

## **RACIAL FORMATION IN QUEBEC: A LEGAL RETROSPECTIVE**

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### **ABSTRACT**

This article will use the experience of the Quebecois in Canada to survey the linkage between cultural formation and race in Quebecois racial identity. It will then map out these linkages and their relations to the political and legal discourse that has emerged in Canada on the place of the Quebecois in the country. Cultural formation and racial formation are unmistakably linked. Specific social and linguistic separatism can, over time, crystallize into racial formation, especially if aided by official government recognition and legal codification. As this article will demonstrate, the verification of this idea can be clearly seen through the experience of the Quebecois in Canada, for the formation of Quebecois racial identity could not have occurred without the participation of the Canadian government in the process.

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## INTRODUCTION

This article will use the experience of the Quebecois in Canada to survey the linkage between cultural formation and race in Quebecois racial identity. It will then map out these linkages and their relations to the political and legal discourse that has emerged in Canada on the place of the Quebecois within the country. Cultural formation and racial formation are unmistakably linked. Specific social and linguistic separatism can, over time, crystallize into racial formation, especially if aided by official government recognition and legal codification. This article demonstrates, that support for this idea can be gleaned from the experience of the Quebecois<sup>1</sup> in Canada, for

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<sup>1</sup>. Throughout this article, I use the term "Quebecois" to refer to Francophone Canadians living in the province of Quebec and the term "English-speaking Canadians" to refer to Anglophone Canadians. It should be noted that sizable

the formation of Quebecois racial identity could not have occurred without the participation of the Canadian government. Part I of this article explores the process of racial formation, both from a sociological and from an anthropological point of view. Part II of this article surveys the linkage between Quebecois ethnic nationalism and Quebecois racial formation. Part III of this article examines the early historical experiences of the Quebecois in what is today the province of Quebec, demonstrating not only the distinct cultural and social differences between the Quebecois and English-speaking Canadians, but the early recognition of the racial split between the two groups by the governing authorities. Part IV of this article analyzes the early marginalization of the French language in the Canadian provinces outside Quebec and the subsequent concrete recognition by the Canadian federal government that modern Quebecois racial identity was centered upon, in part, the French language. Part V of this article assesses the Quiet Revolution (*La Revolution Tranquille*) in Quebec in the decades after the 1950s, and explores the crystallization of modern Quebecois racial identity. Part VI of this article discusses the strengthening and retrenchment of language rights under the newly patriated (c. 1982) Canadian Constitution and demonstrates how this represented a clear understanding, by the federal government, of the centrality of the French language to modern Quebecois racial identity. Part VII of this article further expounds upon the ideas laid out in Part VI by commenting on the Supreme Court of Canada's jurisprudence upon the new language rights enshrined in the patriated Canadian Constitution. Part VIII of this article charts the increasingly bitter racial conflict, between the Quebecois and English-speaking Canadians, that emerged in Canada in the early 1990s with the failure to accommodate Quebec within the newly patriated (c. 1982) Canadian Constitution.

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Francophone or French Canadian populations exist in Canada outside of Quebec, most notably in Ontario, Nova Scotia, and especially, in New Brunswick. This article focuses specifically on the experiences of the Quebecois.

## I. A BRIEF DISCUSSION OF RACIAL IDENTITY FORMATION

What is the key to racial formation? Anthropologists have held that race is a conception to be understood not in reference to biology, but rather in reference to specified cultural traits.<sup>2</sup> Culture can be viewed as capable of being “subsumed under race,” so that eventually, cultural traditions are not seen as particularly derived from any individual experience per se, but rather from a perceived “racial background.”<sup>3</sup> Culture and race necessarily feed into one another,<sup>4</sup> and as such, the process of cultural assimilation and emergent racialization are inexplicably linked to one another.<sup>5</sup> If a particular homogeneous group resists the tide of assimilation, it can, over time, become racialized. On the other hand, if the group does enter into the process of assimilation, then any emergent racial identity could be lost. Given this reality, it is perhaps not surprising that when the ACJC (*Association Catholique de la jeunesse Canadienne*)<sup>6</sup> first convened in 1904, the opening resolution proclaimed, “The French Canadian race has a special mission to fulfill on this continent, and it must for that reason keep its character distinct from other races.”<sup>7</sup>

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<sup>2</sup>. EVANDRO CAMARA, THE CULTURAL ONE OR THE RACIAL MANY 16 (1997).

<sup>3</sup>. *Id.* at 17.

<sup>4</sup>. *Id.* at 18.

<sup>5</sup>. *Id.* at 19.

<sup>6</sup>. The main Quebecois nationalist political movement until the arrival of the *Parti Quebecois* in 1968.

<sup>7</sup>. MIRIAM CHAPIN, QUEBEC NOW (1955), available at <http://faculty.marianopolis.edu/c.belanger/quebechistory/docs/views/chapin02.htm> (last modified Sept. 20, 2002).

## II. THE LINKAGE BETWEEN QUEBECOIS ETHNIC NATIONALISM AND QUEBECOIS RACIAL FORMATION

Perhaps the most succinct declaration of the tie between Quebecois ethno-cultural nationalism and Quebecois racial identity was once stated by Quebecois nationalist leader L. M. Gouin. In response to the question of where Quebecois loyalty lay (i.e. did it lie with Canada as a whole or with Quebec solely?), Gouin said: “we Quebecers . . . do not put Ottawa above Quebec . . . . If we have to choose between the Confederation and our own nationality, we refuse to sacrifice the soul of our race either to the Dominion or to the Empire.”<sup>8</sup> The nationalist tie fed into the tie of racial identity by emphasizing the danger to Quebecois racial preservation from the rest of English-speaking Canada — that this argument could be forwarded had much to do with geographic realities, as scholar Frank R. Scott explains:

The French Canadians [i.e. the Quebecois] in Canada now number about 3,300,000 [c. 1939]. They form the most homogeneous and united group in the country, for they are not divided by religion or racial origin, and their upper governing class is not in control of great wealth and hence far removed from the mass of the people. Moreover, their sense of being ringed round by an alien civilization [i.e. the vast majority reside in the province of Quebec] makes them subordinate their inner differences to the single racial purpose of self-preservation.<sup>9</sup>

The connection between this nationalist recognition of Quebecois cultural homogeneity, and its linkage to the fear of the loss of racial identity through assimilation with the rest of English-speaking Canada

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<sup>8</sup>. WORLD CURRENTS AND CANADA’S COURSE 124 (Violet Anderson ed., 1937).

