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**Languages Canada: The Paradoxes of Linguistic Inclusivity – Colonial/Founding, Aboriginal and Immigrant Language Rights**

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**How to cite:** Battarbee, K., 'Languages Canada: The Paradoxes of Linguistic Inclusivity – Colonial/Founding, Aboriginal and Immigrant Language Rights.' *London Journal of Canadian Studies*, 2019, 34(5), pp. 79–102.  
DOI: <https://doi.org/10.14324/111.444.ljcs.2019v34.005>.

Published: 14 November 2019

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**Peer Review:**

This article has been peer reviewed through the journal's standard double-blind peer-review, where both the reviewers and authors are anonymized during review.

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**Open Access:**

*London Journal of Canadian Studies* is a peer-reviewed open access journal.

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# Languages Canada: The Paradoxes of Linguistic Inclusivity – Colonial/Founding, Aboriginal and Immigrant language rights

*Keith Battarbee*

## Abstract

This article approaches the question of inclusivity in contemporary Canadian society through the lens of official language policy. Although Canada has well-developed bilingual policies for English and French at the federal and provincial levels, the only jurisdictions which (at the time of writing) afford official language status to Aboriginal languages in addition to English and French are the Northwest Territories (nine First Nations and Inuit languages) and Nunavut (the Inuit language/s). The article situates the development of these territorial language policies within the contexts of Canadian history, the emergence of language policy more generally in Western societies, and the human rights revolution, and offers a tentative evaluation of them in terms of inclusivity, noting the paradox that inclusive recognition of the territories' indigenous languages has not been extended to the immigrant languages, whose speakers partly outnumber the smaller Aboriginal-language communities, as well as the daunting problems faced in turning official recognition into practical implementation.

**Keywords:** official language policy, inclusivity, indigenous and minority languages, human rights, Northwest Territories

## Introduction

One of the ways in which we can evaluate a state's inclusivity is by examining its formal recognition of the rights of its various component populations. This article examines the inclusivity that is expressed in the statutory recognition of languages, and thus of language communities, in Canadian legislation today – in particular, of languages other than English and French.

Language policy is a prominent feature in the profile of the modern Canadian state: in my experience, Canada's constitutional bilingualism is one of the facts most widely known among people with little previous engagement with Canadian society or culture. Since the beginnings of European settlement, to the present day, Canadian language policy has been predominantly shaped by the historical processes of encounter, tension and accommodation between the two 'charter' (imperial/colonial) cultures, French and British.<sup>1</sup>

In addition to the two charter nations, however, there are other clusters in the Canadian population, with whose language rights this article is concerned: those who were there prior to charter group settlement – the Aboriginal or indigenous peoples; and those who have arrived subsequently – the immigrant populations. The dominance in statutory provision of the two imperial languages, to the exclusion of the country's other languages, both indigenous and immigrant, is, however, a reminder of the postcolonial nature of the Canadian state and embodies a paradoxical disjunction between inclusion and exclusion.

In order to evaluate in context the inclusivity of Canadian language policies today, this article first offers brief reviews of three relevant frames of reference: (1) a retrospective of the constitutional relations in Canada between the Aboriginal peoples and the colonial neo-European society;<sup>2</sup> (2) the impact of the human rights revolution on minority rights; and (3) the emergence of language policy as a tool of late-modern statecraft.

## Some Relevant Frames of Reference

### Aboriginal Status in Canadian History

From the early days in New France, to Confederation, to the patriation of the Constitution in 1982, and to the present day, the primary concern

of statutory legislation in Canada has always been the good governance of the neo-European society. It is therefore unsurprising that although language issues are recurrent in Canadian political debate, lawmakers have paid little attention to indigenous languages, and indeed relatively little overall to Aboriginal affairs.<sup>3</sup> Both in New France, and later in Rupert's Land, one can detect what we might call a 'political geography of the mind' which ambiguously saw the neo-European and Aboriginal societies as parallel realities, while also at times treating them as coexisting within the same polity. This model is arguably also reflected in the somewhat ambivalent recognition of Aboriginal title in the Royal Proclamation of 1763.<sup>4</sup>

The main factor eventually driving a shift in this perspective was the steady encroachment of colonial settlement into Aboriginal lands. In 1870, the Canadian government bought Rupert's Land (comprising the entire Hudson Bay and upper Lake Superior watersheds) from the Hudson's Bay Company, and merged this with the more vaguely defined Crown claims further west (comprising the Mackenzie River watershed and stretching into the northern Cordillera mountain ranges) to form the 'Northwest Territories'. In the subsequent Numbered Treaties process (1871–1921), legal control of the bulk of the Prairies and Northwest was formally transferred from the Aboriginal peoples to the Dominion of Canada.

This process finally eroded the 'parallel societies' understanding, and translated the previously rather vaguely defined concept of British imperial sovereignty over the Canadian interior into a gradual but steady consolidation of effective authority, not least with the formation in 1873 of the Northwest Mounted Police (later the Royal Canadian Mounted Police). The Aboriginal peoples of the Prairies and the North now found themselves increasingly firmly under the rule of the Canadian authorities and their understanding of 'peace, order and good government'.<sup>5</sup>

The new force's 'most immediate objectives' are described in the *Canadian Encyclopedia* as primarily oriented towards the native peoples: 'to stop the liquor traffic among the natives and gain their respect and confidence'.<sup>6</sup> In this process of incorporating the Aboriginal peoples into the Canadian state, Aboriginal persons were in 1870 for the first time included in the Canadian Census;<sup>7</sup> in 1876, Parliament passed the first Indian Act, laying down principles under which Aboriginal affairs and lives were to be regulated under Canadian domestic law, i.e. legally subordinating the Aboriginal populations within the neo-European society, rather than allowing them to exist in parallel.<sup>8</sup>

As the First Nations' lands in the Prairies passed under colonial control, new political jurisdictions were created, in a process analogous to the stepwise progression from incorporated territory to eventual statehood introduced in the United States in the Northwest Ordinance of 1787. In 1873, in a tantalizing footnote in Canadian language policy history, the Territorial Council for the new Canadian jurisdiction of the Northwest Territories made provision for all its laws and ordinances to be published in English, French and Cree.<sup>9</sup> So far as I am aware, this inclusion of Cree by the Council is the sole occasion in Canadian history before the late twentieth century that an Aboriginal language has been listed for official purposes alongside English and French. In 1877, however, when Parliament amended the federal Northwest Territories Act<sup>10</sup> in order to regularize French-language rights in the new territories, reference was made only to French and English, and Cree dropped out of sight. No other settler language or settler community could compete politically with English and French; no Aboriginal society could do so either, since they entered the Canadian jurisdictional system relatively late, essentially under military duress (however peacefully depicted as 'peace, order and good government') and with an a priori subjugated status.

