A Foucauldian approach to language policy: The case of Canada

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Abstract

This article examines recent developments in the field of policy studies in order to consider their applicability for the study of language policy and planning. In particular, Foucauldian insights into power and discourse offer the possibility of moving beyond the primarily descriptive nature of language policy studies and force a reconsideration of the premise upon which policy making is based: the starting point of the "problem" for which a policy solution is needed. By analyzing the proceedings of the Royal Commission on Bilingualism and Biculturalism (1963–1970) in order to trace the development of Canada's Official Languages Act (1969), this paper reflects on the possibilities for developing a broader set of theoretical and methodological approaches to our work as scholars in the field of language policy.

Key words: Foucault, language policy, Canada, discourse, Royal Commission on Bilingualism and Biculturalism

Résumé

Cet article explore de nouvelles tendances dans le domaine des études sur la politique publique afin de vérifier leur application à l'étude de la politique et de l'aménagement linguistique. Une perspective foucauldienne du pouvoir et du discours permet d'aller au-delà de la nature essentiellement descriptive des études en politique linguistique et oblige un réexamen des prémisses sur lesquelles repose l'élaboration et de la formulation des politiques : le point d'origine du « problème » qui oblige une solution politique. Par le biais d'une analyse des délibérations de la Commission Royale du Bilinguisme et du Biculturalisme (1963–1970) afin de retracer l'élaboration de la Loi sur les langues officielles du Canada (1969), cet article présente une réflexion sur les possibilités de développer un éventail plus large d'approches théoriques et méthodologiques à notre travail de chercheurs dans le domaine de la politique linguistique.

Mots-clés : Foucault, politique linguistique, Canada, discours, Commission royale sur le bilinguisme et biculturalisme

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Introduction

In the last few decades, language policy has begun to emerge as a distinct field of study, with topical journals, books, edited collections and encyclopedic entries all working together to form a density of theoretical and methodological discussions that have served to outline the still indefinite contours of the field. The emergence of language policy and planning as an academic field of study is most often traced back to Einar Haugen's 1959 functionalist account of language planning (1968). This relative newness of the field coupled with the inevitable interdisciplinarity that the field has grown to require means that an agreed upon set of theoretical and methodological approaches have still not been established, and the field has yet to decisively move beyond the usual descriptive approaches to language policy and planning that remain common. This is not to say that efforts have not been made in this direction as in recent years many scholars have attempted to move beyond the mainly descriptive nature of the field by engaging in discussions about theory and methodology in language policy (see Spolsky, 2004; Wright, 2004; Ricento, 2006; Shohamy, 2006). The present article contributes to this ongoing discussion: how we define the field of language policy and how we do the work of language policy studies.

In this article, I want to answer Churchill's (2010) call to engage in a discussion about the future of language policy studies in Canada; a discussion with theoretical implications that I hope will have resonance for contexts beyond the borders of Canada. I begin by drawing on a set of Churchill's working definitions for the field in order to outline the possible application of recent developments in the area of policy studies to language policy, and conclude with a consideration of how these insights might help us understand the formulation of Canadian language policy; specifically, the making of the first Official Languages Act (1969). Although language policies existed prior to the 1960s — for example, in the British North America Act (1867) — the Official Languages Act of 1969 was the first piece of federal legislation that explicitly declared English and French to be the official languages across Canada and as such marked a significant turning point in Canadian history and national identity.

Churchill (2010) describes policy as "the processes that govern the formulation and application of rules that govern behaviour" (p. 6), and therefore language policy as "the formulation and application of rules that govern behaviour with respect to choices of language variety" (p. 10). Policies may take a variety of forms and therefore have a range of formalities, ranging from the official to unofficial as well as the inclusion of ad hoc policies. As Churchill specifies, policies may be explicitly formulated or implicit in action taken/not taken, and lack of policy or lack of policy implementation/resourcing is in itself a form of laissez faire policy.¹ Most important, Churchill states that "language policy is embedded in larger policies" (p. 8), and as such, non-language related policies may have linguistic effects, and conversely language policies may also be formulated to pursue other non-language related goals/effects. Finally, he explains that the separation between policy and execution/implementation is an artificial barrier between successive acts of decision making; rather, this is an iterative and interpretative process at multiple levels that blurs the distinction between policy formulation and implementation, and the organization of such steps into a coherent whole is also known as a "program"² (p. 11). Churchill's definitions and understandings about language policy as a field provide a foundation from which to examine recent developments in the related area of policy studies and how these developments might apply to the study of language policy. Given the importance of understanding language policy as an interdisciplinary field, I want to address some critical questions that a poststructuralist perspective on policy making raises. In particular, I want to consider how a Foucauldian account of discourse and power - as taken up in the area of policy studies - can challenge customary epistemological framings of language policy analyses.