<sup>9</sup>. FRANK R. SCOTT, CANADA TODAY: A STUDY OF HER NATIONAL INTERESTS AND NATIONAL POLICY 72 (2nd ed. 1939).

would seal the link between Quebecois nationalism and Quebecois racial identity:

Such is the general character of French-Canadian nationalism, and it will be recognized as the natural aspiration of a people who believe in themselves and who are determined to survive with their language, their traditions and their religion. From time to time, however, and more particularly of recent years, there has arisen an extremer form of nationalist fervour, which resembles closely the movements which have swept over Ireland and other European countries where there is a racial group struggling for freedom. This spirit manifests itself in economic as well as political forms; it seeks immediate steps toward independence for the race . . . .<sup>10</sup>

The ties of culture and race mingle indiscriminately in Quebec. In his aptly titled novel, *L'Appel de la Race*,<sup>11</sup> Lionel-Apolphe Groulx<sup>12</sup> tells the story of a young Quebecois lawyer, Jules de Lantagnac, who commits the ultimate sins of becoming bilingual, leaving Quebec for the English-speaking city of Ottawa, and marrying an English-speaking Protestant. Fear not however, because eventually a virtuous Quebecois priest straightens Lantagnac out — here is the scene of Lantagnac's conversion:

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<sup>10</sup>. *Id.* at 73-74.

<sup>11</sup>. The English translation of the title is *The Name of the Race*.

<sup>12</sup>. Born on a farm just outside of Montreal in 1878, Lionel-Adolphe Groulx is generally credited as being the godfather of modern Quebecois nationalism. He helped found the aforementioned *Association Catholique de la jeunesse Canadienne* and for years was its principle spokesman. It should also, however, be noted that throughout his life, Groulx exhibited a particularly vicious streak of anti-Semitism, going so far as to lionize Adolph Hitler in the interwar period.

Lantagnac's voice faltered as he uttered the last words in a moved and solemn tone. Then he went on in a firmer voice: "Thanks to your guidance, Father Fabien, my intellectual being was made whole again by my contact with the great masters of French thought; now my emotional being has been fulfilled by the countryside around Saint-Michel, the people, the things, the sweep of the horizon, the memories of my paternal house. On the Lantagnac tombs I was reconciled with my ancestors and my race. I realized then, indeed I felt it was a palpable reality, that the Lantagnac I had become was a doomed and anarchic force. I could not help thinking, as I strolled among the tombs, that here on this earth whatever value we have can only be achieved through tradition and continuity. One generation must rise on the shoulders of the previous one. . . ."

The priest's face increasingly radiated happiness: "Your words are pure gold, my friend."

Lantagnac got up. His hands resting lightly on his hips, his shoulders squared, he stood erect in an attitude which he often adopted when he strongly moved: "That is not all, Father. There in the cemetery at Saint-Michel, upon my family's tombs, I made a solemn resolution. Shall I tell you what it was?"

"Yes, do," quickly replied Father Fabien, hoping to hear the ultimate decision.

"I promised my ancestors that I would restore my children to them."

"Good for you!"

"My sons and daughters," Lantagnac continued, "have some English blood in their veins because of their mother; but through me they have inherited above all the ancient blood of the Lantagnacs, of our . . . ancestors . . . the . . . Lantagnacs from Monteil and

Grignan — forty generations. I have vowed that this is the side to which they must turn.”

“Good for you!” repeated Father Fabien.<sup>13</sup>

Notice Lantagnac’s identification of the continuity of tradition as the linchpin of his racial identity. Observe his reference to his sin of miscegenation and his oath to redress this horror by “returning” his children back into the Quebecois racial fold. The story of Lantagnac demonstrates that ethnic nationalism and racial identity have merged into one.

### III. FROM NEW FRANCE TO CONFEDERATION: INITIAL RACIAL FORMATION AMONGST THE QUEBECOIS

A brief historical survey of the Quebecois presence in Canada demonstrates not only the distinct cultural, social, linguistic, and historical differences between the Quebecois and English-speaking Canadians, but also the recognition and codification of this very important racial reality by the governing authorities.

The presence of the French in Canada began in the early seventeenth century with the establishment of trading posts along the Gulf of St. Lawrence.<sup>14</sup> Towards the middle of the eighteenth century, nearly 150 years later, the small French presence had been transformed into a cohesive and homogeneous French-Catholic colony known as New France (i.e. present day Quebec).<sup>15</sup> The explanation for this homogeneity lay in domestic French legislation barring Huguenots (as French Protestants were called) from the colony, which then greatly aided in the concentration of political power in New France in

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<sup>13</sup>. MORDECAI RICHLER, OH CANADA! OH QUEBEC! 83-84 (1992) (citing ABBE ROUX, VARIATIONS ON A NATIONALIST’S THEME 40-41 (Susan Mann Trofimenkoff ed., Joanne L’Heureux trans., Toronto Gage 1983)).

<sup>14</sup>. WAYNE C. THOMPSON, CANADA 33 (16th ed. 2000).

<sup>15</sup>. *See generally* KENNETH MCNAUGHT, THE PENGUIN HISTORY OF CANADA 22-35 (1988) (1969).

the hands of the Jesuit Order of the Catholic Church.<sup>16</sup> The end result by 1759, on the eve of the British Conquest, was a highly centralized society run, for the most part, by a close alliance between feudal lords (*seigneur*) and local Catholic Church leaders (*curé*).<sup>17</sup> The product of this centralization was a society with a uniform cultural identity that rested on a loyalty to the Catholic Church and the shunning of commercial merchant activities<sup>18</sup> in favor of a simple agriculture-centered rural life.<sup>19</sup>

After the English Conquest in 1763, the above distinctions became even more pronounced and entrenched as the new regime sought to entice English speaking settlers from the south (i.e. the thirteen colonies that would eventually become the United States) to settle in Quebec and swamp the Quebecois.<sup>20</sup> The end result was a determination by the Quebecois never to assimilate. In the words of Professor John Saywell:

Survival or *la survivance* became the battlecry of French Canada after the conquest. *Je me souviens* – “I remember” – was the watchword. The weapons in the battle for survival were the French language and Roman Catholic religion . . . . The army was provided by the cradle; French Canadians spoke of *la revanche du berceau* – “the revenge of the cradle”<sup>21</sup>

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<sup>16</sup>. JUNE CALLWOOD, PORTRAIT OF CANADA 20 (1981); MATTHEW GLOZIER, THE HUGUENOT SOLDIERS OF WILLIAM OF ORANGE AND THE GLORIOUS REVOLUTION OF 1688 12-13 (2008).

