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Toegang tot scholen van gemeenschappen met een kwetsbare taal: een Canadees perspectief

*L'accès aux institutions scolaires des communautés dont la langue est fragile :
une perspective canadienne*

*Access to the educational institutions of communities whose language is fragile:
a Canadian perspective*

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Access to the educational institutions of communities whose language is fragile: a Canadian perspective

Translation: Jane Corrigan

After examining certain elements in the debate regarding the control of access to the educational institutions of communities whose language is in a fragile situation, the author presents the contrasting choices made in this respect over the past forty years by the French-speaking minority in Canada depending on whether or not it has the status of regional majority, as well as some of the consequences. The Canadian experience illustrates two approaches, namely that of the protection of a fragile minority by limiting access to the educational institutions it controls to people who have a historical or special connection to the language which defines it, or the dynamic use of schooling in an objective to transform ethno-linguistic relationships. Both approaches have some relevance. However, the first is clearly defensive and should be limited to groups whose vulnerability – which is not historical yet nevertheless present – is still recognised. The second has many more advantages and testifies to a dynamic definition of belonging and culture, which guarantees significant future development.

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Introduction

1. On 15 April 2014, the Flemish Parliament adopted a decree amending article 110/5 of the secondary education code [Flemish Parliament, 2014]. Arguing that the relationship with families is essential in the educational success of students, the legislator decided to significantly increase the parents' required level of knowledge of Dutch in order for their children to be allowed to attend a Flemish school in Brussels. According to the levels of the Common European Framework of Reference for Languages, it would be raised in the medium term from B1, which presupposes elementary knowledge with a significant ability to communicate, to B2, a much higher linguistic competency based on formal training. This change may also be aimed at responding to the ongoing concerns of educational stakeholders and parents from the majority community with respect to the growing population of immigrants in Flemish institutions, as regards the status of Dutch in these schools [Mc Andrew and Janssens, 2004; Mc Andrew and Verlot, 2004]. However, the decree is a contentious issue in Flemish society, especially in Brussels. Its opponents claim, on the one hand, that the nature of school-family relations in secondary education does not justify the required level [Van Avermaet and Sierens, 2015] and, on the other hand, that the new decree would limit the access of immigrant families to the Flemish education system, while it represents an important means of social mobility for their children [Le Foyer *et al.*, 2015]. A citizens' group under the auspices of *Le Foyer* – a non-profit organisation set up in Brussels in the 1960s known for its innovative teaching practices in the area of bilingual education and for its support actions in the integration of immigrant populations – therefore challenged the decree before the Constitutional Court.

2. This article is taken from an opinion prepared by the author at the request of this group. In this context, I did not wish to give an opinion directly on the pertinence of the decree, nor did I wish to make a comparison between the situations in Belgium and in Canada. Instead, I tried to shed light on how access to educational institutions is con-

trolled in Canada by the minority language communities, or in the case of Quebec, by the majority community whose language is in a fragile situation at national level. It is not my aim to propose solutions which may be transferred from one context to another, but rather to allow Belgian readers to shift their focus from their own society and take a look at another reality (which corresponds to what Lê Than Khoi [1981] refers to as the heuristic function of comparative education).

1. A few elements of the debate

3. Let us begin first of all by reviewing the three main functions – sometimes complementary but often conflicting – attributed to schools by educational sociologists: the more or less conservative or critical transmission of the identity and culture of the group (or subgroups) which they are associated with, the qualification and preparation for future socioeconomic integration which may or may not be aimed at an equalisation of opportunities and reducing inequalities, and, finally, socialisation to shared values – more or less pluralist according to the context – through the formal curriculum and contacts between students of different origins [Ballantyne, 1989; Tondreau, Robert and Broudehoux, 2011]. The arbitration between these different functions is not always easy as regards the balance between linguistic, cultural and religious differences and common socialisation, as well as the respective weight to be given to the maintenance of culture as it exists and to the unavoidable transformation of heritage from generation to generation.

4. Generally speaking, the legitimacy of various responses presents itself differently according to the status of the community concerned, and more specifically the fact that it controls only its own institutions (in the case of certain minorities) or, on the contrary, regulates access to a substantial portion of what may be considered – according to the context – as 'common public' schools¹ [Mc Andrew, 1999, 2003a].

