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**Senior Thesis**

## **Language Legislation In Quebec: A Way To Strengthen Democracy Or Strengthen The Independence Movement?**

### **Introduction**

Language is a significant factor for statehood. It creates a national identity, sense of belonging and on a practical level helps the government function. Linguistic minorities often seek institutionalization of their minority language on the local level. Since language is inherently political it's often impossible to separate language claims from national claims to territorial claims. Hence, any nation's policy towards a linguistic minority is guided by wariness about separatism before any other value. While much of the literature has focused on national and ethnic claims which language is a part of, not much has been written about language as a separate factor. Most literature considers language as part of national identity, but little is written about effects of language legislature. Neither is the recent increase in linguistic diversity of the western democracies given as much attention as racial and ethnic diversity. Unlike race and ethnicity, language presents a legitimate practical difficulty in participation in government in addition to its meaning for people's identity. This raises questions such as what language policy can both uphold democratic values and defend unity at the same time.

Quebec's case presents a fascinating example of institutionalization of French language in a majority English-speaking Canada. Starting from 1960s Quebec's government was able to implement policies that turned its institutions from a bilingual to officially French speaking unit within majority English speaking federation. The idea once viewed as radical was brought to reality. Along with the battle for its language, Quebec was also fighting for its independence calling two referendums with one of them failing with less than one percent of the vote. The parallels between Quebec's fight for independence and its language policy provide an interesting

case study with an opportunity to study the relationship between language policy and the push for secession of language minorities.

I hypothesize that more the Quebec is able to institutionalize French on the provincial level, less they will want to demand independence from Canada. Through my document analysis I find that the story of Quebec's independence battle and language legislation have a complicated relationship. My results suggest that stronger institutionalization of French language in Quebec decreases its desire to separate from Canada while challenges to its language laws results in stronger push for secession.

## **Literature review**

### **Political Theory and Language**

Kymlicka and Patten point out that while many other types of diversity have gotten attention in academia, less has been written about linguistic diversity (Kymlicka and Patten 2003). They discuss conflicts that have been fueled by linguistic differences as well as how different governments have addressed minority language rights (Kymlicka and Patten 2003, 4-8). One core issue of language policy is that government cannot pursue "benign neglect" - "refuse to do anything that would encourage or discourage particular linguistic choices by its citizens" (Kymlicka and Patten 2003, 9). While people are free to use any language they wish, government must function in some language; public services must be offered including public education. Thus, it's impossible to avoid "language establishment" (Kymlicka and Patten 2003). Kymlicka and Patten discuss several approaches and rights that contrast liberal approaches to language policy when there are groups speaking different languages in the same state. One is "norm and accommodation" approach. This is approach when country's most spoken language is used in the institutions and accommodations are made in special cases such as providing translator for a

defendant in court” (Kymlicka and Patten 2003, 10). “Nation-building approach” involves encouraging the minority to assimilate to the majority language (Kymlicka and Patten 2003, 12). While this approach is in many ways illiberal, it can also be argued that not speaking the majority language can limit the economic opportunities of a group. “Minority-language communities can become ghettoized when their members are unable or unwilling to master the majority language” (Kymlicka and Patten 2003, 12). On the other hand, for many groups language itself represents a cultural asset one cannot put an economic value on.

Grin discusses the idea of using economics to understand language policy. There are several ways language policy can be studied from economics as there are several ways one’s language impacts economic outcomes. Language skills can be marketable and provide a person with economic benefits (Grin 2003, 18). In some situations, one’s native language can be viewed as “ethnic attribute” which may have effect on person’s socio-economic status (Grin 2003, 14). One can be lucky to speak a more advantageous language as their native tongue. From a purely economic perspective, acquiring language skills is seen as an investment (Grin 2003, 18). It can cost money, take time but it usually does lead to better economic outcome as it’s a marketable skill. If everyone learns a more widely spoken language it can be more convenient for everyone. The author acknowledges that such economic analysis of language should be used to complement studies from other disciplines and economic perspective can be a useful tool (Grin 2003, 55). When governments make decisions on language policy they often face realities and limits of economy and try to balance that against other values. In Grin’s own words “economics constantly reminds us of limitations” and this is why it serves as a useful tool when it comes to language policy (Grin 2003 6). When French speaking Quebecers advocate for institutionalization of their language, they usually base their claim on the value of language itself

or importance of preservation of their culture. Often, they consider these values more important than the efficiency or economic benefit that might come with speaking the majority language. Quebec's position is that economic factors push towards assimilation in English, and it sees the need to protect French language with strong government intervention. Its methods seem to have some nation-building elements as well as insistence that French should be the norm and English should be accommodated.