<sup>17</sup>. THOMPSON, *supra* note 14, at 34.

<sup>18</sup>. Commercial merchant activities associated with the English Conquerors.

<sup>19</sup>. JOHN SAYWELL, CANADA PAST AND PRESENT 56 (1975).

<sup>20</sup>. ROGER RIENDEAU, A BRIEF HISTORY OF CANADA 70 (2000).

<sup>21</sup>. SAYWELL, *supra* note 19, at 56 (Until the mid-1960s, the Quebecois had the highest birth rate in Canada, allowing a population that numbered close to 150,000 in the early nineteenth century to boom to close to 6,000,000 today.).

The new British authorities ultimately came to realize that the Quebecois indeed constituted a distinct society and culture that could not, and would not, be ruled in the same fashion as the other British possessions in North America.<sup>22</sup> To this end, the Crown<sup>23</sup> enacted the *Quebec Act* in 1774. The *Quebec Act* was remarkable for its time as it represented recognition by the British authorities of the distinct and irrefutable cultural and social differences between the Quebecois and the rest of English-speaking Canada. The *Act* codified these differences by: (1) allowing Catholic officeholders in Quebec (a right not granted to Catholics anywhere else in the British Empire); (2) recognizing the power of the Catholic Church in Quebec by allowing it to continue to take tithes; (3) recognizing the French civil law; and (4) recognizing the seigneurial land system<sup>24</sup> (over the British freeholding system practiced elsewhere in the Empire).<sup>25</sup> An argument can be made that the *Quebec Act* represented the recognition by British authorities that, in their handling of the relations between the Quebecois and the English-speaking Canadians, they were not dealing with two conflicting interest groups, but rather with two different racial groups competing over resources. This argument finds support in the simple fact that interest groups require only that their interests be fulfilled; racial groups, on the other hand, have much more pressing concerns. They need more than simply a guarantee that their concerns will be satisfied; they require protection and recognition of their distinct society and distinct worldview. This essential truth was aptly demonstrated in 1836-37, when a conflict over the division of political power in Quebec between the Quebecois and the English-speaking

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<sup>22</sup>. Jean-Philippe Warren, *The History of Quebec in the Perspective of the French Language*, in LINGUISTIC CONFLICT AND LANGUAGE LAWS 63 (Pierre Larrivee ed., 2003).

<sup>23</sup>. The British Government.

<sup>24</sup>. Briefly defined, the seigneurial land system was a system under which the grantor (the “*seigneur*” or “lord”) of the estate retained the right to have the grantee perform services in exchange for the grant.

<sup>25</sup>. *The Quebec Act, 1774* (U.K.), 14 George III, c. 83.

Canadians boiled over into an open rebellion by the Quebecois.<sup>26</sup> One of the main reasons for the rebellion was the fact that many Quebecois felt that the guarantees and recognition granted to their distinct race by the *Quebec Act* were in danger of being revoked, due to the increasing powers of the English-speaking Canadians in Quebec (who had as their patron the appointed Crown governor).<sup>27</sup> In the words of Professor Gerald S. Graham, of King's College (London), commenting on the racial component of the rebellion: "[T]he . . . situation was exacerbated by bitter racial conflict. The executive was entirely British, the [elected] assembly almost entirely French; a head-on collision was sooner or later inevitable."<sup>28</sup> The rebellion was easily crushed by the British, but its eruption proved troubling nevertheless.<sup>29</sup> In response, the Crown appointed Lord Durham, a prominent architect of Great Britain's Reform Bill of 1832, as governor general of Canada.<sup>30</sup> Durham was granted broad authority to investigate the causes of the rebellion, and in 1839, after five months of investigation, he completed his famous *Report on the Affairs of British North America*,<sup>31</sup> which to this day remains one of the more respected and insightful comments on mid-nineteenth century Canadian society.<sup>32</sup> The *Durham Report's* contents reveal that Durham was under no illusions in that he saw the rebellion as very much a racial struggle between inherently different groups. To quote the *Durham Report* directly:

I [Lord Durham] expected to find a contest between a government and a people: I found two nations warring

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<sup>26</sup>. GERALD S. GRAHAM, A CONCISE HISTORY OF CANADA 115, 119 (1968).

<sup>27</sup>. *Id.* at 115.

<sup>28</sup>. *Id.*

<sup>29</sup>. *Id.* at 119.

<sup>30</sup>. RIENDEAU, *supra* note 20, at 118.

<sup>31</sup>. Hereinafter referred to as the *Durham Report*.

<sup>32</sup>. RIENDEAU, *supra* note 20, at 118.

in the bosom of a single state: I found a struggle, not of principles, but of races; and I perceived that it would be idle to attempt any amelioration of laws or institutions until we could first succeed in terminating the deadly animosity that now separates the inhabitants of Lower Canada [Quebec] into the hostile divisions of French and English.<sup>33</sup>

The *Durham Report* went on to conclude that, because of the great cultural and social differences between the two races, the only solution to the emerging racial conflict would be to overwhelm Quebec with English-speaking immigrants and engulf the Quebecois, thereby forcing them to assimilate.<sup>34</sup> The *Durham Report* is important to the discussion herein because it represents the clear and unequivocal recognition, by the British, of the Quebecois constituting a race, unique and separate from the English-speaking majority of the colony.

If the *Durham Report* represented the clear recognition by the British authorities that the Quebecois constituted a unique and separate race, it would be the 1867 Act of Confederation<sup>35</sup> that would recognize and codify this reality among Canadians themselves. *The British North America Act*<sup>36</sup> represents a clear and complete recognition of Canada's racial problem and presents a unique formula to solve this problem. Professor Saywell explains:

The federal union was based on the hope that the two peoples could live in peaceful coexistence if there was nothing to fight over. The constitution [the *BNA Act*], therefore, gave to the provinces all matters of special

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<sup>33</sup>. *Id.* at 119.

<sup>34</sup>. SAYWELL, *supra* note 19, at 56.

<sup>35</sup>. I.e. the establishment of the Dominion of Canada under the *British North America Act*.

