

French Language Minority Education: Political and Pedagogical Issues

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With the adoption in 1982 of Section 23 of the *Canadian Charter of Rights and Freedoms*, political and pedagogical issues of official minority language education have once again become topics of heated debate. This paper examines both political and pedagogical issues, and presents their implications for the implementation of French-language minority education in Canada.

Avec l'adoption en 1982 de la section 23 de la *Charte canadienne des droits et libertés*, les questions politiques et pédagogiques ayant trait à l'instruction des minorités linguistiques officielles soulèvent de nouveau des discussions animées. Cet article, qui traite à la fois de questions politiques et pédagogiques, brosse un tableau des répercussions de l'implantation de programmes d'enseignement destinés aux minorités francophones au Canada.

If official bilingualism fails in its promise of providing basic and fair English-French choices across Canada, it will matter very little how many bilingual public servants can dance on the head of a pin in Ottawa or what pedagogical wonders are performed in French immersion: a major *raison d'être* of Canadian bilingualism will have gone, probably forever. (Beaty, 1987, p. 35)

The 1982 adoption of the *Canadian Charter of Rights and Freedoms* and consequent changes in the *British North America Act* of 1867 have once again raised the question of French- and English-language education policy. Section 23 of the *Charter* requires each provincial government to provide instruction in the official minority language. However, the provinces have not understood the principles underlying Section 23 in the same way; provincial differences in application of those principles are both political and pedagogical. Elected officials' interpretations of legal requirements for minority-language education have often been pedagogically wanting.

POLITICAL ISSUES

Socio-Historical Context

In 1986 Canada's population was 25,309,330, with 6,159,740 people

claiming French as their mother tongue. The vast majority of these Francophones resided in Quebec; less than one million (842,815) lived in other provinces. Citizens claiming English as their mother tongue were the majority in all provinces and territories of Canada except Quebec, whose 580,030 Anglophones constituted but 12% of the provincial population (Statistics Canada, 1986).

French Canadians' resistance to assimilation and to restrictions on the French language date back to settlement days in the seventeenth century. The 1963 national inquiry on bilingualism and biculturalism sought to diminish the resultant socio-cultural tension. One of its recommendations gave rise to the *Official Languages Act* (1969), making Canada officially bilingual and giving French and English equal status in Canada's Parliament and in federal government agencies and institutions. The revised *Official Languages Act* (1988) reaffirms federal government commitment to bilingualism and brings federal language policy into line with the *Canadian Charter of Rights and Freedoms*.

Minority-language education rights were not written into the *British North America Act*: education was considered a matter of provincial jurisdiction. At Confederation, the *BNA's* Section 93 protected English-language schools in Quebec and French Catholic schools outside Quebec. Quebec's Protestant community (almost entirely English) soon organized its own schools; not so French Catholics outside Quebec. Court decisions and provincial legislation restricting the use of the French language, and an influx of immigrants in western Canada after 1900, led eventually to new interpretations of French minority educational rights.

There is far less public support for minority language services in western Canada than in the east. A 1987 survey showed a majority (61%) of westerners supported provision of federal services in both official languages but only a minority (41%) agreed with such provision at the provincial level (Canadian Facts, 1987). Educational services for minority Francophones are in some provinces virtually non-existent; in the past some provinces actively pursued assimilationist policies forbidding the use of French in schools.

This is the socio-historical and political backdrop to the adoption in 1982 of Section 23 of the *Canadian Charter of Rights and Freedoms*.