The subjugating regime of Aboriginal governance installed after Confederation was thus neither inclusive nor exclusive: the Aboriginal peoples lost the relative autonomy which they had earlier exercised as 'parallel' societies – and were thus no longer 'ex-cluded' – but their status could certainly not be described as 'in-cluded'; indeed, they might rather be described as 'sub-cluded': 'shut underneath'. This state of affairs was to last throughout the first century of the Canadian Dominion.

### The Human Rights Revolution and the Great Values Shift

A century later, however, this post-Confederation internal-colonialist perspective began in its turn to give way to a new way of seeing the peoples of Canada. The main factor driving this new shift in perspective was the mindset associated with the human rights revolution: a growing acknowledgement throughout the twentieth century of the rights of the formerly disprivileged, and a political and civil agenda to correct historical inequalities. This shift of mindset has been extensively explored, analysed (and promoted) by many scholars, not least from Canada, including Will Kymlicka and Charles Taylor.<sup>11</sup>

Moreover, I see the human rights revolution, as it has developed since the Second World War, as a continuation of what might be called a

‘great values shift’: a profound egalitarian reorientation of *longue durée* in the social imaginary of Western societies, which has moved through a succession of phases – from the discrediting of slavery in the later eighteenth century, and the rise of labour movements and of feminism in the nineteenth, to the critical interrogation of colonialism and racism since the first half of the twentieth.

In the late twentieth and early twenty-first centuries, a distinctive new turn in the human rights revolution has been a new focus not only on large, indeed majority populations (slaves, women, the working classes, colonialized peoples) but also on minority populations, including sexual minorities and the disabled, and indigenous peoples. The persistent and consistent defining feature of all of these phases, however, is the recognition and condemnation of *disprivilege* – meaning not merely *relative disadvantage*, but *systemic denial* to a specific population of the rights and liberties enjoyed by the hegemonic population.

Among the several focuses in the evolution of the great values shift, the revision of Western attitudes towards indigenous peoples has especially been driven by the discrediting of racist colonialism. Like the other colonialized peoples of the great empires, they have suffered conquest, disappropriation, political and economic subjugation, and the racist denial of their dignity. Moreover, within the lands that once were theirs, the indigenous peoples in the major Western countries are now numerical minorities, overwhelmingly outnumbered by the settler populations.

None of the disprivilegements against which the great values shift has reacted has been fully eradicated: slavery, gender discrimination, class discrimination and racism all persist today. Nonetheless, much has changed in the mental landscape. Notwithstanding the many and serious problems which Aboriginal groups and individuals continue to experience in Canadian society, there has over the past half-century been a massive shift in the official attitudes of the Canadian state, and in civil society, to the country’s indigenous peoples.

This is illustrated in many ways, including the detailed attention to Aboriginal persons and languages now included in the (happily reinstated) Canadian Census, and the (very gradually) growing list of successful outcomes in the long-drawn-out negotiation of Aboriginal land rights and self-governance. It can also be seen in the prominent inclusion of Aboriginal persons at cabinet level in public government at territorial, provincial and federal levels. More symbolically, the renaming of places and persons (especially in the North) by their Aboriginal names – for example, Iqaluit, formerly known as Frobisher

Bay – is closely akin to the recognition, in the North again, of the Aboriginal languages of the region as official languages of the regional polities.<sup>12</sup>

What such changes all proclaim, however superficially, is respect: a movement from ‘subclusion’ towards inclusion.

### The Emergence of Language Policy in Western Polities

Language policy is a relatively late addition to Western statecraft. Pre-modern and early-modern states were often linguistically diverse, nor did rulers and ruled expect to share the same language; moreover, standardized varieties of the vernacular languages took shape only gradually and were used only in very limited spheres of communication. Prior to 1800, there is very little statutory or executive regulation of language in Western states, except for very specific purposes – primarily, to regulate the language or languages to be used in courts of law.<sup>13</sup>

The emergence of language policy in the late-modern era has been driven and shaped by several distinct imperatives. These inherently push language policy formation in very different directions and are only partially compatible with each other.

#### *National Cohesion: Unilingualism*

The French Revolution set out to establish and enforce a single standardized ‘national’ language throughout the Republic as a basis for national identity and unity.<sup>14</sup> Across Europe, and globally, the principle of ‘one state, one nation, one language’ increasingly came to be taken as axiomatic, and linguistic minorities were pressured to assimilate to the dominant culture and its language<sup>15</sup> – to what Benedict Anderson later came to call the ‘national imaginary’.<sup>16</sup>

The expectation that a state should have one (or more) official language(s) has now become the default. The constitutionalization of the few remaining UN member states with no *statutory* official language – such as Denmark, the Netherlands, the United Kingdom and the United States, where the dominant languages have ‘official’ status *de facto*, not *de jure* – predates the spread of this orthodoxy. In these countries, the use of one primary language rests on prevailing practice, not on statute law.<sup>17</sup>

#### *Political Accommodation: Bilingualism*

Where powerful linguistic minorities pose a threat to national stability, they may be accommodated by giving their languages co-recognition,

possibly in the context of a federal political structure: for example, in the reshaping of the Austrian Empire as the Austrian-Hungarian Dual Monarchy after 1848, or the devolution of the Belgian constitution in the later twentieth century – and in the dual-language solutions written into the British North America Act of 1867.

#### *Recognition of Human Rights: Multilingualism*

Since the end of the Second World War, the human rights revolution has given radically increased prominence to the rights of linguistic minorities in general, and specifically to the languages of indigenous populations. The clearest enunciation of this endorsement of minority languages is found in the Council of Europe's European Charter for Regional or Minority Languages (1992).<sup>18</sup>

This concern may lead to legal recognition – albeit often with restricted practical implications – for multiple minority languages within the state.

#### *Feasibility: Fiscal and Political Restraint*

Multilingual administration depends on having standardized terminology in place across the languages being used and is costly in terms of human resources and the means of distribution. The practicability of ensuring the necessary linguistic resources for all the relevant languages also correlates with the size and educational level of the language communities, and the availability of adequate funding. (This is especially relevant for many indigenous languages, which may have no previous history of being used for democratic governance or a state bureaucracy.)