¹ Notwithstanding the fact that the legal arrangements may imply that there is more than one network – religious, secular, linguistic, etc. – which plays this role and that the naming may vary from one context to another [Bourgeault, Chastenay and Verlot, 2004].

5. In the first case, while certain families may feel frustrated that their children do not have access to schools which interest them from a linguistic and sometimes even religious point of view (such as, for example, Jehovah's Witnesses who wish to enrol in Jewish schools), one can argue that they are not denied the right to access quality education, as the main educational offer is always available to them [Mc Andrew, 2003a; Thiessen, 2001].

6. In the second case, there are two important societal objectives which conflict with each other [Gallagher, 2004; Mc Andrew, 1999, to be published in 2016]. On the one hand, a majority group whose language and culture are fragile may assert that it is essential to protect them via the schooling of future generations, even if it means that other groups will have limited access to institutions which play a significant role in the educational offer as a whole. On the other hand, populations of diverse origins may argue that they should be allowed to access these institutions in the objective of education, social mobility and in certain cases socialisation according to the values of this group, which they feel is dominant. In certain extreme cases, it is easy to be decisive. For example, in South Africa [Gallagher, 2004], it was concluded that the access to higher education of marginalised black populations had to have precedence over the cultural and linguistic concerns of universities traditionally associated with the Afrikaner community, which insisted on preserving exclusive education in Afrikaans. In most of our western societies, where the divisions are much less marked, however, the balance in this respect is not immediately obvious. A contextual analysis of each particular case is therefore necessary in order to find a fair solution [Mc Andrew, 2003b]. This is what we shall do in the second part of this article, using the example of the situation in Canada.

2. The right to limit access to institutions for the purpose of linguistic and cultural survival: two contrasting cases in Canada

7. Here we shall exclude the indigenous minorities in Canada whose legal, political and institutional situation is very specific, and focus on the French-language minority, whose historical experience is most similar to that of the Flemish community in Belgium² [Mc Andrew, 2013].

8. The status of the French-speaking minority in Canada presents itself fundamentally according to two scenarios. On the one hand, in nine English-speaking provinces, the French-speaking population is a demographic minority (30% in New Brunswick, which is an officially bilingual province, around 10% in Ontario and, in the other contexts, less than 5%). Although Canada is officially a bilingual country and the federal government services are provided to a large extent in both languages, the sociolinguistic situation of these communities – which often had limited access to education in their language during a large part of the 20th century – is not very good: the rate of assimilation to English among the younger generations is very high [Amstrong, Forbes, Lefebvre and Robineault, 2007; Cardinal, Lang and Sauvé, 2008; Statistics Canada, 2012].

9. On the other hand, in Quebec, although the French-speaking community has always been a demographic majority (around 80% according to mother tongue in the 2011 census), until the 1970s, English was the dominant language in the world of business, work, outdoor advertising and, to a great extent, the public space, in particular in Montreal where the English-speaking population is concentrated. Furthermore, while French-language education has always been guaranteed in Quebec from kindergarten to university, the vast majority of immigrants chose English-language schools (more than 80% in 1990), which, in the long term, has led to their partial or total integration in the English-language group [Juteau, 2000; Statistics Canada, 2011]. More than forty years after the implementation of policies and various measures aimed at increasing the status of French as the common language

² Notwithstanding all of the differences [Bourgeault, Chastenay and Verlot, 2004] which we will not explore here since, as mentioned above, the aim is not to transfer legal arrangements or institutional solutions from one context to another, but simply to contribute to the reflexion of Belgian readers regarding the issue.

used in public life and at work, the linguistic situation has undergone a major development in Quebec as regards both the reduction of traditional inequalities between French and English speakers as well as the integration of immigrants. However, a consensus has not been reached in the academic and political worlds regarding the scope of these changes nor on their impact on the redefinition of the relationship between both languages in the province [Commission des états généraux sur la situation et l'avenir de la langue française au Québec, 2001; Levine, 1997].

10. The choices made by French speakers outside of Quebec and French-speaking Quebecers regarding education and language also testify to a different vision of the role of education, in particular the priority to be given to the three objectives described above.

