

**Philippe Van Parijs**

***Grab a Territory!***

**How equal linguistic dignity can be reconciled with English  
dominance in the European Union<sup>1</sup>**

*In Ties that Bind: Accommodating Diversity in Canada and the European Union*, Johanne Poirier, John Erik Fossum & Paul Magonette eds.,  
Bern-Berlin-Brussels: Peter Lang, 2009, 155-172

In the European Union as elsewhere, the ever growing and irreversible dominance of English is frequently perceived and sometimes indignantly denounced as being grossly unfair. It definitely raises issues of cooperative injustice, i.e. relating to the unfair spreading of the burden of producing the lingua franca between those who have to learn it as a foreign language and those who have it as their mother tongue. It also raises issues of distributive injustice, i.e. relating to the inequality of opportunities deriving from unequally valuable native competences. But these issues need not worry us unduly, as the development that produces them is accompanied by a self-corrective process, or at least by an easy opportunity for sufficiently astute non-anglophone communities to trigger such a process. The free-riding of Anglophones on the language learning of non-anglophones — cooperative injustice — can be significantly offset by the free-riding of non-anglophones on unprotected or poorly protectable information generated more than proportionally by anglophones. And the language-based material and political advantage of native anglophones — distributive injustice — will gradually get eroded and eventually be reversed by the cheapening of the learning of

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<sup>1</sup> This chapter is a component of the draft of a book in progress under the title *Linguistic Justice for Europe and for the World* (O.U.P.). Some of the claims it takes for granted are being presented and defended in other components of this book, which will be referred to below as *LJ* followed by chapter number). A first rough formulation of the book's main claims can be found in Van Parijs (2004).

English as a result of intelligent policies such as an inexpensive ban on dubbing and of the very spread of the use of English in an increasing number of contexts.<sup>2</sup>

For many of those most incensed by the growing dominance of English, however, the measures that would effectively tackle linguistic injustice as cooperative and distributive injustice make it worse in a third and more fundamental sense: as unequal dignity. Plundering the web may provide a clever form of compensatory free riding and a ban on dubbing an effective way of democratizing valuable language skills, but both will undeniably contribute to further accelerating the dominance of one language over all others. The primary, most fundamental injustice, it is often felt and claimed, resides precisely in what this dominance expresses: a lack of respect towards the “dominated” languages and their native speakers, the ascription of an inferior, humiliating, insulting status to the people whose identities are closely tied to them.<sup>3</sup> Even if the burden of learning the lingua franca as a second language is shared fairly by the people who have the lingua franca as their mother tongue, even if second-language competence is widely and thoroughly spread or the residual handicap adequately compensated, there remains the painful fact that the language of one subset is being given a privileged standing far above all others.

For the resentment thus expressed to make ethical sense, justice must not only be a matter of distribution of outcomes or of opportunities, whether material or not. It may be the case that being regarded as belonging to an

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<sup>2</sup> See LJ 2 and LJ 3 on cooperative justice and distributive injustice, respectively, and on how best to address them.

<sup>3</sup> It need not be assumed that people’s collective identity is universally linked with a language, or that it is more often, or more strongly, linked with language than with religion or ethnic origin. What is special about languages is that a privilege needs to be given to one of them across borders in today’s world (see LJ 1), whereas there is no analogous case for a privilege to one religion or one race. (There is an analogous case for the privilege a city must be given as the political capital of a supra-national political entity, but this is a privilege granted to a space where all citizens of this entity must be welcome, not to a particular group of people.)

inferior category, whether caste, class or ethnic group leads to discrimination or to a lack of self-confidence that reduces one's welfare or life chances. But the idea is here that, irrespective of such effects, justice requires people to be granted equal dignity. In a situation in which people's collective identities are closely linked to their native languages, there arises a major threat to the recognition of an equal status to all as soon as the native language of some is given what is unquestionably a superior function. In this light, linguistic injustice as unequal dignity can plausibly be claimed to constitute the most fundamental form of linguistic injustice, and may well turn out to be the one hardest to fix.