Foucauldian approaches to policy studies

In traditional policy studies, the starting point is the problem for which a policy solution is needed. It then enters into a policy cycle which consists of describing the (social) problem, discussion of competing policy solutions, consideration of policy implementation, and finally an evaluation of policy implementation followed perhaps by policy refinement/reform (Scheurich, 1994, p. 298). Scholars have complicated this mechanistic understanding of the policy making process by introducing post-positivist understandings of policy analysis which conceives of policies as interpretive and symbolic representations of latent public concerns (p. 298). As well, post-positivist approaches include the study of policies as textual interventions into practice which reflect the complex contestations underlying the power relations within which encoding and de-coding of policies take place (Ball, 1993). However, it is the introduction of Foucauldian notions of discourse that has had the most significant implications for how policies and the policy process are understood.

This introduction of Foucauldian notions of discourse into policy studies forces a reconsideration of the premise upon which policy making is based: the starting point of the problem for which a policy solution is needed. Foucault (1977) defines discourse as "practices that systematically form the objects of

¹As well, Churchill clarifies that language planning and language management are both subcategories of the field of language policy (p. 4).

²That is, a program is a policy — or set of related policies — in operation.

which they speak [...] they do not identify objects, they constitute them and in the practice of doing so conceal their own invention" (p. 49). As a result, the identification of a particular problem for policy does not disclose some underlying reality of a problem, but actually constitutes it in discourse. Thus, the *truth* of a problem is always contingent on a struggle for meaning making and signification in discourse which transforms what is out there into a socially and politically relevant policy problem (Gottweiss, 2003, p. 249). Ball (1993, p. 14) further explains, this means that discourses are about what can be said and thought, but also about who can speak, when, where and with what authority. Therefore, according to Scheurich (1994, p. 300), questions must be asked about how a particular problem emerges as a focus of the policy making process, while others do not. The answer to this question is embedded in a process called *policy archaeology*.

Gale (2001, p. 387) summarizes policy archaeology as a policy studies methodology which focuses on four arenas expressed as the following research questions:

- What are the conditions that make the emergence of a particular policy agenda possible, that is, the social construction of (a) specific policy problem(s)?
- What are the rules or regularities that determine what is (and not) a policy problem?
- How do these rules and regularities shape policy choices and the social construction of the range of acceptable policy "solutions"?
- How is policy analysis similarly regulated and therefore what is the social function of policy studies?

Investigation into these four arenas is not necessarily a linear progression, but an iterative and recursive process.

A careful consideration of these questions demonstrates that all aspects of policy making, from the *a priori* identification of the problem which is to be the focus of the policy process to the determination of the range of policy solutions to be applied are all located within relations of power. The emergence of the objects of discourse—in this case a particular policy problem— is through a complex group of primary and secondary relations which do not define the internal constitution of the object, but rather enables it to appear in juxtaposition to other objects. Thus, the policy problem emerges as a discursive formation through a set of rules and grids of social regularities; that is, via a group of relations established between authorities of emergence, delimitation and specification (Foucault, 1972, p. 44). As Scheurich (1994, p. 302) emphasizes, grids of social regularities are positively productive constituting

what is socially visible, legitimate and credible as social problems and policy solutions. As well, these rules and regularities are historically specific since objects of discourse are constituted through the conditions of their historical appearance (Foucault, 1972). Thus, historical shifts may lead to changes in the rules of formation and grids of regularities that shape the emergence and visibility of particular social problems and policy solutions (Scheurich, 1994, p. 303). In this way, the importance of historical effects within power relations can be accounted for in the policy process.

