
The Status of French in Alberta: A Rejoinder

by Alfred Thomas Neitsch

In a previous issue of the Review (Summer 2009) Dr. Edmund Aunger argued that Alberta has a constitutional requirement to be officially bilingual. What follows is a rebuttal that suggests Aunger's position runs counter to the multi-cultural tradition of Alberta. There have been misconceptions about the foundations of society in the Canadian West, particularly Alberta. As a result, Western Canada has not received its fair due as an inclusive society and its residents have often been criticized as intolerant. The province of Alberta's long-standing support for multiculturalism over official bilingualism and equality over hierarchy, which the majority of the population in the province supports, has been repeatedly criticized. There is a third force operating in Alberta, a composite force of multicultural elements. This article critiques Aunger's arguments and suggests an alternative perspective on language and culture in Western Canada.

I believe it can be demonstrated that for constitutional, political and cultural reasons the Aunger position violates a long-standing tradition of multiculturalism in Alberta.

The Constitutional Position

In his argument, Dr. Aunger fails to distinguish between the Manitoba Crown and the Crown of the North-West Territories. Even though Sir Adams George Archibald, Sir Francis Johnson, and Alexander Morris governed as Lieutenant Governors of Manitoba and the separate jurisdiction of the North-West Territories, no Manitoba law automatically applied to the North-West Territories. Think of the many Crowns possessed by Queen Elizabeth II. One Crown is representative of the United Kingdom, another of Canada, another of Australia, yet another of New Zealand. A royal declaration in London does not bind Ottawa, Canberra, or Wellington.

In his interpretation of *R v. Caron*, Aunger claims that a Governor General, prior to the transfer of the

prerogative powers of the Canadian Monarch to the Governor General in 1947, was empowered to make a proclamation (on December 6, 1869) that had the effect of a Constitutional document. No so! Part VII of the *Constitution Act, 1982* notes that only documents listed in the schedule are Constitutional documents. The schedule lists only the *Manitoba Act, 1870* and the June 23, 1870 *Order of Her Majesty in Council admitting Rupert's Land and the North-Western Territory into the union* as Constitutional documents from 1868 to 1870 inclusive.

Even if Aunger's premise is accepted by the courts, in opposition to Part VII of the *Constitution Act, 1982*, the contemporary Alberta Crown possesses the adequate authority to overrule previous decisions made by a colonial government. Moreover, the *Constitution Act, 1867* places determinations of accommodation in provincial hands with control of property and civil rights in Section 92(13) and with language rights largely at the discretion of the provinces, other than French education rights provided in Section 23 of the *Constitution Act, 1982*. Should a court not find the powers of the responsible government of Alberta sufficient in determining official language

Alfred Thomas Neitsch is a PhD Candidate in the Department of Political Studies at the University of Ottawa.

in accordance with democratic principles, it should understand that the prerogative powers of the Alberta Crown, though dormant, are by no means obsolete.

Political Issues

Another criticism hinges on Auger's failure to discuss the level of control that the authorities actually possessed in a colonial situation. The *North-West Territories Act, 1869* provided a Lieutenant Governor who, "exercised a personal rule over the Territories, under direction from the Canadian government." The *North-West Territories Act, 1875* provided for a Legislative Council, but its first members were appointed by the Lieutenant Governor. It was not until 1884 that the elected members of the North-West council outnumbered the appointed members. The *North-West Territories Act, 1888*, created a Legislative Assembly, comprised fully of elected members. Many scholars consider 1888 to be the founding of responsible government in the North-West Territories. However, as Cecil Lingard notes, the power to "advise on all matters connected with the duties of the Lieutenant Governor was beyond the power of the Legislative Assembly."¹ Therefore, it is clear that full responsible government had yet to be established by 1888. Full responsible government had to wait until after the creation of the provinces of Alberta and Saskatchewan and those jurisdictions' first democratic elections held in 1905. How can we in good conscience agree to be bound by decisions made by non-responsible governments or unelected officials? How can decisions made long-ago by non-responsible governments trump decisions made by contemporary, duly elected responsible governments? This goes against the very tradition of democracy in Canada. At this juncture, it is helpful to cite James Tully, who states that "the constitution, which should be the expression of popular sovereignty, is an imperial yoke, galling the necks of the culturally diverse citizenry, causing them to dissent and resist, and requiring constitutional amendment before they can consent."²

