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Bonjour, hello, and welcome to “Close-up on Canada,” the podcast from the McGill Institute for the Study of Canada. I’m your host, Daniel Béland.

This season, we are talking about how Canada is facing the future in an age of global uncertainty.

Pour la première saison de notre balado, nous allons parler de la façon dont le Canada fait face à l'avenir à une époque de grande incertitude.

Today we will talk about language policy in Canada and, more specifically, the future of the Official Languages Act. Enacted in 1969, this legislation made both English and French the official languages in Canada. It is the legislative keystone of Canada's official bilingualism, and it created the position of Commissioner of Official Languages, whose dual role was described as “the protector of the Canadian public and the critic of the federal government in matters respecting the official languages.”

To discuss the ongoing debate about the modernization of the Official Languages Act, we have the pleasure to speak to Graham Fraser, formerly Canada's longest serving Commissioner of Official Languages, who has been involved in many important issues concerning the language rights of Canadians. Graham Fraser is currently a Senior Fellow at the University of Ottawa and a member of the board of the McGill Institute for the Study of Canada.

Hello, Graham, and thank you for joining us today.

GF:

Hello, Daniel. Thank you for asking me.

DB:

So to start off, let's set the scene of our topic today. Why do we have legislation around official languages in Canada in the first place? Where does it come from?

GF:

Well, the origin really has to be seen as happening in the early 1960s, 60 years ago. After the election of the Quebec Liberals in 1960 there was a growing sense of language nationalism in Quebec, and in 1962, there were 26 *créditiste* MPs who were elected who deprived first the Conservatives and then the Liberals of a majority government. In contrast with previous deputations, the *créditiste* members were from small-town Quebec, they were, with one or two exceptions, relatively uneducated, they were working-class and most of them were unilingual francophones.

So, every day somebody rose in the House of Commons and asked: why? Why is it that the orders of the day were in English only? Why is it that the announcements at the station were in English only? Why is it that the guards could not welcome their

constituencies in French as well as in English? And it went on day after day all through the fall of 1962. In December 1962, Lester Pearson, who was then the leader of the Opposition, made a speech in which he said if he were elected he would set up a royal commission. In the spring, he was, and he set up the Royal Commission on Bilingualism and Biculturalism, which began its hearings in 1963. In 1965, after hearings across the country, they recognized that there was a serious gap in understanding between English speakers and French speakers, and in a memorable line in the introduction, they said that Canada, without fully realizing it, is passing through the greatest crisis in its history.

And so, in 1967, they came out with, two years later, the first set of recommendations. And after the election of the Liberals of 1968, many of those recommendations were put in place. There was the introduction of the Official Languages Act, the creation of the Office of the Commissioner of Official Languages, and the process began of trying to make the federal government capable of responding to Canadian citizens in the official language of their choice.

DB:

Well that's a fascinating story, and I'm not sure that many Canadians remember all the events leading to the enactment of that legislation. Can you tell us a bit about how and why you became interested in this topic in the first place, since you have worked in this field for many years?

GF:

Well, it really began when in my last year of high school. I was invited to a Gilles Vigneault concert at the University of Toronto, and I was totally transfixed, I was fascinated, and realized: here was a rich culture that was right next door that I didn't understand. When I was in my first year of university, I was offered the opportunity to apply for work in Quebec on an archeological dig at Fort Lennox, which is 50 kilometers south of Montreal. Half the students were from English Canada and half were French-speaking Canadians, most of them from Quebec, mainly from the Université de Montreal and Laval. It was that experience that really transformed me from someone who spoke Ontario high-school French to someone who could actually speak the language, and by the end of the summer I realized I was a lot more interested in Quebec than I was in archaeology.

And so, I looked around for other opportunities to work in Quebec. I got a job on a student project that involved working as an orderly at what was then called l'Hôpital du Dieu, which was a mental hospital in the east end of Montreal. I spent two summers as part of this student project. working as an orderly in a mental hospital. This was through the 1960s and so it was when all kinds of exciting things were happening. I was standing in the crowd, watching the limousines go by as General De Gaulle headed for Montreal City Hall where he made the famous "Vive le Québec libre!" speech. To be in Quebec in the summers of 1965, 1966, and 1967, which was the summer of Expo, was profoundly exciting, stimulating experience. And then years later

I had the chance to go to Montreal as a correspondent for Maclean's in 1976. I thought that I would be spending that time looking at how Montreal avoided bankruptcy after the Olympics, and then Bourassa called an election, I got on the election plane and I got off ten years later. I spent the next ten years following the Levesque government and the Bourassa government between 1976 and 1986, and then moved to Ottawa. But I continued to be interested in Quebec politics and would keep going back to cover Quebec elections or to cover the subsequent referendum.