The considerable costs incurred in providing multilingual services may provoke resentment among the majority population, and lead to political obstruction. This was vividly illustrated in the successful voter-initiative campaign in Alaska during the mid-1990s which promulgated English as the sole official language of the state and placed tight budgetary restrictions on the use of any other language.<sup>19</sup>

### The Ambiguous Nature of Language Policy in General

Like any field of policy, language policy may be conservative (resisting change) or progressive (promoting change); it may equally well aim to promote uniformity, or diversity. Also – importantly – it may be extensive and rigorous in execution, or merely symbolic. Similarly, as with any field of policy, it may be written into constitutional law



which is entrenched, requiring for example a two thirds majority for amendment, or simply into mainstream legislation which can be amended by a simple majority (>50.0 per cent). It may also never get written into statute at all, but simply be a feature of executive practice.

There can be a significant difference between the letter of the law and its implementation. Translating law into practice is heavily dependent upon the compliance – and enthusiasm – of the executive branch of government and is also subject to the limitations of the available resources. Language policy seems to be particularly liable to cosmetic outcomes, where statutory recognition remains merely a symbolic gesture with few practical consequences for the minority language community.

### The Ambiguous Significance of 'Official Language' Status

Official language status may imply one or more of several quite distinct functions in the state. The most obvious meaning is that an official language is a language in which a state is administered: the functional language of legislative, executive and judicial governance. In addition, it may mean that this language is used in financial institutions; in education; in health care; in the management of the social and economic infrastructure; and in religion. It is in this sense that one can call English the *de facto* official language of the United Kingdom and the United States, Dutch of the Netherlands and Danish of Denmark.

In these four countries, the language in question is the predominant or majority language of the population. In the twentieth and twenty-first centuries, however, there are also many countries whose public administration, and indeed even existence as a distinct state, are the result of colonial rule in the past. Where that is so, the public sphere of the postcolonial state often continues to function in the imperial language, which may well be the mother tongue or home language of only a relatively small proportion of the population – in Africa, for example, Nigeria, Cameroon/Cameroun and Angola.<sup>20</sup>

Where the language of public administration is also the majority language in the country, there is in fact little or no need to define it in law. It is when the population of a state includes, on a significant scale, speakers of more than one language, or more than one distinct varieties of the same language, that specifying one, or more, of these languages or varieties as 'official' becomes meaningful: the choice of language becomes associated with access to or exclusion from *respect*

and *power*. Language policy may thus be a tool of social and political control, and under such a regime, linguistic minorities may be significantly disadvantaged.<sup>21</sup>

Conversely, language policy is equally capable of being used deliberately to overcome structural inequality and disprivilege within the society, by opening up access to power and respect. This aspect or function has become much more prominent in many societies as an expression of the inclusivity associated with the human rights revolution, exemplified in the European Charter for Regional or Minority Languages.

Within such a deployment of language policy in pursuit of social and cultural inclusivity, particular attention has been paid in some countries and jurisdictions to addressing the status of indigenous populations, through official recognition of their languages. However, these languages are not necessarily well-equipped to fulfil the functions associated with official language status: typically, they may not have the required vocabulary, nor for that matter native speakers with the training to take on tasks of public responsibility within a modern state and economy.

This mismatch between the traditional language and the needs of living in a modern society is in fact a major reason why members of an indigenous community switch from using their heritage language to the local dominant language, leading to serious and ongoing attrition in the use of the indigenous languages.

In such cases, in a sympathetic state, granting official language status may be used as a platform for language regeneration programmes aimed at *empowering* the speakers by equipping the languages themselves for the functions of modern society. Conversely, the outcome of extending official language status to an indigenous language may – whether originally so intended or not – do no more than promote its *prestige* within the culture: an essentially *symbolic* function.

There is, however, no universal or even prevailing international consensus about what ‘official’ status implies for a language or its users. The rights and obligations associated with this status vary enormously between and even within different jurisdictions, and are entirely contingent upon the relevant legislation, executive policies and practices, and prevailing behaviours and expectations among the population(s), which may or may not correspond with the statutory prescriptions or proscriptions. This lack of consensus about the significance of ‘official language’ status is often very poorly recognized, and can lead to a serious mismatch between expectations and experience – a

point which has been particularly relevant for speakers of indigenous languages, where the indigenous community may have expected that the state would now bring about a meaningful revival and regeneration of their language, which does not happen.

Overall, the relative status of different languages in any society is the outcome of complex and volatile interaction between many factors, both within government and within the economy and civil society. This article, however, specifically evaluates inclusivity versus exclusivity in the Canadian state, through an examination of statutory language policy in its various different jurisdictions.

## Language Policy in Canada

### The Federal Level: English and French

Canada's statutory bilingual policies privilege not one but two colonial founding languages. Since the era of Trudeau *père*, the Canadian polity has been characterized by the professed highlighting of bilingual rights alongside a commitment to *multiculturalism* and human rights.

Ever since the Conquest in 1759, through the Confederation process 150 years ago, and the late-modern reshaping of Canadian identity since the 1960s, Canadian political discourse has taken place within an ongoing tango in pursuit of a political accommodation between the two prominent cultural-demographic blocs: English and French. Sometimes one dancing partner takes the lead with more dominant or more flamboyant figures, sometimes the other; but it is essentially a duo performance.

Although the status of English and French has been a field of negotiation ever since the Conquest, and although specific protections for French language rights were written into the British North America Act in 1867, in practice English has become steadily more and more dominant across most of the country since that time.<sup>22</sup>

In the 1960s, as the centenary of Confederation in 1967 approached, many aspects of the Canadian state and society were re-examined – this was the era when the maple leaf flag and the new national anthem were introduced – and under Lester Pearson's government, the Royal Commission on Bilingualism and Biculturalism reviewed the situation of the two main language communities and recommended far-reaching improvements for the French-speaking population. Pierre Elliot Trudeau succeeded Pearson as Prime Minister in 1968, and oversaw the

patriation of the British North America Act as the Constitution Act 1867, its complementation by the Canadian Charter of Rights and Freedoms, and the Official Languages Act of 1969 and its revision in 1980, as well as the reinforcing of the language regulation provisions in the Constitution Act. Together with the impact of the Charter of the French Language (Bill 101) within Québec, and the effective interventions of the Federal Commissioner for Official Languages, these innovations have drastically reinforced and improved the status and practical situation of French within Canada. The ‘negotiative tango’ has, however, most definitely not come to an end.