The legitimacy of policy making is also a concern of rational problem solving which is intrinsically linked to knowledge and as such, embedded in power relations. Foucault (1977) states, "there is no power relation without the correlative constitution of a field of knowledge, nor any knowledge that does not presuppose and constitute at the same time, power relations" (p. 27). This means that the knowledge dependence of policymakers is based on interpretations, theories, lines of research or arguments that enable the monopolization of areas of problem definition, the dismissal of competing interpretations and an answer to the social demands of a particular set of political interests (Gottweiss, 2003, p. 256). Ultimately, the recognition of the discursive construction of policy problems as knowledge formations embedded within power relations leads to a broadened definition of policy as a set of historically contingent and diverse responses to a spectrum of political interests (Bacchi, 2000, p. 48), which in turn delimits and specifies the range of possible policy solutions.

Bacchi reminds us that, although policy is constituted in discourse, the lived effects of discourse are material: "there are real bodies and real people living the effects of discursive conventions" (p. 55). Specifically, discursive conventions operate as policy ensembles or regimes of truth through which people are governed and govern themselves; that is, create subjects and subjectivities or understandings of "who we are and who we might become" (Ball, 1997, p. 263). As Gottweiss argues, the governability of subjects through policy is organized via the ordering of heterogeneous representations of political realities and their subsequent translation into policy narratives; narratives which are always open to interpretation and historical contingency. Thus, our understanding of who we are or might become, and how we can/should live and regulate our lives is told through policy narratives. Policy narratives are also central to understanding the social function of policy studies which, as Scheurich (1994) states, "are a social performance" (p. 312) that serves to reassure citizens and affirms the commitment to do something about identified social problems even as the primary function of policy studies is actually to discipline and normalize the productive citizen. In short, policy studies is not a neutral enterprise that attempts to solve identified social problems; instead, policy studies serves to reproduce the very social regularities which undergird the processes of disciplining and managing populations (p. 312).

The performance of policy also allows for the demonstration of a deliberative democratic process in which social problems, practices, anxieties and issues remain putatively contestable (Gottweiss, 2003, p. 264). This is best illustrated in what Gottweiss calls *reflexive government*, whereby the mechanisms of government itself become the subject of scrutiny and called to account through such processes as public inquiries. In this way, issues such as lack of social unity can become the problem targeted through public inquiries or commissions which are exemplary sites for the demonstration of deliberative forms of policymaking (p. 265).

In the next section, I will trace this policy-making performance through the case of Canadian language policy formulation; specifically, the Royal Commission on Bilingualism and Biculturalism (1963–1970) and the deliberations that went into the formation of the Official Languages Act (1969). Through this case study, I want to reveal how power relations operate to identify a particular problem to the exclusion of other possible problems and how this, in turn, leads to the development of a specific set of language policies as solution.

The case of Canada — Making languages official

The Royal Commission on Bilingualism and Biculturalism, or the B and B Commission, was struck in response to an editorial in Le Devoir written in early 1962 by André Laurendeau, who challenged the federal government of the day on their piece-meal concessions towards Quebec as well as what he called the "problem of Confederation". Laurendeau ended by calling for a Royal Commission of inquiry into bilingualism which sparked other calls for an inquiry. Therefore, when Pearson's Liberal government came to power in 1963, one of his government's first acts was to establish the Royal Commission on Bilingualism and Biculturalism (RCBB). This Royal Commission was launched at an important moment in Canadian history; in the aftermath of the Quiet Revolution in Quebec, the passing of the Canadian Bill of Rights in 1960, the extension of the federal vote to Aboriginal peoples and an almost complete abandonment of overt racial preferences in Canadian immigration policy. These changes, among others, would see the nation grapple with new demands for recognition and inclusion from historically marginalized groups and an increasing concern at the federal level with issues of national unity. However, the inauguration of the inquiry also meant the a priori delineation of the problem to be investigated as it was outlined in the terms of reference for the Royal Commission (RCBB, 1967):