Section 23: A Definition and Interpretation

The courts have often interpreted Section 23 on historical lines. According to the Supreme Court of Canada in the *Quebec Association of Protestant School Boards et al. v. Attorney-General of Quebec* (1984):

This set of constitutional provisions was not enacted by the framers in a vacuum. When it was adopted, the framers knew, and clearly had in mind, the regimes governing the Anglophone and Francophone linguistic minorities in various provinces in Canada so far as the language of instruction was concerned. They also had in mind the history of these regimes, both earlier ones . . . as well as more recent ones . . . (Foucher, 1985, p. 321)

The Constitution's framers believed Section 23 set a standard for equality in the treatment of official minority-language education rights:

. . . to adopt a general rule guaranteeing the Francophone and Anglophone minorities in Canada an important part of the rights which the Anglophone minority in Quebec had enjoyed with respect to the language of instruction before Bill 101 was adopted. (Foucher, 1985, p. 323)

One cannot overestimate Bill 101's influence on Section 23 of the *Charter*. The similarity of wording in the Quebec legislation (ss. 72 and 73 of Bill 101) and in Section 23 supports the conclusion that Section 23 was drafted with Quebec in mind (Anderson, 1984).

Recent legal interpretations (Bastarache, Braën, Didier, & Foucher, 1986; Foucher, 1985) indicate Section 23 was intended to encourage affirmative action to reduce linguistic assimilation of Francophones outside Quebec. Foucher (1985) claims: "Section 23 is intended to protect children whose parents' mother tongue is the minority language from assimilation, and to permit this minority group to win back the children of those who received their primary education in the minority language" (p. 322).

The Chief Justice of the Supreme Court of Canada recently stated that the general purpose of Section 23 is to preserve and to promote Canada's two official languages and their respective cultures (*Mahé et al. v. Her Majesty the Queen*; 1990, March).

PEDAGOGICAL ISSUES

The Influence of Socio-Cultural Factors

Bilingualism is not only a political expedient but also a social phenomenon. Factors contributing to linguistic assimilation or to bilingualism are sociological (political, economical, demographic), psychological (aptitude, motivation), and pedagogical (the school milieu). Lambert's (1975) theoretical framework helps explain these divergences. According to Lambert, the addition of a second language without the loss of one's first language and/or culture is *additive bilingualism*. This type of

bilingualism is generally acquired by the ethnolinguistic majority group, for example, Anglophone students in immersion programs. For individuals in the linguistic minority, acquisition of a second language may lead to *subtractive bilingualism*, where exposure to the dominant language may cause loss of one's first language and culture. Problems of ethnolinguistic identity may arise in a subtractive context (Lambert, 1977; Taylor, 1977), and subtractive bilingualism can lead to "semi-lingualism" where the individual is cognitively impaired by incomplete mastery of both languages (Cummins, 1978, 1979; Skutnabb-Kangas & Toukoma, 1976).

Educational Structures

The 1981 *Census of Canada* (Statistics Canada, 1981) indicated that Francophones completed less schooling than Anglophones. Twice as many Francophones as Anglophones had not completed grade nine (30% as compared to 15%), and fewer finished a university degree (6.1% as compared to 9.1%). An Alberta Advanced Education study (1984) found that postsecondary students whose parents had French as mother tongue participated less (25.8% French as compared to 30.2% English) than any other group except First Nations persons.

Francophones may underachieve because they receive low levels of educational services in their mother tongue. Churchill, Frenette, and Quazi (1985) reported that Francophones in bilingual or mixed schools¹ do less well academically than their Anglophone counterparts and are often linguistically assimilated. Carey (1987) recently found that minority Francophone students in senior high mixed programs have fewer English and French reading comprehension skills than Anglophones in either a mixed or an immersion program.

Schooling in one's first or second language will have different effects depending on the ethnolinguistic vitality of each of the linguistic communities and on the quantity and quality of linguistic contacts in the first and second languages. Researchers (Landry, 1985, 1987; Landry & Allard, 1987) propose a counterbalance model of bilingual experience for minority-language children. This model calls for children to be schooled unilingually in their mother tongue to counterbalance the domination of the second language in the larger milieu. Research indicates that minority children educated mainly in their first language not only better maintain their mother tongue but also learn the second language at least as well as minority children schooled exclusively in the second language (Cummins, 1984, 1986; Hamers & Blanc, 1983; Landry & Allard, in press; Skutnabb-Kangas, 1984). Cummins (1978, 1984,

1986) hypothesizes that minimal linguistic proficiency must be reached in both languages for bilingualism to have positive cognitive consequences. Due to the linguistic assimilation of generations of Francophones, parents of minority French-language children are often imperfect linguistic models, since they speak a mixed language that shows majority-language interference (Beniak, Carey, & Mougeon, 1984). The first-language skills of a minority-language child may be less well established than those of a child whose parents' first language is that of the majority. Schooling in the mother tongue is therefore essential to the minority-language child to ensure equal educational advancement.

