

## Quebec language legislation

---

by Ivan M. MYHUL,

Bishop's University, Lennoxville, Quebec.



Until the early 1960's Quebec was characterized by a culturalist nationalism. It was a clerical, agriculturalist, anti-statist and isolationist ideology. Good ethnic boundary-maintenance was seen as crucial for the *survival* of the French-Canadian nation.

Given the hostility towards new immigrants, the *allogènes* assimilated linguistically with the Anglo-saxons. The process was facilitated because English, not French was the vehicular language of work. In addition, English Canadian political culture assumed that immigrants were malleable creatures, whose ethnicity could be easily erased as they were absorbed into a multi-ethnic Canadian nation. By 1960, the multi-ethnic anglophone community of Quebec constituted one fifth of the total population of the province. One half of these anglophones were of *allogène* origin (1).

The Quiet Revolution brought about by Jean Lesage and the Liberal Party was led by a newly emergent strata of liberal professionals, steeped in a developmental perspective, frustrated by the ultramontane French-Canadian clerical authoritarianism and effectively debarred from managerial positions in the English speaking private sector. This new petty bourgeoisie turned to the Quebec state. As state functionaries, they could challenge the English speaking Canadian bourgeoisie via state capitalism and in the process transform Quebec by industrializing and urbanizing it. The *rattrapage* would also operate on the cultural level for the state would be used to enforce the use of the French language in Quebec.

There was no reversal of the course of the Quiet Revolution under the new *Union nationale* governments of Daniel Johnson (1966) and

---

(1) The *allogènes* constituted 10.4 per cent of the total Quebec population in 1971. However, only 60 per cent of the *allogènes* were still *allophones*. *Le Devoir*, 3 septembre 1977.

Jean-Jacques Bertrand (1968). However, there was a growing *malaise* in Quebec. Expanded state activity in the fields of education, health, welfare and the economy raised expectations but did not significantly improve the chances for upward social mobility of the French Quebecois. Institutions of higher learning failed to produce sufficient numbers of graduates with managerial skills, private corporations continued to operate essentially in English and were unwilling to hire the new business school graduates to executive positions. The *malaise* also expressed itself over the growing anglicisation and Americanisation of Quebec society, its language and culture. But most significantly, the *malaise* cristalized itself over the issue of falling birthrate of the French Quebecers. This was seen as a serious threat to the long-term survival of the Quebec nation and the short-term survival of Montreal as a French speaking city. The threat was compounded by the fact that the Anglophone *allogène* population was experiency a rising birth rate (2).

French Quebecois nationalism, during this time became increasingly pro national self-determinations, calling for some sort of independentist solution. While the Parti Quebecois was offering this option, the *Union nationale* government adopted a policy of *attentisme*. It set up a Royal Commission on the French Language and Language Rights in Quebec (Commission Gendron) in 1968 and passed stop-gap language legislation. Bill 63, « An Act to Promote the French Language in Quebec » was assented to November 28, 1969, among strong opposition from French Quebecois nationalists for its weakness, specifically for allowing the *allogènes* parental freedom of choice of the language of instruction (3). The public law proclaimed that all schooling must be given in the French language (Art. 2) yet immediately stated the option of English language instruction, « to any child for whom his parents or the persons acting in their stead so request at his enrolment ». (Art. 2).

---

(2) H. CHARBONNEAU, J. HENRIPIN et J. LÉGARÉ. « L'avenir démographique des francophones au Québec et à Montréal en l'absence de politiques adéquates. *Revue de Géographie de Montréal*, 1970, XXIV, 199-202.

