



Performing Inclusion, Enforcing Control: A Critical Discourse Analysis of Taiwan's Indigenous Language Development Act

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Abstract: *Legal frameworks are often positioned as instruments for protecting and promoting Indigenous language rights. In Taiwan, the Indigenous Language Development Act (ILDA) is presented as a key policy for linguistic justice and revitalisation. However, how such rights are discursively constructed and governed through legal language remains under-examined. Drawing on van Leeuwen's 'construction of purpose' framework within the Critical Discourse Studies approach, this study critically examines ILDA as a form of specialised legal and multilingual discourse. The analysis focuses on grammatical ambiguity, conditional modality, and the attribution of agency to examine how linguistic rights are framed and operationalised within the policy. The findings reveal that while the ILDA aims to protect and promote indigenous language rights, the study critiques the empowerment discourse of the policy as serving the dominant ideological interests. Through rigid structural and grammatical means, authority and ideology are structurally embedded within policy texts. Although the government positions itself as supportive with symbolic inclusion, the controlling nature of the policy mechanism limits the revitalisation efforts, thus functioning as a discursive mechanism of multilingual governance, legitimising state control while appearing to promote linguistic justice, discursively recognising linguistic rights but constraining them institutionally. By treating legal texts as specialised multilingual discourse, this study demonstrates that power and rights are mediated through rigid structural means and that multilingualism is carefully managed rather than supported. The study contributes to global discussions on the role of language policy in sustaining minority languages, suggesting that closer*

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attention should be paid to how purpose and agency are constructed to inform more equitable policy design.

Keywords: *Indigenous language policy; Critical discourse analysis (CDA); Taiwan; Linguistic rights; Multilingual governance; Legal discourse; Language revitalization.*

1. Introduction

Since the Universal Declaration of Linguistic Rights in 1996, the academic field of language rights has made significant progress. Many nations have joined the movement and legislative recognition of minority languages has served as a foundation upon which further efforts can be built to safeguard and empower linguistic diversity. Despite numerous attempts worldwide to legislate Indigenous language rights, the outcomes have often been unsatisfactory. For example, the decline of the Irish language in Ireland (Sander, 2023), despite policy efforts, and the delimited implementation of Uganda's 'mother tongue policy' (May, 2015) illustrate that legislative efforts alone are not enough to support minority languages. They show that the lack of results in language revitalisation efforts should not be attributed solely to the absence of specific language policy elements (Spolsky, 2004). Instead, deeper sociopolitical factors such as language ideology, attitudes, and the intricate ways in which legal discourse operates, play a crucial role

On the surface, the global multilingual realities have justified the increased use of legal tools to manage linguistic diversity. But we cannot ignore the fact that legal discourse is not neutral; it is a genre of governance, characterised by precision, authority, and formality. It is a discursive act that defines relationships, constructs obligations, and legitimises institutional power through linguistic form. Taiwan's Indigenous Language Development Act (ILDA), as a case of multilingual governance, is a legal text that 'performs' governance by linguistically constructing what counts as rights, justice, and purpose. It is framed around the linguistic rights of indigenous peoples, aligning itself with global movements advocating for linguistic human rights (LHR) (Tiun, 2013). This perspective acknowledges that language is more than just a communication tool; it is deeply intertwined with identity, power structures, and citizenship (May, 2018).

It has become apparent that language policy effectiveness is often influenced by political and ideological forces, and thus, to overcome these barriers, language policies must address power imbalances, social inequalities, and potential exclusions. Ironically, language policy as a specialised genre of institutional discourse constructs meaning, power, and responsibilities, and thus is



a discursive mechanism that inevitably controls the language's status (status planning), structure and forms (corpus planning), and learning accessibility (acquisition planning) as well as regulates its use across public domains for social cohesion (Hornberger, 2006; Spolsky, 2004). Thus, language policies cannot simply be viewed as words. They demonstrate the institutional power as a control mechanism (Shohamy, 2006).

To examine how the innate functionality and genre-specific restrictions of language policy may have affected indigenous language revitalisation efforts, this study analyses how Taiwan's ILDA linguistically constructs the purpose, intention and agency of language rights using van Leeuwen's 'construction of purpose' framework (van Leeuwen, 2008). By examining policy discourse via its linguistic forms, this study demystifies some of the taken-for-granted concepts that may be misleading the conclusion of the policy effort. Below, I start by providing contextual information about Taiwan and its socio-political background, followed by literature review and theoretical framework. Findings and discussion are presented in the subsequent sections.

