government, examined the question of education in French, for both the minority and the majority. In addition, it looked at the possibility of providing judicial and government services in the French language. In 1968 Premier John Robarts outlined his government's policy for making government services available in French in regions of Ontario where there was a concentration of Francophones.

In 1970 the government appointed a Bilingualism Co-ordinator, renamed the Office of the Government Co-ordinator of French-Language Services in 1978 and the Office of Francophone Affairs in 1986. Since then the Co-ordinator has been Rémy Beauregard. In 1978 the position of Minister Responsible for Francophone Affairs was created. The first minister was René Brunelle (1978-81), who was followed by Thomas L. Welsh (1981-85), Alan Pole (1985) and, since 1985, Bernard Grandmaître.

The government also created various advisory bodies: the Languages of Instruction Commission in 1973 and the Advisory Council on Franco-Ontarian Affairs in 1975. The latter was established to advise the government in matters relating to education, culture and recreation, and had its mandate extended to all sectors in 1978, at which time the word "advisory" was dropped from its name. The following year, the Council was allowed to make recommendations on its own initiative. In 1981, however, the government turned over education matters to the new Council for Franco-Ontarian Education, under the direction of Onésime Tremblay (1981-86) and then Marc

Godbout. Responsibility for the Council for Franco-Ontarian Affairs then passed to the Ministry of Intergovernmental Affairs. Its first chairperson was Omer Deslauriers, who was followed by Roger Régimbal, Gisèle Lalonde and Laura Gueguin-Charron before the Council was dissolved in 1986.

1927

French-language elementary schools in Ontario were reinstated in 1927. As a result of the Bériault Report, the government adopted legislation in 1968 to enable boards of education to open French-language secondary schools. Some boards chose not to open such schools, since each had a French-language advisory committee, and a number of conflicts arose over the issue, those in Penetanguishene and Windsor being the most notable. In Windsor the government had to intervene in 1977 to force the Essex school board to open a French-language secondary school.

The management issue has dominated the school debate for the last 10 years. The Association canadienne-française de l'Ontario and the Association des enseignantes et des enseignants de l'Ontario argued their case before the courts, based on Section 23 of the Charter of Rights and Freedoms. In 1984 the Ontario Court of Appeal decided that the right to French-language schools included the right to manage them. Consequently, in 1986 the provincial government adopted Bill 75, which assured that Francophones would administer their own schools. Homogeneous French-language school boards were also created in Ottawa and Toronto. More recently, in January 1989, the Minister of Colleges and Universities, Lyn McLeod, announced that the first French-language community college in Ontario would be opened in eastern Ontario in 1990. But at the university level, where the Franco-Ontarian participation rate is half of the

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provincial rate, there is not a single French-language university. Presently linguistic homogeneity and the management of schools are important topics of debate in Ontario.

Changes in the administration of justice began to take place in 1978, when the use of French was allowed in criminal division courts. In 1979 French translation of statutes acquired legal status, although the English version had primacy in the event of disagreement. English and French are today the two official languages of Ontario's criminal courts. In 1982 legislation was adopted to allow certain documents such as wills and land titles to be registered in French. In 1983 certain courts located outside designated areas were allowed to hold trials in French.

At the municipal level, legislation was passed in 1975 to allow the use of bilingual election forms and starting in 1979 municipalities were allowed to print other forms in French. Under legislation adopted in 1982 municipalities could conduct their operations in both official languages. Finally, Section 16 of the French Language Services Act gave municipalities in designated areas the power to conduct their administrations in both English and French and make their services available to the public in both languages.

There is no specific legislation to stimulate cultural development, but following the recommendations of the Saint-Denis Report, the Ontario Arts Council set up a Franco-Ontarian Office. Since its inception, this Office has played an important role in promoting various cultural activities such as theatre arts, writing and the fine arts.

The opponents

In the 1970s the reason given by the government for its policy of proceeding slowly was that it feared a backlash. Indeed, there have been and still are those who oppose the spread of French beyond the borders of Quebec. These are the same people who oppose federal policies of bilingualism.

