



ACCESS TO JUSTICE

Research reports on
Public Legal Education and Information

Report no. 2

LEGAL EDUCATION AND INFORMATION

Exploratory Study

Research and Statistics
Section
Policy, Programs and
Research Branch

LEGAL EDUCATION AND INFORMATION

Exploratory Study

Prepared for the Department of Justice, Canada

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July 15, 1985

This report reflects the opinions of the authors and does not necessarily represent the ideas or policies of the Department of Justice.

Published by authority of the Minister of Justice
and Attorney General of Canada

Available from
Communications and Public Affairs
Department of Justice Canada
Ottawa, Ontario
K1A 0H8

(613) 995-2569

©Minister of Supply and Services Canada 1986

Printed in Canada

JUS-P-356

Acknowledgements

The authors of this report wish to express their most sincere thanks to those who helped with this project, the preparation, editing, translation and typing of the questionnaire, its distribution and collection, and the interviewing and typing of the final report: Angela Alvarenga, H  l  ne Bomhower, Carolle and Val  rie Laflamme, Annette and Genevi  ve Ribordy.

Special thanks are owed to our colleagues at the Department of Justice, Louise Abdelahad and Daniel Sansfa  on, who assisted us throughout.

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1. PREFACE

Legislative enactments have a bad reputation: the public generally considers them to be complicated, inaccessible and unnecessarily long-winded... This loathing is so widespread that it poses a threat to a democracy in which its members are supposed to know the law. In Canada just as in other countries, the increasing volume of legislation is more and more dispersed and complex. This harmful aversion to legislative enactments must be understood and, where it arises, be minimized. It is with this in mind that we have undertaken our exploratory study.

Our preliminary study indicates that subsequent research and potential solutions should not be directed solely at simplifying legislative enactments. Indeed, the study shows that the distance between law and the public is due more to negative attitudes towards the legal system than to linguistic problems with legislation or the general public's intellectual aptitudes. This aversion to the law is not caused by the complexity of legal enactments but rather by the occult nature of the legal world. Legislative enactments, even when they are very convoluted, are generally understandable. This does not mean that all legal writing is flawless, and that some legislation cannot be drafted using less esoteric terms, or that it is always unequivocal in meaning. To some extent a meticulous reading of legislation may trouble specialists in different disciplines. However, for the most part, legislation is still socially intelligible. Law is more likely to be popularized by demystifying the world surrounding it than by simplifying its written form.

2. INTRODUCTION

2.1. The task

The Department of Justice hopes to determine with precision "the factors which affect legal knowledge." It seeks to evaluate the level of "legal literacy" and of the readability of legislative enactments. Moreover, it wants the analysis broken down according to the following categories: women, native peoples, the handicapped, the elderly, youth, the impoverished, ethnic groups, francophones and anglophones. This was the context of our preliminary study. The exploratory research must provide framework for more profound analysis concerning the legal forms of knowledge and legal language. As such, our task is not to analyze scientifically the state of popular knowledge of the law, but rather to point the way to this analysis. Our role has been one of careful preparation for subsequent research. On the one hand, despite the "exploratory" nature of our study, we have a substantial number of factors to take into consideration, and unless we were to satisfy ourselves with simple speculations, we are obliged to obtain a considerable body of data. On the other hand, the complexity of the problem makes it impossible to base our analysis on sampling by quotas.

2.2 Questionnaire, interviews and linguistic tests

As this is a preliminary study, its purpose is more one of developing hypotheses than of proving them. We used a method which should stimulate conjecture; we drew up a flexible

questionnaire, made up of numerous, varied and largely open-ended questions, including legislative enactments upon which respondents were questioned.

In order to reduce the chance of missing some important information, parallel control interviews were carried out.

Generally, we started with the preconceived view that legislative enactments are in large part incomprehensible to the general public and that their simplification would make them more intelligible to the layman. We therefore planned to identify the problems inherent to each type of enactment and the characteristics of individuals faced with problems of interpretation. (However, we had one reservation: the purpose of corrective action should not be simply an oversimplification of legal writings, something which would do more harm than good). The readability of a legislative enactment and the level of ability of the reader are two relatively distinct matters. This distinction, combined with the division of disciplines concerned with the various facets of the two aspects of the problem, has led to a scattering of knowledge. What we are concerned with here is the real relationship between legislative enactments and their readers, because, with social phenomena, legal writings cannot be separated from the interpretations that are given them. Now, there is neither a general theory nor an overall method for this correlation of legislative enactment and level of comprehension. Although throughout our research we have remained convinced that such a theory or method cannot be found with a quick exploratory study linking the sociology of law and the sociology of communications with linguistics, we have constantly kept in view our ultimate goal of merging approaches. From the beginning to the end of our study, we have attempted as

much as possible to prevent linguistic analysis from destroying collective consciousness and vice versa. It was necessary that we never lose sight of neither the communicability nor the communication of legislative enactments. Nor should linguistics be allowed to be reduced to the simple application of our analytical framework. As a compromise, the questionnaire contained questions liable to interest both sociologists and linguists.

Given our deadlines as well as the exploratory nature of our work, a truly socio-linguistic systematic tool could not be used. Linguistic analysis was at times restricted exclusively to valuable and well-respected linguistic tests, which despite everything were able to meet some of the needs of a socio-linguistic study.

Most of the readability tests were geared to successful interaction between the reader and the enactment based solely on the text. Indices of prediction are produced independently of reader quality. We are far from reaching a consensus as to what constitutes a clear, simple and easy to read enactment. In addition, our tools are not all equally effective. Finally, it is not obvious that the simpler the enactment the more socially comprehensible it becomes. Often conclusions are reached without taking into account variables related to language and communications which are both very complex and essential in defining both readability and reader aptitude.

Given this fact situation, and while including the most reliable data on readability, we chose to collect as much information as possible concerning reader aptitude and to study the conditions for communicability of legislative enactments. The confrontation between these three types of data seemed to us to be more promising than the predictive value of tests dealing only with readability.

2.3 The sample

Our initial sample was to include 120 individuals, chosen at random from the Sudbury riding electoral list. But the very lengthy questionnaire and problems with distribution and collection reduced the number of respondents to 42: by a strange accident, although they were drawn from a population that is one-third French, there was only one francophone. Again drawing at random from the electoral list, a complementary sample was prepared consisting of 24 francophones. Therefore the study was conducted on 63 individuals, of whom 41 were English speaking and 22 were French speaking. In addition, the study drew on 10 interviews (five in French, five in English) in which those questioned represented one or several of the categories to be studied. As a result, for example, a member of an ethnic group or an individual who was both young and handicapped were interviewed.

2.4. Choice of legislative enactments

Preparation of the questionnaire involved a choice of legislative enactments. This choice was not entirely arbitrary.

For an enactment to be selected, there had to be available a vernacular version that was at least comparable in meaning. The choice was then made based on parallelism between the enactments in the two official languages: statutes with doubtful or affected translations were eliminated. Enactments that were too extensive as well as those whose English and French versions were not of comparable length were also eliminated.

Other criteria were also used: availability of texts of the enactments, diversity, source, currency, relevance.

The enactments were grouped together. They were drawn from the Hunting and Fishing Act, the Charter of Rights and Freedoms, the Highway Code, the Family Reform Act, the Human Rights Code and the Young Offenders Act.

Individuals were not questioned about an entire statute. This task remains to be done. Within the context of the preliminary study we concentrated on evaluating reading aptitude and readability. Because of our suspicion that legal style suffered from a degree of abstruseness, we looked for examples that were relatively simple: that is, on the level of the words, sentences and paragraphs, and not on the level of overall meaning - the latter task which might possibly be undertaken at a later time. Minimally, this approach was able to show that the inaccessibility of law is not caused by the legal literary genre.

3. READABILITY

The research field we have chosen is usually the preserve of linguistics and related disciplines. It is from such a standpoint that criticism of the various theories should begin.

3.1. Two bibliographies

A large body of literature exists on the readability of enactments, mainly in English. Because this literature is relatively recent, it has not been systematically classified, nor has it been subject to adequate critical analysis.

Two bibliographies are available:

- i) That of Dinsmore and Dykstra(1), containing a list of and comments on 67 works dealing with the readability of enactments. It is neither an exhaustive bibliography (the authors recognize this fact by subtitling it "A Preliminary List of CLIC's Legal Information Secretariat Holdings") nor a critical analysis of the content of the works listed.
- ii) That of Actualité terminologique (2), containing nearly 400 titles dealing with jurilinguistics. This bibliography however, is misleading. It is addressed primarily to legal translators (to jurilinguists). The list also includes introductory works in linguistics and style, as well as material dealing with legal terminology. Its goal is to provide

(translation) invaluable observations for the Canadian legal translator who may then be inspired by the syntactic turns of phrase suggested therein, comments on phraseology, and notes from compared stylistics applied to the area of law.(3).

The orientation of this bibliography is rather in a different direction to what is important for studies on readability of legislative enactments and, obviously, for works dealing with simplification of legal writing. Its purpose seems to be to train meticulous scribes to be more able to deal with legal

language because of a better understanding of its linguistic particularities. This is probably why some of the better French language works on readability are not found on this list.(4)

3.2. Critical summary

Works on readability contain three types of instruments: readability formulae, cloze procedures and studies of readers.

3.2.1. Readability formulae

In all cases where a readability formula is involved, only the text is taken into consideration.

The first formulae are devised in education, in order to gauge tests destined for young pupils. Two difficulties may arise. First, can tests which may have been found useful in schools for children be adapted to adults in daily life? Questions also arise concerning the validity of pre-established standards or criteria used to determine levels of understanding. In other words, what is the relationship between the level of difficulty in reading a text for adults, as it is defined by readability formulae from school books, and the actual level of understanding of the adult reader? If we rely on certain formulae, we may encourage the drafting of short sentences only, because they are considered easier to remember. However, the complexity of the overall act of reading cannot be reduced merely to the decoding of certain formal units. Specifically, in adults, this act of reading takes into account experience, motivation, the power of integration and retroaction, all of which readability formulae tend to bypass. This is not to

say these factors do not apply at all to young pupils; however, they do prevail with adults who do not do their reading under the guidance of an instructor.

Most commentators are relatively satisfied with the results obtained by readability formulae. In fact, the best scales produce results which are consistent, valid and accurate. A well applied readability formula permits texts to be ranked in order of difficulty. It also permits the detection of linguistic variables which make reading harder, semantic factors such as the technical aspect of vocabulary, and above all, formal factors, such as the length of sentences, the number of syllables per word, the number of long words in the total number of words, etc... Readability formulae are useful: they are practical, easy to use, and give quick results. No wonder they are widely favoured. But these tests also give rise to a certain suspicion: "It is not what readability formulae measure that concerns us: it is what they do not measure." (5)

3.2.1.1. The concept of the readability formula

The linguistic basis of most readability formulae rely on an insignificant factor in linguistics. To take the length of words, the number of words per sentence and the number of syllables per word is hardly to make use of what linguistics has to offer in terms of analysis. The formalist perception of linguistic material may reduce the meaning of the word "language" to its least important dimension. To some extent, calculation of any formal aspect of language may be more useful in determining how many words will fit on a page than in understanding the reader's reaction.

3.2.1.2. Improved draftsmanship

But the fact that we are not enamoured of readability formulae does not mean we refuse to examine problems in texts; nor does it mean we are claiming that there is no way to bring about a better understanding of an enactment. Comprehension of written work is an overall phenomenon, a combination of numerous sociolinguistic and psycholinguistic elements interwoven with the subject of the text at hand; the drafting of a text is an analytical act which may be carried out in several ways. The composition and analysis required in this drafting in order to make the product more intelligible should be based on criteria going beyond what is covered by typical readability formulae. Analysis of the language, and of the text's grammar might even be more useful in understanding the dialectic between the text and the person to whom it is destined.

3.2.1.3. Extension of readability formulae

Analysis of an authentic writing, such as an enactment - and not, for example, a school text which is often only a simplification - requires more sophisticated tools than what are usually found in most studies.

In this preliminary study, because we cannot rely on a proven theory, and because we are convinced by our results, we propose the broadening of the theoretical and methodological framework, and not confining ourselves to readability formulae and their postulates. Research into readability and comprehension of enactments must necessarily be interdisciplinary; linguistic analysis must be concerned with the broadest possible conception of textuality.

To the extent that analysis should be based on the enactment itself, to the exclusion of its eventual reader and can only reach this reader by prediction, Richaudeau's(6) perspective appears to us to respond best, although in a limited way, to the requirements we have set.

Richaudeau suggests an approach that includes linguistic effectiveness in reading. This approach relies on psycholinguistic data which, though not exhaustive, are properly controlled: benchmarks from representative readers; a probabilistic process to measure the coefficient of prediction and perception of the average reader. It is also based on fairly refined linguistic data: the nature of words, the location of words in phrases, repetition and monotony... Textual analysis should take account of two factors. It should make use of a readability formula with respect to three points: 1) standard number of words, 2) coefficient between weighting and number of words memorized, 3) effectiveness index(7). It should also make use of an analytical framework that allows for checking the grammar of the text and in certain cases for proposing stylistic improvements; among the possible parameters studied are: 1) the catalogue, absence of markers for stressing and decoding important ideas, 2) the predictive sentence, something which brings the reader into participation by anticipation, 3) subordination of detail, 4) structural variety, 5) abstraction, 6) passivity. These would be the conditions if we were to apply readability formulae without the reader's intervention. The latter is however present in the psycholinguistic components of the system and in the communications aspect of linguistic concerns. The enactment is not only a formal object. His form presupposes the existence of both writer and reader. The question is how to co-ordinate

the constraints of one and the other, or at least the underlying idea, seems quite promising. It is based on principles of linguistic and communications theory; yet it also retains the practical quality of readability formulae while adding the probabilistic dimension, which more than presupposes success in the integration of the psychology. The approach is more historical and more thorough. It takes better account of characteristics of language as a means of communication.

3.2.2. Cloze procedure

Cloze procedure, developed by Taylor(8), is aimed at filling the gaps left with the use of readability formulae. It consists of taking a text of over 100 words and eliminating some words at random; the reader must replace the missing words. This is a very popular testing method for measurement of reading comprehension. It is not so well thought of when it is necessary to draw universal and predictive conclusions. Its use requires the involvement of specialists in testing, linguistics and statistics. It has definite advantages: 1) it takes account of the reader in evaluating the difficulty of a text; 2) it provides information about the reader's comprehension; 3) it takes into account how the reader uses information to answer; 4) it provides data about the points which bother the reader.

Cloze procedure may even be a criterion for challenging the validity of readability formulae(9) because it draws attention to certain variations which are missed by the formulae. However, because it is difficult to apply, it tends to be used only in special circumstances, as a weighting factor in interpreting results obtained with readability formulae.

Cloze procedure is useful in grading texts and ranking them. It may also be used in an experimental study when it is necessary to appreciate the quality or level of reader comprehension. However, this method is not general enough to provide sufficient information about the text and it is too complicated for use outside of an experimental setting.

3.2.3. Reader Inquiries

There are two types of reader inquiries. As a whole, they are research methods and not techniques for wide public use. However, some simplified methods may be used from time to time for specific inquiries to appreciate some results such as in the case of a program of simplification. The emphasis is on the target of the message, and from this perspective the readability of the text is judged. The reasons for the simplification program are more important than the means, although later it is a simple matter to decide on the appropriate measures based on the results of the inquiry. Areas of investigation may vary: a purely sociological approach, a sociolinguistic approach, a linguistic approach. Given the integrated nature of the genuine reader, it is in the interest of all fields to share the results. We are convinced that this study, which has to examine the phenomenon of readability, must necessarily be sociolinguistic.

Of particular interest among principally linguistic approaches is that of Bond, Hayes and Flower. (10) Subjects are provided with a legislative enactment. Everything they say is recorded. They are asked to read and reformulate the enactment while referring to problems they encounter and their stylistic impressions. This method is obviously effective if both

sufficient time and enough specialists are available to interpret the results. This odd method might well help in simplifying an enactment. But with reservations: why should so much importance be given to the reader if in any case the data must be processed by specialists; is this not a long detour back to the original enactment?

The publications consulted do not refer to sociological questionnaires. In books and articles sociology is never more than a part of a larger inquiry, and its role is only to determine (distantly) needs or clienteles. Nor do we encounter sociolinguistic works as such.

3.2.4. Position

Readability depends as much on the enactment as on the reader. We consider that the analysis must necessarily be based on three types of variables: 1) those relating to the writing and its code, 2) those dealing with the receiver, 3) those concerned with the relationship between the text and the individual to whom it is destined.

Methodological tools that are able to set out such a problematic analysis were not available in the writings that we considered. This is partially explained by the fact that most studies only take the enactment into account, basing themselves on readability formulae for obvious practical reasons, namely to assist those individuals whose task is undoubtably limited to making enactments more readable.

It should be easy to understand that we felt it necessary to prepare the questionnaire ourselves. Because we began exploring what was virtually unknown territory, it should be no surprise that this first attempt, although incomplete and subject to change and improvement, has led us to unexpected results.

In our research we have made use of Bjornsson's LIX index (11), Anderson's RIX index (12), Flesch's formula(13) and that of Hiebert(14) - although we learned of his work after our tools had been chosen. Richaudeau's method seemed better to us; but its use would have been premature in a quick preliminary study with a mainly English-speaking population, not to mention the fact that it is a new method and it would have been necessary to compare it with other approaches. We couldn't do everything. We felt it appropriate to base the results of a preliminary study on recognized tests. We also made use of cloze procedure. However, although our results correspond to what would have been expected from the hypothesis raised by our exploratory study (see appendix 4) they were not retained. Why? First, in the questionnaire (see appendix 3), question 48 contains an enactment with parts deleted, and the respondent must fill in the blank spaces. Further, the same text appears in question 53. Though the respondent was told not to go backwards in the test, and to answer questions in order one after the other, he could still have done so despite the recommendations of the investigators, although there are almost no signs of erasing or crossing out on the questionnaires analysed. Secondly, there were some errors

in presentation of the enactments; some words were not removed in the right place. Third, the enactments used in this research were too short. Fourth, some might consider that the text of the English enactment was not equivalent to that of the French one.

There is no established tradition with respect to the characteristics of the reader. The field is open for study. Fundamental sociological studies must be carried out. Readability formulae, such as Richaudeau's, may be used simultaneously because they can be easily used and they are more immediately located in the relationship between enactment and reader. Other tools and methods may also be devised.

4. THE FRAMEWORK OF LEGAL EDUCATION AND INFORMATION

Above all, the logical framework of what may be accomplished should be defined if improvements are to be made with respect to the reading of legislative enactments, or if some simplification in legal writing - or simply in law - is required. But no matter how well organized and extensive the distribution of legal documentation, and no matter how accessible it is, it will never be possible to provide all citizens with a universal legal awareness. The non-jurist, not to mention the lawyer, cannot know everything about the legal system. The purpose of legal education and information should not be to teach everything to everybody, no matter how simple such teaching can become. In a modern-day country and individual and even more so an entire society cannot know everything there is to know about the law. This is surely one of the reasons for the mystification with the legal world, though the fatalistic conclusion should not be to condemn the public to complete *naïveté*.

4.1 Legal system and legal consciousness

The problem with the diffusion of legal information is that certain authorities don't want a collective and individual consciousness to exist - and this does not exclude the possibility that legal authorities might favour widespread ignorance of the law in order to benefit lawyers. Under normal conditions, individuals abide by the laws they have been taught.

There is no society without law; there is no society without a collective consciousness; but we should not jump to the conclusion that the popular consciousness is a mere response to the legal system. No society exists in which its members have not been conditioned by the law; but all citizens are not the incarnation of the legal world surrounding them. Once again, the individual consciousness is not the internalization of the collective consciousness; it is something else, and both can be defined in the plural. Although all individuals are conditioned by the law, they do not understand legal speech in the same way in all cases and at all times. Consciousness is both varying and variable in a much greater manner than is the legal world. The sum of all circumstances provided for by the law and even changes in a legal system will always fall short of collective consciousness and, usually, outside the scope of individual consciousness. As complex as it may be, law is still less complex than the collective consciousness. Inversely, however simplified, law never reaches the point of being an integral part of the memory of any member of the public. Law almost always tries to predict circumstances and, often, only becomes appropriate with respect to these modalities. The unending body of possible circumstances is

enormous and intricate, somewhat the image of the corpus of laws. A citizen cannot have experienced everything nor will he experience everything. He cannot know nor learn everything in law.

This is the reality for a significant part of society that doesn't seem to be striving for greater legal awareness. To the question "Do you want to be better informed legally?", 14 individuals (22.2%) in our sample answered negatively, three said there was too much to know, five tempered their refusal by specifying that at some time they might be disposed to know more. Among the affirmative replies, three also limited their aspirations to certain circumstances. All information did not have the same inclinations: 28.6% of those questioned admit that they "almost never read" brochures distributed to them by various governments, 52.5% only read them "sometimes"; likewise, 47.6% of those questioned stated that they have never watched a show providing legal information - excluding the fact that for 10 individuals (15.8%) "People's", "Divorce Court" and "Family Court" were the sources of their information.

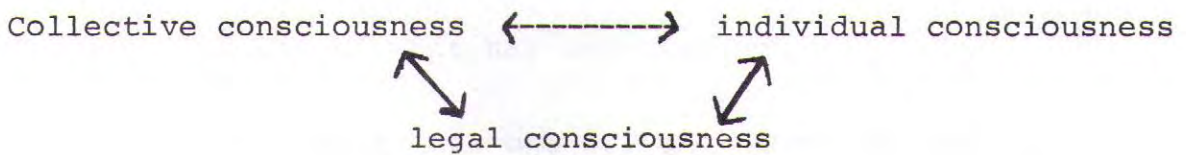
4.2 Information by information and detail

It is impossible to be informed of everything.

Therefore, of what should we be informed and how should this be accomplished?

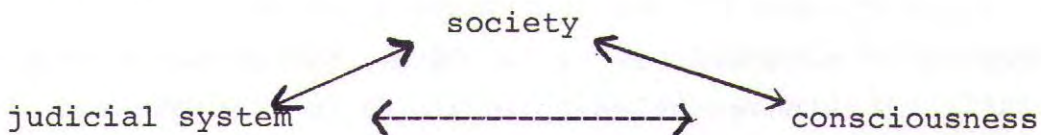
The citizen cannot know everything about the law. But nor should he be deprived of all legal knowledge. He can be only integrated into society to the extent that he absorbs a certain part of his legal surroundings, thereby becoming a social being. The individual consciousness is never merely a reflection of the popular consciousness; but it is conditioned by the latter.

FIGURE 1



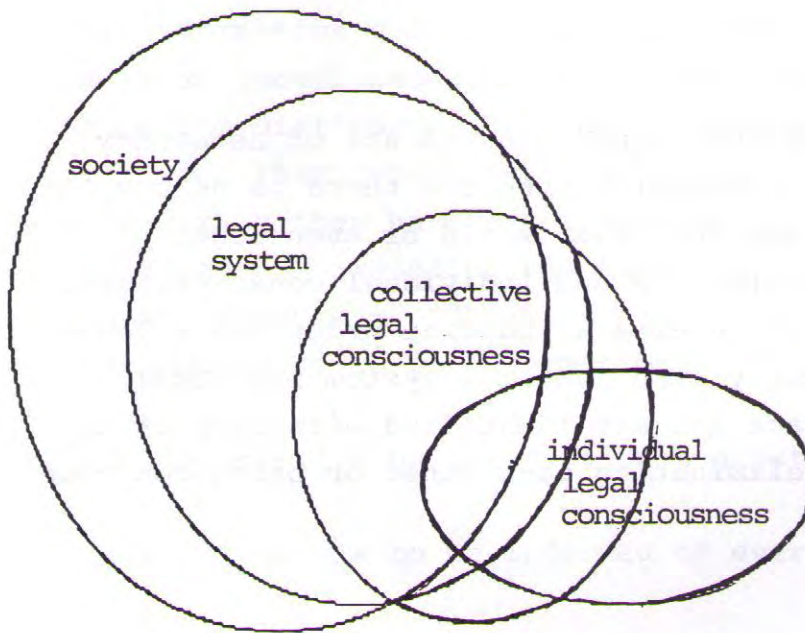
Collective and individual consciousness are of necessity partially judicial; partially, because there is no complete identification between the legal world or even legal consciousness and collective and individual consciousness. Our (modern) society presumes a judicial order and a legal consciousness. Society, the judicial system and legal consciousness interact and are identified with respect to each other without eliminating each other or being confused with each other.