<sup>36</sup>. *Constitution Act, 1867*, (U.K.), 30 & 31 Vict., c. 3, reprinted in R.S.C. 1985, App. II, No. 5. Hereinafter referred to as the *BNA Act*.

concern to each cultural group, while the federal government was given responsibility for broad national policies . . . .<sup>37</sup>

Specifically, section 91 of the *BNA Act* was envisioned as granting powers to the new federal Parliament (sitting in Ottawa) that were economic and institutional in nature. These powers were meant to limit Parliament, and thus the new federal government, to organizing and conducting the institutions of government.<sup>38</sup> In contrast to section 91, section 92 of the *BNA Act* was envisioned as granting to the new provincial parliaments powers in relation to citizen and community affairs.<sup>39</sup> By granting the new provincial parliaments broad powers in relation to matters of direct local concern, the *BNA Act* recognized the special status of the Quebecois in Quebec and the importance of granting them the ability to govern themselves, in accordance with their particular cultural and social needs. Specific divisions of federal/provincial power aside, section 93 of the *BNA Act* granted to the provincial parliaments the power to make laws relative to the sphere of education, specifying that the provincial parliaments had the power to choose the language of instruction at educational institutions. Obviously with the power to regulate their own schools (and set the language of instruction at the schools as French), the special racial status of the Quebecois in Quebec had been recognized, but what of the status of the Quebecois outside of Quebec, in the other provinces? The special status of these people was also recognized and protected by section 93, in that it also prohibited provincial parliaments from compelling denominated schools to change their language of instruction, if at the time of confederation (or admittance) the particular denominated school had the right to instruct in a different

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<sup>37</sup>. SAYWELL, *supra* note 19, at 57.

<sup>38</sup>. BERNARD W. FUNSTON & EUGENE MEEHAN, CANADA'S CONSTITUTIONAL LAW 61-62 (1998).

<sup>39</sup>. *Id.* at 62.

language.<sup>40</sup> The federal government was also granted the power, under section 93, to enact remedial laws to give effect to any section 93 claim (though education is a provincial power, as section 93 establishes and makes clear).<sup>41</sup> Through its issuing of the above qualifications on the provincial power over education, Peter W. Hogg, former Dean of Osgoode Hall Law School (University of Toronto), has argued that section 93 “amounts to a small bill of rights” for the protection of language minorities (i.e. via its qualification of the provincial education power and its subordination of the provinces to the federal government through the grant of remedial law power to the federal Parliament).<sup>42</sup> Recognition of the special status of the French language to the specific racial identity of the Quebecois was further recognized by the *BNA Act* through section 133, granting French co-equal status in federal administration. Thus, either French or English could be used in debates in the federal Parliament, and statutes passed by that body had to be published in both French and English. Note also that section 133 allowed French to be used in all federal and provincial courts.<sup>43</sup> Until its patriation (and subsequent revision) in 1982, the *BNA Act* epitomized the official acknowledgement by Canadians that they indeed could trace their roots to not one, but rather “two founding races.”<sup>44</sup>

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<sup>40</sup>. PETER W. HOGG, CONSTITUTIONAL LAW OF CANADA § 56.8(a) (5th ed. 2007). *See also* *Ottawa Roman Catholic Separate School Trustees v. Mackell* [1917] A.C. 62 (U.K.) (where the Privy Council reaffirms this interpretation of the section 93 provisions).

<sup>41</sup>. *Id.* at § 57.1(a).

<sup>42</sup>. *Id.*

<sup>43</sup>. *See* *Attorney General of Quebec v. Blaikie*, [1979] 2 S.C.R. 1016, 1029 (Can.) (for a discussion of what courts are covered under section 133).

<sup>44</sup>. REPORT OF THE ROYAL COMMISSION ON BILINGUALISM AND BICULTURALISM, BOOK I xxii (1967).

#### IV. LANGUAGE TAKES CENTER STAGE IN QUEBECOIS RACIAL IDENTITY

In the years following Confederation, the express protections of sections 93 and 133 aside, the French language found itself marginalized in the provinces outside of Quebec.<sup>45</sup> With the Quebecois as merely a minority amongst a sea of English speakers, once outside of Quebec, perhaps this was inevitable. Large parts of the federal government, including both the civil service and the armed services, functioned exclusively in English.<sup>46</sup> More and more, the Quebecois began to hold the French language as the centerpiece of their racial identity, and more and more, they felt this identity was under attack as the status of French steadily declined in Canada.<sup>47</sup>

In 1963, Prime Minister Lester Pearson appointed a Royal Commission, *The Royal Commission on Bilingualism and Biculturalism*,<sup>48</sup> to study the language issue in Canada. As will be discussed below, the *RCBB*'s groundbreaking *Report*<sup>49</sup> commented on the strange interplay between the French language and Quebecois racial identity. Based on the recommendations of the *RCBB Report*, the federal government passed the Official Languages Act<sup>50</sup> in 1969.<sup>51</sup> As will be explored in detail below, the OLA would take the limited provisions of section 133 and apply them to the whole of Canada instead of simply to the federal government. The OLA represented the

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<sup>45</sup>. Frank M. Lowrey, *Through the Looking Glass: Linguistic Separatism and National Unity*, 41 EMORY L.J. 223, 229 (1992).

<sup>46</sup>. *Id.*

<sup>47</sup>. PIERRE A. COULOMBE, LANGUAGE RIGHTS IN FRENCH CANADA 75, 94-95 (1995).

<sup>48</sup>. Hereinafter referred to as the *RCBB*.

<sup>49</sup>. Hereinafter referred to as the *RCBB Report*.

<sup>50</sup>. Official Languages Act, R.S.C., chs. 0-2 (1970). Hereinafter referred to as the OLA.

<sup>51</sup>. MARC V. LEVINE, THE RECONQUEST OF MONTREAL 91 (1990).

concrete recognition by the federal government that Quebecois racial identity was indeed centered upon the French language.

The *RCBB* defined its *raison d'être* as “to inquire into and report upon the existing state of bilingualism and biculturalism in Canada and to recommend what steps should be taken to develop the Canadian Confederation on the basis of an equal partnership between the two founding races.”<sup>52</sup> At the onset of its report, the *RCBB* made claim that, for its term of reference, it took race to refer to national groups rather than biological groups.<sup>53</sup> This statement of principle is important because it demonstrates the *RCBB*'s acceptance of Quebecois racial identity, a racial identity built up through a distinct national culture and society. In the *RCBB*'s view, culture constituted the common ties that served to bind people together, while language itself constituted not only an important link to culture, but also a vehicle for its advancement.<sup>54</sup> If a solution to the antagonisms between the Quebecois and the English-speaking Canadians were to be found, a discussion of race would be important because race was one of the central driving forces behind the Confederation. In the words of the *RCBB*: “In the past, two major versions of the compact theory have been elaborated: a compact among provinces and a treaty between ‘races.’ Quebec’s rights (and those of the other provinces) have been based on the first version; the rights of French Canadians throughout Canada on the second.”<sup>55</sup> Commenting on the views concerning the above compact, the *RCBB* quoted a Quebecois, residing in Ontario, who stated the following: “Our rights and privileges in the Canadian Federation are not completely [honored], and we feel our group should have priority precisely because it is one of the founding races[.]”<sup>56</sup>

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<sup>52</sup>. REPORT OF THE ROYAL COMMISSION ON BILINGUALISM AND BICULTURALISM, BOOK I, *supra* note 44, at xxi.

