

Why Languages Matter to People

Communication, identity and justice
in western democracies. The case of
mixed societies

Elvira Riera Gil



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*Als meus pares, que em van transmetre la inquietud per aprendre.
A en Jordi, la Maria i en Pere, que m'han acompanyat
pacientment en aquesta recerca.
I a la Montse i la Rosa, que trobo a faltar tant.*

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Foreword:

Analyse well in order to act better

University lecturers often derive great personal satisfaction from their teaching activities, but it is their research work that really excites them and truly characterizes them as professional academics. Research is the cornerstone of university life. And like any other profession, one can either do it very well, or not so well.

Research involves a variety of activities, from knowing how to raise questions that are both important and innovative to knowing how to put forward the most adequate responses through papers (provisional conclusions) at conferences and in international workshops. This can only be done if one is well informed about the main issues and lines of research as well as the most suitable methodologies with which to address different kinds of research questions. And above all, research involves ultimately publishing the fruits of one's work in prestigious academic institutions and journals. In the field of the social sciences, doing good research—research that is conceptually sound and at the same time not ephemeral in empirical terms—is no easy task.

From time to time, timid but enthusiastic students enrol in university department doctoral programmes, interested in making an in-depth study of what they consider an important aspect of the world. The insecurity they usually display (unless they are Argentinians), which at first might seem a drawback for their future work, often turns out to be a methodological asset, because until you have clearly identified the limits of a research project, what has already been resolved and that what has not, it is not possible to be sure that you have done the job.

One day, a shy girl knocked on the door of my office in the Universitat Pompeu Fabra. Her name was Elvira Riera. She told me that she worked in the Department of Language Policy of the Generalitat of Catalonia and that she was interested in enrolling on the course entitled “Democracy and Political Liberalism: Theoretical and Institutional Features” that I teach in the master's programmes offered by the university's Department of Political and Social Sciences. I asked her why

she wished to take this course. To be honest, I was expecting the kind of answer that students usually give: full of complicated and confusing words that boil down to the fact that they want to “know more” about a field which has a strong attraction for them. But Elvira’s response was much more specific. She suspected, she told me, that the habitual debates about language policy which took place in political and administrative spheres displayed normative flaws in liberal and democratic terms, as well as a lack of in-depth knowledge of the comparative politics of other contexts. It was a good start.

When the master’s course was over, we started work on a line of research that appeared at first sight to be interesting, but which displayed obvious analytical difficulties, both in terms of the general methodology and with regard to identifying research questions that had sufficient intellectual ambition and which at the same time could be plausible and of practical political use. It was necessary to focus on a number of different fields of research. Political theory and comparative politics were the main areas. In fact, research into plurinational and multilingual democracies has undergone significant changes in the last three decades. Today one cannot respond in the same way as a few years ago to the question about which institutions and policies can be considered “fair” in those specific contexts.

The usual legitimizing terms—equality, freedoms, rights, democracy, etc.—often change their meaning in unilingual and plurinational, monolingual and multilingual contexts. These terms have become more complex and their meanings have become more plural. When there are several analytical and normative elements to take into consideration, quick answers are often inadequate, both from a political and moral perspective and from an analytical point of view. One conclusion that can be drawn from the theories of democracy of recent decades is that in multilingual and plurinational contexts it is necessary to find more profound theoretical and institutional answers than those offered by classic democratic and constitutional theories.

Thus, for example, the ideas of an author such as John Stuart Mill, which are highly relevant on many other levels, are totally insufficient in this sphere. Issues such as the recognition of national and linguistic pluralism and the political and constitutional accommodation of the different groups that coexist within the same democracy have become the protagonists of research carried out in recent years. One conclusion of this research is the existence of serious normative and institutional

shortcomings in the universalist, individualist and statist approaches of traditional liberalism and constitutionalism. Theoretical discussions, especially those of a “philosophical” nature, are very useful when analysing the implicit and explicit frameworks of some conceptions. However, if the latter are not firmly rooted in specific empirical realities, there is the risk that their theoretical rigour, which is often based on extremely abstract considerations, will be weakened as soon as it comes into contact with reality.

Empirical and practical reality matter, so in this type of research it is, therefore, necessary to examine the linguistic regulations of the different liberal-democratic states and analyse how each legislative decision is presented as a legitimate option by the actors who formulate it, based on the values and political objectives that they wish to achieve (communicative efficiency, respect for the identities of different groups, protection and development of pluralism, etc.).

Elvira’s thesis, being one of those projects that involve analysing a variety of fields of research and combining diverse methodologies, ran the habitual risk of reaching a series of rather superficial conclusions. However, nothing could be further from the truth. It has required an exceptional analytical and intellectual effort, but a voyage whose end initially seemed unclear has been well worth making. Some of the ports along the way have turned out to be analytically illuminating and the final destination is built on solid ground and will in all likelihood be a work of reference for future research in this field.

In fact, analyses that bring together elements of political theory and elements of an empirical and comparative nature, when they are done well, help to avoid two types of risk or error frequently present in analyses conducted in the fields of philosophy and the social sciences: 1) the “fallacy of abstraction”; and 2) the “tyranny of the discontinuous mind”.

1) I call the “fallacy of abstraction” the assumption that a type of reasoning is analytically more definitive and profound when it is expressed in the most abstract terms possible. This is a fallacy which often constructs a rhetorical strategy designed to avoid the controversial points of a discussion while giving the impression that one has got to the heart of the problem and established a consensual solution for it. This strategy is often presented as the step from the “anecdote to the category”. However this is not always suitable in the empirical and practical sphere as it results in the loss of a wealth of useful information relating to the

specific case being analysed. Some philosophers, like Habermas, display a recurrent tendency to commit this fallacy. Hegel, yes Hegel (!), one of the most abstract of philosophers and one who habitually used the most obscure language, warns us that this line of argument is an epistemological mirage. The desire to reach a theoretical consensus, whether it be of a conceptual or moral nature, encourages one to put forward new concepts of consensus by increasing the degree of abstraction regarding the points on which there is disagreement (when a variety of positions defend the idea that something is white, black, red, blue, etc., it is believed that consensus has been reached by establishing that everyone believes that it is a “colour”). Nonetheless, that fails to solve the fundamental issue that provoked the disagreement in the first place (which continues to exist and continues to be of a specific colour). In summary, the fallacy of abstraction is a useful strategy to epistemologically dodge the issue while appearing to have reached a more profound theoretical consensus. It is a rhetorical resource that can be seen, for example, in some theories of socioeconomic justice and approaches of deliberative democracy formulated in recent years.

2) The “tyranny of the discontinuous mind” is what the British biologist and expert in evolution Richard Dawkins calls the frequently denounced dumbing down, inherent in an analysis of reality based on simplistic exclusive conceptual contrasts (inside-outside, high-low, far-near, etc.). In general, the empirical world is much richer than the categories we use to understand it and with which we attempt to transform it. We know that political and social reality is not “digital”, but continuous and full of grey areas. If we reduce those categories excessively (two is the absolute minimum), analyses are diminished to the point that they deform the very reality that we are trying to analyse. The concept of the discontinuous mind shows us that the problem with our categories is one of our own making, and cannot be blamed on reality. In political and social analyses it is often better to use typologies that include diverse categories based on different criteria, rather than simplistic contrasts of the right-left, eros-thanatos, yin-yang variety.

The work carried out by Elvira in recent years significantly reduces these two epistemological risks by combining the ideas of political theory regarding linguistic justice with the typological and comparative analysis of specific legislation introduced by different democracies. This is a large field: 112 linguistic policy laws adopted in western democracies (in an ef-

fort to be as inclusive as possible, the analysis employs a very wide concept of democracy or democratic system).

The thesis arrives at a number of conclusions of both analytical and political and propositional nature. I will mention only three. Firstly, the author analyses the specific functions of communication and the expression of identity associated with any language (whether it be of majority or minority usage), both separately and with regard to the mutual interrelationships between these functions. This reveals a lack of conceptual suitability on the part of the conventional theories of linguistic justice in relation to the cases of mixed societies where citizens who belong to different linguistic groups coexist. Secondly, based on her own typology, the author makes a comparison of the main normative focuses used by the linguistic laws of democracies when they attempt to legitimize their own position. Finally, the author concludes that pluralism is a necessity not only from an epistemological perspective, in order to refine and deepen our understanding of this field, but also from a normative perspective, so as to increase the moral and political quality of linguistically-plural democracies.

The context matters and we know that different linguistic contexts encourage different forms of conceptualization in order to adopt the right approach to the degree of pluralism that exists. Improving the quality of liberal democracy requires both appropriate linguistic policies for social and cultural pluralism, and institutional tools that depart from the ideological and conceptual monism that characterizes theories of democracy, traditional political liberalism and constitutionalism. Thus, linguistic pluralism, rather than being defended as a value in itself, as a fact and as an intrinsic value, is defended as a consequence or a derivative of linguistic justice.

Nowadays, the constitutional recognition and political accommodation of linguistic pluralism are part of an updated theory of democracy in contexts of national pluralism. By refining the analytical theories and tools, we will be able to adopt a more appropriate approach when dealing with the institutional sphere and that of public policy. Linguistically mixed or hybrid societies (such as Catalonia) require more pluralistic epistemological, moral, political and institutional analyses that those habitually put forward by the political and academic debates of modern-day democracies -debates that are usually expressed in terms better suited to more homogeneous contexts or those with a high degree of linguistic territorialisation (Belgium, Canada, Switzerland).

The reader is about to begin a study that deserves to become a work of reference for future international research in this field. I believe that we are very fortunate to have it.

Ferran Requejo
Barcelona, November 2016

Acknowledgements

This book is based on my doctoral thesis, which I defended in October 2016 at the Universitat Pompeu Fabra (Barcelona). During my research, I have often asked myself why I started this academic adventure and how it is that I have finally got to the end. The answers to these questions relate to strong personal incentives, on the one hand, and invaluable help and accompaniment received, on the other.

My interest in approaching language policy from political theory has grown in parallel with my professional work for the Catalan Government in this field, over the last thirty years. Like most of my colleagues, my initial training was in linguistics and sociolinguistics. Our work in policy-making has been significantly influenced by sociolinguistic approaches, notably by the large amount of academic contributions from Catalan sociolinguists from the 1980s. I feel privileged for having experienced *from within* the evolution of these three decades of language policies in a changing society (e.g. in terms of demolinguistics, linguistic ideologies and interests), at the time that I myself gradually gained maturity and a critical sense of our own work. Many questions I had about the adequacy of the foundations and strategies of our language policies required the adoption of a scientific approach complementary to sociolinguistics, a more *political* than *linguistic* approach. It was fundamentally for this reason, motivated by a keen interest in finding responses to questions of daily policy making, that I started my academic adventure across the fields of political theory and political philosophy, first by taking a Master's degree in Political and Social Sciences at the Universitat Pompeu Fabra, and straight after by engaging in my thesis project.

I am much indebted to many people who have brought me support, advice and help along the way.

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At the very beginning, Ferran Requejo urged me to consider that the initial question I dealt with, namely *whether our language policies adjust to the normative theories of linguistic justice*, had to be subsequent to a previous question, namely *to which particular contexts the existing theories are indebted*. This shift has certainly been relevant to the approach I have taken in this research, as well as my supervisor's insistence on the need to work with a sound basis of comparative politics in order to obtain empirical evidence. I thank him for his guidance, his advice, his support and, ultimately, for his constant confidence in my work.

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1

Introduction

The question of *why language(s) matter(s) to people* is at the core of contemporary normative political theories of linguistic justice, which aim to elucidate what language policies are just in a liberal democracy. Within a theoretical framework that to a great extent revolves around the notions of neutrality and equal concern for individuals, justice stems from a suitable distribution of their interests. As Réaume set down, the interests that people derive from language(s) are the basis of their rights.¹

Thus, many normative debates on linguistic justice arise from the responses to this question, and relate to the tensions that language(s) show(s) in at least three spheres, namely universality/particularity, individuality/collectivity and communication/identity. Firstly, language is a universal capacity of human beings that is only exercised through particular languages. Secondly, language has both an individual and a collective dimension; on the one hand, it is an individual skill that only acquires value through its collective practice (its use among a group of speakers of a particular language); on the other hand, there is general agreement on the value of language as an individual asset (a capacity influencing individual autonomy) as well as a public good for its community of speakers.² Finally, every language functions as a communication tool and as a marker of identity. As we shall see, this third dichotomy has explicitly divided

1. Réaume, “Beyond Personality”, 278. Réaume raises the question of *why language matters to people* (in the singular). My version, *why languages matter to people*, suggests the salience of the plural (or plurality of languages) in both theoretical and empirical debates. Another word in this sentence, *people*, could be formulated in the plural. In this case, the morphological singular (*people*) points to individualities, whilst the plural (*peoples*) to collectivities. Throughout this work the word *people* is habitually used to refer to individuals, although not always: as we shall see in chapters 3 and 4, empirical concerns are often expressed in terms of *peoples*.

2. Abram de Swaan, in *Words of the World*, defines a language as a *hypercollective* good (the more speakers it has, the higher its communicative value for each of them). Réaume and Pinto, in “Philosophy of language”, 56, consider a language to be a participatory good that can only be produced and enjoyed by a group of individuals who share it and renew its shape and content continually.

normative positions on linguistic justice because it is founded on two different reasons, or *interests*, for which languages matter to people.

The main aims of this work are (a) to provide an analysis of the ideologies about these interests that underlie both theories and practices of linguistic justice, and (b) to suggest, on this basis, principles and lines for language policies in the particular case of linguistically mixed societies, where significant numbers of the long-settled population belong to different language groups but live intermingled, so that groups cannot be territorially separated.³

The choice of these two focuses of research largely responds to my professional background in the making of language policies in Catalonia. Firstly, Catalonia is today a prominent case of linguistic mixture as defined above (see appendix). Secondly, the evolution of Catalan language policies over the last three decades can be understood in the light of communication and identity interests, both in terms of legitimation (the existing dominant ideologies about them) and in terms of implementation (the effective interaction between such interests). Finally, Catalonia is at a critical juncture brought on by the rise of secessionism, which regardless of its future evolution and political outcomes has brought linguistic plurality into focus. If several years ago the pursuit of the political ideal of a monolingual Catalan society (inspired by the traditional nation-state pattern) was quite explicit in institutional and academic discourse, nowadays a stable linguistic plurality seems to be the best outcome that public policies can aspire to.

Thus, I have engaged in the analysis of the relationship between communicative and identity interests related to languages, as well as of the case of mixed societies. Accordingly, I have firstly examined the normative proposals provided by political theory and how they relate to the contexts in which they have been developed. Secondly, I have analysed which empirical models exist among western democracies, in terms of their orientation and legitimation of legal regulations and in terms of the prevalence of linguistic mixture. Both aspects (and both levels) are relevant with regard to the Catalan case, in order to know which political

3. As I explain in chapter 5, my research is focused on political units that one can deem to be linguistically mixed as a whole (what I call *mixed societies*). So, I am leaving aside broader phenomena of linguistic heterogeneity and mixture, not significant enough when considering the entire political unit (e.g. the case of cosmopolitan cities). This does not mean that I am underestimating such phenomena, simply that I am choosing a particular kind of mixture as a research case.

principles of justice might be applied in mixed societies and to obtain a comparative perspective. At the same time, I think, both can contribute to improving the broader ongoing debates on linguistic justice.

Indeed, in doing this double exercise of contrasting the Catalan case with existing political theories and with other western democracies, I have found significant deficits. At the theoretical level, little attention devoted to mixed contexts, and a rather dichotomous understanding of communication and identity interests (the first related to state majority languages and the second to minority ones) that in my view is hard to find in practice, particularly when we deal with pluralistic conceptions of reality. At the empirical level, an important lack of research, both on the use of communication and identity interests as legitimating arguments for language policies, and on the prevalence of linguistically mixed societies among western democracies.

My work aims to help fill these gaps; and, to do so, I have taken as a starting point the framework of political theory and political philosophy in addressing linguistic justice, and particularly that of liberal egalitarianism, the most influential contemporary approach.⁴ Complementarily, I have also turned to other scientific perspectives, such as those of sociolinguistics, linguistic anthropology, discourse analysis and economics, which provide relevant contributions to the debates considered. Then, I have undertaken a comparative analysis of western democracies that have adopted specific linguistic regulations over recent decades, in order to examine (a) the explicit legitimations they use in terms of communication and identity, and (b) their levels of linguistic mixture.

Table 1 shows the research questions I raise at the theoretical and empirical levels and on two axes: that of linguistic interests and that of territorialisation of languages and language groups:

4. Throughout this work I shall use the terms *political theory* and *political philosophy* as conceptually close and complementary, understanding that the former is more appropriate to the analysis of empirical cases carried out in my research, whilst the latter is more suitable for the normative reflections I deal with. However, for the sake of simplicity, on most occasions I employ the term *political theory*, using it as a generic term.

TABLE 1. Research questions

| | Linguistic interests: communication and identity | Territorialization of languages and language groups |
|--------------------------|---|---|
| Theoretical level | What interests do individuals derive from languages? Which values can legitimize language policies? | How are languages and language groups conceived by political theory? To what extent are the proposed normative solutions monist or pluralist? What are mixed societies? |
| Empirical level | To what extent do languages (explicitly) matter in western democracies? How are linguistic regulations legitimated in terms of communication and identity? | What is the prevalence of mixed societies in western democracies? How do linguistic regimes relate to the degree of plurality and mixture of western democracies? |

It is this set of elements that allows me to make a proposal for the implementation of linguistic justice in western mixed societies, which addresses two additional questions, namely what policies are suitable for these societies and which institutional designs favour them.

In this introduction, I will first present the theoretical framework I start from, then the empirical basis of my research, and finally the structure and contributions of this work.

1.1. Theoretical framework

As highlighted by several scholars, the debate on language rights and linguistic justice is relatively new.⁵ It starts in the 1990s, addressed as a particular case of cultural minority rights within states, in the context of the normative criticisms made by communitarians, multiculturalists and liberal nationalists of traditional liberal thought. More recently, in the 21st century, a second debate on the role of English as a lingua franca and its implications for *global* and *local* justice has been added to the above.

5. In fact, the term *linguistic justice* starts to be used in the 21st century (e.g. Van Parijs, “Linguistic Justice”), and spreads after the publication of Van Parijs’s monograph *Linguistic justice for Europe and for the World*.

According to the account of normative theories on linguistic justice provided by De Schutter,⁶ two ideological underpinnings shape these debates: the first is based on different understandings of the importance that communication and identity interests have for speakers; the second, on different ontological conceptions of the territorial distribution of languages and language groups.

1.1.1. On communication and identity interests

Firstly, normative positions are divided by different responses to the question of why language(s) matter(s) to people. Roughly speaking, a first answer says that a language is basically a tool for communication, so the best language policy in a political unit is one that fosters the convergence on a single common language. A second answer says that a language is also a marker of identity and that identity matters to individuals, so a just language policy should also promote the languages to which significant collectives of individuals feel attached. Two normative approaches arise from these two perspectives.

De Schutter⁷ refers to this duality as instrumentalism *versus* constitutivism. According to his interpretation, “instrumentalists reach the normative conclusion that we should regulate language(s) in such a way that (only or primarily) the non-identity-related goals are fulfilled. Constitutivists argue that, apart from fulfilling people’s communicative or opportunity-related interests, we should agree on an important normative standing to their intrinsic interest in using their own language.” In turn, Réaume and Pinto describe them by considering that the former position (called *cost-benefit* approach by these authors) “aggregates costs and benefits across society as a whole in order to design policy”, whilst the latter (called *human interest* or *rights-based* approach) “treats language use and support for its use as a vital human interest capable of justifying claims for rights”.⁸

Patten⁹ also uses this dichotomy to distinguish an *instrumental* and a *non-instrumental* framework. According to Patten, the instrumental frame-

6. De Schutter, “Language policy”.

7. Ibid, 10.

8. Réaume and Pinto “Philosophy of language”, 44.

9. Patten, “Language and Distributive Justice”.

work deals with a language-independent conception of distributive justice, whilst the non-instrumental framework considers language as an object of distributive concern in its own right.¹⁰

It is worth noting that both positions share a wide broad assumption about the value of languages depending on their condition of *majority* or *minority languages* (concepts understood by default at the state level). Both tend to consider that majority languages are the best communicative (instrumental) tools, while minority languages are mainly carriers of identity. Consequently, they (implicitly) assume that the promotion of majority languages favours socio-economic justice, while that of minority languages, ethno-cultural justice.¹¹

A key point in this work will be my criticism of this assumption. I will defend that, in general, languages are both instrumental and identity tools, and that, particularly, minority languages often have a significant communicative value and do matter for socio-economic justice. I will do so by using contributions from economics, linguistic anthropology and sociolinguistics, which I discuss in chapter 2.

1.1.2. On the territorial distribution of languages and language groups

Secondly, debates tend to be biased towards a particular ontological conception of the relationships between individuals, territories and languages, which De Schutter calls *discrete* or *transparent*. Such a conception

10. Throughout this work I will refer to this duality with De Schutter's terms, *instrumentalism* and *constitutivism*, or, simply, by using the terms *communication* and *identity*.

11. Generally, in this work I use the concepts *majority language* and *minority language* on a demographic basis, referring to the first language (L1) of the population of a particular political unit. In most cases, the demographic linguistic majority has a higher status and enjoys more political and economic power than minorities. However, this is not always true (e.g. a linguistic majority at the substate level may lack power and status when it is a minority at the state level, as happens in several minority nations of plurinational states). I am aware of this fact, so when I aim to highlight aspects of power and status related to languages, I use the terms *dominant* (or *strong*) and *non-dominant* (or *weak*) to refer to languages and language groups. I am also aware that dominance is often ambiguous, since many societies do not have a clear dominant majority that consistently exerts its demographic, economic, linguistic and socio-cultural power over minorities with inferior status, but *fragile majorities*, because different groups enjoy distinct degrees of power depending on the aspect considered (See McAndrew, *Fragile Majorities*, 3. Original in French (2010) translated by Michael O'Hearn). As we shall see in chapter 5, mixed societies are often examples of such an ambiguous dominance of fragile majorities.

assumes that, in the standard case, a *demos* (state or substate) is a set of mainly monolingual speakers of a common and national language, concentrated in a territory and undivided with regard to identity issues, so clearly delimited from other sets of territorialized monolingual speakers. This transparent conception favours *monist* normative proposals, which reinforce the normative ideal of the convergence on a single common language within states (or substates), valuable both from an instrumental perspective (in terms of democratic participation, social mobility, social cohesion, efficiency, etc.) and from a constitutivist perspective (also in terms of individual and collective identities: dignity, full cultural context of choice, unity, etc.), because such a *common* language is always a *national* language.¹² Moreover, linguistic convergence is usually deemed incompatible with linguistic diversity; convergence and diversity are presented as the opposed outcomes of two alternative models of language policy, that of nation-building and that of language preservation.¹³ Even, *locally-coexisting linguistic diversity* is explicitly typified as dangerous, on the grounds that it makes it difficult to agree on what justice is and can undermine solidarity.¹⁴ In terms of the policy models suggested, these monist approaches fit into a linguistic territoriality principle (LTP), according to which monolingual regimes are suitable for a particular territory conceived in such a transparent way.

Monist approaches can be related to rather linguistically transparent empirical realities where political philosophers develop their theories. This is the case of the first liberal accounts of language management, linked to homogeneous nation-states. And this is also the case of many of their multiculturalist critiques, to a great extent stimulated by Quebec's claim to be a *distinct society* within the Canadian Federation, materialized in a salient decision of language policy, namely the adoption of the French Language Act (*Loi 101*) in 1977; the case of Quebec inspires, for

12. The concept of common language stresses the instrumental side: a common language can be defined as a language shared by citizens that allows them to exercise their civic and political rights. By contrast, the concept of national language stresses the identity side: a national language can be defined as a language that identifies a nation and distinguishes it from others. Both concepts are related to the concept of *official language* (language used by public institutions and valid to communicate with them) in different ways; while a common language is always official, a national language is not necessarily official (Cf. Riera, "Sobre el concepte polític de llengua comuna").

13. Patten and Kymlicka, "Introduction"; Patten, *Equal recognition*; and Patten, "Language and Distributive Justice".

14. Van Parijs, "Cultural Diversity".

example, Charles Taylor's proposal of a politics of recognition, as well as Will Kymlicka's notions of societal culture and individual autonomy in a full cultural context of choice. Furthermore, this is also the case of the debate about English as a lingua franca, to a great extent stimulated by the states of the European Union. The theoretical perspectives adopted in these cases have links to empirical realities in which linguistic diversity is largely territorialized (linguistically uniformised nation-states, on the one hand, and linguistically territorialized federations, on the other).¹⁵

In contrast, over the last decade some political theorists have drawn attention to the inability of such monist approaches to deal with linguistically mixed settings, where language groups are non-territorialized. These theorists argue that *a pre-existent local diversity cannot be fought without injustice*.¹⁶ Therefore, they propose a turn towards *pluralist* positions, based on the equal treatment (or recognition) of individuals as members of different language groups coexisting in a polity. Consequently, such authors suggest the application of policy models based on a principle of personality or pluralism (LPP) that drives to implement plurilingual regimes, giving ample room for *linguistic choice*, in linguistically diverse territories. It is worth noting that these pluralist positions are grounded in identity arguments, that is, in ethno-cultural justice deserved by minority language groups.

I place myself in a pluralist position, which I deem the most suitable in dealing with mixed societies. However, I defend that linguistic pluralism could be grounded not only in ethno-cultural justice, but also in reasons

15. At the same time, it is a fact that both western nation-states and minority nations have endorsed specific linguistic regulations intended to reach the normative ideal of linguistic convergence, that is, to ensure that a *national* language maintains its position as *the common* language of a polity or becomes its common language. Consider, for example, (a) the cases of linguistic regulations in such different states as Latvia (to promote Latvian as opposed to Russian), Sweden and France (to promote Swedish and French as opposed to English), as well as in substates like several US states (to promote English as opposed to Spanish); and (b) the cases of substates that adopt language policies competing with those of their states, like Catalonia (to promote Catalan as opposed to Spanish) and, to a certain extent, Quebec (to promote French as opposed to English). However, not all these political units fit the standard empirical assumption that a *demos* is a set of mainly monolingual individuals speaking the same language. For instance, Latvia and Catalonia are significant examples of linguistic mixtures: both have two different large language groups (related to Latvian and Russian, in the first case; to Catalan and Spanish, in the second) and a largely bilingual population.

16. De Schutter, "The Linguistic Territoriality Principle: Heterogeneity", 23-24.

of socio-economic justice related to communication in local languages, as I will argue in chapters 2 and 5.

Moreover, I also raise a general critique to the conception of linguistic choices habitually used by political theorists, significantly distant from that of sociolinguists. In short, liberal political theorists stress the fact that linguistic choices are actions of individual freedom or self-determination. Therefore, they distrust formal restrictions set up by the state or by a group. In turn, sociolinguists stress the fact that linguistic choices are deeply conditioned decisions, often unconscious or automatic, highly influenced by social norms and dominant ideologies on languages, which are usually implicit (not formally established). So, from this perspective it is precisely a formal intervention (maybe a restriction) on social norms that can favour the existence of fair conditions of choice. It seems to me that a qualified and combined conception of linguistic choice is needed to deal with linguistic justice. This is particularly relevant in the case of mixed societies, so I will adopt such a combined approach in suggesting suitable lines of language policies for them.

In order to summarize, table 2 displays the normative positions on linguistic justice according to the two considered ideological axes, instrumentalism and constitutivism, on the one hand, and monism and pluralism, on the other.

TABLE 2. Underlying ideologies in theories of linguistic justice

| | | Linguistic interests | |
|-----------------|--|---|--|
| | | Instrumentalism (only communication) | Constitutivism (communication and identity) |
| Language groups | Monism (a single language group recognized) | Examples of theorists: Brian Barry, David Laitin, Thomas Pogge, Daniel Weinstock | Examples of theorists: John Stuart Mill, Will Kymlicka, Philippe Van Parijs |
| | Pluralism (equal recognition of language groups) | Examples of theorists: none | Examples of theorists: Alan Patten, Helder De Schutter, Denise Réaume, Joseph Carens, Peter A. Kraus |

It is worth noting that, over the last two decades, important research has been devoted to linguistic ideologies from another scientific perspective, that of sociolinguistics and linguistic anthropology, so several socio-

linguists have addressed these same axes (communication and identity; linguistic homogeneity and plurality) in a different way. Broadly speaking, sociolinguistics understands communication and identity as two inextricable sides of languages, as well as linguistic plurality and mixture as usual phenomena in current societies. In the case of communication and identity, Woolard¹⁷ links them to two opposed linguistic ideologies, that of *anonymity* (which is based on universality and stresses communication) and that of *authenticity* (which is based on particularity and stresses identity). In the case of monism and pluralism, several sociolinguists have criticised the *homogeneity* of traditional linguistic ideologies.¹⁸ Already in 1998, Woolard highlights that “bilingualism and multilingualism have traditionally been cast not only in popular belief but also in social and linguistic theoretical perspectives as anomalous, marginal, and in need of explanation, to the extent that monolingualism has been invoked by minority-language partisans, often themselves bilingual, in many language conflicts”.¹⁹

As I have already said, in this work I combine these sociolinguistic perspectives, as well as other scientific approaches to languages (such as that of economics), with political theory.

1.2. An empirical basis: the analysis of *language acts*

I have chosen as empirical basis for this research the study of western democracies (states and substates) that have adopted specific linguistic regulations, which I call *language acts*. By *language act* I mean a legal regulation that specifically establishes the linguistic regime of a political unit or, at least, the linguistic regime of its public institutions. Such a definition excludes both sector-specific linguistic regulations (e.g. on education or citizenship) and general regulations (like constitutions or rules for national minorities) containing linguistic sections.²⁰

17. Woolard, “Language and Identity”, 4

18. See Duchêne and Heller, *Discourses of Endangerment*.

19. Woolard, “Introduction”, 3-4.

20. I have preferred the term ‘act’ rather than ‘law’ because of its specificity to describe a particular type of legal instrument.

The endorsement of such particular linguistic rules can be seen as an indicator of the relevance of language management in the political agendas of contemporary western democracies.

It is well known that language policies are inherent to political organisation, and that they may be explicit or implicit, overt and covert.²¹ However, explicit language policies have become increasingly salient in western democracies.

Today, language policy issues often have a prominent place in the political agendas of states, substates and suprastates. And legal regulations related to languages are growing. In the case of western democracies, in recent decades more than a hundred specific language acts have been adopted by states and substates in Europe, Canada and the United States, as well as many regulations on other issues (citizenship, education, consumer rights) with linguistic content. Also, international institutions like the United Nations and the Council of Europe have endorsed rules addressing linguistic issues in the more general framework of the protection of human rights. Such rules are intended to provide states with basic guidelines in order to deal with the language rights of their minorities.

Indeed, language regulations adopted by western states and substates over recent decades partly respond to the aim of protecting the rights of their linguistic minorities according to international law. However, most of them are intended to protect their national languages from other languages, which can be internal (the product of the coexistence of different language groups within a political unit) or external (international) languages.²² Both situations have in common a linguistic tension caused by the existence of significant rates of bilingual (or polyglot) individuals,²³ potentially able to *choose* between the use of different languages. This phenomenon, which until a few years ago was only characteristic of state minorities, now also affects many European states, where increasing num-

21. Cf. Cardinal and Sonntag, *State Traditions*.

22. Examples of regulations of internal linguistic diversity are those of states such as the Baltic Republics, Ireland, Luxembourg or Ukraine, and of substates such as Catalonia, Quebec, Wales and several states of the US (to *defend* English from Spanish). Examples of regulations *vis à vis* an external language (in this case English) are those of France, Switzerland, Sweden and Slovenia.

23. For practical reasons, throughout this work I use the terms *bilingual* and *bilingualism* in a broad sense, which refers to the ability of speaking *two or more* languages (so they also include polyglotism).

bers of citizens are proficient in English²⁴ or other foreign languages.²⁵ Thus, today both states and substates, through their linguistic rules, aim to influence individual choice towards using specific languages, and these are usually the national ones.

The selection of polities having adopted language acts provides a corpus of study of states and substates that fulfil two conditions: they are societies where languages politically matter and where a certain consensus exists on their institutional management. Therefore, they constitute a sound basis for the analysis of both the explicit legitimations (communication or identity-related) used to justify language policies and the prevalence of linguistic mixture.

The corpus of acts analysed contains the 112 language acts in force in Europe (Council of Europe), Canada and the US in January 2014. Such a universe includes acts endorsed by 96 political units (29 states and 67 substates) in order to promote both majority and minority languages. And it allows us to carry out a comparative analysis of both such 96 political units (e.g. in terms of sociolinguistic features and linguistic regimes) and their 112 language acts (e.g. in terms of objectives pursued and restrictions set up). Table 4 (see tables section) provides a list thereof.

1.3. Structure and contributions

This book is structured in six chapters, including this introduction, and one appendix.

Chapter 2 provides a wide approach to the contemporary theories of linguistic justice that includes a critical analysis of both their underlying ideologies and their suitability for managing non-territorialized linguistic plurality.

Chapter 3 describes in detail the empirical basis of this work. It starts with an overview of legal linguistic regulations, then deals with methodological aspects related to the design of the database of language acts and finally provides a comparative analysis of the set of 112 acts mentioned above. Such an analysis brings systematic data on the kind of political

24. Cf. European Commission, *Special Eurobarometer 386*.

25. This is also the case of Russian in Eastern European states, where Russian often has the role of both a first language of a significant part of the population and an international language.

units that adopt language acts, their objectives and the type of restrictions they establish. This set of data will be further used in chapters 4 and 5.

Chapter 4 addresses the legitimation of language regulations. It begins with a review of the values that normative theories on linguistic justice identify as legitimating for language policies, and proposes a deductive classification thereof. Then, in order to complete the previous classification and to obtain a typology of values useful for the analysis of language regulations, it examines the values used by international rules to justify their language policy recommendations and adds them to the previous classification, in considering that those international regulations, in a broad sense, can be included in a normative framework relevant for states and substates adopting language acts. Finally, after proposing an analytical typology of values both deductively and inductively built, this chapter offers a systematic analysis of the ways in which western democracies explicitly justify their language acts, fundamentally based on the divide between communication and identity, and pays attention to the distinction between majority and minority languages. In this way, it provides empirical evidence that can contribute to elucidate how languages matter to people(s) and how communicative and identity interests derived from languages interrelate.

Chapter 5 looks at linguistic mixture and examines the case of western *demoi* where significant numbers of the long-settled population belong to different language groups that live intermingled. Drawing on both political theory and sociolinguistics, it starts by conceptually characterizing mixed societies, especially with regard to the definition of language groups and bilingual individuals. It continues by operationalizing the concept of linguistic mixture and then identifies and characterizes 16 cases of mixed societies in western democracies, most of them minority nations of states organized according to a regime of linguistic autonomy (as opposed to linguistic federalism).²⁶ Finally, the chapter suggests a proposal for the implementation of just language policies in mixed societies, based on the way that communication and identity are linked in such contexts.

Chapter 6 is devoted to general conclusions and avenues for further research.

Lastly, the book includes as an appendix a brief and final note on the case of Catalonia. This note analyses the foundations of Catalan language policies from 1979, their evolution and the key elements of the current

26. Classification of linguistic regimes suggested by Kraus, *A Union of Diversity*.

situation, in light of the ideological clashes (instrumentalism and constitutivism, monism and pluralism) identified in normative debates of linguistic justice, as well as suggesting some challenges posed by the current secessionist movement in Catalonia. Basically, it raises the point that, after a long period of defensive language policies carried out by the Catalan Government in a competing framework with the Spanish Government (each of them simultaneously protecting different linguistic interests), a shift to a full sovereignty (or a significant increase of self-government) would imply a new political framework in which the Catalan Government would acquire a full (or ample) responsibility for the interests and rights of all its citizens as members of different language groups, which should entail some changes in language policies (possibly rather in terms of legitimation than in terms of implementation).

Throughout this research, I aim to make several contributions of a theoretical, empirical and normative nature. First, I provide a critical analysis of the existing normative proposals on linguistic justice, drawing on the way that communicative and identity interests derived from languages are interrelated. Secondly, I build a typology of valued ends for language policies, which (a) helps provide a better understanding of the categories of political values related to communication and identity, and (b) allows for a systematic analysis of the legitimation of language acts adopted in western democracies. Thirdly, the wide empirical research carried out helps to palliate the lack of empirical studies on language policies from the political theory perspective; in this way it also closes the gap between the abstract and macro-political perspective and real-world concerns;²⁷ my database of language acts, apart from its utility for the purposes of this research, can be further used and easily updated, and it is available to other researchers.²⁸ Fourthly, the several scientific approaches taken into account introduce an interdisciplinary view often claimed by political theorists.²⁹ Finally, the specific analysis of mixed societies provides an innovative perspective on such empirical cases (to a great extent still unexplored by political theory) and a particular proposal for the imple-

27. Cf. Patten and Kymlicka, "Introduction"; De Schutter, "Language policy; Peled, "Language, Rights"; Van Parijs, *Linguistic Justice for Europe*; Reaume & Pinto, "Philosophy of language policy".

28. Available through the URL <http://repositori.upf.edu/handle/10230/27821>.

29. Cf. De Schutter, "Language policy"; Kraus, *A Union of Diversity*; Peled, "Language, Rights"; Réaume and Pinto, "Philosophy of language policy".

mentation of just language policies that draws both on political theory and on sociolinguistics.

I end this introduction with a necessary remark on the limits of this work. Basically, I want to point out that my purpose has not been to make policy analysis. According to my research interests, I have prioritized the obtainment of a comprehensive and systematic view on linguistic justice in western democracies that does not examine their policy-making in depth. On the one hand, my comparison of linguistic regulations is focused on their legitimation and not on their consequences for implementing policies. On the other hand, linguistic regulations are political practices probably closer to *politics* than to *policies*, as they often show a significant distance between what is set up *de jure* and what is done *de facto*. Finally, my analysis of mixed societies pays attention to their sociolinguistic features and to the political factors influencing their mixedness, as well as to the main lines of their linguistic regimes, but it does not focus on their specific language policies. A policy analysis approach would demand significantly more research involving an in-depth study of specific cases, for which I hope that this work may constitute a starting point.

2

Contemporary theories of linguistic justice: an approach to their underlying ideologies on languages and linguistic plurality management

This chapter sketches the theoretical framework shaped by the responses that political philosophers give to the questions of why language(s) matter(s) to people and, accordingly, what just language policies should be like. It focuses on two fundamental aspects of interest for my research: (a) the ideological underpinnings regarding communicative and identity interests related to languages (instrumentalism and constitutivism); (b) the management of linguistically plural *demos* (and specifically those linguistically mixed). My aims are both to outline the different accounts of such issues provided by the main contemporary approaches to justice and to offer a critical analysis of their most relevant points. Although I principally draw on the literature of political philosophy, I also take into account related contributions provided by sociolinguistics and economics, linking them when needed.

I start with an overview of the normative approaches to linguistic justice adopted by the main liberal democratic theories since Mill made his influential defence of the promotion of a single national common language in *Considerations on Representative Government* (1861). I do so by pointing out both the language interests prioritized (either communicative or identity-related) and the particular contexts from which these approaches stem.

Secondly, I address the current debates by examining specific theories that have focused on languages management as a matter of justice within the framework of different lines of liberal democratic thought previously sketched. I concentrate on four main contributions to the 21st century debates on linguistic justice, those of Will Kymlicka, Philippe Van Parijs, Alan Patten and Helder De Schutter, paying attention to their adequacy for managing plural societies in which different language groups coexist.

Finally, I identify several points on which I draw a critical analysis of the existing normative proposals. Fundamentally, and bearing in mind my two focuses of inquiry: (a) I argue that people usually derive both communicative and identity interests from languages regardless of their condition of majority or minority languages in a given context, so linguistic justice should deal with both kind of interests; specifically, I sustain that, just as identity interests stem from people's attachment to languages (especially to their first languages), communicative interests rely both on people's linguistic abilities (usually better in their first languages) and on people's linguistic choices in terms of communicative effectiveness, so that in *local* contexts *local* languages may be the best instrumental tools; (b) I defend that the cases of linguistic mixture and specifically those of linguistically mixed societies as a whole require pluralist approaches of linguistic justice; and (c) I suggest that existing pluralist approaches could be improved with a greater attention to both the instrumental interests that people can derive from minority languages and the sociolinguistic accounts of linguistic ideologies and choices.

The chapter is intended to lay out the evolution of contemporary approaches to linguistic justice and the fundamentals of current normative positions, as well as their possible shortcomings for addressing the specific case of mixed societies. It also constitutes a theoretical basis for both the empirical research and the normative proposals presented in this work.

It is structured as follows: Section 2.1 contributes an overview of approaches to linguistic justice in contemporary political philosophy; Section 2.2 focuses on the main current specific theories and debates on linguistic justice; Section 2.3 provides a critical analysis; and Section 2.4 presents several concluding remarks.

2.1. Overview of approaches to linguistic justice in contemporary political philosophy

Despite the fact that the just management of languages was not a central concern for political theory until the late 20th century, the current debates on language rights and linguistic justice have their roots in (and therefore also strong links to) different traditions of western thought and different contemporary liberal democratic theories.

On the one hand, as De Schutter explains,³⁰ the traditions of the Renaissance, the Enlightenment and Romanticism already address language as a politically important entity and each of them contributes fundamental approaches that provide different responses to the question of why language(s) matter to people. The Renaissance points out the values of linguistic dignity, pride, excellence and honour (language is a source of collective dignity and self-respect); the Enlightenment introduces those of linguistic precision, control and transparency (knowledge and education are a necessity for democracy, which requires not only a controlled and improved language but also a linguistically unified *polis*); Romanticism provides those of linguistic embeddedness, authenticity and self-realization (language is a source of self-realization, so each language group needs a different political, linguistic and national context). These three perspectives can be found in the linguistic justice debates of recent decades.

On the other hand, current debates are shaped by the more or less explicit approaches to culture and language(s) adopted by contemporary liberal democratic theories of justice. For instance, different understandings of relevant concepts like neutrality (alternatively interpreted as benign neglect or as evenhandedness) and freedom of choice have resulted in different views of linguistic justice, related in turn to different interpretations of the core value of equality between citizens.

As Kymlicka³¹ highlights, now theorists agree on the acceptance of equality as a fundamental value (that is, on the equal consideration of citizens' legitimate interests), although they differ on the best way to interpret it. From this point of view, the question of why language(s) matter to people is crucial to understanding which interests people derive from languages and then to considering what *treating them equally* means. Two first considerations arise: (a) if we take for granted the existence of communicative interests, a fundamental point to elucidate will be the relevance of identity interests related to languages; and (b) languages matter only insofar as they are desired by individuals and cannot be defended for their intrinsic value.³² This section outlines such contemporary liberal democratic theories, starting with Mill's early and influential contribu-

30. De Schutter, *Language, identity and justice*, 133-134.

31. Kymlicka, *Contemporary Political Philosophy*, 3-4.

32. As we shall see in chapter 4, this liberal perspective contrasts with public philosophies based on the discourse of languages endangerment (Duchêne and Heller, *Discourses of Endangerment*).

tion, and following with the first liberal egalitarian perspective and the communitarian, liberal culturalist and liberal nationalist responses. In order to understand the debates related to the arguments I defend in this work, I will focus on the way these approaches deal with communicative and identity interests related to languages, paying attention to the empirical contexts in which they have been developed. If, as Kymlicka suggests,³³ the ultimate test of a theory of justice is its coherence with the theorist's considered intuitions and convictions, then probably the contexts where those intuitions and convictions have grown are relevant both to understanding such theories and to assessing whether they can be applied to other, different, empirical contexts.

2.1.1. Mill's liberal utilitarian basis

Regarding languages, normative theories of liberal democracy have been largely influenced by Mill's preference for creating linguistically homogeneous democracies: for Mill, language works as the basis of a shared political culture, so democracy demands a minimum degree of cultural affinity.³⁴ One of the texts most quoted by political literature on the just management of languages is the following fragment of *Considerations on Representative Government*:

Free institutions are next to impossible in a country made up of different nationalities. Among a people without fellow-feeling, especially if they read and speak different languages, the united public opinion, necessary to the working of representative government, cannot exist. The influences which form opinions and decide political acts are different in the different sections of the country. An altogether different set of leaders have the confidence of one part of the country and of another. The same books, newspapers, pamphlets, speeches, do not reach them. One section does not know what opinions, or what instigations, are circulating in another.³⁵

Two interesting assumptions arise from Mill's model: (a) both dimensions of language, communication and identity, are important for democracy;

33. Kymlicka, *Contemporary Political Philosophy*, 6.

34. Kraus, *A Union of Diversity*, 85-87.

35. Mill, *Considerations*, 190.

and (b) people are monolingual (the possibility of a broad individual bilingualism is not envisioned).

Mill's context is characterized by the building of incipient democracies in states with significant proportions of illiterate people, who must be educated in one particular language in order to be able to act as citizens. From a utilitarian perspective, the spread of majority languages as (single) languages of literacy is fair, because it favours the welfare of the majority. Majority languages are deemed not only more useful, but also more valid for public communication, because usually the existing minority languages are not standardised.³⁶

Against this background, it is easy to understand the opposition between the possession of a common language and the maintenance of linguistic diversity, as well as the subsequent normative outcome of assimilationism. The influence that Mill's assumptions have had on the theories of nationalism and on the first forms of liberalism is also understandable; both share these assumptions at least until the late 20th century. However, it is more difficult to justify the persistence of such an approach as long as contemporary western societies become largely literate and educated, while at the same time individual bilingualism increases.

Indeed, Mill's thesis is consistent with the constitution of nation-states as linguistically homogeneous polities, so it allows legitimization of their assimilationist policies. In fact, as several authors highlight, one of the pillars of modern nation-state building has been the promotion of a common, standardized language. Language has been a core element in theories of nationalism, which have repeatedly emphasized the value of a single common language both for reasons related to the identity of a community (its historical roots, its singular character) and on pragmatic grounds. For example, Anderson considers sharing a language to be a necessary condition for building a national consciousness, the *imagined community*.³⁷ For Gellner, meanwhile, the creation of a high culture through a codified common language is essential for the modern nation in a pragmatic sense,

36. That is what this other widely quoted fragment of Mill's (Ibid) highlights: *Nobody can suppose that it is no more beneficial to a Breton, or a Basque of French Navarre, to be brought into the current of the ideas and feelings of a highly civilized and cultivated people—to be a member of the French nationality, admitted on equal terms to all privileges of French citizenship, sharing the advantages of French protection and the dignity and prestige of French power—than to sulk on his own rocks, the half-savage relic of past times, revolving on his own little mental orbit, without participation or interest in the general movement of the world. The same remark applies to the Welshman or the Scottish Highlander, as members of the British nation.*

37. Anderson, *Imagined Communities*.

in that it provides context-free communication which permits the growth of modern industry.³⁸

Sociolinguists like Blommaert and Verschueren³⁹ or Duchêne⁴⁰ point out that linguistic *homogeneity* is a widespread ideological premise linked to nationalism. Furthermore, as Woolard⁴¹ highlights, linguistic standardisation can be seen as an ideological process by which a common public language is constructed as unmarked, socially neutral, universally available, and in this sense *anonymous*, in order to be a carrier of hegemony.⁴² In the nation-state framework, such a single *common language* (a language widely known by the population and with essential communicative functions in the public sphere) also becomes the single *national language* (a language that identifies a nation and distinguishes it from others). These two concepts are inextricably linked and often mixed both in the literature and in the political discourse.⁴³

In turn, liberal democratic theories, which are fundamentally theories of the democratic state,⁴⁴ have tended to confer unquestioned legitimacy upon the promotion of state majority languages to the detriment of minority languages.⁴⁵ The first or classic liberal approach (*liberalism I*), based on universal individual rights and on a cultural-difference-blind notion of equality, becomes problematic mainly in multinational states, since, according to Requejo,⁴⁶ it “provides incentives to restricting minority national differences to the private sphere, all the while accepting the national cultural characteristics of the majority (language, history, traditions, etc.) as an implicit ‘common’ reality within the public sphere of the polity”.⁴⁷

38. Gellner, *Nations and Nationalism*.

39. Blommaert and Verschueren, “The Role of Language”, 194-195.

40. Duchêne, *Ideologies across Nations*, 11.

41. Woolard, “Language and Identity”, 4.

42. Woolard identifies two legitimizing ideologies of linguistic authority: *anonymity*, based on universality, and *authenticity*, based on particularity. The first justifies the promotion of majority languages as common languages, whilst the second justifies the protection of minority languages. These two ideological poles fit well with communication and identity, as well as with instrumentalism and constitutivism.

43. Cf. Riera, “Sobre el concepte polític de llengua comuna”.

44. Kymlicka, “Territorial boundaries”, 249-252; Requejo, *Multinational Federalism*, 23.

45. May, “Language rights”, 322-325.

46. Requejo, *Multinational Federalism*, 26-27.

47. Walzer (see Walzer, “Comment”) labelled this version of liberalism as *liberalism I* in commenting the work of Taylor, and contrasted it to *liberalism II*, which adds the paradigm of difference (equality-difference) to the previous paradigm of equality-inequality (cf. Requejo,

Unlike the nationalist outlook, this first liberal democratic perspective stresses the communicative values of language and usually omits its identity-related dimension, consistently with a conceptual framework in which the liberal value of neutrality is equated with silence on ethno-cultural issues. As a result, the promotion of a state's majority language as its common language is defended because of its communicative value, on the grounds of cultural neutrality, using both democratic and liberal arguments. In Woolard's terms, it is defended on the grounds of its anonymity, at the same time that its authenticity is silenced.

From a democratic viewpoint, a common language allows citizens to participate and is conducive to the existence of a common public opinion. It creates a sphere for interchange, deliberation, debate, conflict resolution and decision-making, where the collective will is formed.

From a liberal viewpoint, a common language is related to values of social justice and pragmatic rationality:

a) On the one hand, it increases mobility and opportunities for citizens, and facilitates redistribution. Moreover, it is the basis for solidarity and fellow feeling. It paves the way for mutual knowledge and trust among citizens, as well as for a shared concept of justice.⁴⁸

b) On the other hand, it facilitates efficiency (resource allocation), stability and unity.⁴⁹

Since the possession of a common language is conceived in a state-wide framework and still broadly understood as the opposite of maintaining linguistic plurality,⁵⁰ liberalism I tends to consider the assimilation of a minority language into a state's majority language as a just outcome. One of the most prominent contemporary examples of this account is that of *first* liberal egalitarianism, which often sustains strong instrumentalist positions, as we shall see in the next section.