2. Empirical background, literature review, and theoretical framework

2.1. The context around Taiwan's ILDA

Taiwan's official name is the Republic of China (R.O.C). To avoid confusion with the People's Republic of China (P.R.C), I use Taiwan instead of R.O.C. The history of colonisation in Taiwan is multi-phased. Taiwan was colonised by the Dutch, Spanish, Japanese and Chinese (Chiung, 2001; Tang, 2011). Each of these regimes exerted different levels of language control with varying results. In the 17th century, the Dutch and Spanish were primarily interested in establishing trading settlements and had limited influence on the island's linguistic repertoire, whereas the more recent Japanese and Chinese-Nationalist (KMT) control imposed strict monolingual assimilatory policies (Chiung, 2001; Tang, 2011).

Following the Chinese-Nationalist (KMT) party's retreat to Taiwan after the Chinese Civil War in 1949, Taiwan's current linguistic landscape was formed with 73% Hoklo-Taiwanese, 12 % Hakka, 13 % Chinese-Mainlanders, and 2% indigenous population (Tang, 2011). Even though the Chinese-Mainlanders were the minority, backed by the KMT, they held the military and political power to assert linguistic dominance. During the martial law period (1949- 1987), all languages other than Mandarin Chinese were banned (or limited) in public domains, such as schools and broadcasting (Tang, 2011). The 'one language one nation' ideology was established to strengthen the nationalist ideology against the



backdrop of the Chinese Communist threat (Sandel, 2003). During this period, the government devised a specific policy called the Mountain Reserve Policy (Hu, 2002; Tang, 2011), specifically targeted at the sinicisation of Indigenous people to assimilate the Indigenous population, resulting in intergenerational loss of language and culture (Tang, 2011).

With the end of Martial Law and increasing appreciation for the language rights of Indigenous people, the Council of Indigenous Peoples (CIP) was established in 1996 by the central government to strengthen the language revitalisation process for Indigenous languages in Taiwan. Currently, the nation has 16 officially recognised Indigenous Peoples (Council of Indigenous Peoples (CIP), n.d.). While CIP is the primary government agency in charge of the execution of Indigenous policies and coordinating planning, many of the laws and regulations relating to Indigenous language have been heavily criticised for their lack of real commitment, including a lack of funding and teaching hours (Chang, 1996; Hu, 2002; Huang, 2014; Pawan, 2004).

Historical institutionalism shows that past decisions and events shape what happens now and in the future through political systems and laws. This process often follows the same 'path' because it is hard to change course (Dupré, 2019). But, sometimes, significant moments in history, such as a change in political power can shake things up and allow for new ideas and major changes (Dupré, 2019). For instance, the presidential election in Taiwan in the year 2000 was such an opportunity where the ruling political power changed hands for the first time since KMT's occupation in 1949. The DPP -led government was elected and President Chen Shui-bian started a series of initiatives to challenge the Mandarin-Chinese dominance and to support the Indigenous language's legal status, fostering the opportunity to undermine Mandarin-Chinese's political and linguistic superiority (Dupré, 2017).

With a focus on ethnic equality and language rights (Tiun, 2013), ILDA is dedicated to the promotion of indigenous languages in Taiwan. Symbolic or not, this law aligned with DPP's vision of transitional justice. In a sense, ILDA is a policy effort for linguistic justice, not only for the indigenous population but for those whose first language was restricted during the Martial Law period (Ting, 2019, 2021). The Development of National Languages Act followed in 2019, which is not included in this paper due to the scope of this paper, but it demonstrates a new direction of the political will manifested in language policy.

Following President Tsai Ing-wen's apology to the indigenous population in 2016 (Mona, 2019; Presidential Office, 2016), one of the most significant milestones in the advancement of indigenous language and culture is the



establishment of the Indigenous Historical Justice and Transitional Justice Committee (原住民族歷史正義與轉型正義委員), which recognises the historical oppression of indigenous people. While this process has made strides in rebuilding trust between the Indigenous Peoples and the State (Mona, 2019), it has also elicited frustration among Indigenous communities as the scope of the Act on Promoting Transitional Justice set by the government has not fully taken into account Indigenous views about Indigenous claims for transitional and historical justice (Mona, 2019). For instance, the process does not deal with historical traumas predating the KMT occupation that resulted in a significant loss of indigenous language and culture (Nesterova, 2024).