FIGURE 2



This trilogy obviously bears a relationship with historical consciousness that goes beyond legality. The legality or legal conditioning of a community, and thus the community itself, depends on the state of the collective legal consciousness, something which brings us back to individual consciousness (though without an undefined chain of cause and effect).

FIGURE 3



The result is that even if it is impossible to teach everything legally, it is nevertheless preferable to maintain a degree of popular legal consciousness and to place the legal system at the disposal of the individual, unless the legal system is

unfavourable to the community as a whole. Incidentally, in principle the law is not written for society as a whole.

We have already observed a major obstacle to this education (4.1): popular apathy. The citizen is put off by the law, and only rarely takes advantage of chances given him to learn about it. In order to desire to learn one must already be informed and/or be so obliged.

4.2.1. Learning by what has been learned

A citizen who already has one culture cannot be easily integrated into another: he has not been conditioned by it, and it is hard for him to appreciate its different characteristics. The individual who doesn't already know what he must learn in fact cannot learn. (15)

FIGURE 4

Secondary knowledge ←----- Initial knowledge

Education comes from education, but it should not be pushed beyond that which actually makes it possible. Learning presupposes existing knowledge which is its pre-condition. There is therefore a certain threshold beneath which information becomes incomprehensible and even repugnant. (16) Consequently, comprehension of law increases to the extent that the public has a basis for understanding, and that each member of society has reached this threshold below which law cannot be understood.

Legal knowledge determines legal needs, but not infinitely, only up to a certain point. This basis, this threshold, cannot in any case be related to the confused mass which is the legal world. If we rely on our results, it seems that a minimum level of education is sufficient to understand most enactments, at least those in which there are not too many cross-references, or Latin or unusual expression or linguistic errors. To this education should be added preventive instruction, a form of general knowledge which would allow a member of society to act socially and legally (to the extent there is no contradiction, for example if a legal order were to try to impose itself arbitrarily on a social reality) without compromising himself. This background of knowledge would also provide a starting point in a quest for more specific information, when this is considered necessary. We consider that this basic knowledge should be easy enough to identify, in part because quantitatively there are certain legal problems which recur quite frequently. The priority for legal education and information should be neither the simplification of enactments nor their widespread distribution. The distribution on the contrary, should be very selective if it is to be directed at everyone. It is necessary to discover with great precision the threshold of a legal text's accessibility and, where necessary, to correct its shortcomings; it is necessary to discover this functional base and to teach it (as we shall see, by demystifying it); finally, it is necessary to confine legal language to socially understandable limits, without serious interference. To the extent that legislation is kept within this threshold, without gross oversimplification, it should be readable by all.

Legal language need only remain intelligible, even considering the scope of the language which is spoken and understood by the people to whom it is directed. We do not believe that a legal text is easier to understand because it is simpler. Understanding of an enactment is at the very least affected by the content, the style and the complexity of form; a text which is easy to read, in terms of complexity of form, is not necessarily very intelligible.

4.2.2. Information and situation

If legislation is supposed to deal with all circumstances, this is because, in effect, we rely on it under particular conditions. Individuals attempt to acquire legal knowledge when the circumstances so require, when faced with a legal problem.

The individual knows best - does not necessarily understand better - the law related to his activities or his problems; the hunting act for the hunter, the immigration act for the immigrant...

In his search for information, the citizen is less required to listen to information than to know where to find it. Indeed, many respondents ask that we help them find documents dealing with their situations; many others wish to read the enactments on the basis of which lawyers defend or sue them.

5. MYSTIFICATION AND CRITICISM

Often law, legislation and the administration of justice seem to have done everything possible so as to be considered by the

general public as incomprehensible and inaccessible. Legal language, jargon, the style and syntax, and the structure of the enactment frequently eschew simplification, thereby elevating law to the level of the impenetrable. Legalese, as it is called by anglo-saxons, only serves lawyers, those for whom this indulgent language exists. This law is nothing more than the monopoly of a group which tends to mystify and "imbecilize" things for the ordinary mortal.

However in some segments of the population there is a clear desire to know and discover one's rights, and to learn how to protect oneself against abuses. Brochures that popularize the law, law shops, legal clinics and do-it-yourself kits help such individuals, who attempt to learn what they need to know in order to survive in a more and more juridical society. Governments have followed suit, and their offices make available to the general public an increasingly competent personnel trained to deal with the questions and expectations of a troubled citizenry. These offices always include a display providing simplified information pamphlets.

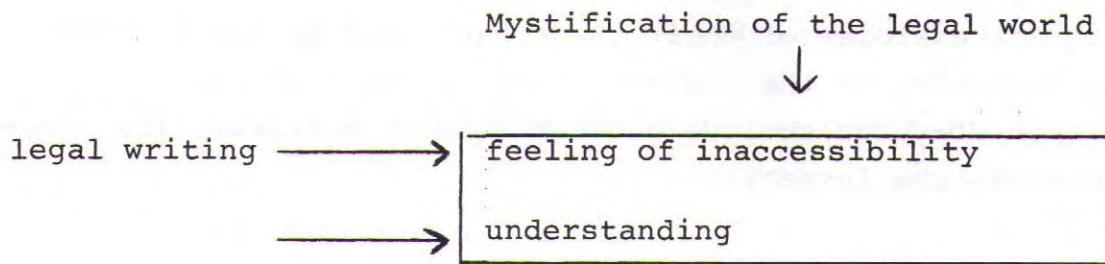
Since the patriation of the Constitution and the entrenchment of the Charter of Rights and Freedoms, this demystification of the law has increased. We now see a certain number of individuals who have taken the responsibility for protecting their own rights before the courts. Some of them go it alone and win their cases; some have even reached the Supreme Court.

But care is necessary. When simplifying a text that is already intelligible, we might create the impression that it was originally incomprehensible. Simplification may become a new form of mystification, because it tends to isolate the ordinary citizen, or as Bourdieu points out, quoting E.H. Gombrich who speaks of the distinction between "common" and

"noble" in the sixteenth and seventeenth centuries: (translation) "some forms are really common because they seduce inferior individuals, whilst others are intrinsically noble because they appeal only to a developed taste". (17)

Nevertheless, law is no longer a specialized instrument reserved for lawyers. And our research has shown this: people can understand legislative enactments (see Chapter 7 for the empirical demonstration) that they too frequently consider to be unintelligible. How then can the mystification persist, even if it is not absolute? We see in it its own negation.

FIGURE 5

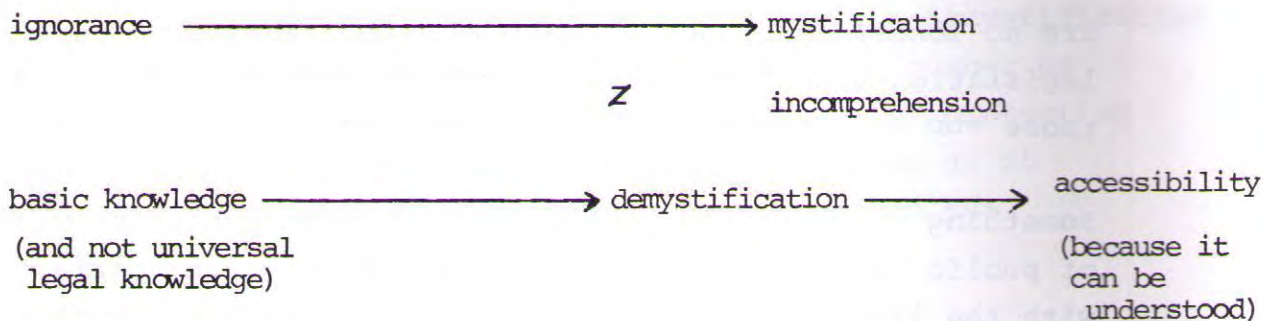


This loosening up can be seen in the fact that our respondents are no longer unanimous in believing that law, justice and legislation should be left to those who make the laws and those who use them directly for their own gain.

Something which surely contributes to putting off the member of public is the fact that he is rarely in direct contact with the law. The law he encounters is something to mistrust: insurance contracts, leases, guarantees with clauses in fine print. This paralegal jungle cuts him off from his own law.

And this frightening reality hides the legal reality. In mistaking one for the other, he is fearful: for him law is a means of deception and only the select few can really "master" it. In this way law is brought down from legislation to the paralegal level and then from the paralegal to categories of individuals. In this way, for example, lawyers end up creating suspicions, and the bad reputation of lawyers ends up applying to the entire world of law. Jurists and non-jurists, we should add, do not see the world of law in the same way. Non-jurists, despite their misgivings, philosophically consider that the law functions to protect citizens, and that it implies the existence of order. Legally, the protective role of law is only indirect. Directly, it functions to prescribe and proscribe. These two perceptions are different. Incapable of an immediate vision of law's function, non-jurists, by the exercise of their trade, and thus by their direct perspective on the indirect role of the judicial - something which does not exclude another form of mystification - may mystify the layman.

FIGURE 6



5.1. Knowledge of the law

When by careful questioning we analyse popular knowledge of specific statutes related to daily life, we get varying degrees of correct answers. However, we note that faced with various choices, individuals adequately identify the correct statute. This is shown by the following tables:

Table 1: Can anyone under 18 obtain a marriage licence?

	number	percent
No	20	31.7
Yes	39	61.9
Don't know	4	6.3
	<hr/>	<hr/>
	63	100.0

What law provides the answer to the previous question?

	number	percent
Young Offenders Act	8	12.7
Family Law	45	71.4
Consumer Protection Act	3	4.8
Criminal Code	4	6.3
No answer	3	4.8
	<hr/>	<hr/>
	63	100.0

Table 2: If you received a book by mail which you did not order can you keep it without paying for it?

	number	percent
No	26	41.3
Yes	24	38.1
Don't know	12	19.0
No answer	1	1.6
	<hr/>	<hr/>
	63	100.0

What law provides the answer to the previous question?

	number	percent
Consumer Protection Act	50	79.4
Post Office Act	10	15.9
Highway Traffic Act	1	1.6
No answer	2	3.2
	<hr/>	<hr/>
	63	100.0

Table 3: If an employee drives to work and spends \$1.00 per day to park, can this person deduct the money in his or her income tax return?

	number	percent
No	40	63.5
Yes	13	20.6
Don't know	10	15.9
	<hr/>	<hr/>
	63	100.0

What law provides the answer to the previous question?

	number	percent
Consumer Protection Act	4	6.3
Income Tax Act	57	90.5
Highway Traffic Act	1	1.6
No answer	1	1.6
	<hr/>	<hr/>
	63	100.0

For age of marriage, 61.9% of the answer were correct; this dropped to 38.1% for the book received in the mail, and to 20.6% for the parking. But the narrowness of the first part of each of the questions does not allow us to go very far with our analysis. In effect, the questions are subject to interpretation and those questioned were not given the space to explain their position. Some did however find room to write: "you can't marry before 18 without special permission"; "only a portion of parking expenses can be deducted". Note that 71.4% of individuals are able to detect the statute which addresses their situation if they are given some choices. A mere hint, therefore, is enough to orient most people.

Whatever the case, we feel it is easy to prove that most statutes are unknown to the majority of the population. Most of those people questioned don't disagree as far as they are concerned. To the question: "Do you consider yourself to be legally informed?" we received the following answers:

Table 4: How legally informed are you?

	number	percent
Very informed	2	3.2
Sufficiently informed	25	39.7
Somewhat informed	31	49.2
Not at all informed	4	6.3
No answer	1	1.6
	<hr/>	<hr/>
	63	100.0

Incidentally, we have already stated that Canadian society requires a preventive education. And we have already written that a statute is known well when it has something to do with a particular situation - something which the answers to the question on the age of marriage, a serious problem possibly confronting many couples or parents, tend to illustrate. But ignorance of a fact is not the same as misunderstanding. What the results of our preparatory study enable us to suppose is that if the Canadian citizen is actually mystified, it is not because he is not aware of his laws. Is it not true that the less knowledge one has of a particular reality, the more it becomes intimidating?

5.2. Opinions

88.9% of respondents think that legislation could be written more simply, that these writings are therefore too complicated, not immediately linked to their intelligence. 19.0% to better legally informed out of principle, 14.3% to better know their rights, 12.7% for their own protection, 4.8% to be more autonomous.

For many, the law is unnecessarily obscure, they believe that it would be appropriate to take corrective measures.

The mystification is already obvious from the fact that more than 72% of people qualify legislative enactments as slightly or not at all comprehensible (we can see similar results in appendix 6, series 1). Corresponding, 69.8% believe that at present it is better to consult a lawyer.

Table 5: Given the present degree of legal awareness among the Canadian public, do you think it is better for someone to consult the lawbooks on their own or to consult a lawyer?

	number	percent
Consult lawbooks	3	4.8
Consult a lawyer	44	69.8
Both	14	22.2
No answer	2	3.2
	<hr/>	<hr/>
	63	100.0

After being asked to imagine an ideal situation, 47.6% of respondents considered, somewhat similarly, that the best source of reference is a lawyer.

Table 6: Ideally, do you feel it would be preferable to consult the lawbooks oneself or, rather, to consult a lawyer?

	number	percent
Consult lawbooks	11	17.5
Consult a lawyer	30	47.6
Both	19	30.2
No answer	3	4.8
	<hr/>	<hr/>
	63	100.0

A large proportion of respondents therefore mistrust themselves (or lack interest) and rely on legal experts. Not always naively, as was shown by this salesman with 13 years of education:

Consult a lawyer due to all the loopholes in the system.

But there are other views. For example, 22.2% of respondents today consider that it is necessary to consult both the enactments and lawyers.

Here are some of their comments.

I think they should first consult the law books and jot down what they don't understand then consult a lawyer to explain. People usually understand something better when they take the time to read (receptionist, 12 years' schooling).

Both. One must know enough to insure his own safety with the lawyer (teacher, B.A.).

If you would understand the law books you wouldn't need a lawyer (worker, 12 years' schooling).

(translation) Both, we should be able to consult the enactments and understand more clearly what we're getting into and what the lawyer wants us to get into (women teacher, B.Ed.).

(translation) Citizens would save a lot of money if they could understand their rights themselves (woman teacher, B.Ed.).

Law book as it would be much cheaper, faster. Most of the time it is people such as single mothers, or the unemployed or low wage earners who need the information the most (housewife, 12 years schooling).

Given the degree of legal awareness, a person could probably benefit both by doing some research first and then consulting a lawyer armed with at least some knowledge of their rights (student, 13 years' schooling).

(translation) Given the exorbitant base rates charged by lawyers, it would be much to our advantage to sort things out by ourselves (cabinetmaker, 9 years' schooling).

Law books first, then if necessary a lawyer (mechanic, 13 years' schooling).

We can sense an undercurrent of dissatisfaction which clearly indicates that adjustments are necessary.

In several other comments we detect this oscillation between mystification and dissatisfaction. In answer to the questions: "What do you think of lawyers?", "of the law?", "of justice?", "of crime?" we find pious reverence but not always timid resignation: the myth also gives rise to doubt, cynicism, and irony. The institutions do not benefit from either unquestioned or absolute respect, however the anger is expressed.

Table 7: What do you think of lawyers?

	number	percent
Necessary	18	28.6
Competent	12	19.0
Necessary, but	6	9.5
Expensive	6	9.5
Suspect	11	17.5
Other comments	3	4.8
No answer	7	11.1
	<hr/>	<hr/>
	63	100.0

47.6% (28.6 + 19.0) of individuals have a positive opinion of lawyers; but 36.5% (9.5+9.5+17.5) of them are disturbed by them; they find them suspect, onerous or only relatively useful.

This trend to ambiguity is shown, once again, in some comments:

I believe they are necessary in hard core criminal cases, but for the basic cases I think they over play their part and try to rip you off! (electrician, 13 years' schooling).

Most are in it for the money - many are capable of using their influence to twist the truth and distort facts - however some are reliable and needed (student, 13 years' schooling).

(translation) I think there are good lawyers, and some who are good for nothing. In any case, they are very expensive (worker, 12 years' schooling).

(translation) I think they are people who do good in our society, though some of them are dishonest (student, 12 years' schooling).

(translation) The lawyer is often superficial, above all in small transactions (instructor, 17 years' schooling).

I think it's a great club to be in. They write the laws and they can't be faulted for subscribing to self-interest (injured worker in retraining, 10 years' schooling).

I think they're victims of a lot of Red Tape (worker, 12 years' schooling).

Ideas held about the law are similar: if 30.2% (25.4+4.8) of those questioned consider the law to be favourable to the maintenance of order, the others have more equivocal position.

Table 8: What do you think of the law?

	number	percent
Favourable judgment	16	25.4
Order	3	4.8
Conditional judgment	12	19.0
Could be improved	4	6.3
Not punitive enough	7	11.1
Too complicated	2	3.2
Unfavourable judgment	14	22.2
No opinion	1	1.6
No answer	4	6.3
	<hr/>	<hr/>
	63	100.0

Here too the comments of those questioned are eloquent and indicate the problem:

It's for animals, not people (nurse, 11 years' schooling)

What law! Everything is for the rich people. If you have money and power, there is nothing to worry about. Before bugging any of us (student, 12 years' schooling).

In most cases, I think the law is under and people can get around it, there are too many loop holes, the lawmakers should be precise when making law (merchant, 13 years' schooling).

I find the law is very unruling as far as the general public goes. I think there is too much push and pull and politics involved (worker, 10 years' schooling).

With respect to justice, 44.5% (14.3 30.2) of those questioned were sympathetic; the others held views ranging from reservation to mistrust.

Table 9: What do you think of justice?

	number	percent
Favourable judgment	9	14.3
Moderately favourable judgment	19	30.2
Moderately unfavourable judgment	8	12.7
Unfavourable judgment	17	27.0
Not punitive enough	6	9.5
No answer	4	6.3
	<hr/> 63	<hr/> 100.0

Justice, something that every people and every generation expect from leaders of countries, etc... and judge is not possible to fully achieve. Never has any crime been fully paid for, any problem been perfectly solved, just as in any family, everything isn't always done "fairly" - but as a man we just keep on trying to improve an imperfect system of justice (student, 13 years' schooling).

(translation) It favours the rich, money talks; justice is prejudiced - there is no justice (carpenter, 9 years' schooling).

Sometimes justice is unfair because the innocent get charged instead of the other (worker, 12 years' schooling).

Justice in some cases overrides common sense, due in part to complex language and interpretation (salesman, 12 years' schooling).

I think justice is for the criminal more than for the victim. The sentences are too lenient for the crimes. I think that capital punishment should be brought back (housewife, 10 years' schooling).

Justice is crazy, ones who deserve never get ones you feel should get little or nothing (restaurant-keeper, 11 year's schooling).

A little too slack for hardened criminals (salesman, 13 years, schooling).

Public opinion believes there are too many crimes and wishes harsher punishments. Yet, an important percentage of respondents, 25.8% (14.3 + 11.5) declare that crime is inevitable, that law encourages crime; 19% of respondents go as far as saying that crime pays.

Table 10: What do you think of crime?

	Number	Percentage
Should be punished more severely	20	31.7
Too many crimes	9	14.3
Law encourages crime	9	14.3
Inevitable illness	7	11.5
Bad	2	3.2
Think of victims	2	3.2
Crime pays	12	19.0
No answer	<u>2</u>	<u>3.2</u>
	63	100.0

The following ideas are expressed:

Vague question! - No one but criminals like crimes, on the other hand without crime there would be no lawyers, no police, no courts, jails, etc... Crime is a very big job maker (electrician, 13 years' schooling).

Crime is popular in our days because authorities fear to take a stand with respect to criminal situations (teacher, 13 years' schooling).

(translation) Deplorable but necessary, because part of society relies on crime to make a living: policemen, social workers, psychologists, lawyers, teachers, etc. (instructor, B.Ed.).

It is of course, wrong, but it seems sometimes the law encourages it. (cleaner, 13 years' schooling).

I think it is making our society a very untrustful place to live. In many cases, it pays, it is making the citizen almost willing to take care of some of the crimes, e.g. break-ins, muggings, "dealers", "cop"-slayers (teacher, B.A.).

It will always exist (unless the law is no removed - where there is no law there is "crime") (student, 13 years' schooling).

5.3 Conclusion

It is easy to discern from our (too limited) sample that there is a chronic dissatisfaction which leads to a breakdown between the citizen and the law and, more generally, between the citizen and the legal work as a whole. This situation is the result of a disturbed view of the law, a certain alienation. Its corollary is a certain adulation for lawyers.

But the popular consciousness goes further than this inhibited subjection; this is demonstrated by these angry and perceptive grumblings. Within this mystification and the opinions accompanying it, the citizen needs to obtain more information in order to be better integrated in society. This is a source of conflict that threatens society itself.

6. THE PERSON TO WHOM THE LEGISLATIVE ENACTMENT IS ADDRESSED

This pilot study has taken account of the following social categories: youth, the elderly, the underprivileged, indigenous peoples, the handicapped, women, ethnic groups, French and English speakers. We must repeat that all results obtained from our sample (see appendix 5 for the frequency

distribution of dependent variables) can only be extrapolated hypothetically. Whatever the case, no correlation could be made with any of the variables which we have been able to relate to the indicators of comprehension of legislative enactments. We did not include Amerindians in our sample although nothing would suggest that they find it any harder to comprehend legal documents. The only thing we see from our variables is that none of them is a factor in the comprehension or incomprehension of legislative enactments and even of the impression they provoke (see appendix 6, the two series of correlations that we provide as an example). All individuals of all classes are able to understand legal writing. Only one negative example: an individual of Canadian origin (in Ontario) who had not completed 10 years' schooling.(18) Strangely, if a tenth grade education appears to make legal documents accessible, comprehension of these texts does not improve with level of education. Below that level, they simply cannot be understood and above it they can. That is all. There are several possible hypotheses. We feel that research should stress socialization, and particularly the acquisition of ideology, the relationship between law and ideology, and between general competence in reading and aptitude for legal reading. Indeed, in the latter case, legal texts appear unintelligible. The type of comprehension, however - as we shall see in the next chapter - is not always the same: English and French do not absorb the law in the same way.

What is valid for comprehension also seems to apply to the needs for legal information. It was impossible for us to peg unequivocally specific legal needs to social categories. On this point, there should be further investigation with a questionnaire that puts more emphasis than we did on needs. We do not deny that certain groups in the general public may have particular legal needs, specifically as concerns services.

We are simply inclined to believe that all members of the public are able to understand any law and that legal problems do not make distinctions. On the other hand, we should not lose sight of the relationship between the need for preventive education and that for detailed information. We reach this uncertain result about needs because, in our opinion, members of the public are often confronted with the same legal problems or occasional legal difficulties which only rarely relate to them in terms of the social classes that we have identified. Problems with insurance, renting, work and the family are not reserved to youth, the handicapped, women... Every member of the public needs (see chapter 4) a general knowledge to enable him to operate socio-legally, and to give him access to the relevant agencies or texts.

7. READABILITY AND COMPREHENSION OF ENACTMENTS

In this chapter, we have sought above all to measure the readability of legislative enactments, with the help of Flesch's formula and the RIX and LIX methods. The eight statutes analysed involve both official and simplified versions existing in both of the country's official languages. As the table produced in Appendix 2 indicates, linguistically each of the enactments is considered difficult to read. If we rely on Richaudeau's experiment, (19) which fixes 50 according to Flesch's formula as the cut-off point for difficult texts, with few exceptions, all of our enactments fall below the cut-off point and, in cases where they are above it, they reach a maximum of 60.52, which means they are fairly difficult. The average score for the RIX is 10, and for the LIX 60, for these two tests, the higher the score, the more difficult the enactment, and a large number of our enactments are placed in the latter category.

There is a high degree of parallelism between the three tests, giving some idea of the comparative value of the formulae. There is no significant difference between the scores obtained with the three formulae, and there is an almost perfect correlation between the LIX and RIX. Flesh's results are also quite decisive; they appear to favour the simplified French texts. This may be due to the method of counting syllables. We believe that reading is not decoding. Therefore, we have counted French syllables based on our intuition as French readers; the silent final vowel (e) is not counted, making the total less than in the English. Similarly, our count of long words varies from French to English. "C'est-à-dire" is counted as one unit, whereas "assurez-vous" is counted as two.

