

Reclaiming Indigenous Identity and Cultural Diversity in Canada

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Abstract

Linguistic diversity is the key to Canada's multicultural identity which it has been struggling to maintain for decades. Its language policies are rooted in two kinds of languages, the languages of European settlers and the indigenous languages spoken by aborigines who are the native residents of Canada. Despite the country's conservation policy, social tensions and political debates abound on how it treats its languages by according them official or non-official status. Canada first developed its language policy in 1960s on account of Quebec nationalism and growing tensions between colonizing rivals. This led to establishment of policies which rendered English and French as official languages while indigenous languages got little support. Consequently, language-based discrimination is central to the nation's social and political debates, which inform its self-image since the conquest of indigenous tribes. A combination of factors like hostile colonial policies, reserve systems and residential schools have undermined these languages and separated communities sharing common languages and traditions. This paper will assess how Canada's indigenous tribes have fared since the implementation of national language policy which mandates protection of indigenous culture and identity. It will examine the treatment of indigenous languages in the current political milieu of Canada, and the progress made by the government towards adoption of important laws and path-breaking policies to create a future that nurtures its multicultural roots while affirming the national identity.

Keywords: Indigenous, Language, Rights, Identity, Cultural Diversity, Language Policies, Canada.

Indigenous languages: State, Importance and Current Status

"Aboriginal people and nations in Canada have diverse cultures and way of life: there are commonalities between cultures that can aptly be described as an Aboriginal world view, shaped by life close to the land and a deep appreciation of the spiritual dimension of being" (RCAP 1994: 602).

These lines by The Royal Commission on Aboriginal Peoples highlight the importance of indigenous languages which over the centuries have shaped the physical and spiritual aspects of indigenous identity in Canada. The state of indigenous language conservation and use in Canada is of utmost importance. According to Canadian Census 2016 statistics, indigenous languages are divided into 12 language families, identified as "Algonquian languages, Inuit languages, Athabaskan languages, Siouan languages, Salish languages, Tsimshian languages, Wakashan languages, Iroquoian languages, Michif, Tlingit, Kutenai and Haida." "More than 70 such aboriginal languages were reported in the 2016 census" (Statistics Canada: 2016:1).

Canadian Geographic highlighted the status and condition of indigenous languages in its special Indigenous Issue (November/December 2017). Its author Nick Walker reported: “The UNESCO Atlas of the World’s Languages in Danger project has identified three-quarters of the nation’s Indigenous languages as “definitely,” “severely” or “critically” endangered. The rest are classified as “vulnerable/unsafe: today, only Cree, Inuktitut and Ojibwa are thought to have enough speakers to be sustained indefinitely. Out of approximately 1.5 million indigenous people, just 15 percent speak their inherited language at home” (Walker:2017:34). This highlights the precarious state of indigenous languages in Canada. It is now well established that indigenous communities in Canada are losing touch with their language on a nationwide scale. This has devastating consequences for indigenous people, as language is essential to retaining one’s cultural heritage and identity. Article 14 (1) of the United Nations’ Declaration on the Rights of Indigenous people states:

“Indigenous people have the right to establish and control their education systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning” (United Nations: 2007: 13).

The importance given by an international organization to indigenous people’s right to their language serves the purpose of affirming and recognizing the historical injustice met out to them through centuries of colonization, subjugation and dispossession of their ancestral land and resources. Indigenous people have inalienable rights to maintain their own languages and education systems which will lead to development of indigenous communities, and contribute towards “the diversity and richness of civilizations and cultures, which constitute the common heritage of humankind” (United Nations:2007:2).

The United States of America, Norway, Finland, New Zealand and others have adopted legislations to protect the natives identity and languages in their countries. However, story teller Lindsay Keegitah Borrows claims that Canada has been “surprisingly slow in recognising the importance of retaining indigenous languages”. She adds that till date the Supreme Court of Canada has not formally recognised the status of indigenous languages and that there have been no court challenges on the ambiguity in Canada on indigenous language rights (Borrows 2018: 47).

Royal Commission on Aboriginal Peoples in year 1996 and The Truth and Reconciliation Commission of Canada in year 2015 have emphasised on the critical status of Canada’s Indigenous languages, and the need to address this issue as central to the success of the reconciliation process. This was taken up by indigenous groups as well as the Canadian federal government, and resulted in passage of Indigenous language Act, Bill C-91, in February 2019. This was accomplished “in hopes of preserving and revitalizing First Nations, Metis and Inuit languages in Canada”(Globalnews: 2016), although progress has been slow despite Canada’s multicultural policy in practice, with the result that Canada is fast losing its indigenous languages. This is a serious matter considering that languages play an important role in deepening Canada’s cultural identity besides guaranteeing and embracing Canada’s status as a multicultural country which allows its citizens to practice individual cultural beliefs through section 27 of Charter of Rights and Freedom.