DB:

Great. Tell us a bit about your experience as an Official Languages Commissioner.

GF:

In 2005, I wrote a book called *Sorry, I Don't Speak French*, which pulled together all of my experience writing about language policy, because I'd had the opportunity as a correspondent of watching Bill 101 be debated, following some of the language debates in Ottawa, following the referendum debate, and I wanted to pull all that together into a book. Then Stephen Harper's government announced that you would have to apply for these positions—previously, the hand of God descended on the shoulder of the person who became an agent of Parliament—so I applied. When I got the job, my publisher said it was the first time he'd ever published a 93,000-word job application.

It was a huge opportunity for me to understand close-up the nature of the challenge, the nature of the problem, and also to travel across the country and talk about language issues, to meet minority language communities from coast to coast to coast. And so I visited every province, most of them several times. I visited all three territories in the north, got to know the minority language communities, went to every part of Quebec to visit all of the small, struggling minority English-language communities that are scattered across the province, off the island. And it was a huge privilege.

DB:

Oui. Parlons maintenant un peu de la Loi sur les langues officielles, son évolution mais aussi le débat sur son renouvellement, sur sa modernisation. Quand on parle des langues officielles, sur le plan législatif, sur le plan des politiques publiques, quels sont les principaux défis auxquels nous faisons face actuellement, dans le contexte de ce débat sur la modernisation des langues officielles ?

GF:

Je pense qu'il y a deux éléments importants. D'abord, de comprendre l'évolution législative de la loi qui a été déposée, la première version en 1969. Il y a eu une série d'évènements. C'était tout le débat constitutionnel qui a fait en sorte que les droits linguistiques ont été enchâssés dans la Constitution. Donc, il fallait amender, transformer la loi en fonction des changements constitutionnels, la Charte des droits et libertés. Ce qui a été fait en 1988, c'était le premier amendement de la loi.

Ensuite, en 2005, il y a un autre amendement de ce qu'on appelle la partie 7, la loi qui a imposé l'obligation sur toute intrusion fédérale de prendre des mesures positives pour l'épanouissement des communautés de langue officielle en situation minoritaire. Puis, on n'a pas défini ce que cela voulait dire une mesure positive. Et à cette époque là, j'étais commissaire et je croyais que c'était mieux comme ça, de ne pas avoir une définition qui pourrait contraindre et que ce serait bien d'avoir une évolution de la compréhension de cette obligation.

Mais après dix ans, je me suis rendu compte qu'il y avait des problèmes substantiels, surtout qu'un juge face à une cause en Colombie-Britannique identifie toutes les failles de cet amendement de la loi et qui a refusé de reconnaître les impositions, en disant que cette partie de la loi est mal écrite.

Les obligations ne sont pas comparables aux autres obligations dans la loi. Donc, de toute évidence, il faut revoir la loi. Et ça, c'est un des principes dans la discussion actuelle. Et depuis sa nomination, la ministre Mélanie Joly a voulu avoir la nouvelle version de la loi, puis elle a eu des consultations à travers le pays. Je pense cinq forums publics sur différents aspects de la question linguistique à travers le pays. Puis, il y a eu des consultations avec des commissions parlementaires au Sénat, la Chambre des communes. Mon successeur, Raymond Thériault, a écrit, a présenté une proposition d'amendement qui a été très détaillée, très importante.

Puis, il y a un mois, six semaines, la ministre a déposé un livre blanc sur la question. Puis un livre blanc, comme vous le savez, c'est un document d'intention de gouvernement, c'est un projet de loi, mais ça brasse, ça présente un portrait de la situation. Et dans ce livre blanc, on parle de partir de six principes: la reconnaissance des dynamiques linguistiques différentes dans les provinces et territoires, avec un certain sens de la dynamique des langues autochtones, puis un désir d'avoir des occasions d'apprentissage de notre langue officielle d'appui pour les situations des communautés de langue officielle en situation minoritaire, protection et promotion du français à travers le Canada, y inclus au Québec. Et ça, c'est l'innovation. C'est la première fois qu'on fait une déclaration à l'effet: le français a besoin d'une aide fédérale au Québec, puis que le gouvernement du Canada s'établisse comme un exemple vis à vis la performance des élections fédérales. Et finalement, que la loi devrait être conçue pour l'avenir.

