

CA1  
EA905  
C17  
V.4 #1/'84  
DOCS

# CANADA

TODAY/D'AUJOURD'HUI

LES CANADIENS FRANÇAIS

VOLUME ENFANT N°1





## THE FRENCH CANADIANS



*Old Montreal.*

Photo: Jim Merrithew.

Canadians, French and English, have things in common with Australians: a vast country, rich and fertile in some areas, empty and impossible in others; a common federal system, a common inheritance of English political institutions and a Queen who is still Queen of Canada as well as Queen of Australia. What Australians don't have is a large, tightly-knit linguistic minority that speaks and lives in another language, French. In this issue of *Canada Today/D'aujourd'hui* we take a closer look at this distinct group of people who are no more French than Australians of English ancestry are English; they are French Canadians.

We look at the reasons why it has been and still is important for French Canadians to retain their language and culture, discuss the assertion that Quebec French is "not real French" and we look at French Canadian institutions and society.

**Acknowledgement:**

This issue of *Canada Today/D'aujourd'hui* was written by Professor Peter Waite, of Dalhousie University, Nova Scotia, 1983 Visiting Fellow at Macquarie University, N.S.W.

*Front Cover: Photo shows the famous Chateau Frontenac in Quebec City.*



## WHY NOT A MELTING POT

Stepping into another language is going through the looking-glass with Alice; one sees one's own world of English from the opposite side. In the process one acquires perspectives of one's own culture; a man or woman with full capacities in two languages is in this sense double-powered. Some 4 million Canadians are now, by the 1981 census, bilingual. Most of these bilingual Canadians are French-speaking, but the number of English Canadians who are bilingual is rising, and steeply.

Of Canada's 25 million people, 25% are born French, a number equal to nearly half the population of Australia. (Of the remainder 61% speak English, and other languages such as German, Italian, Polish, Ukrainian and native languages.)

Most of the French Canadians live in one province, Quebec, the largest in area of all the Canadian provinces and the second largest in population. There are, however, French minorities in all the other nine provinces, averaging about 5%; in one province bordering Quebec, New Brunswick, French-speakers comprise 34% of the population.

Canada has devised national institutions to take cognizance of these facts. Canada's Parliament has been bilingual since Confederation, but in 1969 the Official Languages Act put in place an official right of access to federal civil services in Ottawa, and elsewhere, in either of the two official languages. The Canadian Broadcasting Corporation operates a French and an English network in both TV and radio. It is possible, for example, to live in Vancouver, British Columbia, some 4000 kms from Quebec, and where the population is only 4% French, and still listen to French TV.

The fact of French Canadians has given most other Canadians awareness of another world, another culture other than their own. Sometimes this is not altogether appreciated. There are some Canadians who, like Americans, can tolerate nothing but English. For these a litre, or a kilogram, or French words on Kellogg's Corn Flake boxes, represent something profoundly sinister, a creeping miasma that threatens slowly to choke English and English Canadian institutions. Most English Canadians dismiss such fears as absurd.

For French Canadians the sense of danger is much more acute. They have felt threatened since 1763 when Canada was handed over by France to Britain by the Treaty of Paris. Their sense of being beleaguered, of being surrounded by a sea of English, is not eased by the presence of the United States. There the principle is of a national melting pot, in which all the immigrant languages are finally melted down into English. These American attitudes contrast with the official Canadian position that Canada is a bilingual country. Its English inhabitants do not need to speak French — most English Canadians do not — but the number who do is growing and in the long run may be of real significance for the future of the country. The recent race for the leadership of the Progressive Conservative party was won by a good candidate, but he was also an English Canadian who was thoroughly bilingual.

Some 200 years of history have taught French Canadians to be on the watch against threats to their language and culture. Some French Canadians have given up the struggle and become English. French Canadians who migrate to the other provinces from Quebec, or who go to the United States, usually lose their mother tongue within a generation. In Canada this process has been much slowed down in the past twenty years, and it is possible that, in the future, French minorities in provinces outside Quebec may start to stabilize and come back. It takes, however, a certain critical mass to bring this about. Generally French Canadians in Quebec look at their brothers in other provinces and feel that strengthening Quebec is the best way to survive.



*Montreal Street Musicians.*

Photo: H. Ekmekjian.

This core group of French Canadians — the 5½ million in Quebec — are determined to keep, and if possible enlarge, the Frenchness of Quebec. Why this determination? Why bother fighting English? Why not accept the submergence of French as the easiest and most natural way to live and to adjust to North American reality?

