

A Brief to Appear Before the  
General Consultation and Public Hearings on  
Bill 14 : An Act to amend the Charter of the French  
Language, the Charter of Human Rights and Freedoms  
and Other Legislative Provisions

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## **Summary**

The purpose of this brief is to explain why the basis and ethos of the proposed Parti Quebecois's Bill 14, an Act to Amend the Charter of the French Language, etc., is flawed and why the bill should be withdrawn. Via this brief, I look forward to speaking before the committee to present the ideas contained within it and if possible, contribute in a positive way to the ongoing discussion that has been a constant in French-English relations and one of the focal points of nationalist philosophy in the Province of Quebec that divides its citizens.

In addition to looking at three particular aspects of Bill 14 – changes to the proposed preamble of Bill 101, the role of the civil administration and the minister responsible for the French language charter, and the official status of current bilingual municipalities, this brief puts forward two solutions - one being the creation of a language law-free zone - that would eliminate the need for Bill 14 so that the language strife and related issues can be eliminated so that all Quebecers can live in harmony and rebuild the shattered economy.

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## **Introduction**

As a long-standing opponent of language laws in Quebec and the rest of Canada that favour one linguistic community over another and as an opponent of legislation that violates individual rights and freedoms, the Parti Quebecois's proposed Bill 14 is unacceptable and should not be passed as it only encourages intolerance and strife and adds to existing divisions in a multicultural and multilingual society where the main division is based on those who speak French and English and to be politically incorrect, between those who are French Canadian and non-French Canadian.

While I desire that Bill 14 and current existing language laws to be scrapped, I also believe that the French language and culture in Quebec can be best preserved and promoted by non-coercive means and measures if all sides could agree to a compromise that would lead to a win-win situation for all concerned.

The purpose of this brief and ultimately presentation to the committee, is provide alternative solutions that I believe could, if implemented, bring linguistic peace to the province and help to restore its economic prosperity. Bill 14 covers a wide variety of issues and existing laws and thus, it would it be impossible to cover all points and moreover, even via a limited of aspects of the law, no doubt you will be hearing from experts in law, government and the management of institutions who can provide very clear, concise, and detailed explanations of their concerns and what they see as dangerous and unprecedented impacts upon the non-French speaking or as some would suggest, non-Quebecois community.

I employ the following descriptions of the non-English and non-French Canadian community because while there are many Quebec nationalists (be they members of the Quebec

Liberal Party, Parti Quebecois, Quebec Solidaire, and CAQ and within many lobby groups from across the province) who continually state that all residents of Quebec are Quebecers, and yet there are many who still believe that the only authentic Quebecers are the “Quebecois” and this translates into being white, Roman Catholic and of French Canadian descent. These would apply, in my view, to many members of all the political parties and groups that I have mentioned.

Nor are these are not pleasant thoughts, but if all Quebecers were equal, then there would be no language laws and French would not be the sole official language of the province. Nor would there be a demand that the French language be declared the “common” language of Quebec and that it should and is “the duty of all Quebecers to protect and promote the French language.” This is the view of the Quebec Liberals and the PQ, as well as the other political parties in Quebec.

**The dangers posed by Bill 14 and language laws to the peoples and diverse societies living within the Province of Quebec**

I and others view Bill 14 as the immediate “icing on the cake” of existing language laws and that, no doubt, future amendments to language laws – much more strict and humiliating, shall be introduced and passed by future governments if this trend continues unabated. I would also stress that the most dangerous and destructive aspect of Bill 101 and later amendments brought in by the Qubec Liberals, are the clauses referring to access to English public schools. These clauses are key to the success of Bill 101 and because of them, enrolment in English public schools has declined from 250,000 in 1973-74 to under 90,000 in 2013; and that number will continue to shrink. Breaking and ultimately destroying the English public school system limits the growth of the community, wears down its numbers and institutions and ultimately its long-term survival.

This is well known and that is why these provisions were brought in and strengthened by Liberal Premier Jean Charest and his MNAs, including those from the English-speaking community such as Lawrence Bergman (D'Arcy McGee), Kathleen Weil (Notre Dame de Grace), Geoff Kelly (Jacques Cartier) and Yolande James (Nelligan).

This point being noted and explained, a brief look at Bill 14 is now in order, starting with the following section:

#### CHARTER OF THE FRENCH LANGUAGE

1. The preamble of the Charter of the French language (chapter C-11) is amended

(1) by inserting the following after “language assured,” in the second paragraph: “acknowledges that a common language constitutes a strong vector for social cohesion in a diversified society, conducive to developing that society and maintaining harmonious relations among its various components,”;

(2) by replacing “the ethnic minorities” in the third paragraph by “cultural communities”.