<sup>53</sup>. *Id.* at xxi.

<sup>54</sup>. *Id.* at xxxi, xxxiv.

<sup>55</sup>. A PRELIMINARY REPORT OF THE ROYAL COMMISSION ON BILINGUALISM AND BICULTURALISM 46 (1965).

<sup>56</sup>. *Id.*

Precisely such sentiment would influence the final recommendations of the *RCBB*, and it would be based on those recommendations that the federal government would pass the OLA in 1969.<sup>57</sup>

The Declaration of the OLA stated that “English and French are the official languages of Canada and have equality of status and equal rights and privileges as to their use in all institutions of the Parliament and Government of Canada.”<sup>58</sup> The OLA further established that: (1) all federal laws and bylaws would be published in both languages; (2) all federal public services would be provided in both languages; and (3) that in construing an enactment, both the French and English versions would be equally authoritative.<sup>59</sup> The OLA fit the vision of Canada held by Prime Minister Pierre Trudeau (who succeeded Lester Pearson as Prime Minister in 1968), in so far as it viewed the country as one where both linguistic groups could feel at home and prosper.<sup>60</sup> By using the OLA to try and achieve this vision for the country, Trudeau was very much also using it as a weapon against the separatist tendencies that started to emerge in Quebec in the late 1960s.<sup>61</sup> By deliberately fashioning the OLA to extend French language rights to all service levels of federal government, in all provinces, the Prime Minister (himself a Quebecois) deliberately recognized the *RCBB*’s findings, which pointed to the French language as becoming, more and more, the defining lodestar of Quebecois racial identity. By enacting a language rights bill as a foil to Quebec nationalism, the federal government, under Prime Minister Trudeau, can be seen as recognizing the growing importance of the French language in the Quebecois racial identity. The federal government then in 1969 was, in a way, embracing the view of renowned Quebecois intellectual Henri Bourassa that: “The conservation of the [French]

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<sup>57</sup>. LEVINE, *supra* note 51, at 91-92.

<sup>58</sup>. Section 2, R.S.C., chs. 0-2 (1970).

<sup>59</sup>. R.S.C., chs. 0-2 (1970).

<sup>60</sup>. Lowrey, *supra* note 45, at 230.

<sup>61</sup>. *Id.*

language is absolutely necessary for the conservation of the race, its genius, its character and its temperament.”<sup>62</sup>

#### V. THE CRYSTALLIZATION OF MODERN RACIAL IDENTITY IN QUEBEC: *LA REVOLUTION TRANQUILLE* (THE QUIET REVOLUTION)

The years between 1950 and 1980 saw a dramatic renovation occur in Quebec’s politics and society. This transformation, dubbed the Quiet Revolution (*La Revolution Tranquille*), occurred as a reaction to the Anglophone domination of the province’s business and economy.<sup>63</sup> The Quiet Revolution can be seen as heralding the start of the formation of modern Quebecois racial identity — a modern racial identity that would increasingly be centered on the French language.

The Quiet Revolution’s intellectual base centered on Laval University in Montreal and the influential Montreal journal, *Cite Libre*.<sup>64</sup> In *Cite Libre*, forward looking Quebecois intellectuals, like Pierre Trudeau (a future prime minister) and Rene Levesque (a future provincial premier),<sup>65</sup> argued that political power had to be used as a constructive mechanism to bring about the kind of social and economic progress that would aid the Quebecois.<sup>66</sup> They argued that urbanization and industrialization could be used as instruments for improving and strengthening the Quebecois culture and should no longer be viewed as threats.<sup>67</sup> These revolutionary new views concerning the role of government and the positive aspects of modernity occurred in Quebec only because the Quebecois, mainly an

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<sup>62</sup>. RICHLER, *supra* note 13, at 85.

<sup>63</sup>. LEVINE, *supra* note 51, at 39-41.

<sup>64</sup>. THOMPSON, *supra* note 14, at 54.

<sup>65</sup>. See <http://www.citelibre.com/> (describing Trudeau and Levesque’s roles in the founding and history of the Journal).

<sup>66</sup>. THOMPSON, *supra* note 14, at 54.

<sup>67</sup>. *Id.*

agricultural and rural people since the founding of New France, were increasingly moving to the cities (mainly Montreal) and embracing urbanization and industrialization.<sup>68</sup> The problem, however, lay in the fact that the province's economy was almost wholly in the hands of a small Anglophone elite.<sup>69</sup> As a result, the newly urbanized Quebecois found themselves in a position of "tremendous upheaval."<sup>70</sup> They found themselves unable to live their lives fully as Quebecois. In many of their new urban jobs (controlled by the Anglophone minority), they were prevented from working in French (or even working at all if their English language skills were not up to par).<sup>71</sup> The economic consequences were staggering for the Quebecois. "In 1961 the average French Canadian annually earned about 40 percent less annually than his English-speaking counterpart in Quebec."<sup>72</sup> Such conditions spurred the newly urbanized Quebecois to continue urbanizing, but "in a French way."<sup>73</sup>

Increasingly, the "French way" included use of the French language, which assumed a role as the main component in the modern racial identity of the Quebecois. In the words of the *RCBB* (commenting on the new role of language):

For the Commission . . . language is much more than a simple means of communication, and culture is much more than the persistence of a few psychological traits or expressions of folklore. We feel it is unacceptable to consider the French language in Canada . . . as a mere

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<sup>68</sup>. LEVINE, *supra* note 51, at 41-45.

<sup>69</sup>. A PRELIMINARY REPORT OF THE ROYAL COMMISSION ON BILINGUALISM AND BICULTURALISM, *supra* note 55, at 115.

<sup>70</sup>. *Id.* at 109.

<sup>71</sup>. *Id.*

<sup>72</sup>. RIENDEAU, *supra* note 20, at 262.