For the French minority outside Quebec, linguistic assimilation is partly an effect of educational provision. The Ontario Court of Appeal, like the Royal Commission on Bilingualism and Biculturalism, found that Francophone linguistic assimilation was caused principally by limited possibilities of obtaining instruction in French, and concluded for new rights under Section 23 (*Education Act of Ontario and Minority Language Education Rights*, 1984).

Magnet (1987) goes further, arguing that mixed schools are harmful to the linguistic minority child:

Mixed schools are principal institutions of French education in Anglophone Canada. They are cauldrons of assimilation. Courts, legislatures and executive commissions have found independently, on the basis of extensive expert evidence, that the grouping of Anglophones and Francophones together in mixed schools is harmful to the linguistic minority child and community and leads directly to assimilation. (p. 31)

Research (Churchill, Frenette, & Quazi, 1985; Landry & Allard, 1987) indicates that outside Quebec, English so predominates that even when Francophones receive instruction in French, they identify with the majority linguistic group. Francophone children in mixed or immersion schools perceive their language to have less political, economical, and social status than does English. Porter, Porter and Blishen (1982) affirmed:

The Francophones in the English schools are constantly aware of their minority status, feel inadequate compared to their English-speaking peers, have a low academic self-concept and do not feel themselves capable of doing university work. The Francophones in the French-language schools, on the other hand, can forget about their minority status in the province, since it does not infringe on the classroom. (p. 269)

It is a common myth that Francophones need attend bilingual or

mixed schools to learn English. On the contrary, Porter, Porter and Blishen (1982) found that Francophone students in French-language schools think they are better in English-language skills than their counterparts in homogeneous English schools. Although this finding may appear discordant, it is important to remember that language is “mapped onto” conceptual development: students who understand concepts well in their first language will easily learn corresponding vocabulary in the second language.

Francophone parents, in any case, often have little choice in their children’s schooling. In many provinces, immersion programs have been the only source of French-language instruction. Some provincial governments—for example, Alberta in 1984—only reluctantly distinguish between French second-language and French first-language programs. The Alberta government’s policy was to treat all minority languages similarly. “French-language programmes might be offered, but they were to be open to all language groups” (Aunger, 1989, p. 218).

IMPLICATIONS

The Definition of French-Language Instruction

Educational planners and administrators have had repeatedly to decide if French immersion conforms to the *Charter’s* intent. Some take “instruction in French” in Section 23 to mean immersion programs ensure the rights of the French minority, and others that the language rights criterion is satisfied by the presence of anglophone students in immersion programs.

Section 23 was not intended to guarantee the majority the right to education in the minority official language. French immersion programs are designed for English-speaking persons learning French as a second language and cannot be considered to uphold *Charter* rights of the Francophone minority. Further, a recent B.C. court judgment (*Wittington et al. v. Board of School Trustees [Saanich]*, 1987) confirmed that French immersion programs have the status of a privilege and not a right.

An important question in the fulfillment of French-language minority education rights is the meaning of “where numbers warrant.” In Quebec, that number has generally been defined as one; a Nova Scotia judge deemed that 50 students were insufficient for a French school; in Alberta, a recent request in St. Paul from Francophone parents for a school with 118 signed-up children was refused. The problem lies in the distinction between entitlement and demand. Do Section 23 parents have to show demand for Francophone schools? Constitutionalists (for

instance, Magnet, 1989) say only entitlement need be shown, whereas provincial legislatures and school boards require sufficient demand. The court of appeal judgment in *Mahé et al. v. Her Majesty the Queen* (1987) places the burden of proof on the parents.