3. French-speaking communities outside of Quebec

11. French speakers outside of Quebec wished above all to ensure their right to education in their own language as well as their control of the local education authorities responsible for offering these services³, among other motivations in order not to depend on the goodwill of the English-speaking majority when decisions were being taken regarding new French-language schools [Behiels, 2004; Faucher, 2001]. These rights were therefore established in the new Canadian constitution of 1982 and in particular in article 23 of the Charter of Rights which is part of it. The protection granted under this legislation to the minorities who speak one of the two official languages of Canada allows them to regulate access to their institutions, which interests us in particular here. In order to enrol their children in a minority language institution, parents must meet one of the three following criteria: they must have learned

the minority language during their childhood and still understand it; they must have received an education in this language in Canada; or they must have another child already enrolled in such an institution. These demands were important for French speakers outside of Quebec, as the adoption of an official bilingualism policy in 1969 by the federal government increased the status of French in Canada significantly. Many English-speaking parents who were dissatisfied with the speed of implementation of French immersion programmes by their own school boards enrolled their children in French-language schools [Lamarre, 1997]. The presence of English-speaking students was perceived by most French-speaking parents who were concerned about preserving their language and culture as an instrumentalisation of their schools by families who were not necessarily committed to the broader objectives of the French-language sector. Furthermore, in a context where – even in minority French-language schools – the status of French as the common language of communication outside of the classroom was not always guaranteed, there were concerns that the presence of students whose mother tongue was not French would contribute to the linguistic assimilation of French – speaking students – a concern which still exists today [Fédération canadienne des enseignantes et des enseignants, 2014; Gérin-Lajoie, Lenouvel and Knight, 2005].

12. However, there has been some criticism regarding this solution, as the demand now comes much more from immigrant communities of various origins rather than from English speakers. Most of the French-language school boards wish to welcome these immigrants in order to contribute to the demographic vitality of their institutions and, in the longer term, of their community⁴ [Fédération nationale des conseils scolaires francophones, 2014]. In the case of immigrants who can demonstrate that they still speak and understand French or that they have received an education in this language in their country of origin,

³ Referred to as school boards in Canada and in North America.

⁴ In certain cases, such as that of the Yukon which went to the Supreme Court recently, it is the English-speaking majority school authorities which are opposed to extending enrolment in French-language schools beyond the criteria of article 23, as presented above, due to budgetary restrictions. Paradoxically, let us mention that on this issue, in order to protect Bill 101 which limits access to English-language schools, the government of Quebec usually stands together with the English-speaking provinces and opposes French-language minorities (*L'Acquillon*, 30 April 2015).

their access is relatively easy. But in other cases (diglossia in the country of origin but schooling in another language, or simple inclination towards learning French), families must attend an interview in order to verify their level of commitment with respect to the French language and are sometimes denied access (for example, if they do not guarantee that they will speak French at home with their children). This situation is perceived as being very irritating by many Francophiles in the rest of Canada, in addition to being considered sometimes as a racially-based criterion, as the majority of immigrants who knock on the doors of French-language schools outside of Quebec belong to 'visible' minorities⁵ [Gérin-Lajoie and Jacquet, 2008].

13. Despite these criticisms, one may think that the majority of French-speaking communities are still strongly attached to their right to limit access to their schools, which is granted to them by the Canadian constitution. However, two qualifications, which limit the comparison with the situation in Belgium, must be made here. On the one hand, from the moment a child is enrolled in a French-language primary school, according to the Canadian constitution, he or she has the right to continue his or her secondary education at a school in the same network. On the other hand, the issue of access to French-speaking minorities educational institutions in Canada clearly belongs to the first case mentioned above, i.e. a context in which English-speaking or immigrant parents who may feel upset about being refused access to a French-language school have access to the English-language system (public or religious according to the context), which is considered most of the time to achieve better results than the French-language system.

4. The French-speaking majority in Quebec

14. Beginning in the 1970s, French-speaking Quebecers – whose language had a status which was inferior to that of English in the public space, in the labour market and among immigrant communities – made the opposite choice to that of minority French – speakers in the rest of Canada [Gouvernement du Québec, 1977; Levine, 1997]. The Charter

of the French Language, which was adopted in 1977, made French the normal and usual language of education for the entire school population of Quebec, listing a series of exceptions aimed mainly at preserving the right of the historically English-speaking community and the immigrant communities which it had assimilated in the past, to continue to attend English-language schools. Therefore, while there is a widespread understanding in Quebec that the educational component of Bill 101 consists essentially of the obligation for children of immigrants to attend French-language schools, the Charter also limits the right of long-established French-language families to enrol their children in English-language schools (this right is reserved to families who had already made this choice before the adoption of the law).