<sup>73</sup>. A PRELIMINARY REPORT OF THE ROYAL COMMISSION ON BILINGUALISM AND BICULTURALISM, *supra* note 55, at 110.

personal or family trait, encountered in church, in some associations, or at best in elementary school, but not elsewhere.

The life of the . . . culture[] implies in principle the life of the . . . language[].<sup>74</sup>

Coupled with the new consciousness described above, the limitations placed upon the French language by the widespread use of English as the language of business caused English to become the target of the ascendant Quebecois under the Quiet Revolution. The supremacy of English as the language of business impeded the economic emergence of the Quebecois within Quebec, and threatened the viability of the French language — the linchpin of Quebecois racial identity.<sup>75</sup> Thus, *la question linguistique* in Quebec became much more than a question of semantics; it became a question of racial struggle. This struggle emerged fully and unconditionally in Quebec, starting in the mid-1960s, with the emergence of intellectuals much more radical in their outlooks than either Pierre Trudeau or Rene Levesque could have ever dreamed.

Foremost among this new group was Pierre Vallieres, a leader of the militant *Front de Liberation du Quebec* (FLQ), a terrorist group that saw armed struggle against the Anglophone minority as the only solution to Quebec's racial dilemma. While in prison, Vallieres wrote the influential *Negres Blancs d'Amerique*,<sup>76</sup> which argued that much like blacks in the United States, the Quebecois were in the midst of a racial struggle, attempting to emerge from the marginalized underclass of Canada:

To be a “nigger” in America is to be not a man  
but someone's slave. For the rich white man of Yankee

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<sup>74</sup>. REPORT OF THE ROYAL COMMISSION ON BILINGUALISM AND BICULTURALISM, BOOK I, *supra* note 44, at xxxviii.

<sup>75</sup>. Lowrey, *supra* note 45, at 237.

<sup>76</sup>. The English translation of the title is *White Niggers of America*.

America, the nigger is a sub-man. Even the poor whites consider the nigger their inferior. . . .

In Quebec the French Canadians are not subject to this irrational racism that has done so much wrong to the workers, white and black, of the United States. They can take no credit for that, since in Quebec there is no "black problem." The liberation struggle launched by the American blacks nevertheless arouses growing interest among the French-Canadian population, for the workers of Quebec are aware of their condition as niggers, exploited men, second-class citizens. Have they not been, ever since the establishment of New France in the seventeenth century, the servants of the imperialists, the white niggers of America? Were they not *imported*, like the American blacks, to serve as cheap labor in the New World? The only difference between them is the color of their skin and the continent they came from.<sup>77</sup>

As a Marxist, Vallieres is valiantly attempting to remain true to his movement's internationalist ideology here. Under his world view, the Quebecois have been transformed. They are no longer a race in the midst of a racial struggle, but rather workers trying to throw off the yolk of international capitalism. The shroud is, however, rather thin. The Marxist Vallieres finds himself unable to shed his racial baggage. This is similar to the post-1918 Bolsheviks who found themselves unable to live up to their internationalist slogans and actually allow the former minorities within the Russian Empire independence and self-determination – instead, reflexively lapsing back into the pan-Slavism of their forefathers.<sup>78</sup> The central struggle Vallieres discusses is not an economic one, but a racial one. The reference to the African-American experience in America is a direct admission of this poorly hidden fact.

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<sup>77</sup>. PIERRE VALLIERES, *WHITE NIGGERS OF AMERICA* 21, (Joan Pinkham trans.) (1971).

<sup>78</sup>. See ARIEL COHEN, *RUSSIAN IMPERIALISM* 71-80 (1996).

The critique Vallieres presents is not of exploitation based on class, but rather exploitation based on race. To a whole generation of Quebecois, rightly viewing themselves as a racialized economic underclass and eagerly devouring Vallieres' book, his call to revolution did not seem all that far-fetched.<sup>79</sup>

Ultimately, however, the majority of Quebecois invested their energies in working within the system, and in 1976, brought the *Parti Quebecois* (PQ) to provincial power. The PQ had been established as a vehicle for national Quebecois aspirations by *Cite Libre* intellectual, Rene Levesque, who above all insisted that the party respect democratic norms.<sup>80</sup> Levesque saw the need for radical action if the Quebecois were to preserve their racial identity. To this end, the PQ introduced and passed a new bill in the Quebec National Assembly (Quebec's Provincial Parliament) in 1977. Bill 101, the Charter of the French Language,<sup>81</sup> would serve as the singular expression of the paramount importance of the French language on modern Quebecois racial identity.

The preamble of Bill 101 is explicit in its view of the importance of the French language on modern Quebecois racial identity: "Whereas the French language, the distinctive language of a people that is in the majority French-speaking, is the instrument by which that people has articulated its identity."<sup>82</sup> Bill 101 was sweeping in its purpose, to build a completely unilingual French-speaking Quebec.<sup>83</sup> Pursuant to this end, Bill 101 accomplished the following: (1) it established French as the sole official language of Quebec; (2) it required all municipalities and local health and social service institutions to conduct all of their business in French (regardless of linguistic composition); (3) it required that all public signs and posters

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<sup>79</sup>. CALLWOOD, *supra* note 16, at 324.

<sup>80</sup>. THOMPSON, *supra* note 14, at 59.

<sup>81</sup>. Charter of the French Language, R.S.Q., ch. 11 (1977). Hereinafter referred to as Bill 101.

<sup>82</sup>. Preamble, R.S.Q., ch. 11 (1977).

<sup>83</sup>. LEVINE, *supra* note 51, at 119.

had to be solely in French; and (4) it required that all private firms employing fifty or more persons had to, by a determined date, conduct all firm business in French.<sup>84</sup> Bill 101 was, in essence, a weapon used by the Quebecois in their racial struggle with Quebec's Anglophone minority. Bill 101 was the opening salvo in the direct racialized cultural and financial warfare. The tables had now turned, as the Quebecois tried to completely destroy the social and economic cohesiveness of the Anglophone minority, via Bill 101. In the words of scholar Wayne C. Thompson:

Bill 101 made French the sole official language [in Quebec] and greatly expanded its use in all sectors of Quebec society . . . . The bill . . . prompt[ed] scores of anglophone firms, such as the Sun Insurance Company's huge corporate headquarters, and thousands of English-speaking citizens to leave the province, reducing the percentage of Quebecers [(Quebecois)] who listed English as their mother tongue from 14.7 in 1971 to 12.7 in 1981. In fact, a University of Montreal demographer, Jacques Henripin, even predicted that if anglophones continue to leave the province at the rate that they did during the 1970s, the English community would disappear within 50 years.<sup>85</sup>

The critical point, for the purpose of this article, is that the weapon used in the racial battle was the French language, a significant statement on the singular importance of the French language upon modern Quebecois racial identity. Without the Quiet Revolution's transformative effects upon Quebecois culture,<sup>86</sup> language would never have taken center stage in the racial struggle. Scholar Alexander Brady commented on the relationship between the Quebecois and

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<sup>84</sup>. R.S.Q., ch. 11 (1977).