The answer is, surprisingly, difficult to explain to English speaking people, whether they be Canadian English, American English, English English, or Australian English. It requires an effort of imagination to understand how much of one's life, one's thought, one's very existence, is bound up with one's native language. In most English-speaking societies, especially those of North America and Australia, the question never really arises. One hardly thinks about it. What is language to one's own culture, to one's individuality? Are we not what we think? Are we not creatures — perhaps even prisoners — of the way we think? Are our minds not, indeed, largely the result of the language we think in? French Canadians don't need to ask themselves such questions. They have long known the answers. They want to defend that individuality, that Frenchness that is themselves, against the corrosion offered by a powerful, vigorous, well-established language like English, steadily growing in the later 20th century as the lingua franca of the world.









*A view of Quebec City.*

Analogy helps to explain the power of this defensiveness. New South Wales, like Quebec, is the original core of settlement in Australia. Imagine that after 150 years of existence as a British colony, New South Wales were suddenly, irreparably, permanently, ceded by the fortunes of war to a foreign flag, a foreign language. The New South Wales population would stay English of course, but there would come those conquerors who, though white, spoke another language, had different law, and who by virtue of conquest took over the Government and the leading commercial and financial institutions of New South Wales. If an English-speaking person wanted to get anywhere he would have to do it in Dutch, the new language. These conquerors were not wicked, but decent; still they were proud, proud of their success, their flag, their commercial and business capacity, and looked upon you, the English, as rather uncouth peasants. All their lines of communications were now with Amsterdam. The flag that flew over Government House, Sydney, was foreign; the soldiers that saluted it were foreign, and they would garrison all of New South Wales. They had a queer language, had queer stolid ways, had a different religion, and they thought and worked in different ways. Even their houses were different, their furniture was different. They were a minority, true enough, but they were an

exceptionally powerful minority, and they were reinforced. They brought out to Australia more and more of their own people, who populated Victoria, Queensland, South Australia, Western Australia and Tasmania. In fact, they took the rest of the country over and made it their own. Australia would be Dutch except for that core English group struggling for survival in New South Wales.

In such circumstances as those, would you not, as an English inhabitant of New South Wales, cling to English, cleave to its language, its common law, and its old religion? Would not the sight of the Union Jack, perhaps on a visiting English ship in the Dutch port of "Sydnij", move you to tears? In time, you would come to accept the Dutch and their dominance, but you would not admire the way they did things; you would live with them but it would be but a *mariage de convenance*. Your heart would be, and always would be, English. You would remember its cadences, its poetry, its sweetness on the tongue.

Something like that happened to French Canada in 1763. There is no question but that French Canadians go to Paris in a way English Canadians cannot — sure of themselves, able to make their way in their mother language, rather proud both of being Quebecois and French.





On this promontory, "Le Cap Diamant", named by Jacques Cartier in 1535, are found the oldest parts of the city of Quebec. The "Promenade des Gouverneurs", a boardwalk 670 metres long, decorates the walls of the Citadel. Photo: Mia and Klaus.

### Quebec French — Real French?

Some unknowing English Canadians say that Quebec French is not real French. It is real enough. It is not the French of Paris, nor the French of Marseilles, nor of Bordeaux. It comes, basically, from Normandy in the 17th century, exported to Canada at that time and retaining some aspects of its old vocabulary. It is Norman French that de Maupassant, writing in the 1870's, would have recognized. His short stories are full of bits of the same Norman French one finds in Quebec: "icitte" for "ici", "pi" for "puis", and other characteristics. The French of Paris is official French, but each region of France, like Quebec, has its own regional accents. English is the same. The Yorkshireman, the Australian, and the Canadian all speak English; it is certainly not the same English, nor is it the English of the Queen. Equally, the Marseillais, the Norman, the French Canadian, all speak French. It is not the same French as that of upper class Paris.

There are Anglicisms that have crept into France that have been rejected in Quebec. In France it is "le weekend", in Quebec it is "la fin de semaine"; in France the road sign says "stop", in Quebec "arrêt". Quebec French does, however, include words from English that French in France does not, especially from commerce, business and engineering. One amusing example is the word "dominion". In English, it means two things — it is part of Canada's 1867 name, *viz.*, the Dominion of Canada; it is also the name of a large supermarket chain called

"Dominion Stores". To go to a supermarket, any supermarket, French Canadians are apt to say, "Je fais mon Dominion", meaning, that I am doing my supermarket grocery shopping. There are numerous other examples of the effect of English upon French in Canada. But notwithstanding that, it has to be said that Quebec's French is French. If it happens to be delivered in a regional accent that does not make it less French. Of course, French Canadians worry about deterioration of language standards in the modern world the same as we English do. In French it is more serious because French grammar is more demanding than English, and grammatical mistakes stand out like sore thumbs. And the French care about these things, rather more than the English do.