## **1. Demystification**

If linguistic injustice as unequal dignity is to be addressed, the repeated demystification of the superiority ascribed to one of the languages is one obvious ingredient of what needs doing, especially as the dominance of the language tends to breed arrogance amongst its natives. There need not be anything obnoxious, or petty, or insulting to others, in taking some pride in one's mother tongue having been picked as the world's lingua franca — not more, at any rate, than in being proud of the fact that a boy from one's village was picked as a page to the King. It may nonetheless be wise to reassert now and then that the choice was not based on any intrinsic quality, on anything like the superior rationality, the *génie* which Julien Benda (1933: 78, 81) was claiming for French when advocating its adoption as Europe's language.<sup>4</sup>

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<sup>4</sup> Even when comparing the languages of developed industrial societies to those of traditional agrarian societies, there is little to back the suggestion that some evolutionary process led to the survival of the (linguistically) fittest (see e.g. Skutnabb-Kangas's (2003: section 3.3) critique of Weinstock's (2003: 257) claim that "languages might disappear simply because they are ill-equipped to deal with the requirements that modernity places on them". When applied to a set of closely related languages spoken by similarly developed societies, no such claim can make the slightest sense.

After all, English is nothing but the mishandled heir of a sort of Dutch spoken by a few hordes of Germanic Barbarians — Angles, Jutes, Saxons and Frisians — when they ventured across the Channel in the 5<sup>th</sup> century A.D.. It was later messily bastardised as a result of tough colonization by Scandinavians, first straight from Norway, next and foremost via Normandy, where they spent enough centuries to pick up the 10.000 French words they ruthlessly implanted into the little that remained of the old English language. Subsequently left to stew in what had by then become known as England, it was further enriched over the centuries from the top down by sophisticated scholars shamelessly plundering Latin and Greek lexicons and from the bottom up through the reluctant incorporation into grammar books and dictionaries of the unspeakable slang of defiant youth. This exceptionally hybrid nature of the English lexicon is sometimes used as a selling point.<sup>5</sup> But it has nothing to do with intrinsic suitability, and in any case this contingent convenience is lost as soon as natives of languages that are neither Latin nor Germanic come in.

Nor is it otiose to reiterate, whenever an opportunity arises, that the choice of English is not rooted either in any ethnic superiority of its native population — by now anyway a pretty mixed bunch of people which owes its large size far (and ever) less to the reproductive zeal of the Angles' remote offspring than to the sequencing of the waves of migration into North America and to the efficiency of the gigantic immersion language course offered daily to millions of migrants in US schools and streets, workplaces and shopping malls. Had the Angles been too feeble to built boats strong enough to take them across the Channel, or had the Brits of 5<sup>th</sup> century been able to resist the Germanic invaders as effectively as their 20<sup>th</sup> century successors did, the linguistic landscape of the world would no doubt have been quite different. But to explain the recent past of language spread and to

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<sup>5</sup> For example, among all 6000 languages of today's world, where could Belgium have found a more miraculously half-way compromise between Dutch and French ?

predict its future, a less dramatic but no less powerful micro-mechanism is bound to be relevant: the explosive interaction of probability-sensitive learning — the higher the probability with which one practices (and expects to practice) a language, the more quickly and thoroughly one learns it — and minimex communication — the language that systematically tends to be picked for communication in a context of linguistic diversity is the language that excludes least, i.e. the language that is best known by the conversation partner who knows it least well.<sup>6</sup>

## **2. Symbolic affirmation**

All this may be worth rehearsing whenever arrogance shows up, but it would be foolish to expect such rehearsal to be sufficient to secure the equal dignity of all languages and their native speakers. More significant is the ritual, sometimes ceremonial, affirmation of the equality of all recognised languages. In contexts of high symbolic significance, using just one of the languages is like hoisting just one of the national flags or shrinking the other ones to the size of handkerchiefs.

For example, it is no doubt a commitment to something like this equal dignity that led President Valéry Giscard d'Estaing, when solemnly opening the European Constitutional Convention in February 2002, to take the trouble to say "Mesdames et Messieurs" in the EU's (then) eleven official languages. Far more significantly, in addition to reasons of a more pragmatic nature, symbolic considerations are also prominent in supporting the obligation to publish all EU legislation in all official languages or the right for each member of the European Parliament to express herself in her national language.

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<sup>6</sup> See *LJ* 1. Bearing this simple mechanism in mind is essential both to understand current trends and to design feasible and desirable policies.

However, as the number of recognized languages has grown from the initial four of the “European Communities” to the present twenty three and as competence in the lingua franca keeps spreading, the equal use of all of them in all circumstances that can be regarded as symbolic becomes increasingly time-consuming, tedious, confusing and costly, and increasingly perceived as such.