Richmond analyzes the responses of the international community to the independence claims (Richmond 2002). In his view, the Westphalian model of state often fails to accommodate demand for multiculturalism and being unable to handle claims for sovereignty. "National sovereignty produces exclusion for non-homogenous identity groups through its concentration on the predominance of international security, its weakness in overseeing civil society through the inherent structure of non-intervention which arises at the interstate level" (Richmond 2002, 382). In other words, groups that want to address their sovereignty rights have no means to do that and thus they often turn to violence (Richmond 2002, 382). This is to some extent connected to granting minorities their language rights. Country deciding on language policy has to consider potential sovereignty claim from that group and is operating in the interest of maintaining unity and territorial integrity. Legislation towards Quebec in Ottawa is very much guided with the notion that wrong decision might result in secession.

## **Methods**

For my research methods I am employing a single case study of Quebec. I will be using document review including local and federal legislations, referenda and election results, news articles as well as writing of some political leaders.

Quebec case makes it possible to separate the language from other factors. French speakers have a wide community internationally, but separation of Quebec from Canada is not part of larger geopolitical struggle such as armed conflict. No other countries have laid claims on Quebec or attempted to support separatist movements within Quebec. Also, it's important that the issue of separatism and language preference is addressed through peaceful democratic means. This makes it possible to study the language and secession issues in democracy. In other words, it would be inapplicable to ask a question of how democracy should address the demands of language minority if there is no democracy. It would be especially difficult if we were dealing with situations with ongoing conflict where policy is so heavily impacted by major geopolitical events rather than language. For example, it would be hard to make a claim about effects of language policy in Ukraine because it can hardly be isolated from larger geopolitical context of the conflict and outside influence from Russia. At the same time, this makes the applicability of Quebec's case limited as it does not provide insight on situations where such conflicts are present.

### **Quebec Case**

Oakes and Warren discuss how Quebec created the idea of Quebec citizenship mainly by enshrining the status of French language in laws. While Quebec's language laws are often viewed negatively outside Canada, Oakes and Warren believe "Quebec has a lot to teach the world" (Oakes and Warren 2009, 3). They explore how Parti Quebecois has given importance to language and forged a Quebec identity by enshrining language in laws (Oakes and Warren 2009, 84). In the case of Quebec language is viewed not simply as an instrument of communication, but as part of identity. By creating this status of identity Quebec in 1970s designed legislation that enshrined this into law by not simply making French language of all government

institutions, but specifically declaring its preferred status over English. Quebec's approach conflicted with Canada's long-standing policy of bilingualism – giving French and English equal status. Canada, unlike the US, does not have “tradition of referring to citizenship at the provincial level” (Oakes and Warren 2009, 33). In other words, unlike the Americans who identify with their state and then federal government, Canadians mostly identify with Canada and don't give a big significance to province in their identity. This means that Quebec challenged not only the bilingual policy but also political culture in Canada's federalism.

Guenette and Mathieu discuss the supreme court cases that followed the passage of Bill 40 – legislation that attempts to remove elected school boards. In Canadian system of federalism local governments are “creatures of provinces”, meaning constitution does not grant them any power (Guenette and Mathieu 2022, 21). While pushing stronger for French language policy Quebec government ran into challenge from the constitution. Courts made it clear that while federal government grants Quebec large level of autonomy in its language policy, it is not free to fully abolish English from its institutions and pursue a unilingual society.

Binkovitz makes an argument that Quebec's language policy struggle is an example of compliance with international law (Binkovitz 2015). Since 1960s Quebec has passed several major legislations promoting French language that were challenged in courts (Binkovitz 2015, 231-235).at the same time, the UN Human Rights Committee's opinion stated that Quebec's law prohibiting non-French commercial signage was violating human rights (Binkovitz 2015, 244). In response to this opinion Quebec modified the law allowing “languages other than French on exterior signs so long as they appeared alongside a French translation, which had to be in a font at least twice as large as the non-French text” (Binkovitz 2015, 245). Thus, Quebec is more defiant of the federal government to which it has more direct obligations but is more careful

when it comes to violating international laws even though they might not have any binding power for them.

