Aboriginal

Through its mention in section 35 of the *Constitution Act, 1982*, the term “Aboriginal” has surged to heavy usage both in the legal sphere and in general Canadian English.[1]

Aboriginal is an inclusive term, covering various peoples with ties to the original inhabitants of Canada. Section 35(2) of the *Constitution Act, 1982* states that “'Aboriginal Peoples of Canada' includes the Indian, Inuit, and Métis peoples of Canada.” Because the list is open-ended, it is possible that the legal definition of “Aboriginal Peoples of Canada” may be interpreted to cover other peoples not specifically mentioned, as long as such interpretations are in keeping with the characteristics of the listed groups.

Aboriginal is also a flexible term, since it can be used to refer to Aboriginals as individuals, or as groups:

i) An Aboriginal person: A person whose ethnic ancestry traces back to the original inhabitants of Canada may refer to herself as “an Aboriginal person”, regardless of whether she qualifies particularly as a Métis, an Inuk, a First Nations person, or an Indian.

ii) An Aboriginal people: A group of people participating in a shared society whose origins derive from a connection with a group of the original inhabitants of Canada may be “an Aboriginal people”. A First Nation or a Métis nation is therefore an Aboriginal people.

iii) Aboriginals: The word “Aboriginals” does not distinguish between individuals and collectives, and includes both.

Legally, Aboriginal is often associated with Aboriginal rights, as recognised and affirmed in section 35(1). The constitutional use of the word Aboriginal, in addition to its advantageous flexibility as a catch-all term, has led Canadian political and legal institutions to gradually abandon the word "Indian" in favour of the word "Aboriginal".[2]

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[1] *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982 (UK), 1982*, c 11, s 35.

[2] In 2011, for example, the Federal Government changed the name of the Department of Indian Affairs and Northern Development to the “Department of Aboriginal Affairs and Northern Development”.