To inquire into and report upon the existing state of bilingualism and biculturalism in Canada and to recommend what steps should be taken to develop the Canadian confederation on the basis of an equal partnership between the two founding races, taking into account the contribution made by the other ethnic groups to the cultural enrichment of Canada and the measures that should be taken to safeguard that contribution. $(p. 173)^3$

Here, the problem of the ensuing inquiry was framed as foremost a concern about the state of Canadian Confederation based on the "partnership" between the "two founding races" with an additional accounting of the cultural contribution of "the other ethnic groups" and no mention of indigenous groups at all. However, this discursive formation of the problem of the inquiry would be challenged by various groups, especially indigenous groups — referred to as "Indians and Eskimos" throughout the Commission — who repeatedly lobbied to be included in the royal Commission and continually contested their exclusion from the category of "founding races". In this way, the Royal Commission exemplified an exercise in the performance of policy as reflexive government, particularly through the demonstration of deliberative democratic processes at the preliminary and public hearings of the inquiry, where the government's formulation of the national crisis — as inscribed in the terms of reference — was contested.

The inquiry began on November 7, 1963, in Ottawa with two days of preliminary hearings. Mrs. Ethel Brant Monture representing the National Indian Council of Canada, the only Aboriginal group at the preliminary hearings, made the following statement (Canada, 1963):

We respectfully submit that Canada is a tri-lingual country. Our imprint is indelibly on this land [...] We were told at the first hearing of this Commission we would be invited to be a part of it [sic], that we would not be asked for representation. We feel until we are taking our full share at all levels we are in many ways a wasted people. We ask for your friendly consideration of this request. Indians possess a culture quite distinct from the biculturalism of French Canadians through which is woven a pattern of Canadian rights. (p. 144)

In her statement, Monture contested both the exclusion of Aboriginal representation at the hearings and challenged the formulation of the policy problem as one that centrally considers the bilingualism and biculturalism of only the English and French groups. Despite this challenge, among many others from other ethnic groups, the preliminary report — based on the findings of the preliminary and regional hearings and published February 1, 1965 — began with a preamble which stated "we simply record the existence of a crisis which we believe to be very serious. If it should persist and gather momentum, it

³This is the commonly cited heart of the terms of reference which is in the opening paragraph of the complete terms of reference. The subsequent paragraphs of the terms of reference are specifications of the federal range of the inquiry. For the full terms of reference, see RCBB, 1967, pp. 173–174.

could destroy Canada" (RCBB, 1965, p. 13). According to the preliminary report, the source of the crisis and therefore the crux of the problem was to be found in an already existing external reality — Quebec — thereby reproducing the English-French focus of the terms of reference: "The source of the crisis lies in the Province of Quebec [...] it has become a Canadian crisis, because of the size and strategic importance of Quebec" (p. 13). Throughout the preliminary report, the discussion of Aboriginal issues and claims were peripheralized even as their "special", as in "exceptional", founding status was acknowledged (RCBB, 1965):

13. The terms of reference refer to the "subsequent" contribution made by other cultures. But there is also a prior contribution that all the others followed: that of the first inhabitants of the country, Eskimos and the Indians. They make up the oldest group, and in comparison, all the English and French-speaking peoples would appear to be New Canadians. The Commission recognizes clearly that it has a duty to give special attention to the problems of the Eskimos and the Indian in our present world. (p. 187)

In all discussion about Aboriginal groups in the preliminary report, the special and exceptional situation of all indigenous groups was emphasized, particularly in terms of problems which were seen as unique to these communities. In this way, Aboriginal groups both remained on the periphery of the Commission's focus and were pathologized as having exceptional problems, all of which served to remove the Aboriginal challenge to founding race parity with the English and French groups and negate the strongest possible challenge to the dualism of founding races and the putative crisis therein. One key strategy in the preliminary report for peripheralizing Aboriginal bids for founding race status was to present their claims to language rights as fragmented and inconsistent: "As far as the maintenance of the Indian languages is concerned, the Commission has noted that opinion is not unanimous. In part this is explained by the variety of Indian languages, each of which may have its local dialects" (RCBB, 1965, p. 67). This strategy of presenting Aboriginal group claims as inconsistent and fragmented was used throughout the report which ended by restating the tangential place of Aboriginal people in relation to the national crisis and the "founding races": "In this conflict which divides the two societies by setting them one against the other, Indians and Eskimos are in a position apart" (p. 128).