It is possible to rank the 32 enactments chosen by order of difficulty, and to justify linguistically the order determined by the formulae. Semantic and formal markers corroborate this classification.

Secondly, to measure comprehension, which is the ability to interpret and paraphrase, - that is to say transform the text into other terms - we presented the same legislative enactments by a questionnaire and asked individuals to answer certain closed questions, but above all to verbalize their response. We asked questions on the content (Q. 47, 49, 353), we asked respondents to rewrite the meaning of the text (Q. 46,51), to draft two enactments (Q. 50,52) and to put paragraphs in order (Q. 54,57).

As it is at the pre-inquiry stage, the questionnaire includes a large number of open questions. For this reason in our analysis we grouped the comments according to certain categories:

paraphrase, when the individual uses a few words to explain the idea of the enactment using terms different from legal language; paraphrase and copy, when most words used come from the text read; paraphrase and example, when the verbalization is followed by concrete example(s); paraphrase and criterion, when the respondent adds other information or highlights specific points, or certain fictional norms. The goal of these categories is to group similar answers to the question as faithfully as possible, while at the same time maximizing their specificity.

For each of the enactments chosen and presented below, in French and English, in both their original and simplified forms, we present the results of the linguistic tests, answers to the questionnaire and certain sample comments.

7.1. Hunting carelessly

Official English

Every person is guilty of the offence of hunting carelessly who, being in possession of a fire-arm for the purpose of hunting, discharges or causes to be discharged or handles such fire-arm without due care and attention or without reasonable consideration for persons or property and is liable to a fine of not more than \$5 thousand or to imprisonment or both.

Official French

Quiconque ayant en sa possession une arme à feu pour chasser, la décharge, la fait décharger ou la manipule sans prendre les précautions nécessaires ou sans égard normal à autrui ou à des biens est coupable de chasse avec négligence et passible d'une amende d'au plus 5000 dollars

et d'un emprisonnement d'au plus une année ou de l'une seule de ces peines.

Simplified French

La négligence à la chasse constitue une infraction et les chasseurs qui déchargent leur arme sans prendre les précautions exigées ou sans tenir compte des personnes ou de la propriété privée sont passibles d'une amende maximum de 5 000\$ ou d'une peine de prison, ou des deux à la fois.

*See introduction p. 9 and appendix 4, p. 171 for the application and interpretation of the cloze readability test.

According to linguistic analysis, texts on hunting are among the most difficult to read and, in this respect, the distance between English and French and official and simplified enactments is slight. As the following table shows, they fall within the 26th and 30th ranks out of a total of 32:

Table 11: Careless hunting - linguistic analysis Figures in brackets indicate the position in decreasing order of difficulty of 32 texts.

	Official English	Simplified English	Official French	Simplified French
words	72	39	67	52
long words	19	13	14	12
syllables	120	61	97	78
Flesch	57.10 (5)	34.92 (18)	16.35 (29)	27.16 (35)
RIX	19 (30)	13 (27)	14 (28)	12 (26)
LIX	98.4 (29)	72.3 (26)	100 (30)	75 (27)

Flesch's formula indicates that the simplified English text is far more difficult than the official version, whereas the difference is slight for the RIX and LIX. In French, there is a high degree of difficulty with both texts, somewhat greater nevertheless in the case of the official text.

In the questionnaire we asked the following question: "What is your general impression of this passage? Most respondents showed a high level of comprehension, though they criticized the passage's poor linguistic quality:

A very very loooooong sentence, it is difficult to remember what the original offence was by the time you finish the sentence (cleaner, 13 years' schooling)

They could say the same thing in half of words (housewife, 10 years' schooling).

(translation) Clearly...but how do you define due care and attention. Care and attention are words that could lead to controversy (teacher, B.Ed.)

The passage is cluttered and confusing. It should be divided into a number of smaller sentences to make the points clearer to understand (student, R.Sc.)

(translation) Use of a firearm is something serious and dangerous which requires care and attention (cashier, 10 years' schooling).

(translation) Great care in the handling of a firearm or you must answer to the law (cabinetmaker, 9 years schooling).

This question reveals an interesting fact: as a general rule, English readers were more concerned with the linguistic quality of the text, while French readers tended to explain the content. French readers almost always place the law apart from themselves: "the law says", "the law must be respected", "the law must be known". It is as if it represents something sacred, something superior, something apart; often, and unlike English readers, they express an opinion that indicates a certain distancing from the enactment.

(translation) The law is very severe towards those who are negligent and irresponsible (clerk, 12 years' schooling).

(translation) When you go hunting, you should know what you're doing (teacher, B.Ed.)

Later, when the question is asked "Who is liable?" or "Qui est coupable?" in order to see what the respondent considers to be the grammatical or syntactic subject in a passage which could have several, it appears that individuals who would be expected not to understand the passage show a very high level of comprehension.

Table 12: Who is liable? - Qui est coupable?

		number	percent
Persons	Autrui	10	15.9
Care	La négligence	5	7.9
Property	La décharge	1	1.6
Every person	Quiconque	42	66.7
A Firearm	Une arme	3	4.8
No answer	Sans réponse	2	3.2
		<hr/>	<hr/>
		63	100.0

With respect to the simplified passage, respondents were asked to explain the meaning of "without due care and attention", "sans prendre les précautions exigées". Here again it is impressive to note the quality of answers and the comments.

Table 13: What do the words "Without due care and attention" mean?

	number	percent
Paraphrase or synonym	21	33.3
Paraphrase and example	13	20.6
Paraphrase and criterion	9	14.3
Fictional norm criterion	13	20.6
Example only	2	3.2
Don't know	1	1.6
No answer	4	6.3
	<hr/>	<hr/>
	63	100.0

The following comments demonstrate an excellent comprehension and their quality leaves no doubt as to ability to interpret and explain.

Hunter must be considered to be responsible for his actions in any way they may affect rights or others (public servant, B.A.).

Without being responsible and paying attention to what they are doing (salesman, 12 years' schooling).

Not having any regard or consideration for the property of others or their rights as citizens (housewife, 12 years' schooling).

Without reckless abandon and comparable to skills and judgment needed to hunt and kill (worker, 12 years' schooling).

These words mean: "without taking all the safety precaution that a licensed hunter should know and observe for his own safety and that of other people" (salesman, 13 years' schooling).

(translation) Due care and attention: those required by the Firearms Act, such as seeing clearly what the firearms is aimed, at putting the fire-arm in its case before sunrise and after sundown. (female instructor, 13 years' schooling).

(translation) Attention that is expected of an individual who respects the law of a country (female manager, 16 years' schooling).

(translation) Nobody using a fire-arm without knowing or without respecting the law (housewife, 10 years' schooling).

(translation) Care and attention means taking care not to hurt others or the property of others (oneself included), not showing care and attention means a lack of responsibility towards life and property that may cause death, injury (serious or otherwise) or destruction (female teacher, B.Ed.).

(translation) First and foremost, respect the law (carpenter, 9 years' schooling).

Once again, the legalist perspective of French readers stands out: the law is something outside the individual that must be respected. English readers like French readers idealize the law, but English readers consider it as something essential and inherent to their lives, and speak about it indirectly to the extent that it relates to necessity.

If we consider that linguistic tests would hold these passages to be very difficult, the level of comprehension of the public seems quite high. In addition, there are no significant differences in comprehension based on socio-economic variables, and contrary to what we might expect, women show a comprehension and verbalization that is just as good as that of men, although hunting is generally a man's sport. It should be pointed out that comprehension is not the same thing as information. Also, in a country where "everyone" hunts, knowledge of hunting and social awareness of the danger of firearms are internalized to such a point that firearms must be used with a maximum of care and attention to as not to hurt others or damage property.

The French passages are literal translations of the English and have an English linguistic structure. This is why it would be interesting to follow the recommendations of La rédaction française des lois and measure the level of comprehension of an official enactment drafted according to the form proposed:

La manipulation d'une arme de chasse, sans prendre les précautions nécessaires et sans égard à autrui ou à ses biens, est une infraction punissable d'une amende d'au plus 5 000 dollars et d'un emprisonnement d'au plus une année ou de l'une seule de ces peines.

There is another interesting point coming from comparing the two passages, official and simplified, and, as will be shown later, the same thing seems to occur with the passages dealing with the Highway Traffic Act. In the former, the drafting in both French and English follows the English structure for enactments, whereas in the simplified versions the French structure is followed, beginning with the action and not the actor. Once Again, it would be worth measuring the level of comprehension according to the two linguistic groups.

(translation) Because to the French mind, it is the action that suggests the actor. We are well aware that this method of reasoning does not appeal to the English mind, which is conditioned by a tradition of seeking the presence of a person in the circumstances. Because the English version contemplates the thing rather than the person, it creates for the anglophone an unease, a kind of break with custom. (20)

French readers refer to the law far more often, and in their comments they give concrete examples much more frequently, while the English show a more philosophical language which integrates itself with the law.

7.2 Democratic Rights

The passages on democratic rights come from the Charter of Rights and Freedoms. They appear to have been drafted independently of one another, even if the French version bears a strange resemblance to the English. In addition, both the official and simplified version of the English have additional elements, such as "members of the House of Commons".

Official English

Every citizen of Canada has the right to vote in an election of members of the House of Commons or of a legislative assembly and to qualified for membership therein.

Simplified English

The tradition of democratic rights in Canada is specifically guaranteed by the Charter. Citizens will have a constitutionally enshrined right to vote in elections for members of the House of Commons or a legislative assembly and to seek election to either of those houses.

Official French

Tout citoyen canadien a le droit de vote et est éligible aux élections législative fédérales ou provinciales.

Simplified French

Les droits démocratiques traditionnels sont tout particulièrement garantis par la Charte. Tout citoyen aura le droit constitutionnel de voter aux élections fédérales ou provinciales et d'être candidat à ces élections.

In the simplified version, the short preamble that refers to the Charter is of virtually no use in comprehension and adds almost nothing in the way of information. If it is eliminated, the simplified text begins, in English and in French, with the actor: "every citizen", "tout citoyen".

Linguistic analysis indicates that the readability of these passages and their comprehension should not be easy, and that they lie within the average range among the passages chosen. However even more interesting is the fact that because of the additional information, the English version of the official enactment is more difficult to understand than the French. The same is true for the simplified passages, because of the addition of the preamble and the details.

Table 14: Democratic rights - linguistic analysis

	Official English	Simplified English	Official French	Simplified French
words	31	43	17	31
long words	9	14	7	11
syllables	50	78	32	61
Flesch	38.92(16)	31.55(21)	30.33(22)	24.63(27)
RIX	9 (21)	7 (12)	7 (14)	5.5 (7)
LIX	60 (20)	54.5(12)	58 (17)	50.5 (9)

At one point those interviewed were asked to compare the two versions (official and simplified) and to say how they found them different. Finally, a sub-question asked respondents to indicate the meaning of the official passage:

Table 15: In your opinion passages "A" and "B" are:

	number	percent
Very different	13	20.6
Quite different	2	3.2
Quite similar	16	25.4
Very similar	31	49.2
No answer	1	1.6
	<hr/>	<hr/>
	63	100.0

This table shows that the large majority of respondents find both texts to be more or less similar (25.4 49.2 = 74.6%)

Analysis of the sub-questions and comments indicates a definite degree of comprehension of 71.4% (57.1+1.6+6.3+3.2+1.6+1.6) for the official text (a result that is subject to some question because the simplified passage is on the same page as the official one in the questionnaire) distributed as follows:

Table 16: Comprehension of text "A" (official)

	number	percent
Paraphrase	35	57.1
Personify and paraphrase	1	1.6
Paraphrase and add	4	6.3
Add information	2	3.2
Provide negative example	1	1.6
Understand can't explain	1	1.6
Copy and add	1	1.6
Understand partially and add	1	1.6
Understand partially	7	11.1
Understand partially and mistake	1	1.6
Add partially incorrect information	1	1.6
Incomprehensible	1	1.6
No answer	6	9.5
	<hr/>	<hr/>
	63	100.0

Finally, the level of comprehension seems clear based on the comments:

If you are a Canadian citizen, then you have the right to vote in a city, provincial or federal election and you can seek the nomination to run either of these elections (housewife, 12 years' schooling).

It means that if he is a Canadian citizen, he may vote for whoever he wishes to sit in the House of Commons or on a legislative Assembly and if he qualified he may try to enter the election in either (electrician, 13 years' schooling).

Any Canadian citizen has the right to vote for whoever he wishes in a given election. Any Canadian citizen also has the right to run for public office be it mayor, M.P. or M.P.P., etc. (student, B.Sc.).

It is the constitutional right of every Canadian citizen to vote in support of his/her candidate for the House of Commons or Legislative Assembly and is eligible for participation as a member of the aforementioned legislative bodies (accountant, B.Com.).

(translation) Simply to say that you have rights but that you aren't forced to exercise them (truck driver, 11 years' schooling).

(translation) You can be a citizen by birth (born on Canadian soil) or become one by meeting the conditions of the country and this gives you the right to vote and to run for office in the country (female instructor, 13 years' schooling).

(translation) If you're born in Canada or admitted as a member of this country, you can give your opinion in the form of a vote for someone who represents a political party that indicates how to govern the country or a province of the country. You can also get elected as an independent (female instructor, B.Ed.).

Here again, according to the sample, the simplified text seems to be no more readable and comprehensible than the official text, because the additions only make it more complicated to read. If we rely strictly on the drafting, the official English text is perfectly comprehensible, but the words "House of Commons" may be removed or the passage drafted as follows:

Every citizen of Canada has the right to vote in an election of members of a legislative assembly and to be qualified for membership therein.

As for the French version, the drafting technique that goes from the essential to the accessory, as well as the one where the action suggests the actor, could be profitably used. The text is improved by the following drafting:

Les droits démocratiques garantissent à tout citoyen canadien le droit de vote et d'éligibilité aux élections législatives fédérales ou provinciales.

7.3. Duties of an individual where an accident occurs

With respect to duties imposed on any individual where an accident occurs, the texts have significant differences, especially in the French translation. Unlike the English (1983), it appears that the French version has not been updated (1980), particularly in the simplified version:

Official English

Where an accident occurs on a highway, every person in charge of a vehicle or car of an electric railway that is directly or indirectly involved in the accident shall,

- a) remain at or immediately return to the scene of the accident,
- b) render all possible assistance, and
- c) upon request, give in writing to anyone sustaining loss or injury, or to any constable or other police officer or to any witness, his name and address, and also the name and address of the registered owner of such vehicle, and the number of the vehicle permit.

Simplified English

Every driver involved in an accident must remain at or return immediately to the scene of the accident. Drivers are also required to render all possible assistance and provide

their name and address, as well as the name and address of the registered owner of the vehicle and the vehicle plate number to the police or anyone sustaining loss or injury.

Keep calm and follow these steps:

1. Turn off all vehicle engines and turn on the emergency flashers;
2. Don't let anyone smoke, light a match or place flares near the vehicle in case of a fuel leak;
3. If any of the vehicles are on fire, remove all occupants, make sure everyone is well clear;
4. You are required by law to call the appropriate law enforcement agency immediately (provincial or local police), and report the accident if there are any personal injuries, or damage to property exceeding \$400. Ask for emergency treatment for any injured.

Official French

Lorsqu'un accident survient sur une route, toute personne responsable d'un véhicule ou d'une voiture sur rail mue par l'énergie électrique qui est directement ou indirectement impliquée dans l'accident doit

- a) demeurer sur les lieux de l'accident ou retourner immédiatement;
- b) fournir toute l'aide possible; et
- c) sur demande, donner par écrit à quiconque a subi une perte ou une blessure ou à un policier, un autre

agent de police, ou à un témoin, son nom et son adresse ainsi que le nom et l'adresse du propriétaire immatriculé de ce véhicule et le numéro de permis du véhicule.

Simplified French

Tout automobiliste impliqué dans un accident est tenu de s'arrêter. Si les dégâts ne sont pas importants, écartez les véhicules de la chaussée afin de laisser la voie libre à la circulation. Si les dégâts sont importants, (plus de \$400,00), ou s'il y a des blessés RESTEZ CALME et suivez ces instructions:

- 1) Coupez le contact des véhicules et allumez le signal de détresse.
- 2) Ne laissez personne fumer, allumer une cigarette ou placer des fusées près des véhicules en cas de fuite de carburant.
- 3) Si l'un des véhicules est en feu, aidez tous les passagers à en sortir et assurez-vous qu'ils s'éloignent suffisamment.
- 4) Appelez immédiatement la police locale ou provinciale selon le cas et signalez l'accident. Demandez des secours pour les blessés.

Linguistic analysis shows these texts to be among the most difficult. In addition, the readability of the simplified versions should be easier, as this comparative table shows:

Table 17: Duties of an individual where an accident occurs -
linguistic analysis

Simplified	Official	Simplified	Official	
	English	English	French	French
words	93	153	103	123
long words	24	36	29	34
syllables	158	255	177	198
Flesch	31.64 (2)	46.42 (11)	26.61 (26)	52.82 (8)
FIX	8 (17)	4.5 (3)	9.33 (23)	4.85 (4)
LIX	57 (15)	43 (3)	62.3 (22)	45 (4)

Here the respondents were asked to compare the two texts and to determine which one is easier to understand. The vast majority (81.0%) opted for the simplified version. The most frequently given reasons in defense of this choice are clichés, suggesting a language and vocabulary that is simpler and more specific, a more informative presentation by paragraphs, but on the other hand, and unlike the official version, this version presents obligations, something to which a considerable number of respondents (14, 22.2%) objected to, declaring openly that they do not like receiving orders.

The most difficult words to understand appear in the official version. The terms "tramway", "streetcar" or simply "vehicle" could have been used instead of "car of an electric railway". A second expression that caused problems of comprehension was "registered owner of such vehicle". The term "registered" could easily have been eliminated. In English,

the terms "render", "sustaining", "exceeding" and "request" raised certain problems of comprehension.

The French version could easily have been shortened, and presented as follows:

En cas d'accident, toute personne responsable d'un véhicule impliqué dans un accident doit:

- a) demeurer sur les lieux de l'accident ou y retourner immédiatement;
- b) fournir tout l'aide possible;
- c) donner par écrit, à toute personne qui le demande, son nom, son adresse, ainsi que le nom et l'adresse du propriétaire du véhicule, et le numéro de la plaque.

Finally, the comments seem important and indicate very clearly what the public expects in an enactment:

I want to know what to do, not what I only have to do (salesman, 13 years' schooling)

What you should do when you're sure of what must be done (miner, 8 years' schooling).

Every situation, especially where an accident occurs, is different, then what one has to do is different but obligations may not alter (student, 13 years' schooling).

Usually, when you look into a law, it is already in time of need - a crisis, anger, panic, etc...In that situation I would much rather know what to do, step by step, you

don't need to have more confusion or anger added because you can't understand the working of the law (housewife, 12 years' schooling).

Most situations which require use of the law require two or more people to know how to proceed to resolve the problem. Knowing your responsibilities is important, but not everyone knows exactly how to carry out the responsibility (salesman, 13 years' schooling).

7.4. Legal rights

With respect to legal rights, the enactments chosen are drawn from the Canadian Charter of Rights and Freedoms. In effect, they are the final three sections on legal rights:

Official English

- a) Everyone has the right not to be subjected to any cruel and unusual treatment or punishment.
- b) A witness who testifies in any proceedings has the right not to have any incriminating evidence so given used to incriminate that witness in any other proceedings, except in a prosecution for perjury or for giving of contradictory evidence.
- c) A party in any proceedings who does not understand or speak the language in which the proceedings are conducted or who is deaf has the right to the assistance of an interpreter.

Simplified English

Legal right will ensure that no one is subject to cruel and unusual punishment; that any witness will have an automatic right not to have incriminating evidence resulting from that testimony used against him or her in subsequent proceedings, except in special cases such as perjury; and finally, that a party or witness in any proceedings, civil or criminal, will have the right to the assistance of an interpreter if he or she does not understand or speak the language of the proceedings or is deaf. This right will exist regardless of the language involved.

Official French

a) Chacun a droit à la protection contre tous traitements ou peines cruels ou inusités.

b) Chacun a droit à ce qu'aucun témoignage incriminant qu'il donne ne soit utilisé pour l'incriminer dans d'autres procédures, sauf lors de poursuites pour parjure ou pour témoignages contradictoires.

c) La partie ou le témoin qui ne peuvent suivre les procédures, soit parce qu'ils ne comprennent pas ou ne parlent pas la langue employée, soit parce qu'ils sont atteints de surdit , ont droit à l'assistance d'un interpr te.

Simplified French

Ces garanties prévoient que personne ne pourra être soumis à des traitements ou peines cruels et inusités; qu'un témoin aura le droit à ce qu'aucun témoignage incriminant qu'il donne ne soit utilisé contre lui dans d'autres procédures, sauf dans les cas de parjure; et, enfin, qu'une partie ou un témoin aura droit, dans toute procédure judiciaire civile ou criminelle, à l'assistance d'un interprète si cette personne ne comprend pas ou ne parle pas la langue en usage au cours de la procédure, ou si cette personne est sourde. Ce droit sera reconnu quelle que soit la langue employée.

Although linguistic analysis classified these texts as being of average difficulty, they are, as the next table indicates, better understood in French than in English, and the simplified texts are linguistically simpler than the official ones.

Table 18: Legal rights - linguistic analysis

	Official	Simplified	Official	
Simplified	English	English	French	French
words	88	94	89	112
long words	26	26	23	22
syllables	153	158	129	160
Flesch	29.97(23)	40.78(13)	54.10(7)	57.55(4)
RIX	8.66(20)	6.5(10)	7.6(16)	5.5(6)
LIX	59.33(19)	51.24(10)	55.6(14)	48(6)

In the questionnaire, the order of legal rights was intentionally reversed (C.A.B.). When asked to place them in the order in which they appear in the Charter, 60.3% of those questioned did so correctly. This is true even though nothing requires them to place the paragraphs in this specific order, other arrangements being logically acceptable at least in theory.

Table 19: Order of paragraphs of passages on legal rights

	number	percent
B.C.A.	12	19.0
C.B.A.	38	60.3
A.B.C.	10	15.9
No answer	3	4.8
	<hr/> 63	<hr/> 100.0

Here we presume that being able to put the paragraphs in order is a sign of the respondent's comprehension. We do not distinguish between syntactic and substantial intelligence, ideas being generally linked to the form in which they are expressed. We cannot prove whether or not syntactic intelligence corresponds to comprehension of the meaning, something that should be examined in a subsequent study. This inability may weaken our results, although they generally confirm the conclusion that we reached in our exploratory study.

7.5. Access to private property

Official English

The ownership of the bed of a navigable water or of a lake or river does not include the exclusive right of fishing in the water that covers or flows over the bed unless that exclusive right is expressly granted by the Crown.

Simplified English

A fishing license does not give any angler the right to trespass on private property without the owner's permission.

River Access:

Many of the smaller trout streams in Ontario are located on private land and the various owners of the properties have paid taxes on the bottom of the stream and the bank for many years. When such is the case, the property owner can prohibit trespass on the bank of the stream bed (according to the Trespass to Property Act), but does not own the water or the fish.

On larger streams, patented lots may extend to the center line of the stream or to the high water mark on the bank. A search of the original deed in the Registrar's Office would be the only way to determine the extent of the private ownership.

Navigable streams are generally quite obvious as the public has been using them for many years. When a dispute arises, it can only be legally settled by the Courts of Ontario.

Official French

La propriété du lit d'un cours d'eau navigable, d'un lac ou d'une rivière n'inclut pas le droit exclusif de pêche dans les eaux qui recouvrent ce lit ou qui coulent sur ce lit à moins que ce droit exclusif ne soit expressément accordé par la couronne.

Simplified French

Le détenteur d'un permis de pêche n'a pas de droit de pénétrer sur une propriété privée sans l'autorisation du propriétaire.

Accès aux rivières:

Les petits cours d'eau à truite dans la province sont souvent situés sur des terres privées dont les propriétaires paient un impôt sur le fond et les berges depuis des années. Dans ce cas le propriétaire peut interdire l'accès au cours d'eau, mais l'eau et les poissons ne lui appartiennent pas. Sur les cours d'eau plus larges, les lots ayant fait l'objet d'une concession peuvent s'étendre jusqu'au centre de la rivière ou à la marque du niveau d'eau de la berge. La seule façon de déterminer l'étendue de la propriété est de consulter le document original dans le bureau d'enregistrement des titres. De façon générale, la question ne se

pose pas pour les cours d'eau navigables
car le public les utilise depuis de
nombreuses années. En cas de conflit, seuls
les tribunaux de l'Ontario sont compétents.

