

Report of the  
Royal Commission on  
**Bilingualism and  
Biculturalism**

General  
Introduction

Book I **The Official  
Languages**

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# Royal Commission on Bilingualism and Biculturalism



To His Excellency  
The Governor General in Council

We, the Commissioners appointed  
as a Royal Commission, beg to submit  
to your Excellency  
Volume I of our Final Report

A. Davidson Dunton, Co-Chairman  
André Laurendeau, Co-Chairman  
Clément Cormier, c.s.c.  
Royce Frith  
Jean-Louis Gagnon  
Gertrude M. Laing  
Paul Lacoste  
J. B. Rudnyckyj  
F. R. Scott  
Paul Wyczynski

Gilles Lalande, Co-Secretary  
N. M. Morrison, Co-Secretary

Michael Oliver, Director of Research  
Léon Dion, Special Consultant on Research

Ottawa, October 8, 1967.

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When its *Preliminary Report*<sup>1</sup> was published on February 1, 1965, the Commission had been in existence for a year and a half. Its activities during that period need not be recapitulated in detail, and only the main developments will be mentioned here.

After a preliminary public hearing in Ottawa on November 7 and 8, 1963, the Commission decided to hold regional meetings throughout the country. This procedure made it possible to meet thousands of Canadians, from Victoria, B.C., to St. John's, Newfoundland, during the period March-June 1964.

Moreover, as the Commission had been enjoined by its terms of reference to deal with certain problems concerning education, which is constitutionally under provincial jurisdiction, the Co-Chairmen had already visited the Premiers of the ten provinces in January and February 1964. This marked the beginning of the helpful co-operation between the provincial governments and the Commission, which we deeply appreciate.

The autumn of 1964 was devoted to the writing of the *Preliminary Report*, summarizing the Commission's experience in personal contact with the public and setting forth its provisional conclusions.

Immediately after the publication of its *Preliminary Report* early in 1965, the Commission began its regular public hearings. There were 14 sessions, each lasting from one to four days, in two series: March to June, and November to December, 1965.<sup>2</sup>

Four hundred and four briefs were submitted to the Commission, either by individuals who were expressing their personal point of view, or by various groups, many

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<sup>1</sup> *A Preliminary Report of the Royal Commission on Bilingualism and Biculturalism*. Ottawa, Queen's Printer, 1965.

<sup>2</sup> See Appendix II.

of which had previously carried out studies and surveys among their members.<sup>1</sup> In most cases the briefs were carefully prepared documents and proved very helpful to the Commission.

In the regional meetings, the approach had necessarily been informal and exploratory. The official hearings by contrast afforded an opportunity for precise questioning and thorough discussion of the issues. Here the Commissioners could work from a close study of the briefs. Areas of agreement, and of tension and discord as well, could more easily be identified.

The Commission also held a number of private hearings and meetings with individuals or groups who did not wish to make public statements. Many of these were held in conjunction with the public hearings; some were arranged on the Commission's initiative, others were requested by the people themselves. In these meetings Commissioners were able to delve more deeply into the experiences and attitudes of people whose positions prevented them from making public statements. The information thus acquired supplemented that received in the hearings.

The main activities of 1965 were, therefore, the study of briefs and the holding of public and private hearings. The autumn of 1965 saw the beginning of another task, that of examining research findings which were beginning to reach the Commission.

From the outset we recognized the need to undertake a great deal of research, because practically none of the questions raised by the Commission's terms of reference had been systematically investigated before. The Public Service, education, and the mass media have certainly been studied as separate subjects, but seldom in the light of Canada's languages and cultures. There was scattered and piecemeal information available on these topics, but very often the most elementary facts were still unknown—for example, the number of English- and French-speaking people working for the federal government.

We were not looking for spectacular results; we were simply concerned with obtaining a reliable and substantial body of source material. We felt that for too long these matters had been subject to the vagaries of approximate statement and glib generalization. When questions are poorly defined or incompletely explored, the way is open for half-truths and prejudice. It was, therefore, all the more important to shed as much light as possible on the issues under public discussion. Better knowledge does not in itself create unanimity, for even experts often draw different conclusions from the same data. But it was necessary that a great deal of new information be obtained and analyzed, so that the discussion could be freed of the confusion which has all too frequently bedevilled it. Our conclusions would have to be based on a sound knowledge of the facts.

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<sup>1</sup> See Appendix III.

We do not intend to describe the Commission's research programme here, or its results; the report of the Director of Research will be found in Appendix IV. Although ambitious, the programme is nonetheless incomplete: in three years we cannot make up for the neglect of several decades. But, on balance, the results are unquestionably valuable. We believe this will be apparent from the studies which will be published. Indeed, in our view, one of the Commission's main responsibilities is to make available the new information the inquiry has revealed. In certain sectors where we have been able only to initiate research we feel that an impetus has been given, and that in future other investigators will be able to deepen and widen the initial findings.

One question inevitably comes to mind: do the briefs and the research documents support the provisional conclusion which the Commission reached in its *Preliminary Report*? Do we still feel that "Canada, without being fully conscious of the fact, is passing through the greatest crisis in its history"?<sup>1</sup> The term "crisis" which we employed at that time shocked many Canadians. Some associated it with only the more superficial manifestations of social unrest. For others, who were unaware of the nature and extent of Quebec's dissatisfactions, it was an exaggeration. It was our conviction, however, that the problem was deep seated, and that in the gravest sense of the term Canada was facing a national crisis, "a time when decisions must be taken and developments must occur leading either to its break-up, or to a new set of conditions for its future existence."<sup>2</sup>

This is still the situation.

In the course of this Report we shall examine various aspects of the crisis and shall propose some remedies. We shall examine the theme of the *two societies* and of the *two majorities* in succeeding Books and from various points of view. Instead of taking an overall approach to the situation we shall, as far as possible, deal with the problems one by one.

So wide are the Commission's terms of reference that it could have legitimately investigated almost every aspect of Canadian society. Of course we had to set ourselves limits. Nevertheless, the number of topics to be treated remains large. For this reason our Report will comprise a certain number of Books that will be major divisions in the general analysis. A Book will sometimes constitute an entire volume and sometimes part of a volume. After a General Introduction discussing key words of our terms of reference we shall deal, from our assigned perspective, with the following:

- The official languages. (This Book, together with the General Introduction, constitutes the present volume of the Report.)
- The work world, both public and private sectors, and the socio-economic status of Canadians of different ethnic origins.

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<sup>1</sup> *A Preliminary Report*, 13.

<sup>2</sup> *Ibid*, 133.

- Education, in its relationship with the official languages and different cultures.
- The federal capital.
- Parliament, the Cabinet, and the Supreme Court.
- Voluntary associations.
- The other ethnic groups and their contribution to the cultural enrichment of Canada.
- The arts and letters.
- The mass media.

A last Book will bring together the general conclusions of the Report.

There are obvious disadvantages to publishing the Report over a period of months, as its essential unity will not be immediately apparent. Nevertheless this form of publication will give more prominence to certain major questions which might otherwise obscure each other. Moreover, the divisions suggested above are not artificial; we have given the problem of the status of the official languages priority over the others, though we recognize it does not include certain very crucial aspects of the crisis. Elsewhere, we will deal with the subject of groups whose original language and culture are neither English nor French. Other Books will be concerned with the day-to-day use of the official languages and the place of the dominant cultures within the most important institutions of the country and the federal capital. Finally, in the general conclusions we shall offer a synthesis of our views and shall approach important constitutional questions concerning the relations and the future of the two societies.





1. The Commission has very often been asked to define the key words of its terms of reference.<sup>1</sup> At such times our answer was that these definitions “often imply the adoption of a point of view or lengthy research on related topics” which had yet to be undertaken.<sup>2</sup> Moreover, at a time when so many associations and individuals were preparing their briefs, we wished to avoid giving the appearance of imposing a definition; furthermore we had no wish to start lengthy discussions on meanings of words rather than on the realities behind them.

2. These risks have not entirely disappeared. Nevertheless, after a long period of listening we believe it is now necessary to indicate the meaning we shall give in particular to the words “bilingualism” and “biculturalism,” and to the expression “an equal partnership between the two founding races.” Since these terms are understood in different ways it is important at the outset to be clear about which meaning or meanings we shall use. Not that other usages are incorrect; we simply wish to advise the reader of those we have adopted for our purposes.

3. The essence of the Commission’s terms of reference is: “to inquire into and report upon the existing state of bilingualism and biculturalism in Canada and to recommend what steps should be taken to develop the Canadian Confederation on the basis of an equal partnership between the two founding races, taking into account the contribution made by the other ethnic groups to the cultural enrichment of Canada and the measures that should be taken to safeguard that contribution. . . .” The words “bilingualism” and “biculturalism” are

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<sup>1</sup> See Appendix I.

<sup>2</sup> *A Preliminary Report*, 184.

given prominence, but there are other terms of equal importance, especially the terms "race" (in the French text "peuple"), "ethnic group," and "the contribution made by the other ethnic groups to the cultural enrichment of Canada."

"Race" and  
"people"

4. This wording, particularly the use in the English text of the word "race," has been a source of misunderstanding. Should it be taken to mean that two "races" or two "peoples" will receive special treatment at the expense of the "other ethnic groups"? Some understood it this way and strongly protested against any such recognition of a special birthright of two founding peoples. They objected to the suggestion of discrimination, which they read into the Commission's terms of reference, as inimical to the interests of Canadians who had come here after the French and the British. They pictured a kind of hereditary aristocracy composed of two founding peoples, perpetuating itself from father to son, and a lower order of other ethnic groups, forever excluded from spheres of influence. This was not the way in which we understood our terms of reference.

5. In our view the reference to the two "founding races" or "peoples who founded Confederation" is an allusion to the undisputed role played by Canadians of French and British origin in 1867, and long before Confederation. The word "race" is used in an older meaning as referring to a national group, and carries no biological significance. This becomes clearer on reading paragraph (2) of the terms of reference, where there is no mention of race, people, or ethnic group, but "of the basically bicultural character of our country and of the subsequent contribution made by the other cultures. . . ." Similarly, paragraph (1), dealing with the Public Service, and paragraph (3), referring to the teaching of the official languages, do not mention race, people, or ethnic group. Each in turn emphasizes the "basically bicultural character of the federal administration" and the problems connected with teaching French and English.

6. Consequently, we feel that language and culture are truly central concepts in the terms of reference. For this reason, we shall give them more emphasis than the notions "race," "people," or even "ethnic groups."

"Ethnic group"

7. In both popular and academic language the term "ethnic group" is used in several different ways. Generally, this term expresses a sense of identity rooted in a common origin, mainly in the biological sense, whether this common origin is real or imaginary. The concept of ethnic group is useful since it corresponds to unquestionable realities: every person is the offspring of his father and this notion of descent, found in the word "ethnic," has important consequences. Thus, quite apart from heredity, much of the culture of one's forbears can be preserved even

when one no longer speaks their language. Moreover, it would be particularly difficult to eliminate the idea of "ethnic origin," for it is the only available statistical measure—admittedly indirect—of certain phenomena, a knowledge of which is indispensable to our inquiry; many of our studies draw upon official Canadian statistics, which are based on ethnic origin.<sup>1</sup>

8. Any person, be he "British," "French," or "other," has forbears and one or more ethnic origins. However, a sense of origin, the feeling of belonging to an ethnic group, is much keener in certain individuals than in others. Also, behaviour varies significantly from one group to another. Certain groups are said to "evaporate" in the Canadian milieu, while others vigorously assert themselves. From this point of view it seems that the important phenomenon is not ethnic origin itself, or even mother tongue, but the feeling of belonging to a group and the desire of this group to exist as such. It is by these criteria that some sociologists define an ethnic group; it exists, they say, "because the people in it and the people out of it know that it is one; because both the *ins* and the *outs* talk, feel and act as if it were a separate group."<sup>2</sup> Thus "ethnic group" so defined may be quite different from the statistical category covering those having a certain ethnic origin.

9. There are many reasons, the first moral, against considering ethnic difference, either by group or by origin, as a basic principle for shaping society. This would tend to create closed-membership groups with newcomers condemned to remain outsiders; accidents of ancestry would be emphasized and rigid barriers would divide people. Legislation based on ethnic origin or ethnic group would be a direct denial of the principle that all men are equal before the law.

10. Moreover, the practical difficulties would be extraordinary. If the son of a French father and a Scottish mother marries the daughter of a German father and a Ukrainian mother, to what ethnic group will their child belong? The Dominion Bureau of Statistics has arbitrarily solved the problem by declaring that the father's origin shall prevail. Thus, in the example presented above, the child would be declared French. Such mixtures are perhaps uncommon. But in a multi-ethnic country, where the largest group, the British,<sup>3</sup> comprises several groups, where the French, although considered the most homogeneous

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<sup>1</sup>The questions asked in the census: a) To determine ethnic origin: "To what ethnic or cultural group did you or your ancestor (on the male side) belong on coming to this continent?" b) To determine mother tongue: "What language did you first learn in childhood and still understand?" The categories "mother tongue" and "ethnic origin" as used in the census will be further examined in Chapter II of Book I.

<sup>2</sup>E. C. and H. M. Hughes, *Where Peoples Meet* (Glencoe, Ill., 1952), 156.

<sup>3</sup>Under the English heading "British Isles," the 1961 census distinguishes between the English, the Irish, the Scots, and the "others"—other peoples of the British Isles, notably the Welsh.

group, is nevertheless far from being "pure," and where inter-ethnic marriages are frequent and accepted, in such a situation what could possibly justify legislation confining people within their so-called ethnic origin?

11. Finally, if we must admit that ethnic origin very often exerts a cultural influence on a person whose parents have chosen another language, the fact still remains that this influence cannot be measured, that it varies greatly between different groups and between people, and that no exact rule can be deduced from it. Therefore, without denying the importance of this factor, the Commission, since it must make recommendations based on easily discernible realities, concludes that it must give much more importance to language than to ethnic origin.

12. In many instances, ethnic group and mother tongue coincide. English is the mother tongue of almost all Canadians of British origin; French is the mother tongue of 90 per cent of Canadians who claim French origin. However, 26 per cent of Canadians whose mother tongue is English are of non-British origin. The French-speaking group has assimilated others to a much lesser extent, but nevertheless includes 3 per cent who are not of French origin. In Canada membership in a linguistic group is a matter of personal choice, provided that the conditions and consequences are accepted. There is nothing, at least in law, to bind Canadians to the prevailing language of their ethnic group. Since their choice is free, it would be grossly unfair not to accept the results of this freedom, and to make two classes of citizens, one consisting of Anglophones of British origin and Francophones of French origin, and the other of Anglophones and Francophones of other origins.<sup>1</sup>

13. The Commission has observed in the course of its investigations that it is common practice in Canada to restrict the term "ethnic" to groups which are neither British nor French. Ethnicity then appears as a strange, possibly distasteful phenomenon: "ethnic" seems to be given a sense something like "foreigner." We object in the strongest terms to this practice.

14. Nevertheless, this attitude can be explained. Dominant groups are often more aware of the ethnicity of minority groups than they are of their own; awareness of their own ethnic affiliation is usually keener among members of minorities than among those of dominant groups. Hence it can be said that dominant groups are made up of those for whom ethnic affiliation is no embarrassment. Ethnicity is actually a natural but often very complex phenomenon, to which each one of us is

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<sup>1</sup>To avoid constant repetition of clumsy expressions such as "those who speak English," and "those whose main language is French," we shall often replace both of them with the simple terms "Anglophones" and "Francophones."

linked by his birth. However it is a phenomenon which the Commission, as it interprets its mandate, regards as being on the whole unrelated to its objectives.

15. Canadians who are of neither British nor French origin are covered by our inquiry in two ways: a) to the extent that they are integrated into English- or French-speaking society, all that is said of Anglophones or Francophones applies to them; and b) to the extent that they remain attached to their original language and culture, they belong to other ethnic groups, whose existence is definitely beneficial to the country. But their freedom to participate fully in Canadian life will be real only on two conditions: that both societies, the French-speaking as well as the English-speaking, accept newcomers much more readily than they have done in the past; and that the two societies willingly allow other groups to preserve and enrich, if they so desire, the cultural values they prize. We believe that they should go further. For this reason we shall examine, in the Book concerning the other ethnic groups, the kind of aid the two societies should offer, particularly in the fields of education, the mass media, and the creative arts.

16. This brings us directly to that part of our terms of reference instructing us to take into account "the contribution made by the other ethnic groups to the cultural enrichment of Canada." There are several possible interpretations of this statement. In the broadest sense of the term "culture," the sheer fact that men came from elsewhere to take part in building the country has contributed to our cultural enrichment. When they arrived, their essential concern was to continue the work of carrying civilization into the thinly populated areas. By settling the country they helped to lay the basis for Canada's cultural growth.

17. In a narrower sense Canadian culture has been the richer for the knowledge, skills, and traditions which all the immigrant groups brought with them. Their many distinctive styles of life have gradually increased the range of experience, outlook, ideas, and talents which characterize the country. Cultural diversity has widened our horizons; it has also given opportunities—not always seized upon—for varied approaches to the solution of our problems.

18. Finally, the coming together of diverse peoples in Canada also benefited our culture in the humanistic sense of the term. For a long time the frontier was not a rich soil for the arts and letters. Many of the frontiersmen had taken little part in the artistic life of their homeland, or if they had, they were forced to forgo such pursuits in the new country. As it matured, however, Canadian society turned to the search for grace and leisure, and the folk traditions preserved by the sons and daughters of the early settlers combined with the artistic

"The contribution  
of other ethnic  
groups"

sense, the talents, and the skills of later immigrants to add new dimensions to literature, music, and the plastic arts in Canada.

19. In any work of art it would be futile to try to distinguish between the contribution of the author as an individual and that of the cultural group to which he belongs; to ferret out the artist's origin, or the degree to which he reflects his ethnic group, would be no more rewarding. A work of art is first and foremost the work of an individual, but it always has roots in society. Finally, we must bear in mind that no artistic creation will take its place in the culture inherited by all Canadians unless its creator has become sufficiently integrated into the Canadian community to speak meaningfully to it.

20. We think it undesirable, even if it were possible, to measure various groups against a yardstick and say that some have contributed more and others less. Everett Hughes 20 years ago called attention to the absurdity of judging a group's right to exist "on the basis of the quality of its cultural peculiarities, called for this purpose its 'cultural contributions.'"<sup>1</sup> He was speaking at the time of French Canadians, but his words apply also to the other groups. Rather, our intention is to recognize and to point up the cultural and linguistic riches that Canada possesses, since to do so is a first and essential step towards safeguarding those riches.

**The indigenous  
cultures**

21. We should point out here that the Commission will not examine the question of the Indians and the Eskimos. Our terms of reference contain no allusion to Canada's native populations. They speak of "two founding races," namely Canadians of British and French origin, and "other ethnic groups," but mention neither the Indians nor the Eskimos. Since it is obvious that these two groups do not form part of the "founding races," as the phrase is used in the terms of reference, it would logically be necessary to include them under the heading "other ethnic groups." Yet it is clear that the term "other ethnic groups" means those peoples of diverse origins who came to Canada during or after the founding of the Canadian state and that it does not include the first inhabitants of this country.

22. The integration of the native populations into Canadian society raises very complex problems. The process of integration calls into question the very nature of the traditions and customs of native society. The Commission realizes that it was not the Government's intention—and the terms of reference are a proof of this—to have the Commission undertake long studies on the rightful status of the Indians and the Eskimos within the Canadian Confederation; other bodies, whether official or private in nature—and most of the private organizations are

<sup>1</sup> *Where Peoples Meet*, 158.



financially assisted by the Department of Indian Affairs and Northern Development—have been entrusted with the research required for the making of government policy.

23. However, the Commission considers it a duty to remind the proper authorities that everything possible must be done to help the native populations preserve their cultural heritage, which is an essential part of the patrimony of all Canadians. The Commission also feels that the Canadian government, in close co-operation with the provinces concerned, should take the necessary steps to assist the survival of the Eskimo language and the most common Indian dialects.

24. The Commission has been charged with the task of inquiring into “the existing state of bilingualism and biculturalism” and “the contribution made by the other ethnic groups to the cultural enrichment of Canada.” In both cases it is primarily a question of linguistic and cultural matters, or linguistic and cultural aspects of political and socio-economic matters. Therefore, we shall speak more often of linguistic and cultural groups, rather than of ethnic groups.

Summary

### *A. Bilingualism*

25. Since the subject of the first part of Book I is bilingualism, we shall limit ourselves at this point to some preliminary thoughts on the question. The word “bilingualism” may seem to many clear and unambiguous. Yet there are certain distinctions which must be made.

26. The bilingualism which here concerns us applies only to Canada’s two official languages, English and French. In everyday language “bilingualism” involves the use of any two languages. In Canada there are many persons considered unilingual in terms of the two official languages, but who are actually bilingual. The mother tongue of a number is neither French nor English. Generally these are Canadians who are members of the “other ethnic groups,” born in Canada or abroad, and who first learned the language of their own group—for example, German, Ukrainian, or Italian. They have subsequently acquired, with varying degrees of fluency, one of Canada’s official languages—usually English. Such persons retain their language more frequently in regions of Canada where the group is numerous. Thus there is a German-English, Ukrainian-English, Italian-English bilingualism, or, in Quebec, an Italian-French bilingualism, and so forth. However, in Book I our attention is directed to the two languages mentioned in section 133 of the B.N.A. Act, namely English and French. We shall discuss the other languages spoken in Canada in the appropriate Book.

French and English

Individual  
bilingualism

27. In practice, people who are considered bilingual know, *more or less*, two languages. We know that complete bilingualism—the equal command of two languages—is rare and perhaps impossible. Generally, the bilingual people one meets combine a knowledge of their mother tongue with a more or less extensive and active knowledge of the second language.

28. We therefore have to be cautious. When the 1961 census speaks of approximately 2,230,000 bilingual people in the country, about 12 per cent of the population, this does not mean that these people can speak French and English equally well, and are therefore interchangeable. The figure includes approximately 1,666,000 Canadians of French origin, for whom English is generally only a second language; nearly 318,000 Canadians of British origin, for whom French is in most cases only a second language; and nearly 248,000 Canadians of other origins, for whom French and English may very well be merely second languages which have been acquired in varying degrees. It will be seen throughout the Report that these distinctions—and many others of a less simple character—have practical consequences.

Institutional  
bilingualism

29. Up to this point, we have spoken only of the bilingualism of individuals. But the bilingual nature of an institution, a province, or a country is a totally different matter. A bilingual country is not one where all the inhabitants necessarily have to speak two languages; rather it is a country where the principal public and private institutions must provide services in two languages to citizens, the vast majority of whom may very well be unilingual. The same is true for a bilingual province or a bilingual institution. Consequently, “the existing state of bilingualism” in Canada is not so much a question of the number of bilingual people as of the position of each of the two languages in everyday life and of the opportunities actually offered to each of them.

30. Naturally a bilingual institution, province, or country can function efficiently only if there are a sufficient number of bilingual people to maintain contact between the two language groups. The importance of this problem is emphasized in paragraph (3) of our terms of reference, which enjoins the Commission to “recommend what could be done to enable Canadians to become bilingual.” The solution of this problem will often be difficult and we do not want to give the impression that we consider it unimportant. But the question of the life and the vigour of each language must have priority. The problem of the first language must come first: it is vital; it is more essential for the human being than questions about a second language. Therefore “the existing state of bilingualism in Canada,” in our opinion, means first the existing state of the English and French languages, each being first

considered by itself. We must inquire whether each has, in a real sense, the means to live.

31. Consider the importance of language for a particular group, and the political dimensions of this problem when the group is sufficiently important and moved by a common will to exist. This is very much a contemporary problem, which is dividing many countries—especially states born of post-war decolonization. Occasionally a desire is expressed that our country should not be engulfed in similar disputes, as if the countries so beset had deliberately provoked them and, perhaps, had even created them artificially. We feel that this attitude stems from a failure to appreciate the importance of the language problem and the explosive character which it often acquires, especially when it is not solved in a sufficiently liberal spirit. R. L. Watts, a specialist in constitutional questions, notes that the linguistic problem has had a determining influence on the structure of several new states.<sup>1</sup> Why is this so? A language permits communication with *anyone who understands it*.

The political importance of the linguistic phenomenon

But the problem goes deeper than the mere question of communication. Language itself is fundamental to activities which are distinctively human. It is through language that the individual fulfils his capacity for expression. It is through language that man not only communicates but achieves communion with others. It is language which, by its structure, shapes the very way in which men order their thoughts coherently. It is language which makes possible social organization. Thus a common language is the expression of a community of interests among a group of people. It is not surprising, then, that any community which is governed through the medium of a language other than its own has usually felt itself to some extent disenfranchised, and that this feeling has always been a potential focus for the political agitation. Moreover, like skin colour, language is an easily identifiable badge for those who wish to take issue with a different group, and thus it provides them with a rallying sign even for contests which are basically not those of language or race.

32. On one hand, language, viewed as a means of expression, is at the core of the intellectual and emotional life of every personality. On the other hand, viewed as a means of communication, it "makes possible social organization." It is used for the trivia of everybody living, on the labour market, in professional activities, in several forms of recreation, in church, in clubs, in schools, and so on. Human contacts are established in one language. We shall mention later the difficulties, which may be dramatic in their intensity, faced by a bilingual person who must work in his second language—his sense of being diminished,

Its practical value

<sup>1</sup>R. L. Watts, "Multicultural Societies and Federalism," a study prepared for the Royal Commission on Bilingualism and Biculturalism.

the irritation which frequently results, and his loss of efficiency. There are situations in which this choice is unavoidable, especially when an individual is almost the only speaker of his language in a given environment. But the objective should be to impose the fewest possible sacrifices from which nobody benefits—neither the individual, nor his employers.

**Conclusion**

33. Nobody will therefore be surprised that the Commission devotes Book I of its Report to bilingualism. The Commission does not take the position that in dealing first with the problem of language it has reached the underlying causes of division between Canadians. In certain respects the problem of cultural duality is even deeper, and the political question has many components besides linguistic difficulties. Yet it is necessary to emphasize the importance of the language question. It is often minimized in Canada, sometimes by the English-speaking majority who, up to the present, have not generally had to endure this disadvantage and have therefore not suffered from it, and sometimes by the French-speaking minority itself. There are many French Canadians so accustomed to the inferior status of their own language that they are unaware of it, whereas others, especially in the last few years, approach the problem not at the linguistic but at the political and economic level, refusing to admit that new language arrangements could really improve the situation.

34. We believe such views are too narrow, because of something that makes the language picture still more significant: the strong bond between a language and a culture. Language is the most evident expression of a culture, the one which most readily distinguishes cultural groups even for the most superficial observer. In terms of our mandate, this statement means that the problems of bilingualism and biculturalism are inseparably linked.

*B. Biculturalism*

35. Before exploring the relationship between language and culture, and even before analyzing the concept of biculturalism, we wish to dwell for an instant on the word "culture" and explain the sense in which we shall use it. About three hundred definitions of this word have been recorded,<sup>1</sup> and in some disciplines several are used simultaneously.

**The word  
"culture"**

36. We will first eliminate the usage which embraces within the term "culture" every aspect of a group's existence. However accurate and

<sup>1</sup> A. L. Kroeber and Clyde Kluckhohn, *Culture: A Critical Review of Concepts and Definitions* (New York, 1963), 291.

practical this usage may be in other contexts, it is quite unsuitable for our purpose. It suggests that all North Americans, if not most of the people of the Western world, live in highly industrialized societies within the Judaeo-Christian tradition, and consequently possess a common culture. This conclusion is true, but it is too broad to help us much.

37. The same can be said of the traditional humanistic sense of the word "culture," but for the opposite reason: it is too restricted. We will have occasion to use the word in this sense, for instance, when we examine "the contribution made by the other ethnic groups to the *cultural* enrichment of Canada," and in the Book on the arts and letters in certain federal institutions.

38. The reality covered by the neologisms "biculturalism" and "bicultural"<sup>1</sup> appears to us to be broader, including more than intellectual and artistic activity. Moreover, the majority of briefs dealing with this question chose this broader conception of culture. In this sense, which we ourselves shall use, culture is a way of being, thinking, and feeling. It is a driving force animating a significant group of individuals united by a common tongue, and sharing the same customs, habits, and experiences. Clearly the two cultures designated in our terms of reference are those associated with the English and the French languages in Canada. But as there are the two dominant languages, there are two principal cultures, and their influence extends, in greatly varying degrees, to the whole country.

39. As can be seen, we use the words "bilingualism" and "biculturalism" to indicate two styles of living which are distinct, even though they obviously have much in common. Just as bilingualism should not lead to a *blend* of two languages, so Canada's cultural duality cannot be taken to mean a *mixture* of the two cultures; each has its own existence. Certainly the cultures are not watertight compartments; they are evolving and constantly borrowing from each other. To the extent that they are alive, they continually undergo change in accordance with their own drive and line of development. However, the culture of a group must not be confused with a particular system of thought, even though there may be correspondence at a given moment between a culture and an ideology; one ideology can be replaced by another, whereas the culture continues to live. Culture does not determine the thoughts or actions of the group; instead it colours the group's manner of thinking and acting. Culture is to the group rather what personality

Our definition of  
"culture"

Culture: a style  
of living

<sup>1</sup> This neologism, at least the adjectival form, goes back several years. We have not tried to retrace its history, but the earliest example we found was dated 1929. On January 17 in that year, Mr. Graham Spry used it in a lecture to the Canadian Club of Quebec, in which he referred to the "bi-racial, bi-cultural character of the Canadian nation." See *The Canadian Nation*, vol. I, February 1929, 15.

is to the individual; it is rare for a person to have two personalities or two styles of living at the same time.

40. Understood in this way, culture is the sum of the characteristics particular to a group and common to its individual members. Depending upon the degree of education, the social class, or the region, there will be different ways of living the same culture, as there are different ways of speaking the same language. Culture is something that draws together individuals who otherwise are clearly different.

Acculturation

41. Furthermore, individuals participate in a culture with varying intensities. People placed in a strange environment will be influenced by it, perhaps in every aspect or only in certain parts of their lives. This is the phenomenon of acculturation.<sup>1</sup> We know that some Francophones whose family life is still French in character gradually adopt at the plant or office behaviour patterns prevalent in the English-speaking environment. This progressive acculturation can be as difficult as learning a new language and subject to the same sort of problems. The individual makes "mistakes," not of language, but of culture; he expresses his new culture "with a foreign accent," he does not grasp swift passing allusions as quickly as his companions, and so on. We are not speaking metaphorically. The kind of relationship maintained with superiors, ways in which facts are stated and explained, the subjects which arouse deep emotion—all these can vary immensely between cultures. The person who is trying to adapt will find it hard to spot these differences, for in the sphere of culture there are neither grammars nor dictionaries to consult. He will be judged by actions he does not even suspect to be errors. But as time passes, he will become more sensitive, acculturation will likely increase, and in the end he may forget his mother tongue for lack of hearing and using it. He may become almost completely assimilated to another culture within one generation when he is immersed in a totally new environment; but such a phenomenon is rare.

42. Certainly, the realities of social life are too various to be reduced to neat phrases. Yet, in the final analysis, experience suggests that human beings are generally conditioned in varying degrees by an inherited culture, and that in Canada two styles of living predominate.

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<sup>1</sup>The notion of acculturation will reappear throughout the Report. In its broadest sense, the word applies to the process of adaptation to a social or cultural group. We shall use it to designate the consequences ensuing for the individual when he is subjected to the more or less compelling influence of a culture other than his own. Understood in this way, acculturation can differ in degree, ranging from the individual's complete adherence to the patterns of his own culture, to his complete adherence to those of another culture. It is in this sense that the anthropologists use the term when they study interaction between two cultures at the individual level. The "scales of acculturation" which they design are used to measure the intensity of the phenomenon under given conditions.

