

Michel BASTARACHE, André BRAËN, Emmanuel DIDIER, Pierre FOUCHER, *Language Rights in Canada*, Cowansville, Les Éditions Yvon Blais inc., 1987, 538 pages, ISBN 2-89073-607-5.

Compiled and written under the watchful eye of Michel Bastarache, this volume claims not only to be an indispensable research tool for the Canadian jurist, but also a well documented synthesis of the history, interpretation and scope of federal and provincial legislations establishing the protection of linguistic minority rights in Canada, for the common citizen. The authors have adroitly avoided any emotional references which are often associated with this potentially explosive issue, preferring instead an objective and thorough approach worthy of serious writers and professors. To warrant their choice of title, the authors have studied and analyzed laws emanating from all provinces, and the institutions responsible for their implementation and protection, clearly demonstrating that this problem is not confined to the province of Québec, as some may be tempted to believe.

University of Ottawa professor André Braën begins by identifying the Canadian legal and historical context within which language rights have evolved. In accordance, he stipulates that the collective dimension of language rights should not be ignored « even if language rights are granted on an individual basis and even if the courts are hesitant to concede that language guarantees have a collective aspect ». He opts for a more generous method of interpretation of constitutionally entrenched language rights. In the second and third chapter, professors Braën and Bastarache study the nature and scope of section 133 of the *Constitution Act, 1867*, section 23 of the *Manitoba Act, 1870*, and sections 17 and 18 of the *Canadian Charter of Rights and Freedoms* and the juridical guarantees they invoke with regards to legislative and judicial bilingualism, based on the right to equal access to the law and to parliamentary institutions.

Pierre Foucher, professor at the École de droit of the University of Moncton and author of a comprehensive study of language

rights in education, writes on the right to state services in Canada's two official languages, which are deemed to be equal by virtue of section 16 of the *Canadian Charter of Rights and Freedoms*. His interesting and well detailed study thus focuses on the content and meaning of sections 16 and 20 of the Charter, and on the federal language regime relating to these principles. In chapter 5, the same author deals with section 23 of the Canadian Charter (the Canada Clause) and the inherent right to minority language education, and with the province's duty to legislate in this field. This particular section takes into consideration the individual (remedies) and collective (application) dimensions of the framers' objectives and intentions; but its application, in that official language minorities have the right to receive instruction in their own language, is lacking, claims this author.

Emmanuel Didier, administrator at the Bank of Canada and formerly a legal language specialist at l'École de droit of Moncton University, examines the regulatory provisions governing the use of language in private legal relationships. He clearly demonstrates the important trade off between freedom of speech and the protection of minority linguistic rights in private matters. Although lengthy at times, this chapter carefully examines the state of legislation pertaining to the use of language in labour, consumer and commercial matters. The author reveals his frustrations regarding the Canadian courts' refusal to attribute jurisdiction over linguistic and language rights to either levels of governments, making it difficult to adequately articulate policy and standards in this matter.

To conclude, the editor Michel Bastarache from Ottawa University, discusses the role of the principle of equality (of both official languages) in interpreting language guarantees included in the constitution. This, the author claims will become the most important criterion and measure in evaluating the impact, scope and feasibility of language laws, and will surely encourage and justify a more active judicial branch.

Faithful to its subject-matter, this book was edited in French as well as in

English. Both version equally afford excellent reading for the Canadian jurist, the student of law, and any citizen interested in Canada's most important and divisive issue. Its thoroughness and insight makes it an excellent stepping stone and reference for our present and upcoming members of Parliament, as well.

The French version of this book was the subject of a more in-depth bibliographic chronical written by J.P. Proulx in (1987) 18 *R.G.D.* 981-984.

C.L.