Cultural Issues

Another criticism surrounds Auger's scant emphasis on the nature of Métis peoples other than as Francophone actors. Perhaps this is not an intentional slight but let us consider the other European heritages embraced by the Métis. Norma J. Milton has noted that generations of Scottish clerks and traders of the Hudson Bay Company were ancestors to many of today's Métis, as were Irish and other European traders.³ Distinct communities of Scotch Métis arose across Western Canada.

More pressing, however, is the need to properly identify Métis as multilingual and multi-cultural. It must be made clear that not all Métis are French, but all Métis are Aboriginal. The Métis never abandoned their aboriginality; they fused some elements, not all, of European culture, which included French, as well as Scottish and others, into their culture. In terms of asserting the role of aboriginality in Métis culture, we must draw a rubric beneath the fact that Métis have always been a heterogeneous group. The majority of Western Métis spoke Cree as their first language and many shunned Catholicism. During the 1885 Rebellion, the Alberta Métis, even those predominantly French-speaking in Lac St. Anne, St. Albert, and Lac La Biche, did not rebel. As Donald B. Smith noted, "important differences existed between these Métis and those around Batoche, three hundred miles to the east. First, most of the Edmonton-area Métis had been born in the region and, unlike many of the Métis in the South Saskatchewan Valley, had not served with Riel in the Red River in 1869-70, or participated in the angry exodus from Manitoba in the 1870s."⁴ While it is admirable that Auger defends the language rights of the Métis, why the focus is solely on French, rather than the widely spoken Aboriginal languages of the Métis? In the Caron case why has the issue of the Cree language not come up with respect to the *Alberta Traffic Safety Act*?

Canadian History and Its Interpretation

To understand Alberta's customary opposition to official bilingualism, consider Simeon and Elkins' position⁵ that the provinces are individually distinct "small worlds" and combine it with Nelson Wiseman's framework that builds on 'formative events and quakes,' 'the fragment theory' and 'immigrants and ideas' within the individual provinces.⁶ Each province is constituted as a distinct cultural entity that could be described metaphorically: Newfoundland was 'Canada's Ireland and west country England;' the Maritimes: 'Canada's New England;' Quebec: 'New France;' and so on with Alberta being: 'The Prairies' America.' It should be understood that for Alberta, Confederation had a limited impact. Those who assert that Canada is a nation born of an English/French partnership veil a rich history. Many interpretations of Alberta have failed to disaggregate sub-national distinctiveness from the officially and artificially constructed whole and view Canada from an essentialist lens that fails to reflect both contemporary and historical Canada. In exclusively celebrating bilingual and biculturalism we lose sight of those multicultural and multilingual dimensions discernable throughout the nation, including Alberta.

Advocating official bilingualism for a province with a tradition of many languages and cultures represents a step backward from the status quo.

Canadians are not the people of 1867. Perhaps we never were. Canada's foundation was by no means a *fait d'accompli* with Confederation. That event saw only three provinces unite, Nova Scotia, New Brunswick, and Canada (which split to form Ontario and Quebec) Canada's eighth and ninth provinces, Saskatchewan and Alberta, joined 38 years later in 1905. The process of Confederation itself has been criticized. Garth Stevenson found Confederation to be a pact of wealthy elites that cared little for the average citizen.⁷ As well, many of Confederation's 1867 citizens emigrated out of Canada. David Vebeeten has noted, "Over the course of four decades 1860 to 1900 – decades which were otherwise politically formative for the Dominion the population of Canada actually expanded at a rate below that of natural increase. Immigration only began to contribute significantly to population growth after 1901. For much, if not most, of its formative history, Canada was not a country of immigrants, but rather a country of emigrants or transients."⁸

Moreover, Western Canadians are certainly not the people of 1867. Hugh A. Dempsey has noted that the population of Alberta in 1870 was less than 15,000 – the largest majority being Aboriginal.⁹ The pattern of immigration in the West, particularly after 1896, was far more influential on the development of the region's political culture than was Confederation. The West was colonized by diverse ethnic and linguistic groups, a far more complex mode of settlement than one born of an Anglo-Franco alliance.

