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Language Regimes in Canada and in Quebec: From Competition to Collaboration?

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Abstract

The paper discusses the capacity of the Canadian and Quebec language regimes to accommodate the country's two main languages, English and French. Most studies of language politics focus on the nature of Quebec and Canadian nationalisms. In contrast, this paper argues that it is necessary to look at the administrative and institutional legacies in which both regimes have evolved and continue to do so. A more contextual approach to the development of language regimes in Canada and in Quebec could provide new ways of looking at the nature of state intervention in the area of language policy-making and planning more generally.

Introduction²

The specificities of the Canadian and Quebec language regimes have been greatly debated in the literature. Using a contextual and institutional approach, our objective in this paper is to propose a new and fresher look at the capacity of both regimes to accommodate the country's two main languages, English and French. Students of language politics are aware of the history of tensions between the two regimes. Explanations for those tensions have emphasized the role of nationalism as a driving force behind the development of both language regimes. For McRoberts (2002), Canada and Quebec have distinct national projects and differing conceptions of the state's role in promoting languages. In contrast, normative debates insist often on commonalities. For Kymlicka (1995; 1998) and Taylor (1992), Canada and Quebec have espoused liberalism. Briefly put, the challenge of Quebec's liberalism is that of promoting a collective understanding of language consistent with Canada's dominant framework of individual rights. While Switzerland and Belgium have similar language regimes to Quebec's, the latter operates within a context of greater complexity which makes it more intriguing.

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Despite innumerable studies of the Canadian and Quebec language regimes, we know very little of the normative, administrative and institutional contexts where they operate concretely. Kymlicka (2007: 514) argues that we should explore the practical experience of Celtic cases where there is a clear attempt in building new forms of bilingual democratic practices in a single bilingual national political community in contrast with binational or multinational federations such as Canada or Belgium. While it is true that recent experiences of language revitalization in Wales or Ireland aim at developing new forms of inclusive and democratic practices, we argue, in this paper, that Canada also needs to start looking more systematically at its own practices and address the context in which both regimes evolve concretely. Nationalism is certainly an important force behind language demands in Canada. Actors from both Canada and Quebec's civil societies whom represent competing nationalist discourses are a key component in understanding language issues as they exercise pressures which motivate state intervention. However, we contend that in Canada as elsewhere state accommodation of language demands are also informed by normative or institutional legacies and administrative traditions in responding to civil society or nationalist movements. We need to understand more fully the relationship between nationalist projects or ideas for that matter and the force with which these legacies remain important in the development of language regimes.

This paper first proposes a framework for the study of language regimes. More specifically, it suggests a contextual and institutional approach to the relationship between language and the state. Therefore, our approach tries to move beyond the classic discussion of the development of the nation-state. It then looks at critical moments in the development of Canada and Quebec's language regimes. In conclusion the paper draws some lessons from the two case studies for a more general discussion on how states can enhance the accommodation of languages. Under what conditions is collaboration possible and in which kind of context or politics? Is there a type of language regime which is more susceptible toward accommodating languages?

Language, Nationalism and Diversity: a Contextual and Institutional Approach for the Study of Language Regimes

Students of nationalism are accustomed to the argument that all nations need some form of linguistic normalization in order to ensure their unity (Safran 2010). Gellner (1997) argues that democracy and the development of the nation-state involve the constitution of a homogenous, unilingual framework in order to create a common public culture. Since the 18th century, Herder's classic idea that language and traditions represent a fundamental dimension of one's national identity has also set the tone to this debate. However, Coakley (2008) does not agree with Herder's position. He suggests, in his typology of the relationship between language and national identity, that both are not always closely knitted. While some nations do have a distinct language which is common to all its citizens, Switzerland is a good case of a country that does not. The United States and Australia have a common language but it is not one which is specific to these countries. Ireland is a good example of a country which has espoused a metropolitan language combined with an ancestral language. Coakley sees Canada as a multilingual country with two common languages, English and French, which are not distinct as they are spoken elsewhere in the world.