(3) A « circumstantial opposition » was formed in the National Assembly, composed of René Lévesque, A. Flamand, J. Proulx, and Y. Michaud. All argued for stronger measures in order to force the *allogène* children into French-language schools. See *Journal des Débats*, 30 octobre 1969, 344, 345-347, 4 novembre 1969, 3527, 3539, 3541. Outside the Assembly numerous student, teacher, professional, and nationalist organizations voiced their anti-*allogène* positions. The following organizations were the most vocal: le Club Fleur-de-Lys, la Confédération des syndicats nationaux, le Front du Québec français, la Corporation des enseignants du Québec, and numerous Saint-Jean-Baptists societies, *L'Action*, *Le Devoir*, *Montréal-Matin*, 31 octobre 1969; le Front du Québec français, *Le Devoir*, 18, 27, 28, 29, 30 octobre 1969, 4, 6, 8 novembre 1969, *La Presse*, 10 novembre 1969; le Parti Québécois, *Le Devoir*, 10 novembre 1969. This extra parliamentary opposition, with slogans such as « Le Québec aux Québécois », was perceived by the *allogènes* as xenophobic. *Le Soleil*, 1<sup>er</sup> novembre 1969.



2). Effectively this meant that *allogènes* had the right to obtain English language schooling for their children, even if English was not their mother tongue. It was simply necessary to demonstrate that the children had « sufficient knowledge of English ». The law did proclaim that « necessary measures » could be taken « so that persons who settle in Quebec may acquire knowledge of the French language » (art. 3).

A French Language Bureau (l'Office de la langue française) was established. Its task was to advise the government with the aim of making French the working language in public and private undertakings in Quebec (Art. 14 *b*). Priority was to be given to the French language in public posting (Art. 14 *d*). In addition, the Bureau was to coordinate linguistic research (Art. 14 *e*), foster correct French usage (Art. 14 *a*) and hear complaints if French language is not respected as the « working language » (Art. 14 *a*).

The Gendron Commission presented its official report in 1972. In the meanwhile, Robert Bourassa and the Liberal Party won the 1970 provincial election. The Commission identified four major problems. General inferiority of the French Quebecois in the economy, requirement for the French Quebecois to know English in order to be hired in the private sector yet reluctance of the private sector to hire French Quebecois in executive positions. Finally, the Commission underlined that the *allogènes* had adopted English as the language of usage (4).

In order to remedy the situation, the Gendron Commission recommended that the Quebec government should symbolically proclaim French as the official language of the province of Quebec. This ruling was to be applicable essentially in public administration and was not to contravene the British North America Act of 1867. English was to be given some sort of preferred status in the province. French would be slowly introduced as « useful and necessary » language of the private sector. Access to this sector should be made more open to the French Quebecois. Finally, a three to five year coaling-off period was suggested on any legislation dealing with the language of instruction. The implementation of all the Commissions recommendations was to be in a persuasive and flexible fashion (5).

The Bourassa government waited over a year before acting on the Commission's recommendations, given the hostility to the report by French Quebecois nationalists. This opposition reached a pitch when

---

(4) *Rapport de la Commission d'enquête sur la situation de la langue française et sur les droits linguistiques au Québec*, vol. 2. *Les droits linguistiques* (Québec, Gouvernement du Québec, 1972), 10 et al.

(5) *Ibid.* 65ff, pp. 78-80.

Bill 22 was introduced in the Quebec National Assembly (6). The Quebec anglophone community was attacked for being artificial and cultureless. The nationalists lobbied for the dismantlement of the anglophone community through legal social-engineering. The aim was the eventual absorption of the *allogènes* by the French Québécois.

The « Official Language Act » was assented to on July 31, 1974. The Preamble declared the French language a « national heritage which the body politic is in duty bound to preserve, and... to ensure the preeminence of that language ». Consequently French was declared the official language of Quebec (Art. 1). In reality, it became the language of Quebec public administration. All civil administration agencies were to be designated by their French names alone (Art. 11). French became the language of internal communication in the public administration (Art. 12) as well as the language of communication with other governments of Canada and with artificial persons (Art. 10). All official texts and documents were to be drawn up in French (Art. 6), however they could be accompanied by an English version (Art. 7). In addition, if ten percent of the persons administered by a municipality or a school board were English-speaking, the texts of these bodies were to be drawn up in both French and English (Art. 9). Every physical person could communicate with the civil administration in French or English (Art. 10).

