



Collective Rights and the Declining Vitality of the English-speaking communities of Quebec

Brief to the Committee on Culture and Education with regards to the General consultation and public hearings on Bill 103, An Act to amend the Charter of the French language and other legislative provisions

Submitted by the
Quebec Community Groups Network

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“Democracy is not the law of the majority but the protection of the minority.” - Albert Camus

There are two versions of the preamble of “The Charter of the French Language” (Bill 101). The 1977 version contained the following wording:

« Langue distinctive d’un peuple majoritairement francophone, la langue française permet au peuple québécois d’exprimer son identité...

L’Assemblée nationale entend poursuivre cet objectif dans un esprit de justice et d’ouverture, et celui des minorités ethniques, dont elle reconnaît l’apport précieux au développement du Québec.

SA MAJESTÉ, de l’avis et du consentement de l’Assemblée nationale du Québec, décrète ce qui suit :

Le français est la langue officielle du Québec »

Following the initiative of Gérald Godin, an esteemed democrat of the Parti Québécois, the preamble was modified in 1984 to read as follows:

« Langue distinctive d’un peuple majoritairement francophone, la langue française permet au peuple québécois d’exprimer son identité...

L’Assemblée nationale entend poursuivre cet objectif dans un esprit de justice et d’ouverture, dans le respect des institutions de la communauté québécoise d’expression anglaise et celui des minorités ethniques, dont elle reconnaît l’apport précieux au développement du Québec

SA MAJESTÉ, de l’avis et du consentement de l’Assemblée nationale du Québec, décrète ce qui suit :

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Key elements of Bill 103 respect neither the memory of Gérald Godin, nor the legitimate institutions of the English-speaking communities of Quebec.

Our brief deals with the declining vitality of the English-speaking communities of Quebec (ESCQ) and the relative strength of the Francophone majority. The QCGN’s goal is to demonstrate that our minority communities are not a threat to the majority, but a constituency that strengthens Quebec society. We expose the detrimental effect that Quebec’s habit of emphasising an exclusionary notion of its society has on its minority population. Finally, we seek to attain official recognition of the historic and ongoing contributions our minority makes to Quebec society and achieve legal protection of minority rights and freedoms.

To achieve those goals, the QCGN proposes a paradigm shift from the current ‘us versus them’ relationship between language communities in Quebec. This paradigm shift assumes that the Francophone majority is not the only community that needs the support of collective rights in Quebec. Quebec’s English-speaking community is not an extension of the Anglophone majority in the rest of Canada. English-speaking Quebecers have more in common with fellow Quebecers and French-speaking minorities elsewhere in Canada. With Quebecers we share similar values and a proven and abiding attachment to this distinct society into which we have planted deep historic roots. With French-speaking Canadians outside Quebec, we share a common bond as an official language minority. But the English-speaking Community of Quebec is in the unique position of being a minority within a majority that is also a minority. As such, the English-speaking minority must also be guaranteed collective rights to foster its development as a distinctive collective community in Quebec.

Our judicial analysis of Bill 103 shows that by proposing to amend the Quebec Charter of Rights and Freedoms and features of the Charter of the French language, Bill 103 undermines both the individual and collective rights of the English-speaking communities of Quebec. For instance Article 19 of Bill 103 proclaims Quebec’s Charter be amended so that “Toute personne a droit de participer au maintien et au rayonnement de la culture québécoise, dont le français en constitue l’un des éléments indissociables”. We assert that there are other languages that constitute ‘des éléments indissociables’ of québécois culture. Given the presence of English-speaking and immigrant minorities on Quebec’s territory for the last four centuries, we propose that ALL citizens of Quebec, Anglophone, Allophone and Natives have the right to contribute to the construction of Quebec’s culture.

As Albert Camus observed long ago, it is the linguistic and cultural rights of minorities that are most in need to be protected from the excesses of the dominant majority. That is true in the Canadian context, where French-speaking Quebec is the minority, but also in Quebec, where the English-speaking community is the minority. Thus the thrust of our paradigm shift is that the dominant Francophone majority has a responsibility to support and maintain the vitality of the English-speaking community of Quebec.

Who belongs to the English-speaking community of Quebec? There are a number of different ways to answer that question. More than 600,000 (616,188) citizens of Quebec or eight per cent of the population declare English as their mother-tongue. Almost a million citizens, some 994,773 or a little more than 13 per cent, share English as their first official language spoken (FOLS). The Government of Quebec counts its English-speaking minority in terms of mother tongue, whereas the

Government of Canada uses the FOLS as its benchmark. Both of these measures are based on the objectivity of numbers. There is, of course, a subjective measure, based on the question, “to whom do you identify” that also informs a discussion of identity and the English-speaking community of Quebec.