Although indigenous groups were originally to be excluded from the scope of the inquiry, there was extensive media coverage of the plight of indigenous people during the period of the preliminary hearings, and a call for special attention to these issues was backed by public demand. Coupled with internal debates within the Commission, the original decision to exclude indigenous groups from the inquiry was overturned towards the end of 1963 and they were invited to submit briefs to the public hearings. Furthermore, substantial research resources were also dedicated to determining the situation of Aboriginal groups in Canada. However, as the research agenda proceeded, the Commission began to develop a rationale which would once again exclude Aboriginal groups from the final considerations of the Royal Commission.

During the preliminary hearings, many indigenous groups submitted briefs challenging the problem of the inquiry as one of an "equal partnership between the two founding races"; for example, the Indian–Eskimo Association of Canada⁴ began their brief by stating that indigenous peoples were the "first citizens" which make them "more Canadian than any other groups that have arrived since European settlement" (Indian–Eskimo Association of Canada, 1965, p. 2). As well, the Caughnawaga Defence Committee, beginning with a history of European colonialism in Canada, stated that, "the 'founding races' were the Indians, and the others could be called the 'invading races', or the 'second coming races' or whatever fits", and went on to challenge the English-French centrism of the terms of reference, "If 'equal partnership' is to exist, it cannot forget the superior claims of Indians" (Caughnawaga Defence Committee, 1965, p. 4). Indigenous groups also grounded these claims in pre-Confederation treaty agreements, therefore, "not a privilege but a right; guaranteed by solemn treaty" (Indian–Eskimo Association of Canada, 1965, p. 3).

However, these claims were countered by the subsequent research program of the Commission which collected information on Aboriginal issues from sources other than the submitted briefs by commissioning research reports, holding private meetings as well as considering solicited statements, conference proceedings and media releases. For example, an extensive twovolume commissioned report (Vallee, 1966) began with the idea that people of Indian and Eskimo ancestry could not be considered as a group parallel to the English or French, among others:

One reason that we cannot consider the people of Indian and Eskimo ancestry as an ethnic group equivalent, say, to the French-Canadian, English-Canadian, Ukrainian-Canadian, and the like, is that there is no one language which serves as a symbol of distinctive identity at the national level. (p. 68)

Here, Aboriginal claims to founding group status were undercut through the problematic strategy of conflating ethnic groups with language groups. Thus, the tactic of representing "Indians and Eskimos" as too fragmented as language groups to pose a legitimate claim for founding race status was reprised from the preliminary report. As well, a confidential summary (Varjassy, 1964) of

 $^{^{4}}$ An umbrella group representing 80 indigenous organizations with about 1,000 members in total.

the Indian–Eskimo Association first conference explained the "great, deep and bitter" (p. 3) social and economic problems of the Indians as follows:

Indians, over 200,000, have yet to learn that they are not only members of a band but citizens of a nation, that equality means more than a treaty signed a long time ago, that they too are living in the 20th century and not in the 19th, or 18th. They are yet to learn that useful employment is the first step to dignity and self-sufficiency. (p. 3)

In this way, the social and economic problems of Aboriginal peoples were explained not as a legacy of colonialism and centuries of dispossession but as being rooted in the past and incommensurable in lifestyle and outlook with modern 20th-century life. Thus, the fragmentation and pathologization of Aboriginal groups were reprised as the main arguments against the inclusion of Aboriginal groups within the ambit of the inquiry.

Book I of the final Commission report was tabled in the House of Commons on December 5, 1967, and gave rise to Bill C-120, which was tabled less than a year later and passed to become Canada's first Official Languages Act in 1969. Although Book I of the final report heralded this auspicious recognition of an "equal partnership" between the English and the French, in the opening section of the final report, the final summation on the place of Aboriginal peoples in the inquiry was quite different: "We should point out here that the Commission will not examine the question of the Indians and the Eskimos" (RCBB, 1967, p. xxvi). This was the final conclusion of the inquiry despite statements made by the Commission after the preliminary hearings that Aboriginal peoples would be included in the inquiry, their invitation to submit briefs at the public hearings, and the extensive research and information collected on "Indians and Eskimos". The justification of this final exclusion was given as the limits of the terms of reference (RCBB, 1967):