Some readability tests indicate that the text dealing with
"Access to property", in its English and French simplified
versions, is the simplest of all. In its official form,
according to readability scales, it is of average difficulty.

Table 20: Access to private property - linguistic analysis

	Official English	Simplified English	Official French	Simplified French
words	43	167	51	175
long words	7	36	9	34
syllables	63	247	66	262
Flesch	39.24 (15)	60.52 (1)	45.59 (12)	57.97 (3)
RIX	7 (15)	4.5 (2)	9 (22)	4.25 (1)
LIX	59 (18)	42.8 (2)	69 (25)	40.8 (1)

Here again, the order of paragraphs in the questionnaire
was changed and respondents were asked to put them in
logical order. The text was presented in the following
order:

English version

- a) When such is the case, the property owner
can prohibit trespass on the bank and stream
bed (according to the Trespass to Property Act),
but he does not own the water or the fish.
- b) A search of the original deed in the
Registrar's Office would be the only way to
determine the extent of private ownership.
- c) Many of the smaller trout streams in

Ontario are located on private land and the various owners of the properties have paid taxes on the bottom of the stream and the bank for many years.

d) On larger streams, patented lots may extend to the centre line of the stream or to the high water mark on the bank.

French Version

a) Dans ce cas, le propriétaire peut interdire l'accès au cours d'eau, mais l'eau et les poissons ne lui appartiennent pas.

b) La seule façon de déterminer l'étendue de la propriété est de consulter le document original dans le Bureau d'enregistrement des titres.

c) Les petit cours d'eau à truite dans la province sont souvent situés sur des terres privées dont les propriétaires paient un impôt sur le fond depuis des années.

d) Sur les cours d'eau plus larges, les lots ayant fait l'objet d'une concession peuvent s'étendre jusqu'au centre de la rivière ou à la marque du niveau d'eau sur la berge.

C.A.D.B. is the most logical order, and is also the category in which there were the most answers (20.6%, 13). The series beginning with A may be considered incorrect; only two respondents (3.2%) did this. The series C.D.B.A. should also be rejected but, we point out, none of our respondents considered such a combination.

Table 21: Order of paragraphs of passages on legal rights

	number	percent
C.D.A.B.	6	9.5
C.A.D.B.	13	20.6
C.D.A.B.	12	19.0
B.A.D.C.	2	3.2
C.A.B.D.	1	1.6
C.B.A.D.	3	4.8
B.A.C.D.	3	4.8
D.C.A.B.	2	3.2
A.C.B.D.	2	3.2
C.B.D.A.	4	6.3
D.B.C.A.	2	3.2
B.C.D.A.	4	6.3
D.C.B.A.	1	1.6
B.D.C.A.	1	1.6
No answer	<u>7</u>	<u>11.1</u>
	63	100.0

All of the answers beginning with C. other than C.D.B.A., are acceptable (61.18% of answers) although those where A immediately follows C are preferable because it adds something to the latter, but this can theoretically be added in between or after D. Though the logic of a series beginning with B (15.8%), 10) is somewhat odd, it is acceptable. In short, there are few individuals who understand nothing in these paragraphs or who are unable to put them in justifiable order.

The comments on the ordering of paragraph made in chapter 7.4 are also valid here. We might wonder whether the passages can be reorganized in suitable order without being understood at all. Certainly this may take place by chance. But the larger and more random the sample, the less it is likely. In addition, underlying

This objection is the supposition of a distinction between meaning and syntax, an idea we have not adopted although it deserves to be considered. But such a step would hardly seem necessary because the answers obtained here corroborate the results as a whole and back up the hypothesis of the popular intelligibility of legislative enactments. We should add that had the majority of our results suggested the contrary, the existence of this common ability to put ideas in order would have been more rigorously examined.

7.6 Domestic Agreements

Official English

Two persons may enter into an agreement, before their marriage or during their marriage while cohabiting, in which they agree on their respective rights and obligations under the marriage or upon separation or the annulment or dissolution of the marriage or upon death, including;

- a) ownership in or division of property;
- b) support obligations;
- c) the right to direct the education and moral training of their children, but not the right to custody of or access to their children; and
- d) any other matter in the settlement of their affairs.

Simplified English

A domestic contract is a marriage contract, a separation agreement or a cohabitation agreement. A marriage contract may be signed before a couple marry or during the

marriage. A separation agreement is signed after a couple have separated. A cohabitation agreement is an agreement between a man and a woman who are living together but who are not married to each other. A domestic contract or any agreement to amend a domestic contract must be in writing, signed by the parties and witnesses. Independent legal advice, although advisable, is not required under the new law.

In a domestic contract, a couple may outline property rights and support obligations and provide for any other matter in the settlement of their affairs during their relationship, in the event of a future separation or upon the death of one of them. Provisions will predominate over the new legislation.

Couples may provide for the education or religious training of their children in a marriage contract or cohabitation agreement. Custody of children may only be provided for in a separation agreement.

Official French

L'accord conclu avant le mariage des parties ou au cours du mariage pendant qu'elles cohabitent peut régler leurs droits et obligations réciproques en mariage, ou qui découleront de leur séparation, de la dissolution ou annulation du mariage ou du décès, c'est-à-dire:

- a) la propriété des biens ou leur partage;
- b) les obligations alimentaires;
- c) le droit de diriger l'éducation et la formation morale de leurs enfants, mais non le droit de garde ou de visite;
- d) tout autre aspect de leur rapport.

Simplified French

Un contrat domestique est un contrat de mariage, un acte de séparation ou une entente de cohabitation. Un contrat de mariage peut être signé avant qu'un couple se marie ou pendant le mariage. Un acte de séparation est signé après qu'un couple soit séparé. Une entente de cohabitation est un accord entre un homme et une femme qui vivent ensemble mais qui ne sont pas mariés l'un à l'autre.

Un contrat domestique ou toute entente en vue de modifier un contrat domestique doit être effectué par écrit, signé par les deux parties et devant témoins. L'avis auprès d'un conseiller juridique indépendant, bien que recommandé, n'est pas exigible en vertu de la nouvelle loi.

Dans un contrat domestique, un couple peut stipuler les droits à la propriété et les obligations de soutien et inclure toute autre clause dans le règlement de leurs affaires pendant leur relations, dans le cas d'une séparation ultérieure ou lors du décès de l'un d'eux. Les dispositions

stipulées dans un contrat domestique primeront généralement sur la nouvelle législation.

Les couples peuvent stipuler l'éducation ou l'instruction religieuse de leurs enfants dans un contrat de mariage ou une entente de cohabitation. La garde des enfants ne peut être stipulée que dans un acte de séparation.

The readability and comprehension of these texts was measured with specific questions: "The agreement in question concerns the period...", "This article of the law concerns rights and obligations...", "When and before whom can a domestic contract be made...". These texts are considered to be of average difficulty from the standpoint of readability tests. The number of correct answers is however very high, and shows excellent reading, better in French than in English. Readability tests show that the simplified English version is more difficult than the official one, whereas the contrary is the case for the French texts.

Table 22: Domestic agreements - linguistic analysis

	Official English	Simplified English	Official French	Simplified French
words	86	183	81	225
long words	25	73	22	67
syllables	147	326	132	344
Flesch	40.14(14)	35.49(17)	48.41(10)	54.65(6)
RIX	6.25(9)	8.1(18)	5.5(5)	6.7(11)
LIX	50.5(9)	60.3(21)	47.25(5)	52.5(11)

Answers to the question "The agreement in question concerns the period..." show a high level of comprehension with respect to the official text because 15 (23.8%) respondents gave the correct answer, whereas 30 (47.6%) gave an answer which may be considered as acceptable, because marriage is often defined as a sacrament, and it is therefore possible to reach an agreement before the celebration of the religious marriage. The time the agreement is signed may also be considered as belonging to the period in question. Practically the same distribution is found with the simplified text, with 14 correct answers (22.2%) and 32 acceptable ones (50.8%).

Table 23: The agreement in question concerns the period?

Official	number	percent
Before the marriage	9	14.3
During the marriage	3	4.8
After and during separation	2	3.2
In case of death	2	3.2
2,3 and 4 are correct	15	23.8
1, 2, 3, and 4 are correct	30	47.6
No answer	2	3.2
	63	100.0
 Simplified	 number	 percent
Before the marriage	4	6.3
During the marriage	7	11.1
After and during separation	3	4.8
2, 3 and 4 are correct	14	22.2
1, 2, 3 and 4 are correct	32	50.8
No answer	<u>3</u>	<u>4.8</u>
	63	100.0

To the second question, "This article of the law concerns rights and obligations", 54.0% of answers for the official text and 81.0% of answers for the simplified one were correct.

Table 24: This article of the law concerns rights and obligations ?

Official	number	percent
During marriage, after separation or death	34	54.0
Or which would ensue	26	41.2
No answer	3	4.8
	<hr/>	<hr/>
	63	100.0
Simplified	number	percent
During marriage, after separation or death	51	81.0
Or which would ensue	8	12.7
No answer	4	6.3
	<hr/>	<hr/>
	63	100.0

To the third question, "A marriage agreement can be made...", the number of correct answers for the official text is very high (85.8%: $17.5+4.8+63.5$); the same is true for the simplified text (84.2%: $12.7+4.8+66.7$) but, contrary to what we saw with the second question, this second version adds nothing to the comprehension.

Table 25: A marriage agreement can be made when?

	Official		Simplified	
	number	percent	number	percent
Before marriage	11	17.5	8	12.7
During marriage	3	4.8	3	4.8
After marriage	3	4.8	2	3.2
1, 2 are correct	40	63.5	42	66.7
2, 3 are correct	5	7.9	5	7.9
No answer	1	1.6	3	4.8
	<u>63</u>	<u>100.0</u>	<u>63</u>	<u>100.0</u>

For the other questions, the level of comprehension remained very high, at 82.5% for "rights and obligations" and at 77.7% (6.3 58.7 12.7) for the signature of the contract before witnesses and/or a lawyer.

Table 26: Marriage - four factors

	number	percent
Parties	5	7.9
Rights and obligations	52	82.5
Consequences of death	2	3.2
No answer	4	6.3
	<u>63</u>	<u>100.0</u>

Table 27: A marriage contract may be concluded:

	number	percent
Only before a lawyer	4	6.3
Before witnesses	37	58.7
Simply by agreement between the parties	6	9.5

	number	percent
2, 3 are correct	6	9.5
1, 2 are correct	8	12.7
1, 2, 3 are correct	1	1.6
No answer	1	1.6
	<hr/>	<hr/>
	63	100.0

At the level of social consciousness in a very Catholic city such as Sudbury, marriage is always viewed as a sacrament, a definition that is far more restrictive than that provided by the status, which includes cohabitation. "Common law marriage" has nevertheless become acceptable, among the French as much as the English.

The style of the official texts is quite close to what is proposed in La rédaction française des lois, the French version considering that the action includes the actor ("L'accord conclu...") with the English one beginning with "Two persons may..." As for the simplified texts, it is worth noting that both versions begin with the action. The French version is nothing more than a literal translation of the English, although this did not bother the respondents in the slightest, because the comprehension of the French does not differ from that of the English. In conclusion, it seems that the simplified texts do not lead to better comprehension, and the official text would suffer were its punctuation to be changed in the slightest.

7.7 Harassment at work

Official English

1) Every person has a right to equal treatment with respect to employment without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, age, record of offences, marital status, family status or handicap.

2) Every person who is an employee has a right to freedom from harassment in the workplace by the employer or agent of the employer or by another employee because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, age, record of offences, marital status or handicap.

Simplified English

Harassment is defined by the Code as "a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome". An example could be a course of comment or conduct consisting of words or actions that insult or cause humiliation to a person in relation to one of the prohibited grounds.

Employers, people acting for employers, and coworkers are prohibited from harassing an employee on the ground of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, age, record of offences, marital status, family status or handicap.

Official French

- 1) La personne a droit à un traitement égal en matière d'un emploi, sans discrimination fondée sur la race, l'ascendance, le lieu d'origine, la couleur, l'origine ethnique, la citoyenneté, la croyance, le sexe, l'âge, l'existence d'un casier judiciaire, l'état matrimonial, l'état familial ou une infirmité.
- 2) L'employé a le droit de travailler sans être harcelé au travail par son employeur ou son représentant ou un autre employé pour des raisons fondées sur la race, l'ascendance, le lieu d'origine, la couleur, l'origine ethnique, la citoyenneté, la croyance, l'âge, l'état matrimonial, l'état familial ou une infirmité.

Simplified French

Le Code définit le harcèlement comme "le fait pour une personne de s'adonner à des remarques ou à des gestes vexatoires lorsqu'elle sait ou devrait normalement savoir que ces remarques ou ces gestes sont importuns"; par exemple des paroles ou des actes qui insultent ou humilient une personne pour l'un des motifs de discrimination illicites.

Il est interdit aux employeurs, à leurs représentants et aux collègues de travail, de harceler un employé en raison de sa race, son ascendance, son lieu d'origine, sa couleur, son origine ethnique, sa citoyenneté, sa croyance, son âge, son casier judiciaire, son état matrimonial, son état familial ou une infirmité.

For texts dealing with harassment at work, we asked respondents to put themselves in the place of the employer or the employee and to explain to the opposite party both the section of the act and the simplified text.

Comments on the text reveal a high level of comprehension, because only 11 to 12 individuals (about 18%) do not understand or do not answer the question. It should be added that as we progressed in the long questionnaire, respondents became somewhat worn out. For the others, comprehension was excellent, both for the official and the simplified passages, and those who were interviewed had no difficulty adopting the standpoint of the employee or the employer.

Table 28: Explanations of rights of employer to an employee

	number	percent
Paraphrase	17	27.0
Paraphrase and qualification	8	12.7
Paraphrase and copy	14	22.2
Paraphrase and synonym	6	9.5
Resolution	7	11.1
Don't know	2	3.2
No answer	<u>9</u>	<u>14.3</u>
	63	100.0

According to the type of actor, the difference in level of comprehension is not significant, because the comments may be exactly the same. The dominant fact that emerges is the quality of the comments.

I must not be treated differently because of my deafness. I must be considered along with other employees for any position or promotion that I am able to handle. I must be given a chance to prove I am capable of handling any available position (housewife, 13 years' schooling).

The employers cannot make statements or conduct themselves in such a manner that they harass, bother or humiliate an employee in prohibited areas defined by the law (student, B.Sc.)

You shall not be harassed at work because of what you are, who you are or what you have done (worker, 10 years' schooling).

Person who is seeking employment with us will be treated equally without being harassed on his skin colour, or nationality and his or her background (secretary, 11 years' schooling).

You are a free person, therefore, no one has the right to make remarks that are unfavourable or to do anything that is degrading to you (instructor, 13 years' schooling).

(translation) As an employee, rights should be given to all employees without regard to our colour, religion, state of marriage, of family or disability (worker, 13 years' schooling).

(translation) I can work without being bothered by my boss or his assistant because of my race, ancestry, country of origin, black or white, etc... first of the race, to which I belong, whatever my beliefs, my age, married, divorced or single, family troubles or not, or handicapped (housewife, 12 years' schooling).

(translation) Whether you're black or white or another colour, of Canadian origin or not, Christian or not, male or female, married or single, you shouldn't be treated differently by your employers, that is, be put in work that is more difficult, or be shown favoritism (female instructor, 13 years' schooling).

The above quotations clearly indicate an understanding of the texts. Some individuals even question the inclusion of the "criminal record", stating that it should be considered when an employee is hired. Others consider that only the quality of work should be considered and that all other considerations are discriminatory.

These answers strongly indicate a social consciousness as well as a high level of internalization of what may be called unjust. "I have a right to work if I meet the qualifications". The official enactment is close to the reality as it is perceived or experienced. This is why the transmission of knowledge by simplification is not really necessary, and even more, it appears more complex specifically due to the addition of words such as "vexatoire" and "importun" which are uncommon in French.

Table 29: Harassment at work - linguistic analysis

	Official English	Simplified English	Official French	Simplified French
words	85	86	108	109
long words	21	25	37	35
syllables	156	146	173	182
Flesch	8.43 (3)	34.12 (19)	16.50 (28)	28.70 (24)
RIX	10.5 (24)	8.3 (19)	18.5 (29)	11.6 (25)
LIX	67.5 (23)	57.6 (16)	88 (28)	68.3 (2.4)

Results of the linguistic analysis show that the official version is considerably more difficult to read and understand than the simplified one. The gap is even greater with respect to the two English enactments. However, nothing in the answers from the individuals sampled confirms this linguistic difference, the official texts undoubtedly being read and understood just as well in either language.

7.8 Young Persons

Official English

"young person" means a person who is or, in the absence of evidence to the contrary, appears to be

- a) twelve years of age or more, but
- b) under eighteen years of age, or in a province in respect of which a proclamation has been issued under subsection (2) prior to April 1, 1985, under sixteen or seventeen years, whichever age is specified by the

proclamation, and, where the context requires, includes any person who is charged under this Act with having committed an offence under this act.

Simplified English

The new Act stipulates that "young person" means a person who is or...appears to be twelve years of age or more, but under eighteen years of age". This means that the new Act covers individuals from their twelfth birthday until they are seventeen years inclusive; once they have attained their eighteenth birthday, they become adults from the point of view of the criminal law and move into the ordinary court system.

Official French

"adolescent" Toute personne qui:

- a) n'a pas atteint l'âge de dix-huit ans ou, dans les provinces qui ont fait l'objet, avant le 1er avril 1985, d'une proclamation visée au paragraphe (2), l'âge de seize ou dix-sept ans qui y est fixé ou qui, en l'absence de preuve contraire, paraît avoir un âge compris entre ces limites, ainsi que, lorsque le contexte l'exige, toute personne qui, sous le régime de la présente loi, est soit accusée d'avoir commis une infraction durant son adolescence soit déclarée coupable d'une infraction.

Simplified French

Aux termes de la nouvelle loi, le mot "adolescent" désigne "toute personne qui étant âgée d'au moins douze ans, n'a pas atteint l'âge de dix-huit ans... ou qui ...paraît avoir un âge compris entre ces deux limites". Il en résulte que la nouvelle loi s'applique aux jeunes de 12 à 17 ans inclusivement; une fois qu'ils ont atteint 18 ans, le droit pénal les considère comme adultes et ils sont justiciables des tribunaux de droit commun.

According to the readability analysis, official texts dealing with the definition of young person found in the Young Offender's Act may be considered as being among the most difficult. On the other hand, in their simplified form they are relatively easy.

Table 30: Young persons - linguistic analysis

	Official English	Simplified English	Official French	Simplified French
words	97	72	101	78
long words	22	14	21	18
syllables	145	102	143	111
Flesch	-18.08 (32)	50.45 (9)	-15.46 (31)	60.45 (2)
RIX	22 (32)	7 (13)	21 (31)	6 (8)
LIX	120 (31)	55 (13)	122 (32)	49 (7)

To calculate the difference in public comprehension of the two texts, we put one after the other in the questionnaire and asked several questions of the respondents.

The large majority of them, 88.9%(56), stated that the simplified text is far easier to understand and explain because the language used is simpler and more specific.

Table 31: Young persons: comprehension of "A" (official) or "B" (simplified)

	number	percent
A more understandable	1	1.6
B more understandable	56	88.9
Neither	2	3.2
No answer	4	6.3
	<hr/>	<hr/>
	63	100.0

The respondents provided the following explanation:

Table 32: Young persons: Explanation of "A" (official) or "B" (simplified)

	number	percent
Simpler language	26	41.3
Simpler vocabulary	4	8.3
More specific	13	20.6
Elements different and comparable	2	3.2
Frustration	1	1.6
Neither	2	3.2
No answer	15	23.8
	<hr/>	<hr/>
	63	100.0

Still with respect to the simplified version, when the question deals with the public view of the protection afforded by the law to young person, the majority, 79.4% (27.0 52.4) (5), have a favourable view indicating specifically that young people are protected from treatment normally reserved for adults. In some way this shows that people know the age has been extended in Ontario for the welfare of the young person.

Table 33: Do you feel the young person is protected?

	number	percent
Very protected	17	27.0
Quite protected	33	52.4
Poorly protected	4	6.3
Not at all protected	2	3.2
Other answers	1	1.6
No answer	6	1.8
	<hr/>	<hr/>
	63	100.0

Table 34: Explanation of point of view on protection of young person

	number	percent
Positive interpretation	30	47.6
Negative interpretation	8	12.7
Establishes conditions	2	3.2
Don't know	2	3.2
No answer	21	33.2
	<hr/>	<hr/>
	63	100.0

Once again, with respect to the simplified text those who were questioned agreed (52.4%, 33) that the latter is more comprehensible than the official text. Without actually adding any information, it is considered to be more specific in its definition of age, the language used is much simpler and, finally, it does not refer to dates or to other statutes.

Table 35: Young persons: does the simplified text improve understanding?

	number	percent
No	24	38.1
Yes	33	52.4
No answer	6	9.5
	<hr/>	<hr/>
	63	100.0

Table 36: Young persons: do you think the simplified text adds information? Explain

	number	percent
More explicit about age	13	20.6
More explicit	7	11.1
Clearer	5	7.9
Simpler language	10	15.9
Different and comparable elements	2	4.5
Simple impression	1	1.6
Correction and comprehension	1	1.6
Similar	4	6.3
Don't understand	1	1.6
No answer	19	30.2
	<hr/>	<hr/>
	63	100.0

7.9 Conclusion

Linguistically, all of the 32 texts evaluated according to the RIX, RIC and Flesch formulae are difficult to read. The easiest are the French and English simplified texts on "Access to private property", according to the three results (LIX, RIX and Flesch). They are followed by "Duties of an individual in the case of an accident (English and French simplified), "Legal rights" (French simplified) and "Young persons" (French simplified), all of which are of equal difficulty. The most difficult are, in order: "Young persons" (English and French official), "Hunting" (French official) and "Harassment" (French official).

According to LIX and RIX, the official texts are more difficult than the corresponding simplified ones. Four French official texts and four French simplified texts are easier than English counterparts. The effectiveness of translation is borne out.

The greatest difference between the official and simplified texts is found in "Duties of an individual in the case of an accident", both in English and in French.

Stylistic differences often appear. The texts dealing with "Access to property" appear to be almost narrative.

They are highly descriptive: divided into paragraphs, full of images and concrete examples, with ample visual references. The text on "Young persons" is metalinguistic. It contains several logical oppositions marked by "or", references to previous paragraphs and concessive clauses marked by "either ...or", all in one sentence. The concept seems difficult to define, and this is reflected in the style.

Whatever the results of linguistic analysis of readability, when we analyze the public understanding by means of a questionnaire, we note a high degree of comprehension, consistently in excess of 80%, furthermore, there is a great ability to verbalise, as shown in the explanatory comments.

It is quite possible that having had a week to complete the questionnaire, the respondents consulted members of their family or more qualified individuals. Were such to be the case, we have evidence of their interest and capacity for consultation. In fact, two neighbours who had been selected as part of the sampling had some answers that were quite similar; we can expect that they met to discuss the questionnaire. Almost all of the individual chosen know how to read and understand the texts they were presented with, despite hesitations and doubts which nevertheless speak for the phenomenon of mystification.

The linguistic analyses show that the readability of the simplified texts is better than that of the official ones. Even though they state the same thing, our respondents are equally able to read and understand the official texts, something which raises questions about the need to simplify in order to transmit legal knowledge.

A small proportion of individuals (five) who cannot or do not know how to answer the questions are made up of Canadians with less than 10 years' schooling. Based on past experience, immigrants with little education are able to understand and verbalize. It is therefore imperative that the education factor be offset by that of experience.

In our study (which is only exploratory), socio-economic variables have no impact on reading and comprehension; even,

the French speakers' comprehension of texts translated literally from English (and reflecting English attitudes) is as high as that of English speakers with an untranslated text.

Therefore in general the public is able to read and understand legislative enactments if it has a minimal reading ability. It is however overly inhibited by legal form and presentation.

8. CONCLUSION

1. In this exploratory study, we asked ourselves two questions: on the one hand, we wanted to know if legislative enactments are readable and understandable; we then attempted to find out if there were any collective needs that could be met by means of legal simplification, education and information.