Take, for example, the citizens’ right to have directly applicable EU legislation available in their own language. As technical legislation starts being as easy or easier to understand by those concerned if read in English than in their native language, it will become ever more pointless to translate it at great expense of jurislinguistic expertise into twenty languages, in several of which the texts will not even be read once. Would it be unacceptable to drop the requirement of availability in all languages? Would it clash with the requirement that all citizens should be equal before the law, and hence be reasonably expected to possess the ability to understand it. Given the spread of English in the younger generations, it will soon be the case that this regime would not be worse than existing national regimes in their relationship to most immigrant linguistic communities, however large, and to several regional linguistic minorities. As competence in English spreads to the point of being known, on average, just about as well as national languages currently are by linguistic minorities, the principle of equality before the law and the presumption of knowledge of the law would hardly be at greater risk under a unilingual European regime than it currently is under many national unilingual regimes. The additional difficulty (if any) created by the use of English will be negligible compared to the difficulty inherent in the use of (sometimes needlessly intricate) legal jargon. Indeed, because of the many mistakes that unavoidably creep into translations that

cannot realistically be treble-checked by experts<sup>7</sup> and because, in case of ambiguity or discrepancy, courts will have to decide which version is the authorized one<sup>8</sup>, equality before the law will be better served if all are expected to use directly the authoritative version

For another illustration, consider the right of the members of the European Parliament to express themselves in the language of the people they represent. With the growth of the number of languages, communication in the plenary sessions and committee meetings of the European Parliament gets slowed down and becomes more uncertain as a result of interpretation having to use a relay language. At the same time, competence in English spreads both among potential EP candidates, their immediate addressees<sup>9</sup> and among the people back home to whom accountability is due. Hence a growing pressure on MEPs, starting with those with less widespread native languages, to express themselves in English even in formal, symbolically laden contexts, not only in informal ones. The recruitment pool of qualified MEPs will hardly shrink, the mutual understanding between participants will be significantly enhanced, and the degree of accountability to the electorate will hardly be reduced. Once only the symbolic value of asserting the equality of languages by using one's mother tongue is left to justify a costly and cumbersome practice, the latter will have a high time to survive.<sup>10</sup>

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<sup>7</sup> Thus, over significant 500 mistakes were detected in the officially published version of the Latvian translation of the EU draft constitution which the Latvian Parliament was asked to ratify (Ina Druviete, Latvian Minister of Education, at the IVth Nitobe Symposium, Vilnius, 30 July 2005). And where would small language groups find the resources to train enough competent linguists to carefully check legal texts? For example, after the 2004 enlargement, over half the department of interpretation and translation of the University of Vilnius (Lithuania) moved to Brussels.

<sup>8</sup> According to David Gladdol (IVth Nitobe Symposium, Vilnius, 30 July 2005), the maritime industry spent millions of Euros getting clarity from the courts about the (only authoritative) English version of international maritime law.

<sup>9</sup> See Mamadouh & Hofman (2001) on the linguistic competence of MEPs.

<sup>10</sup> It is sometimes argued that MEPs should not be selected in the light of their linguistic skills, but only on the basis of the trust their electorate can have in them. This is a flimsy argument. It is obviously in the interest of any electorate that its representatives should do a good job at linking up with others and influencing decisions. Elected to the European

It does not follow that there is no prospect, in the longer term, for the symbolic assertion of equal linguistic diversity. But the ambition will need to be modest. In the many contexts in which using all languages, for the reasons mentioned, is out of the question, one formula consists in using a subset of them as a symbolic reminder of the diversity of European languages and a public denial of Anglophone despotism. This is a delicate path to tread, as expanding the subset beyond a single language unavoidably creates the risk that those whose language is still excluded will feel further diminished. The criterion of selection must be such that it can itself claim some symbolic significance. One obvious possibility, very commonly used, is to combine the use of English with the official language of whichever country a particular communication happens to take place. But this option is not available when communication is deterritorialized, as is the case when it operates on the web, as is ever more the case, or indeed when it is being staged in Brussels, increasingly perceived as the capital of the Union rather than as the national capital that happens to host the bulk of its institutions.