There have been a few provincial legislations in favour of indigenous languages: JBNQA (James Bay and Northern Quebec Agreement) was signed between Canada, Quebec, Cree and Inuit in 1975. The agreement included the right to indigenous self-governance, and provision of educational services for Cree and Inuit indigenous groups via indigenous languages to promote their languages and culture. Similarly, in year 1984, Northwest territories were given seven official indigenous languages- Inuktitut, Kutchin, Cree,

Chipewyan, North and South Slavey and Dogrib. Revisions of the Act in year 1988 and in year 1995 further pushed for providing indigenous languages an equal status with English and French. Further, funds were allocated for revitalization, maintenance and enhancement of indigenous languages in the Northwest territories, and many others. However, these excluded many other indigenous languages and since indigenous peoples are not in majority, they had minimal power in decision making even as federal government attempted to work towards indigenous self-governance (Drapeau: 1998: 154)

Linguistic hierarchy in Canada's language policies

Many scholars consider Official language Act of 1969 and the Multicultural policy of 1988 as responsible for “effectively outlining a cultural and linguistic hierarchy”. They were instrumental in institutionalising French and English as the two official languages while rendering the languages brought in by new migrants as well as the native communities as no more than a cultural trait (Haque: 2010: 293) aiding ethnic-cultural diversity. Multiculturalism Act, 1988 declared its intent “to preserve and enhance the use of languages other than English and French, while strengthening the status and use of the official languages of Canada” (Multiculturalism Act: 1988: 4).

Still, it failed to acknowledge indigenous languages unlike Canadian Constitution and the Charter of Rights and Freedom in 1982 which acknowledged the existing indigenous and treaty rights (which includes indigenous language rights). Critic Laura Davis states that the bilingual multiculturalism of Canada is “rooted in linguistic and racial hierarchies that privilege English and French over non-Indigenous non-official languages and deny Indigenous languages equality of the two official languages”. By referring to non-indigenous non-official languages, Laura Davis seeks to distinguish between the languages of later “immigrant settler groups” and Canada's colonizers' languages of English and French. Davis adds that Canada willfully embraces this distinction since “it erases the fact that English and French are also immigrant languages to these lands” (Davis 2017:54) and that “all non-indigenous peoples residing in settler states may be complicit in settlement”, making them all settlers. However “not all the settlers are created equal” (Snelgrove et. al. 2014:6). This is evident in categorization of ethnic groups between two founding peoples, i.e English and French and the Indigenous peoples.

David Pearson elaborates on this in his talk on “tripartite processes” which led to creation of the categories of aboriginalization, ethnification and indigenization. He says there is no way one can describe and analyse aboriginal, immigrants and settler citizenship patterns in neutral languages as these distinctions themselves are a political construct as well as cultural artifacts. Each of the distinctions has discursive political meaning and such naming has pronounced material results” (Pearson 2002: 1000). The process of aboriginalization denotes the cohabitant relationship between subordinated indigenous communities and their colonising settlers sharing a common land in order to explore how indigenous society can function within the settler states. The process of ethnification, on the other hand, refers to migrants who face “stigmatization and discriminatory practices” as a consequence of how their cultures and appearances are perceived as being racially distinct from majority settler populations, thereby putting them into a disadvantageous position. “Ethnification is therefore a process imposed on subordinate groups by those who control the state, namely elites drawn primarily from the settler majority group, often with tacit or direct approval from that group”(Pearson 2002: 1002). With creation of denominating terms like ethnification “such ethnic markers, real or imagined, ignore the possibility that generations of persons so categorized, may be born within the society of settlement”, and that

despite their assimilation as permanent citizens, they will still be categorized as ‘immigrants’ in majority culture and therefore treated as outsiders (Pearson 2002:1002). Finally, the indigenization process which happens among majority settlers occurs when members of this group see themselves as neither native nor exotic” (Pearson 2002: 1004). Rather they see themselves in a separate category while majority settlers come to identify themselves through this process as “Canadians rather than as Europeans, indigenizing themselves to the land by making it their home and by creating a new lineage and identity for themselves” (Davis 2017: 55).