"Les ombres de la Il·lustració", 32). I shall also use these labels in order to avoid connotations linked to other usual terms describing these two different liberal approaches, like *non-cultural* forms *versus cultural* forms of liberalism (Patten, *Equal Recognition*), a pair of labels that seem to reinforce a view of the first liberalism as effectively non-interventionist in terms of culture.

48. Van Parijs, "Cultural diversity".

49. Grin, "Principles of policy evaluation"; Robichaud and De Schutter, "Language is just a tool!"; Schnapper, "Linguistic pluralism"; Van Parijs, *Linguistic Justice for Europe*.

50. Cf. Patten and Kymlicka, "Introduction"; Réaume and Pinto, "Philosophy of language policy".

2.1.2. First liberal egalitarianism⁵¹

First liberal egalitarianism, the philosophical basis of the welfare state, has been one of the most influential political approaches in the 20th century. It focuses on socio-economic and political equality (*versus* inequality) and understands language fundamentally as an individual asset linked to equal opportunity: to achieve more socio-economic and political equality in a *demos*, the priority is maximizing communication, so linguistic identity interests tend to be left aside. Several liberal egalitarian philosophers are instrumentalists who consider that cultural and linguistic identity belong to the private sphere (it is not relevant for public policies or even entails a problem for equal opportunity).⁵² Those liberal egalitarians tend to operate on the assumption that liberal democracies are, in the standard case, monocultural nation states in which the possession of a single common language favours socio-economic redistribution. For example, as De Schutter points out,⁵³ John Rawls in his *Theory of Justice*⁵⁴ implicitly assumes that the basic unit of justice is a state unified in terms of language, history and nationality; although in later works Rawls recognizes that this is often unrealistic, he continues working with this assumption as a useful abstraction to address more complex cases.⁵⁵

Other liberal egalitarian theorists make such an assumption more explicit. For example, authors such as Brian Barry, Thomas Pogge, David Laitin and Rob Reich sustain that linguistic assimilation can be considered a worthwhile goal. In the opinion of Barry, language is a matter of

51. I use this term, adding the adjective *first* to the usual label of *liberal egalitarianism*, to highlight that (a) most authors labelled as liberal egalitarian sustain the approach of liberalism I (equality is basically understood on socio-economic grounds), at the same time that (b) most authors of liberalism II can be also labelled as liberal egalitarian (in this case, understanding equality also in terms of ethno-cultural justice).

52. This is not the case of Philippe Van Parijs, who holds a hybrid position based both on communicative and identity-related interests. However, as we shall see in section 3.2, Van Parijs only defends linguistic diversity when such a diversity is territorialized, but rejects the *locally-coexisting diversity* on the basis that it can undermine civic and economic solidarity (cf. Van Parijs, “Cultural diversity”; Id. “Linguistic diversity”).

53. De Schutter, “The Linguistic Territoriality Principle. A Critique”, 109.

54. Rawls, *A Theory of Justice*.

55. Rawls, *Law of Peoples*, 24-25 [quoted by De Schutter “The Linguistic Territoriality Principle. A Critique”].

However, it does not follow that Rawls supports the state promotion of linguistic homogeneity. Rather, he probably favours a procedural approach to language, more concerned about liberal procedures than about policy outcomes. I thank Alan Patten for this remark.

convention, only valuable as a medium of communication: accordingly, (a) learning a state minority language, even as a second language, represents a loss of opportunities; and (b), migrants must be assimilated into the majority language.⁵⁶ Laitin and Reich⁵⁷ feel that many members of marginalized groups would prefer linguistic assimilation even without ideological coercion, whilst Pogge affirms that parents who choose to educate their children in a minority language are condemning them to immobility.⁵⁸

As Patten highlights, the moral foundation of this conclusion is a particular conception of equality, which he calls *equality along non-linguistic lines*.⁵⁹ From this perspective, assimilation can be defended, as can (from more conciliatory positions) “language rationalization: a programme of promoting convergence on a privileged public language (or set of languages) by limiting or denying recognition of other languages in certain spheres of language use”.⁶⁰

This instrumentalist conception of equality seems to rely on a universalist view of language as a human capacity, but in practice it is always favouring the use of a majority language as the default position. As in the case of Mill’s model, this approach is framed within the empirical context of a linguistically homogeneous *demos*, that of the nation-state.⁶¹ Despite the fact that this is a *demos* of the late 20th century, where individual bilingualism is a feasible (and often real) possibility, (a) the standard citizen continues to be viewed as monolingual, (b) bilingualism tends to be

56. Barry, *Culture and Equality*, 105–107.

57. Laitin and Reich, “A Liberal Democratic Approach”.

58. Pogge, “Accommodation Rights”.

59. Patten, “Political Theory”, 698, 701. This is a valuable work that establishes a distinction between three different aspects of equality to be prioritized, giving rise to three models of language policy in multilingual settings. The first prioritizes a non-language-related dimension and fosters *language rationalization*. The second prioritizes equality in terms of outcome and fosters *language maintenance*. Finally, the third prioritizes equality in terms of treatment and fosters a regime of *official multilingualism*. As we shall see in subsection 2.2.3, Patten defends this third model.

60. For example, this is the position of Weinstock, who justifies the imposition of the language of the majority for reasons of communicative efficacy related to the organization of a functioning democracy. See Weinstock, “The Antinomy”, 269.

61. The case of plurilingual federations, such as Belgium, Canada and Switzerland, has challenged this assumption and has contributed to a move towards other theoretical models (cf. Patten, “Political Theory”, 705; Bauböck, *Public Culture*, 2; Patten and Kymlicka, *Language Rights*, 7; Kraus, *A Union of Diversity*, 99). However, it is worth noting that such federations are highly territorialized cases characterized by considerable linguistic homogeneity within their constituent federal units (each one with its own common language).

given no distributive value and (c) the opposition between the possession of a state common language and the maintenance of linguistic diversity remains.

Again, the fact that most influent liberal instrumentalist philosophers have developed their theories in largely monolingual English-speaking states (such as the United Kingdom and the United States) cannot be detached from their normative conclusions.

Globally, regarding the three spheres of tension mentioned in the introductory chapter,⁶² these first liberals prioritize the individual, universal and instrumental perspectives and tend to silence the collective, particular and identity interests of people. It is therefore not surprising that, when new approaches come into the debate on justice, they draw precisely on ethno-cultural minority rights (collective, particular) and focus on identity interests, as we shall see in next subsection.

2.1.3. Communitarianism, liberal nationalism and multiculturalism

The philosophical debates initiated in the 1980s between liberalism and communitarianism, as well as debates in the 1990s between nationalism and multiculturalism, challenge the previous assumptions and, according to De Schutter and Robichaud,⁶³ provide the most direct antecedents of the current developments in linguistic justice. Communitarian theorists such as Charles Taylor and Michael J. Sandel claim for a more culturally embedded picture of the self instead of the individualistic and *acultural atomism* of previous liberalism, while raising the necessity of cultural recognition (as an alternative to difference-blind policies). In turn, liberal nationalists such as Will Kymlicka and liberal multiculturalists such as Joseph Raz and Joseph Carens defend the moral and political importance of cultural membership and claim that the just accommodation of cultural difference implies minority rights. Indeed, as Kymlicka highlights,⁶⁴ an important assumption of this debate is the need to assess the justice of minority claims. This assessment is made in two ways: (a) by identifying the many ways that mainstream institutions are not indifferent to people's

62. Individuality/collectivity, universality/particularity and communication/identity

63. De Schutter and Robichaud, "Van Parijsian Linguistic Justice".

64. Kymlicka, *Contemporary Political Philosophy*, 305.

ethno-cultural identities, and (b) by emphasizing the importance of certain interests (such as identity recognition) which have traditionally been ignored by liberal theories of justice. In other words, these new liberal approaches, which following Walzer can be globally labelled as *liberalism II*, add the paradigm of equality-difference to the former paradigm of equality-inequality.⁶⁵

Three main criticisms of former approaches arise: (1) cultural identity does matter to people; (2) a politics of benign neglect is not culturally neutral, but favours majorities; and (3) the widely assumed *statism* that equates democracies with already established states (conceived as a single *demos*) also favours state majorities.

Regarding the political importance of cultural identity, Taylor, in his early and major contribution on justice of recognition,⁶⁶ defends the position that the principle of universal equality does not only entail a politics of equal dignity in terms of civil, political and social rights. According to this author, this principle requires a politics of difference, which must respect individual identity and allow for authenticity. To a considerable extent, Taylor's perspective is inspired by the linguistic specificity of Quebec within the Canadian federation. In dealing with this case, Taylor affirms that a difference-blind politics, based on a false ethno-cultural neutrality, is unjust because it favours the majority (the hegemonic culture) and impedes the cultural survival of minorities.⁶⁷

Several theorists remark that, when cultural diversity already exists in a polity, a culturally uniform conception of citizenship entails problems in terms of justice and stability, so it requires the addition of a *cultural citizenship* to the previous notions of civil, political and social citizenship.⁶⁸ So, if social rights were introduced to avoid socio-economic injustice, cultural rights should prevent ethno-cultural injustice.⁶⁹

Regarding the pursuit of liberal neutrality, besides the claim that benign neglect favours *per se* cultural majorities, the new approaches make

65. Requejo, "Les ombres de la Il·lustració".

66. Taylor, *Multiculturalism*, 38.

67. *Ibid.*, 43, 60-61.

68. Kymlicka, *Multicultural Citizenship*; Id., *Politics in the Vernacular*; Bauböck, "Cultural Citizenship"; Kraus, "The politics of complex diversity".

69. Throughout this work I shall habitually use this pair of terms, socio-economic (or social) justice and ethno-cultural (or cultural) justice, to refer, respectively, to the paradigm equality-inequality and to the paradigm equality-difference.

it evident that it does not work with languages. Many authors remark that liberal states cannot avoid choosing one or more official languages (*de jure* or *de facto*), and that language cannot be *disestablished*.⁷⁰ So, a shift is made to another conception of neutrality, that of *evenhandedness*, based on the necessity of balancing competing claims for recognition and support in matters of culture and identity, and of paying attention to the particularities existing in each context (Carens, 2000). For instance, Bauböck (2001a: 321, 327) considers states to have a *duty of non-neutrality*, since they must provide a shared public culture. In his view, a modern liberal democracy can be pluralistic *by giving official status to several linguistic communities and by assisting smaller and dispersed ones, but it cannot possibly be neutral: [modern languages] are public goods whose production and reproduction demand a large-scale investment of public resources*. In turn, Patten (2014) argues that in multilingual (and multicultural) settings, neutrality means equal recognition of identities (see subsection 2.2.3).

Regarding the criticism of *statism* in classic liberal theories, it refers to the unquestioned legitimacy given to existing democracies (that is, to states conceived as single *demos*), despite of the fact that they rely on resources which lack democratic legitimacy themselves: as Kraus remarks,⁷¹ the hegemonic definition of the identity of the *demos* precedes the dynamics of democratization in the nation-state. This criticism is mainly related to the consideration of the case of multinational states. From the perspective of national pluralism, minority nations' rights are interpreted as a response to majority nation building.⁷² For Kymlicka and Requejo, the apparent cultural neutrality in multinational states is rather a *silence* on interests and rights related to identity, recognition and cultural belonging: Kymlicka points out that, whilst majorities are silent on these issues, minorities must be explicit. In turn, Requejo highlights how such values and interests are traditionally omitted in plurinational liberal democracies.

In summary, liberalism II suggests that, in order to treat individuals as free and equal, their particular national and cultural identities should be taken into account.

70. For instance, Kymlicka, *Multicultural Citizenship*; Id., *Politics in the Vernacular*; Bauböck, *Public Culture*; Patten, "Political Theory"; Réaume, "Beyond Personality"; De Schutter, "Language policy"; Kraus, *A Union of Diversity*; and Van Parijs, *Linguistic Justice for Europe*, among others.

71. Kraus, *A Union of Diversity*, 30-32.

72. Kymlicka, *Politics in the Vernacular*.

Two remarks must be made in the context of my research focuses:

a) Concerning the ideological underpinnings regarding the communicative and identity interests related to languages, it seems that this new attention to identity is, to a great extent, a response to the traditional instrumental positions favouring majority languages. Maybe for that reason a strong link between majority languages and instrumental interests, on the one hand, as well as between minority languages and identity interests, on the other, emerges as a dichotomy, leaving aside the instrumental side of minority languages and its implications for justice.

b) Concerning the management of linguistically plural *demos*i (and specifically those linguistically mixed), the prevalence of transparent or discrete conceptions of languages and language groups still remains. Unlike the approaches described in previous sections, now the main empirical model is not a homogeneous nation-state, but a linguistically territorialized plurinational state, with the case of the Canadian federation and Quebec at the top of the list. The novelty is that state borders are questioned as *demos* borders,⁷³ since plurinational states are deemed to encompass several *demos*i: in Gagnon's words, the plurinational state is seen as a compounded *demos* of primary *demos*i.⁷⁴ According to this territorialized view, the primary *demos* is relevant because it constitutes the cultural context where citizens can exercise their freedom.⁷⁵ However, such a *demos*, as in former approaches, tends to be conceived in a rather monolithic way (compounded by a dominant majority of monolingual speakers of a particular common national language).

Against this background, the opposition between this single common language and the maintenance of local linguistic diversity still persists, and just language policies are related to an organisational model in which several languages are recognised at the state (federal) level and different (single) languages are recognized at the substate level. Such an organisational model is based on a linguistic territoriality principle (LTP) that fits a discrete understanding of language groups and in practice reinforces this transparent pattern. We will return to this point in section 2.2.

73. Kymlicka, "Territorial boundaries", 249-253.

74. Gagnon, *The foundations of asymmetrical*, 335.

75. Kymlicka, *Multicultural Citizenship*; Id., *Politics in the Vernacular*.

2.1.4. Four starting points for current debates on linguistic justice

Current specific normative theories and debates on linguistic justice stem from these previous approaches provided by different contemporary liberal democratic theories of justice.

At the beginning of the 21st century, we can identify four elements that arise from precedent discussions and constitute starting points for the development of normative theories of languages management: (a) a wide agreement on the normative relevance of identity interests related to language, along with communicative ones; (b) a tendency to assume that majority languages have the best communicative values, while minority languages are mainly valuable as carriers of identity; (c) a prevalent linguistically transparent or discrete conception of *demoi*, which often are deemed to be mainly compounded by monolingual speakers of a same language, that is, rather homogeneous in terms of people's linguistic skills and identities; and (d) a focus on minority nations and national minorities (long-settled populations) within states, which relegates research on the interests and rights of immigrant groups to a second place.

Furthermore, the spread of globalisation adds a new element to former discussions: an increasing interest for the just management of the use of transnational and *global* languages (mainly English), in terms of both their redistributive capacity and their impact on *local* linguistic identities.

First of all (point a), the prevalent perspective assumes that identity interests, like individual autonomy in a full context of choice and dignity, should be pursued by a just language policy, along with communicative (or instrumental) interests. This approach values the possession of a common language in a polity, but also takes into consideration the rights derived from identity interests of (long-settled) populations speaking that language along with other languages. Several scholars suggest that a combination of institutional multilingualism and individual bilingualism, instead of linguistic assimilation or *rationalization*, may favour democratic participation, social justice and communicative efficacy without undermining ethno-cultural justice. From this point of view, rights linked to identity interests are not only valuable *per se*, but also as an instrument

to pursue such other politically valued ends that are primarily linked to the communicative side of language.⁷⁶

Secondly (point *b*), the debates on linguistic justice tend to stem from the wide assumption that communication is better fulfilled by majority languages, while minority languages are above all carriers of identity; therefore, ethno-cultural justice tends to be linked to minority languages, while socio-economic justice to majority languages.

Such an assumption can be applied to different political levels (sub-state, state, suprastate). Traditionally, linguistic majorities and minorities have been considered with reference to states. Thus, as May points out, from this perspective state majority languages “are lauded for their ‘instrumental’ value, while [state] minority languages are accorded ‘sentimental’ value, but are broadly constructed as obstacles to social mobility and progress”, leading to an oppositional choice that becomes a highly problematic position.⁷⁷

Interestingly, the specific debate on linguistic globalisation involves comparable associations that can place state languages in the minority position. As we shall see below, Van Parijs’ proposal draws on a similar duality between English and local languages. And sociolinguists also point to it. For example, Fishman relates the spread of English to values like democracy, international trade and economic development, while linking the reinforcement of local languages to identity and authenticity.⁷⁸ In a similar way, De Swaan highlights⁷⁹ that *hypercentral* or *supercentral* English increases people’s opportunities for communication, while peripheral or local languages embody their specific cultural capital.⁸⁰

Finally (points *c*, *d*), the discrete conception of languages and language groups, added to the assumption that the standard citizen is

76. Cf. Kymlicka, *Politics in the Vernacular*; Parekh, *Rethinking Multiculturalism*; Torbisco, “Questions for Schnapper”; Patten, “Political Theory”; Réaume, “Beyond Personality”. Réaume (Ibid, 281), quoting the Canadian prime minister Pierre-Elliot Trudeau, presents the Canadian case as an example in which bilingualism was adopted to prevent a breakdown between two linguistic communities, the costs of which would have exceeded those of accommodating the linguistic minority.

77. May, “Language rights”, 333.

78. Fishman, “The New Linguistic Order”.

79. De Swaan, *Words of the World*, 193.

80. Interestingly, as we shall see in chapters 3 and 4, this global scenario puts some traditionally hegemonic national languages in the minoritarian side and has prompted certain states to endorse regulations to protect their *national* languages against English (e.g. France, Sweden and Switzerland).

monolingual, make the prevailing approaches to linguistic justice unable to deal with linguistically mixed or hybrid settings.⁸¹ Linguistic mixture appears when different language groups live intermingled, mainly because long-settled national minorities have survived the linguistic assimilation processes, but also because migrants have adopted the languages of host countries without abandoning their languages of origin. Such situations may imply significant levels of individual bilingualism in a *demos*, as well as the coexistence of individuals with different linguistic abilities and different patterns of linguistic identity. In addition, in rather linguistically homogeneous western democracies the rates of individual bilingualism are increasing due to the learning of foreign transnational languages. Although in this latter case people may remain similar in terms of identity (if we assume that linguistic identities are basically related to the first languages spoken),⁸² they may become differentiated in terms of abilities.

The specific theories on linguistic justice developed in the 21st century draw to a great extent on this set of assumptions and concerns. In fact, nowadays theorists tend to agree on these starting points, except in the case of (c), namely their conception of languages and language groups. It is precisely the position adopted by theorists towards mixture that provides us with an axis (monism/pluralism) for classifying and analysing current debates.

2.2. Main current debates: monism versus pluralism

This section reviews the ways that linguistic justice is being addressed in the 21st century. It does so (a) by focusing on the contributions of the main authors that have devoted substantial research to the specific issue of linguistic justice since Patten and Kymlicka edited *Language rights and political theory* in 2003, the first relevant collection of papers on the matter and still now an important reference book; and (b) by classifying them into *monist* and *pluralist*, a divide suggested by De Schutter⁸³ that fits well

81. De Schutter, "Language policy", 13.

82. See chapter 5.

83. De Schutter, Language, identity and justice.

with previous analyses of philosophical approaches to multiculturalism and plurinationalism.⁸⁴

I start with a descriptive analysis of each position, also paying attention to their inherent policy recommendations (linguistic territoriality, on the one hand, and linguistic personality or pluralism, on the other). Then, linking political theory and sociolinguistics, I examine the consequences of adopting monist or pluralist views on instrumental and identity values of languages. Additionally, I highlight the complexity of managing linguistic choices in plural settings.

Four theorists contribute the most important proposals in this field: Will Kymlicka, who with his major and early works on cultural and linguistic rights in multinational states set up the basis for further analysis;⁸⁵ Philippe Van Parijs, who over the last two decades has worked on a comprehensive theory on linguistic justice, published in 2011 as the first monograph in this field, *Linguistic justice for Europe and for the World*; Alan Patten, also a philosopher especially prolific in works related to language rights, who in his main book, *Equal Recognition. The Moral Foundations of Minority Rights* (2014), devotes a chapter to the issue; and Helder De Schutter, who over the last decade has contributed substantial papers both intended to summarize the state of the art in the field and to develop a new specific and comprehensive normative proposal on linguistic justice.⁸⁶

84. Cf. Parekh, *Rethinking Multiculturalism*; Requejo, *Multinational Federalism*. According to De Schutter (Language, identity and justice, 190-194), monist and pluralist positions rely on different principles of distribution of the interests that individuals derive from language(s). Both the first forms of liberalism and liberal nationalism are monist. The former adopt instrumentalism as a criterion of distribution (as seen before, instrumentalism argues for equality along non-identity-related lines); by leaving aside the consideration of identity interests, instrumentalism in practice fosters interests of the majority. The latter takes into account such identity interests, but articulates their distribution on the grounds of linguistic nationalism (which sustains the univocal relationship between language and *demos*), so in fact can be described as globally pluralist but locally monist. In contrast, more recent positions (De Schutter, Language, identity and justice; Id., “Language policy”; Patten, *Equal recognition*) are pluralist, in the sense that they suggest the distribution of identity interests according to a principle of equal treatment or equal recognition of coexisting individuals as members of different language groups.

85. See, for instance, Kymlicka, *Multicultural Citizenship*, and Id., *Politics in the Vernacular*.

86. See, for instance, De Schutter “Language policy”; Id., “The Linguistic Territoriality Principle. A Critique”; Id., “The Linguistic Territoriality Principle: Heterogeneity”; Id., “Testing for linguistic injustice”. The research in this field is lively. A considerable range of authors, such as Rainer Bauböck, Joseph Carens, Michele Gazzola, François Grin, Peter Kraus, Jean Laponce, Stephen May, Denise Réaume, David Robichaud, Anna Stilz, Daniel Weinstock and Sue Wright, have also recently worked on linguistic justice within the framework of political theory, adopting different approaches (e.g. from philosophy to economy and law).

All these authors have in common that (a) they consider that a just language policy should fulfil identity-interests (along with the communicative ones), and (b) they prioritize the identity-interests of long-settled (national) minorities over those of migrant groups.⁸⁷

At the same time, their proposals differ in several aspects. Fundamentally, the two first authors, Kymlicka and Van Parijs, adopt rather monist approaches: they develop their theories taking into account a standard *demos* unified by a national common language, and therefore a territorialized (not overlapped) view of language groups. In contrast, Patten and De Schutter adopt pluralist approaches; particularly concerned with the case of linguistically heterogeneous *demos*, where significant different language groups coexist.

These two perspectives lead to different policy recommendations, which can be summarized with a reference to the widely used principles of linguistic territoriality (LTP) and linguistic personality (LPP)—the latter also called by De Schutter *linguistic pluralism*. Since these principles are relevant for both my theoretical and my empirical analysis, I shall devote the next lines to briefly describing the concepts underlying them.

The duality between territoriality and personality principles has been used by social scientists since the 1960s, but with different meanings and purposes.⁸⁸ For this reason, some theorists have preferred other analytical

However, in order to summarize the current state of the art, I will focus on the four main authors mentioned.

87. In fact, such a priority of national minorities over migrants is generally defended by theorists (cf. also Bauböck, “Cultural Citizenship”; Kraus, *A Union of Diversity*. To a great extent, it is justified by the migrants’ consent argument firstly formulated by Kymlicka (*Multicultural Citizenship*, 96-99), and also more or less explicitly considered by the other authors (cf. Van Parijs *Linguistic Justice for Europe*, 138; Patten, *Equal recognition*, 294-297; De Schutter, Language, identity and justice, 245-251).

88. As Branchadell (Branchadell, *La moralitat de la política lingüística*, 88-90) points out, already the earliest uses of the terms *territoriality* and *personality* (e.g. those of Heinz Kloss, “Territorialprinzip”, and Kenneth D. McRae, “The Principle of Territoriality”) differed. Kloss used them to describe different ways of classifying the ethnic identities of individuals (according to the territory where they live or to their language group). In turn, McRae used the same terms to describe different treatments of the language rights of individuals: in this case, *territoriality* leads us to apply the same regime (monolingual or plurilingual) to all individuals living in a territory, while *personality* leads to treat them differently according to their individual characteristics (for instance their first language or mother tongue). This concept of *personality* resembles that of *categorically differentiated coercive regime* described by Van Parijs, *Linguistic Justice for Europe*. Note that McRae’s approach allows for an individual’s choice when territoriality is applied, but not when personality is, just in the opposite sense to that which the habitual uses of these terms have, as we shall see below.

classifications of language policies.⁸⁹ However, the principles of territoriality (LTP) and personality or plurality (LPP) are still mainstream models in the current debates on linguistic justice, partly because Van Parijs bases his prominent normative theory on the defence of linguistic territoriality. In response to Van Parijs, also Patten and De Schutter explicitly refer to LTP and LPP.

Broadly speaking, the concepts of LTP and LPP are always related to language regimes and language rights, but they are alternatively used with two different focuses (sometimes mixed and confusing): on the one hand, territoriality and personality describe different institutional models of linguistic organisation in decentralized states;⁹⁰ on the other, the distinction between a LTP and a LPP is used to measure the extent to which individual linguistic choices are allowed by linguistic regimes of particular policies regardless of their territorial organisation (e.g. states or substates, decentralized or not). In essence, it is the second perspective that provides a basic analytical distinction for assessing the degree of recognition of different language groups. With this purpose, De Schutter defines the principles of territoriality and plurality (or personality) as follows: (a) the LTP entails the official recognition of only one language in a particular unit, and therefore the public support of only one particular language group; (b) the LPP entails an equal accommodation, within certain practical limits, of all native (non-immigrant) language groups within the same territorial and political unit.⁹¹

With the same analytical aim, I shall adopt these definitions in this work when dealing with the theoretical principles of territoriality and personality (or plurality).

However, in the real world these two ideal concepts are scarcely found in their pure forms: in practice, monolingual and plurilingual regimes overlap in several ways. As we shall see in chapter 3, monolingual regimes often leave some room *de jure* for the choice between two or more lan-

89. Cf. Réaume “Beyond Personality; Branchadell, *La moralitat de la política lingüística*.

90. According to this perspective, the instantiation of a LTP means that the language rights of individuals vary from region to region according to local conditions; whilst that of a LPP means that they enjoy the same set of language rights no matter where they are in the country.

91. De Schutter, “The Linguistic Territoriality Principle. A Critique”; Id., “The Linguistic Territoriality Principle: Heterogeneity”; Id., “Testing for linguistic injustice”. Seen this way, the dichotomy between the LTP and the LPP can be reduced to the dichotomy between a monolingual and a plurilingual regime, as Branchadell (*La moralitat de la política lingüística*: 84-94) highlights.

guages, depending on the jurisdictional level (choice allowed in some or all jurisdictions of a polity) and the communicative domain (choice allowed in some or all domains of communication). Therefore, any exercise of characterization of empirical cases according to the degree of linguistic choice allowed to individuals will require a wider range of categories than the simple dichotomy between LTP and LPP (or choice / no choice), reflecting these two criteria. Chapter 5, in examining mixed societies, provides an example of categorization of empirical cases that takes them into account.

2.2.1. Monist approaches

Two prominent authors develop proposals of linguistic justice consistent with a monist approach: Will Kymlicka, a liberal nationalist, and Philippe Van Parijs, a liberal egalitarian.

Kymlicka defends that, in order to favour the exercise of individual freedom, the state must sustain a cultural structure that provides people with meaningful options. In Kymlicka's words, individual autonomy must be understood within a full cultural context of choice.⁹² For Kymlicka, this full context of choice is provided by a societal culture, a concept defined in terms of language:

By a societal culture, I mean a territorially-concentrated culture, centred on a **shared language** which is used in a wide range of societal institutions, in both public and private life (schools, media, law, economy, government, etc.). I call it a societal culture to emphasize that it involves a **common language** and social institutions, rather than common religious beliefs, family customs, or personal lifestyles.⁹³ [my emphasis]

Kymlicka's works constitute one of the most significant contributions to the specific theories on linguistic justice, paving the way for the current debates. This author fundamentally addresses the language rights of territorialized national minority groups in plurinational states. From his perspective, minority nations have a right to self-government, conceived as the best way to ensure the maintenance of their cultural context of choice. Maintaining this context of choice means, to a great extent, ensur-

92. Kymlicka, *Multicultural Citizenship*; Id., *Politics in the Vernacular*.

93. Kymlicka, *Politics in the Vernacular*, 25, and id., "Territorial boundaries", 259.

ing the functioning of institutions in a territorially majoritarian national language.

A relevant contribution from Kymlicka is his account of the permissible liberal restrictions on individual choices. According to Kymlicka, (national) minority groups require external protections intended to ensure that people (a) are able to maintain their way of life if they so choose, and (b) are not prevented from doing so by the decisions of people outside the community. However, those protections exclude internal restrictions intended to force people to maintain their traditional way of life by limiting their basic civil or political liberties (except under extreme cases). For Kymlicka, a liberal conception of minority rights requires both protecting the freedom of individuals within the group and promoting relations of equality between groups. In terms of linguistic rights, it means that the protection of a particular language group cannot imply putting limits on the fundamental liberties of its members: such a protection must always leave room for individual choices (e.g. to change their usual language at any moment of their life). Conversely, the protection of a particular language group can entail restrictions on the basic liberties of members of other (dominant) language groups, whether such restrictions promote equality between the said language groups. I will return to this distinction in section 2.2.3 and in chapter 5.

In turn, Philippe Van Parijs has provided one of the most impressive contributions to the theories of linguistic justice up to now, both in terms of number of works published and in terms of specificity, comprehensiveness and originality. In his monograph (2011), Van Parijs proposes combining

an accelerated worldwide democratization of competence in English with the territorial protection of a large number of languages (...) on the basis of a conception of global justice that articulates fair distribution and equal respect, against the background of an analysis of contemporary language trends that gives a key role to (...) the ‘maxi-min dynamics’.⁹⁴

94. Van Parijs, *Linguistic Justice for Europe*, 4-5. The concept of maxi-min dynamics is an important contribution by Van Parijs to the understanding of the use of languages in multilingual settings. It refers to the “mutually reinforcing interaction between, on the one hand the impact of the probability of using a language on the speed with which it is learned, and on the other the systematic adoption, in communication between plurilinguals, of the language of minimum exclusion (or *minimex*), i.e. the language best known by the participant who knows it least”. (Van Parijs, “Linguistic diversity”, 18; also described in Van Parijs, “Cultural diversity”, and id., *Linguistic Justice for Europe*.)

Therefore, he adds the perspective of linguistic global justice (by valuing the spread of English) to the traditional perspective of intra-state justice linked to the management of the internal diversity of states. In doing so, Van Parijs considers both communicative and identity interests, by relating the former (mainly the increase of socio-economic opportunities) to the spread of English as a lingua franca (ELF), while the latter to the local protection of majority national languages. For this author, fair distribution, equal respect and parity of esteem are “conjectural components of a reflective equilibrium”.⁹⁵ So, whilst Kymlicka argued his defence of identity on the grounds of individual autonomy, Van Parijs does so on the grounds of dignity.

According to Van Parijs,⁹⁶ equal respect and parity of esteem require the implementation of coercive regimes based on a linguistic territoriality principle (LTP). Van Parijs opposes the LTP to a principle (or regime) of linguistic accommodation that “simply adjusts to the demand of the population in a way that is not fundamentally different from the way in which the market would adjust”.⁹⁷ The LTP is, then, a coercive linguistic regime territorially differentiated that prioritizes justice for the national groups established in a particular territory.⁹⁸

For this author, the LTP specifically favours the use of a (single) national local language (*vis à vis* other dominant languages), since it constitutes a “set of legal constraints that increase, sometimes dramatically, the incentive/opportunity to learn **the local language** and/or impose the use of **the local language** even in interaction contexts in which it is not the maxi-min language, and hence not the language that would make the communication easiest”.⁹⁹ [my emphasis]

In 2004 Van Parijs explicitly rejected a locally-coexisting linguistic diversity arguing that it makes the *we-feeling* and the agreement on what justice is difficult, so it undermines civic solidarity.¹⁰⁰ However, in 2011

95. Ibid, 119.

96. Ibid, 120.

97. Ibid, 133-135.

98. Another important notion contributed by Van Parijs points to the difference between *coercive* and *binding* regimes. Thus, coercive regimes are only binding when they interfere with the maxi-min dynamics defined above, that is, when they are intended to promote minority languages. This distinction between coercive and binding regimes will be useful to understand different linguistic regulations examined in chapters 3 and 4.

99. Van Parijs, “Cultural diversity”, 387.

100. Ibid, 374-378.

this author qualifies that a LTP is compatible with heterogeneity and argues that, under a territoriality regime: (a) the local language is not necessarily the only language known and spoken by most or all of the permanent inhabitants of a territory, “but it should be sustainably shared by them”; (b) all allophone long-term residents can have cheap and easy access to an adequate level of proficiency in the local language; (c) several languages can be protected. Regarding this last point, Van Parijs considers two options: a disjunctive regime (“by offering the choice in public communication and in education between two or more languages”) and a conjunctive regime (“by requiring and securing competence in these languages in the whole population”); for him, the fairest system is the conjunctive one, but it is also more demanding.¹⁰¹ In practice, these options (especially the disjunctive regime) are contextual solutions that, paradoxically, fit the principle usually understood to be the opposite, that of linguistic personality (or plurality).

Nevertheless, in essence Van Parijs’ proposal is intended to promote one local national language in a particular territory besides a broad knowledge of English. As we can read in the conclusions of his 2011 book: “(a) the most effective way of pursuing linguistic justice thus understood as parity of esteem consists in granting each linguistic community the right to impose its language as the medium of instruction and public communication in some territory, providing it is willing to bear the fair cost of doing so; and (b) we need a lingua franca, and only one (...) on a European and on a global scale”.¹⁰² [my emphasis]

2.2.2. Pluralist approaches

Pluralist approaches stem from the claim that, in many empirical cases, the dominant discrete (or transparent) understanding of languages and language groups is a misconceived starting point that leads to inappropriate normative conclusions. These approaches depart from previous predominant monist approaches and are intended to both legitimize linguistically mixed *demoi* and provide tools for their just management.

Two main theorists have developed comprehensive pluralist theories of linguistic justice: Alan Patten and Helder De Schutter. Both explic-

101. Van Parijs, *Linguistic Justice for Europe*, 151-155.

102. *Ibid*, 208-209.

itly reject the homogenist approaches of first liberals (instrumentalists) and of liberal nationalists.¹⁰³ Moreover, both point out the importance of identity interests that individuals derive from language(s) and argue their proposals on the grounds of such identity interests rather than on communicative ones.

Alan Patten (2014) defends the equal recognition of identities as the way of implementing the ideal of liberal neutrality.¹⁰⁴ For Patten, neutrality means providing equivalent resources to both cultural majorities and minorities, so he rejects the liberal nationalist notion that national minorities should enjoy all the traditional prerogatives of the nation-state majority within some restricted territory. This author calls his conception of neutrality ‘neutrality of treatment’, and argues that equal recognition is often the only form that neutrality of treatment can take for a range of decisions that a state must take about the *format* of its institutions—e.g. their language.¹⁰⁵

With regard to linguistic justice, I would highlight three aspects of Patten’s approach.

Firstly, his defence of equal recognition of language groups is exclusively sustained by identity-related arguments. Patten explicitly argues that promotion-oriented rights of minority languages cannot be grounded in communicative interests:¹⁰⁶

One kind of argument that will not help us make the case for the equal recognition model appeals to the communicative interests that people have in language rights. (...) We want to know whether minority-speakers have rights to the public use of their language even in situations where they (...) already speak the majority language. **It cannot be communication that matters for minority language rights in this context because communication can occur in the majority language.** [my emphasis]

Secondly, drawing on Rawls’s normative framework, Patten describes his theory as procedural: it is concerned about the fair opportunity for individuals’ self-determination, but not about cultural preservation *per se*.

103. Patten, *Equal recognition*; De Schutter, Language, identity and justice; id., “Language policy”.

104. Patten, *Equal recognition*.

105. *Ibid*, 28.

106. *Ibid*, 201-202.

In this sense, this author explicitly contrasts his approach with those of Kymlicka and Van Parijs, which (according to Patten) indirectly rely on the specific outcome of languages preservation.¹⁰⁷ For Patten, “the task of language policy is not to achieve some specific linguistic outcome but to establish non-outcome-based fair background conditions under which speakers of different languages can strive for the survival and success of their respective language communities”.¹⁰⁸ In consequence, Patten rejects language planning, while presenting his proposal as an alternative way to both the nation-building approach (intended to promote a single common language) and to the language preservation approach (intended to protect several languages). According to Patten, the relevant fact in terms of linguistic justice is not the policy outcome, but the existence of fair background conditions of choice for individuals: in general terms, if the choices of individuals have been taken in such a just background, its derived outcomes will be suitable, whatever they are.¹⁰⁹

Thirdly, Patten conceives these fair background conditions of choice on the basis of a prorated distribution of resources between language groups (now drawing on Dworkin’s distributive account). He suggests that, by default, the starting point for a just language policy in multilingual settings is a *prorated official multilingualism* adjusted to the number of people demanding services in each recognized language. Therefore, his proposal focuses on the resources provided to each group, which should be prorated in order to avoid high costs: this concern is linked to the idea that the identification with minority languages is closer to an expensive taste than to an unchosen inequality.

However, the prorated official multilingualism proposed by Patten is a point of departure to be adapted to particular contexts when sufficiently good reasons exist: equal recognition is consistent with a range of possibilities involving a preference for one or several languages, provided that

107. Ibid, 29.

108. Ibid, 198.

109. Regarding this point, I understand that purely procedural approaches are unrealistic in empirical terms. On the one hand, public policies always have particular objectives, as my analysis of linguistic regulations will show (see chapters 3 and 4). On the other hand, in practice it is difficult to identify what *fair conditions of choice* mean. Therefore, in implementing language policies in a particular context, I suggest that the approach adopted needs to be both procedural and outcome-oriented, in the sense that reality compels us to fit the considered fairest procedures for that context with certain (reasonable) objectives sought by elected political representatives.

these options respond to choices made by people under fair background conditions.

In response to Van Parijs' concern about the effects of maxi-min dynamics on language choices (which for that author justify a coercive regime of linguistic territoriality), Patten sustains that his proposal of equal recognition can contribute to the short and medium term preservation of a minority language group by helping to (a) sustain the availability of particular options that minority speakers care about, and (b) accommodate various identity-related preferences and attitudes they might have.¹¹⁰

In turn, Helder De Schutter sustains that a just language policy should adjust to three guiding principles: (1) equality between individuals on the basis of their membership of some language group(s); (2) priority of enabling over restricting language choices; (3) priority for vulnerable language groups.¹¹¹

Drawing on Kymlicka's concepts of external protections and internal restrictions, De Schutter deals with the notions of external (inter-group) and internal (intra-group) restrictions of linguistic choices, suggesting that equality is violated by both.¹¹² For this author, rights should *assist and promote, not restrict*; however, an equality of restrictions, formulated by the *equal enabling* of all language groups, can be justified.¹¹³

This author adopts an approach of equal treatment similar to Patten's approach, but sustains rather an inverse pro-rating of resources, in the sense that public support should be granted to vulnerable or insecure language groups. Unlike Patten, De Schutter considers that equality of treatment *entails giving more recognition (including a bigger share of available resources) to the more vulnerable language groups*,¹¹⁴ on the basis that one's membership of a linguistic group is a circumstance rather than a choice

110. Ibid: 226-227.

111. De Schutter, Language, identity and justice, 233; De Schutter, "Testing for linguistic injustice", 1046-1048.

112. De Schutter, "Testing for linguistic injustice", 1035. For De Schutter, a clear example of external restriction is implementing a linguistic territoriality principle in a *demos* with several language groups.

113. De Schutter, Language, identity and justice, 237. In the same way that I pointed out the practical difficulty of identifying fair background conditions of choice in the case of Patten's procedural approach, in De Schutter's formulation the problem remains. When it comes to empirical reality, both individuals' free choices and *equal enablings* that justify restrictions can hardly be delimited. I shall return to this issue in subsection 2.2.3.

114. De Schutter, Language, identity and justice, 241-242.

(and, from a distributive point of view, inequalities due to people's circumstances ought to be compensated). However, such preferential treatment should only be provided to *vulnerable and insecure minorities that live intermingled with a linguistically secure language group* and are *on the brink of losing their capacity to provide their speakers with language identity*,¹¹⁵ that is, with autonomy and dignity. Thus, as in the case of Patten, De Schutter's pluralist approach is fundamentally grounded on identity-interests of vulnerable language groups rather than on their instrumental interests.

Besides Patten and De Schutter, several theorists sustain similar pluralist proposals, despite the fact that they have not developed a theory of linguistic justice. For example, Réaume¹¹⁶ supports equal recognition on the basis of the intrinsic value a language has for its speakers, and defends that every viable linguistic community should be granted linguistic security to use and transmit its own language. Linguistic security means, for Réaume, having both recognition by others and a support for the instrumental usefulness of that language¹¹⁷ that entails not being compelled to abandon it. So, on the one hand, Réaume is using arguments of both communication and identity and, on the other, she demands more than pro-rated resources for weaker language groups.

Also, Carens claims for the recognition of territorially concentrated linguistic minorities, in different degrees according to contextual circumstances, and including migrant groups if their number and concentration so require.¹¹⁸ Along similar lines, Gagnon suggests three principles (measure, dignity and hospitality) that could be a driver to increase the flexibility of the LTP applied in Quebec, in order to be more inclusive both with the Anglophone minority and with migrants.¹¹⁹

2.3. A critical analysis

After this overview of the existing literature on linguistic justice, now my aim is to present a critical analysis of the main points identified. My approach sustains that: (a) languages matter to people both for instrumen-

115. Ibid, 242-243

116. Réaume, "Official-language rights"; id., "Beyond Personality".

117. Réaume, "Beyond Personality", 6.

118. Carens, "Liberalism and Culture"; id., *Culture, Citizenship and Community*.

119. Gagnon, *Temps d'incertitudes*.

tal (communicative) and identity reasons; (b) just as majority languages are carriers of identity, minority languages can also be useful tools for communication; (c) accordingly, linguistic plurality could be normatively grounded not only in identity interests, but also in instrumental interests; (d) linguistically plural societies require pluralistic approaches providing some form of equal treatment to individuals as members of different language groups, whose design is closely related to each context; (e) linguistically mixed societies, where different language groups coexist and live intermingled, are significant cases with specific features that require particular attention from normative theorists; and (f) theorists should also pay more attention to the just treatment of migrants as members of particular language groups.

I address these points in two subsections corresponding to my two research interests, namely the relationship between communication and identity (points a, b, c) and the treatment of mixture and mixed societies (points d, e, f).

Nevertheless, even though I recognize the necessity of working in greater depth with the case of migrants, its specific treatment is not one of the purposes of this work. I shall simply devote the following initial lines to this topic, in order to highlight that immigration is an additional element of complexity in dealing with mixture, until now only tangentially addressed by linguistic justice theories.

The *consent* traditional argument states that voluntary migrants must adapt to the language(s) of the host country for the sake of a primary aim of integration, so they lose their instrumental and identity interests linked to their languages of origin. However, as recognized by several theorists, this argument is weak. One of its weaknesses is that significant percentages of migrants become citizens of their host countries, citizens with a will of permanence who one day may constitute long-settled differentiated language groups, because they maintain the contact with their cultures of origin and will possibly transmit their own languages for generations. When migrants start becoming long-settled populations with particular linguistic identities (as is now the case, for instance, of the Portuguese-speaking population in Luxembourg and Andorra, of the Arabic-speaking population in Brussels, and of the Turkish-speaking population in Germany), then some further consideration of language justice is needed. Thus, among other issues, the difficulty of delimiting the categories of long-settled population and that of immigrants is likely to increase. Since such a categorization has been relevant to data for delimiting people's

language rights, normative theories of linguistic justice should go into this issue in depth in the near future.¹²⁰

2.3.1. Analysing communication and identity

The review carried out allows us to conclude that both communication and identity matter to the speakers of any language, although in practice identity claims tend to become explicit only when a linguistic identity is felt to be threatened (as happens with other kinds of individual and social identities).

Therefore, from a perspective of linguistic justice, governments should be concerned for providing equal opportunity to their citizens both in the equality/inequality axis and in the equality/difference axis. In other words, governments should be concerned for both communicative and identity-related needs of their citizens, that is: (a) to enable them to realize their instrumental interests in terms of communicative effectiveness, and (b) to enable them to realize their identity interests in terms of dignity and freedom in a meaningful context of choice. These two *enablings* could be considered requirements of justice.

Regarding communication and identity, a glance at the normative positions held by Will Kymlicka, Philippe Van Parijs, Alan Patten and Helder De Schutter reveals, first of all, that these four authors are explicitly defending identity interests as a matter of justice: they do so partly because they are opposed to former instrumentalist views, and partly because they are concerned with the rights of linguistic minorities. On the one hand, monist views, like those of Kymlicka and Van Parijs, favour policy designs intended to guarantee the communicative usefulness (instrumental value) of local majority languages *vis à vis* potential more useful languages (state languages and global languages); they defend a LTP on the grounds of identity interests, but in fact this LTP is preserving the instrumental value of local majority languages (Van Parijs is quite explicit in this regard).

120. De Schutter justifies the scarce attention devoted to immigrants' rights up to now from linguistic justice approaches; arguing that such rights should primarily be resolved as a part of a theory of global distributive justice, or of immigration, framed within the analysis of their set of claims with respect to the guest society, the legitimacy of limiting immigration and the design of processes of admission (see De Schutter, *Language, identity and justice*, 196) While I agree with the necessity of working within this general framework, I also think that linguistic justice should address immigrants' rights in a deeper and more straightforward way.

In contrast, pluralist views (like those of Patten and De Schutter) seem to leave aside the communicative interests of the members of minority language groups in speaking their *own* languages.

As seen before, Patten explicitly rejects the use of communicative interests for sustaining the promotion of minority languages when people are already able to speak a majority language. De Schutter's arguments are not so explicit, and one can even suspect some vacillation in this respect when comparing different works.¹²¹ However, his concerns are clearly focused on speakers' identity interests.

In turn, I defend that, in the standard case (over minimal thresholds of numbers of speakers), both majority and minority languages in a polity are linked to communicative and identity interests, so their recognition and promotion relates to both socio-economic and ethno-cultural justice. Particularly, I maintain as a key argument in this work that minority languages do have an instrumental value which in my view has not received sufficient attention up to now. Therefore, I shall dedicate the following lines to specifically argue this point.¹²²

Two kinds of objections can be made to the usual assumption that majority languages fulfil instrumental interests better than minority languages, and are therefore also better tools for socio-economic justice. The first kind is related to individuals' linguistic skills. The second kind refers to the contexts where communication takes place. In other words, my arguments are based both on individuals' *capacities* and on their *choices* in terms of communicative effectiveness. I will sustain these objections by combining approaches of political theory, economics and sociolinguistics.

Broadly speaking, when we come to the terrain of public policies, in linking socio-economic and ethno-cultural justice to particular (state) majority and minority languages, at least three relevant elements should be borne in mind: (a) in the standard case, people tend to possess better skills in their first languages than in languages learnt as second or third languages after their childhood; (b) the usefulness of languages (e.g. in terms of opportunities for social promotion) is inextricably related to policies adopted; and (c) in practice, communicative effective-

121. Cf. De Schutter, Language, identity and justice; Robichaud and De Schutter, "Language is just a tool!"

122. Just to recall the concepts I deal with (see introduction): in this work I generally use the terms *majority language* and *minority language* on a demographic basis, referring to the first language (L1) of the population of a particular political unit or *demos*.

ness not only relies on using *any* shared language between people, but also on choosing a particular language for communication. It follows that individual polyglotism and linguistic preferences of bilinguals (or polyglots) become relevant aspects for both the theories and practices of linguistic justice.¹²³

On people's capacities

Firstly, regarding people's linguistic abilities, we can affirm that the promotion of majority languages as single common languages may entail costs in terms of socio-economic justice. This fact has been highlighted by economists and political theorists working on an economic basis. For instance, Pool¹²⁴, Grin¹²⁵ and Van Parijs¹²⁶ point out that choosing a common language brings its native speakers more opportunities for progress and economic success, so it can favour inequality.

In an early contribution, Pool notes that *those whose languages are not official spend years learning others' languages and may still communicate with difficulty, compete unequally for employment and participation, and suffer from minority or peripheral status*.¹²⁷ Grin also identifies the choice of one common language as a kind of linguistic dominance, whose effects constitute at least five sources of inequality in terms of advantages for the native speakers of the common language chosen.¹²⁸ According to this author, such advantages can be economically quantified, and derive from a privileged market, communication savings, language learning savings, alternative human capital investment and legitimacy. It is worth noting that, globally, this set of advantages favours native speakers of the common language to possess high levels of self-confidence that, in turn, further improve their communicative effectiveness.

Economics brings a relevant perspective on the instrumental value of languages and, specifically, on the very concepts of communication and communicative effectiveness. For instance, the approach adopted by

123. It is worth noting that individuals' linguistic preferences relate to different factors, both instrumental factors (such as their linguistic skills, their communicative purposes and the usefulness of a language in a polity presented here) and identity factors (e.g. their attachment to their first languages).

124. Pool, "The Official Language Problem".

125. Grin, "On the costs of cultural diversity"; and id., "Principles of policy evaluation".

126. Van Parijs, "Cultural diversity", and id., *Linguistic Justice for Europe*.

127. Pool, "The Official Language Problem", 495.

128. Grin, "On the costs of cultural diversity", 198-199.

Gazzola and Grin¹²⁹ and Gazzola¹³⁰ in assessing efficiency and fairness in multilingual communication also points to the former argument. For these authors, in economic terms (a) communication must be understood not simply as information transfer, but also as cooperation between speakers and strategic exercise of power; and (b) communicative effectiveness is the *benefit* we expect from a communicative interaction. This benefit can be assessed (both in terms of efficiency and fairness) at three different levels, namely informative, cooperative and strategic, according to the communicative purposes of speakers. In the case of fairness, the possibilities of obtaining communicative effectiveness can be assessed in different phases of communication (access, process and outcomes). Interestingly, Gazzola and Grin consider the speakers' L1 as a key element both for assessing efficiency and fairness in multilingual communication, since the use of such a L1 is related to higher speaker levels of *comfort* and *security* in communication, aspects that have an impact on obtaining the benefit of communicative effectiveness.¹³¹

Therefore, because of the greater ability, comfort and security people usually have in speaking their first language, it can be argued that even when such a language is a minority language its promotion favours socio-economic justice.

