

WSSR WORKSHOPS ON SOCIAL SCIENCE RESEARCH

Language Rights in an Increasingly Diverse Country

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May 18, 2018

9:00am – 4:30pm

Summary

How do language rights fit into the framework of Canadian democracy, especially in the context of an increasingly diverse country? Canada is unique in the way it has evolved and embedded language laws and rights throughout its history.

In his workshop, Graham Fraser, Canada's former Commissioner of Official Languages, will provide participants with detailed and fascinating insights about Canada's bilingualism policy.

He will explore important questions about language in this country including: What is language policy and why does Canada have one? How was it developed? What were the major obstacles and tensions along the way? What is the relationship between Canadian language policy and Quebec language policy? What are the major challenges for language policy today and in the future? What role have the courts played in defining and defending language rights?

Workshop Outline

Since 1960, Canada has seen the emergence of separatist groups in Quebec, a Royal Commission on Bilingualism and Biculturalism, a terrorist crisis, the election of a sovereignist government, three referenda related to Quebec and Canada (1980, 1992 and 1995), a Charter of Rights and Freedoms and a Supreme Court Reference on Quebec Secession. During this period, Canada's immigration policies have also changed dramatically. In its decision on the reference on Quebec secession, the Supreme Court laid out Canada's four unwritten constitutional principles in the following terms: "The Constitution is more than a written text. It embraces the entire global system of rules and principles which govern the exercise of constitutional authority. A superficial reading of selected provisions of the written constitutional enactment, without more, may be misleading. It is necessary to make a more profound investigation of the underlying principles animating the whole of the Constitution, including the principles of federalism, democracy, constitutionalism and the rule of law, and respect for minorities. (Re: Secession of Quebec [1998] 2 SCR 217 headnote)" Since then, a jurisprudence of minority language protection has developed.



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In his workshop, Graham Fraser will begin by asking some very basic questions.

1. What are language rights?
2. What are their origin?
3. Who gets them, and how do they fit into Canada's framework of rights in a liberal democracy?

After discussing these issues — briefly, since they are sweeping questions — the class will consider some of the conflicting views of language rights in Canada and Quebec, and look at the evolution of Canadian language rights from pre-confederation to the Royal Commission on Bilingualism and Biculturalism, the Official Languages Act, the Charter of the French Language, the Charter of Rights and Freedoms, and the role of the Supreme Court in articulating the scope and nature of language rights.

Required Readings*

Fraser, Graham. 2011. "Notes for a speech for the 11th Sir John A. Macdonald Dinner of the Kingston Historical Society". *Office of the Commissioner of Official Languages*. <http://www.ocol-clo.gc.ca/en/news/speeches/2011/2011-01-11>

Royal Commission. 1967. "General Introduction: The key words of the Terms of Reference", In *Report of the Royal Commission on Bilingualism and Biculturalism, Book 1*, Ottawa: The Queen's Printer, pp. xix-lii. http://publications.gc.ca/collections/collection_2014/bcp-pco/Z1-1963-1-5-1-1-eng.pdf

McLachlin, Beverley (Right Honourable). 2008. "The Impact of the Supreme Court of Canada on Bilingualism and Biculturalism". *Supreme Court of Canada*. <https://www.scc-csc.ca/judges-juges/spe-dis/bm-2008-02-06-eng.aspx>.

Recommended Readings

Grammond, Sebastien. 2011. *Should Supreme Court Judges Be Required to be Bilingual?* Kingston: Institute of Intergovernmental Relations, Queen's University.

Fraser, Graham. 2006. *Sorry, I don't speak French: Confronting the Canadian crisis that won't go away*. Toronto: McClellan and Steward.

Macmillan, Michael. 1998. *The Practice of Language Rights in Canada*. Toronto: University of Toronto Press.

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