Semi-public agencies such as public utilities and professional corporations were to operate in French (Art. 18,19). However English versions were authorized for official texts and documents of the semi-public agencies (Art. 20). A working knowledge of French was required prior to issue of permits by professional corporations (Art. 21). However, renewable one year permits (Art. 22) as well as restrictive permits (Art. 23) were to be authorized for persons not knowing French.

French was proclaimed to be the language of labour relations (Art. 25) in that employers were obliged to draw up notices, communications

---

(6) For examples of nationalist reactions to Bill 22 that were intertwined with anti-*allogène* statements, see la Ligue des droits de l'homme, *Journal des Débats*, 11 juin 1974, B-3253-54 ; l'Association québécoise des professeurs de français, *ibid.*, 12 juin 1974, B-3787-88 ; la Centrale de l'enseignement du Québec, *ibid.*, 17 juin 1969, 3609 ; la Société nationale populaire du Québec, *ibid.*, 18 juin 1974, B-3754, B-3762 ; le Mouvement Québec français, *ibid.*, 18 juin 1974, B-3771 ; la Fédération des travailleurs du Québec, *ibid.*, 18 juin 1974, B-3883 ; la Société Saint-Jean-Baptiste de Montréal, *ibid.*, 18 juin 1974, B-4115 ; l'Alliance des professeurs de Montréal, *ibid.*, 18 juin 1974, B-4125-27 ; la Société Saint-Jean-Baptiste du Québec, *ibid.*, 18 juin 1974, B-4217 ; le Club Fleur-de-Lys, *ibid.*, 18 juin 1974, 4294-95 ; le Mouvement national des Québécois, *ibid.*, 18 juin 1974, B-4303-04, B-4306, le Regroupement régional de la capitale québécoise, *ibid.*, 3 juillet 1974, B-4624 ; la Société nationale des Québécois du Saguenay-Lac-Saint-Jean, *ibid.*, 4 juillet 1974, B-4890 ; la Société nationale des Québécois de l'Outaouais, *ibid.*, B-4960.



and directives in French. However, if the personnel was « partly English speaking », English versions were also to appear (Art. 24). Optional francization of enterprises was encouraged (Art. 26). This francization program was to take into account the situation and structure of each firm (Art. 29) « Provisions were to be taken » that management and personnel learned French. Internal communications, manuals, etc. were to be in French (Art. 29). A mild attempt was made to encourage « francophone presence » in management (Art. 29b).

Firm names were to be in French, though English versions could also appear (Art. 30), provided the French name was to figure prominently (Art. 32). Public signs, posters and advertisements were to be in French or in both French and « another language » (Art. 35). This did not apply to advertisements appearing in non-French newspapers (Art. 36). Special emphasis was placed on French language labels of products, warranties and menus (Art. 34). Failure to comply carried fines between \$25 - \$1000 for the first offense (Art. 34). Contracts were to be drawn up in French, but could be in English, upon request (Art. 33). A *Régie de la langue française* was established (Art. 54). Its task was to supervise the implementation of the francization program (Art. 55), hear complaints (Art. 56), make inquiries (Art. 78-83) and make recommendations (Art. 56). The *Régie* was granted immunity from prosecution (Art. 75).

The most important aspect of the law dealt with the language of instruction. It is here that the law departed from the Gendron Commission's recommendations of delay on the issue. The principle of parental free choice was repealed. It was replaced by an ambiguous policy. On one hand, English language instruction was assured only to pupils whose mother tongue was English, provided numbers warranted it (Art. 40). On the other hand, the law contradicted the idea of mother tongue by making the criterion for English language instruction « sufficient knowledge » of the language (Art. 41). A system of language competence tests was foreseen (Art. 42,43). This ambiguity permitted the *allogène* children to enter English schools.

The Protestant School Board of Greater Montreal challenged the public law, claiming that Section 93 of the British North America Act of 1867 assured instruction in English and French even though it referred to the right of Protestant and Catholic schooling. Judge Jules Duchêne of the Superior Court of Montreal ruled against the School Board (7).