Two main counterarguments can challenge that statement: firstly, it lacks sound empirical evidence to support it; secondly, people are able to become proficient in second or third languages, at least in the long term (after one or two generations), if public policies (e.g. through education and other means) aim to promote this.¹³²

While I recognize the significant weight of such counterarguments, I propose two possible responses to them.

Firstly, regarding the lack of empirical evidence, it is a fact that available demolinguistic data in the world tend to be grounded in the assumption that people are proficient in their first language(s) *by default*, but tend to possess fewer skills in languages learnt as second or third languages,¹³³.

129. Gazzola and Grin, "Assessing efficiency".

130. Gazzola, *The Evaluation of Language*.

131. Gazzola and Grin "Assessing efficiency", 100-101.

132. I am grateful to both Alan Patten and Helder De Schutter for these remarks.

133. For instance, the US census only provides data on the knowledge of English of people who speak other languages at home (American Community Survey, 2010-2014), so it is assumed that the rest of population speaks English *very well* (the highest category for knowledge in the survey). In turn, the Canadian census simply considers one degree of

Nevertheless, further analysis is needed, particularly in the case of multilingual settings, where public policies (e.g. decisions on official uses of languages, educational system designs, etc.) largely influence individuals' linguistic abilities.¹³⁴

Secondly, concerning the possibility of people becoming perfectly proficient in second or third languages, experts in language learning have empirically demonstrated that the core components of language proficiency are extremely hard to acquire for post-puberty L2 learners.¹³⁵ It is true that we can assume this scenario in the long run, provided that a combination of educational policies and suitable conditions of socialization favour the acquisition of a L2 in people's childhood. So, if this is the case, we can also accept that the kind of arguments based on linguistic abilities could only justify temporary rights or, alternatively, that inequalities resulting from different linguistic skills might be treated as transitional costs and addressed through a schedule of compensatory taxes on language groups, as proposed by Pool.¹³⁶

However, even recognizing the logic of this solution, (a) I find it difficult to design suitable compensations for the current population (e.g. not to impede the access of non-native speakers to prestigious jobs); (b) I can imagine that it entails irreversible costs for identity interests (collateral

linguistic ability, that of conducting a conversation in a particular language, which is only relevant for speakers possessing other first languages (see Canadian Census 2011). Also, the Eurobarometer takes as the main variable of language knowledge that of being able to hold a conversation, and only asks for the skills level in the case of learnt languages (*basic, good, very good*; see Special Eurobarometer 386).

134. For example, in the Catalan case, data from 2013 reveal that, in general, both people possessing Castilian as L1 and people possessing Catalan as L1 declare better skills in Castilian than in Catalan, although in higher percentages for the Castilian group. However, when one looks exclusively at people under 40 and born in Catalonia (taught Catalan and Castilian at school), then a small correlation exists between people's L1 and a higher degree of declared knowledge in that language. See: *Enquesta d'usos lingüístics de la població 2013*. I thank Anna Torrijos for her help in the treatment of these data.

135. Hulstijn, *Language Proficiency*, 47-48. Hulstijn also distinguishes a basic language cognition (BLC) and a higher language cognition (HLC). BLC is what all native speakers have in common, and includes (a) unconscious knowledge of phonetics, prosody, phonology, morphology and syntax, (b) conscious lexical knowledge, and (c) automaticity for processing both kinds of knowledge. BLC is restricted to speech reception and production. In turn, HLC is a complementary knowledge that depends on people's cognitive abilities in combination with environmental factors; it is a similar concept to that of cognitive academic language proficiency (CALP) coined by Cummins ("The Cross-Lingual Dimensions"). For Hulstijn, BLC is the core element of language proficiency. See Hulstijn, "Language proficiency", 230-239.

136. Pool, "The Official Language Problem", 510.

costs without possible compensation);¹³⁷ and (c) in any case, I maintain that the second type of arguments I deal with, those relating to communicative contexts, are sufficiently consistent to allow the justification of an instrumental defence of minority linguistic rights.

On people's contextual choices

Secondly, other considerations not linked to individual skills, but to the contexts of communication, allow the defence of the argument that enabling people to use local (minority) languages can increase their social opportunities. In this case political theory, sociolinguistics and economics also provide substantial support for the argument.

An initial remark refers to the sometimes underestimated fact that, over certain thresholds of speaker numbers, local languages may have a major functional value for people, since local communication is usually important in their lives.

Communicative effectiveness cannot be detached from the context of communication, so in practice a language is not automatically more useful than another simply because it has more speakers in absolute numbers in the world. For instance, skills in foreign languages are certainly valuable, and having fluency in English is needed more and more for increasing social mobility. However, people live in a particular place and most often need communicative efficacy to interact with people that live in that same place. Thus, Robichaud and De Schutter note that communication options cannot only be quantified (simply by considering the total number of speakers of a language) but also qualified, since in a particular context some options will be more significant and valuable than others regardless of how many speakers a language has.¹³⁸ Therefore, the most effective language for communication is not always the most widespread one, but that which is best suited to the purposes of speakers in a given context. Communication, like life, has multiple dimensions, so in multilingual settings different languages will be the best options in different communicative contexts.¹³⁹

137. Pool himself ("The Official Language Problem", 512) admits the complexity of his model and the difficulty of avoiding undesirable effects for non-native speakers of official languages, like misrepresentation of group membership and intergenerational assimilation.

138. Robichaud and De Schutter, "Language is just a tool!", 128.

139. In this regard, Grin ("On the costs of cultural diversity" and "Principles of policy evaluation") and Van Parijs ("Cultural diversity" and *Linguistic Justice for Europe*) point out

In fact, the assumption that a widely spoken language has *per se* more instrumental value for any individual than a local language entails a specific judgement on the kind of life that individual aspires to lead. We cannot deem such a judgement universally valid.

The usefulness of local languages in terms of communicative effectiveness mainly resides in two facts:

a) The instrumental value of languages very much depends on specific contextual circumstances, which can be highly influenced by public policies.¹⁴⁰ For example, as Van Parijs highlights, “the market value or economic return associated to competence in a particular language is highly sensitive to the legal framework (...), and what makes linguistic legislation quite unique is how powerfully and easily it can affect the economic return associated with a skill highly concentrated in a distinct section of the population”.¹⁴¹ In this regard, the unquestioned socio-economic value usually given to state majority languages (even *vis à vis* English), in contrast with the questioned instrumental value given to state minority languages, reflects how powerful state legislations are.

b) Communication is not merely denotative, but has relevant dimensions related to emotions and to a great extent attached to the identities of speakers: from this point of view, local languages are often the most useful for gaining empathy and improving communication with *the locals*, both in informal and formal interactions. Just as Gazzola and Grin use an economic perspective to highlight cooperation and power as relevant elements of communicative interactions in order to obtain the benefit of communicative effectiveness, sociolinguists claim that social scientists tend to assume that referential communication is the only function of language,¹⁴² misrecognizing its indexical function, which is crucial for understanding the effects of language use.

that, in the absence of discrimination on the basis of one's first language, in multilingual settings bilinguals have more opportunities than monolinguals.

140. May (“Misconceiving Minority Rights”, 137-138), in his critique of Barry's instrumentalism, notes that *being able to speak Welsh in Wales is surely more immediately useful than speaking another language, particularly if Welsh is already established in the public domain*. A similar statement could be made on the usefulness of being able to speak Catalan in Catalonia, and even of being able to speak Catalan (along with Spanish, English, etc.) in the rest of Spain.

141. Van Parijs, *Linguistic Justice for Europe*, 96.

142. Irvine, “When Talk Isn't Cheap”, 248-251; Woolard, “Introduction”, 13.

The indexical function of language classifies people depending on their linguistic uses, categorizing them according to social (and political) factors, such as class and power, and consequently affecting their legitimation as communicative agents and their possibilities of cooperation. However, there is not a direct analogy between linguistic and social differentiation, because linguistic ideologies act as a crucial mediating factor.¹⁴³ For instance, as Woolard remarks,¹⁴⁴ the legitimating ideology of linguistic authenticity favours a positive social indexation of people speaking local languages.¹⁴⁵ Therefore, where linguistic authority is measured on the grounds of authenticity, using the adequate authentic (minority) languages instead of anonymous (majority) languages is undeniably useful (effective) in instrumental terms.

Accordingly, in these cases using a local language can favour communicative empathy, which in turn fosters cooperation between people. Not only ability, but also empathy is fundamental for an effective communication (e.g. empathy helps to make better negotiations and solve conflicts in both private and public spheres); empathy is not only related to language, but in plural settings it is largely influenced by the language (or dialect) used. Therefore, local languages can be effective communicative tools for local communication, regardless of the fact that significant numbers of people are bilingual in terms of ability.

In terms of justice, it follows that (a) linguistic preferences of individuals, even if they are perfectly bilingual, do matter from a socio-economic (instrumental) perspective, and (b) individual bilingualism (or polyglotism) is a relevant asset for equality of opportunity and social promotion, even when second languages learnt are local languages.¹⁴⁶

143. Irvine, 'When Talk Isn't Cheap', 255; Gal and Irvine, "The Boundaries of Languages".

144. Woolard, "Language and Identity", 2.

145. Local languages are marked as authentic, in contraposition to other (majority) unmarked or anonymous languages. See also subsection 2.1.1.

146. Caminal develops an economic model that predicts higher expected earnings and less unemployment for bilinguals. At the same time, this author presents empirical evidence for the Welsh and Catalan labour markets, where bilinguals (English-Welsh and Spanish-Catalan) enjoy a wage premium and a higher rate of employment. See Caminal, "Economic Value", 191.

2.3.2. Analysing linguistic mixture and mixed societies

The literature review carried out for my second research focus, namely the treatment of linguistic mixture and mixed societies, leads me to defend the position that linguistically plural societies require pluralistic approaches to linguistic justice.

The notion of equal recognition as a concretion of the liberal ideal of neutrality is to my mind a good starting point for addressing the just management of such societies. In this respect, De Schutter's (as well as Réaume's) view that vulnerable groups deserve more resources than dominant ones seems to me appropriate, in parallel to the usual criteria adopted by public policies in fields like health and education with socio-economic distributive purposes. However, it is not so clear how restrictions of linguistic choices should be managed in order to protect vulnerable groups. Between the strong protection defended by Van Parijs for national majority groups and Patten's fair procedural approach, some intermediate point should be chosen, probably including several linguistic restrictions of the use of dominant languages intended to counteract structural incentives that pressurize people to abandon other non-dominant societal languages. The extent to which such restrictions can be deemed liberal (in terms of *equal enabling*) and then submitted to democratic processes of political decision is difficult to establish, and seems largely dependent on the context. Social constraints related to dominant ideologies and norms should be analysed and taken into account.

Here I advocate for a closer collaboration between political theorists and sociolinguists, whose approaches to the notion of linguistic choice significantly differ.

For liberal political theorists, a linguistic choice is primarily seen as a particular kind of individual choice, that is, as a positive action of individual freedom. It is from this perspective that authors such as Kymlicka, Patten and De Schutter (*a*) are concerned for the existence of fair conditions of choice, and (*b*) distrust restrictions on choices imposed by the state or by the group. Despite the fact that several authors explicitly assume the deep influence of the incentives and opportunities offered by social practices and institutions on linguistic choices¹⁴⁷, these factors are considered secondarily.

147. Réaume, "Beyond Personality", "*Lingua franca fever*"; Rubio-Marín, "Language Rights".

By contrast, sociolinguists (and social psychologists) primarily conceive individuals' linguistic choices as socially conditioned decisions, so their starting point seems to be almost opposite to that of individual freedom. Broadly speaking, and partly because of the influence of sociological approaches on social norms like those of Pierre Bourdieu¹⁴⁸ and Erving Goffman,¹⁴⁹ sociolinguistics addresses linguistic choices as a result of particular linguistic ideologies that, in turn, are related to the domination or hegemony of powerful social groups. The role of linguistic ideologies is deemed to be highly relevant in multilingual settings, and their study has been a growing field of analysis over the last two decades.¹⁵⁰

Social psychologists like Dell Hymes and Howard Giles have highlighted how such ideologies favour particular attitudes and behaviours in the use of languages, that is, how they configure social language norms that prescribe which choices are suitable in a given situation. Attitudes are considered a key factor in the perception of the group's ethnolinguistic vitality, which in turn is seen as a predictor of language maintenance and language shift.

Therefore, from this point of view, linguistic choices are products of internalised social norms and are usually unconscious or automatic, so in order to influence such choices what must be done is to act on social norms. This has been a guiding principle for sociolinguistically oriented language policies (e.g. in the Catalan case), which in contrast to Patten's approach consider language planning as an essential tool to provide speakers of minority languages with fairer conditions of choice than those provided by social (and market) norms.

What I want to point out here is that, in practice, it is difficult to possess a comprehensive view of the effective restrictions of choice acting in a particular setting (e.g. overt and covert; conscious and unconscious; social, economical and political). Therefore, it is also difficult to assess what *fair background conditions of choice* are, what *people equal enabling* means, and to distinguish external from internal restrictions. Probably, the liberal account of individual linguistic choices might be more realistic,

148. Bourdieu, *Ce que parler veut dire*.

149. Goffman, *Relations in Public*.

150. Cf. Gal and Irvine, "The Boundaries of Languages"; Woolard, "Introduction"; Gal, "Multiplicity"; Blommaert and Verschueren, "The Role of Language"; Duchêne and Heller, *Language in Late Capitalism*; Pujolar, "The future of Catalan"; Duchêne, *Ideologies across Nations*; Heller, *Paths to Post-nationalism*.

and ultimately more useful for guiding public policies, if sociolinguistic approaches were better borne in mind.

I shall deal with the concepts of linguistic ideologies and linguistic choices mainly in chapters 4 and 5.

2.4. Conclusion

This chapter has addressed the normative approaches provided by contemporary political philosophy to the field of linguistic justice, pointing out their ideological underpinnings regarding the communicative and identity interests related to languages as well as their particular understandings of languages and language groups.

Concerning these two aspects, and on the basis of a critical analysis of the literature reviewed, (a) I have argued that people usually derive both communicative and identity interests from languages, regardless of their condition of majority or minority languages in a given context, so linguistic justice should deal with both kinds of interests; particularly, I have maintained that, just as identity interests stem from people's attachment to languages (especially to their first languages), communicative interests rely both on people's linguistic abilities (usually better in their first languages) and on people's linguistic choices in terms of communicative effectiveness, so in *local* contexts *local* languages may be the best instrumental tools; (b) I have defended the view that the cases of linguistic mixture and especially those of linguistically mixed societies as a whole require pluralist approaches to linguistic justice; and (c) I have suggested that existing pluralist approaches could be improved with a greater attention to the instrumental interests that people can derive from minority languages and to the sociolinguistic accounts of linguistic ideologies and choices.

With the aim of understanding the evolution of contemporary approaches to linguistic justice and the fundamentals of current normative positions, this chapter has drawn attention to the fact that, since Mill expressed his preference for a linguistically uniform *demos*, such normative position has been defended from instrumentalist liberal approaches (e.g. from first liberal egalitarianism) as well as, to a great extent, from liberal nationalist approaches. Many liberal egalitarians have tended to support the distributive value of a majority common language in a nation-state framework, on purely instrumental grounds related to communicative

efficacy. In turn, liberal nationalists have upheld the moral importance of societal cultures organized around a single common (national) language as cultural contexts that allow the individual's choice (on both instrumental and identity grounds); the political framework they refer to is, in this case, that of the plurinational state where competing processes of nation-building exist between territorialized minority nations and the state national majority. Also, a territorialized understanding of language groups guides Van Parijs' proposal, which combines the defence of the spread of English as a global distributive tool with that of local majority languages as carriers of dignity and self-esteem for their speakers.

All these *homogeneist* approaches are consistent with the empirical contexts where they were developed. Particularly, in the case of Mill's position (coetaneous to the processes of democratization of states with significant percentages of illiterate population and thus requiring education in any language in order to be able to act as citizens), the preference for a single common majority language instead of linguistic diversity can be understood as the most feasible way to reach fundamental political objectives. Meanwhile, difference-blind liberal accounts can be explained by the dominance of theorists from English-speaking countries in the political philosophy of the 1970s and 1980s, whilst later communitarian and liberal nationalist positions can be mainly related to the attention devoted to the case of Quebec within the Canadian Federation after the adoption of the French Language Act (1977), as well as to the cases of other linguistically territorialized federations such as Belgium and Switzerland. Finally, Van Parijs' approach is influenced both by the Belgian context and by the new perspective of global justice added to the traditional accounts of justice within states.

In summary, although western societies are largely literate and have had increasing percentages of bilingual people since the second half of the 20th century, it is a fact that justice debates, both in the nation-state and the plurinational state frameworks, have tended to understand the relevant *demos* as uniform in terms of languages, that is, with a single significant, monolingual and territorially delimited language group.

Against this backdrop, state majority languages are usually related to the communicative (instrumental) interests of individuals, whilst state minority languages to their identity interests. This dichotomy, along with the opposition between fostering a common language and maintaining linguistic diversity, are two wide assumptions adopted by the literature until the 21st century.

Current debates reflect two different normative positions, which share the consideration that individuals derive both communicative and identity interests from language(s). However, whilst the first position maintains a *monist* understanding of the *demos* and claims that its national majority language group should be privileged (Kymlicka, Van Parijs), the second position shifts to a pluralist approach that defends the equal recognition of all significant long-settled language groups as a matter of justice (Patten, De Schutter). In this case, pluralist positions pay attention to empirical cases of coexistence of language groups in a same territory (e.g. ex-Soviet republics, Spanish regions and cosmopolitan cities like Brussels), which challenge the traditional territorialized solutions.

For the purposes of my research, two remarks about current normative proposals on linguistic justice appear relevant: on the one hand, the fact that the liberal account of linguistic choices, based on individual autonomy, seems rather unrealistic when it is contrasted with the sociolinguistic one; on the other, the fact that instrumental or communicative arguments tend to be left aside in the defence of the equal treatment of language groups, particularly by pluralist approaches.

I have sustained that linguistically plural societies require pluralist solutions, so equal treatment is a good starting point as a concretion of the liberal neutrality ideal. Nevertheless, my point is that pluralist theorists argue their defence of equal treatment of language groups as equal *recognition*, that is, on the grounds of identity interests. Therefore, they implicitly maintain the association between majority languages, communication and social justice, on the one hand, and between minority languages, identity and ethno-cultural justice, on the other, apparently denying the existence of instrumental interests related to minority languages.

However, such an association is not always clear and, to my mind, should not be construed as a dichotomy. Several theoretical works from political theory, economics and sociolinguistics suggest that people may derive instrumental interests from minority languages, just as identity interests are derived from majority languages. On this basis, I have presented two kinds of arguments to defend the instrumental (and socio-economic) value of minority languages, one of them based on individuals' capacities and the other on their contextual choices in terms of communicative effectiveness. The first kind points to the fact that people usually possess better skills in their first languages than in languages learnt after their childhood, regardless of their condition of majority or minority languages. The second kind refers to the contexts where communication

takes place, and highlights that (a) the usefulness of languages (e.g. in terms of opportunities for social promotion) is inextricably related to the policies adopted, and that (b) in practice, communicative effectiveness not only relies on using *any* shared language between people, but also on choosing a particular language for communication, the one that generates more empathy with particular interlocutors. Since communicative effectiveness may be assessed in terms of cooperation (as economists do), then linguistic choices become relevant for achieving such effectiveness, even when speakers share several languages. This is because (as sociolinguists explain) language has an indexical function that classifies speakers according to their linguistic uses, by linking such uses to individuals' social identity in terms of class and power. Therefore, in contexts where authenticity works as a legitimating linguistic ideology, the use of local (marked) languages is likely to be more effective in instrumental terms than the use of majority (unmarked) languages.

Consequently, to the extent that communication cannot be detached from its context, it remains inextricably linked to identity even when instrumental approaches, looking primarily at communicative effectiveness, are adopted. Identity is, in this sense, an instrumental element always present in communication, whose practical effects (positive or negative for communicative effectiveness) cannot be avoided or left aside. In terms of justice, it follows that (a) the linguistic preferences of individuals, even if they are perfectly bilingual, do matter from a socio-economic (instrumental) perspective, and (b) individual bilingualism is a relevant asset for equality of opportunity and social promotion, even when second languages learnt are local languages.

The close relationship between communication and identity leads us to conclude that the equal treatment of different language groups might be more clearly defended both on instrumental and identity grounds. This suggestion means that the argument for the promotion of minorities' linguistic rights may be sustained by a more robust rationale, based on a twofold legitimation, using both communicative and identity arguments.

From this assumption, I shall undertake an empirical comparative research, devoted firstly to the role that communication and identity interests have in the legitimation of linguistic regulations, and secondly to the challenges that linguistically mixed societies pose to linguistic justice.

3

Where languages (explicitly) matter. The adoption of language regulations in western democracies

Beyond understanding the ideological fundamentals of normative political theories of linguistic justice, my research aims to analyse the ideologies underpinning what I called in the introduction *practices of linguistic justice*.

This chapter looks at linguistic regulations, a political practice of linguistic justice that can be seen as an indicator of the salience of language management in the political agendas of contemporary western democracies. It provides an overview of legal regulations related to languages and a comparative analysis of specific *language acts* adopted by states and substates in western democracies.

Although the adoption of explicit linguistic regulations is not a necessary condition for identifying political contexts where the management of languages is relevant,¹⁵¹ their existence denotes a minimal democratic consensus (in terms of parliamentary majorities), both on the necessity of institutionally addressing overt language policies and on the ways that this is being done. Thus, the set of language acts examined corresponds to a set of polities that fulfil two conditions: they are places where languages politically matter and where a certain consensus exists on their institutional management.

My main objectives in this chapter are (a) to identify and characterize the political units that have passed language acts, and (b) to compare the language acts adopted in terms of their objectives and the restrictions they establish, in order to understand why and how languages matter in different empirical contexts.

I have primarily conceived such an analysis as a basis for further research. Firstly, the corpus of language acts collected here provides us with a set of explicit justifications that allows us to examine the use of instru-

151. In fact, many institutional linguistic decisions are rather covert, or even unconscious, since language policies are implemented through a wide range of public policies such as economy, citizenship, consumer rights or urban planning.

mental and identity-related arguments in legitimizing language policies (chapter 4). Secondly, this corpus also allows us to explore the prevalence of linguistic mixture in western democracies and to identify the salient cases of mixed societies in order to better understand the particular challenges they pose to linguistic justice (chapter 5).

Furthermore, the comparative analysis carried out represents in itself an independent contribution, to the extent that it offers a comprehensive view of a set of political practices linked to languages that helps to redress the lack of empirical studies in this field.¹⁵² On the one hand, there is no previous similar compilation of current language regulations in terms of volume, nor any comparative analysis of contemporary language acts from the perspective of political theory.¹⁵³ On the other hand, and despite the fact that this research is eminently qualitative, it uses basic quantitative tools for systematically describing the political units that adopt language acts and their strategies, by relating them to several variables. Both aspects provide a better empirical knowledge of language regulations, and can thus help enrich the current debates on linguistic justice.

The novelty of this analysis and the volume of data treated require special attention to be paid to the methodological aspects. Methodological decisions taken, for instance, in defining concepts or in establishing variables and categories for systematizing data are substantially relevant for understanding and interpreting findings presented in this research. For this reason, these issues will constitute a significant part of this chapter as well as of chapters 4 and 5.

The chapter is structured as follows: Section 3.1 provides a first general glance at linguistic regulations in western democracies. Section 3.2 deals with methodological aspects, focusing on the concepts and variables used to characterize the corpus of acts. Section 3.3 offers an overview of such a corpus, referring to five geographical areas displaying significant contextual differences: Western Europe, Eastern Europe, Russian Federation, United States and Canada. Section 3.4 gathers some key data on the politi-

152. Cf. De Schutter, “Language policy”; Peled, “Language, Rights”; Réaume and Pinto, “Philosophy of language policy”.

153. The most comprehensive studies of language regulations have been undertaken by law specialists, e.g. De Witte, “The protection of linguistic diversity”; id., “L’évolution des droits linguistiques”; id., “Language Rights”; Milian-Massana, *Language Law*; Poggeschi, *I diritti linguistici*; Vernet i Llobet, *Dret lingüístic*. Special mention must be made of the important work of the Quebecer sociolinguist Jacques Leclerc, who provides valuable information on language policies and language planning (including language regulations) in the world, through the website <http://www.axl.celan.ulaval.ca/>.

cal units adopting language acts, in terms of both their linguistic diversity and their political features, as well as on the language acts adopted, their objectives and the restrictions they establish. Finally, section 3.5 briefly highlights some concluding remarks.

3.1. Western linguistic regulations: a first glance

Over recent decades, a significant number of linguistic regulations have been enacted at the international and state level, as pointed out by specialists in comparative law.¹⁵⁴ International regulations address the linguistic rights of minorities within the framework of human rights, which has had a great impact on the western world. State (and substate) regulations may both address such rights (often by reproducing international standards) and may promote national languages. On the one hand, the increase in state and substate linguistic regulations is related to a higher consideration of minorities' rights in a political context where the traditional nation-state assimilation policies *have lost most of their political appeal*.¹⁵⁵ On the other hand, it is related to the spread of transnational languages (mainly English, but also Russian in our corpus) different from the national languages of the polities considered and seen as a potential threat to the full use of such national languages as single common languages in these polities.

3.1.1. International regulations

International regulations provide a general framework of universal standards to deal with linguistic minority rights. Table 3 includes the main rules to be considered.

Three groups can be identified within this set of international regulations:

1. General rules containing some articles referring to language rights. This is the case of the Universal Declaration of Human Rights, the Convention for the Protection of Human Rights and Fundamental Freedoms,

154. Poggeschi, *I diritti linguistici*; Ruiz Vieyetz, "Lenguas oficiales".

155. Kraus, "The Multilingual City".

the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

2. Minority-oriented rules dealing with language rights of minorities. This group includes:

a) Three rules that treat language rights as a particular kind of minority rights, namely the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, the Framework Convention for the Protection of National Minorities and the Declaration on the Rights of Indigenous Peoples.

b) Two rules specifically oriented to language rights, namely the European Charter for Regional and Minority Languages and the Oslo Recommendations regarding the Linguistic Rights of National Minorities.

3. Two rules oriented to the protection of cultural diversity, namely the Universal Declaration on Cultural Diversity and the Convention on the Protection and Promotion of the Diversity of Cultural Expressions.

TABLE 3. International regulations with linguistic content

| Year | Organization | International regulation |
|-----------|--|---|
| 1948 | United Nations (UN) | Universal Declaration of Human Rights |
| 1950-2000 | Council of Europe (COE) | Convention for the Protection of Human Rights and Fundamental Freedoms |
| 1966 | United Nations (UN) | International Covenant on Civil and Political Rights |
| 1966 | United Nations (UN) | International Covenant on Economic, Social and Cultural Rights |
| 1992 | Council of Europe (COE) | European Charter for Regional and Minority Languages |
| 1992 | United Nations (UN) | Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities |
| 1995 | Council of Europe (COE) | Framework Convention for the Protection of National Minorities |
| 1998 | Organization for Security and Cooperation in Europe (OSCE) | Oslo Recommendations regarding the Linguistic Rights of National Minorities |

| Year | Organization | International regulation |
|------|---------------------|---|
| 2001 | UNESCO | Universal Declaration on Cultural Diversity |
| 2005 | UNESCO | Convention on the Protection and Promotion of the Diversity of Cultural Expressions |
| 2007 | United Nations (UN) | Declaration on the Rights of Indigenous Peoples |

All these rules are intended to protect linguistic minorities by promoting both the use of their languages (deemed valuable basically in terms of identity) and their integration in the wider society, usually through the learning of the state majority languages. Fostering individual bilingualism is, in general, a recommended strategy.

3.1.2. State and substate regulations

Most constitutions in the world (154 out of 194 constitutions of sovereign states) include linguistic clauses that link one or more languages to the state: 118 do so by declaring them official languages, 4 by declaring them national languages and 32 by indirect formulas.¹⁵⁶ In general, this means that such languages are considered valid for public uses and, in particular, for administrative activities.¹⁵⁷ In the case of western democracies, only 11 constitutions of the 47 states members of the Council of Europe lack linguistic clauses (Denmark, Germany, Greece, Iceland, Italy, Netherlands, Norway, Czech Republic, San Marino, Sweden and the United Kingdom¹⁵⁸), as does the constitution of the United States (US). This absence is usually related to the existence of one clear dominant language, which is used *de facto* as the official language.

156. Pons Parera, *L'oficialitat lingüística*.

157. In this dissertation I shall use the term *official language* in a broad sense to designate the languages used by public institutions and valid for communicating with them (according to the concept proposed by Vernet, *Dret lingüístic*, 38). However, in the analysis of language regimes carried out below I use a narrower concept to categorize the variable 'linguistic regime' (see subsection 3.2.1.).

158. The United Kingdom has no written constitution.

However, regardless of the strategy adopted at the constitutional level, a frequent practice consists of including linguistic sections in legal regulations referring to education, citizenship, immigration or consumer rights (as in the cases of Austria, Czech Republic, Hungary or Spain). Moreover, in certain cases parliaments have passed specific acts focused on language, which I call *language acts*.¹⁵⁹

For the purposes of this work, by *language act* I mean an act that establishes the linguistic regime of a political unit (state or substate) or, at least, the linguistic regime of its public institutions. Such a definition excludes both sector-specific linguistic regulations (e.g. on education or citizenship) and general regulations (such as constitutions or rules for national minorities) containing linguistic sections.

Generally speaking, language acts have some of the following aims:

a) The management of internal linguistic diversity. In this case, two different kinds of acts are adopted:

– Acts to protect local linguistic minorities circumscribed to a (small) part of the territory, often in a rather symbolic way (e.g. in Italy or the US).

– Acts to protect *the* national language (e.g. in states such as the Baltic Republics, Ireland or Luxembourg, as well as in substates such as Catalonia, Quebec, Wales and also several US states).

b) The protection of national languages from the spread of transnational languages, mainly English (e.g. in France, Switzerland, Sweden or Slovenia).

After the early French Language Act of Quebec (1977), more than a hundred language acts have been passed by states and substates in Europe, the US and Canada.

As mentioned in the introduction, this chapter focuses on the analysis of these language acts. I assume that their adoption points to the salience of language issues in a particular polity, so such an analysis will provide information about where languages (explicitly) matter, to whom they matter and why, as well as about which strategies are raised *de jure* for the management of languages.

159. As said in chapter 1, I have preferred the term ‘act’ rather than ‘law’ because of its specificity to designate a particular type of legal instrument. Throughout the text I also use ‘law’ as a synonym, mainly when this term is part of an official denomination.

3.2. A comparative analysis of language acts: methodological aspects

The corpus of acts analysed contains the 112 language acts in force in Europe (Council of Europe),¹⁶⁰ Canada and the US in January 2014. Such a universe includes acts endorsed by 96 political units (29 states and 67 substates) in order to promote both majority and minority languages through establishing several levels of restrictions. Table 4 (see appendix) contains a list of them.¹⁶¹

Political units and acts have been characterized using several variables. The resulting data have been introduced in a database constructed with Excel and subsequently processed with SPSS in order to obtain some descriptive statistics, mainly the X^2 to test associations between variables as well as residuals to test associations between categories. Below I describe the variables used, with especial attention to the concepts underlying them.

160. The inclusion of all Council of Europe (COE) members is due to the fact that in 1992 COE adopted a salient linguistic regulation, the European Charter of Regional and Minority Languages. Thus, the relevant set of European countries for the study of linguistic regulations is that of COE members. I thank Jaume Vernet (Universitat Rovira i Virgili) for this suggestion.

161. I obtained most texts through the website *L'aménagement linguistique dans le monde*, maintained by Jacques Leclerc (Université Laval, Québec). On this basis, I checked the information through other websites (parliaments, governments and universities). In some cases, I needed to contact specialists, such as Louiza Christodoulidou Zannetou (Senior Counsel, Republic of Cyprus), Alex M. J. Riemersma (MERCATOR, Netherlands-Friesland), Iryna Ulasiuk (European University Institute), Konstantin Zamyatin (University of Helsinki) and Christina Zuber (University of Bremen, Fritz Thyssen fellow at the UPF in 2014). I thank all of them for their contributions. The texts analysed are in most cases legal versions of the acts or, otherwise, not legal versions provided in English or French by official institutions, by legal repositories or by the Leclerc's website. I especially thank Christina Zuber for her help in identifying and translating Russian acts.

3.2.1. Variables related to political units that adopt language acts

Table 5 displays this first group of variables:

TABLE 5. Political features of units that adopt language acts

| Variable | Values | Remarks |
|-----------------------------|---|---|
| Area | <ul style="list-style-type: none"> • Western Europe • Eastern Europe • Russian Federation • Canada • US | ‘Eastern Europe’ refers to the European states with a previous communist regime. ‘Russian Federation’ constitutes an independent group because of their volume of language acts and their specificity. |
| State/ substate | <ul style="list-style-type: none"> • State • Substate 1 (minority nations subunits) • Substate 2 (national majority subunits) | The concept of minority nation (explained below) is based on Requejo’s work. ¹⁶⁵ The rest of the substates have been called <i>national majority subunits</i> in the light of Kymlicka’s concept of regional-based unit, ¹⁶⁶ which designates a substate unit in which most inhabitants are members of the state majority nation. |
| Linguistic regime | <ul style="list-style-type: none"> • monolingual • plurilingual | This variable refers to the number of official languages in the whole territory of the political unit. I consider a language to be official when citizens can normally use that language in their relations with central institutions and can obtain a response in the same language. |
| Degree of linguistic choice | <ul style="list-style-type: none"> • general free choice • general partial choice • general minimal choice • local free choice • local partial choice • no choice | This indicates the extent to which a regime leaves room for linguistic individual choices in official uses, and complements the variable ‘linguistic regime’. A plurilingual regime establishes more than one official language and then allows for a general free choice. A monolingual regime can allow (or not) for different degrees of partial choices. Such partial choices can be general (allowed in the whole territory) or local (only allowed in particular territorial areas). The categorization proposed fits better with empirical practices than the dichotomous principles of territoriality and personality (see chapt. 2). |

162. Requejo, “Federalism and democracy”.

163. Kymlicka, “Is federalism a viable alternative?”.

The first two variables (area and state/substate) have been shown to be the most significant for the analysis of acts adopted. In the case of linguistic regime and degree of choice, they will be mainly used in chapter 5, for analysing mixed societies.

Precisely because of its relevance, it is worth devoting further explanation to the variable 'state/substate' (especially to the distinction between the two categories of substates, *minority nation subunits* and *national majority subunits*).

For the purposes of this research, I have adopted the concept of minority nation proposed by Requejo who distinguishes it from the concept of national minority.¹⁶⁴ Requejo defines a minority nation by the existence of (a) certain distinguishing features (history, language, culture) which characterize a collectivity within a relatively well-defined territory; (b) a desire for a different status and self-government by such a collectivity which has been historically expressed; and (c) autonomously functioning institutions in place characterized by a distinct party system from that of the state with at least one secessionist party within the system.

According to such a definition, substates that meet these three conditions have been categorized as minority nations. So, when these three conditions meet, I have not taken into account other criteria, like the rates of population that feel identified with the state national majority—used by Kymlicka (1998) to characterize the national majority subunits within a state.¹⁶⁵ That is, I categorize substates with minoritized national groups (e.g. the Spanish regions of Basque Country and Catalonia) as minority nations.

I have also categorized as minority nations some substates that do not fit Requejo's third condition. For instance, it is the case of the Canadian territory of Nunavut, which has a particular system of democratic representation without political parties. It is also the case of most Russian republics, for which I have taken into account that the political division of the Russian Federation in 22 republics obeys an ethno-national criterion (every republic has *titular* or national groups); however, since (a) I

164. According to Requejo, national minorities are groups of people residing in a state different than the one in which the majority of the nation resides. In the case of the corpus analysed, and since the cases are collected on the basis of the existence of substates (with autonomous parliaments and governments), the most pertinent concept for categorizing such substates is that of minority nation. See Requejo, "Federalism and democracy".

165. Kymlicka, "Is federalism a viable alternative?"

lack information on their institutional and party system, and (b) in some republics the *titular* groups have been minoritized to a great extent, in this case I have added the quantitative criterion based on the population's ethnic identification, in order to better distinguish minority nations from majority subunits: thus, when more than 75% of the population is ethnically Russian according to the last official census (2010), I have considered the substate in question as a national majority subunit.¹⁶⁶ Finally, I have also included in the category of minority nations some other unclear cases regarding Requejo's third condition, provided that they fit the two first conditions (e.g. Valencia and Veneto).

An additional note on the political features considered refers to the fact that all 96 units have been considered democracies. Indeed, all of them are formally democratic regimes, but according to several indexes, the degree of substantive democracy varies among the states represented in the corpus.¹⁶⁷ I have globally considered this fact, but finally I have not included the degree of democracy as a variable because in general it does not show significant correlations with linguistic regulations (e.g. in the US the level of restrictions established by language acts is higher than in most flawed democracies, hybrid regimes or authoritarian regimes).

Regarding sociolinguistic variables, they are described in table 6.

TABLE 6. Sociolinguistic features of units that adopt language acts

| | | |
|---------------------------|-------------------|---|
| Number of language groups | • 1 • 2 • 3 | This variable refers to the number of language groups, considered by reference to the first languages (L1) of the population. Language groups have been counted as such when they exceed 10% of the population. In our corpus, no case has more than 3 language groups. Source: population censuses or Jacques Leclerc. |
|---------------------------|-------------------|---|

166. This is the case of four Russian republics: Karelia (95.85% of the population is ethnically Russian), Khakassia (88.98%), Komi (81%) and Udmurtia (75.33%).

167. For example, the index of democracy provided by The Economist Intelligence Unit (2013) classifies political regimes into full democracies, flawed democracies, hybrid regimes and authoritarian regimes. This index categorizes the Russian Federation as an authoritarian regime, as well as Azerbaijan and Belarus, whilst Ukraine is categorized as a hybrid regime. In general, according to this index democracy in Eastern Europe is weaker than in Western Europe, Canada and the US.

| | | |
|--|---|--|
| Degree of L1 diversity | <ul style="list-style-type: none"> • <10% • 10-25% • 26-40% • >40% | This variable expresses in intervals the percentages of population with a L1 different from the majoritarian L1. ¹⁷¹ The intervals stop at >40% because, in our corpus, the majoritarian L1 is rarely spoken as L1 by less than 50% of the population. ¹⁷² Source: population censuses or Jacques Leclerc. |
| Territorial mixture | <ul style="list-style-type: none"> • territorialized • rather territorialized • rather mixed • fully mixed • homogeneity | This variable indicates the extent to which language groups are territorialized or mixed in a polity. The category 'homogeneity' refers to polities with less than 10% diversity of L1. Main source: Jacques Leclerc. |
| Degree of bilingualism 1 | <ul style="list-style-type: none"> • <10% • 10-25% • 26-50% • 51-75% • >75% • no data | This variable expresses in intervals the percentages of population that know some language (societal or foreign language) apart from their L1 (concepts explained below). Source: population censuses, Eurobarometer and Jacques Leclerc. |
| Degree of bilingualism 2 | <ul style="list-style-type: none"> • <10% • 10-25% • 26-50% • 51-75% • >75% • no data | This variable expresses in intervals the percentages of population that know a societal language apart from their L1 (concepts explained below). Source: population censuses, Eurobarometer and Jacques Leclerc. |
| Degree of knowledge of a common language | <ul style="list-style-type: none"> • 50-70% • 71-90% • >90% • no data | This variable captures in intervals Laitin's concept of <i>centrality</i> of a language (Laitin, 2000), which measures the possibilities of intercommunication among the members of a population. |

All of them will be relevant variables for the analysis carried out in chapter 5 on linguistic mixture. For this reason, they require further explanation.

First of all, I have considered the number of language groups with regard to the relevance that this concept has in the literature on linguistic justice, which addresses individual linguistic rights as the rights of the members of particular language groups. Broadly speaking, in linguistic justice debates the membership of a particular language group tends to be

168. For instance, in the case of Andorra (category >40%), it means that the language spoken as L1 by the highest number of inhabitants (Spanish) is spoken by less than 60% of the total population.

169. Chapter 5 addresses these cases, in order to better characterize mixed societies.

understood in terms of individuals' self-identification with such a group, so in terms of their identity-related interests. For this reason, and despite the fact that the concept of language group can become blurred as linguistic diversity increases and mixes (see chapter 5), in general a language group can be delimited on the basis of the first languages spoken by people.¹⁷⁰ Data about first languages (hereinafter, also referred to as L1) are available in most population censuses, although with some variations in the concepts used, so I shall use them as main indicator to distinguish language groups.¹⁷¹

The number of language groups allows us to ascertain whether the pattern of linguistic diversity in a polity responds rather to polarization or to fractionalization, two concepts used in social and political comparative research.¹⁷² However, since I have only considered the language groups of greater than 10% of the population, this variable can hide very fractionalized pockets of population (e.g. in Ontario, where around 25% of people are immigrants who speak a considerable range of different first languages). Such an aspect is better captured by the variable 'degree of L1 diversity', which in this sense complements the former.

Other interesting sociolinguistic features are the degree of territorial mixture of the population, as well as its degree of bilingualism,¹⁷³ necessary variables to characterize mixed societies, as we shall see in chapter 5. With this objective, I have distinguished two kinds of bilingualism: 'bilingualism 1' includes all languages spoken by individuals, that is, both societal and foreign languages; 'bilingualism 2' refers only to the societal

170. As stated in chapter 1, the concept of first language (L1) refers to the initial languages acquired by people in their childhood (traditionally called *mother tongues* or *native tongues*).

171. For instance, sometimes the data gathered by censuses are about the first languages acquired in childhood (e.g. in most European states), other times about the languages currently spoken at home (e.g. in the US), and others about the first languages only if they are still spoken at home (e.g. in Canada). Moreover, data are based on individuals' declarations and are therefore inevitably subjective. Despite these factors, highlighted among others by Laitin (see Laitin, "What Is a Language Community?", 147), I have used these available data to delimit language groups. I have done so in considering that (a) in general, their conceptual differences are not especially relevant for the purposes of my research, and that (b) the use of rather wide intervals to establish categories reduces the risk of biases.

172. E.g. Laitin, "What Is a Language Community?"; La Porta et al., "The quality of Government"; Alesina et al., "Fractionalization"; Fearon, "Ethnic and Cultural Diversity"; Patsiurko et al., "Measuring cultural diversity".

173. As said in the introductory chapter, for practical reasons in this dissertation I use the terms *bilingual* and *bilingualism* in a broad sense, which refers to the ability of speaking *two or more* languages (so they include also polyglotism).

languages spoken. For the purposes of this research, and drawing on the concepts of second and foreign languages used by sociolinguists and specialists in language learning, I distinguish a *societal language* (a language spoken as L1 by significant groups of people in a particular polity and habitually also used in its public sphere) from a *foreign language* (a language that lacks these requisites).¹⁷⁴ The distinction between bilingualism 1 and bilingualism 2 allows us to capture different patterns of bilingualism: on the one hand, a bilingualism mainly related to foreign languages (as in the case of several European states linguistically homogeneous in terms of L1 but with significant rates of people able to speak English); on the other, a bilingualism related to societal languages, and therefore also to internal linguistic diversity.

Data on bilingualism are mainly based on population censuses and, in the case of the European Union states, also on the report *Special Eurobarometer 386, Europeans and their Languages*.¹⁷⁵ Often such data have required further elaboration, especially for determining the intervals of bilingualism 2 (elaborated through a combination of the data on first languages and on language knowledge). Chapter 5 contributes further analysis on these concepts and on their relationships with language diversity.

3.2.2. Variables related to language acts adopted

Language acts have been characterized according to their objectives (languages promoted and concerns faced) and to their features as legal instruments (level of coercion and restrictions established). Table 7 describes the variables used:

174. For example, according to Richards and Schmidt, a second language “plays a major role in a particular country or region though it may not be the first language of many people who use it. A foreign language is a language which is not the native language of large numbers of people in a particular country or region, is not used as a medium of instruction in schools and is not widely used as a medium of communication in government, media, etc.”. Richards and Schmidt, *Longman Dictionary of Language*, 206.

175. European Commission, *Special Eurobarometer 386*.

TABLE 7. Features of language acts

| | | | |
|--------------------------|--|--|--|
| Objectives of the act | Main objective: to promote the use of... | <ul style="list-style-type: none"> • a national majority language • a national minority language • local minority languages • other | The concepts of majority and minority language are exclusively based on demographical data, and refer to the first language (L1) of the population of the political unit that adopts the act. All majority languages promoted by acts are national majority languages (a single category), whilst minority languages are distributed into two categories, namely a national minority language (deemed to be the single minority national language) and local minority languages. |
| | Main concern | <ul style="list-style-type: none"> • internal diversity of L1 • pressure of external languages (not L1) • both | This variable distinguishes (a) the protection of particular languages facing the internal diversity of language groups from (b) the protection of particular languages facing the spread of transnational languages. |
| Kind of legal instrument | Degree of coercion | <ul style="list-style-type: none"> • exclusive use of a language • compulsory use of a language • general choice among two or more languages • no coercion | I take into account the highest degree of coercion determined by the act. The exclusive use of a language entails the prohibition of another. Its compulsory use entails that other languages can be added. ¹⁷⁹ Since a language act can establish different degrees of coercion for different communicative situations, I have selected the degree that better characterizes the act (usually determined by the regulation of official uses in central public institutions). |
| | Scope of restrictions | <ul style="list-style-type: none"> • only on official uses • on official and social uses • on official, social and personal uses • no restrictions | Official uses refer to the public sector. Social uses, to private enterprises and institutions (legal persons). Personal uses refer to the individual privacy of natural persons. ¹⁸⁰ I am not considering measures of promotion of languages that do not involve restrictions (such as specific funding for enterprises or media). |

176. Distinction based on Branchadell (Branchadell, *La moralitat de la política lingüística*, 233).

177. Based on Branchadell (*La moralitat de la política lingüística*, 231), who distinguishes tolerance regimes (no restrictions), officiality regimes (restrictions on official uses) and interventionist regimes (restrictions on social or personal uses). The consideration of the limits between public and private spheres takes into account the works of Milian Masana (*Público y privado*); Ruíz Vieytes, “*Lenguas oficiales*”, and Pérez Fernández, “*Principios del régimen jurídicolingüístico*”.

In addition to the information included in the table, it is worth insisting on the way that majority and minority languages have been categorized, especially because it is relevant for the analysis of legitimations of language acts carried out in chapter 4. On the one hand, both concepts of majority and minority languages refer to the first languages (L1) of the population of a particular political unit and are exclusively based on demographic data (without considering aspects of status and power). This means that, in the case of substates 1 (minority nations), languages categorized as majority languages are also minority languages at the state level. In the 12 cases with this double condition I have prioritized the substate perspective, although I take their duality into account.¹⁷⁸ On the other hand, the distinction between *national* and *local* languages requires further clarification. Whilst national languages are related to the identity of the nation (they are languages that identify a nation and distinguish it from other nations), local languages are related to rather small national minorities (and not clearly assumed as national languages of the entire polity). In our corpus the majority languages promoted are always national languages (L1 of the national majority existing in the political unit that adopts the act, e.g. Swedish in Sweden, English in Alaska and French in Quebec), whilst the minority languages promoted may be national (L1 of the national minority, e.g. French in Canada and Catalan in Catalonia) or local (L1 of local minorities, e.g. Ukrainian in Moldova and German and Slovenian in Friuli-Venezia Giulia). These three categories cover a vast majority of cases, although a category 'other' has been needed for classifying eight acts that promote several languages in Belarus, Switzerland, Ukraine, three Russian republics (Karachay-Cherkessia, Karelia and Sakha-Yakutia) and two Canadian substates (Northwest Territories and Nunavut).

3.3. Language acts in Europe, Canada and the United States

Previous sections have pointed to the relevance of linguistic regulations in western democracies: most of their constitutions have established official languages, several states have endorsed sector-specific regulations with linguistic content (e.g. citizenship regulations), and 96 political

178. The cases are Nunavut and Quebec in Canada, Sardinia in Italy, and 9 Russian republics.

units (29 states, 29 minority nations, 38 majority subunits) have passed 112 language acts, which in this research are the core object of a comparative analysis.

This section provides a first description of the acts analysed, which aims to highlight their differences by geographical areas, especially focusing on the kind of political unit that adopts them (state, substate 1 or substate 2), two variables proving highly significant. Table 8 displays the distribution of the acts according to these variables:

TABLE 8. Language acts by area and political unit

| Acts adopted by | Western Europe | Eastern Europe | Russian Federation | Canada | US | Total |
|--|----------------|----------------|--------------------|-----------|-----------|------------|
| States | 14 | 19 | 2 | 1 | 1 | 37 |
| Substates 1 (minority nations subunits) | 16 | 0 | 16 | 3 | 0 | 35 |
| Substates 2 (national majority subunits) | 13 | 0 | 4 | 9 | 14 | 40 |
| Total | 43 | 19 | 22 | 13 | 15 | 112 |

This table reveals that the group of Western European acts (43) is the largest and most heterogeneous in the corpus (with a balanced number of acts endorsed by states, substates 1 and substates 2). In contrast, all the 19 Eastern European acts have been adopted by unitarian states (the single category existing in this area). The other three groups each represents one single decentralized state, where most acts have been adopted by substates; in these cases, acts are expected to have a low intra-group variation (since they are constrained by their state legal framework). Conversely, these three sets of acts are expected to display a higher inter-group variation, since, as well as in the Russian Federation most substates are minority nations, in the US all of them are majority subunits, while Canada combines both categories of substates.

In view of these data, the variable 'area' seems to be linked to huge contextual differences. Therefore, my first analysis will be based on this variable, in order to provide a systematic view of the acts analysed.

3.3.1. Western Europe

Western European acts are the largest group in the corpus. Because of their volume and specificities, I will analyse the acts of states (14), sub-states 1 (16) and substates 2 (13) separately.

At the state level, 11 acts have been adopted by centralized states, namely Andorre, Finland (2 acts), France, Ireland, Luxembourg, Malta, Netherlands, Norway and Sweden (2 acts), and 3 by decentralized states, namely Italy (2 acts) and Switzerland.¹⁷⁹ Five of such states have a monolingual regime (Andorra, France, Italy, Netherlands, Sweden), whilst 6 a plurilingual regime (Finland, Ireland, Luxembourg, Malta, Norway and Switzerland). Concerning their degree of L1 diversity, 7 acts belong to states with less than 10% of L1 diversity (Finland, France, Ireland, Italy, Malta), 5 to states with 10-25% of L1 diversity (Netherlands, Norway, Sweden, Switzerland), and 1 act to a state with more than 40% of L1 diversity (Andorra).