Coakley's discussion helps question essentialist or romantic views of the relationship between language and nationalism (see also de Swamm 2001). He provides a more *Canada Dry* style approach to language politics. Recently, the growing popularity of post-nationalist and constructivist discourses on diversity and hybrid identities has led to further dissociation between language and nationalism (Gutman 2003; Soysal 1994). For example, contra Kymlicka, Gutman suggests that it is not clear that identity should be

defined in linguistic or cultural terms all-together. Language should not be given such special status in the formation of one's identity. It is a characteristic amongst many others which may or may not influence identity formation. Paradoxically, these debates on diversity contribute indirectly to the legitimacy of demands from linguistic rights in existing nation-states. If all forms of diversity are to be treated equally, language demands must remain on the list of identities to be accommodated. State intervention in the area of language can help reduce inequalities between majorities and minorities. Furthermore, the fact that countries may have a common language which is not distinct does not prevent heated debates and conflict to happen. It can remain important in the definition of national identity. For example, Quebec's French language Charter is premised on the fact that the French language is a constitutive dimension of the nation's identity. Nationalism in Quebec drives language demands. Passion is still a crucial dimension in debating language in English speaking Canada as well.

We thus need to reflect more on the use of typologies such as Coakley's and that of the "post" in post-nationalism. In their tendency to deconstruct the salience of language in identity formation, it is not clear whether post-nationalists are anti-nationalists or informed by a genuine attempt to reintroduce diversity in the politics of the modern nation-state. Moreover, post-nationalists cannot escape the fact that unequal relationships between majority and minority linguistic groups continue largely to structure attitudes towards language. The importance of linguistic rights also remains because of existing inequalities (May 2003).

Loughlin (2004; 2005) adds a layer of complexity to this discussion. Not only does he argue that the modern state has been erected in a particular cultural and political context, but that its development has led to specific types of intervention which inform public policy, including language policies. Any discussion of language regimes should thus recognize the latter's dependency on a certain path or trajectory. Loughlin has identified at least four European state traditions since the 18th century: British, French, German and Scandinavian. For example, the British tradition has been characterized by a mixture of administrative centralism and pluralism, whose legacy can be best seen in Wales. The Welsh language was prohibited as early as 1536 but it was also tolerated in the religious domain. By the 19th century it was largely replaced by English in most part of social and economic life. During the 20th century, the Welsh language was tolerated where reasonable and practical. Since 1998, devolution has provided the impetus for a renewed attitude towards the Welsh language. However, language policy-making and planning in Wales remains embedded in the British tradition of granting services in Welsh only where reasonable and practical (Cardinal 2010). Welsh-speakers still have no specific language rights.

In contrast, the European model is more recent. It is characterized by a network approach and plurilinguism. More specifically, the European model involves the recognition of historical languages and the promotion of national languages (Loughlin, and Williams 2007; Kraus 2011). It might be too early to talk of a specific tradition or pattern of language policy-making and planning. Furthermore, studies show that English dominates as a *lingua franca* while other languages including national ones are treated more and more as symbols (Jostes 2007). Within Europe, models include the French language regime, informed by its Jacobin tradition or statist approach. Despite the presence of other historical languages in France such as Breton, Alsatian, Catalan, Basque, Occitan or Picard, the post revolutionary heritage insists on the idea that a French citizen is an abstract individual and that its ethnic, linguistic, religious, sexual or cultural specificities should be relegated to the private sphere. Finally, the German and Scandinavian tradition is characterized by the corporatist and federal nature of its language regime. Despite Germany's insistence on linguistic unity, it has allowed other languages to coexist with German, such as Danish, Sourabe and Frison. Agreements with Denmark have also made some form of accommodation of languages possible on both sides of the border. In Scandinavia, Sweden

recognizes Sami, Norwegian and Finnish. However, there are still tensions in the Finnish Tornedalen.