Between 1896 and 1913 a million colonists settled the Canadian Prairies. By the 1930s it was clear, as Roger Gibbins found, that patterns of immigration set the Prairies apart from the rest of Canada.

The prairie population was also set apart by its ethnic composition. In the 1931 census, which marked the ethnic crystallization of the prairie community, only 56.5 percent of the residents were of British or French descent, compared to 80.1 percent for Canada as a whole and 82.7 percent for Ontario. The prairie population was marked by large numbers of German, Scandinavian, Ukrainian, Dutch, Polish, Russian and American settlers. With that diversity came a multiplicity of religions, languages, and cultures, giving the prairies a uniquely multicultural cast.¹⁰

As shown in the following table no minority group had sufficient numbers to achieve cultural, political, or linguistic dominance.

Alberta's Ethnic Groups	
1931	1971
British (including Irish, Scottish and Welsh) (53.20%)	British (including Irish, Scottish and Welsh) (46.8%)
German (10.18%)	German (14.2%)
Scandinavian (8.46%)	Ukrainian (8.3%)
Ukrainian (7.64%)	Scandinavian (6.0%)
French (5.25%)	French (5.8%)
Polish (2.89%)	Dutch (3.6%)
Russian (2.24%)	Polish (2.7%)
Dutch (1.86%)	Native (2.7%)
Austrian (0.92%)	Others (9.8%)
Slovak (0.88%)	
Hungarian (0.75%)	
Italian (0.65%)	
Source: C. Caldrola, <i>Society and Politics in Alberta: Research Papers</i> , Toronto, Methuen, pp 36 and 305.	

The notion that Canada was an Anglo-French alliance is particularly foreign to Albertans. It is neither factual nor representative of the multicultural history of Alberta. The development of the province was never dominated by the alliance that dominated Central Canada. Preston Manning offers an anecdote of the response to his father, Ernest Manning, then Premier of Alberta, to Prime Minister Pearson with respect to the Bilingual and Bicultural Commission. Thinking it unadvisable to define 20th Century Canada in such essentialist terms of race and ethnicity, Premier Manning remarked that if one where to stand in the main downtown intersections of Edmonton and Calgary and shout "'this is an equal partnership between two founding races, cultures and languages—the English and the French,' passers-by would probably suggest that you seek psychiatric help."¹¹

John Diefenbaker's vision of 'One Canada' was far more conducive to the 'politics of recognition' in Canada than the homogenizing force it was criticized to be. Diefenbaker argued that "'One Canada' stood for prejudice towards none and freedom for all. There were to be no second-class citizens, no discrimination based on race, creed, sex, or economic station in the Canada of my dreams."¹² He was not anti-French as contemporary and future Liberals would claim. As a descendant of dispossessed Scottish Highlanders and discontented Palatine Germans, Diefenbaker hailed outside the English and French solitudes becoming the first Prime Minister from the third force. Considering the many multi-cultural firsts that occurred during his administration, Diefenbaker's policies should be viewed as supportive of non-official groups and fluent

in the politics of recognition.

Alberta's successes with multiculturalism and the politics of recognition have been overlooked. Rand Dyck found that "Alberta thus appears to have been remarkably free of internal ethnic and religious cleavages over its history," a state of affairs most provinces cannot boast.¹³ As noted earlier, many of those principles and practices upon which modern Canadian identity is grounded, originated in the Canadian West including multiculturalism, radical forms of populism, direct democracy, referenda, cooperatives, socialism, and Aboriginal activism. These progressive ideas were the result of interaction among those heterogeneous populations that colonized the region. Readers may be surprised to learn that Albertan Muslims built not only the first mosque in Canada, but the first (and only the third) in North America at the height of the Social Credit era: a period often considered reactive and authoritarian. Perhaps Social Credit is fairly viewed that way. Nevertheless, even the Social Credit government was forced to adapt its practices to a diverse population in order to sustain the support of the Alberta electorate. In 1946, Alberta became the first province to pass a Bill of Rights through their Legislature with Saskatchewan following suit in 1947. During this period, Alberta became the first province, and remains the only province, to acknowledge Métis settlements. Contemporary Alberta labours under a poor reputation for multicultural support but facts prove otherwise.