Our hypothetical results can be summarized as follows:

- 1) Legislative enactments are understandable by any citizen with minimum education (about tenth grade for a native Canadian);
- 2) most citizens are mystified by the legal world to such an extent that they often have doubts about their own ability to understand legal documents;
- 3) preventive legal education is necessary for the public; on the one hand it will encourage socio-legal action, and thus participation in society and a better integration into it, and on the other, when so required, it will make relevant legislation accessible provided the level of education allows for this.

2. What are these needs?

It seems to us that in order to meet the needs of legal education, the major task is not one of simplifying legislative enactments. Certainly it is necessary to transmit information, while taking into consideration the relationship between minimal knowledge, the threshold of basic knowledge and situational needs. Quantitatively, this information in its general scope and its essential details, should deal with the problems faced by the public (family law, tax law...); but the fact of transmitting this knowledge cannot and must in no way lead to the disappearance of active and attentive bodies of consultants.

3. We sought to measure the readability and comprehension of certain simplified and unsimplified legislative enactments. On the one hand, different formulae allowed for linguistic analyses of the texts while on the other, individuals were questioned about the texts.

4. Undeniably the public seeks better legal information. But the public should not receive instruction about anything and everything. What is important for a legal information program is to meet specific needs. Even if it is true that law rules all aspects of daily life, it is no less true that legal needs stand out more at certain times than others. For these occasions, the citizen must be provided with the means of findings answers to his questions, and must shown where information is available. This is a big responsibility, as Friedland has already pointed out, (21) because the effort involved in research and discovery is so frustrating that most individuals give up or are forced to give up because the means at their disposal are inadequate and the intermediaries are incompetent.

5. Attempts at simplifying legal language are in vain if their goal is to reconcile the public and its law. This is not only useless because the original versions are intelligible, but also such efforts may perpetuate the illusion that there is some unattainable information beyond the vernacular. In making available to the general public texts that are supposedly written in clearer language, we only broaden the gap between the citizen and legal rules applying to him. Furthermore, as a whole, simplified texts are only official texts that have been lengthened. Pierre Bourdieu has already explained this mystification of language:

(translation) The objective dispossession of the dominated classes may not have been desired as such by any of the actors involved in literary struggles...But this does not mean it has no relationship with the existence of a group of professionals objectively invested with a monopoly over the legitimate usage of legitimate language who provide for their own use a special language, and who are predisposed moreover to fulfil a social function of drawing distinctions in relationships between classes and in struggles that oppose them through the medium of languages.(22)

6. Is not the language of law an artifact, a mystification resulting from the class struggle? Does it not fit within all legal artifacts: the courthouse, the gown, the honour, hierarchy, jargon...as is often pointed out in the book by Hennion and Lemoine.(23) But the language of law as well as

that of justice, because of the obsolescence of legal affairs, is more and more banal; decriminalization is taking over from the trial. Cases are increasingly settled administratively rather than by court judgments. Legal jargon and language have taken refuge in the sitting courts. Georges Vignaux and André Masquez speak of "(translation) constraints of legal language which is doubly institutional, inherent in two specific languages, that of the law which would claim to be scientific and that of the judge speaking the language of power".(24)

7. A legislative enactment is understood whenever any interference camouflaging its meaning is eliminated. It really only has to be written properly, in English or in French, without making use of foreign languages, referring to other sections of statutes, or usage of archaic forms of language. The ideology and the spirit are transmitted, even if the words and the syntax are complex. Pierre Bourdieu maintains that for a message to exist not only must it be grammatically consistent, but also socially acceptable and that, therefore "(translation) laws defining social conditions for acceptability encompass those that are specifically linguistic and grammatical".(25) As a result, an incomprehensible language creates a hierarchy between speech and speakers; legitimate language has the authority, it is the language of the ruler; popular language belongs to the ruled but, as Bourdieu writes, "(translation) it is the language that the dominated are allowed to speak when they feel they are beyond the range of their dominators"(26).

8. Social and legal consciousness are prerequisites to understanding of legal texts, so that it is the law experience that is much easier to understand. The legal phenomenon is integrated to social life and it would seem desirable to include in the process of socialization both legal socialization, and a consciousness of the existence of law in daily life.

9. A campaign to demystify law is necessary. The public must realize that it understands legal documents. The message and its communication are the important factors in education and information. When the person receiving the law has become receptive, his law will truly belong to him. Subsequent research should identify the threshold at which legal language becomes accessible and at which socio-legal life becomes easy; and finally everything must be done to diffuse this information and to help those who cannot be informed.

10. The results of this pre-inquiry into comprehension should obviously be checked (confirmation, falsification...) with a study based on a representative sample of the Canadian public and, obviously, only after improving the questionnaire. However, we do not consider that subsequent research will be starting from zero; we consider that, more so than was possible with our feasibility study, such research should be based principally on social communication. And this vast inquiry into the communicability of legislative enactments and public needs for legal communication should be completed with laboratory analyses that address different facets and areas of drafting, communication, reception and understanding of the law.

11. In-depth research with better facilities should also be carried out on a single enactment as a whole, because the title, the definitions and the structure are important in the phenomenon of interiorization. We know as well that the reader can better understand, if he has a view of the whole. A communications laboratory in which we observe readers verbalizing their impressions would permit a better appreciation of the phenomena of readability and comprehension.

The first part of the report deals with the general situation of the country and the progress of the work done during the year. It is followed by a detailed account of the various projects and the results achieved. The report concludes with a summary of the work done and a list of the recommendations made.

The second part of the report deals with the financial aspects of the work. It gives a detailed account of the income and expenditure of the organization and shows how the funds have been used. It also includes a statement of the assets and liabilities of the organization at the end of the year.

The third part of the report deals with the administrative aspects of the work. It gives a detailed account of the various departments and the work done by each of them. It also includes a list of the staff and their duties.

The fourth part of the report deals with the future prospects of the organization. It gives a detailed account of the various projects and the results achieved. It also includes a list of the recommendations made.

NOTES

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LIX = length of sentence + length of words (where length of words is the percentage of words with more than six letters and length of sentence is the maximum length of the sentence of the paragraph).
12. J. Anderson, "LIX and RIX: Variations on a Little-Known Readability Index", Journal of Readings, No. 26, 1983, pp. 490-496.
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 $206.835 - (0.846 \times \text{number of syllables per 100 words}) - (1.015 \times \text{average number of words per sentence})$.

14. M. Hiebert, Op. Cit
15. On this subject, see classical theories in the psychology of learning; read, for example, B.R. Hergenhahn, An Introduction of Theories of Learning, 2nd Edition, Englewood Cliffs, N.J., Prentice Hall, (1976) 1982. (the most basic theory in psychology which defines learning as change presupposes an initial being.) See also Piaget's theories of education reading, specifically, Psychologie et pédagogie, Paris, Denoel, 1969. Reference may also be made to current theories of communication; for example, see: J.N. Kapferer, Les chemins de la persuasion: le mode d'influence des media et de la publicité sur les comportements, Paris, Gauthier-Villars, 1978.
16. J.N. Kapferer, Ibid, p.251-255.
17. P. Bourdieu, La distinction: critique sociale du jugement, Paris, Minuit, le sens commun, 1979, p.251.
18. We find this in isolated individuals who were not able to answer questions relating to comprehension index, in seeking their characteristics and attributing these to other respondents.
19. F. Richaudeau, Op. Cit.
20. Law Reform Commission of Canada, La rédaction française des lois, Ottawa, Supply and Services, 1982, p.179.
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APPENDIX 1

Enactments

Official English

Every person is guilty of the offence of hunting carelessly who, being in possession of a fire-arm for the purpose of hunting, discharges or causes to be discharged or handles such fire-arm without due care and attention or without reasonable consideration for persons or property and is liable to a fine of not more than \$5000 or to imprisonment for a term of not more than one year, or both. (R.S.O. 1980, c. 182, s.19).

Simplified English

Hunting carelessly is an offence and hunters who discharge firearms without due care and attention, or consideration for persons and property, are liable to a fine of not more than \$5 thousand or to imprisonment or both. (Hunting regulations, Summary, Fall '84, Spring '85, Ontario, Minsitry of Natural Resources, 1984).

Official French

Quiconque ayant en sa possession une arme à feu pour chasser qui déchargent leur arme sans prendre les précautions exigées ou sans tenir compte des personnes et de la propriété privée sont passible d'une amende maximum de 5,000\$ ou d'une peine de prison, ou des deux à la fois. (Règlements de la chasse, résumé. Automne 1984, printemps 1985, Ontario, Ministère des Richesses Naturelles, 1984).

Duties of an individual in the case of an accident

Official English

Where an accident occurs on highway, every person in charge of a vehicle or car of an electric railway that is directly or indirectly involved in the accident shall,

- a) remain at or immediately return to the scene of the accident,
- b) render all possible assistance; and
- c) upon request, give in writing to anyone sustaining loss or injury, or to any constable or other police officer or to any witness, his name and address, and also the name and address of the registered owner of such vehicle, and the number of the vehicle permit. (The Highway Traffic Act, s. 174-1, 1983).

Simplified English

Every driver involved in an accident must remain at or return immediately to the scene of the accident. Drivers are also required to render all possible assistance and provide their name and address, as well as the name and address of the registered owner of the vehicle and the vehicle plate number to the police or anyone sustaining loss or injury.

Keep calm and follow these steps:

1. Turn off all vehicle engines and turn on the emergency flashers;
2. Don't let anyone smoke, light a match or place flares near the vehicle in case of a fuel leak;
3. If any of the vehicles are on fire, remove all occupants, make sure everyone is well clear;

4. You are required by law to call the appropriate law enforcement agency immediately (provincial or local police), and report the accident if there are any personal injuries, or damage to property exceeding \$400. Ask for emergency treatment for any injured treatment for any injured. (The Driver's Handbook, Ontario, Ministry of Transportation and Communications, 1982).

Official French

Lorsqu'un accident survient sur une route, toute personne responsable d'un véhicule ou d'une voiture sur rail mue par l'énergie électrique qui est directement ou indirectement impliquée dans l'accident doit:

- a) demeurer sur les lieux de l'accident ou retourner immédiatement;
- b) fournir toute l'aide possible; et
- c) sur demande, donner par écrit à quiconque a subi une perte ou une blessure ou à un policier, un autre agent de police, ou à un témoin, son nom et son adresse ainsi que le nom et l'adresse du propriétaire immatriculé de ce véhicule et le numéro de permis du véhicule. (Code de la route, art. 140-1, 1980).

Simplified French

Tout automobiliste impliqué dans un accident est tenu de s'arrêter. Si les dégâts ne sont pas importants, écarter les véhicules de la chaussée afin de laisser la voie libre à la circulation.

Si les dégâts sont importants, (plus de \$400.00) ou s'il y a des blessés RESTEZ CALME et suivez ces instructions:

- 1) Coupez le contact des véhicules et allumez le signal de détresse.
- 2) Ne laissez personne fumer, allumer une cigarette ou placer des fusées près des véhicules en cas de fuite de carburant.
- 3) Si l'un des véhicules est en feu, aidez tous les passagers à en sortir et assurez-vous qu'ils s'éloignent suffisamment.
- 4) Appelez immédiatement la police locale ou provinciale selon le cas et signalez l'accident, Demandez des secours pour les blessés. (Guide de l'automobiliste, Ontario, Ministère des Transportations et des Communications, 1980).

Access to private property

Official English

The ownership of the bed of a navigable water or of a lake or river does not include the exclusive right of fishing in the water that covers or flows over the bed unless that exclusive right is expressly granted by the Crown. (R.S.O., c. 182, s. 75).

Simplified English

A fishing licence does not give any angler the right to trespass on private property without the owner's permission.
River access:

Many of the smaller trout streams in Ontario are located on private land and the various owners of the properties have paid taxes on the bottom of the stream and the bank for many

years. When such is the case, the property owner can prohibit trespass on the bank of the stream bed (according to the Trespass to Property Act), but does not own the water or the fish.

On larger streams, patented lots may extend to the center line of the stream or to the high water mark on the bank. A search of the original deed in the Registrar's Office would be the only way to determine the extent of the private ownership.

Navigable streams are generally quite obvious as the public has been using them for many years. When a dispute arises, it can only be legally settled by the Courts of Ontario. (Fishing Regulations, Summary 1985, Ontario, Ministry of Natural Resources).

Official French

La propriété du lit d'un cours d'eau navigable, d'un lac ou d'une rivière n'inclut pas le droit exclusif de pêche dans les eaux qui recouvrent ce lit ou qui coulent sur ce lit, à moins que ce droit exclusif ne soit expressément accordé par la couronne. (L.R.O. 1980, c. 182, art. 75).

Simplified French

Le détenteur d'un permis de pêche n'a pas de droit de pénétrer sur une propriété privée sans l'autorisation du propriétaire.

Accès aux rivières:

Les petit cours d'eau à truite dans la province sont souvent situés sur des terres privées dont les propriétaires paient un impôt sur le fond et les berges depuis des années. Dans ce cas le propriétaire peut interdire l'accès au cours d'eau, mais l'eau et les poissons ne lui appartiennent pas. Sur les cours d'eau plus larges, les lots ayant fait l'objet d'une concession peuvent s'étendre jusqu'au centre de la rivière ou à la marque du niveau d'eau de la berge. La seule façon de

déterminer l'étendue de la propriété est de consulter le document original dans le bureau d'enregistrement des titres.

De façon générale, la question ne se pose pas pour les cours d'eau navigables car le public les utilise depuis de nombreuses années. En cas de conflit, seuls les tribunaux de l'Ontario sont compétents. (Résumé des Règlements de la Pêche, 1984, Ontario, Ministère des Richesse naturelles.)

Democratic Rights

Official English

Every citizen of Canada has the right to vote in an election of members of the House of Commons or of a legislative assembly and to be qualified for membership therein. (The Charter of Rights and Freedoms, A Guide for Canadians, Ottawa, Minister of Supply and Services, 1982).

Simplified English

The tradition of democratic rights in Canada is specially guaranteed by the Charter. Citizens will have a constitutionally enshrined right to vote in elections for members of the House of Commons or a legislative assembly and to seek election to either of those houses. (The Charter of Rights and Freedoms, A Guide for Canadians, Ottawa, Minister of Supply and Services, 1982).

Official French

Tout citoyen canadien a le droit de vote et est éligible aux élections législatives fédérales ou provinciales. (La Charte des Droits et Libertés, Guide à l'intention des Canadiens, Ottawa, Ministre des Approvisionnement et Services, 1984.)

Simplified French

Les droits démocratiques traditionnels sont tout particulièrement garantis par la Charte. Tout citoyen aura le droit constitutionnel de voter aux élections fédérales ou provinciales et d'être candidat à ces élections. (La Charte des Droits et Libertés, Guide à l'intention des Canadiens, Ottawa, Ministre des Approvisionnements et Services, 1984).

Domestic agreements

Official English

Two persons may enter into an agreement, before their marriage or during their marriage while cohabiting, in which they agree on their respective rights and obligations under the marriage or upon separation or the annulment or dissolution of the marriage or upon death, including,

- a) ownership in or division of property;
- b) support obligations;
- c) the right to direct the education and moral training of their children, but not the right to custody of or access to their children; and
- d) any other matter in the settlement of their affairs.

(Family Law Reform Act, s. 51-1, 1983).

Simplified English

A domestic contract is a marriage contract, a separation of agreement or a cohabitation agreement. A marriage contract may be signed before a couple marry or during the marriage. A separation agreement is signed after a couple have separated. A cohabitation agreement is an agreement between a man and a woman who are living together but who are not married to each other.

A domestic contract or any agreement to amend a domestic contract must be in writing, signed by the parties and witnesses. Independent legal advice, although advisable, is not required under the new law.

In a domestic contract, a couple may outline property rights and support obligations and provide for any other matter in the settlement of their affairs during their relationship, in the event of a future separation or upon the death of one of them. Provisions set out in a domestic contract generally will predominate over the new legislation.

Couples may provide for the education or religious training of their children in a marriage contract or cohabitation agreement. Custody of children may only be provided for in a separation agreement. (Family Law Reform, Your New Rights, Ontario, Ministry of the Attorney General, 1983).

Official French

L'accord conclu avant le mariage des parties ou au cours du mariage pendant qu'elles cohabitent peut régler leurs droits et obligations réciproques en mariage, ou qui découleront de leur séparation, de la dissolution ou annulation du mariage ou du décès, c'est-à-dire:

- a) la propriété des biens ou leur partage;
- b) les obligations alimentaires;
- c) le droit de diriger l'éducation et la formation morale de leurs enfants, mais non le droit de garde ou de visite;
- d) tout autre aspect de leur rapport. (Réforme du droit de la Famille, art. 51-1, 1983).

Simplified French

Un contrat domestique est un contrat de mariage, un acte de séparation ou une entente de cohabitation. Un contrat de mariage peut être signé avant qu'un couple se marie ou pendant le mariage. Un acte de séparation est signé après qu'un couple soit séparé. Une entente de cohabitation est

un accord entre un homme et une femme qui vivent ensemble mais qui ne sont pas mariés l'un à l'autre.

Un contrat domestique ou toute entente en vue de modifier un contrat domestique doit être effectué par écrit, signé par les deux parties et devant témoins. L'avis auprès d'un conseiller juridique indépendant, bien que recommandé, n'est pas exigible en vertu de la nouvelle loi.

Dans un contrat domestique, un couple peut stipuler les droits à la propriété et les obligations de soutien et inclure toute autre clause dans le règlement de leurs affaires pendant leur relation, dans le cas d'une séparation ultérieure ou lors du décès de l'un d'eux. Les dispositions stipulées dans un contrat domestique primeront généralement sur la nouvelle législation.

Les couples peuvent stipuler l'éducation ou l'instruction religieuse de leurs enfants dans un contrat de mariage ou une entente de cohabitation. La garde des enfants ne peut être stipulée que dans un acte de séparation. (Réforme du Droit de la Famille, Vos nouveaux droits, Ontario, Ministère du Procureur Général, 1983).

Harassment at work

Official English

1) Every person has a right to equal treatment with respect to employment without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, age, record of offences, marital status, family status or handicap.

2) Every person who is an employee has a right to freedom from harassment in the workplace by the employer or agent of the employer or by another employee because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, age, record of offences, marital status or handicap. (Ontario, Human Rights Code, s. 4-1 and 2, 1982).

Simplified English

Harassment is defined by the Code as "a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome". An example could be a course of comment or conduct consisting of words or actions that insult or cause humiliation to a person in relation to one or the prohibited grounds.

Employeurs, people acting for employers, and coworkers are prohibited from harassing an employee on the ground of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, age, record of offences, marital status, family status or handicap. (Human Rights in Employment, Ontario, Human Rights Commission, 1982).

Official French

1) La personne a droit à un traitement égal en matière d'un emploi, sans discrimination fondée sur la race, l'ascendance, le lieu d'origine, la couleur, l'origine ethnique, la citoyenneté, la croyance, le sexe, l'âge, l'existence d'un casier judiciaire, l'état matrimonial, l'état familial ou une infirmité.

2) L'employé a le droit de travailler sans être harcelé au travail par son employeur ou son représentant ou un autre employé pour des raisons fondées sur la race, l'ascendance, le lieu d'origine, la couleur, l'origine ethnique, la citoyenneté, la croyance, l'âge, l'état matrimonial, l'état familial ou une infirmité. (Ontario, Code des Droits de la Personne, art. 4-1 et 2, 1982).

Simplified French

Le Code définit le harcèlement comme "le fait pour une personne de s'adonner à des remarques ou à des gestes vexatoires lorsqu'elle sait ou devrait normalement savoir

que ces remarques ou ces gestes sont importuns"; par exemple des paroles ou des actes qui insultent ou humilient une personne pour l'un des motifs de discrimination illicites.

Il est interdit aux employeurs, à leurs représentants et aux collègues de travail, de harceler un employé en raison de sa race, son ascendance, son lieu d'origine, sa couleur, son origine ethnique, sa citoyenneté, sa croyance, son âge, son casier judiciaire, son état matrimonial, son état familial ou une infirmité. (Droits de la Personne et emploi, Ontario, Commission des droits de la personne, 1984).

Young Persons

Official English

"Young person" means a person who is or, in the absence of evidence to the contrary, appears to be

- a) a twelve years of age or more, but
- b) under eighteen years of age, or in a province in respect of which a proclamation has been issued under subsection (2) prior to April 1, 1985, under sixteen or seventeen years, whichever age is specified by the proclamation, and, where the context requires, includes any person who is charged under this Act with having committed an offence under this act. (The Young Offenders Act, s. 2-1, 1984).

Simplified English

The new Act stipulates that "young person" means a person who is or...appears to be twelve years of age or more, but under eighteen years of age". This means that the new Act covers individuals from their twelfth birthday until they are seventeen years inclusive; once they have attained

their eighteenth birthday, they become adults from the point of view of the criminal law and move into the ordinary court system. (The Young Offenders Act, 1982, Highlights, Canada, Solicitor General).

Official French

"Adolescent" Toute personne qui:

- a) étant âgée d'au moins douze ans;
- b) n'a pas atteint l'âge de dix-huit ans ou, dans les provinces qui ont fait l'objet, avant le 1er avril 1985, d'une proclamation visée au paragraphe (2), l'âge de seize ou dix-sept ans qui y est fixé ou qui, en l'absence de preuve contraire, paraît avoir un âge compris entre ces limites, ainsi que, lorsque le contexte l'exige, toute personne qui, sous le régime de la présente loi, est soit accusée d'avoir commis une infraction durant son adolescence soit déclarée coupable d'une infraction. (Loi sur les jeunes contrevenants, art. 2-1, 1984).

Simplified French

Aux termes de la nouvelle loi, le mot "adolescent" désigne "toute personne qui étant âgée d'au moins douze ans, n'a pas atteint l'âge de dix-huit ans...ou qui... paraît avoir un âge compris entre ces deux limites." Il en résulte que la nouvelle loi s'applique aux jeunes de 12 à 17 ans inclusivement; une fois qu'ils ont atteint 18 ans, le droit pénal les considère comme adultes et ils sont justiciables des tribunaux de droit commun. (La loi sur les jeunes contrevenants, 1982, Points saillants, Ottawa, Solliciteur général).

Legal Rights

Official English

- A) Everyone has the right not to be subjected to any cruel and unusual treatment or punishment. (s. 12).
- B) A witness who testifies in any proceedings has the right not to have any incriminating evidence so given used to incriminate that witness in any other proceedings, except in a prosecution for perjury or for giving of contradictory evidence. (s. 13).
- C) A party in any proceedings who does not understand or speak the language in which the proceedings are conducted or who is deaf has the right to the assistance of an interpreter. (s. 14).

Simplified English

Legal right will ensure that no one is subject to cruel and unusual punishment; that any witness will have an automatic right not to have incriminating evidence resulting from that testimony used against him or her in subsequent proceedings, except in special cases such as perjury; and finally, that a party or witness in any proceedings, civil or criminal, will have the right to the assistance of an interpreter if he or she does not understand or speak the language of the proceedings or is deaf. This right will exist regardless of the language involved.

(The Charter of Rights and Freedoms, A Guide for Canadians, Ottawa, Minister of Supply and Services, 1982).

Official French

- A) Chacun a droit à la protection contre tous traitements ou peines cruels ou inusités. (art. 12)

B) Chacun a droit à ce qu'aucun témoignage incriminant qu'il donne ne soit utilisé pour l'incriminer dans d'autres procédures, sauf lors de poursuites pour parjure ou pour témoignages contradictoires (art. 13).

C) La partie ou le témoin qui ne peuvent suivre les procédures, soit parce qu'ils ne comprennent pas ou ne parlent pas la langue employée, soit parce qu'ils sont atteints de surdité, ont droit à l'assistance d'un interprète. (art. 14).

Simplified French

Ces garanties prévoient que personne ne pourra être soumis à des traitements/ou peines cruels et inusités; qu'un témoin aura le droit à ce qu'aucun témoignage incriminant qu'il donne ne soit utilisé contre lui dans d'autres procédures, sauf dans les cas de parjure, et, enfin, qu'une partie ou un témoin aura droit, dans toute procédure judiciaire civile ou criminelle, à l'assistance d'un interprète si cette personne ne comprend pas ou ne parle pas la langue en usage au cours de la procédure, ou si cette personne est sourde. Ce droit sera reconnu quelle que soit la langue employée. (La Charte des Droits et Libertés. Guide à l'intention des Canadiens.