In Ontario one of the opposing groups is made up of people who have a vision of Ontario as Protestant and British, who have trouble accepting the profound transformation that has taken place in the province in the last 40 years. Successive waves of immigrants have in effect modified the ethnic and racial composition of Ontario, creating great holes in the myth of ethnic and religious homogeneity. The immigrants have in large part settled in Toronto, changing the face of that city consider-

ably. Some people believe that in order to ensure integration a single language must be imposed. They therefore oppose any "concession" in the area of language, either to Quebec or to the Francophone minorities of the English-speaking provinces.

Yet others are opposed to greater use of French because they are concerned about the effect on their careers. They perceive the use of French as an obstacle to professional advancement, since a growing number of jobs require knowledge of both languages. Furthermore, the strong move to French immersion schools foreshadows the arrival of large numbers of bilingual Anglophones who will be able to fill the positions that unilingual people cannot. These adversaries of bilingualism fear that the harm may not be limited to the Public Service, but may even spread to businesses which have become aware of the needs of their French-speaking clientele.

Ontario adopted the French Language Services Act in 1986.

The groups who oppose greater use of French are for the most part found in Eastern Ontario, the Simcoe area and mid-northern Ontario. Significantly, these are areas of cultural contact, close to the French-speaking population centres of the east and north. It is in these places that we see the growth of anti-bilingualism movements such as the Association for the Preservation of English in Canada and the Confederation of Regions which are carrying the banner of older groups like the Orange Order of Canada.

In the last few years, these associations have sponsored newspaper advertising and conducted a campaign of letter-writing to politicians and the media, to express their opposition to any spread in the use of French. They have fought the use of French by municipalities and businesses. In the last federal election, they also fielded a few candidates to defend their ideas. Today, their chief demand is that a referendum be held on the French Language Services Act.

The proponents

In 1986 the Peterson government, with the unanimous support of the other two political parties, had the French

Language Services Act passed by the Ontario Legislature, marking the culmination of two decades of small steps. In its preamble, the Act recognizes French as an official language in the courts and in education. The Act provides for a three-year transitional period, to end on November 18, 1989. After that date, the government will be obliged to provide French-language services to all Ontario citizens living in designated areas of the province who request them. These areas take in nearly all the Franco-Ontarian population of eastern, northern and southern Ontario, including that of Metropolitan Toronto. Nine-tenths of all Franco-Ontarians live in the designated areas.

At the same time, the Office of Francophone Affairs will be reorganized to ensure that the Minister Responsible for Francophone Affairs has the resources needed to comply with Section 12 (administration of the Act). The Office advises the government, its ministries and agencies; co-ordinates and monitors programs for Francophones; makes known the government's policies; and maintains contact with the Francophone community; in November 1989 it will take over the duties of the French Language Services Commission. The latter, which was created by the 1986 Act, has received plans for implementation of the Act from each ministry and central agency. Its first chairperson was Gérard Bertrand (1986-88); since 1988 the position has been held by Gérard Raymond.

The Act also provides for the designation of agencies receiving transfer payments (hospitals, social services, community services and so on). In 1987 the Commission established five designation criteria: quality and permanence of services, reasonable access to these services, effective Francophone representation on the governing body and its committees, effective Francophone representation at all administrative levels and inclusion of accountability provisions in the institution's regulations.

This legislation offers considerable support for the expansion of French-language services, since the provincial government is putting its weight behind its policy.

Its efforts in this area have the solid backing of the popular press and community leaders. There is also evidence that, in the last few decades, the elite of Canadian society has been coming around to the idea of a bilingual country. This conversion to bilingualism has meant new attitudes, certainly, and also new types of behaviour.

These new attitudes are reflected in rising enrolments in immersion schools. In 1977 there were 19,164 children in immersion schools at the elementary level, but by 1987 this number had increased to 76,162. The figures for secondary schools for the same 10-year period were 4,291 and 16,817. These numbers are still growing very quickly, and in some cities the majority of Anglophone students in certain neighbourhoods are enrolled in immersion schools. In the area of promotion of bilingual instruction, the work of one association stands out, that of Canadian Parents for French, an influential group which advocates more immersion classes.

The press, for example the *Toronto Globe and Mail*, has also supported the government's efforts and improvement of French-language services, which clearly shows the change in ideas of the leading elements of Ontario society.