43. The existence of two great, distinct cultures in our country may seem unreal to many Canadians, particularly to those who have very little contact with the other culture, and especially if they have no knowledge at all of the other language. A report issued by UNESCO states: "The person who, on the other hand, has never lifted the 'language curtain' behind which other people move and talk and think and feel in a way which is peculiar to them, may not even suspect that there *is* a way of living which is distinct from his own, let alone understand it."<sup>1</sup> This "otherness," so obvious in matters of language, so compelling in its concrete cultural manifestations, and yet so difficult to isolate and define, will be frequently illustrated in other parts of the Report and in several research studies.

Two major,  
distinct cultures

44. We have already said the two dominant cultures in Canada are embodied in distinct societies, and that the word "society" designates "the types of organization and the institutions that a rather large population, *inspired by a common culture*, has created for itself or has received, and which it freely manages over quite a vast territory, where it lives as a homogeneous group according to common standards and rules of conduct."<sup>2</sup> We recognized the main elements of a distinct French-speaking society in Quebec. The same may be said of the other culture in the English-speaking provinces, and to a certain degree in Quebec, where the disadvantages of minority status are balanced for the English-speaking group by their membership in the larger Canadian English-speaking society and by a very advantageous socio-economic position.

Two societies

45. However, these divisions become less clear-cut as soon as we examine the situation more closely. On the French side there is not only the distinct society in Quebec; elements of an autonomous society are taking shape elsewhere. In some cases they are tenuous and of marginal importance, but in others they are advancing vigorously, especially in New Brunswick. Yet it is the English-speaking society which displays the greatest complexity, because of its provincial divisions, and because of the more diversified origins of its members. In some areas the English-speaking society incorporates partial societies which the bearers of cultures other than the British and French have set up in parts of the country where they are numerous enough to support organizations and institutions of their own. Although in the nature of things these cannot be complete—since they operate within a framework of institutions shaped by the British tradition and employ

<sup>1</sup> UNESCO, *The Teaching of Modern Languages* (Volume of studies deriving from the International Seminar organized by the Secretariat of UNESCO at Nuwara Eliya, Ceylon, in August 1953) (Paris, 1955), 11.

<sup>2</sup> *A Preliminary Report*, 111 [italics added].



for some purposes the English language—they are vital and significant for those who participate in them. Nevertheless, despite these centrifugal influences, the fundamental unity of the English-speaking society appears to us beyond question, and is particularly exemplified by the relative ease with which members of the various provincial units—and even members of the partial societies—find a common meeting ground in the central government, and enter its Public Service. These views were sketched in the *Preliminary Report* as a hypothesis; now, with considerable experience and investigation behind us, we restate them with greater certainty.

**Biculturalism**

46. In our view the term “biculturalism” covers two main realities. The first is the state of each of the two cultures, and the opportunity of each to exist and flourish. The second is the coexistence and collaboration of these two cultures within our country; that is to say, the set of conditions which will enable members of these two cultures to co-operate effectively.

47. When our terms of reference speak of the “existing state of . . . biculturalism” we take it as an invitation to examine the existence of each of the two cultures and their modes of co-operation. Reference to the “basically bicultural character” of the federal administration is not in our view a suggestion that individuals should strive to acquire the traits and peculiarities of the two cultures. What we are mainly asked to do is to establish whether both cultures possess the distinct institutions they need, whether they are properly represented within the principal common institutions, and whether persons who participate in each of them have the opportunity to conserve and to express their own culture. This latter point implies that complete effectiveness in these situations will require the individual to accept the existence of the other culture and to respect its particular character.

*C. Relations between Language and Culture***A vital link**

48. We have already approached the subject of the relationship between a given language and the culture of which it is the principal element. We said that language is in the first place an essential expression of a culture in the full sense of the word; from the intellectual standpoint language is certainly the most typical expression of culture. As a means of communication, language is the natural vehicle for a host of other elements of culture. It fulfils this function in many ways. Not only does it convey the notions and modes of expression which are part of a culture, it is also the means by which a cultural group discovers and assimilates new elements originating out-

side it. The integration into a language of new ideas or of foreign modes of expression is both a criterion of the vitality of the language and of the culture of the group which speaks it; conversely, the absence, more or less pronounced, of integration at this level is a symptom of weakness or of inadaptability in a language or culture.

49. We know that very many of the world's spoken languages or dialects are in large measure incapable of expressing the basic realities of the modern world, and therefore provide insurmountable handicaps for the groups who speak them. This difficulty is found in our country in certain Indian dialects. But there is more—and here we find ourselves at the core of the problems before the Commission. Even a great cultural language, even an international language like French, under certain sociological conditions, can wither away to the point where, for certain groups, it no longer expresses the essentials of contemporary civilization. In such a case the culture itself is in mortal danger; for nobody will maintain that a group still has a living culture, in the full sense of the term, when it is forced to use another language in order to express to itself the realities which make up a large part of its daily life.

The danger of  
language atrophy

50. We are not concerned at this moment with the intrinsic qualities of a language, but with its daily use in certain activities. We shall see in a coming Book how truly this applies to the French language, even in Quebec, in the world of technology. There we shall find confirmation of Jacques Brazeau's statement that "in several respects French is an unused language" in Canada.<sup>1</sup> The consequences of this state of affairs are apparent, both for the language affected and for those who speak it, or rather, who no longer use it in some important part of their activities. The language itself becomes dangerously impoverished. Those who speak it "have unequal opportunities for work. In a plural society, two consequences follow from the dominance of one language: a limited utilization of the potential skills of those who do not know the dominant language perfectly and a disengagement of the other mother tongues from important aspects of social reality. These two consequences may well lead to a third: the unequal development of the various groups' human resources."<sup>2</sup>

51. When a culture has become fossilized, the problems raised here have hardly any meaning. Either the traditional ways are accepted and the language shows hardly any progression, or there is a flight from a culture and a language considered anachronistic, unless an attempt is made to settle for an unstable compromise. But these problems become

<sup>1</sup> Jacques Brazeau, "Language Differences and Occupational Experience," *Canadian Journal of Economics and Political Science*, XXIX (1958), 536.

<sup>2</sup> *Ibid.*, 532.

acute as soon as a culture emerges from the phase of "survival" pure and simple and enters into a full acceptance of life with its risks and challenges. This is the adventure which is beginning in French-speaking Quebec. Among many Québécois—and a number testified before the Commission to this experience—the desire to integrate into the modern world does not in the least weaken the will to live in French, in their own way, using a language that is not degenerating but growing increasingly rich.

52. While languages are continually developing, each develops in accordance with its own genius; while cultures undergo change, each does so in accordance with its own dynamic, which is as unpredictable as life itself. We do not mean that a language must protect a group by isolating it from the others. We believe that the members of a group, receiving through the natural medium of their language the new elements which are integrated into their culture, will have a greater chance to develop normally in harmony with that culture. Here we must pay attention to a dual phenomenon of our time: on one hand there is the interpenetration of cultures; on the other, the incontestable fact that a small number of privileged cultural groups exercise an ever-increasing influence over others, because of modern media of communication. We would emphasize the very great distinction between the integration of new elements by a living culture—of which a vigorous language is an essential manifestation—and the passive acceptance by a weak cultural group of these same elements which are not integrated into, but rather placed alongside, its own cultural characteristics. In the latter case the group becomes increasingly hybrid, speaking an increasingly impoverished and corrupt language—the most visible symptom of the lack of adaptability of the group's culture.

53. At the other end of the scale, there is a close relation between the spread of a very small number of privileged languages and the spread of the culture of those who speak these languages; the word "culture" is here taken in its humanistic sense. The universality of French in the 18th and 19th centuries and the universality of English in the 19th and 20th centuries certainly had their counterpart in the widespread influence of French culture and of the culture of the two great English-speaking peoples.

Some necessary  
distinctions

54. These are some of the reasons why it is proper to attach great importance to the question of language, though some may find this importance exaggerated. In order to round out our consideration of the relationship between language and culture, it may be useful to recall certain distinctions which are often not made with sufficient sharpness. Such lack of clarity may lead some to exaggerate the relationship between language and culture, and others to minimize it unduly.

55. For example, there is in Canada, especially among French-speaking people, a tendency to think of language and culture as synonymous. There seems to be an idea that the purity of the living language is a mirror of the vitality of a culture. This is an illusion. Many educated Francophones speak their mother tongue well but are in almost all other respects Anglicized or Americanized, in the sense that their ways of reacting, living, thinking, and expressing themselves are much closer to American and British cultures than to their original culture. This is a well-known phenomenon in the business world. At the same time, one language can embrace important cultural differences—a reality which appears to be amply confirmed by Great Britain and the United States of America. The same phenomenon appears in the group of countries where French plays an important role.

Language a necessary but insufficient condition

56. We conclude that the vitality of the language is a necessary condition for the complete preservation of a culture, but it is not at all the *sole* condition. A thorough treatment of the problem of bilingualism is necessary in our Report, but it would be quite insufficient, and in the last analysis illusory, to limit ourselves to this problem and to neglect other conditions equally vital to the maintenance and progress of the English and French cultures in Canada. We emphasize once again that this is why the Commission felt it had to give a broad interpretation—the only realistic kind—to its terms of reference.

57. The distinction between the existence of a language and that of a culture appears in another way. Many seem to believe that the members of a group who have adopted another language have completely lost their original culture. This is yet another illusion which has given rise to many misunderstandings. In Canada we can observe the indisputable survival of some cultural traits among native groups and among a number of groups of other ethnic origins. In fact, some of these groups attach the greatest importance to these elements of their ancestral culture. Such is the case, for example, among Canadian Jewish people, for whom the question of language hardly arises in everyday life. Similar phenomena are found among people of British and French origin themselves. Thus, in certain regions of the Maritime Provinces, many Acadians who have lost their language have retained Acadian characteristics and even an Acadian identity. Still clearer examples appear in English-speaking Canada where many elements of the population are well aware and very proud of their English, Scottish, Irish, or Welsh origin. The real persistence of certain cultural traits is evidence of this ethnic consciousness. These are elementary truths for English-speaking people, but French Canadians, with their marked tendency to equate culture with language, seem often singularly unaware of them.

Possible retention of cultural traits when language goes out of use

58. On the other hand, during our hearings we often heard Anglophones overstating, with understandable complacency, the possibilities of survival for a culture even after the language has been lost. They were fond of repeating that each group is quite free to preserve its culture, and that this is even a very good thing provided, however, that the use of English for practically every aspect of social life is willingly accepted. The ambiguity of this attitude should be realized because it reflects a serious misunderstanding of the importance of language and, by minimizing this importance, distorts reality. This attitude derives less from an objective interpretation of the realities of culture than it does from an understandable pragmatism on the part of some people, and touching illusions on the part of others. Original cultural traits survive only partially after the adoption of the English language, especially when several generations have passed. Some characteristics may remain, but can we still speak of a complete culture?

59. A distinction must be made here between the objective elements of a living culture, our main concern up to this point, and the degree to which people feel their membership in an ethnic or a cultural group and remain identified with it even if they have really moved well outside its ambit. This feeling is a most important psychological phenomenon and must be respected as a fact and as a right. But it must then be recognized that the word "culture" becomes increasingly narrow in meaning if, as most often happens, acculturation to the dominant group becomes more complete with each generation. Culture so understood can easily be reduced to a few personality features, some family customs which may be very much alive, and, in the last resort, simply folklore. All these things may persist long after the language has been lost, and they are not to be discounted. However, this narrow sense of the word "culture" in no way corresponds to that used in our Report, which is in accordance with well-established practice.

#### Conclusion

60. For the Commission, therefore, language is much more than a simple means of communication, and culture is much more than the persistence of a few psychological traits or expressions of folklore. We feel it is unacceptable to consider the French language in Canada, or the English language in Quebec, as a mere personal or family trait, encountered in church, in some associations, or at best in elementary school, but not elsewhere.

61. The life of the two cultures implies in principle the life of the two languages. Later, when we deal with the idea of equality, we shall see that, at the practical level, an attempt to make every possible provision for cultural equality is primarily an attempt to make every possible provision for linguistic equality.

*D. Equal Partnership or "Le principe d'égalité"*

62. The languages and cultures of this country can be thought of in many different ways. However, our mandate clearly states the problem in terms of equality: it postulates an "equal partnership between the two founding races" ("le principe de l'égalité entre les deux peuples" fondateurs). As we understand our mandate, this equality should be the equal partnership not only of the two peoples which founded Confederation but also of each of their respective languages and cultures. What we are aiming for, then, is the equal partnership of all who speak either language and participate in either culture, whatever their ethnic origin. For us the principle of equal partnership takes priority over all historical and legal considerations, regardless of how interesting and important such considerations may be.

63. From the outset we have believed this to be the mainspring of our terms of reference. We were not asked to consider merely the recognition of two main languages and cultures which might be granted entirely different rights; we were asked to examine ways in which the Canadian Confederation could develop in accordance with the principle of equal partnership.

64. It will be for Canadians to decide, mainly through their political parties and through their governments, whether to accept or to reject the principle of equality. Our task is, first of all, to determine the measure of equality now existing; but it is, above all, to propose a set of measures or a pattern which would make this equality possible.

65. Once again we must define our terms. There is a more basic equality antecedent to that postulated in our mandate—that of all human beings who, from birth, possess inalienable rights. As gradually clarified by experience and a growing public awareness, these rights today are expressed in such documents as the *Universal Declaration of Human Rights* adopted by the United Nations in 1948. Article 2 of this document states that everyone is entitled to these rights "without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status." In 1960 the federal Parliament adopted the *Canadian Bill of Rights*<sup>1</sup> defining a person's "human rights and fundamental freedoms," which shall continue to exist "without discrimination by reason of race, national origin, colour, religion or sex." Several Canadian provinces have banished by law many forms of discrimination. These individual human rights are unquestionable, and hold for all Canadians without exception.

Basic human  
equality

<sup>1</sup> 8-9 Eliz. II, Chap. 44, Art. 1.

66. We are not asked by our terms of reference to deal with these fundamental rights. Our concern is the equality of English-speaking and French-speaking Canadians as such, whatever their ethnic origin may happen to be.

The equality of  
Francophones and  
Anglophones as  
such

67. At our meetings, witnesses have compared the aspirations of French-speaking Canadians with the aspirations of American Negroes, identifying the one with the other. This is an obvious error, at least if it is the traditional demands of the Negroes that are compared. As a general rule they wish to be assured of basic human rights, particularly those defined by the United Nations' *Universal Declaration of Human Rights*. Until now, the vast majority of American Negroes have not demanded any particular linguistic or cultural rights; their desire has been complete integration into American society. This is not the attitude of French-speaking Canadians. Although discrimination has not disappeared in Canada and although it finds its victims in all groups, it can be said generally that the basic human rights of Francophones are, like those of other Canadians, taken as a matter of course. However, French-speaking Canadians want more than this. They are demanding not just the right to send their children to a public school, but their right to have a French public school; not only the right to work, but their right to work in French, and so forth. These are matters which our terms of reference bring before us.

#### *1. Equality from the individual point of view*

68. Equality may be simply that of the members of a linguistic and cultural group, or that of the group itself considered collectively. Individual equality means essentially that everybody has the same access to the various benefits of a society without being hindered by his cultural identity. Thus, it is not enough for members of a minority group to have access to the same activities, institutions, and benefits as the members of the majority group; that simply requires an absence of discrimination against individuals as such. The equality to which we refer requires that a person who engages in some activity or associates with some institution need not renounce his own culture, but can offer his services, act, show his presence, develop, and be accepted with all his cultural traits.

Social  
institutions

69. Social relations in the world today are very complex and take in much more than the sum of personal behaviour. To understand them we must, in a sense, "depersonalize" them, and bring to light the mechanisms by which social groups (ethnic, cultural, or others) live side by side, integrate or separate, according to the different types of activities which men carry on. Social relationships, particularly in the world of labour, in consumer life, and in political life, are increasingly

shaped by social institutions which, so to speak, interpose themselves between individuals and impose on them a certain pattern of action. Interpersonal and intergroup relations, therefore, are often the result of institutional structures which mesh like the gears of a social mechanism to bring groups into contact. The resulting interdependence of both individuals and groups is not always conscious, but it is certainly real. Our search for equality cannot always proceed directly; it would be an illusion to think that equality between groups can be attained without transforming social institutions themselves.

70. The requirements of this ideal will be better understood if we consider an individual at different stages of his life. When a child leaves his family, the school must provide him with the environment and the practical means to develop in accordance with the spirit of his culture. This obligation will normally continue until he reaches his highest educational level. As an adult he will strive to progress in his work and career as he freely and naturally expresses the characteristics of his own cultural group, in an environment which not only allows for these characteristics, but incorporates and respects them. Outside his work, he will normally wish to benefit from the resources of culture and information which fit his mentality. He should be able to feel at ease in a religious group and in any association he may wish to join. As a citizen he will also want to be able to communicate easily with government agencies which affect him, and to identify himself with the political institutions and the symbols of his country.

71. This culture, permeating the various sectors of life and society, is simply an inheritance which the average person uses and transmits. The fact of participating in a living culture is in itself an immense benefit, but it is not enough for the creative minds in each cultural group. They feel the need to contribute to the evolution and enrichment of their own culture. The equality which concerns us presupposes that this urge can be equally well satisfied in either group, allowance being made, of course, for any inequalities arising from driving forces peculiar to each group. The individual must therefore be able to find, at all levels of human activity, a setting which will permit him to develop, to express himself, and to create in accordance with his own culture. He should not be obliged, should he wish to progress beyond a certain stage, to become so much a part of an alien setting that he is absorbed, and thereby eventually ceases to contribute to the cultural advancement of his own group.

The creative  
minds

72. Just as the equality of all before the law cannot do away with all inequalities (notably those of intelligence, courage, health, and education), equality between the two dominant languages and cultures

Genuine equal  
opportunities



cannot mean absolute equality of the members of both groups. The point at issue is essentially equality of opportunity, but *a real equality of opportunity*—an equality ensuring that the fact of speaking English or French would be neither a help nor a handicap to a person seeking entry into the institutions affecting our individual and collective life.

The scope of inequality as it exists in practice

73. We have deliberately outlined this ideal in absolute terms, which some people will consider over-simplified, in order to emphasize the great gap which separates the cultural groups. The members of a privileged group living under almost perfect conditions are tempted to take their situation for granted and not to stop to consider what others are missing. Members of the underprivileged group may reach a greater or lesser degree of alienation, and so become unaware of their cultural underdevelopment or of the hybrid nature of their culture, not to mention the inferiority complex which so often inhibits them and makes them feel inadequate.

74. Some analyses in this Report will show that cultural equality, as understood here, hardly exists between Canada's two main language groups. Indeed, if the facts are examined in the light of the norms that we have suggested, one may be tempted to despair of establishing the conditions for equality which form the main theme of this Report. At the very least, we must be realistic. We have no intention of proposing the impossible; it will never be possible for the members of the two main cultural groups to enjoy the advantages described above throughout the country on an equal footing. We first must see to what extent the wide gulf between current reality and an ideal cultural equality can be reduced. Inevitably in some areas there will be a striking gap between the state of affairs described and the recommendations offered for its reform. Political decisions cannot rapidly or radically change a long-standing state of affairs or old ways of thinking. We are sufficiently aware of this fact not to propose arbitrary measures based on abstract theory rather than on realities. A realistic approach avoids the possibility of unrealistic expectations among members of the minority; it also invites breadth of vision from the majority, which should be more aware than before that it will in any case always be in a privileged position. Moreover, the terms of reference do not present equality as a matter of mathematical equivalence, but more wisely as a question of "*what steps should be taken to develop the Canadian Confederation on the basis of an equal partnership. . .*"<sup>1</sup>

The law of numbers

75. What does the most elementary realism tell us? That although an Anglophone isolated among French-speaking Canadians and a Francophone isolated among English-speaking Canadians may possess

<sup>1</sup> Italics our own.

all the theoretical rights imaginable, each is able to exercise these rights to a very limited extent. A milieu is not transformed for one individual; a university is not built for a single family. The operation of a whole local administration cannot be changed to suit five or six employees. Number is a determining factor in such cases. It is possible to imagine a language and a culture being transmitted in spite of the surrounding environment, but an unusually fierce determination and uncommon readiness for sacrifice would be required.

76. This same realism also teaches us other lessons. Some things become feasible when 50 or 60 families of the same language and culture live in the same area and have a common purpose. Rights which could only be theoretical for a smaller linguistic community can more easily be put into practice; for example, a kindergarten can be opened. Other things can be done when there are 5,000 or 10,000 people in the same area (for example, a radio station can be supported), or when there are 20,000 or 30,000 people (for example, a television station).<sup>1</sup> Thus the equality of which we speak is not absolute, but begins to be realized almost automatically as soon as it is feasible in a given area. It is not discussed in each case as if it were necessary to invoke a new principle every time. If the minimal conditions are present, the linguistic systems automatically assure that equality will be realized in concrete situations. To view equality in this way does not mean that we think the two main linguistic groups will enjoy the same services everywhere; this would be absurd in practice. It does mean that wherever similar conditions are found, similar services will be offered.

## *2. Equality from the point of view of communities*

77. Thus it is evident that, at our level of analysis, languages and cultures are essentially collective phenomena. One may try, as we have done, to isolate the problems of the individual Francophone and Anglophone; however, within our frame of reference such an undertaking would soon become abstract, unless it led us back to the world of real social problems. The fact is that a given language as a means of communication and expression exists to permit the individual to communicate with others, and to express himself and make himself understood. Likewise a given culture expresses a common background of experience and attitudes and it can flourish only if the individual lives with others who share in this common background. This means that a culture will be fully experienced only within its own complete society; elsewhere it will certainly live, but poorly, being limited by the number

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<sup>1</sup> Numbers are used as illustrations only.

of its members and the strength of such institutions as they have. Hence the great importance of the concept of two distinct societies as developed in our *Preliminary Report*.

78. Individual equality can fully exist only if each community has, throughout the country, the means to progress within its culture and to express that culture. To this end it will have its own institutions in certain fields, while in other sectors it will be free to participate, on satisfactory terms, in common institutions and agencies.

In economic life

79. The collective aspect of equality manifests itself also in economic life. Most people spend a great part of their waking hours at work, and if the environment in which they earn their living is not hospitable, inevitably they are dissatisfied. It follows that full participation by both English-speaking and French-speaking Canadians in the institutions of the working world is an important element in an equal partnership. Not only must individual Anglophones and Francophones feel that there are no linguistic or cultural barriers to their progress in commerce and industry; they must also feel that as a linguistic and cultural group they share in the direction of economic life, in making those decisions which so largely determine everyone's future living conditions. The presence or absence of a strong representation from each language group in the strategic posts of command—in senior management, senior scientific and technical direction, and on the boards of directors of major business firms—will do much to determine whether a sense of partnership exists.

80. A subsequent Book of this Report will present detailed evidence of the place occupied by each of the two dominant languages and cultures in both the private and public sectors of the working world. But it is common knowledge that English is the principal working language in the upper levels of business even in Quebec, and that Anglophones hold the lion's share of the posts there. In Quebec, and even more so in Canada as a whole, those firms which provide most employment and which most influence the course of economic development are owned and controlled by English-language interests. The popularity of a slogan like "*mâîtres chez nous*" indicates the sense of frustration induced by this situation. We believe the notion of equal partnership connotes a vast enlargement of the opportunities for Francophones in both private and public sectors of the economy. The Commission will give close attention to measures designed to create conditions of work which will equalize the chances and improve the career preparation of those whose first language is French.

In politics

81. Finally, let us consider another dimension of equality between the two communities—the political dimension. This covers the possibili-

ties for each society to choose its own institutions or, at least, to have the opportunity to participate fully in making political decisions within a framework shared with the other community.

82. The collective aspect of equality is here still more evident; it is not cultural growth and development at the individual level which is at stake, but the degree of *self-determination* which one society can exercise in relation to another. We have in mind the power of decision of each group and its freedom to act, not only in its cultural life but in all aspects of its collective life. We are no longer concerned with the characteristics which distinguish the two communities qualitatively, or even with their respective social and economic positions, but with the extent of the control each has over its government or governments. This is the basis for the discussion of the constitutional framework in which the two societies can live or aspire to live: a unitary or a federal system; special status for the province in which the minority group is concentrated; or again, for the same part of the country, the status of an associate state; or finally, the status of an independent state.

83. People who are used to making a clear distinction between problems of this type and cultural problems, or who even separate them entirely, will be surprised to see such a political dimension introduced here. Again we find a not unnatural difference between the outlook of a self-confident majority group and that of a minority which is well aware of its weakness. A politically dominant majority easily takes its advantages for granted and does not take into account the difficulties of the minority, especially when that minority is treated with a degree of liberality, or at least an appearance of liberality, in cultural matters. But as soon as the minority is aware of its collective life as a whole, it may very well aspire to the mastery of its own existence and begin to look beyond cultural liberties. It raises the question of its political status. It feels that its future and the progress of its culture are not entirely secure, that they are perhaps limited, within a political structure dominated by a majority composed of the other group. Consequently, it moves in the direction of greater constitutional autonomy. Ideally, the minority desires the same autonomy for the whole of the community to which it belongs; but where it cannot attain this objective, it may decide to concentrate on the more limited political unit in which it is incontestably the majority group.

84. This viewpoint, so hotly opposed by some, is deeply entrenched in Quebec. It has even been, in recent years, at the root of some of the most spectacular, if not the most serious, manifestations of the crisis in Canada. To ignore it in this Report would not only constitute an error; it would very likely mean that Quebec would refuse to listen to us, and

that English-speaking Canada would be deprived of the chance to become aware of an especially grave element in the present situation.

**General  
consequences**

85. Such are the main aspects of the notion of equality which has remained the steady preoccupation of the Commission. The implications will be examined, as we proceed, in each of the Books to follow. Nevertheless, we will conclude this section of the Introduction with a general proposition. Since the principle of equality applies to two linguistic and cultural communities, one much larger than the other, it automatically implies the acceptance of the concept of a minority as something worthy of respect; it also leads us to make the most of existing situations.

**Respect for the  
idea of minority**

86. The principle of equality implies respect for the idea of minority status, both in the country as a whole and in each of its regions. Within the provinces or smaller administrative entities, both Anglophones and Francophones live in some cases as a majority, in some cases as a minority. Since the English-speaking population is larger across the country, its members are less often in the minority; but they are the minority in some areas, especially in the province of Quebec. The Francophones are usually in the minority outside Quebec. In either case, however, the principle of equality requires that the minority receive generous treatment.

87. This proposal may seem Utopian, but is it really so? Recognizing the rights of a linguistic minority does not reduce those of the majority: with a little good will, the rights of both can be exercised without serious conflict, as is clearly demonstrated by the examples of Switzerland and Finland. In other words, a majority does not abdicate when it resolves to take a minority into consideration; it remains the majority, with the advantages its situation implies, while at the same time demonstrating its humanity.

88. This is political wisdom too. The history of countries with more than one language and culture shows how often rigid attitudes held by majorities have made common life difficult, if not impossible. The use of force, in any circumstances, results in either revolt or submission. Besides, for the majority to hold back from acts within its power or to allow events it would be able to prevent, out of respect for the minority, is not a product of weakness but a step forward in civilization. In this spirit too will we approach the matter of the other minorities.

**Consolidation of  
the present  
situation:  
Quebec**

89. We must work to develop and consolidate existing situations where they provide the possibility of establishing a certain equilibrium between the two communities. We know that Anglophones form the majority in nine of the ten provinces of Canada; Francophones form

the majority in Quebec. This is a state of affairs which should be turned to account. Indeed, the concentration of more than 4,000,000 Francophones in a single province is the only factor which gives some reality, at the outset, to the concept of equal partnership. Quebec constitutes an environment where the aspirations and the needs of four out of five Francophones in Canada can be satisfied. The mere fact of this concentration leads to a spontaneous French way of life and makes that way of life easier to organize. This is why we believe the place of the Québécois in the French fact in Canada will in practice have to be recognized much more than it is today; we are thinking particularly of the world of work, in the federal public sector and in the private sector. But there is also a political aspect: Quebec is the only province where French-speaking Canadians are in the majority and the English-speaking in the minority. Here the weight of numbers favours the Francophones, and it is a powerful lever. They can exercise a preponderant influence in their own province; they can also make themselves heard by the rest of the country, especially in the federal Parliament, and thus take an active part in the life of Canada. Of course there are risks involved. The problem can be succinctly formulated. How can we integrate the new Quebec into present-day Canada, without curbing Quebec's forward drive and, at the same time, without risking the breaking up of the country?

90. All these facts combine to give Quebec a leading role in promoting the French language and culture in Canada, whatever may be the political solution finally adopted. This conclusion is in the nature of things; it is not the outcome of ideology or some messianic notion. In this sense it is an obvious and incontrovertible fact that Quebec is not "a province like the others."

91. Furthermore, a significant number of Francophones live in New Brunswick and in Ontario, next door to Quebec. Because of this contiguity, and for historical reasons, the French language has deep roots there—an important fact that in our opinion should receive more notice from these two provinces. A chain of historical and geographical links unite the Acadians of the Maritime Provinces. Interprovincial co-operation, already under way, opens up the possibility that some of New Brunswick's French-language institutions could extend their service beyond the boundaries of the province, in Nova Scotia, Prince Edward Island, and even the adjoining regions of Quebec.

92. We can see what profound changes in attitude will be necessary if the principle of equal partnership is accepted. We shall see this still more clearly as we explore the various spheres in which the principle must be applied.

Consolidation of  
the present  
situation: New  
Brunswick and  
Ontario

*E. External Factors*

93. Throughout our Report we shall be studying that sector of Canadian life specified by our terms of reference. However, our understanding of this reality would be distorted if we did not at the same time take account of the powerful influence of certain other factors; among these we should mention religious considerations, our immediate proximity with the United States, and the technological revolution now in progress.

Religion 94. A development of great consequence has appeared in the religious sphere. Although, strictly speaking, religion is not one of the matters before us, it does affect them profoundly, and its influence can be perceived in contemporary Canada in a variety of ways. More and more we live in pluralistic societies, wherein certain over-simplified kinds of identification become less and less possible; for example, in the eyes of many French Canadians, not long ago, to be "English" was to be Protestant, and for many English Canadians, speaking French was tantamount to professing Roman Catholicism. Perhaps with this in mind, the Fathers of Confederation, or at least some of them, thought that by guaranteeing the educational rights of religious minorities (in section 93 of the B.N.A. Act) they would also protect the linguistic minorities. In any case, subsequent developments and the increased complexity of the societies have made it necessary to distinguish between religious and linguistic affiliation, and this distinction is nowadays made with greater readiness.

95. Moreover, the distinction between truly spiritual matters and temporal affairs has become more usual and more precise. Formerly, French Canadians commonly spoke of the language as "guardian of the faith." This statement is almost out of use, or else is used with great care, the autonomy of each domain being recognized at least implicitly. It is therefore much easier to discuss linguistic and cultural questions without running the risk of unleashing strong religious feelings. Even though these may still exist, few people today are inclined to invoke denominational considerations in order to oppose measures affecting language.