Under such circumstances, an option sometimes adopted consists in using on the same footing the three working languages of the European Commission: English, French and German. Why French and German in addition to the lingua franca? One justification is that they are the two most widely spoken languages with the majority of their native speakers inside the EU, one from each of the main language families within the EU. Another is that the EU would never have existed had France and Germany not found the strength, under inauspicious circumstances, to make the founding move.

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Parliament, they will perform far better in this respect if they master languages other than their native one, especially those most widely known among their colleagues, among the staff of the European Parliament, of other EU institutions and of all the trans-national organizations for whom it is important to communicate with MEPs and with whom it is important for MEPs to communicate. Linguistic skills of the right sort are therefore an exceedingly meaningful criterion of selection and self-selection for political positions at EU level. For those who lack these skills, there are plenty of linguistically cosier levels at which they can pursue their political careers.

Whenever location needs to be bracketed out, stopping at these three languages is therefore arguably less arbitrary, as regards symbolic significance, than any other short list of languages. As the EU ages away from the founding moment and/or as the French-German partnership plays less of a driving role in its further development and/or as continued enlargement reaches far beyond the Latin and Germanic domains, the feeling of arbitrariness is bound to grow, however, and hence also the impatience with giving a symbolic privilege to French and German that interferes with pragmatic considerations, typically by occupying space and hence shrinking the size and effectiveness of written messages or by occupying meeting time with speeches intelligible to only a minority.<sup>11</sup>

In the longer term, therefore, the symbolic assertion of the equality of languages may well reduce to very little, for example the way in which the various EU institutions choose to call themselves on the front of their headquarters. A quick look at the five institutions based in Brussels reveals very different choices. The European Parliament is clearly the institution that takes the linguistic equality most seriously. The plaques on which it identifies itself use all 23 languages, and room has cautiously be made for a couple of vacant slots. The cost of renewing the plaque as the number of official languages expands is negligible, however, relative to the cost in terms of effective communication. Amidst the information overload that surrounds us, cluttered, mostly unintelligible messages are at a great disadvantage, even simply to convey such elementary, largely self-evident information. In comparison, the Council of Ministers took it very easy by opting for Latin: it calls itself the "Consilium", its building is called "Justus Lipsius" and it was inaugurated by Olivier de Charette, "praesidens". Present for the longest

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<sup>11</sup> For analogous reasons, it seems a particularly bad idea to maintain the prevalence of French in the European Court of Justice (see Aziz & Van Parijs 2002). The symbolic denial of English-only through using a less widely understood language can only increase the average level of alienation.

time and most massively, the European Commission is still sticking to the ever less plausible fiction that it is simply hosted in Belgium's officially bilingual capital and therefore consistently endeavours to conform to the local legislation by using Dutch and French to name itself and the relevant "Direction Générale" next to the entrance of each of its buildings, as if the locals were the sole or chief addressees of these messages. Since the renovation of the Berlaymont, its central building, provided it with the possibility of posting huge slogans above the the Rond-Point Schuman, the Commission gave up this fiction and opted squarely for English, occasionally adding French and Dutch in smaller print. As to the Committee of the Regions, it replaced its initial English-only name by a French-Dutch inscription, while later celebrating in English only the 50<sup>th</sup> anniversary of the Treaty of Rome. Finally and most anomalously, the Economic and Social Committee, which shares the same building as the Committee of the Regions, decided to name itself in English and French and has been sticking to it — so far.

What this somewhat embarrassed linguistic gymnastics shows is that, even in the case of very elementary and highly symbolic messages, there is a strong tension between the requirement of communicative efficiency and the wish to assert the equality dignity of all recognized languages. The larger the number of recognized languages and the more widespread the asymmetric learning of one of them, the stronger this tension. Attempts to dodge the issue by going for the Council's nostalgic Latin option or for the Commission's fictional Dutch/French option are gradually giving way to formulas that give English a paramount role while paying increasingly marginal lip service to other languages.<sup>12</sup> The symbolic assertion of equality

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<sup>12</sup> If Latin is too past-oriented and too linguistically biased for this remaining lip-service symbolic use — the name of an institution on its building, an inscription on a bank note, a motto next to the European flag —, might there not be some viable role here for Esperanto — notwithstanding all that can be said against its use in lingua franca function (see *LJ* 1)? Esperanto is not exactly a neutral language but with its initial stock of 60% of Latin words,

therefore ends up hardly less promising than demystification as an effective way of pursuing linguistic justice as equal dignity.