2.2. *Intersection of language policy, ideology, and governance*

Despite the nation's early monoglot development, nation-states are increasingly legitimising minority languages with deep-rooted connections to their respective countries or territories (Blommaert, 2006). Taiwan reflects this global trend by implementing language policies with dual goals: shape a new national identity through the implementation of policies centred on indigenous languages (Ting, 2019; Ting & Teng, 2024) and enhance the country's international standing (Ferrer & Lin, 2024)

Ting (2019) also argued that the intention of these policies is to navigate around the one-China ideology that implies there is only one internationally recognised China. As such, initiatives to promote indigenous languages in Taiwan may be perceived as assertions of political autonomy that challenge the dominant narrative. It is argued that these latent policy intentions have influenced the effectiveness of these policies. The critique serves as a reminder that studies on these policies should shift their focus from the material aspects of language preservation to symbolic ideological positioning (Ting, 2019).

Regardless of the criticisms, ILDA is the first official Act passed by the Legislative Yuan in Taiwan in the name of Indigenous language revitalisation, which officially recognises the country's 16 Indigenous languages as national languages. Unlike the Six-Year Language Revitalisation Plans, the ILDA is an official law using legal language that is genre-specific. An official government law/Act reports the government's ruling. In other words, it is the legal intention of the government (Coulthard et al., 2016). This means the government reproduces and transforms its power through the production of laws and regulations. Its primary function is to exercise governance. It governs a particular way of life and is intrinsically related to governmental power and control. In this case, ILDA underscores the dilemma of multilingual tension where policy aims to diversify



linguistic ecology but may reproduce hierarchical control because of its genre-specific discursive function.

2.3. Linguistic human rights are discursively constructed, not simply legal guarantees

The notion of LHR affirms language ownership and the ability of speakers to take up agentic roles. It also facilitates democracy and protects against power imbalance between different groups. Ultimately, it embodies freedom, autonomy, and justice (May, 2015). It provides a legitimate space where the speakers have control of their narrative. However, to better understand the correlations between policy and rights, it is important to examine a few commonly held assumptions.

One misconception around language revitalisation and language policy is that language rights issues can be approached with the belief that granting these rights through legislative measures would be sufficient to address the challenges. These efforts operate on the assumption that by providing resources and opportunities for language usage, the language speakers will then be able to freely choose what language to use. It does not take into account that language shift often occurs due to power differentials that determine which languages are considered important in various societal domains, rather than a lack of resources alone. This means that while speakers may be seen as having choices, these choices are pre-determined.

Secondly, Law, an important domain of society, has the power to confer rights to certain groups of people. Recognising that the dominant languages also possess rights challenges indigenous or minority languages in the negotiation of power. For the dominant languages, their linguistic expression equates to the exercise of rights; speaking the 'right' language in the 'right' manner signifies a source of power (Bourdieu, 1991). However, when addressing the rights of indigenous or minority languages, the endeavour becomes notably challenging to navigate.

Even with good intentions, laws frequently act as inhibitors to the promotion of linguistic diversity and the exercise of these rights. Paradoxically, rights are supposed to be inherent and inalienable, such as the right to life, the right to religious freedom, the right to freedom of speech (Universal Declaration of Human Rights "All human beings are born free and equal in dignity and rights"). Language policy, on the other hand, operates as a specialised discourse that performs governance; it legitimises rights while delineating their limits.

These points illustrate that legislative efforts alone are not enough to support minority languages. It also shows that the lack of significant results in



language revitalisation efforts should not be attributed solely to the absence of specific language policy elements such as corpus, status, or acquisition (Spolsky, 2004). Instead, policy documents need to be viewed through a lens that takes into account the ideological factors in which the disruptive aspects of the language status interact with people's lives. In this regard, CDS is a fitting tool for the investigation, as I elaborate below.

3. Methodology

3.1. *Critical Discourse Studies (CDS)*

A critical discourse studies (CDS) methodological framework is used in this paper to investigate ILDA. As Ting (2021) pointed out, sometimes what the policies are for is not what they are about, as language policy is intrinsically political, and it must be examined with tools that are impartial to the polity, such as the linguistic devices used in this paper, which I elaborate on later.

Power, discourse and ideology are three key focuses of a CDS approach (Wodak & Meyer, 2016). Foucault (1990) articulated that power is exercised through the utilisation of discourse. In this sense, because policy is closely associated with power, policy cannot simply be viewed as a text; it must be viewed as a discourse, and policy in operation is a discursive practice. Considering discursive practice is a 'regulative' practice (Fairclough, 2010, p. 378), discourse is thus viewed as simultaneously an action, a representation and a being (Fairclough, 2010). For this reason, policy cannot escape the realm of control, nor can it be rid of the notion of power and ideology.