96. Meanwhile the ecumenical movement is gaining ground, and increasing the mutual respect and understanding among Christian communions. The Roman Catholic bishops have written: ". . . it seems incomprehensible that the religion of Christ has so often divided us, instead of bringing us together."<sup>1</sup> It is a fact that, in the past, religious

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<sup>1</sup> *Lettre collective des Évêques catholiques du Canada à l'occasion du Centenaire de la Confédération/A Letter from the Assembly of the Roman Catholic Bishops of Canada on the Occasion of the One Hundredth Year of Confederation* (Ottawa, 1967), 9.

divergences have had the effect of rendering the settlement of certain controversies seemingly hopeless, particularly those concerned with education. The Roman Catholic bishops, whose statement appears to us to reflect the judgement of several Christian and non-Christian faiths, go on to declare that: "Christian thinking of today, inspired by the ecumenical movement, inclines us to pass harsh judgment on these attitudes of the past, and to regret them keenly."<sup>1</sup> Of course, the ecumenical movement transcends questions of language, but it engenders attitudes which are beginning to influence daily affairs. In a very general way, and beyond the limits of the Christian churches, it is creating an atmosphere in which men of different religious beliefs have learned the art of constructive dialogue. In such an atmosphere intolerance tends to lose its force, both in religious and cultural groups.

97. In a quite different connection we must refer to a fact of even more immediate influence: Canada shares the North American continent with a country which is the richest and one of the most dynamic in the world. The United States today is one of the prime agents of scientific and technological progress; it is the home of very far-reaching social changes and a conveyor of new values. The United States exercises an extraordinary influence on other countries by virtue of its almost universal presence and its unparalleled resources. Canada, sharing with the United States the longest undefended border in the world, is faced with a continual challenge. It must adjust to American standards at every level, so that there is a constant drive to exceed past efforts, to renew what exists, and to advance as a community. But Canada must also cope with the American influence in all fields, especially those of culture and the mass media, and in economic and military activities. This presence is so strongly felt that it actually dominates some sectors and it constantly threatens the vitality of the Canadian cultures. Linguistically, the proximity of more than 200,000,000 Anglophones cannot help but strongly condition Canadians—and especially French Canadians—whose minority situation becomes particularly evident when it is viewed on the continental scale.

98. The American presence in Canada draws our attention to a range of immense social transformations. Indeed, we are sometimes misled into labelling as "American" facts and attitudes which are simply modern, because they first appear in the United States and are transmitted to us through American channels. Such is the case for perhaps the most fundamental change of our time: the adoption of a highly technological style of producing and distributing goods and

The omnipresence  
of the United  
States

The second  
industrial  
revolution

<sup>1</sup> *Ibid.*



services. This second industrial revolution has not only given us an avalanche of material products and a fascinating cascade of new services; it has also wrought profound psychological changes and basically altered the social structure. One aspect has been described as the "revolution of rising expectations." Every stratum of Canadian society has redefined its notion of the good life in terms of easy access to the fruits of modern technology. Rural populations have followed hard on the heels of city dwellers in claiming as their due the style and standards of living of an industrial and technological civilization. English-speaking and French-speaking societies show little difference in their determination to participate fully in this civilization. Any solution to the problems of partnership between Francophones and Anglophones must therefore take account of the firm intention of both groups to live in a society in which the massive production of goods and services and their distribution to a mass market are cardinal concerns.

99. It is clear that neither Anglophones nor Francophones want to conserve all the values and styles of living of their respective pasts. The problem is rather to retain something distinctive in both the French and English cultures in a period of rapid change, in which the institutions of each society have to be continuously modified and reformed. The family, the school, the university, the business firm, the city, and the church are not immutable structures. Rather, they are steadily and sometimes laboriously evolving, and the citizens who man them are engaged in the exciting but demanding task of adjusting the foundations of their social life. None of us is untouched by the promising future which the world of technology opens to us if we can meet its requirements sensibly and constructively. None of us wholly escapes the moments of alarm induced by its attendant risks.

100. This theme could take us much further, but we must leave it here for the moment. We shall not deal with it directly in Book I of this Report; however, it will form an integral part of our subsequent consideration of the work world, education, and the mass media. It is a dimension of today's and tomorrow's world which must never be forgotten, unless we are to ignore present realities. It should be pointed out that the mandate of this Commission is to specify the conditions of a more equal partnership in Canadian social life. The efforts to stabilize the partnership are being considered at a point in time when the external conditions of the partners are undergoing massive changes and dislocations. All of our recommendations are implicitly hedged by our recognition that we are formulating them in a country which is being transformed on a grand scale.

101. These are nevertheless stimulating times, and technology is opening vistas never before perceived. This is particularly true of the world of communications and transportation. The planet is becoming a unit, first because of modern technology, but also thanks to the international organizations with which mankind has provided itself, such as the United Nations and UNESCO, whose influence is spreading by dint of great effort. Moreover, we observe, notably in Europe with its Common Market, a tendency to supersede frontiers and to pool certain jurisdictions which only yesterday were held to be intangibly linked with the sovereignty of the state. At the same time, the various human communities are finding new ways of living and escaping from the prevailing conformity. Thus, in the same moment that internationalism is being actively discussed, decolonization has made us spectators of a veritable explosion of nationalisms. Nationalism is particularly strong in countries recently liberated from former empires, and is frequently a threat to internal unity. It also provides the inspiration for the two linguistic communities of a country like Belgium, which is a particularly striking example of this twofold movement: it is a member of the Common Market, and at the same time the Flemings and the Walloons are forcefully asserting the existence of their respective languages and cultures.

The trend towards world unity, and the explosion of nationalisms

102. Canada is well equipped to communicate with the world and to assert its presence. Its two languages and two principal cultures link it with all parts of the world where English and French are in current use. The other ethnic groups add to the picture linguistic and cultural ties with the Slavic world, the Icelandic-Scandinavian and German *Kulturkreis*, the Latin world, and the Mediterranean area. The presence of native Eskimo and Indian languages and cultures means that Canada shares with New Zealand, Australia, and many other countries of Asia, Africa, and the Americas the duty to provide for the native elements in its population. Official bilingualism and the rejection of the "melting pot" idea have left many ethnic groups free to preserve their cultural identity, and have retarded considerably the acculturation of this country's heterogeneous population. With its wealth of human, linguistic, and cultural resources, Canada reflects the world in microcosm.

Canada's ties with the world, through language and culture

103. In Canada's Centennial year, this was particularly noticeable at EXPO 67, with its theme "*Man and His World*." Sixty-one countries came together at Montreal's International World's Fair, and the reception of this event by Canadians was striking in its fervour and enthusiasm. For Canadians EXPO was a common effort, and our pride in it was due to the quality of the achievement. We built together, looked together in the same direction, to quote the apt words of Saint-Exupéry. This venture in equal partnership, all the more

Man and His World

remarkable because it brought us into association with half the world, will remain as one of the fruitful experiences of our history.

104. The Commission has been charged to examine some of the permanent conditions of this type of collaboration. We are therefore bound, during this examination, to scrutinize concrete situations, to note weaknesses, to observe failures and inequalities; but we are also called upon to propose reforms, almost all of which will demand that we should be truly greater than ourselves. The challenge will then be "to look together in the same direction." Certainly life shows that good intentions are not enough. But life also proves that the most ingenious reforms are of no avail unless they are undertaken in friendship, the soul of all valuable association.









1. Book I of our Final Report is devoted to the status of the official languages of Canada, English and French. In Part 1, after making the necessary distinction between individual bilingualism and state bilingualism, we examine the two main linguistic groups and the legal status of English and French in Canada. We devote Part 2 to the study of the measures which will enable the public authorities to ensure an equal status to the two languages.

2. As our *Preliminary Report* showed, opinions of Canadians are divided on the very idea of bilingualism and on its applications. There are two extreme views: one holds that bilingualism is a matter of individual concern, the other that it is applicable only to institutions. Among those who consider that bilingualism applies only to individuals, some think *a priori* that bilingualism is an evil to be resisted, while others see it as the source of all good. Of those who hold the second view, many consider the bilingual institution a false lure, while others steadfastly believe in the need for it. We believe that these opinions are not so much opposed to each other as confused and vague on the notion of the "bilingual person" or the bilingual institution.

3. This confusion has prompted us to state our views on both individual bilingualism and the bilingual state. We shall discuss both the complex nature of individual bilingualism and the great number and variety of bilingual states in the world today, so that we may then try to understand in what respects Canada is similar to or differs from other bilingual countries.



### A. Individual Bilingualism

Bilingualism  
is universal

4. Individual bilingualism, the alternate use of two languages, is a very complex matter. To begin with, it is found in every country of the world. The universality of bilingualism stems from three factors: there are more languages than nations; some languages are more widespread than others; and populations are increasingly mobile.

5. There are indeed some 2,500 languages in the world, but less than 150 states to house them. It is obvious therefore that a good proportion of mankind inhabits countries in which more than one language is used. Secondly, some of the world's languages—because of the political, cultural, or economic power of those who speak them—have spread far beyond the frontiers of the country where they have the status of a national tongue. In India, Africa, and in many other parts of the world it is far from unusual to find people who speak one of these other languages besides their own. Languages such as Greek and Latin have at various times in history been current among the cultured to supplement the vernacular. Finally, since a proportion of the world's population has always been moving from one area to another, it has always been necessary for people in different parts of the world to become acquainted with a language other than their own—that is, to be bilingual.

Bilingualism is  
multi-dimensional

6. All bilingual persons are not bilingual in the same ways. The quality of bilingualism differs according to the languages concerned, the uses each language is put to, the degree of interference between the languages, and the way in which the speaker keeps them apart. To these factors, inherent in the speaker, is usually added the stability and prestige of the languages involved and the geographic distribution of those who speak them.

7. Bilingualism has many other aspects. The person struggling in another language illustrates quite clearly the dimension of proficiency. The daily activities of many people force them to change their language to suit what they are doing, illustrating the functional aspect of language. The dominance of one language over another is shown by the fact that most bilinguals prefer one of their languages to the other, or allow one to influence the other, as their characteristic accents and typical sentence forms will indicate. But these factors are always relative, so that bilingualism itself is never an absolute quality.

Bilingualism  
is relative

8. One of the greatest obstacles to understanding the nature of bilingualism—and probably to accepting it—is the still commonly-held notion that, to be bilingual, a person must have an equal command of two languages. In fact, this phenomenon is so distinct as to have a special name, “equilingualism.”

9. Insistence on an equal command of two languages as the criterion of bilingualism has long retarded research in this field. In recent years, however, the concept of bilingualism has become broader. It is now no longer identified with equilingualism, which some consider to be theoretically and practically impossible; for they believe that a bilingual's language learning experience would have to be identical in both languages in order to produce identical results.

10. The broadening of the concept of bilingualism has been due largely to the realization that the point when a person speaking a second language becomes equilingual is impossible to determine, or must be arbitrarily designated. Absolute mastery of two languages, moreover, seems to be very rare. Unilingual speakers vary a great deal in the degree of skill with which they use their own language. Even identical twins have been known to learn their mother tongue at different rates. It is not surprising that bilingual persons likewise differ.

11. Some people who may be called bilingual find it easy to understand both languages but are able to express themselves in only one. Known as receptive bilinguals, these persons can only receive communications in both languages. In other words, they are limited to reading and/or listening to a second language. But such skills have enabled the educated at all times and in all quarters of the globe to acquire knowledge available in languages other than their own. Because of this, educational systems in virtually every country in the world have included a second language among the subjects taught in school. Hence the training of large segments of the population in these receptive skills can be a realistic objective, since listening and reading abilities in a foreign language are easier to acquire through study than are the active skills of speaking and writing.

12. There are bilinguals who are "at home" in both languages, those who speak the second language fluently but with an accent, those who speak both languages differently from unilingual persons. There are those who find it easier to speak than to understand the other language, while for others understanding comes more easily than speaking. In each of these skills, however, bilinguals often show a marked preference for one of their languages; some can express themselves well in both languages, but in certain contexts feel at home in only one. This preference may vary over a period of time—one language, for example, being dominant in childhood and the other later on in life. But, even over a relatively short period, bilinguals are not equally bilingual. Linguistic observations of the speech of families making continual use of two languages indicate a vacillation in the skill with which the children use each of the languages. All persons who become bilingual through environment experience periods in which one language and

then the other becomes predominant. Obviously, if this process always follows the same direction, it can eventually eliminate one of the languages—even the mother tongue.

13. Some parents may encourage this process for social and economic reasons, so that their children will be better integrated or even linguistically assimilated into the dominant group. This indeed has been the practice of certain immigrant families in all parts of the world. It also has been the practice in certain bilingual communities where the social status of one of the languages was markedly inferior to that of the other.

Creole and dialect  
bilingualism

14. When languages of different social status have been in contact for a long enough time, one of the languages will inevitably show a marked influence upon the other. Under certain circumstances, both may become fused into a single language, developing a “creole” form of a standard language. This new form of the language may be spoken by later generations; in addition to this creole the educated may also master the standard form, thereby becoming bilingual. But they are bilingual in the sense that they speak both the standard language and one of its creoles. This is not far removed from dialect bilingualism which includes the use of both the standard speech and one of its regional dialects. By the same token, however, bilingualism could very well be extended to include the use of two separate social dialects or different registers.

15. Certain persons, however, daily use more than two languages. Because of this, linguists have sometimes urged that we do away with the word “bilingualism” and replace it with a term not indicating the number of languages involved. Words like “plurilingualism” and “multilingualism” have been suggested. However, the well-established term “bilingualism” is likely to continue in the foreseeable future to mean the use of two languages.

16. From all this it is plain that individual bilingualism involves more than the equal mastery of two languages. Such a limited concept excludes the many variations resulting from the coexistence of two or more languages in the same individual or in the same community. It ignores all the necessary variations in social function, status, and pressure of the different languages and their influence on each other. Individual bilingualism, therefore, is not an absolute. It is and must be a relative concept.

### *B. The Bilingual State*

17. Bilingual or multilingual states are not identified by the proportion of bilingual citizens which inhabit them and they have surely not been created to promote individual bilingualism. Individual bilingualism

is obviously found in officially bilingual countries. But there are fewer bilinguals in some such countries than there are in some of the world's unilingual states. Yet this does not in itself make these countries bilingual states. Individual bilingualism is therefore quite distinct from state bilingualism.

18. Nor have bilingual states been created to preserve ethnic groups. People of the same ethnicity do not necessarily belong to the same cultural or linguistic group. People of all sorts of ethnic origins speak English and French as mother tongues; there is no such thing as an English or a French "race." Indeed the racial stocks from which the English- and French-speaking peoples who settled in Canada have sprung are largely identical, even in the aspects of the Celtic and Nordic mixtures which each represented. The greater part of both Britain and France had long been inhabited by people of Celtic stock before they were overrun first by Roman legions and several centuries later by Germanic and Nordic tribes. In France the Celtic dialects were supplanted by the language of the Romans but in Britain they were replaced by the languages of the Germanic invaders.

The ethnic  
group

19. Still, as we have pointed out earlier, there is such a thing as a French culture and a British culture. Of course, the differences between them are not as great as they would be if either were compared to one of the many Asian or African cultures. In Canada, the Anglophones and the Francophones wear the same sort of clothing, live in the same sort of houses, and use the same tools. They are very similar in their social behaviour, belong to religions which are not exclusive, and share the same general knowledge. To a greater or lesser extent, they share a North American way of living. But at the same time the cultures of the two are clearly different in many important aspects, including modes of thought and even styles of life.

20. Perhaps it is chiefly because they do not share the same language that they do not belong to the same cultural group. For language is the main instrument of social consciousness. Language defines group boundaries and excludes outsiders.

21. It is not surprising that language difference has been one of the main forces which have kept groups apart—groups large and small, from big nation-states to tiny local tribes. It is only natural for people who speak the same language to want to live and work together. This is the reason why the main language boundaries and political boundaries have so often coincided. Historical illustrations of this assertion can readily be seen in the rise of modern European states. One can also trace the same correspondence between language and political boundaries in Asian and African countries.

Language and  
nationality

## Plurilingual societies

22. Yet over much of the earth's surface, the richly varied distribution of languages, along with other factors, has reduced mankind throughout much of its history to a choice between remaining in small tribal units or grouping into larger multilingual associations. On every continent, the development of advanced societies has further narrowed the choice. Modern social organization functions best in a relatively large territorial and economic unit, and has encouraged different language groups to associate. In all plurilingual societies, linguistic tensions must be handled by the normal working of the political process.

23. It should be noted, however, that in different parts of the world the circumstances of language contact have varied widely. Along the borderlands of Asia and in Eastern Europe, for instance, there has been an intermixture of peoples and cultures which has remained relatively stable, in a linguistic sense at least, since the invasion of the Tartars. Much of the rest of the world—including North and South America, Australia, Africa, and south and south-east Asia—is still living in the wake of the great thrust of European civilization to every corner of the world during the period from the 15th to the 19th centuries. While the political force of European expansion is now largely spent, its linguistic power is still felt in the rest of the world, even in the areas which have explicitly rejected the influence of the former imperial powers.

## Patterns of language contact

24. If we look more closely at the linguistic implications of European expansion, we may discern three main patterns of language contact. European languages became dominant where European penetration encountered under-developed tribal societies and correspondingly unsophisticated, unwritten, or highly diversified tribal languages. In such cases, the colonial languages, or modifications of them, easily became the sole languages of public affairs, and as such were indispensable to the new régimes, even after colonialism gave way to independence. English, French, and Portuguese thus became official languages in practically the whole of Africa south of the Sahara.

25. In these countries the European language has been linked in some fashion with one or more indigenous or local ones, so that the foreign language is designated as official in the country's constitution. This is the formula in a number of former colonies of Britain, Belgium, and France.

26. In countries where the indigenous languages were already sophisticated and backed by a rich written tradition, there developed a second type of language contact. When the colonial powers withdrew, these countries generally kept, as an administrative language, that of the former power and often linked one or several of the indigenous languages with it.

27. In some parts of the world, Western European powers established colonies through substantial settlement, with the result that the colonial languages quickly became dominant in the area, though seldom to the complete exclusion of the indigenous languages. This process is seen in the Americas, Australia, New Zealand, and Africa. More than one colonial power and more than one language were involved in some areas, such as South Africa. Of the six involved in the settlement of the United States, the Dutch, Swedish, and Russian languages scarcely took root, and French and Spanish ceded to the dominance of English. Indeed the Western European traditions and institutions brought by the settlers strongly predisposed them toward unilingual political organization, except in the relatively few cases where another European language or a strong indigenous language forced a compromise solution.

28. The movement of peoples, especially since the industrial revolution, has brought another form of language contact, that between the languages of the new immigrants and those of the host countries to which they migrate. Immigrant languages have in fact played some role in the history of virtually every western country. Their interrelationship with the language of the host country has given rise to a rich range of cultural contacts which is now becoming a topic for intensive social research.

29. Of the many situations of language contact, only a certain number have resulted in the creation of bilingual states. The bilingual state as such is a solution which has often followed a demographic regrouping as the result of war, revolution, or federation. In most cases, under conditions of modern communication, it requires that the authorities establish a linguistic policy, even if it be one which reduces to a minimum or rules out a vigorous role for the public authorities in language matters. Failing some definite official protection, the linguistic integrity of the smaller group almost inevitably suffers.

National  
language policies

30. It is of course undeniable that many states, particularly ones moulded in the Western European tradition, have striven to minimize differences by promoting a unilingual society. This was the case, for example, at one time or another in France, Great Britain, Germany, and Russia. The basic idea was that if people speaking the same language could not be of the same state, people of the same state should speak the same language. Language uniformity was seen as a symbol of political unity.

Unilingual states

31. Within those areas where language boundaries and political boundaries have coincided, groups speaking languages other than that of their unilingual state have usually played a relatively small part in the national tradition, and have often been dismissed as insignificant. Their power of survival has depended to a great extent on their

numbers, distribution, status, or degree of bilingualism, and on the usefulness of their languages. Some have disappeared in a matter of generations. Others have been maintained for centuries, even in the strongest unilingual countries, such as France (the Bretons), Spain (the Basques), Great Britain (the Welsh), and Japan (the Ainu). Other minorities, after a long struggle for linguistic self-determination, have succeeded in having their language develop into a national tongue—for example, Magyar, Czech, and Croatian.

Characteristics  
of bilingual states

32. Bilingual states were most often developed to maintain or preserve the cultures and languages of their surviving national groups. In bilingual states there are usually two or more unilingual nuclei—that is, two or more groups of persons who habitually live and work in one language, resorting to the other language only to communicate with fellow citizens of that language. These unilingual nuclei form the great mass of the population of bilingual states; they are the centres around which each of the major language groups tends to cluster.

33. The bilingual state is not intended as an instrument for the propagation of individual bilingualism. For if everyone in a bilingual state becomes completely bilingual, one of the languages is rendered superfluous, since everyone will be able to communicate in the other language. In all such cases, the dominant language usually grows more dominant and the other gradually disappears, sometimes in a matter of generations. This has been the fate of many minority languages, such as those of the immigrant minorities of the New World.

Bilingual  
institutions

34. The bilingual state is characterized by a wide variety of bilingual institutions, designed to guarantee that citizens are not disadvantaged because they belong to a minority linguistic group. Such institutions may include the legislature, the courts, the civil service, and the schools; but these institutions can have many different forms in different bilingual countries. A bilingual public service, for example, usually means one that can serve the public in any of the official languages. But, depending on circumstances, the extent that it does so may vary from one country to another. A bilingual public service may work in the official languages either permanently or intermittently and either nationally or regionally, depending on the type of bilingual state.

Types of  
bilingual states

35. Apart from the countries emerging from a former colonial status which have designated a foreign tongue as an official language, or as an auxiliary language, it is possible to discern two broad categories of bilingual states. One type provides special language rights for its national minorities; a second type attempts to place two or more national languages on a relatively equal footing before the law. In practice one finds a few borderline cases which are difficult to classify one way or the other.

36. The first kind makes special linguistic provisions to suit the plurality of its cultural groups, but on something less than a basis of full equality. Because of population proportions, different stages of group development, or other reasons, one language becomes dominant in politics and the central administration. Such arrangements may be permanent, or at least of long duration, because they coincide with the distribution of distinct cultural groups within the state. Sometimes the cultural groups concerned are given, as a minority, a whole series of special rights. At other times their rights are limited to the realms of culture and education. But the important thing is that in these states, the minority cultural groups are recognized as having different aspirations from the rest of the population, and the way is left open to them to find at least some expression of these different aims.

Special language  
rights

37. There is a great variety of such bilingual states. Indeed if the definition of a bilingual state were extended to include every kind of linguistic or cultural privilege, the list would be very long. To illustrate the range of countries involved, one need only mention the position of Welsh in the United Kingdom, of Romanche in Switzerland, Maori in New Zealand, Arabic in Israel, German in Belgium and Denmark, of the regional languages in India, or of any of the minority languages in most of the countries of Central Europe, the Balkans, and the U.S.S.R. The U.S.S.R., indeed, is rather a borderline example of this type. Its territory is divided into 15 republics, each substantially inhabited by a major national group having a wide measure of cultural and linguistic autonomy guaranteed by the constitution. Even the many smaller linguistic groups in the U.S.S.R. frequently have an equal degree of educational and cultural self-determination within small political subdivisions. Russian, however, is the recognized *lingua franca* of the Soviet Union and is the language of the central administration; it is also the mother tongue of over half the population, the remainder being divided among a large number of other languages.

38. The second, smaller category gives official status to two or more national languages on a basis approaching equality. Whether or not the respective cultural groups are balanced numerically, these countries have tried to provide for the exercise of public functions in each of the official languages, either in certain regions or throughout the country. Thus Belgium has made French and Dutch equally official languages, Finland has done so for Finnish and Swedish, and Czechoslovakia for Czech and Slovak. Switzerland has three official languages—German, French, and Italian—while a fourth language, Romanche, has been accorded the status of a national but not an official language. Yugoslavia has three official languages—Serbo-Croatian, Slovenian, and Macedonian—but also grants special regional status to nine others.

Relative equality



South Africa provides full rights for Afrikaans and English as official languages everywhere in the country.

Implications of  
language equality

39. In countries where two or more languages are given equal status and are official, the concept of the state as a partnership of two or more language groups can regulate relations between them. This has certain important implications. If there is a difference in numerical strength between the two language groups, the handicaps implicit in such a disparity must be overcome. The majority must realize that the minority, though fellow-citizens, do not share all their characteristics, and both sides must show respect for each other. The majority whose language is not in danger has nothing to lose and much to gain by contributing to the support of bilingualism in proportion to its superior numbers. This often lessens the penetration of the majority language into the daily lives of the minority. Mutual interest in each other and the sharing of experiences that can be shared will ensure that the linguistic groups, while remaining separate, will have a unity of purpose.

40. Whenever a bilingual state preserves the integrity of its language groups, the tensions that might arise are neutralized to the extent that each of the groups within the state has a sense of cultural security. When a country fails to provide this sense of cultural security, the minority, seeing its language threatened, often tends to harbour feelings of hostility toward the majority and to look for other solutions, including various forms of "national" self-determination outside the framework of the bilingual state.

41. To guarantee survival and equality for the minority language may thus become one of the duties of the majority. And this normally requires various moves on the part of the majority: a) respecting the minority language by accepting communications in it and by taking care that the use of this language, especially in official documents, is of a quality that does not offend the sensibilities of the minority; b) accepting part of the cost of bilingualism proportionate to its numbers; and c) allowing the minority a certain amount of linguistic self-determination necessary to the preservation of its language. All this is basically a question of attitudes and understanding on the part of the majority. But the minority also has certain duties, mainly to participate in the national or federal government of the country and to agree to work with the majority group.

42. The extent of the guarantees given by the majority group will depend on the particular circumstances of the minority group, and on its will to live. The more vulnerable the minority language and the weaker the minority group compared with the majority, the greater are likely to be the guarantees given to them. In Switzerland, for example, where the French-speaking population is geographically in contact with

that of France, the nature of the guarantees required from the majority group do not resemble those called for where the minority is in a less fortunate position or is isolated. The latter situation may well apply to Canada.

### *C. Canada: A Unique Bilingual State*

43. What makes Canada unique as a bilingual state is that her two official languages are English and French. Compared to other bilingual states—among them Finland, South Africa, and Belgium, which we shall discuss later—Canada is fortunate that her official languages both have international status. English is today the mother tongue of more than 250,000,000 people. To this figure should be added some 200,000,000 who speak English as their second language or who have a good working knowledge of it. French, for its part, is the mother tongue of around 65,000,000 people and is constantly used by another 150,000,000 throughout the world. These two languages thus have world-wide prestige.

44. In Canada, however, one of the two language groups begins with a considerable advantage. As the national language of the United States, one of the most powerful countries of the world, English has a massive preponderance in North America. Thus the English-language group in this country draws much of its strength from the English-speaking population of our neighbour. The French-language group is, on the other hand, a minority on the North American continent and suffers from its isolation not only from France but from the other French-speaking peoples of the world.

45. Only in Quebec does French occupy a position of strength. As the language of the majority, French has established itself in most of the institutions of the province and has developed a culture unique in North America. Because of the roots it has taken in Quebec the French language is the cornerstone of the cultural duality of Canada. English is also a language of Quebec; it is the natural form of expression for a minority linked both to the English-speaking majority in Canada and to the English-language mass on the North American continent. This is without doubt an advantage. Inasmuch as it is necessary to know the language of countries and groups with which one deals, beginning with one's neighbours, the minority in Quebec is a potential bridge with the English-speaking world. English, then, could perform for the French-speaking majority in Quebec the same function as could French for the English-language majority in Canada.

46. Seen in the Canadian context, French is the language of a minority, but of a much more important minority than when viewed

from a continental standpoint. In a continent without national boundaries French would be no more than the language of one minority among many; in Canada the French-speaking minority was co-founder of Confederation, within which its language has acquired certain formal rights and has, since 1867, shown undeniable vigour, expanding with a country which in a hundred years has taken the proportions of a continent. The French language is at once an essential mark of the Canadian identity and the foremost point of distinction between this country and the United States.

47. All these factors—the world-wide prestige and influence of English and French, the isolation and the minority situation of the French-speaking community in North America, the deep roots of the French language in Quebec and in Canada—make Canada a bilingual state of a unique kind. The two languages and the two communities which speak them coexist in this country under conditions duplicated nowhere else. To understand fully the present state of bilingualism in Canada we shall turn in the next chapter to a closer examination of the composition and distribution of the two principal language groups throughout the country.

48. Two principal factors largely determine the linguistic composition of the Canadian population. First, people of different origins, in addition to the French and British, have immigrated to Canada. Second, most of these people or their descendants have progressively and in varying degrees adopted one of the country's two main languages and have been integrated to the official-language group of their choice. To understand the linguistic make-up of the population of Canada we shall have to ask two essential questions: What are the ethnic origins of the various components of the country's population? To what extent do they keep their original languages, and what choices do they make about the two official languages?

49. To deal with these questions we should first know which language each Canadian habitually uses. Unfortunately, this information is not available from the census data: the only two questions relating to language have to do with mother tongue and the official language or languages known.

Census data

50. The question concerning the official languages ("Do you speak English? French?") tells us the number of persons who describe themselves as bilingual or unilingual in relation to the official languages. But each person is his own judge as to his ability to speak English or French. Besides, the person who describes himself as knowing English, for example, may be a recent immigrant who has difficulty expressing himself in English, as well as a Canadian of non-British origin who is nevertheless completely Anglicized. Finally, this category does not tell us the first language of bilingual persons.

51. The mother-tongue criterion sheds some light on the number of English-speaking and French-speaking Canadians. But the information is incomplete. In answering the question on mother tongue ("What is the first language you learned in childhood and which you still

understand?”), German or Swedish immigrants, for example, would have to reply their whole lives long that German or Swedish is their mother tongue, even if they presently speak English almost exclusively. The same may be true for Canadians whose parents are of an ethnic origin other than French or English, and even for Canadians whose mother tongue is French. In such cases—and we know they are numerous—the information concerning the mother tongue of the individual does not tell us which language he most commonly uses. The information is a generation behind the facts.

52. Despite our reservations, we do not take issue with either of the two questions concerning language or with the one concerning ethnic origin.<sup>1</sup> Each has its own particular usefulness and, taken together, they permit us to follow, to some extent, the evolution of groups who participated in the founding and development of Canada. We do not suggest that these questions be removed; rather we suggest adding another one. This question would deal precisely with the main language of each Canadian, and would enable us to tell which language he speaks most often at home and at work. This information would then provide the basis for more complete studies in the future.

53. Meanwhile, we must use the instruments at hand, that is, the “mother-tongue” category and the “official-languages” category. We do so in full awareness of their deficiencies. We will use especially the question concerning mother tongue, because it best determines the linguistic group to which the individual belongs.<sup>2</sup> But as the occasion warrants, we may balance the data thus obtained by the more flexible data furnished by the “official-languages” category.

54. Obviously, in both cases we are dealing with quantitative measures; we are not making value judgements. Although the quality of the languages spoken in Canada is most important, adequate research into that problem would have been so lengthy and costly that it was completely out of the question.

#### *A. Ethnic Origin of the Canadian Population*

55. We may begin by examining “ethnic origin” by reference to the census question: “To what ethnic or cultural group<sup>3</sup> did you or your ancestor (on the male side) belong on coming to this continent?”

<sup>1</sup> The main reason for criticism of the “ethnic-origin” category is that it takes into account only one ancestor (the paternal ancestor) rather than two, four, eight, or sixteen.

<sup>2</sup> Wherever relevant, our recommendations have to be based on the statistics for mother tongue. If a question on the language generally used is added to the census—and if the data gained from the responses to this question are considered valid—we think this should be used as a basis for future calculations.

<sup>3</sup> The answer to this question is given by country in most cases.