The importance of those traditions historically and still today should not be undermined. It is our hypothesis that the British approach still characterizes Canada's attitude towards language. It remains an important heritage in language policy-making. We also argue that Quebec's language regime represents an important innovation within the British tradition, one with which it interacts with great difficulty because of its treatment of language as a collective good. Another example is the French approach which was espoused in Turkey and Belgium but the latter amended its language regime in order to better accommodate its linguistic groups. It then becomes important to understand how different language regimes evolve over time and adapt to change. Historical patterns of state intervention constitute an important normative and institutional heritage for the understanding of any language regime today.

While the literature on the nation-state has privileged the view that there should be only one language and one culture in each state, Loughlin's approach helps one understand that historically, not all states have functioned in this particular way. The four models identified show the dependency of language regimes on specific paths. Thus, any discussion of how language regimes compete or collaborate should be aware of the importance of the context in which it has developed. Conditions specific to each country can also explain forms of recognition or collaboration between languages in comparison with a one-size-fits-all prescriptive approach. There may not be any ideal language regime, despite discussions for a universal understanding of language rights (Aroz 2009).

While the expression "language regime" is used extensively in the literature, it remains an undefined concept. If it is going to be more than a new buzz word, we need to propose at the very least a working definition of what it is. Briefly put, we argue that a language regime always takes shape in a context characterized by relations of power, a politics of redistribution and hegemony. More specifically, it is constituted of three dimensions: functional, symbolic and legal-political. The functional dimension refers to language-planning. A language regime is also informed by representations or symbols. Its legal-political dimension comprises a system of rights, obligations and constitutional recognitions.

There is much resemblance between this definition and that of a regime of citizenship suggested by Jenson and Phillips (1996; see also Dobrowolsky and Jenson 2004). To be sure, a regime of citizenship comprises institutions, rules and a certain understanding of citizenship which guides and informs the decision-making and the kinds of commitments taken by the state as well as the way citizens give meaning to their claims (Dobrowolsky and Jenson 2004: 156). In other words, a regime of citizenship defines the nature of politics in any given jurisdiction. Jenson and Phillips emphasize the role of meaning, ideas and representations in their conceptualization in contrast with Loughlin's more institutional and administrative approach. One of the main questions raised in the literature on citizenship regimes is how to explain its transformation from one mode of representation to another. For Jenson and Phillips (1996), a period of economic and political turbulence represents a critical moment for any regime change. However, it is a fact that most regimes change incrementally. They are stable as long as citizens identify with them and that it corresponds to their view of citizenship. Any state needs to promote an understanding of citizenship which will also be acceptable to its citizens even if it means that linguistic minorities may not be given any form of recognition. Jenson and Phillips echo Loughlin's suggestion here that there are normative and institutional dimensions to any form of state intervention. In other words, the consensus in any given state may come from those dimensions and not only from the general will of the citizens. Furthermore, we argue that any citizenship regime in any given political community involves a certain understanding of language. In other words, a political community is always a linguistic community. Language remains a defining feature of a nation or a state.

The next sections explore the operation of both the Canadian and Quebec language regimes. It uses the above analytical framework as a guide to discuss the role of normative administrative and institutional dimensions in the development of both regimes.

Canada's Language Regime

Canada's language regime informs politics much more than is generally acknowledged in the literature. At the federal level, language is considered as a fundamental characteristic of Canada's constitutional makeup and politics (Smith 2002). It distinguishes the country from Britain. However, the history of language politics in Canada reveals that it also incorporated Britain's mixed approach of tolerance and discrimination. We argue that it has left an indelible imprint on the normative, administrative and institutional contexts in which it has developed its own language regime.

More specifically, a first critical juncture which contributes to explain the nature of Canada's language regime is the 1759 Conquest of New France by Britain followed by the 1774 Quebec Act. Even though language is not mentioned explicitly in the Act, it guaranteed French Canadians the right to their own legal system, the Civil Code, the use of their religion, Catholicism, and the *seigneurial* system. French was thus recognized indirectly. Put in contemporary language, the Act represents one of the first tolerance or cultural rights recognized to a Conquered people within the British tradition. However, it does not grant political rights to French Canadians despite the fact that as subjects they were entitled to those rights.