### Subsidiarity: Language Policy at Provincial Level

Under the Canadian constitution, statutory language policy relating to English and French in Canada is determined with varying degrees of autonomy at the federal, provincial and territorial levels. There are altogether 14 distinct jurisdictions with constitutional competence to legislate about language: the federal state, the ten provinces and the three territories. As François Vaillancourt and colleagues note in a survey of the impact of provincial language policies, ‘the initial Canadian Constitution of 1867, the British North America Act ... contains little in terms of linguistic requirements at the provincial level’.<sup>23</sup> At the federal level, and in New Brunswick, symmetrically equal status is in principle asserted already in the Constitution Act for English and French. The very fact that the Constitution was silent about the other provinces (six of which in present-day Canada were not parties to the 1867 Act)<sup>24</sup> left them room to develop their own language policies within their own domains. The demographics of the in-migration into central and western Canada throughout the latter nineteenth and twentieth centuries soon left French (despite its relatively prominent early presence) numerically and politically outweighed by those who already spoke English or who preferred it as their language of adoption, and the provincial official language legislation throughout this period leaned strongly towards prescribing English only.

Subsequently, and especially since the patriation of the Constitution Act and the enactment of the Canadian Charter of Rights and Freedoms in the 1980s, considerable political and judicial energy has been spent in Canada on (re-)establishing and protecting linguistic minority rights. The most drastic judicial incursion was the federal Supreme Court’s effective annulment in 1985 of Manitoba’s 1890 English-only statute.<sup>25</sup> Currently, Ontario and Manitoba provide limited secondary status

for their minority federal-official language, French. Within their own domains, however, and subject to safeguarding provisions for the official-language minorities mandated under federal law, the remaining seven provincial jurisdictions, including Québec, each operate monolingually.

### Subsidiarity on the Northern Perimeter: Language Policy at Territorial Level

The three territorial jurisdictions (Yukon, the Northwest Territories [NWT] and Nunavut) do not have the same autonomy as the provinces and are obligated to implement the relevant federal legislation within their territorial legislation. The 1988 federal Official Languages Act<sup>26</sup> thus obligated the Territories to incorporate significantly enhanced rights for francophones within their territorial legislation and administration, i.e. to accord equal status to English and French. The Territories do, however, have the freedom to elaborate on the federal provisions, and in language regulation, two of them – the NWT and Nunavut – have done so.

The only parts of Canada where indigenous languages are currently recognized in law as ‘official languages’ are the NWT and Nunavut. Other jurisdictions have introduced a wide range of programmes for the support of their Aboriginal languages (for example, the Manitoba Aboriginal Languages Strategy, 2015),<sup>27</sup> but only in the North has the step been taken to assert, through official language status, the symbolic importance of the Aboriginal cultures in the origins of Canada.

#### *Language Policy in the Yukon*

The Yukon’s response was modest: a territorial statute (the Languages Act 1988)<sup>28</sup> which ‘accepts [my emphasis] that English and French are the official languages of Canada’, but strategically balances the reinforcement of francophone rights with references to the Yukon’s Aboriginal languages. The Act defers, as it must, to the primacy of federal law, but pointedly asserts the rights of Aboriginal-language speakers; it does not, however, make any Aboriginal language an ‘official’ language in the Territory. The Yukon government has continued through other legislation and executive policy to engage in various measures to protect and promote its indigenous languages.<sup>29</sup>

#### *Language Policy in the NWT*

By contrast, in its Official Languages Act 1990, the NWT (which at that time still included what would ten years later become the separate

Territory of Nunavut) extended official language status within the territorial domain to six regional Aboriginal languages, in addition to French and English.

Subsequently, in response to dissatisfaction with the 1990 legislation in the Aboriginal communities, in 2003 the NWT amended its own Official Languages Act to make a finer division,<sup>30</sup> recognising three more languages as distinct languages rather than dialectal variants. Consequently, the NWT now has 11 official languages: English and French; five Dene (Athabaskan) languages (Chipewyan, Gwich'in, North Slavey, South Slavey and Tlicho); three Inuit languages (Inuktitut, Inuinnaqtun and Inuvialuktun); and one Algonquian language (Cree).

Ironically, Cree – by far the most widely spoken Amerindian language in Canada, with 83,400 speakers overall [2011 Census]<sup>31</sup> – is thus recognized in statute law as 'official' in the NWT, where in the same Census only approximately 100 speakers were reported – but currently has official status nowhere else.

If or when the devolved regional government for Nunavik in northern Québec (the Ungava peninsula) is finally successfully negotiated and implemented, it will be interesting to see – particularly in the context of Québec's Charter of the French Language<sup>32</sup> – what provision is made for some kind of regional official status for the region's Aboriginal languages: Inuttit (southern Inuktitut), the majority language, spoken by a quarter of the population; and Cree, with approximately 70 speakers in the Cree communities along the eastern shore of Hudson Bay. Ironically, however, if this should happen, it would again be based on a Cree population on the extreme periphery of the main Cree area, and again significantly outnumbered within its own region by another Aboriginal population (Inuit, in this case).

### *Language Policy in Nunavut*

Following Nunavut's separation from the NWT in 1999, the new territory introduced in 2009 its own Official Languages Act,<sup>33</sup> recognizing alongside English and French 'the Inuit language' (generically called Inuktitut), and further specified as two varieties (dialects): Inuktitut, spoken around Iqaluit, the capital; and Inuinnaqtun, spoken on the western littoral of Hudson Bay. Parallel to the Official Languages Act, the Territory also passed the Inuit Languages Act, specifically addressing language development and promoting the use of Inuktitut in the public sphere. (The First Nations languages recognized in the NWT's legislation are not spoken by any communities within Nunavut and are therefore not included in the Nunavut statutes.)

## Explicating Language Policy in the Northern Territories

The prime reason for the inclusion of Aboriginal languages in official language policy in two of the northern Territories is demographic. In no province in Canada does the proportion of Aboriginal persons in the population come even remotely close to the high figures in the NWT and Nunavut, as can be seen from Table 1; even in Yukon the percentage is only half that for the NWT, and just over a quarter of that in Nunavut. Moreover, the continued use of Aboriginal languages is at a very different level in the NWT and Nunavut (see Table 2).