<sup>85</sup>. THOMPSON, *supra* note 14, at 61.

<sup>86</sup>. I.e. bringing about the increased urbanization of the Quebecois population.

English-speaking Canadians in Montreal during the decades prior (c. 1932) to the Quebecois urbanization under the Quiet Revolution:

The infrequency of intercourse between the two peoples is illustrated in Canada's largest city, Montreal. About 63 per cent of the population is French and 24 per cent British. Here, if anywhere, is ample scope for association, but in fact they remain apart and distinct except where business and politics force them together. They have their own residential sections; their own shopping centres, and if either is more notable for racial reserve, it is the English.<sup>87</sup>

## VI. LANGUAGE RIGHTS UNDER THE PATRIATED CANADIAN CONSTITUTION

Prior to 1982, the Canadian Constitution (the *BNA Act*), as a British statute, could only be amended with the consent of the British Parliament in Westminster. This fact led to a movement to patriate the *BNA Act*, which culminated in the Canada Act of 1982.<sup>88</sup> The Canada Act patriated the *BNA Act* through the adoption of a new Constitution which, in addition to containing the *BNA Act*, included a type of Bill of Rights<sup>89</sup> (i.e. *The Canadian Charter of Rights and Freedoms*<sup>90</sup>). The relevant provisions of the *Charter* provide a clear indication of the federal government's acceptance of the centrality of the French language to Quebecois modern racial identity.

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<sup>87</sup>. ALEXANDER BRADY, CANADA (1932), available at <http://faculty.marianopolis.edu/c.belanger/quebechistory/docs/views/brady01.htm>.

<sup>88</sup>. *Canada Act 1982* (U.K.), 1982, c. 11.

<sup>89</sup>. Amongst other things.

<sup>90</sup>. *Canadian Charter of Rights and Freedoms*, Part I of the *Constitution Act, 1982*, being Schedule B to the Canada Act 1982 (U.K.), 1982, c. 11.. Hereinafter referred to as the *Charter*.

Without exception, the relevant provisions of the *Charter* (section 14 and sections 16-23) seek to strengthen language rights in Canada, proof positive of the federal government's acceptance of the centrality of language to Quebecois modern racial identity. Sections 17-19 of the *Charter* virtually duplicate section 133 of the *BNA Act*,<sup>91</sup> though unlike section 133 of the *BNA Act*, sections 17-19 of the *Charter* do apply to the province of New Brunswick. Section 14 of the *Charter* grants a "party or witness in any proceedings" the right to an interpreter if he or she does not "understand or speak" the language of the proceeding. Sections 16 and 20 of the *Charter* incorporate the main provisions of the OLA into the Constitution. Section 16 establishes French and English as the official languages of Canada and holds that they possess "equal rights and privileges as to their use in all institutions of the Parliament and government of Canada." Peter Hogg has surmised that the above language of section 16 could have the effect of granting public servants, working either in the federal government or Parliament, the right to use either French or English in the course of their work.<sup>92</sup> Hogg's premise has yet to be put to a test by the courts. Section 20 obliges the federal government to provide bilingual services to the public. The obligation attaches fully to "head or central" federal government offices and to other minor government offices if there exists "significant demand," or if given the functions of the office, it would be "reasonable" to have bilingual services provided by the office. Section 23(1) of the *Charter* strengthens and deepens the minority language education rights provided by section 93 of the *BNA Act*. The section grants French/English minority parents the absolute right to have their children educated in the minority language of the province in which they live. This right is much more extensive than those provided in section 93 of the *BNA Act*, in that section 93 of the *BNA Act* applied and governed the establishment of language minority schools, while section 23(1) of the *Charter* deals directly with parents and grants them the ultimate say in choosing the language used to educate their children.

The relevant provisions of the *Charter* were enacted in 1982, in part, with the express purpose of mollifying Quebecois separatists

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<sup>91</sup>. HOGG, *supra* note 40, at § 56.4(a).

<sup>92</sup>. *Id.* at § 56.6(a).

who wished to see the province declare independence and opt out of the Confederation.<sup>93</sup> Only two years before, in 1980, the separatists had narrowly lost a sovereignty vote in the province, 40 percent to 60 percent.<sup>94</sup> The *Charter's* strengthening of language rights in Canada can be clearly understood in such a context. Just as the Quebecois wanted to win their racial war with the English-speaking minority of the province via a two-pronged cultural and economic attack through Bill 101, the federal government endeavored to broker a truce in the fighting by attempting to reassure the Quebecois of the government's acceptance of the centrality of the French language to Quebecois modern racial identity.

## VII. THE PRECEDENCE OF SECTIONS 16-23 OF THE *CHARTER*

The Supreme Court of Canada has interpreted the relevant language provisions of sections 16-23 of the *Charter* as having superior standing over other relevant provisions of the *Charter*, specifically section 15 and section 27. This fact further demonstrates the recognition and acceptance, by the Supreme Court of Canada, of the importance of Quebecois modern racial identity — an identity centered upon the French language.

Section 15 of the *Charter* serves to establish equality before the law and equal protection for all, prohibiting discrimination based on “race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.” The above provisions aside, however, the Supreme Court of Canada has ruled that section 15 is qualified under sections 16-23. In *Mahe v. Alberta*,<sup>95</sup> plaintiffs sought declaratory relief from the Court.<sup>96</sup> Plaintiffs contended that the provision of French language education in Edmonton did not meet the protections

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<sup>93</sup>. RIENDEAU, *supra* note 20, at 274-275.

<sup>94</sup>. CALLWOOD, *supra* note 16, at 349.

<sup>95</sup>. *Mahe v. Alberta* [1990] 1 S.C.R. 342 (Can.).