Since language policy is used to modify the linguistic behaviours and attitudes that people have towards a language, the typology of status, corpus, and acquisition planning (Hornberger, 2006) can be seen as a set of ideological instruments. I use Ricento's (2005) theoretical understandings that recognised language policy as a multi-layered operation to justify how CDS, which operates on an interdisciplinary basis, is an appropriate tool for the study of language policy. In this study, attention is paid to the symbolic and discursive practices, where the underlying ideologies are unpacked and explained, pertaining to their potential impact and causes on the language ideology of indigenous languages.

3.2. *The Method*

This Act contains 30 articles and is officially published in both Chinese and English languages and can be found on Taiwan's legislative Yun website. This shows that the Act can be read by Taiwanese people and communities worldwide. In Article 1, the Act sets out the intention of this



legislation and articulates its legal and constitutional underpinnings, which says, as intertextual references, that the establishment of the ILDA is based on the Constitution amendment and the Indigenous Peoples Basic Law (2005). Article 2 defines the terminology used in the Act. Article 3 further clarifies the term 'competent authority' and its jurisdiction. From Article 4 to Article 29, various language revitalisation measures are announced. These activities include promoting Indigenous language use through signage, publications, and broadcasting. It also encourages civil servants to take the Indigenous language examination. Moreover, it promotes language classes. Finally, budgets and funding sources are stipulated in the final articles. The Act ends with Article 30 announcing that the Act becomes effective from the day of promulgation. In the analysis, I used the English version officially obtained from the government website.

In the analysis, I start by surveying the text and getting a sense of what it is about (Wodak & Meyer, 2016), then I apply specific linguistic devices as units of analysis to provide evidence, as it is CDS tradition to involve systematic linguistic analysis. I draw on Fairclough and van Leeuwen's techniques in the analysis to unpack the purpose of the Act. In particular, I adapt 'the construction of purpose' (van Leeuwen, 2008) to identify 'who is responsible for what' in relation to the government's position on language revitalisation.

The construction of purpose (or grammar of purpose – van Leeuwen, 2008) was used in the analysis to identify the purpose and agency of the policy. To be purposeful, three elements are needed: purposeful action, purposeful link, and the purposeful statement. The purposeful action and the purposeful statement may be linked by simple conjunctions such as 'in order to', i.e., do X in order to achieve Y. 'Do X' is the action, 'in order to' is the purposeful link, and 'achieve Y' is the purposeful statement and, hence, the purpose. 'Achieve Y', in this case, is also viewed as the 'intention' of the speaker. Or the link may be implicit, so that a purposeful link can be inserted. The purposeful clause could be seen as a modalised clause as it shows the intention and preference of the speaker. The purposeful clause could be further analysed by examining linguistic devices that activate, materialise, instrumentalise, and objectivate the government's action (van Leeuwen, 2008), and thus, nuance the agentic roles and responsibilities of the government.

4. Findings

The Indigenous Language Development Act (ILDA) functions as a specialised discourse of multilingual governance, where the state articulates its



intentions and regulates linguistic rights through legal language. Using van Leeuwen's construction of the purpose framework, this study identifies how agency and responsibility are linguistically managed across the Act's 30 articles.

4.1. Symbolic power in language policy

This section begins by examining Article 1 of ILDA, which explicitly articulates the Act's legal intention and sets the tone for how governmental purpose and agency are linguistically constructed. Legal discourse, as a specialised genre of institutional communication, operates through formulaic and intertextual patterns that legitimise authority while masking responsibility. Analysing Article 1, therefore, provides insight into how the ILDA performs legitimacy discursively and how agency is represented, omitted, or obscured within its wording:

Indigenous languages are national languages. To carry out historical justice, promote the preservation and development of Indigenous languages, and secure Indigenous language usage and heritage, this act is enacted according to the provisions of Article 10, Section 11 of the Amendment of the Constitution and Article 9, Section 3 of the Indigenous Peoples Basic Law. (Article 1)

Article 1 outlines the rationale for the Act and conveys the government's intent. It also references other legislative documents through the phrase "according to". This highlights the connections of legal documents and further provides intertextual legitimacy by linking the Act to higher constitutional authority. This pattern is typical of legal discourse, where intertextuality functions to reinforce state power and institutional continuity. Understandably, referencing the Constitution in the opening provisions of legislation is a standard practice in Taiwan's legal drafting conventions. Nevertheless, the Act's opening article does not simply declare its purpose; it also performs authority, and since legal documents represent the government's position, they reproduce the institutional ideology.

