In articulating a position on the difficult and important question of language policies, I am mindful of the impact that my environment has had on my understanding and appreciation of the range of possibilities available. In this respect, my comments draw – consciously and unconsciously – on my understanding of the linguistic situation in Canada. I should not be taken as suggesting that all Canadians share my position on language policies. Experiences in Canada are varied and complex. However, even imagining – as it is not difficult to do – that, like me, another was raised in a bilingual and bicultural home (French-English) north of Montréal, it is not unreasonable to imagine that this person would disagree with my understanding of language policies more generally. And this disagreement is what I want to focus on. It is, in a sense, too often neglected when thinking about monitoring language policies.
The Nature of Disagreement and Debate

We disagree about language. We disagree about language policies. But what is the nature of this disagreement? Is there an obvious answer to language goals and the policies that ought to be adopted to promote them such that between two people who disagree, one of them must necessarily be wrong (and know it)? Or rather, are the questions of political morality, sociology, and institutional design implicated in the articulation of policies sufficiently complex and difficult to evaluate that two people can reasonably disagree over questions of policy while both agreeing with the more general objective of promoting a language goal? In framing the issue this way, I am drawing a distinction between language goals and language policies. If goals are principled, universal, obvious, and prioritized; policies are contextual, contingent, debated, and negotiated. For example, the debate that is at the centre of this Conference relates to differences in policies, assuming agreement with respect to the goals of protecting, promoting, and preserving languages. (However, even here, there is room for disagreement as to whether this is a goal focussed on individuals or on a language itself.)

Let me first consider the scenario of what may be imperfectly called bad faith disagreement. Here, two interlocutors engage on the question of which language policies ought to be adopted to promote a language goal. Though one interlocutor accepts and is convinced of the merits of the language goal, the other masks her disagreement with respect to the merits of the language goal – she participates in the discussion by seeking to undermine the goal by promoting weak or even counterproductive policies. In this scenario, the disagreement is over the merits of the language goal itself, though it is formulated through the discussion of the policies. In other words, one interlocutor is being dishonest by not making clear her position.

Some of the papers presented at the Conference suggested that this form of disagreement operates at the political level in some countries. Political actors pay lip service, so to speak, to a language goal and adopt (or fail to adopt) language policies such that the goal itself is demoted or undermined. In the interests of political survival or for other undisclosed reasons, these political actors are not honest in their opposition to the language goal itself.

That there are cases of bad faith disagreement between political actors and proponents of language policies cannot be denied. The history of Canada can unfortunately testify to this. However, the danger, as we will see, may come in accusing our interlocutor of disagreeing in bad faith simply on the basis that they disagree with us. This brings us to our second imperfect description of another scenario: good faith disagreement.

Under this second scenario, both interlocutors are seriously committed to the same language goal. Yet, they disagree with respect to the appropriate policies that ought to be adopted for the purposes of promoting that goal. They disagree over the success of a policy, its understanding of the relationship between language and culture, its focus on
either the language or speakers of that language, and so on. The interlocutors are faced with what Stephen May in his commentary called the “real life context” which brings to bear the “limits of general theories” and the difficulties normative principles face in being translated into policies to fulfil desired goals. This does not mean that normative principles do us disservice; rather, we must come to terms with the reality that these principles assist us in articulating language goals but lead us in no clear direction when it comes to articulating language policies (though they may point to obviously erroneous policies). Thus, disagreement over policies is to be expected and this disagreement can and, one hopes, often does operate in good faith.

It is in respect of good faith disagreement that I am less pessimistic than some when evaluating what is sometimes referred to as “weak” language protections in legislation, constitutions, international charters, covenants, etc. These protections are said to be weak because they are qualified by expressions like “so far as reasonable” or “where there is a real need”. Formulations that appear “weak” at first may, from the perspective of good faith disagreement, be appreciated as the only formulation that sustains agreement among proponent of language goals. For example, we may all champion the goal of freedom of expression, but reasonably disagree over any policy respecting hate propaganda. Is it therefore appropriate to refer to the constitutional protection of expressive freedom as “weak” because it allows for differences in policy with respect to hate propaganda?

Before evaluating how the distinction between good faith and bad faith disagreement over language policies could affect our understanding of “monitoring language policies”, we should acknowledge that the distinction is not always an obvious one. I have mentioned how we must think twice before accusing our interlocutor of debating in bad faith simply because she disagrees with us. Being convinced of the merits of our own position and of its correctness, we may be tempted to dismiss disagreement as ill-founded. Yet, as the title to this Conference suggests, language policies are to be debated and this debate need not be approached with an air of suspicion.

Furthermore, the distinction between bad and good faith disagreement is also difficult to evaluate in circumstances where our interlocutor agrees with all our premises but brings to the fore considerations other than the importance of the goal of language, which she perfectly accepts. For example, when are financial considerations relevant, if ever? If they are, to what extent ought they be a consideration before excessive reliance on them translates into bad faith disagreement? What about questions of safety? In Canada for example, the language of air traffic control raised questions of good and bad faith disagreement with respect to the position adopted by the political actors with respect to official languages. What is the nature of disagreement when political will is present, but political priorities differ?
Designing the Monitoring of Language Policies

Why monitor? Does distrust motivate the monitoring? Who is the primary decision-maker subject to monitoring? Who monitors? These questions all need answers, though the answers are often assumed rather than articulated. Without attempting a complete answer, our discussion of the nature of disagreement can open one avenue for reflection.

