

Inuit language(s): Interpreting official language legislation in Nunavut

Griffin Cahill¹

York University, Toronto, Canada

Abstract: This paper examines the relevant legislation which establishes the official languages of Nunavut, a multilingual subnational unit of Canada, and discusses issues in the interpretation of said legislation. The main issues identified are the definition of “Inuit Language” and the authority afforded to acts in “Inuit.” The *Official Languages Act* (2008) and the *Inuit Language Protection Act* (2008) establish and define the three official languages of Nunavut as English, French, and “Inuit Language.” I argue that the legislation, though recognizing Inuit cultural views of themselves as one people speaking one language, also accounts for the varying mutual intelligibilities between Inuit “dialects.” Importantly, there are provisions in the legislation which allow for the legislature to afford translations in the “Inuit Language” equal status to the English and French drafts. This is novel in a country predicated on equivalence and sameness of English and French and is deserving of further inquiry.

Keywords: language policy; Nunavut; Inuktitut; equal authenticity

1 Introduction

Nunavut was established in 1999 as part of the largest Indigenous land claims settlement process in Canada (Loukacheva, 2007). From the outset, Nunavut has been a novel endeavour in Indigenous governance in Canada through processes of “Indigenization.” Such processes have seen Indigenous, and in the case of Nunavut, specifically Inuit, cultural practices and ways of thinking promoted by the territorial government. One form this has manifested in is with legislation, and with Indigenous language rights as one such element (Timpson, 2009). The territory of Nunavut is officially multilingual with the *Official Languages Act* (2008) and the *Inuit Language Protection Act* (2008) as the foundational legislation establishing and defining the three official languages of Nunavut as English, French, and “Inuit Language.” The Inuit language has, along with the other two, been official since the establishment of the territory (Tulloch & Hunst, 2003). Through the two previously named acts (and others), as well as through educational and media programs, the territorial government has worked to promote the Inuit language as both a community language and as a language of the state. Additionally, the territorial government indirectly promotes the language through the integration of Inuit Qaujimajatuqangit (IQ) into the legislative process (Sullivan, 2004). IQ, which can be translated literally as “that which has long been known by the Inuit,” generally refers to Inuit traditional knowledge, practices, and institutions. Including IQ in the legislative process puts the impetus on lawmakers for including Inuit traditional knowledge, including language, in the drafting of legislation (Lévesque, 2014). All this may lead

¹ Corresponding Author: gvcahill@yorku.ca

one to believe that the Inuit language is privileged within Nunavut's language policy. But this is not actually the case, particularly in the realm of legislation. Through this research, I have identified several points in the relevant legislation that negotiate the conflict between Inuit cultural views of themselves as one people, speaking one language, and a concrete recognition of the varying mutual intelligibilities between Inuit varieties which complicate the notion of a single "language." This conflict has some key implications and raises important constitutional and legal issues not only in Nunavut, but at the federal level as well.

There are three relevant research questions that pertain to this research: "How does Nunavut navigate its multilingual language policy through legislation?," "How is Nunavut's language policy influenced by language ideologies about what has been termed *Inuktitut*?," and "What does the relevant official language legislation reveal about this language policy?" For the final question, there is also an important follow-up, that is, determining if there are any practical issues which arise due to the negotiation between policy, ideology, and linguistic facts on the ground.

This paper begins with a brief overview of the two pieces of legislation central to establishing official language policy in Nunavut, the *Official Languages Act* (2008) and the *Inuit Language Protection Act* (2008). Relating to these, I will describe the usage of the term "Inuktitut" and its relation to Inuit language ideologies. This is followed by an investigation of a notable imprecision of language in these two acts, surrounding the usage of the term "Inuit Language" and its relationship to Inuit language ideologies. I then move on to the implication of this imprecision for the principle of equal authenticity in Canadian jurisprudence. Finally, I conclude with a discussion of future possible directions of this research and outstanding questions.

