

Are Canada's 'Official Languages' Still Relevant in Canada Today? (2)

This article was written by a law student for the general public.

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Introduction

Language is more than just a communication tool. While speech is indeed a means to exchange thoughts, it is also deeply tied to concepts of identity, culture, and nationalism. Today, Canadian citizens speak a multitude of languages, yet English and French are the only two that are constitutionally protected.

Recent cases challenge the status quo. For instance, organizations in Nunavut have expressed dissatisfaction over the lack of federal funding for Indigenous language studies^[1] Additionally, the Truth and Reconciliation Commission released its report on June 2, 2015, which called for the acknowledgement of Aboriginal language rights, the adoption of an Aboriginal Languages Act, and the appointment of an Aboriginal Languages Commissioner.^[2] Many Indigenous communities recognize a different local vernacular, such as Inuktituk or Ojibway. Moreover, immigration has introduced new and diverse languages into Canadian communities. This begs the question: do Canada's official languages still matter in 2015?

The Development of Canadian Bilingualism

Bilingualism is defined as the ability to communicate in two languages. Fluency means to read, write, and speak in both languages with ease. In Canada, bilingualism refers to English and French, recognizing that equal usage fluctuates across the country. According to the latest census data, [Statistics Canada](#) reports a total of 5.8 million Canadians speak English *and* French.^[3] While this may seem like a large number, from 2001 to 2011 the number of dual language speakers in Canada decreased after four consecutive decades of growth.^[4] Although the number is still sizeable, data shows the proportion of individuals who speak both languages to be falling. So, why are English and French prioritized above other languages?

Canada became a country as a result of a "compact" between two groups: the English and the French.^[5] A federal system of government allowed for a compromise between these two groups, as they sought to balance uniqueness with the need for unity. Language was a seminal theme and, as such, section 133 of the *British North America Act* referred to dual languages in legislative institutions as a means of preserving French culture. ^[6]

Movement to further enshrine Canada's official languages emerged in the 1960s. From 1967 to 1970, a [royal commission](#) held public consultations concerning bilingualism and biculturalism.^[7] The authors of this report recommended that English and French be declared the official languages of the country.^[8] From here, official bilingualism was made law through the *Official Languages Act*.^[9] This policy was then further entrenched in the *Charter of Rights and Freedoms*.^[10] Sections 16 through 22 of the *Charter* state that English and French are Canada's official languages, making it a right to use French or English in Parliament, courts, or governmental offices. Section 23 provides minority language rights to linguistic minorities in a given province or territory. In essence, the use of both languages must be allowed. However, neither statute nor practice mandates that every person speak both languages across Canada.

Where Does Canadian Bilingualism Stand Today?

There are at least two perspectives on Canada's official languages. One view seeks to preserve existing English and French language practices. For example, in April 2015, the Supreme Court released a [decision](#) concerning section 23 minority language rights. The justices ruled in favour of a parental association in Vancouver that claimed the French educational services being provided were not equivalent to those in English.^[11] In this decision, it was unanimously agreed that the school was not doing enough to equate French and English education services. They determined that minority language education is a "sliding scale," with those in a minority situation being put at a disadvantage compared to the majority.^[12] Therefore, French and English education should be given equal priority.

R v Caron, a case that has been heard by the Supreme Court of Canada, also tests minority language rights under section 23 of the *Charter*.^[13] This case deals with the use of French in Alberta courts. Mr. Caron and Mr. Boutet were issued multiple traffic violations and claimed that the court documents were invalid because they were printed in English. Mr. Caron further argued for his right to use French in Alberta courts. This raises the question of whether, in a province such as Alberta where the majority of people speak English, it is necessary for all public information to be printed in both French and English. In February 2014, the Alberta Court of Appeal ruled that the Alberta *Languages Act*, which stipulates the rules and procedures for English and French usage in provincial institutions, is constitutional.^[14] The Supreme Court of Canada heard this case in February 2015 and a decision is expected fall 2015.

Another perspective prioritizes *alternative* languages. Recently, organizations such as the [Nunavut Tunngavik Inc.](#) advocated for greater federal funding of local dialects. According to one individual, "we all know that English and French are the official languages of Canada ... Don't forget the Inuktitut language is one of the official languages recognized in our area."^[15] In these communities, there is a tension between legal language requirements and day-to-day life. Neither English *nor* French fits the needs of this specialized population. This complicates the notion of official language application in Canada.

Further, the Truth and Reconciliation Commission released its findings on June 2, 2015. The commission [recommended](#) the federal government prioritize traditional languages as a step

towards reconciliation. In particular, action items 13 to 17 call on the federal government to: recognize Aboriginal language as part of a broader Aboriginal right; to pass new language legislation; to appoint an Aboriginal Languages Commissioner in consultation with Aboriginal groups; to institute post-secondary education in Aboriginal languages; and to support the reclamation of family names compromised by residential schools. These proposals effectively raise the question of the appropriateness of English and French across the country today, not to mention the assumption of two founding nations.

Conclusion

There is no clear answer whether English and French are appropriate official languages in Canada today. This article only begins to scratch the surface of the modern relevance of Canada's official languages. For some, French and English are integral to the foundation of this country and must be preserved for future generations. For others, given the increasing awareness of Canada's Aboriginal history, and the changing demographic of the country with immigration, other languages require equal if not greater attention.

[1] ["Nunavut Tunngavik wants more federal funding for Inuktituk"](#) *CBC News Online* (11 May 2015).

[2] [Truth and Reconciliation Commission of Canada: Calls to Action](#) (Winnipeg: Truth and Reconciliation Commission of Canada, 2015) at 13 to 15.

[3] ["Study: The evolution of English-French bilingualism in Canada from 1961 to 2011"](#) Statistics Canada (28 May 2013).

[4] *Ibid.*

[5] For a more in-depth discussion on 'compact theory' between the English and French, see Peter H Russell, "Provincial Rights" in Christian Leuprecht & Peter H Russell, eds, *Essential Readings in Canadian Constitutional Politics* (Toronto: University of Toronto Press, 2011) 159.

[6] [Constitution Act, 1867](#) (UK), 30 & 31 Vict, c 3, reprinted in RSC 1985, App II, No 5 at s 133.

[7] Canada, [Report of the Royal Commission on Bilingualism and Biculturalism](#), (Ottawa, 1967-70) (Chairs: A Davidson Dunton, André Laurendeau, Jean-Louis Gagnon).

[8] *Ibid.*

<[9] [Official Languages Act](#), RSC 1985, c C-31.

[10] [Canadian Charter of Rights and Freedoms](#), Part I of the *Constitution Act 1982*, being Schedule B to the *Canada Act, 1982* (UK), 1982, c 11.

[11] See [Association des parents de l'école Rose-des-vents v British Columbia \(Education\)](#), 2015 SCC 2.

[12] *Ibid.*

[13] *R v Caron*, 2011 SCC 5.

[14] [Languages Act](#), RSA2000,c L-6.

[15] *Supra*, note 1.