RESOLVING THE LANGUAGE QUESTION: THE IMPACT OF THE BI & BI COMMISSION

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ABSTRACT

The language issue has changed dramatically over the past 50 years, and the impact of the Bi and Bi Commission has had a considerable impact on that evolution. The perceived constitutional crisis that launched the royal commission has dissipated, replaced by more mundane, occasionally acrimonious disputes over incremental policy adjustment. Language equality and language rights were two fundamental policy goals guiding the Commission's endeavours. While its agenda on language equality was only partially adopted, the analyses and prescriptions of the Bi and Bi Commission are amply reflected in the language policy frameworks upon which the crisis has been laid to rest, and will continue to inform the foundations of linguistic accommodation in Canada.

As the fiftieth anniversary of the Royal Commission on Bilingualism and Biculturalism (the Bi and Bi Commission) approaches, it invites examination of the state of language issues in Canada and the impact the Bi and Bi Commission had on their evolution. The most casual review of the current situation reveals that the perceived constitutional crisis that launched the royal commission has dissipated, replaced by more mundane, occasionally acrimonious disputes over incremental policy adjustment. Language policy continues to provoke sporadic debate at the federal and provincial levels. In the fall of 2012, the Conservative government of Stephen Harper conducted an abbreviated and largely invisible public consultation regarding the existing federal language policy, the purposes and results of which have yet to surface. While Harper had been a vociferous critic of the federal Official Languages Act prior to forming the government, as Prime Minister he has been conspicuously silent on the subject. In March 2013, the minority Parti Québécois government in Quebec introduced Bill 14, which proposes a substantial extension of the requirements of the Bill 101, the Charter of the French Language. However, the lack of cross-party support for the PQ initiative ensures that the status quo will prevail. Neither result is surprising, since surveys of public opinion in recent years reported that "70% of Canadians feel that bilingualism is a defining feature of the country", and "a majority of Canadians – six in ten – believe that

official bilingualism is a success story that Canadians can be proud of." (Government of Canada, 2008, 5; Jedwab, 2009, 9) In combination, these facts reflect the changes wrought to the language situation in Canada, and are a measure of the impact of the Bi and Bi Commission on subsequent political developments over language.

In its final report, the Bi and Bi Commission recommended substantial changes in Canadian public policy to achieve not only equality of the two official languages in Canada, but also equality of their linguistic communities. Above and beyond the intrinsic merit of such changes, the Commission perceived this goal to serve national unity, by removing major sources of linguistic grievances emanating principally from Quebec. This would go a long way toward resolving the perceived nascent constitutional crisis over language. Such changes, it clearly recognized, would not be welcomed outside of Quebec. However, the Commissioners insisted that a firm commitment among federal and provincial political elites to the language policy initiative would suffice to ensure its acceptance and implementation. Some of these expectations ultimately proved overly optimistic, but the vision they offered would be achieved in significant measure.

The goal of linguistic equality was central to the Commission's agenda, but it would prove decidedly elusive to define and even more controversial to implement. As they asserted, "our mandate clearly states the problem in terms of equality: it postulates an 'equal partnership between the two founding races'". (RCBB, 1968, xxxix) What was this taken to involve? They elaborated that, "the point at issue is essentially equality of opportunity, but a real equality of opportunity – an equality ensuring that the fact of speaking English or French would be neither a help nor a handicap to a person seeking entry into the institutions affecting our individual and collective life." (1968, xli) This was a tall order in a society that was overwhelmingly English speaking beyond the borders of Quebec. It required substantial expansion of the number of Francophones in the federal public service, a substantial expansion of a capacity to offer services in French, creating opportunities to work in French in the federal public service, and the cooperation of provincial governments to implement comparable policies in provincial pubic administrations.