2 Nunavut official language legislation

Both the *Official Languages Act* (2008) and the *Inuit Language Protection Act* (2008) codify the language policy of Nunavut, building upon and superseding earlier legislation drafted in the immediate aftermath of Nunavut's establishment as well as that of the Northwest Territories from which the territory seceded. The *Official Languages Act* (2008) establishes the organs of the state which administer official language policy, such as the office of Languages Commissioner and Minister of Languages, as well as enumerating the rights of Nunavummiut to interact with their government in any of the official languages. The *Inuit Language Protection Act* (2008) fleshes out the regulations governing this expression of language policy. This manifests in, for example, directing the usage of "Inuit Language."

The usage of "Inuit Language," as though there is a singular Inuit language, reveals much of the Inuit language ideologies that are pervasive at the institutional level in Nunavut. From a linguistic standpoint, the consensus is that there are several Inuit languages, which exist along a dialect continuum from northern Alaska to Greenland, from Iñupiaq to Kalallisut (Patrick et al., 2017). The mutual intelligibility between these varieties varies, but as a general rule of thumb, the closer two dialects are in geographic proximity, the greater the level of shared comprehension. In Canada, official sources describe three main dialects: Inuktitut, Inuinnaqtun, and Inuvialuktun (Statistics Canada, 2023). Inuktitut and Inuinnaqtun are spoken within the territory of Nunavut, and both are named in the official language legislation as well as by other governmental bodies. The term "Inuit Language" as utilized by the government is defined in the *Inuit Language Protection Act* (2008) as either or both Inuktitut and Inuinnaqtun. The legislation prescribes that "Inuit language" reference each variety in geographically delineated, political boundaries. The legislation states that "Inuit Language" is to mean Inuinnaqtun when within the territorial

boundaries of Kugluktuk, Cambridge Bay, Bathurst Inlet, and Umingmaktuuq. Everywhere else in the territory, “Inuit Language” refers to Inuktitut. Although the named municipalities in which Inuinnaqtun is the referent of “Inuit Language” comprise a large geographic area within the territory, it contains only a small portion of the population of the territory. Inuktitut, which is spoken in South Baffin where Iqaluit and much of the population of the territory is centered, is treated as the “default” by the Nunavut government. The only time that Inuktitut is mentioned by name (rather than as included within Inuit Language) in the *Official Languages Act* (2008) is in Section 5(2), which requires that, at the time of an act’s publishing, an Inuktitut version be made available. On the other hand, Inuinnaqtun receives special treatment in the act, with the territorial government instructed to work to revitalize the language in the areas where it is indigenous, and to prioritize “improved access to communication, services, instruction and Inuit Language programs in Inuinnaqtun.” This is immediately followed by a subsection allowing for the Commissioner in Executive Council to order the publishing of a “Inuit Language” version of an act. Although Inuktitut had earlier been included in this definition, the intent behind this is most likely to allow for versions of the act to be published in Inuinnaqtun, while also reinforcing the idea that Inuktitut and Inuinnaqtun remain one language.

This is reinforced by the definition provided by the Office of the Languages Commissioner of Nunavut, which says “[t]he Inuit language includes Inuinnaqtun and Inuktitut” (“Your linguistic rights,” n.d.). It is also exemplified in the neologization and usage by the organs of the territory of the term Inuktitut to include both Inuktitut and Inuinnaqtun (“Uqausivut,” n.d.). In addition, Inuktitut has been promoted for use in lay terminology by Inuit Uqausinginnik Taiguusiliuqtiit, an organization working for the promotion and protection of the language (Strong, 2019). However, there are two distinct differences in the meaning of Inuktitut depending on the promoter. While the Nunavut government uses Inuktitut to include just Inuktitut and Inuinnaqtun, that is, the two Inuit varieties spoken in the territory, Inuit Uqausinginnik Taiguusiliuqtiit uses Inuktitut to mean *all* Inuit varieties. This would include Inuit varieties spoken across Inuit Nunangat, meaning the entirety of the traditional territory of the Inuit people, including Inuttut in Labrador, Inuvialuktun in the Northwest Territories, and others. Despite these overt efforts to treat the varieties as one, it is nonetheless explicit in the legislation that Inuinnaqtun, as a dialect/variety/language, ought to be afforded special protections in Nunavut. These special protections include direction for the government to “revitalize” Inuinnaqtun, yet in tandem with and perhaps in conflict with promoting and standardizing Inuktitut.

