

Non to bilingual judges

Bill calling for fluent French and English for those in Supreme Court is foolish

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Even if it's well-intended, the private member's bill (C-232) to require all Supreme Court justices to be fully bilingual is foolish and destructive.

It is putting linguistic fluency ahead of competence and experience.

It also excludes otherwise qualified individuals from parts of Canada where French isn't spoken — and it isn't necessary anyway at the Supreme Court level, where all decisions by lower courts are available in French and English.

If the bill introduced by New Brunswick MP Yvon Godin (NDP) becomes law, it will further divide Canada, where already three of the nine Supremes are from Quebec.

Now that Liberal Leader Michael Ignatieff has ordered that all Liberal MPs support the bill (nine Liberals opposed it when it passed first reading in 2009 — 140 votes to 133 with 31 absent), it has a chance of passing — thereby unleashing another crisis in Canada.

None of this implies that it wouldn't be wonderful if we, in Canada, became a fully bilingual country. Any additional language benefits individuals. There is no downside to knowing languages. European countries are a prime example.

But that's not going to happen.

In fact, government-sponsored language courses have had the broad effect of teaching more French-only speakers English than English-only people French.

Why? Because in North America, English is more a necessity than a luxury.

Statistically, something like 40% of French-origin Canadians speak English, while only 10% of English Canada speaks French. That automatically gives those who are bilingual an advantage and is (or should be) an incentive to learn the other language.

Primary schools should take note.

As for the Supreme Court, fluency in both French and English isn't necessary.

Judicial judgment cannot be replaced by linguistic symbolism, otherwise fluency becomes more important than all the other qualities that make our Supreme Court justices special, and a cut above all other lawyers and judges.

Translators work well in the UN and Parliament and have worked well at the Supreme Court level for years. There is no need to change.

In fact, a case can be made that Quebec's language laws, which are the essence of undemocratic legislation, tend to make prisoners of unilingual citizens of the province. If French families cannot send their children to English language schools, it can create future obstacles for those kids who want to work outside the province. Language laws are as undemocratic as they are offensive.

Increasingly, Quebec must attract immigrants from French-speaking countries, since non-French immigrants feel disadvantaged.

Overall, Canada has come a long way over the last half century towards becoming more bilingual. Some of it good, some of it silly. In the military, anyone seeking promotion above the rank of major must be functionally bilingual — which is fine, so long as we are not in a big war.

Napoleon, were he in the Canadian army today, would not be eligible for promotion beyond the rank of major. Again, military prowess is second-fiddle to linguistic competence.

Legislation forcing Supremes to be fully bilingual is almost too important for parliamentarians to decide. It would be interesting to survey all Supreme Court justices — those active and those retired — to see what they think.

It is a subject on which I think (hope) they would reach unanimous agreement, since to them the complexities and nuances of law are more important than cosmetic symbolism of bilingualism.