<sup>96</sup>. *Id.* at 353.

laid out in section 23 of the *Charter*.<sup>97</sup> The Court agreed; Chief Justice Dickson not only held that sections 16-23 accorded a “special status” to French and English over all other linguistic groups in Canada, but furthermore that, as a result, other linguistic/national minorities would be precluded from using section 15 to invoke section 23(1) rights for their children.<sup>98</sup>

Section 27 of the *Charter* recognizes the increasing multiculturalism of Canadian society by holding that the *Charter* is to be “interpreted in a manner consistent with the preservation and enhancement of the multicultural heritage of Canadians.” Due to the rather vague wording of the section, the courts have found it rather difficult to give precise effect to section 27.<sup>99</sup> Nevertheless, the case law does seem to leave one point crystal clear: The protections afforded by section 27 cannot be used to negate the rights and special status that the *Charter* confers on the two official languages. In *Societe Des Acadiens v. Association of Parents*,<sup>100</sup> Justice Wilson, writing for the majority, stated the following:

I do not believe that s. 27 was intended to deter the movement towards the equality of status of English and French until such time as a similar status could be attained for all the other languages spoken in Canada. This would derogate from the special status conferred on English and French in s. 16.<sup>101</sup>

As the above discussion of the case law makes clear, a common theme in Canadian constitutional jurisprudence relating to the *Charter* is that

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<sup>97</sup>. *Id.* at 353-354.

<sup>98</sup>. *Id.* at 369.

<sup>99</sup>. Terrence Myerhoff, *Multiculturalism and Language Rights in Canada: Problems and Prospects for Equality and Unity*, 9 AM. U. J. INT'L L & POL'Y 913, 939 (1994).

<sup>100</sup>. *Societe Des Acadiens v. Association of Parents* [1986] 1 S.C.R. 549 (Can.).

<sup>101</sup>. *Id.* at 621.

if the language rights underlined in sections 16-23 are deemed to be in conflict with other *Charter* provisions, there is a strong presumption in favor of recognizing the superiority of the aforementioned language rights.

The case law demonstrates that Canada is still predominately viewed as a society governed by the push-and-tug conflict between the “two founding races.” The increasing multicultural heritage of Canadians aside, the Supreme Court of Canada has seemingly concluded that the modern racial identity of the Quebecois takes precedence over the increasing multicultural reality of Canada.

#### VIII. MEECH LAKE’S AFTERMATH AND THE DIVISIONS OF CANADIAN SOCIETY

The province of Quebec refused to ratify the Constitution Act of 1982 because it felt that the new Constitution limited the right of the province to set certain domestic policies, and also did not grant it veto power over future constitutional amendments.<sup>102</sup> In 1987, after several federal-provincial conferences, the *Meech Lake Accord* was negotiated.<sup>103</sup> The *Meech Lake Accord* granted to Quebec (through a proposed Constitutional amendment) recognition as a “distinct society.”<sup>104</sup> The recognition was viewed as essential by the provincial government of Quebec to re-establishing its primacy in setting the internal affairs of the province.<sup>105</sup> Ultimately, to the outrage of the Quebecois, the *Meech Lake Accord* was not ratified by all of the required provinces in the required time period, and thus it died.<sup>106</sup> The

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<sup>102</sup>. HOGG, *supra* note 40, at § 4.1(c).

<sup>103</sup>. See PETER W. HOGG, MEECH LAKE CONSTITUTIONAL ACCORD ANNOTATED (Thomson Canada Limited, 1988),(contains a complete text of the proposed amendments).

<sup>104</sup>. HOGG, *supra* note 40, at § 4.1(c).

<sup>105</sup>. *Id.*

<sup>106</sup>. *Id.*

fact that the federal government agreed to the *Meech Lake Accord* in the first place illustrates the continued acceptance of the “two founding races” theory by the federal government. However, the strident and racial tone of mutual recriminations that erupted after the failure of the *Meech Lake Accord* demonstrates the continued division of Canadian society along Quebecois/English-speaking lines.

The *Meech Lake Accord* was undone on June 22, 1990, when the Manitoba provincial legislature refused to unanimously ratify it.<sup>107</sup> The next day, the two year time period lapsed, and the *Meech Lake Accord* was dead. The rejection of the *Meech Lake Accord* was not well received in many parts of Quebec – for example, well-known Quebecois separatist, Pierre Fournier, mused that the *Meech Lake Accord* had been rejected as the rest of Canada held deep-seated racist views against the Quebecois.<sup>108</sup> He proceeded to compare the Quebecois to oppressed East Europeans.<sup>109</sup> Not to be outdone, Georges Mathews, another well-known Quebecois separatist, suggested that just as the Soviet Union was practicing aggression towards Lithuania (this was 1990), so too was the rest of Canada practicing aggression towards Quebec.<sup>110</sup> Perhaps Fournier and Mathews had a point in that, in the midst of the fray, the pressure group APEC (Association for the Protection of English in Canada) began making direct comparisons between the French language and AIDS.<sup>111</sup>

The discordant racialized tone of the above demonstrates the very real and erupting racial friction that swept across Canada in the summer of 1990. Just as the Quebecois could employ racial

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<sup>107</sup>. RICHLER, *supra* note 13, at 148-149.

<sup>108</sup>. PIERRE FOURNIER, A MEECH LAKE POST-MORTEM x, (Sheila Fischman trans.) (1991).

<sup>109</sup>. *Id.* at 3-4.

<sup>110</sup>. GEORGE MATHEWS, QUIET RESOLUTION: QUEBEC’S CHALLENGE TO CANADA xii (1990).

<sup>111</sup>. FOURNIER, *supra* note 108, at 43.

stereotypes to demonize their perceived opponents, they also could use racial tropes in identifying their own perceived oppression.

### CONCLUSION

The brilliant Quebecois novelist and intellectual, Henri Bourassa, once famously remarked that the Quebecois were in a situation similar to that of a Native American once he left the reservation.<sup>112</sup> Just like the Native American, off the “reservation” of Quebec, the Quebecois had no rights; he was a stranger in the rest of Canada.<sup>113</sup> It is due precisely to the creation and retrenchment of the Quebecois racial identity that this view could ring so true for so many Quebecois. A process which began with the French settlers and their descendants in Quebec carving out and maintaining their distinct culture in the sea of English Canada and then took a sharp transformative turn into something of much more substance. As this article has demonstrated, through the experience of the Quebecois in Canada, specific social and linguistic separatism can, over time, crystallize into racial formation if aided by official government recognition and codification. The formation of Quebecois racial identity could not have occurred without the participation of the Canadian government in the process. If the child of Quebecois nationalism was a new racial identity, then the midwife to the process was, perhaps unwittingly, the government of Canada.

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<sup>112</sup>. SAYWELL, *supra* note 19, at 58.

<sup>113</sup>. *Id.*