APPENDIX 2

Linguistic Analyses

Domestic agreements - linguistic analysis

	Official English	Simplified English	Official French	Simplified French
words	86	183	81	225
long words	25	73	22	67
syllables	147	326	132	344
Flesch	40.14 (14)	35.49 (17)	48.41 (10)	54.65 (6)
RIX	6.25 (9)	8.1 (18)	5.5 (5)	6.7 (11)
LIX	50.5 (9)	60.3 (21)	47.25 (5)	52.5 (11)

Harassment at work - linguistic analysis

	Official English	Simplified English	Official French	Simplified French
words	85	86	108	109
long words	21	25	37	35
syllables	156	146	173	182
Flesch	8.43 (30)	34.12 (19)	16.50 (28)	28.70 (24)
RIX	10.5 (24)	8.3 (10)	18.5 (29)	11.6 (25)
LIX	67.5 (23)	57.6 (16)	88 (28)	68.3 (2.4)

Duties of an individual in the case of an accident -
linguistic analysis

	Official English	Simplified English	Official French	Simplified French
words	93	153	103	123
long words	24	36	29	34
syllables	138	255	177	198
Flesch	31.64 (20)	46.42 (11)	36.61 (26)	52.82 (8)
RIX	8. (17)	4.5 (3)	9.33 (23)	4.85 (4)
LIX	57 (15)	43 (3)	62.3 (22)	45 (4)

Legal rights - linguistic analysis

	Official English	Simplified English	Official French	Simplified French
words	72	39	67	52
long words	19	13	14	12
syllables	120	61	97	78
Flesch	57.10 (5)	34.92 (18)	16.35 (29)	27.16 (25)
RIX	19 (30)	13 (27)	14 (28)	12.16 (25)
LIX	98.4 (29)	72.3 (26)	100 (30)	74 (27)

Figures in brackets indicated the position in decreasing order
difficulty for 32 texts.

APPENDIX 3

Questionnaires

The English and French questionnaire used in our preliminary study was a valuable tool, whatever its errors and omissions, for example:

ENGLISH

FRENCH

Q. 6	What is your annual <u>family's</u> income?		
Q. 21	<u>not any</u>	Q. 21	<u>aucune</u>
Q. 22	<u>not any</u>	Q. 22	<u>aucune</u>
Q. 23	<u>do you understand</u>	Q. 23	<u>comprenez-vous</u>
Q. 28	<u>statutes</u>		
Q. 31	(to resolve a problem)	Q. 31	<u>eu besoin</u>
Q. 32	(to help you resolve a problem)	Q. 32	<u>fait usage</u>
Q. 33	<u>statutes</u>		
Q. 34	<u>statutes</u>	Q. 39	<u>des avocats</u> This question should have been moved and switched for Q. 42.
Q. 43.1	<u>Marriage Act</u> <u>don't know</u>	Q. 43.1	<u>loi du mariage</u> <u>ne sais pas</u>
Q. 44.1	iii) <u>don't know</u>	Q. 44.1	<u>ne sais pas</u>
Q. 45.1	<u>don't know</u>	Q. 45.1	<u>ne sais pas</u>
		Q. 46.2	<u>Votre ami ne</u> <u>connait pas le</u> <u>texte "A) Ecrivez-</u> <u>lui la signification?</u>
Q. 47.1	in case of death <u>of a</u> <u>partner</u>		
Q. 48	..., or (_____) both.		
Q. 48.1	<u>...as it is with blanks</u> <u>Explain your answer</u>	Q. 48.1	<u>...avec les espaces</u> <u>vides...</u>

ENGLISH

Q. 49 due care...a fine

- Q. 53.2 i) ...is liable
ii) ...is liable
iii) ...is liable
iv) ...is liable
v) ...is liable

FRENCH

- Q. 50.1 facile à comprendre
Q. 50.2 selon vous, pourquoi..
Q. 50.3 Y a-t-il des mots
qui rendent ces
textes difficiles à
comprendre?
Q. 52.2 facile à comprendre
Q. 55.1 Le contrat domestique
Q. 55...

Questionnaire sur
la vulgarisation de l'éducation
et de l'information juridiques.

V.E.I.J.

1. Sexe: i) masculin
ii) féminin
2. Combien d'années d'études avez-vous complétées? _____
(nombre)
3. Quel est le dernier diplôme que vous avez obtenu? _____
(titre détaillé)
4. En vue de quelle profession ou de quel métier étudiez-vous ou avez-vous été formé(e)? _____
(spécifier)
5. Quelle est votre situation actuelle?
i) chômeur (répondre à 5.1)
ii) retraité (répondre à 5.1)
iii) ni l'un ni l'autre (répondre à 5.2)
- 5.1 Si vous êtes chômeur ou retraité, quel métier ou quelle profession exercez-vous?

(spécifier)
- 5.2 Si vous n'êtes ni chômeur ni retraité, quelle est votre occupation? _____

(spécifier)
6. Quel est votre revenu familial annuel?
xi) \$ 50 000 et plus
x) 45 000 à 49 999
ix) 40 000 à 44 999
viii) 35 000 à 39 999
vii) 30 000 à 34 999
vi) 25 000 à 29 999
v) 20 000 à 24 999
iv) 15 000 à 19 999
iii) 10 000 à 14 999
ii) 5 000 à 9 999
i) 4 999 et moins
7. Présentez-vous un handicap physique sérieux?
i) non
ii) oui si oui, lequel? _____
(spécifier)
8. Quel âge avez-vous? _____

9. Quel est votre statut matrimonial?

- i) célibataire
- ii) marié(e) ou concubin(e)
- iii) séparé(e)
- iv) divorcé(e)
- v) religieux(se)
- vi) veuf(veuve)

10. Combien y a-t-il de personnes à la maison? _____
(nombre)

11. Etes-vous propriétaire ou locataire de la maison dans laquelle vous habitez?

- i) propriétaire
- ii) locataire

12. Quelle occupation a ou avait votre père? _____
(spécifier)

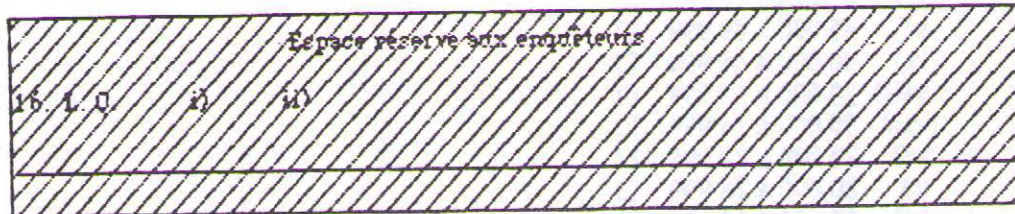
13. Quelle occupation a ou avait votre mère? _____
(spécifier)

14. Combien y a-t-il d'automobiles à la maison? _____
(nombre)

15. Occupez-vous une(des) fonction(s) active(s) dans un(des) organisme(s)?

- i) non
- ii) oui si oui, précisez:

- i) _____
- ii) _____
- iii) _____
- iv) _____
- v) _____



17. Langue maternelle: _____
(spécifier)

18. Quelle est habituellement la langue parlée à la maison? _____
(spécifier)

19. Pays de naissance: _____
(spécifier)

19.1 Province ou région dans le pays de naissance: _____
(spécifier)

20. A quelle nationalité ou à quel groupe ethnique vous identifiez-vous?

(spécifier)

21. Quelle est votre connaissance de l'anglais?

	mauvaise	passable	moyenne	assez bonne	bonne
i) parle	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ii) écrit	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii) lu	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

22. Quelle est votre connaissance du français?

	mauvaise	passable	moyenne	assez bonne	bonne
i) parlé	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ii) écrit	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii) lu	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

23. Parlez-vous d'autres langues?

- i) non
- ii) oui si oui, laquelle (lesquelles)? _____
(spécifier)

24. A quel niveau social considérez-vous appartenir?

- x) très haut niveau
- ix)
- viii)
- vii)
- vi)
- v)
- iv)
- iii)
- ii)
- i) très bas niveau

25. Les différents gouvernements municipaux, provinciaux et fédéral distribuent à la population, pour son information, plusieurs imprimés qu'on peut recevoir par la poste ou prendre en certains endroits (bureaux gouvernementaux, magasins de bière et d'alcools, super marchés...).

25.1 Vous arrive-t-il de les consulter?

- | | | | |
|--------------------------|--------------------------|--------------------------|--------------------------|
| presque jamais | parfois | souvent | presque toujours |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| i) | ii) | iii) | iv) |

25.2 Les lisez-vous en anglais ou en français?

- | | | | |
|--------------------------|--------------------------|--------------------------|--------------------------|
| toujours en anglais | plus souvent en anglais | plus souvent en français | toujours en français |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| i) | ii) | iii) | iv) |

26. Vous considérez-vous juridiquement informé(e)?

- | | | | |
|--------------------------|--------------------------|--------------------------|--------------------------|
| pas du tout informé(e) | peu informé(e) | assez informé(e) | très informé(e) |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| i) | ii) | iii) | iv) |

27. Indiquez comment on peut s'informer juridiquement:

i) _____

ii) _____

iii) _____

iv) _____

v) _____

28. Les textes de loi vous semblent-ils

- i) pas du tout compréhensibles
- ii) peu compréhensibles
- iii) assez compréhensibles
- iv) très compréhensibles

29. Croyez-vous que les textes de loi pourraient être plus compréhensibles?

- i) non
- ii) oui

Expliquez votre réponse: _____

30. Comment, selon vous, les textes de loi pourraient être plus disponibles à la

population? _____

31. Avez-vous déjà manqué d'informations juridiques?

- i) non
- ii) oui

Si oui, racontez: _____

32. Avez-vous déjà profité d'informations juridiques?

- i) non
- ii) oui

Si oui, racontez: _____

33. Vous arrive-t-il d'écouter à la radio ou à la télévision des émissions d'informations juridiques?

- i) non

ii) oui si oui, laquelle (lesquelles): _____

34. Considérez-vous qu'un effort visant à la simplification des textes de loi pourrait être utile au citoyen canadien?

- i) pas du tout utile
- ii) peu utile
- iii) assez utile
- iv) très utile

Expliquez votre réponse: _____

35. Dans l'état actuel de la connaissance juridique des citoyens canadiens, considérez-vous qu'il est préférable de consulter soi-même les textes de loi ou plutôt de s'informer auprès d'un avocat? _____

36. Idéalement, considérez-vous qu'il serait préférable de consulter soi-même les textes de loi ou plutôt de s'informer auprès d'un avocat? _____

37. Souhaitez-vous être mieux informé(e) juridiquement?

i) non

ii) oui

Expliquez votre réponse: _____

38. Il vous a été demandé si vous avez déjà manqué ou profité d'informations juridiques. Indiquez maintenant le dernier problème juridique que vous avez vécu et décrivez comment vous l'avez solutionné (ou comment il est en train de se régler)?

39. Que pensez-vous de l'avocat? _____

40. Que pensez-vous de la loi? _____

41. Que pensez-vous de la justice? _____

42. Que pensez-vous du crime? _____

43. Répondez à la question suivante:

Quelqu'un peut-il se marier avant l'âge de 18 ans?

- i) non
- ii) oui
- iii) je ne sais pas

43.1 Dans quelle loi pourriez-vous trouver la réponse à cette question? Ne cochez qu'une seule réponse:

- i) Loi sur les jeunes contrevenants
- ii) Loi de la famille
- iii) Loi de la protection des consommateurs
- iv) Code criminel

44. Répondez à la question suivante:

Si vous avez reçu par la poste un livre que vous n'avez pas commandé, pouvez-vous le conserver sans avoir à payer?

- i) non
- ii) oui
- iii) je ne sais pas

44.1 Dans quelle loi pourriez-vous trouver les réponses à cette question? Ne cochez qu'une seule réponse:

- i) Loi de la protection des consommateurs
- ii) Loi du travail
- iii) Loi sur les postes
- iv) Code de la route

45. Répondez à la question suivante:

Si un employé qui conduit sa voiture pour aller à son travail dépense \$1.00 par jour en frais de stationnement, peut-il déduire cette somme dans sa déclaration d'impôt?

- i) non
- ii) oui
- iii) je ne sais pas

45.1 Dans quelle loi pourriez-vous trouver la réponse à cette question? Ne cochez qu'une seule réponse:

- i) Loi de la protection des consommateurs
- ii) Loi de l'impôt
- iii) Code de la route
- iv) Code criminel

46. Lisez les deux textes suivants:

A) Tout citoyen canadien a le droit de vote et est éligible aux élections législatives fédérales ou provinciales.

B) Les droits démocratiques traditionnels sont tout particulièrement garantis par la Charte. Tout citoyen aura le droit constitutionnel de voter aux élections fédérales ou provinciales et d'être candidat à ces élections.

46.1. Les textes «A)» et «B)» sont-ils, selon vous,

- i) très différents
- ii) assez différents
- iii) assez semblables
- iv) très semblables

46.2 Ecrivez à un ami qui ne connaît pas le texte «A)» la signification de cet article de loi: _____

(le questionnaire se poursuit à la page suivante)

47. Lisez le texte suivant:

L'accord conclu avant le mariage des parties ou au cours du mariage pendant qu'elles cohabitent peut régler leurs droits et obligations réciproques en mariage, ou qui découleront de leur séparation, de la dissolution ou annulation du mariage ou du décès, c'est-à-dire:

- a) la propriété des biens ou leur partage;
- b) les obligations alimentaires;
- c) le droit de diriger l'éducation et la formation morale de leurs enfants, mais non le droit de garde ou de visite;
- d) tout autre aspect de leur rapport.

47.1 Répondez à la question suivante en ne cochant qu'une seule réponse.

L'accord dont il est question concerne la période

- i) avant le mariage
- ii) pendant le mariage
- iii) après et pendant la séparation
- iv) en cas de décès d'un partenaire
- v) «ii», «iii», «iv» sont de bonnes réponses
- vi) «i», «ii», «iii», «iv» sont de bonnes réponses

47.2 Répondez à la question suivante en ne cochant qu'une seule réponse.

Cet article de loi concerne les droits et obligations

- i) pendant le mariage, pendant ou après la séparation, après un décès
- ii) ou qui découleront de la séparation ou de l'annulation du mariage ou du décès

47.3 Répondez à la question suivante en ne cochant qu'une seule réponse.

Un accord de mariage peut se faire

- i) avant le mariage
- ii) pendant le mariage
- iii) après le mariage
- iv) «i» et «ii» sont de bonnes réponses
- v) «ii» et «iii» sont de bonnes réponses

47.4 Les quatre (4) facteurs «a)», «b)», «c)» et «d)» du texte de loi sont-ils

- i) des parties
- ii) des droits et obligations
- iii) des conséquences de décès

48. Lisez le texte suivant dont quelques mots (indiqués par un trait) sont manquants:

Quiconque ayant en sa possession une arme _____ feu pour chasser, la décharge, la fait _____ ou la manipule sans prendre les précautions _____ ou sans égard normal à autrui ou à _____ biens, est coupable de chasse avec négligence _____ passible d'une amende d'au plus _____ dollars et d'un emprisonnement d'au _____ une année ou de l'une seule _____ ces peines.

48.1. La lecture de ce texte vous semble-t-elle

- i) impossible
 - ii) très difficile
 - iii) assez difficile
 - iv) assez facile
 - v) très facile
 - vi) extrêmement facile
- Expliquez votre réponse: _____

48.2 Remplissez de façon appropriée les espaces vides du texte 48 ci-dessus.

49. Lisez le texte suivant:

La négligence à la chasse constitue une infraction et les chasseurs qui déchargent leur arme sans prendre les précautions exigées ou sans tenir compte des personnes et de la propriété privée sont passibles d'une amende maximum de 5000 \$ ou d'une peine de prison, ou des deux à la fois.

49.1 Que signifient selon vous, les mots «sans prendre les précautions exigées»?

50. Lisez les deux textes suivants:

Texte A) Tout automobiliste impliqué dans un accident est tenu de s'arrêter. Si les dégâts ne sont pas importants, écartez les véhicules de la chaussée afin de laisser la voie libre à la circulation.

Si les dégâts sont importants (plus de \$400.00), ou s'il y a des blessés, RESTEZ CALME et suivez ces instructions:

1. Coupez le contact des véhicules et allumez le signal de détresse.
2. Ne laissez personne fumer, allumer une allumette ou placer des fusées près des véhicules en cas de fuite de carburant.
3. Si l'un des véhicules est en feu, aidez tous les passagers à en sortir et assurez-vous qu'ils s'en éloignent suffisamment.
4. Appelez immédiatement la police locale ou provinciale selon le cas et signalez l'accident. Demandez des secours pour les blessés.

Texte B) Lorsqu'un accident survient sur une route, toute personne responsable d'un véhicule ou d'une voiture sur rail mue par l'énergie électrique qui est directement ou indirectement impliquée dans l'accident doit

- a) demeurer sur les lieux de l'accident ou retourner immédiatement;
- b) fournir toute l'aide possible; et
- c) sur demande, donner par écrit à quiconque a subi une perte ou une blessure ou à policier, un autre agent de police ou à témoin, son nom et son adresse ainsi que le nom et l'adresse du propriétaire immatriculé de ce véhicule et le numéro du permis du véhicule.

50.1 Lequel de ces deux textes vous semble le plus compréhensible?

- i) Le texte «A)»
- ii) Le texte «B)»

50.2 Pourquoi, selon vous, l'autre texte est-il plus difficile à comprendre? _____

50.3 Y a-t-il des mots dans ces textes qui rendent leur compréhension difficile?

- i) non
- ii) oui

Si oui, écrivez lesquels pour chacun des textes:

TEXTE «A)»

TEXTE «B)»

50.4 Préférez-vous que la loi vous dise quoi faire ou qu'elle vous présente vos obligations?

- i) dise quoi faire
- ii) présente les obligations

Expliquez votre choix: _____

50.5 Cochez la ou les bonnes réponses:

- i) le texte «A)» dit quoi faire
- ii) le texte «B)» présente des obligations
- iii) il n'y a aucune différence entre les deux (2) textes

51. Lisez le texte suivant:

1) La personne a droit à un traitement égal en matière d'un emploi, sans discrimination fondée sur la race, l'ascendance, le lieu d'origine, la couleur, l'origine ethnique, la citoyenneté, la croyance, le sexe, l'âge, l'existence d'un casier judiciaire, l'état matrimonial, l'état familial ou une infirmité.

2) L'employé a le droit de travailler sans être harcelé au travail par son employeur ou son représentant ou un autre employé pour des raisons fondées sur la race, l'ascendance, le lieu d'origine, la couleur, l'origine ethnique, la citoyenneté, la croyance, l'âge, l'état matrimonial, l'état familial ou une infirmité.

51.1 Vous êtes employeur. Expliquez ses droits à un employé d'après l'article de loi que vous venez de lire: _____

51.2 Vous êtes employé. Expliquez vos droits à un employeur, d'après l'article que vous venez de lire: _____

52. Lisez les deux textes suivants:

A) Texte officiel

«adolescent» Toute personne qui:

a) étant âgée d'au moins douze ans,

b) n'a pas atteint l'âge de dix-huit ans ou, dans les provinces qui ont fait l'objet, avant le 1er avril 1985, d'une proclamation visée au paragraphe(2), l'âge de seize ou dix-sept ans qui y est fixé,

ou qui, en l'absence de preuve contraire, paraît avoir un âge compris entre ces limites, ainsi que, lorsque le contexte l'exige, toute personne qui, sous le régime de la présente loi, est soit accusée d'avoir commis une infraction durant son adolescence soit déclarée coupable d'une infraction.

B) Texte vulgarisé

Aux termes de la nouvelle loi, le mot «adolescent» désigne «toute personne qui étant âgée d'au moins douze ans, n'a pas atteint l'âge de dix-huit ans... ou qui... paraît avoir un âge compris entre ces limites». Il en résulte que la nouvelle loi s'applique aux jeunes de 12 à 17 ans inclusivement; une fois qu'ils ont atteint 18 ans, le droit pénal les considère comme des adultes et ils sont justiciables des tribunaux de droit commun.

52.1 Avez-vous l'impression que l'adolescent est protégé par cette loi?

- i) pas du tout protégé
- ii) peu protégé
- iii) assez protégé
- iv) très protégé

Expliquez votre réponse: _____

52.2 Lequel des textes «A)» et «B)» vous semble le plus compréhensible?

- i) Le texte «A)»
- ii) Le texte «B)»

Expliquez votre réponse: _____

52.3 Considérez-vous que le texte vulgarisé ajoute de l'information au texte officiel?

- i) non
- ii) oui

Expliquez votre réponse: _____

52.4 Avez-vous l'impression de mieux comprendre la loi après la lecture du texte vulgarisé?

- i) non
- ii) oui

Expliquez votre réponse: _____

53. Lisez le texte suivant:

Quiconque ayant en sa possession une arme à feu pour chasser, la décharge, la fait décharger ou la manipule sans prendre les précautions nécessaires ou sans égard normal à autrui ou à ses biens est coupable de chasse avec négligence et passible d'une amende d'au plus 5000 dollars et d'un emprisonnement d'au plus une année ou de l'une seule de ces peines.

53.1 Quelle impression générale vous laisse la lecture de ce texte? _____

53.2 Répondez à la question suivante en ne cochant qu'une seule réponse.

Qui est coupable?

- i) «autrui» est coupable
- ii) «la négligence» est coupable
- iii) «la décharge» est coupable
- iv) «quiconque» est coupable
- v) «une arme» est coupable

54. Lisez les phrases suivantes:

A) Dans ce cas, le propriétaire peut interdire l'accès au cours d'eau, mais l'eau et les poissons ne lui appartiennent pas.

B) La seule façon de déterminer l'étendue de la propriété est de consulter le document original dans le Bureau d'enregistrement des titres.

C) Les petits cours d'eau à truite dans la province sont souvent situés sur des terres privées dont les propriétaires paient un impôt sur le fond et les berges depuis des années.

D) Sur les cours d'eau plus larges, les lots ayant fait l'objet d'une concession peuvent s'étendre jusqu'au centre de la rivière ou à la marque du niveau d'eau sur la berge.

54.1 Mettez ces phrases en ordre logique en utilisant seulement les lettres qui désignent chacune d'elles: _____, _____, _____, _____.

55. Lisez le texte suivant:

Un contrat domestique est un contrat de mariage, un acte de séparation ou une entente de cohabitation. Un contrat de mariage peut être signé avant qu'un couple se marie ou pendant le mariage. Un acte de séparation est signé après qu'un couple soit séparé. Une entente de cohabitation est un accord entre un homme et une femme qui vivent ensemble mais qui ne sont pas mariés l'un à l'autre.

Un contrat domestique ou toute entente en vue de modifier un contrat domestique doit être effectué par écrit, signé par les deux parties et devant témoins. L'avis auprès d'un conseiller juridique indépendant, bien que recommandé, n'est pas exigible en vertu de la nouvelle loi.

Dans un contrat domestique, un couple peut stipuler les droits à la propriété et les obligations de soutien et inclure toute autre clause dans le règlement de leurs affaires pendant leur relation, dans le cas d'une séparation ultérieure ou lors du décès de l'un d'eux. Les dispositions stipulées dans un contrat domestique primeront généralement sur la nouvelle législation.

Les couples peuvent stipuler l'éducation ou l'instruction religieuse de leurs enfants dans un contrat de mariage ou une entente de cohabitation. La garde des enfants ne peut être stipulée que dans un acte de séparation.

55.1 Répondez à la question suivante en ne cochant qu'une seule réponse:

Le contrat domestique dont il est question concerne la période

- i) avant le mariage
- ii) pendant le mariage
- iii) après et pendant la séparation
- iv) en cas de décès d'un partenaire
- v) <ii>, <iii>, <iv> sont de bonnes réponses
- vi) <i>, <ii>, <iii>, <iv> sont de bonnes réponses

55.2 Répondez à la question suivante en ne cochant qu'une seule réponse:

Ce texte concerne les droits et obligations

- i) pendant le mariage, pendant ou après la séparation, après un décès
- ii) ou qui découlent de la séparation ou de l'annulation du mariage ou du décès

55.3 Répondez à la question suivante en ne cochant qu'une seule réponse:

Un contrat domestique peut se faire

- i) avant le mariage
- ii) pendant le mariage
- iii) après le mariage
- iv) <i> et <ii> sont de bonnes réponses
- v) <ii> et <iii> sont de bonnes réponses

55.4 Cochez toutes les bonnes réponses:

Un contrat domestique peut être conclu

- i) seulement devant un avocat
- ii) devant des témoins
- iii) par simple entente des partenaires

55.5 Cochez toutes les bonnes réponses:

Un contrat domestique peut être conclu

- i) au cours de la cohabitation
- ii) au cours du mariage si les partenaires cohabitent
- iii) au cours du mariage si les partenaires ne cohabitent pas
- iv) pendant que les personnes cohabitent même s'il n'y a pas mariage

56. Lisez le texte suivant:

Le Code définit le harcèlement comme «le fait pour une personne de s'adonner à des remarques ou à des gestes vexatoires lorsqu'elle sait ou devrait normalement savoir que ces remarques ou ces gestes sont importuns»; par exemple des paroles ou des actes qui insultent ou humilient une personne pour l'un des motifs de discrimination illicites.