---

(7) *Protestant School Board of Greater Montreal v. Minister of Education of the Province of Quebec et al.* Superior Court, Montreal, judgment of April 6, 1976, (1976) C.S. 430 ; 83 DLR (3d) 645 (1978).

The Parti Québécois won the November 1976 provincial election. Its first major undertaking was the publication of a White paper outlining the basis of a new language public law. The *Livre blanc : La politique Québécoise de la langue française* claimed that the French Quebecois were in a colonized state, suffering from stress and feeling of threat. If this chronic insecurity was allowed to continue it would give rise to an incurable xenophilia (8). The only solution, according to the White paper, was to intensify the French character of Quebec in public administration, the courts, business and in schools. Francization of private sector firms was considered an insufficient measure. It called for greater social engineering in order to assure « *la présence francophone* » (9). The White paper suggested that the only legal criterion for admission to English-language schools would be the maternal language of the parents, provided the parents had themselves attended English-language primary schools. This was a clear sign that from now on, the *allogène* children will have to attend French language schools.

When Bill 1, the *Charte de la langue française au Québec* was introduced, it was well received by the French Quebecois nationalists and rejected by the anglophones.

Since one of the intentions of the bill was to absorb the *allogènes*, a debate emerged on the question of the Quebec nation. Some contended that Quebec was a nation because it possessed a territory, culture, institutions, history, collective will and most significantly, the French language. The language was said to be the « dialogue and argument », « a way of life », a manner of conceiving one's existence as well as the « soul » of the Quebec nation. Others contended that a Quebecois is simply anyone who lives in Quebec, pays taxes and considers himself a Quebecois (10). Both viewpoints stressed that the Anglo-saxons were

---

(8) *Livre blanc : La politique québécoise de la langue française* (Québec, gouvernement du Québec, 1977), pp. 11-12.

(9) *Ibid.*, pp. 98-99.

(10) J.P. Charbonneau, Péquiste MNA, refers to the existence of « ... la nation canadienne-anglaise au Québec »; on the other hand, he states that « ... on a le Canada, un Etat binational et polyculturel, et on a le Québec qui est un Etat mononational et polyculturel ». *Journal des Débats*, 13 juin 1977, CLF-231-32, 25 juillet 1977, 2335. J.J. Roy of la Société nationale populaire du Québec and R. Barbeau of les Fils du Québec also admit the existence of two nations within Quebec. *Ibid.*, 14 juin 1977, CLF-202, CLF-232. M. Chaput of les Fils du Québec refuses to grant the Anglo-Saxons a « nation » and a « founding people » status. There is only one nation and the French Quebecois are the sole founding people of both Québec and Canada. « Les Anglais sont des occupants au Québec. ... La partie peuplée du Canada dans le temps, c'était Québec. Ce sont des occupants de notre pays, exactement comme Hitler a été... un occupant de la France... ». *Ibid.*, 14 juin 1977, CLF-252. J. Alfred, a Péquiste MNA, is very ambiguous. At times he states that in Quebec « Nous sommes deux ethnies, deux nations »; in other circumstances he exclusively identifies Québécois with French Québécois, as well as with all of those who



to be tolerated. However, the *allogènes* were to be encouraged to fuse into a « Quebec national culture », which was proclaimed to be the « common good » of all Quebecois (11).

Bill 1 was withdrawn, after lengthy debate, and was replaced by Bill 101. The new version removed the provision that the French language was exempt from a ban on discrimination based on race, colour, sex, civil status, religion, political convictions, language, ethnic or national origin or social condition. It also underlined that the Parti Québécois had retreated from its notions of « francophone presence » and was content simply with francization. The *Charte de la langue française au Québec* was formally assented to August 26, 1977.

