34. The Major Commissions of Inquiry and the First Language Laws

Jean-Claude GÉMAR

In less than a decade—between 1969 and 1977—successive governments in Québec City (those of the Union nationale, Liberal Party, and Parti Québécois) brought in legislation on three occasions in efforts to solve the language crisis that was shaking up Québec society. A fourth law, Canadian this time, and the first ever, was added to this Québec legislation.

The Québec government was forced to act on the language issue under the pressure of events and the waves made by the Quiet Revolution. Public opinion, liberated from the Duplessis regime, became powerfully aware of the government’s inaction in the face of the inferiority of the French language in critical areas for the future of Francophones, notably the workplace and the integration of immigrants.

Overheating occurred with the Saint-Léonard crisis in 1968, but the anomalies and tensions in the language situation had been debated in public opinion from 1960 onwards, as they had in André Laurendeau’s editorials, numerous readers’ letters, the debate on Joual, the pressure of individuals or groups in favour of the primacy of French, or even French unilingualism.
The Major Commissions of Inquiry

This explosion of debates and opinions, all directly linked to events, led to the setting-up of commissions of inquiry, which stand out as landmarks of the 1960s and which were themselves closely tied to the language laws of the time.

The Parent Commission

An imposing monument of the Quiet Revolution, the report of the Royal Commission of Inquiry on Education in the Province of Québec that had been set up in 1961, launched a far-reaching reform of the Québec education system. By focusing attention on education issues and therefore the language of instruction, the reform also had a notable impact on the French language. It led to the establishment of infrastructures that enormously facilitated the education and affirmation of Francophones. Finally, it helped the French language liberate itself from the weight of the past, to lose, as it were, its character of “language of translation” in the face of English and to reaffirm its autonomy and personality as a “language of expression.”

After identifying the major weaknesses in the teaching of French, the Parent Report recommended the necessary time and effort be devoted to ensure its quality, the full training of future teachers, the establishment of a committee on textbooks, the introduction of Canadian texts of very good quality and the obligation for teachers of all subjects to demonstrate a very sure knowledge of French. Finally, in face of the danger of a “linguistic dichotomy imposed on French Canadians” forced to work in English, it asked the Québec government to assume its full responsibility to intervene. It added that whatever schools did, French would be constantly
threatened with erosion and disappearance in Québec if the teaching given did not rest on solid and deep-seated socio-economic motives. It had rightly been said that “a language that is only spoken after five o’clock in the evening is already a dead language” and it concluded that the entire Québec government had to adopt very firm measures to protect French not only in schools and universities, but throughout public life and that this was especially urgent in Montréal. 7

The Laurendeau-Dunton Commission
In the early 1960s Québécois had clearly indicated their concern and their dissatisfaction at the assimilation of Francophone minorities in Canada, the scant place given to the French language in federal institutions and the inferiority of French-speaking Canadians all across Canada. André Laurendeau, for one, called for a Canada-wide inquiry. In 1963, indeed, the federal government set up the Royal Commission on Bilingualism and Biculturalism, called the B-B or the Laurendeau-Dunton Commission. It would be the first major political intervention in language questions by a Canadian government and it led to Ottawa’s adoption of the Official Languages Act of 1969.

Members of this Commission recognized that “Canada […] is passing through the greatest crisis in its history” because for the first time the French Canadians of Québec—and also certain Francophone minorities from other provinces—were loudly decrying “the state of affairs established in 1867.” They noted that, contrary to what a majority of English Canadians believed, French culture in Québec was not ready to yield to the great Anglo-American culture but was rather in the process of “moving from the stage of purely and simply surviving” to a
specific mode of functioning and living, with a language that was becoming richer by the day. At the same time, they noted the validity of Québec grievances: their language and culture did not occupy the place they deserved in Canada as a whole. 8

The Commission recognized the existence “in Québec of the main ingredients for a distinct Francophone society.” It strongly reaffirmed the “principle of equal partnership between the two founding races” and it underlined that this equality should be an “equality of real chances” between Anglophones and Francophones. 9

It therefore recommended to the Canadian government “that English and French be formally declared the official languages of the Parliament of Canada, of the federal courts, of the federal government, and of the federal administration.” For the Commission, the situation of French had to be rectified without delay because this equality between English and French had to be complete.