### **3. Linguistic territoriality**

There is, however, a third, arguably far more credible way of expressing and thereby pursuing the equal dignity of the various languages concerned and the associated identities. In the European case, it consists in allowing each of them to be “queen” in some part, large or small, of the EU’s territory, thereby granting a privilege, within the limits of that territory, to the identity associated with the language to which that territory has been ascribed. Within those limits, it is that language, and not a lingua franca, that is given the top function, that operates as the official language of the population as a political community. This guarantees that it is not always the same who need to do the bending down. It allows each linguistic community in turn, depending on location, to be the special one. It inhibits arrogance by blocking universal supremacy. The symmetry entailed in such a set up is the only really significant way in which linguistic justice as equal dignity can be implemented, consistently with the full acceptance of the systematic asymmetric bilingualism inherent in the adoption of a lingua franca.

For this strategy to work, it must be realistic to expect those who settle on a particular territory to have the courage and the humility to learn the territory’s official language if they do not know it already. Under present conditions — of comparatively high mobility and lingua franca spread —, this

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30% of Germanic words and 10% of Slavic words (van Heerikhuyzen 2004: 271), it has a far stronger claim to equidistance from the EU’s twenty three official languages than Latin has, and one that would be most welcome in order to correct somewhat, after the 2004 enlargement, the Western bias of the symbolic trio of working languages. Moreover the Esperanto movement’s ideal of universal peace and mutual understanding on an equal footing across the borders of warring nations, is one which the EU should dare to be associated with in this highly symbolic mode — certainly more than with the Roman imperialism that spread Latin all over Europe.

requires the implementation of fairly strong versions of what I shall call a *linguistic territoriality regime*, i.e. a set of legal rules that constrain the choice of the languages used for purposes of education and communication. The total absence of a linguistic territoriality regime would correspond to a regime in which the choice of language in any context is simply demand-driven: a language will be allowed for a particular purpose if a sufficient number of people want it to be used, with all linguistic aspects of social life adjusting swiftly to people's preferences under the sole constraint of threshold levels imposed by a cost-conscious use of resources. Whether a linguistic territoriality regime is in place is therefore a matter of degree: it depends on how firmly legal rules constrain this "spontaneous" choice of language within the confines of a particular territory.

In the sense in which I shall be using the expression, therefore, a linguistic territoriality regime is not simply a language regime that is determined by the authority that rules over a particular territory. Which language(s) one is allowed to learn at public expense, to speak and write while expecting to be understood by public officials, or to get public information or services in, is always specified, explicitly or not, by the legislation of the territorially circumscribed political entity in which one might wish to exercise these various rights. In this broad sense, all language regimes, like all legislation, instantiate a territoriality principle, just as they instantiate a personality principle in the general sense that the rights they create are ascribed to individual persons. As I shall use it here, the notion of a linguistic territoriality regime does not refer to how much power linguistically distinctive communities are given over linguistically relevant legislation, but to how constraining or, on the contrary, accommodating public practices are to the linguistic wishes of the people who happen to live within given borders, irrespective of whether the relevant legislative authority corresponds to these borders. The more linguistic practices are

restricted for reasons irreducible to a lack of sufficient demand, the stronger the linguistic territoriality regime involved and the smaller the room left for what is sometimes called a linguistic personality principle in the specific sense of each user being entitled to freely use the language of communication in any context.<sup>13</sup>

Whether out of a concern for freedom, for privacy or for effective implementation, existing linguistic territoriality regimes tend to confine themselves to the coercive regulation of (state-organized or state-subsidized or at least state-recognized) education and to communication in public settings.<sup>14</sup> The latter typically covers the internal working language of public administration and the language in which public officials communicate with the public, the language in which the courts operate and in which the public media broadcast, the language in which official information is displayed in public spaces, sometimes also the language of commercial messages in public spaces and of formal business in large private firms, and the language in which laws are published, elections organized and proceedings conducted in local, regional or national assemblies.

In all these cases, the coercive rules that define the linguistic territoriality regime interfere with the spontaneous interaction of probability-sensitive learning and maximin communication.<sup>15</sup> They typically impose

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<sup>13</sup> On this distinction (often misleadingly used), see Réaume (2003) and Patten (2003).