Conclusion

Because Ontario is home to the largest French-speaking minority outside Quebec, its fate is critical to the future of bilingualism in Canada. Nineteen eighty-six marked an important ideological milestone for Ontario. Without going as far as official bilingualism, which it will one day reach, the Ontario government, with the support of all three political parties, gave substance to its policy regarding French-language services. The slow but steady tortoise, which had for two decades been heading in the direction of bilingualism, managed to get around some major obstacles in its way.

However, the limits of a policy to provide services will quickly be attained. Having cleared the psychologically decisive stage of recognizing official bilingualism in Ontario and agreeing to entrench minority rights in the Constitution, the government will now have to develop an active policy in support of French culture. For although language is a necessary tool, it alone cannot ensure that an ethnic community realizes its potential for cultural development.

The strengthening of cultural life, the enhancement of the cultural and educational institutions needed for a minority to flourish, will be the crucial element in the future of the Franco-Ontarian community. Therefore, recognition of the Franco-Ontarian community implies recognition of its right to administer an autonomous educational and cultural network, which is the only means of ensuring its cultural viability. This is the task we now face. ■

Francophone Communities in the West: Setbacks and Victories

Raymond M. Hébert*

Francophone minorities need federal-provincial reaffirmation of a Canada based on respect for basic language rights throughout the country.

Things are not going well for the Francophone communities of Western Canada. They have been left on the fringe of the pervading social environment, their numbers have been drastically reduced by assimilation, they have been troubled by internal battles, and they have been deprived of access to the most basic social and government services in their own language — everything seems to point to their imminent demise. However, there have been victories, some of them resounding, others more modest, that may in the long run disprove the socio-demographic trends that at the moment seem irreversible.

Demographics

The demo-linguistic data on Francophones in the West over the past few decades are disastrous. The 1981 census figures showed rates of assimilation (home language compared with mother tongue) of 44.26% in Manitoba, 63.75% in Saskatchewan and 57.6% in Alberta. Data from the 1986 census indicated that the rate of assimilation was continuing to spiral upwards, reaching 51.1% in Manitoba, 72.5% in Saskatchewan and 67.4% in Alberta.

The most encouraging data on home language combines persons of diverse ethnic origins — Francophones, of course, make up the largest segment — with persons who speak both English and French at home (a fairly common situation among Francophones in the West).

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In spite of constitutional, legal, academic and other improvements, the fact remains that close to 99% of Saskatchewan and Alberta residents, and nearly 97% of the population of Manitoba, speak only English or a language other than French at home. There has been little improvement in the vitality of Francophone communities in the West over the last 25 years, largely because they have been left on the periphery of society and therefore lack political and economic power.

British Columbia

The most striking feature of the Francophone community in British Columbia is that it is widely scattered. Although in absolute terms there are 45,000 French mother-tongue persons in the province, there are very few communities in which Francophones represent more than 2% of the population. The French-speaking population is therefore lagging far behind in terms of infrastructure.

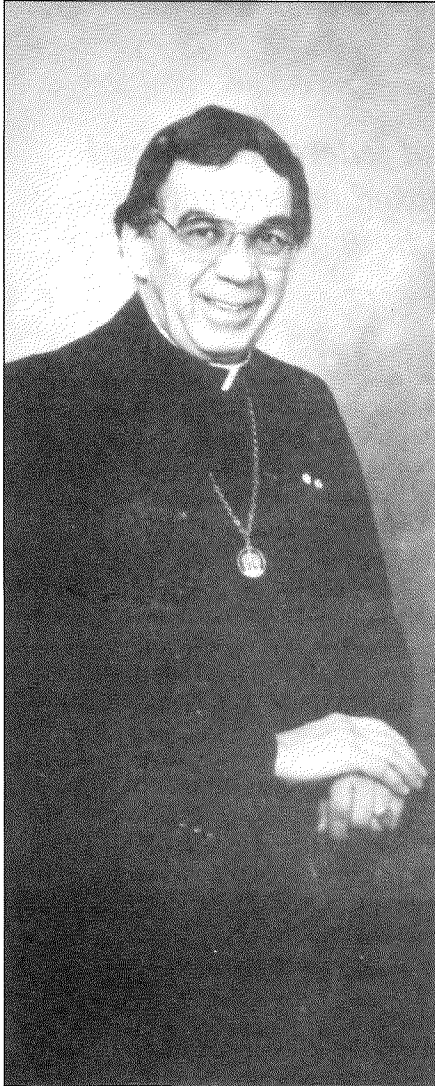
Nevertheless, there is a French-language education program in British Columbia created specially for Francophones. With a few exceptions, this program is available in institutions offering other programs. For the 1988-89 academic year some 2,000 students in 37 schools were enrolled in such programs. Progress in this area has been slow.