### French — An Island in a Sea of English

The fact of French is the first and in some important ways the only point to be made about French Canadians. It is a French Canadian society. It lives, works, thinks, loves in French. French Canadians care passionately about their language in ways that English Canadians fail largely to understand. The North American world of English is a world, like the Australian, not obvious because one is part of it. English-speaking North America is not just Canada, but the United States. This world comprises 250,000,000 people who speak English. The whole North American continent north of the Rio Grande, (the Mexican border), from the Atlantic to the Pacific to the Arctic, with its power, riches, greed, well-meaning naïveté, generosity, all its energy and its



contradictions, is English-speaking. And, paradoxically, it doesn't know it. That is, it is not aware of the juxtaposition of English with other languages, nor the effect of this upon others, nor indeed the weakness of being able to operate only in English. North American English societies have had such a success at assimilating other languages, that they have developed almost a contempt for others. They are xenophobic without knowing it. Generally speaking, they have never had to trouble themselves with mastering other languages. North American society, and perhaps Australian society too, has assumed that other languages will defer to English. What, indeed, is the point of learning French, German, or Russian if one never hears them, if one never sees a Frenchman, German, or a Russian?

In this vast ocean of 250 million English, French is a beleaguered island, whose outer reefs are already flooded. Its centre is still strong, but it is very conscious of the tides of English that seem to swirl, ever higher, around it. Television is the dangerous crest of this tide. The following statistics are telling, and the only ones the reader need be inflicted with:



Samuel Saubnier fishing for an eel on the Bay of Bouctouche.

Photo: Roméo Cormier from Images de l'Acadie.

#### Language first spoken and still understood

	English	French
1961	58.5%	28.1%
1971	60.2%	26.9%
1976	61.4%	25.6%
1981	61.3%	25.7%

That was not the worst of it. The worst was that in Quebec itself, the very citadel of French, the proportion of French-speakers fell from 81.2% in 1961 to 80.0% in 1976. In fifteen years 1.2% is not a large drop, perhaps, but it was a very significant one. It was from demography as much as from nationalism that the Parti Quebecois, elected to power in 1976, affirmed the necessity of political separation from Canada. The Parti Quebecois argued that the French Canadians outside Quebec were going to be

lost to assimilation anyway; therefore, while there was still time, the Quebecois had to save themselves. One Quebec cabinet minister put it graphically. "Let us have the courage", she said "to escape together from our 'prison de la peur.'" The prison of fear was the reason the Government of Quebec prepared a white paper in late 1979 proposing a referendum to allow Quebecois to decide whether they wanted Quebec to remain part of Canada or negotiate "Sovereignty Association". The referendum held in May 1980, posed the question:

"The Government of Quebec has made public its proposal to negotiate a new agreement with the rest of Canada based on the equality of nations:

"This agreement would enable Quebec to acquire this exclusive power to make its laws, levy its taxes and establish relations abroad — in other words, sovereignty — and at the same time to maintain with Canada an economic association including a common currency;

"No change in political status resulting from these negotiations will be affected without approval by the people through another referendum;

"On these terms do you give the Government of Quebec the mandate to negotiate the proposed agreement between Quebec and Canada? Yes. No." The people of Quebec voted against the proposals 59.6% to 40.4%.

One reason for the weakening of the separatist argument in the last year or two is that the 1981 census showed that the number of French-speakers in Quebec had risen, from 80.0 in 1976 to 82.4%. That is probably the result of the language legislation that the Parti Quebecois government put in place in 1977.

English Canadian attitudes have not helped these Quebec fears much; they have if anything, exacerbated them. American ideas, for example, that assimilation is inevitable, "why not relax and enjoy it", have rubbed off on English Canadians, especially western ones. The English Canadian frontier with the Americans is the most permeable of frontiers. It is not defended by any language. English Canadians have not made any special efforts, not until very recently, to ease this French Canadian fear of losing one's very identity, nor have they made any special efforts, again until recently, to speak French.

There is, of course, a special problem for English Canadians in North America in learning languages, as doubtless it is for Australians. Not ever hearing another language slowly extinguishes one's capacity to recognize new sounds. For most people learning French, the problem is not only in the pronouncing and speaking of French, but especially in the hearing of it. One has to be able to hear the difference between *mélèze* (larch) and *malaise* (illness), or between *homme de fer*, a strong-willed man, and *homme d'affaires*, a businessman. The road to bilingualism is a hard road, as French Canadians have learned long ago. Most English Canadians don't know that. An Acadian pathologist in New Brunswick spent an extra year in high school because his English was bad, and another extra year at a French Canadian university because his French was. He did not object to doing it so much, but to the English Canadian assumption that bilingualism was easy. How it all came to be that way is a fascinating story.



# THE ACADIANS



*Winter scene near Paquetville, Acadie.*

Photo: Roméo Cormier from Images de l'Acadie.

The history begins with the British acquisition of Acadia — roughly the present province of Nova Scotia — in 1713. There were no English there and the Acadians stayed on, as Catholic, French subjects of George I, subject only to the oath of allegiance. The Acadian French did not mind taking an oath of allegiance, provided it could be fudged by one reservation: that they did not bear arms in time of war. There was much sense in that. The only nation with whom Britain seemed likely to go to war with was France, and the Acadians had no wish to fight their French brethren in the uniform of British soldiers. In the years after 1713 Britain and France were firmly at peace, and successive British governors of Acadia simply swept the question of the oath of allegiance under the rug.