Pinard and Hamilton discuss the reason why the Parti Québécois, which advocated for independence got elected in Quebec in 1976 (Pinard and Hamilton, 1978). While Parti Québécois was majorly perceived as an independence party their performance in elections was not consistent with the popularity of independence. In other words, Parti Québécois were able to gain support among the Quebecers who don't support independence. The authors conducted a survey and discussed several factors including language that might have led to Parti Québécois' election. Their Survey juxtaposes the views on language and party association of Quebecers in 1976 election when Parti Québécois was first elected.

### **Rise of Parti Québécois: Independence Party or Language party?**

Quebec has a unicameral legislature called the National Assembly of Quebec. It is a British-parliament style system where leader of the party with the most seats become Prime Minister. It currently has 125 members elected with first-past the post bases. It can be described as two-party system (Paquin 2012, 16). Quebec liberal Party or -Parti Québécois have mostly been in power since 1970s until 2007 election when the two-party system was disturbed with the emergence of Action démocratique du Québec and later -Coalition avenir Québec (“Results...” 2023).

Parti Québécois was created from several independence movements. While many of them were militant, the leadership prioritized organizing into a party and pursuing their goals through legal processes on provincial level (Singer 1977, 5) They were first elected in 1976 with the promise of independence and strong push for protecting the French language. Parti Québécois

won 1976 election by going from 30% of popular vote and only 6 seats to 41.37% of popular vote and 71 seats. Parti Quebecois was successful at passing the legislation to make French the only official language of Quebec through bill 101. Bill 101, or Charter of the French Language, although several amendments have been made to it, remains the guiding legislation for French language in Quebec.

In 1980, the party called a referendum on whether or not Quebec wanted to separate from Canada. Only two fifths of Quebec's population supported separation. Only a year after voting against independence, Quebec reelected Parti Quebecois with higher support. In 1981 election, Parti Quebecois was not only able to stay in power, but both gain more seats in the National Assembly and get higher percentage of total votes than they had in 1976 election ("Results..." 2023). Since the Quebec's first-past-the-post and parliamentary system the leading party rarely has majority of the popular vote and we see differences in the portion of total votes gained by party and the portion of the seats in the legislature. For this reason, it's important to look at both the total percentage of votes – popular vote, as well as the number of seats won by any given party. Popular vote is more likely to give us an understanding of people's support for the party while the number of seats in the National Assembly is what ultimately translates to political power. Despite this difference, the inconsistency between vote for PQ and vote for independence on the referendum cannot be explained by the nature of parliamentary system alone.

In 1981 election Parti Quebecois was reelected and was able to increase their number of seats to 80 and popular vote to 49.26%. This was despite the 1980 referendum being rejected by 59% of the population. The support for Parti Quebecois which is largely seen as independence party and actual support for independence is not consistent. This means that there are other reasons why people voted for them.



Pinard and Hamilton attribute the initial success of Parti Quebecois in 1976 election to the party's dissociation with the radical side of independence movement (Pinard and Hamilton 1978, 745). According to the surveys they have conducted, Parti Quebecois was able to gain support within French Canadians who don't support independence and also don't consider it an important issue (Pinard and Hamilton 1978, 747). This suggests that advocating for independence did not help Parti Quebecois get elected, but it was rather its ability to focus on other issues instead of defining itself as independence party. Support for Parti Quebecois is not only separate from support for independence, but in some instances it's dissociation from independence that helps Parti Quebecois get elected. The question that arise is why do people vote for party that campaigns on independence, if they don't support independence?

Other findings of Pinard and Hamilton's study focus on how voters' attitudes toward language played a role in the election. Participants who were French Canadians were asked about their thoughts on how the English speakers as a minority in Quebec are treated. "Among French Canadians rejecting independence, those who thought the English were given more than their share were more likely to choose the Parti Quebecois (47%) than either those who said they were treated the same as others (26%) or that they were treated unfairly (27%)" (Pinard and Hamilton 1978, 766). In other words, people who rejected independence yet believed that English was unfairly favored were more likely to vote for Parti Quebecois than any other party. Here we see that many people were voting for Parti Quebecois for language. This explanation of Parti Quebecois's success explains why it got reelected after it was unable to deliver promises of independence but was able to deliver the most significant language legislation in Quebec.