TABLE 9. Language acts of western European states

| Main objective: to promote the use of... | Main concern or perceived threat |
|--|--|
| A national majority language: 4 France, Luxembourg, Malta, Sweden (<i>common language act</i>) | External language (not L1 of the population): 4 France, Malta, Sweden (<i>common language act</i>), Switzerland <i>[4 of the 5 acts that protect a majority national language, plus the Switzerland act; the external language is English in all cases]</i> |
| A national minority language: 4 Andorra, Finland, Ireland, Norway <i>[In all cases by giving it a wide officiality. Respectively, to Catalan; to Swedish beside Finnish; to Irish beside English; and to Nynorsk beside Bokmål]</i> | |
| Local minority languages: 5 Finland (Sami act), Italy (2 acts), Sweden (minorities act), Netherlands (Frisian act) <i>[through partial officiality except in Italian acts, which simply give them cultural recognition]</i> | Management of L1 diversity: 9 Finland (2 acts), Ireland, Italy (2 acts), Luxembourg, Netherlands (Frisian act), Norway, Sweden (minorities act) |
| Other: 1 Switzerland <i>[the Swiss act promotes all national languages]</i> | Both: 1 Andorra <i>[it explicitly refers to the danger of multilingualism]</i> |

179. An act adopted by Cyprus was finally excluded from the analysis due to the inconsistency between its *de jure* framework of application (the whole island of Cyprus with its two language groups, Greek and Turkish) and its *de facto* possible application (only in the Greek Republic of Cyprus). This inconsistency made the selection of categories of several variables considered difficult.

| Restrictions established | |
|---------------------------------------|--|
| Scope | Degree of coercion |
| Only in official uses: 11 | General choice: 6 Finland (<i>national languages</i> act), Ireland, Luxembourg, Norway, Sweden (<i>minorities</i> act), Switzerland |
| | Obligation (of the state languages): 5 Finland (Sami act), Italy (2 acts), Netherlands (Frisian act), Sweden (<i>common language</i> act) |
| In official and social uses: 2 | Exclusivity (of the state language): 2 Andorra, France |
| No restrictions: 1 | No coercion: 1 Malta [<i>this act simply creates the National Council for the Maltese Language</i>] |

According to table 9, the main features of this set of acts are:

- a) Most acts are adopted by centralized and rather linguistically homogeneous states, although more than half of them have a plurilingual regime.
- b) A significant group of acts (France, Malta, one Swedish act and Switzerland) protect national languages from an external language, English (in the case of Malta because of a postcolonial situation).¹⁸⁰
- c) Most acts lay down only restrictions on official uses, either by establishing the compulsory use of the state majority language, or by allowing the choice between two or more official languages.
- d) This group shows a clear correlation between the extent and the degree of coercion of the acts. The states that regulate the social uses (Andorra and France) also establish the exclusivity of the use of their national languages in several fields.

In the case of substates 1 (minority nations), the 16 acts gathered belong to: the Italian regions of Aosta Valley, Friuli-Venezia Giulia (4 acts), Sardinia and Veneto; the Spanish autonomous communities of Balearic Islands, Basque Country, Catalonia (2 acts), Galicia, Navarre and Valencia; and the UK nations of Scotland and Wales. Most of them (11) are adopted by plurilingual substates: 7 by the Spanish minority nations and the rest by the Aosta Valley (where French is official), Grisons, Scotland

¹⁸⁰ This would also be the case of Cyprus.

and Wales. Minority languages are partially official in Friuli-Venezia Giulia and Sardinia.

Concerning the degree of L1 diversity of these political units, in 8 cases it is significant: between 25% and 40% in Aosta Valley, Veneto,¹⁸¹ Galicia and Grisons; and higher than 40% in Friuli-Venezia Giulia, Balearic Islands, Catalonia and Valencia.

TABLE 10. Language acts of western European substates 1 (minority nations)

| | |
|---|---|
| Main objective: to promote the use of... ¹⁸⁵ | |
| A national majority language: 1 Sardinia | |
| A national minority language: 9 Friuli-Venezia Giulia (Friulian Language Act); Balearic Islands, Basque Country, Catalonia (Language Policy Act), Galicia, Navarre, Valencia; Scotland, Wales | |
| Local minority languages: 6 Aosta Valley, Friuli-Venezia Giulia (3 acts on linguistic minorities), Veneto; Catalonia (Occitan-Aranese Act) | |
| Restrictions established | |
| Scope | Degree of coercion |
| Only in official uses: 12 | General choice: 7 Balearic Islands, Basque Country, Galicia, Navarre, Valencian Community, Scotland, Wales |
| | Obligation: 5 Friuli-Venezia Giulia (Friulian Language Act, Act on German, Act on Slovenian), Sardinia [<i>compulsory use of the state language: the promoted languages can be added</i>] Catalonia (Occitan-Aranese act) [<i>preference of Occitan-Aranese in official uses in the Aran Valley</i>] |

181. Despite the fact that Italy does not recognize Venetian as a language different from Italian, I have considered it as such according to the UNESCO's Atlas of the World's Languages in Danger.

182. Categories referred to the substate. All acts promote languages that are minoritarian both in the state and in the substate, with the single exception of Sardinia, where from a demographical perspective Sardinian is the majoritarian language as L1 (L1 of the 81.2% of the population according to Leclerc's website).

| Scope | Degree of coercion |
|--------------------------------|---|
| In official and social uses: 1 | Obligation: 1 Catalonia (Language Policy Act) [<i>compulsory use of Catalan in certain cases</i>] |
| No restrictions: 3 | No coercion: 3 Aosta Valley, Friuli-Venezia Giulia (act on linguistic varieties from Veneto), Veneto |

As table 10 displays, all acts of this group aim to manage the internal diversity of L1 and, moreover, they present the following features:

a) Most acts (10) promote national languages (usually minoritized because of previous assimilation policies of states). The rest (all of them Italian plus the Occitan-Aranese Act adopted by Catalonia) promote local minority languages.

b) They establish a lower level of restrictions and coercion than the acts of states. Only one act (the Catalan Act of Language Policy) regulates the social uses and stipulates a compulsory use of the minority language in certain fields. The other acts that establish explicit obligations link them to the use of the state languages (not of the *promoted* languages).

In the case of substates 2 (national majority subunits), the 13 acts gathered belong to: the German land of Schleswig-Holstein; the Italian regions of Basilicata, Calabria, Campania, Liguria, Molise, Piemonte (2 acts), Puglia and Sicily;¹⁸³ the Spanish autonomous communities of Aragon and Asturias; and the Swiss canton of Grisons. All acts except that of Grisons are adopted by monolingual substates, although minority languages are partially official in Schleswig-Holstein, Aragon and Asturias. Their levels of L1 diversity are in general lower than 10%, except in the cases of Grisons (11-25%) and Schleswig-Holstein (26-40%).¹⁸⁴

183. Acts adopted in a political level lower than the regional level have not been considered.

184. In this latter case, Low German is considered a regional language different from German, as recognised by the Netherlands and by Germany (since 1999) according to the European Charter for Regional or Minority Languages.

TABLE 11. Language acts of western European substates 2 (national majority subunits)

| | |
|---|--|
| Main objective: to promote the use of... | |
| Local minority languages: 13 Schleswig-Holstein; Basilicata, Calabria, Campania, Liguria, Molise, Piemonte (2 acts), Puglia, Sicily, Aragon, Asturias; Grisons | |
| Restrictions established | |
| Scope | Degree of coercion |
| Only in official uses: 4 | General choice: 1 Grisons Obligation: 3 Schleswig-Holstein, Aragon, Asturias [<i>compulsory use of the state language: the promoted languages can be added</i>] |
| No restrictions: 9 | No coercion: 9 Basilicata, Calabria, Campania, Liguria, Molise, Piemonte (2 acts), Puglia, Sicily |

As table 11 displays, all of these acts are intended to promote local minority languages, by regulating only their official uses, and in most cases (9 Italian acts) without establishing any restriction or coercion. Conversely, all of them, except the Swiss act of Grisons, establish explicitly or implicitly the compulsory use of the state language (the use of the *promoted* language is not required). The act of Grisons allows the choice between the official languages.

3.3.2. Eastern Europe

The 19 acts in force in Eastern Europe have been adopted by unitarian states, namely Armenia, Azerbaijan, Belarus, Croatia, Estonia, Latvia, Lithuania, Poland (2 acts), Macedonia (2 acts), Moldova (2 acts), Romania, Serbia, Slovakia (2 acts), Slovenia and Ukraine. All of them, except Belarus, have monolingual regimes, but 15 acts establish local or partial *officialities* of minority languages in different degrees. Globally, such states are more diverse in terms of the L1 of their population than Western European states: only 4 acts belong to states where L1 diversity is lower than 10%,

12 to states where it is 10-25%, 1 to a state where it is 25-40% (Estonia) and 2 to states where L1 diversity is higher than 40% (Belarus and Latvia).¹⁸⁵

This set of acts configures a completely different landscape from Western Europe, with significant particular features:

a) Most of them are promoting national majority languages, whilst none national minority languages. However, they usually give partial officiality to languages of local minorities (4 states have enacted two different language acts, one for the majority language and another for local languages).

b) The threat of external languages (mainly Russian but also English in the case of Slovenia) has significantly influenced the adoption of acts. Moreover, in most states Russian is both a L1 for more or less significant minorities and a dominant language (e.g. in Baltic Republics, Moldova and Ukraine). However, Belarus, which is promoting Russian besides Belarusian, represents the opposite case.

c) They are severe laws. All of them, except the Belarusian and one of the Moldavian acts, set up the compulsory or exclusive use of the state language, and most of them in official and social uses.¹⁸⁶ This is the single group with acts that establish restrictions on the private sphere, by regulating the form of personal names.¹⁸⁷

185. According to their respective censuses of 2011, in Estonia 69% of the population speaks Estonian at home, and in Latvia 56% speaks Latvian at home.

186. The Moldavian act on minority languages allows *de jure* the choice between Moldavian (Romanian), Russian and locally other languages. However, this act is counteracted by the Moldavian act on the state language, which establishes the compulsoriness of Moldavian (Romanian).

187. Such a practice collides with international regulations, which include the right to use personal names in minority languages (art. 11, Framework Convention for the Protection of National Minorities, Council of Europe, 1995) and in indigenous languages (art. 9, Declaration on the Rights of Indigenous Peoples, United Nations, 2007).

TABLE 12. Eastern European language acts

| Main objective: to promote the use of... | Main concern or perceived threat |
|---|---|
| A national majority language: 12 Armenia, Azerbaijan, Estonia, Latvia, Lithuania, Macedonia (state language act), Moldova (state language act), Poland (state language act), Romania, Serbia, Slovakia (state language act), Slovenia | External language (not L1 of the population): 5 Armenia, Azerbaijan, Poland (state language act), Romania, Slovakia (state language act), |
| Local minority languages: 5¹⁸⁸ Croatia, Macedonia (minority languages act), Moldova (minority languages act), Poland (minority languages act), Slovakia (minority languages act) <i>[through partial officiality or simply cultural recognition]</i> | Management of L1 diversity: 12 Belarus, Croatia, Estonia, Latvia, Lithuania, Macedonia (state language act), Macedonia (minority languages act), Moldova (state language act), Moldova (minority languages act), Poland (minority languages act) Serbia, Slovakia (minority languages act), Ukraine |
| Other: 2 Belarus, Ukraine <i>[the Ukrainian act promotes both Ukrainian and local languages, among them Russian, which de facto can be considered widely official]</i> | Both: 2 Slovenia <i>[the Slovenian act both protects Slovenian from English and manages internal diversity]</i> |
| Restrictions established | |
| Scope | Degree of coercion |
| Only in official uses: 3 | Obligation: 3 <i>[all are acts to promote minority languages that establish the compulsory use of the state language, to which minority languages can be added]</i> Croatia, Poland (minority languages act), Slovakia (minority languages act) |
| In official and social uses: 11 | Obligation: 6 <i>[all of them establish the compulsory use of the state language]</i> Macedonia (minority languages act), Moldova (state language act), Romania, Serbia, Slovenia, Ukraine Exclusivity: 5 Armenia, Estonia, Macedonia (state language act), Poland (state language act), Slovenia |

188. In general, they protect national minorities, that is, groups of people residing in a state different than the one in which the majority of the nation resides.

| Scope | Degree of coercion |
|---|--|
| In official, social and private uses: 5 [regulation of personal names] | General choice: 2 Belarus, Moldova (minority languages act) [<i>choice between Romanian, Russian and locally other languages</i>] |
| | Exclusivity: 3 Azerbaijan, Latvia, Lithuania [<i>Estonia's act in its current version regulates the personal names by reference to the Names act</i>] |

3.3.3. Russian Federation

The Russian Federation has adopted two federal language acts, the first to regulate the languages of the Russian Peoples (1991) and the second to regulate the single official language of the Federation, Russian (2005). While the former is intended to promote the languages of local minorities and allows for their use besides Russian in certain cases, the latter is more restrictive and prohibits the use of languages other than Russian in several fields. Both acts establish restrictions on official and social uses.

At the substate level, 19 republics have adopted 20 language acts.¹⁸⁹ Most republics are categorized as minority nations. Except in the case of Karelia, they give full officiality to their *titular* (national) languages beside Russian.¹⁹⁰ So, whilst at the federal level there is a monolingual regime, at the substate level the regimes are usually plurilingual.

According to the data on ethnic diversity provided by the Russian census of 2010, the degree of L1 diversity in Russian republics is highly significant: among the republics with language acts, such a diversity is lower than 10% only in 3 cases (Chechnya, Karelia and Ingushetia), between 10 and 25% in 4 cases (Khakassia, Komi, Tuva and Udmurtia), between 25 and 40% in 4 cases (Adygea, Altay, Buryatia and Mordovia), and higher than 40% in 8 republics (Bashkortostan, Chuvashia, Kabardino-Balkaria, Kalmykia, Karachay-Cherkessia, Mari El, Sakha-Yakutia and Tatarstan).

189. According to the information gathered, there is no language act in Dagestan (republic with a constitution that establishes 11 official languages) nor in North Ossetia-Alania (a bill proposed in 2013 was still not enacted in 2014). Tatarstan has adopted two acts (1992 and 2013). Finally, note that Crimea was not a Russian republic in January 2014, but an autonomous region in Ukraine (without language act).

190. The term 'titular language' is usual in the soviet sphere to designate national languages. On the other hand, Russian acts also reveal a close relationship between the national and the ethnic. For example, Russian is often referred to as the language for interethnic communication.

These data draw a picture of a complex reality when managing ethno-linguistic diversity both within and between republics.

As table 13 displays, Russian acts constitute a homogeneous set, with two main features:

a) All of them are protecting national languages. They focus on the protection of national languages in an environment of high diversity of LI closely related to different ethnicities.

b) All of them regulate official and social uses, with a degree of coercion that goes from the explicit prohibition of languages other than Russian (in the federal act of 2005) to the general choice between Russian and national languages at the substate level expressed by 11 republican acts (apparently contradictory to the federal act).

TABLE 13. Language acts of Russian republics

| | |
|---|--|
| Main objective: to promote the use of... | |
| A national majority language: 9 Chechnya, Chuvashia, Ingushetia, Kabardino-Balkaria, Kalmykia, Mari El, Tatarstan (2 acts), Tuva | |
| A national minority language: 8 Adygea, Altay, Bashkortostan, Buriatia, Khakassia, Komi, Mordovia, Udmurtia | |
| Other: 3 [both national and local: no act is intended to protect only local minority languages] Karachay-Cherkessia, Karelia and Sakha (Yakutia) <i>[These three acts regulate different languages. For example, Sakha (Yakutia) distinguishes national (Sakha), local (Evenk, Even, Yukagir, Dolgan, Chukchi) and international (Russian) languages.]</i> | |
| Restrictions established | |
| Scope | Degree of coercion |
| In official and social uses: 19 | General choice: 11 Altay, Chuvashia, Ingushetia, Kabardino-Balkaria, Khakassia, Kalmykia, Komi, Mari El, Sakha (Yakutia), Tatarstan (1992), Tuva |
| | Obligation (of Russian): 8 Adygea, Bashkortostan, Buriatia, Chechnya, Karachay-Cherkessia, Karelia, Mordovia, Udmurtia |
| No restrictions: 1 | No coercion: 1 Tatarstan (2013) <i>[this act simply complements the previous one]</i> |

3.3.4. Canada

The Canadian Federation has adopted a language act at the federal level and 12 acts at the substate level. The federal act establishes the full officiality of English and French and, for the purposes of this research, has been classified as an act intended to promote the use of a national minority language (French), by giving it full officiality.

At the substate level, 8 acts have been adopted in plurilingual regimes (New Brunswick (2 acts), Northwest Territories, Nunavut (2 acts), Ontario, Prince Edward Island and Yukon), whilst 4 acts in monolingual regimes (Alberta, Nova Scotia and Saskatchewan—monolingual in English—plus Quebec—monolingual in French). In the latter cases, minority languages (French, English or aboriginal languages) are partially official.¹⁹¹

Globally, Canada has a degree of L1 diversity that exceeds 40%: according to the census of 2011, 57.8% of the population speaks English at home, 21.7% French and 20.6% no official languages. However, unlike in the Russian Federation, such diversity is not necessarily reproduced in the substates (among those with language acts only New Brunswick, Nunavut and Ontario exceed 25% of L1 diversity).

All Canadian acts, both at the state and substate levels, share the concern for managing such internal diversity. In general, they regulate only the official uses, except in the cases of Quebec and Nunavut, whose acts establish higher levels of restrictions and coercion, to the extent that the Quebecer act lays down the exclusivity of French (with exceptions) in official uses and its compulsoriness in certain social uses (see table 14).

TABLE 14. Language acts of Canadian substates

| |
|--|
| Main objective: to promote the use of.. |
| A national majority language: 2 Quebec and Nunavut (Inuit act) |
| Local minority languages: 8 Alberta, New Brunswick (2 acts), Nova Scotia, Ontario, Prince Edward Island, Saskatchewan, Yukon |
| Other: 2 [different languages] Northwest Territories, Nunavut (official languages act) |

191. Quebec's Language Act gives room to the official uses of aboriginal languages (Cri and Inuktitut) in certain cases.

| Restrictions established | |
|--------------------------------|---|
| Scope | Degree of coercion |
| Only in official uses: 10 | General choice: 7 New Brunswick (2 acts), Northwest Territories, Nunavut (official languages act), Ontario, Prince Edward Island, Yukon |
| | Obligation (of English): 3 Alberta, Nova Scotia, Saskatchewan |
| In official and social uses: 2 | Exclusivity (of French) Quebec |

3.3.5. United States

According to the 2013 Census, 20.8% of the US population speaks a language other than English at home (mainly Spanish—spoken by 13% of the population). Thirteen states have percentages higher than the average, among them California (45%), New Mexico (36%), Texas (35%) and Nevada, New Jersey and New York (30%). 41% of this group of population declares a limited proficiency in English.¹⁹² Nevertheless, the US has not established any official language *de jure* at the federal level, despite the recurrent legislative initiatives for declaring English the single official language promoted by the *English-only movement* lobbies. However, at the substate level, 29 of the 50 states have declared official languages through their constitutions or their codes of law: this category is obtained exclusively by English in 27 cases, and also by aboriginal languages in 2 cases (Hawaii and Alaska).¹⁹³

192. Data from the 2013 American Community Survey (US Census Bureau).

193. In Hawaii, a constitutional amendment of 1978 states that “the Hawaiian language is the native language of Hawaii and may be used on all emblems and symbols representative of the State, its departments, agencies and political subdivisions” (section 5-6.5). In Alaska, an act adopted in October 2014 adds 20 aboriginal languages to English as official languages (section 44.12.310 of the Alaska Statutes). Both sites last accessed in January 2015.

TABLE 15. Language acts of US states

| | |
|---|--|
| Main objective: to promote the use of... | |
| A national majority language: 14 Alaska, Georgia, Idaho, Iowa, Kansas, Montana, New Hampshire, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Virginia, Wyoming | |
| Restrictions established | |
| Scope | Degree of coercion |
| Only in official uses: 13 | Obligation (of English): 3 Georgia, Montana and Virginia |
| | Exclusivity: 10 Alaska, Idaho, Iowa, Kansas, New Hampshire, South Carolina, South Dakota, Tennessee, Utah, Wyoming |
| No restrictions: 1 | No coercion: 1 Rhode Island |

For the purposes of this research, I shall consider that the US has adopted 15 language acts (1 federal act and 14 substate acts).¹⁹⁴ The federal act (Native American Languages Act) is the only one intended to promote the use of minority languages. This law stipulates some obligations for institutions regarding the uses of native languages, especially in education.

Conversely, the acts adopted at the substate level are intended to *protect* the use of English, with the single exception of Rhode Island, which has included in its Code of Law a section to promote other languages

194. I make this statement since the US acts are more difficult to identify than the European and Canadian ones. This is because in the US legal system the general and permanent acts are regularly compiled in codes or statutes. This practice means that original acts become a section within the general codes of law, so acts often lose their names and are codified in a way that may imply formal amendments. At the federal level, it does not represent a problem because the Native American Languages Act has conserved its original name in the US Code. However, at the substate level the detection of language acts has required a thorough examination of the codes or statutes of the 29 states with official languages *de jure*. Once done, the criterion adopted for considering the inclusion of a language act as such in the corpus of study has been the existence of a linguistic section in the current code of law with a minimal content that at least permits one to infer the kind of restrictions that it entails (so it excludes the mere declarations of officiality). I thank John Kincaid (Lafayette College, Pennsylvania) for his valuable help in establishing such a criterion.

along with English.¹⁹⁵ Such acts are the only ones in the corpus that, being adopted by a substate, are explicitly intended to promote a state majority language. Except in the case of Rhode Island, all the rest regulate the official use of English in order to exclude or heavily limit the use of other languages (see table 15). Therefore, the US acts constitute the most homogeneous group in the corpus, a group very particular in itself, since it is characterized by the *protection* of a powerful national majority language through strong coercive measures, despite the fact that such measures are always limited to the official uses.

3.3.6. Central tendencies by area

To sum up the differences seen between geographical areas, table 16 displays their central tendencies in relation to the variables taken into consideration.¹⁹⁶

TABLE 16. Central tendencies of language acts by area

| Main values by area | Western Europe states | Western Europe substates 1 | Western Europe substates 2 | Eastern Europe | Russian Federation | Canada | United States |
|----------------------------|-------------------------|----------------------------|----------------------------|-------------------------------------|-------------------------|-------------------|---------------------------|
| Language groups | 1 | 2 | 1 | 1 and 2 | 2 | 1 and 2 | 1 |
| L1 diversity | <10% | 10-25%, 26-40%, >40% | <10% | <10%, 10-25 and 26-40% | >40%, 26-40% and 10-25% | 10-25% and 26-40% | <10% and 10-25% |
| Territorial mixture | homogeneity | rather or fully mixed | homogeneity | homogeneity/ rather territorialized | rather mixed | rather mixed | homogeneity/ rather mixed |
| Bilingualism 1 | >75% | >75% and 51-75% | 10-25% | >75% and 26-75% | 26-75% | 10-25% and 26-50% | <10% and 10-25% |
| Bilingualism 2 | <10%, 10-25% and 26-50% | <10%, 10-25% and 26-50% | >10% | <10% | 26-75% and >75% | 10-25% and 26-50% | <10% and 10-25% |
| Share of a common language | >90% | >90% | >90% | 71-90% and >90% | >90% | >90% | >90% |

195. Based on the initiative *English Plus*. In 1989 three US states (New Mexico, Oregon and Washington) adopted parliamentary resolutions (not acts) to give room to the learning and use of other languages beside English. Rhode Island included a similar text in its Code of Law in 1992.

196. The measures of central tendencies point out the distance between groups. When variables have nominal categories (as in most cases in our data set), the only central tendency measure that can be used is the mode, which signals the most frequent values in a data set.

| Main values by area | Western Europe states | Western Europe substates 1 | Western Europe substates 2 | Eastern Europe | Russian Federation | Canada | United States |
|-------------------------------------|--|---|----------------------------|---|---|--------------------------------|----------------------------|
| Linguistic regime: degree of choice | general free choice | general free choice | general minimal choice | local free or partial choice | general free choice | general free or partial choice | no choice |
| Main objective | national majority (or minority) language, and local minority languages | national minority language and local minority languages | local minority languages | national minority language | national majority (or minority) languages | local minorities | national majority language |
| Main concern | internal diversity and external languages | internal diversity | internal diversity | internal diversity and external languages | internal diversity | internal diversity | internal diversity |
| Scope of restrictions | official uses | official uses | no restrictions | official and social uses (and private) | official and social uses | official uses | official uses |
| Degree of coercion | general choice or obligation | general choice or obligation | no coercion | exclusivity or obligation | general choice or obligation | general choice or obligation | exclusivity |

Next sections address the relationships existing between several of these variables.

3.4. Key data on political units and language acts adopted

Section 3.3. described the corpus of language acts in force in January 2014 in Europe, Canada and the United States, with the aim of pointing out the contextual differences between five geographical areas. From a different perspective, this section aims to highlight several key data by focusing on the significant correlations between the variables considered in tables 4 and 5.

3.4.1. Key data on political units

Regarding the 96 political units that have passed language acts, the correlations between their political and sociolinguistic features highlight the following points:

a) Linguistic regime and degree of choice. More than a half of the units have a monolingual regime (53 units, 55.21%), whilst 43 (44.79%) have a plurilingual regime (a regime that establishes the wide officiality of two or more languages, allowing *de jure* for a general free choice between them in public uses). Among the former, most units allow for some degree of choice, be it general (24 units) or local (15); the rest (15 units) lay down the exclusivity of a language: they are 5 states (Azerbaijan, France, Latvia, Lithuania and the US) and 10 substates (all of them US states). Among the latter, most are minority nations (25, or 58.14%); in fact, the vast majority of minority nations have plurilingual regimes: all of them except Quebec, which establishes *de jure* the state minority language (French) as its single official language, as well as three Italian regions, Friuli-Venezia Giulia, Sardinia and Veneto (where only Italian is official according to the concept considered in this research).¹⁹⁷

Most monolingual regimes belong to rather linguistically homogeneous units: over the 53 units with monolingual regimes, 30 units have less than a 10% of L1 diversity and 15 a L1 diversity between 10 and 25%. By contrast, of the 43 units with plurilingual regimes, 10 have a L1 diversity between 26 and 40%, and 14 higher than 40%.

Moreover, when we look at the degree of linguistic choice allowed *de jure* by these regimes, data show a clear correlation with existing linguistic diversity: the higher the degree of choice, the higher the levels of L1 diversity and bilingualism in societal languages (both indicators of linguistic plurality and mixture, as we shall see in chapter 5).

b) Language groups. More than a half of the units (51, or 53.13%) have only one language group; 38 units (39.58%), most of which (20, or 52.63%) minority nations, have two language groups; finally, 7 units have three language groups (Andorra, Luxembourg, Moldova, the Russian republics of Bashkortostan, Kabardino-Balkaria and Karachay-Cherkessia, as well as the Swiss canton of Grisons).¹⁹⁸

c) Degree of L1 diversity. This variable provides a more detailed view than the former, because it does not exclude the first languages spoken by less than 10% of the population. From this perspective, only 37 units (38.54%) are homogeneous (with a L1 diversity lower than 10%), whilst

197. In this work I consider that a language is official in a polity when its linguistic regime establishes that citizens can normally use that language in their relations with central institutions and can obtain a response in the same language (see table 5).

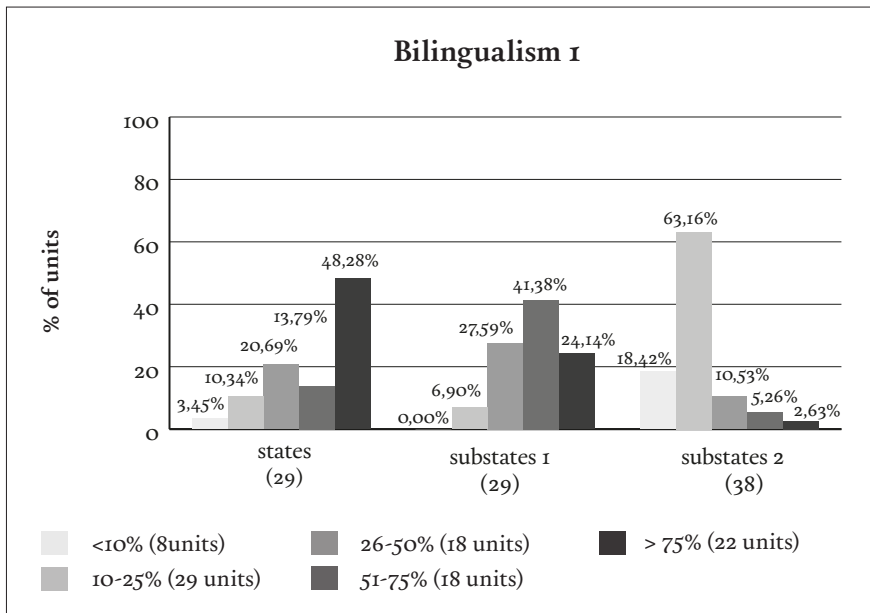
198. In the case of Andorra and Luxembourg, one of these groups is the Portuguese-speaking language group, which constitutes nearly 20% of the population.

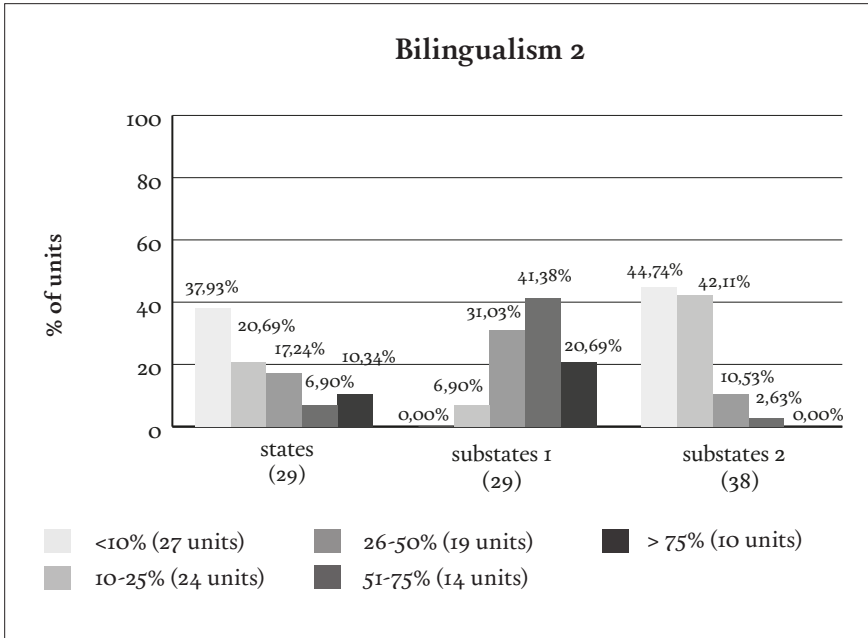
27 units (28.13%) have a L1 diversity between 10 and 25%. So, 2 out of 3 units have a low L1 diversity (64 units, 66.67%). Among the more diverse units (32), half have a L1 diversity between 25 and 40% and the other half higher than 40%; most of them (20, or 62.5%) are minority nations: two out of three minority nations (68.97%) have more than 25% of L1 diversity.

d) Territorial mixture. When applying this variable to units with more than 10% of L1 diversity (59 units), the results reveal that most of them are rather mixed (39, or 66.10%), and some rather territorialized (15, or 25.42%). One case has been categorized as fully territorialized (Switzerland), whilst 4 units as fully mixed (Andorra, Luxembourg and the Spanish Autonomous Communities of Catalonia and Balearic Islands). All these 4 units have more than 40% of L1 diversity. More than half of the units categorized as rather mixed (20) are minority nations, whilst more than half of those categorized as rather territorialized (9) are Eastern European states.

e) Bilingualism. As explained before, the two variables used for bilingualism (bilingualism 1 and 2) allow us to capture two different patterns of bilingualism, depending on whether we consider both the knowledge of foreign and societal languages, or only the knowledge of societal languages. Figure 1 displays their differences:

FIGURE 1. Bilingualism 1 and bilingualism 2 in states and substates





The graphs reveal very different findings when considering both kinds of bilingualism. Thus, while in the case of bilingualism 1 only 8 units (7 US states) have less than 10% of bilingualism, in the case of bilingualism 2 this number increases to 28 units. Conversely, whilst in the first case (bilingualism 1) 22 units have more than 75% of bilingualism, in the second only 9 units have this percentage. The intermediate groups (11-75% of bilingualism) are important in both cases, but the kind of political units included in them vary significantly: principally, minority nations have the highest rates of bilingualism 2 (18 of them, 62.07%, present more than 50% of bilingualism in societal languages).

f) Degree of knowledge of an official language. Despite the diversity of L1 existing in a significant number of polities that adopt language acts, most people are able to communicate amongst themselves through shared languages. When we look at the degree of knowledge of an official language, we find that in 84 units (or 87.5%) more than 90% of the population is able to speak the same official language. Only in 9 cases this percentage is between 71 and 90% (Andorra, Belarus, Canada, Estonia, Latvia, Moldova, the Russian republic of Tuva, Switzerland and Grisons), whilst in 2 cases it is between 50 and 70% (Luxembourg and Ukraine). This lack of knowledge of a shared official language is related in most

cases to a rather territorialized pattern of L1 diversity, but not always (e.g. not in Andorra, Luxembourg and Tuva).

To sum up, data show the predominance of monolingual regimes that often leave room for partial and local linguistic choices; the cases that clearly differ from this pattern are (a) minority nations, whose regimes are mainly plurilingual, and (b) the US states, which usually establish the exclusivity of English in public uses. Linguistic regimes are correlated with the degree of linguistic plurality: the higher the levels of L1 diversity and bilingualism in societal languages, the higher the degree of linguistic choice allowed by language acts. It is worth noting that, despite the fact that western democracies are deemed the most linguistically homogeneous set of states in the world, a third of the political units considered have more than 25% of L1 diversity: this is because most of such diverse units are minority nations with plurilingual regimes that recognize their national languages along with the state majority languages.

In terms of territorialization of linguistic diversity, in the whole set of units a pattern of rather mixed language groups prevails, a pattern that is also especially correlated with the condition of minority nation. Finally, regarding linguistic abilities, in the vast majority of units most of the population shares the knowledge of an official language; bilingualism rates are different depending on whether foreign languages are included or not: when only the knowledge of societal languages is taken into account, minority nations display the most relevant correlations with high rates of bilingualism.

These first data point to minority nations as significant cases of linguistic mixture. Chapter 5 examines this preliminary finding further.

3.4.2. Key data on language acts adopted

Regarding the 112 language acts gathered, the correlations between the variables included in table 7 highlight the following aspects:

a) Main objective. Most acts in the corpus foster the use of national majority languages (43 acts, 38.39%), followed by that of local minority languages (39 acts, 34.82%). National minority languages are promoted by 22 acts (19.64%). Moreover, 8 acts (7.14%), grouped in the category *other*, foster both national and local languages, or different national languages.

Significantly, all acts analysed aim to promote languages related to *old* majorities and minorities, so there is no act explicitly oriented to the management of languages of *new* minorities (migrants). However, acts may be implicitly adopted against the spread of migrants' languages, as the US case seems to exemplify.¹⁹⁹

Using Safran's terms (2015: 260-262), we can say that most acts, those that are promoting national languages, respond to a *fear of multilingualism* (especially clear in the US) as well as to a *status anxiety* for such national languages (e.g. in France, Baltic republics, Poland, Quebec, etc.); conversely, the acts that *protect* local minority languages respond to a pattern of *ethno-symbolism* (e.g. in most Italian cases).²⁰⁰

b) Main concern. The vast majority of acts (100, or 89.29%) are intended to manage an internal diversity, whilst 9 aim to manage the spread of an external language, in most cases English (Armenia, Azerbaijan, France, Malta, Poland, Romania, Slovakia, Sweden and Switzerland). Three acts have been categorized as having both objectives (Andorra, Moldova, Slovenia).

c) Scope of restrictions. Nearly half of the acts (55, 49.11%) establish restrictions only on official uses, 38 (39.93%) also on social uses, and only 5 also on private uses (Azerbaijan, Belarus, Latvia, Lithuania and Moldova regulate the form of personal names). Moreover, 14 acts (12.5%) do not stipulate any restriction (most of them are acts of Italian regions that implicitly require the use of Italian).

d) Degree of coercion. In terms of degree of coercion, the most significant groups of acts are those that explicitly require the use (not exclusive) of a particular language (39 acts, or 34.82%) and those that allow for a general choice between two or more languages (35 acts, or 31.25%). Nearly 20% of acts (22, or 19.64%) require the exclusive use of a language. The rest, 16 (14.29%), do not (explicitly) express any coercion (most of them are the Italian acts mentioned before).

If we combine these four variables focusing on the promotion of majority and minority languages (relevant aspect for the analysis made in chapter 4), we can conclude that:

199. Nevertheless, Spanish in the US is not only a migrants' language. As Kymlicka ("Is federalism a viable alternative?", 117) points out, Hispanics in the US are not a single category, but include Spanish-speaking national minorities (Puerto Ricans and Chicanos) and Spanish-speaking immigrants (recently arrived from Latin America).

200. Safran, "Postscript".

1. The acts that promote national majority languages are adopted mainly in the US and Eastern Europe, by states (17), but also by national majority subunits (14, all US states) and by minority nations (12). It is the kind of act endorsed when the threat of an external language is felt. Almost all of them establish restrictions on official and social uses (22) or on official uses (16), with significant degrees of coercion: nearly half (21) stipulate the exclusive use of that language (10 acts endorsed by states, plus 10 acts of US states and the act of Quebec), whilst 11 its compulsory use.

2. The acts that promote national minority languages are mainly adopted in Western Europe and the Russian Federation, by minority nations. All of them establish restrictions, sometimes only on the official uses (12), sometimes also on the social uses (10), but with lower levels of coercion than the previous group, namely by allowing a choice between different official languages (14) or by determining the compulsory use of an official language (7).²⁰¹

3. The acts that promote local minority languages are adopted mainly in Western Europe and Canada, by national majority subunits. They are the least restrictive ones, with significant percentages of acts that do not establish any restriction or coercion.

3.5. Conclusion

This chapter has provided a comprehensive analysis of contemporary *language acts* adopted by states and substates in western democracies. As a first step towards the general aim of understanding the ideological underpinnings of political *practices of linguistic justice*, I have contributed systematic data on existing language regulations that help us to measure to what extent languages (explicitly) matter in current western democracies. First, I have identified and characterized the political units that have passed language acts over recent decades. Then, I have compared the language acts adopted in terms of their objectives and the restrictions they establish, in order to explore why and how languages matter in different empirical contexts.

201. A single act (Andorra) establishes the exclusivity of a national minority language (Catalan).

On the one hand, and regarding the political units passing language acts and the nature of such acts, three main aspects can be highlighted as relevant points for the purposes of this research:

1. In western countries, languages overtly matter and multiple linguistic regulations have been adopted, both at the state constitutional level and at lower legal levels in states and substates. Language acts, which specifically regulate the uses of languages in particular political units, are in our corpus *defensive regulations*, that is, they are intended to *protect* the use of certain languages *vis à vis* perceived internal or external threats. Language acts tend to protect national majority (and minority) languages or, alternatively, to protect local minority languages. The former group of acts generally responds to a *status anxiety*, the latter responds in most cases to *ethno-symbolism*: accordingly, the legal designs of such protections are, respectively, the most and the least restrictive regarding the use of the non-protected languages. That is, whilst the former usually establishes effective obligations of use of the protected language(s), the latter does not usually do so.

2. When considering geographical areas, the subsets of acts present substantial differences, primarily related to the contextual distance existing between units in terms of sociolinguistic and political features. Undeniably, aspects of path-dependency regarding political and legal traditions are also decisive. The most distant cases (opposite in most features considered) are those of the US and the Russian Federation. Although it may seem paradoxical, the comparison between the language acts of US states and those of Russian republics shows that the former are among the most restrictive in the corpus (concerning the use of languages other than English), whilst the latter are (at least *de jure*) among the most flexible (concerning the use of languages other than Russian). A significant distance between the rates and characteristics of existing ethno-cultural diversity, as well as different strategies of nation-building in dealing with ethnic groups, can explain the features of acts adopted in both cases.

3. In terms of categories of political units, minority nations are particularly significant. Unlike states and majority nation subunits, minority nations (*a*) present high rates of L1 diversity, related to two or more language groups who live rather mixed, (*b*) tend to establish plurilingual regimes, and (*c*) usually have significant levels of bilingualism in societal languages. Most of their language acts promote their national languages, by regulating their official uses (and often also their social uses), with

levels of coercion that can vary from the free choice between two or more languages to the compulsory (not exclusive) use of a particular language (in most cases a state official language).

On the other hand, the systematization of the data collected constitutes the basis for responding to other empirical questions raised in this research. It allows us to examine (*a*) how the adoption of linguistic regulations is explicitly legitimated in terms of communicative and identity-related interests; (*b*) which western democracies can be identified as linguistically mixed, and (*c*) how the existing linguistic regimes relate to linguistic plurality and mixture. Question *a* is addressed in chapter 4, which adds specific variables on arguments used by language acts to the data presented in this chapter 3. In turn, questions *b* and *c* are addressed in chapter 5, in this case using and combining data on political and sociolinguistic features of units already presented and defined in this chapter.

4

Communication and identity. A comparative analysis of the legitimation of language acts

This chapter aims to examine how the adoption of linguistic regulations is explicitly legitimated in terms of communicative and identity-related interests, that is to say, why languages (explicitly) matter in those polities that have passed language acts. It does so drawing on the conclusions of chapters 2 and 3.

Chapter 2 described how the theoretical debates on linguistic justice address the question of why language(s) matter to people. Broadly speaking, the responses to this question configure two normative positions: the first position (*instrumentalism*) defends that languages matter principally (or exclusively) as tools of communication between individuals, whilst the second position (*constitutivism*) defends that languages matter also as markers of individual and collective identity. According to these positions, different valued ends should be pursued by just language policies. In the first case, ends more related to communication (like democratic participation, social justice and communicative efficacy); in the second, ends more related to ethno-cultural justice (like autonomy in a context of choice and dignity for individuals, as well as security and continuity for linguistic communities). Prioritizing the first group of ends permits the justification of a linguistic rationalization or even assimilation into a majority language; prioritizing the second group leads to justification of the promotion of minority languages. Both normative approaches usually operate at the state level and tend to deal with two simple dichotomies: (*a*) between the possession of a common language and the maintenance of linguistic diversity; and (*b*) between majority languages (which are assumed to be the most communicative and, consequently, distributive tools in socio-economic terms) and minority languages (which are linked to identity interests and ethno-cultural justice).

This happens, to a significant extent, because of the prevalence of monist approaches that stem from a territorialized understanding of

languages and language groups; according to the traditional identity-blind liberal positions, state majority languages should be fostered exclusively on instrumental grounds; in turn, according to liberal nationalist positions, *societal* (majority) languages should be promoted on both instrumental and identity grounds. However, when pluralist approaches (which defend an equal treatment of all significant language groups existing in a polity) are taken on board, they also tend to assume that majority languages are the most communicative tools and that minority languages are primarily relevant in terms of identity.²⁰² In summary, as pointed out in chapter 2, theorists who defend the promotion of minority languages (or the equal treatment of language groups) tend to do so in the name of individuals' identity interests, whilst theorists who defend the promotion of state majority languages do so on behalf of individuals' communicative interests (with the prominent exception of Van Parijs, who adopts a global perspective including English in the conception of linguistic justice).

In turn, chapter 3 provided an empirical perspective on the political relevance of the management of languages in western democracies. The debates on language policies are often included in their political agendas, and in a significant number of cases, specific language acts have been adopted to address this issue. Chapter 3 offered empirical evidences that languages overtly matter in practice, and identified the kind of political units that pass such language acts, the main concerns they face and the main objectives pursued by their regulations.

Against such a background, this chapter aims to analyse how these polities justify the adoption of their language acts, in order to respond to two main research questions: (a) whether they use communicative or identity-based arguments, and (b) how such arguments relate to the promotion of majority and minority languages, also taking into account other variables identified as significant in chapter 3. Since language acts aim to influence the linguistic choices of individuals, often through more or less severe restrictions on language use (potentially problematic in terms of social and ethno-cultural justice), they usually include explicit self-justifications, which are a valuable source of information when seeking to answer the questions (a) and (b). Such a rationale is expected to be suitable to test an initial hypothesis consist-

202. Cf. Patten, *Equal recognition*; De Schutter, Language, identity and justice; id., "Testing for linguistic injustice".

ent with the theoretical framework reviewed, namely that linguistic regulations promoting majority languages tend to use communicative arguments, while those promoting minority languages tend to use identity-related arguments.

With the aim of testing that initial hypothesis, this chapter contributes a comparative analysis of the valued ends explicitly mentioned within language acts in order to legitimize their adoption. The findings obtained can provide a better understanding of why languages matter in practical terms, on the basis of a wide selection of cases (all polities, states and substates, with language acts in force in January 2014 in Europe, Canada and the US).

Indeed, the extension of this comparison in terms of cases included entails a constraint in terms of kind of sources considered: as said, the analysis is restricted to the institutional discourse used in legal rules. That is to say, it leaves aside other interesting sources of legitimation of language policies such as parliamentary debates and party manifestos which could have been included in a narrower, more case-focused analysis, where different kinds of legitimations probably appear. In this study, I have however prioritized the obtainment of a wide and comprehensive view of institutional legitimations of legal regulations, which has been unavailable up to now and in any case constitutes a potential basis for further case-oriented research.

I address this point because my decision has obvious consequences on the interpretation of the results. The comparative analysis carried out provides a systematic overview of the dominant public ideologies or philosophies about linguistic justice existing in a wide range of polities that adopt language regulations; so, it deals with hegemonic discourses linked to policy instruments of domination.²⁰³ However, it is worth noting that, at the same time, such discourses aim to justify rather *defensive* language policies, as concluded in chapter 3. Consequently, the analysis carried out provides systematic information on the legitimations used in such institutional defensive policies, although it leaves aside other existing discourses on language management (e.g. non-dominant and non-institutional discourses, as well as discourses expressed from fully dominant—non-defensive—positions). This issue will be further dealt with in the conclusions.

203. Bourdieu, *Ce que parler veut dire*; Woolard, "Introduction"; Duchêne and Heller, *Language in Late Capitalism*; Duchêne, *Ideologies across Nations*; Cardinal and Sonntag, *State Traditions and Language Regimes*.

In this chapter, I also aim to make a theoretical contribution. It develops a systematic classification of valued ends for language policies, more detailed than previous classifications found in the literature. The proposed classification stems from the fundamental divide between communicative and identity-related values, and is based on two different analyses of texts related to linguistic justice: (a) that of the works of liberal democratic theorists reviewed in chapter 2, and (b) that of international regulations identified in chapter 3. These sources are deemed to provide a broad set of normative values, in the sense that both suggest what just language policies should be like. Such a set of normative values allows us to make a first analysis of the rationales of language acts, in order to obtain a typology of values (fulfilling the criteria of simplicity, exclusivity and completeness) methodologically useful to compare the explicit legitimations used.

The chapter is structured as follows. Section 4.1 describes the process of classification of values as well as the typology obtained, and offers some first findings on the *normativity* of the legitimating arguments used by language acts. Section 4.2 addresses methodological issues on the content analysis done. Section 4.3 provides the main results of the comparative analysis on the legitimations of language acts. Section 4.4 points out some concluding remarks.

4.1. From a classification to a typology of valued ends for language policies

This section aims to provide a systematic classification of normative valued ends for language policies and then to construct a typology of values in order to undertake the comparative analysis of the rationales of language acts. I take as a starting point the divide between communication and identity, since it is not only the basis of normative debates on linguistic justice, but also a duality of languages emphasized by sociologists and sociolinguists, along with political theorists, with several purposes (see table 17).

TABLE 17. Different uses of the communication/identity divide

| Author | Interpretation of the communication/identity divide |
|--|---|
| Bourdieu ²⁰⁷ (1982) | Instrument of communication <i>versus</i> symbolic power of language |
| Taylor ²⁰⁸ (1985) | Instrumental <i>versus</i> expressive-constitutive dimension of language |
| Fishman ²⁰⁹ (1991) | Resource for societal integration <i>versus</i> resource for social identification |
| Bauböck ²¹⁰ (2001) | Pragmatic <i>versus</i> expressive aspects of language |
| Patten ²¹¹ (2001) | Tool of communication <i>versus</i> identity-constituting value |
| Réaume ²¹² (2003) | Instrumental dimension <i>versus</i> intrinsic value of languages |
| May ²¹³ (2003) | Instrumental <i>versus</i> sentimental value |
| Rubio-Marín ²¹⁴ (2003) | Instrumental <i>versus</i> non-instrumental rights |
| Weinstock ²¹⁵ (2003) | Communicative function, identity function and function of access to cultures |
| Woolard ²¹⁶ (2005) | Anonymity <i>versus</i> authenticity (ideologies of linguistic authority) |
| Kraus ²¹⁷ (2008) | Functional or instrumental aspects (communication) <i>versus</i> expressive authenticity |
| Bastardas ²¹⁸ (2012) | Inter-signification (communication) <i>versus</i> socio-signification (collective representation) |
| Duchêne & Heller ²¹⁹ (2012) | Language as a source of pride and profit |

204. Bourdieu, *Ce que parler veut dire*.

205. Taylor, *Human Agency*.

206. Fishman, *Reversing Language Shift*.

207. Bauböck, "Cultural Citizenship".

208. Patten, "Political Theory".

209. Réaume, "Beyond Personality".

210. May, "Misconceiving Minority Language Rights".

211. Rubio-Marín, "Language Rights".

212. Weinstock, "The Antinomy of Language Policy".

213. Woolard, "Language and Identity".

214. Kraus, *A Union of Diversity*.

215. Bastardas, *Language and Identity Policies*.

216. Duchêne and Heller, *Language in Late Capitalism*.

As table 17 shows, this divide has been employed by political theorists to describe different political functions or dimensions of language,²¹⁷ to distinguish between several interests served by the public recognition of languages,²¹⁸ to establish a typology of language rights²¹⁹ and to classify the arguments that justify language regulations.²²⁰ Meanwhile, sociologists and sociolinguists have highlighted the said duality, relating communication and identity to the social functions of language,²²¹ to linguistic ideologies²²² and to the generational transmission of languages.²²³

These examples, while far from exhaustive, suggest that it is appropriate to classify the political values of languages starting from the divide between communication and identity. On this basis, I shall propose a classification of valued ends for language policies that is both deductive and inductive: it is a deductive classification because in a first step it is obtained from theoretical texts, and it is also an inductive classification because in a second step it is completed with legitimating values provided by international regulations. The final aim is to obtain a typology of values, useful for analytical purposes, constructed on a sound normative basis.²²⁴ To establish a first structure of values, I have drawn on two previous useful classifications:

a) A general classification of legitimating values in liberal democracies, provided by Requejo.²²⁵ This author identifies several *competing legitimizing goals and criteria based on different functional or moral perspectives*,²²⁶ which decision-makers in liberal democracies must take into account: on the one

217. Taylor, *Human Agency*, 9-10; Bauböck, "Cultural Citizenship", 328-332; Weinstock, "The Antinomy of Language Policy", 250; Kraus, *A Union of Diversity*, 77.