15. Although the status of French speakers in the province was different from that of French-speaking minorities outside of Quebec, it is legitimate to wonder why the decision-makers in Quebec in the 1970s took the option of opening a traditionally homogeneous institution such as French-language education in Quebec, to an increasingly diverse public. And forty years after the adoption of the law, it is also interesting to make an assessment of its impact and above all of some of its unexpected consequences .

16. The first factor behind the option to open and transform the system was the importance given to the status of French as a common language for public uses in the overall sociolinguistic dynamics of Quebec, especially in Montreal, rather than to the proportion of people with French as their mother tongue [Ministère de l'Immigration et des Communautés culturelles, 1990; Plourde, 1988]. In other words, the aim was to guarantee the French-language character of Montreal in its public uses, and not to protect the homogeneity of the community which was historically associated with the French language in Quebec. There was also the belief [Mc Andrew, 2002] that in order to do this, it was not enough for the students from immigrant families to learn French, for example in the French immersion schools in the English-language sector or in bilingual or trilingual schools (as proposed by the Italian community which was at the heart of major disputes in the 1970s regarding

⁵ Term used in Canada to denote people who do not belong to the white majority.

the language of instruction). The formal and informal socialisation ensured by common schools was regarded as a necessary condition, not for linguistic assimilation (i.e. giving up the mother tongue), which fell outside the scope of Bill 101, but for the promotion of the use of French as a common language (which is not ensured by a mere knowledge of the language). It is obvious that these choices were influenced by the sociolinguistic situation prevailing in Montreal, where various forecasts – which have proven to be accurate to a large extent today – predicted a situation in which French as a mother tongue would fall slightly under 50 % of the total share, while a multiplicity of immigrant languages – and not English – would experience significant growth [Commission des États généraux sur la situation et l'avenir de la langue française au Québec, 2001].

17. One of the clear consequences of Bill 101, some forty years after its adoption, is the emergence of French-language schools as common schools and, consequently, the redefining of English-language schools as minority institutions [Mc Andrew, 2001, 2013]. Today, more than 90% of students with an immigrant background (and 10% of English-speaking students who have the right to English-language schooling) attend a French-language school, and in Quebec as a whole, the proportion of students with an immigrant background (first and second generations) or of allophone students (having a mother tongue other than French or English) is now considerably higher than in the English-language network (which continued to receive immigrant families who arrived before 1977). Furthermore, in Montreal, given the concentration of the immigrant population, more than 50% of students have an immigrant background in almost three quarters of schools, even if the proportion of allophone students is often less pronounced (due to the presence of first- and second-generation French speakers).

18. The success of the linguistic policy has given rise to debates which, to a large extent, are similar to those regarding the Dutch-language schools in Brussels. At first (until the beginning of the 2000s), concerns were focused on the status of French in the new multi-ethnic schools – outside of classroom time and formal education – considered

by some to be reduced to a sort of 'Latin'. A study conducted in 20 primary and secondary schools at the end of the 1990s [Mc Andrew and Rossell, 2002; Mc Andrew, Veltman and Lemire, 2001], based on interviews as well as ethnographic observations of languages used during informal communication at school, revealed a much more subtle picture. First, it showed that the school management and above all the teachers often confused the presence of immigrant languages with that of English as a common language, which they over-evaluated compared to what was actually found in the observations. Furthermore, when one excluded immigrant languages from the equation – as they cannot achieve the status of common language – the authors also showed that French was clearly dominant with respect to English in all primary schools as well as in the majority of secondary schools. The only cases in which the use of the two common languages was almost equal were due to the presence of immigrant students whose mother tongue was English or of students from communities which had been anglicised a long time ago and whose families had chosen to enrol them in French-language schools. Another interesting conclusion of this study lies in the significant added value of French-language education, precisely among the populations who would have more of a tendency to adopt English as a common language.⁶

19. Over the past decade, the question of the use of languages at school has lost a lot of visibility, following the high numbers of French-speaking or Francophile immigrants from northern Africa who are also Muslim in most cases [Mc Andrew, 2002, 2013]. In the current international context, the debates have been centred on the challenges related to religious diversity and its limits. In a broader perspective, the presence of a new stock of French speakers as well as the overall success of the integration of students with an immigrant background also raise the issue of the transformation of the traditional French identity in Quebec and of the specific relationship between language and culture which prevailed.