56. For all practical purposes, the Canadian population at the time of Confederation was composed of two main groups, the British and the French. Since 1867, however, the continual increase of heterogeneity in the population has been most remarkable. First of all the relative size of the population of British origin has decreased (from 59 per cent<sup>1</sup> in 1881 to 44 per cent in 1961), and even this, for statistical purposes, is often said to comprise various ethnic groups. On the other hand, the proportion of the French community has remained at the same level (30 per cent in 1881 and 1961). Finally there was the appearance and then the constant growth of the proportion of people of non-British, non-French extraction (from 11 per cent in 1881 to 26 per cent in 1961). The result has been as though, for every 100 Canadians, 15 of the 59 of British extraction present in 1881 had been replaced in 1961 by 3 Ukrainians, 2 Poles, 2 Italians, 2 Scandinavians, 1 Dutchman, 1 Jew, and 4 people of various origins (Austrian, Hungarian, Yugoslavian, and so on), while the 30 French and the 6 Germans remained.<sup>2</sup> The country's two principal communities, which accounted for about 90 per cent of the Canadian population in 1867, have since declined in relative importance—because of the decrease of the British-origin group—to only 74 per cent of the population in 1961 (Table 1B). Immigration from continental Europe certainly appears to be the principal reason for this growing diversity, but other factors such as emigration from Canada to the United States and the unequal birth-rate of Canada's various ethnic groups were also involved.

Ethnic composition since 1867

57. As Tables 1A and 1B show, those of British origin formed a strong majority until the end of World War I: 55 per cent or more until 1921, the census year nearest to this period. Thereafter, the British element diminished by approximately 3 per cent every ten years. It went from 55 per cent in 1921 to 52 per cent in 1931, 50 per cent in 1941 and finally to 48 per cent and 44 per cent in 1951 and 1961 respectively. This decrease is mainly explained by a relatively small natural growth and heavy emigration to the United States. However, it is also attributable to a reduction in the proportion of British immigrants.

British decline

58. Whereas, before 1921, the British made up more than half of the immigrants, they comprised less than 30 per cent between 1951 and 1961. If this tendency to relative decline should become a settled pattern, persons of British origin would account for less than a third of the Canadian population by the end of the century.

59. The proportion of the population which is of French origin has remained roughly the same up to the present. As a matter of fact, its

French stability

<sup>1</sup> Throughout the text, percentages have been rounded to the nearest whole number.

<sup>2</sup> The Germans were the only other ethnic group in Canada whose percentage of the total population was almost the same in 1881 as in 1961 (5.9 and 5.8 per cent respectively).

Table 1A. Canadian Population by Ethnic Origin, 1881 to 1961<sup>1</sup>

Ethnic origin	1881	1901	1911	1921	1931	1941	1951	1961
Canada <sup>2</sup>	4,324,810	5,371,315	7,206,643	8,787,949	10,376,786	11,506,655	14,009,429	18,238,247
British	2,548,514	3,063,195	3,999,081	4,868,738	5,381,071	5,715,904	6,709,685	7,996,669
French	1,298,929	1,649,371	2,061,719	2,452,743	2,927,990	3,483,038	4,319,167	5,540,346
German	254,319	310,501	403,417	294,635	473,544	464,682	619,995	1,049,599
Italian	1,849	10,834	45,963	66,769	98,173	112,625	152,245	450,351
Jewish	667	16,131	76,199	126,196	156,726	170,241	181,670	173,344
Dutch	30,412	33,845	55,961	117,505	148,962	212,863	264,267	429,679
Polish	—	6,285	33,652	53,403	145,503	167,485	219,845	323,517
Scandinavian	5,223	31,042	112,682	167,359	228,049	244,603	283,024	386,534
Ukrainian	—	5,682	75,432	106,721	225,113	305,929	395,043	473,337
Indian and Eskimo	108,547	127,941	105,611	113,724	128,890	125,521	165,607	220,121
Others and not stated	76,350	116,488	236,926	420,156	462,765	503,764	698,881	1,194,750

Source: Censuses of Canada

<sup>1</sup> 1891 omitted—insufficient data. Data for 1881 are also incomplete, particularly in treatment of small numbers of immigrants from Central Europe.<sup>2</sup> Newfoundland excluded up to 1951.

Table 1B. Canadian Population by Ethnic Origin, 1881 to 1961 (Percentages)<sup>1</sup>

Ethnic origin	1881	1901	1911	1921	1931	1941	1951	1961
Canada <sup>2</sup>	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
British	58.9	57.0	55.5	55.4	51.9	49.7	47.9	43.8
French	30.0	30.7	28.6	27.9	28.2	30.3	30.8	30.4
German	5.9	5.8	5.6	3.4	4.6	4.0	4.4	5.8
Italian	—	0.2	0.6	0.8	0.9	1.0	1.1	2.5
Jewish	—	0.3	1.1	1.4	1.5	1.5	1.3	1.0
Dutch	0.7	0.6	0.8	1.3	1.4	1.8	1.9	2.4
Polish	—	0.1	0.5	0.6	1.4	1.5	1.6	1.8
Scandinavian	0.1	0.6	1.6	1.9	2.2	2.1	2.0	2.1
Ukrainian	—	0.1	1.0	1.2	2.2	2.7	2.8	2.6
Indian and Eskimo	2.5	2.4	1.5	1.3	1.2	1.1	1.2	1.2
Others and not stated	1.9	2.2	3.2	4.8	4.5	4.3	5.0	6.4

Source: Censuses of Canada

<sup>1</sup> 1891 omitted—insufficient data. Data for 1881 are also incomplete, particularly in treatment of small numbers of immigrants from Central Europe.  
<sup>2</sup> Newfoundland excluded up to 1951.



main characteristic is its slight variation in relative numbers for more than a century. As Table 1B shows, it has never fallen below 28 per cent of the whole population and in 1961 was at the same level as at the beginning of the century—about 30 per cent. Because it has benefited very little from immigration and has lost a significant number of its members to the United States, the French Canadian community must owe its sustained relative size to a higher rate of natural growth than those of other ethnic groups in Canada. However, since the birth-rate of French Canadians both in and outside Quebec tends to approach that of the rest of the Canadian population, a reduction in the relative size of the group of French origin can reasonably be expected within a relatively short time, other things being equal.

The other groups  
on the increase

60. In both absolute figures and percentages, the part of the population neither British nor French in origin has continued to increase. While the total Canadian population more than quadrupled between 1881 and 1961, the number of people of other extractions multiplied tenfold. During the decade before the 1961 census, their numbers increased by 1,700,000, while people of British origin increased by 1,300,000 and those of French origin by 1,200,000. The percentage of those of other origins increased from 11 in 1881 to 26 in 1961. If immigration and emigration continue in the patterns that have prevailed in Canada since World War I, it is possible that the total number of people of other ethnic origins could in the not-distant future surpass both the number of those of French origin and those of British origin.

### *B. Language Choice in Canada*

61. Since we do not know the principal language—the most used or the most familiar language—of each person living in Canada, we shall try to measure the phenomenon of language choice in this country—and consequently the degree of linguistic assimilation of Canadians of different ethnic origins—through the mother-tongue criterion.

Immigrants opt  
for English

62. The first thing to note is the increasing homogeneity of the Canadian population according to mother tongue in spite of increasing heterogeneity according to ethnic origin. The situation can be roughly summarized: those of British origin generally speak English; 9 out of 10 people of French origin retain French as their mother tongue; those of other origins tend progressively to adopt English, except in Quebec where the situation is more complex. In fact, about one out of six Canadians no longer speaks the language of his forbears. Of those who changed languages, 93 per cent are English-speaking today. The tendency towards English is so strong that 25 per cent of those who now

claim it as their mother tongue—2,775,000 people—can be considered “immigrants to English” or, as it is popularly called, “Anglicized.” Table 2 gives the percentage distribution according to mother tongue of Canadians of different ethnic origins.

Table 2. Percentage Distribution by Mother Tongue of the Canadian Population, by Ethnic Origin, 1961

Ethnic origin	Mother tongue				Total
	English	French	Corresponding to ethnic group	Other	
British	98.6	1.0	0.1 <sup>1</sup>	0.3	100.0
French	10.0	89.6	—	0.4	100.0
German	59.0	0.8	39.4	0.8	100.0
Italian	22.2	3.7	73.6	0.5	100.0
Jewish	57.9	1.3	33.6	7.3	100.0
Dutch	51.8	0.3	37.6	10.3	100.0
Polish	40.4	0.9	45.5	13.2	100.0
Scandinavian	69.7	0.6	28.8	0.9	100.0
Ukrainian	33.9	0.3	64.4	1.4	100.0
Indian and Eskimo	26.7	1.7	71.4	0.2	100.0
Others and not stated	51.0	2.7	27.4	18.8	100.0

Source: Census of Canada, 1961

<sup>1</sup> Considered of British origin (from the British Isles) are some persons whose mother tongue is other than English—for example, Welsh.

63. There are fairly large variations in degree of assimilation of ethnic groups to the English language: for example, 70 per cent of persons of Scandinavian origin now call English their mother tongue, compared with 22 per cent in the case of Italian. These differences relate to a large number of factors, of which numbers, place, and time of settlement in Canada are among the most important. The low degree of linguistic assimilation of Italians appears to be explained by the time and place of settlement. Other factors are present to various degrees, particularly urban traditions (Jews), group solidarity (Jews, Ukrainians), cultural and religious affinities with the British group (Germans, Scandinavians), and the province of residence (French).

**Assimilation  
to French**

64. The assimilating power of the French language in Canada is less; still, it does exist and must be taken into account. It is demonstrated by the nearly 4 per cent of Canadians of Italian origin whose mother tongue was French in 1961. In total there were then 158,000 Canadians of French mother tongue who were of non-French origin. After English, and far behind it, French is the only language to which newcomers assimilate in this country, and this happens mainly in Quebec, as we shall see later.

65. At the same time, French-speaking Canadians exhibit a powerful will to exist as a group. This becomes very evident when French Canada is considered in its various parts. In Quebec, where four-fifths of their numbers were to be found in 1961, the group of French mother tongue has remained intact. Moreover, in the regions adjacent to Quebec—northern and northeastern Ontario and northern and eastern New Brunswick—the French-speaking minorities have retained great vitality. In these areas, which include more than half the citizens of French mother tongue living outside Quebec, assimilation to English does not occur or is less strong than in the rest of Canada although socio-economic and educational institutions hardly favour living in French. The situation of the French-speaking minorities is much less secure in the other regions of Canada, where assimilation is much more prevalent.

**The main trends**

66. There is one notable feature of the Canadian situation as a whole: the steadily increasing transfer to English through the years. Each successive census shows an increase, often substantial, in the proportion of individuals of most ethnic origins who give English as their mother tongue. (See Table 3.) A striking example is that of the Jewish group: in 1931, just over 2 per cent of the group gave English as their mother tongue; in 1941, 19 per cent; in 1951, 43 per cent; in 1961, 58 per cent. In 1931 just over 2 per cent of Canadians of Ukrainian origin gave English as their mother tongue; in 1961 the percentage was 34. Among those of Polish origin the percentages were 7 in 1931 and 40 in 1961. The percentage of those of Italian origin who gave English as their mother tongue was considerably lower—22 per cent in 1961. This lower percentage undoubtedly reflects the fact that some have adopted French as their principal Canadian language, and also the large Italian immigration of recent years. This factor of immigration is extremely significant and makes several of the percentages in Table 3 ambiguous. Although 65 per cent of Canadians of Dutch origin had assimilated to English by 1931 and only 52 per cent in 1961, the reason is certainly not that there are today less strong forces prompting assimilation to English; the figures result from a large wave of Dutch immigration since the war. The same is true, to a lesser extent, for Canadians of various origins

Table 3. Percentage Distribution of the Canadian Population of English Mother Tongue, by Ethnic Origin, 1931 to 1961<sup>1</sup>

Ethnic origin	1931	1941	1951	1961
British	98.6	98.3	98.7	98.6
French	4.7	5.8	7.9	10.0
German	42.6	45.3	58.2	59.0
Italian	10.5	23.7	34.3	22.2
Jewish	2.3	19.2	42.7	57.9
Dutch	64.9	61.4	57.1	51.8
Polish	6.8	14.5	28.7	40.3
Scandinavian	30.6	41.8	62.7	69.7
Ukrainian	2.4	5.1	18.6	33.9
Indian and Eskimo	—	8.1	15.4	26.7
Others and not stated	—	—	—	51.0

Source: Censuses of Canada.

<sup>1</sup> Newfoundland excluded up to 1951.

who have increased their representation through immigration over the last 20 years.

67. The French mother-tongue group stands out from all the other non-British groups by its low level of assimilation. This is true when it is considered as a whole, for the rate of assimilation varies according to the location and the numerical importance of the French-speaking population.

68. In most other cases linguistic assimilation is almost inevitable and necessarily cumulative. Reckoning from current trends, it is quite possible that, by 1981, 80 per cent or more of all Canadians of non-French origin, except perhaps those of Italian extraction as well as the most recent immigrants, will have English as their mother tongue. Outside Quebec and adjacent regions, where the environment acts as a brake, marriages between Anglophones and those of another language usually lead to the choice of Canada's predominant language, English, for the children. Such "mixed" marriages thus intensify the preponderance of English.

### C. Population Distribution by Mother Tongue<sup>1</sup>

69. Canada's two main linguistic groups in 1961 were those of English (58 per cent) and French (28 per cent) mother tongues (Table 4). Three other mother-tongue groups among the remaining 14

<sup>1</sup> See Map 1.

per cent of the population were significant: German (3 per cent), Ukrainian (2 per cent), and Italian (2 per cent). Then came the Dutch, Indian and Eskimo, Polish, and Scandinavian groups. The predominance of the English mother-tongue group has been strengthened by the growing tendency of immigrants to adopt that language. During the decade from 1951 to 1961, the proportion of those of English mother tongue increased despite the relatively heavy immigration of at least 11 groups of various ethnic origins.

Table 4. Totals and Proportions of Canadian Language Groups by Mother Tongue, 1961

Mother tongue	Totals	Percentage of population
Canada	18,238,247	100.0
English	10,660,534	58.5
French	5,123,151	28.1
German	563,713	3.1
Italian	339,626	1.9
Dutch	170,177	0.9
Polish	161,720	0.9
Scandinavian	116,714	0.6
Ukrainian	361,496	2.0
Yiddish	82,448	0.5
Indian and Eskimo	166,531	0.9
Others	492,137	2.6

Source: Census of Canada, 1961

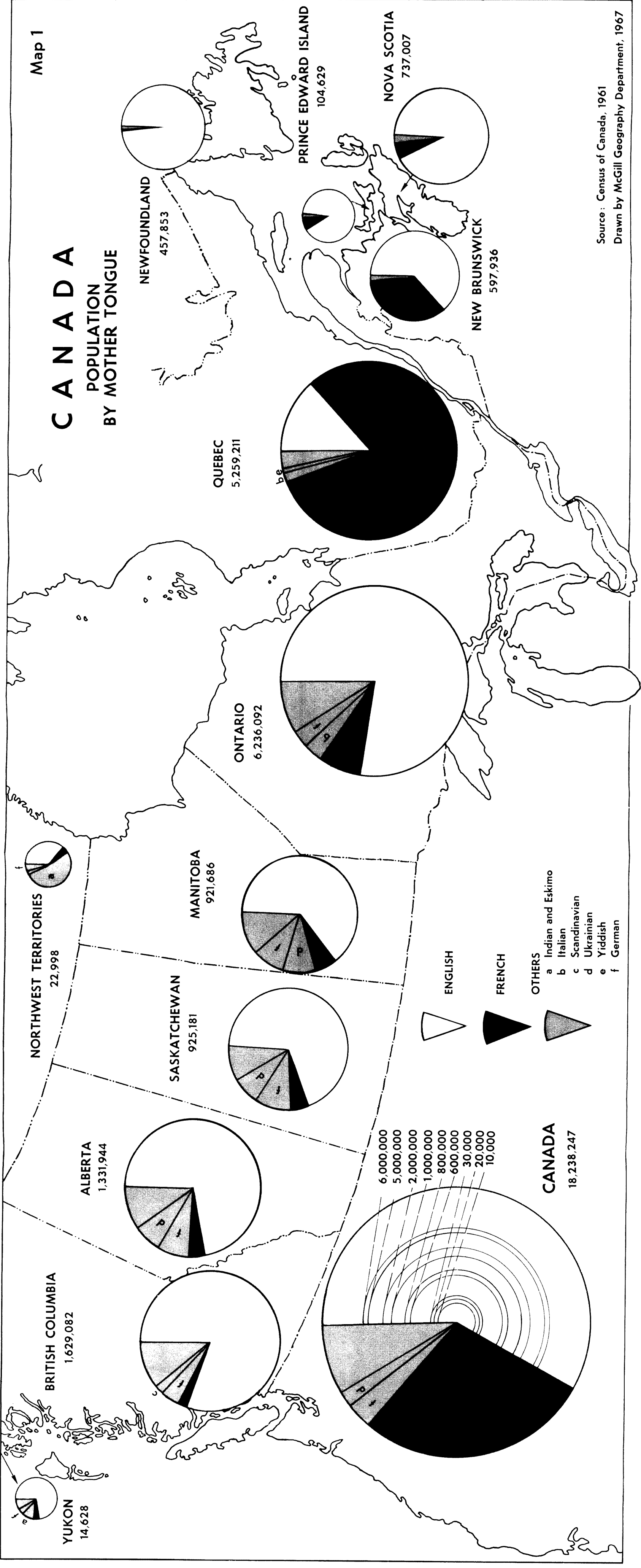
70. This trend towards the English language perceptibly enlarges the proportion of those of English mother tongue beyond the percentage of persons of British origin: in 1961, 58 per cent against 44 per cent. Since there is no reason to believe that the pull of English will lessen among those of non-French extraction, the percentage of Canadians of English mother tongue can be expected to increase in the future, at least outside Quebec.

71. The vitality of the French-speaking community in Quebec and neighbouring regions has made it possible for French-speaking Canadians as a whole to maintain a remarkable stability. From 1931 to 1961,

Map 1

# CANADA

## POPULATION BY MOTHER TONGUE



Source: Census of Canada, 1961  
 Drawn by McGill Geography Department, 1967



the proportion of Canadians whose mother tongue is French increased from 27 per cent to 28 per cent.<sup>1</sup>

72. Between 1931 and 1961 the proportion of people whose mother tongue was neither English nor French fell from 16 to less than 14 per cent, despite an increase in their absolute numbers from 1,630,000 to 2,454,000, due to the arrival of many immigrants after World War II. If present trends continue, most of their descendants will acquire English as their mother tongue.

#### *D. Minorities Reckoned by Mother Tongue*

73. An impression might be formed that, except in Quebec, New Brunswick and Ontario, there is no important group with a mother tongue other than English. This would be a mistake, because a significant fraction of the population of every province is not of English mother tongue.

74. Tables 5A and 5B give a good idea of the situation of minority-language groups in each province in 1961. In Newfoundland the largest minority group is made up of 3,000 people of French mother tongue—less than 1 per cent of the total population. People of French mother tongue constitute significant minorities in the three Maritime Provinces—Prince Edward Island, Nova Scotia, and New Brunswick. Few in numbers in Prince Edward Island (8,000), they still make up 8 per cent of the population. There are 40,000 people of French mother tongue in Nova Scotia and 211,000 in New Brunswick—5 per cent and 35 per cent respectively of those provinces' populations.

The Atlantic  
Provinces

75. Linguistic diversity is greater in Quebec. French is the mother tongue of 81 per cent of the population and English of 13 per cent; 6 per cent have other mother tongues. Italian, the mother tongue of 90,000 Quebec residents (2 per cent of the population) is the most important of these languages and two others—Yiddish and German—are the mother tongues of approximately 30,000 people each.

Quebec

76. The English mother-tongue group clearly dominates in Ontario (4,835,000 or 78 per cent), followed by 425,000 of French mother tongue (7 per cent of the province's population). Five other numerically significant linguistic groups are found in Ontario: 208,000 of Italian and 184,000 of German mother tongue, each with approximately 3 per cent of the population; and 90,000 of Dutch, 90,000 of Ukrainian, and 83,000 of Polish mother tongue, each with slightly more than 1 per

Ontario

<sup>1</sup>D.B.S. did not ask its question concerning mother tongue until the 1931 census. The last four censuses show how little variation there has been in the proportion of those whose mother tongue is French: 27.3 per cent (1931), 29.2 per cent (1941), 29 per cent (1951) and 28.1 per cent (1961).



Table 5A. Distribution of the Population by Mother Tongue, Canada and Provinces, 1961

Province or territory	Mother tongue										Others and not stated
	English	French	German	Italian	Dutch	Polish	Scandinavian	Ukrainian	Yiddish	Indian and Eskimo	
Canada	10,660,534	5,123,151	563,713	339,626	170,177	161,720	116,714	361,496	82,448	166,531	492,137
Newfoundland	451,530	3,150	616	131	173	125	156	158	69	1,176	569
Prince Edward Island	95,564	7,958	126	43	401	46	74	92	21	111	193
Nova Scotia	680,233	39,568	1,523	1,119	2,441	1,053	827	941	488	2,335	6,479
New Brunswick	378,633	210,530	1,162	547	1,063	310	979	414	378	2,572	1,348
Quebec	697,402	4,269,689	31,589	89,806	6,059	19,827	3,477	13,424	35,845	16,518	75,575
Ontario	4,834,623	425,302	183,789	207,937	90,051	83,214	20,931	89,766	32,452	26,754	241,273
Manitoba	584,526	60,899	83,994	4,362	13,363	20,652	12,631	85,173	9,057	27,571	19,458
Saskatchewan	638,156	36,163	89,650	1,369	8,054	10,585	19,511	67,087	898	25,932	27,776
Alberta	962,319	42,276	97,666	9,881	24,640	16,755	25,603	83,923	1,764	27,928	39,189
British Columbia	1,318,498	26,179	72,473	24,168	23,793	8,978	32,079	20,101	1,459	21,894	79,460
Yukon and N.W.T.	19,050	1,437	1,125	263	139	175	446	417	17	13,740	817

Source: Census of Canada, 1961

Table 5B. Distribution of the Population by Mother Tongue, Canada and Provinces, 1961 (Percentages)

Province or territory	Mother tongue										
	English	French	German	Italian	Dutch	Polish	Scandinavian	Ukrainian	Yiddish	Indian and Eskimo	Others and not stated
Canada	58.5	28.1	3.1	1.9	0.9	0.9	0.6	2.0	0.5	0.9	2.6
Newfoundland	98.6	0.7	0.1	—	—	—	—	—	—	0.3	0.3
Prince Edward Island	91.3	7.6	0.1	—	0.4	—	0.1	0.1	—	0.1	0.3
Nova Scotia	92.3	5.4	0.2	0.2	0.3	0.1	0.1	0.1	0.1	0.3	0.9
New Brunswick	63.3	35.2	0.2	0.1	0.2	0.1	0.2	0.1	0.1	0.4	0.1
Quebec	13.3	81.2	0.6	1.7	0.1	0.4	0.1	0.3	0.7	0.3	1.3
Ontario	77.5	6.8	2.9	3.3	1.4	1.3	0.3	1.4	0.5	0.4	4.2
Manitoba	63.4	6.6	9.1	0.5	1.4	2.2	1.4	9.2	1.0	3.0	2.2
Saskatchewan	69.0	3.9	9.7	0.1	1.9	1.1	2.1	7.3	0.1	2.8	3.0
Alberta	72.2	3.2	7.3	0.7	1.8	1.3	1.9	6.3	0.1	2.1	3.1
British Columbia	80.9	1.6	4.4	1.5	1.5	0.6	2.0	1.2	0.1	1.3	4.9
Yukon and N.W.T.	50.6	3.8	3.0	0.7	0.4	0.5	1.2	1.1	—	36.5	2.2

Source: Census of Canada, 1961

cent. Three other smaller language groups in the province—those of Hungarian, Yiddish, and Finnish mother tongue—each have more than 30,000 members.

The western  
provinces

77. In the four western provinces, the proportion of people of English mother tongue increases from 63 to 81 per cent as we approach the Pacific coast, while that of the French mother-tongue group decreases, from 7 to 2 per cent. There are, in fact, more people of German and Ukrainian mother tongue than of French in Manitoba, Saskatchewan, and Alberta. In British Columbia there are more people of German and Scandinavian mother tongue than of French. In 1961, in these four provinces, the number whose mother tongue was French ranged between 26,000 and 61,000. The number of Scandinavian mother tongue ranged from 12,000 to 32,000. The number retaining German as their mother tongue ran from 72,000 in British Columbia to 98,000 in Alberta. Finally, those of Ukrainian mother tongue were strongly represented in the Prairie Provinces: Saskatchewan, 67,000; Alberta, 84,000; and Manitoba, 85,000.

Linguistic  
groupings

78. It should be noted that some minorities are no longer substantially supported by immigration and their proportions are diminishing—particularly the Scandinavian, Ukrainian, and Yiddish mother-tongue groups. Even in real numbers, two of these minorities have declined in significance between 1951 and 1961. The Yiddish group has sharply declined just as much in Canada as a whole as in the two provinces where the Jews are mainly concentrated. Numbers reporting Ukrainian as their mother tongue have equally decreased in Manitoba and Saskatchewan.

79. Persons of French mother tongue in Prince Edward Island and Saskatchewan were fewer in 1961 than in 1951, but this did not change the general picture since 95 per cent of Canadians of French mother tongue live in Quebec, Ontario, and New Brunswick. Although they are not the largest minority in the four western provinces, they remain the only minority present in appreciable numbers in every province of Canada.

80. As for the English mother-tongue group, it predominates in Canada as much in real numbers as in proportion of the population.

81. This was Canada's linguistic make-up in 1961, so far as the census criterion of mother tongue permits its delineation. The situation thus presented has no definitive character and remains fluid; several trends have still to be examined. The most basic is the growing predominance of the English mother-tongue group, explained by the assimilation into this group of most members of minority groups. We know that the category of mother tongue does not take this tendency into account fully, because it is incapable of recording the transition

into the English language of an individual whose mother tongue is other than English. It so happens that the numbers of immigrants temporarily reduce the proportion of the English mother-tongue group and correspondingly increase the proportions of other language groups; but this is only a transitory phenomenon. The English-speaking group is the one which will probably profit most from immigration.

### *E. Assimilation of Minorities in Quebec*

82. Only in Quebec does the French language seem to have drawing power, but even in this province English attracts more newcomers. Of 100 persons of neither French nor British origin, 26 count English and 11 French as their mother tongue. The remaining 63 have some other mother tongue—probably because some have only recently arrived in Canada.

83. As shown in Table 6, it is only among Canadians of Italian origin that one finds twice as many assimilated to French as to English. This fact is important because the Italians constitute the largest minority next to the British. Among the Indians and the Eskimos, as well as those designated by the census as "other Europeans," French and English exert an approximately equal influence. But for the Germans, French has less influence and for the Scandinavians still less. For the remainder, assimilation to English constantly increases and ultimately is overwhelming: for example, 55 per cent of the Jews assimilate to English, as opposed to 2 per cent to French. It may be worth noting that Canadians of British origin have assimilated to French in Quebec in about the same proportion as Canadians of French origin have assimilated to English throughout the country (respectively 9 and 10 per cent<sup>1</sup>).

84. The great majority of Quebec residents of other origins live in Montreal. And Montreal, as an industrial and commercial metropolis, is, for socio-economic and cultural reasons that we shall examine in a subsequent Book, strongly subjected to the influence of the English language. This fact helps to explain why the continuation of the assimilative force of the French language is somewhat problematical there in the immediate future.

Montreal: a  
special case

85. The absolute number of people of French mother tongue continues to increase while their proportion (now 81 per cent of the population of the province) remains nearly constant. Furthermore,

<sup>1</sup> It should be noted that the number of Quebec residents of French origin who have assimilated to English is slightly greater than the number of Quebec residents of British origin who have assimilated to French: 68,000 versus 53,000, according to the 1961 census.

Table 6. Quebec Population of English and French Mother Tongue, by Ethnic Origin, 1961

Ethnic origin	Total	Mother tongue			
		English		French	
		Total	%	Total	%
Quebec	5,259,211	697,402	13.3	4,269,689	81.2
French	4,241,354	68,339	1.6	4,164,880	98.2
British	567,057	511,293	90.2	53,383	9.4
German	39,457	10,179	25.8	5,988	15.2
Italian	108,552	6,387	5.9	14,762	13.6
Jewish	74,677	40,904	54.8	1,773	2.4
Dutch	10,442	4,149	39.7	685	6.6
Polish	30,790	7,555	24.5	1,945	6.3
Scandinavian	11,295	6,425	56.9	1,728	15.3
Ukrainian	16,588	3,527	21.3	939	5.7
Indian and Eskimo	21,343	2,388	11.2	2,632	12.3
Russian	13,694	6,725	49.1	554	4.0
Other European	96,112	16,194	16.8	15,168	15.8
Asiatic	14,801	3,621	24.5	2,413	16.3
Others and not stated	13,049	9,716	74.5	2,839	21.8

Source: Census of Canada, 1961

Quebec is the only province where the number of residents of French mother tongue is slightly higher than the number of Canadians of French ethnic origin.

#### *F. Regions of Concentration of Official-Language Minorities*

86. Anglicization of those of French mother tongue is negligible in Quebec, little to be found in New Brunswick, and strongest in Ontario; yet in Ontario the situation varies greatly from one region to another. On the other hand, such assimilation is more rapid in all the other provinces. Table 7 shows that, as a general rule, the further a community of French origin is from Quebec, the higher the rate of assimilation and, as a corollary, the larger the group, the lower the rate of assimilation.

87. Nevertheless, a close look at regions within provinces rather than at the provinces themselves shows us that communities of French

Table 7. Population of French Ethnic Origin whose Mother Tongue is English, Canada and Provinces, 1931 to 1961 (Percentages)

Province or territory	1931	1941	1951	1961
Canada	4.7	5.8	7.9	9.9
Newfoundland	—	—	78.0	85.2
Prince Edward Island	22.6	29.0	46.3	55.1
Nova Scotia	32.0	39.6	49.1	56.9
New Brunswick	5.0	6.5	9.0	12.1
Quebec	0.6	1.0	1.3	1.6
Ontario	22.1	25.0	31.2	37.7
Manitoba	12.1	14.5	22.4	30.3
Saskatchewan	18.9	23.4	32.6	43.2
Alberta	25.5	29.7	39.4	49.7
British Columbia	50.4	53.6	56.8	64.7
Yukon and N.W.T.	—	—	—	46.6

Source: Censuses of Canada

origin resist assimilation much better than the provincial average would indicate. Some regions of Manitoba and Nova Scotia provide typical examples, but the phenomenon is not peculiar to these provinces.

88. For Quebec's residents of English mother tongue, just as for the French in other provinces, smallness of numbers and degree of isolation are factors in assimilation. On the whole, the minority of British origin in Quebec escapes the assimilation process, because of its concentration in the Montreal district and southeastern counties of the province.

89. This is not the place to list all the regions of Canada where residents of French mother tongue are to be found in fairly large numbers, or even to define precisely the regions we intend to discuss. We think it enough to indicate the most important concentrations outside Quebec and to measure, by a retention index,<sup>1</sup> their attachment or adherence to the French language.