The Northwest Territories and the Yukon

Although there are only slightly more than 2,000 Francophones in the Northwest Territories and the Yukon, considerable progress has been made towards gaining official recognition of their



rights. Both territories have passed language bills with generous provisions for the minority language groups, although full implementation is a long way off. The situation of the Francophone communities remains precarious, particularly with respect to education. There is no minority language school in the Northwest Territories, and only 50



Father André Mercure

pupils attend a French-language school in the Yukon. In both territories, English-language schools and immersion programs are the main options available to Francophone parents. Considering their small number and the lack of a community infrastructure, particularly French-language service from the CBC, we must ask how long these communities can survive without a concerted effort to support them.

Education

At the outset, there was little recognition of the education rights of Franco-

phone communities in the West. It was not until the 1960s that provincial governments began the long process of fully recognizing French-language education in law. In Manitoba, for example, French was not given full legal recognition as a language of education until 1970. Over the past 25 years, therefore, significant progress has been made. However, there is still much to be accomplished with respect to the potential number of Francophone pupils who could be educated in French and, particularly, to the quantity and quality of French-language education.

A recent count by Manitoba Education's French-language Education Office showed that 5,645 Francophone students in the province received at least part of their education in French during the 1988-89 academic year. Of these, 3,433 were enrolled in 114 schools where all teaching was done in French, and 460 were enrolled in full French-language programs in institutions also offering immersion programs. The approximately 1,750 remaining students received all or part of their education in establishments that also offer English-language or immersion programs.

In 1986 in Saskatchewan, 1,164 students attended 11 schools, most of which were type "B" (instruction in English and French) under the Education Act. In Alberta there are only three schools in which all instruction is given in French — Maurice-Lavallée in Edmonton (510 pupils), Sainte-Anne in Calgary (301 pupils) and Héritage in Saint-Isidore in the Peace River Valley (219 pupils). A total of 2,229 pupils were enrolled in minority language programs or minority language schools in these three schools in 1988-89. Minority language programs are programs for Francophones that are offered in English-language or immersion schools.

It should be noted that the governments of Alberta and Saskatchewan, which had abrogated certain longstanding legal rights subsequent to the Supreme Court decision in the Mercure case, later made commitments with respect to education. In June 1988 an agreement was signed between the federal government and Saskatchewan to ensure that Francophones in the province would manage and control their own educational institutions. Under this agreement, the government will pay a total of \$26 million over 10 years.

In December Alberta's Department of Education announced a policy on lan-

guages in education for the province. According to this policy, full French-language programs will be set up where numbers warrant; these programs may develop into schools, again, where numbers warrant.

Government services

In the three Prairie provinces, government services in French were practically non-existent for more than 100 years. When the Official Languages Act was passed in 1969, a start was made towards the gradual, though uneven, introduction of federal government services in French. Each year, the Commissioner of Official Languages comments on both deficiencies and progress made in this area. However, even if the provision of French-language services by the federal government were above approach, we must face the fact that such services alone would change only marginally the day-to-day situation of Francophones in Western Canada with respect to language.

Provincial and municipal services have a much greater effect on the population, but almost none are available in French in 1989, particularly in Saskatchewan and Alberta. Given that in the wake of Meech Lake both these provinces declared themselves officially unilingual English in 1988, just as Quebec declared itself officially unilingual French, one might think that the door was forever closed on French-language services. This seems to have been confirmed by the content of the framework agreement between Canada and Saskatchewan mentioned earlier. The agreement deals mainly with the translation of statutes, and French-language legal and education services, including teacher training. There is no reference to general government services. It must be noted, however, that the planning and co-ordination effort now being undertaken by Francophone organizations in Saskatchewan will perhaps lead to the introduction of French-language services that will directly affect Francophone communities.