Institutionalizing French language in Quebec, unlike independence, was something the party was able to deliver to the extent to which no other party had done so before. While election

of Parti Quebecois did not result in independence, they were able to pass Bill 101 in 1977 - a law which made French the official language of Quebec's government and courts. This legislation was a significant step towards legally making Quebec a French speaking society.

### **Beginning of language laws in Quebec: Legislations prior to election of Parti Quebecois**

While relatively few people speak French outside Quebec, Canada has always maintained that it's a bilingual country. Canadians perceived this idea of being bilingual country to be equal across the federation, as opposed to having a "French unit" inside a predominantly English federation. As soon as Quebec started passing Language legislations on the provincial level, they contradicted the way most Canadians viewed and took pride in bilingualism of their country.

Bill 63, Act to promote the French language in Quebec, was a law that attempted to promote French language in schools while still maintaining parents' right to choose the language of instruction. It was passed by Union Nationale – a party that identified itself with Quebec's autonomism. Section 2 of the bill stated that English instruction will be given to all children whose parents request so, but the schools must also ensure that these children obtain "working knowledge" of French ("Act to promote...", 1969). This meant that everyone must learn certain level of French in order to graduate high school, but everyone can choose the language of instruction. This was the first language law of Quebec declaring intent to protect French language.

Administering this law was not easy, while in theory it seemed to balance values of both populations, inequalities were inevitable. The bill created "French" and "English" schools. While lawfully any student was entitled to receive instruction in their chosen language, their desires could not always align with what's available nearby. Many parents bused children to schools

where they would learn in English when English school was not available nearby (“Language split”, 1969). Premier Jean-Jacques Bertrand was criticized from both sides. English speakers felt like they were discriminated against, while many of those who favored French language did not think this was enough (“Premier defends ...” 1969). Premier Bertrand defended the bill by saying “We owe something to the English-speaking minority which has contributed to the shaping and promotion of the Quebec entity” (“Premier defends..” 1969). He attempts to find a position in the middle and compromise with a language policy that satisfies both sides, but that proved impossible. First, the administrative challenges make it impossible for institutions to function without favoring a language. We see that despite legal right to choose language of instruction, providing equal opportunities in schools in two languages is challenging. Second, the sentiment of French speakers in Quebec is that English speakers have been a minority elite that have dominated their province, and their leadership endangers their culture. This is why Bertrand’s position of “owing something” to the minority English population was not received well. Quebecers don’t see any English speakers in Canada as minorities, but rather as historically enjoying privilege.

In 1974, The Liberal party passed Bill 22 which favored French in education and also declared it language of civil administration. It reversed the bilingual school system that Bill 63 had created by limiting the English instruction to those who already spoke English fluently (“Official Language Act 1974” CLMC). The law could effectively prevent the creation of “new” English speakers by either immigrants choosing to integrate within English society or French families sending their children to English schools. Section 40 states that “The language of instruction shall be French in the schools governed by the school boards, the regional school boards and the corporations of trustees” (“Official Language Act 1974” CLMC). Then it

addresses English instruction as exception rather than the rule. It states that school boards need permission from Minister of Education to offer English instruction which is given based on the number of English-speaking pupils within locality (“Official Language Act 1974” CLMC). Language in this law makes it clear that French is the official language of Quebec while English is accommodated for as opposed to both having same status.

Bill 22 is the first legislation with a broader linguistic claim rather than its use in one institution such as school instruction. Although it only applied to public sector of the provincial government, Section 1 read “French is the official language of the province of Québec” (“Official Language Act 1974” CLMC). All government documents would be in French and could be also accompanied by an English version (“Official Language Act 1974” CLMC). Businesses also had to adopt “francization programs” if they wanted to receive grants from the government (“Official Language Act 1974” CLMC). While it maintained access to English in many ways, it clearly declared French as preferred language of the Quebec, by giving it a preferred status in public sector and lightly encouraging in private sector.