90. First, there are regions deriving considerable importance from their extent or the number of persons of French mother tongue living there: northern and eastern New Brunswick, the Ontario counties along the Ottawa and St. Lawrence Rivers from Pembroke to Cornwall, and northeastern Ontario. As Maps 2 and 3 show, all these regions are

Minorities of  
French mother  
tongue

<sup>1</sup>The retention index may be calculated for a given group by establishing the proportion of people of French mother tongue in relation to the total number of those of French origin.

contiguous with Quebec. Next in order of numerical significance come Digby and Yarmouth counties in southwestern Nova Scotia, Inverness and Richmond counties on Cape Breton Island, N.S., Essex and Kent counties in southern Ontario and, in Manitoba, census divisions 1, 6, and 20 in the southwest of the province.<sup>1</sup> We will analyze the number of persons of French mother tongue, their proportionate significance and their retention index for each region.

91. *Northern and eastern New Brunswick* includes seven counties—Gloucester, Kent, Madawaska, Northumberland, Restigouche, Victoria, and Westmorland. Their total population is 336,000, of which 199,000—an average of three out of every five—inhabitants are of French mother tongue. The French-speaking community constitutes at least 80 per cent of the population in each of the three counties of Gloucester, Kent, and Madawaska, and the degree of assimilation to English is small. In fact, the difference between the number of people of French origin and the number whose mother tongue is French is only 9,000. The retention rate is thus 96 per cent.

92. *The Ottawa River—St. Lawrence region of Ontario* contains six neighbouring counties—Carleton, Glengarry, Prescott, Renfrew, Russell, and Stormont—whose French mother-tongue population of 155,000 is 27 per cent of the total population (568,000). The “French density” of each county is very unequal; for example, the French-speaking community in Renfrew constitutes only 6 per cent of the population while the French proportions in Prescott and Russell are 83 and 77 per cent respectively. The retention index of the people of French extraction in this area is 84 per cent (186,000 people of French origin and 155,000 people whose mother tongue is French). However, assimilation appears to be negligible in the counties of Prescott and Russell, where they are solidly in the majority.

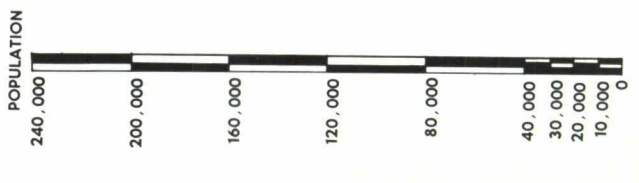
93. *Northeastern Ontario*, comprising the five vast districts of Algoma, Cochrane, Nipissing, Sudbury, and Temiskaming, has a French mother-tongue population of 151,000—31 per cent of the total population (494,000). However, those of French mother tongue do not constitute a majority of the population in any one district. Except for Algoma, where the 13,200 people of French mother tongue are only 12 per cent of the population, the French percentage varies between 27 (Temiskaming) and 46 (Cochrane). The retention index of 84 per cent for northeastern Ontario (151,000 persons of French mother tongue and 180,000 people of French origin) is similar to that of the previous region. However, in Algoma the index is much lower (62 per cent).

<sup>1</sup> Census units are counties and districts for the five provinces which have them (Nova Scotia, New Brunswick, Prince Edward Island, Quebec and Ontario) and artificial census divisions for the rest of Canada. See *Reference Maps* of the 1961 Census, D.B.S. Bulletin 1.1-9.

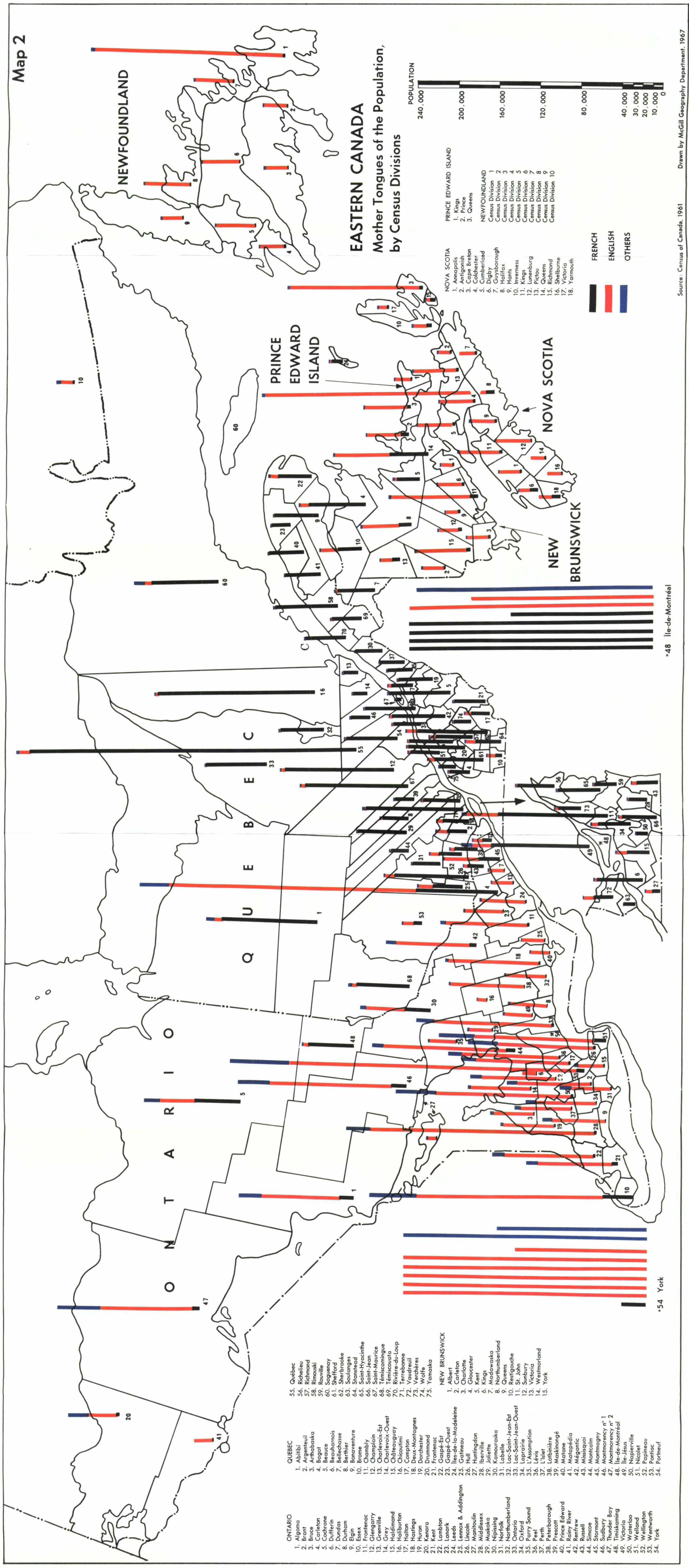


NEWFOUNDLAND

EASTERN CANADA  
Mother Tongues of the Population,  
by Census Divisions



- PRINCE EDWARD ISLAND  
1. Kings  
2. Prince  
3. Queens
- NOVA SCOTIA  
1. Annapolis  
2. Antigonish  
3. Cape Breton  
4. Chester  
5. Cumberland  
6. Digby/Inverness  
7. Guysborough  
8. Halifax  
9. Hants  
10. Inverness  
11. Kings  
12. Lunenburg  
13. Pictou  
14. Queens  
15. Richmond  
16. Shelburne  
17. Victoria  
18. Tarmouath
- NEWFOUNDLAND  
Census Division 1  
Census Division 2  
Census Division 3  
Census Division 4  
Census Division 5  
Census Division 6  
Census Division 7  
Census Division 8  
Census Division 9  
Census Division 10



QUEBEC

1. Abitibi
2. Argenteuil
3. Arthabaska
4. Bagot
5. Beauce
6. Beauharnois
7. Bellechasse
8. Berthier
9. Bonaventure
10. Eglar
11. Frontenac
12. Champlain
13. Grenville
14. Grey
15. Haldimand
16. Haliburton
17. Halton
18. Hastings
19. Huron
20. Kenora
21. Kent
22. Lambton
23. Lanark
24. Leeds & Addington
25. Lennox
26. Lincoln
27. Manitoulin
28. Middlesex
29. Muskoka
30. Nipissing
31. Norfolk
32. Northumberland
33. Ontario
34. Oxford
35. Parry Sound
36. Peel
37. Perth
38. Peterborough
39. Prince Edward
40. Rainy River
41. Renfrew
42. Russell
43. Simcoe
44. Stormont
45. Sudbury
46. Thunder Bay
47. Timiskaming
48. Victoria
49. Waterloo
50. Welland
51. Nicolet
52. Papineau
53. Pontiac
54. York

NEW BRUNSWICK

1. Albert
2. Carleton
3. Charlotte
4. Gloucester
5. Kent
6. Madawaska
7. Northumberland
8. Westmorland
9. Digby
10. Restigouche
11. St. John
12. Sunbury
13. Victoria
14. Westmorland
15. York

NEW BRUNSWICK

1. Albert
2. Carleton
3. Charlotte
4. Gloucester
5. Kent
6. Madawaska
7. Northumberland
8. Westmorland
9. Digby
10. Restigouche
11. St. John
12. Sunbury
13. Victoria
14. Westmorland
15. York

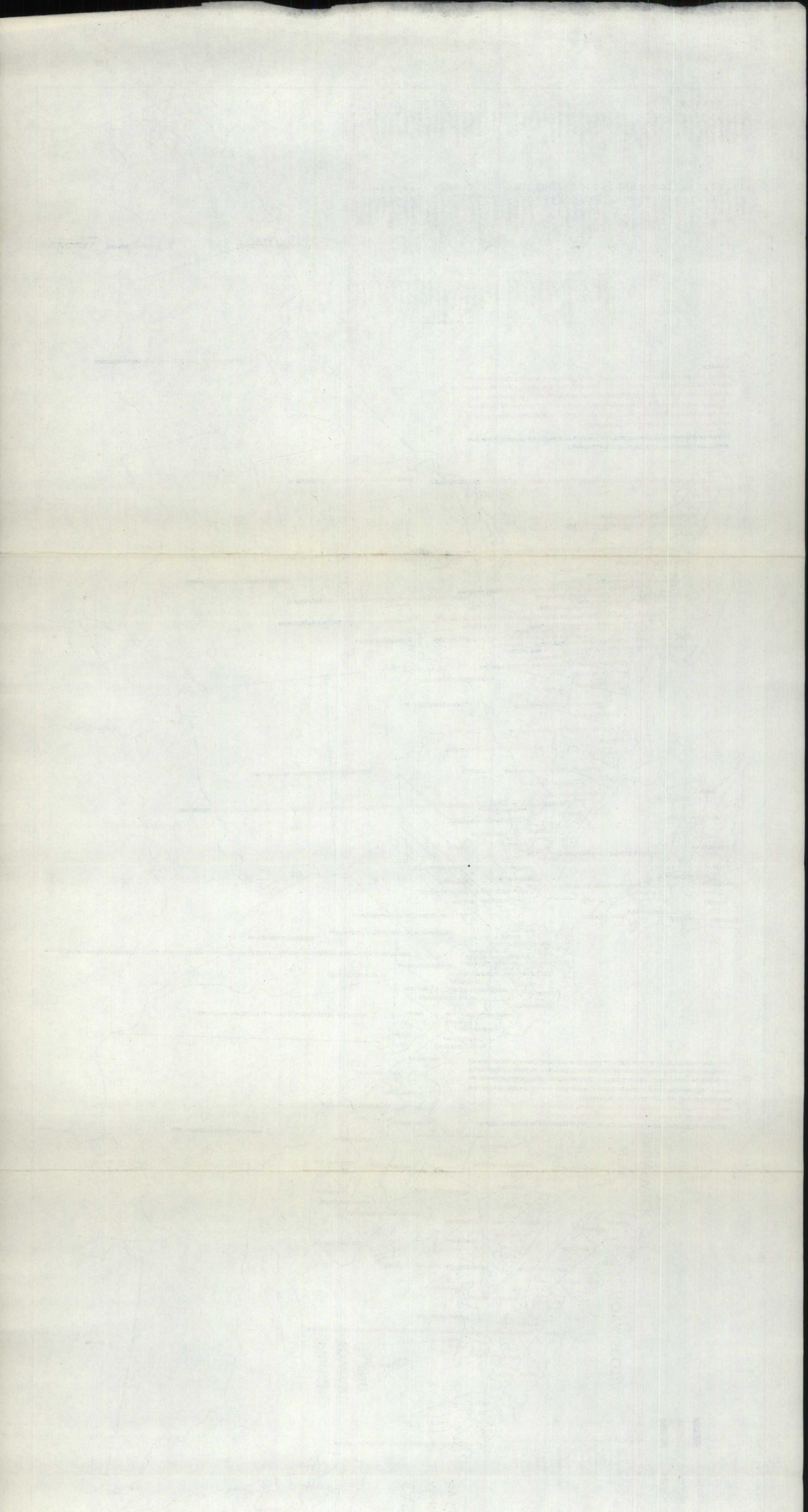
NEW BRUNSWICK

1. Albert
2. Carleton
3. Charlotte
4. Gloucester
5. Kent
6. Madawaska
7. Northumberland
8. Westmorland
9. Digby
10. Restigouche
11. St. John
12. Sunbury
13. Victoria
14. Westmorland
15. York

\*48 Ile-de-Montréal

\*54 York



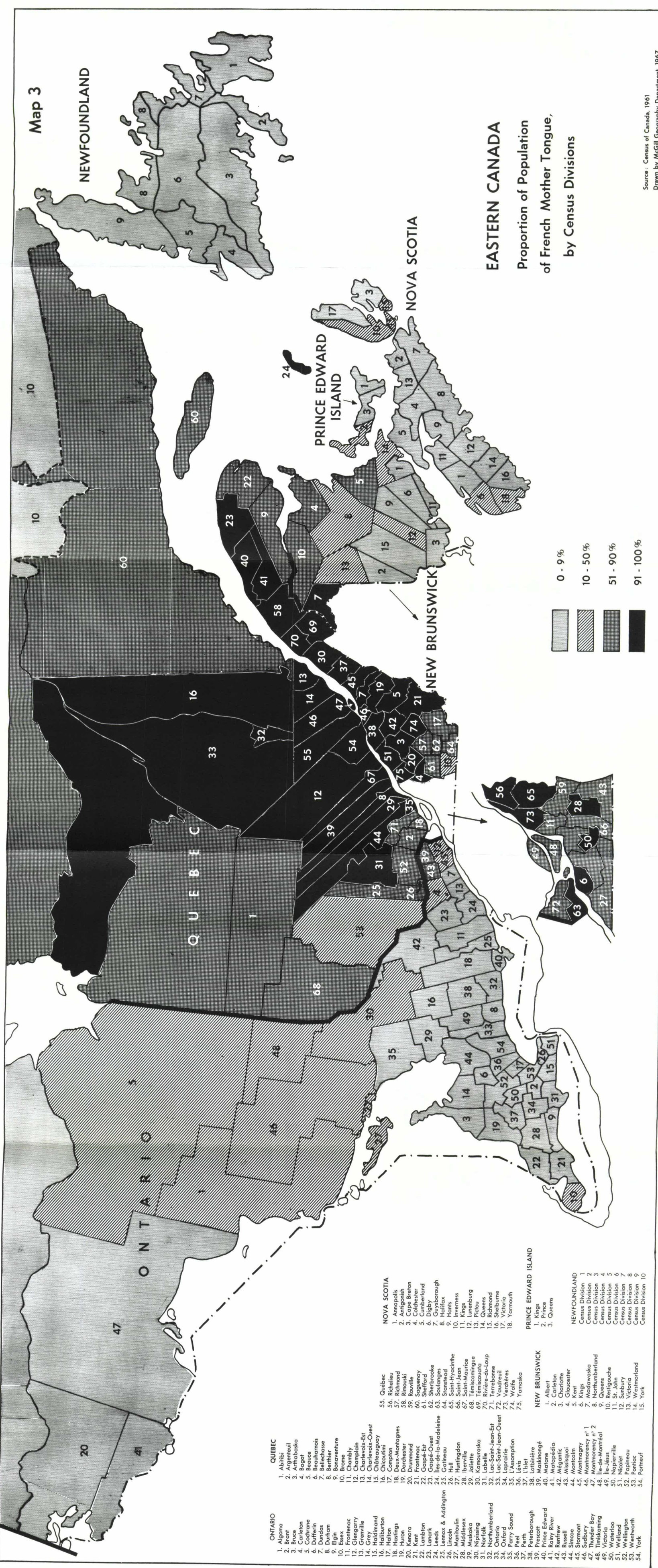
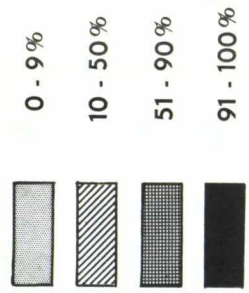




Map 3

NEWFOUNDLAND

**EASTERN CANADA**  
**Proportion of Population**  
**of French Mother Tongue,**  
**by Census Divisions**



**ONTARIO**

1. Algoma
2. Brant
3. Bruce
4. Carleton
5. Coburn
6. Dufferin
7. Dundas
8. Durham
9. Elgin
10. Essex
11. Frontenac
12. Glengarry
13. Grenville
14. Grey
15. Haliburton
16. Hamilton
17. Hastings
18. Huron
19. Kenora
20. Lambton
21. Kent
22. Lanark
23. Leeds
24. Lennox & Addington
25. Lincoln
26. Middlesex
27. Norfolk
28. Northumberland
29. Ottawa
30. Peel
31. Perth
32. Peterborough
33. Prescott
34. Prince Edward
35. Rainy River
36. Renfrew
37. Russell
38. Simcoe
39. St. Catharines
40. Sudbury
41. Timiskaming
42. Victoria
43. Waterloo
44. Welland
45. Wentworth
46. York

**QUEBEC**

1. Abitibi
2. Argenteuil
3. Arifabaska
4. Bagot
5. Beauce
6. Beauharnois
7. Bellemare
8. Berthier
9. Brebeure
10. Bromont
11. Chambly
12. Chaplain
13. Charlevoix-Est
14. Charlevoix-Ouest
15. Chateauguay
16. Chicoutimi
17. Compton
18. Deux-Montagnes
19. Dorchester
20. Drummond
21. Frontenac
22. Gaspé-Est
23. Gaspé-Ouest
24. Iles-de-la-Madeleine
25. Gatineau
26. Hull
27. Huntingdon
28. Iberville
29. Inverness
30. Kamourague
31. Lac-Saint-Jean
32. Lac-Saint-Jean-Est
33. Lac-Saint-Jean-Ouest
34. Laprairie
35. L'Assomption
36. Lévis
37. L'Islet
38. Lotbinière
39. Maskinongé
40. Matane
41. Matapédia
42. Mégantic
43. Missisquoi
44. Montcalm
45. Montmagny
46. Montmorency n° 1
47. Montmorency n° 2
48. Notre-Dame-de-Grace
49. Saguenay
50. Nicolet
51. St. John
52. St. Lawrence
53. Papineau
54. Portneuf

**NOVA SCOTIA**

1. Annapolis
2. Antigonish
3. Cape Breton
4. Colchester
5. Cumberland
6. Digby
7. Guysborough
8. Hants
9. Inverness
10. Kings
11. Lunenburg
12. Pictou
13. Queens
14. Richmond
15. Shelburne
16. Yarmouth

**NEW BRUNSWICK**

1. Albert
2. Carleton
3. Charlotte
4. Gloucester
5. Kent
6. Kings
7. Madawaska
8. Northumberland
9. Queens
10. Restigouche
11. St. John
12. Sunbury
13. Victoria
14. Westmorland
15. York

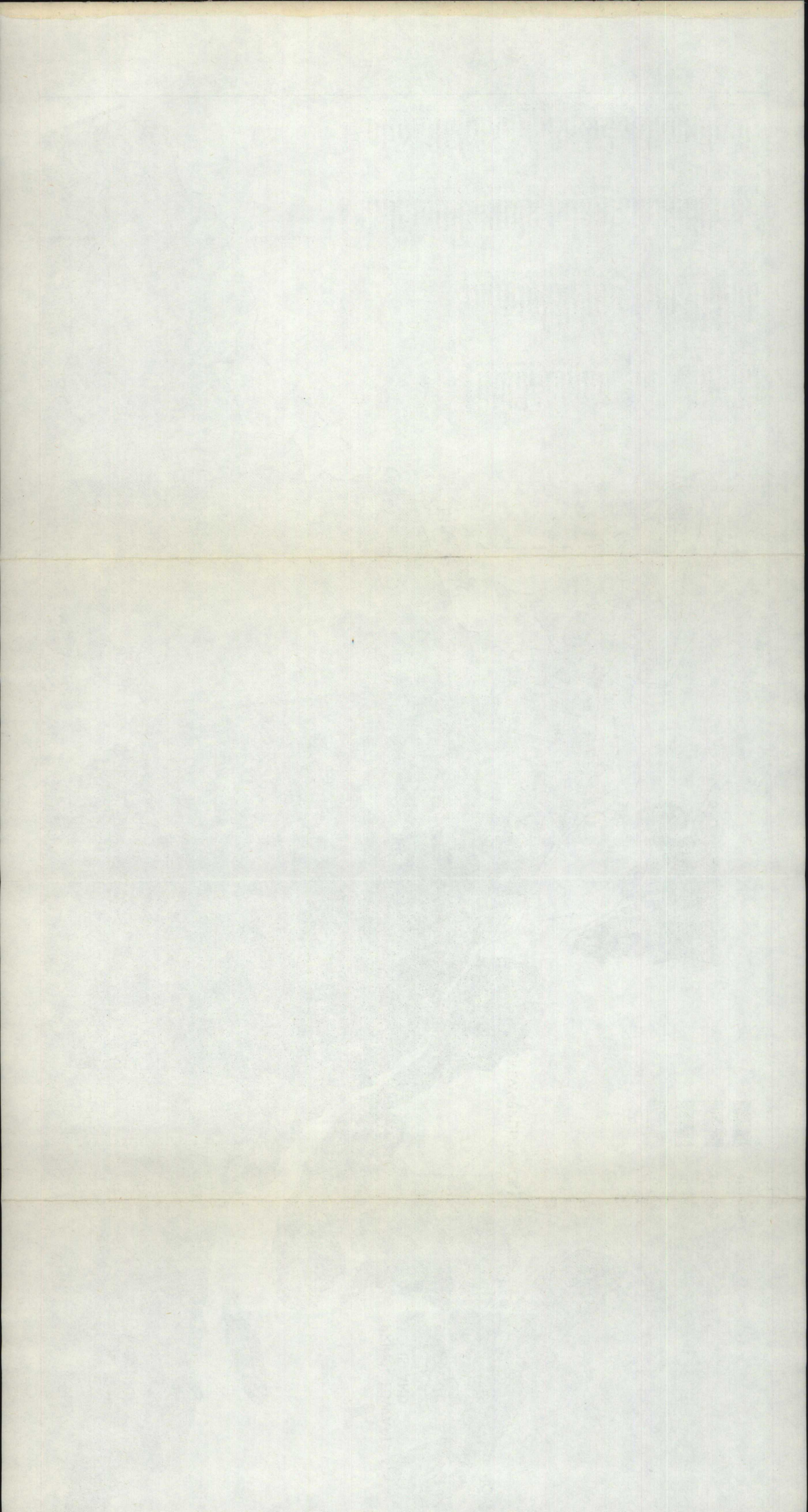
**PRINCE EDWARD ISLAND**

1. Kings
2. Prince
3. Queens

**NEWFOUNDLAND**

1. Census Division 1
2. Census Division 2
3. Census Division 3
4. Census Division 4
5. Census Division 5
6. Census Division 6
7. Census Division 7
8. Census Division 8
9. Census Division 9
10. Census Division 10







94. *The counties of Digby and Yarmouth (Nova Scotia)* have 15,000 residents of French mother tongue out of a total population of 43,600. They make up a little more than a third of the population and their retention index is 76 per cent (19,800 people of French origin).

95. *The counties of Inverness and Richmond on Cape Breton Island (Nova Scotia)* have a population of French mother tongue of 9,800, 33 per cent of the total population of 30,100. Their retention index is 84 per cent (11,600 people of French origin).

96. The French mother-tongue population of the counties of *Essex and Kent (Ontario)* is 32,400 or 9 per cent of the total population (348,000). However, the number of Canadians of French origin is double the number of those of French mother tongue, giving a retention index of only 49 per cent. Nearly two-thirds of the people of French mother tongue in these two counties live on the U.S. border in the metropolitan area of Windsor, a third of them within the city proper.

97. *In southeastern Manitoba*, a considerable concentration of French-speaking people can be found in census divisions 1, 6, and 20. Of 60,900 persons of French mother tongue in the province 41,200 live in this area. This concentration is heavier than it appears at first glance, since 27,900 people of French mother tongue live in the Winnipeg region (census division 20). Moreover, 13,400 of this number live in St. Boniface (36 per cent of its population). However, the French percentage in the whole area is only 6. The 8,900 residents of French mother tongue in division 1 constitute 31 per cent of the population, while their 4,400 fellows in division 6 are only 14 per cent. The retention index of the 54,200 Canadians of French origin in these three census divisions goes as high as 76 per cent.

98. These seven regions alone contain a total of 604,300 persons of French mother tongue, 71 per cent of the 853,000 who live outside Quebec.<sup>1</sup> As is stated above, other French-speaking groups could have been added to these. This has not been done because, generally speaking, these groups are all more dispersed or constitute a less significant numerical proportion of the population of the areas where they live.

99. Two general conclusions can be drawn from the description just given. First, there are, outside Quebec, areas distinguished by the presence of relatively important French mother-tongue communities. Second, many of these groups have up to now displayed a remarkable vitality, judging by the criterion of retention of mother tongue. In the three regions on the Quebec border, the retention index ranges up to 96

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<sup>1</sup>Taking into account only regions of Ontario and New Brunswick adjacent to Quebec, we find there 505,000 persons of French mother tongue, 59 per cent of those living outside Quebec.

per cent and nowhere falls below 84 per cent. It is hardly lower in the two northern and southern regions of Nova Scotia; in southwestern Manitoba, it is still 76 per cent. We can say that Windsor, Ontario, is the only one of these areas where assimilation to English has made noteworthy advances (51 per cent in 1961).

Minorities of  
English mother  
tongue

100. Except for Gloucester and Madawaska counties in New Brunswick,<sup>1</sup> significant concentrations of persons of English mother tongue living among a French-speaking majority are to be found only in Quebec. In this province, more than 92 per cent of those of English mother tongue are to be found in five regions: Montreal and vicinity, southeastern Quebec, along the Ottawa River, and in the Gaspé region and Saguenay county. The rest (47,000) are distributed very unevenly through 43 of Quebec's 75 counties.

101. *The Montreal area.* In 1961, on the Island of Montreal alone, there were 419,300 people of English mother tongue, 24 per cent of its population. When we include the 17,300 on Île Jésus (14 per cent of the population) and the 35,200 in the county of Chambly (24 per cent), they make up a little more than two-thirds of the English mother-tongue population of Quebec. To have a complete view of the Montreal area we must include eight other minorities—Argenteuil (9,700 or 30 per cent), Deux-Montagnes (5,900 or 18 per cent), Vaudreuil (6,800 or 24 per cent), Terrebonne (8,100 or 8 per cent), Montcalm (1,100 or 6 per cent), Verchères (2,000 or 8 per cent), Laprairie (4,200 or 13 per cent), Châteauguay (10,200 or 30 per cent)—an additional 48,000 persons. Thus the Montreal region has 520,000 people of English mother tongue or three-quarters of the Québec population having English as mother tongue (697,000).

102. *Southeastern Quebec* includes 11 counties to the east of Montreal whose population is at least 5 per cent English by mother tongue. They are Beauharnois, Rouville, Saint-Jean, and eight counties of the Eastern Townships. The size of the English mother-tongue population and its percentage of the total in each county are: Beauharnois (2,700 or 5 per cent), Rouville (3,500 or 13 per cent), Saint-Jean (4,000 or 10 per cent), Brome (7,200 or 52 per cent), Compton (4,900 or 20 per cent), Huntingdon (5,900 or 40 per cent), Missisquoi (6,300 or 21 per cent), Richmond (5,300 or 13 per cent), Shefford (4,900 or 9 per cent), Sherbrooke (11,300 or 14 per cent), Stanstead (8,300 or 23 per cent)—a total of 64,300 people.

103. *The Ottawa Valley region* comprises five counties on the Ottawa River with a total of 42,500 inhabitants of English mother tongue. They constitute 55 per cent of the population of Pontiac, 30

<sup>1</sup> The proportion of the population of English mother tongue is 14 per cent in Gloucester county and 5 per cent in Madawaska.

per cent of Gatineau, 13 per cent of Papineau, 11 per cent of Temiskaming, and 9 per cent of Hull.

104. In the *Gaspé region* there are four counties where persons of English mother tongue account for at least 5 per cent of the population. The proportion goes as high as 15 per cent only in Gaspé-Est. It is 14 per cent in Bonaventure, 6 per cent in Îles-de-la-Madeleine and 5 per cent in Gaspé-Ouest. There is a total of 14,400 persons of English mother tongue throughout the region.

105. The huge county of *Saguenay* in northern Quebec contains 8,700 residents of English mother tongue (11 per cent of the population).

106. In short, 650,000 people of English mother tongue live in these five regions. The remaining 47,000 in Quebec are scattered in several cities and urban areas in various districts. Among these are the metropolitan area of Quebec City, where they number 13,400 people (4 per cent); the cities of Granby (2,300 or 7 per cent) and Noranda (3,300 or 28 per cent); and the major urban areas of Chicoutimi-Jonquière (3,000 or 3 per cent); Trois-Rivières (2,700 or 3 per cent); and Shawinigan (2,200 or 3 per cent).

#### Summary

### G. Bilingual and Unilingual Persons

107. There is still another aspect to be examined—that of the linguistic resources in Canada relating to the two official languages. For although a bilingual state does not exist in order to increase the number of bilingual persons, it could not function at all if there were not a sufficient number of citizens able to communicate in both languages.

108. From the census question on the two official languages we learn how many (and which) Canadians know both English and French, and by cross-checking we learn how many are unilingual. Moreover, the question also tells us where these bilingual and unilingual persons live, and what their ethnic origin is.

109. About 12 per cent of Canadians spoke both official languages in 1961, but they were not evenly distributed across Canada. Table 8 shows that only Quebec (about 25 per cent) and New Brunswick (19 per cent) have a higher proportion of bilingual persons than the national average. In five other provinces or territories (Yukon and Northwest Territories) the average is either equal to, or superior to, half the national average. Ontario, with almost half a million bilingual persons (8 per cent) heads this category while Newfoundland and the three provinces farthest west—British Columbia, Alberta, and Saskatchewan—have an average of less than 5 per cent of bilingual persons.

#### Individual bilingualism

Table 8. Distribution of Bilingual Persons, Canada and Provinces, 1961

Province or territory	Total	Bilingual	
		Number	%
Canada	18,238,247	2,231,172	12.2
Newfoundland	457,853	5,299	1.2
Prince Edward Island	104,629	7,938	7.6
Nova Scotia	737,007	44,987	6.1
New Brunswick	597,936	113,495	19.0
Quebec	5,259,211	1,338,878	25.5
Ontario	6,236,092	493,270	7.9
Manitoba	921,686	68,368	7.4
Saskatchewan	925,181	42,074	4.5
Alberta	1,331,944	56,920	4.3
British Columbia	1,629,082	57,504	3.5
Yukon and N.W.T.	37,626	2,439	6.5

Source: Census of Canada, 1961

110. Next to Quebec, Ontario has the most bilingual persons in absolute numbers. There are 493,300 such persons in Ontario, compared to 113,500 in New Brunswick.