When, however, the short war of the Austrian Succession broke out between England and France in 1744, it raised several questions: one was the importance to the British government of setting up in Nova Scotia some counter balance to the Acadian French. That was one reason for the founding of Halifax in 1749, and for transferring there from the heartland of Acadia, the seat of government.

When the Seven Years War threatened in 1754 the problem was more serious: what to do with an Acadian population not unsympathetic to France and of indifferent loyalty to Great Britain? Mostly Acadians simply wanted to be left alone, to farm their rich dyked lands around the Bay of Fundy, to ignore all wars, all belligerents. Being left alone in a major war between English and France was, however, impossible. The French had a standing interest in getting Acadian support, and the British in preventing it.

The expulsion of 8,000-10,000 Acadians from Nova Scotia by the British Army, in a period of two months in 1755, was the terrible result. It was a war decision, made in haste by the Governor and Council in Halifax, and in the teeth of contrary instructions from the British government in London. The deportation created endless headaches, nearly as much for British officials in the fourteen colonies as for the poor Acadians themselves.

In 1763, after the Treaty of Paris, Britain did not know quite what to do with some 65,000 French-Canadians. Were they to be deported like the Acadians? Deporting 8,000 was bad enough: 65,000 was unthinkable. So the British government weighed the possibility of the standard British colonial structure, only to discover that it really only worked in the English language. They tried to institute British laws, but found hardly anyone who could administer them in English, let alone try them out in French. By the time of the American Revolution, the British had given up and concluded that French Canada would continue to be French and the British government might just as well learn to live with it. So Britain accepted Governor Carleton's 1774 Quebec Act recommending recognition of French civil law, and of the French Catholic Church (insofar as laws of Great Britain permitted, whatever that tautology might mean). That way French Canadians might make loyal enough subjects to help keep the unruly American colonists in check.



## FRENCH CANADIAN INSTITUTIONS



Fernand Gallant with his crew fishing for herring at Escuminac.  
Photo: Roméo Cormier from Images de l'Acadie.

Language was an obstacle to penetration of French Canadian society by the new English-speaking Canadians, but it was not the major obstacle. Rather, it was the institutions that French Canadians had long lived by, institutions that were to continue to exist for some time to come. One was the Roman Catholic Church; another was the seigneurial system.

### The Church

After the Conquest of 1760, the Church became the ideological base of French Canadian nationality. It also became, for obvious reasons, ultramontane, looking not to Rome for confirmation of its asceticism, its high-mindedness, and its religious principles, but finding its own native resources for its priests and bishops. The great bishops of the mid and late 19th century, Lafleche, Taché, Bourget, were all born and raised in Quebec. They looked not to France, which they generally distrusted, but to Rome. They were a unique combination of nationalist and ultramontane. Little basic conflict was perceived between French Canadian nationalism and French Canadian Catholicism though there were hints of it in 1877 and again in 1898 at the time of the visits of papal emissaries. Abbé Lionel Groulx, the nationalist historian of the 20th century was to learn in 1928 that Rome found his *Action française* movement had pressed French Canadian nationalism too far.

Thus the Church's role must not be underestimated in delivering into the last half of the 20th century a Quebec fully conscious of itself; vigorous, bold, and ingenious. At the same time, however, it is undeniable that the Church delayed the technical and commercial development of Quebec. There was a price to be paid. The Church had feared, perhaps rightly, the pernicious influence of the 19th century Anglo-American civilization: its crass materialism, often disguised in the sober church-going clothes of Methodists and Presbyterians; its growing urban

society and the commercial ambiance that went with it; its preoccupation with technical improvements at the expense of the a more human scale of values. The Catholic Church feared the loss of the old, largely rural simplicities of Quebec life; it fought "progress" as long as it could. The ordinary parish priest as a rule distrusted French books, and English books still more, in the hands of his parishioners. At *l'Assomption*, the parish priest of the 1880s, Abbé Dorval, preached a special sermon every year against books. Ostensibly, it was against bad books. "This thirst for reading," he thundered from the pulpit, "is an idle form of curiosity and a dangerous one. Be on your guard, my brethren; a bad book is often the doorway to Hell."<sup>8</sup>

The Church dominated not only the schools, but the *collèges classiques* and the universities. All three levels of education reflected a strong sense of the old classical culture, Greek and Latin languages, French literature with a special emphasis on the 17th century, and a special carefulness about what was chosen from the 19th; they had confessed to Aristotelian philosophy, Thomist theology, the strong sense of deductive logic, and, with all of that, dedication, toughness, and it is right to add, blindness. The Quebec universities were backward in engineering, medicine, and in the development of modern accounting and business techniques. So bad was the situation with the last, that the Quebec government was forced to establish on its own, in 1909 at Montreal "L'Ecole des Hautes Études Commerciales". Nevertheless, the graduates of this old tradition were well educated, civilized, and sophisticated intellectually rather beyond the realm of the ordinary graduate from an English Canadian university. The church deliberately set out to educate its own clergy and its own civil leaders, and it largely succeeded. It did much to give Quebec society its strong sense of cohesion.