I shall assume that the primary decision-makers in a democracy are the political actors, acting collectively through their legislative assembly (or through a mandated executive). I assume this because in a democracy as opposed to an aristocracy or a monarchy, we assume for ourselves – collectively – the responsibilities of government. If language goals – let alone language policies – are to have any resonance with the public at large, they must operate within the public’s imagination. In this respect, the question of language policies must not be relegated to a council of experts, un conseil des sages, or to Plato’s Guardians for their exclusive consideration and debate. If the public and the political process is not engaging with the difficult questions of language policies, then the language goals themselves will in due time be lost. This is not to suggest that expert bodies have no role to play; rather, it is to suggest that their role ought not be that of primary decision-maker.

The question, therefore, is why monitor at all? There is a non-negligible difference between a monitoring body which binds the political process and one which engages it. To my mind, the role of a monitoring body must be directed to emphasizing the political process, bringing it out, forcing it to make explicit its position; in short, forcing it to make clear the nature of its disagreement with the monitoring body.

If it becomes clear that the nature of the disagreement is in bad faith, then the public must know. It must hold the political actors to account. However, if the public itself (or a majority of its members) rejects the merits of language goals, then we are faced with a debate on the merits of language goals, and not language policies. It may be that in such circumstances we wish for stronger monitoring bodies, bodies able to bind the political process. Yet, we may question the role of monitoring bodies in promoting a goal with which there is widespread disagreement. These questions escape the scope of my commentary, though they raise the difficult realities of some linguistic minorities facing assimilation.

If the disagreement is in good faith, then – we may ask – should a council of experts bind the political actors or should the latter, being our democratic representatives engaging in good faith, not be entitled to disagree? In reflecting on this question, let us recall that the council of experts itself may not be unanimous; the political actors may not be unanimous; and linguistic majorities and minorities may not translate into political majorities and minorities. The consequences of these possibilities do not argue against monitoring bodies; rather, they argue for monitoring bodies which aim to facilitate engaged (and enlightened) political decision-making.
Who monitors? There are a multitude of different institutional designs that may act as monitoring agencies. Pluralism in monitoring strategies is important: it may reflect good faith disagreement and do away with the idea that all disagreement by the political actors with the monitoring bodies is in bad faith. In Canada, we may consider the following monitoring bodies:

i. Conferences such as this one which bring different international perspectives on policy choices with respect to similar language goals;

ii. Committees of inquiry may engage the public and monitor its sense of the merits of language goals and the different policy choices for their promotion (e.g. the Royal Commission on Bilingualism and Biculturalism);

iii. An ombudsperson for monitoring compliance with language policies in the public service (e.g. the Commissioner for Official Languages);

iv. A civil service body responsible for monitoring compliance with language policies in the private sector (e.g. l’Office de la langue française)

v. A member of Cabinet, answerable to Parliament, responsible for language policies and for the minority language (e.g. Minister responsible for Official Languages, Minister responsible for the Francophonie);

vi. The courts for monitoring compliance with certain policies, especially when formulated in the language of rights;

vii. The media for monitoring language policies but also for monitoring the other monitoring bodies themselves (e.g. media reports of court decisions or of Commission Reports);

viii. Public opinion for monitoring the political actors’ devotion to language policies and goals, more generally.

This plurality of monitoring bodies impacts the political process and the public’s imagination. Each body has a responsibility to consider, for itself, the nature of its disagreement with the policies adopted by the political actors. In considering the nature of this disagreement, each body should evaluate the nature any disagreement with other monitoring bodies or even among the members of its own monitoring body. Appreciating the extent of good faith disagreement among those who debate language policies may (and should) make us less reticent about leaving political actors responsible for language policies.

Furthermore, a plurality of monitoring bodies is to be preferred so as to make available to the public the full gamut of good faith policy alternatives for promoting language goals. Making public this plurality ensures that no one has a monopoly over the public’s imagination.
Conclusion

If our governing ambition in promoting language policies is to achieve certain language goals – not the least of which is *la justice linguistique* – no resolve is possible until that understanding of language is shared horizontally among the citizenry rather than merely vertically between citizen and State. I may be able to communicate with my government in my (minority) language, but until my neighbour recognizes the merits of this possibility, the goals of language themselves are threatened. If the public’s imagination is to be engaged, language policies must be debated politically and not in the bureaus of expertise alone. Experts, no matter how qualified, are disempowered if their conclusions do not resonate in the public imagination. If, as Robert Dunbar suggested in his presentation, we are in search of an “attitudinal shift” with respect to the public’s understanding of the merits of language goals, then no Supreme Court decision, no council of experts report alone can achieve this.

In this respect, the failure of any monitoring process is not in its inability to bind the political process; rather, its failure lies in its inability to facilitate, engage, and empower the latter. Our failures, after all, much like our successes, must be our own.