Passage of Bill 22 revealed the disconnect between French-speaking Quebecers and the rest of Canada. Canada viewed itself as bilingual nation recognizing equal status for both English and French. Quebec’s actions were viewed as contradicting this policy and long-standing tradition. Media at that time showed criticism towards Quebec. Canadians from other provinces expressed their disappointment in the law and it was even described as “backward step” (Borders 1974). The main disagreement was not the use of French in any particular institution, but its declaration of the “the language” of Quebec with clear intent to prioritize it over English. For Quebec, it’s important to promote French culture as it’s in danger of disappearing without proper protections. As articulated scholars such as Kymlicka and Patten, Quebec much shared the notion

that nation cannot be neutral over language. While Canada claims to offer equal status for both languages uniformly across the country, Quebec sees this as endangerment of the French language. By taking neutral stance, Canada allows economic forces to take over endangering the language which is less economically beneficial to know.

Moreover, it's important to note that both Bill 63 and Bill 22 were passed under parties which held more moderate position on the French language issue and opposed independence. These legislations were criticized by nationalists as not doing enough to promote French language, but outside Quebec and outside Canada they were viewed as radical.

### **Bill 101**

Shortly after their election in 1976, Parti Quebecois was able to pass Bill 101 or The Charter of the French language. This was the first legislation that legalized the claims on the official language of Quebec and the importance of maintaining it to protect their unique French culture. The previous legislation was only focused on education or the public sector as opposed to making claims about the language of all Quebec. Bill 101 made French the language of everyday communication, in education as well as public and private sectors. It went as far as requiring businesses to provide their services in French and even prohibiting employers from requiring knowledge of any language other than French. Companies must “take all reasonable means to avoid imposing such a requirement.” (R.S.Q., chapter C-11, s.46). This law caused a lot of international attention and criticism from around the world as it impacted the international companies in Quebec. This legislation both declared French as higher status and brought comprehensive policies in transforming Quebec's public and private sectors towards French speaking society.

Before the Bill 101 was passed, Quebec Government issued a White Paper declaring Quebec as a French speaking society and explaining why it sees the need of intervention. While the intent of the legislation as well as the political position of Quebec is clear from the Bill 101 itself, the white paper directly states that Quebec is French speaking society it intends to defend that status. It also articulates the goals of protecting Quebec's culture that can be traced back to the independence movement of 1960s when it was starting. Issued in 1977, the document described the present state as the state of urgency. It claims that with the "population trends continue, there will be fewer and fewer French-speaking Quebecers" (White paper 1977). It makes reference to Quebec's history of being dominated by English speaking elite who have always held higher economic status (White paper 1977). As a result it describes situation in Quebec as one where "English is language of business" while French is mainly "language of inferior jobs and lower income" (White paper 1977). This document expresses how Quebec viewed itself under the Canada's bilingual system and that it intended to change that.

This paper outlines the main point of disagreement between what Canada's bilingual system offers French speakers versus what they want. "What French-Speaking people want has nothing to do with "translated from the English" which policies on bilingualism wish to guarantee. It is a matter of protecting the existence of an original culture and developing it to its fullness" (White Paper 1977). This is similar to Oakes and Warren's description of Quebec's pursuit for not simply French language but also quality of French (Oakes and Warren 2009, 84). For Quebecers French language is part of culture, political status. Simply having access to all parts of public and private sector in French is not enough. In other words, it's not simply that person only speaking French is able to participate in all economic and political activities as citizen, but that the state politically identifies and defends French language as part of culture.

Bill 101 was seen as win for the French speaking people in Quebec. They were able to successfully instill in law the protections for their language. Although it's been amended several times, Bill 101 remains the basis of Quebec's legislation making it a French province. Separating as a state was never a goal, but rather means to achieve what the proponents of independence claimed could not be achieved within institutions of Canadian Federation – that is protecting and preserving the French speaking culture in Quebec. “Quebec saw the establishment of a national state as the only means by which their French culture could survive” (Hagy 1971, 56). This is articulated by Lévesque in his writings. In his book he wrote that “Quebecers could only feel at home if they speak French” and French could only survive if Quebec achieved sovereignty (Hagy 1971, 56).