Individual  
unilingualism

111. In Canada, unilingual persons are a very numerous group. In 1961 (Table 9), out of a total population of more than 18,000,000 persons, 67 per cent or 12,000,000 were English-speaking unilinguals and 19 per cent or 3,500,000 were French-speaking unilingual persons.<sup>1</sup> In all provinces except two—Quebec and New Brunswick—the proportion of English-speaking unilingual persons was greater than the national average. In Ontario, 89 per cent of the population, or 5,500,000 persons, spoke English only. On the other hand, in all provinces except Quebec and New Brunswick, the proportion of French-speaking unilingual persons was less than the national average. It is noteworthy that in Quebec, French-speaking unilingual persons constitute 62 per cent of the total population of the province, while in New Brunswick they form 19 per cent of the population.

Most bilingual  
persons are of  
French mother  
tongue

112. In view of this, it is easy to see that it is mainly people of French mother tongue who are bilingual in Canada. About 30 per cent of persons whose mother tongue is French also know English but, of those whose mother tongue is other than French, less than 5 per cent also know French. The first group, consisting of only 28 per cent of

<sup>1</sup> The proportion of unilingual persons within each linguistic group is considerably different.

Table 9. Distribution of English-speaking and French-speaking Unilingual Persons, Canada and Provinces, 1961

Province or territory	Total	English only		French only	
		Number	%	Number	%
Canada	18,238,247	12,284,762	67.4	3,489,866	19.1
Newfoundland	457,853	450,945	98.5	522	0.1
Prince Edward Island	104,629	95,296	91.1	1,219	1.2
Nova Scotia	737,007	684,805	92.9	5,938	0.8
New Brunswick	597,936	370,922	62.0	112,054	18.7
Quebec	5,259,211	608,635	11.6	3,254,850	61.9
Ontario	6,236,092	5,548,766	89.0	95,236	1.5
Manitoba	921,686	825,955	89.6	7,954	0.9
Saskatchewan	925,181	865,821	93.6	3,853	0.4
Alberta	1,331,944	1,253,824	94.1	5,534	0.4
British Columbia	1,629,082	1,552,560	95.3	2,559	0.2
Yukon and N.W.T.	37,626	27,233	72.4	147	0.4

Source: Census of Canada, 1961.

Canadians, provides 70 per cent of the bilingual persons while the second group, consisting of 72 per cent of the population, provides only 30 per cent of bilingual persons.

113. Until now we have dealt only with bilingualism in the two official languages, but it is obvious there are other forms of bilingualism in Canada. Approximately 2,000,000 Canadians (about 11 per cent of the population) know English or French in addition to their maternal language. Of these, 129,100 know both English and French. On the other hand, only 232,500 persons of other ethnic origins in Canada did not know either French or English in 1961.

Other forms of  
bilingualism

#### H. Conclusion

114. It follows from all this that, despite the constant increase in numbers of Canadians of other ethnic origins, as a result of immigration, linguistic duality remains the basic characteristic and foundation of the Canadian community. The integration of Canadians of non-British and non-French origin into the two linguistic groups gives each a pluralistic character, even if assimilation to English is much stronger and more marked than assimilation to French. However, neither demography nor the law of numbers is the sole factor governing bilingualism in Canada, as we shall see in the next chapter.



115. The existing state of language rights in Canada is one very important aspect of the present situation which we found to be the subject of many different views and misconceptions. The historical development of these rights has indeed characterized the political and constitutional history of Canada almost from the beginning. True enough, in earlier times there appears to have been less concern about the preservation of language than about the right of French Canadians to practise unhindered their Roman Catholic religion. It was only later that language itself became an issue, intimately bound up with the struggle for cultural survival.

Introduction

116. The expression "language rights" is not easy to define. In our context it is obvious that this term does not refer merely to the right of a citizen to communicate with his fellow citizens in his own language, whatever it may be. This right has never been legally challenged, though individuals may have used social pressures to force linguistic conformity. The rights chiefly concerning us in this Report are those which a Francophone or Anglophone possesses, either by law or by well-established custom, to use his mother tongue in his dealings with public authorities. Strictly speaking, a linguistic "right" is a specific legal protection for the use of a given language. It involves the use of language in the conduct of public affairs: in the parliamentary and legislative process; in the day-to-day administration of government; in the rendering of justice; and in the public school system. It may also involve private activities. Thus language rights are measured by the degree to which a given language receives formal and practical recognition in the constitution of a country and in its political, social, educational, and economic life.

"Language rights"

## A. Evolution of Language Rights in Canada

### 1. From the Treaty of Utrecht to Confederation: 1713 to 1867

117. The basic questions of religion and language go back to the earliest colonial days. When the first French explorers came they found a multitude of Indian tribes, each speaking its own language, and many of these languages have survived to the present day.<sup>1</sup> The confrontation of French and English began early and has been manifest at one time or another in almost every part of the country. Not only the history of Quebec, but the evolution of Canada, has been marked by the meeting of these two linguistic groups.

Treaty of  
Utrecht

118. In fact, the problem antedates the Conquest of 1760 by almost half a century. It was on April 11, 1713, that most of Acadia,<sup>2</sup> until then mainly a French possession, became a British colony. By article XIV of the Treaty of Utrecht, those Acadians who chose to remain were to enjoy the free exercise of their religion, as far as the laws of England would permit. The coexistence of two religious communities was thus officially recognized, though the change of sovereignty made English the language of government.

119. At that time, Acadia had about 1,700 settlers, all of them French. Until 1749, when the French-speaking population had reached about 10,000 and the English element remained limited mainly to officials, including the military, a form of Acadian self-government survived and French was in fact, if not in law, the principal language of the new colony. Thereafter, it is true, the combined effect of English settlement and of the deportation of the Acadians reversed the situation and gave the Maritime Provinces a predominantly English stamp. But in Nova Scotia and especially in what was to become (in 1784) New Brunswick, the French fact never disappeared. Today French has regained *de facto*, and to some extent *de jure*, a considerable measure of official recognition in the conduct of the public affairs of New Brunswick.<sup>3</sup>

The Conquest

120. The main battleground, however, was to be in the territory of Canada ceded by the Treaty of Paris in 1763, comprising the provinces now called Quebec and Ontario. By the time of the British military conquest of 1760, Canada had a homogeneous French population of

<sup>1</sup> Experts today distinguish no less than ten Indian and one Eskimo language groupings or stocks; each of these contains from one to 15 different languages or dialects.

<sup>2</sup> "Acadia" comprised parts of the Maritime Provinces; its boundaries were not defined by the Treaty of Utrecht.

<sup>3</sup> A resolution adopted unanimously March 30, 1967, by the legislature of New Brunswick introduced simultaneous interpretation in the House and authorized the establishment of a translation bureau for the provincial government.

about 65,000 inhabitants (almost exclusively Roman Catholic) as well as an undetermined number of scattered and often nomadic Indian tribes.

121. The terms of the capitulation of Quebec and Montreal were written in French and English. The early military government in Canada (1760-1763) proceeded cautiously, waiting for the mother country to determine its Canadian policy. French administrative districts were retained; French militia officers were authorized to render justice in their own language; French private law continued to be followed and military ordinances were issued in French or in French and English. This interim policy changed after the definitive treaty of peace was concluded in 1763 between Great Britain, France, and Spain.

Military  
government

122. By the Treaty of Paris, France ceded the whole of Canada to Britain, subject to an undertaking similar to that in the Treaty of Utrecht to respect the religious freedom of Roman Catholics, so far as the laws of England permitted. Nothing was said about private law or the use of language. The Royal Proclamation of 1763 dealt with the four new English colonies in America—Quebec, East Florida, West Florida, and Grenada—in exactly the same manner, and considered setting up assemblies which would enact statutes and courts of justice to decide disputes, “as near as may be agreeable to the laws of England.” The confusion following the attempt to apply the Proclamation to the French population in Quebec is well known. Even at this early date, Quebec was not a colony “comme les autres”; a well-established community with its own language, laws, and institutions could not be made over on the American model. There was a period of considerable agitation, the English minority pressing for total assimilation and the French petitioning for the maintenance of French private law, access to French-speaking lawyers, and a bilingual system of justice. Gradually the British authorities, influenced by Governor Murray’s conciliatory arguments, began to adapt their policy to the facts of the situation. In 1766 an ordinance permitted Canadian lawyers (at that time Canadian meant French Canadian) to practise in all courts and provided for a system of mixed, civil juries: entirely English for cases mooted between British parties, entirely Canadian for cases involving Canadians only, mixed in other cases. These were the foundations of the jury structure still used in Quebec today. In 1771, the French seigneurial system of land tenure was recognized and new land grants were to be made according to the ancient French law.

The Treaty  
of Paris

123. After a number of other manoeuvres and further measures of relaxation, the difficulties were partially resolved by the passing in 1774 of the Quebec Act, which finally recognized the cultural duality.

The Quebec Act

Article VIII re-established French law "in all matters of controversy, relative to property and civil rights." English criminal law was confirmed, but there had never been any serious demand for restoration of French criminal law. Freedom of religious practice for Roman Catholics was reasserted, and all religious handicaps to public office were removed. The Act did not contain any general language provisions or, for that matter, any reference to the language to be used in judicial proceedings, although the restoration of French private law must have implied the right of suitors to resort to French.

124. The Quebec Act provided for an appointive legislative council consisting of 17 to 23 members. It is known that the debates and records of the council were kept in both languages and that all its ordinances were published in both French and English. As for the system of justice created pursuant to the Act, it generally recognized the equality of both languages and laid the foundation for the bilingual procedure still used in Quebec.

125. Nevertheless, while the new régime may have pleased His Majesty's new Canadian subjects, or at least assuaged their fears, it did not quiet the discontent of the increasing English element of the province. This population had been augmented by a massive Loyalist immigration after the American War of Independence. The local English wanted an elective or representative assembly, the introduction of English as the sole official language, and the suppression of French law. Since experience had shown that the French Canadians would not readily give up their laws or their language, the United Kingdom Parliament sought to resolve the potential conflict and to ensure the tranquillity of British North America by dividing the province of Quebec into two parts corresponding to the linguistic and cultural division of its inhabitants. Partition was thus an early attempt to solve the linguistic problem.

**The Constitutional  
Act**

126. The division was achieved by the passing of the Canada Act, also known as the Constitutional Act, of 1791. The old province of Quebec, stretching to Ohio, disappeared, and in its place Upper Canada (the future Ontario) and Lower Canada emerged, each governed by an appointed legislative council and an elected popular assembly. All Canadian subjects were eligible for both chambers.

127. This new legislation did not dissolve old animosities and some acrimonious scenes took place in the legislative assembly of Lower Canada, particularly over the language of the Speaker. But there were also some positive developments. Thus, from the very first session in the winter of 1792, the practice was adopted of using both languages in proposing bills and motions. Following a protracted debate on the language of bills, it was decided that all bills, irrespective of the

language in which they had been presented, should be translated and read in both languages. The rule was qualified so that the official text would be in the language of the area of law to which the bills related: French for those concerned with civil law and English for those concerned with criminal law.

128. In Upper Canada, the problem was obviously somewhat different. On October 15, 1792, the legislative assembly of Upper Canada abrogated article VIII of the Quebec Act, which made French law applicable in matters of property and civil rights, and replaced it with the laws of England. In the same year, mixed juries were abolished. But French did not entirely lose its official status. For instance, the statute creating a Court of King's Bench for Upper Canada required that notices attached to processes served on Canadian defendants be written in the French language.<sup>1</sup> In June 1793, a resolution of the legislative assembly provided for unofficial translations of Upper Canada statutes for the benefit of French settlers.

129. However, such scant provisions as there were in Upper Canada for the use of the French language were not free from attack. As early as 1822, a bill had been introduced in the United Kingdom Parliament to reunite Lower and Upper Canada and to suppress French altogether. It was withdrawn in the face of French Canadian opposition. In 1839, after the two rebellions of 1837 and 1838, the legislative assembly of Upper Canada passed a resolution whereby English was to be made the only language in the debates of the legislature as well as before the courts of justice, and in all public documents.

The rebellions of  
1837 and 1838

130. As a consequence of the rebellions of 1837 and 1838, the United Kingdom Parliament suspended the Constitution of 1791 so far as it affected Lower Canada. A special council was set up to govern the province. The rules and orders it adopted were silent on the language of proceedings, a silence which may be explained by the fact that all its members were English-speaking. All its ordinances were passed in English, although they appear to have been printed in each language in separate volumes. Court proceedings continued to be bilingual.

131. Shortly thereafter, the Earl of Durham was appointed High Commissioner and Governor General of British North America, with instructions to investigate the sources of discord in Canada and to suggest a remedy. Five months of research produced his famous *Report on the Affairs of British North America*. Lord Durham saw two primary causes for the troubles besetting Canada: the cleavage between the two ethnic groups aggravated by language differences, and the antagonism between the elective and appointive branches of government. Durham's proposed solutions are well known: union of the two

Lord Durham

<sup>1</sup> S.U.C. 1794, 34 Geo. III, c.2, s.9.

provinces as a means of eventually providing an English majority in the legislature; eventual assimilation of the French by the influx of English settlers, as in Louisiana; and introduction of responsible government, to make the executive responsible to the legislature.

The Act of  
Union, 1840

132. The result was the 1840 Act of Union which reunited Lower and Upper Canada. While the status of French in the courts was unaffected, section XLI provided that all the records and proceedings of the legislative council and of the legislative assembly were to be in English only, although unofficial translations were permitted by the Act.

133. Several measures soon attenuated the harshness of section XLI. In 1841, the Parliament of Canada adopted an act to permit French translations and distribution of both Canadian and British statutes.<sup>1</sup> The legislative assembly adopted formal Rules and Regulations, articles 29 and 37 of which provided that the journals of the House were to be kept in both languages and that every motion should be read in both French and English before it could be debated. The following year, the United Canada Parliament appointed three commissioners to revise and consolidate the laws and ordinances of the former Lower Canada. This revision was made in both languages and the commissioners recommended that an English version of French laws in force be prepared for the benefit of the English population, and vice versa. In the following years further legislative provisions were made for the bilingual publication and distribution of statutes. Finally, in 1848, after a long struggle by French-speaking members of the legislative assembly culminating in a joint address by both Houses, the United Kingdom Parliament repealed section XLI completely. A symbolic recognition of the official status of French came in 1849 when Lord Elgin read the Speech from the Throne in both languages.

The United  
Province of  
Canada and  
official bilingualism

134. Thereafter all bills were assented to in both languages so that the French version, instead of being an unofficial translation, had equal status. The United Province of Canada thus became officially bilingual at least 18 years before the passage of the British North America Act. Even statutes applicable to Canada West only were published in French as well as in English, so it may be said that Ontario has already had 18 years' experience of being a bilingual province.

135. It should be noted that during those troubled years, French never lost its status in the courts of Lower Canada, no matter what happened at the legislative level. In essence the statutory provisions regulating language at the time gave to the parties a choice of languages. There were also provisions for court officials such as bailiffs and lawyers to write in either French or English. The institution of mixed juries was also reaffirmed and measures were adopted to avoid

<sup>1</sup>S.C. 1841, 4-5 Vic., c.11.

packing them to the detriment of either the French or the English. Many other legislative provisions were passed giving effect to official bilingualism. The best known no doubt was the Act requiring codification in both languages of the civil law of Quebec.<sup>1</sup>

## 2. Confederation: 1867

136. The present legal foundation of linguistic rights in Canada is to be found in section 133 of the B.N.A. Act of 1867:

Either the English or the French language may be used by any Person in the Debates of the Houses of the Parliament of Canada and of the Houses of the Legislature of Quebec; and both those Languages shall be used in the respective Records and Journals of those Houses; and either of those Languages may be used by any Person or in any Pleading or Process in or issuing from any Court of Canada established under this Act, and or from all or from any of the Courts of Quebec.

The Acts of the Parliament of Canada and of the Legislature of Quebec shall be printed and published in both those Languages.

137. This fundamental text was the product of a long debate surrounding section 46 of the 1864 Quebec Resolutions and section 45 of the 1866 London Resolutions. The language of these two sections was practically the same:

Background of  
section 133

Both the English and French languages may be employed in the General Parliament and in its proceedings, and in the Local Legislature of Lower Canada, and also in the Federal Courts and in the Courts of Lower Canada.

138. Speakers in the Confederation debates such as Félix Geoffrion, E. Rémillard, and Antoine-Aimé Dorion had been quick to point out that the wording of the resolutions was permissive rather than mandatory and did not impose any obligations to use French in Parliament or in the courts. As Félix Geoffrion said on March 8, 1865:

A close examination of this resolution [No. 46 of the *Quebec Resolutions*] shows at once that it does not declare that the French language is to be on the same footing as the English language in the Federal and Local Legislatures; in place of the word "shall" which ought to have been inserted in the resolution the word used is "may", so that if the British majority decides that the *Votes and Proceedings* and Bills of the House shall be printed only in English, nothing can prevent the enactment taking effect. Of course we shall be allowed to use French language in debate, but on the other hand, it is evident that the majority may, whenever they choose, enact that the bills and proceedings of the House shall not be printed in French, and consequently the clause affords no security whatever to us French-Canadians.

<sup>1</sup> S.P.C. 1857, 20 Vic., c.43.

Mr. E. Rémillard pointed out that, conversely, the French majority in Lower Canada could similarly deprive the English minority of its rights in the Quebec Legislature.

139. The British North America Bill went through five stages before it finally became law in 1867 and only at the third stage of drafting did the 46th resolution become the 81st section, and the word "shall" replaced the word "may" in the paragraph relative to the journals of the federal Parliament and the Quebec legislature. Only in the fourth draft were bilingual statutes added, and the section ultimately became section 133 of the B.N.A. Act as we know it.

Section 133

140. Thus French received definitive recognition in the fundamental constitutional law of Canada as an official language equal to English for all federal statutes and in all federal courts everywhere in Canada, and for provincial statutes and in provincial courts in Quebec. Prior to that, its status had depended on usage or on the revocable rules adopted by the House of Lower Canada and subsequently, after 1848, by the United Canada Parliament.

141. Section 133, as we shall see, is far from clear, and puts Quebec in a special position. Nevertheless, section 133 is firmly entrenched. Indeed, the 1949 British North America (No. 2) Act,<sup>1</sup> giving Parliament power to amend the Constitution of Canada, specifically excluded from the operation of this new amending power the use of the English or the French language, and obviously thus excluded section 133. Under present constitutional conventions, the unanimity of all Canadian jurisdictions would be required to change this section.

*3. The western provinces and the territories: 1870 to 1892*

142. The constitutional history of language rights in Canada neither begins nor ends with the B.N.A. Act, least of all in the western part of the country where significant developments took place.

The Hudson's  
Bay Company

143. Most of what is now western Canada was brought under British rule by the Royal Charter of 1670, which incorporated the Hudson's Bay Company. Known as Rupert's Land, this enormous territory was handed over to 18 grantees with the sole right of trade and commerce as well as government. The Charter stipulated that the Hudson's Bay Company was to render justice according to the laws of England. Since the Imperial Act of 1731 provided that English should be the sole language of proceedings before all courts in England, it might be said that from that date at least the Hudson's Bay's courts had to render justice in English only. No exceptions to this rule have been noted in the early history of the Company. The ordinances and notices of the governors of the Company were published in English

<sup>1</sup> 1949, 13 Geo. VI, c.81 (U.K.).



only. However, French began to acquire some status after 1811 when the Hudson's Bay Company granted to the Earl of Selkirk a large tract of land along the Red and Assiniboia Rivers which became known as the district of Assiniboia, the forerunner of the present province of Manitoba. Some evidence exists of a limited use of French. But only after the estate of the Earl of Selkirk retransferred the district to the Company in 1835 were inroads made in the Company's unilingualism.

144. The records of the Council of Assiniboia disclose evidence of an evolving bilingualism resulting from the need to communicate with the sizable French and Métis population. From the beginning the laws of the district were promulgated in both languages and so printed. The General Enactments of the governor and of the Council of Assiniboia were consolidated in 1852 and again in 1862, and both consolidations were published in the two languages. The path to bilingualism in the administration of justice in Assiniboia was apparently not as smooth, and the French-speaking Métis agitated for the right to be tried in their own language. Around the 1850's a measure of bilingualism was introduced in the judicial system and some of the judges named were French-speaking.

145. However, a crisis developed at Confederation, when the Hudson's Bay Company territories were transferred by the Rupert's Land Act to the government of Canada. At the instigation of the Métis leaders, a joint council consisting of 12 English-speaking and 12 French-speaking representatives from the several parishes was organized in 1869. It refused to recognize the authority of Canada and declared itself to be the "only and lawful authority now in existence in Rupert's land and the Northwest." At its last meeting, on December 1, 1869, the council adopted a list of 14 specific rights which it considered indispensable to a satisfactory government of the Northwest. Among these were equality of English and French in the legislature and in the courts as well as in all public records, and the bilingualism of judges of the Supreme Court. While the Métis attempt at self-government failed, these claims were eventually embodied in the statute which carved the province of Manitoba out of the North-western Territory. Indeed, in language considerably reminiscent of that of section 133 of the B.N.A. Act, section 23 of the Manitoba Act of 1870<sup>1</sup> provided for the use of either English or French in the debates of the provincial legislature and for the obligatory use of both languages in the records and journals. All acts and statutes were to be printed and published in both languages. Furthermore, either language could be used in the courts.

The Manitoba  
crisis

<sup>1</sup> S.C. 1870, 33 Vic., c.3.

146. Until section 23 of the Manitoba Act was repealed in 1890, several acts of the Manitoba legislature extended official bilingualism considerably beyond the scope of section 23. For instance, provisions were made for bilingual municipal notices, for electoral forms in both languages, for bilingual proclamations and voters' notices. The right of an accused to a mixed jury in criminal cases was affirmed and mixed juries were even allowed in civil suits in the eastern judicial districts.

147. However, a large influx of English-speaking people from eastern Canada, the United States, and the British Isles reduced the French-speaking element to a small minority. This trend was accentuated by a change in electoral divisions which sharply diminished French-speaking representation in the legislature. Assimilationist and anti-Roman Catholic pressures grew stronger. Eventually, in 1890, the Manitoba legislature adopted the English Language Act<sup>1</sup> making English the sole language to be used in the records and journals of the legislature and in all Manitoba courts as well as in the publication of all Manitoba statutes. While the legality of this statute was immediately questioned, the federal government refused to disallow it, and the Act has not to this day been tested in a court of law. As a matter of legislative fact, after 1890, Manitoba became a unilingual jurisdiction.

The "Northwest  
Territories"

148. On the passage of the Manitoba Act, the name "Northwest Territories" was given to the portion of Rupert's Land and of the North-western Territory not included in the province of Manitoba. From the outset, there was some French representation on its governing council. In the first five years, there is evidence of *de facto* bilingualism (and even of multilingualism) in the printing and distribution of statutes and certain other documents. It also appears that both French and English could be used in some of the courts, since several of the judges were French-speaking, and that bills were drawn up for the council in both languages.

149. Official bilingualism was sanctioned formally when the Northwest Territories Act was amended in 1877<sup>2</sup> and section 11 of the amending statute provided:

Either the English or the French language may be used by any person in the debate of said Council, and in the proceedings before the Courts, and published by the Lieutenant-Governor in conformity with the law and Council, and the ordinances of said Council shall be printed in both those languages.

At that time the French-speaking population numbered 2,896 and the English-speaking population 3,104.

<sup>1</sup> S.M. 1890, 53 Vic., c.14.

<sup>2</sup> S.C., 40 Vic., c.7.

150. The ordinances of the Northwest Territories Council of 1878 were the first to be printed for general circulation, and in two versions. In fact, the French version preceded the English text by at least four years. The practice of publishing ordinances in both English and French continued for 14 years until the legislative assembly of the Northwest Territories, in 1892, adopted English as the only language of record. Some other legislative evidence exists during that period of the official recognition of the two languages (although provision was also made on occasion for various Indian languages).

151. With the Northwest rebellion of 1885 and the political circumstances surrounding the execution of Louis Riel playing a part in the overall situation, the passage by the Quebec legislature of the Jesuits' Estates Act<sup>1</sup> triggered a campaign against French and Roman Catholic influences in Canadian politics which extended to the Northwest Territories as well. The campaign was led by D'Alton McCarthy, a prominent Conservative member of Parliament and an ardent assimilationist. He campaigned for the abolition of French as an official language in the legislature and in the courts of the Territories. A politically embarrassing debate followed in the Dominion Parliament and the proposal was ultimately watered down: it provided that after the next general elections in the Territories, the assembly should have the power to regulate the manner in which its proceedings were recorded. After further hesitations the compromise was finally embodied in the 1891 Act to Amend the Northwest Territories Act<sup>2</sup> which added to the above-quoted section 11 the following:

. . . after the next general election of the Legislative Assembly, such Assembly may, by ordinance or otherwise, regulate its proceedings, in a manner of recording and publishing the same; and the regulations so made shall be embodied in a proclamation which shall be forthwith made and published by the Lieutenant Governor in conformity with the law and thereafter shall have full force and effect.

152. In January 1892, Frederick Haultain moved in the legislative assembly "that it is desirable that the proceedings . . . shall be recorded and published thereafter in the English language only." The resolution was passed over some opposition. Thereafter it was taken for granted that French was abolished in the legislative assembly of the Northwest Territories. In practice, French ceased to have an official existence. But there seems to be some doubt as to the constitutionality of this abolition. Indeed, although the 1891 amendment to the North-

<sup>1</sup> Entitled an Act respecting the Settlement of the Jesuits' Estates, S.Q. 1888, 51-2 Vic., c.13.

<sup>2</sup> S.C. 1891, 54-5 Vic., c.22, s.18. One should note that in 1888, in the revised statutes, R.S.C. 1888, c.50, s.11 of the 1877 statute had become s.110.

west Territories Act required any resolution of the assembly to be embodied in a proclamation before becoming law, a diligent search of the Public Archives of Canada and of other likely sources—including the archives of Saskatchewan which would be the proper depository of such proclamation—has failed to disclose it, assuming it exists.

Alberta and  
Saskatchewan

153. If doubt surrounds the legality of the abolition of French in the Northwest Territories, by implication the same might be said of the Yukon Territory Act of 1898<sup>1</sup> which rendered applicable to the Yukon all existing Northwest Territories legislation until amended or repealed. Similar reasoning might be applied to the provinces of Alberta and Saskatchewan. They were carved out of the Northwest Territories respectively by the Alberta Act<sup>2</sup> and the Saskatchewan Act<sup>3</sup> of 1905, section 16 of each of these statutes providing for the continuation of *then existing* Northwest Territories legislation. A careful examination of all relevant statutes of both Alberta and Saskatchewan from the first legislative session of each to the present day showed that there had never been an express repeal by them of section 11 of the Northwest Territories Act.

Present status of  
the French  
language

154. Nevertheless, it is a fact that French is considered by most people to have no official recognition in the Northwest Territories, the Yukon, Alberta, or Saskatchewan. The only pertinent legislative provision was section 27 of the Alberta Interpretation Act<sup>4</sup> which provided that all public records or written processes should be in English. On the other hand it must be recalled that the Acts constituting the provinces of Alberta and Saskatchewan, as federal statutes, are themselves bilingual. In the interpretation of the original constitutions of Manitoba, Saskatchewan, and Alberta the French version has equal validity with the English. In our opinion, it is therefore not true to say that French has no official status on the Prairies.

#### *B. The Meaning of Section 133 of the B.N.A. Act*

155. Section 133 of the B.N.A. Act, as we have seen, is entrenched against amendment by the Parliament of Canada, and is the only linguistic guarantee in the B.N.A. Act. Yet even a superficial analysis of the terms of section 133 makes it evident that its scope is very limited. True, it is quite comprehensive so far as either federal or Quebec legislation is concerned: either language can be used in the debates and

<sup>1</sup> S.C. 1898, 61 Vic., c.6.

<sup>2</sup> S.C. 1905, 4-5 Ed. VII, c.3.

<sup>3</sup> S.C. 1905, 4-5 Ed. VII, c.42.

<sup>4</sup> S.A. 1958, c.32.

both must be used in the records and journals as well as in the publication of all statutes. If legislation is considered in its traditional sense, and if we disregard the omission of any reference to the language of *enactment* of statutes, as distinguished from the language of publication, this might seem to be fairly unambiguous and satisfactory. But when the Fathers of Confederation drafted the Quebec and London Resolutions and when the United Kingdom Parliament enacted section 133, they hardly anticipated a vast forest of subordinate or delegated legislation.

156. The growth of administrative law in the present century has been enormous. While at one time legislative activity was limited to parliamentary statutes and to the occasional executive ordinance, today it encompasses a vast array of regulations, rules, orders, by-laws, ordinances, orders-in-council, and proclamations which affect the rights and obligations of all citizens. Yet the wording of section 133 of the B.N.A. Act can hardly be said to embrace any of them within its ambit. Constitutionally speaking, neither federal nor Quebec administrative law is required to be bilingual and in fact a substantial proportion of it is unilingual. Admittedly, most federal subordinate legislation and important Quebec regulations are published in both languages, but this is done for practical reasons or because of custom rather than because of any constitutional requirement.

Administrative  
law

157. The second broad area to which section 133 applies is that of the court proceedings. In "any Court of Canada . . . and in . . . any of the Courts of Quebec" it is provided that either French or English may be used for "any Pleading or Process." What is meant by "Court of Canada" and "all or any of the Courts of Quebec" is by no means certain. On the one hand, it is evident that the Supreme Court, the Exchequer Court, and Courts Martial are "Courts of Canada." But the position of other courts—the Senate Divorce Commissioner or provincial courts to which Parliament has attributed federal jurisdictions such as in the field of criminal law, bankruptcy, or citizenship—is far from clear.

Court proceedings

158. Another uncertainty is the position of the rising number of quasi-judicial boards and commissions exercising many of the functions previously reserved to ordinary courts of law. At the federal level we counted at least 13 important boards and commissions exercising such quasi-judicial jurisdiction.<sup>1</sup> Equally active quasi-judicial tribunals were

Quasi-judicial  
bodies

<sup>1</sup>The Air Transport Board, the Board of Broadcast Governors, the Board of Transport Commissioners, the Canada Labour Relations Board, the Canadian Pension Commission, the Merchant Seamen Compensation Board, the National Energy Board, the National Parole Board, the Tariff Board, the Tax Appeal Board, the Unemployment Insurance Commission, the War Veterans Allowance Board, the Restrictive Trade Practices Commission.

identified in Quebec.<sup>1</sup> Quantitatively, this subordinate or delegated type of justice may be as vital today, if not more so, as that administered in the traditional courts. But constitutional language guarantees do not purport to apply to them.

The civil service

159. Also because the Constitution very properly states only the minimum linguistic requirements, it is entirely silent as to the language to be used in the actual conduct of government and administration. It does not provide for the linguistic composition of the civil service or guarantee the language rights of citizens in their various contacts with the state. It makes no provision for the protection of language rights in municipal government. In short, the Constitution does not ensure that the public affairs of any given jurisdiction (federal, provincial, or local) must be conducted in either language. It is not even clear from the B.N.A. Act who has jurisdiction over languages. The most casual reading of Canadian statutes soon discloses that language is dealt with in two interrelated ways: first of all, as a substantive head of legislation guaranteed in the Constitution to ensure cultural survival and evolution; secondly, as the object of incidental regulation in the course of the exercise of the various powers attributed by the B.N.A. Act to Parliament or to the provincial legislatures.