It is this process of categorization that led to ‘Canada’s founding nations’ and ‘immigrants and exclusion of indigenous peoples (aboriginalization). That’s why the Commission on Bilingualism and Biculturalism in Canada recommends only those language rights which concerns Anglophone and Francophone, “either by law or by well established customs”, measured by the degree of their formal and practical usage: The commission states:

“Strictly speaking, ‘linguistic rights’ is a specific legal protection for the use of a given language. It involves the use of language in the conduct of public affairs: in the parliamentary and legislative process; in the day-to day administration of government; in the rendering of justice; and in the public school system. It may also involve private activities. Thus language rights are measured by the degree to which a given language receives formal and practical recognition in the constitution of a country and in its political, social, educational, and economic life” (RCBB 1967:41).

Critic Haque and Patrick describe Bilingualism and Biculturalism policy as ‘racialized’ and attribute creation of linguistic hierarchies to the exclusion of Canada’s indigenous heritage and languages from the RCBB and from ‘founding peoples’ discourses. Such marginalisation of indigenous peoples and their languages by the Canadian state creates ‘racialized linguistic hierarchies’ and asymmetry (Haque and Patrick 2015:38). It is in these terms that Canada’s language policies have become a tool for creation of linguistic hierarchies, which places English at top, then French, then the language of later immigrants and finally the indigenous language. It is this hierarchical positioning which creates differences in Canada’s language policies.

These hierarchies are also perpetuated in other policies, including the Hawthorn Report and White Paper 1969. This is recognised by the Canadian Constitution 1982 which besides guaranteeing and affirming indigenous treaty rights and status under Section 35, admits that indigenous peoples have suffered linguistic disadvantages over years and that remedial steps are urgently required for restoration and revival of their inherent language rights.

Bill S 212, 2015 and Bill-C-91: Indigenous Language Act, 2019

Other than the occasional references to preservation, promotion and revival of indigenous languages in Canada, nothing substantial was achieved except the legislation and policy decisions discussed here.

Bill S 212: Aboriginal Languages Act, 2015

The Bill was introduced in Canadian Senate in December 2015 with the aim to recognize that the indigenous peoples of Canada “have the right to use, preserve, revitalize and

promote their aboriginal languages and the freedom to share their cultural heritage through the use of those languages” (Bill S-212 2015:3). This was followed by debates and enactment of the second bill- Bill S 212- in March 2016, which called on the Canadian states to promote and advance linguistic plurality. The preamble to this bill acknowledges that indigenous languages are important and are “an integral part of culture and an essential tool of identification, cohesion, communication and creative expression”(Bill S-212:1). It has repeatedly called out for formulation of legislations to give indigenous languages ‘official status’ in Canada and to ensure provisions specific to promotion of indigenous languages and language education via measures that

A) “recognize and support the right of aboriginal governments to use aboriginal languages as the language of instruction in all schools that are operated on reserves, or under tuition agreement for aboriginal students and funded by the Government of Canada (Bill S-212 2015:4);

B) ...encourage and support provincial and territorial governments to encourage and support the certification of aboriginal language teachers and instructors, linguists, interpreters and translators, and the use of aboriginal languages as the language of instruction (Bill S-212 2015: 5);

However, this has not been the only bill focussed on creation of indigenous languages Act. There have been many others before that: in year 1997, FNCCEC (First Nations Confederacy of Cultural Education Centre) proposed such an act but its proposal was never tabled in Parliament. Then in year 2009, Bill S-237 and in year 2015, Bill S-229 were introduced, although none progressed beyond the second reading and thus could never be enacted.

Bill C-91, Indigenous Languages Act, 2019

Despite occasional references to preservation, promotion and revival of indigenous languages by the Federal Government, nothing concrete came into existence. Then in February 2019, Indigenous language legislation was passed in the House of Commons as Bill C-91: An Act Respecting Indigenous languages. The initiative-- taken by the government in collaboration with indigenous organizations like Assembly of First Nations and Metis Nation-- has been seen as a positive step in revitalization, promotion and revival of indigenous languages in Canada.

This bill on indigenous languages has been both welcomed and criticised although it was much awaited considering the collective damage on indigenous cultures, traditions and heritage on account of missing access to their languages. Formulated with the help of indigenous organizations, the bill appears to be the right step towards reconciling indigenous communities with federal government of Canada.