Many school boards interpret "minority language educational facilities" to mean distinct programs for Francophones in existing educational facilities. Some support French first-language instruction in the schools, but see the call for separate educational establishments as racist. But since English- and French-speaking pupils in the same schools experience linguistic interference and minority-language group assimilation, the claim for separate schooling is culturally justified and is not racist. Recent court judgments and interpretations also support homogeneous schools for the linguistic minority group. For example, Foucher (1985) says "the goal of section 23 was to give linguistic minorities the rights it entrenches in relation to instruction in their language, which rights also imply an environment and values transmitted through instruction . . . immersion cannot meet this objective" (p. 337).

Although linguistic minorities' right to more than bilingual or immersion schools is recognized in principle, the application of that right raises problems of interpretation for provincial governments and for local school boards.

The Community Role of French-Language Schools

A key component in any definition of French-language education is the relationship between language and culture. The *Report of the Royal Commission on Bilingualism and Biculturalism* (1969) noted that "Language is also the key to cultural development. Language and culture are not synonymous but the vitality of the language is a necessary condition for the complete preservation of a culture" (p. 8). Using Francophones' definitions of French-language schooling, Foucher (1985) identifies two characteristics: "it is designed for children whose mother tongue is French, and it is intended to strengthen the minority group's cultural identity" (p. 340).

On the cultural role of the school in the Francophone community, the *Report of the Ministerial Commission in Ontario on Secondary Education in French* (1972) states:

L'école tient une place centrale dans la vie culturelle de la minorité linguistique. Par conséquent, il est important pour l'épanouissement culturel de la population francophone que les écoles jouent la part la plus complète dans ce domaine. Les écoles de langue française doivent vraiment être des écoles au

service de la communauté, facilement accessibles à l'ensemble de la population, appartenant au groupe linguistique pour lequel elles ont été créés. (p. 51)

The conception of a community school as a school that strongly links education, language, and the community, is necessarily interwoven with the concept of "minority language facilities" as stated in Section 23 of the *Charter*. The school is often the only public milieu in which minority Francophones can share their language and culture.

Francophone parents may see a "centre scolaire communautaire" as essential to ensure the Francophone community's ethnolinguistic vitality. Such centres have been established with federal funding for Franco-phone minorities in New Brunswick, Nova Scotia, and Prince Edward Island.

Governance by the Official Minority Group

The main issues in official minority-language education include both the homogeneity of schools and the right to participate in their governance. French minorities' lack of effective control of French-language education and facilities is a principal cause of assimilation. Several constitutionalists (Bastarache et al., 1986; Foucher, 1985; Magnet, 1987), believe the right given in Section 23 includes establishing "criteria for access to minority language schools as well as the definition and management of the schools" (Foucher, p. 8). The Ontario Court of Appeal confirmed this interpretation in *Reference re Minority Language Educational Rights*:

Provincial legislatures, the Court said, have the duty to design educational facilities which can be said to be of, or to appertain to, the linguistic minority in that they can be regarded as being part and parcel of the minority's social and cultural fabric. The minority educational system must provide education of equal quality to that given to the majority. It is doubtful that linguistic mixing in instructional facilities can survive this ruling, and equally doubtful that the linguistic majority can continue to use its control of school governing structures to determine this issue against the linguistic minority. (Magnet, 1987, p. 31)

Political authorities outside Ontario, Quebec, and New Brunswick have only begun to contemplate allowing Francophone parents to manage and to control educational facilities. In Alberta, although Section 23 cases (Mahé et al., 1985; Mahé et al., 1987) recognized Francophone parents' right, where numbers warrant, to "a degree of exclusive management and control over the education of their children" (Purvis judgment rendered in 1985 in *Mahé et al. v. Her Majesty the Queen*), the provincial government has not shown leadership on this issue.