Our terms of reference contain no allusion to Canada's native populations. They speak of "two founding races," namely Canadians of British and French origin, and "other ethnic groups," but mention neither the Indians nor the Eskimos. Since it is obvious that these two groups do not form part of the "founding races," as the phrase is used in the terms of reference, it would logically be necessary to include them under the heading "other ethnic groups." Yet is it clear that the term "other ethnic groups" means those peoples of diverse origins who came to Canada during or after the founding of the Canadian state and that it does not include the first inhabitants of this country. (p. xxvi)

Thus, the supposed impossibility of considering Aboriginal people as one of the founding races, and the inability to fit them into the category of other ethnic groups was the given rationale for their eviction from the inquiry. However, this was clearly a disingenuous argument as terms of reference — set from the start of the inquiry — did not preclude the Commission from changing their minds about the original exclusion after the preliminary hearings and extending an invitation to indigenous groups to submit briefs at the public hearings as well as allocating resources for a research program. What is clear from the range of research materials and submissions is that Aboriginal claims challenged the notion of "founding races" as they were laid out in the terms of reference and, therefore, greatly complicated the Commission's reformulation of Canada as a nation founded on an "equal partnership" only between the English and the French.

Conclusion

The Royal Commission on Bilingualism and Biculturalism, as an exercise of reflexive government, exemplified the performance of policy making. The preliminary and public hearings of the inquiry, in particular, provided an arena for the demonstration of a deliberative democratic process in which social problems are putatively contestable. However, as we have seen, the function of these hearings and their subsequent reports served only to the already external existence of the set problem and then served to reinscribe the limit of the singularity of the problem to be investigated as one of a crisis between the English and French "founding races"; thereby, underscoring Scheurich's (1994) claim that the truth of a problem is contingent on a struggle for meaning making and signification in discourse. This truth was constituted through a range of discursive rules and regularities — such as fragmentation, inconsistency, pathology, among others - to undercut any such contestations to the restricted notion of an "equal partnership between the two founding nations" made by Aboriginal groups throughout the inquiry. The constitution of the national crisis as a legitimate social problem in these restricted terms also narrows what a possible credible policy solution might be; in this case, the designation of only English and French as the official languages in Canada. Thus, the Commission, as a social performance, served to assure citizens that it was doing something about the problem of national unity even as the inquiry worked to discipline and normalize who could be a founding group; a decision which would have material consequences for the allocation of resources - both symbolic and material - and ultimately language maintenance, shift and loss for indigenous communities.

We began with Churchill's (2010) definition of policy as "the processes that govern the formulation and application of rules that govern behaviour" (p. 6), but then by considering the policy process in relation to Foucauldian notions of discourse and power, broadened this definition to understanding policy as a set of historically contingent and diverse responses to a spectrum of political interests. Thus, the idea that policy processes are never outside of power relations and therefore represent sociopolitical interests is folded into our understanding of both policy and the policy making. A Foucauldian approach to policy also allows us to understand how policy constituted in discourse has real lived effects in how people are governed and govern themselves. In this way, the central idea of policy which is to govern behaviour remains from the original definition but now with the additional insight that policy is a process that is never outside of power relations, hence, never outside of the processes of disciplining and managing populations at every level. In this example of Canadian language policy making, if we began with the understanding of language policy as the formulation and application of rules that govern behaviour with respect to choices of language variety, we must extend this definition by understanding language policy as a historically contingent process embedded in power relations. This allows us to understand how the federal government understood the problem of national unity at a specific moment in Canadian history and, subsequently, through a particular performance of policy making, sought to restrict the policy solution to the official recognition of only two "founding races" and hence only two official languages, thereby, exemplifying Churchill's insight that language policies may be formulated to pursue nonlanguage related goals/effects. Ultimately, analyses of policy studies from a Foucauldian perspective offers useful insight for how we come to define and do language policy studies, allowing us to develop an increasingly nuanced repertoire of theoretical and methodological approaches in our work as scholars in the field of language policy.

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