A standardization process is mandated in the official language legislation of Nunavut (Patrick et al., 2017). However, the exact parameters of this process are vague, and left up to the discretion of the official language commission. One distinguishing factor between dialects is script choice, the Roman Alphabet vs. Canadian Syllabics. Broadly speaking, Inuktitut varieties generally utilize the Roman Alphabet for writing the language, whereas Inuinnaqtun varieties generally prefer Canadian Syllabics. Increasingly, there is an official push to abandon syllabics in order to increase mutual intelligibility and promote the idea of a single language (Daveluy & Ferguson, 2009).

The creation of a standardized Inuit variety in tandem with the protection and revitalization of Inuinnaqtun in the relevant communities could be achieved in ideal conditions, establishing a sort of diglossic environment in the province akin to the Teutophonous regions of Switzerland where Swiss Standard German and local Alemannic varieties coexist. Although this may be the intent of the legislation, this runs contrary to Nunavut’s contemporary language policy. There is

INTERPRETING OFFICIAL LANGUAGE LEGISLATION IN NUNAVUT

no evidence of an effort by a government agency to create a novel such “Inuktut.” Instead, although Inuktut could mean either Inuktitut or Inuinnaqtun, when the Nunavut government uses Inuktut, the intended meaning is the Inuktitut spoken in South Baffin. It is instead more likely that both Inuktitut and Inuinnaqtun merge into “Inuktut,” unifying the language into a standardized form corresponding to the most spoken dialect in the provincial capital, Iqaluit.

Notably, the Inuktitut version of the *Inuit Language Protection Act* (2008) does not offer any clarity as to the intended meaning of “Inuit Language.” The text of the act has two different translations for “Inuit Language,” which are $\Delta\Delta\Delta^c$ $\triangleright^b\triangleright^c/\Delta\Delta\Delta^c$ *inuit uqausingat* and $\Delta\Delta\Delta^c$ $\triangleright^b\triangleright^c$ *inuktut*. There are 9 uses of *inuit uqausingat* and 13 uses of *inuktut*. While the term Inuktut has been discussed above, the term *inuit uqausingat* is uncommon and unusual. It could be translated as “the language of the Inuit,” and has a connotation similar to the Inuit Uqausinginnik Taiguusiliuqtiit’s usage of Inuktut, as meaning all Inuit language varieties, as opposed to the Nunavut government’s usage of Inuktut, meaning just Inuktitut and Inuinnaqtun. These different meanings are one thing when utilized in public discourse, but they are certainly not equivalent even though they are interchangeable in a legal text. However, their alternation in the text speaks to an aspect of Inuit language ideology. As mentioned earlier, among most Inuit, the view is that there is one Inuit language whose dialects exist along a continuum (Dorais, 1990). This view is fed by IQ, which promotes the unity of the Inuit people, and as one people with one culture, speaking one language (albeit with some variation; Lévesque, 2014).

A potential implication of this imprecision of Inuit Language/langue inuite/ $\Delta\Delta\Delta^c$ $\triangleright^b\triangleright^c/\Delta\Delta\Delta^c$ is its relation to the “equal authenticity” principle of Canadian jurisprudence (Sullivan, 2004). This principle entails that in Canada, as an officially bilingual country, the English and French texts of a law are equally official and authoritative expressions as enacted. Therefore, in the absence of a specific rule, each version of an enacted law in each language is an authoritative expression and not “simply a translation.” Until recently, however, federal acts and regulations were almost always drafted in English, then translated into French and adapted to Québec civil law. These translations were frequently inadequate given translators’ lack of legal know-how, as it was not specially trained translators or lawyers producing the documents. Recognizing this deficiency, starting in 1978, the Department of Justice began co-drafting legislation. Ultimately, this led in 1985 to the French-language federal statute being revised. Neither version can be favored over the other merely by virtue of language, necessitating resolutions of conflict by way of determining “the substance” of the law (Sullivan, 2004, p. 1010). This manifests in what Sullivan calls the Shared Meaning Rule, that is, “[i]n cases where the two versions of a bilingual statute do not say the same thing, if one is ambiguous and the other is clear, the meaning that is shared by both is presumed to be the meaning intended by the legislature” (Sullivan, 2004, p. 1012). The relevant legislative text is therefore comprised of both versions, and both must be fully understood. This would necessitate complete bilingualism and biculturalism among the drafters of any given law.