British tolerance towards the French language was first tested in 1791. Loyalists fleeing the American Revolution pressured the British Crown to partition the Province of Quebec into Lower Canada and Upper Canada and to create a Legislative Assembly – a body which they took for granted since they were British subjects entitled to a form of self-determination by natural right. Two assemblies were thus created, that of Lower Canada and Upper Canada. However, the British Crown decided not to exclude French Canadian landowners living in Lower Canada from participating in the new assembly created in 1791 (because of their property titles not the language). Moreover, they constituted the majority of elected seats in the new assembly. No Loyalists at the time might have expected that language would be the very first issue in Lower Canada's new legislative assembly. For French Canadian landowners, not only was Lower Canada a French speaking entity, their status as a majority in the Assembly gave them the prerogative of the use of the French language. After fierce debates, the French language was imposed as the language of the assembly and has remained so until this day despite the continuing presence of representatives of the English speaking communities. The language debate in Lower Canada's first assembly revealed an understanding that language in Lower Canada was that of a national group and not only of a conquered minority.³

Another important critical moment for understanding the development of Canada's language regime is in 1867 with the adoption of Canada's constitution and formation of the federation. Briefly put, the project of a new constitution came after much unrest in British North America in the aftermath of the American Revolution, the Patriot's Rebellions in Lower Canada and the Reformist movement in Upper Canada. The creation of a United Canada led to the prohibition of French in the new assembly but only temporarily. Elected officials from Lower Canada were not compliant. They also continued to be sufficiently numerous to make sure their point of views were heard. Politics led to many conundrums. In 1867, it was agreed by all parties that a new constitution needed to be adopted. Some

³ We argue that the root of Canada's tensions between Quebec's approach to language as a collective good and that of freedom of choice in English Canada could be retraced in the 1791 debate on who should have the prerogative to impose its language in Lower Canada.

language provisions were conceded to French Canadians. French would be used in the Canadian and the Quebec Parliaments and in the courts, with English.⁴ It was a restrictive form of recognition well criticized in some French Canadian circles, but it comforted the idea that Canada was founded on a political compromise. The measure continued the tradition of tolerance which came from its British heritage.

However, the adoption of the new constitution constituted a critical moment for a redefinition of nationalism in Canada. English Canadian nationalists involved in the English Only Movement at the time succeeded in convincing provincial legislatures to ban French and other languages such as Gaelic and German. The French language, more specifically, was banned across the English speaking provinces in schools and in legislative assemblies (Berger 1970; Aunger 2001). The language would not be tolerated because it posed a threat to the unity of the English and Protestant character of the new Canadian nation. Practices of discrimination against French became routine in the provinces despite the resistance of French speaking groups and communities.

In the 1960s, a renewed Canadian citizenship and the emergence of a strong movement for the independence of Quebec, forced Canada's language regime to innovate in important ways. The federal government created the Royal Commission on Bilingualism and Biculturalism in Canada (B&B Commission) which led to the adoption of the 1969 *Official Languages Act*. More specifically, since the B&B Commission, Canada has witnessed three generations of increasingly positive language policy-making and planning derived from 1969, 1982 and 1988 initiatives.

First, the *Official Languages Act* granted linguistic rights to Canadians. The *Act* was premised on an understanding that all Canadians should be given the right to be served in the official language of their choice by the federal government. The federal public service also needed to be more representative of its French speaking Canadian population while respecting the principle of merit. The new legislation also created the position of Official Language Commissioner. While the *Official Languages Act* introduced the notion of linguistic rights in the Canadian arena, rights were granted within some important limits. Not all Canadians would be served by their government in the official language of their choice, only those living where numbers warrant. In other words, the *Act* was implemented where reasonable and practical. Furthermore, civil servants continued to work in English only. The development of institutional bilingualism would thus remain dependant on its British legacy. Despite the recognition of language rights to all Canadians, the new legislation remained limited in its application. Furthermore, except for New Brunswick, provinces were very slow in effecting any change to their own language regimes. Still today, no other English-speaking province has officialized the French language. Legislations which provide some language rights in Ontario and policies for the delivery of services in other provinces have been adopted only in the 1980s and 1990s in keeping with some of the changes which were made to the federal regime in 1982. The adoption of the new *Canadian Charter of Rights and Freedoms* confirmed the equality of English and French and made it a constitutional principle which should guide the workings of the Canadian government. It represents the second generation of positive measures. Official language minorities were given the constitutional right to receive an education in their mother tongue. Such addition of a right to education in the new constitution aimed at repairing past mistakes, thus reinforcing the importance that Canada was the result of a historical compromise between the two main linguistic groups. Provinces were thus obliged to address their history of discrimination against French speakers and adopt new measures in the area of education policy.

