

**UNOFFICIAL TRANSLATION OF THE
AFFIDAVIT OF RÉMI LÉGER
SWORN ON MARCH 18, 2021**

COURT FILE NO.: CV-21-656040-00CL

**ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)**

IN THE MATTER OF THE *COMPANIES' CREDITORS ARRANGEMENT ACT*,
RSC 1985, c C-36

AND IN THE MATTER OF A PLAN OF COMPROMISE OR ARRANGEMENT OF
LAURENTIAN UNIVERSITY OF SUDBURY

**AFFIDAVIT OF RÉMI LÉGER
(March 18, 2021)**

I the undersigned, RÉMI LÉGER, of the city of Vancouver in the province of British Columbia, AFFIRM that:

1. I am an associate professor of Political Science and Director of the Public and International Affairs program at Simon Fraser University in British Columbia. I am also the editor of the journal *Francophonies d'Amérique* and the head of the research committee on the relationship between language and politics in the International Political Science Association.
2. I have a B.A. in Political Science from the Université de Moncton (2005), an M.A. in Political Science and Canadian Studies from the University of Alberta (2007) and a Ph.D. in Political Studies from Queen's University (2012). Between 2012 and 2018, I was an assistant professor of Political Science at Simon Fraser University; in 2018, I obtained tenure and was promoted to associate professor in the same institution.
3. I specialize in Francophone minorities in Canada and Canadian language policies. My research generally looks at the recognition of linguistic minorities, and public and community governance. More specifically, I study *why* and *how* the state should intervene to protect and promote the interests and rights of minorities. The first of these questions is a normative one, while the second is institutional. These two questions must be considered together, since they allow us to focus on both the concrete solutions and the rationales behind those solutions.
4. I have published some 20 peer-reviewed articles and chapters on Canada's language framework, the political action of Canada's Francophone minorities, and Canadian language policies. I also co-edited an introductory textbook on political science, a book about the concept of "Canadian duality" and three thematic issues of academic journals, including an issue on the concept of "institutional completeness."

**UNOFFICIAL TRANSLATION OF THE
AFFIDAVIT OF RÉMI LÉGER
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5. My career and accomplishments are more fully described in the CV filed with this affidavit as **Exhibit RL-1**.
6. On March 15, 2021, Power Law asked me to prepare an expert opinion answering the following question: Do official language minority communities require institutions that operate in a single language and offer services in that language only, rather than bilingual institutions, and if so, why?
7. I have read the duties of an expert and have signed the Acknowledgment of Expert's Duty attached to this affidavit as **Exhibit RL-2**.
8. In this affidavit, I outline the main reasons minorities, including Canada's Francophone minorities, require their own institutions in as many areas as possible, including post-secondary education. In my view, the vitality of these communities depends on their ability to control homogeneous spaces, including homogeneous post-secondary institutions, i.e. operating in a single language, and offering services in that language only.
9. In concrete terms, I outline three reasons that come out of my own work as well as scholarly research on linguistic minorities and language policies. In particular, I have relied on my own research and the works listed in the bibliography that is attached to this affidavit as **Exhibit RL-3**. The first reason relates directly to homogeneous spaces; the second is well captured by the concept of institutional completeness; and the last relates to the idea of control and management – also referred to as the “by and for” principle by Canadian Francophone organizations. Taken together, these three reasons allow me to assert that homogeneous institutions managed by and for the linguistic minority make a greater contribution to the transmission of language and culture, which are inseparable.
10. The **first reason** was first formulated by the political scientist Jean Laponce, and has since been taken up and improved upon by a number of others. His full reasoning can be found in two essential works entitled *Langue et territoire* [Languages and Their Territories] (1984) and *Loi de Babel et autres régularités des rapports entre langue et politique* (2006).
11. According to Laponce, a linguistic minority's vitality depends on the concentration of its speakers. In the absence of such concentration, the dominant language (English, for example) replaces the minority language (French, for example). In more technical terms, “additive bilingualism” (where the dominant language is juxtaposed with the minority language without replacing it) gives way to “subtractive bilingualism” (where the dominant language is superimposed on the minority language and gradually supplants it), and the latter leads only to linguistic assimilation and the eventual extinction of the minority language community.
12. In his research, Laponce shows that languages are in competition and “chase each other” (1980:480). From the moment two languages share the same space, the dominant language tends to impose itself to regulate communication. Thus, in so-called “bilingual” spaces,

**UNOFFICIAL TRANSLATION OF THE
AFFIDAVIT OF RÉMI LÉGER
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because of its demographic weight and prestige, the dominant language tends to supplant the minority language.

