Official Languages

'Official language(s)' refer to the language(s) in which states normally conduct their business and communicate with their citizens. Many of the world's constitutions privilege particular languages as 'official' by so declaring them. Some go on to designate their official languages as the languages of use in the legislatures, courts, civil administration, schools and other public emanations of the state.[1] Commonly, states affirmatively promote their official languages with state power. This, however, is not invariably so. Some states, like the United States, have not constitutionalized an official language.[2]

Language is a badge of identity for national communities. Nationalist movements often occasion a conflict between language communities. Some countries recognize two or more languages as official, but promote only one as its national language. This is the case with Israel, where Hebrew and Arabic are official languages of the state, but where Hebrew alone is strongly promoted as the Israeli national language.[3]

Canada's Constitution declares English and French as the official languages of Canada and provides that these languages have equality of status and equal rights and privileges as to their use in all institutions of the Parliament and government of Canada.[4] Canada's constitution also creates rights to use either language in Parliamentary and court proceedings and to communicate with or be served by institutions of the federal government in either language.[5] Under certain conditions French or English language minorities in the provinces have a constitutionally guaranteed right to receive minority language instruction in educational structures appertaining to their communities.[6]

Language rights provided for in Canada's Constitution are deepened and detailed in the federal *Official Languages Act*.[7] The *Official Languages Act* guarantees as well that all federal employees have the right to use either English or French in the workplace.[8] Importantly, the Act commits the federal government to supporting, enhancing and assisting Canada's minority official language communities.[9] A 'Commissioner of Official Languages' supported by a permanent staff monitors implementation of these rights.[10]

[1] Meital Pinto, "Taking Language Rights Seriously" (2014) 25:2 KLJ 231 at 232–233.

[2] Antoni Abat i Ninet, "Constitutionalising Language: A Dialogue" (2014) 25:2 KLJ 255 at 259–260.

[3] Pinto, *supra* note 1 at 237–238; Mohammed S Wattad, "The Nation State Law and the Arabic Language in Israel: Downgrading, Replicating or Upgrading?" (2021) 54:2 Israel LR 263 at 263–266, 268–273, 281–284.

[4] *Canadian Charter of Rights and Freedoms*, s 16, Part I of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982* (UK), 1982, c 11 .

[5] *Charter*, *supra* note 4 ss 17, 19–20; *Constitution Act, 1867* (UK), 30 & 31 Vict, c 3, s 133.

[6] *Charter*, *supra* note 4 s 23.

[7] *Official Languages Act*, RSC 1985, c 31 (4th Supp).

[8] *Ibid* s 34.

[9] *Ibid* s 41.

[10] *Ibid* ss 49–51, 55–69.