⁴ Article 133 of the British North America Act (the Canadian constitution from 1867) recognizes that French or English can be used in parliamentary debates in both the federal and Quebec legislatures, that laws will be published in both languages federally and in Quebec and that French and English are the languages of both federal and Quebec courts.

Finally, in 1988, a new *Official Languages Act* granted civil servants, the right to work in the official language of their choice. Another section of the *Act* created the obligation for the federal government to further the development and enhancement of its official language minorities. Hence, we have witnessed a third generation of positive measures informed by a new attitude towards language rights, moving the country further away from its heritage in order to fully embrace the human rights framework (McMillan 1998). Canada's Supreme Court judgments encapsulated such change in suggesting that language rights need to be interpreted in a liberal and generous manner. For example, in 1999, in *Beaulac*, the Supreme Court demanded that official languages in Canada be interpreted in keeping with their objective of equality. It required that the notion of compromise should not interfere in determining whether Canadians had the right to be understood by judges. In *Arsenault-Cameron* (2000) and *Desrochers* (2009), the Supreme Court also asked that official language minorities be consulted by the federal government in order to make sure that its programmes were suited to their needs. Those changes point towards the recognition that linguistic rights in Canada are of a fundamental or quasi-fundamental nature, in keeping with the idea that they should be interpreted as human rights (McMillan 1998; Foucher 2008). Despite these groundbreaking judgements, the Canadian government continues to lack political will when it comes to implementing the *Official Languages Act* with regards to its obligation to enhance the French language outside of Quebec. Furthermore, institutional bilingualism remains problematic for French-speaking Canadians civil servants despite their right to work in the official language of their choice. The legislation does not require that all employees should understand French or English. The possibility of working in the official language of one's choice mainly has not altered the predominance of English. Despite its commitment to a human rights framework, the *Act* remains dependant on its legacies. Its application is limited by a restrictive understanding of the political compromise which made language accommodation possible historically. In other words, systemic discrimination continues to characterize Canada's language regime.

Quebec's Language Regime

Jenson and Phillips (1996) insist on the distinctions between the Canadian and Quebec citizenship regimes, in that they are functioning as two separate entities. Canadians understand citizenship as conferring a set of individual rights to them while Quebecers see citizenship issues in collective terms. However, unlike Jenson and Phillips, we argue that Quebec's citizenship/language regime is not completely separated from the Canadian regime. More specifically, since the 18th century, Quebec's understanding of its collective identity is in tension with a politics of tolerance which is premised on a politics of accommodation, not one of assertion. Put in more contemporary terms, Quebec's minority/majority status within Canada involves the recognition of a form of collective rights. The majority of Quebecers operate under the assumption that they represent a distinct nation within Canada.⁵ Furthermore, debates around language forces the recognition that French-speaking Quebecers are a majority in their territory not only a minority within Canada.

In many ways, treating Quebec as a minority-majority represents an innovation within the British tradition because it introduces an element of complexity within its own understanding of liberalism. Kymlicka (1995) argues that Britain has at least two important traditions of liberalism, that of John Stuart Mills who called for the assimilation of minorities and that of Lord Acton who believed that any national majority should be more

⁵ This is a fact which finally received symbolic recognition in the 2006 declaration by the Canadian parliament. It stated that Quebecers formed a nation in a united Canada. However, it was a symbolic declaration in that it has not yet inspired or guided any specific policies towards Quebec.

inclusive and prone to accommodate minorities. Lord Acton saw the Austro-Hungarian Empire as a model of accommodation. Federalism was believed to be the best tool for the recognition of minorities. In keeping with Lord Acton's view, in 1791, the new Constitution was understood by French-Canadians as a form of collective rights. It could have been considered by others as a form of accommodation which would quietly lead to their assimilation in keeping with Mills' approach. However, all attempts at assimilating French-speaking Quebecers have failed, despite high levels of language loss in the rest of the country. A unilingual model has been promoted at different times in Canada but it did not succeed despite more than a century of open discrimination towards French-Canadians.