Thus the handsome stone churches that one sees everywhere in the Quebec countryside, while they can be said to represent an age passing more than a present reality, are nevertheless real and present symbols of the history of the French Canadian identity. The quiet revolution of the 1960s was really the taking over from the Church, by a secular government, these main lines of educational development, and in the process, to modernize them. It was done peacefully, and effectively, but it meant the transfer of the care and control of French Canadian civilization from the Church to the Province of Quebec. One effect has been not only to strengthen the powers of the government, but also to make French Canadian nationalisation less temperate. The nationalism of Quebec of the 1980s is driven by secular ideologies, not as civilized as the Roman Catholic Church, but nevertheless effectively harnessed to the idea of French Canada. They range from highly conservative and somewhat authoritarian social and political positions right through the political spectrum to socialist, or Marxist ones, the latter as authoritarian as the conservative. The present Parti Quebecois cabinet is a vivid illustration of how separatism, and its defence of French languages and nationality, is the cement that holds together diverse political and social beliefs.



*Notre Dame des Victoires in Place Royale, Quebec City.*

Photo: Mia and Klaus.

### The Seigneurial System

This system of land tenure has been much misunderstood because both it, and the mediaeval institutions of which it was a new and improved edition, when looked at by a 20th century telephoto lens, appear very much the same. They were not, however. The seigneurial system was modern (that is to say, it was 17th century) and it reflected what were Louis XIV's 17th century priorities, as well as what he, and his *Ministre de la Marine*, Jean-Baptiste Colbert, believed was wrong with the old feudal traditions. The seigneurial system represented a correction process, and was well adapted to the conditions of New France. A peasant in New France



*Notre Dame de Bon Secours in Montreal.*

Photo: Jim Merrithew.

had very different rights and privileges from his counterpart in Old France. An emigrant needed an incentive to come. Incentives were offered. He could buy and sell the land he occupied, although technically it belonged to the seigneur. The peasant bought or sold the usufruct of the land and the improvements that had been made to it. The advantage of this was that it gave property its real value in a country where there was a plethora of land. The value of a habitant's land was the value of its improvements: the trees that had been cut down, the fields made, the fences put up, the barns erected. The seigneurial system thus avoided almost wholly the curse of English Canadian landholding, absentee ownership. It avoided futile attempts to rent out land in a country where there were lots of it, and where the whole value of land lay in the improvements put on it. Thus did the seigneurial system avoid almost wholly too, the curse of speculation in land. The system was not well adapted for military defence, but it was well adapted to develop the instinctive gregariousness of the Norman peasant, as well as encouraging something else about Norman peasants found in the short stories of de Maupassant, who knew them well — their instinctive litigiousness.

The seigneur had rights and privileges, but he had also duties, and his role was such that few English-speaking men chose to buy a seigneurie. So English-speaking immigration flowed around the old seigneurial lands of the St. Lawrence and Richelieu valleys, not into them. The English-speaking settlers preferred, not unnaturally, Crown grants in free and common socage to old seigneurial lands *en fief et seigneurie*.



The seigneurial system also had French law embedded in it; at first *la coutume de Normandie*, later *la coutume de Paris*. There are some suggestive points of difference between English common law — the law that was easily and naturally exported to the British American colonies — and the French law that was exported to New France. In England by the end of the 18th century property rights were nearly paramount, or so Locke said in 1690 when he defined man's inalienable rights as life, liberty and property. That emphasis was not to diminish much by the 19th century. It may not be an exaggeration to say, as one historian of French Canada has, that in New France it was not property rights, but human rights that were paramount. Chaucer perhaps might have agreed with the French view. The idea that society consisted of individuals who, again in the terminology of Locke, were free and equal, would have seemed in New France at variance with the facts. Men were neither free nor equal. The further argument, by the famous Edinburgh economist, Adam Smith, that if every man pursued his own private advantage the general good would result, could not have been accepted in French Canada either. Thus the function of law, and the government that administered it, was not to enhance but to mitigate the private advantage of the individual. The Intendant of new France, or

his officials, could and did see that the weight of bakers' bread was checked; if Trois-Rivières lacked enough butchers, arrangements were made to get one; if there was a shortage of some article, an attempt was made to remedy it, and certainly to regulate its price. French Canadians thoroughly accepted the view that the Intendant's regulations, if they incidentally interfered with the freedom of the individual to do what he pleased, had a higher purpose; that is, to prevent, curb, or remove abuses. This is not to say that French Canadian society did not have commercial purposes; but clearly the function of French law and legal administration was to regulate such purposes.

