
Considering Asymmetry

An Examination of Bill C-13's
Possible Impact on Linguistic Minority-Majority Relations
Within Quebec

By the Greater Quebec Movement (GQM)

For the Senate's Standing Committee on Official Languages

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Introduction

The Greater Quebec Movement (GQM) would like to thank the Senate for accepting our brief, related to Bill C-13, now before your chamber. As legislation regarding official languages is a perennial powder keg in Quebec, which often negatively affects our English-speaking community and the unity of our province, we offer in this brief our perspective on what we feel is at stake and what should be considered as an area for discussion and consideration.

The GQM'S Background as Promoters of Better Anglophone Integration Within Quebec

We are a Quebec think tank of English speakers that emerged in the mid-1990s in response to a provincial government consultation with its citizens on the constitutional future of Quebec. In particular, the Quebec government was suggesting that a Quebec referendum be called on Quebec independence including a promise that, if successful, the newly independent state of Quebec would adopt a constitution which would recognize English-speaking rights for its community. While most Anglophone organizations and commentators balked at any consultation on such a document in advance of that vote, our organization was the only one which seized the occasion to establish a dialogue, even though none of those among us supported Quebec independence. As this brief will later argue, a new Quebec constitution could be applied to Quebec, regardless of its political status.

We also appeared before the 1997 Special Joint Commons-Senate Committee to amend Section 93 of the Canadian Constitution Act of 1982 which allowed for the creation of linguistic school boards in Quebec. At the time, we explained that we were for it, as we believed such an amendment could facilitate a transition through public discussions and reforms with respect to public schools in the greater Montreal area. We suggested then, and have continued since, to call for the creation of integrated public schools where all children could attend and where the primary language of instruction would be French, but where English would share a significant part of its instruction. The goal was to break with the continued segregation of children along linguistic lines and to create schools that reflect the environment they live in.

Today, Bill C-13 reframes the debate. Its reference to Quebec's Charter of the French Language, as amended by Bill 96, is disconcerting as it legitimizes the Quebec government's aspirations contained in that provincial law, which was massively rejected by Quebec's Anglophone community. We feel that it is attempting to do an end run around our present Constitutional rights. Why do it?

The Role of Francophone Unilateralism

Apart from the specifics of our amended Quebec's Charter of the French Language, we bring to your attention the uneven playing field for Anglophones in our province, which in fact negates our concept of minority rights in favour of what has become "Francophone Unilateralism" — namely Quebec's Francophone majority using its weight of numbers to impose regulations on minorities against their will and without any avenue for negotiation.

We all witnessed how this attitude played itself out in the public consultations part of Bill 96 and the role it played in the law's passage, a statute opposed by some 96% of Quebec's anglophone population. Only four anglophone community organizations were even allowed to testify at the National Assembly hearings related to the bill, whereas similar hearings held by the Parti Québécois government in 2013 heard from 16 witnesses linked to the community. And this is for a law which pre-emptively includes the Canadian Charter's notwithstanding clause.

To embed a reference to the now-altered Quebec language charter into Bill C-13 would be to legitimize this unilateralist approach to majority-minority relations. In essence, we can never have a significant or effective voice. To alienate a community to this extent is not only an effort in marginalization, but it is also dangerous as it breaks down goodwill between an important minority and its government. Deep resentment will be its fruit and, for advocates such as ourselves who have always sought greater integration between our linguistic communities, we are now forced to draw water from these poisoned wells at a time when internal cohesion within the greater Montreal region is breaking down.

Montreal's Demographic Crisis for Francophone-Language Activists

Once upon a time, Francophone activists kept reminding us that Montreal was the second-largest French-speaking city in the world. Just 50 years ago, neighbourhoods across the island were filled with boisterous French-Canadian youth. There was a sense of destiny among Francophone language activists who were pushing language laws, to in a sense decolonize the nation from the English language. From Bill 63, which proclaimed French to be the Official language of Quebec in 1970, to Bill 22, which restricted access to English schools for certain classes of immigrants, to Bill 101, which restricted English rights to a small segment of Quebec's population, the big push was to protect and promote Montreal's Francophone nature and identity. The threat of English had been dealt with, or had it?

As tens of thousands of English-speaking Montrealers left this city in the great Anglophone diaspora of the 1970s and 1980s, somehow French was not looking so well for Francophone language activists. More restrictions had to be put on business signs, more Francization of Montreal business firms had to proceed, and threats seemed to be popping up everywhere, on the

internet, at the playground, and on restaurant menus. Rather than achieving linguistic security, the angst got bigger.

Simply put, the issue was not really about language anymore. The issue was about identity. Quebec schools were full of immigrants, all diligently learning French, but were they becoming Quebecers or something else? New metrics of reference began circulating. No longer is the health of Montreal's French-speaking population to be which official language is used, but how many have French as their mother tongue.

French mother tongue has become the new fault line. And demographers have been pointing out to the government recently that French mother tongue Quebecers are in decline. With respect to Montreal Island as of 2021, they represent only 44 percent of the population. Worst for Francophone activists, they seem to be slipping by almost .5 percent a year. If the trend continues, only 39 percent of people on Montreal Island will have French as their Mother Tongue by 2031. By 2041, it will be 34% or barely over one-third.

But how can you preserve an identity when faced with a demographic threat? Simply put, you can't. And if you take rights away, which ought to be protected federally — including by Official Languages, the Montreal Region may very well begin flexing its muscles politically.