Interestingly, until the mid-20th century, Quebec's language regime was as limited as the Canadian one. The Quebec government continued to reaffirm the collective nature of the language in its discourse and in its concrete support of movements for the promotion of French across Canada. However, its approach was often more symbolic than interventionist. Institutionally, it had no real tradition of language policy-making, but it did not restrict languages as in the rest of the country. On the contrary, English-speakers in Quebec were dominating economic and social life, despite the presence of a majority of French-speakers in the National Assembly. In other areas, French-speaking Quebecers were considered second-class citizens.

In 1963, the Quebec government started laying down the foundation of a specific language regime which, gradually, would evolve into a much more interventionist approach than in the past. It would move away from any notion of "choice" in order to embrace a more territorial approach informed by the idea that the French language needed to be reinforced on its own territory. Quebec is also critical of the *Official Languages Act*. Instead of reaffirming the collective dimension of the French language, the new legislation reinforces the status of English in Quebec. It is seen as insufficient in order to put an end to the assimilation of French speakers living in the rest of Canada.

In 1977, the adoption of the Quebec French Language Charter (Bill 101) became the cornerstone of its language policy. It confirmed the status of French as the only official language in Quebec. It also granted its French majority, the right to work in its language. The Quebec Language Charter also required that all immigrants attend French schools as well as French speakers.

Even if provinces or federal units can adopt their own language regimes, competition between Canada and Quebec's language regimes became important as of the 1970's. The conviction by the federal government at the time that the new Quebec language regime was discriminatory against its English-speaking minority led to many courts cases. A Challenge Court programme set up for official language minorities gave the English-speaking groups in Quebec the financial means to use the courts to test the constitutional nature of the Quebec French Language Charter on a number of issues. Without approving calls for the repudiation of the Quebec French Language Charter, the Supreme Court of Canada has nevertheless challenged its collective dimension on many occasions. However, more often than not, the Quebec government complies fully with the demands of the Supreme Court. For example, in the 1980s the Supreme Court invalidated the section stating that priority should be given to the French language in legal texts arguing that it conflicted with article 133 of the Canadian constitution – it was quickly amended by the Quebec government.

There are many other cases which directly challenged the collective dimension of the Quebec French Language Charter. Another example is the language of signs and commercial publicity which has been a source of contention following the adoption of the Quebec French Language Charter. When adopted, the measure was meant to transform corporate names and commercial signage in Montreal which was almost exclusively in English. However, in 1988, the Quebec government was summoned by the Supreme Court to relax its restrictions on other languages. It believed that the section of the French Language Charter pertaining to corporate names and commercial signage did not respect

the principle of freedom of expression. At the time, the Quebec government used the notwithstanding clause in order to subtract itself from the Court's judgement for a period of five years. In 1993, the then Premier, Robert Bourassa, adopted Bill 86 which accepted signage in other languages though enforcing a net predominance to the French language.

At the political level, with the adoption of the *Canadian Charter of Rights and Freedoms* in 1982, article 23 invalidated the Quebec French Language Charter provision requiring that English speakers originally from outside of Quebec attend French schools unlike Anglo-Quebeckers whose right to English schools was recognized. The Canadian government accepted, however, that immigrants should go to French school in Quebec for reasons of linguistic peace and because of the unique situation of the French language in Canada and even in North America. Children of immigrant background are compelled to attend primary and secondary school in French only. All Quebeckers have the freedom of choice with regards to postsecondary education. Recently, pressures on immigrants and Francophone Quebeckers to learn English have led to new challenges to the collective dimension of the Quebec French Language Charter. Some Quebec parents have challenged sections of the Quebec French Language Charter in order to obtain the right to send their children to publicly funded English speaking schools. Once more, the Supreme Court of Canada has recognized the legitimacy of the Quebec French Language Charter but summoned the Quebec government to accommodate those parents in question. More specifically, it has emphasized the fact that the Quebec government needed to accommodate those French speaking students or allophones who had attended non funded English private schools and who now wished to move into the English public system without complying to Bill 101. For the Supreme Court of Canada, if those students could demonstrate that the English language was part of their identity, they should then be allowed to attend the English public system.