Overall status

There is, in the final analysis, only one test of the vitality of the French-language minority communities in the West: their size and the degree to which they use French. Considered in this light, the minority language groups in the three Prairie provinces are in a terrible situation. While there have been some instances of success relative to earlier times over the past two decades, census data continue to show that they

are very much in decline. The figures on home language confirm this negative view. Only in Manitoba did the situation seem to stabilize between 1981 and 1986 — if one takes together homes in which French is spoken and those in which both English and French are spoken.

School enrolment in Saskatchewan and Alberta was very low in 1989, and most of these students had access to French-language or bilingual programs only in schools offering other programs. This means the next generation of Francophones is to a large extent growing up in an educational milieu that is all or partly Anglophone.

At the moment, the socio-demographic trends seem irreversible.

We must once again ask the question that was asked 25 years ago: "Is it too late for French-speaking minorities?" Quebec asked itself this question over the last decade and concluded that the answer was yes. We have only to look at the support it gave Saskatchewan and Alberta when these provinces abrogated the legal rights of their Francophone populations in 1988 and in other legal interventions against French-language minorities. The federal government is a prisoner of the constitutional position it adopted in the Meech Lake accord with respect to minority groups. It is limited to negotiating financial agreements with recalcitrant Anglophone provinces whose commitment to their minority language groups is doubtful, to say the least.

I believe that the solution rests in a reaffirmation at the federal-provincial constitutional table of a vision of Canada based on the definition of and respect for basic language rights throughout the country, and on an active effort by all governments to support the development of these minority groups through all legitimate means. The definition of pan-Canadian bilingualism that has kept our struggle alive over the last quarter of a century is crumbling before our eyes, and the few policies favourable to minority language groups are sure to be changed if we pursue the constitutional path on which we embarked in 1987. ■

Western Alienation and Western Report

Dale Eisler*

Although Western Report is seen as a strong voice for the West, Ted Byfield says regionalism was not a part of the original idea.

It has been an amazing and — some might argue for the purposes of nation building — instructive transformation. A weekly newsmagazine that started in 1973 as a modest educational effort for students at an Edmonton school has grown to provide a distinctive and consistent western perspective on the state of Canadian federalism.



Don Getty

In fact, despite its modest paid circulation of 60,000, *Western Report* magazine has become recognized as not only the watchdog of western interests, but the conscience of western alienation.

***Dale Eisler is a political columnist and Legislative Bureau Chief for the Regina *Leader-Post* and Saskatchewan correspondent for *Macleans*.**

The primary voice in the magazine's effort to express a uniquely western perspective on federal political issues is Ted Byfield, president and chairman of Interwest Publications Ltd., the company that owns the weekly newsmagazine. But, aside from being the principal owner, Byfield is also the magazine's best known and most controversial journalist.

A respected veteran of the news business, Byfield writes a backpage column aptly entitled "Westview". The column and its conservative views have become a weekly "fix" for both those who agree or disagree with the opinions expressed. While there may be many who do not share Byfield's views on everything from morality to partisan politics, few can resist his compelling and often intellectually challenging arguments.

But, if Byfield has become a Canadian version of William F. Buckley Jr. and *Western Report's* editorial stance is seen as politically the equivalent of Buckley's *National Review*, such was never the plan. Instead, a mixture of fate and a series of wrenching political events for the West have moulded both Byfield and the magazine.

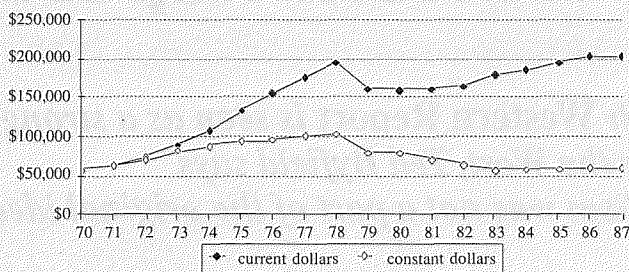
"Alberta seemed to be getting a raw deal."

The magazine is still very much rooted in the Anglican St. John's schools that operate in Alberta and Manitoba. The schools teach a classical education philosophy that starts from the premise that certain truths can be known to human beings and that teaching can be based on those moral absolutes.