20. But, paradoxically, although it implies many challenges, it is in the places where this transformation has taken place, i.e. essentially in

⁶ To do this, the authors contrasted families' rates of linguistic transfer to English or French, as revealed in the census, with the actual practices of their children at school.

Montreal and its suburbs, that it is experienced in the least problematic way, in certain cases as a *fait accompli*, in others as an asset testifying to the capacity of the Quebec culture to redefine itself (as it has done throughout its history). In contrast, in the homogeneous areas which have been least affected by immigration, there are often greater concerns. This split has been observed, for example, in the various controversies in Quebec regarding the 'reasonable accommodation' of religious diversity and more recently the *Charte des valeurs québécoises* put forward by the *Parti québécois* as well as in many opinion polls [Bouchard and Taylor, 2008; Côté, 2012].

21. Furthermore, while many people consider the multilingualism which prevails in French-language institutions in Montreal as an asset, others are concerned, even though French dominates as the common language of communication [Armand, 2013; Thamin, Combes and Armand, 2013]. They fear that the positive results observed in educational institutions will not be reproduced in the wider society and that in the long term, in the public space in Montreal and Quebec, bilingualism will be the norm.

22. That being said, nobody in Quebec advocates a return to the situation which prevailed before the 1970s, i.e. an overwhelming attendance of English-language schools by students with an immigrant background. The idea of restricting access to French-language schools to families who are associated with this language historically or who are committed to speaking French at home is not one of the choices being discussed. There is a very broad consensus that the transformations resulting from Bill 101 are positive, among others as regards the dynamism of French in Montreal and in Quebec as a whole, even though certain impacts on the transformation of the identity of the French-speaking community, and above all the fact that it is taking place at two speeds, lead to major challenges. The French-speaking community, which was before the 1960s a demographic majority but a minority in the sociological sense, is now the main host community for immigrant groups, a trend which contributes to its linguistic, socioeconomic, cultural and social dynamism. And while some people may be nostalgic

about the homogeneity of the past, the choice of openness, among others in the area of education, has been an essential asset in its development.

Conclusion

23. The experience in Canada illustrates that both approaches, i.e. the protection of a fragile minority by limiting access to the educational institutions it controls to people who have a historical or special connection to the language which defines it, or the dynamic use of schooling in an objective to transform ethnolinguistic relationships, may have a normative legitimacy according to the specificity of contexts. However, if the first option is chosen, there must be an evaluation of the extent to which it compromises fair access to education for those who would be excluded from these institutions and whether the infringement of their right is proportional to the importance of the objective to preserve the language in a fragile situation.⁷ This is a challenge which did not exist for French speakers outside of Quebec who control only a minority network considered to be less performing than the network under the auspices of the English-speaking majority, but which would have a genuine issue if decision-makers in Quebec had gone down that path.

24. As regards the interest of the community in a situation of fragility, both options may be pertinent. However, the first is clearly defensive and should be limited to groups whose vulnerability – not past but current – can be established. In this respect, let us recall that even French speakers outside of Quebec, who are clearly at the same time a demographic minority and a sociological minority, question some of its limits. The second, in my opinion, has many more advantages and testifies to a dynamic definition of belonging and culture, which guarantees significant future development. However, when a majority community builds its identity on a heritage of fragility and non-dominance at ethnolinguistic level, it may be difficult for its members to agree on its current sociological status in order to evaluate whether the 'openness option' is realistic. Furthermore, as the case of Quebec clearly illustrates, the conse-

⁷ This balancing of rights may appear complex to neophytes yet it is a common exercise in Canadian courts.

quences of widely consensual choices and the achievement of objectives may lead to new challenges. Traditional identity and the links between language and culture may need to be broadly redefined following the presence of new groups in educational institutions, and the adaptation of the majority community to this change cannot be taken for granted.

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