The initiative taken by the government of the NWT at the end of the 1980s to extend official language status to their indigenous languages was a response to the glaring anomaly, in terms of inclusivity, between affirming language rights for the francophone population (at that time, approximately 2.5 per cent of the total territorial

**Table 1.** Aboriginal Persons as a Proportion of the Total Population, Canada, Provinces and Territories, 2016

Provinces and Territories	Persons of Aboriginal identity in population (Aboriginal/total) (N)	Persons of Aboriginal identity in population (Aboriginal/total) (%)
CANADA	1,673,785 / 34,460,065	4.6
Newfoundland and Labrador	454,725 / 512,250	8.8
Prince Edward Island	2,740 / 139,685	2.0
Nova Scotia	51,495 / 908,340	5.7
New Brunswick	29,385 / 730,710	4.0
Quebec	182,890 / 7,965,450	2.3
Ontario	374,395 / 13,242,160	2.8
<b>Manitoba</b>	<b>233,310 / 1,240,700</b>	<b>18.8</b>
<b>Saskatchewan</b>	<b>175,020 / 1,070,560</b>	<b>16.3</b>
Alberta	258,640 / 3,978,145	6.5
British Columbia	270,585 / 4,560,235	5.9
<b>Yukon</b>	<b>8,195 / 35,110</b>	<b>23.3</b>
<b>Northwest Territories</b>	<b>20,860 / 41,135</b>	<b>50.7</b>
<b>Nunavut</b>	<b>30,550 / 35,580</b>	<b>85.6</b>

Note: Provinces and Territories with over 10 per cent Aboriginal population marked in bold.

Source: Statistics Canada, 2016 Census. Data Table 98-400-X2016155 (Aboriginal Identity). <https://www12.statcan.gc.ca/census-recensement/2016/dp-pd/dv-vd/lang/index-eng.cfm> (accessed 28 April 2018).

**Table 2.** Aboriginal-language speakers as a proportion of the population, Canada, Provinces and Territories, 2016

	Yukon	NWT	Nunavut
Persons of Aboriginal origin (N: Aboriginal / total)	8,195 / 35,110	<b>20,860</b> / <b>41,135</b>	<b>30,550</b> / <b>35,580</b>
Persons of Aboriginal origin (percentage of total)	23.3	<b>50.7</b>	<b>85.9</b>
Aboriginal-language speakers (language/s spoken at home)	745 / 35,110	5,345 / 41,135	<b>26,315</b> / <b>35,580</b>
(percentage of total population)	2.1	13.0	<b>73.4</b>
Aboriginal-language speakers (language/s spoken at home)	745 / 8,195	5,345 / 20,860	<b>26,315</b> / <b>35,580</b>
(percentage of total Aboriginal population)	9.1	25.6	<b>86.1</b>

Note: Provinces and Territories with over 50 per cent relevant Aboriginal persons/speakers marked in **bold**.

Source: Statistics Canada, Census 2016. Data Table: 98-400-X2016345 (Language Spoken at Home). Aboriginal languages data here aggregated for single-language and multiple-language speakers. <https://www12.statcan.gc.ca/census-recensement/2016/dp-pd/dv-vd/lang/index-eng.cfm> (accessed 28 April 2018).

population) and not doing so for the Aboriginal population (at that time, 51.9 per cent). The separation of Nunavut in 1999, with its very high retention of Inuit-language speakers, significantly reduced the proportion of Aboriginal-language speakers in the remaining NWT. In the 2016 Census, only about one in four Aboriginal persons (i.e. approximately 13 per cent of the total population of the NWT) self-reported as speaking their Aboriginal language at home; yet even so, they outnumber the francophone population by a ratio of over three to one.

Moreover, the drastically lower level of self-reported Aboriginal-language maintenance in Yukon (at that time, approximately 1.2 per cent of the total population in Yukon, versus nearly a third in the NWT inclusive of what would become Nunavut)<sup>34</sup> clearly fed into the Yukon government's decision not to follow the path which the NWT was to take. At the opposite extreme, the high level of language maintenance reported in Nunavut, still in 2016 at approximately 86 per cent of the Inuit population, clearly supports that Territory's recognition of the Inuit language(s) (see Table 3).



**Table 3.** Population by mother tongue, Northwest Territories (single-language responses only), 2016 and 2006

	(2016)		(2006)	
	N	%	N	%
TOTAL POPULATION	41,380	100.0	41,055	100.0
English	36,275	87.7	31,545	77.6
* Tlicho [Dogrib]	1,020	2.5	1,950	4.8
* Slavey (2016: North + South aggregated)	745	1.8	South: 1,285 North: 835	South: 3.2 North: 2.1
Tagalog	400	1.0	505	1.2
French	365	0.9	975	2.4
* Dene (2006: Chipewyan)	160	0.4	390	1.0
Chinese (aggregated)	140	0.3	260	0.6
Vietnamese	105	0.3	305	0.8
* Inuinnaqtun (Inuvialuktin)	55	0.1	55	0.1
* Gwich'in	25	< 0.1	190	0.5
* Cree	15	< 0.1	190	0.5
* Inuktitut	15	< 0.1	750	1.7
Athabaskan/Dene, not otherwise specified	5	< 0.1	50	0.1
Other immigrant languages, aggregated	695	1.7	2,930	7.1

Sources: 2016 Census; Statistics Canada: Population by Mother Tongue, by Province and Territory. 2006 Census; collated from: Statistics Canada: Population by Mother Tongue, by Province and Territory; and NWT Bureau of Statistics: Population by Mother Tongue. The term 'mother tongue' is defined by Statistics Canada as 'the first language learned at home in childhood and still understood by the individual at the time of the census'. Data not listed separately here for non-Aboriginal languages with fewer than 100 speakers.

\* Aboriginal languages with official status in NWT. In Statistics Canada national data, confusingly, Chipewyan (one of the official languages of the NWT) is not listed by name but is evidently subsumed under 'Dene'. This table lists single-language responses only. Multiple-language responses for English and/or French plus another language account for a further 970 individuals in the Statistics Canada data for 2016, but these 'other languages' are not differentiated.