218. Patten, "Political Theory", 695-697.

219. Rubio-Marín, "Language Rights", 56.

220. Réaume, "Beyond Personality", 272-295.

221. Bourdieu, *Ce que parler veut dire*, 60; Fishman, *Reversing Language Shift*, 7; Bastardas, *Language and Identity Policies*, 105-106.

222. Woolard, "Language and Identity", 6-10; Duchêne and Heller, *Language in Late Capitalism*.

223. Bastardas, *Language and Identity Policies*, 132.

224. In the previous steps, I prefer using the term *classification* rather than *typology*, since I cannot guarantee the fulfilment of the criterion of exhaustiveness.

225. Requejo, *Multinational Federalism*.

226. *Ibid.*, 9.

hand, three dimensions of practical rationality²²⁷ and, on the other, nine poles of legitimation that *are developed, combined (and marginalized) by different theories in different ways*.²²⁸ The said poles are the liberal pole (sphere of individual rights, separation of private and public spheres, limitation and legal control of power); the democratic pole (equality of citizenship, participation and 'popular' control of power); the socio-economic pole (production and distribution of goods and services); the pole of social order (internal peace and external security); the national pole (collective identity/ies as political unit/s); the cultural pole (religious, linguistic, ethnic); the federal pole; the functional pole (stability, efficiency, efficacy); and the post-materialist pole (environment, peace).

b) A specific classification of valued ends for language policies provided by Robichaud and De Schutter.²²⁹ These authors argue that language policies are always applied, consciously or unconsciously, on the basis of a cost-benefit analysis, according to which the expected benefits outweigh the costs. Therefore, they hold languages to be valuable as means to valued ends, the most relevant of which are *communication, economic success, unity, democracy, cultural diversity, equality, autonomy and dignity*. Taking an innovative approach, they contend that the promotion of identity is also an instrumental value pursued through language. However, they do not abandon the communication/identity divide. According to their definitions, four of the aforementioned valued ends emphasize communicative aspects (communication, economic success, democracy and equality), while the other four emphasize identity-related ends (unity, cultural diversity, autonomy and dignity).

Both classifications, the former of legitimizing poles in liberal democracies and the latter of valued ends for language policies, are useful guides for building a deductive classification. The first provides a general framework within which language issues can be placed. The second is the

227. Practical rationality has a first *pragmatic, instrumental or technical dimension*, whose main values are effectiveness, efficiency and stability. Its second dimension is '*ethical*' rationality, which is linked to the contextual interpretation of specific cultural values and identities. Finally, its third dimension is '*moral*' rationality, which relates to transcultural human rights, as well as to other principles of the rule of law, and aspires to 'universal' recognition regardless of the context in which the principles in question are applied. Requejo remarks that liberal democratic theories have tended to marginalize the ethical dimension.

228. *Ibid.*, 21.

229. Robichaud and De Schutter, "Language is just a tool!".

most systematic approach to language values found in the literature, a good basis upon which to seek further exhaustiveness. Therefore, in the following analysis every category is presented and described in relation to two previous perspectives, a general one and a specific one.

4.1.1. A deductive classification

Table 18 shows my proposed deductive classification, organized into three categories, namely ‘communicative values’, ‘identity-related values’, and ‘both communicative and identity-related values’.

TABLE 18. Deductive classification of values

| 1. Communicative values | 2. Identity-related values | 3. Both communicative and identity-related values |
|---|--|--|
| <p>1.1. Democratic participation</p> <p>1.2. Social justice</p> <p>1.2.1. Individual values</p> <ul style="list-style-type: none"> • equal opportunities • economic success • social mobility and progress • social inclusion and integration <p>1.2.2. Collective values</p> <ul style="list-style-type: none"> • social cohesion • coexistence and mutual understanding • solidarity and trust <p>1.3. Communicative efficacy</p> | <p>2.1. Ethno-cultural justice</p> <p>2.1.1. Individual values</p> <ul style="list-style-type: none"> • autonomy in a full context of choice • equal dignity, respect and parity of esteem <p>2.1.2. Collective values</p> <ul style="list-style-type: none"> • national identity • cultural identity • preservation of heritage and tradition (linguistic security) • continuity through future generations (linguistic survival) <p>2.2. Protection of languages</p> <ul style="list-style-type: none"> • linguistic diversity, richness • particularity, uniqueness | <ul style="list-style-type: none"> • political stability • unity |

First of all, I shall define the three main categories and explain the criteria used to assign the different values to them:

a) The values I classify as communicative are those that are *communication-dependent*.²³⁰ For the values in question to be produced, both a capacity for communication between people and a practice of performing communicative acts must exist. When the literature identifies the said values, it focuses on the fact that they are made possible by communicative practices (without communication, they could not exist).²³¹

It is true that communication, as sociologists and sociolinguists remark, cannot be entirely separated from identity, since each communicative act is influenced by characteristics of both the information sender and receiver. As highlighted in chapter 2, language has both a referential and an indexical function, so communication through language is always shaped by the speakers' identity.²³² Nonetheless, the values in this section have been included here because they are fundamentally linked to the functional aspects of language as a tool for exchanging information.

b) In contrast, the values I classify as identity-related are those that emphasize the *expressive* dimension of particular languages. When the literature identifies the said values, it focuses on the degree to which particular languages are intrinsically valuable to their speakers as part of their identities. Therefore, such values point to identity interests and rights. Consequently, several authors refer to the values in question as *intrinsic* or *rights-based*, adjectives denoting their existence regardless of the effective exercise of communication.

c) Finally, the values classified as communicative and identity-related are not clearly dependent on communication and are also linked to identity interests by the literature.

230. Understanding communication in a general sense, as a process whereby information is exchanged between individuals.

231. For this reason, I call this category of values 'communicative' and not 'instrumental', 'functional' or 'pragmatic' (frequent denominations in the literature). In addition, the latter adjectives may be ambiguous because, on the one hand, 'functional' and 'pragmatic' often refer to specific values, such as efficiency or stability; while, on the other, language can be seen as an instrument for the promotion of identity promotion (cf. Robichaud and De Schutter, "Language is just a tool!").

232. According to Bourdieu (*Ce que parler veut dire*, 60-68), by their *expressive style*, which depends on their symbolic capital (based in turn on their social power).

Each main category's subcategories are related to the two previous guiding classifications as shown in table 19.

TABLE 19. Comparison with previous classifications of values

| Proposed classification | Requejo ²³⁶ (2005) | Robichaud & De Schutter ²³⁷ (2012) | |
|----------------------------|-------------------------------|--|---|
| 1. Communicative values | 1.1. Democratic participation | Democratic pole (2) | Democracy (end 4) |
| | 1.2. Social justice | Liberal pole (1) Socio-economic pole (3) | Economic success (end 2) Economic equality (end 6) |
| | 1.3. Communicative efficacy | Functional pole (8) | Effective communication (end 1) |
| 2. Identity-related values | 2.1. Ethno-cultural justice | National pole (5) Cultural pole (6) | Autonomy and liberty (end 7) Dignity, self-respect, equal recognition (end 8) National identity (end 3) |
| | 2.2. Protection of languages | Cultural pole (6) Post-materialist pole (9) | Cultural diversity (end 5) |
| 3. Both | Stability Unity | Social order (pole 4) National pole (5) | National identity (end 3) |

In the coming sections, I describe each category and the values included therein. Each description summarizes how these values are dealt with by the literature and gives attention to their links with the promotion of majority and minority languages.

4.1.1.1. Communicative values

This general category includes several values classified into three subcategories, namely democratic participation, social justice and communicative efficacy.

233. Requejo, *Multinational Federalism*.

234. Robichaud and De Schutter, "Language is just a tool!".

Democratic participation

Democracy is a salient pole of legitimation of public policies,²³⁵ and is also identified by Robichaud and De Schutter as a valued end for language policies.²³⁶

Democratic participation is included in this category due to its communication-dependent nature, in the sense that the existence of a 'community of communication' is a necessary condition for a *demos*.²³⁷

From Mill, such a 'community of communication' has been associated by most political theorists with the possession of a single common language in a polity.²³⁸ Therefore, this value tends to be used to defend the promotion of a majority language in order to favour the existence of a public sphere of deliberation, debate, conflict resolution and decision making, where the collective will is built.

Social justice

This subcategory contains several values linked to socio-economic justice and rights in a wide sense. It includes purely economic values as well as broader social values, such as inclusion and cohesion. Moreover, it takes into account both the individual and collective perspectives.

Such a group of values is related to Requejo's liberal and socio-economic poles of legitimation, and corresponds to two of Robichaud and De Schutter's valued ends for language policies, namely economic success and equality.

The main individual values dealt with by the literature are equal opportunities, economic success, social mobility (or progress) and social inclusion (or integration).

The value of equal opportunities entails equal access to educative and economic resources, courts of justice and public services within a societal culture.²³⁹ It is often associated with language policies.²⁴⁰ Closely related values are economic success and social mobility or progress.

235. Requejo, *Multinational Federalism*.

236. Robichaud and De Schutter, "Language is just a tool!"

237. *Ibid.*, 135.

238. Mill, *Considerations*.

239. Kymlicka, *Politics in the Vernacular*.

240. Barry, *Culture and Equality*; Bauböck, "Cultural Citizenship"; Bauböck, "Beyond Culturalism"; Patten, "Political Theory"; Grin, "Economics and language planning"; Patten and Kymlicka, "Introduction"; Rubio-Marín, "Language Rights"; May, "Misconceiving Minority Language Rights"; Van Parijs, *Linguistic Justice for Europe*.

As well as democratic participation, the values in question are usually linked to the convergence in a majority language. In this case, however, the literature also reports that they can be achieved through policies of language maintenance, as Van Parijs emphasized concerning the influence of legislation on the market value of language skills (see chapter 2). In turn, Robichaud and De Schutter note that *the inclusion/exclusion logic of languages can motivate individuals to invest in a vehicular language to have access to the world or to invest in a vernacular language and have privileged access to a smaller community*.²⁴¹ They see polyglotism both in global and local languages as human capital for economic success.

Social inclusion is another value of distributive justice that, to a great extent, depends on communicative skills in particular languages as a primary condition. It is especially mentioned regarding migrant minorities (and, in this case, often called *integration*).

On the collective level, social cohesion, coexistence and mutual understanding, solidarity and trust are the main values that the literature relates to socio-economic justice and the communicative function of language.²⁴² Such values involve an element of collective identity, in my view subsequent to the existence of some degree of communication. However, the literature offers distinct approaches to this issue. For example, Réaume refers to social cohesion by noting that a language is a *binding force between people capable of motivating trust, cooperation and mutual sacrifice*.²⁴³ Similarly, Robichaud and De Schutter include solidarity in the national identity end. On the other hand, Patten and Kymlicka feel that coexistence, mutual understanding, solidarity and trust are made possible by communication, which allows for affective bonds to be established among different identity groups.²⁴⁴

Most authors link such collective values of social justice both to the existence of a majoritarian common language and to a minimally adequate management of cultural diversity that makes dialogue possible.²⁴⁵

241. Robichaud and De Schutter, "Language is just a tool!", 132.

242. Cf Van Parijs, "Cultural diversity".

243. Réaume, "Beyond Personality", 283.

244. Patten and Kymlicka, "Introduction", 3.

245. As Van Parijs points out, "getting everyone into a common *demos* made possible by a shared language is essential to the pursuit of distributive justice. (...) But this does not amount to merging everyone into the same *ethnos*, with a common language as a core component of the common culture. (...) a plurality of languages and the associated cultures can be transmitted from generation to generation in addition to the language known in

Communicative efficacy

Efficiency and efficacy are values that Requejo includes within the functional pole of legitimation. They are clearly related to the communicative dimension of languages. Thus, Robichaud and De Schutter identify effective communication as the first valued end of language policies.²⁴⁶ And, indeed, this was the value pointed out by Gellner when he addressed the role of language for the growth of modern industry and modern nations.²⁴⁷

The literature often presupposes a 'communicative intrinsic value' for languages with more speakers.²⁴⁸ Moreover, several authors reflect the idea that unilingualism in a majority language is a good policy when the prioritized value is resource allocation, since uniformity maximizes ease of communication.²⁴⁹

However, as seen in chapter 2 (section 2.1.4.), Robichaud and De Schutter note that the most effective language for communication is not always the most widespread one, but that which is best suited to the purposes of speakers in a given context. Individuals' bilingualism (or polyglotism) is thus both a relevant skill and a solution for effective communication in linguistically diverse societies.

4.1.1.2. Identity-related values

This category includes a group of values linked to (both individual and collective) ethno-cultural justice, as well as some values linked to the protection of languages rather than of rights.

Ethno-cultural justice

Ethno-cultural justice is related to Requejo's cultural and national poles of legitimation.

As far as individuals are concerned, the main values to which the literature refers are, on the one hand, Kymlicka's concept of autonomy in a

common. Competence in a shared language is essential to facilitate dialogue, discussion, argumentation, understanding among all the community's members, but there is no need to turn the community into a cultural monolith" (Van Parijs, "Linguistic diversity", 33).

246. Robichaud and De Schutter, "Language is just a tool!".

247. Gellner, *Nations and Nationalism*.

248. De Swan, *Words of the World*.

249. Patten, "Political Theory"; Réaume, "Beyond Personality"; Van Parijs, "Linguistic Justice"; Grin, "Principles of policy evaluation".

full context of choice and, on the other, equal dignity, respect and parity of esteem.

A particular societal culture is a full context of choice when it offers its members a range of options that are adequate for their autonomy.²⁵⁰ Autonomy in a full context of choice is a value that can justify the establishment of language rights to protect vulnerable societal cultures.²⁵¹ Robichaud and De Schutter identify it as the seventh valued end for language policies and one of those usually invoked to defend language minority rights.²⁵²

Equal dignity, respect and parity of esteem are key values in the opinion of Van Parijs,²⁵³ who argues that a linguistically just society is not only one *whose institutions organize cooperation and distribute opportunities in a fair way, but whose members treat one another with equal respect*. According to Robichaud and De Schutter, dignity, self-respect and equal recognition constitute the eighth valued end for language policies, which is also related to minority rights.²⁵⁴

On the collective level, the literature deals with four main values. On the one hand, national and cultural identities. On the other, the preservation of linguistic heritage and tradition, as well as the continuity of a language through future generations.

Robichaud and De Schutter identify national identity as the third valued end for language policies,²⁵⁵ and it is also one of Requejo's poles of legitimation. Indeed, Anderson pointed out this value in his account of nations as imagined communities.²⁵⁶ Collective cultural identity has a more general sense and is not necessarily linked to a nation.

The preservation of linguistic heritage and tradition is directly related to Réaume's concept of linguistic security. In her view, the members of a linguistic community have the right to make the choice of *carrying on the heritage that is their language, through their continuing participation*

250. Kymlicka, *Multicultural Citizenship*; Kymlicka, *Politics in the Vernacular*; Patten, "Political Theory".

251. Patten, "Political Theory", 113.

252. Robichaud and De Schutter, "Language is just a tool!".

253. Van Parijs, *Linguistic Justice for Europe*, 118-19.

254. Robichaud and De Schutter, "Language is just a tool!".

255. *Ibid.*

256. Anderson, *Imagined Communities*.

*in its use and maintenance.*²⁵⁷ Both Réaume and Van Parijs point out the importance of equal respect among members of different communities in terms of making such a choice possible.²⁵⁸ From another point of view, May indicates that the value of tradition is often associated to minority languages in a negative sense, as opposed to the modernity of majority languages.²⁵⁹

In any case, linguistic security is different from the continuity of a language into the indefinite future. As Patten highlights, *whereas security is a matter of the language's present flourishing, survival is a future-oriented concern.*²⁶⁰ Several authors reflect on the high value that continuity may have for a linguistic community.²⁶¹ However, the future-oriented approach tends to be deemed problematic from a liberal standpoint. Whilst liberal communitarians, like Taylor, defend it, other liberal authors argue that, although a vulnerable linguistic community may collectively desire its continuity as such, this is not a clearly worthwhile cause when it involves imposing significant restrictions on the opportunities or mobility of its members, or unreasonable duties on the rest of society (21).²⁶² This is a significant point of discussion in normative works, and is closely related to the debate on the protection of languages presented in the next section.

Protection of languages

This subcategory includes several values related to the protection of languages rather than of rights. This distinction is relevant for the analysis of linguistic regulations, since the language protection approach does not generate substantive rights, but rather fosters positive cultural protection policies and, in practice, offers individuals less of a safeguard (30).²⁶³ On that basis, the values in question constitute a separate group.

The main values in this group are linguistic diversity and cultural richness, on the one hand, and the particularity or uniqueness of a language, on the other. They are in fact two sides of the same coin.

257. Réaume, "Beyond Personality", 290-294.

258. Réaume, "Beyond Personality"; Van Parijs, Linguistic Justice for Europe, 142.

259. May, "Misconceiving Minority Language Rights", 124.

260. Patten, "Survey Article", 121.

261. Taylor, *Multiculturalism*; Bauböck, "Cultural Citizenship"; Patten, "Political Theory"; Réaume, "Beyond Personality"; Rubio-Marín, "Language Rights".

262. Patten and Kymlicka, "Introduction", 49; Patten, "Survey Article", 121.

263. Corretja, *L'acció europea*, 57-63; Poggeschi, *I diritti linguistici*, 30.

These values are related to Requejo's cultural and post-materialist poles of legitimation. According to Robichaud and De Schutter, cultural diversity constitutes the fifth valued end for language policies, justified on the grounds of the preservation of human knowledge that every language contains.²⁶⁴ However, liberal theorists hold different opinions on this subject, and most of them feel that languages matter only insofar as they are desired by individuals.²⁶⁵ From this point of view, no one can be compelled to maintain a particular language because of its intrinsic value. The members of a cultural community may feel a strong collective obligation towards their culture of origin, but it is not legitimate for the state to enforce such obligations.²⁶⁶

For Bauböck, from a liberal perspective *neither cultural homogeneity nor cultural diversity should be regarded as normative ideals or political goals*.²⁶⁷ Cultural diversity is rather a background condition, as well as a possible outcome of certain collective actions. Van Parijs, meanwhile, remarks that although linguistic diversity is not intrinsically valuable, it has a high value as a by-product of the pursuit of linguistic justice as equal dignity.²⁶⁸

Finally, Réaume explicitly points out the values of particularity and uniqueness.²⁶⁹ In her view, *each language is a manifestation of human creativity that has value independently of its practical uses, because it is a unique form of expression and valuable as such*. Réaume is one of the liberal theorists most favourable to considering the intrinsic value of languages, as well as one of the most sceptical towards the existence of the free individual choice of abandoning a language.²⁷⁰

264. Robichaud and De Schutter, "Language is just a tool!".

265. De Schutter, "Language policy"; Patten and Kymlicka, "Introduction"; Weinstock, "The Antinomy of Language Policy".

266. Bauböck, "Cultural Citizenship", 331; Weinstock, "The Antinomy of Language Policy", 256.

267. Bauböck, "Beyond Culturalism", 17.

268. Van Parijs, "Linguistic diversity", 37.

269. Réaume, "Beyond Personality", 283.

270. Réaume, "Official-language rights", 251; "Lingua franca fever, 160".

4.1.1.3. Both communicative and identity-related values

This category contains two values, political stability and unity, not strictly dependent on communication. The literature relates them to both communication and identity.

While Requejo includes political stability in his functional pole, several authors point out that it is also influenced by identity management. In a similar way, the value of unity is not exclusively linked to the existence of a *community of communication*. Unity is often associated with national identity,²⁷¹ and it is thus sometimes presented as a communication-dependent value and sometimes as an identity-related value. National unity is one of the aggregative justifications for language policies identified by Réaume, who associates it with social peace and political stability.²⁷² In the view of Patten and Kymlicka, in contrast, unity refers to people's attachment, loyalty and sense of belonging, and is therefore an identity-related issue.²⁷³

Despite the fact that stability and unity have traditionally been related to the existence of a common majority language, several authors remark that they may be under threat if ethno-cultural differences are not allowed to flourish (see chapter 2, section 2.1.).

4.1.2. Valued ends in international regulations

Given its exclusively deductive nature, my initial classification may be insufficient, so I shall complete it by undertaking an analysis of the values to which international regulations refer in relation to language issues.²⁷⁴ This second analysis is of interest for two reasons:

a) International regulations provide a general framework of universally accepted values and principles (a framework of moral rationality in Requejo's terms). The said set of values and principles can thus be considered *normative* in a broad sense. Moreover, they entail a basic consensus on specific political applications of the principles involved.

271. Robichaud and De Schutter, "Language is just a tool!".

272. Réaume, "Beyond Personality", 281.

273. Patten and Kymlicka, "Introduction", 12-13.

274. This analysis will examine the regulations identified in chapter 3.

b) Since they establish universal standards, international regulations have a significant influence on particular language acts.

International regulations share an orientation towards human rights and are generally biased towards minority rights and minority language protection, so they could be expected to highlight identity-related values. However, as we shall see, they also place similar emphasis on communicative values.

I will present the data according to the three groups of international regulations identified in chapter 3: general rules, minority-oriented rules and cultural diversity-oriented rules.

4.1.2.1. Values mentioned by general rules²⁷⁵

The most evident contribution of this group of regulations consists of the way they apply the fundamental principles of freedom and equality to language rights. Indeed, these principles inspire the normative works on linguistic justice,²⁷⁶ but they were not explicitly addressed in the specific literature reviewed in chapter 2. Therefore, international standards become a useful source for interpreting them.

Equality refers to non-discrimination where the use of a particular language is concerned. It is a value that corresponds to Requejo's democratic pole (equality of citizenship).

Freedom refers to the free choice of a language in private and public life. It corresponds to Requejo's liberal pole and is related to autonomy and liberty, the seventh valued end that Robichaud and De Schutter attribute to language policies.

All four general rules take a similar approach in formulating a general principle of equality of dignity and rights (UN1948, art. 1) and equality before the law without any discrimination: *Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national*

275. General rules: Universal Declaration of Human Rights (UN1948), the Convention for the Protection of Human Rights and Fundamental Freedoms (COE1950), the International Covenant on Civil and Political Rights (UN1966a) and the International Covenant on Economic, Social and Cultural Rights (UN1966b).

276. Patten and Kymlicka, "Introduction", 3.

or social origin, property, birth or other status (UN1948, art. 7; COE1950, art. 14; UN1966a, art. 2.1.; and UN1966b, art.2.2.).

Linguistic freedom is included in the general principles of freedom of opinion and expression (UN1948, art. 19; COE1950, art. 10; and UN1966a, art.19.2.), since it is a prerequisite for the exercise of those fundamental rights (Corretja, 1995: 27-30). Article 27 of the International Covenant on Civil and Political Rights (UN1966a), meanwhile, explicitly defines the right of minorities *to use their own language*.

Finally, UN1948 (art. 3), COE1950 (art. 5) and UN1966a (art. 9) relate another fundamental right to language: the right to life and individual security, which entails for example understanding the language used in the case of arrest or trial.

Thus, three new values can be added to my initial deductive classification. On the one hand, *non-discrimination in terms of language and freedom to choose a language in private and public life* (values related both to communication and identity); on the other, *individual security* (a clearly communicative value).

4.1.2.2. Values mentioned by minority-oriented rules²⁷⁷

This group of rules contributes a valuable concretion of the principle of linguistic freedom, as well as several new values.

Article 2.1. of UN1992 defines the linguistic freedom of the members of minorities as *the right to use their own language, in private and in public, freely and without interference or any form of discrimination*. In a similar way, COE1995 (art. 11) describes such freedom as *the right of a minority member to use freely and without interference his or her minority language, in private and in public, orally and in writing*, and stipulates their right to use *his or her surname (patronym) and first names in the minority language*. Moreover, this Convention explicitly states that freedom of expression includes *freedom to hold opinions and to receive and impart information and ideas in the minority language* (art. 9.1.). In the case of UN2007, freedom of language is specifically described as the right of indigenous peoples to *revitalize, use, develop and transmit to future generations their (...) languages,*

277. Rules: Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (UN1992), Framework Convention for the Protection of National Minorities (COE1995) and Declaration on the Rights of Indigenous Peoples (UN2007).

(...) and to designate and retain their own names for communities, places and persons (art. 13).

Other values and principles to which the rules in this group refer are:

a) The political and social stability of states (UN1992, preamble). COE1995, likewise in its preamble, refers to the unity of COE members, stability, democratic security and peace in the European continent.

b) National, cultural (and linguistic) identity (UN1992, art. 1), which *must be protected and promoted by states* (art. 1.1.). COE1995, in its preamble, affirms that *a pluralist and genuinely democratic society should respect, preserve and develop the linguistic identity of each person belonging to a national minority (...) in a climate of tolerance and dialogue*. Therefore, the promotion of linguistic identities is explicitly considered a responsibility or duty of democratic states.

c) The preservation of the language, traditions and cultural heritage of minorities, stipulated by COE1995 (art. 5.1.), as well as by UN2007 (preamble), according to which *all peoples contribute to the diversity and richness of civilizations and cultures, which constitute the common heritage of humankind*.

d) The effective participation of members of minorities in all areas of society (UN1992, art. 2.2.), which includes democratic participation (in public life and political decisions, arts. 2.2. and 2.3.), as well as participation in social and economic life (related to the economic progress and development of their country, arts. 2.2. and 4.5.), and participation in cultural life (art. 2.2.). COE1995 also refers to the aspects in question (art. 15) and notes the value of effective equality in the said areas of life (art. 4). Both COE1995 (art. 5.2.) and UN2007 (art. 8.1.) conceive equality as minority members' integration into wider society and explicitly reject their assimilation. Equality is in these cases understood as equal opportunities, a value of social justice.

e) A spirit of tolerance and intercultural dialogue, which, according to COE1995, states must encourage by taking effective measures to promote mutual respect, understanding and cooperation among all persons living on their territory (art. 6).

Thus, this group contains different kinds of values, namely technical values (stability, unity), ethno-cultural values (national and cultural identity), and values such as integration, mutual respect, understanding and cooperation that are understood as mainly communication-dependent. It is precisely the creation of a climate of tolerance and dialogue that *enables*

cultural diversity to be a source and a factor, not of division, but of enrichment for each society (COE1995, preamble). The specifically language-oriented rules included in the next group also adopt this perspective.

4.1.2.3. Values mentioned by language-oriented rules²⁷⁸

Unlike the rules in the previous group, COE1992 is oriented to the preservation of languages rather than of linguistic minorities. It protects regional or minority languages, which it defines as: *a) languages traditionally used within a given territory of a State by nationals of that State who form a group numerically smaller than the rest of the State's population; b) different from the official language(s) of that State; and c) excluding dialects of the official language(s) of the State and the languages of migrants* (art. 1).

OSCE1998 is a valuable document with a pedagogic approach to conveying the need to establish certain linguistic rights for national minorities. It is worth noting that it begins by stressing the duality of language: *On the one hand, language is a personal matter closely connected with identity. On the other hand, language is an essential tool of social organisation which in many situations becomes a matter of public interest. (...) Failure to achieve the appropriate balance may be the source of inter-ethnic tensions.*

Both rules identify freedom of language as an inalienable right, along with equality and non-discrimination in terms of language (COE1992, art. 7.2.). OSCE1998 affirms that *equality in dignity and rights presupposes respect for the individual's identity and for his language*. With such a statement, it reproduces an individual value of ethno-cultural justice found in theoretical works, but applying it not only to individuals, but also to languages.

OSCE1998 describes freedom of language in the same terms as the general regulations analysed previously, but emphasizes that, as an instrument, it must be seen in a balanced context of full participation in the wider society and specifically seeks a *balance between the right of persons belonging to national minorities to maintain and develop their own identity, culture and language and the necessity of ensuring that they are able to integrate into the wider society as full and equal members*.

278. Rules: European Charter for Regional and Minority Languages (COE1992) and Oslo Recommendations regarding the Linguistic Rights of National Minorities (OSCE1998).

Other values to which these rules refer are political stability (OSCE1998), cultural diversity and cultural traditions (COE1992), participation in economic, social and cultural life (COE1992, arts. 12 and 13), and mutual understanding, respect and tolerance (COE1992, art. 7.3.).

A relevant point is that both regulations stress social justice, interpret inclusion and integration as communicative values, and relate communication to a state-wide language. According to OSCE1998, *such integration is unlikely to take place without a sound knowledge of the official language(s) of the State*. Similarly, COE1992 clarifies in its preamble that *the protection and encouragement of regional or minority languages should not be to the detriment of the official languages and the need to learn them*. In this context, the Charter highlights *the value of interculturalism*²⁷⁹ and *multilingualism*, explicitly considering them to be valued ends (rather than means).

4.1.2.4. Values mentioned by cultural diversity-oriented rules²⁸⁰

UNESCO2001 and UNESCO2005 are specifically oriented to protecting cultural diversity, which such rules deem to have a political value *per se*. Both documents stress that the uniqueness and plurality of cultures are valued ends to be preserved, with their protection being a *sacred duty* for states (UNESCO2001).

It is against that backdrop that the other values to which the two rules refer are introduced. According to UNESCO2001, by ensuring respect for cultural diversity and applying politics of cultural pluralism, it is possible to pursue several valued ends, specifically inclusion, the participation of all citizens, social cohesion and peace (art. 2), as well as individual development and economic growth (art. 3). In a similar way, UNESCO2005 relates democracy, tolerance, social justice and mutual respect between peoples and cultures to the flourishing of cultural diversity. This cultural diversity, in turn, is indispensable for local,

279. COE1992 uses the term *interculturalism*, and UNESCO2005 the term *interculturality*. This second rule defines interculturality as *the existence of an equitable interaction of diverse cultures and the possibility of generating shared cultural expressions through dialogue and mutual respect* (art. 4.8.).

280. Rules: Universal Declaration on Cultural Diversity (UNESCO2001) and Convention on the Protection and Promotion of the Diversity of Cultural Expressions (UNESCO2005).

national and international peace and security, and is linked to poverty eradication and social cohesion. Accordingly, the guiding principles that UNESCO2005 identifies include not only respect for human rights and fundamental freedoms, but also the *equal dignity of and respect for all cultures*. Again, such values transcend individuals and are applied to the protection of cultures.

In the case of languages, UNESCO2005 highlights that linguistic diversity is a fundamental element of cultural diversity, whilst UNESCO2001 establishes the aims of *safeguarding the linguistic heritage of humanity* (annex 2, point 5) and encouraging individual multilingualism by *fostering the learning of several languages from the earliest age* (annex 2, point 6).

It is worth noting the role of individual polyglotism as a recommended strategy for fostering communication. Polyglotism is conducive to dialogue, which is the basis for mutual respect, peace and social justice. Thus, the communicative dimension of languages again acquires relevance as a basic instrument for pursuing a wide range of valued ends in culturally diverse societies.

4.1.2.5. A wider classification of values

The analysis of language regulations has provided some new values and objectives for each of the three categories established previously. Table 20 shows a complete classification that includes values and objectives identified in theoretical works and/or in international regulations. Those that represent additions to table 18 are underlined.

TABLE 20. Classification of values including those referred to in international standards

| 1. Communicative values | 2. Identity-related values | 3. Both communicative and identity-related values |
|---|---|---|
| <p>1.1. Democratic participation</p> <p>1.2. Social justice</p> <p>1.2.1. Individual values</p> <ul style="list-style-type: none"> • equal opportunities • economic success • social mobility and progress • social inclusion and integration • <i>participation in social and economic life</i> <p>1.2.2. Collective values</p> <ul style="list-style-type: none"> • social cohesion • coexistence and mutual understanding, <i>dialogue</i> • solidarity and trust • <i>economic and social development (of peoples)</i> <p>1.3. Communicative efficacy</p> <ul style="list-style-type: none"> • <i>multilingualism</i> <p>1.4. Individual security</p> | <p>2.1. Ethno-cultural justice</p> <p>2.1.1. Individual values</p> <ul style="list-style-type: none"> • autonomy in a full context of choice • equal dignity, respect and parity of esteem • <i>participation in cultural life</i> <p>2.1.2. Collective values</p> <ul style="list-style-type: none"> • national identity • cultural identity • preservation of heritage and tradition (linguistic security) • continuity through future generations (survival) <p>2.2. Protection of languages</p> <ul style="list-style-type: none"> • linguistic diversity, richness • particularity, uniqueness • <i>recognition, dignity and respect for languages</i> <p>2.3. Cultural responsibility or duty</p> <ul style="list-style-type: none"> • <i>governmental responsibility</i> | <p>3.1. Basic values of freedom and equality</p> <ul style="list-style-type: none"> • <i>equality of citizenship</i> (non-discrimination in terms of language) • <i>freedom to choose a language</i> in private and public life <p>3.2. Technical values</p> <ul style="list-style-type: none"> • political stability • unity |

The set of values gathered from international regulations reveals several similarities with and differences from the theoretical works examined. Firstly, international regulations (oriented to human and minority rights but also to the protection of cultural diversity) do not necessarily use liberal values. For example, unlike theoretical texts, international regulations unanimously defend the value of linguistic diversity and consider its promotion a responsibility or duty of states. Secondly, they refer to both communicative and identity-related values and objectives when addressing language issues. Once a basic respect for individual and collective identities is assured, communication, dialogue and mutual understanding are the keys to solve ethno-cultural conflicts.

In terms of the solution they propose, international standards concur with theoretical works, mainly with those that defend constitutivist positions. Minorities need to learn a state's common language to interact with the wider community, but this does not entail losing their own languages. It is competence in such a common language that allows for equality (COE1992, OSCE1998). On that basis, a majority language remains the tool to be used for functional communication in the wider community. Simultaneously, minority languages are essentially lauded in international standards for being national or ethnic languages, but not necessarily for their socio-economic capacities. Thus, multilingualism is the strategy that international standards propose. It is explicitly identified as a valued end (not only as a means) by COE1992, OSCE1998 and UNESCO2001, and mainly understood as individual bilingualism or polyglotism of minority members.

4.1.3. A typology of values

The previous set of normative values and objectives that can legitimize language policies provides a sound basis on which a typology of values useful for examining the rationales of language acts can be built. With this aim, I have carried out a first analytical reading of such rationales, in order to test the presence of the categories gathered in the former steps, as well as to identify new legitimating values. In doing so, I have followed the methodology of content analysis described in section 4.2.

As mentioned before, the initial normative set of values gathered so far includes both *liberal* values (assumed by several liberal thinkers as valued ends to justify language policies) and some not *clearly* liberal values (used by international standards but deemed problematic by most liberal theorists, such as linguistic diversity *per se*). Language acts, in a further step, use most values found in normative sources, but also new *non-normative* values, either because they belong to a conceptual framework related to applied politics rather than to political theory (e.g. usefulness of a particular language, continuity beyond borders, purity of a language), or because they seem to collide with liberal principles (e.g. rights of languages, citizens' duty to preserve a language). Table 21 displays the final typology of values proposed:

TABLE 21. Typology of legitimating values used in language acts²⁸¹

| 1. Communicative values | 2. Identity-related values | 3. Both communicative and identity-related values |
|--|--|---|
| <p>1.1. Social justice</p> <p>1.1.1. Individual values</p> <p>1.1.1.1. equal opportunities</p> <p>1.1.1.2. social mobility and progress</p> <p>1.1.1.3. social inclusion and integration</p> <p>1.1.1.4. participation in social and economic life</p> <p>1.1.2. Collective values</p> <p>1.1.2.1. social cohesion</p> <p>1.1.2.2. coexistence and mutual understanding</p> <p>1.1.2.3. economic and social development (of peoples)</p> <p>1.2. Communicative efficacy</p> <p>1.2.1. multilingualism</p> <p>1.2.2. <i>usefulness of a language</i></p> <p>1.3. Individual security</p> | <p>2.1. Ethno-cultural justice</p> <p>2.1.1. Individual values</p> <p>2.1.1.1. individual identity: equal dignity, respect and parity of esteem</p> <p>2.1.1.2. participation in cultural life</p> <p>2.1.2. Collective values</p> <p>2.1.2.1. national identity</p> <p>2.1.2.2. cultural identity</p> <p>2.1.2.3. preservation of heritage and tradition (linguistic security)</p> <p>2.1.2.4. <i>restitution, normalisation</i></p> <p>2.1.2.5. continuity through future generations (survival)</p> <p>2.1.2.6. <i>continuity beyond borders</i></p> <p>2.2. Protection of languages</p> <p>2.2.1. linguistic diversity, richness</p> <p>2.2.2. particularity, uniqueness</p> <p>2.2.3. <i>authenticity, purity</i></p> <p>2.2.4. recognition, dignity and respect for languages</p> <p>2.2.5. <i>equality of languages</i></p> <p>2.2.6. <i>rights of languages</i></p> <p>2.3. Cultural responsibility or duty</p> <p>2.3.1. governmental responsibility</p> <p>2.3.2. <i>citizens' duty</i></p> | <p>3.1. Basic values of freedom and equality</p> <p>3.1.1. equality of citizenship (non-discrimination in terms of language)</p> <p>3.1.2. freedom to choose a language in private and public life</p> <p>3.2. Technical values</p> <p>3.2.1. unity</p> <p>4. Other</p> <p>4.1. <i>sovereignty</i></p> <p>4.2. other</p> |
| | | 5. No values |

²⁸¹ Values not previously found in normative texts are underlined. Normative values not used in acts do not appear in the table. They are: democratic participation, economic success, solidarity and trust, autonomy in a full context of choice and political stability.

First of all, it is worth noting that some values found in normative texts do not appear in language acts. The most relevant (and striking) case is that of democratic participation.

As said in chapter 2 and section 4.1, democratic participation is one of the main values defended by liberal theorists to legitimize the promotion of a common (national) language in a political unity. However, no act intended to foster national majority languages uses the argument of democratic participation. Possible reasons to explain it might be the obviousness of this argument in highly democratic countries or, conversely, the lack of democratic tradition in others (e.g. Russian Federation or some Eastern European states). Democracy and participation are only mentioned by some acts regarding the inclusion of minorities (probably due to the influence of international standards), so these occurrences have been classified within the group of social justice.

Two other categories of this group have been eliminated in the typology: 'economic success' (included in social mobility and progress because it does not clearly appear in the acts) and 'solidarity and trust' (widely mentioned by theoretical texts, both from the perspectives of democratic participation and social justice, but not explicitly used in language acts).

In the group of ethno-cultural justice, a category has been eliminated: 'autonomy in a full context of choice'; this concept of Kymlicka, extensively used in normative texts, has no translation in language acts, which sometimes refer to linguistic freedom, but in the basic sense of 'freedom to choose a language in private and public life' (coded 3.1.2.) reproduced from international standards.

Finally, the value of political stability has not been found in language acts either.

Concerning the new values used by language acts, these are the most significant findings:

a) The set of categories classified as communicative is very similar to the initial set found in normative texts. Only one category has been added: 'usefulness of a language', which several acts mention to associate communicative efficacy to the use of a particular language.

b) By contrast, in the case of identity-related values several new categories have been added. This is the first evidence that (a) identity-related values are widely used to justify language acts and that (b) they go beyond the normative values found in theoretical texts. For example:

– Within the subcategory of ethno-cultural justice, a new value of ‘restitution’ or ‘normalisation’ appears. Moreover, along with the known value of ‘continuity through future generations’, a derived value of ‘continuity beyond borders’ (referring to linguistic minorities linked to their kin-states) is also expressed as a political objective.

– Within the subcategory of protection of languages, three new categories appear, suggesting that linguistic regulations are easier to justify in the name of languages than in the name of individual or group rights.²⁸² These new categories are: ‘equality of languages’; ‘rights of languages’, a category that reflects a *humanization of languages*, which replaces speakers by languages in invoking rights; and ‘authenticity and purity’, used in some acts to justify the protection of a language (in the sense of linguistic system) from external *contamination*. Globally, all these values may be problematic for the liberal approach, since they seem to set aside the autonomous choice of individuals (in principle they could only fit liberal standards as a consequence of such a choice). However, ‘equality of languages’ and even ‘rights of languages’ can be inferred from international standards and are consistent with them.

– Within the subcategory of cultural responsibility or duty (first found in international standards), a new perspective appears, namely the citizens’ duty. In its strongest sense of duty to preserve a language, such a value has been explicitly rejected by liberal thinkers, who sustain that no one can be compelled to maintain a particular language, even if the members of a cultural community feel a collective obligation towards their culture of origin.

c) Also a new value of sovereignty (included within the subcategory ‘other’) is used to justify the officiality of some national majority languages. In a certain way, this principle has already been introduced by international regulations, which appeal to sovereignty of existing states with a non-intervention (or *negative*) approach: they explicitly clarify that the sovereignty of states will not be challenged by the application of international standards. In fact, the literature refers to this value as a

282. This tendency was already revealed by the analysis of international regulations. As we shall see below, it is a feature of *discourses of endangerment* of languages described by Duchêne and Heller from sociolinguistic anthropology. See Duchêne and Heller, *Discourses of Endangerment*.

traditional justification of monolingual regimes under the nation-state ideal,²⁸³ but liberal theorists tend to reject it.²⁸⁴

To sum up, a first glance at the set of arguments used by language acts leads us to conclude that, while they are *democratic* (the product of democratic processes and adopted by a democratic authority), they are not necessarily *liberal* (since some values such as those referred to as *rights of languages* and *citizens' duties to protect languages* seem not to fit basic liberal standards such as individuals' autonomy). The tendency detected in international regulations to deviate from the liberal framework in defence of languages and linguistic diversity rather than of individuals and linguistic minorities' rights is also found in language acts.

4.2. Methodological aspects: the content analysis

I have undertaken the comparative analysis of the justifying arguments used by language acts from a qualitative approach, which takes into account the relevance of the data context. Complementarily, I use basic quantitative tools (descriptive statistics) as a basis for a systematic work, with the aim of detecting associations between certain variables and categories.

I follow the methodology of content analysis, a research technique for making replicable and valid inferences from data to their context (Krippendorff, 1980: 21).²⁸⁵ The study of language acts requires us to bear in mind two main contextual dimensions: on the one hand, the institutional environment where they are produced; on the other, the social and cultural factors that lead institutions to their adoption. Whilst the former points to their similarities, the latter points to their differences, and it is the set of both perspectives that provides a methodologically consistent

283. Réaume and Pinto, "Philosophy of language policy", 58; Van Parijs, *Linguistic Justice for Europe*, 138.

284. Van Parijs, *Linguistic Justice for Europe*, 139.

285. Content analysis is intended to answer particular research questions, on the basis of certain concepts and hypotheses, which are tested through a selection of relevant texts (to obtain structural validity). These texts are broken down into units of analysis and codified with a scheme of classification based on mutually exclusive and exhaustive categories (to obtain semantic validity and reliability). Finally, a process of iterative checking of the results obtained allows us to gain nominal, correlative and predictive validity (Alonso et al, *Análisis de contenido*, 47).

basis for their comparative analysis, by simultaneously ensuring similarity and variation.

Moreover, I also bear in mind some aspects of the discourse analysis approach, as well as the specific account of linguistic ideologies provided by sociolinguistic anthropology.

4.2.1. Similarity and variation in language acts

Firstly, language acts are similar texts in the sense that:

a) Acts are produced by a democratic authority (an elected parliament) in an institutional context. So, acts both possess democratic legitimacy, and relate to institutionalized power struggles, two fundamental aspects to consider in this research. In principle, the explicit justifications included in acts will reproduce values legitimized by dominant public philosophies, or, according to the Gramscian approach, hegemonic ideologies linked to policy instruments of domination.²⁸⁶ Such ideologies are groups of beliefs, socially constructed, which reproduce power relations and allow for the legitimation of political actions.²⁸⁷

b) As formal texts, acts are constrained by procedural formulas with evident similarities between different countries. Moreover, acts are usually negotiated texts, in the sense that they are collective creations of different political actors who may pursue more or less disparate interests.

c) Acts are also *critical* texts, in the sense that they are usually binding for citizens (compel them to act in a particular way, distinguishing good and bad practices, as well as determining restrictions and penalties).

d) Finally, in our corpus acts are *defensive*, in the sense that they are intended to *protect* the use of certain languages *vis à vis* internal or external perceived threats.²⁸⁸

286. The concept of hegemonic ideologies regarding languages is used by several authors (sociologists, anthropologists, political theorists) like Bourdieu, *Ce que parler veut dire*; Woolard, "Introduction"; Duchêne and Heller, *Discourses of Endangerment*; Duchêne, *Ideologies across Nations*; Cardinal and Sönntag, *State Traditions*.

287. Duchêne, *Ideologies across Nations*, 26-28.

288. As seen in chapter 3, when languages protected are national languages, acts tend to establish obligations for their use that effectively restrict the use of other languages, because of what Safran ("Postscript") calls *status anxiety*. In contrast, when languages protected are

Secondly, language acts may be conceived in very distinct social, cultural and political backgrounds. As already seen in chapter 3, their objectives, level of restrictions and degree of coercion point to a significant distance between acts endorsed in different geographical areas or by different kinds of political units. Accordingly, we can expect that their arguments will also differ depending on contextual reasons.

4.2.2. Discourse analysis and linguistic ideologies

Despite the fact that the focus of this research is the content of language acts rather than their discourse, it is worth bearing in mind several considerations of the discourse analysis approach before undertaking their comparative analysis, in order to better interpret the findings obtained.

On the one hand, the discourse analysis approach analyses the institutional discourse by pointing out its dependency on the social, political and psychological constructs of social agents (their cognitive framework). For example, this approach highlights: (a) the fact that the power struggle is a battle for the construction of meaning in the minds of individuals;²⁸⁹ (b) the need for a negotiated construction of meanings in institutional contexts, where texts are adopted with persuasive purposes in order to naturalize the opinions of a particular group with the aim of their being inferred as general opinions;²⁹⁰ and (c) the lack in such institutional texts of inferences that the cognitive framework allows the taking for granted, along with the use, when adverse circumstances arise, of symbolic and mythic images deeply rooted in their contexts.²⁹¹ This third point will be particularly relevant for understanding the results of this research.

local languages, acts tend to provide some little cultural protection that responds to what Safran calls *ethno-symbolism*. This classification of acts is useful for understanding their explicit legitimations.

289. Castells, *Networks of Outrage*, 5.

290. Morales, "Anàlisi del discurs", 55.

291. *Ibid.*, 58.

On the other hand, in the field of sociolinguistic anthropology several authors have devoted insightful studies to linguistic ideologies.²⁹² For the analysis of the legitimating arguments included in language acts, it is especially useful to take into account the approach provided by Duchêne and Heller to what these authors call *discourses of endangerment*.²⁹³ Broadly speaking, their points are fundamentally three:²⁹⁴

a) In the 1990s an institutional discourse of language endangerment substitutes the previous discourse of political coercion in order to legitimate language policies. This discourse is partly caused by a *moral panic* about the management of diversity, and applied both to small languages and to *glottophagic* languages.²⁹⁵

b) The source and target of danger is language, constructed as an *organic, systematic whole, which has a life of its own outside social practice*: concerns with speakers are displaced by a concern with languages.

c) Discourses of endangerment reproduce the central legitimating ideology of the nation state, and are used both by states, by minority nations and by international institutions. So, on the one hand international institutions are preserving state prerogatives, by presenting minorities as problematic and potentially dangerous; on the other, minorities adopt the same strategy and in fact are perpetuating the causes of their discrimination and exclusion. For this reason, other kinds of legitimations are needed.²⁹⁶

Indeed, the previous process of construction of a typology of values has provided evidence of these three points. Through the comparative analysis of language acts, I will also prove how these ideologies appear within their texts.

292. Cf. Woolard, "Introduction".

293. Duchêne and Heller, *Discourses of Endangerment*.

294. *Ibid.*, 5-10.

295. It is worth noting that this discourse appears at the same time as multiculturalist approaches in political philosophy.

296. Duchêne, *Ideologies across Nations*, 258-263.

4.2.3. Operationalisation process

The operationalisation process follows the methodological orientations developed by the Manifestos Research Group to content analysing party manifestos, and more specifically the steps described by Alonso et al.²⁹⁷ in their adaptation to the content analysis of multi-level party manifestos:²⁹⁸

a) The classification of arguments is based on a set of conceptual categories conceived as an analytical typology that fulfils the requisites of simplicity, exhaustiveness and exclusivity. It is built on the previous theoretical analysis of the values, objectives and interests that can justify language policies according to the normative texts, and has been tested and completed with the values found in language acts, as described in section 4.1. So, the definition of categories is both deductive and inductive. Its double nature ensures sufficient flexibility and amplitude to compare language acts of different legal, political and socio-cultural traditions.

b) A thorough reading of the texts has been conducted in order to identify the concepts used as rationale and their correspondence with the categories established. This exercise has been carried out, in a first stage, with a sample of language acts, to check and revise the initial set of categories, and subsequently with all the texts analysed. As in the case of the content analysis of party manifestos, the basic coding unit is the quasi-sentence, that is, the verbal expression of an idea with meaning.²⁹⁹

c) A clear coding scheme has been applied to assign a category to every unit of coding, in the light of the rules for code allocation provided by Volkens.³⁰⁰ When needed, several levels of context have been used to decide.

d) Finally, iterative processes of checking and comparison have been conducted throughout the different phases of work (codification, intro-

297. Alonso et al., *Análisis de contenido*.

298. More information: <https://manifesto-project.wzb.eu/> and <http://www.regionalmanifestosproject.com/>. Despite the evident differences between party manifestos and legal regulations, and since I approach the latter as political texts, their experience constitutes an excellent point of departure for my research.