13. To counter the assimilative pressure on the minority language in bilingual spaces, Laponce argues that “the weaker language must be given its own reserved areas of use” (2006:12). In other words, it needs to be given its own homogeneous spaces. To achieve this, two strategies are available to the minority language community: territory or institutions. In both cases, the objective is the same: to create geographic or institutional spaces in which the working language is the minority language.
14. The optimal strategy is to establish a “territorial niche,” as this allows the minority community to impose its language on all political, economic and social institutions within its territory. However, this strategy is not available to all minorities, as many do not have their own exclusive geographic area; some minorities, including many of Canada’s French-speaking minorities, share their territory with the majority as well as other groups.
15. If the minority language community is not geographically concentrated, the second strategy is for the state to set aside institutional spaces for it, in which its language is given “royal” status. Here, the objective is to create institutions in which the normal language of work, communications and activities is the minority language. Thus, for a linguistic minority that shares its territory with other languages, control over its own institutions in areas that are deemed to be sensitive is the essential precondition for survival.
16. This first reason for which the vitality of minority language communities depends on their ability to control homogeneous institutions leads us directly to the **second reason**: institutional completeness. The concept of institutional completeness has its origins in the research of sociologist Raymond Breton. In 2017, Linda Cardinal and I co-edited a journal issue that showed how this concept continues to be relevant to the study of linguistic minorities in Canada and other parts of the world.
17. In simple terms, institutional completeness postulates that the more institutions a community has of its own, the greater its capacity to sustain itself over time.
18. Breton first developed the concept in a study to assess the impact of both majority and minority institutions on the integration of immigrants in the Montréal area (1964). In that first study, Breton observed that the more institutions a group had, the better it was able to retain its members and attract new ones. In other words, a minority community’s ability to sustain itself over time depends on its level of institutional completeness, i.e. the range of institutions it has.
19. In the 1980s, Breton studied Canada’s Francophone minorities through the lens of institutional completeness, giving the concept greater normative significance. In this work, Breton underlines the importance of providing Francophone minority communities with a “distinct institutional life” (1985b:80), i.e. a network of institutions in a wide range of areas of activity.

**UNOFFICIAL TRANSLATION OF THE
AFFIDAVIT OF RÉMI LÉGER
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20. In his research on Francophone minority communities, Breton reflects on the relative importance of different sectors of activity for community vitality. He writes that some sectors are more important than others “because they take up a larger part of people’s lives and because they provide more frequent opportunities for social relations within ethnolinguistic boundaries” (1985a:10). In his view, the family, the economy and education are important factors for community vitality, as well as leisure and cultural activities, which are factors “that should not be neglected” (*ibid.*). Here, we must not lose sight of the relationship between these factors and, more importantly, the central role a post-secondary institution plays in the ecosystem of a linguistic minority, contributing to both the economic sector and leisure and cultural activities. Thus, the creation of a homogeneous post-secondary institution has a positive impact on many of the factors that contribute to the vitality of a minority language community.
21. This analysis of the importance of institutions for the vitality of linguistic minorities leads us directly to a **third reason** minorities require institutions of their own: control and management, commonly referred to as the “by and for” principle.
22. In my own work, I have interpreted control and management in light of theories of empowerment (Léger, 2014; see also Léger and Normand, 2020a). This allows us to better understand the two components of control and management. Firstly, empowerment focuses on the ability of actors to shape their reality or aspects of their reality. Secondly, empowerment requires us to focus on the aspirations of the individuals or communities concerned. From this perspective, empowerment refers to the idea that individuals or communities are best placed to define their needs, develop strategies for action, and implement them. This concept implies the transfer of a degree of control to communities so that they can make their own decisions.
23. The principle of control and management, commonly referred to as the “by and for” principle, follows the logic of duality rather than that of bilingualism. In Canada, bilingualism generally refers to bilingual institutions in which both languages have status, rights and privileges. In these bilingual institutions, the dominant language (English) supplants the minority language (French), which means that bilingual institutions are incapable of fully protecting and promoting minority interests and rights.
24. Duality, on the other hand, involves separate institutions that operate in a single language and that protect and promote the interests of that linguistic community. Francophone parents’ struggles to manage their own schools in many parts of the country provide a good illustration of the difference between bilingual and homogeneous institutions. Francophones in provinces and territories outside Québec have been fighting to gain full control of programs and schools, because they are in the best position to make decisions about their children’s education. Where programs or even schools are managed by Anglophone or bilingual school boards, the interests of the minority are relegated to second place.

**UNOFFICIAL TRANSLATION OF THE
AFFIDAVIT OF RÉMI LÉGER
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25. Thus, the case for control and management is one that advocates autonomy, urging the state to give Francophone minorities the means to realize their ambitions, i.e. to have their own institutions, and to have control over them.
26. In my own work, I have studied all the political manifestos and study reports produced by the Fédération des communautés francophones et acadienne [Federation of Francophone and Acadian Communities], formerly the Fédération des francophones hors Québec [Federation of Francophones outside Québec] (FFHQ/FCFA), since it was founded (Léger, 2012; Léger and Normand, 2020b). This organization is the leading organization promoting the interests and defending the rights of Canada's Francophone minorities. It includes the organizations that represent Francophones in the twelve provinces and territories outside Québec, including the Assemblée de la francophonie de l'Ontario (AFO), as well as eight national organizations. It also oversees the Forum des leaders [Leaders' forum], which brings together 49 institutions and organizations working to develop Canada's Francophonie.
27. An analysis of the documents produced by the FFHQ/FCFA shows that this organization has been calling for control and management, and that the communities it represents require institutions of their own. For example, it has called for communities to be enabled "to develop their own means of economic, social and cultural advancement" (1977: 118), for a comprehensive development policy that "must be aimed at transferring as much power as possible to the communities" (1982: 38-39), "for our communities to become as autonomous as possible" (1992: 12), and for the broadening of "control and management (i.e. the management of schools) to other key institutions and sectors" (2007: 7).

Sworn remotely by Rémi Léger in the city of Vancouver in the province of British Columbia, before me in the city of Montréal in the province of Québec, on March 18, 2021, in accordance with O. Reg. 431/20 *Administering Oath or Declaration Remotely*.

RÉMI LÉGER