At the territorial level, it remains true as well that English and French texts are held to be equally authentic, with text in the *Official Languages Act* (2008) to that effect. However, the same cannot be said for Inuktut/Inuktitut/Inuinnaqtun. Although it is an official language of the territory, and translations of acts and records must be produced in Inuktitut at the time the act is published, the Inuktitut translation does not have the same force of law as the French and English ones. This is an example of what Janny Leung calls “shallow equality,” whereby a language is afforded some form of official recognition, but either in practice or in law it is not held to be truly equal to one or

other official language of the polity in question (Leung, 2013, 2019). Yet, there is an opportunity for that shallow equality to be overcome in the legislation. According to the *Official Languages Act* (2008): “(4) The Legislative Assembly, on the recommendation of the Executive Council, may, by resolution, designate an Inuit Language version of an Act to be authoritative.” As far as I can tell, this has not yet been done by the legislature. Still, this would allow for any act of the legislature to have an equally authentic Inuktitut version, which would be completely novel in Canada.

Theoretically, however, the fact that the Inuktitut translation could be afforded equal authenticity with the French and English versions may cause future problems for jurisprudence. Primarily, the fact that statutes are not co-drafted in Inuktitut could very well provoke many of the same issues that occurred prior to 1978 when many statutes were simply translated from English into French. Remediating this by mandating Inuktitut co-drafting would also not likely be an immediate or simple fix, as a standardized legal language would need to be agreed upon, and there would also need to be training for translators, who would also need to be equally proficient in the legal language of both French and English. This would necessitate massive investments by the territorial government in both governmental bodies and educational programs to work in concert. However, this initial up-front cost could pay dividends in future legal adjudication over disagreements between Inuktitut and French/English texts.

There are then a number of questions which arise from this research project. If language varieties are territorial bounded, are all dialects equal? Does an Inuktitut speaker have the same rights in Cambridge Bay as an Inuinnaqtun speaker in Iqaluit? The ability of the legislature to make an act authoritative in Inuktitut also raises the importance of clarity. For example, if the legislature makes an act authoritative in one variety/dialect, what about meaning in another variety? Ongoing efforts at language standardization might ameliorate this situation but would potentially run counterproductive to Inuinnaqtun revitalization and promotion, which is demanded by the letter of the law.

3 Conclusion

This paper has discussed the two major pieces of official language legislation in the Canadian territory of Nunavut and their relationship to the language policy of the territorial government. I have discussed the variable usage of Inuit Language/langue inuite/ᐃᓄᐃᑦ ᐅᓃᐅᓯᓴᑦ/ᐃᓄᐅᑦ and how that reflects Inuit language ideologies viewing the Inuit as speaking a single language. However, I have also identified that the texts recognize the multiple varieties of Inuit languages spoken within the territory. Nonetheless, Nunavut’s language policy has been to effectively establish the Inuktitut of Iqaluit as “Inuktitut.” I have identified clause 4 in the *Official Languages Act* (2008), which would allow for an Inuktitut translation of a bill to be afforded equally authentic status to the English and French versions of the texts. This would be a novel and revolutionary change to the bilingual order codified in Canada, and an introduction of true multilingualism to the country. In relation to this, I have discussed the use of imprecise language in the legislation and how it connects to IQ and the Inuit view of their language(s). I have also pointed to potential issues that this imprecision may cause.