The goal of joint action by federal and provincial governments to create bilingual districts across the country did not succeed. It foundered on resistance from provincial governments combined with the challenges of identifying acceptable distinctions in treatment of the two official language minorities in the provinces. (McRae, 1998, 72-76). The necessary political consensus and support among provincial political elites simply did not emerge. In the end, the federal government developed and implemented its own plan for provision of bilingual federal services where sufficient demand existed. Only New Brunswick followed the federal lead in passing an Official Language Act to recognize English and French as such, and to commit to provision of government services in both languages. In subsequent decades, a number of individual provinces would enact legislation to provide varying measures of French language services suited to their respective circumstances. Quebec would initially take steps to assert the priority of French over English in 1977, but followed that with legislation in the 1980s acknowledging entitlements to health and social services for Anglophones. As a result, a measure of joint federal provincial policy commitments was achieved.

The core concept of "equal partnership" as the model for equality was particularly problematic. As they understood the goal they were to pursue, equality would involve "…the equal partnership not only of the two peoples which founded Confederation but also of each of their respective languages and cultures." (RCBB, 1968, xxxix) They recognized the immense challenges such a goal would face. During their hearings, they heard many complaints and criticisms about the model they were developing, not least of which was opposition to the idea of equality between the language groups or communities themselves. This has been a prominent issue in subsequent considerations of language equality both for federal and New Brunswick language policy. Majority language groups, whether in Quebec, New Brunswick or Canada as a whole do not accept the idea that numerical inequality is consistent with equal status for the linguistic communities, especially when such claims have a significant impact on the distribution of benefits and career opportunities. In 1981, the government of New Brunswick attempted to pass legislation to recognize the equality of its two linguistic communities. The effort failed, and illustrated the point that language equality is a contentious rationale for language policy, not least because the two language groups may disagree profoundly on the meaning and implications of language equality. What ultimately emerged was a more limited, pragmatic concept of equality wherein "equal treatment under equal circumstances is a broad approximation of its policy content". (MacMillan, 1998, 176) Equality of service

– the availability and quality of service provided – was a readily defensible and acceptable mode of equality that distributes benefits equally to the members of different linguistic communities and is therefore more acceptable to both. This has been a prominent characteristic of evolving language policy, especially at the federal level.

Equal partnership faced other challenges as well. It was offensive to those forming the increasingly multicultural character of Canadian society, which were excluded from this formulation. Beyond that, as Oliver notes, "equal partnership demanded greater autonomy for Quebec", an agenda which the Bi and Bi Commission ignored, and which in any event was out of step with the constitutional orientations of Prime Minister Pierre Trudeau. (Oliver, 1993, 320) While the equal partnership concept was ultimately discarded, the principle of support for and promotion of the two linguistic communities advanced by the B & B Commission was progressively enhanced over the ensuing two decades. The revisions to the federal Official Languages Act in 1988, which asserted a federal responsibility to preserve and promote the two linguistic communities were an important legislative realization of that principle. Its significance was enhanced in the Supreme Court interpretation of its status in the Beaulac case, where the Supreme Court asserted that "Language rights must in all cases be interpreted purposively, in a manner consistent with the preservation and development of official language communities in Canada" (Supreme Court of Canada, 1999, 791). Subsequent judicial decisions would infuse more substantial content into the principles enunciated in the Bi and Bi report.

The immense volume of research conducted for the Commission provided a fact-based rationale for such an agenda. It documented the degree to which the French language was largely excluded from national political life. If employed in the federal public service, most would have to "park their language at the door", as one described it, upon arriving for work. Not surprisingly, Francophone citizens and clients of government services were routinely unable to be served in their mother tongue by their government administrators. All these realities were amply documented in the research volumes, and roundly criticized as areas for action to advance "a real equality of opportunity" for both official language groups. While the studies documented the scope of the problems, they also revealed avenues for policy development. Most importantly, they indicated nation-wide public support, among both Anglophones and Francophones, for federal government services being available to both language groups in their own languages. Such support did not extend to provincial government services, nor to services in the private sector, but the results did indicate that a central element of the Bi and Bi Commission's policy goal enjoyed public support. (Pool, 1974, 484-6) Not surprisingly, this became a prominent focus of the Bi and Bi Commission's recommendations and the subsequent Official Languages Act (1969). Over the two next decades, subsequent studies of public attitudes on language policies revealed a gradual increase in levels of support and a broadened scope of language entitlements supported. While the Francophone public had always strongly supported entitlements to minority language education and government services from both federal and provincial governments in the official languages, the Anglophone community expressed majority support (57% or higher) for these entitlements, as well as support for hospital services (MacMillan, 1998, 39-46). Thus, national public opinion eventually surpassed the commitments made in both the OLA and the language clauses of the Canadian Charter of Rights and Freedoms.