<sup>14</sup> One strong way of justifying this sort of restriction is by arguing for minimum linguistic rights as a correlate of a fundamental freedom of expression or as a component of a right of self-ownership (see, for example, Alan Patten's (2006) linguistic "rights of toleration"): no legislation can forbid us to learn or use a particular language (or dialect or idiolect), whether for the purpose of chatting, singing or publishing, But it is no violation of such fundamental rights to restrict funding or recognition to some language learning or to impose language restrictions for the use of public services or facilities (including wave lengths and open public spaces). The internal life of private firms constitutes a contentious grey area: why is it legitimate to constrain language use within a firm whether it is not within a household or a voluntary association? Presumably for reasons analogous to those that circumscribe the scope for legitimate anti-smoking or anti-discrimination legislation.

<sup>15</sup> In *LJ 1*, I argue that changes in linguistic competence in today's world are essentially produced by the explosive interaction of two micro-mechanisms: differential learning according to the probability with which one can expect to have to practise a particular

public education in the local language to those who would prefer to have their children taught in another language. Or they impose administrative or judiciary procedures in the local language even in cases where another language would better facilitate mutual understanding. As a result, more people will learn the local language, or will learn it more thoroughly, than if probability-sensitive learning had been left unconstrained, thereby increasing the frequency with which the local language will be the maximin language. At the same time, more interactions will occur in the local language than if maximin were given free rein, thereby creating both a stronger incentive and a wider opportunity to learn the local language. Consequently, the fact that the language of private communication should be immunized from the coercive grip of the linguistic territoriality regime does not mean that it is immune to its influence: which language is picked as the medium of schooling and public communication can obviously be expected to have a profound impact on linguistic competence and hence on the spontaneous (maximin-guided) choice of language in totally uncoerced private communication.

#### **4. Context-sensitivity**

In the standard case of a linguistic territoriality regime, one single language is imposed throughout the country concerned in the various contexts deemed in need of regulation. But in several cases, different languages are imposed in different parts of the same country. And in some cases, more than one language is imposed in part or the whole of a country (think, for example, of Catalonia and Luxemburg, respectively). Often applied unwittingly by nation states, the linguistic territoriality regime

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language (for both motivation and opportunity reasons) and choice of the maximin language (the language whose worst user uses it better than the other languages are used by their worst users) for communication among plurilinguists.

becomes salient when introduced, modified or strengthened as part of the formation of a new sovereign state (from Norway to Bangla Desh and from Estonia to East Timor), but it has also been present from the start in the highly decentralised plurilingual Swiss Confederation and has been introduced, under strong pressure from the dominated linguistic communities, in a number of other plurilingual states such as Belgium in 1932 (with a number of explosive exceptions) and Canada in 1975 (with Quebec's notorious "Law 101"). As democracy spreads or deepens throughout the world, especially in that majority of its states whose populations are more than marginally plurilingual — bearing in mind that there are over 6000 languages yet hardly more than 200 sovereign states —, the linguistic territoriality regime will and must play an ever more important role.

If the local language is a powerful language, which most immigrants spontaneously have a strong incentive to learn, the territoriality principle will hardly be felt, as only a very light constraint may be enough for the spontaneous interaction of differential learning and maximin communication to take over and keep that language firmly in place. But when this is not the case, when the spontaneous incentive to learn is weak, the enforcement of the territoriality principle will require perceptibly coercive measures, more or less visible, more or less effective, and more or less resented by parts of the population, non-natives and natives alike.

To illustrate, consider the fascinating case of Basque, a language that was only surviving, by the end of the Franco regime, as the mother tongue of a small and ageing minority of the population. One mildly coercive, yet — it seems — powerfully effective rule can be schematically described as follows.<sup>16</sup> The parents can freely choose to send their children to Spanish-

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<sup>16</sup> This account is based on a presentation by Urko Aiertza at the workshop "The public discourse of Law and Politics in Multilingual Societies" (Oñati, June 2002). The aspect of the

medium, to Basque-medium or to dual-medium schools. Spanish-medium schools used to form the overwhelming majority, but they are gradually losing ground.<sup>17</sup> Why? The rule is that public administration at each level, municipal, provincial and regional, must have a proportion of employees fluent in Basque equal to the proportion of Bascophones in the relevant administrative unit, where Bascophones are defined as people who declare on census forms that they can speak at least some Basque. Bearing in mind that most Basques speak Spanish at home, it follows that the bulk of new public sector hirings in the foreseeable future will be of people who became fluent in Basque by attending a Basque or bilingual medium school. Even if Spanish-medium schools were not made less attractive to many Basque parents because Moroccan immigrants, being less firmly rooted in the Basque provinces, tend to prefer them, it is not surprising that the proportion of children attending Basque schools keeps growing, thereby quickly disseminating competence in Basque and hence slowly boosting the proportion of situations in which Basque will be the maximin language and hence be spontaneously used in preference to Spanish. Note, however, that this measure can only be as effective as it currently is so long as Basque remains hardly spoken at home. As Basque takes root in the home context, the free choice of parents concerned with keeping the option of a public career open for their children can no longer be expected to sustain the dynamism of Basque-medium schools.