The seigneurial system was abolished in 1854-55 by the Province of Canada. There were a number of reasons why it had become anachronistic, but one seigneurial privilege especially impeded commercial development, namely the "lods et ventes", which was a tax of one twelfth given to the seigneur whenever seigneurial land was sold. However, so much did the seigneurial system have French Canadian law embedded in it, that it was essential in getting rid of it, to retain the law represented by it, a law that had grown up with French Canada and perpetuated the basic ideas of its society.

---

## The Loyalist Migration

---

After the American Revolution the great migration of the Loyalists began, and here the French Canadians found a more formidable enemy than the British government had ever been. It took a generation for the impact of the Loyalists to be felt, but even before the War of 1812 with the Americans, French Canadians were feeling threatened. They had a very high birth rate; their population doubled every 25 years, and this was to continue almost unchanged until the Second World War; but this was more than matched by English-speaking immigration. It is also fair to add that the birth rate of English-speaking Canadians was not exactly small either.

The Scots who came with the British army and from the American colonies proved to be adept at learning French. The Frasers, Rosses, Mackenzies, and McLeods had a taste for French Canadian girls, and what is more, married them. Far from this signifying the absorption of French Canadians in an English-speaking milieu, it was the reverse. The children were brought up in French. You might think that the Hon. John Jones Ross, Premier of Quebec, 1884-1887, spoke English with either a Scots burr or a Welsh lilt. He had neither. He spoke English with a French Canadian accent.



A rural scene in Quebec.  
Photo: Mia and Klaus.



## COMMON LAW — CIVIL LAW

Different societies have different laws, and one is tempted to say what makes them different is the kind of law they have. The French Canadians compiled the Code Civil (1858-1866), and more than any institution, other than the French language itself, the Code marks off Quebec from the rest of Canada. To start with, it is not only the laws in the Code, but the very fact of a Code, that is a major difference. As anyone knows who has tried, the English Common Law on property, wills, trusts, torts — civil law — is embedded in hundreds of cases, some of which go back to the 17th century, or to statutes earlier than that. One famous criminal trial in Canada in 1885 was compelled to rely on a statute of Edward III, the Statute of Treasons (1352), once aimed at the Scots. The common law has amazing range and flexibility; but what the law is on any subject is an arcane science, its principles induced from two or three hundred leading cases. English law is like the great tradition of English philosophy: inductive, based upon a rooted aversion to getting too far away from particular realities. The great philosophical traditions of England have been empirical to the core, beginning with William of Ockham in the 14th century, and going on to the trinity of empiricism in the 18th, with Locke, Berkeley and Hume. They could even include James Mill and John Stuart Mill in the 19th.

French law, even when France had 366 codes, was based substantially upon Roman law, a law that owed much to Justinian. When Napoleon framed his great law code of 1804 New France had been parted from old France by the exigencies of conquest. Nevertheless, the Code Napoléon was a strong influence in Canada. When French Canadian and English Canadian jurists came together (1858-1866) to create the Code Civil, they used all three forms of law: the Code Napoléon, some elements of English commercial law, and of course, seigneurial law, which had come from France as the *coutume de Paris*, but which in the 1860's was overlaid with some 200 years of Canadian experience.

The Code Civil is the civil law of Quebec. It was in some ways more modern for its time than contemporary British law, at least prior to the passing of the British Married Women's Property Act in 1882. The family law embedded in the civil code is reflective of Aristotelian conceptions of society from the Roman Catholic Church. Its spirit is the sense of mutual interdependence, with as much emphasis on responsibilities as upon rights. For example, the law of marriage had as its basic principle the formal and legal establishment of what the French call *communauté des biens*. There is no convenient English Canadian equivalent in law or in language: the idea of a community of material interests, based upon what each person could materially bring to the marriage. It was, and still can be, enumerated officially by a notary, as the civil prerequisite to a religious sacrament.

Prior to Quebec reforms in the 1950s and 1960s some of the elements of the Code Civil were rather authoritarian insofar as marriage was concerned.

Sec.174. A husband owed protection to the wife; the wife obedience to her husband.

Sec.176. A wife could not appear in judicial proceedings without her husband or his authorization.

Sec.1292. The husband alone administered the joint property of the marriage.

There were also some other differences:

Sec.187. A husband could demand the separation of the marriage on the ground of his wife's adultery.

Sec.188. A wife could demand the separation of the marriage on the ground of her husband's adultery if he keeps his concubine in their common habitation.

This was certainly old-fashioned enough, and this invidious distinction (from the Code Napoléon) and which ended in France in 1884, lasted in Quebec until 1955. There is another element in the civil code: as parents are bound to maintain their children, and look after them, so are the children, in due course, bound to maintain their mother and father, "and other ascendants", if their parents, or the grandparents, are in want.