One striking feature that emerges from a comparison of the data in Table 3 from the 2016 Census with the data from ten years earlier in 2006 is how significantly, in some cases drastically, the numbers and proportions of speakers reported for all languages in the NWT (both Aboriginal and immigrant, and French) have fallen, in sharp contrast

to those for English, which has risen by over 10 per cent. For all other languages, the overall drop is by half or more. It is not clear, however, to what extent this reflects a real drop, or a shift in self-reporting behaviours – especially since these data refer not to home language, i.e. language/s usually spoken in the home (in which case one could posit that they reflect a rapid language shift in progress), but to mother tongue, which for most individuals should remain constant throughout their life. The only circumstance in which a person's mother tongue might change over time, under the Statistics Canada definition, is where they no longer understand the language first learned in childhood. For first-language attrition to occur on the scale seen in these data and across all languages other than English is, however, highly implausible. It therefore seems more likely that the scale of language shift in the data, over only ten years, reflects a change either in the data-gathering or processing techniques, and/or a striking shift in public perceptions of language issues.

Although a slight majority of the NWT population (~51 per cent) are of Aboriginal origin (First Nation, Inuit or Métis), most of them now speak English, or in a few cases French, as their prime language – certainly outside the home, and, in the majority of cases, within the home as well. Even the largest continuing Aboriginal-language speaker community, Tlicho, is very small, now numbering only a little over a thousand. The smallest of these language communities are tiny and their languages are close to extinction.

## Two Different Kinds of Linguistic Minority: Indigenous and Immigrant

The other point that stands out from the language data for the NWT is that alongside the relatively prominent position of the Aboriginal languages, immigrant languages are also markedly present in the society.

Ironically, the smallest speaker communities of the Territory's Aboriginal official languages are outnumbered by speakers of three of the immigrant languages: Tagalog, Vietnamese and Chinese.<sup>35</sup> There are thus two different categories of linguistic minority: indigenous and immigrant. Seen from a critical demolinguiistic perspective, therefore, using official language policy to promote inclusivity for the territory's Aboriginal peoples has paradoxically created a new privilege–disprivilege axis, between the indigenous and the immigrant communities.

The immigrants, however, are where they are because they, or their parents or recent ancestors, have chosen to be there, i.e. to move to an English-dominated region of a Western country, whereas the Aboriginal peoples are there because these are their ancestral lands: their ancestors were there first. For the regional imaginary, the significance of the indigenous peoples, and their languages, is thus fundamentally different from the immigrant populations. For the NWT, and massively more so for Nunavut, the Aboriginal heritage is part of what defines the place and giving the Aboriginal languages official status celebrates and reinforces that fact.

## **Conclusion: Evaluating Inclusivity and Exclusivity on the Basis of Official Language Policy in Canada's North**

With 11 official languages – two charter (colonial) and nine Aboriginal – the NWT is the most linguistically inclusive jurisdiction in Canada in terms of the number of languages recognized; but Nunavut, with an Aboriginal population four fifths of whom still speak their traditional language, is by far the most demolingually inclusive.

Granting official language status to the NWT's Aboriginal languages has significantly raised their symbolic profile, but it has had little impact on reversing or even slowing down the ongoing process of language shift towards English. The demographic base of each of these nine distinct languages within the NWT is far too small to generate the resources necessary either for adequate language development or for implementation, for example in schools. In view of the very small size of these language populations, there are in fact serious practical problems for the feasibility of a meaningful official language status that is anything other than symbolic.

The situation in Nunavut is potentially more promising in this regard, for several reasons. Firstly, only one Aboriginal language is involved, albeit in two distinct dialects; secondly, language maintenance in the Inuit population is far higher than in the NWT; and thirdly, the federal and territorial governments have been willing to invest significantly in funding and supporting the provision of expert services for Inuit language development, for example through the Inuit Language Incentive Policy.<sup>36</sup> Here too, however, there are serious problems, especially in recruiting adequately trained Aboriginal personnel to implement the Inuit languages throughout the public sphere, and

many well-intentioned plans and proposals have stalled over the cost of funding.<sup>37</sup>

If (and this is a very big *if*) Nunavut can succeed not only in the language development project for Inuktitut (the prospects for Inuinnaqtun are far less promising), but also in building up a corps of qualified Aboriginal personnel, then language policy in Nunavut will have been effective in extending inclusivity to a previously marginalized population, not only in the economy, political life and civil society, but in their own language. The challenge, however, is still daunting.

## Notes

- 1 Morton Weinfeld and Lori A. Wilkinson wrote in 1999: 'The term "charter group Canadians" is used to denote the British and French as the first immigrants. However, Canada is the ancestral country of First Nations peoples, who are not immigrants but the original inhabitants of the country.' 'Immigration, Diversity, and Minority Communities', in *Race and Ethnic Relations in Canada*, ed. Peter S. Li (Don Mills ON: Oxford University Press Canada, 2nd ed. 1999), 79, endnote 1. The term enjoyed something of a vogue in the later twentieth century but seems to have fallen out of use in the twenty-first; however, I do not know of an alternative, more acceptable term that would equally succinctly identify the French and British component in Canadian historical demography.
- 2 There is no comprehensive consensus on what term should be used to refer to the hegemonic populations, cultures and institutions in the states which have come about as a result of European expansion in the modern era. In the Canadian context, one encounters 'European', 'Euro-Canadian', 'colonial', and so on; each of these, however, is in one way or another problematic. The term 'neo-European' used here is intended as a blanket term for all these societies (including, for instance, Argentina, Australia and the United States) with their societal and institutional roots in Western Europe but located on other continents and with an increasingly multi-ethnic population.
- 3 The literature on Canadian official language policy is enormous, and constantly increasing. For useful, if now slightly outdated overviews, see, for example, John Edwards, ed., *Language in Canada* (Cambridge: Cambridge University Press, 1998); or Martin Howard, ed., *Language Issues in Canada* (Newcastle-on-Tyne: Cambridge Scholars Publishing, 2007). For an example of exclusive concentration on English and French, see, for instance, Malcolm Fraser, *Sorry, I Don't Speak French* (Toronto: McClelland and Stewart, 2006) or Jean-Pierre Wallot, ed., *La Gouvernance Linguistique: le Canada en Perspective* (Ottawa: Presses de l'Université d'Ottawa, 2006), in which I have found no reference at all to the Aboriginal languages. The effective ignoring of Aboriginal societies in historical Canadian constitutional debate until relatively recently is illustrated in Newhouse's chapter in N. Hillmer and A. Chapnick, eds., *Canadas of the Mind: The Making and Unmaking of Canadian Nationalisms in the Twentieth Century* (Montreal and Kingston: McGill-Queen's University Press, 2007).
- 4 Dickason writes: 'The British, uneasily aware of Amerindian fears about losing their lands, would move eventually to reassure them by at least partially acknowledging their territorial rights under the Proclamation of 1763.' Olive Patricia Dickason, *Canada's First Nations: A History of Founding Peoples from Earliest Times*, 3rd ed. (Don Mills ON: Oxford University Press, 2002), 157.