Since no language has been granted official status under Taiwanese law, the first sentence of the article states that 'Indigenous languages are national languages', implying that the status of indigenous languages is at the same level as Mandarin Chinese. While the Act intends to instil legitimacy, the literature demonstrates the continued decline of the languages, their users, and domains. In this study, the Act was a focus of the DPP. Taiwan's DPP has tried different ways



to undermine Mandarin Chinese's dominant social status and the KMT's colonial power, including an attempt to make English an official language (Dupré, 2017).

Although the indigenous languages do not have official language status, referring to them as 'national languages' demonstrates recognition from the government, and therefore it bestows symbolic power (Bourdieu, 1991) to the Indigenous communities. However, performing symbolic inclusion does not necessarily foster structural change or specify mechanisms for restitution. By including the term 'national languages', it also gives the impression that the government is in partnership with the Indigenous community to build a 'nation', implying a construction of national identity that is inclusive of indigenous peoples (Ting, 2019, 2024).

In this light, the attempt to make Indigenous languages national languages could be seen as the DPP seeking to undermine Mandarin Chinese and its associated political power with the KMT. Subsequently, this is a political wrestle to gain power in its ideological position for Taiwan's independence over the 'one-China' ideology, given that Mandarin Chinese is supposed to be the unifying language of the two regimes. Knowing this underlying tension, Dupré (2017) prophetically wrote before the release of the Act that the Indigenous Language Development Act would "most likely be passed under the DPP government" (p. 135).

4.2. Ambiguity in legal discourse

The The second sentence of the article states the Act's purpose is to "carry out historical justice, promote preservation and development of Indigenous languages, and secure Indigenous language usage and heritage." In the extract, the 'to' (in order to) is a purposeful link, and there are three purposes following the link. However, the Act is not enacted because of these purposes; it is enacted because of the provisions in the Constitution and the Indigenous Peoples Basic Law as the use of 'according to' redirects the cause-and-effect relation of this statement. Some may simply say this is a genre-specific use of language or the conventions of legislative writing in Taiwan. However, this line of thinking negates the power language wields in the context of language for specific purposes. Since language use reflects our reality, I believe nuanced explanations are needed as I explain below.

The first purpose, 'carry out historical justice', is contestable because, in a historical sense, there was only injustice and social inequality. Therefore, this should read 'to realise historically (unrealised) justice', which would have the explicit meaning 'to mend historic social injustice'. The strategically paratactic



position of 'Indigenous languages are national languages' and 'to carry out historic justice' are uses of truism (Fairclough, 2001) as a taken-for-granted value regardless of its actual operation.

Additionally, it is suggested by van Leeuwen (2008) that, in order for the statement to be purposeful, the agency of the purposeful action is essential. In contrast to most of the other articles, which have either the central or local competent authority as active social agents responsible for the actions, the social agent is omitted in Article 1, thus making it unclear who is responsible for fulfilling the purposes. Even though grammatically this appears purposeful ("to" + verb), the absence of an explicit agent obscures who is responsible for the action. While it may be assumed that the agency is the 'government' or 'central competent authority' simply because a policy text conveys the government ideology, leaving out the social agent means that the 'who' is open to interpretation.

The agency could have been purposefully left ambiguous. The use of 'historical justice' indicates that two types of social agents are omitted. Firstly, 'justice' is positioned as a retrofitted social adjustment; for this reason, it is unclear who performed a 'bad' act in the past. Secondly, it is also unclear who will carry out justice in the future. By leaving out the agent, the miscarriage of justice in the past and the current liability are both negated. Nevertheless, because there are no social agents involved, the one who performs justice and carries out justice could also be the Indigenous community; this may be thought of as a collaborative effort between the government and the Indigenous communities. To be collaborative, both parties are assumed to have equal power. Similarly, for the third purpose, 'secure Indigenous language usage and heritage', no agency is nominated as an active agent, and therefore, this could be a collective effort.