2. Section 1 of the Charter is amended by adding the following paragraph at the end: “It constitutes the foundation of Québec’s identity and of a distinct culture that is open to the world.”

These two aspects, both mutually supporting, constitute a serious danger as they legislate that French would become the “common language” and that the language and culture of Quebec is French and presumably, that those whose mother-tongue is French and who are of French Canadian descent, are more important than everyone else. No one disputes that the majority language of Quebec is French and that majority of its speakers are French Canadian, nor do most reasonable have a problem with that. The problem is that it demeans the value of other cultures, be they the traditional English-speaking community which has been in residing and

helping to build and develop the province since the 1700s and those who have joined it over the years, but it also demeans and minimizes the presence of the authentic Quebecers who have lived in the territory of the province for thousands of years and because of European colonization efforts (essentially France and England), have suffered catastrophic numbers of deaths via disease, loss of land via theft and warfare, and cultural genocide via government programs such as the Residential School system.

Secondly, replacing the term “ethnic minorities” with “cultural communities” demonstrates that not all Quebecers are equal and worse, forgets that the only languages threatened in Quebec and I would say for all of Canada, are those of the First Nations, whose populations have been severely decimated and whose languages definitely require protection and preservation and whose cultures have been seriously attacked by attempts to convert them to Christianity, to become part of the modern world and give up their unique and important heritage, and whose traditional and stolen lands have been subject to unwanted economic development and severe exploitation. To make matters worse, there are many land claims settlements that have not been resolved to this day.

Thus, if we are all Quebecers of equal status, no language group or culture should take priority over another, save in the case of the First Nations for understandable reasons. This further enhances division and a growing gulf that is leading some elements of the majority language and cultural group to feel that their concerns are most the important and because of them and their views, believe that they can roughshod over non-Quebecois people and their rights and freedoms. This is not healthy in any society, especially in a liberal democracy that we

proudly boast of.

This also highlights the division between the Quebecois, who subscribe to the philosophical premise of collective rights, over the belief by the majority of non-Quebecois people, who deem that individual rights take priority and that the best way to protect the rights of all – be they individuals or groups - is to protect the right of the individual in all its forms, including equality rights and the right to dissent. This why the access to English public schools provisions of Bill 101 are so dangerous – the rights of an individual are given based on parent or grandparents educational background. If all public English and French school are funded by the taxpayer and belong to all citizens of the province, then they should be open to all regardless of who one's parents. The two clauses of Bill 14 that I have highlighted entrench my overall concerns and one can easily say, reflect the essence of all that is contained in Bill 14.

It is a given that I oppose the other sections of Bill 14 and as there are many, I would also highlight the following:

## CHAPTER I.1

### ROLE OF THE CIVIL ADMINISTRATION AND THE MINISTER

1.1. In accordance with the provisions of this Act, the Government, its departments and the other agencies of the civil administration shall play an exemplary role in language matters, according to their respective powers and functions and in keeping with the specific context in which they operate,

(1) by making French the normal and everyday language in which they address others and are addressed; and

(2) by making sure that it is possible for all who so desire to live in French in Québec and that French is the language used in the public sphere.



The functions of the Minister include

- (1) promoting the use and quality of French within the civil administration and throughout society, including through grants and other types of assistance, while favouring consultation and cohesion to harmonize the different interventions in this area;
- (2) developing and proposing to the Government language policies applicable to the civil administration and, in cooperation with the Office québécois de la langue française, ensuring their implementation and coordinating their execution, follow-up and review;
- (3) providing support to and collaborating with the various departments and agencies of the civil administration in the francization of various clienteles, in particular in schools and the workplace;
- (5) providing expertise to and cooperating with the various players in government and civil society with a view to achieving goals in terms of the perpetuity, vitality and quality of French in Québec;
- (6) raising the profile of the French language in the various spheres of activity in Québec society, so that it is used and respected in the business sector, in the workplace, in teaching and research environments, in cultural industries and in international institutions;

Again, while not pleasant to state, these clauses speak of the supremacy of one language and culture and raise the stakes of further divisions between the Quebecois and the English and non-Quebecois communities. Many would and could argue that this is being done to denigrate and humiliate non-Quebecois people and literally drive them out of Quebec. Whether this 100-percent or partially accurate, such policies and thoughts have no place in Quebec, especially a liberal democratic society where rights and freedoms should and must prevail at all times.