French is declared the official language of Quebec (Art. 1) and the « fundamental language rights » are enumerated in a categorical fashion. Every person has the right to work in French (Art. 4), to be served as a consumer in French and to receive instruction in French (Art. 6). The

---

inhabit Quebec. *Ibid.*, 26 juillet 1977, 2397-99. C. Morin has declared that « ... all those who are on Quebec territory belong to the Quebec people ». *The Montreal Star*, May 13, 1977; J.P. Charbonneau made a lengthy distinction between a « nation » and a « people ». A « nation » is one ethnic community, while a people . « ... celle que l'on retrouve d'ailleurs dans le projet de loi, ... désigne l'ensemble des gens vivant dans un même Etat... ». *Journal des Débats*, 25 juillet 1977, 2334. Laurin has claimed that the « Quebec people » refers to « ... the majority of the French-speaking people but also to all other groups that form a million people ». *The Montreal Star*, May 17, 1977, or « Le peuple québécois n'est pas composé que de francophones. Il comprend une majorité qui a le droit et le devoir de faire de la langue qu'elle parle depuis toujours la langue officielle et la langue commune, mais ce peuple comprend aussi les héritiers des peuples fondateurs, Inuit et Amérindien, et tous les groupes ethniques... ». *Journal des Débats*, 16 juin 1977, CLF-330. G. Bouhillier, a spokesman for la Société Saint-Jean-Baptiste de Montréal, has argued that « only French Québécois constitutes the 'Quebec people' », referring to the preamble of Bill 1 where it is clearly stated that « ... the French language has always been the language of the Quebec people, that it is indeed, the very instrument by which they have articulated their identity ». He then added. « Il est clair que ne 'sont' pas reconnus comme Québécois tous ces résidents qui forment eux aussi en quelque sorte, la toile de fond de notre société québécoise... ». True Québécois are of the ethnic majority, they are labelled as « citizens » while the Amerindians, *allogènes*, and Anglo-saxons are referred to as « residents ». *Ibid.*, 16 juin 1977, CLF-324.

(11) *Ibid.* 39, 40-41. *Journal des Débats*, 7 juin 1977, CLF-64, 9 juin 1977, CLF-156, 14 juin 1977, CLF-198 ; *Livre blanc op. cit.* 35, 36, 38, 71. The most extremist suggestions appeared in two briefs submitted to the parliamentary committee. Both R. Roy and G. Brosseau suggested, among other things, the forced assimilation of Anglo-saxons, obligatory French names to Quebec born children and establishment of criteria as to who was and was not « assimilable ». *Journal des Débats*, 14 juin 1977, CLF-254, CLF-259. Jean-Jacques Roy of the Société nationale populaire du Québec exemplifies well the nationalist attitude toward the *allogènes*. « ... nous avons beaucoup de Québécois d'origine étrangère... », « un Québécois de toute origine, doit s'intercaler progressivement à la majorité francophone et francophile ». However, the *allogènes* are considered second class. « Ce sont des immigrants. Ils n'ont que des droits d'immigrants, que nous leur donnons », « ... si nous leur donnons tous la chance de faire ce qu'ils veulent faire, il est évident que, dans dix, quinze ans, on se ramassera avec une troisième nation » « ... un immigrant dans un pays est toujours un immigrant ». *Ibid.*, 14 juin 1977, CLF-2056.



law stipulates that French is the language of legislation and the courts (Art. 7). Legislative bills shall be drafted, tabled, passed and assented to in that language (Art. 8). English version texts will be allowed (Art. 10) but only the French texts will be official (Art. 9). Procedural documents issued by bodies discharging judicial or quasi-judicial functions shall be drawn up in the official language (Art. 12), however they may be in « another language » if the natural person for whose intention they are issued consents (Art. 12). Judgements rendered in Quebec courts must be drawn up in French or accompanied by duly authenticated French version (Art. 13).

The rest of the public law resembles strongly the 1974 law, however it is more precise and unequivocal. Civil administration agencies are to be designated by their French names only (Art. 14), and all of their documents, contracts, etc. are to be in French (Art. 15-29). The law even requires that all traffic signs must be exclusively in the official language (Art. 29). Municipal and school bodies, health services and social services that provide services to persons who, in the majority, speak a language other than French, (Art. 113) may have signs and texts in another language, provided the French text is preeminent (Art. 24). This bilingualism must cease by 1983 (Art. 25). Finally, a natural person may be answered in a language « other than French » provided he addresses the public administration in that language (Art. 15). Semi-public agencies must operate in French (Art. 30). No one will be accepted into a professional corporation without proof of adequate knowledge of French (Art. 35). Three year temporary permits may be issued in other cases (Art. 37).