Il est interdit aux employeurs, à leurs représentants et aux collègues de travail, de harceler un employé en raison de sa race, son ascendance, son lieu d'origine, sa couleur, son origine ethnique, sa citoyenneté, sa croyance, son âge, son casier judiciaire, son état matrimonial, son état familial ou une infirmité.

56.1 Vous êtes employeur. Expliquez vos responsabilités à un autre employeur d'après le texte que vous venez de lire: _____

56.2 Vous êtes employeur. Expliquez ses droits à un employé d'après le texte que vous venez de lire: _____

57. Lisez les paragraphes suivants:

A) La partie ou le témoin qui ne peuvent suivre les procédures, soit parce qu'ils ne comprennent pas ou ne parlent pas la langue employée, soit parce qu'ils sont atteints de surdité, ont droit à l'assistance d'un interprète.

B) Chacun a droit à ce qu'aucun témoignage incriminant qu'il donne ne soit utilisé pour l'incriminer dans d'autres procédures, sauf lors de poursuites pour parjure ou pour témoignages contradictoires.

C) Chacun a droit à la protection contre tous traitements ou peines cruels et inusités.

57.1 Dans quel ordre ces paragraphes vous semblent-ils le mieux agencés?

- i) «B)», «C)», «A)»
- ii) «C)», «B)», «A)»
- iii) «A)», «C)», «B)»

58. Ce questionnaire se termine. Nous vous remercions d'avoir bien voulu vous prêter à cet exercice. Auriez-vous, en conclusion, quelques commentaires ou recommandations à transmettre au Ministre de la Justice du Canada en ce qui concerne l'éducation juridique du public?

Le questionnaire de terrain. Nous vous remercions d'avoir bien voulu
 nous le faire parvenir. Les renseignements que vous nous avez fournis
 sont très intéressants et nous nous en servons pour notre étude.
 Les résultats de nos recherches sont en cours de publication et nous
 espérons les faire connaître prochainement.

Je vous prie d'agréer, Monsieur, l'assurance de ma haute
 considération et de mon respectueux dévouement.

Yves Fassin

Professeur de Sociologie et Directeur de l'Institut de Sociologie
 Université de Paris VII - 75013 Paris

Il est possible que vous ayez des questions à poser ou des
 remarques à faire. N'hésitez pas à m'en faire part par la
 présente ou par la voie postale.

Je vous prie d'agréer, Monsieur, l'assurance de ma haute
 considération et de mon respectueux dévouement.

Yves Fassin

Questionnaire on
Public Legal Education
and Information

P.L.E.I.

1. Sex: i) male
 ii) female

2. What grade have you completed? _____
 (number)

3. What is the most recent diploma you have received? _____
 (complete title)

4. What occupation or profession have you finished your studies in or are you presently studying? _____
 (specify)

5. What is your present status?
 i) unemployed (answer 5.1)
 ii) retired (answer 5.1)
 iii) neither <i> nor <ii> (answer 5.2)

5.1 If you are presently unemployed or retired, what was your former occupation?

 (specify)

5.2 If you are neither unemployed nor retired, what is your occupation? _____

 (specify)

6. What is your annual income?
 xi) \$ 50 000 or more
 x) 45 000 to 49 999
 ix) 40 000 to 44 999
 viii) 35 000 to 39 999
 vii) 30 000 to 34 999
 vi) 25 000 to 29 999
 v) 20 000 to 24 999
 iv) 15 000 to 19 999
 iii) 10 000 to 14 999
 ii) 5 000 to 9 999
 i) 4 999 or less

7. Do you have any serious physical handicap?
 i) no
 ii) yes if yes, what is it? _____
 (specify)

8. How old are you? _____

9. What is your marital status?

- i) single
- ii) married or living common-law
- iii) separated
- iv) divorced
- v) religious worker
- vi) widowed

10. How many people live in this household? _____
(number)

11. Do you own or rent your dwelling?

- i) own
- ii) rent

12. What is your father's present or former occupation? _____
(specify)

13. What is your mother's present or former occupation? _____
(specify)

14. How many cars do the members of this household own? _____
(number)

15. Do you hold an active position(s) in some type of organization(s)?

- i) no
- ii) yes if yes, specify:

- i) _____
- ii) _____
- iii) _____
- iv) _____
- v) _____

For researcher's use only	
16. I.Q.	i) ii)

17. Mother tongue: _____
(specify)

18. Language most often spoken in the home: _____
(specify)

19. Country of birth: _____
(specify)

19.1 Name of province or region where born: _____
(specify)

20. To what nationality or ethnic group do you belong?

(specify)

21. How well do you master English?

	poorly	tolerably well	moderately well	fairly well	well
i) speak	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ii) write	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii) read	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

22. How well do you master French?

	poorly	tolerably well	moderately well	fairly well	well
i) speak	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ii) write	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii) read	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

23. Do you speak any other languages?
 i) no
 ii) yes if yes, what one or ones? _____
 (specify)

24. How would you rate your social standing?

- x) very high
- ix)
- viii)
- vii)
- vi)
- v)
- iv)
- iii)
- ii)
- i) very low

25. The federal, provincial and municipal governments make information pamphlets available to the public, they are sent out in the mail or can be picked up at certain locations (government offices, beer and liquor stores, supermarkets etc...)

25.1 Do you read them?

almost never	sometimes	often	almost always
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i)	ii)	iii)	iv)

25.2 Do you read them in English or in French?

always in English	most often in English	most often in French	always in French
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i)	ii)	iii)	iv)

26. How legally aware are you?

not at all
aware

i)

somewhat
aware

ii)

sufficiently
aware

iii)

very
aware

iv)

27. How can one obtain legal information?

i) _____

ii) _____

iii) _____

iv) _____

v) _____

28. Do you feel that legal documents are

i) impossible to understand

ii) difficult to understand

iii) understandable

iv) very easily understood

29. Do you feel the wording of legal documents could be made simpler to understand?

i) no

ii) yes

Explain your answer: _____

30. In your opinion, how could legal information be made more available to the public? _____

31. Have you ever been in a position in which you needed legal information to resolve a problem?

i) no

ii) yes if yes, explain: _____

32. Have you ever made use of legal information to help you resolve a problem?

i) no

ii) yes

If yes, explain: _____

33. Do you listen or watch programs which provide legal information on the radio or television?

i) no

ii) yes if yes, which one(s)? _____

34. Do you think that simplifying the wording of legal documents would be useful to the Canadian citizen?

i) not at all useful

ii) of little use

iii) somewhat useful

iv) very useful

Explain your answer: _____

35. Given the present degree of legal awareness among the Canadian public, do you think it is better for someone to consult the lawbooks on their own or to consult a

lawyer? _____

36. Ideally, do you feel it would be preferable to consult the lawbooks oneself or, rather, to consult a lawyer? _____

37. Would you like to be more legally aware?

i) no

ii) yes

Explain your answer: _____

38. You have already been asked if you have ever been in a position where you either needed or made use of legal information. We are now asking you to describe your most recent legal problem and how it was resolved (or how it is being resolved)?

39. What do you think of lawyers? _____

40. What do you think of the law? _____

41. What do you think of justice? _____

42. What do you think of crime? _____

43. Answer the following question:

Can anyone under 18 obtain a marriage licence?

- i) no
- ii) yes
- iii) don't know

43.1 Which law provides the answer to the previous question?

Check one box only:

- i) The Young Offenders Act
- ii) The Family Law
- iii) The Consumer Protection Act
- iv) The Criminal Code

44. Answer the following question:

If you received a book by mail which you did not order can you keep it without paying for it?

- i) no
- ii) yes
- iii) don't know

44.1 Which law provides the answer to the previous question?

Check one box only:

- i) The Consumer Protection Act
- ii) The Employment Standards Act
- ii) The Post Office Act
- iv) The Highway Traffic Act

45. Answer the following question:

If an employee drives to work and spends \$1.00 per day to park, can this person deduct this money in 'his' or 'her' income tax return?

- i) no
- ii) yes
- iii) don't know

45.1 What law provides the answer to the previous question?

Check one box only:

- i) The Consumer Protection Act
- ii) The Income Tax Act
- iii) The Highway Traffic Act
- iv) The Criminal Code

46. Read the two following passages:

A) Every citizen of Canada has the right to vote in an election of members of the House of Commons or of a legislative assembly and to be qualified for membership therein.

B) The tradition of democratic rights in Canada is specifically guaranteed by the Charter. Citizens will have a constitutionally enshrined right to vote in elections for members of the House of Commons or a legislative assembly and to seek election to either of those houses.

46.1 In your opinion passages «A» and «B» are:

- i) very different
- ii) quite different
- iii) quite similar
- iv) very similar

46.2 Your friend has no knowledge of the passage marked «A». Write down the meaning of this passage for him: _____

(Question 47 on next page)

47. Read the following passage:

Two persons may enter into an agreement, before their marriage or during their marriage while cohabiting, in which they agree on their respective rights and obligations under the marriage or upon separation or the annulment or dissolution of the marriage or upon death, including,

- a) ownership in or division of property;
- b) support obligations;
- c) the right to direct the education and moral training of their children, but not the right to custody of or access to their children; and
- d) any other matter in the settlement of their affairs.

47.1 Answer the following question. Check one box only.

The agreement in question concerns the period:

- i) before the marriage
- ii) during the marriage
- iii) after and during separation
- iv) in case of a death
- v) <ii>, <iii>, <iv> are correct
- vi) <i>, <ii>, <iii>, <iv> are correct

47.2 Answer the following question. Check one box only.

This article of the law concerns rights and obligations

- i) during marriage, during or upon separation, or upon death
- ii) or which would ensue from separation or the annulment of a marriage or upon death

47.3 Answer the following question. Check one box only.

A marriage agreement can be made

- i) before the marriage
- ii) during the marriage
- iii) after the marriage
- iv) <i> and <ii> are correct
- v) <ii> and <iii> are correct

47.4 The four factors <a>, , <c> and <d> of the article of law (Q.47) are

- i) parties
- ii) rights and obligations
- iii) consequences of death

(Question 48 on next page)

48. Read the following passage in which some words are missing (the long dashes represent the missing words.)

Every person is guilty of the offence _____ hunting carelessly who, being in possession of _____ fire-arm for the purpose of hunting, discharges _____ causes to be discharged or handles such _____ without due care and attention or without _____ consideration for persons or property and is _____ to a fine of not more than _____ or to imprisonment for a term of _____ not more than one year, or _____ both.

48.1 The above passage was:

- i) impossible to read
- ii) very difficult to read
- iii) rather difficult to read
- iv) rather easy to read
- v) very easy to read
- vi) extremely easy to read

48.2 Fill in the blank spaces in passage 48 in the spaces provided below.

49. Read the following passages:

Hunting carelessly is an offence and hunters who discharge firearms without due care and attention, or consideration for persons and property, are liable to a fine of not more than \$5 thousand or to imprisonment or both.

49.1 According to you what do the words <without due care and attention> mean?

(Question 50 on next page)

50. Read the following passages:

Passage A) Every driver involved in an accident must remain at or return immediately to the scene of the accident. Driver's are also required to render all possible assistance and provide their name and address, as well as the name and address of the registered owner of the vehicle and the vehicle plate number to the police or anyone sustaining loss or injury.

Keep calm and follow these steps:

1. Turn off all vehicle engines and turn on the emergency flashers;
2. Don't let anyone smoke, light a match or place flares near the vehicle in case of a fuel leak;
3. If any of the vehicles are on fire, remove all occupants, and make sure everyone is well clear;
4. You are required by law to call the appropriate law enforcement agency immediately (provincial or local police), and report the accident if there are any personal injuries, or damage to property exceeding \$400. Ask for emergency treatment for any injured.

Passage B) Where an accident occurs on a highway, every person in charge of a vehicle or car of an electric railway that is directly or indirectly involved in the accident shall,

- a) remain at or immediately return to the scene of the accident;
- b) render all possible assistance; and
- c) upon request, give in writing to anyone sustaining loss or injury, or to any constable or other police officer or to any witness, his name and address, and also the names and address of the registered owner of such vehicle, and the number of the vehicle permit.

50.1. Which of these passages did you find easier to understand?

- i) passage <A>
- ii) passage

50.2 In your opinion, why was the other passage more difficult to understand? _____

50.3 Are there any words in these passages which make them difficult to understand?

- i) no
- ii) yes

If yes write which ones in each passage:

TEXT <A>

TEXT

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

50.4 Do you prefer it if the law indicates what you are to do or if it outlines your responsibilities?

- i) indicates what to do
- ii) outlines obligation

Explain your choice: _____

50.5 Check the correct answer(s):

- i) passage «A» indicates what you are to do
- ii) passage «B» outlines your obligations
- iii) there is no difference between the passages

51. Read the following passages:

i) Every person has a right to equal treatment with respect to employment without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, age, record of offences, marital status, family status or handicap.

2) Every person who is an employee has a right to freedom from harassment in the workplace by the employer or agent of the employer or by another employee because of race, ancestry, place of origin, colour, ethnic, origin, citizenship, creed, age, record of offences, marital status, family status or handicap.

51.1 You are an employer. Explain to an employee what his rights are according to the article of law that you have just read: _____

51.2 You are an employee. Explain your rights to an employer, according to the article you just read: _____

52. Read the following passages:

A) Official Text

«young person» means a person who is or, in the absence of evidence to the contrary, appears to be

- a) twelve years of age or more, but
- b) under eighteen years of age, or in a province in respect of which a proclamation has been issued under subsection (2) prior to April 1, 1985, under sixteen or seventeen years, whichever age is specified by the proclamation, and, where the context requires, includes any person who is charged under this Act with having committed an offence under this Act.

B) Simplified Text

The new Act stipulates that «young person» means a person who is or... appears to be twelve years of age or more, but under eighteen years of age.» This means that the new Act covers individuals from their twelfth birthday until they are seventeen years inclusive; once they have attained their eighteenth birthday, they become adults from the point of view of the criminal law and move into the ordinary court system.

52.1 Do you feel the young person is protected by this law?

- i) not at all protected
- ii) poorly protected
- iii) quite protected
- iv) very protected

Explain your answer: _____

52.2 Which passage «A)» or «B)» did you find easier to understand?

- i) Passage «A)»
- ii) Passage «B)»

Explain your answer: _____

52.3 Do you think that the simplified text adds information to the official text?

- i) no
- ii) yes

Explain your answer: _____

52.4 Do you feel you understand the law better after having read the simplified text?

- i) no
- ii) yes

Explain your answer: _____

53. Read the following passage:

Every person is guilty of the offence of hunting carelessly who, being in possession of a fire-arm for the purpose of hunting, discharges or causes to be discharged or handles such fire-arm without due care and attention or without reasonable consideration for persons or property and is liable to a fine of not more than \$5000 or to imprisonment for a term of not more than one year, or both.

53.1 What is your general impression of this passage? _____

53.2 Answer the following question. Check one box only.

Who is liable?

- i) persons
- ii) care
- iii) property
- iv) every person
- v) a fire-arm

54. Read the following sentences:

A) When such is the case, the property owner can prohibit trespass on the banks and stream bed (according to the Trespass to Property Act), but he does not own the water or the fish.

B) A search of the original deed in the Registrar's Office would be the only way to determine the extent of private ownership.

C) Many of the smaller trout streams in Ontario are located on private land and the various owners of the properties have paid taxes on the bottom of the stream and the banks for many years.

D) On larger streams, patented lots may extend to the centre line of the stream or to the high water mark on the bank.

54.1 Put the above sentences in logical order indicating only the corresponding letters: _____, _____, _____, _____.

55. Read the following passage:

A domestic contract is a marriage contract, a separation agreement or a cohabitation agreement. A marriage contract may be signed before a couple marry or during the marriage. A separation agreement is signed after a couple have separated. A cohabitation agreement is an agreement between a man and a woman who are living together but who are not married to each other.

A domestic contract or any agreement to amend a domestic contract must be in writing, signed by the parties and witnessed. Independent legal advice, although advisable, is not required under the new law.

In a domestic contract, a couple may outline property rights and support obligations and provide for any other matter in the settlement of their affairs during their relationship, in the event of a future separation or upon the death of one of them. Provisions set out in a domestic contract generally will predominate over the new legislation.

Couples may provide for the education or religious training of their children in a marriage contract or cohabitation agreement. Custody of children may only be provided for in a separation agreement.

55.1 Answer the following question. Check one box only.

The domestic contract in question 55 concerns the period:

- i) before the marriage
- ii) during the marriage
- iii) after and during separation
- iv) in case of death of a spouse
- v) <ii> <iii> <iv> are all correct
- vi) <i> <ii> <iii> <iv> are all correct

55.2 Answer the following question. Check one box only.

This passage concerns rights and obligations:

- i) during marriage, during and after separation, after the death
- ii) or which ensues from the separation or the annulment of the marriage or from a death

55.3 Answer the following question. Check one box only.

A domestic contract can be made

- i) before the marriage
- ii) during the marriage
- iii) after the marriage
- iv) <i> and <ii> are correct
- v) <ii> and <iii> are correct

55.4 Check all the correct answers:

A domestic contract can be concluded:

- i) only before a lawyer
- ii) before witnesses
- iii) simply by agreement between the parties.

55.5 Check all the correct answers:

A domestic contract can be concluded:

- i) during cohabitation
- ii) during the marriage if the partners are cohabiting
- iii) during the marriage if the partners are not cohabiting
- iv) when the persons are cohabiting even if they aren't married

56. Read the following passage:

Harassment is defined by the Code as « a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome. » An example could be a course of comment or conduct consisting of words or actions that insult or cause humiliation to a person in relation to one of the prohibited grounds.

Employers, people acting for employers, and coworkers are prohibited from harassing an employee on the ground of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, age, record of offences, marital status, family status or handicap.

56.1 You are an employer. Explain your responsibilities to another employer

according to the passage you have just read : _____

56.2 You are an employer. Explain to an employee the rights he holds according to the passage you have just read: _____

57. Read the following paragraphs:

A) A party or witness in any proceedings who does not understand or speak the language in which the proceedings are conducted or who is deaf has the right to the assistance of an interpreter.

B) A witness who testifies in any proceedings has the right not to have any incriminating evidence so given used to incriminate that witness in any other proceedings, except in a prosecution for perjury or for the giving of contradictory evidence.

C) Everyone has the right not to be subjected to any cruel and unusual treatment or punishment.

57.1 In what order do you think these paragraphs would be best arranged?

- i) «B)», «C)», «A)»
- ii) «C)», «B)», «A)»
- iii) «A)», «C)», «B)»

38. End of questionnaire.

Thank you for your cooperation. Do you have any further comments or recommendations you would like to make known to the Canadian Minister of Justice concerning Public legal education?

1. The following is a list of the names of the persons who have been appointed to the various positions in the office of the Secretary of the State of New York, for the term ending on the 31st day of December, 1900.

2. The following is a list of the names of the persons who have been appointed to the various positions in the office of the Secretary of the State of New York, for the term ending on the 31st day of December, 1900.

3. The following is a list of the names of the persons who have been appointed to the various positions in the office of the Secretary of the State of New York, for the term ending on the 31st day of December, 1900.

4. The following is a list of the names of the persons who have been appointed to the various positions in the office of the Secretary of the State of New York, for the term ending on the 31st day of December, 1900.

5. The following is a list of the names of the persons who have been appointed to the various positions in the office of the Secretary of the State of New York, for the term ending on the 31st day of December, 1900.

APPENDIX 4

Cloze Procedure

To measure the capacity to be read of the official text, we presented participants with the delete text according to the cloze procedure, asking them to attempt to read it and to fill in the empty spaces. (See our comments in paragraph 3.2.4.)

The cloze procedure of linguistic analysis is used to verify the comprehension of the text based on redundancy (if texts are short, most words contain new information). Anticipating that the texts would be difficult, we considered it appropriate to eliminate every eighth word:

Deleted English text

Read the following passage in which some words are missing (the long dashes represent the missing words.)

Every person is guilty of the offence
_____ hunting carelessly who, being
in possession of _____ fire-arm for
the purpose of hunting, discharges _____
causes to be discharged or handles such
_____ without due care and attention
or without _____ consideration for
persons or property and is _____
to a fine of not more than _____ or
to imprisonment for a term of _____ not
more than one year, or _____ both.

Deleted French text

Lisez le texte suivant dont quelques mots
(indiqués par un trait) sont manquants:

Quiconque ayant en sa possession une arme _____ feu pour chasser, la décharge, la fait _____ ou la manipule sans prendre les précautions _____ ou sans égard normal à autrui ou à _____ biens, est coupable de chasse avec négligence _____ passible d'une amende d'au plus _____ dollars et d'un emprisonnement d'au _____ une année ou de l'une seule _____ ces peines.

Results of cloze procedure

English speakers

of	a	or	fire-arm	reasonable	liable	\$5000	to
72%	79%	56%	56%	52%	48%	44%	(missing)

Average: 58%

French speakers

à	décharger	nécessaire	ses	et	\$5000	plus	de
64%	41%	59%	55%	45%	55%	55%	45%

Moyenne: 52%

English readers had an average comprehension of 58% whereas for French readers it was approximately 52%. These results are quite encouraging considering that Richaudeau considers the comprehension to be satisfactory when the index is equal to or greater than 44. Finally, we should point out that we

have left all of the synonyms in our calculation as well as an antonym where the terms "plus" and "moins" appear in the French text, because the context does not allow them distinctions to be drawn. We have not taken account of grammatical and spelling mistakes, such as "leurs" instead of "ses" in the French text.

With 52% comprehension, French readers have a lower score than English ones. However, if we consider that they are exposed to more reading in English than in French, and that they show that they understand better when reading in English than in French, their success score on this test is quite satisfactory, above all considering that the scales, specifically that of Flesch, show the French text to be more difficult. Of the French respondents, 36% were unable to add anything, compared to 24% of English. It is possible that the level of education is a factor, but it appears more plausible to explain the difference by reading habits.

The first part of the report is a general introduction to the subject of the study. It discusses the importance of the study and the objectives of the research. The second part of the report is a detailed description of the methodology used in the study. This includes a description of the sample, the data collection methods, and the statistical analysis used. The third part of the report is a discussion of the results of the study. This includes a description of the findings and an interpretation of the results. The final part of the report is a conclusion and a list of references.

APPENDIX 5

Frequency distribution of independent variables*

1. Sex

	Frequency	Percentage	Valid Percentage	Cumulative Percentage
Male	34	54.0	54.0	54.0
Female	29	46.0	46.0	100.0
Total	63	100.0	100.0	

2. Number of years of schooling

	Frequency	Percentage	Valid Percentage	Cumulative Percentage
3	1	1.6	1.6	1.6
6	1	1.6	1.6	3.2
8	2	3.2	3.2	6.3
9	3	4.8	4.8	11.1
10	9	14.3	14.3	25.4
11	6	9.5	9.5	34.9
12	17	27.0	27.0	61.9
13	15	23.8	23.8	85.7
15	3	4.8	4.8	90.5
16	4	6.3	6.3	96.8
17	1	1.6	1.6	98.4
18	1	1.6	1.6	100.0
Total	63	100.0	100.0	

* The totals are not always exactly 100%. This is because the figures are rounded off to .1, always according to the same rule.