Fairclough (2003) described the ambiguity and the lack of explanation within policies as having the "logic of appearances" (p. 94). This logic is devoid of time, space and responsibility, and the policy portrays "the socioeconomic order as simply given" (p. 95), which contains "descriptions with a covert prescriptive intent, aimed at getting people to act in certain ways" (p. 96). The coercive nature of the writing style means it is subtle and undetectable, yet the readers could be manipulated to assume 'it is the case'.

Notwithstanding the deflection of responsibility and the ambiguity about agency, Article 1 sets the tone of the Act. However, the analysis finds that Article 1 does not actually assume language revitalisation responsibilities. To further investigate whether the ILDA moves beyond a mere symbolic gesture, I used van Leeuwen's (2008) construction of purpose to unpack the policy intention.



4.5. Conditioned Empowerment in Multilingual Management

To apply the construction of a purpose analytical tool to a legislative act such as this one, I modify the structure by adding extra columns ‘Condition’ and ‘Agent’ so the attributes of these articles can be made clearer. In this structure, the first column ‘Condition’ indicates that the article is enacted within these conditions. That is, the ‘Condition’ section shows that some articles’ purposes are to be fulfilled when the required conditions are met. This is explained later in the analysis. The second column, ‘Agent’, relates to the responsible party for the ‘purposeful action’ and the ‘purposeful statement’ (the purpose). Put simply, the ‘Agent’ is the one who is to carry out the action.

The purposeful actions are the actions required in order to achieve the purpose (the purposeful statement). The purposeful statements are explicitly realised by the use of ‘to’, ‘in order to’, and ‘for the purpose’. I have used brackets () to insert a purposeful link if it is not already stated, i.e., in Article 13, ‘(so that)’ is inserted.

In Figure 1, I use Article 13 as an example to illustrate how these components were identified within the structure. The ‘Agent’ is ‘government agencies’, which is explicit and appears twice (see underline). The Purposeful Action, which leads to the fulfilment of the purpose, is ‘employ translators for interpretation’. Following the action, the purpose to be fulfilled is ‘Indigenous peoples may express their views in their Indigenous languages’ (see italic). However, there is no explicit conjunction to link the purposeful action with the purposeful statement (the purpose) in this case. Therefore, a link ‘so that’ is inserted, which is shown in Table 1. The rest of the article, ‘operate administrative, legislative affairs and judicial procedures’ belongs to the ‘Condition’ because it is only within these situations that the purposeful statements are to take effect. Articles within the Act that contain the structure of ‘construction of purpose’ are listed in Table 1. for the analysis.

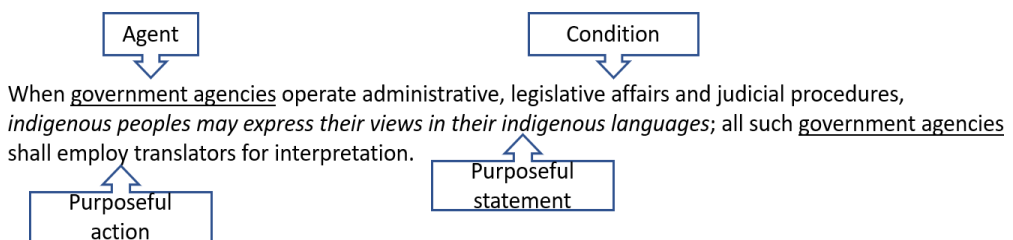


Figure 1. Components of the construction of purpose structure



The rest of the article, ‘operate administrative, legislative affairs and judicial procedures’ belongs to the ‘Condition’ because it is only within these situations that the purposeful statements are to take effect. Articles within the Act that contain the structure of ‘construction of purpose’ are listed in Table 1. for the analysis.

Table 1.
Articles containing the construction of purpose

| Article | Condition | Agent | Purposeful Action | Purposeful Statement (the purpose) |
|---------|--|---|--|--|
| 8 | | The central and local competent authority | promote the use of Indigenous languages in families, tribes, workplaces, gatherings, and public spaces | to create environments for the use of Indigenous languages. |
| 9 | | The central competent authority | consult all Indigenous ethnic groups | in the development of new Indigenous terms, compile dictionaries of Indigenous languages |
| 13 | When operate administrative, legislative affairs and judicial procedures | government agencies | all such government agencies shall employ translators for interpretation | (so that) Indigenous peoples may express their views in their Indigenous languages |
| 13 | | The central competent authority | establish a database of Indigenous language professionals | for government agencies at all levels to employ as needed. |
| 19 | in accordance with the provisions of the 12-year Compulsory Education Native Language Curriculum | The school | provide courses on Indigenous language | to meet the needs of Indigenous students |