As noted earlier, the Bi and Bi Report had counted on elite support to overwhelm public resistance to the comprehensive integrated language policy it proposed. One of the remarkable elements of subsequent developments was the degree to which public support equalled that of political elites. This was systematically documented in the large survey of support for Charter rights conducted in the years following its adoption. The Charter Project was designed to assess the extent to which Canadians supported the rights entrenched in the Canadian Charter of Rights and Freedoms. It concluded that official bilingualism had become a broadly accepted value both in the Canadian public and the Canadian political and administrative elites. Among the public, Francophones were more strongly supportive of official bilingualism than Anglophones, (96 per cent versus 73 per cent), but substantial majorities of both groups were supportive. The political, administrative and legal elites were generally at or above 80 per cent in supporting the Charter provisions, including, it should be noted, members of the Parti Québécois. While this support was somewhat fragile and could be undermined by political controversies, it nevertheless confirmed a prevailing national consensus for official bilingualism. (Sniderman et. al., 1996, 195)

Did the Bi and Bi recommendations which were implemented resolve the perceived constitutional crisis over language? The prominence of language controversies in the process of implementing federal language policy, and the two Quebec referenda that followed, suggest limited success in the short term. Given the scope of changes introduced to the prevailing language hierarchy, this is hardly surprising. Such changes, however, were necessary and once implemented, formed the basis of linguistic peace. Nevertheless, it was only a part of a long-term solution – a judgment shared by the Bi and Bi commissioners. When the first volume of their work appeared, André Laurendeau had sadly remarked that "it does nothing for Quebec." (Laurendeau, 1991, 8) This was because it left untouched several of the most prominent language grievances in Quebec, such as the dominance of the English language in Quebec workplaces, immigration and linguistic assimilation. Somewhat ironically, it would take a Quebec government determined to achieve independence via linguistic assertion for the French language to address these remaining problems identified by the Bi and Bi Commission. The Parti Québécois language legislation, still popularly known as Bill 101, would redress these issues within the provincial domain, soothing linguistic insecurities, and completing the resolution of the language crisis.

It is worth emphasizing that the federal policy of official bilingualism, extended and reinforced with the regime of language rights based in the Charter, enjoys substantial support in Quebec. A survey on support for independence in Quebec discovered that such support increases as linguistic insecurities rise, and wanes in tune with the decline of such anxieties. (Nadeau and Fleury, 1995). The federal language policy that emerged from the Bi and Bi Report, in conjunction with Bill 101, has done much to assuage language concerns in Quebec, to the point that a recent commentator has declared "the end of the language crisis in Quebec". (Anctil, 2010, 368) There is good reason to draw such a conclusion. It has been over two decades, specifically since the expansionary reforms to the OLA in 1988, since federal politics has been roiled by languages debates. Within Quebec, the language issue has periodically claimed the limelight, but ultimately the language policy status quo has been maintained. This is not to say that language issues may not yet arise in either jurisdiction again. Canadian political history testifies to the proposition that language is always a sensitive topic, easily subject to provocations. However, the analyses and prescriptions of the Bi and Bi Commission are amply reflected in the policy frameworks upon which the crisis has been laid to rest, and will continue to inform the foundations of linguistic accommodation in Canada.

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