The Gendron Commission

From one commission to another, a change of perspective and a progression in the appropriation of the language issue can be discerned. The Parent Report echoes this growing awareness: it sounded the wake-up call for Québécois and their government. The Laurendeau-Dunton Report was a stern warning to the Canadian government on the linguistic dynamic that had been set in motion in Québec; it put an end to one-way bilingualism but it only asked questions of the federal government, and this in no way guaranteed that one could live in French in Ontario or New
Brunswick. What would Québec now do on its own territory? The Gendron Commission was given the task of finding answers to this question.

The Commission of Inquiry on the Position of the French Language and on Language Rights in Quebec was set up by the Québec government on December 9, 1968, in the midst of the Saint-Léonard crisis. It must be added, though, that the language of integration for immigrants was not the sole problem: the Québec government was under strong pressure to make French the language of the workplace and the language of priority in Québec. It wanted to understand the problem better and entrusted the Gendron (from the name of its chairman) Commission with the task of “making an inquiry and a report on the situation of French as the language of everyday usage in Québec” in all spheres of activity.

The opinion of members of the Commission was that “as long as French is not required for all work activities there is little hope that adult immigrants will take an interest in it and make efforts to become competent in it.” With this in mind, its main recommendations aimed to make French the language of the workplace in Québec: this, in their view, was the best way to induce immigrants to attend French-language schools, while dispensing them from proposing any further measure in this area.

The measures that they recommended, on the other hand, affected crucial sectors of the first importance if French was to become the everyday language in Québec. And their feasibility
rested on serious studies on the legislative competence and powers of Québec as on the rights of the majority and the minority. The first recommendation of the report read:

We recommend that the Québec Government set itself the general goal of making French the common language of Québécois, that is, a language known by everyone which can thus serve as an instrument of communication in contact situation between French-speaking people and Québécois of other language groups.

It can be said the Gendron Commission’s Report is the first substantial document to lay the foundations for a responsible policy that the Québec government could put into effect. It might also be said, however, that it did not take its logic all the way and that on certain points, it was generally considered to be timorous.

Thus, for example, it recommended, at one and the same time, that French be declared the “official language” of Québec and that French and English be the “national languages” of Québec. It also recommended “making French the language of internal communications in the Québec works milieus,” whilst indicating its preference for measures that would be incentives rather than compulsory both in this area and in that of the language of instruction.

It would be necessary to await the Policy Statement and the Charter of the French Language of 1977 (Law 101) for Québec language planning to be given its clearest and strongest direction. Thanks to the election of the Parti Québécois, a decisive step would be taken to move from procedures that still aimed to be bilingual to the requirements of a society that had chosen to live in French.
The First Language Laws

The first language laws were dependent on these commissions of inquiry. It should be remembered that between 1968 and 1977 the Québec government passed laws on three occasions—and the Canadian government once—on language. Putting aside the last and most fundamental of Québec laws—which will be examined separately—only the first two will be dealt with here.

Bill 85 (1968) and Law 63 (1969) 12

On June 27, 1968, the Saint-Léonard school board, anxious to see the children of immigrants integrated to the Francophone population, adopted a resolution that put an end to bilingual classes and made French the compulsory language of instruction for new pupils at the beginning of the 1968 school year. This decision pitted Francophones, Anglophones and Italophones against each other. The government, then, was forced to intervene: first of all it published its Bill 85. Conceived with the aim of protecting the rights of the minority, Bill 85, which consecrated the principle of free choice of language of instruction, was cut to pieces by the Francophone majority and the government was forced to withdraw it.

In November 1969, Québec repeated the offense and had Law 63 adopted which confirmed every individual’s right to choose their language of instruction. Henceforth, the children of immigrants had the acknowledged right to attend English-language schools if their parents merely requested it (Article 2 of the Law). It is not necessary here to insist on the outcry
that this law provoked! The government, however, already possessed an abundant documentation from the Parent and Laurendeau-Dunton Reports on language problems, as it did on its recognized right to legislate on the language of instruction.