Similar description of the Quebec's independence issue is articulated by Wellman, stating that Quebecois mainly “cite the ways in which political independence would enable them to preserve and strengthen their distinctive francophone culture” as opposed to other groups in similar situation which claim annexation or fear of human rights abuses to justify independence claims (Wellman 2012, 95). Without the fear of such abuses, the only threat Quebec feels is succumbing to Anglophone culture and losing their unique French speaking culture. With this threat eliminated by policy such as Bill 101, the urge to separate from Canada fades away.

Despite many critics seeing this legislation as radical, for the French speaking majority in the province, Bill 101 was putting in law what was already a fact. This policy was not a diversion from values majority of the Quebec's population held. While Bill 101 was criticized outside Quebec, it was to large extent instilling in law what was already perceived as fact by the French speaking majority in Quebec. In other words, Parti Quebecois did not turn Quebec into French speaking society, but rather made a legal declaration of this fact. In their perspective, English

was imposed on them and their unique culture was at threat under the system of English institutions.

The fact that Bill 101 was not a radical idea but rather accepted reality for most French speakers in Quebec can be observed through study done by Bourhis on how Bill 101 affected people's language usage and attitudes in Montreal (Bourhis 1983). "[W]ith Quebec now officially French, numerous QFs may feel proud to assert their ethnic identity by maintaining French when interacting with QAs. On the other hand, with Bill 101 QFs may feel completely reassured about the survival and prestige of French in Quebec and consider ethnic assertion through language maintenance unnecessary" (Bourhis 1983, 167). They conducted a study in Montreal surveying groups of 65 English and French speaking university students on their language usage. The conclusion was that after the passage of the bill 101 the usage of French increased among English speaking population. However, usage of both French and English remained same within French speaking population (Bourhis 1983, 171). It seems like English speaking population who are majority in a minority were willing to accommodate increasing usage of French as opposed to French speaking population who were less willing to make any compromise in favor of English. It also shows that French speakers' behavior did not change but rather got institutionally recognized. In other words, by instilling in law what was already a fact in society, Quebec's laws became more aligned with the values of its society.

### **Quebec language regime after 1982 constitutional amendments**

Despite causing controversy from other provinces as well from the federal government, Quebec's language regime did not confront many constitutional or legal challenges (Green 1999, 455). While Quebec in many ways directly opposed Canada's bilingual policy, there wasn't a legal framework to oppose Quebec's legislation. The statutes maintaining equality of status of



both languages only applied to the federal government. The freedom of speech guarantee in the 1960 Canadian Bill of Rights applied only to the federal government, section 45 and Section 93 bestowed upon provincial governments the constitutional authority over education (Green 1999, 455). The 1969 official languages act maintained that Canada had two official languages and both French and English were to enjoy equal status within all institutions of federal government (Official Languages Act 1969, CLMC). While this served as the basis for Canadian tradition of bilingualism in which many Canadians took pride, it did not have any teeth against provincial governments. As a results Quebec face criticism all around nation, but legally it did not violate any federal policies.

This changed in 1982 when the Canadian constitution was repatriated, and the Charter of Rights and Freedoms commonly called Canadian Charter was added despite Quebec's opposition to it. While Canada had functioned as sovereign nation with only formal ties to Great Britain, amending the constitution of Canada still required permission from British parliament. This was largely seen as an outdated system disconnected from reality. In 1982 the government changed this with what was called the Constitution Patriation Project. While the repatriation of the constitution was not controversial, the federalist prime minister at that time Pierre Trudeau decided to add the Canadian Charter of Rights and Freedoms to the constitution. This was a bill of rights style list of rights in the constitution that would make all provinces bound to honor the rights, centralizing power, and making the protections more uniform across the nation (Morton 1995, 175). This measure was opposed by eight out of ten provinces including Quebec (Green 1999, 179). Attempt to enforce rights in a more uniform way was partially response to Quebec's passage of referendum (McWhinney 1984, 242; Green 1999, 455). After long negotiations, seven provinces agreed on the compromise that a notwithstanding clause would be added. Section 33

notwithstanding clause would allow province to pass the law and declare that it will enforce it despite knowing that it violates the Charter, but such declaration would have to be passed every five years (The constitution Act 1982). Despite this, Quebec officially opposed the amendment, but Trudeau was able to obtain opinion from Supreme Court stating that approval of Quebec was not needed (Objection by Quebec... 1982).