Although damages are irreparable, providing the necessary funds for protection, promotion and revitalization of Indigenous languages under the Indigenous Languages Act will be challenging for the government as expressed by Chief Leroy Denny from Eskasoni First Nation in Nova Scotia. Denny who helped in developing this bill said that developing learning tools for children to embrace and retain their Indigenous languages at a young age requires well-resourced research and proper guidance from Elders and traditional knowledge keepers. He said

that the bill is a costly but a necessary requirement for revitalisation of indigenous languages (CBC News 2019).

National Chief Perry Bellegarde, who also participated in the tabling of the Bill, welcomed the act by describing it as a “landmark legislation to protect and strengthen Indigenous languages, the original languages of these lands, that embrace our identity, our world view and our nationhood” (Albertanativenews 2019). He further said:

“No Indigenous language in Canada is safe. But now there is hope. This legislation will support First Nations’ efforts to keep their languages alive, vital and strong. Canadians and all parliamentarians must support this Bill because we all understand that language is identity, language is culture, language is life. There is no better way to mark 2019 – the International Year of Indigenous Languages – than to see the country that once tried to eliminate our languages enact a law to protect, promote and revitalize our languages”(Albertanativenews 2019).

However, Hayden King, executive director of the Yellowhead Institute at Ryerson University in Toronto, said “the legislation is disappointing because it lacks any substantive contribution to language revitalization and doesn't add anything new to the conversation. It's just a very mild suggestion that we revitalize Indigenous languages” (CBC News 2019). In the same vein, Lawyer Lorena Sekwan Fontaine (Cree-Anishnabe) raised three important questions on the Bill when she said “any law that is serious about revitalizing Canada’s Indigenous languages must enact the right of indigenous parents to educate their children in their ancestral languages in publicly – funded immersion schools. Secondly, unlike the Official Languages Act, Bill C-91 provides no further access to the Courts for the adjudication of language rights and thirdly, the teaching of indigenous languages poses significant pedagogical challenges when speakers are dwindling in number, certified teachers are not necessarily speakers and culturally appropriate materials must be developed, at times from scratch. Thus, Bill C- 91 does not address this challenge by creating national or regional indigenous language institutes controlled by the language groups or communities they would serve”(Fontaine 2019).

While commending Justin Trudeau’s government “for at least acknowledging the perilous state of Canada’s Indigenous languages”, lawyer critic Lorena says that efforts in this direction will be more praiseworthy if Bill C-91 is amended during its third reading in Parliament (Fontaine 2019). Thus, Bill C-91 is definitely a positive step by the Trudeau government which has formulated it in response to Truth and Reconciliation commission: the Bill is a sign of progress towards the reconciliation process although many more such affirmative steps need to be taken by the federal government to revitalize, revive and promote indigenous languages of Canada which continue to be the primal source of indigenous cultural identity.

Conclusion

Canada’s linguistic diversity is essential for maintaining its multicultural identity in which indigenous languages form a vital part. From the time Canada became a Confederation State in 1867, little attention was paid to indigenous peoples’ social and cultural identity, including their language rights. As a result, many indigenous languages have become extinct while others are barely surviving. Only Cree, Inuktitut and Ojibway languages have retained their speakers and the rest are on the verge of oblivion. For many years, Canadian federal government has been making

efforts to formulate policies in favour of indigenous languages but their progress has been stuck in political debates. Linguistic hierarchies and the resultant lack of funds have further corroded the speakers base for severe indigenous languages in Canada.

It can be said that the Canadian legislation and policy makers do not directly address Indigenous languages nor cater to language education details in cases where the issue of Indigenous languages is addressed. For example, Indigenous languages find a mention in the Canadian Multiculturalism Act (1988) only in the preamble, and are mentioned not even once in the Official Languages Act (1988). This exclusion also occurs with language policies focussing on non-official languages. As far as funding or budget allocation for revival of indigenous languages is concerned, they are hardly much details to merit a course of action. For example, Bill C-91 lacks funding provisions like enabling education of indigenous children in their ancestral languages in public-funded schools. This despite the acknowledgement from various indigenous languages acts for valuing indigenous languages and language rights, for respecting history, and for learning from past shortcomings in order to settle languages differences and hierarchies in Canada.

Despite lacking on essential details, Bill C-91 marks a meaningful shift in the nation's approach towards indigenous minorities. It may not be far fetched to assume that it would not be long before new and stronger amendments are introduced in favour of indigenous language rights. No one can deny the urgency and utility of such amendments: these are needed to honour the relationship between indigenous peoples and the Europeans settlers, to break the language hierarchy, and to lessen the gap between what the state aspires to do and what exists in reality.

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