The final aspect of Bill 14 that I would raise is the punitive nature of the clauses dealing with the status of officially bilingual communities and their future status based on the percentages of officially recognized English speakers . Here are some of the clauses in that section that are of concern to me:

11. Section 29.1 of the Charter is amended by striking out the last paragraph.

12. The Charter is amended by inserting the following sections after section 29.1:

29.2. Every 10 years following the recognition of a municipal body under subparagraph 1 or 2 of the second paragraph of section 29.1, the Office shall evaluate whether the conditions justifying the recognition have been maintained, and shall send a written status report to the Minister and the body concerned.

The evaluation must be based on the information relating to language in the most recent census taken in accordance with Canadian statistics legislation. If, at the time of the first evaluation, the publication of that data was more than two years old, the evaluation is postponed until the year that follows the publication of the subsequent census. Subsequent evaluations are postponed accordingly.

Unless otherwise provided by law, the Office may also be required to perform such an evaluation, at the Minister's request, in anticipation of or following a major restructuring of the body, such as a merger or an integration involving the recognized body and another body that does not have such recognition.

In my view and that of others, this can only be recognized as a further attack upon an already weakened community that has already shrunk considerably and by shrinking, is essentially located and concentrated within 30 miles of downtown Montreal. It cannot be anything other than a humiliation and a method to further provoke and punish a community that is attempting to deal with the non-stop blows and impacts of existing language laws that are taking a daily toll on its strength and long-term viability.

**Possible solutions that would allow for the passage of Bill 14 and allows for all people in Quebec to live together in peace and harmony**

Once again, while not pleasant to state, Bill 14 reflects a growing view that the Quebecois and non-Quebecois communities are unable to live in harmony. This is a great pity as together we are

capable of achieving great things and that on so many levels, we share similar liberal democratic values and cultural similarities. I would contend that language laws only enhance divisions and that their existence exacerbates and widens the gulf, along with creating new divisions and disputes that take a life of their own. This can easily be deemed to be a “vicious circle” and at worse, a death spiral which is taking everyone down a road that is leading to self-destruction that will hurt all, whether they be English or French speaking.

No doubt, as human beings, we are all susceptible of succumbing to passions, but as history and literature constantly stress, unhealthy passions lead to conclusions that can have tragic endings. In my view, this is leading to a tragedy in Quebec – one that could easily be avoided and should never have occurred.

**Solution: Language-free zone.**

Thus, based on the view that the two language communities are unable to live in harmony under language laws which apply to all in different degrees, I therefore put forward the following proposal – that a language law-free zone be established that could cover the territory from the Ontario border to part of the Eastern Townships, North and South Shores of Montreal, half of Laval and half or more of the Island of Montreal. This is not the time or place to fully define the size and borders of the territory, but you get the point. A viable territory can be created if there is agreement on the principle of the idea.

Should this idea be implemented, the vast majority of the non-Quebecois people would live in the language law-free zone and probably many of those living in the language law zone would move to the language law-free zone. This would be a solid solution as the two communities

would essentially be separated from each other and yet the province would benefit from the taxes of all residents and most likely, lead to many English-speaking people who fled the province coming back to Quebec and the return of economic prosperity to the greater Montreal area. This appears to be a win-win solution for all.

The other solution is to simply eliminate all existing language laws in Quebec and come up with a program to promote the French language and culture via many initiatives and serious funding for those initiatives. No doubt such a program can be created.

The ball is in our court and while I doubt that the Quebec Liberals and PQ will renounce language laws, as they are far too ingrained into the political landscape and culture, I can foresee the creation of a zone where there are no language laws. It would be easy to do – just a bill that determines an area where The Charter of the French Language does not apply. To do so, would eliminate many exiting problems.

### **Conclusion**

Like all Quebeckers, English and French and of many backgrounds, cultures and religions, I want to see this province prosper and be a destination for those from all over the world as a place to live and thrive. The heritage, languages and cultures of the First Nations who live in the province, as well as those of French Canadian can be preserved without recourse to coercive legislation that divides people and violates rights and freedoms. Many non-Quebecois people understand the concerns of the Quebecois people and want to help, but what they object to is that it is being done via language laws that restrict rights and freedoms. Bill 14 further enhances that strategy and tactic.

I believe that if we work together, much can be done resolve many outstanding issues that divide the people of the Province of Quebec. It just requires a will and a desire.