*Ad hoc*  
measures

160. Statute law taking fully into account the cultural functions of languages is extremely rare in Canada. There is no general approach to the language problem in our laws apart from section 133 of the B.N.A. Act. Every measure is *ad hoc*. Usually language is regulated only as far as it is necessary to facilitate in bilingual situations the full exercise of jurisdiction over another competent subject-matter. Examples of such incidental legislation are provisions for interpreters, mixed juries, the language of proceedings before boards and commissions, the language of debate in municipal councils, the language of municipal by-laws or notices, and the language of a multitude of official forms, notices, and returns. Sometimes language qualifications for certain official, professional, or private<sup>2</sup> employments will be regulated, as will be the language of important private or semi-private documents such as collective labour agreements. This explains the somewhat haphazard, fragmentary, and even contradictory legislation on the subject. The exercise of incidental jurisdiction over language is not always necessary and tends to be unnecessary in areas which are homogeneous or where, by custom or practice, the use of language is well regulated. But where

<sup>1</sup>The Montreal Expropriation Bureau, the Quebec Workmen's Compensation Board, Quebec Social Allowance Commission, Electricity and Gas Board, Transportation Board, Highway Victims Indemnity Fund, Public Service Board, Liquor Board, Rental Board, Labour Relations Board, and Quebec Securities Commission.

<sup>2</sup>In some provinces there are laws governing language use in purely private activities—for example, in the mining laws of British Columbia and Ontario.

linguistic minorities are large, the legislator may have to provide for the linguistic aspects of sundry legislative measures.

161. We have mentioned the uncertainty as to the scope of substantive jurisdiction over language in Canada. Apparently this jurisdiction is shared in some degree by the provinces and the Parliament of Canada. There seems no doubt that both Parliament and the provincial legislatures can legislate at will in ancillary jurisdictions, subject to the limitations of section 133. Parliament cannot amend the provisions of section 133, even those which refer to its own operations or apply to federal courts. But so far as federal quasi-judicial functions are concerned, or subordinate legislation, or general administration, or any area which does not fall exclusively within provincial jurisdiction, it can theoretically regulate the use of languages in any way it sees fit. Conversely, the provinces enjoy similar jurisdiction over language in all provincial institutions and within all areas of provincial concern, from their legislatures and courts to their administrative practices and their systems of education, subject again, in the case of Quebec, to the terms of section 133.

Division of jurisdiction

162. The conclusions to be drawn from the foregoing analysis of section 133 are self-evident. The section is not intended to secure fully the linguistic rights of the French-speaking or English-speaking minorities in Canada. At best it represents embryonic concepts of cultural equality, and it cannot be expected to provide for the many complex situations that must now be faced. Such language rights as are exercised in Canada are generally based on custom, practical considerations, political expediency, or result from the exercise of incidental jurisdiction. While we do not underrate the role of custom or of incidental legislation in fleshing out the existing provisions of the Constitution, we must not forget that these rights are not entrenched and thus can be abrogated at will. Nevertheless, we similarly cannot forget that this constitutional provision was the outcome and a basic guarantee of the substantial and worthwhile system of linguistic rights that had evolved in Quebec.

In summary

*C. The Recognition of Language Rights in Canadian Practice<sup>1</sup>*

*1. Statutory legislation*

163. Section 133 of the B.N.A. Act requires all acts of Parliament to be printed and published in both English and French. Parliament has observed faithfully this requirement but its compliance has been

Language of drafting

<sup>1</sup> Our documentation is based on a study by Claude-Armand Sheppard, "The Law of Languages in Canada" (See Appendix V), soon to be published by the Commission.

essentially literal. All officials interviewed confirmed that the universal rule for all federal statutes is that they are drafted in English only, in the Department of Justice, by an officer working with officials of the various departments involved in their preparation. The drafts are then submitted to the Legislation Committee in the Department of Justice, whose deliberations are also entirely in English. Any changes it may suggest will be in English only and relate to the English draft. It is only after completion and approval of the final text in the English language that the French version is prepared by the Law Translation Branch of the Translation Bureau. Usually the explanation given is that “statutes can only be drafted in one language” and that this language has to be English because the majority of officials who must be consulted are also English-speaking.

**Translation**

164. Legal translation in Canada is handicapped by its own peculiar difficulties. Traditional legal expressions found in one language, where they have a clearly defined meaning, sometimes have no equivalent in the other language. The problem is further compounded in Canada by the existence of two systems of law—the civil law and the common law—which sometimes use the same word to denote different legal institutions or, conversely, employ different terms to describe essentially identical notions. In addition, the translation of federal statutes also suffers from the fact that the Translation Bureau does not employ specialists. The original English version, on the other hand, is drafted either by, or with the help of, experts in the particular subject of legislation. The translators cannot rely upon any such assistance. Furthermore, the Bureau finds it difficult to recruit competent personnel. The result is that the French version of federal statutes is frequently a poor translation of the English text.

**Language of publication**

165. The publication of federal statutes is now done in separate English and French editions. There has been a Quebec demand that Ottawa follow the province’s own example of printing the French and English versions side by side instead of separately. This would make reference from one to the other much easier and some experts believe that eventually the quality of both the English and French versions would be improved.

**Private bills**

166. It should be noted that private bills in English are not printed in separate French versions. We were told that this is because of lack of demand. The official French text is printed only when the annual volume of statutes is published. There is thus a period of time when private bills are available in only one language. The same is true in Quebec for the English version.

**Quebec statutes**

167. Public statutes in Quebec are also enacted and published in two languages. But there is no centralized drafting as for federal



statutes. The practice is for a bill to be drafted by the department concerned. As a rule, all public bills are drafted in French and then translated, which is the converse of the federal method and faces the same difficulties. Private bills are drafted in the language of their sponsors. Translation is decentralized as well; each department has its own translator. The practical problems of simultaneous drafting and of adequate translation are basically the same as in Ottawa. As for publication, the most notable difference between federal and Quebec practice is that the French and English versions of all provincial laws are printed side by side on the same page. On the other hand, while the federal Hansard is bilingual, with translations, its Quebec equivalent prints the original text as given in French or English, without translation.

## 2. *Subordinate or administrative legislation*

168. The absence of constitutional requirements as to language coupled with widely divergent practice renders the situation of subordinate legislation somewhat confused. Federal administrative law can be divided into regulations covered by the Regulations Act<sup>1</sup> and an enormous body of less formal regulations issued by various government bodies, either for their internal regulation, or as instructions or guides to the actions of officials or citizens. The line is sometimes hard to draw between the two categories. A further distinction must be made between regulations which the Regulations Act requires to be published in the *Canada Gazette* and those which for a variety of reasons are exempted from such publication. A Commission survey of 19 government departments, 7 intermediate agencies, and 24 boards and commissions disclosed significantly that there are considerable numbers of regulations which in fact or in law are exempt from publication. Citizens cannot find out about their existence from any central source but must inquire from the administrative bodies concerned. Only those regulations appearing in the *Canada Gazette* are likely to be bilingual.

Regulations

169. While all federal statutes are drafted by the Department of Justice, there is no such centralized drafting for subordinate federal legislation. As a rule, it is still drafted in the department or agency concerned, notwithstanding an attempt at increased control by the Department of Justice. Those regulations which must be approved by the cabinet and published in the *Canada Gazette* must first be presented in French and English versions to the clerk of the Privy Council pursuant to section 4 of the Regulations issued under the Regulations Act. The assistant clerk of the Privy Council and the translator who assists him finally revise and co-ordinate the English and French texts.

Drafting

<sup>1</sup> R.S.C. 1952, c.235.

170. All government bodies queried stated that almost every regulation is drafted first in English. This applies to both categories of regulations. In fact, when regulations are not required to be published in the *Canada Gazette*, they are generally not only drafted in English but also published only in that language; exceptions are rare. For such regulations, it would appear that a French version will not be issued unless it is judged absolutely necessary according to the varied criteria of the agencies involved. The two notable exceptions are the Post Office and the Air Transport Board. Some agencies seem to issue their regulations in French versions only if they apply to the province of Quebec. The practices are the same for lesser regulations not covered by the Regulations Act. Similarly, it seems that virtually all the original copies of the Orders-in-Council used by the cabinet to authorize executive action have been approved in English only, although they are eventually published in the *Canada Gazette* in both languages.

171. The general explanation given was that English was the mother tongue of the drafting officers or that there were few qualified French draftsmen. Past practice and practical considerations were also invoked. But the key factor was the language of the legal officers drafting the subordinate legislation. Indeed, while 25 per cent of the legal officers in the 19 government departments examined were said to be bilingual, it appeared that their bilingualism consisted essentially of a more or less satisfactory acquaintance with French and that very few had sufficient command of the language to draft in it. Our investigation also showed an almost universal habit of translating into French only after the final English draft had been approved. French seldom if ever enters into the drafting process of federal regulations.

**The practice  
in Quebec**

172. A comparative study of Quebec practices in the drafting and publication of subordinate legislation indicated the situation was just the reverse: in practically all cases, subordinate legislation is originally drafted in French. The reason for this state of affairs in Quebec could not be the lack of knowledge of English by the legal draftsmen, since 22 of the 24 lawyers involved in drafting were described as fluently bilingual in both spoken and written French and English. But in all cases, legislation was translated into English only after the French draft was final. As for publication of subordinate Quebec legislation, in the absence of a statute equivalent to the federal Regulations Act, the situation depends on the practices of the individual department or on the requirements of the particular statutes governing it. Irrespective of publication in the *Quebec Official Gazette*, it would appear that the general tendency of boards and commissions in Quebec and of the provincial cabinet in issuing regulations is to do so in both languages,

although occasionally regulations are issued in French only and the Quebec Hydro-Electric Commission even indicated that some of its regulations were issued in English only.

### 3. *Judicial tribunals*

173. Section 133 of the B.N.A. Act allows the use of either of the two languages by any person in any pleading or process in all federal courts (Supreme Court of Canada, Exchequer Court and so on) and in all the courts of the province of Quebec (Superior Court, Court of Appeal, and so on). However, bilingual justice presents a multitude of difficulties. The problem may not be too severe in Quebec where most lawyers and judges, at least in the districts where the English minority is concentrated, have an adequate knowledge of both languages. But difficulties can arise within federal administrative tribunals, the members of which are only occasionally appointed from the Quebec Bar, and in the federal courts outside Quebec to which section 133 applies. Here, obviously, knowledge of French cannot be taken for granted. Furthermore, because most court proceedings have to be recorded, either by stenography or by some mechanical means, the problems arising from the scarcity of linguistically competent court stenographers are apparent.

174. The right to be able to testify in one's own language and the equally important right to understand fully the proceedings conducted in a language other than one's own are nullified if competent interpreters are not readily available when needed. In fact, the right to interpretation is not peculiar to a bilingual or a multilingual country and could be claimed by anyone who does not understand the language of the forum, even in a unilingual country. But while interpretation is granted as a matter of course in most countries when a party to judicial proceedings does not speak the language of the court, in a bilingual system of justice it may become a basic right whether or not the litigant understands the language of the court. Rather than a practical matter, it is transformed into a question of principle. And even from a practical point of view, understanding the language of the court and being able to testify and endure cross-examination in that language are not the same thing.

Interpretation

175. The Canadian Bill of Rights states that no Act of the Parliament of Canada shall be construed or applied so as to "deprive a person of the right to the assistance of an interpreter in any proceedings in which he is involved or in which he is a party or witness, before a court, commission, board or other tribunal, if he does not understand or speak the language in which such proceedings are conducted."<sup>1</sup> A

The Bill of Rights

<sup>1</sup>S.C. 1960, 8-9 Eliz. II, c.44, s.2(g).

number of other federal statutes or regulations contain similar provisions. There is thus no doubt as to the right of anyone appearing before a tribunal or a quasi-judicial body set up under federal law to demand the assistance of an interpreter when he is ignorant of the language used. It does not give him this right as a matter of principle if he is bilingual.

Provincial law

176. The laws of Canadian provinces are less explicit or sometimes altogether mute. Consequently, it has been left to the courts to determine the extent of the right in each province and to stipulate the conditions of its exercise. The rule has been laid down that there is no absolute right for anyone to have an interpreter: the judge has discretion to decide according to the circumstances. It should be remembered, however, that neither the civil law of Quebec nor the common law of the rest of Canada requires the use of *any* special language for private contracts and deeds, in the absence of statutory requirements. The courts will enforce any will or contract regardless of the language used, if adequate proof is made of its meaning.

Interpretation  
in practice

177. An informal survey among members of the judiciaries and bars of all provinces and territories confirmed that in actual practice the Canadian system of interpretation is weak, improvised, and likely to lead to miscarriages of justice. The situation is not satisfactory even in Quebec although there it is alleviated by the widespread bilingualism of bench and bar. The problems were less acute in some provinces than in others, but in New Brunswick, for instance, a great deal of dissatisfaction was expressed with the language used before the courts. In fact, in some lower courts where all the parties and the magistrate were French-speaking, the case might be conducted entirely in French although any record made would be in English. Nor must the question of cost be ignored. In all jurisdictions, the Crown pays the costs of interpreting in criminal cases. But in civil cases, this onerous charge is borne by the parties and may inhibit seriously the exercise of their rights.

The Supreme  
Court of Canada

178. At another level, the present organization of the Supreme Court of Canada raises a number of problems especially for residents of Quebec. The Supreme Court is important to them, not only because it decides fundamental constitutional issues, but because it is also the final arbiter of Quebec civil law cases. Yet only three of its nine members are required to be appointed from the bench or bar of that province. It is true that this imbalance may have been corrected in large measure by the practice adopted by the Court in 1950, whereby almost all civil code cases are heard by a five-member panel including all the Quebec judges, thus ensuring the latter a majority.<sup>1</sup> Be that as it

<sup>1</sup>In fact, 94 per cent of all Quebec civil law cases in the 1950 to 1964 period were heard by such panels. It must also be remembered that many cases coming from Quebec turn on points of common law (bills of exchange, administrative law, etc.).

may, and while both languages may be used before the Supreme Court, French-speaking litigants frequently feel themselves at a disadvantage because only the Quebec judges are fluent in French. The result is that many French-speaking lawyers feel compelled to prepare factums and argue orally in their second language.

Trial by jury

179. Another aspect of the question relates to jury trial. The right to trial by jury is the right to be tried by one's peers. In some cases it is also the right to be tried by jurors speaking one's own language. This was considered sufficiently important in England from the 13th century until at least 1870 to entitle even aliens to demand a jury *de medietate linguae*—that is, half composed of aliens (though not necessarily of the same language as the accused). In Canada, there is no constitutional guarantee of trial by jury composed either entirely or partly of members of one's own language group. The narrow wording of section 133 of the B.N.A. Act certainly would have to be stretched almost unreasonably to interpret it as guaranteeing the right to a jury of one's own language. At present, the Criminal Code provides for mixed criminal juries only in Quebec and Manitoba. In Quebec, it is also possible to demand the right to be tried by a jury consisting entirely of citizens speaking either English or French, as the case may be. Quebec's Code of Procedure guarantees similar rights in civil cases. But no other jurisdiction allows for anything but English-speaking juries.

#### 4. Administrative tribunals

180. We have already referred to the growth since the beginning of the century of administrative boards and commissions exercising quasi-judicial functions. Those administrative tribunals not only assume the duties entrusted to them by modern social legislation—such as in the fields of labour law or pension rights—but also tend to take over the solution of traditional problems with which the ordinary courts have been unable to cope satisfactorily—such as workmen's compensation. In other words, we are witnessing both a new type of adjudication and removal of classes of jurisdiction from the traditional law courts to more efficient and less formal administrative entities.

181. Administrative justice is a comparatively recent development; it is not surprising that it was never envisaged by the Fathers of Confederation. The silence of the Constitution on this subject has led to some doubts as to the exact legal position of these administrative tribunals.

182. We have indications that both federal and Quebec boards and commissions as a matter of practice give varying recognition to the right of French-speaking or English-speaking citizens to use their mother tongue. But this practice is not based on any legal requirement.

Not only is the B.N.A. Act silent on the subject, but none of the statutes creating these administrative tribunals provides for the language of proceedings. Furthermore, none of these bodies appears to have issued linguistic regulations.

183. We made a study of 12 of the 15 leading federal boards and commissions. The mother tongue of 79 per cent of all their members was English. An extremely small number of these could read, write, or speak French well or fairly well. This made it nearly impossible for them to conduct hearings in French. The situation was aggravated by a lack of adequate facilities for interpreters and bilingual stenographers. On the other hand, all French-speaking members were found to be fluently or nearly fluently bilingual. Only 7 per cent of all cases were conducted in French, practically all of them emanating from Quebec. Of the decisions, 89 per cent were rendered in English and the remainder in French.

184. A comparison with Quebec is instructive. Its quasi-judicial tribunals are also not subject to section 133. But an examination of 12 important Quebec boards showed a rather different situation. While 94 per cent of their members were of French mother tongue, practically all of these were fluently bilingual. About 85 per cent of all proceedings were in French but English was said to be used "often." On the other hand, the facilities for interpreters and bilingual stenographers were not much better than with their federal counterparts. The proportion of decisions rendered in French was 87 per cent; English translations were frequently available. Quebec administrative tribunals appeared considerably better equipped to hear cases in both languages and in fact nearly 16 per cent of the cases were conducted in English—more than double the proportion of cases conducted in French before federal boards.

##### *5. Public administration*

185. As we have seen, there are no constitutional provisions governing the language of public administration either at the federal level or within the provinces. Such federal or provincial legislation as there is on the subject is generally incidental or secondary.

##### **Public notices**

186. The following conclusions can be drawn from a careful examination of all pertinent Canadian and provincial statutes. As far as public notices are concerned, federal law generally does not require that they be published in both languages except in Quebec. The general practice of Quebec is to require bilingual publication of all notices of a general nature and even of many special notices. Similar rules apply in some municipalities to signs, labels, and required notice boards. In all other provinces the language is English. Except within the federal

jurisdiction and in the province of Quebec, official forms and returns are required to be English but in Manitoba some employment records are to be kept in either English or French, according to the language of the employee. Ballots and other forms are normally bilingual only in Quebec.

187. When there are statutory linguistic requirements for government officials or professionals, such as river pilots or municipal councillors, the following situation was found: such federal laws as exist treat English and French almost equally, with a slight preference for English; in Quebec, both languages are generally on the same level; in all other provinces and territories, with almost no exception, English is the only qualifying language.

Statutory  
linguistic  
requirements

188. Finally, when the language of documents such as trade marks, negotiable instruments, and bills of lading is regulated, federal law places both languages on an equal level, at least in Quebec. Quebec itself requires the use of both languages. When there is no special law applying to them, in all provinces contracts and other private legal arrangements can be made in any language and will be enforced when proven. Persons who do not speak either English or French are not legally incapable.

Documents

189. The incorporation of companies in Canada is usually done by grant of letters patent emanating from either the federal or provincial authorities. Federal law provides for the incorporation of companies under French, English, or bilingual names and permits all official corporate activities to be carried out in either language. The situation is the same in Quebec. In other provinces there seems to be a willingness to allow French or bilingual corporate names, but otherwise companies seem to be required to keep their records and carry out their other official functions in English.

190. Many governmental activities in Canada are governed by federal-provincial agreements. These agreements are executive acts rather than legislative enactments, though they sometimes find support in statutes. In other words, they normally take the form of agreements entered into with Ottawa by the various provincial governments. These agreements are numerous and deal with the whole spectrum of public administration. The Commission's investigation disclosed that all agreements with common-law provinces are negotiated, drawn up, and signed in the English language only. For Quebec, the practice varies considerably, not only from department to department, but within departments themselves. Some agreements exist in official French and English versions; other agreements are drawn up in both languages, but one language has priority in the event of conflict; other agreements with Quebec are in English or in French only, with a more or less official

Federal-provincial  
agreements

translation attached; still other agreements are unilingual and have no translation. At least one federal department reported that the French text of agreements was referred to its equivalent department in Quebec for full textual consideration. But in fact the policies relating to the language of official documents with Quebec vary enormously. Some departments even prefer to have agreements in French only in order to avoid any possible textual conflicts. Other departments insist on doing all their business in English.

191. The only province with which agreements are signed in French is Quebec. The other nine provinces never have signed the French text of a federal-provincial agreement. But not all agreements signed with Quebec are in French or even bilingual. Irrespective of the language of the ultimate text, the practice of federal agencies involved is to prepare the original draft in English only. But when bilingual texts are eventually signed, they seem to be treated as being of equal validity. A peculiar practice was discovered of having some federal-provincial agreements signed by some provinces in one language and by Quebec in the other language or in both languages. This is obviously an undesirable situation leading to possible conflicts. The same variations appear to exist in interprovincial agreements signed by Quebec with other provinces.

International  
agreements

192. Canadian linguistic practices in signing international agreements are equally diversified. The final draft of all Canadian agreements is prepared by the Legal Division of the Department of External Affairs which also occasionally participates in negotiations. The Department has traditionally had the following rule: when Canada signs a treaty, at least one official text must be in either English or French. In January 1965, however, for the first time, Canada signed an agreement with a foreign country in both an English and a French version.<sup>1</sup>

193. The Commission studied all international agreements entered into by Canada from 1928, when the country acquired virtual control of her external affairs, up to 1965. During that period Canada signed 239 bilateral agreements (that is, between Canada and one other country) and 228 multilateral agreements (between Canada and two or more countries). Of the bilateral agreements, only 25 (or 10 per cent) had one version in French. Moreover, 24 of these bilateral agreements had been signed either with France, or with Switzerland or Belgium where French is also an official language. In other words, Canada had used English, rather than either French or both languages, in practically all of her bilateral agreements. As for multilateral agreements, 162 (or 71 per cent) had at least one version in French. But the relatively large proportion of agreements in which both French and English are

<sup>1</sup> An agreement concerning automotive products, between the governments of Canada and of the United States of America.



official is not very significant since Canada may have little choice in the matter, and an increasing number of multilateral agreements are drafted as a matter of course in the five official languages of the United Nations, which include French and English.

194. Equally revealing are the figures for exchanges of notes between Canada and other countries. When Canada sends notes to another country, the Department of External Affairs has a wide discretion in the choice of the language to be used. A total of 463 notes exchanged during the 1928 to 1965 period were examined. Of these, only 22 (or 5 per cent) were in French. And of these 22 French notes, 18 were sent to France, Switzerland, or Belgium. In fact, it was found that even in dealing with French-speaking countries, it is not unusual for the Department of External Affairs to send its notes in English only.

195. A comparison with Quebec practices is revealing. Our enquiries about agreements made by Quebec with other jurisdictions revealed that in most cases when Quebec had signed with English-speaking jurisdictions in Canada or abroad, its agreements were in English only. A French translation is prepared for the government's own files, but it is not official. Agreements with French-speaking jurisdictions tend to be in French.

### 6. *Municipal government*

196. Under the B.N.A. Act, municipalities fall within provincial jurisdiction. But section 133 does not refer to them and there are no constitutional language guarantees governing their operations.

197. At the present time, all municipal corporations in Quebec are bilingual to some degree by virtue of purely provincial statutes. A certain degree of *de facto* bilingualism also prevails in some areas of New Brunswick and elsewhere in Canada.

198. All the more important cities and towns in Quebec that have been incorporated by special act of the legislature or by letters patent are governed by the Cities and Towns Act<sup>1</sup> which provides that all public notices must be drawn up and published in both languages. Only under the Municipal Code must the by-laws themselves be published in French and English, however, and this requirement can be waived by the Quebec government on request. There are no provisions for the language of debate in councils governed by the Cities and Towns Act: either French or English may be used at sittings of councils in municipalities under the Quebec Municipal Code.<sup>2</sup>

<sup>1</sup> R.S.Q. 1964, c.193. This statute governs where the incorporating document is silent.

<sup>2</sup> We have found that many municipalities publish by-laws in French only without having obtained the exemption required by law.

**In Quebec** 199. From a questionnaire sent to 34 larger Quebec municipalities, we received 17 usable replies. Only one municipality claimed that it always drafted its by-laws in both languages and nine of them stated that they published them only in French. Sixteen out of the 17 stated that the language usually spoken during council meetings was French. The minutes of all 17 were kept in French. All complied with the legal requirement that public notices be bilingual; posters and traffic and road signs were also generally bilingual. The situation was the same for safety signs and required labels. Sixteen of the 17 municipalities issued bilingual traffic tickets and other summonses. But approximately 90 per cent of all the correspondence or communications issued or received by them was in French. In the light of these facts it seems obvious that in those parts of the province where the population is overwhelmingly French-speaking, there would be little English used in municipal affairs.

**In New Brunswick** 200. In New Brunswick, on the other hand, a survey of five cities having large French-speaking populations showed that by-laws were published in English only, although occasionally notices were published in both languages. Correspondence was always in English except in the city of Edmundston which stated that 40 per cent of all correspondence was in French. But it should be recalled that, until recently, there were no language provisions in New Brunswick law.<sup>1</sup>

**Other provinces** 201. Very little, if any, pertinent legislation is to be found in other provinces. But the Municipal Districts Act<sup>2</sup> of Alberta provides that no one can qualify for election to a municipal district unless he can read and write English. A similar provision is to be found in the Alberta City Act.<sup>3</sup> In Manitoba, the charters of the cities of Brandon and East Kildonan require a knowledge of English for eligibility as mayor or alderman.<sup>4</sup> On the other hand, the Metropolitan Winnipeg Act<sup>5</sup> states that to qualify for election as a member of the metropolitan councils it is sufficient to be "able to read the English or French language and write it from dictation."

202. At the time of our survey there did not appear to exist any specific legal impediment for a municipality anywhere in Canada, no matter how small its linguistic minority, to use also a minority language in the conduct of its affairs. Our investigations have in fact shown that some municipalities in New Brunswick use French to a considerable extent.

<sup>1</sup> See above, footnote to § 119.

<sup>2</sup> R.S.A. 1955, c.215, s.85.

<sup>3</sup> R.S.A. 1955, c.42.

<sup>4</sup> S.M. 1955, 3-4 Eliz. II, c.86, s.7(1) and S.M. 1957, 5-6 Eliz. II, c.80, s.11(1)(b).

<sup>5</sup> S.M. 1960, 8-9 Eliz. II, c.40.

#### *D. Language Rights in the School System*

203. As we have previously defined it, a language right is a specific legal protection for the use of a given language, which may include both the formal and the practical recognition of that language in the life of a country. The public school system is a vital area for the expression of this right inasmuch as education is the front line of defence for the language and hence for the cultural existence of a people. Under the Constitution the organization of the school system is a provincial responsibility. Where the French- or English-language group is in the majority, the laws and institutions relating to the language of instruction would be expected to correspond to the aspirations of the majority group. Thus in Quebec the French-speaking majority attaches a particular importance to the proper learning of the French language as an essential instrument for the full development of the French culture.

204. To determine the status accorded to each of the two official languages, it is necessary to examine the degree to which each language is protected in the educational systems of the provinces where it is the language of the minority group. We are principally concerned here with the status of French, and with the access afforded to Francophones outside Quebec to their language and culture. The protection afforded the English language in Quebec is such that the situation of the English-speaking minority in that province can scarcely be compared with that of French-speaking Canadians elsewhere.

205. In the earliest days of British rule the French-speaking and English-speaking communities developed separate schools in their own language to meet their own needs. When in 1840 the Act of Union proposed to make one state of the two societies in Upper and Lower Canada, a common school system was found to be unworkable. The independent religious schools in Lower Canada, Roman Catholic and Protestant, which had been recognized by the legislature in 1824, and which received state support, and the basically Protestant system with its few Roman Catholic institutions in Upper Canada, were maintained.

206. The B.N.A. Act, section 93, assigned control of education to the provinces, but nevertheless protected denominational rights as they existed by law at the time of Confederation, and any infringement on the educational rights of religious minorities could be redressed by the Dominion Parliament. This did not guarantee the English and French languages as languages of instruction in the school system, however, and it was only in the province of Quebec that these separate legal rights for Roman Catholics, who were predominantly Francophones,

**Separate schools**

and for Protestants, who were predominantly Anglophones, at the same time protected *de facto* but not *de jure* English and French as languages of instruction. In no other province at the time of Confederation did this coincidence of language and religion enable the maternal language of the pupils in separate schools to have an equivalent protection. In Ontario, for instance, the denominational guarantee did not make the French language secure as the language of instruction in separate schools because of the number of English-speaking Roman Catholics in that province.

207. Except in British Columbia and Prince Edward Island, where there are no denominational schools, the provinces which have been created or which have joined the union since Confederation have recognized in varying degrees the principle of separate publicly supported schools, based on religion. These rights can be found in the original constitution of Manitoba, 1870, until their abolition by provincial law in 1890; in the constitutions of Saskatchewan and Alberta on their creation, 1905; in the terms of admission of Newfoundland in 1949; and in various federal laws applicable in the Northwest Territories and the Yukon. The emphasis in every instance, however, has been on confessionality rather than on language, and when the Privy Council decided in 1917 that the separate schools were based on denominational and not linguistic differences, the confessional school ceased in the law of the Constitution to provide any clear guarantee for the use of a particular language.

Language of  
instruction

208. Provincial legislation is often surprisingly inconclusive about the language of instruction in the schools. In most provinces the schools act or its equivalent makes no reference whatsoever to the language of instruction; thus in the Atlantic Provinces, in Quebec, in Ontario, and in British Columbia, neither English nor French is given a special legal status in the relevant legislation.<sup>1</sup> The schools acts of the three Prairie Provinces are exceptional, for in these statutes English is declared to be the official language of instruction. Since the amendments of 1967, however, French may be used as a language of instruction with specific permission, for periods up to half the instructional time per day, in

<sup>1</sup> The Education Act, R.S. Nfld. 1952, c.101.

The School Act, R.S. P.E.I. 1951, c.145.

The Education Act, R.S. N.S. 1954, c.78.

The New Brunswick Schools Act, R.S. N.B. 1952, c.204 and 1966, c.24.

Loi de l'Instruction publique, R.S.Q./S.R.Q. 1964, c.235.

For Ontario: The Department of Education Act, R.S.O. 1960, c.94.

The Public Schools Act, R.S.O. 1960, c.330.

The Schools Administration Act, R.S.O. 1960, c.361.

The Secondary Schools and Boards of Education Act, R.S.O. 1960, c.362.

The Separate Schools Act, R.S.O. 1960, c.368.

Public Schools Act, R.S. B.C. 1960, c.319.

Manitoba, and to a lesser extent in Saskatchewan.<sup>1</sup> With the exception of these two provinces, the provincial statutes are silent on the right of the official-language minority to receive instruction in its own language in the provincial schools. One must turn to current practice to discover the *de facto* language rights of these minorities in education.

209. In spite of the lack of legal protection for English as a language of instruction in the schools, Quebec continued to respect the unwritten tradition that associated language rights with religious rights.<sup>2</sup> The history of language privileges in the schools of the other provinces has been very different, and such opportunities as do exist have been achieved by the vigorous and persistent efforts of the French-speaking minority. Even though at times there was co-operation or at least tacit consent from provincial officials, these efforts most often met great financial hardship and administrative difficulties.

### *E. Conclusion*

210. This brief survey of language rights in Canada reveals the wholly inadequate way in which present laws give effect to the concept of the country as an equal partnership between two linguistic communities. It is certainly true that language rights have been gradually recognized through the years and still continue to expand. But this evolution has been intermittent and has suffered numerous setbacks. There does not exist a fully developed linguistic régime expressing the bicultural character of the country as a whole and based on well defined and fully accepted legal rights.

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<sup>1</sup> The Public Schools Act, R.S.M. 1954, c.215, s.240, and S.M. 1966-7, c.49.