- 5 British North America Act ~ Constitution Act 1867, S 91. <http://laws-lois.justice.gc.ca/eng/Const/page-1.html> (accessed 29 April 2018).
- 6 *Canadian Encyclopedia*, s.v. 'Formation of the RCMP [Royal Canadian Mounted Police]'. <http://www.thecanadianencyclopedia.ca/en/article/the-formation-of-the-rcmp-feature/> (accessed 12 April 2018).
- 7 See <https://www.statcan.gc.ca/pub/98-187-x/4151278-eng.htm#part2> (accessed 12 April 2018).
- 8 See [https://www.aadnc-aandc.gc.ca/DAM/DAM-INTER-HQ/STAGING/texte-text/1876c18\\_1100100010253\\_eng.pdf](https://www.aadnc-aandc.gc.ca/DAM/DAM-INTER-HQ/STAGING/texte-text/1876c18_1100100010253_eng.pdf) (accessed 12 April 2018). The Indian Act has been amended many times since 1876, most significantly in 1951 and 1985 (see *Canadian Encyclopedia* s.v. *Indian Act*) and most recently in December 2017.
- 9 Claude-Armand Sheppard, *The Law of Languages in Canada*, Studies of the Royal Commission on Bilingualism and Biculturalism, vol. 11 (Ottawa: Information Canada, 1971), 82.
- 10 Northwest Territories Act, 1877, S 11. See [https://www.aadnc-aandc.gc.ca/DAM/DAM-INTER-HQ/STAGING/texte-text/d77c7\\_1100100010261\\_eng.pdf](https://www.aadnc-aandc.gc.ca/DAM/DAM-INTER-HQ/STAGING/texte-text/d77c7_1100100010261_eng.pdf) (accessed 12 April 2018).
- 11 Relevant titles would include (among many others): Will Kymlicka, *Multicultural Citizenship: A Liberal Theory of Minority Rights* (Oxford: Oxford University Press, 1995) and *Politics in the Vernacular: Nationalism, Multiculturalism and Citizenship* (Oxford: Oxford University Press, 2001); or Charles Taylor, *Multiculturalism and 'The Politics of Recognition'*, ed. Amy Gutmann (Princeton NJ: Princeton University Press, 1992).
- 12 Cf. Valerie Alia, *Names and Nunavut: Culture and Identity in the Inuit Homeland* (Oxford and New York: Berghahn, 2007).
- 13 Both the Statue of Pleading of 1362 (36 Edw. III c. 15, facsimile available at <http://www.languageandlaw.org/TEXTS/STATS/PLEADING.HTM>), which required all courts of law in England to function in English (and keep records in Latin), and Article 111 of the Ordonnance de Villers-Cotterêts of 1539 (available at [http://www.axl.cefan.ulaval.ca/francophonie/Edit\\_Villers-Cotterets-complt.htm](http://www.axl.cefan.ulaval.ca/francophonie/Edit_Villers-Cotterets-complt.htm)), which required all legislation and legal documentation in France to be written in (standard) French, are early examples of statutory language regulation in Europe; but their significance is sometimes exaggerated: they applied only to very precisely defined situations.
- 14 See for example Pierre Bourdieu, *Language and Symbolic Power*, tr. Gino Raymond and Matthew Adamson (Cambridge, Polity Press, 1992), 46–8; and Bernard Spolsky, *Language Policy* (Cambridge: Cambridge University Press, 2004), 63–75. However, Harold Schiffman, in his article 'Language Policy and Linguistic Culture' (in *An Introduction to Language Policy: Theory and Method*, ed. Thomas Ricento (Malden MA: Blackwell Publishing, 2006), 111–25) discusses how the prevailing popular – and scholarly – perception of the history of French standardization policy reflects an aggressively homogenizing discourse and *mythology* (his emphasis) rather than the explicit legislation, which until recently was in fact relatively mild.
- 15 Frederick M. Barnard, *Herder's Social and Political Thought: From Enlightenment to Nationalism* (Oxford: Clarendon Press, 1965), 58–9, writes thus on Herder:
- A Volk, on this theory, is a natural division of the human race, endowed with its own language, which it must preserve as its most distinctive and sacred possession. Language is as much the embodiment of a Volk's 'soul' or character, as it is the expression of an individual's unique personality. ... The only natural State was to be the nation-State: 'The most natural State is a community with its own national character'. As a result of this close association between language and politics the most commonly accepted idea of a 'nation' underwent a drastic change. A nation no longer simply meant a group of citizens united under a common political sovereign. It was now regarded as a separate natural entity whose claim to political recognition rested on the possession of a common language.
- 16 Benedict Anderson, *Imagined Communities: Reflections on the Origin*