The 2006 Census examined the percentage of those who spoke a non-official language, either solely or in concert with an official language or languages. Of the four most populous provinces, British Columbia boasted the highest percentage with 17.5%. Ontario was a close second at 17.1%. Alberta was third with 10.5% and Quebec was fourth with 8.2%. The census also examined percentage of provincial population that had a non-official language mother tongue: BC (39.5%), Ontario (27%), Alberta (18.4%), and Quebec (12.6%). The ten largest contemporary non-Anglophone linguistic groups in Alberta are: Chinese languages, including Cantonese, Mandarin, Hakka, and others (97,275); German (84,505); French (61,225); Punjabi (36,320); Tagalog, or Filipino (29,740); Ukrainian (29,455); Spanish (29,125); Polish (21,990); Arabic (20,495); and Dutch (19,980).

At present, Edmonton Public Schools offers bilingual programs in: Arabic, ASL, Chinese, German, Hebrew, Spanish, and Ukrainian. Second language courses are offered in: Arabic, ASL, Chinese, Cree, French, German, Japanese, Punjabi, Spanish, and Ukrainian.

Alberta's resentment at its un-earned reputation for intolerance is rooted in the overriding emphasis placed on Canada's English and French partners that are privileged with special status; a reputation that runs counter to historical fact. The Scottish, Irish, and Welsh are not simply *les Anglais*. These groups represent distinct foundational elements in all regions of Canada. However, the imperative to preserve French (even in places where it has never been widely spoken) have completely overshadowed the struggle to preserve Gaelic in Cape Breton, spoken there since Nova Scotia's days as a Scottish colony. The 2006 Canadian Census indicates that more Canadians (9.1 million) align themselves with Celtic roots (Irish and Scottish) than with English or French, compared to English (6.6 million) and French (4.9 million). These statistics beg the question, why does not public policy reflect this level of multiculturalism?

An Alternative View

In Multiculturalism: Examining the Politics of Recognition, Charles Taylor stresses that the construction of self along with non-recognition or misrecognition of others can cause harm as "our identity is partly shaped by recognition or its absence, often by the misrecognition of the other, and so a person or group of people can suffer real damage, real distortion, if the people or society around them mirror back to them a confining or demeaning or contemptible picture of themselves."¹⁴ Taylor also stresses that "Due recognition is not just a courtesy we owe people. It is a vital human need." Will Kymlicka offers criteria to determine which groups deserve greater recognition: "there has been a trend within liberal thought to justify greater accommodation for ethnocultural groups. But the basis for this defence of ethnocultural groups has almost invariably been that members of these groups share a common culture, not that they share a common ethnic descent."¹⁵

Richard J.F Day has criticized both Kymlicka and Taylor's views of Canadian multiculturalism, not "as a recognition-based theory of liberal pluralism," but rather as a 'monological gift' that places limits "precisely where they threaten to achieve what multiculturalism is supposed to be about—that is equal reciprocal recognition between all of the peoples whom a history of violent conquest has cast within the purview of the Canadian state."¹⁶ The preceding work has argued that Alberta got multiculturalism right and got it right very early in its history. Canada has instead constructed a multicultural policy in which there are official charter members and "others" in Taylor's use of the term. Alberta's government is justified in

upholding the *status quo* for the provision of the French language in Alberta, since it maintains more equitable treatment of other colonial groups and more recent arrivals.

It would be fascinating to study whether the impetus for official French language status in Alberta comes from the original Francophone colonists or from the large numbers of more recent arrivals from Eastern Canada who possess no cultural connection with Alberta's first francophone populations.

