

ny no column ab
by news other
Start of colin
ing South Bonn
dline.

NEWS

imes). If they of jingo
he Daily Star, "pub
es equally well Mar
-of k
u-editor in last
Telegraph Palmer noted no
In other wo
in 36-
words will
with Rudolf
sub-editors.
Hour That

C'est la guerre?

● (Compiled in Paris from dispatches: 'Bill to Outlaw Some Uses of English Nears Approval in French Legislature', *International Herald Tribune*, 6 May 94)

THE NATIONAL Assembly on Thursday approved a bill intended to protect the French language, introducing fines for the public use of English when a French word is available.

The measure, which imposes fines of up to 20,000 francs (\$3,500), was backed by the governing coalition of the Union for French Democracy and the Rally for the Republic. Socialist and Communist legislators abstained.

The bill, introduced by Culture Minister Jacques Toubon, now returns to the Senate for a second vote. It is virtually certain of final passage.

In the Assembly debate Wednesday, Didier Mathus, a Socialist, denounced the measure as "unenforceable" and charged that it gave the French language an image of being "narrow and defensive" ...

The bill says a dictionary of 3,500 terms and technical expressions published on March 15 will be the bible for France's language police. The dictionary outlaws such English words as airbag, walkman, crash, scoop and software, and provides French equivalents.

● (From Jacques Neher, 'Ad Firms Meet French 101', *International Herald Tribune*, 29 June 94)

PARIS – Cheeseburgers will have to be renamed in fast-food restaurants around the country under the bill sponsored by Culture Minister Jacques Toubon.

"Hamburger is French, but cheeseburger isn't French and can't be used," said Yves Marek, an adviser to Mr Toubon and author of the bill. "With this law, we're not trying to protect the French language, but rather protect consumers. They should be able to understand what they are buying."

No matter its intent, the law is likely to create more work and boost costs for foreign companies attempting to sell their goods and services in France. Marketers say it would dictate a "French exception" for global or pan-European ad campaigns tied to English words and expressions.

The only other country where marketers face similar restrictions is Canada, where the French-speaking province of Quebec has also clamped down on commercial use of English. Even though "cheeseburger" survived intact, the company was prompted to replace its Happy Meal with "Joyeux Festin" and Chicken McNuggets with "McCroquettes."

Unilingual Signs in Quebec and the United Nations Human Rights Committee

(From the Annual Report for 1993 of the Commissioner of Official Languages, March 1994, Ottawa)

THE REQUIREMENT of unilingual public signage under Quebec's Charter of the French Language was found to be contrary to the guarantee of freedom of expression in the Canadian Charter of Rights and Freedoms by the Supreme Court of Canada in 1988. In the opinion of the Supreme Court, "... it has not been demonstrated that the prohibition of the use of any language other than French in ss. 58 and 69 of the *Charter of the French Language* is necessary to the defence and enhancement of

the status of the French language in Quebec or that it is proportionate to that legislative purpose." In other words, though such defence and enhancement were valid government objectives, the Court felt that the means chosen to achieve them were disproportionate: "Thus, whereas requiring the predominant display of the French language, even its marked predominance, would be proportional to the goal of promoting and maintaining a French 'visage linguistique' in Quebec and therefore justified under the ... *Canadian Charter*, requiring the exclusive use of French has not been so justified."

Following the decision of the government of Quebec to use the notwithstanding power under the Canadian Charter of Rights and Freedoms to protect the validity of legislation that reaffirmed the prohibition of any language other than French on public signs, in particular commercial advertising, except where so allowed pursuant to statute or regulation, a complaint was taken to the Human Rights Committee of the United Nations. The complainants argued before the Human Rights Committee, among other things, that the unilingual signs provision violated a number of rights protected under the International Covenant on Political and Civil Rights, that is to say, Article 27 of the Covenant, which guarantees to linguistic minorities the right, in community with other members of their group, to use their own language; Article 19, which guarantees freedom of expression; and Article 26, which protects the right to equality.

In a decision dated May 5, 1993, the majority of the Committee rejected the arguments based on Articles 26 and 27, ruling in the latter case that minorities so protected must be determined by reference to the population of a State, signatory to the Covenant, at the national level. It said: "A group may constitute a majority in a province but still be a minority in a State and thus be entitled to the benefits of Article 27. English-speaking citizens of Canada cannot be considered a linguistic minority." (Page 16) The Committee also determined that the French-only rule in commercial signage was not discriminatory because it applied equally to all residents of Quebec without distinction.

On the third issue of freedom of expression the Committee concluded that there was a breach of Article 19 of the Covenant:

The Committee believes that it is not necessary, in order to protect the vulnerable position in Canada of the Francophone group, to prohibit commercial advertising in English. This protection may be achieved in other ways that do not preclude the freedom of expression, in a language of their choice, of those engaged in such fields as trade. For example, the law could have required that advertising be in both French and English. A State may choose one or more official languages, but it may not exclude, outside the spheres of public

life, the freedom to express oneself in a language of one's choice.

A general revision of the charter of the French Language was subsequently introduced in the Quebec National Assembly (adopted on June 18, 1993). Amendments made at that time include changes to the provisions that govern public signage. The general prohibition of languages other than French on commercial signs has now been removed. The amended law provides that such signs may be in both French and another language so long as the French is markedly predominant. The law (Section 18) also allows the government to determine by regulation "the places, cases, conditions or circumstances where public signs and posters and commercial advertising must be in French only, where French need not be predominant or where such signs, posters and advertising may be in another language only."

The government of Quebec issued regulations on October 13, 1993, specifying that commercial signs, billboards or posters which are not situated on the premises of a business must be in French only. For commercial signs and posters located on business premises, which may be bilingual, the regulations provide elaboration as to what constitutes the marked predominance of French. First, a much more important visual impact must be created by the French text. The regulations also state that a much greater visual impact is achieved where the lettering, as well as the spacing, of the French text is at least twice as large as that of the other language. Similar rules of proportion are required in the event that the two-language versions are printed on separate signs, thus allowing for lettering to be the same size for both versions if the French signs are twice as numerous and the distances between all the signs do not reduce the visual impact of those in French.

Although the amendments to the Charter of the French Language are more numerous than those reviewed here, those we mention serve to indicate that the government of Quebec has tried to translate into statutory language the opinion of the Supreme Court of Canada regarding the linguistic restraints that can legitimately be imposed on public and commercial advertising in the province. □