- and Spread of Nationalism* (London: Verso, 1983; rev. ed., 1991). Cf. also Eric Hobsbawm, *Nations and Nationalism since 1780* (Cambridge: Cambridge University Press, 1990; rev. ed., 1992).
- 17 In all four of these countries, curiously, official language statutes exist for some of their subsidiary jurisdictions: at State level, within the USA; and at regional level (for subsidiary jurisdictions with varying degrees of autonomy) within Denmark, the Netherlands and the UK.
  - 18 Available at <https://www.coe.int/en/web/conventions/full-list/-/conventions/rms/0900001680695175> (accessed 29 April 2018).
  - 19 The Alaskan voter-initiative campaign, like the English Only campaigns in many other US States, was driven more by opposition to the spreading use of Spanish than by hostility over the possible use of the State's indigenous languages. Both the Governor and the Legislature were opposed to this initiative, which was then challenged and stalled in the State Supreme Court for a full decade pending required amendments; in 2014, the State Legislature passed statute legislation recognizing 20 native languages as co-official. The practical implications of this amendment are, however, carefully restricted: '(b) The designation of languages other than English as official languages of the state under (a) of this section does not require or place a duty or responsibility on the state or a municipal government to print a document or record or conduct a meeting, assembly or other government activity in any language other than English.' 'Official Languages of the State', amending the voter initiative statute AS 44.12.310, Section 2(b); HB0216Z.PDF, available at <https://legiscan.com/AK/text/HB216> (accessed 25 April 2018).
  - 20 On the postcolonial continuance of colonial/imperial languages, see, for example, Louis-Jean Calvet, *Pour une Écologie des Langues du Monde* (Paris: Plon, 1999), or *Towards an Ecology of World Languages*, tr. Andrew Brown (Cambridge: Polity Press, 2006), *passim*; or Abram de Swaan, *Words of the World* (Cambridge: Polity Press, 2001), Chapter 6: 'Africa: the persistence of the colonial languages'; or Jacques Maurais and Michael A. Morris, eds., *Languages in a Globalising World* (Cambridge: Cambridge University Press, 2003), *passim*.
  - 21 See, for example, Bourdieu, *Language and Symbolic Power*, *passim*, especially pp. 46–9; his comments relate primarily to dialects of the hegemonic language, but *mutatis mutandis* are equally or indeed more relevant for distinct languages.
  - 22 The development of the dynamic between French and English in the course of Canadian history has been exhaustively explored many times. A useful compendium of many of the issues up to the end of the twentieth century is provided in John Edwards, *Language in Canada*, esp. Chapters 2 (Charles Castonguay, 'The Fading Canadian Duality'), 3 (Kenneth McRae, 'Official Bilingualism: From the 1960s to the 1990s'), 4 (John Berry, 'Official Multiculturalism') and 11 (Raymond Mougeon, 'French Outside Quebec and New Brunswick'). Twenty-first-century contributions to the debate include, among numerous others, Jean-Philippe Warren, 'The History of Quebec in the Perspective of the French Language', in *Linguistic Conflict and Language Laws*, ed. Pierre Larrivière (Basingstoke Hampshire: Palgrave Macmillan, 2003), 57–86; David Cameron and Richard Simeon, eds., *Language Matters: How Canadian Voluntary Associations Manage English and French* (Vancouver: UBC Press, 2009); and more recently, Leigh Oakes and Yael Peled, *Normative Language Policy: Ethics, Politics, Principles* (Cambridge: Cambridge University Press, 2018), esp. Chapter 3: 'In Defence of the Vernacular: French in the Age of Global English', 48–74.
  - 23 Official Language Policies of the Canadian Provinces Costs and Benefits in 2006 (Vancouver: Fraser Institute, 2012), v. See the Constitution Act 1867, revised through 2011, esp. the Canadian Charter of Rights and Freedoms, Chapter G, 'Official Languages of Canada'. Available at [https://www.constituteproject.org/constitution/Canada\\_2011.pdf?lang=en](https://www.constituteproject.org/constitution/Canada_2011.pdf?lang=en) (accessed 29 April 2018).
  - 24 Manitoba, British Columbia and Prince Edward Island came into the

- federation within the first decade, and Saskatchewan and Alberta in 1905; Newfoundland did not join until 1949.
- 25 See <https://www.canlii.org/en/ca/scc/doc/c/1985/1985canlii33/1985canlii33.html> (accessed 29 April 2018).
  - 26 See <http://laws-lois.justice.gc.ca/eng/acts/O-3.01/> (accessed 25 April 2018).
  - 27 See <http://news.gov.mb.ca/news/index.html?item=36130> (accessed 25 April 2018).
  - 28 See [http://www.gov.yk.ca/legislation/acts/languages\\_c.pdf](http://www.gov.yk.ca/legislation/acts/languages_c.pdf) (accessed 25 April 2018).
  - 29 See the programmes listed on website of the Yukon Native Language Centre, at <http://www.ynlc.ca/programs.shtml> (accessed 25 April 2018).
  - 30 See <https://www.justice.gov.nt.ca/en/files/legislation/official-languages/official-languages.a.pdf> (accessed 25 April 2018).
  - 31 See [http://www12.statcan.gc.ca/census-recensement/2011/as-sa/98-314-x/98-314-x2011003\\_3-eng.cfm](http://www12.statcan.gc.ca/census-recensement/2011/as-sa/98-314-x/98-314-x2011003_3-eng.cfm) (accessed 25 April 2018).
  - 32 See <http://www.legisquebec.gouv.qc.ca/fr/showdoc/cs/C-11> (accessed 25 April 2018).
  - 33 See [https://www.gov.nu.ca/sites/default/files/2015-07-28-official\\_language\\_act-ssn2008c10\\_0.pdf](https://www.gov.nu.ca/sites/default/files/2015-07-28-official_language_act-ssn2008c10_0.pdf) (accessed 25 April 2018).
  - 34 1986 Census, Table LA86B03 (Population by Selected Mother Tongues and Sex, Showing Selected Home Languages, 1986 Census – 20% Sample Data), facsimile available at <https://ia800306.us.archive.org/31/items/198695F0145XPB1988engfra/198695F0145XPB1988engfra.pdf> (accessed 29 April 2018).
  - 35 The figures used here for Chinese are aggregated for all varieties of Chinese, since although some respondents to the Census questionnaire specify regional Chinese languages (Cantonese, Hakka and Mandarin), they are outnumbered by those specifying simply ‘Chinese’.
  - 36 See Inuit Language Incentive Policy, 2017 (<https://www.gov.nu.ca/finance/news/inuit-language-incentive-policy-approved>); ‘Federal funding boost means better college facility in Iqaluit’, 2016 (<https://ca.news.yahoo.com/federal-funding-boost-means-better-172738085.html>); How to Comply with the Inuit Language Protection Act for the Private Sector, Federal Institutions and Municipalities, 2017 (<http://langcom.nu.ca/sites/langcom.nu.ca/files/InuitLanguagePlanGuidelinesEN.pdf>). (Accessed 29 April 2018).
  - 37 See, for example, Ian Martin, ‘Inuit Language Loss in Nunavut: Analysis, Forecast and Recommendations’, <https://www.scribd.com/document/341395599/Inuit-Language-Loss-in-Nunavut-Martin-Status-Report-March-7-2017> (accessed 29 April 2018).

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## **Acknowledgements**

I wish to thank the many colleagues and students who have responded to my presentations and discussions of the topics addressed in this article with comments and critiques, and the reviewers for their specific interventions on the draft manuscript.

## **Conflict of Interests**

The author declares that there are no conflicts of interest with this work.