This paper should serve as a brief pilot inquiry into the issues present in the official language legislation of Nunavut. Further avenues for research could entail a corpus study of “Inuit Language,” “Inuktitut,” “Inuktit,” etc. in Nunavut’s legislation to determine their usage, or perhaps an investigation into how the organs of the territory navigate the potentially contradictory mandates to both standardize “Inuit Language” and preserve and revitalize Inuinnaqtun.

Acknowledgements

I would like to thank and acknowledge the organizing committee for the Canadian Symposium on Language and Law for their work in establishing an avenue for this work to be presented. I would also like to thank everyone who attended the presentation of this paper at the symposium.

References

- Daveluy, M., & Ferguson, J. (2009). Scripted urbanity in the Canadian North. *Journal of Linguistic Anthropology*, 19(1), 78–100. <https://doi.org/10.1111/j.1548-1395.2009.01020.x>
- Dorais, L.-J. (1990). The Canadian Inuit and their language. In D. R. F. Collins (Ed.), *Arctic languages: An awakening* (pp. 185–289). Paris: UNESCO.
- Leung, J. H. C. (2013). Cross-jurisdiction appropriation of the equal authenticity principle. *The Journal of Legal Pluralism and Unofficial Law*, 45(2), 209–226. <http://dx.doi.org/10.1080/07329113.2013.772463>
- Leung, J. H. C. (2019). *Shallow equality and symbolic jurisprudence in multilingual legal orders*. Oxford University Press.
- Lévesque, F. (2014). Revisiting Inuit Qaujimaqatugangit: Inuit knowledge, culture, language, and values in Nunavut institutions since 1999. *Études/Inuit/Studies*, 38(1–2), 115–136. <https://doi.org/10.7202/1028856ar>
- Loukacheva, N. (2007). *The Arctic promise: Legal and political autonomy of Greenland and Nunavut*. University of Toronto Press.
- Patrick, D., Murasugi, K., & Palluq-Cloutier, J. (2017). Standardization of Inuit languages in Canada. In P. Lane, J. Costa, & H. De Korne (Eds.), *Standardizing minority languages* (pp. 135–153). Routledge.
- Statistics Canada. (2023). *Census in brief: Indigenous languages across Canada: Census of population, 2021* [Report]. <https://www12.statcan.gc.ca/census-recensement/2021/as-sa/98-200-x/2021012/98-200-x2021012-eng.pdf>
- Strong, W. (2019, July 1). ‘Talk to me in Inuktitut’: Old word nothing new, says Inuit language organization. CBC News. <https://www.cbc.ca/news/canada/north/inuktitut-prompts-correction-requests-1.5153188>
- Sullivan, R. (2004). The challenges of interpreting multilingual, multijural legislation. *Brooklyn Journal of International Law*, 29, 986–1066.
- Timpson, A. M. (2009). Rethinking the administration of government: Inuit representation, culture and language in the Nunavut public service. In A. M. Timpson (Ed.), *First Nations, first thoughts: The impact of Indigenous thought in Canada* (pp. 199–228). UBC Press.
- Tulloch, S., & Hust, V. (2003). An analysis of language provisions in the Nunavut Act and the Nunavut Land Claims Agreement. In G. Duhaimé & N. Bernard (Eds.), *Arctic economic development and self-government* (pp. 283–296). GETIC, Université Laval.
- Uqausivut- The Comprehensive Plan pursuant to the Official Languages Act and the Inuit Language Protection Act 2012-2016*. (n.d.). Government of Nunavut. https://www.gov.nu.ca/sites/default/files/documents/2022-01/2012-10-30-uqausivut_final_en-2.pdf
- Your linguistic rights*. (n.d.). Office of the Languages Commissioner of Nunavut. <https://langcom.nu.ca/investigation-process/your-linguistic-rights>

Legislation References

- Inuit Language Protection Act*, S.Nu. 2008, c. 17.
- Official Languages Act*, S.Nu. 2008, c. 10.