This example illustrates how context-sensitive the effectiveness of a policy can be. Some general trends, essentially by increasing people's choices, tend to increase the degree of coerciveness needed to achieve a

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Basque country's linguistic territoriality regime sketched here is particularly subtle and interesting, but by no means the only one at work. See Arzoz (2006) for a far more comprehensive overview of Basque linguistic legislation.

<sup>17</sup> In ten years (1994-2004), the number of pupils in Spanish-medium sections of primary and general secondary sections fell from about 240.000 to 80.000, while the number in Basque-medium sections rose from about 100.000 to 140.000 and the number in Basque-and-Spanish-medium sections stagnated at around 70.000 (Eustat 2004: 13-14).

given level of effectiveness. One such trend is the spreading of satellite and cable TV, which considerably reduces the exposure of immigrants of all ages and their children, grandchildren, etc., even born in the new country, to the local language. This trend is reinforced and its effects are amplified by all types of sorting mechanisms: if the café's TV broadcasts nothing but Turkish programmes, what is the chance of it attracting or retaining non-Turkish customers? This makes it considerably more difficult for linguistic competence in the local language to spread among the immigrant population, including through the school system, as children are far more likely to keep speaking the immigrant language to each other than used to be the case when only local TV channels were accessible.

A second trend affects the countries that have seen the gradual development of a comparatively generous welfare state. The latter makes it possible for a significant proportion of the immigrant population of working age to live for long periods without any participation in a work community. The fact that many of the less skilled jobs are now in the service sector and hence significantly more demanding linguistically than unskilled industrial jobs makes it more difficult for immigrants to find jobs, even in the absence of discrimination.<sup>18</sup> The outcome is that the work sphere is less effective than earlier and elsewhere in providing immigrants with both the opportunity and the motivation to learn the local language.<sup>19</sup> In this context, the effective learning of the local language by all may therefore require tougher

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<sup>18</sup> In the Region of Brussels-Capital, for example, the rate of employment in the working-age population is 64% among Belgian citizens (including naturalised immigrants), but only 33% among non-EU citizens (Decker & al. 2000: 15).

<sup>19</sup> Whether or not tacit discrimination plays a role in addition to poor language skills, the relative exclusion of non-natives of the local language from the labour market tends to be self-perpetuating, as the scarcity of work contacts, joined with the intra-community nature of family, neighbourhood and religious ties, prevents them from acquiring the language skills which would enable them to get into the mainstream. This in turn prevents geographical de-segregation through social mobility, and hence a growing homogeneity of neighbourhoods and schools (constantly reinforced by the selective flows of information about housing and schooling options channelled along language borders), which carry over the poverty of local language skills into the next generation.

measures, such as compulsory language courses for new immigrants, sanctioned by proficiency tests, the prohibition of the immigrant language in class and in the playground, an obligation to learn the local language as a condition of access to public housing, or the constrained mixing of children from various origins in schools which are in danger of becoming ethnically homogeneous.

These two trends weaken the grip of the local language, whichever other language it needs to compete with. When competition is with a powerful lingua franca — say, English in Sweden or Spanish in Catalonia —, additional challenges arise. The more widely spread this lingua franca, the more likely it is that immigrants, in addition to their mother tongue, will have some knowledge of it and that they will soon find out that they can get away with hardly any knowledge of the local language. Especially when the local language is not widely spread and when the immigrants are not sure how long they will stay, probability-sensitive learning will never be sufficient for competence in the local language to overtake competence in the lingua franca and hence become the maximin language often enough to trigger off the virtuous circle of linguistic integration. Worries about this new phenomenon are now commonly aired, for example in Sweden and in the Netherlands.