The School Act, R.S.S. 1965, c.184, s.209 and S.S. 1967, c.35, s.11.

The School Act, R.S.A. 1955, c.297, ss.190, 385, 386 (am. S.A. 1964, c.82, s.43), 387.

<sup>2</sup> This respect for "acquired rights" has been maintained down to the present time in Quebec. The Parent Commission, which recommends a great many proposals designed to modernize and consolidate the programme and institutions of education in that province, continues to adhere to the principle of state-supported education, Roman Catholic or Protestant, with either English or French as the language of instruction, according to the wishes of the parents.



211. So far we have described and explained the present state of bilingualism in Canada. The second part of this book will deal with the future of the official languages in Canada. In a general way we shall outline the measures that the public authorities should take to assure an equal status for English and French. After first weighing the experiences of various foreign countries we shall suggest what the public authorities should do, in the immediate future, to put certain guiding principles into practice. We shall suggest the action required at each level of government, and the transformation necessary in the language régime of the federal capital. Later, we shall show how, at the provincial level, such action might be extended to education. In a final chapter we shall set out, first, the constitutional amendments we consider necessary if English and French are to have equal status, and, second, the legislation we think essential to set up a régime of linguistic equality in Canada.

212. In short, we are recommending a new status for the official languages in Canada. We do not propose merely to paper over an unsatisfactory situation: we shall present a new concept of an officially bilingual country in which the two official languages will have new rights and better guarantees. It therefore becomes a question of genuine linguistic planning.

A new status

213. To many the notion of linguistic planning will no doubt appear new and untried. In all fields not governed by section 133 of the B.N.A. Act, Canadians are accustomed to linguistic disorder. Indeed, many of them—especially those living in unilingual areas—scarcely ever become aware of this disorder and of the difficulties, sometimes very serious, which result from it. In the course of our inquiry, we have continually encountered these difficulties, and in the preceding pages

we have tried to show the inconsistencies and inequalities caused by the near-absence of clear and specific rules. We believe that henceforth formal rights must replace simple tolerance and makeshifts. In place of the present *de facto* bilingualism, more or less precarious, constantly debated, and unequally accepted from one region to another, there must be official bilingualism.

The official  
languages

214. The expression "official language" can be ambiguous: the word "official" has various meanings, as the most commonly used dictionaries reveal. *Petit Larousse* defines "official" as "all that is announced, declared, ordered by a recognized authority"; *The Concise Oxford Dictionary* defines it as "properly authorized"—a more concise definition but one that has the same meaning. In this general sense, any decision of a competent authority—a minister or deputy minister—would be official. In Canada, common usage has often given a more restricted meaning to the term when it refers to languages. Indeed, the term "official" is used for institutions affected by the B.N.A. Act, especially the federal and Quebec Parliaments, statutes, and courts. Thus it is often said, "Quebec is the only officially bilingual province" because it is the only province mentioned in section 133 of the Constitution. The guarantee protecting French and English in Quebec is not subject to arbitrary decisions of officials, ministers, or governments, or even of a particular legislative assembly; it has, therefore, the maximum degree of permanence. Without accepting this restricted usage, the Commission will bear it in mind: we shall call "official" only the most firm and unequivocal provisions concerning language—that is, provisions promulgated by political authority and confirmed by statute. Thus, in our view, a language will be official only to the extent that it has received such legal protection. Official bilingualism—that is, the recognition of English and French as official languages—evolves from the sum of rights expressly guaranteed to English and French by laws protecting their use.<sup>1</sup> We are not here contesting the importance of custom, still less the decisions which political authorities incorporate in regulations. Moreover, it is only in relation to languages that we will be using the word "official" in this specific sense.

215. As we have seen in Chapter III, Canada is to some extent an officially bilingual country, due mainly to section 133 of the B.N.A. Act. But it is incompletely bilingual, especially if we judge the present situation by the yardstick of the equality of the two official languages.

<sup>1</sup> Under this definition, any province which has any law protecting the use of both languages is in some degree "officially" bilingual. However, in this Report, for convenience we will apply the term "officially bilingual" to provinces only when the sum of language rights corresponds to those defined in the new section 133 (2) which we will propose. (See §418.)



216. In this chapter we begin by looking closely at some of the countries which have to face language problems similar to Canada's. Following that, we shall attempt to deduce guiding principles for a truly viable Canadian bilingualism.

Two preliminary  
operations

#### *A. The Experience of Four Other Countries*

217. As we pointed out earlier (§38), only a few countries have accorded full equality to their linguistic minorities. For particular study we selected four of these countries—Finland, Belgium, Switzerland, and South Africa.<sup>1</sup> In examining their individual problems and solutions we sought not so much a ready-made blueprint for Canada—for each country is unique—but rather increased understanding of the linguistic principles adopted in such countries; we hoped to find ideas that could be valuable, and to learn about approaches to be avoided.

218. In Finland there are two main languages: Finnish and Swedish. The two languages have had many years' experience of association—for 600 years present-day Finland was part of the kingdom of Sweden. Only in modern times, however, have they existed in a state of legal equality. Earlier, Swedish, as the language of learning, administration, the church, and commerce, had characterized the educated classes, and more particularly the civil service, the clergy, and the economic élite. From about 1840, the forces of Finnish nationalism began to gain momentum. The movement culminated in the 1919

Finland

<sup>1</sup> See Appendix V, pp. 210-211, for a list of studies of these four countries made for the Commission.

constitution. Both Finnish and Swedish were declared national languages of Finland, and citizens were guaranteed the right to use either language in their relations with the administrative authorities. Article 14 of the constitution also provided that "care shall be taken that the rights [of both populations] shall be promoted by the State upon an identical basis."<sup>1</sup>

219. This sweeping promise of equality is at first sight surprising, since the minority group who spoke Swedish accounted for only 11 per cent of the population in 1919. Admittedly they had formed 14 per cent in 1880, but by 1960 this proportion had declined to 7 per cent, or 331,000 persons in a total population of 4,100,000. Yet, while the numerical strength of the Finnish-speaking citizens explains the comparative rapidity with which they established parity with those speaking Swedish, the past pre-eminence of the latter largely accounts for the present position of formal equality between the languages. Another factor is the usefulness of Swedish in increasing contacts between the Nordic countries: the status of Swedish is an affirmation of Finland's position as one of these countries.

220. Though it was not always so, language rarely seems to be a subject of serious discord in Finland nowadays. Given the smallness of the Swedish minority and the lack of widespread individual bilingualism (some 11 per cent had a knowledge of the two languages in 1960), it is accepted on both sides that the equality spoken of by the constitution should be implemented principally by regions. Such a territorial principle restricts an individual's right to receive services in his own language to certain defined districts. As the Swedish-speaking community is for the most part concentrated in the coastal areas and in certain cities and towns rather than scattered across the country, this is not as great a restriction as it might first appear.<sup>2</sup>

<sup>1</sup> Article 14 reads in full: "Finnish and Swedish shall be the national languages of the Republic.

"The right of Finnish citizens to use their mother tongue, whether Finnish or Swedish, before the courts and administrative authorities, and to obtain from them documents in these languages, shall be guaranteed by law; care shall be taken that the rights of the Finnish-speaking population and the rights of the Swedish-speaking population of the country shall be promoted by the State upon an identical basis.

"The State shall provide for the intellectual and economic needs of the Finnish-speaking and the Swedish-speaking populations upon a similar basis."

<sup>2</sup> The extent of this concentration may be seen in the 1960 distribution of Finland's 548 communes according to the proportion of their total population formed by Swedish-speaking inhabitants.

<i>Size of Swedish-speaking group</i>	<i>Number of communes</i>
90% and over	46
50% to 89.9%	33
10% to 49.9%	11
Less than 10%	458

221. The commune is the unit of local government in Finland. It will be officially bilingual if it includes in its territory a linguistic minority of at least 10 per cent of the population or at least 5,000 persons. If the proportion of the minority is smaller, the commune will be unilingual in the language of the majority, whether Finnish or Swedish. For administrative purposes, one or more communes may form a district; this will be unilingual if all the communes making it up are of the same language. But if there are bilingual communes or communes of different languages, the administrative district will be considered bilingual. School districts, whose boundaries do not necessarily coincide with those of administrative districts, are similarly organized: for more than a given number of students who speak Finnish or Swedish, an education in their own language must be assured.

222. This, in very broad outline, is how the people of Finland have established linguistic equal partnership. By impartially subjecting minorities of both language groups to the territorial principle, on the basis of the most recently available census figures, they have met their constitutional requirement of official equality. Yet at the same time they have never lost sight of the practical limits imposed by the country's demography and history on the provision of equal service.

223. In contrast to Finland, Belgium has two language groups of almost the same size.<sup>1</sup> Moreover, between 1910 and 1947, the last year in which the Belgian census employed a question on the language most frequently used, the proportion of the two major linguistic groups remained roughly constant. Those speaking Dutch formed 52 and those speaking French 43 per cent of the total population in 1910, while in 1947 the figures were 53 and 42 per cent respectively.<sup>2</sup> About 18 per cent of the total 1947 population of 8,500,000 were bilingual. The total population in 1963 had risen to 9,300,000. Linguistically the country may be divided into three regions: the area to the north of a linguistic frontier that runs across the country is mostly inhabited by Flemings, the area to the south of it by Walloons, while in and around the capital, Brussels, and along the frontier are linguistically mixed communes.

Belgium

224. As in Finland, the smaller linguistic group—those speaking French in this case—was dominant until recently, for several reasons.

<sup>1</sup> A further contrast lies in the absence in the Belgian constitution of 1831 of a declaration of equality between the languages. The only article, 23, having to do with languages reads as follows: "The use of the languages spoken in Belgium is optional; it may only be regulated by law and only in the case of acts by the public authorities and of legal matters." As will be seen later, however, language usage in recent decades has been extensively regulated by legislation.

<sup>2</sup> About 1 per cent of the population in 1947 spoke German and 4 per cent other languages. German-speaking Belgians enjoy a special minority status in a few areas along the eastern frontier.

In part this had to do with the status of the two languages. French is an international language of great prestige; Dutch, on the other hand, is understood by relatively few people outside the Low Countries. French was also the language of the social élite on both sides of the linguistic frontier: language differences thus embodied class differences. Moreover, there was an economic and a religious division. The predominantly French-speaking south developed its industries when Flanders was still largely agricultural and, while both parts of the country were Roman Catholic, the north was more rigid in its practice and tended to regard the south as a hotbed of anticlericalism. To some extent, these attitudes gave rise to differences in political outlook; Walloon country was traditionally more "left" than Flanders.

225. Even if the social, economic, and educational disparities of the last century have now largely disappeared, it would appear that sufficient mutual mistrust and hostility remain to prevent any great co-operation between the two groups. The French-speaking population of the south, now faced with the obsolescence of its early established industries and with the growing political power of the Flemings, is still steadfast in its refusal to learn Dutch. For their part the Flemings, taking this refusal as a slight on their language, are increasingly refusing to shoulder alone the burden of communication.

226. It is within such an unpromising framework that the Belgian government has had to shape its linguistic legislation. The present system is based on four laws passed in the 1930s, dealing with language in relation to the civil service, education, the administration of justice, and the army. Instead of improving the situation, the first two of these caused further controversy. The reluctance of the population to accept some of their provisions and the absence of controlling authority to ensure the laws' full application rendered the legislation largely ineffective.

227. In 1963 the government introduced a new set of laws. Following the general philosophy of the older ones, they are however more rigid and provide fewer exceptions. They also specify a kind of control or agency, "La Commission permanente de contrôle linguistique," to police their enforcement fairly and impartially. Basically, the legislation requires the physical separation of the two language groups by encouraging even further the natural division of the country into two officially unilingual areas. To the north of the now fixed linguistic frontier, administrative services are available in Dutch only; to the south only French is to be used. Similarly, all schools in receipt of public funds must use as their language of instruction either Dutch in the north or French in the south. Matters of concern to the whole country will continue to be announced bilingually, and Brussels and its

surrounding areas are given a special bilingual status. In other words, Belgium has sought to reconcile animosity between its two major groups through the introduction of a territorial principle that separates one language from the other geographically except in the capital area. By guaranteeing and stabilizing the use of Dutch in the north and French in the south, it is hoped to still each group's fear of the other.

228. Switzerland is perhaps the best known example of a plurilingual state. Since the adoption of the federal constitution of 1848, German, French, and Italian have each enjoyed the status of official languages despite the considerable disproportion in the numbers of Swiss citizens speaking them.<sup>1</sup> At the 1960 census, of a population of 5,400,000, Swiss nationals with German as their mother tongue totalled 74 per cent, while the French- and Italian-speaking groups formed only 20 and 4 per cent respectively.<sup>2</sup> Each of the three languages, it should be noted, is spoken in countries contiguous to Switzerland, and this to some extent makes up for the numerical disparity of the languages in Switzerland.

#### Switzerland

229. Switzerland is a federal state. The central government is officially trilingual, but 21 of the 25 cantonal units making up the federation are unilingual. Seventeen have German as the official language, three have French, and one Italian. We see thus that Switzerland, officially multilingual—as it really is on the federal level—is, in fact, made up principally of unilingual regional entities, German, French, or Italian; even the four cantons not officially unilingual—three are bilingual and one trilingual—nevertheless reflect this national characteristic in that they are mainly composed of unilingual zones with bilingual institutions at the level of cantonal government.

230. The language problem in Belgium is exacerbated by the fact that social, economic, and religious differences coincide with the linguistic division, but Switzerland is different. For example, of the 17 German-speaking cantons, eight have a Protestant and nine a Roman Catholic majority, while two of the three French-speaking cantons are predominantly Protestant and one is mixed.

231. If these overlapping factors have tended to foster relative linguistic peace in the country, so too has respect by the majority group for the rights of the minorities. This respect may be seen in the operation of the Swiss version of the territorial principle which draws

<sup>1</sup> Article 116 of the Swiss constitution, as amended in 1938, reads as follows: "German, French, Italian, and Romanche are the national languages of Switzerland. German, French, and Italian shall be deemed the official languages of the Confederation."

<sup>2</sup> A fourth language, Romanche, is spoken by 1 per cent of the population and was given the status of a national language in 1938. It might also be noted that this distribution by language has scarcely changed over time. In 1880, German was the mother tongue of 71.3 per cent of the total population, French of 21.4 per cent, Italian of 5.7 per cent, and Romanche of 1.4 per cent.

its source not so much from statutory law, as in Finland and Belgium, but rather from the long tradition of cantonal autonomy. Each canton, no matter how small or weak, has a recognized right to defend its own special linguistic and cultural character against harmful outside forces and even to expect federal assistance in doing so. The traditional language of the canton is thus the language of its administrative services and schools. The migrant from one canton to another is expected to learn the language of his new milieu and, if he stays, to assimilate fully in the next generation by educating his children in the local schools.

232. This of course applies equally to the German-speaking Swiss coming to a French or Italian canton and to the French- or Italian-speaking Swiss going to a German canton. An interesting case in point is the school issue in Bern. Although the capital of a trilingual country and located in a bilingual canton, the city of Bern has German as its sole official language and its schools use German as the language of instruction. However, a 15-year campaign to secure public funds for the one private French-language school recently achieved partial success. This amounts to a breach of the territorial principle, which was accepted because of the position of Bern as federal capital. However, the breach is not likely to be widened for, while the territorial principle may work against minorities within a canton, it is apparently valued as assuring the survival of the French and Italian minorities in the nation as a whole by guaranteeing them unilingual cantons of their own. It should also be noted that the relatively small size of the cantons permits their boundaries to correspond generally with the linguistic distribution of the population.

233. At the level of cantonal government, language usage is based on the territorial principle. At the federal level, however, a "personality principle" applies. Service is to be given in the individual's language no matter where he lives.<sup>1</sup> Thus, while a French-speaking citizen in a German canton is expected to conduct his business with the canton in German, in his contacts with the federal government he may use his mother tongue. Inter-governmental relations are conducted in the language of the canton.

South Africa

234. Like Finland, South Africa<sup>2</sup> has made explicit constitutional provision that its two official languages, English and Afrikaans, "shall

<sup>1</sup> The other principle, that of territoriality, limits to specified regions the individual's right to public services in his own tongue.

<sup>2</sup> In 1960, the total population of South Africa was 16,022,797. However, the Commission's studies of this country have concentrated primarily on the linguistic and cultural factors relating to the white population and thus the following discussion must be taken to cover this population alone. The white population in 1960 counted 3,088,492 persons, or 19.3 per cent of the total population.

be treated on a footing of equality.<sup>1</sup> As in Belgium, the two main linguistic groups of the white population are comparatively well balanced in size: in 1960, some 58 per cent declared Afrikaans to be the main language spoken in their homes while English was spoken by 37 per cent. This represents a 2 per cent increase of those speaking Afrikaans since 1936 and a corresponding decrease in the numbers speaking English. The remaining 5 per cent of the white population in 1960 spoke both official languages or other languages at home. A further point of similarity between South Africa and Belgium is the international weight of one of its languages and the insularity of the other.

235. South Africa differs linguistically from the countries so far considered mainly in three respects. First, bilingualism in English and Afrikaans is widespread: approximately two-thirds of the white population claimed a knowledge of the two official languages in 1960.<sup>2</sup> Second, as in Canada, neither language is indigenous to the area; both have been introduced or developed by settlers from Europe. Third, while the régimes in the preceding three bilingual states were based on the natural or fostered existence of unilingual areas, in South Africa the two linguistic groups are relatively mixed. Each of the four provinces has a linguistic minority of 23 to 39 per cent of its white population. Whereas only a quarter of the Canadian population lives in census districts with an official-language minority of 10 per cent or more, in South Africa nearly seven-eighths of the white population is so situated.<sup>3</sup>

236. At the time of union in 1910, English was the predominant administrative language: today it is Afrikaans. Among the diverse factors contributing to this changeover are weight of numbers, the growing urbanization of the Afrikaners, and their rising educational level. Also important has been the determination of the Afrikaner nationalist movement that Afrikaners should take their due place in the decision-making circles of the country; in recent years the government has actively encouraged them to do so.

<sup>1</sup> Section 137 of the South Africa Act reads in full: "Both the English and Dutch languages shall be official languages of the Union, and shall be treated on a footing of equality, and possess and enjoy equal freedom, rights, and privileges; all records, journals and proceedings of Parliament shall be kept in both languages, and all Bills, Acts, and notices of general public importance or interest issued by the Government of the Union shall be in both languages." Section 137 is an entrenched clause and may not be amended unless "passed by both Houses of Parliament sitting together, and at the third reading agreed to by not less than two-thirds of the total number of members of both Houses" (section 152). In 1925 the requisite majority was obtained to pass an amendment whereby "the word Dutch in section 137 . . . is hereby declared to include Afrikaans."

<sup>2</sup> This bilingualism is extensive in both language groups: roughly 7 out of 10 of those who spoke Afrikaans at home and 6 out of 10 of those who spoke English indicated that they knew both languages.

<sup>3</sup> In Canada the average population size of census districts in 1961 was 76,473; in South Africa the average in 1960 was 60,559.

237. For its white population, South Africa does not employ any form of the territorial principle. Instead, in fulfilment of its constitutional guarantee, it has adopted a personality principle. As in Switzerland, each citizen uses his own language in dealing with government authorities.<sup>1</sup> However, in contrast with the Swiss system, each child must be taught in school classes of his own language or, where the numbers are too small to form a class, at least by a bilingual teacher who can help him along with explanations in his own language.

238. The personality principle in South Africa has been made necessary by the interpermeation throughout the country of the two large language groups; it has been made possible by the high level of bilingualism existing both outside the civil service and within it. As far as we can discover, this is a unique combination of circumstances and has given rise to a unique approach to linguistic equality.

239. We should stress, before concluding, that the principle of territoriality is a theoretical concept and that the Finnish, Belgian, and Swiss systems present no "pure" or complete expression of it. Rather, all three more or less admit some considerations of personality. In Finland, Finnish-speaking and Swedish-speaking citizens have certain linguistic rights in judicial proceedings no matter where they live. The centralized governmental services of Belgium in some cases leave choice of language to the person concerned. Nevertheless, these two countries lean heavily on the territorial principle. In Switzerland, on the other hand, with its federal and cantonal levels of government, both the principles of territoriality and personality may be discerned, each within its own defined sphere.

#### Summary

240. In each of these four countries, we have found a number of important factors, such as the international status of the official languages, the language or languages spoken in adjacent countries, the coincidence of linguistic with other social differences, the attitude of one group to another, and the political structure, whether federal or unitary, of the country. Many influences have come into play in determining their institutional expression of linguistic equality. Two points worthy of further discussion are the roles played by the geographic distribution of the linguistic groups and by the level of individual bilingualism.

241. The principle of territoriality is clearly apposite when a bilingual country consists predominantly of unilingual regions (Belgium and

<sup>1</sup> It might be noted that the government is located in no single capital city. Instead, the South Africa Act provided for "a seat of Government" in predominantly Afrikaans-speaking Pretoria, a "seat of the Legislature" in predominantly English-speaking Cape Town, and placed the Appellate Division of the Supreme Court in Bloemfontein, a predominantly Afrikaans-speaking city. Accordingly, the civil service is located at Pretoria, the legislature at Cape Town, and the appellate judiciary at Bloemfontein. This division represents the compromise reached at the time of the Union between the various claims to the national capital advanced by the colonies involved.



Switzerland) or mainly so but with a few linguistically mixed areas (Finland). It has two advantages: the minority language is guaranteed priority in some areas and a large majority of the total population may be served in its own language. However, where members of the two language groups are widely scattered across the country, as in South Africa, a principle of personality rather than of territoriality is considered more appropriate.

242. The proportion of the population that can speak the official languages is also relevant. As we know, South Africa has an exceptionally high percentage of bilingual persons and this makes possible the application of the principle of personality. That is, a citizen may use his own language in dealing with public authorities throughout the country. On the other hand, Finland and Belgium, with a rate of individual bilingualism comparable to the Canadian figure of 12 per cent of the population, have inclined towards a principle of territoriality.

243. Finally, the relative size of linguistic groups seems to have little to do with the successful development of equal partnership. Although the two main groups are reasonably balanced in Belgium and South Africa, the minorities in Finland and Switzerland are small. In all cases, however, a formula had to be found to deal with the language problem.

244. It will be noted that each of the four countries discussed bears some resemblance to Canada, and each is somewhat different from Canada, as well as from any of the others. If we look carefully at the most central similarities and differences, we can begin to discern in broad outline how far the various types of language régime existing elsewhere would be appropriate to the Canadian situation. We may expect that the application to Canada of any of the principles that we have discussed would necessarily involve—as it has in other countries—adapting them to suit the particular institutional context.

245. Certain broad similarities between Canada and the other four countries stand out at the start. Each has the problem of the coexistence of two or three major language groups, and the legal and constitutional structure of all five has accorded official status to the languages concerned. But the similarities are soon overshadowed by the contrasts, and it is to these that we now turn our attention.

246. In the first place, the constitutional and legal terms of the recognition given the official languages in the other four countries have established a more fundamental principle of equality than has section 133 of the B.N.A. Act. In addition to this basic principle, Belgium and Finland in particular have firm, precise legislation, to which there is no equivalent in Canada, in such key realms as education and the public service. We shall come back to this point later on.

Application  
of these principles  
to Canada

247. Canada differs sharply from South Africa in both the level of individual bilingualism and the pattern of distribution of official languages throughout the country. Only 12 per cent of Canadians claim to be bilingual, as against 66 per cent of the South African white population. Canada's official-language minorities make up less than 14 per cent of the population in nine provinces out of ten; in South Africa the official-language minorities range from 23 to 39 per cent of the provincial populations. Canada therefore would find it difficult to pursue effectively a policy of the South African type, where a full range of governmental and educational services is provided in both official languages in all provinces of the country. Such a thorough-going policy seems not to be required in many parts of Canada; but more important, our present linguistic resources are no doubt inadequate to carry it out.

248. Canada's geographical distribution of language groups seems in general to be closer to those of the three European countries that we have examined. Her level of individual bilingualism is broadly comparable with those found in Finland and Belgium, while Switzerland has no census data on bilingualism. On the other hand, Belgium and Switzerland are older societies whose linguistic frontiers have in general remained extraordinarily stable for centuries. In these countries, the principle of territoriality has rested upon the concept of a permanent linguistic frontier, which has been stabilized in Switzerland by means of natural mountain barriers and long-standing custom, and in Belgium through legislation. However, in North America today the population is so mobile that it would seem unrealistic to adopt a rigid principle of this type, even if it were deemed desirable.

249. There is no doubt that Canada can draw some inspiration and understanding from the varied experience of language régimes in other countries. In particular the Commission intends to borrow and to adapt into the Canadian context an idea from Finland.<sup>1</sup> However Canada, like any other country, must develop a formula tailored to its own nature and needs, and adjusted, for example, to its federal system. Since this involves coming to grips with a very complex reality, we know in advance that this formula cannot be a simple one.

### *B. The Canadian Reality*

250. A new status for Canada's official languages will thus be acceptable only if the proposed solution respects Canadian reality in all

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<sup>1</sup> There, as we have noted above, each commune is classified as unilingual Finnish, unilingual Swedish, or bilingual, according to the linguistic proportions of its population, and the linguistic régime is flexible in that the list is revised after each census to reflect population changes.

its breadth and diversity. The first aspect of this reality is the existence of an English-speaking and a French-speaking community, whatever the ethnic origin of their members, or their distribution throughout Canada.

251. Population studies show that 58 per cent of all Canadians have English as their mother tongue and 28 per cent have French. The mother tongue of the remaining 14 per cent is neither of the two official languages. These are the percentages we shall go by—always remembering, however, that they overestimate the strength of the “other” languages and reduce the size of the English-speaking group.<sup>1</sup> Population studies also tell us there are areas of the country where one of the two official languages is spoken to the virtual exclusion of the other. They also remind us that there are vast regions inhabited by English-speaking or French-speaking minorities, some large, others small, some concentrated, others scattered. We shall therefore have to respect these two basic facts: in some areas one of the two official languages is completely dominant; in others the two language groups interpenetrate.

252. The adoption of uniform criteria for defining these unilingual areas is a factor in treating the two official languages equally. We believe each group would find the absence of its language more acceptable in one area if the rule were applied to the other official language in other areas.

253. This idea could have far-reaching consequences. Narrowly and rigorously applied, it would lead in the direction of an official French unilingualism in Quebec and an English unilingualism in the other provinces, with bilingual federal institutions in the centre: it would be a

Unilingual areas

Minority groups

<sup>1</sup> The replies to the census questions regarding the official languages, “Do you speak English? Do you speak French?”, reveal the following proportions in 1961: 67.4 per cent of Canadians speak English only, 19.1 per cent speak French only, 12.2 per cent speak the two languages and only 1.3 per cent speak neither English nor French. Of the bilingual respondents, 70 per cent are of French origin. In §51 we have noted that the “official languages” category is fluid: for instance, a person who claims to know English can be of British extraction, of any other origin though Anglicized, or a recent immigrant who has difficulties in English but nevertheless who is considered to be unilingual English. This is the problematical aspect of the “official languages” category. Nevertheless we have gone through approximate calculations by which we estimate that the ambit of English covers about 69 per cent of Canadians and that of French about 30 per cent, while a little more than 1 per cent of the population is unable to communicate in either of the official languages. If we now compare the census data on mother tongue with our own calculations regarding the official languages, we arrive at the following proportions:

	<i>By mother tongue</i>	<i>By official languages</i>
English-speaking	58%	69%
French-speaking	28%	30%
Others	14%	1%

In all probability the reality—that is the number of people for whom English, French, or another language is the working or main language—lies somewhere between the above proportions.

triumph for the territorial principle based on provinces. Such a solution would doubtless have the advantage of simplicity and would follow the tradition established in several English-speaking provinces. However, it would lead to the recognition of only the majority's rights and to oppression of the official-language minorities. As an immediate consequence it would deprive minority groups *en bloc* (the English-speaking in Quebec and the French-speaking in the rest of the country) of essential language rights. It would place them in a situation of sharp inequality in areas where they have been long established; they would be affected in their daily lives, in activities and situations in which they are more directly involved than they can be in central institutions. We do not and should not approve equality in privation for members of the two groups when they form minorities at the provincial or local level. Injustices do not become acceptable because they are equally shared.

254. This approach could lead to the acceptance of a principle that institutions should be generally unilingual, and that bilingual institutions would be exceptions consented to only when there is no other choice. Such a principle would be particularly unjust and oppressive, for it would run counter to deep historical and social realities in our country. It would also be very difficult to apply, despite things we have been told, because minority bitterness provoked by French unilingualism in Quebec would be added to the present discontent aroused by English unilingualism of varying degrees in the English-speaking provinces. Perhaps each form of frustration would appear to some people as a just compensation for the other form, but the minorities thus deprived would find little consolation in that idea. Thus we reject any such means of trying to lessen the tensions affecting Canada.

Our guiding  
principle

255. Instead we shall take an approach determined by the realities of Canadian life. In the various fields and jurisdictions to be considered and in conformity with what we hope will be the future spirit of Canada, *we take as a guiding principle the recognition of both official languages, in law and in practice, wherever the minority is numerous enough to be viable as a group.* This is a positive conception of equality, under which language rights of official-language minorities are respected and come into force whenever circumstances permit; that is, when a language group is large enough to exercise them. Evaluation of the "circumstances" will be the only problem; each case will need its own assessment. It should not be a matter of applying the principle blindly without taking account of any difficulties in particular instances. In short, we have adopted an approach aimed at attaining the greatest equality with the least impracticality.

In all provinces

256. Questions will come up in all provinces of Canada, for every one of them, without exception, has a minority speaking one of the official languages. Every province demonstrates the linguistic complexity

of Canada: from Newfoundland and British Columbia where the French-speaking minorities are less than 2 per cent of the population, to New Brunswick where the minority is 35 per cent, and Quebec where the minority of English mother tongue is 13 per cent. There are about 700,000 Canadians in Quebec whose mother tongue is English and some 850,000 scattered throughout the rest of the country whose mother tongue is French.

257. For the former it is a matter of obtaining clear and lasting confirmation of rights enjoyed and exercised for two centuries, but which a segment of Quebec opinion is now challenging. According to the definition stated above, Quebec is officially bilingual through the provisions of section 133 of the B.N.A. Act. Moreover, a well-established tradition of respect for the rights of the English-speaking minority, and statutes and regulations which go beyond section 133, have made Quebec bilingual officially and in practice—in relations between provincial administrative bodies and citizens as well as in local public activities where appropriate.

In Quebec

258. The situation is quite different for the French-speaking minorities. In some provinces, we find a degree of recognition of the French language; here we can speak of *de facto* bilingualism. For example, the Public Service Commission, since the 1961 Public Service Employment Act, has taken into account areas in some provinces where a significant minority speaks French, and several Canadian provinces, notably Ontario and New Brunswick, have granted a certain recognition to French consisting mainly of compromises, particularly in education. However, comparison of these situations with that in Quebec shows that this *de facto* bilingualism is very fragile. It is often at the mercy of intolerance on the part of local or regional majorities, and it puts constant strain on those minority groups inevitably forced to fight for its implementation. Actually, the language of the official minorities in these regions has survived only because of the intense determination of individuals and groups. Despite immense sacrifices and frustrations incurred by those concerned, the price has been inferior institutions which will condemn these groups to linguistic assimilation if the situation is not remedied quickly. Therefore we must find solutions assuring that both the French-speaking minorities outside Quebec and the English-speaking minority in Quebec are able not only to exist but to thrive.

In the other  
provinces