The major problem of Quebec with what the Charter would do to the language regime Quebec had developed for the past two decades. Charter declared that English and French are both official languages of Canada and have equal status (The constitution Act, 1982). This threatened constitutionality of Quebec's language regime which had explicitly prioritized French over English. "The adoption of the Charter pushed policy questions that were once the exclusive preserve of provincial legislatures into the courts" (Morton 1995, 188). It would leave Quebec's language laws in the mercy of the Supreme Court. After 1982, Quebec had a different fight for its language rights having to go through litigation to defend its language laws.

The Canadian Charter led to supreme court cases that struck down parts of Bill 101. Most notably Quebec v. Quebec Protestant School Boards, where Supreme court ruled in favor of minorities' rights to choose their language of education (Green 1999, 456). The decision effectively struck down Bill 101 policy of restricting English instruction. Ford v. Quebec in 1988 declared the requirement of French only commercial signs unconstitutional (Green 1999, 456). Quebec's response was Bill 178 which made compromises but invoked the notwithstanding clause (An Act to Amend..., 1988). Five years later in 1993, it was replaced by Bill 86 which made compromises on education and signage bringing the province to compliance (Green 1999, 469). It was clear that the courts were not allowing Quebec to pursue its desired language legislation.

## **Return of Parti Quebecois and second referendum**

In 1994 Parti Quebecois came to power again and was able to get higher support in the referendum. In this term, their battle for French language was different. Instead of drafting legislation and dealing with the policy on the provincial level, they had to fight the federal government in defending their language laws. This led to more separatist ideas. Hence the referendum got more support. In 1995 Quebec was able to pass another referendum and this time it got more support. Unlike the previous one, this only failed by one percent.

This time, the people of Quebec voted against independence by a small margin of less than one percent. 50.58% voted against the independence measure. While the referendum still failed, this referendum reflects Quebec's stronger leaning towards independence compared to 1980. This referendum also had a higher turnout rate of 93 percent compared to 85 in 1980. There were also differences in the way the question was asked on these referenda. Despite being portrayed as such in the news, the referendum of 1980 did not directly ask that Quebec become a sovereign nation. Quebecers in 1980 would see a rather lengthy question at the ballot asking them their mandate to negotiate a new agreement with Canada. The ballot read the following in both English and French:

*“The Government of Québec has made public its proposal to negotiate a new agreement with the rest of Canada, based on the equality of nations; this agreement would enable Québec to acquire the exclusive power to make its laws, levy its taxes and establish relations abroad – in other words, sovereignty – and at the same time, to maintain with Canada an economic association including a common currency; no change in political status resulting from these*

*negotiations will be effected without approval by the people through another referendum; on these terms, do you give the Government of Québec the mandate to negotiate the proposed agreement between Québec and Canada?” (Referendum 1980)*

The ballot in 1980 uses the word sovereignty rather carefully and maintains that Quebec would continue to have relationship with Canada. At very least, the relationship between this new nation of Quebec and Canada would not be same as that of Canada and other sovereign nations and neither a Canadian province but rather something in between. It also made clear that Quebec government was seeking a mandate from people to negotiate, and no immediate change of status would occur from this referendum. In fact, the constitutionality of secession was also in question at that time. Quebec would have likely used the referendum as a basis to argue that it has right to separate, but there is no right for provinces to secede from Canada.

The referendum in 1995 asked a shorter more direct question. This time the ballot read:

*Do you agree that Québec should become sovereign, after having formally offered Canada a new economic and political partnership under the bill respecting the future of Québec and the agreement signed on June 12, 1995? (Referendum 1995)*

The tone here is less apologetic, more direct. It describes that Canada will be offered a new economic and political partnership but seems very certain that Quebec does not owe Canada anything and certainly does not need its permission to become sovereign. Even with stronger wording, 50.58% percent of Quebecers voted yes (Referendum 1995). After the laws of Quebec were challenged the people both elected Parti Quebecois again and voted for independence in higher numbers.

Such a close referendum has led to the realization in Ottawa that a wrong approach towards Quebec could lead to its loss. The litigation on the language issues continues, but there isn't a strong push for independence as Parti Quebecois remains in minority.