Perhaps the most troubling provision of Bill 103 from the perspective of the English-speaking collective is contained in section 21. It proposes the following interpretive clause be inserted into the Charter of Human Rights and Freedoms, “[a]ny interpretation of the rights and freedoms set out in this Charter must take into account both the fact that French is the official language of Québec and the importance of ensuring its perpetuity.” This turns the notion of human rights legislation - designed to protect individuals from the power of the state in general and members of minorities in particular - on its head. If enacted, it would imbue the state with extraordinary capacity to subvert fundamental rights and freedoms in the name of protecting the French language. Whereas the majority of Quebecers agree on the importance of the need to protect and promote French language and culture in Quebec, we doubt that it was the intention of the legislation’s drafters to do so at such an expansive derogation of the intrinsic human rights and freedoms of Quebec citizens.

After all, the English-speaking community is also part of Quebec’s heritage. English-speaking Quebecers have worked alongside their French neighbours to fish our waters, farm our land, work our mines, build our cities, and trade our products throughout Canada, the United States and the World. Those of us who live in Quebec today represent an historical lineage that is intricately woven into the fabric of Quebec’s history and heritage. From the Irish community that helped build the Cathédral Notre-Dame-de-Québec in Quebec City to the Black community of Quebec that traces its roots back 300 years, English-speaking Quebecers have laboured beside fellow French-speaking citizens to build this wonderful society. And English-speaking Quebecers continue to make their mark in this province in fields as varied as medicine, science, technology, architecture, finance and the aerospace industry. Just take a look at the long list of English-speaking Quebecers who are among the laureates of the *Prix du Québec*, the most prestigious award attributed by the Government of Quebec in all fields of culture and science.

Many English-language artists have made - and continue to make - important contributions to Quebec’s cultural heritage. There are bright beacons of hope that vividly demonstrate the promise of integration. Quebec’s English-speaking artists, who come from a myriad of ethnic, cultural and linguistic backgrounds, recognize French as the official language of Quebec and its importance for social cohesion.

They have been at the forefront of acquiring second-language skills and collaborating with French-speaking colleagues who, for their part, have rigorously defended their English-speaking colleagues in the face of bigoted ignorance. This relationship between English- and French-speaking artists is a study in symbiosis. Quebec's English-language artists play an important role in promoting Quebec culture across Canada and throughout the world. Important collaborative work is done here, translating the work of French and English artists to make their art accessible to a wider audience. It is inspiring to see the number of actors and other artists working simultaneously in both languages, a practice that tremendously enriches their work.

It is off-putting therefore to see Bill 103's proposed amendment to section 42.1 of Quebec's Charter of Human Rights and Freedoms that 'the French language is an indissociable aspect of Quebec culture. Whereas this is arguably accurate, the semantics hardly capture the collaborative and diverse nature of Quebec's artistic patrimony. Indeed, this leaves the impression that Quebec culture is limited to expression in the French language and all other languages, including English, have no place. We doubt this is the legislation's intent. The challenge for a modern, confident and generous Quebec society is to craft an additional sentence to the proposed section 42.1, which acknowledges the immense contributions that the English-speaking community of Quebec makes to our collective patrimony.

English-speaking Quebecers are the most bilingual cohort in Quebec: 62 per cent of all English speakers are bilingual compared to 36 per cent of all French speakers. Most promising for the future of our Community and Quebec are the bilingualism rates of our youth. Seventy-two per cent of English-speaking Quebecers under 45 are bilingual, and that percentage increases as you reduce the age of the cohort. That means that English-speaking Quebec is not only overwhelmingly bilingual, but that it is becoming more so with each generation. It is significant to note that the push for bilingualism came from within the community. Starting in the 1960s, Anglophone parents demanding better French programs in their schools and school boards brought about that change. Those that could not, or would not, accept the rise of French as the lingua franca left the province. Those who remain, in large part, recognize the primacy of French. One of our members noted recently that when he moved to Quebec in the 1970s, he went to work for a large manufacturing corporation. At the time it was almost a cliché. The foremen and management were English-speaking; the workforce was 85 to 90 per cent French-speaking. Many of the managers could not or would not speak French. The aftermath of the Quiet Revolution, the birth of Quebec Inc. where Quebecers became Maitre Chez Nous, as well as the advent of Bill 101, changed all that. Today, a substantial part of Quebec's English-speaking community recognizes that Quebec has changed. But many believe Bill 103 goes too far in affecting the vitality of our institutions and our community.

English-speaking Quebecers choose to remain here, or have come to Quebec precisely because it is such an interesting, unique and special place for self and collective expression and where the preservation and promotion of French is a laudable and inspiring undertaking. We are the only linguistic minority that is paradoxically concerned not with the preservation of its own language, but upon the attainment of the language of the majority. Our community has consistently sought more and improved French-language skills, recognizing that to fully participate in Quebec society, we must be able to communicate effectively in the language of the majority. It is quite useful to note that the purpose of the Charter of the French Language was never to regulate the language spoken at home, but to make the French language the public language of Quebec. In Montreal, where most of Quebec's English-speakers live and work, more than 90 per cent of the population uses French in the workplace.