299. *Ibid.*, 20.

300. Volkens, "Manifesto Coding Instructions", 66.

duction in the database, analysis of the first results, refinement) to ensure coherence in the processing of the data and gain validity and reliability.

Data have been introduced in the language acts database described in chapter 3. Each value included in the typology of legitimating values (table 21) has been considered a different variable, although variables have been grouped by subcategories and categories when needed. Variables so treated have been analysed through descriptive statistics, namely (a) the X^2 to test associations between variables (as well as residuals to test associations between categories), and (b) the comparison of means of the number of arguments used by acts.³⁰¹

4.3. The legitimization of language acts in a comparative perspective: main findings

This section analyses the rationales used by language acts to justify their adoption.³⁰² Firstly, it provides a general description of the *presence*, by areas, of the main categories of arguments according to the previous typology. Secondly, it focuses on communicative and identity-related arguments, the core categories for the purposes of this research. On the one hand, it pays attention to several qualitative aspects of the use of particular arguments, especially concerning their relationship with the theoretical framework presented in chapter 2. On the other, it examines the distribution and *intensity* of their use (the number of arguments of each category used by acts). On this basis, I supply some responses to the research questions posed on the use of communicative and identity-related arguments and their relationship with the promotion of majority and minority languages.

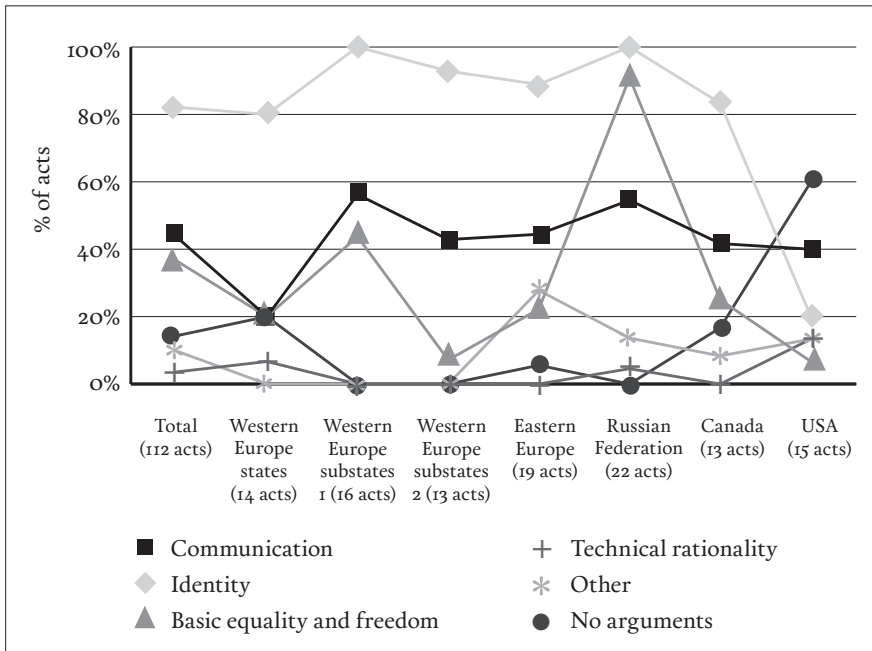
301. I thank Marta Masats, expert in statistics at the Catalan Government, for her valuable help in this task.

302. By 'rationale', I mean the set of explicit reasons that sustain the adoption of an act. By 'argument', a reason expressed through a statement referred to one of the values included in the analytical typology.

4.3.1. The presence of the main categories of arguments

Figure 2 summarizes the *presence* of the main categories of arguments in the different groups of acts considered in chapter 3.

FIGURE 2. Arguments used by area and political unit



This graph reveals that:

a) A great majority of language acts (82.14%) are justified with identity-related arguments, whilst only 43.75% of them use communicative arguments.

In the case of identity-related arguments, all Russian acts include them, as well as all acts adopted by Western European minority nations (substates 1). The single set of acts that uses identity-related arguments for less than 80% is that of the US, which only includes this category of arguments in 20% of cases. In total, only 20 acts out of 112 do not use identity-related arguments.³⁰³

303. A set of 16 acts without any justifying argument, plus those of Estonia, Alaska, New Hampshire and South Dakota.

Communicative arguments are the most frequently used only in the US (40% of acts refer to them). However, the acts of Western European substates 1 and the Russian ones display the highest presence of this category as a whole (56.25% and 54.55%). Conversely, the acts of Western European states show the lowest rate (20%).

The specific uses of different communicative and identity-related arguments, which constitute the core of this research in order to respond to the main questions posed, will be analysed in depth in section 5.1.

b) Basic equality and freedom, a group of two arguments categorized as both communicative and identity-related, are mentioned by 36.61% of acts. They refer to the principle of non-discrimination in terms of language and the principle of freedom to choose a language in private and public life, established by international standards. Both are characteristic of the Russian Federation, particularly freedom.³⁰⁴ According to Russian acts, such freedom constitutes a strong right of peoples and individuals to *use their native language and freely choose the language of communication, education, training and work* (Act on the Languages of the Russian Federation Peoples, section 2.1.). This right can only be restricted by *the legislation of the Russian Federation* (same act, section 2.4.), as in practice occurs.³⁰⁵ In the rest of the acts analysed freedom is a weaker argument that simply tends to reproduce the formulas used by international regulations.

c) Technical rationality, also categorized within the group of both communicative and identity-related arguments, is only mentioned by 3.57% of acts. It refers to political stability and political unity, two values less frequently used than may have been expected, according to the

304. All Russian acts mention the right to linguistic freedom except the Federal Act on the Official Language and the brief Tatarstan act of 2013. Equality has a wider use beyond the Russian Federation, and is mentioned by 10 acts of Western European substates, 4 Eastern European acts, 2 acts of Western European states and 3 Canadian acts. Freedom is more restricted to the Russian area, but also used by 2 acts of Western European substates (Aragon and Asturias) and by 1 act of each of the other areas (Nunavut in Canada, Switzerland, Ukraine and the US Native American Languages Act).

305. The Federal Act on the Official Language (2005) establishes the obligation of using Russian in most public communications, and its exclusive use in several cases (such as inter-administrative relations, identity documents and public media, geographical names and advertising, despite certain exceptions). So, regarding the value of freedom, Russian acts both express the most ambitious objectives in the corpus of acts and, contradictorily, establish one of the most restrictive legal frameworks.

normative works previously reviewed. Only one of them has been found, political unity, and only in 4 acts.³⁰⁶

d) Nearly 10% of acts mention other arguments, mainly political sovereignty (8 acts). On the one hand, 5 Eastern European acts (Azerbaijan, Moldova—2 acts—Slovakia and Ukraine) link the protection of a state majority language to the independence or full sovereignty of the state. On the other, 3 Russian republics (Bashkortostan, Ingushetia and Kabardino-Balkaria) relate the officiality of their national languages to the exercise of their self-determination.

e) Finally, a set of 15 acts (13.39%) do not include any justifying argument, namely 9 US acts, 2 Canadian acts (Alberta and Saskatchewan) and 4 European acts (Ireland, Luxembourg, Serbia and Sicily). Apart from the case of the US acts (partly related to its legal tradition and procedures),³⁰⁷ the rest constitute a rather heterogeneous group, including acts of states and substates with different purposes.

4.3.2. Communicative and identity-related arguments in depth

The categories of communicative and identity-related arguments are the most important both in terms of number of arguments (11 and 16, respectively) and in terms of relevance for this research. First of all, I will analyse several qualitative aspects of their use, especially concerning their relationship with the theoretical framework. Then, I will examine their distribution focusing on the *intensity* of their use, that is, the number of arguments of each category mentioned by acts. Finally, I will give some responses to the research questions posed.

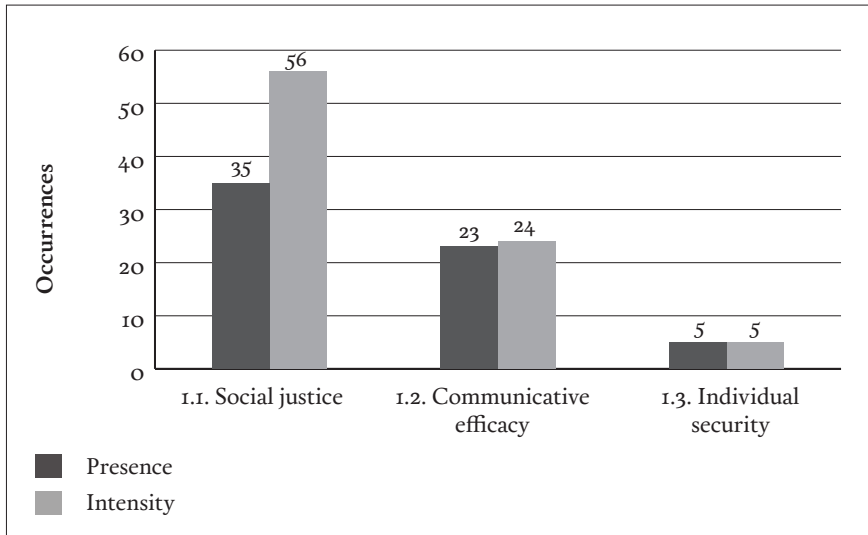
306. The Russian Federal Act on the Official Language (according to its art. 1.4. Russian language contributes to maintain the Federation as a single common multinational state); the Swiss act (its art. 2 refers to the objective of consolidating national cohesion); and two US acts, that of Alaska (which promotes English as the *common unifying language*) and the American Native Languages Act, which affirms that languages *are critical to the survival of cultural and political integrity of any people*.

307. On the one hand, the process of compilation in codes may entail the loss of an initially existing preamble. On the other, the rationale that sustains the adoption of an act is often contained in previous documents related to its parliamentary discussion, which have not been taken into account for methodological reasons (they lack the democratic legitimacy of an act passed by a parliament and cannot be included in a comparative analysis of acts).

4.3.2.1. Remarks related to the theoretical framework

Regarding the use of communicative arguments, figure 3 displays the existence of two main groups of values, social justice and communicative efficacy, and suggests three remarks:

FIGURE 3. Communicative arguments



a) On *social justice*. The most used communicative arguments are those of social justice, especially the collective ones and, among them that of coexistence and mutual understanding is the most frequent (18 acts). Globally, the use of this set of arguments is not associated with any independent variable, except in the case of individual values, characteristic of Canadian acts (+2.31),³⁰⁸ mainly equal opportunity and social progress.

As mentioned in section 4.1, I have included in this group some references to democracy and participation which reproduce the principles established by international regulations for the empowerment of minorities. For instance, this is the case of arguments related to the representation of minorities in legislative and executive powers (e.g. the Inuit Act of Nunavut, the Prince Edward Island act—concerning the Acadian community—

308. In brackets, I indicate the value of the residuals given by crosstabs for this association.

as well as the Swiss act and the Swedish act on linguistic minorities), or simply to their participation in cultural activities (e.g. Aragon).

b) On *communicative efficacy*. This category includes two seemingly contradictory values, namely multilingualism and the usefulness of a particular language. Multilingualism is highly associated with Russian acts (+4.93), which point out the functional value of Russian beside the ethnic value of the titular languages of Russian peoples. A similar pattern is found in the acts of Moldova and Ukraine (in the second case, the act focuses on the necessity of individual polyglotism in both Ukrainian and other languages, among them Russian).³⁰⁹ Also, the Swiss acts (both of Switzerland and the Grisons) stress the value of multilingualism, as well as the Rhode Island act, which exceptionally (in the US context) highlights both the usefulness of English and the suitability of polyglotism.

Conversely, other acts stress the usefulness of a single particular language, namely the acts of Armenia, Nunavut, Estonia, Malta, Slovakia, Balearic Islands and Catalonia. These acts are intended to promote a national language in a multilingual context and remark on the suitability of such a language for all communicative purposes, maybe in order to counteract a different social perception (or dominant ideology).

In essence, and leaving aside the Swiss case, these two arguments of communicative efficacy are not so different, because both lead to reinforce as a common language a national language that (a) is deemed more functional than other local or external languages (in the case of majority languages of states), or (b) is promoted to become an actual common language (in the case of languages of national minorities like Nunavut, Catalonia and the Balearic Islands).

c) On *individual security*. Only 5 acts (Estonia and Latvia; Alaska, New Hampshire and South Dakota) refer to this value. Those of Estonia and Latvia do so to promote a national majority language by establishing significant levels of coercion.³¹⁰ Conversely, the US acts (also significantly

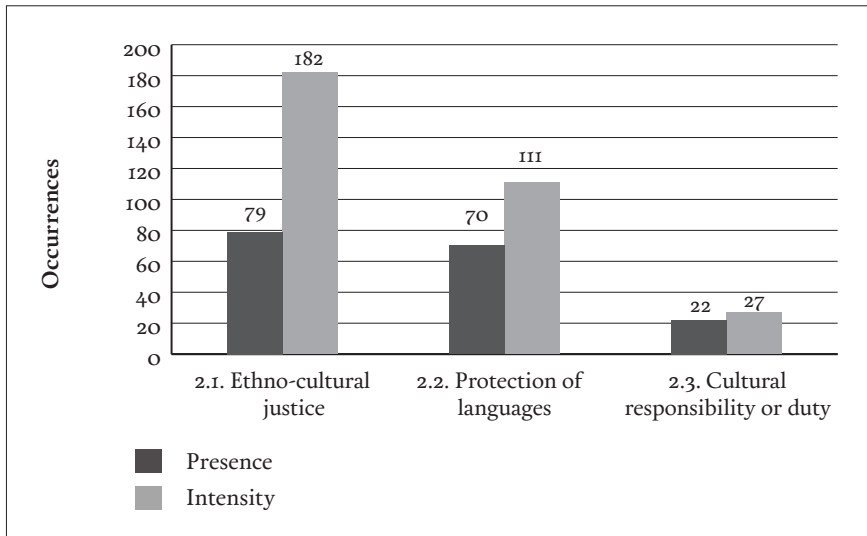
309. The Ukrainian act refers to the principle of plurilingualism, according to which “every person in society is fluent in several languages, as opposed to situations where separate language groups have only their own languages” (art. 5.9.9).

310. Both justify the promotion of Estonian and Latvian for reasons of public interest, which include, among others, consumer protection and occupational safety.

coercive) refer to individual security as an argument to establish exceptions to the exclusive use of English.³¹¹

Regarding the use of identity-related values, figure 4 shows (as in the case of communicative arguments) two main groups of values, ethno-cultural justice and protection of languages, and also suggests three remarks:

FIGURE 4. Identity-related arguments



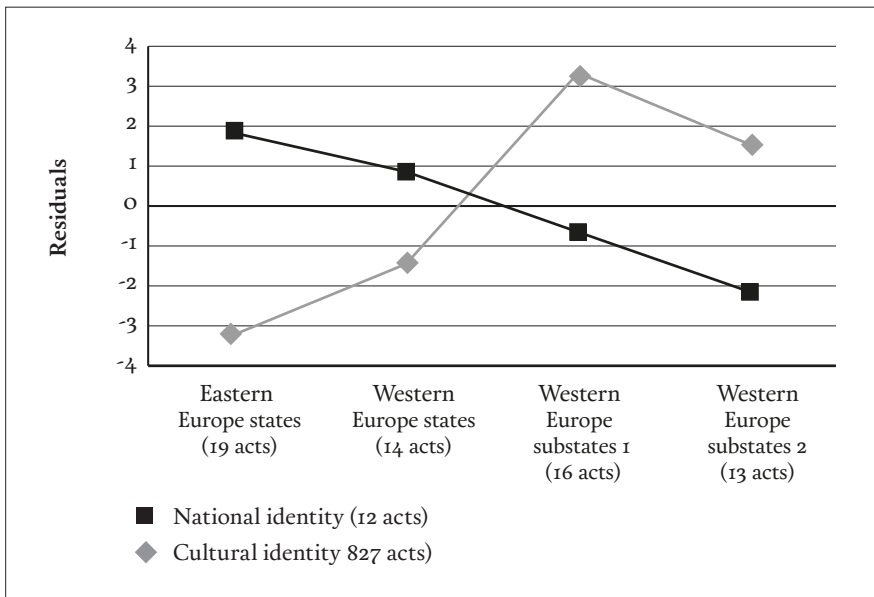
a) On *ethno-cultural justice*. The most frequently used identity-related arguments are those of ethno-cultural justice, especially the collective values. Among them, the most repeated argument is that of the preservation of heritage and tradition (56 acts mention it), followed by those of cultural and national identity.

Cultural identity and national identity are two values with clearly different uses, the former mainly used by national majority subunits for promoting local minority languages, and the latter mainly used by minority nations and states.

311. They permit the use of languages other than English to communicate health, safety or emergency information.

A comparison exclusively focused on the uses of this pair of arguments in Europe³¹² shows that national identity is an argument used more by states (both Eastern and Western) than by minority nations to promote their respective national languages. So, in view of these data, European states are more explicitly nationalist in promoting their majority languages than minority nations. Conversely, cultural identity is more frequently mentioned by minority nations and national majority subunits than by states.

FIGURE 5. National and cultural identity in Europe



b) On *protection of languages*. As said in section 4.1, this category includes arguments not oriented to people's rights, but to languages, sometimes giving them an almost *human* treatment. Some of them (mainly linguistic diversity and uniqueness of languages) have been questioned by liberal theorists, who express different opinions on their normative adequacy.

The most frequently used value is equality of languages (34 acts), which together with those of recognition, dignity and respect for languages (15 acts), and rights of languages (9 acts) seem to be translations of the

312. To avoid the extreme cases of Russian and US acts.

equivalent values applied to people (individuals or collectives). Equality of languages fits with multilingual regimes, and shows a clear positive association with Russian acts (+5.86) and, to a small extent, with Canadian acts (+0.90); it is also the main value mentioned by British acts (Scotland, Wales).³¹³ Consistently, the analysis of their degree of coercion reveals that the acts that include the argument of equality of languages tend to foster a general choice between languages (+4.95), while they are negatively correlated with the exclusivity of a language (-3.45, no acts) and with no coercion (-2.27).³¹⁴ It seems to indicate that equality as a political objective, even if it refers to languages instead of individuals, requires some degree of coercion.

Meanwhile, the analysis of the acts that explicitly refer to rights of languages reveals that they are inspired by two very different traditions, namely the Canadian (+2.29) and the Russian (+1.95) ones. In the case of Canada, its Charter of Rights and Freedoms states in its article 16 that *English and French (...) have equality of status and equal rights and privileges as to their use in all institutions of the Parliament and government of Canada* (expression reproduced by the federal language act and by those of New Brunswick and the Northwest Territories).³¹⁵ In a similar way, the Act on Languages of the Russian Federation Peoples affirms in its article 3.5. that *the state recognizes the equal rights of all languages of the peoples of the Russian Federation for their preservation and development* (expression also reproduced by several acts of Russian republics). Finally, the language act of Azerbaijan includes the prohibition of limiting the *rights of the official language historically established* (art. 18.1), whilst the Netherlands' Frisian Act is intended to *guarantee equal rights between the Dutch language and the Frisian language* (art. 19.1). It is surprising that full liberal democratic polities such as Canada and the Netherlands sustain their language acts on such an argument, when most liberal authors defend that languages cannot have rights against their speakers. Probably, such a way of speaking about the rights of languages can be interpreted as a linguistic sim-

313. The Scottish act demands for the Gaelic language "equal respect to the English language", whilst the Welsh act establishes "the treatment of the Welsh language no less favourably than the English language".

314. If we focus exclusively on European acts to avoid the bias related to the Russian and US acts, similar correlations appear.

315. Nevertheless, it is worth noting that the second act passed by New Brunswick (2011) precisely modifies this point, by substituting the references to languages with references to the official linguistic communities.

plification to refer to the rights of their speakers, as well as sometimes theoretical texts allude to the protection of languages in reference to their speakers. However, such an explicit mention sounds problematic from a liberal perspective.

The second most mentioned argument in this group is linguistic diversity or richness (27 acts), which is conceptually close to the argument of particularity and uniqueness of a language (14 acts). Both are similarly used by states and substates of different geographical areas, to justify language regulations with different purposes but mainly oriented to minority languages.

Finally, I have included within the group of protection of languages the argument of authenticity and purity of a language (used by 10 acts). It is clearly an Eastern European value (+4.87), also found in 2 Western European acts (France and Malta) and in the Russian Federal act on the Official Language. It is exclusively used by states (+4.72) for protecting their majority languages (+5.02) mainly from an external language (+7.10) through significant levels of severity; most acts that mention it regulate the social uses (+2.45) and even the private uses (+2.93), establishing the exclusivity of a language (+4.20). Therefore, it is an objective included by the most severe acts in the corpus, mainly those that protect a national majority language from an external language, which is even felt as a threat for such a language as an independent linguistic system.

c) *On cultural responsibility or duty.* The last group of identity-related arguments is that of cultural responsibility or duty, which includes both the governmental duty and the citizens' duty regarding a particular linguistic commitment. The former is mentioned by international regulations in reference to the protection of cultures, national and cultural identities.³¹⁶ The latter, in the sense of a person's duty to maintain a particular language because of its intrinsic value, is rejected by most liberal theorists.

Globally, this group of arguments (used by 23 acts) is only positively associated with Russian acts (+2.05), despite the fact that it is used by acts from all the other areas. However, each of its two arguments is used in a different way. Just as the argument of governmental responsibility (14 acts) does not show significant associations, that of citizens' duty (also 14 acts) is clearly associated with Russian acts (+3.78), although it is also

316. Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (United Nations, 1992); Framework Convention for the Protection of National Minorities (Council of Europe, 1995); Universal Declaration on Cultural Diversity (UNESCO, 2001).

used by a Canadian act (Quebec), 2 Western European acts (Andorra and Valencia) and 3 Eastern European acts (Armenia, Macedonia and Poland). The uses of this second argument are heterogeneous and deserve a more detailed description.

Russian acts refer to the citizens' duty of preserving their national language (Buryatia, Udmurtia), of knowing it (a *civic duty*, according to the act of Kalmykia), and even of teaching their mother tongue to their children (Adygea, Kabardino-Balkaria, Karachay-Cherkessia and Tatarstan acts).³¹⁷

The Act on the Polish Language also mentions that citizens have the duty to protect it,³¹⁸ whilst the Armenian act details that citizens are obliged to guarantee the purity of the Armenian language in official communications, and the Macedonian act states that *the usage of the Macedonian language as an official language is the right and duty of the citizens of the Republic* (art. 2).

Similarly, the act of Andorra establishes the duty to know and use the Catalan language, as well as the duty of linguistic integration of Catalan non-speakers. In the case of the Valencian act, it simply affirms in its preamble that, besides the governmental right and duty of restoring the Valencian language, its recovery also corresponds to all Valencian people. Finally, the Quebecker act refers in a rather symbolic way to the duty of every people to provide a particular contribution to the international community.

Apart from the more rhetoric cases of Quebec and Valencia, all the rest of the acts regulate an explicit citizens' linguistic duty. The formulations of Russian acts (except Kalmykia), as well as the Polish one, are the most problematic from a liberal perspective, since they are based on the intrinsic value of a particular language. However, in the cases of Macedonia and Andorra the basis of such a duty is less clear, because it might be related to democratic participation and social justice (as the reference to integration made by the Andorran act seems to indicate), two adequate values to guide language policies according to the literature. This observation leads me to remark that, in practice, all language acts with a minimal level of coercion establish duties of knowledge and use of particular languages,

317. This last duty seems a shift of responsibility from government to citizens, despite of the fact that most Russian acts allow for choosing (*de jure*) the language of education.

318. Its preamble states that "the protection of the language is the responsibility of all Polish bodies and public institutions, as well as all Polish citizens".

despite the fact that they do not explicitly refer to them as citizens' duties. Furthermore, and beyond language acts, it is a fact that all liberal democracies impose such duties, either through legal democratic instruments of different kinds, or directly through the market law. So, ultimately, what is striking is the explicit reference to this argument made by such acts, since implicitly citizens' linguistic duties always exist.

4.3.2.2. Distribution and intensity of the arguments used

This section provides a final quantitative analysis of the communicative and identity-related arguments mentioned by language acts, focused on the intensity of their use. It takes into account the number of arguments of each category included by acts and compares their statistical means. Such an analysis confirms the predominance of identity-related values over communicative ones already detected with the observation of their presence: acts use a mean of 0.75 communicative values, and a mean of 2.84 identity-related values.³¹⁹ Moreover, the variance in the use of communicative values is clearly lower than that of identity-related values. So, the latter values are not only more frequently used by acts, but also more differently used according to the independent variables considered.

Table 22 displays the means of arguments mentioned for the main categories of values, by area, political unit, scope of restrictions and degree of coercion. By areas, Canadian acts are the main users of communicative values (as a whole) and of the values of social justice; Russian acts are the main users of the rest of categories of values (communicative efficacy and all the categories related to identity). By political units, minority nations are the main users of all categories of arguments. By scope of restrictions, the acts that regulate both institutional and social linguistic uses are the most argued, although those without explicit restrictions show the highest means of social and ethno-cultural arguments. Concerning their degree of coercion, the least argued acts are those that establish the exclusive use of a language (due to the weight of US states acts), whilst again those without any coercion are the main users of social and ethno-cultural arguments.

319. These rates are related to the number of values of each category included in the typology (higher in the case of identity), which by itself is also an indicator of the prevalence of each category in acts.

Such results suggest clear associations between variables; particularly, significant differences by geographical area.

TABLE 22. Means of arguments by area, political unit, restrictions and coercion³²⁰

| | | 1. | 1.2. | 1.3. | 2. | 2.1. | 2.2. | 2.3. |
|-----------------------|---|------|------|------|------|------|------|------|
| Area | Western Europe (N=43) | 0.67 | 0.36 | 0.11 | 2.98 | 0.8 | 0.62 | 0.2 |
| | Eastern Europe (N=19) | 0.83 | 0.28 | 0.28 | 2.33 | 0.67 | 0.56 | 0.17 |
| | Russian Federation (N=22) | 0.68 | 0.23 | 0.45 | 4.64 | 0.91 | 0.95 | 0.36 |
| | Canada (N=13) | 0.92 | 0.42 | 0.08 | 2.5 | 0.67 | 0.58 | 0.08 |
| | US (N=15) | 0.87 | 0.2 | 0.13 | 0.67 | 0.13 | 0.13 | 0.13 |
| Political unit | State (N=37) | 0.68 | 0.3 | 0.24 | 2.54 | 0.59 | 0.59 | 0.19 |
| | Substate 1 (N=35) | 0.97 | 0.33 | 0.31 | 4.46 | 0.95 | 0.9 | 0.36 |
| | Substate 2 (N=40) | 0.58 | 0.28 | 0.06 | 1.39 | 0.53 | 0.31 | 0.06 |
| Scope of restrictions | Only in official uses (N=55) | 0.62 | 0.31 | 0.07 | 2.09 | 0.53 | 0.51 | 0.11 |
| | In official and social uses (N=38) | 0.92 | 0.28 | 0.41 | 4.08 | 0.87 | 0.79 | 0.38 |
| | In official, social and personal uses (N=5) | 0.75 | 0.25 | 0.25 | 2.75 | 0.75 | 0.5 | 0 |
| | No restrictions (N=14) | 0.79 | 0.36 | 0.14 | 2.36 | 0.86 | 0.5 | 0.14 |
| Degree of coercion | Exclusive use of a language (N=22) | 0.55 | 0.18 | 0.09 | 1.86 | 0.45 | 0.41 | 0.23 |
| | Compulsory use of a language (N=39) | 0.88 | 0.34 | 0.2 | 2.83 | 0.68 | 0.63 | 0.17 |
| | General choice (N=35) | 0.7 | 0.3 | 0.3 | 3.61 | 0.79 | 0.73 | 0.24 |
| | No coercion (N=16) | 0.81 | 0.38 | 0.19 | 2.63 | 0.88 | 0.56 | 0.19 |

1. Communication (N=85, $\mu=0.75$)

1.2. Social justice (N=56, $\mu=0.30$)

1.3. Communicative efficacy (N=24, $\mu=0.21$)

2. Identity (N=320, $\mu=2.84$)

2.1. Ethno-cultural justice (N=182, $\mu=0.70$)

2.2. Protection of languages (N=111, $\mu=0.61$)

2.3. Cultural responsibility or duty (N=27, $\mu=0.21$)

320. Individual security is not included in the table because of its scarce use.

The comparison of means of the arguments used depending on the object of the act will provide some responses to the main research questions raised (see table 3).

TABLE 23. Means of arguments by object of the act³²¹

| | | 1. | 1.2. | 1.3. | 2. | 2.1. | 2.2. | 2.3. |
|-------------------------------|-----------------------------------|------|------|------|------|------|------|------|
| Main objective: to promote... | National majority language (N=43) | 0.84 | 0.23 | 0.25 | 2.41 | 0.52 | 0.52 | 0.2 |
| | National minority language (N=22) | 0.64 | 0.23 | 0.23 | 3.91 | 0.77 | 0.86 | 0.36 |
| | Local minority languages (N=39) | 0.62 | 0.38 | 0.1 | 2.41 | 0.79 | 0.51 | 0.1 |

1. Communication (N=85, $\mu=0.75$)

1.2. Social justice (N=56, $\mu=0.30$)

1.3. Communicative efficacy (N=24, $\mu=0.21$)

2. Identity (N=320, $\mu=2.84$)

2.1. Ethno-cultural justice (N=182, $\mu=0.70$)

2.2. Protection of languages (N=111, $\mu=0.61$)

2.3. Cultural responsibility or duty (N=78, $\mu=0.21$)

The first and most obvious evidence according to these data is that, again, all kinds of acts tend to be justified by identity-related arguments rather than by communicative arguments. Having said that, the three groups considered display several differences:

a) The acts that promote national majority languages mention more communicative arguments than the other groups (although the variation in this case is not significant), and specifically more arguments of communicative efficacy. Conversely, their uses of identity-related arguments are lower than those of the other groups.

b) The acts that promote national minority languages clearly mention more identity-related arguments than the other groups, and specifically more arguments of protection of languages and cultural responsibility.

c) The acts that promote local minority languages use similar rates of communicative and identity-related arguments than those that promote national majority languages, but they are the most argued concerning social justice and ethno-cultural justice.

321. Table 23 does not include the category *other* (7 cases) because it is composed by few and heterogeneous cases, deemed not classifiable.

4.3.2.3. Concluding remarks on arguments used

According to this analysis, we can affirm that:

1. Identity interests are the most relevant in the legitimation of language acts. Both the promotion of majority and minority languages tend to be sustained by identity-related arguments.

This tendency is higher in the case of the promotion of national minority languages and lower in the case of majority languages (whose promotion is the most sustained by arguments such as communicative efficacy), a finding that fits, to a certain extent, the assumption made in political theory that majority languages have more communicative value than minority languages.

However, the acts that promote local minority languages also make a significant use of communicative values, specifically of values related to social justice (equal opportunity, social inclusion, social cohesion and participation in social and economic life), probably because of the influence of international rules.³²²

2. The prevalence of identity-related arguments can be explained by the defensive nature of language acts. The adoption of all language acts analysed responds to some perceived threat against particular languages that requires their explicit *protection*. It means that such languages protected by language acts are perceived as weaker than other languages in instrumental terms (such other languages are deemed to be potentially more functional as communicative tools), and consequently placed in a *minority position*, regardless of their demographic (and even political) condition of majority or minority languages in a particular political unit. This conception is applied to languages of minority nations (competing with those of their respective states) as well as to state majority languages (competing with transnational languages), and even to English in the US

322. However, as said previously, concerning the solutions to reach these objectives, international regulations point to an individual bilingualism that includes the knowledge of a state-wide official language. Thus, these regulations link the social justice for minorities to the promotion of a state majority language. Meanwhile, language acts promoting local minority languages reproduce those communicative values of social justice in order to justify the protection of such minority languages, although in fact, and contradictorily, they tend to simply add a symbolic recognition of minority languages to the public use of a majority language whose knowledge is compulsory.

(competing apparently with Spanish).³²³ Consistently, the promotion of the use of such languages tends to be grounded in identity.

3. Despite the contextual differences by areas, identity-related arguments are the most commonly used everywhere, with the single exception of the US. In the US, identity arguments seem to be absent in the public sphere,³²⁴ at least in the case of legal regulations passed by parliaments.

4. The acts adopted by minority nations are both the most argued and the most legitimized by identity-related arguments. Possible explanations are that (a) minority nations struggle with a state majority, so they assume an extra burden of proof in the justification of their acts; and (b) their acts foster languages which in the whole state are always minoritarian, so (regardless their level of coercion) such acts are *binding* in the sense that they aim to counteract a sociolinguistic dynamic that favours the use of majority languages.³²⁵

5. These findings do not imply that communicative interests are less important for language policies of western democracies than identity-related ones. We can simply conclude that, when linguistic regulations are adopted, identity-related values are habitually used to justify them.

In fact, identity arguments are precisely used to justify some particular pattern of communication favoured by the act adopted. For instance, in the case of the acts that promote national languages (usually through effective obligations that require their use), identity arguments are used to legitimize the restrictions on the use of other languages, which, in practice, are guaranteeing the communicative usefulness of the protected ones. In contrast, in the case of *ethno-symbolic* acts that promote local minority languages (usually through rather ineffective cultural protections that do not restrict the use of majority languages), identity arguments are used to justify certain levels of dignity and respect recognized to minority groups; these levels of recognition may favour a social dialogue, but such a

323. This self-placement in a minority position fits the strategy of discourses of endangerment described by Duchêne and Heller, *Discourses of Endangerment*. These authors point out that, in the case of dominant languages, such discursive strategy has substituted a former strategy based on coercion.

324. Patten, *Equal recognition*, VII.

325. For the concept of 'binding' see Van Parijs, *Linguistic Justice for Europe*, 135-136. This second factor also explains why the US acts are the least argued, in spite of being among the most severe: the US acts are strongly coercive but they are not binding, because they are fostering the use of English, an already dominant language.

dialogue fundamentally takes place in a state majority language (pattern suggested by international standards). So, as already defended in chapter 2, language acts do show that communication and identity are related in several forms and cannot be detached from each other.

Finally, it is worth insisting that the analysis carried out only reports dominant institutional ideologies on linguistic justice. Therefore, it does not provide information about, for instance, (a) non-dominant, non-institutional or hidden discourses (e.g. the identity-grounded discourse of English-only lobbies in the US); (b) discourses made from fully dominant positions (e.g. consistent with polities that have not adopted any linguistic regulation, such as the United Kingdom); (c) values taken for granted (maybe the case of democratic participation in countries such as France and Sweden); (d) values considered to be controversial (such as, possibly, the same value of democratic participation for the promotion of Russian in the Russian Federation).

4.4. Conclusion

This chapter has contributed, on the one hand, a typology of political valued ends for language policies, based on the divide between communicative and identity-related values, and, on the other hand, a comparative analysis of the uses of such values in the rationales of language acts adopted in western democracies. The final aim of both exercises has been to test an initial hypothesis consistent with the theoretical framework reviewed in chapter 2, namely that linguistic regulations promoting majority languages tend to use communicative arguments, while those promoting minority languages tend to use identity-related arguments.

Fist of all, the proposed typology of values, constructed on a previous classification of values obtained both from the works of liberal theorists and from international regulations, has brought a preliminary finding, namely that the justifying arguments used by language acts are not always found in normative texts, nor are they necessarily *liberal* (since some values are not clearly consistent with a liberal approach). Principally, and probably because of the influence of international standards, more than half of acts use arguments of protection of languages (mainly the Russian ones, but also the European and Canadian ones) that are potentially problematic from a liberal perspective, since most liberal theorists feel

that such a protection is only adequate to the extent that it corresponds to the autonomous choice of individuals.³²⁶

However, it is worth noting that the use of not clearly liberal values as legitimating arguments does not mean that the measures established by an act are illiberal. The analysis made has not revealed any significant correlation between the use of this kind of values and the severity of the acts adopted (their level of restrictions and coercion). Several correlations have been found with geographical areas, linked to their political and legal traditions (e.g. the allusion to the rights of languages in Canada and to the citizens' linguistic duties in the Russian Federation). Nevertheless, these legitimations are not necessarily related to the degree of liberal adequacy of acts adopted (an issue that has not been addressed in this study).

Concerning the use of communicative and identity-related values in language acts, and unlike what was expected according to the initial theoretical assumptions, the analysis made shows that the promotion of both majority and minority languages tends to be sustained by identity-related arguments, probably because the very enactment of a legal rule entails the adoption of a minority position in which identity is felt to be threatened by a more useful language in communicative terms.

Nevertheless, such a predominance of identity-related arguments does not mean that communicative interests are less important for language policies of western democracies than identity interests. Precisely, each act is intended to favour communication through particular languages, so the explicit arguments used, although they tend to be based on identity, are in practice legitimizing the promotion of these languages as effective tools of communication.

It follows that, according to political practice, both majority and minority languages (considered in demographical terms within particular political units) matter both for communicative and identity-related interests. The question is to what extent this evidence is relevant regarding the linguistic justice debate.

326. In any case, as already highlighted in chapter 2, the existence or not of that choice is not easy to determine. In the case of language acts, since they have been adopted by democratic processes, they should reflect the choice of a majority of individuals in a particular *demos*, expressed through their political representatives. Furthermore, it is a fact that individuals' choice is influenced both by institutional discourses (such as those of acts) intended to generalize opinions of particular groups, and by effective policies that make particular languages more or less useful in a particular society. So, on this basis it is difficult to judge if an argument like those included in the group of protection of languages can be deemed liberal or not: it highly depends on the context where an act is adopted.

In my view, the empirical evidence that linguistic identity matters when the communicative usefulness of a language is felt to be threatened (by other potential more useful languages) should be given attention in normative debates. Although it is debatable that such claims for protecting identities, expressed by acts, have moral value *per se* (in terms of what is *correct* and *incorrect*, or *just* and *unjust*), it is a fact that they are central concerns in the public political culture of western democracies, regardless of the contextual differences identified in our analysis. Moreover, the democratic legitimacy of language acts, which are expected to express the will of the people, helps to support the idea that the just management of the identity interests of individuals as members of language groups deserves attention, even if we assume that democratic legitimacy does not automatically secure justice.³²⁷

As seen in chapter 2, this is now the perspective shared by most political theorists. So, the empirical evidence obtained from language acts simply confirms in practice a position widely sustained from normative approaches.

However, language acts also reveal a fact which seems to be underestimated by political theorists, namely the interdependency of communication and identity. The analysis made suggests that individual (and collective) identity interests are better fulfilled when languages possess a certain degree of instrumental usefulness. For instance, many acts promoting national languages favour dignity and self-esteem of particular speakers, national and cultural identities of particular communities, as well as security and survival of particular language groups, precisely by ensuring the effective use of particular languages.

At the same time, the analysis suggests that communicative interests in a diverse society are better fulfilled if identity is managed with justice. In this case, many acts promoting local minority languages exemplify, in practice, a way of reducing conflicts in the use of majority languages by means of the recognition (sometimes rather symbolic) of some public spaces for the use of minority ones.

In summary, from this perspective, communication and identity interests do not only have value by themselves: additionally, communication is instrumental for identity and identity is instrumental for communication.

327. I thank Alan Patten for his remark on this last distinction between democracy and justice.

It is fundamentally for this reason, I think, that language policies become complex policies in plurilingual settings.

This is particularly true in mixed societies, where members of different language groups coexist and live intermingled. Chapter 5 addresses this case, with especial attention to the challenges it poses to linguistic justice in terms of the management of communicative and identity interests of individuals.

5

Implementing linguistic justice in mixed societies: a defence of plurality

This chapter addresses the case of linguistically mixed *demoi*, where significant numbers of the long-settled population belong to different language groups and live intermingled, so that groups cannot be territorially separated. As seen in chapter 2, such mixed *demoi* are challenging for the traditional theories of linguistic justice, which are monist in two senses: (a) regarding their empirical understanding of the relevant *demos*, which is assumed to be linguistically homogeneous; and (b) regarding the normative solutions they propose, which tend to privilege the interests of a national majority group. In contrast, recent normative proposals, such as those of Patten³²⁸ and De Schutter,³²⁹ (a) point out the empirical relevance of linguistic heterogeneity as a universal phenomenon, and (b) adopt pluralist approaches based on the equal recognition of all significant long-settled language groups.

However, to what extent is linguistic mixture salient in western democracies, which are deemed the most culturally and linguistically homogeneous in the world as a consequence of their processes of nation-state building? Furthermore, how can we delimit what is a linguistically mixed *demos*? Which are the relevant factors to identify this kind of *demoi*? Finally, what challenges do they pose to the implementation of just language policies? What principles should inspire such policies, and what institutional designs might be suitable for implementing them? This chapter aims to respond to this set of research questions.

Until now political theory has not provided either a theoretical or an empirical exercise intended to identify mixed *demoi* (what I generally call *mixed societies*).³³⁰

328. Patten, *Equal recognition*.

329. De Schutter, Language, identity and justice; id., “Language policy”; id., “Testing for linguistic injustice”.

330. Laitin, with the aim of identifying and characterizing language communities, suggests several variables to measure both linguistic heterogeneity and communicability, which are

In this work, I focus on such mixed societies, so I am leaving aside the analysis of the broader phenomena of linguistic heterogeneity and mixture. For instance, I do not pay attention to the existence of local or social *pockets* of linguistic mixture, which are not significant enough when considering the entire political unit (e.g. cosmopolitan cities). This is because (probably due to the influence of my Catalan background) I consider that delimiting a specific category of mixed *demoi* as a whole is politically relevant: being a linguistically mixed *demoi* entails, at least, significant consequences for the definition of its (national) identity in terms of linguistic monism and pluralism, as well as for the conception of its general language policies in terms of justice. For this reason, I circumscribe my analysis to these particular cases.³³¹

First of all, in this chapter I clarify some basic concepts needed to understand linguistic mixture, among which those of *language group* and *bilingualism* possess special relevance. This exercise is essential to delimit what a mixed society is and to define its politically salient features, so I devote some considerable space to it.

In the term *mixed society*, I use *society* in a broad sense, close to that of *demoi*, and referring to the set of individuals coexisting in a particular state or substate. In doing this, I am focusing on social (and sociolinguistic) dynamics existing between individuals without losing the comprehensive view of the political unit, and this allows me to link a micro-level sociolinguistic perspective to the political one. By adopting this approach, I can identify *demoi* (states or substates) which are linguistically mixed as a whole, that is, I can delimit degrees of diversity and mixture over which such *demoi* can be considered mixed. This way, I can further examine the causes of their mixture, the policies they are carrying out in terms of degree of linguistic choice and the challenges they raise in terms of justice.

In order to identify relevant cases of mixed societies in western democracies, I use the database of polities that have adopted language acts described in chapter 3, which contains useful variables. This is, obviously, a partial corpus of western democracies, but a relevant one, since it includes a large set of western states and substates where *language(s) explicitly matter* (to the extent that they have enacted specific linguistic regulations).

useful to identify linguistic mixture (as we shall see in section 5.2). (See Laitin, “What Is a Language Community?”). However, his work does not explicitly address mixture.

331. In any case, by limiting my research to mixed *demoi* I am not underestimating the salience of more widespread cases of locally relevant mixture: I am simply selecting a particular object of analysis that I deem highly relevant for the purpose of my research interests.

I shall thus consider that the results obtained from my analysis provide relevant data about an illustrative set of western mixed societies. In the light of such results, I argue that the most relevant cases of mixed societies correspond to minority nations of decentralized states with a linguistic regime that, following a typology proposed by Kraus,³³² we can call *linguistic autonomy* (in contrast to *linguistic federalism*). These states encompass a monolingual project of majority nation-building in the centre and plurilingual regimes (often related to competing projects of nation-building) in (some) subunits, whose populations tend to be bilingual. Among them, the most mixed cases are found in Spain, where in such subunits not only the members of minority language groups, but also significant percentages of the Spanish-speaking language group, tend to be bilingual.

Once mixed societies in western societies have been identified and characterized, I suggest a proposal for the just management of their language groups, drawing on the way that communication and identity are linked in such contexts or, in other words, on the way that languages matter to their populations.

My proposal sustains that in mixed societies just language policies require institutional designs which are not only pluralists in a broad sense, but are also intended to foster a stable linguistic plurality,³³³ on the grounds of individuals' instrumental and identity interests. Basically, I argue that in these settings pluralism demands to implement language policies aimed at maintaining and promoting a reciprocal bilingualism in societal languages. Then, I suggest three guiding principles for institutional designs: (a) the public (official) use of societal languages, with areas of priority for weaker language groups; (b) the promotion of their universal knowledge among the population, and (c) the provision of non-linguistically-segregated public services.

The chapter is structured as follows. Section 5.1 is devoted to conceptually characterizing mixed societies, especially as regards the consideration of language groups and bilingual individuals. Section 5.2 operationalizes the concept of linguistic mixture and then identifies salient cases of mixed societies in western democracies, as well as their key features. Section 5.3 suggests some proposals for implementing just language policies in mixed

332. Kraus, *A Union of Diversity*, 94-97.

333. Here I distinguish between the concepts of *plurality*, referring to the fact of being plural, and of *pluralism*, referring to the ideology that supports plurality.

societies. Section 5.4 addresses their institutional design. Finally, section 5.5 provides several concluding remarks.

5.1. The concept of mixed society: language groups and bilingualism

The term *mixed society* draws on the concepts of *locally co-existing diversity* (or *local diversity*) used by Van Parijs³³⁴ and those of *linguistic hybridity* and *linguistically mixed territories* (or *constellations*) contributed by De Schutter,³³⁵ an author who warns us of the extent to which such empirical phenomena have been dismissed by the linguistic ideologies underlying most normative theories on language policies.³³⁶

To begin with, we can describe a *mixed society* as a linguistically plural society where significant numbers of the long-settled population belong to different language groups and live intermingled, and where (to a great extent as a consequence of their mixture) there is a significant percentage of bilingual (or polyglot) individuals, some (or many) of whom could be ascribed to more than one language group. Then, I assume that the coexistence of members of different language groups entails some form of individual bilingualism.³³⁷ This section develops this initial description and delves deeper into the ways that concepts such as *language group*, *bilingual individual* and *bilingualism* can be understood in such societies.³³⁸

334. Van Parijs, “Cultural diversity”; id., *Linguistic Justice for Europe*.

335. De Schutter, “Language policy”; id., “The Linguistic Territoriality Principle: Heterogeneity”; id., “Testing for linguistic injustice”.

336. Van Parijs contrasts such a *locally co-existing diversity* (or simply *local diversity*) to a *territorially-based diversity* (or *territorial diversity*). For De Schutter, linguistically mixed territories are consistent with the first concept. Moreover, this author highlights *linguistic hybridity* and *hybrid contexts* (characterized by the existence of bi- and multilingual speakers, people with plural and different linguistic identities, cultural overlap, minorities within minorities, vague boundaries and grey zones between linguistic groups) as usual empirical phenomena challenging the traditional discrete or transparent (territorialized) vision of languages and language groups (“Language policy”, 13-17). In this work I use both the terms *mixed society* and *hybrid society*, the latter understood as a subcategory of the former (see subsection 5.2.1).

337. In fact, from the perspective of linguistic anthropology, mixture is subsequent to bilingual practices, rather than the other way round (cf. Woolard, “Simultaneity and Bivalency”, referred to in subsection 5.1.3).

338. As said in previous chapters, when I use the term *bilingual* (and *bilingualism*) I am referring to people able to speak *two or more* languages, that is, I am including also polyglots (and polyglotism).

5.1.1. The language group

Sociolinguists are largely sceptical of the concept of language group (and even of the very concept of language as a discrete entity).³³⁹ However, from the perspective of political theory and especially when dealing with linguistic justice, the concept of a language group is fundamental, because until now individuals' language rights have been understood on the basis of those individuals' membership of a group. This is clear in the case of constitutivists, who value linguistic identity interests and explicitly assume the existence of group-differentiated rights. But this is also true in the case of instrumentalists, who implicitly deny identity-related rights to the members of *minority language groups* while in practice these same rights are *naturally* granted to the members of *majority language groups*. According to these accounts of justice, being able to ascribe individuals to some language group(s) is necessary.³⁴⁰ Delimiting language groups allows us to identify majorities and minorities, to establish metrics in order to apply proportional rules of justice (e.g. prorated or not), and even to determine the very existence of group-differentiated rights³⁴¹ or their feasibility (for instance according to the *where numbers warrant* proviso). Such exercises are salient for a liberal democratic political theory, since group sizes matter, both in terms of democracy (democracy works on the basis of the majority rule, so delimiting language groups can be useful for identifying minorities in order to design suitable institutional protections for them) and in terms of liberalism (e.g. to fairly distribute public

339. On the one hand, as Woolard (ibid, 5) points out, sociolinguistics is sceptical about unitary language and has evolved towards fluid visions of the linguistic structures and of their social significance.

On the other hand, sociolinguists tend to not use the term *language group*. They rather use *language community* (a broad concept that includes the people able to speak a particular language), *speech community* (part of a language community that shares a set of norms and expectations regarding the use of language) and *community of practice* (group of people who develop similar communicative routines). Especially ethnographic sociolinguists (e.g. Blommaert, *Chronicles of complexity*) tend to stress the complexity and the unpredictable evolution of speech communities, so they understand the membership of a speech community not as an absolute value, but in terms of degrees.

340. In this sense, the notion of language group I dealt with has nothing to do with Laitin's notion of language community, which refers to the communicability in a particular political unit (Laitin, "What Is a Language Community?", 147-150).

341. For instance, Réaume suggests that such group rights can be considered only over a minimal threshold of number of members, that is, if a *viable linguistic community* exists. Réaume, "Beyond Personality".

resources among individuals as members of a particular group). Therefore, it is worth defining a sound concept of language group and understanding how it works, especially in the context of mixed societies.

If we assume that languages are both instruments of communication and markers of identity, then the relevant attributes for considering an individual's membership of a particular language group are both her ability to communicate in that language (objective condition) and her identification with that language (subjective condition). So, we can define a language group as a group of people who are able to speak a language and feel identified with this language: that is to say, a group who consider that language as their *own* language. In my opinion, both conditions are necessary: an individual can speak a language without feeling identified with that language (e.g. in cases of forced bilingualism or in the case of bilingualism in foreign languages scarcely used in daily life); or it can be the other way round, an individual can feel identified with a language without being able to speak it (e.g. because it is a language of some of her ancestors or friends). However, neither of the latter cases described means the membership of a language group. On the one hand, the ability to communicate is what allows an individual to be an effective member of the group in instrumental terms; on the other, identification is what sustains the identity-related interests and rights.³⁴²

So, an individual is a member of a language group when she speaks a particular language and feels that such a language is her own language. In the case of monolinguals, all of them are members of a single language group (monolinguals only *have* one language in terms of ability and identity). In the case of bilinguals, it depends on the concept of bilingual that we take into consideration.