## **Results**

The data on the 1973 and 1976 elections seem to support my hypothesis that institutionalization of language does lead to less support for independence. It seems like the main idea driving independence is that Quebec's unique French speaking culture is threatened in majority English speaking Canada. Independence is seen as a means to protect this culture. If language is institutionalized and protected through provincial laws, there is no need for independence. Language was an issue that led to the success of PQ rather than its radical position on independence. Parti Quebecois got elected largely on the notion of independence. However, they failed to achieve independence, but manage to pass the most significant legislation making French the official language of Quebec.

The document analysis shows a common theme in a way Parti Quebecois pushes for independence. Their claims always come from language. Dating back to the beginning of PQ as a movement before it was a political party, Leveque framed independence issue through the issue of language. Quebec needed independence not because being part of Canada is inherently bad, but rather because it does allow Quebec to fully express its uniquely French identity.

## **Conclusion**

The period from 1960 to 2000s saw the rise of Quebec's French identity and response from the Canada to it. Parti Quebecois came to power largely with the promise of bringing independence to Quebec, however this independence was not baseless. In other words, PQ did

not claim independence to claim independence. Even before PQ was a political party Lévesque had articulated his visions of French society in his writings. Initially Quebec's independence movement worked under assumptions that Quebec could not realize these visions of French society in within Canada, hence their desire to separate. After coming to power and succeeding in language policies, Quebecers did not support independence with much enthusiasm. In 1982, when the constitution changed and what seemed like a secured legal protection for their language were left on the mercy of Supreme Court, Quebecers realized again that they might not be able to defend their language within Canadian Federation. In the second referendum they came very close to voting for separation. The case study of Quebec shows that when there are democratic means to institutionalize language, minorities are less likely to demand independence. For Quebec independence was means to achieve their goal of having French speaking society rather than goal.

## **Discussion**

Quebec has a lot to teach the world. There are several insights that can be drawn from Quebec's case about broader theories for language and secession. It shows how in a democratic state, when given proper channels, a minority can address their demands and by doing so eliminate the need for secession. Rise of independence movement and its transitioning into a political party in Quebec has been seen as rather unique case given that demands for secession are often associated with conflict and human rights violations. While violence has not been completely absent in the history of tensions between Quebec nationalists and their opposition, its transition towards officially French-speaking unit has been relatively peaceful. Quebec's independence movement, albeit a radical one, chose to form as a political party and address their demands through legal processes. While still openly advocating for independence claiming that

they don't have chance to protect their language inside Canada, Parti Quebecois did not abandon the legal channels provided to pursue their desired policy. When Quebec passed laws that protect its language, they were not received well but they did not face many legal challenges at the beginning which lessened the desire for secession. By allowing the minorities to institutionalize their language at the local level, states can avoid separatism.

However, we must not be quick to proclaim Quebec's case as the example for all language minorities to follow without considering ways in which it's unique. First, dating back to Lévesque's writings the reason why Quebec's independence movement desired secession was because they didn't believe they could protect their language within Canada. This makes Quebec unique if we discuss it in terms of broader theory of language and secession. In purely theoretical sense, it tells us that language institutionalization does remove the desire to secede. However, for Quebec language institutionalization is the goal and secession is the means – if former is achieved without the latter, the independence movement loses meaning. Institutionalizing language might not be the only goal for other secessionist movements. Quebec does not have long history of statehood predating Canada; neither is there widely held belief that it's current status was a result of conquest or imperialism. In other case language claims can be accompanied with stronger territorial and sovereignty claims. While for Quebec sovereignty is a tool to escape Canada's constitutional demands of bilingualism, for others the fact of being a sovereign state may be the goal.

Second, related to the first is the need for democratic institutions with a fair amount of legitimacy. As I've mentioned one of the keys to success for Quebec's peaceful transition was the fact they worked through the institutions and followed legal processes. Despite their obvious disagreements with it, Quebecers trust the fair elections and legal processes of the federation

enough that they are willing to work through them. This makes Quebec an exception rather than rule for independence movements worldwide.

Another benefit of studying Quebec case is that it pinpoints the effects of language in a democratic state. This is relevant because number of immigrants in the developed nations is increasing. Modern day immigrants compared to those in the past are able to maintain their language for several generations due to internet and easy travel. This means that as the west becomes more diverse racially and ethnically it's also becoming more diverse linguistically. This shows the need for more research on how democracies can approach linguistic diversity.



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