The Supreme Court of Canada's judgment in the appeal of *Mahé et al. v. Her Majesty the Queen* (1990) indicated that,

where the numbers warrant, minority-language parents possess a measure of management and control over the educational language facilities in which their children are taught. Such management and control is vital to ensure that their language and culture flourish. It is necessary because a variety of management issues in education, e.g., curricula, hiring, expenditures, can affect linguistic and cultural concerns. (p. 22)

This judgment upheld previous ones offering a measure of management and control to minority-language parents. The judgement makes clear that provincial governments are obliged to enact "precise legislative schemes that provide for minority language instruction and educational facilities where numbers warrant" (1990, March, p. 42); however, the Chief Justice did not outline how minority-language group management and control might be accomplished.

The Judicializing of Education

A survey of minority-language education in Canada since 1982 shows that many provincial authorities do not provide effective minority-language education in the letter and spirit of Section 23. Discrepancy between constitutional provisions for language rights and the actual practice of these rights has led to legal proceedings. This has produced what MacKay (1987) called "the judicializing of education." As of 1988 March 15, thirteen court cases on Section 23 of the *Canadian Charter of Rights and Freedoms* have been heard (Foucher, 1988).

Aunger (1989) believes "recent linguistic problems in Western Canada, and particularly in Alberta, are rooted in an important divergence between law and practice, between legal rights and political attitudes" (p. 203). This divergence has forced many Francophone parents to take strong action (for example, the *Mahé et al.* cases against the Alberta government and the "Société des parents pour les écoles francophones d'Edmonton" sit-in in the spring of 1988 to protest the Edmonton Catholic School Board's decision not to implement a homogeneous French-language school at the secondary level). As Magnet (1987) affirms: "Litigation in the education sector is inescapable for the Francophone minorities in the near future" (p. 31).

Courts' decisions have generally embodied political consensus in the provinces from which they came (*Commission des écoles fransaskoises et al. v. Saskatchewan*, 1988; *Mahé et al. v. [Alberta]*, 1985, 1987). These decisions have been inconclusive, with the courts refusing to impose on provincial governments obligations regarding educational policy. They have allowed provincial legislatures to differ in their interpretation and

implementation of the constitutional rights defined in Section 23. Foucher (1988, p. 1) thinks the judiciary attitude deprives Section 23 of its judicial effectiveness and returns the minorities to the political battlefield.

The recent (1990, March) Supreme Court of Canada judgment in the *Mahé et al.* case against the Alberta government on the governance issue does not necessarily lessen the likelihood of judicial action by minority Francophone parents. Although this judgement ensures minority management and control, the degree of management and control will depend upon the "numbers warrant" provision of Section 23. Several questions remain: What number of students warrants French-language instruction? What number of students warrants a separate educational facility? What number of students should be necessary if the minority is to gain representation on the school board? What number of students warrants the creation of independent Francophone school districts? Should provincial legislation fail to satisfy the Francophone community, the courts would once again become the stage for the interpretation of provisions on official minority education rights.

CONCLUSION

Beaty (1987) warns that Canada must act swiftly if it is to avoid "declaring collective bankruptcy" on the issue of minority-language education. Educators should worry when political questions entirely overshadow pedagogical ones. In western Canada and particularly in Alberta, politicians prefer to avoid the issue of French minority-language education. Unfortunately, this attitude abets local school boards that provide few or no educational services to their French linguistic minority. Further, the political and emotional colouration of the language issue leads school administrators to oversimplify and to decontextualize the question.

For Francophones outside Quebec, minority-language education rights imply equality of educational opportunity and attainment, linguistic survival, and reinforcement of cultural identity. Research literature shows the consequences of schooling that does not consider the linguistic, cultural and educational needs of linguistic minorities: underachievement, low self-esteem, linguistic assimilation, and cultural ambivalence.

I have argued for administrative structures that provide homogeneous French-language schooling, establishment of facilities by and for the minority that allow minority governance, and schools that allow the French community to identify with the school. Just as an individual's

attitude determines her or his success in second-language learning, so the attitude of the majority will decide the fate of French linguistic minority groups outside Quebec.

NOTE

- ¹ Le Blanc (1988) defines a mixed school as one where Francophone and Anglophone students receive instruction in their respective languages but are housed in the same facility. The author also considers a mixed school to be one which houses in the same facility both an immersion program and a Francophone program.

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