| | | | |
|----|--|---|--|
| 20 | The central competent education authority | encourage all institutions of higher education to set up Indigenous language courses and establish relevant faculty, department, college, division, or degree program | to foster talents in Indigenous languages |
| 21 | The competent authority of a special municipality and a county(city) | offer classes | for the public to study Indigenous languages |
| 27 | The central competent authority | designate budgeting and accept donations from private, legal persons or groups to establish the Foundation for Research and Development of Indigenous Languages | for the purpose of administering research and development in Indigenous languages |
| 29 | the government | designate a budgeting every year | for the advancement of all measures of Indigenous language development set forth in this act |

Note. **Bold text indicates the conjuncture which leads to the purpose;** () indicates an inserted link.

Table 1 shows that, in this 30-article Act, only eight articles contained purposeful statements that directly validate the action as purposeful. Note that Article 13 appears twice because two statements within this article fit into this structure. Once a statement is deemed to be purposeful it is also considered ‘legitimised’ because the construction of purpose is part of the rationalisation strategy (van Leeuwen, 2008). Within these eight articles, the purposeful action and the purposeful statement are connected with a purposeful link (e.g., ‘to’, ‘in’ and ‘so that’). The agent who is responsible for carrying out the action specified



by the article is also named (e.g., ‘the central and local competent authority’). The purposeful statements made sense for two reasons. First, they are logical – the purposeful action and the purposeful statement have a logical link. This is either explicit by the use of linking words, such as ‘for’, ‘to’, and ‘for the purpose’, or the readers can infer the linkage (see the inserted ‘so that’). Second, they often use an agreed moral value or share a public interest, for example, ‘to meet the needs of Indigenous students’ or ‘for the public to study Indigenous languages’. Since an official law in a democratic society is supposed to be a collective agreement of its people, the Act, in a sense, is assumed to have been approved by the public, a genre-specific assumption. This perceived public support legitimises these actions by suggesting these are based on rational decisions, which indicates a consultation process, and thus they are the ‘right thing to do’.

These conditions render rights contingent rather than inherent, creating bounded, conditioned multilingualism: the right to use Indigenous languages is permitted only within government-defined domains. For instance, Article 13 allows Indigenous peoples to express themselves in their languages “when government agencies operate administrative or judicial procedures.” This restricts linguistic freedom to bureaucratic interactions and simultaneously reinforces state control. Similarly, Article 19’s purpose “to meet the needs of Indigenous students” is limited by the existing national curriculum, aligning revitalisation with state pedagogical structures rather than community practice.

Notably, the activation of these conditions depends on specific institutional contexts, such as schooling or legal proceedings and the purpose can only be exercised under certain conditions. For example, Article 13 below states.

When government agencies operate administrative, legislative affairs and judicial procedures, Indigenous peoples may express their views in their Indigenous languages; all such government agencies shall employ translators for interpretation.

The purpose ‘Indigenous people may express their view using Indigenous language’ echoes the discourse on the LHR movement, where the right to use one’s language is a human rights concern (Hinton & Hale, 2001; Skutnabb-Kangas, 2013). However, with the imposed condition, the purpose is restricted to administrative and legal procedures.

Similarly, in Article 19, the purpose is ‘to meet the needs of Indigenous students’, which should, in common sense, be all needs; however, it is restricted by the ‘12-year Compulsory Education Native Language Curriculum’ condition



(see Table 1 and full quote below). This means that if the needs are outside the scope of the curriculum, these needs may not be met. Here is the full statement of Article 19:

Schools shall provide courses on Indigenous language in accordance with the provisions of the 12-year compulsory education Native Language Curriculum to meet the needs of Indigenous students, and encourage instruction in Indigenous languages.

The conditions in Articles 13 and 19 carry a heavier currency in terms of their influence on ideology because they are related to two influential institutional powers that appropriate ideology: the legal system and the education system.

Although the policy creates an empowerment discourse of the indigenous speakers in terms of the purposeful action and purposeful statement, the function of these articles has a quality that is akin to a conditional clause, similar to an 'if' statement (van Dijk, 1996). In other words, if the conditions are not met, the statements are not applicable, making the articles redundant. In which case, the statements may be seen as "counterfactual" (van Dijk, 2006, p. 736). A counterfactual conditional statement carries the meaning of 'If X, Y would happen'. Therefore, it suggests that by adding the conditions, what seem to be purposeful actions become social practices controlled by the government. So it seems, while Article 1 establishes a symbolic recognition of Indigenous languages, the subsequent articles operationalise this recognition through conditional clauses that delimit when and how such rights may be enacted. In this way, the ILDA transitions from symbolic inclusion to regulated practice, framing multilingualism as an administrative arrangement rather than a lived right.