Another lingua-franca-specific challenge relates to the possibility of stable diglossia. Suppose the process has gone so far that practically everyone in a particular country knows the lingua franca in addition to the country's main mother tongue.<sup>20</sup> Will there then not be a growing number of contexts in which the local language will no longer unambiguously be the maximin language even among natives. Think of the spread of English-

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<sup>20</sup> The data in appendix 3 of chapter 1 suggests that English is competently spoken by over 90% of Sweden's young adults, for example.

language courses in continental European Universities.<sup>21</sup> As this trend extends downward from postgraduate to undergraduate levels, there will be a number of domains in which natives of a particular language will find it easier to communicate with one another in English than in their own common mother tongue, or in a variant of their mother tongue perforated by strings of lexical borrowings and occasional full sentences in English.<sup>22</sup> Can some territorial community's universal bilingualism really be more than a transient stage between universal competence in the local language only and the withering away of that language?<sup>23</sup> Here too, the only safeguard, if there is one, must be a toughening of the territoriality regime.

## 5. Conclusion

There is no point in denying that the implementation of a linguistic territoriality regime generates, in some cases, a set of tricky difficulties. Which languages are going to be allowed to "grab a territory"? Where will the borders lie? What about the dignity of linguistic communities without a territory to which they could lay a claim? What about the cost resulting from the adoption of a territoriality regime by a relatively small linguistic community, not mainly in the form of economies of scale foregone, but above all in the form of the human capital it will fail to attract? And what is there is a sharp disagreement, among people sharing the same territory, about whether the cost is worth bearing? What, in particular, if collective

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<sup>21</sup> See Maiworm & Wächter (2002) for a survey of the current situation.

<sup>22</sup> In the case of Dutch, see the fears expressed by Salverda (2001) and Willems (2002).

<sup>23</sup> On the basis of weighty evidence admittedly drawn mostly from comparatively small linguistic communities, linguists have repeatedly expressed their scepticism as to the stability of such diglossia. Once genuine diglossia is achieved throughout a population, might equal dignity no longer require the linguistic territoriality regime?

identification with the language is, for a majority, no stronger than identification with local dialects in emerging nation states?<sup>24</sup>

These various questions deserve close attention, especially as one broadens the range of languages under consideration beyond the EU's 23 official languages and as one considers multilingual contexts with national languages less firmly established than in the EU. In the present European situation, however, there is little doubt that the entrenchment of a linguistic territoriality regime for all official languages is a minimal part of what is required by justice as equal dignity, over and above the symbolic assertion of equality, which is bound to keep losing significance. The case for linguistic territoriality can be further strengthened by arguing that it provides the only effective and admissible way of preventing the erosion of the weaker languages and hence of preserving linguistic diversity, or by arguing that it greatly contributes to the pacification of ethnic relations. But these additional arguments are either less robust ethically — there is nothing intrinsically good about linguistic diversity — or more contingent empirically — linguistic territoriality is not universally the surest way of securing peace.<sup>25</sup>

The central argument therefore remains that, intelligently designed, a linguistic territoriality regime is both necessary and sufficient to keep competence in a local language sufficiently high and universal for that language to fulfil, legitimately and sustainably, the top function as the official language of a political community. And this in turn is necessary and, if anything is, sufficient, to secure equality of dignity between peoples whose identities are closely associated with a language. Of course, the territories grabbed by the various languages will be far from equal. Some will be bigger than others, prettier, richer, more glamorous, more populated. But whether

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<sup>24</sup> These difficulties are discussed in *LJ* 4. See also Van Parijs (2000) on the most significant yet least obvious cost, namely the net leaking of human capital.

<sup>25</sup> See the discussion of "Laponce's Law" (1984, 2006) and of Fearon and Laitin's (2001) "sons of the soil" in *LJ* 4.

lavish or modest, there will be a place for every recognized language to be on top, and for the associated identities to be correspondingly honoured.

Consequently, we need a firm assertion of the legitimacy of linguistic territoriality in today's Europe, both because linguistic justice matters for its own sake — whether interpreted as fair cooperation, as equality of opportunity or as equality of dignity — and because feeling that the key issues of linguistic justice are being seriously addressed will make us all more relaxed in converging towards universal competence in one common lingua franca. And without such convergence, there is no hope that we shall ever be able to design and adopt the efficient and fair policies and institutions which Europe and the world urgently need.<sup>26</sup>

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<sup>26</sup> See *LJ* 1 for a defence of this claim.

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