5.1.2. Bilingual individuals

We can consider that a bilingual is simply an individual able to speak two languages (a *thin* concept of bilingual), or we can consider that a bilingual is an individual not only able to speak two languages, but who also feels these two languages to be their own languages, and is therefore a member

342. Possible degrees of both ability and identification can be distinguished, in the first case through objective measures and in the second through subjective measures. To my mind, a minimal threshold of both is required in order to consider an individual as a member of a particular language group.

of two language groups (a *thick* concept of bilingual). I use the *thin* concept of bilingual, based exclusively on ability.³⁴³

Furthermore, bilingualism can also be qualitatively defined: it is not the same being able to speak, in addition to one's first language, one of the first languages of one's co-citizens (or *societal languages*), as being able to speak a foreign language. This distinction is politically relevant, so for analytical purposes it is suitable bearing in mind the concepts of first language, second language and foreign language used by sociolinguists and specialists on language learning.³⁴⁴ From the standpoint of language learning, one's first language (L1) is not exactly a language *learnt*, but mainly a language *acquired* in the childhood. Second languages and foreign languages are both languages learnt after the acquisition of a L1, but they differ because a second language, unlike a foreign language, is a societal language in the place where one lives, that is, a relevant language in the society, because it is the L1 of some (or many) co-citizens and often an official language (used in the public sphere).³⁴⁵ The distinction between first, second (societal) and foreign languages known by individuals is politically useful because it helps a government to identify the relevant languages of a polity regarding the instrumental and identity interests of its population.

People's first languages (languages acquired in childhood) are usually the most important for individuals.³⁴⁶ Indeed, both for monolingual and bilingual speakers, first languages are often the best spoken and usually those that entail the greatest identification. So, they are linked to individual instrumental and identity interests.

Second languages learnt by individuals (societal languages) are relevant as first languages of other individuals, but not only that. They are also relevant because, as languages shared by coexisting people either as first or second languages, (a) they have instrumental value in terms of inclu-

343. I choose such a *thin* concept not only because it is the most widely used in sociolinguistics, pedagogy of languages and applied linguistics, but mainly because it allows us to distinguish profiles of membership of language groups.

344. Cf Baker, *Bilingual Education*.

345. The distinction between first, second and foreign language is widely used in sociolinguistic and language learning literature. See chapter 3 for more complete definitions. In current western democracies, official languages are always first languages of part of a population, although sometimes in small percentages (e.g. Irish in Ireland and English in Malta, for different reasons). Or the other way round, first languages of significant groups of citizens tend to be official, but not always (e.g. Spanish in Andorra, Russian in Latvia). In both cases, I consider that such languages are societal languages.

346. Bourdieu, *Ce que parler veut dire*: 42; Kraus, *A Union of Diversity*, 76.

sion, social cohesion, solidarity, unity and political participation, and (b) in absence of a forced learning or of ethnic conflict, second languages learnt can entail significant degrees of individual identification.

Finally, foreign languages learnt have rather instrumental relevance (more or less important for people depending on the communicative needs related to their life expectations).

5.1.3. Linking language groups and bilingualism

The previous conceptual sketch suggests that, for a government engaged in language policies, the most relevant languages in terms of justice are the first languages of significant groups of population. Such first languages, as long as they are (in standard cases) the best spoken and the main carriers of identification, can serve as a proxy for delimiting language groups and, therefore, individual group-based language rights.

Indeed, the first language spoken has been the most traditional proxy used in social sciences for identifying not only language groups, but also ethnic groups.³⁴⁷ In the case of mixed societies, and after the conceptual precisions made, I also contend that first languages spoken are the best variable for identifying and distinguishing language groups, provided that this variable is open to include several languages.³⁴⁸

347. As Laitin highlights, in the studies intended to establish correlations between ethno-cultural heterogeneity and political conflict, democratic quality or economic growth, language is habitually used as a proxy for ethnicity (see Laitin, "What Is a Language Community?", 142). Often, ethnic groups are delimited with regard to one individuals' first language: see, for instance, the indexes of ethno-linguistic diversity developed early (1960-1964) by Soviet ethnographers in the Atlas Narodov Mira, and the more recent indexes developed by economists such as Alesina *et al.*, Fearon and Patsiurko *et al.* (see Alesina *et al.*, "Fractionalization"; Fearon, "Ethnic and Cultural Diversity"; Patsiurko *et al.*, "Measuring cultural diversity"). When other languages spoken by individuals are taken into account, it is with the purpose of measuring the degree of cohesion of a polity in terms of communicability (so, such other languages are not related to an individual's identity). For example, Laitin explicitly says that he is offering indicators that will "allow political scientists to separate out the communication and social mobility aspect of language (...) from its identity/culture/status aspects" (Laitin, "What Is a Language Community?", 144): two indicators proposed by Laitin are the A-Index (mother tongue) and the H-Index (probability that residents, meeting randomly, will share a common language).

348. An alternative is using the variable 'own language' (language(s) with which a person feels identified). However, although current population censuses usually include information on first languages spoken (obtained by declaration of a wide sample of population), information on 'own languages' is lacking in most cases.

What is worth pointing out is that, in a mixed society, language groups may be rather heterogeneous, since they may include as their members both monolingual speakers of a particular language and bilingual speakers with some degree of identification with that language either as their first or second language, who in turn may also be members of other language groups. So, in a mixed society language groups may have significant degrees of internal variation and are not necessarily monolithic blocks of individuals with the same interests.

For example, table 24 reflects how this variation works in an imagined society with two significant language groups, A and B. This table shows that, in the same way that first languages spoken can serve as a proxy for distinguishing language groups, that is, for identifying variation *between* groups, bilingualism in second (societal) languages can serve as a proxy for mixture, that is, for variation *within* groups. To the extent that this internal variation increases, the distance between groups decreases, and the limits between them become less clear, both in terms of abilities and identities. Mixture will be related, then, to the existence of (a) significant percentages of people with different first languages and (b) significant percentages of bilinguals in societal languages.³⁴⁹

TABLE 24. Variation within language groups in a society with two significant groups, A and B

| Membership of language groups and language-related interests | | | | | |
|--|--|-------------------------------------|-------------------------------------|--------------------------------|------------|
| | Identity interests | Instrumental interests | Membership of language group A | Membership of language group B | |
| Citizens according to their linguistic skills and first languages (L1) | Monolinguals in A | Related to A | Related to A | yes | no |
| | Monolinguals in B | Related to B | Related to B | no | yes |
| | Bilinguals with L1 = A | Related to A (+B) | Related to A (+B) | yes | maybe (L2) |
| | Bilinguals with L1 = B | Related to B (+A) | Related to B (+A) | maybe (L2) | yes |
| | Bilinguals with L1 = A+B | Related to A+B | Related to A+B | yes | yes |
| | Bilinguals with other L1 (not L1 of long-settled populations) | Related to other (+A), (+B), (+A+B) | Related to other (+A), (+B), (+A+B) | maybe (L2) | maybe (L2) |
| | Monolinguals with other L1 (not L1 of long-settled population) | Related to other | Related to other | no | no |

349. Hereinafter, I shall use this term, *societal language*, to denote the languages spoken both as first or second languages by significant groups of people coexisting in a polity.

Regarding linguistic justice, two relevant facts can be highlighted when comparing this account of mixedness with the traditional transparent understanding of language groups:

a) On the one hand, when groups are porous and not monolithic in terms of individual interests (both communicative and identity-related), their members' preferences and the choices they may make are less predictable. Therefore, identifying restrictions of choices becomes more complex and distinguishing between internal and external restrictions is quite difficult. For example, in some mixed societies it may be unclear if there exists a minority language group (self-perceived as such) whose members tend to shift from their own language to the language of a majority group, as usually assumed by liberal theorists (e.g. by liberal egalitarian instrumentalists but also by liberal nationalists like Kymlicka, as seen in chapter 2); so, the distinction between majorities and minorities may be blurred.³⁵⁰ Groups themselves are unstable, since bilinguals may easily change their linguistic allegiances over life.

b) On the other hand, as anthropological sociolinguistics points out, in linguistically mixed societies the level of conflict between these groups decreases as long as bilingual practices and multiple identifications increase. For example, Woolard pays attention to the notion of bilingual simultaneity, built on the concepts of hybridity, heteroglossia and polyglossia previously discussed by Bakhtin³⁵¹ in his theory of discourse.³⁵² Woolard

350. In fact, as McAndrew remarks, the duality majority/minorities is often unclear in practice, so these concepts must be used with care (see McAndrew, *Fragile Majorities* [original in French (2010) translated by Michael O'Hearn]). According to this author, many societies do not have a clear dominant majority with a whole demographic, economic, linguistic and socio-cultural power over minorities of lower status, but rather different groups exist enjoying distinct degrees of power depending on the considered aspect, so they are potentially able to act as *fragile majorities* (ibid., 3). This is, for instance, the case of Catalonia regarding the Catalan-speaking and Spanish-speaking populations. Boix-Fuster and Paradís note that "in current Catalonia (...) the dichotomy between majority and minority may very often prove to be ambiguous, or even contradictory" (Boix-Fuster and Paradís, "Ideologies and Trajectories", 167).

351. Bakhtin, *The Dialogic Imagination*.

352. Woolard ("Simultaneity and Bivalency", 4) highlights that Bakhtin rejected a binarist approach to linguistic choices and, instead, showed the simultaneities of contrasting elements existing in language, such as: hybridity, "the mixing, within a single concrete utterance, of two or more different linguistic consciousness" (Bakhtin, *The Dialogic Imagination*, 429); heteroglossia, "that locus where centripetal and centrifugal forces collide,... that which systematic linguistics must always suppress" (ibid., 428); and polyglossia, "the simultaneous presence of two or more national languages interacting within a single cultural system" (ibid., 431). Note that such stress on *simultaneities* also challenges the concept of diglossia (Ferguson, "Diglossia";

describes the simultaneous presence of opposed social and linguistic values in many bilingual phenomena (e.g. code-mixing and code-shifting), and interprets them as evidence of *simultaneous individual identities*.³⁵³ Furthermore, this author highlights that members of societies with such multiple and fluid identities associate linguistic differences with a *game* rather than with a *conflict*, so that they tend to play with different linguistic repertoires and denaturize ethnic borders.³⁵⁴ In short, it is a practice related to bilingual linguistic skills (bilingual simultaneity) that favours the merger of identities and, in turn, the reduction of conflict.

Interestingly, and in this case from the perspective of economics, Caminal also shows that reciprocal bilingual practices limit the scope of conflict over the use of language, so they can improve the patterns of cooperation between individuals and generate significant welfare gains.³⁵⁵ According to this author, the main reason is that a *reciprocal bilingualism* (understood in terms of skills: everyone is able to speak the other's first language) provides room to balance the linguistic preferences of members of different language groups in their social and economic interactions. Since individuals' linguistic preferences usually tend towards their first languages (for Caminal, mainly because of identity reasons), when reciprocal choices are allowed and practiced, distaste from using a second language can be reduced. Consequently, linguistic conflicts of interests are tempered, cooperation enhanced and social welfare increases.³⁵⁶

In conclusion, both sociolinguistic and economic approaches suggest that in mixed societies people's communicative interests (underlying communicative practices) are closely related to their identity interests, so they become inextricably interdependent.

A politically relevant fact is that in these porous settings language interests and individual preferences will be more dependent on public policies than in rather transparent societies. So, language policies increase their salience, since they are more able to influence the choices of rather adaptable individuals in terms of linguistic skills and identifications. Con-

Fishman, "Bilingualism"), which describes a stable societal bilingualism in which two different linguistic varieties (high and low) are used with clearly different communicative purposes.

353. Woolard, "Simultaneity and Bivalency", 20.

354. Woolard, "Les ideologies linguïstiques" 192-193.

355. Caminal, "Economic Value", 167.

356. Ibid, 190.

sequently, different institutional designs of language policies may favour significantly different linguistic outcomes.

In section 5.3, I shall deal with the consequences of this set of remarks for the raising of suitable theories of linguistic justice to manage mixed societies. In particular, I shall highlight the benefits that, to my mind, promoting a reciprocal bilingualism has for mixed societies in terms of justice. Then, in section 5.4, I shall suggest an institutional design for implementing just language policies in such settings.³⁵⁷

5.2. Identifying real cases in western democracies

This section aims to analyse the prevalence of mixed societies in western democracies, so I shall operationalize the concept of mixed society through some of the variables included in the database described in chapter 3.

First of all, it must be taken into account that linguistic mixture is a matter of degree. According to the analysis carried out in section 5.1, a society will be more mixed as long as it has (a) more language groups, (b) higher percentages of individuals with first languages other than the majority first language(s), and (c) more important percentages of bilinguals able to speak societal languages, who in turn can develop multiple linguistic identities. Firstly, the more speakers of two (or more) societal languages, the more individuals with multiple linguistic identities there may be in a society. Secondly, the more different first languages those bilinguals have, the more variety of patterns of multiple identities may appear. Finally, the more individuals of different language groups with similar linguistic repertoires there are, the higher are the possibilities of there being simultaneous bilingual practices and therefore higher percentages of mixed identities.

The question is to what extent are linguistic mixture and mixed societies empirically significant phenomena, especially in western democracies (the focus of this research). It seems surprising when we see how little attention linguistic mixture has received from social and political theorists and economists in their analyses of ethno-cultural heterogeneity. These analyses tend to

357. I chose the label *reciprocal bilingualism* before knowing Caminal's work, published in September 2016. In fact, I knew Caminal's work a few weeks before ending this research, in June 2016, thanks to information generously provided by Professor Michele Gazzola. That coincidence, certainly striking for me at first, is undoubtedly due to our shared Catalan context. Not only the label I chose, also the concept underlying it is very close to the concept dealt with by Caminal.

consider ethno-cultural diversity in a transparent way that leads such scholars to characterize the plural society as polarized or fractionalized depending on the number of ethno-linguistic groups existing in a country.³⁵⁸ They also tend to consider that heterogeneity entails social conflict and is a potential danger for economic growth and quality of government. So, it seems that linguistically transparent ideologies are broadly shared by social theorists.³⁵⁹

Against this background, empirical evidence is needed for the prevalence of mixed societies in western democracies. I have tried to obtain this evidence through the analysis of sociolinguistic data of the 96 political units described in chapter 3.

5.2.1. Operationalisation process

Four variables are useful for identifying and measuring linguistic mixture in such political units: their number of language groups, their degree of L1 diversity, their degree of bilingualism in societal languages and their pattern of territorial distribution (see table 6 in chapter 3). Our available data do not allow us to obtain a precise picture of these polities in order, for instance, to predict the significance of individual mixed identities in a particular case. However, the variables selected do allow the identification of mixed societies and the mapping of their prevalence in western democracies.

I have considered that, to be classified as a mixed society, a political unit should meet the following necessary conditions:

1. The existence of two or more language groups.³⁶⁰
2. A degree of L1 diversity higher than 25% (at least a quarter of the population has a L1 different from the majoritarian L1).
3. A rather mixed or fully mixed pattern of distribution of groups.

358. E. g. Laitin, "What Is a Language Community?"; La Porta et al, "The quality of Government"; Alesina *et al.*, "Fractionalization"; Fearon, "Ethnic and Cultural Diversity"; Patsiurko *et al.*, "Measuring cultural diversity".

359. This was also valid for sociolinguists until a few years ago. As Woolard ("Introduction", 5) points out, "in accounts of language choice within the last several decades, an extended structuralist reading of the creation of social meaning out of contrast between mutually exclusive elements in a paradigm (high language/low language, we/they, ingroup/outgroup, etc.) had been fruitfully applied".

360. Only five cases have three language groups: two states, Andorra and Luxembourg (since a significant Portuguese-speaking language group is taken into account), and three Russian republics, namely Bashkortostan, Kabardino-Balkaria and Karachay-Cherkessia.

4. A degree of bilingualism in societal languages higher than 50% (at least half the population is bilingual in societal languages). This rate can be deemed excessively demanding, but it is intended to ensure an accurate identification of relevant cases of mixed societies. Since (a) we are considering only polities with a L1 diversity higher than 25%, and (b) in the vast majority of units of our corpus nearly all the population is able to speak a same common language, we can expect that in such polities the degree of bilingualism in societal languages will be by default higher than 25%. A degree of bilingualism similar to the degree of L1 diversity probably means that the members of weaker language groups are bilinguals in the same polity's common language, while the members of dominant groups (those having this common language as their L1) remain monolingual. So, it may not point to significant levels of linguistic mixture. In contrast, levels of bilingualism higher than levels of L1 diversity usually point to the existence of different patterns of bilingualism and mixed identities.

However, such a difference between the degree of L1 diversity and the degree of bilingualism in societal languages does not always respond to the existence of several patterns of bilingualism. It does not do so when the majority language group in terms of size tends to be the single bilingual group: this happens, for instance, when this demographically majority group is politically weaker than the other, as in the case of the Inuit-speaking group in Nunavut (Canada), the Venetan-speaking group in Veneto (Italy) and several groups speaking the titular languages of Russian republics; this happens as well when the majority group has been bilingualised by former assimilatory policies, as in the case of ex-soviet republics (e.g. the Ukrainian-speaking group in Ukraine). So, I have individually analysed each one of the 32 cases of my corpus with a degree of L1 diversity higher than 25% in order to assess the existence of diverse patterns of bilingualism or, in other words, the presence of *reciprocal bilingualism*.

This way, I have identified a special category of mixed societies, that of *hybrid societies*, where bilinguals belong to several language groups. In hybrid societies, different patterns of individual bilingualism exist (based on different combinations of societal languages as L1 and L2), so they are characterized by a certain degree of reciprocal bilingualism in terms of abilities. It means that some (or many) members of a language group defined by L1 are able to speak the L1 of other language group(s), and vice versa. In consequence, in hybrid societies, reciprocal bilingual practices are likely to be significant, so, following Woolard, such societies are expected to favour the existence of different patterns of individual

linguistic identities, a significant amount of which could be categorized as *simultaneous*, *multiple* or *hybrid* individual identities. Furthermore, hybrid societies are also expected to show low levels of linguistic conflict, as both Woolard and Caminal point out.³⁶¹

5.2.2. Findings

According to the criteria described, I have found 16 cases of mixed societies (8 of them hybrid societies) over 96 cases analysed. In view of this result, we can affirm that among western democracies the prevalence of this specific category of cases of linguistic mixture is significantly low: just 16.67% of polities analysed have more than 25% of L1 diversity and more than 50% of bilingualism in societal languages; and reciprocal bilingualism exists in just half of them (8.33% of the whole set of cases). Table 25 displays a classification of the cases considered.

Four categories can be distinguished on a scale between homogeneity and mixture:

1. Homogeneous cases (36, first row in the table), with a single language group that includes more than 90% of the population. In most cases, bilingualism in societal languages is also low (lower than 10%). Two different reasons explain a higher bilingualism: (a) the existence of policies promoting the learning of minority languages (e.g. in Ireland, Scotland, Finland, Prince Edward Island, Nova Scotia and Asturias); (b) the existence of a wide language group bilingual in the same second language, which is an official language in the state: e.g. in Malta (bilingualism in English, ex-colonial language), Chechnya and Ingushetia (bilingualism in Russian, single federal official language).

2. Rather homogeneous cases (28, second row in the table), with a single language group that includes more than 75% of the population. As well as in the former cases, bilingualism in societal languages can exceed 25% in two cases: (a) when language policies implemented foster the learning of minority languages (e.g. Basque Country, Grisons), and (b) when the majority group is bilingual in the same second language, which is an official language in the state (e.g. Russian in Moldova, Russian in Tuva and Italian in Sardinia).

361. Woolard, "Les ideologies linguïstiques"; Caminal, "Economic Value".

TABLE 25. Degrees of linguistic plurality and mixture in western democracies³⁶²

| | | Bilingualism in societal languages | |
|------------------------|---------------------------|---|--|
| | | < 10% = 27 | 10-25% = 25 |
| Degree of L1 diversity | < 10%= 36 | Armenia, Azerbaijan, Croatia, France, Italy, 8 Italian regions, ³⁶⁷ Netherlands, Poland, Romania, Karelia (Russian republic), Slovenia, Aragon (Spain), Sweden, 7 US states ³⁶⁸ | Prince Edward Island (Canada), Nova Scotia (Canada), Ireland |
| | 10-25%= 28 | NONE | 3 Canadian provinces (Alberta, Saskatchewan, Yukon), Lithuania, Russian Federation, 3 Russian republics ³⁶⁹ , Navarre (Spain), Norway, Slovakia, Wales (UK), US, 7 US states ³⁷⁰ |
| | 26-40%= 16 | NONE | Estonia |
| | > 40% ³⁷¹ = 16 | NONE | NONE |

362. Corpus: states and substates with language acts in force in January 2014 (96 political units).

363. In these cases there are no available data on knowledge of languages (I requested them from the respective official statistics services without success).

364. Basilicata, Calabria, Campania, Liguria, Molise, Piemonte, Puglia, Sicily.

365. Iowa, Montana, New Hampshire, South Carolina, South Dakota, Tennessee, Wyoming.

366. Khakassia, Komi, Udmurtia.

367. Alaska, Georgia, Idaho, Kansas, Rhode Island, Utah, Virginia.

368. Adygea, Altay, Buryatia, Mordovia.

369. Switzerland, Ukraine, Canada and Friuli - Venezia Giulia have a rather territorialized pattern of distribution of language groups and, according to the criteria adopted for categorization, cannot be considered mixed.

370. Most of these cases possess a language group that includes between 50% and 60% of the population (so L1 diversity is between 41-50%). Only in four cases is there no language group bigger than 50% of the population (so L1 diversity is between 51-60%); it means that three significant language groups exist. These four cases are one state, Andorra, and three Russian republics, Bashkortostan, Kabardino-Balkaria and Karachay-Cherkessia.

371. Bashkortostan, Chuvashia, Kabardino-Balkaria, Kalmykia, Karachay-Cherkessia, Tatarstan.

| 26-50% = 17 | 51-75% = 15 | > 75% = 11 | No data ³⁶⁶⁼² |
|--|--|--|--------------------------|
| Finland, Asturias (Spain), Scotland (UK) | Malta | Chechnya (Russian republic), Ingushetia (Russian republic) | |
| Northwest Territories (Canada), Quebec (Canada), Basque Country (Spain) | Tuva (Russian republic), Grisons (Switzerland) | Sardinia (Italy), Moldova | Serbia |
| Belarus, New Brunswick (Canada), Ontario (Canada), Schleswig-Holstein (Germany), 4 Russian republics ³⁷¹ , Switzerland ³⁷² | Nunavut (Canada), Veneto (Italy), Latvia, Ukraine | Galicia (Spain) | Macedonia |
| Canada, Friuli -Venezia Giulia (Italy), Mari El and Sakha-Yakutia (Russian republics) | 6 Russian republics, ³⁷⁴ Valencia (Spain) | Andorra, Aosta Valley (Italy), Luxembourg, Balearic Islands (Spain), Catalonia (Spain) | |

3. Apparently mixed cases (14, third and fourth rows of the third column in the table). These cases show a significant rate of L1 diversity (25%-50%) and similar percentages of bilingualism in societal languages.³⁷² They could be mixed, but sometimes language groups are rather territorialized (Canada, Friuli-Venezia Giulia, Switzerland), and other times the mixture is not clear enough (New Brunswick, Ontario, Schleswig-Holstein).

372. Exceptionally, in the case of Estonia the available data show that the degree of bilingualism is lower than the degree of L1 diversity. Firstly, according to the Estonian census of 2011, Estonian is L1 of 68.54% of the population, whilst Russian of 29.60%. Secondly, data provided by Statistics Estonia (2013) indicate that Estonian is L2 of 6.23% of the population. Finally, according to the Eurobarometer (European Commission, Special Eurobarometer 386) 43% of people can speak Russian. So, it seems that only around 19% of people are bilingual. A rather territorialized pattern of distribution of groups can explain this.

A particular case is Belarus, since according to several authors, data from the 2009 census are blurred and hide the existence of a mixed variety, Trasianka, widely used at least in urban settings.³⁷³

Another special case is that of Ukraine, which according to its rates of L1 diversity and bilingualism fits better in the next group (4, mixed societies). However, it has a rather territorialized pattern of distribution of language groups, so I have not categorized Ukraine as completely mixed, but as ‘apparently mixed’.³⁷⁴ In general, the cases in this group are not clearly mixed societies, so further data would be needed to suitably classify them.

4. Mixed cases (16, third and fourth rows of the third and fourth columns in the table). All of them have significant rates of L1 diversity (often higher than 40%) and even higher rates of bilingualism in societal languages. Moreover, the cases selected this way include all political units with three language groups. Table 26 (see appendix) displays some of their relevant features (state/substate, population, linguistic regime, L1 diversity, bilingualism in societal languages).

The existence or not of reciprocal bilingualism between language groups allows us to distinguish 8 cases of *hybrid societies* within this group. They are five substates, namely Aosta Valley (Italy) and four Spanish au-

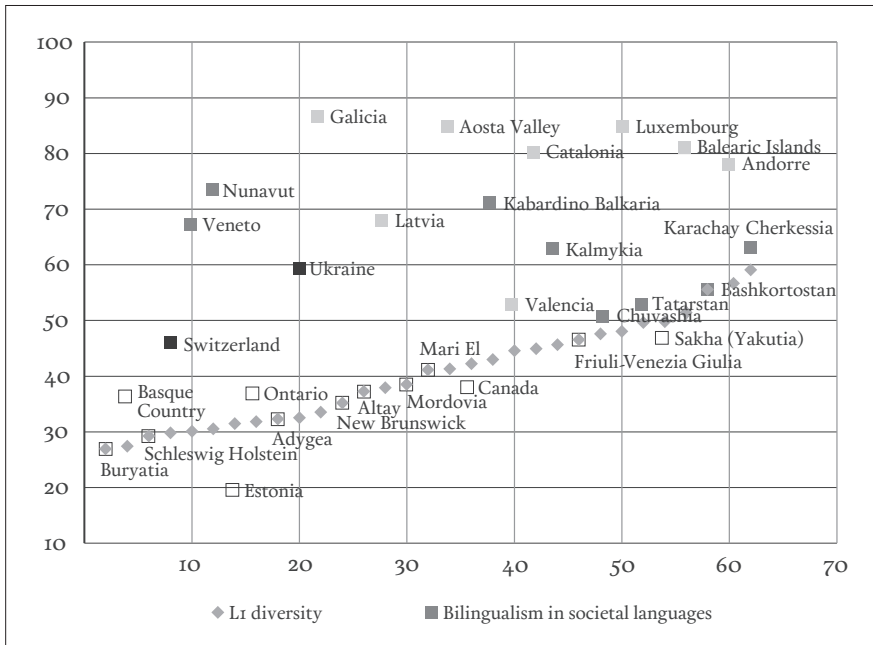
373. Kittel et al, “Mixed language”; Giger and Sloboda, “Language Management”. On the one hand, these authors point to the question of to what extent in the Belarusian case the notions of mother tongue and L1 are different things. Mother tongue is a rather symbolic concept, so people can declare Belarusian as their mother tongue despite the fact that they have spoken Russian as their first language of socialisation (Kittel et al, “Mixed language”, 54-55; Giger and Sloboda, “Language Management”, 318). This fact helps us to understand the data of the 2009 census (mother tongue: 53.5% Belarusian; 41.54% Russian; language spoken at home: 23.43% Belarusian; 70.21% Russian). On the other hand, Kittel et al (“Mixed language”, 55), in a study made with a sample of seven Belarusian cities, show that 45% of the population declares Trasianka as their mother tongue, whilst 38.6% declares Russian and 16.5% Belarusian. In this respect, Giger and Sloboda (“Language Management”, 318-320) warn that answers regarding the ‘language usually spoken at home’ in the censuses “may not adequately reflect the real language use because they do not include the widespread category of ‘mixed Belarusian-Russian language’”. Finally, the 2009 census provides a rate of bilinguals of 27.22%, but this number may also be blurred. So, the Belarusian case deserves a deeper analysis and cannot be easily classified.

374. Despite this, I am aware that Ukraine, with a population of more than 40 million, probably has major pockets of linguistic mixture, especially in urban settings. However, according to the latest official data available on knowledge of languages (Ukrainian census 1989), only 8.24% of the population speak Ukrainian as L2. More recent analyses (e.g. Ulasiuk, 2010) also point to a generalised Ukrainian-Russian bilingualism in the case of the first speakers of Ukrainian, but not the other way round.

tonomous communities (Balearic Islands, Catalonia, Galicia and Valencia), and three states, namely Andorra, Latvia and Luxembourg. Among them, Catalonia seems the most relevant case in terms of population size and levels of reciprocal bilingualism.

Figure 6 displays the cases of mixed and hybrid societies found among the political units that have more than 25% of L1 diversity, according to their rates of diversity of L1 and bilingualism in societal languages:

FIGURE 6. Mixed and hybrid societies



The vertical axis displays the percentages of both L1 diversity (rhombus) and bilingualism in societal languages (square). Every case is represented twice according to these two variables. Cases are ordered according to their degree of L1 diversity from left to right on the horizontal axis (e.g. Buryatia has 26.8% of both L1 diversity and bilingualism; the Basque country has 27.4% of L1 diversity and 36.4% of bilingualism; etc.). In the case of bilingualism (squares): cases with levels lower than 50% are depicted in white; territorialized polities in black; mixed societies in dark grey; hybrid societies in light grey.

Two remarks must be made on the set of mixed societies so identified: (a) most of them are minority nations in decentralized states; (b) most of them have plurilingual regimes. Both features are related, but not exactly correlated.

On the one hand, 14 out of 16 cases of mixed societies are minority nations framed in decentralized states with a linguistic regime that, following a typology proposed by Kraus,³⁷⁵ we can call *linguistic autonomy* (in contrast to *linguistic federalism*).³⁷⁶ These states encompass a monolingual project of majority nation-building in the centre and plurilingual regimes (often related to competing projects of nation-building) in (some) subunits. Italy, the Russian Federation and Spain are states organized with regimes of linguistic autonomy.³⁷⁷ According to this pattern, a single common (national) language is promoted by the state while other language(s) are additionally promoted by substates, so when both promotion policies are successful the substate populations tend to be bilingual. In practice, such a form of linguistic organisation represents the opposite model of linguistic federalism (with a plurilingual regime at the federal level and usually monolingual regimes in subunits). And their results, in sociolinguistic terms, are also the opposite: whilst the linguistic federalism model reinforces linguistic territorialisation (and thus the dominance of a particular language group in each subunit), the linguistic autonomy model fosters linguistic mixture.

A common denominator for Italy, the Russian Federation and Spain is that, after a former period of not completely successful assimilationist policies, such states have carried out (in different forms and degrees) processes of decentralization and devolution of self-government to their national minorities, including measures for the promotion of national minority languages. Usually, the higher the degree of self-government obtained by subunits, the more effective has their institutional use of national minority languages been. This factor, along with other contextual elements such as demographic proportions of language groups and proximity between languages (possibilities of inter-comprehension), is related to the resultant levels of linguistic mixture.³⁷⁸

375. Kraus, *A Union of Diversity*, 94-97.

376. According to Kraus, in a regime of linguistic autonomy the state is committed to a more or less exclusive use of the majority language, although a formal equality of majority and minority languages exists at the regional level, so the challenges of bilingualism become primarily a matter of regional concern. However, in the case of linguistic federalism, the state recognizes several languages as state languages and refrains from enforcing the use of a common language (Ibid: 97).

377. As well as Canada, with regard to the Inuit language group.

378. Latvia also fits this common denominator of devolution of self-government after a period of not fully successful assimilationist policies.

On the other hand, 14 out of 16 cases of mixed societies also have plurilingual regimes, which *de jure* allow for the individual choice between two or more languages in the public sphere. Table 27 displays the set of political units classified according to six categories of degree of choice allowed by their language acts.³⁷⁹ It shows a strong correlation between the highest degree of choice set up *de jure* and the category of mixed societies.

According to the empirical cases found, such plurilingual regimes seem to be more a cause than an effect of linguistic mixture, as seen in states with a regime of linguistic autonomy. That is, in general it is not the existence of significant rates of mixture that leads to the design of plurilingual regimes, but rather the other way round.

However, this equation is not always true. For instance, Andorra and Latvia have adopted monolingual regimes *de jure* (in Catalan and Latvian, respectively) that in practice contribute to increase their levels of mixture, because they foster the bilingualisation in these languages for the members of other significant language groups (Spanish-speaking and Russian-speaking, respectively).³⁸⁰ Contextual factors should be accurately analysed in order to explain the causes and effects of linguistic regimes. Furthermore, regarding their effects, it is worth bearing in mind the distance that often exists between language policies established *de jure* and those undertaken *de facto*.³⁸¹

379. As stated in section 5.1, these categories are based on the concepts of LTP and LPP, to which I have added a jurisdictional dimension (general *versus* local choice) and a communicative domain dimension (free *versus* partial choice). As a result, the six categories are: no choice (exclusivity of a language); general minimal choice; general partial choice; local partial choice; local free choice; general free choice.

380. Conversely, it seems that the adoption of a plurilingual regime in Belarus since 2005 (Belarusian-Russian) has contributed to the abandonment of Belarusian in favour of Russian. However, Giger and Sloboda ("Language Management", 323) point out that the Belarusian regime has significant shortcomings and is characterized by a tendency to marginalize Belarusian (so it seems in practice close to a monolingual regime).

381. Several authors point out the usual distance between linguistic rules adopted and their *de facto* implementation (cf. Braën, "French in Québec": 105-106; Gagnon, *Temps d'incertituds*, 47-48; Wright, *Language Policy*, 125-126). This is a common feature in language policies intended to be *binding* in the Van Parijs' sense, that is, aimed to counteract the sociolinguistic maxi-min dynamics favouring the most known language among a particular population (see chapter 2).

TABLE 27. Degrees of mixture and linguistic regimes in western democracies³⁸²

| | | Linguistic regimes: degree of choice de jure ³⁸⁶ | |
|-------------------|------------------------|---|---|
| | | no choice (exclusivity) = 14 | general minimal choice = 14 |
| Degree of mixture | homogeneous= 36 | Azerbaijan, France, 6 US states (Iowa, New Hampshire, South Carolina, South Dakota, Tennessee, Wyoming) | 8 Italian regions, ³⁸⁷ Montana(US) |
| | rather homogeneous= 27 | United States, 4 US states (Alaska, Idaho, Kansas, Utah) | Slovakia, 3 US states (Georgia, Rhode Island, Virginia) |
| | apparently mixed= 14 | NONE | NONE |
| | mixed= 17 | Latvia | Veneto (Italy) |

382. Corpus: 94 states and substates with language acts in force in January 2014. Macedonia and Serbia are not included because they lack available data on bilingualism and are not classified on the scale of mixture.

383. This variable indicates the extent to which a linguistic regime gives room to individual choices of different languages in official uses. The categorization proposed is based on the concepts of LTP and LPP, to which I have added a jurisdictional dimension (general versus local choice) and a communicative domain dimension (free versus partial choice).

384. Basilicata, Calabria, Campania, Liguria, Molise, Piemonte, Puglia, Sicily.

385. Khakassia, Komi, Tuva, Udmurtia.

386. Adygea, Altay, Buryatia, Mari El, Mordovia, Sakha (Yakutia).

387. Bashkortostan, Chuvashia, Kabardino-Balkaria, Kalmykia, Karachay-Cherkesia, Tatarstan.

| general partial choice = 10 | local partial choice = 7 | local free choice = 6 | general free choice = 43 |
|---|--|---|--|
| Nova Scotia(Canada), Karelia (Russian Federation), Aragon (Spain), Asturias (Spain) | Armenia, Italy, Netherlands, Poland, Romania | Croatia, Slovenia, Sweden | Prince Edward Island (Canada), Ireland, Finland, Scotland (UK), Malta, 2 Russian Republics (Chechnya, Ingushetia) |
| Alberta (Canada), Quebec (Canada), Saskatchewan (Canada), Sardinia (Italy) | Lithuania | Russian Federation | 2 Canadian provinces (Northwest Terr., Yukon), Moldova, Norway, 4 Russian republics, ³⁸⁸ Wales (UK), Basque Country (Spain), Navarre (Spain), Grisons (Switzerland) |
| Schleswig-Holstein (Germany) | Estonia | Friuli -Venezia Giulia (Italy), Ukraine | Belarus, Canada, 2 Canadian provinces (New Brunswick, Ontario), 6 Russian republics, ³⁸⁹ Switzerland |
| Andorre | NONE | NONE | Nunavut (Canada), Aosta Valley (Italy), Luxembourg, 6 Russian republics, ³⁹⁰ Balearic Islands(Spain), Catalonia (Spain), Galicia (Spain), Valencia (Spain) |

In summary, despite the fact that plurilingual regimes can be seen as a cause of linguistic mixture in most cases found, such a causal relation could only be generalized after specific further research that I cannot undertake here. Instead, once several mixed societies among western democracies have been identified and characterized, I will return to the theoretical framework of linguistic justice in order to address the ways that just language policies could be implemented in such societies.

5.3. Linguistic justice in mixed societies: a defence of plurality

In this section, I argue that, in the case of mixed societies, justice demands to maintain a linguistic plurality based on a wide reciprocal bilingualism between the members of large language groups of long-settled population. Here, by reciprocal bilingualism I mean not only the ability to speak the first language of other language groups, but also the effective reciprocal use of others' first language, at least to a certain degree, in communicative interactions.

It is worth clarifying that I am not defending linguistic plurality *per se*, because of its intrinsic value (an approach widely questioned by liberal theorists). Instead, I defend the view that a sustainable linguistic plurality, in the specific case of mixed societies, is the by-product of implementing a pluralist approach of linguistic justice, aimed at giving an equal treatment to individuals as members of language groups. In fact, from this perspective linguistic plurality is more a means than an end, in the sense that it favours the existence of fair background conditions of choice, as we shall see below.³⁸⁸ As a starting point, I shall take the first three conclusions of my approach to theories of linguistic justice set down in chapter 2: (a) languages matter to people both for instrumental (communicative) and identity reasons; (b) just as majority languages are carriers of identity, minority languages can also be useful tools of communication; (c) accordingly, linguistic plurality could be normatively grounded not only in identity interests, but also in instrumental interests.

In chapter 2, I have maintained that governments should be concerned about both the communicative and identity-related needs of their citizens, that is to say: (a) about enabling them to realize their instrumental interests in terms of communicative efficacy, and (b) about enabling them to realize their identity interests in terms of dignity and freedom in a meaningful context of choice.

Now my aim is to analyse how these principles can be implemented in mixed societies. In my view, they favour two complementary and interconnected policy lines intended to give an equal treatment to significant

388. Just as Van Parijs defends linguistic territoriality as a by-product of the pursuit of dignity for the speakers of (single) locally territorialized languages, I suggest that linguistic plurality, understood as reciprocal bilingualism, can be defended in mixed societies as a by-product of the pursuit of both instrumental and identity interests. See Van Parijs, *Linguistic Justice for Europe*.

(in terms of size) language groups of long-settled population.³⁸⁹ Firstly, the satisfaction of instrumental interests should lead governments to engage in the public use of the first languages of the population (to the extent that they usually are the best known languages, those in which people have best linguistic skills), as well as to foster the learning of societal and foreign languages which are valuable in terms of communicative efficacy. In a mixed society, societal languages are expected to have a significant usefulness for a wide range of local communications (see chapter 2); foreign languages, as usual, are expected to be useful from a more global (or delocalized) perspective.

Secondly, the satisfaction of identity interests should lead to the equal recognition of the language groups existing in a political unit. So, where different language groups exist, language policies should foster the public use of their different *own* languages (usually their first languages).

Since first languages tend to be the most bonded to individual identities as well as the best known by people, the first languages of significant long-settled groups of population should be granted public support both for instrumental and identity-related reasons.³⁹⁰

Although the literature has tended to see people's first languages primarily as carriers of identity (especially in the case of minorities), I defend that in mixed societies first languages of significant groups of population (what I call *societal languages*) always have instrumental value. As argued in chapter 2, their instrumental value derives both from people's better linguistic skills and from the suitability of using local languages to gain communicative effectiveness in many local contexts.

Moreover, as I have also maintained in chapters 2 and 4, it is worth noting again that instrumental and identity-related interests of individuals are bonded in an inextricable way and cannot be understood as separate issues.

389. My proposal mainly bears in mind such significant language groups of long-settled populations, whose coexistence precisely defines a mixed society. However, this proposal might be a starting-point for the treatment of other language groups (minor in terms of size or compounded by immigrants). As noted in chapter 2, often the distinction between long-settled and migrant groups is empirically difficult and evolves over time; in fact, the historicity of a group within a polity is a matter of degree. I am aware of that, and here I am simply describing theoretical criteria to deal with these general categories.

390. This is the principle applied in practice in homogeneous societies (those with a single language group). In the case of plural societies the principle remains the same, although the complexity of its implementation increases.

Mixed societies display strong evidence of such interdependence. As seen in section 5.2, as long as members of different language groups have bilingual skills and engage in bilingual practices, individual multiple identities increase and conflict between groups decreases. At the same time, limits between groups become more porous as long as variation of both skills and identities within groups increases. Therefore, in mixed societies it seems particularly apparent that enabling people to speak societal languages may have relevant consequences for their identities, because having or not having an instrumental capacity (particular linguistic skills) largely influences not only individuals' instrumental interests, but also their identity interests.

In my view, the case of mixed societies makes it clear that it is the fulfilment of effective communication, dignity and freedom altogether that favours valuable political objectives such as democratic participation, inclusion, social cohesion, mutual understanding, solidarity, trust, unity and stability. Bearing in mind such objectives, I defend that pluralism, in mixed societies, means to a great extent implementing language policies intended to foster and maintain a broad individual bilingualism in societal languages. If there is wide agreement on the suitability of fostering bilingualism in foreign languages as a matter of justice, why cannot bilingualism in societal languages also be fostered on the same grounds? While the former can be grounded in socio-economic arguments, the latter can *also* be grounded in ethno-cultural arguments.

Furthermore, the possession (or not) of bilingual skills by significant (or not) percentages of members of different language groups acquires even more relevance from another perspective of linguistic justice, that of individuals' freedom of choice. In societies with two or more coexisting language groups, when dominant groups remain largely monolingual, the members of weaker groups will possibly tend to *choose* to shift to dominant groups (or, in other words, to be assimilated). If so, possibly the reason for this shift will not only be the existence of dominant ideologies and social norms affecting linguistic attitudes and behaviours, as highlighted by sociolinguists and social psychologists. Probably, the most powerful reason will be the monolingualism of such dominant groups, which in practice is impeding any linguistic choice to the members of weaker groups when both interact.³⁹¹

391. Consciously, in this paragraph (as in other passages of this chapter) I use the terms *dominant* and *weaker* instead of *majority* and *minority*, in order to emphasize aspects of power and status of language groups over their size (see also note 9 in chapter 2).

In fact, sociolinguistics has traditionally understood societal bilingualism as a temporary step to the assimilation of a linguistic minority into a majority language (approach of prominent sociolinguists like Joshua Fishman and most Catalan sociolinguists in the eighties and nineties).³⁹² Indeed, this had been the path followed in most mixed cases included in table 26, where mixture exists because certain changes in public policies have recently *reversed a language shift* (using Fishman's terms).

So, in the case of mixed societies, if many members of a dominant language group remain monolingual, can we say that fair background conditions exist for people to make their linguistic choices? Could a wide and reciprocal individual bilingualism in societal languages be seen as a desirable political outcome in terms of justice? If we understand justice as a fair equal treatment of individuals' linguistic interests, might justice require the design of institutional systems of public recognition intended to maintain (or foster) such a reciprocal bilingualism?

In my view, a pluralist approach of equal treatment, which takes into consideration both instrumental and identity interests of individuals, leads us to conclude that justice in mixed societies not only consists of enabling *minorities* to use their own languages in the public sphere, but also of enabling *all citizens* to use societal languages. From this perspective, just language policies should be intended to sustain plurality, on the basis of a wide individual bilingualism in societal languages (reciprocal between groups), bilingualism supported by recognition in the public sphere and aimed to be maintained over time.³⁹³

I defend the view that such a reciprocal bilingualism in societal languages favours linguistic justice in mixed societies from both a socio-economic and an ethno-cultural logic. As argued in chapter 2 and in previous sections of this chapter, (a) bilingual individuals have more opportunities than monolinguals, even when second languages learnt are local languages; (b) a reciprocal bilingualism leaves space for individuals'

392. For instance, Lluís Vicent Aracil, Rafael Ninyoles, Antoni Maria Badia and Francesc Valverdu (cf. Boix-Fuster and Vila i Moreno, *Sociolingüística*, 33-43).

393. The notions of sustainable plurality and sustainable bilingualism I deal with in this work are close to Bastardas's approach to *linguistic sustainability*. For Bastardas (*Cap a una sostenibilitat lingüística, Les polítiques de la llengua i la identitat, Language and Identity Policies*), when individuals share multiple languages, in order to maintain linguistic plurality a principle of *linguistic subsidiarity* intended to benefit local languages must be applied. However, while Bastardas focuses on languages (their functions, their use domains), my focus is on linguistic justice for individuals as members of language groups, so I suggest a different formulation.

linguistic preferences and choices, choices that are relevant both in terms of identity management and of communicative effectiveness; (c) consequently, linguistic conflict decreases, so cooperation between individuals and social welfare may increase.³⁹⁴

Finally, it is worth noting that this approach allows for a shift from the traditional view of linguistic majorities and minorities as opposing groups (with opposite interests) to a greater assumption of hybrid identities and practices as real and legitimate forms of linguistic plurality.³⁹⁵

5.4. An institutional design for language policies in mixed societies

Bearing in mind the case of mixed societies, this section suggests an institutional design of language policy suitable for promoting a sustainable bilingualism in societal languages, intended to favour fair background conditions for linguistic choice.

On the one hand, the starting point is that of a plurilingual regime which leaves room for individual linguistic choices. So, as a general norm, it should be possible for members of significant long-settled language groups to communicate with institutions and receive services in their first (own) languages.

On the other hand, a wide reciprocal bilingualism should be institutionally fostered with the aim of making it sustainable. The sustainability of such bilingualism not only entails enabling all citizens to speak societal languages; it also entails providing incentives to effectively use them. That is, in order to favour the existence of fair background conditions of linguistic choice, balanced structural incentives to the use of societal languages should be promoted by institutions.

Therefore, by supporting plurality I do not simply mean implementing a plurilingual regime that allows for individuals' choices. I also mean implementing a language policy favouring an effective balance between the options of individuals as members of more dominant or weaker language groups. Obtaining such a balance will depend on the effective applica-

394. Caminal, "Economic Value", 190.

395. Such a shift has been claimed by several sociolinguists like Duchêne (*Discourses of Endangerment*) and Woolard ("Les ideologies linguïstiques"). Also De Schutter ("Language policy") defends the legitimization of linguistic hybridity from political theory.

tion of two key tools in public policies: resources and restrictions. And it seems that, in general, western mixed societies allow for the pursuit of this balance through reasonable levels of both resources invested and restrictions applied.³⁹⁶

Starting from De Schutter's position (see chapter 2), I defend that (a) vulnerable groups deserve more resources than dominant ones, and that (b) several linguistic restrictions of the use of dominant languages can be justified in terms of *equal enabling*. However, unlike De Schutter, as argued in section 5.3, I maintain that such a distribution of resources and such restrictions can be justified not only on the grounds of the protection of identity-related interests, but also on the grounds of communicative interests.

Taking into account both kinds of interests, I suggest three basic lines of language policy for mixed societies: (a) the public (or official) use of the long-settled population's first languages (societal languages), with areas of priority for weaker language groups (mainly in public institutions) in order to obtain a balance of structural incentives for linguistic choice; (b) the universal teaching of such societal languages in public educational systems (along with foreign languages), with the aim of providing similar and sufficient bilingual skills to all individuals; (c) the provision of linguistically non-segregated public services, which is especially relevant in the case of education.

In the case of (a), by 'priority for weaker language groups' I mean the design of institutional policies that force the members of dominant language groups to use the languages of weaker groups in certain public domains.

This design is intended to provide balanced instrumental incentives to individual bilingualism both for majorities and minorities. Regarding the restrictions of choices it entails, the clearest one is that an individual cannot choose to remain monolingual (in terms of ability). In terms of use, individuals can remain monolingual in private uses, but not always in public uses. For example, as workers of both public institutions and private firms, they will be required to follow corporate criteria, and such corporate criteria should include, in the case of interactions with citizens,

396. On the one hand, as said in section 5.2, most of them have only two significant long-settled language groups. On the other hand, their levels of bilingualism in societal languages are already important. So, this reality strongly reduces the problem of expensive costs linked to the promotion of minority languages that concerns several liberal theorists (e.g. Patten, *Equal recognition*; Van Parijs, *Linguistic Justice for Europe*).

the use of the societal languages requested by them. Also, as citizens, individuals can be invited (although not forced) to use the weaker societal languages in dealing with public institutions. I understand that these partial restrictions are justified in terms of equal enabling of individuals, as long as in their absence monolinguals would continue to limit the choices of bilinguals.

Regarding the second line of language policy (*b*), a universal knowledge of societal languages (and relevant foreign languages) is a necessary condition for the first (*a*) to work, since it is the basic pillar of equal enabling. Such knowledge can be provided through different designs of educational systems, a point related to the third line (*c*).

In line (*c*), I defend the non-segregation of public services, that is, the provision of a single line of services for all language groups. Such integrated services can be plurilingual to different extents, in accordance with the first line (*a*): room for individual choice must exist, but different contextual arrangements can be made in order to balance the conditions of choice, conditions that in turn should be assessed from a comprehensive perspective of the structural elements (social, political, economic) that are influencing choices in each particular mixed society.

The main argument for suggesting such a non-segregated offer of public services is its suitability to avoid exclusion and other undesirable outcomes related to segregated designs built on the dichotomy majority/minority (cf. Patten, 2016). This is particularly relevant in the case of education.