One would need to know more about the application and the functioning of such laws before drawing too many hard conclusions from them, but it is obvious that this kind of law reflects a society with different values from English Canadian society.



Place Victoria, Montreal's tallest building, 190 metres high, with 47 storeys, houses the city's stock exchange and is connected to the Régence Hyatt Hotel.

Photo: Mia and Klaus.





House at Lotbiniere Quebec.

Photo: Mia and Klaus.

## FRENCH CANADIAN SOCIETY

French Canadian society is — or it was — also a society of the conquered. French Canadian historiography places great emphasis on the role, the function, and the interpretation of the Conquest of 1759-60. It is a subject that is eloquently taught in French Canadian universities and schools. There is a whole range of arguments, of which the following are the two extreme positions: (1) the idea that French Canadian society was really destroyed by the Conquest, being deprived of its leaders, its bourgeoisie; that it was, sociologically speaking, decapitated; (2) the British conquest of 1759 and after, perhaps because it was heavily administered by Scots, was sufficiently mild and beneficent, for good common-sense reasons, that French Canadians hardly perceived that there was a change except for seeing the red uniforms on the streets of Quebec or Montreal.

One sympathetic English Canadian historian, Arthur Lower, whose words may stir memories here in Australia, summed up the situation this way:

“It is hard for people of English speech to understand the feelings of those who must pass under the yoke of conquest, for there is scarcely a memory of it in all their tradition. Conquest is a type of slavery and . . . conquest, like slavery, must be experienced to be understood.

But anyone can at least intellectually perceive what it means. The entire life-structure of the conquered is laid open to their masters. They become second-rate people. Wherever they turn, something meets their eyes to symbolize their subjection. It need not be the foreign military in force, it need not be the sight of the foreign flags, it might be some quite small matter . . . and then there is the foreign speech, perhaps not heard often, but sometimes heard, and sometimes heard arrogantly from the lips of persons who leave no doubt that the conquered are, in their estimation, inferior beings. Even the kindness of the superior hurts.”

What French Canadians did not lose was their style of doing things. They had the politeness of old France. A neutral Swedish observer was much struck by the difference between the New England and New France that he observed in 1749:

“The inhabitants of Canada, even the ordinary man, surpass in politeness by far the people who live in these English provinces . . . On entering one of the peasants’ houses, no matter where, and on beginning to talk with the men or women, one is quite amazed at the good breeding and courteous answers . . .”

They already had also the pride that came from the freer life in North America together with its sense of being well off. Father Charlevoix, a Catholic priest, found French Canadians rather too proud, too confident, and alleged that they made bad servants for that reason, though he rather admired their love of adventure which had found ample scope in the forests and rivers of North America. An old French Canadian voyageur in 1825, who had been 42 years in the Northwest wrote

“No portage was too long for me . . . Fifty songs a day were nothing to me, I could carry, paddle, walk and sing with any man I ever saw . . . No water, no weather, ever stopped the paddle or the song. I have had twelve wives in the country, and was once possessed of fifty horses, and six running dogs . . . I was then like a Bourgeois, rich and happy . . . wanted for nothing, and I spent all my earnings in the enjoyment of pleasure. Five hundred pounds, twice told, have passed through my hands; although now I have not a spare shirt to my back nor a penny to buy one. There is no life so happy as a voyageur’s life; none so independent; no place where a man enjoys so much variety and freedom as in the Indian country. *Huzza! Huzza! pour le pays sauvage!*”

It is perhaps small wonder that French Canadians tend to regard English Canadians as narrow and petty.



## THE INDIAN RELATIONSHIP



This painting by Rex Woods shows Samuel de Champlain and Etienne Brûlé on Lake Simcoe near Orillia on a Huron excursion against the Iroquois on September 8, 1615. Champlain later became Governor of New France. Confederation Life Collection.

There is another element of French Canadian history that the reminiscences of the old voyageur brings up: their Indian relations. Both the English and Spanish, for different reasons, treated the indigenous races badly. The Spanish exploited the large native population; in the less-populated lands to the north the English simply pushed the Indian out and took the land. To the English, once the possibilities of the fur trade were exhausted, as in the American colonies they soon were, the Indian was worse than useless, he was dangerous. Hence the American saying, inherited from English colonial days, that the only good Indian was a dead one. There are Australian analogies that hardly need to be drawn. That did not happen in French Canada. It did not, not from high-minded reasons, but rather from plain commercial ones. The French needed the Indian for the fur trade. The northern fur trade was important and it was growing, but it depended upon the Indian; not only upon Indian techniques and devices, canoes, snowshoes, toboggans, and Indian hunting skills, but the Indian himself. The French Canadian fur trade was built upon a working alliance with the Indians. Without that, the fur trade was not possible. That, plus the easy portage links between the Great Lakes and the Mississippi, explain the astonishing achievements of New France's exploration of the whole vast Mississippi basin by 1700, long before English settlers had advanced to even within sight of the Allegheny Mountains. British occupation and French occupation were of course very different; the French held the Mississippi valley on the basis of a few trading posts, their wonderful agility in movement,

plus the fact they knew the Indians, learned Indian languages, and had worked out a *modus vivendi* with them. So the Indian policy of Canada, which the British inherited after the conquest of 1760, was quite different from that of the American colonies. Indeed, the later success of the Hudson's Bay Company proved that the British (especially the Scots) could work quite as well with the Indians as the French Canadians did.