Despite individual successes, collective integration of the English-speaking community into Quebec's self-identity has not been demonstrably achieved. Less than two per cent Quebec's civil service employees are English speakers. We are under-represented in the trades and unions. We are the subject of stubbornly persistent stereotypes that paint us as rich, white, pampered and coddled. We are, of course, none of those things. Twenty per cent of English-speaking Quebecers are also members of a visible minority, making us the most diverse of all Canada's official language minority communities. Like most minorities, we also suffer from social, economic, and political exclusion. This is especially true on the Island of Montreal for members of our community who are visible minorities, and in a more general sense off the Island of Montreal, where our Community experiences higher levels of unemployment, under-employment and elevated poverty rates in comparison with the majority.

What are the practical results? Lacking a sense of future in Quebec, large numbers of our youth - highly educated and bilingual - leave the province for a life elsewhere.

This out-migration has created a Community lacking a strong 'middle': the 30- to 50-year-olds who should be providing both economic and social leadership. The effects of this 'missing middle' are keenly felt by the elderly - of whom elderly women are over represented - who lack family support to provide primary care. In addition, those left behind - especially those living in the regions - are less likely to possess the required language and work skills to be successful. The result is twofold: Quebec's economy loses the potential of a skilled, bilingual acculturated workforce that can act as an organic linguistic and cultural broker to the rest of North America; and, the high social costs of a disenfranchised minority population.

Threats to French in Quebec do not come from the English-speaking minority. The new breed of English-speaking Quebecers are largely bilingual and we strive to ensure that our children are bilingual and bi-cultural. However, in its zeal to advance a vision of Quebec that centres on the French language, successive Quebec governments have penned legislation that is discriminatory to the rights and freedoms of its English-speaking minorities. The intrusions on individual rights and freedoms have adversely affected the vitality and sustainability of our collective institutions, particularly schools which are cornerstones of our communities. This has an adverse impact on the vitality of our English-speaking communities. It seems counter-productive and counter-intuitive to constantly reaffirm in the words of the proposed addition to Quebec's Charter of Human Rights and Freedoms that "French ...constitutes a fundamental aspect of its cultural patrimony and social cohesion." Yes, of course it does for the majority, but here again is an example of terminology that is exclusive, and that establishes the 'us versus them' conditions that fosters dissension and division. There are many, many cultures that have and continue to contribute to Quebec's cultural heritage, and a great many of the Province's citizens for whom French is not a primary aspect of social cohesion, but a linguistic skill required to participate within our society.

In Quebec the 'two solitudes' often speak at cross purposes when considering their respective fates. While French speakers feel most concerned about the fate of their own language relative to the spread of English, Anglophones feel most concerned about the decline of their community relative to the Francophone majority. Thus Francophones have tended to focus on the threat and drawing power of the English language relative to French worldwide, while ignoring the decline of English-speaking communities. Conversely, English speakers have focused on the dominant position of the Francophone majority.

Though the English language is not threatened in Quebec, Bill 101 had the effect of eroding the demographic vitality of our community. Reactions to Bill 101 were largely negative because, at that time, the law was seen as threatening to the English minority and its institutions. It forced many English-speaking Quebecers to see themselves as a linguistic minority for the first time. Following the election of the pro-sovereignty Parti Québécois in 1976, many English speakers who were dissatisfied with Quebec's language laws and fiscal policies, emigrated to Ontario and other provinces of Canada. Emigration from the province and a low fertility rate were key factors that contributed to the erosion of the demographic vitality of Quebec's English-speaking community.

As the Government of Quebec once again reviews its language legislation, we call upon it to work with the English-speaking community in a spirit of cooperation and to recognize our community's collective and ongoing contributions to Quebec society.

The English-speaking community of Quebec is an integral and vital part of Quebec society. We expect this recognition from the political leadership, and hope to see it reflected in the laws of our society. We also expect the Government of Quebec to protect the rights and freedoms of its minorities, not instinctively and defensively curtail them. Perhaps we could learn from the experience of other Canadian provinces like Ontario, Manitoba, and New Brunswick for example which support and partner with their French-speaking minority communities in ways that contribute to the strength and vitality of both the minority and majority.

When the Supreme Court of Canada released its ruling on Bill 104 in October 2009 and the Government of Quebec was offered a second chance to draft legislation, the QCGN suggested that it work with all stakeholders, including the English-speaking Community, to achieve a reasonable compromise between the goals of protecting the French language and preserving the vitality of English schools and school boards. We are pleased that you have taken the time to hear our concerns and hope that they will be acted upon. Your English-speaking minority has demonstrated the willingness and capacity to function in French in Quebec society. Let us work collaboratively to find an effective way to harness the potential of our vital and vibrant Community for the future of Quebec.