**The Canadian Official Languages Act (1969)**

The stipulations of this law were in line with the recommendations of the Laurendeau-Dunton Commission. The Canadian government, pressured by events and seeing what was happening in Québec (unrest in Saint-Léonard, FLQ disturbances, the hearing being given to pro-independent movements), now made itself the defender of French in Canada in the hope of rebuilding the unity of the country. It was no doubt too late as the wounds were too deep. In reality, the law that it would adopt marked the beginning of a serious divergence of views between Ottawa and Québec City: two different visions, two opposing language laws would confront each other in irreconcilable fashion on Québec territory. For Ottawa, the future for French in Canada would be through the implanting of “coast-to-coast” bilingualism; in its view, this was the foundation of a new Canadian society and, consequently, of Québec society, too. For Québec, pan-Canadian bilingualism was an “intellectual construction” that would lead to the artificial survival of French. The only way to ensure real life for French in Canada was to build a strong Québec where French was dominant in all spheres of activity.

The Official Languages Act was adopted on September 7, 1969, a few weeks before Law 63 in Québec. It consisted of 39 articles. It consecrated the equality of English and French in all the institutions of the Canadian government and parliament, as in federal agencies. It provided for
the creation of bilingual areas and established the position of Commissioner for Official Languages who would oversee the implementation of the law.

The Official Language Act (1974) or Law 22

Doubtless to give a riposte to the federal act, the Bourassa government’s Bill 22 passed on July 31, 1974, was called the Official Language Act. For the first time, indeed, this proclaimed French to be Québec’s official language. In so doing, the government was following the recommendation of the Gendron Commission. However, it left the path of bilingualism that the latter still followed because it did not declare French and English the national languages of Québec. Fortified by the theoretical and legal bases that the Commission provided, the law laid down in 123 articles the principles and working conditions of a French language policy that affected all areas but above all the workplace, retail, and business. It also went beyond the letter, if not the spirit, of the Gendron Report by adopting a number of persuasive measures that were more coercive than incitative. Finally, it established the Régie de la langue française which took over from the Office de la langue française and, among other things, was given the mandate of watching over the implementation of Francization programmes and carrying out the inspections provided for in the Act.

However, it also broke new ground on the language of instruction (a domain in which the Gendron Report was of no help). While still continuing to recognize the principle of free choice of the language of instruction, it submitted this choice to a requirement: it insisted that pupils should know enough of the language of instruction to be taught in this language (Article 41) and
it imposed tests to verify linguistic abilities (Article 43). As always, the principle caused dissatisfaction among Francophones, while the imposed requirement displeased Anglophones. This situation greatly contributed to the electoral defeat of the Liberal Party two years later.

Reactions to Law 22, such as a public opinion poll taken just after its adoption, testified to the widening gap separating Francophones from Anglophones on the language issue. Francophones believed that the Law still resorted to half-measures and continued to recognize a kind of bilingualism that the majority rejected. Anglophones rejected it as discriminatory and probably unconstitutional.

It was thus under the pressure of events and with the help of circumstances that the language issue progressively ceased to be an individual concern to become one of public interest, an affair of state, and grounds for legislation.

At the federal level, Ottawa tried to turn events to its advantage by coming to the defence of French and imposing its vision of bilingualism. In Québec, in the wake of the Quiet Revolution, the combined action of the various interested pressure groups and the authorities achieved two results that are still fragile and threatened: the assertion of the French fact and the revival of French, now the official language.

When Law 63 was passed, the legislative action of the Québec government proceeded more by trial and error than as a result of any master plan; it reflected “a generally laissez-faire,
dualistic (French and English), but also pluralistic outlook on, or conception of Québec society.” By the time Law 22 was in the offing, the government’s approach, inspired by the debates taking place in society and the studies carried out by the Gendron Commission, put “a clear emphasis upon a preference or priority for the French language as the prime means of protecting and extending the French fact in Québec.14” It was in the course of this period that the change took place from a society of translation to a society of expression. The decisive step would be taken in 1977 with the Charter of the French Language which was no longer the mere draft of a bill but the draft for a French language society.