There grew up from both Scots and French traders, the custom of *mariage à la façon du pays*. The fur traders lived with Indian girls ostensibly as mistresses, really as wives: and their children, the Metis, became the indispensable linkage between the white men and Indians on the prairies. Canada has not had a fraction of the Indian problems the Americans have had (that does not mean we do not have them); largely owing to the French policy that prevailed almost from the day Champlain set foot in Nova Scotia and Quebec.

It also owed something to the 17th century Catholic Church and its belief that the Indian was *vox clamantis in deserto*. The Church took on a messianic role in this new and primitive society. That and the 4800 kms of rolling ocean that separated it from France gave it great power. Like the Church of France, it was Gallican, that is, nationalist; but its dedication and austerity rather contrasted with the worldliness of the Church in France. Governor Frontenac wanted Molière's *Tartuffe* played at Quebec in 1694, but the Church blocked it. In France, with permission of Louis XIV, it played to packed houses in Paris.



## C'EST LA DIFFERENCE



The Olympic Stadium was built to host the XXIst Olympiad in 1976 and is now home to Montreal's professional football, baseball and soccer teams.

Photo: Mia and Klaus.

That French Canadians are different from English Canadians one can perceive simply by watching them; the way they live, work or amuse themselves. They do the same things, live in the same climate, but nearly everything they do, they do in different ways. If there were ever an argument against geographic determinism, the different ways that French and English live and work in an environment they have inhabited together for 200 years should refute it.

This story omits many things which Canadians, French and English, have achieved in common, as well as the things that have separated them. There are always antipathies between people of different languages, beginning with the jokes. A favourite old Montreal joke is the contest in which the first prize was a week's trip to Toronto, the second prize was a two-week trip to Toronto. That badly underestimates the Toronto of the 1980's, but Montrealers have long memories. The motto of Quebec is "*Je me souviens*", "I remember". French Canadian history is not neglected in Quebec. French Canadian historians are public figures. Enshrined in these memories are the shared antipathies that have helped to keep Quebec society together: the devastations of 1837, the Riel crisis of 1885, the Manitoba School question of the 1890s, the conscription crisis of 1917-18, and of 1944. It is a curious story of Anglo-Saxon blindness to other languages and other peoples and other ways, as well as, on the part of French Canadians, the defensive paranoia of a people who see themselves threatened at every turn, and who feel they must assert their rights, whether in fact these

rights are being threatened or not. French Canadian attitudes, though understandable, are decidedly inward looking. There is a tendency to confuse all things in English, failing to distinguish between ideas and attitudes that are English, American English, or Canadian English. Of course, it is not easy, even given a familiarity with the English language, to discern the nuances between three different forms of English institutions and traditions.

Thus there are profound differences in the way English Canadians and French Canadians feel about the political entity, Canada. The English Canadian attachment to Canada is almost emotional; but for French Canadians it is more apt to be rational, like a *mariage de convenance*, not without its creature comforts, even its pleasures, perhaps its loyalties; but their real heart is not there. The French Canadians reserve their love for Quebec. The ambiguity shows up all the time. It shows up in "O Canada", the Canadian national anthem. ("Canada" was the old French name for what is now Quebec. English Canadians have appropriated it, and the anthem, as they have so much else.) At the hockey games in the Montreal Forum, before they settle down to the serious business of cheering for Les Canadiens hockey team, the French Canadian audience cheerfully stand and sing "O Canada, terre de nos aïeux", in the full consciousness that the Canada they are thinking of is the land of Quebec, and which will, as the closing lines of the anthem suggest, "protègera nos foyers et nos droits", protect our hearths and our rights.





Road signs on Route 15 between Shédiac and Moncton.  
 Photo: Roméo Cormier from Images de l'Acadie.

*This newsletter is published 4 times a year. The views expressed are not necessarily those of the Canadian Government. Unless specifically noted, articles are not copyrighted and may be reproduced. If you have questions or comments, please be in touch — address and telephone number below.*

# CANADA

Today/d'aujourd'hui

Canadian High  
 Commission  
 Commonwealth Avenue,  
 Yarralumla, A.C.T. 2600  
 Australia

Phone 73 3844