3. Most recent diploma obtained

	Frequency	Percentage	Valid Percentage	Cumulative Percentage
University degree	9	14.3	14.3	14.3
Specialized trade	8	12.7	12.7	27.0
High school diploma	24	38.1	38.1	65.1
Trade	5	7.9	7.9	73.0
No diploma	17	27.0	27.0	100.0
TOTAL	63	100.0	100.0	

4. Training

	Frequency	Percentage	Valid Percentage	Cumulative Percentage
Engineering	2	3.2	3.2	3.2
Administration	3	4.8	4.8	8.0
Teaching	8	12.7	12.9	21.0
Journalism	2	3.2	3.2	24.2
General studies	1	1.6	1.6	25.8
Pharmacy	1	1.6	1.6	27.4
Nursing	1	1.6	1.6	29.0
Office work	7	11.1	11.3	40.3
Technical	5	7.9	8.1	48.4
Mining	1	1.6	1.6	50.0
Secretarial	2	3.2	3.2	53.2
Hairdressing	1	1.6	1.6	54.8
Housework	1	1.6	1.6	56.5
None	27	42.9	43.5	100.0
Missing	1	1.6	missing	
TOTAL	63	100.0	100.0	

5. Situation

	Frequency	Percentage	Valid Percentage	Cumulative Percentage
Unemployed	10	15.9	15.9	15.9
Retired	8	12.7	12.7	28.6
Neither	45	71.4	71.4	100.0
TOTAL	63	100.0	100.0	

6. Trade or occupation

	Frequency	Percentage	Valid Percentage	Cumulative Percentage
Employer	2	3.2	3.2	3.2
Professional	9	14.3	14.3	17.5
Office Worker I	5	7.9	7.9	25.4
Specialized trade	5	7.9	7.9	33.3
Office Worker II	14	22.2	22.2	55.6
Trade	13	20.6	20.6	76.2
	7	11.1	11.1	87.3
Student	8	12.7	12.7	100.0
Total	<u>63</u>	<u>100.0</u>	<u>100.0</u>	

7. Annual family income

	Frequency	Percentage	Valid Percentage	Cumulative Percentage
50000 +	2	3.2	3.6	3.6
45000 to 49999	2	3.2	3.5	7.1
40000 to 44999	3	4.8	5.4	
35000 to 39999	1	1.6	1.8	14.3
30000 to 34999	3	4.8	5.4	19.6
25000 to 29999	5	7.9	8.9	28.6
20000 to 24999	7	11.1	12.5	41.1
15000 to 19999	7	11.1	12.5	53.6
10000 to 14000	6	9.5	10.7	64.3
5000 to 9999	6	9.5	10.7	75.0
4999 to less	14	22.2	25.0	100.0
Missing	7	11.1	missing	
	<u>63</u>	<u>100.0</u>	<u>100.0</u>	

8. Serious handicap

	Frequency	Percentage	Valid Percentage	Cumulative Percentage
Non	56	88.9	88.9	88.9
Yes	7	11.1	11.1	100.0
Total	<u>63</u>	<u>100.0</u>	<u>100.0</u>	

9. Type of handicap

	Frequency	Percentage	Valid Percentage	Cumulative Percentage
None	56	88.9	90.3	90.3
Diabetes	1	1.6	1.6	91.2
Arthritis	2	3.2	3.2	95.2
Spiral column	1	1.6	1.6	96.8
Deafness	1	1.6	1.6	96.4
Ankle and back	1	1.6	1.6	100.0
Missing	1	1.6	missing	
Total	<u>63</u>	<u>100.0</u>	<u>100.0</u>	

10. Age

	Frequency	Percentage	Valid Percentage	Cumulative Percentage
18 to 29 yrs	20	31.7	31.7	31.7
30 to 54 yrs	27	42.9	74.6	74.6
44 and more	<u>16</u>	<u>25.4</u>	<u>25.4</u>	100.0
Total	63	100.0	100.0	

11. Marital Status

	Frequency	Percentage	Valid Percentage	Cumulative Percentage
Single	15	23.8	23.8	23.8
Married or common law	44	69.8	69.8	93.7
Separated	1	1.6	1.6	95.2
Divorced	1	1.6	1.6	96.8
Widowed	2	3.2	3.2	100.0
Total	<u>63</u>	<u>100.0</u>	<u>100.0</u>	

12. Number of members of household

	Frequency	Percentage	Valid Percentage	Cumulative Percentage
1	3	4.8	4.8	4.8
2	20	31.7	31.7	36.5
3	11	17.5	17.5	54.0
4	15	25.4	25.4	79.4
5	6	9.4	9.4	88.9
6	6	9.5	9.5	98.4
7	1	1.6	1.6	100.0
TOTAL	<u>63</u>	<u>100.0</u>	<u>100.0</u>	

13. Landlord or tenant

	Frequency	Percentage	Valid Percentage	Cumulative Percentage
Landlord	41	65.1	69.5	69.5
Tenant	18	28.6	30.5	100.0
Missing	<u>4</u>	<u>6.3</u>	<u>missing</u>	
Total	63	100.0	100.0	

14. Father's occupation

	Frequency	Percentage	Valid Percentage	Cumulative Percentage
Employer	4	6.3	7.0	7.0
Professional Office	3	4.8	5.3	12.3
Worker I Specialized trade Office	3	4.8	5.3	17.5
Worker II Trade	27	42.9	47.4	64.9
Worker II Trade	2	3.2	3.5	100.0
Trade	18	28.6	31.6	
Missing	<u>6</u>	<u>9.5</u>	<u>missing</u>	
TOTAL	63	100.0	100.0	

15. Mother's occupation

	Frequency	Percentage	Valid Percentage	Cumulative Percentage
Professional	3	4.8	4.8	4.8
Specialized trade Office	1	1.6	1.6	6.3
Worker II Trade	4	6.3	6.3	12.7
Housewife	9	14.3	14.3	27.0
TOTAL	<u>46</u>	<u>73.0</u>	<u>73.0</u>	100.0
	63	100.0	100.0	

16. Number of automobiles per household

	Frequency	Percentage	Valid Percentage	Cumulative Percentage
0	2	3.2	3.2	3.2
1	34	54.0	54.0	57.1
2	17	27.0	27.0	84.1
3	6	9.5	9.5	93.7
4	3	4.8	4.8	98.4
6	<u>1</u>	<u>1.6</u>	<u>1.6</u>	100.0
TOTAL	63	100.0	100.0	

17. Active participation in community groups

	Frequency	Percentage	Valid Percentage	Cumulative Percentage
No	51	81.0	81.0	81.0
Yes	<u>12</u>	<u>19.0</u>	<u>19.0</u>	100.0
TOTAL	63	100.0	100.0	

18. Type of group

	Frequency	Percentage	Valid Percentage	Cumulative Percentage
None	51	81.0	81.0	81.0
Theatre	1	1.6	1.6	82.4
Sport	3	4.8	4.8	87.3
Religion	2	3.2	3.2	90.5
Professional	1	1.6	1.6	92.1
Corporation	2	3.2	3.2	95.2
Social Club	2	3.2	3.2	98.4
Golf	<u>1</u>	<u>1.6</u>	<u>1.6</u>	100.0
TOTAL	<u>63</u>	<u>100.0</u>	<u>100.0</u>	

19. Language of questionnaire

	Frequency	Percentage	Valid Percentage	Cumulative Percentage
French	22	34.9	34.9	34.9
English	41	65.1	65.1	100.0
Total	<u>63</u>	<u>100.0</u>	<u>100.0</u>	

20. Mother tongue

	Frequency	Percentage	Valid Percentage	Cumulative Percentage
French	26	41.3	41.3	41.3
English	24	38.1	38.1	79.4
Italian	4	7.9	7.9	87.3
German	3	4.8	4.8	92.1
Other	<u>5</u>	<u>7.9</u>	<u>7.9</u>	100.0
TOTAL	63	100.0	100.0	

21. Language spoken at home

	Frequency	Percentage	Valid Percentage	Cumulative Percentage
French	15	23.8	23.8	23.8
English	45	71.4	71.4	95.2
Other	3	4.8	4.8	100.0
	—	—	—	
Total	63	100.0	100.0	

22. Country of birth

	Frequency	Percentage	Valid Percentage	Cumulative Percentage
Canada	53	84.1	84.1	84.1
Italy	2	3.2	3.2	87.3
Germany	3	4.8	4.8	92.1
Other	5	7.9	7.9	100.0
TOTAL	<u>63</u>	<u>100.0</u>	<u>100.0</u>	

23. Region in Country of birth

	Frequency	Percentage	Valid Percentage	Cumulative Percentage
Quebec	7	11.1	11.1	11.1
Elsewhere in Canada	46	73.0	73.0	84.1
Outside Canada	10	15.9	15.9	100.0
TOTAL	<u>63</u>	<u>100.0</u>	<u>100.0</u>	

24. National Identification

	Frequency	Percentage	Valid Percentage	Cumulative Percentage
Canadian	13	20.6	22.8	22.8
French- Canadian	12	19.0	21.1	43.9
Franco- Ontarian	4	6.3	7.0	50.9
Italian	6	9.5	10.5	61.4
Scotish	4	6.3	7.0	68.4
English	3	4.8	5.3	73.7
Other	15	23.8	26.5	100.0
Missing	6	9.5	missing	
TOTAL	<u>63</u>	<u>100.0</u>	<u>100.0</u>	

25. Spoken English

	Frequency	Percentage	Valid Percentage	Cumulative Percentage
Good	38	60.3	60.3	60.3
Fair	15	23.8	23.8	84.1
Average	7	11.1	11.1	95.2
Passable	2	3.2	3.2	98.4
Poor	<u>1</u>	<u>1.6</u>	<u>1.6</u>	100.0
	63	100.0	100.0	

26. Written English

	Frequency	Percentage	Valid Percentage	Cumulative Percentage
Good	32	50.8	50.8	50.8
Fair	15	23.8	23.8	74.6
Average	7	11.1	11.1	85.7
Passable	4	6.3	6.3	92.1
Poor	1	1.6	1.6	93.7
Nil	<u>4</u>	<u>6.3</u>	<u>6.3</u>	100.0
TOTAL	63	100.0	100.0	

27. English Reading

	Frequency	Percentage	Valid Percentage	Cumulative Percentage
Good	37	58.7	58.7	58.7
Fair	12	19.0	19.0	77.8
Average	8	12.7	12.7	90.5
Passable	1	1.6	1.6	92.1
Poor	1	1.6	1.6	93.7
Nil	<u>4</u>	<u>6.3</u>	<u>6.3</u>	100.0
TOTAL	63	100.0	100.0	

28. Spoken French

	Frequency	Percentage	Valid Percentage	Cumulative Percentage
Good	14	22.2	22.2	22.2
Fair	8	12.7	12.7	34.9
Average	4	6.3	6.3	41.3
Passable	5	7.9	7.9	49.2
Poor	25	39.7	39.7	88.9
Nil	<u>7</u>	<u>11.1</u>	<u>11.1</u>	100.0
TOTAL	63	100.0	100.0	

29. Written French

	Frequency	Percentage	Valid Percentage	Cumulative Percentage
Good	12	19.0	19.0	19.0
Fair	8	12.7	12.7	31.7
Average	7	11.1	11.1	42.9
Passable	4	6.3	6.3	49.2
Poor	21	33.3	33.3	82.5
Nil	11	17.5	17.5	100.0
Total	<u>63</u>	<u>100.0</u>	<u>100.0</u>	

30. French Reading

	Frequency	Percentage	Valid Percentage	Cumulative Percentage
Good	18	28.6	28.6	28.6
Fair	8	12.7	12.7	41.3
Average	4	6.3	6.3	47.6
Passable	6	9.5	9.5	47.1
Poor	16	25.4	25.4	82.5
Nil	11	17.5	17.5	100.0
Total	<u>63</u>	<u>100.0</u>	<u>100.0</u>	

31. Other languages spoken

	Frequency	Percentage	Valid Percentage	Cumulative Percentage
No	46	73.9	73.9	73.0
Yes	17	27.0	27.0	
Total	63	100.0	100.0	

32. Social level

	Frequency	Percentage	Valid Percentage	Cumulative Percentage
Very high				
1	1	1.6	1.6	1.6
2	2	3.2	3.2	4.8
3	3	4.8	4.8	9.5
4	9	14.3	14.3	23.8
5	9	14.3	14.3	38.1
6	22	34.9	34.9	73.0
7	9	14.3	14.3	87.3
8	5	7.9	7.9	95.2
9	1	1.6	1.6	96.8
10	1	1.6	1.6	98.4
Very low				
missing	1	1.6	1.6	100.0
Total	63	100.0	100.0	

APPENDIX 6

Two series of examples of correlations obtained

1. Impression on the difficulty of reading the enactment about hunting*

(This series shows that the feeling is generally very negative but that this is somewhat less true to the extent the person is better off. These enactments, for example, appear less impressive to those who are better educated; nevertheless, even the less educated persons understand it)

1.1 According to years of schooling

	Extremely easy	Very easy	Fairly easy	Fairly difficult	Very difficult	Impossible	Total
3			1				1 1,6
6				1			1 1,6
8				1	1		2 3,2
9					2		2 3,2
10			4	3	2		9 14,5
11			2	2	2		6 9,7
12			4	5	7	1	17 27,4
13		2	3	6	2	2	15 24,2
15			2			1	3 4,8
16	1			3			4 6,5
17					1		1 1,6
18	1						1 1,6
Total	2 3,2	2 3,2	16 25,9	21 33,9	17 27,4	4 6,5	62 100,0

$\chi^2 = 75.4355$ $df = 55$ $p < 0.0351$

1.2 According to sex

	Extremely easy	Very easy	Fairly easy	Fairly difficult	Very difficult	Impossible	Total
Male	1	1	8	11	10	3	34
Female	1	1	8	10	7	1	28
Total	2 3,2	2 3,2	16 25,8	21 33,9	17 27,4	4 6,5	62 100,0

$\chi^2 = 1.00581$ $df = 5$ $p < 0.9621$

1.3 According to situation

	Extremely easy	Very easy	Fairly easy	Fairly difficult	Very difficult	Impossible	Total
Unem- ployed			2	2	5		9
Retired			3	3	1	1	8
Neither	2	2	11	16	11	3	45
Total	2 3,2	2 3,2	16 25,8	21 33,9	17 27,4	4 6,5	62 100,0

$\chi^2 = 6.87216$ $df = 10$ $p < 0.7375$

1.4 According to annual family income

	Extremely easy	Very easy	Fairly easy	Fairly difficult	Very difficult	Impossible	Total
50000 and more				1	1		2
45000 to 49999				1		1	2
40000 to 44999			2	1			3
35000 to 39999	1						1
30000 to 34999			1		2		3
25000 to 29999			2		3		5
20000 to 24999			4	3			7
15000 to 19999	1			2	3	1	7
10000 to 14999		1		1	3	1	6
5000 to 9999			1	3	2		6
4999 or less		1	6	4	1	1	13
Total	2 3,6	2 3,6	16 24,1	16 29,1	15 27,3	14 7,3	55 100,0

$X^2 = 68,93459$ $df = 50$ $p < 0.391$

1.5 According to whether or not the person is handicapped

	Extremely easy	Very easy	Fairly easy	Fairly difficult	Very difficult	Impossible	Total
No	2	1	14	18	17	4	56
Yes		1	2	3			6
Total	2 3,2	2 3,2	16 25,8	21 33,9	17 27,4	4 6,5	62 100,0

$X^2 = 6.84056$ $df = 5$ $p < 0.2328$

1.6 According to age

	Extremely easy	Very easy	Fairly easy	Fairly difficult	Very difficult	Impossible	Total
18 to 29 years		1	5	6	6	1	19
30 to 54 years	2		6	9	8	2	27
55 and more years		1	5	6	3	1	16
Total	2 3,2	2 3,2	16 25,8	21 33,9	17 27,4	4 6,5	62 100,0

$\chi^2 = 5.26310$ $df = 10$ $p < 0.8729$

1.7 According to mother tongue

	Extremely easy	Very easy	Fairly easy	Fairly difficult	Very difficult	Impossible	Total
French	1		7	7	8	3	26
English	1	2	5	11	4		41,9
Italian			1	1	3		23
German			1	1	1		37,1
Others			2	1	1	1	5
Total	2 3,2	2 3,2	16 25,8	21 33,9	17 27,4	4 6,5	62 100,0

$\chi^2 = 14.36387$ $df = 20$ $p < 0.8116$

1.8 According to language spoken at home

	Extremely easy	Very easy	Fairly easy	Fairly difficult	Very difficult	Impossible	Total
French	1		4	4	5	1	15
English	1	2	12	16	10	3	44
Other				1	2		3
Total	2	2	16	21	17	4	62
	3,2	3,2	25,8	33,9	27,4	6,5	100,0

$\chi^2 = 5.14910$ $df = 10$ $p < 0.8810$

1.9 According to country of birth

	Extremely easy	Very easy	Fairly easy	Fairly difficult	Very difficult	Impossible	Total
Canada	2	2	14	19	12	3	52
Italy				1	1		2
Germany				1	2		3
Others					2	1	3
Total	2	2	16	21	17	4	62
	3,2	3,2	25,8	33,9	27,4	6,5	100,0

$\chi^2 = 8.91782$ $df = 15$ $p < 0.8818$

1.10 According to National Identification

	Extremely easy	Very easy	Fairly easy	Fairly difficult	Very difficult	Impossible	Total
Canadian			5	4	4		13
French- Canadian			2	6	1	3	23,2 12
Franco- Ontarian	1				3		21,4 4
Italian		1	1	1	3		7,1 6
Scotish			1	2	1		10,7 4
English		1	1		1		7,1 3
Other	1		4	4	4	1	5,4 14
Total	2 3,6	2 3,6	14 25,0	17 30,4	17 30,4	4 7,1	25,0 56 100,0

$\chi^2 = 39.00959$ $df = 30$ $p < 0.1255$

1.11 According to social level

	Extremely easy	Very easy	Fairly easy	Fairly difficult	Very difficult	Impossible	Total
Very high							
1			1				1
2				2			1,6 2
3			2	1			3,2 3
4	1		2	5	1		4,8 9
5	1	1	1	2	4		14,5 9
6		1	4	6	8	2	14,5 21
7			4	2	2	1	33,9 9
8			1	1	2	1	14,5 5
9			1				8,1 1
10				1			1,6 1
Very low				1			1,6
Missing				1			1
Total	2 3,2	2 3,2	16 25,8	21 33,9	17 27,4	4 6,5	1,6 62 100,0

$\chi^2 = 35.08289$ $df = 50$ $p < 0.9457$

2. Explanation of the words "without due care and attention"
 (These relations indicate that forms of comprehension are not
 determined by controllable variables)

2.1 According to years of schooling

	Paraphrase or synonym	Paraphrase and example	Paraphrase and criterion	Real cri- terion	Example only	Don't know	Total
3				1			1
6		1					1,7
8	1	1					2
9	1			1			3,4
10	2	1	1	4			8
11	5		1				13,6
12	6	5	1	5			17
13	6	3	3		2	1	28,8
15			2				15
16		1		2			25,4
17		1					2
18			1				3,4
Total	21 35,6	13 22,0	9 15,3	13 22,0	2 3,4	1 1,7	54 100,0

$\chi^2 = 58.74440$ $df = 55$ $p < 0.3400$

2.2 According to sex

	Paraphrase or synonym	Paraphrase and example	Paraphrase and criterion	Real cri- terion	Example only	Don't know	Total
Male	11	6	4	9	1	1	32
Female	10	7	5	4	1		27
Total	21	13	9	13	2	1	45,8
	35,6	22,0	15,3	22,0	3,4		59
							100,0

$\chi^2 = 2.75479$ $df = 5$ $p < 0.7377$

2.3 According to situation

	Paraphrase or synonym	Paraphrase and example	Paraphrase and criterion	Real cri- terion	Example only	Don't know	Total
Unem- ployed	5	2	1	1			9
Retired	4	1		2	1		15,3
Neither	12	10	8	10	1	1	42
Total	21	13	9	13	2	1	59
	35,6	22,0	15,3	22,0	3,4	1,7	100,0

$\chi^2 = 7.53802$ $df = 10$ $p < 0.6739$

2.4 According to annual family income

	Paraphrase or synonym	Paraphrase and example	Paraphrase and criterion	Real cri- terion	Example only	Total
50000 and more	1	1				2 3,8
45000 to 49999				2		2 3,8
40000 to 44999			2			2 3,8
35000 to 39999			1			1 1,9
30000 to 34999	1			2		3 5,8
25000 to 29999	1	1		3		5 9,6
20000 to 24999	3	1		2	1	7 13,5
15000 to 19999	2	1	1	3		7 13,5
10000 to 14999	3	1	1			5 9,6
5000 to 9999	4	1	1			6 11,5
4999 or less	4	4	2	1	1	12 23,1
Total	19 36,5	10 19,2	8 15,4	13 25,0	2 3,8	52 100,00

$\chi^2 = 44$ $df = 40$ $p < 0.2738$

2.5 According to whether or not the person is handicapped

	Paraphrase or synonym	Paraphrase and example	Paraphrase and criterion	Real cri- terion	Example only	Don't know	Total
Non	19	12	7	12	2	1	53
Yes	2	1	2	1			6
Total	21	13	9	13	2	1	59
	35,6	22,0	15,3	22,0	3,4	1,7	100,0

$X^2 = 1.95502$ $df = 5$ $p < 0.8553$

2.6 According to age

	Paraphrase or synonym	Paraphrase and example	Paraphrase and criterion	Real cri- terion	Example only	Don't know	Total
18 to 29 years	7	5	3	2		1	18
30 to 54 years	8	3	5	8	1		25
55 years and over	6	5	1	3	1		16
Total	21	13	9	13	1	1	59
	35,6	22,0	15,3	22,0	3,4	1,7	100,0

$X^2 = 8.91505$ $df = 10$ $p < 0.5402$

2.7 According to mother tongue

	Paraphrase or synonym	Paraphrase and example	Paraphrase and criterion	Real cri- terion	Example only	Don't know	Total
French	7	5	3	7	1	1	24
English	9	4	4	5			40,7
Italian	1	3		1			22
German	2				1		37,3
Other	2	1	2				5
Total	21	13	9	13	2	1	8,5
	35,6	22,0	15,3	22,0	3,4	1,7	59
							100,0

$\chi^2 = 22.06336$ $df = 20$ $p < 0.3371$

2.8 According to language spoken at home

	Paraphrase or synonym	Paraphrase and example	Paraphrase and criterion	Real cri- terion	Example only	Don't know	Total
French		4	1	6	1	1	13
English	20	7	8	7	1		22,0
Other	1	2					43
Total	21	13	9	13	2	1	22,9
	35,6	22,0	15,3	22,0	3,4	1,7	3
							5,1
							59
							100,0

$\chi^2 = 20.37533$ $df = 10$ $p < 0.0259$

2.9 According to country of birth

	Paraphrase or synonym	Paraphrase and example	Paraphrase and criterion	Real cri- terion	Example only	Don't know	Total
Canada	18	10	8	11	1	1	49
Italy		2					83,1
Germany	2	1					2
Other	1		1	2	1		3,4
Total	21	13	9	13	2	1	59
	35,6	22,0	15,3	22,0	3,4	1,7	100,0

$X^2 = 16.15469$ $df = 15$ $p < 0.3718$

2.10 According to national identification

	Paraphrase or synonym	Paraphrase and example	Paraphrase and criterion	Real cri- terion	Example only	Don't know	Total
Canadian	8	2		2			12
French- Canadian	2	3	1	3	1	1	22,6
Franco- Ontarian		1	1	2			11
Italian	2	3		1			20,8
Scottish	1	1	1	1			4
English	1		2				7,5
Other	6	2	1	3	1		6
Total	20	12	6	12	2	1	11,3
	37,7	22,6	11,3	22,6	3,8	1,9	24,5
							53
							100,0

$X^2 = 29.36929$ $df = 30$ $p < 0.4983$

2.11 According to social level

	Paraphrase or synonym	Paraphrase and example	Paraphrase and criterion	Real cri- terion	Example only	Don't know	Total
Very high			1				1
1							1,7
2	2						2
							3,4
3	1	1	1				3
							5,1
4	5	1	1	2			9
							15,3
5	4	2	2	1			9
							15,3
6	4	5	2	5	2	1	19
							32,2
7	2	4		2			8
							13,6
8	1		2	2			5
							8,5
9				1			1
							1,7
10	1						1
Very low							1,7
Missing	1						1
							1,7
Total	21 35,6	13 22,0	9 15,3	13 22,0	2 3,4	1 1,7	59 100,0

$\chi^2 = 36.64345$ $df = 50$ $p < 0.9206$