In labour relations, no employee may be layed off, demoted or transferred for the sole reason that he is exclusively French-speaking (Art. 45). Knowledge of a « language other than the official language » can no longer be a condition of employment (Art. 46). All union activity, collective agreements, arbitration, and offers of employment must be in French (Art. 41-44, 49). An offer of employment published in a non-French daily newspaper must be accompanied the same day by a French advertisement in a French newspaper (Art. 42).

Firm names in the private sector must be in French by 1980 (Art. 63-65). Ethnic organizations may have bilingual signs (Art. 61, 62, 70, 71). Messages of a religious, political, ideological or humanitarian nature, may be in a language other than French (Art. 59). All signs and posters (Art. 58) labels, directives (Art. 57) warranties and catalogues (51,53) as well as application forms for employment must be in French. Menus may use another language in addition to French (Art. 51). Contracts are to be in French, unless agreed otherwise by both parties (Art.



55). Finally, toys that require the « use of a non-French vocabulary for their operation », are forbidden (Art. 54).

The present public law makes francization compulsory to businesses employing fifty or more employees (Art. 136). A francization certificate must be applied for and obtained by December 1983 (Art. 136). The aim of the francization program is to increase the number of persons knowing French (Art. 141 *b*), make French the language of internal communication (Art. 141 *c*), even between non-Francophones, and especially assure that management is French speaking (Art. 141 *d*). In addition, French is to be used in all documents, (Art. 141 (*d*)), advertisements (Art. 141 *g*), communication with clients and the public (Art. 141 *e*), as well as hiring, promotion and transfer of employees (Art. 141 *b*). The francization program makes the usage of French terminology obligatory in all aspects of business (Art. 141 *f*). Firms with one hundred employees or more, must set up a francization committee composed of management and employees (Art. 146). Series of penalties are foreseen for the failure to comply with the francization programme, ranging between \$ 100 and \$ 2000 per day (Art. 205). Contrary to the stipulations of the preceeding law, head offices of firms must now request special arrangements in order to be exempt from the francization program (Art. 144).

An *Office de la langue française* (Art. 100-121) administers the francization program. It is assisted by *la commission de surveillance* (Art. 157-184). This force investigates all cases relating to failures to comply with this law (Art. 158). Anyone may petition *la Commission* for an inquiry (Art. 173). Both, *l'Office* and *La Commission*, are exempt from any prosecution in the performance of their duties (Art. 112, 168). Finally, the law establishes a *Commission de typonymie* (Art. 122-128) and a *Conseil de la langue française* (Art. 185-204). The first institution assigns place names while the second one oversees the general situation of the French language in Quebec.

French is proclaimed to be the only language of kindergarten, elementary and secondary schools (Art. 72). The only exceptions are enumerated in one single article. A child, whose one parent received elementary instruction in English, in Quebec, may attend an English language school (Art. 73 *a*). However, a person with English language elementary education outside of Quebec, may also send his or her child to an English institution, provided the person was domiciled in Quebec on August 26, 1977 (Art. 73 *b*). The law allows those presently attending English language schools to continue in these institutions (Art. 73 *c*) and permits younger brothers and sisters to enroll in the future (Art. 73 *d*). Access to English schools is effectively denied to children from other parts of

Canada or the Commonwealth. Nevertheless, temporary, three year authorizations to attend English are allowed (Art. 85). The law forsee the possibility of opening the English schools to English Canadians immigrating to Quebec through inter-provincially negotiated « *accords de réciprocité* » (Art. 86). René Lévesque also announced this principle at the St. Andrews provincial premiers conference in August, 1977.

The Language Charter allows the Crees and the Inuit to be educated in their own languages but English must be progressively displaced by the French language (Art. 88).