Another example of tensions between Quebec and Canadian approaches to language is in the use of English in the federal service in Quebec. It enters into conflict with one of the objectives of the Quebec French Language Charter which is to give Quebeckers the right to work in French. French workers can complain to the Official Language Commissioner if they cannot work in the official language of their choice. However, in many cases, their right to work in French as guaranteed in the Quebec French Language Charter is ignored.

In short, these many examples show how Quebec's language regime is distinct from its Canadian counterpart. Quebec's nationalist project which is represented in the Quebec French Language Charter pursues a tradition which exists in Canada since the 18th century. Nationalists in Quebec have engaged the Quebec government to intervene in order to assert the nation's collective identity. Furthermore, the promotion of a collective understanding of language consistent with a framework of individual rights represents an innovation within the Canadian context. However, Canada's difficulty to accept that its own regime needs to be more accommodating of other collective identities should be acknowledged more explicitly.

Conclusion: From Competition To Collaboration?

Many suggest that in the context of globalization, there needs to be a change of paradigm and a better appreciation of territorial approaches to language policy-making and planning. For example, Laponce (2006) argues that globalization and the growing pressure that English as a *lingua franca* poses on many languages increases the need for more state intervention in the area of language protection. Languages are not on equal par. They always compete with each other. For Laponce, we need to make sure that linguistic minorities receive some form of territoriality in order to protect themselves from majority languages such as English. A collaborative approach involves protecting and enhancing the

development of linguistic minorities. In contemporary democracies, while it may be argued that states need a common language to communicate with their citizens, they do not need to operate in a monolingual way. States can also provide support for linguistic minorities for reasons of justice, because of the need to foster a context of choice for all citizens. The protection of minority languages can also be seen as a good in itself. We cherish diversity because it is a fundamental component of our societies. We want linguistic communities to survive across time. For example, cultural diversity is a fundamental value common to the different nations of the European community (Kraus 2011: 24).

This paper has showed that we also need to look at the way language regimes operate within certain institutional legacies in order to better understand how they accommodate languages and how change is possible. In doing so, the Canadian language regime reveals itself to be dependent on certain institutional legacies which can either limit or enhance its capacity to innovate: a conclusion that a normative approach might not be able to draw. In other words, the workings of the Canadian language regime show that despite the recognition of the equality of French and English in the constitution, historical patterns of accommodation can at times enhance but also constrain its application. Thus we contend that a linguistic regime, whether informed by nationalist ideals or by an understanding of language as a quasi-fundamental right, comprises institutional arrangements, rules and practices. Nationalism and ideas more generally are important to understand the normative context in which language regimes evolve. However, in the area of language policy-making and planning, the institutional context also needs to be addressed for it guides decision-making and contributes to our understanding of what is possible and what is not in any given society. It helps determine the kind of collaboration possible between competing views of language or the ways change can happen within a particular language regime. The Canadian case shows that change in language practices happens incrementally unless the Courts decide differently. Further studies would be needed to address more explicitly the impact of the Supreme Courts on the Canadian language regime in contrast with Quebec's responses to its requirements.

Finally, despite innovations in language policy-making and planning elsewhere, we argue that the Quebec French Language Charter within the Canadian context constitutes an interesting case study. It represents a clear attempt at bringing change within a specific institutional and intellectual environment not conducive to collective rights. That said, the Supreme Court of Canada has yet to adopt an asymmetrical interpretation of the requirements for linguistic vitality within Quebec's specific context. Canada is still having major difficulty grappling with Quebec's collective approach.

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