Donc, à partir de ces six principes et un livre en blanc assez élaboré avec l'importance d'avoir de l'aide, de l'instruction, surtout du français pour les anglophones, de l'aide pour les écoles d'immersion où il y a toujours plus de parents qui veulent que leurs enfants s'inscrivent dans les classes d'immersion. Et aussi cette question, qui a causé un certain malaise pour les anglophones au Québec, que le problème est le français au Québec, aussi que dans le reste du Canada. Donc c'est une déclaration que le gouvernement fédéral n'a jamais faite dans le passé. Dans le passé, il y a toujours eu une approche symétrique qui a été critiquée par certains en disant que la situation de

l'anglais au Québec n'est pas comparable à la situation du français dans les autres provinces.

Mon seul commentaire à ça, c'est qu'on a tendance à voir la situation du français au Québec en regardant les anglophones à Montréal. Bon, à Montréal il y a 600 000 anglophones, donc à 600, on peut se protéger pas mal. On peut appuyer les cinémas, le théâtre, les journaux. Mais il y a 300 000 anglophones dispersés sur le grand territoire du Québec, et être anglophone à Trois-Rivières, Sherbrooke, Gaspé, c'est un phénomène tout à fait différent. C'est de plus en plus difficile d'avoir des services disponibles en anglais à l'extérieur de Montréal.

C'est compréhensible, c'est naturel, mais puis, il y a eu une étude qui a été fait dans le passé, qui a démontré qu'il y a un effet de morale que les communautés linguistiques francophones à l'extérieur du Québec ont moins de services que les anglophones, mais ils sont plus optimistes, tandis que les anglophones ont accès à plus de services mais ils sont plus pessimistes, et c'est parce que il y a eu un déclin important de la communauté. En 1971, il y avait 200 000 étudiants anglophones dans des écoles. Maintenant, il y a 90 000, 95 000 anglophones dans les écoles. Donc, c'est un déclin important. Puis en contraste avec les autres communautés, grâce à la loi 101, les écoles n'ont pas droit à l'expansion et ne peuvent pas avoir accès à l'immigration, tandis que dans ce pays, les communautés francophones peuvent avoir accès aux immigrants francophones.

DB:

So let's talk a bit about the current debate about the liberal proposals on the table right now. What are these proposals? And what are the main issues they raise? Because there's no consensus about them. You have different voices that are critical of them. So, what's the lay of the land in terms of the ongoing debate about the modernization of the Act?

GF:

Well, one of the one of the interesting things that I would say about the modernization of the Act is how little attention it's got. Fifteen years ago, when I wrote a book about language policy, I felt that the government was much more interested in multiculturalism than it was in bilingualism and biculturalism, the phrase used for the title of the Royal Commission on its reports. Now I think it's obvious that the government is much more interested in reconciliation with Indigenous people than it is with bilingualism and biculturalism. Really the only response that that came was from anglophone communities in Quebec, who are worried that if they are not treated on the same—which they weren't already; the federal government's treats la Fédération des communautés francophones et acadienne as a national organization, whereas it treats the Quebec Community Groups Network as a provincial organization. So the Quebec anglophones are at a disadvantage just in terms of the level of the bureaucracy they deal with in Ottawa, and even though there are approximately the same number of anglophones in Quebec as there are francophones in the rest of the country. That

move to considering an asymmetrical approach of seeing that French in Quebec is going to be a preoccupation of the federal government and really only paying lip service to the challenges of the English community and Quebec is the one area in which the Quebec Community Groups Network has expressed its concern. But even though it's not related to the federal legislation, the fact that all federal parties basically agree that Quebec has the constitutional power to introduce constitutional amendments itself, in terms of Bill 96, is an indication that there is there is no political constituency for any political party right now to go to bat for the English community Quebec. So, the English community is significantly underrepresented both in Quebec City and in Ottawa. The Liberal Party has tended to use safe seats in Quebec for the members that would have challenges that they want to elect, that would have challenges getting elected, largely in francophone areas. So, there is a leadership challenge to that extent for the English community in Quebec.

DB:

On these words, Graham Fraser I want to thank you for this fascinating conversation. Merci beaucoup et au plaisir de vous reparler, toujours un plaisir de discuter avec vous.

That was Graham Fraser, a senior fellow at the University of Ottawa formerly Canada's longest-serving Commissioner of Official Languages

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