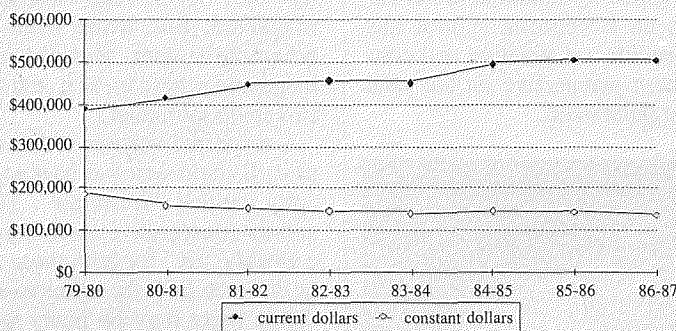
Byfield became involved when St. John's School began publishing a



Federal contributions to the provinces under the Official Languages in Education Program, 1970-71 to 1987-88, in current dollars and in constant dollars deflated by the Education Price Index.



Federal expenditures related to official languages for federal institutions and transfers (education) to the provinces



weekly newsmagazine in 1973 as a project for its students. Originally it was produced by teachers and volunteers, but eventually it began to hire staff and later expanded to publish a Calgary edition.

When the magazine became too heavy a financial burden for the school, it was purchased by an Edmonton businessman. When he died a few years later, the estate sold the magazine to Byfield and his brother. Currently Ted Byfield owns about 80% of Interwest Publications.

Although *Western Report* is seen as being a strong and, some might argue, shrill voice for the region, Byfield said it has been a product of events, not of a specific editorial plan.

"Regionalism was not a part of the original idea. It only has come about in the sense we are a regional magazine and Alberta seemed to be getting a raw deal," Byfield says.

The magazine's editorial character was largely shaped during the oil crisis of the 1970s. Following the sudden rise in oil prices created by the Organization of Petroleum Exporting Countries (OPEC), federal energy policy in Cana-

da was seen in the West as being crudely weighted in favour of Ontario and Quebec. As Byfield explains it, resources belonged to the provinces as long as it didn't matter.

"After OPEC, much of the wealth of the nation was moving into the West and that was unthinkable. When the banks started talking about moving their head offices into Alberta, that seemed to be the straw that broke the camel's back," Byfield says.

The result was the National Energy Program and other changes to the tax system. Byfield and other spokesmen for western interests say studies have shown that by 1984 approximately \$100 billion was taken out of the western economy and put into central Canada.

It was a policy that more than just took away much of the West's wealth. As Byfield argues, it prevented the region from having the money to diversify its economy to cushion the blow when oil prices collapsed, as is the case now.

While bilingualism is often seen as at the root of western alienation, Byfield doesn't see it as a major element. But

he does argue that it reflects a federal government bias to Quebec because it results in a system where most of the senior and most powerful jobs in the federal bureaucracy go to people from Quebec.

Byfield doesn't see bilingualism as a major element in western alienation.

His argument is that bilingualism is a function of geography more than anything else. "If you are brought up in Baie Comeau or Montreal you will speak both languages because they are basically bilingual regions. If bilingualism becomes essential to high office, then those positions tend to accrue to people from those regions."

As the only major media voice in the West that is owned in the West, Byfield believes it is important that *Western Report* express views to balance off other media voices owned and controlled in Ontario.

It is a stance that helps explain *Western Report's* and Byfield's own view in the recent federal election that people in the West should vote for the Reform Party of Canada if the person running was a credible candidate. His second choice was the Progressive Conservative party.

With the Reform Party and its leader Preston Manning seeking a greater voice in federal politics for the West and other regions, Byfield obviously believed it was a worthy cause. When the one-year-old party, with limited funds, received 16% of the vote in Alberta — 1% less than the New Democrats — it reflected deeply-rooted regional concerns, Byfield says. Subsequently, the Reform Party won a federal by-election in Alberta.

But, like the journalist he is, Byfield is also objective enough to know that the Reform Party will have to broaden its base by zeroing in on other issues if it hopes to catch the imagination of others the way *Western Report* magazine has over the last 15 years. ■