The 2006 Census found that Franco-Albertans at 388,210 people constitute the 6th largest ethnic group. Section 23 of the *Charter* obligates public funds to be spent for public education in French province-wide, which is by no means objectionable. However, the 679,705 Albertans who claim German roots and constitute the second largest group after English 885,825 have no such *Charter* protection. The fact is that a smaller colonist population is given precedence over a larger one merely because it is part of the official monological group defined by the federal government in defiance of Western Canadian history. Many of these substantially spoken languages suffer decline from lack of tax dollar support as such funding is diverted to protect and preserve a federally-mandated cultural bias. For example, many more Albertans identify themselves as Ukrainian than can speak the language. A more egalitarian structure is needed and the courts, which have frequently intervened to protect French minority rights, should consider the protection of other minorities even if it means 'reading' them into legislation and the Constitution. This expansion of language rights could be accomplished through a broader reading of Section 27 in conjunction with Section 15 of the *Charter*. The federal government should not prevent the provinces from attempting to accommodate the unique ethnocultural demographics within their jurisdiction.

This approach empowers provinces to define their own collectivities, as often federally imposed policies may be construed as illiberal, non-representative and homogenizing. The articulation of language policy should be a democratic bottom-up rather than top-down process that overlooks the distinct nature of the provinces including Alberta. Professor Aunger's views as stated in his article deny this "bottom-up" approach to language policy in the province of Alberta.

Notes

1. C.C. Lingard, *Territorial Government in Canada: The Autonomy Question in the Old North-West Territories*. Toronto: University of Toronto Press, 1946, p. 7.
2. J. Tully, *Strange Multiplicity*. Oxford: Oxford University Press, 1999, p. 5.
3. N.J. Milton, *The Scots in Alberta*. In Howard and Tamara Palmer (Ed.). Saskatoon: Western Producer Prairie Books, 1985, p. 110.
4. D.B. Smith, *The Original People of Alberta*. In Howard and Tamara Palmer (Ed.), *Peoples of Alberta: portraits of cultural diversity*. Saskatoon: Western Producer Prairie Books, 1985, p. 66.
5. Richard Simeon and D.J. Elkins (Eds.), *Small worlds: provinces and parties in Canadian political life*. Toronto: Methuen, 1980.
6. Nelson Wiseman, *In search of Canadian political culture*. Vancouver: UBC Press, 2007.
7. Garth Stevenson, *Unfulfilled union: Canadian federalism and national unity*. Montreal: McGill-Queen's University Press, 2004.
8. D. Verbeeten, *The Past and Future of Immigration to Canada*. *Journal of International Migration & Integration*, vol 8 no 1, 2007, pp. 1-10.
9. H. A. Dempsey, *1870 A Year of Violence and Change*. In M. Payne, D. Wetherell, & C. Cavanaugh (Eds.), *Alberta Formed Alberta Transformed*, Edmonton: University of Alberta Press, 2006, p. 209.
10. Roger Gibbins, *Conflict & Unity an Introduction to Canadian Political Life*. Toronto: Methuen, 1985, p. 99.
11. Preston Manning, *Federal-Provincial Tensions and the Evolution of a Province*. In R. Connors and John Law (Ed.), *Forging Alberta's Constitutional Framework*, Edmonton: University of Alberta Press, 2005, p. 328.
12. John Diefenbaker, *One Canada. Memoirs of the Right Honourable John G. Diefenbaker: The Years of Achievement 1957-1962*. Toronto: MacMillan Canada, 1976, p. 33.
13. R. Dyck, *Provincial Politics in Canada: Towards the Turn of the Century*. Scarborough: Prentice Hall Canada, 1996.
14. Charles Taylor, *Multiculturalism: Examining The Politics of Recognition*. (A. Gutman, Ed.) Princeton: Princeton University Press, 1994.
15. W. Kymlicka, *Finding Our Way: Rethinking Ethnocultural Relations in Canada*. Toronto: Oxford University Press, 1998, p. 96.
16. R.F. Day, *Multiculturalism and the history of Canadian diversity*, Toronto: University of Toronto Press, 2000, p. 10.