5. Discussion

The The ILDA represents a specialised form of legal language through carefully chosen grammatical patterns. The texts perform governance by determining who may act, under what conditions, and toward what ends. Following the examination of the purposefulness of the Act, it is found that only eight of the statements comply with the construction of purpose structure, that is Actor + Purposeful Action + Purposeful Statement. These clauses are grammatically purposeful but institutionally hollow. They outline noble intentions, yet the authority remains confined to the state-controlled administrative activities. Such constructions create a discursive space in which multilingualism is symbolically recognised but the practice is regulated within institutional



boundaries. Put plainly, the Act legitimises multilingualism at the level of discourse (through recognition and status) but delimits it at the level of practice (through conditional use and state oversight). This creates a form of multilingualism where linguistic rights are markers of modernity and justice, yet embedded within administrative logics that maintain state control (May, 2018; Tollefson & Pérez- Milans, 2018). From this perspective, Taiwan's ILDA exemplifies how rights can be discursively constructed as conditional privileges rather than inherent properties.

The analysis also shows that simply aligning the policy to meet LHR expectations fails to recognise historical and systematic oppressions caused by colonisation. It should be cautioned that by allowing a language to be spoken, people not only need to be willing to speak they also need to have the capability to use the language. Currently, the lack of capability-building measures or fluent speakers means that perhaps many willing speakers will resort to the dominant Mandarin Chinese as a way to support their desire to carry out cultural and language-related activities. For instance, in a legal setting, due to the lack of fluent speakers, one may resort to using Mandarin Chinese as the preferred language so as not to be disadvantaged. This reduces and jeopardises the opportunity to eventually achieve the aim of indigenous language revitalisation. In most domains, Mandarin Chinese is still the dominant language; as a result, the opportunity to use one's indigenous mother tongue is hardly readily available.

The conditions within the ILDA are confined to certain domains, some of which embody the essence of the Mountain Reserve Policy (Hu, 2002), suggesting a control mechanism, resulting in the dominance of the government being ubiquitous within the Indigenous language revitalisation discourse. The government's control over certain domains and activities instils the legitimacy of the government.

When considering the problems with the empowerment discourse, there are several points to note based on the concept that discourse is simultaneously an action, representation and being (Fairclough, 2003, 2010). First, discourse as action entails that we use discourse to do things, that it is a social action. The pitfall within the discourse of the empowerment of Indigenous people is that this discourse is somehow equated to the action of language revitalisation. Therefore, by having such discourse, it is perceived that the language revitalisation work is done, or is being carried out. This perception in fact takes the power away from the Indigenous people because seeing the policy as solutions to problems is depersonalising or disempowering the language speakers. The policy, by being



presented as 'solving language revitalisation problems', replaces the need for the speakers to take action and exercise the power to act.

In terms of discourse as representation, the empowerment discourse represents institutional power and practices as well as the people's perspective on the government and on language revitalisation. The government positioned itself within the policy scope as supportive. However, as pointed out above, some aspects of the support favour the government's existing positions. This is not to say that the government is two-faced; rather, it highlights a power imbalance which reflects the concept of the linguistic Stockholm syndrome described by (Ting, 2023) to indicate the nature of the complexity surrounding the ILDA.

6. Conclusion

ILDA is a genre of governance, characterised by precision, authority, and formality. It defines relationships, constructs obligations, and legitimises institutional power through linguistic form. ILDA is a legal text that performs governance by linguistically constructing what counts as rights, justice and purpose. The construction of purpose analysis reveals that the ILDA constructs linguistic rights through grammatical ambiguity and conditional modality. As a genre of legal discourse, the ILDA exemplifies how multilingualism is governed through linguistic form, where the grammar of law performs inclusion while reinforcing institutional hierarchy.

By treating legal texts as specialised multilingual discourse, this study demonstrates that power and rights are mediated through rigid structural means. Recognising how policy language constructs purpose and agency can inform more equitable policy design. It also invites comparative inquiry into how different nations discursively perform linguistic justice in the management of diversity. This way of looking at indigenous language revitalisation efforts within policy discourse hopefully demystifies some of the taken-for-granted positions.

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