Finding Common Ground in Quebec Language Policy

It is a pity that some Francophone language activists have become the antagonists in this story of the relationship between the Montreal region and Quebec. Generally speaking, locals make do and come to compromises. "Allo! Hi!," for example, is a uniquely Montreal regional expression, much maligned in the rest of Quebec but very much promoted on the island. It is here that we should choose to place our faith, namely that locals can create for themselves a living space where communities come to their own consensus.

Montreal by and large had come to its consensus, which had to be meddled in by politicians largely from the outside with their own ideological agendas. By interfering in our local reality, Bill C-13 plays to that ideological narrative at the expense of Montreal's uniqueness. Official Languages should instead unabashedly protect the minority rights it was mandated to defend. And the Montreal community ought to be left with the ability to resolve this issue on its own, albeit within a Quebec context. But how?

One Solution: A Linguistic Social Contract Embedded in a New Quebec Constitution

For inspiration in finding an alternative approach, we would suggest we all look to former Prime Minister Pierre Trudeau. As a proponent of Canada as an option for French Canadian "La Survivance" (surviving as a French culture within North America), Pierre Trudeau was wisely able to not only express Francophones' aspirations but also articulate a vision that inspired our country's English-speaking majority as well. He argued for, and achieved, a new charter of rights embedded into the repatriated Canadian Constitution of 1982 that entrenched official bilingualism and minority education rights. And these protections were further secured through the adoption of a new constitutional amending formula that requires more than a simple majority vote of Canada's Parliament.

Similarly, within the Quebec context, we would propose that a new provincial Quebec constitutional project be initiated by the National Assembly. Within such a document, a new linguistic social contract could be included that would encompass language provisions negotiated between the communities and ratified in a public vote before being embedded within the new constitution along with the Quebec Charter of Rights and Freedoms.

The Importance of Finding an Inclusive Process

Of great importance, this *projet de société* must be the end product of a more meaningful consultation process with minority input rather than what happened with Quebec's Bills 21, 40 and 96. Any package, or vision, once again imposed on minority groups by virtue of Francophone unilateralism will undermine any moral legitimacy it could have within Quebec, Canada and internationally.

Alternatively, a new grassroots-supported document, for which minority and majority citizens could vote in a referendum ratifying a Quebec constitution, would provide a greater chance that all linguistic communities will not only follow the letter of the law but also its spirit; a reassurance that will be a new development for the Francophone majority, allowing them to consider it as an additional remedy for protecting French other than just relying on a restrictive and often divisive regulatory approach.

If such a document were accepted by both communities, it could be referred to in the federal Official Languages Act. This all said, we appreciate that this prospect is for the future, and we need to come back to the legislation at hand, Bill C-13.

Conclusion

We would urge the Senate to pass this bill, especially as a significant measure to help Canada's Francophone minorities that live outside Quebec. But we feel that, in the short term, it would be best for the Senate to amend Bill C-13 to omit any mention of Quebec's Charter of the French Language. We would also urge the Senate to refer this bill to the Senate's Standing Committee on Legal and Constitutional Affairs.

If some of you also find sympathy with what we are saying about the need for the Official Languages Act to refer to a more widely supported Quebec document, like a new Quebec constitution as one example, perhaps your comments and actions in the chamber's upcoming debate could reflect that sentiment. This could serve to signal to Quebec that a reference to a local statute could be included in further updates in the Official Languages Act, provided it were to have support across linguistic lines.

Summary of the Main Points of this Brief

- Our organization has had a history since the mid-1990s of trying to bring Anglophones and Francophones together through the development of more common institutions, such as integrated public English/French schools, as well as the development of a linguistic social contract. Such progressive efforts will be made more difficult if Bill C-13 is passed in its current form since it will further damage relations between the linguistic communities.
- Language debates in Quebec have shifted from language to more of a focus on identity. No longer is the health of Montreal's French-speaking population to be which official language they use. The new metric has become how many residents have French as their mother tongue.
- Montreal by and large had come to its own consensus on language but has since become meddled with by politicians largely from other regions of Quebec who can have their own ideological agendas. By interfering in the city's local reality, Bill C-13 plays to an off-island ideological narrative at the expense of Montreal's uniqueness.
- It is unwise to include a mention of the recently amended Quebec Charter of the French Language — recently amended by Quebec's Bill 96 — that is proving so divisive within Quebec, in part, because of the government's use of the notwithstanding clause in passing it. It could be described as a demonstration of Francophone unilateralism and a failure in governing a diverse society since it is currently opposed by 96% of Quebec Anglophones.

- In principle, we are not opposed to having a reference to a local law, but that law shouldn't be Quebec's Charter of the French Language. One alternative option would be to encourage Quebec to develop a new provincial constitution, like the state-level constitutions that exist in the United States and Australia.

- Within such a document there should be a linguistic social contract that would be the end product of negotiation between the communities rather than the Francophone unilateralism of the last few years. The best solution for the province and the country would be for more locally negotiated solutions within Montreal and Quebec that could also be recognized by the Official Languages Act.

- It would be helpful to the unity of Quebec and Canada if the Senate were to amend the law to exclude any mention of the recently amended Quebec Charter of the French language.

- We would urge the Senate to refer this bill to the Senate's Standing Committee on Legal and Constitutional Affairs.