

## Summary of the Impact Study Entitled *Language and Justice*

This study is a philosophical reflection on the Supreme Court of Canada's decision in the 2013 case *Conseil scolaire francophone de la Colombie-Britannique v. British Columbia*<sup>1</sup>. In this case, the Government of British Columbia refused to admit into evidence a document written only in French in an action alleging the violation of the minority language education right guaranteed by section 23 of the *Canadian Charter of Rights and Freedoms*. Having concluded that a colonial law requiring the exclusive use of English in civil proceedings is still in force, the Court agreed with the Government.

The author, Laudan Vaezmir, analyzes this decision in light of Flemish legal expert and philosopher Philippe Van Parijs's concept of linguistic justice. To Van Parijs, the rise of English as the second language systematically used to communicate around the world (*lingua franca*) is a good thing. He believes that linguistic justice requires only one official language in a territory.

The author, Laudan Vaezmir, criticizes the Flemish legal expert's theory and shows her disapproval of this territorial conception of linguistic justice. She insists that it is the principles of bilingualism and of protection of minorities set out in the Canadian Constitution that must be taken into account when interpreting the language rights. The author deplores the Supreme Court's decision, which she thinks maintains the domination of English over French and intensifies linguistic injustice in Canada. The author comes to the conclusion that the recent decision of the Supreme Court reflects Van Parijs's theory.

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<sup>1</sup> *Conseil scolaire francophone de la Colombie-Britannique c. Colombie-Britannique*, 2013 CSC 42, [2013] 2 RCS 774, online: <http://scc-csc.lexum.com/scc-csc/scc-csc/en/item/13186/index.do>.