Procedures are established in order to verify the eligibility of children who want to receive their education in English (Art. 78-80). A court ruling has made it even more difficult for the *allogènes* to send their children to English language schools. Superior Court Chief Justice Jules Duchêne ruled that *allogène* parents who received only partial English language elementary education in Quebec must send their children to French schools (12). Despite this, there are currently over 2000 « *ineligible* » *allogène* children in English schools. No actions have been taken against them.

The Quebec language legislation has received two challenges. In one case, article 7-13, which made French the official language of Quebec legislation and courts, were declared constitutionally *ultra vires* for they contravened Section 133 of the British North America Act. Section 133 assures the usage of both French and English language in the Quebec legislature and courts. Judge Jules Duchêne ruled that the province of Quebec acted unconstitutionally for it unilaterally amended Section 133 (13). This ruling was upheld by the *Cours d'appel* du Quebec (1978) and the Canadian Supreme Court (1979).

In April of 1981 the Canadian Supreme Court handed down a clarification to its 1979 ruling. The Supreme Court ruled that Section 133 of the British North America Act does not mention government agencies, school boards and municipalities. These institutions are « *creatures* » of the provincial government and therefore, subject solely to provincial law. The effect of this ruling is that school boards and municipalities can be forced to publish bylaws in French, even if they are English-speaking. But the court also ruled that government agencies whose regulations need approval of the National Assembly or the Quebec cabinet before having

---

(12) *Campisi et al. c. Procureur-général de la Province de Québec et al.* Superior Court, Montreal, judgment of December 19, 1977.

(13) *Blaikie et al. c. Procureur-général de la Province de Québec et Procureur-général du Canada.* Superior Court, Montreal, judgment of January 23, 1978, 85 D.L.R. (3d) 252 (1978).



the force of law, must print these regulations in both French and English (14).

The second challenge comes from the Canadian Prime Minister. Pierre-Elliott Trudeau's patriation of the British North America Act along with a new charter of rights would amend portions of the Language Charter which deal with language of instruction. The new Charter of Rights establishes the mother tongue of parents as the criterion for admissibility to English language schools in Quebec. Section 23 (1) of the Charter of Rights gives the right to Canadian citizens to have their children educated in either French or in English anywhere in Canada, if their first language learned and still understood is English or French. This section would still debar *allogènes* from English Schools in Quebec even when they became Canadian citizens.

### Conclusion.

The Parti Quebecois language legislation is but incrementally different from the previous public laws on language. Even though the categorical formulation of the Language Charter seems to suggest that conciliatory and flexible application of the law is not possible, in reality no charges have yet been laid against anyone under this law. The *Commission de surveillance* has investigated over 5000 complaints and has sent only five to the *Procureur-général* for possible prosecution. Numerous infractions of the law requiring signs and posters in French only, have been ignored. The government was going to remove « stop » from stop/*arrêt* signs, considering the word to be English. Recently the government has backed off and nothing has been done about this sign. Companies which have not complied with francization have not yet been prosecuted. The most noted case is the French newspaper *La Presse*, which has refused to apply for a francization certificate.

The chief problems seems to involve rules that do not allow new immigrants to enter English language schools. The restrictions discourage the arrival of immigrants and encourage anglo-saxons and *allogènes* to depart. It is estimated that 35 per cent of anglophones in the 20-24 age bracket have left the province between 1976-80 and that enrollment in English schools has fallen drastically (15). The Language Charter may prove to be an effective tool of social engineering for the anglophone

---

(14) *The Gazette*, April 18, 1981.

(15) *Ibid.*, August 23, 1980.

community has been encapsulated, isolated, instilled a minority mentality and is now being effectively dismantled, for the *allogènes* are being separated from this community. However, their assimilation into the francophone community may prove to be difficult, due to the reluctance, on the part of the French Quebecois, to accept these « foreigners ». Finally, the creation of a multi-ethnic Quebec nation may have unanticipated consequences in an age of North American ethnic affirmation.