Marie McAndrew, in her comparative study of educational systems in Belgium, Catalonia, Northern-Ireland and Quebec, maintains that in evaluating the suitability of a schooling model (in terms of segregation/non-segregation) it is necessary to measure its outcomes regarding three main social objectives: equality of opportunity in education; the maintenance of the different groups' cultures, languages and identities; and social cohesion.³⁹⁷ Her analysis highlights three relevant facts in relation to my proposal: (*a*) every society has developed a formula adapted to its needs and characteristics but not suited to other contexts; (*b*) the order of priority of the mentioned objectives cannot be analysed apart from the specific context where the relative intensity and urgency of the problems can be evaluated; and (*c*) partly due to the lack of available empirical data,

397. McAndrew, *Fragile Majorities*.

it is difficult to isolate the impact of an educational design on the attainment of these objectives.³⁹⁸

Bearing in mind McAndrew's analysis, what I suggest is that, in the specific case of mixed societies, an educational system intended to enable all citizens equally in societal languages by not separating students according to their first language(s) is a suitable model. In these contexts, a common schooling is expected to favour equal opportunities and social cohesion, and does not necessarily threaten the vitality of a linguistic group.

Firstly, it fosters the attainment of similar skills in relevant languages by students belonging to different groups.

Secondly, it allows for early contact with linguistic diversity and the perception that diversity is a normal societal fact, as well as offering a space for natural debate on linguistic issues. Moreover, in the absence of huge ethnic conflicts it favours early emotional bonds between members of different language groups that may provide fertile ground for inclusion, mutual respect and understanding, trust, solidarity, etc. Therefore, it can also contribute to cooperation in economic terms, as well as to the minimization of social, ethnic and economic segmentation. At the same time, it avoids the opposite outcomes, related to segregated systems, as described by Arraiza in the case of educational systems implemented in Bosnia-Herzegovina, Macedonia and Kosovo.³⁹⁹

Thirdly, I suggest that in mixed societies the vitality of a language group largely depends on aspects behind the educational system (e.g. wider policies impacting institutional and professional language uses).⁴⁰⁰

398. *Ibid.*, 44-46. For example, she concludes: "In Catalonia (...) the cohabitation of language groups seems not to have had the negative consequences for the minority language that its opponents in Quebec and Belgium feared. But, conversely, one cannot prove that the institutional completeness that prevails in these two societies has had the negative impact on social cohesion that Catalans seem to dread. Institutional completeness, to a certain degree, undoubtedly contributes to the development of stereotyped perceptions of the other group, but it can also promote stability in societies where ethnic tension could have been more violent. Similarly, the belief of Catalan authorities that equality of opportunities is better fostered by common schooling is well founded in part. This belief, however, is far from confirmed by the international literature (...)"

399. Arraiza, *Making Home Rules* (PhD thesis). He points out how, in these three cases, the lack of interaction of students of different ethnicities or language backgrounds makes social cohesion difficult and does not contribute to preventing inter-ethnic tensions (*ibid.*, 27).

400. For instance, in the case of Spanish regions, when comparing the status and vitality of Catalan in Catalonia (non-segregated system) and in Valencia (segregated system), it is clear that Catalan is stronger in the former than in the latter.

Although in some cases like those described by Arraiza (where huge ethnic conflicts exist), segregation seems in practice the only feasible solution, and despite the fact that most systems in linguistically plural societies opt to offer separate lines of schooling for linguistic minorities, I defend that mixed societies fit better with unified systems pursuing an equal and simultaneous enabling of citizens as bilingual individuals. This has been the solution adopted in the Catalan case, to which I will refer in chapter 6.

It is true that a single educational system for all language groups has certain costs in terms of restrictions of choices, while parents cannot (completely) choose which language(s) and in which language(s) their children learn. However, in my view such restrictions can be defended to the extent that (a) the educational system effectively ensures an equal enabling for all (regarding linguistic and other skills); (b) costs in terms of restrictions are outweighed by benefits in terms of social justice: not only by favouring equal opportunity through effective bilingual skills, but also by favouring inclusion, social cohesion, mutual understanding, cooperation, etc.; and (c) restrictions are minimized through contextual arrangements, always pedagogically assessed, and supported by a significant social and political consensus.⁴⁰¹

Furthermore, a unified education system, to the extent that it allows for stimulating debate and deliberation on linguistic issues among members of different groups, is ultimately a suitable environment for the building of citizens' reflective preferences.⁴⁰² In this sense, it is worth bearing in mind that, beyond a basis of what is required by justice, just language policies may include optional decisions adopted through political negotiation on the basis of such citizens' reflective preferences. According to the pluralist approach, linguistic justice requires the equal treatment of instrumental and identity interests of individuals as members of different language groups. I have argued that, in mixed societies, such a requirement leads to supporting a balanced and sustainable bilingualism, and I have suggested an institutional design with three basic lines of action to bring this about.

401. Moreover, as Van Parijs (*Linguistic Justice for Europe*, 138) remarks, it must be taken into account that educational models are rarely individually chosen by parents.

402. By reflective preferences I mean non-spontaneous and non-context contingent choices, in the sense suggested by Offe and Preuss: "preferences that are the outcome of a conscious confrontation of one's own point of view with an opposing point of view, or of the multiplicity of viewpoints that the citizen, upon reflection, is likely to discover within his or her own self". Offe and Preuss, "Democratic Institutions", 170-171.

Beyond that, the field for engaging in supplementary political decisions through democratic procedures is open (e.g. on contextual arrangements for educational designs, on duties of legal persons towards citizens in the provision of services, etc.).

Since in mixed societies (especially in those characterized as hybrid societies), with significant percentages of citizens attached to different languages, linguistic preferences are not very predictable and can substantially vary over life, enabling citizens to make reflective choices in a climate of mutual respect and to revise such choices when necessary, becomes one of the pillars of language policies. To reinforce this pillar, a broad and reciprocal bilingualism in societal languages, intended to be maintained over time, can be a helpful asset to reinforce this pillar.

I conclude this section by stressing a final but not minor point. Suitable institutional designs of language policies in mixed societies challenge the traditional assumption that any (primary) *demos* requires one single common language to work politically. From my perspective, the case of western mixed societies leads us to support the promotion of two (even three) common languages, all of which are, on the one hand, effective vehicles for the exercise of citizenship, and, on the other hand, part of the collective identity.

5.5. Conclusion

This chapter has analysed the case of linguistically mixed societies, where significant numbers of the long-settled population belong to different language groups and live intermingled, and where significant percentages of bilingual individuals coexist, so that some (or many) of them can be ascribed to more than one language group. Mixed societies are particularly challenging to the traditional monist theories of linguistic justice, since language groups cannot be either geographically territorialized or easily delimited. Therefore, they require pluralist approaches, with several contextual adaptations to their specific features.

First of all, I have characterized mixed societies dealing with fundamental concepts like language group, bilingualism, first language, own language, societal and foreign language, as well as bearing in mind socio-linguistic approaches to linguistic hybridity and mixture. Accordingly, I have pointed out that (*a*) in mixed societies language groups tend to be porous, more or less heterogeneous in terms of linguistic abilities and iden-

tities of their members, and that (*b*) the higher the number of bilingual practices among members of different language groups, the higher the number of individuals with multiple identities that can exist, so conflict between groups tends to decrease and cooperation between individuals tends to increase. In these porous settings, language interests and individual preferences will be much more dependent on public policies than in the case of linguistically transparent societies. So, language policies become particularly salient, since they are better able to influence the choices of individuals who are quite adaptable in terms of linguistic skills and identifications.

Next, I have operationalized the concept of mixed society through four variables included in the database described in chapter 3: number of language groups, diversity of first languages (L1), degree of bilingualism in societal languages and pattern of territorial distribution. In doing so, and with the aim of circumscribing my analysis to the most relevant empirical cases, I have dealt with high rates of both L1 diversity (more than 25%) and bilingualism in societal languages (more than 50%). This way, from over 96 political units analysed I have identified 16 cases of mixed societies in western democracies, among which I have distinguished 8 cases of *hybrid societies*, characterized by significant levels of reciprocal bilingualism in societal languages. Thus, the analysis made has revealed that mixed societies, as defined in this work, are scarce among western democracies, while hybrid societies are exceptional cases. Most of the mixed societies found (14) are minority nations of decentralized states with a regime of linguistic autonomy (a monolingual project of majority nation-building in the centre and plurilingual regimes in subunits, whose populations tend to be bilingual). So, I have concluded that this pattern of political organisation is a significant cause of linguistic mixture.

Then, I have suggested a proposal for implementing linguistic justice in mixed societies, drawing on the way that communication and identity are linked. I have argued that in mixed societies it is the fulfilment of effective communication, dignity and freedom altogether that favours valuable political objectives such as democratic participation, inclusion, social cohesion, mutual understanding, solidarity, trust, unity and stability. Bearing in mind such objectives, I have defended language policies intended to foster and maintain a broad reciprocal bilingualism in societal languages, on the grounds of individuals' instrumental and identity interests. A sustainable bilingualism can be seen as a by-product of the equal treatment of individual interests, since it is linked both to the equal

enabling of citizens (in terms of linguistic skills) and to the provision of fair background conditions for their linguistic choices. So, from this perspective it can be consistent with a procedural approach of justice as defended by Patten.⁴⁰³

In order to sustain a broad and reciprocal individual bilingualism in societal languages, institutions should provide balanced structural incentives to use such languages. I have suggested that, in mixed societies, institutional designs of language policies should include three lines: (a) the public (official) use of societal languages, with areas of priority for weaker language groups; (b) the promotion of their universal knowledge among the population and (c) the provision of non-linguistically-segregated public services, especially relevant in the case of education. These three lines can take different forms according to contextual arrangements, and can be supplemented by a wide range of language policy choices adopted in the political arena (desirably on the basis of citizens' *reflective* preferences). In contrast to the traditional assumption that a *demos* can only work politically when it has a single common language, the language policy principles I suggest are inspired by the conception that mixed *demos*i may possess two (even three) common languages, and are implemented through an institutional organisation built on this challenging assumption.

403. Patten, *Equal recognition*.

6

Conclusions

The general purpose of this work has been to approach linguistic justice from the perspective of liberal democracy. To do so, I have analysed both normative theories and political practices, focusing on two points: (a) the ideologies around why language(s) matter to people, that is, about which interests people derive from language(s), on the axis communication/identity; (b) the conceptions (either monist or pluralist) on the functioning of languages and language groups within *demos*, in this case highlighting the challenges posed by linguistically mixed societies, where significant numbers of the long-settled population belong to different language groups but live intermingled, so that considerable levels of individual bilingualism also exist.

The analysis carried out has pursued two main aims: firstly, to understand and map the ideological underpinnings of both theories and practices of linguistic justice; and secondly, to contribute to the improvement of theories of linguistic justice, specifically regarding the case of mixed societies.

I have argued that (a) in general, people derive communicative and identity interests from languages, mainly from their first languages (regardless of their condition of majority or minority languages within a *demos*), and that (b) communicative and identity interests related to languages are inextricably linked. On this basis, I have defended that (a) linguistically plural societies require pluralist solutions, which could be normatively sustained both on communicative and identity grounds, and that (b) the implementation of just language policies in mixed societies should foster a broad and reciprocal bilingualism among citizens (understood as a means of favouring effective fair background conditions for linguistic choice), which should be promoted by suitable institutional designs.

In the following sections, I summarize the main findings related to my research aims. In doing so, I do not exactly follow the chapters' structure; instead, I combine the findings obtained in different sections to provide a more comprehensive view thereof. Finally, I suggest several avenues for further research.

6.1. The ideological underpinnings of theories and practices

The combination of my two focuses (interests related to languages, monist and pluralist approaches) and my two levels of research (theoretical and empirical) has resulted in four groups of questions displayed in table 1 (see introduction), which I reproduce here:

TABLE 1. Research questions

| | Linguistic interests: communication and identity | Territorialization of languages and language groups |
|--------------------------|---|---|
| Theoretical level | What interests do individuals derive from languages? Which values can legitimize language policies? | How are languages and language groups conceived by political theory? To what extent are the proposed normative solutions monist or pluralist? What are mixed societies? |
| Empirical level | To what extent do languages (explicitly) matter in western democracies? How are linguistic regulations legitimated in terms of communication and identity? | What is the prevalence of mixed societies in western democracies? How do linguistic regimes relate to the degree of plurality and mixture of western democracies? |

The answers to this set of questions constitute a descriptive and analytical basis on which my further normative proposals are built.

I will address them paying attention firstly to the divide between communication and identity, and secondly to the divide between monism and pluralism (or transparency and mixture at the empirical level).

6.1.1. Understanding communication and identity

The theoretical level: What interests do individuals derive from languages?

In order to answer this question, I have reviewed the normative positions of contemporary political philosophers, by classifying them into instrumentalists and constitutivists. Whilst instrumentalist positions defend a purely communicative view of language (not linked to the membership of a particular language group), constitutivists argue that languages are

also carriers of identity, so identity interests related to languages should be taken into account in order to treat people equally. While the earlier liberal approaches (and notably first liberal egalitarianism) tend to be instrumentalist, the later multiculturalist and liberal nationalist approaches, and developments of linguistic justice in the 21st century, are mainly constitutivist. Thus, I have concluded that most of the current proposals for linguistic justice share a constitutivist approach (they consider both communicative and identity interests related to languages).

Next, in a critical analysis I have particularly stressed a key point for this research, namely that both instrumentalist and constitutivist positions share a dualistic assumption on the value of languages depending on their condition of majority or minority languages in a given context (by default in a state), an assumption which I deem to be biased. According to this premise, majority languages better fulfil individuals' communicative interests (so they favour socio-economic justice), whilst minority languages are mainly valuable as carriers of identity (so are basically linked to ethno-cultural justice).

Conversely, I have defended that both majority and minority languages can suitably fulfil both communicative and identity interests, and I have focused on a fact that has received little attention from political theorists: namely, the relevance of minority languages in terms of communicative effectiveness, both from the standpoint of people's linguistic capacities and of people's linguistic choices in particular (local) contexts. Firstly, I have maintained that people usually possess better skills in their first languages than in languages learnt after their childhood, regardless of those languages being majority or minority languages. Secondly, I have highlighted that (a) the usefulness of languages (e.g. in terms of opportunities for social promotion) is inextricably related to policies adopted, and that (b) in practice, communicative effectiveness not only relies on using *any* shared language between people, but also on choosing a particular language for communication, the one that generates more empathy with particular interlocutors. Since we can assess communicative effectiveness in terms of cooperation (as economists do), then linguistic choices become relevant for achieving such effectiveness, even when speakers share several languages. This is because (as sociolinguists explain) language has an indexical function that classifies speakers according to their linguistic uses, by linking such uses to individuals' social identity in terms of class and power. Links between linguistic uses and social categories are mediated by linguistic ideologies, so in contexts where authenticity works as

a legitimating ideology, the use of local (marked) languages is likely to be more effective in instrumental terms than the use of majority (unmarked) languages. In terms of justice, it follows that (a) linguistic preferences of individuals, even if they are perfectly bilingual, do matter, not only for ethno-cultural reasons, but also from a socio-economic (instrumental) perspective, and that (b) individual bilingualism is a relevant asset for equality of opportunity and social promotion, even when the second languages learnt are local languages.

The empirical level: To what extent do languages (explicitly) matter in western democracies? How are linguistic regulations legitimated in terms of communication and identity?

In order to respond to these questions, I have focused on the existence of specific linguistic regulations (language acts) in western democracies, which I have taken as an indicator of the salience of linguistic interests in their political agendas. I have collected 112 language acts adopted by 96 polities (states and substates), most of them intended to protect their national languages, and I have concluded that language management significantly matters in current western democracies. Then, I have carried out a comparative analysis of the explicit justifications of such language acts.

First of all, with the aim of better understanding the categories of political values related to communication and identity, I have proposed a classification of valued ends for language policies obtained from works of liberal theorists and from international regulations. On this basis, I have developed a typology of values useful for a systematic analysis of the legitimation of language acts adopted in western democracies.

On the one hand, such a typology of values has revealed that the justifying arguments used by language acts are not necessarily liberal (since some values conflict with a liberal approach, e.g. those formulated in terms of rights of languages and duties of citizens). However, according to the analysis made in chapters 3 and 4, the use of not clearly liberal values as legitimating arguments is not correlated with the level of restrictions and coercion established by language acts; that is, arguments used by acts do not necessarily reflect the extent to which these legal measures fit into a liberal framework. Rather, the uses of those values are rhetorical strategies primarily linked to the dominant public philosophies of different cultural, social and political contexts.

On the other hand, the analysis of the uses of such values as legitimating arguments for language acts has revealed that, unlike what was

expected according to the usual theoretical assumptions, the promotion of both majority and minority languages tends to be sustained by identity-related arguments. This is true in the case of acts promoting national languages and in the case of acts promoting local languages, as well as for acts adopted in different geographical areas (except in the case of the US, where identity arguments are scarcely used). The reason, I have suggested, is that language acts are defensive regulations, whose formulation responds to the protection of the use of particular languages and language groups; so, they display what sociolinguists identify as *discourses of endangerment*. In practice, the very endorsement of a language act entails the adoption of a minority position in which identity is felt to be threatened in the face of a more useful language in communicative terms.

However, such a predominance of identity-related arguments does not mean that communicative interests are less important for the language policies of western democracies than identity interests. Indeed, each act is intended to favour communication in particular languages, so the explicit arguments used, although they tend to be based on identity, are in practice legitimizing the promotion of those languages as effective tools of communication. It follows that, according to political practice, languages matter both for communicative and identity-related interests.

Finally, after raising the question of which normative consequence can be deduced from this empirical finding, I have suggested that, although it is debatable that such claims for protecting identities have moral value *per se* (in terms of what is correct and incorrect), they deserve attention because they are central concerns in the public political culture of western democracies. So, from this perspective political practices seem to reinforce constitutivist positions.

6.1.2. Understanding monism and pluralism, transparency and mixture

The theoretical level: How are languages and language groups conceived by political theory? To what extent are the proposed normative solutions monist or pluralist? What are mixed societies?

The literature review has shown that contemporary normative approaches in linguistic justice differ in their *transparent* or *mixed* understandings of language and language groups within a *demos*. The traditional transparent ontological conceptions, which tend to understand a *demos* as a set of

mainly monolingual speakers of a common and national language, have favoured monist approaches. Conversely, the attention given to linguistically mixed contexts has resulted in pluralist approaches. Whilst monism defends that a national majority language group should be privileged (Kymlicka, Van Parijs), pluralism supports the equal treatment of all significant long-settled language groups (Patten, De Schutter). Accordingly, monist positions are consistent with the application of a linguistic territoriality principle (LTP) or monolingual regime in a particular territory, whilst pluralists suggest the application of a linguistic personality (or pluralism) principle (LPP), leading to a plurilingual regime that leaves room for individual choices. In terms of policies, both approaches are fundamentally concerned with two aspects, namely resources needed (or costs) and restrictions on choices, about which the aforementioned authors suggest different fair solutions.

Regarding usual understandings of linguistic choices dealt with by political theorists, I have claimed a more qualified conception, which not only revolves around the ideal of individual self-determination, but also incorporates the sociolinguistic perspective on the deep social constraints influencing such choices. Consequently, I have adopted this combined conception for addressing linguistic justice in mixed societies.

For the purposes of my research, I have defined mixed societies as political units (or *demoi*) where significant numbers of the long-settled population belong to different language groups but live intermingled, so in practice considerable percentages of people are bilingual.⁴⁰⁴

Drawing on both political theory and sociolinguistics, I have firstly suggested that in mixed societies: (a) language groups can be defined by the first languages of individuals, (b) bilingualism can be understood in a *thin* sense (referring to linguistic skills but not necessarily to individual identifications with languages), and (c) first languages of large language groups can be globally dealt with as *societal* languages. Secondly, I have pointed out that (a) in mixed societies language groups tend to be porous, more or less heterogeneous in terms of linguistic abilities and identities of their members, that (b) the higher the bilingual practices among members of different language groups, the more individual multiple identities can exist, so conflict between groups tends to decrease while cooperation

404. As explained in previous chapters, my focus is on long-settled population and not immigration. Analysing how immigrants' language groups interact with the host society and how their rights should be managed would be the object of a complementary research.

tends to increase, and that (c) the limits between majorities and minorities may become blurred. Accordingly, I have maintained that in these porous settings, language interests and individual preferences will be malleable, that is, more dependent on public policies than in the case of linguistically territorialized settings. As a result, in mixed societies language policies are particularly salient.

The empirical level: What is the prevalence of mixed societies in western democracies? How do linguistic regimes relate to the degree of plurality and mixture of western democracies?

In order to identify mixed societies in my corpus of 96 polities that have adopted language acts, I have operationalized the concept of mixed society through four variables included in the database described in chapter 3: number of language groups, diversity of first languages (L1), degree of bilingualism in societal languages and pattern of territorialisation. With the aim of restricting my analysis to the most relevant empirical cases, I have dealt with high rates of both L1 diversity (more than 25%) and bilingualism in societal languages (more than 50%). This way, I have identified 16 cases of mixed societies, and I have distinguished within this group 8 cases of what I have called *hybrid societies*, characterized by significant levels of reciprocal bilingualism in societal languages. Thus, the analysis made has revealed that mixed societies, as defined in this work, are scarce among western democracies, while hybrid societies are exceptional cases.

Concerning the linguistic regimes implemented in mixed societies, it is worth noting that 14 out of 16 cases of mixed societies are minority nations of decentralized states with a regime of *linguistic autonomy*. According to this pattern of linguistic organization, a single common (national) language is promoted by the state while other language(s) are additionally promoted by substates, so when both promotion policies are successful the substate populations tend to be bilingual. In practice, such a *linguistic autonomy* model represents the opposite model of a *linguistic federalism* pattern of organization (with a plurilingual regime at the federal level and monolingual regimes in subunits). And their results, in sociolinguistic terms, are also the opposite: whilst linguistic federalism reinforces linguistic territorialization (and therefore the dominance of a particular language group in each subunit), linguistic autonomy fosters bilingualisation and mixture.

Related to this finding (but not entirely correlated with it) there is the fact that also 14 out of 16 cases of mixed societies have plurilingual regimes, which *de jure* allow for the individual choice between two or more languages in the public sphere. Such plurilingual regimes are more a cause than an effect of linguistic mixture, as seen in the case of states with a regime of linguistic autonomy. That is, according to the empirical analysis made, it seems that in general it is not the existence of significant rates of mixture that leads governments to design plurilingual regimes, but rather the other way round.

6.1.3. Three final points

To close this section, I want to stress three main points regarding the findings obtained:

a) In the case of communication and identity interests, it seems clear that (a) both matter from theoretical and empirical perspectives, that (b) both can derive from majority and minority languages, and that (c) they are largely interdependent.

The sociolinguistic theoretical perspective has shown that communication, given the fact that it cannot be detached from its context, remains inextricably linked to identity even when instrumental approaches, looking primarily at communicative effectiveness, are adopted. Identity is, in this sense, an instrumental element always present in communication, whose practical effects (positive or negative for communicative effectiveness) cannot be avoided.

Also, the empirical analysis of language acts has suggested an interdependency between communication and identity: on the one hand, individual (and collective) identity interests are fulfilled when languages possess a certain degree of instrumental usefulness; on the other hand, communicative interests in a diverse society are better fulfilled if identities are managed with justice. So, from this point of view, communication and identity interests not only have value by themselves: communication is instrumental for identity and identity is instrumental for communication. It is fundamentally for this reason, I think, that language policies become complex policies in multilingual settings.

On this basis, I have argued that the equal treatment of different language groups might be more clearly defended both on instrumental and

identity grounds. Particularly, I have defended that the promotion of minorities' linguistic rights might be sustained by a more robust rationale, based on a twofold legitimation, using both communicative and identity arguments.

b) The traditional monist approaches have been favoured by linguistically territorialized contexts where theories have been developed. However, according to the empirical research done, among western democracies linguistic mixture exists in different degrees, and several *demos* or societies linguistically mixed as a whole can even be identified. These mixed societies are, in many cases, minority nations of decentralized states, where a regime of linguistic autonomy has provided room to regional governments for the promotion of their national languages along with a single state language.

c) Linguistically mixed societies can demonstrate that, conversely to what Van Parijs suggested, a locally-coexisting diversity does not necessarily threaten the existence of a *we-feeling*, a common sense of justice or a wide solidarity and trust among a population.⁴⁰⁵ Two main reasons sustain this statement: firstly, mixed societies tend to show porous boundaries and low levels of conflict between groups; secondly, they often also show social dynamics characterized by an ambiguous dominance exerted by fragile majorities (as described by McAndrew),⁴⁰⁶ which challenge the very concepts of majorities and minorities and their identification in practice. These two facts have at least two relevant consequences: on the one hand, they favour a greater assumption of hybrid identities and practices as real and legitimate forms of linguistic plurality, while at the same time they open the door to the development of linguistic ideologies admitting linguistic heterogeneity as a basis for the collective identity (shift encouraged by sociolinguists like Woolard and Duchêne); on the other hand, they point to fluid and changing situations whose evolution can be significantly influenced by the public policies adopted, because depending on the objectives of these policies social dynamics may develop in different ways. It is this set of elements that inspires my proposal for the implementation of just language policies in mixed societies.

405. Van Parijs, "Cultural diversity".

406. McAndrew, *Fragile Majorities*.

6.2. A contribution to the implementation of linguistic justice in mixed societies

Drawing on the former analysis, I have answered two normative questions focused on mixed societies, namely: *what policies are suitable for mixed societies in terms of justice?* and, *which institutional designs favour these policies?* I have argued that in the case of mixed societies justice demands to sustain a linguistic plurality based on a wide and reciprocal bilingualism between the members of large language groups of long-settled population.

I have defended linguistic plurality not for its intrinsic value, but as a by-product of a pluralist approach to linguistic justice, aimed at giving equal treatment to individuals as members of particular language groups. And I have grounded such an equal treatment both on their communicative interests (linked to communicative effectiveness) and on their identity interests (dignity, freedom in a meaningful context of choice), or, in other words, both on the principles of socio-economic justice (distribution in the equality/inequality axis) and of ethno-cultural justice (recognition in the equality/difference axis).

Firstly, I have maintained that the satisfaction of instrumental interests should lead governments to engage in the public use and universal teaching of the first languages of significant groups of long-settled population, mainly for two reasons that influence communicative effectiveness: (a) because in principle these languages are those in which people have their best linguistic skills; (b) because these languages, as societal languages, are expected to have a significant usefulness for a wide range of local communications. Public policies should also foster the learning of foreign languages, useful from a more global perspective.

Secondly, the satisfaction of identity interests should lead to the equal recognition of significant groups of long-settled population existing in a political unit. So, language policies should foster the public use of their different *own* languages (usually their first languages).

Thirdly, the pursuit of fair background conditions of linguistic choice should lead to the implementation of language policies intended to foster and maintain a broad reciprocal bilingualism in societal languages. This proposal is grounded in the argument (highlighted by sociolinguists) that, in societies with two or more coexisting language groups, when the dominant groups remain largely monolingual, the members of weaker groups are possibly *compelled to choose* shifting to the language of the dominant groups. So, I have argued that such a shift is the outcome of unfair condi-

tions of choice caused by the monolingualism of dominant groups, which in practice is impeding any linguistic choice for the members of weaker groups when both interact. It follows that justice in mixed societies not only consists of enabling *minorities* to use their own languages in the public sphere, but also of enabling *all citizens* to use societal languages.

Furthermore, I have defended that, in order for fair background conditions of linguistic choice to exist, balanced structural incentives to use the societal languages should be provided by institutions. Accordingly, I have proposed an institutional design for language policies based on a plurilingual regime but at the same time favouring an effective balance between the options for individuals as members of dominant or weak language groups. Obtaining such a balance will depend on the effective application of two key tools in public policies: resources and restrictions. And I have argued that, in general, western mixed societies allow the pursuit of this balance through reasonable levels of both resources invested and restrictions applied.

Starting from the De Schutter's position, I have defended that (a) vulnerable groups deserve more resources than dominant ones, and that (b) several linguistic restrictions of the use of dominant languages can be justified in terms of *equal enabling*. Then, I have suggested that, in mixed societies, institutional designs of language policies should include three lines: (a) the public (official) use of societal languages, with areas of priority for weaker language groups; (b) the promotion of their universal knowledge among population, and (c) the provision of non-linguistically-segregated public services, especially relevant in the case of education. Regarding educational designs, I have maintained that, in the specific case of mixed societies, the aim of *equal enabling* of all citizens in societal languages recommends not separating students by their first language(s): as argued in chapter 5. In mixed societies a non-segregated model seems feasible and is expected to favour equal opportunities and social cohesion, while it does not need to threaten the vitality of a linguistic group. Moreover, learning together may serve to promote an early debate on linguistic issues and, in turn, to enable people to make reasoned linguistic choices in a climate of mutual respect.

These three lines of action can take different forms according to contextual arrangements, and can be supplemented by a wide range of language policy choices adopted in the political arena (desirably on the basis of citizens' reflective preferences). Facing the traditional assumption that a *demos* can only work politically when it has a single common language,

such language policies are inspired by the conception that mixed *demoi* possess two (even three) common languages, and are implemented through an institutional organization built on this challenging assumption.

6.3. Avenues for further research

Research on language policies is certainly alive. Some of the empirical concerns identified in this work have opened up promising lines. For example, the European Union promotes research programmes on multilingualism, and at this moment a significant part of the research on language policies is carried out in Europe or is related to European issues. The principal focus of this research revolves around the role of the most extended transnational languages, mainly English, besides national languages of states. In general, it seems that right now the field that attracts most attention is what has been called *global linguistic justice*.⁴⁰⁷ Especially since Van Parijs published his prominent proposal defending the spread of English as lingua franca with distributive purposes,⁴⁰⁸ this topic has been the object of relevant works. Within this global perspective, a fruitful line of research is undertaken from an economic approach;⁴⁰⁹ this line prioritizes the instrumental dimension of languages, assessing their knowledge and use in terms of costs and benefits, and it is not always concerned about linguistic justice (it tends to stress resource allocation over resource distribution). Against this background, and also bearing in mind the empirical data provided by this work on the extent to which languages matter in western democracies, it seems desirable to stimulate further research from a broader political perspective of linguistic justice, taking into account both its social and ethno-cultural dimensions as well as the suprastate, state and substate levels.

In any case, as claimed by several political theorists in recent years, a more empirically grounded and more interdisciplinary research into linguistic justice is needed. On the one hand, further research should encompass different instantiations of linguistic plurality, by giving attention to

407. Van Parijs, *Linguistic Justice for Europe*; De Schutter, Language, identity and justice.

408. Van Parijs, *Linguistic Justice for Europe*.

409. Grin, "On the costs of cultural diversity" and id., "Principles of policy evaluation"; Gazzola and Grin, "Assessing efficiency" and "Is ELF more effective"; Gazzola, *The Evaluation of Language Regimes*; and Robichaud, "Cooperative justice".

their particular contextual features. On the other hand, relevant insights provided by sociolinguistics, psycholinguistics, economics and law, among other approaches, could be fruitfully incorporated into political theory and political philosophy. For instance, much needed research on the just management of immigrants' first languages in European countries should be fostered from both empirical and interdisciplinary perspectives.

I hope that this work may constitute a small step in this direction. On the one hand, the empirical basis of my research, provided to a great extent by the database of language acts I have built, could be better used in future research. By that I mean that this database is extensive in data, so it has contributed a comprehensive view of existing linguistic legislation in terms of objectives, restrictions and explicit legitimations. However, in some aspects, the research carried out has remained at a rather superficial level, so the data gathered could be used for a more in-depth analysis in several directions. For instance, (a) to carry out case-focused research, (b) to explore to what extent the policies implemented *de facto* differ from those established *de jure*, and (c) to compare the explicit institutional legitimations of language acts with other non-institutional or non-hegemonic arguments related to language management in particular contexts. This database can be easily updated and is available to researchers interested in these or other lines of inquiry through the URL <http://repositori.upf.edu/handle/10230/27821>.

On the other hand, my analysis of mixed societies has made apparent the necessity to obtain more empirical data about the effects of public policies (for instance, the effects of educational models on the learning of societal languages and on the equal enabling of students) and, above all, has pointed to the interest of expanding the research on linguistic *mixtures* and *hybridities*. Promising research could be done both on different kinds of mixed societies and on their evolution over time. Regarding the former line of research, I have focused on western democracies and I have selected *demoi* with a wide mixture, but these cases are only a few examples of mixed societies: firstly, mixed societies can be studied at lower levels, such as those of cosmopolitan cities; secondly, there is probably an immense range of *hybridities* in Asian, Latin-American and African societies that would be interesting case-studies from the standpoint of political theory. Regarding the latter line of research, the cases identified are recent cases of mixture, most of them consequences of the reversal of previous processes of linguistic assimilation; many questions still remain on their evolution, for example on how linguistic regimes and individual

linguistic choices interact in these cases. Therefore, useful research could also be done here.

Finally, I simply want to suggest some reflection by linking the findings of this research to broader approaches of liberalism, nationalism and democracy.

Firstly, my comparative analysis of language regulations has shown that some of the oldest western democracies, where liberalism was applied early (e.g. France and the US), have today some of the most (explicitly) restrictive regulations, intended to protect their national majority languages. In the case of France, the recent inclusion in the Constitution of the mention of French as the ‘*langue de la République*’ (1992) and the adoption of a severe language act (1994) seems to respond to a *status anxiety*⁴¹⁰ facing the spread of English, but also facing the management of national and migrant minorities. In the case of the US, the spread of the *only English* movement and the increasing opposition to the programmes of bilingual English-Spanish education⁴¹¹ seem to respond to a *fear of multilingualism*, maybe related to the aim of maintaining outdated patterns of diversity management.⁴¹² Both cases, approached from the perspective of their language policies, seem to suggest the necessity for further reflection on the suitable implementation of democracy and liberalism in the linguistically diverse polities of this 21st century.

Secondly, my analysis of linguistic plurality and mixture (even though it has left aside the case of immigration) has shown that many nations are linguistically plural, so it is desirable that they be conceived this way. By this I mean that, despite the fact that nationalism as an ideology sustains the equation one language-one territory, today linguistically plural nations exist both as *imagined communities* (in the sense that most people feel attached to a homeland often identified as their nation), and as productive industrialized societies (so both in Anderson’s and Gellner’s approaches). This is the case, for instance, of most minority nations analysed in this research, but also of several European nation-states. So, if nations matter to people as their homeland (and it seems that nations do matter in this sense and will continue to do so more as long as the effects of globalization increase), maybe nationalism in its traditional conception should be reformulated. Although plural approaches to the management of diversity

410. Safran, “Postscript”.

411. Schmidt, “Defending English”; Safran, “Postscript”.

412. Ibid.

are often labelled as *post-national* and tend to reject nationalism (both in political theory and sociolinguistics), it seems to me that some kind of *national* conception is needed, consistent with linguistic, religious and other manifestations of plurality. That is to say, maybe instead of abandoning nationalism what is needed is a reformulation of nationalism to make it consistent with plural nations. I suggest that further reflection on this issue is desirable, and I believe that it could be stimulated by the cases of linguistic mixture identified in this work.

Appendix

A note on the case of Catalonia

This appendix, by way of a final note, looks at the case of Catalonia, which is relevant from the point of view of linguistic justice for at least three objective reasons.

Firstly, according to the data analysed in chapter 5, Catalonia is one of the most salient cases of linguistically mixed (and hybrid) societies among western democracies, both in terms of population size and of levels of mixedness between language groups.

Secondly, the evolution of language policies in Catalonia over the last three decades reflects to a great extent the ideological tensions identified by De Schutter in his account of the linguistic justice debate,⁴¹³ namely between communicative and identity-related linguistic interests as well as between transparent and mixed linguistic understandings of *demoi* (or monism and pluralism). In 1979, the first Catalan Statute of Autonomy set up a bilingual regime (Catalan-Spanish), according to which Catalan was chosen as an official language because of its condition of *own* (national) language of Catalonia, whilst Spanish was *also* set up as an official language because of its condition of official language of Spain (according to the Spanish Constitution of 1978).⁴¹⁴ The relevant aspect, both in terms of implementation and legitimation of language policies, is that the Spanish political and legal organisation favoured a competitive framework regarding language policies, in which the Catalan Government adopted a *defensive position* to *protect* Catalan as its *own* language *vis à vis* Spanish, the *common* language promoted by the state.⁴¹⁵ From this starting point (identity-grounded and rather monistic because of such a defensive position), in recent years both the Catalan Government and civil society (*a*) have progressively added communicative arguments in their defence of Catalan (e.g. as the *common language* regarding immigration) and (*b*) have

413. De Schutter, “Language policy”.

414. In 2006, the new Statute of Autonomy also recognizes Aranese, a variety of Occitan spoken in the Aran Valley (Pyrenees), as an official language in the whole Catalan territory.

415. Cf. Vernet, *Dret lingüístic*, 126.

started moving towards pluralist positions, including both Catalan and Spanish as languages of Catalonia.

This latter move is mainly related to the third objective condition that makes the analysis of Catalan language policies relevant in the current moment. Catalonia is now at a critical juncture⁴¹⁶ shaped by the rise of secessionism, which since 2012 has become a widespread social and political movement. Secession is proposed by its defenders as the sole solution for undertaking a political renovation leading to more democracy and more social and cultural justice, values felt to be flawed in the Spanish political system. Against this background, the traditional orientation of language policies is challenged by a crucial change of political scenario: a full sovereignty (or a significant increase of self-government) would imply the shift from a competitive framework between Spanish and Catalan governments (each one protecting different linguistic individuals' interests), to a new framework in which the Catalan Government would acquire a full (or almost full) responsibility for the rights of all its citizens as members of different language groups. Such a shift should also entail changes in terms of implementation and especially in terms of legitimation of language policies.

Furthermore, there is also a subjective reason for justifying ending this research with an analysis of the Catalan case: it is simply my personal interest linked to my experience as a practitioner in the making of language policies in the Catalan Government since the 1980s. As it was fundamentally this experience that pushed me to start this research, a final glance to the Catalan case not only helps to close it coherently, but also honestly shows the key elements of my personal contextual bias, from which (using Kymlicka's words) my considered intuitions and convictions stem.

Therefore, this chapter aims to briefly analyse the foundations of Catalan language policies from 1979, their evolution and the current situation, in the light of the ideological clashes (instrumentalism and constitutivism, monism and pluralism) identified in the normative debate of linguistic justice, as well as suggesting some challenges posed by the critical secessionist juncture.

416. The concept of *critical juncture* can explain departures from path-dependency in political action. Cardinal and Sonntag draw on this concept to relate state traditions and language regimes. These authors describe *critical junctures* this way: "Critical junctures' is an analytical tool political scientists use to home in on pivotal points of interaction between tradition and policy. A critical juncture may be presented by social, political, economic, or environmental crises or dramatic change. (...) At critical junctures, state traditions are often reinvented. What emerge are new patterns of governance—but ones never completely divorced from the old". (Cardinal and Sonntag, *State Traditions*, 4-5).

Regarding such challenges, I argue that, in the case of gaining a significant level of sovereignty, Catalonia should adopt a pluralist language policy aimed at sustaining plurality in the terms described in chapter 5, on the basis of people's communicative and identity interests. That is, institutions should support a broad and reciprocal individual bilingualism in Catalan and Spanish, by providing balanced structural incentives to use such languages.

This brief note is organized into two sections following this introduction. Section 1 sketches the ideological evolution of Catalan language policies between 1979 and 2015. Section 2 points out some key features of the current situation and suggests how just language policies could be implemented and legitimated in a new scenario with more self-government.

1. The evolution of language policies in Catalonia 1979-2015

This section briefly analyses the foundations and the ideological evolution of Catalan language policies since, in 1979, Catalonia recovered its institutions and a significant degree of self-government within the Spanish *estado de las autonomías*.

It is worth insisting on the importance of the political framework set up by the linguistic organisation adopted by Spain, based on what Kraus calls *linguistic autonomy*.⁴¹⁷ This framework establishes a single *state common language* (Spanish) used for central institutions and expected to be known by all Spanish citizens,⁴¹⁸ besides additional *local own languages* in some regions, whose knowledge is legally optional for citizens. According to this pattern, the state *must protect* Spanish, whilst regions *can protect* their own languages by establishing plurilingual regimes. That is, in practice the state central institutions have not assumed any responsibility on the regional *own languages*, whilst such languages have been deemed (according to the devolution of powers carried out) a responsibility of the respective regions or autonomous communities. In turn, these autonomous communities have adopted policies to promote their own languages, conceived as compensatory policies in the face of state policies. Therefore, to a great extent the language policies carried out in Spain since 1978 can

417. Kraus, *A Union of Diversity*, 94-97.

418. The Spanish Constitution (1978) explicitly includes the duty of knowing Spanish.

be described as competing policies between two agents: on the one hand, the state, responsible for protecting Spanish and the rights of Spanish-speaking language group members; on the other hand, autonomous communities, responsible for protecting their own languages and the rights of their corresponding language group members.⁴¹⁹ Within this framework, any assessment of the implementation of just language policies should be made bearing in mind the complementary (sometimes opposite) policies carried out by these two agents, with a comprehensive account of the resources provided and the restrictions established by each one.

In the case of Catalonia, the autonomous Government has actively assumed the promotion of Catalan, sometimes challenging the limits set up by the state legal framework. From 1979, two elements have been permanent distinctive features of Catalan language policies: (a) their pluralism in terms of implementation, characterized by the pursuit of both social and cultural justice for the members of different language groups;⁴²⁰ (b) their monism in terms of legitimation, focused on the protection of Catalan as Catalonia's own language (and therefore grounded on collective identity interests).⁴²¹ However, after a long first stage in which this kind of legitimation remained strong and stable (approx. 1979-1999), in a second stage (over the decade 2000-2010) a new instrumental legitimation is added to the public discourse (that of Catalan as common language of Catalonia, mainly adopted regarding immigration); finally, when secessionism becomes a significant movement (from 2010), a new step is made towards pluralist legitimations (recognizing both Catalan and Spanish as *languages of Catalonia*).

This evolution is related to several demolinguiistic, ideological and political changes that have taken place over these three decades.

419. For instance, the current Catalan Statute of Autonomy (2006), when it sets up the distribution of political competences between the Spanish and the Catalan Governments, refers to the competences of the Catalan Government in the field of languages as *competences on the own language of Catalonia* (not on language policy in a broader sense). Cf. Statute of Autonomy of Catalonia, section 143.

420. Broadly speaking, the use of Catalan is *de jure* deemed preferential in public institutions, although citizens can request to communicate in Spanish. A special mention requires the linguistically unitary educational system, probably the most distinctive feature of the Catalan design of language policies. Section 1.3 refers to it.

421. It is worth noting, however, that such a monist legitimation is embedded in a discourse that assumes the plurality of Catalan society, so that it stresses inclusion and not ethnicity. The knowledge of Catalan is understood as a key tool for social cohesion and equal opportunity, from this first stage up to now (cf. Riera, "La intervenció en les competències").

1.1. Demolinguistic evolution

Regarding demolinguistics, in the eighties the Catalan population is characterized by a general knowledge of Spanish but significantly lower rates of knowledge of Catalan, mainly due to two factors: the long absence of Catalan in the public sphere (e.g. in the educational system) and the significant amount of immigration of Spanish-speaking people arriving from monolingual Spanish regions between 1951 and 1975, most of them unskilled workers who come to occupy low social positions.⁴²² These monolingual Spanish-speaking people live mainly in urban and industrialized settings, but in general terms this fact does not entail a clear territorialisation of language groups.

Therefore, the main political objective of this stage is enabling people to use Catalan, in the name of both socio-economic and ethno-cultural justice: on the one hand, learning Catalan is seen as a tool of social promotion for monolingual Spanish-speaking people (since Catalan has been adopted as preferential language of institutions); on the other, it is seen as a tool of cultural justice for Catalan-speaking people who over years have not been allowed to learn their language at school.

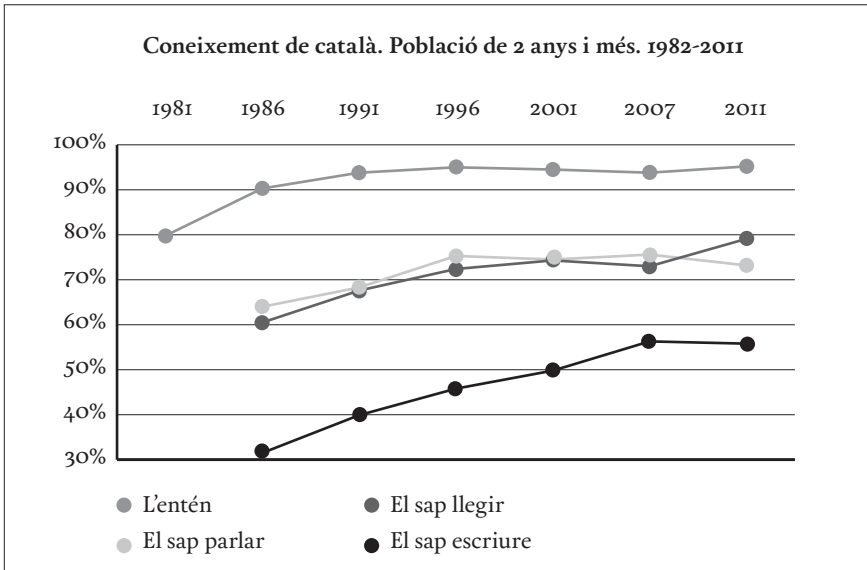
Through the nineties, the knowledge of Catalan (the individual bilingualism in Catalan and Spanish) significantly increases, so most of the population is able to speak both languages. However, a new wave of international immigration transforms the Catalan linguistic landscape: between 1998 and 2011 Catalonia receives 1.5 million immigrants, a third of them Latin-American.⁴²³ In 2013, according to official statistics (Generalitat de Catalunya, 2015a), only 58.8% of the population aged 15 and over is born in Catalonia, while 21.9% is born in other Spanish regions and 19.1% in foreign countries. When the birthplace of parents is considered, only 28% of the population is both born in Catalonia and have their (two) parents born in Catalonia. So, the Catalan society of the 21st century is deeply shaped by the contemporary waves of immigration. In terms of knowledge of languages, according to the latest official statistical data (Enquesta d'usos lingüístics de la població, 2013) most people are bilingual in the societal languages (80,4% is able to speak Catalan).

422. Domingo, "Balanç i prospectiva". In 1975, Catalonia had 2,2 million people (38.4% of the population) born in other Spanish regions. Half of them did not understand Catalan, whilst only 20% could speak Catalan (Reixach, *Coneixement i ús*: 166).

423. Domingo, "Balanç i prospectiva", 19.

Figure 7 shows the evolution of the knowledge of Catalan from 1981 to 2011, according to data from population censuses:

FIGURE 7. Knowledge of Catalan 1981-2011



Data on four linguistic skills: listening, speaking, reading and writing.
Source: GENERALITAT DE CATALUNYA. DEPARTAMENT DE CULTURA (2015).
Informe de política lingüística 2014

Moreover, linguistic plurality is significant in terms of linguistic uses and identifications, as table 27 shows:

TABLE 28. First language, language of identification and habitual language of population in Catalonia, 2013

| | Catalan (%) | Spanish (%) | Catalan and Spanish (%) | Other (%) |
|----------------------------|-------------|-------------|-------------------------|-----------|
| First language | 31.3 | 55.6 | 2.5 | 10.7 |
| Language of identification | 36.6 | 47.8 | 7 | 8.6 |
| Habitual language | 36.3 | 50.7 | 6.8 | 5.9 |

Source: Enquesta d'usos lingüístics de la població 2013. Població de 15 anys i més.

However, the Catalan society is not a polarized one; rather, it is experiencing a growing *intersection* in terms of languages and population, within the framework of an integrationist society.⁴²⁴ On the one hand, families and friends are made beyond linguistic groups. On the other, most people practice bilingualism to a greater or lesser degree, and in conversation 6 over 10 people shift to their interlocutor's language (both Catalan and Spanish) when she responds in a language other than the language used to start speaking.⁴²⁵ Ultimately, borders between language groups are becoming blurred, and there is no group publicly self-represented as such on the single basis of its first or own language. It is also difficult to speak of linguistic majorities and minorities in reference to the Catalan-speaking and the Spanish-speaking language groups.⁴²⁶ So, Catalan society is clearly a mixed (and hybrid) society as described in chapter 5.

1.2. Ideological evolution: the sociolinguistic theoretical framework

Under this title I aim to point out the influence that sociolinguistic approaches of the 1980s have had on the orientation of Catalan language policies and, furthermore, on social ideologies as a whole.

These approaches, to which several Catalan authors make relevant contributions, are built on the concept of linguistic conflict and fit Fishman's description of language shift (Fishman, 1991).⁴²⁷ In general terms, the *sociolinguistics of conflict* understands societal bilingualism as a temporary step towards *the normal* monolingual society, either by a process of *substitution* of the weaker language(s) by the dominant one, or by the inverse process of *normalisation* of weaker language(s). The normalisation of the Catalan language is precisely the explicit objective of language policies despite its apparent contradiction with the bilingual legal framework, a fact that

424. Vila i Moreno, "Barcelona (Catalonia)", "Algunes bases".

425. Generalitat de Catalunya, *Anàlisi de l'Enquesta d'usos lingüístics*.

426. Cf. McAndrew, *Fragile majorities*: 8-9; Boix and Paradís, "Ideologies and Trajectories": 167; Rocher and Riera, "Els drets de la minoria lingüística anglòfona": 47-49.

427. Boix and Vila (*Sociolingüística*, 33-38) highlight the influence of the anti-Francoist activism on the formulation of such conflictual approaches, which sustain the unfeasibility of any societal bilingualism. Prominent authors of this relevant period are Lluís Vicent Aracil, Antoni Maria Badia, Ramon Ninyoles and Francesc Vallverdú.

causes frequent ambiguities in public discourse.⁴²⁸ The first Catalan language act, adopted in 1983, is called *Llei de normalització lingüística* (Act of linguistic normalisation). Moreover, the term *normalització* becomes a successful label and is still widely used, in public and private spheres, to popularly design language policy.

However, through the nineties Catalan sociolinguistics starts to adopt more conciliatory positions with bilingualism and multilingualism. In fact, globalisation has led unfailingly to a new pattern of largely bilingual (and plurilingual) societies, at least in non-Anglophone countries, and the ideal of a *normal* monolingual society is no longer invoked: bilingualism (and plurilingualism) becomes an assumed reality that the government should manage in order to seek *linguistic sustainability*.⁴²⁹ Moreover, a line of anthropologic sociolinguistics, more interested in the micro-level than in the macro-level of language contact, starts looking at linguistic hybridity and points out its salience in the Catalan society.⁴³⁰

Finally, it is also worth noting the strong influence that Quebec, as an empirical example, has on Catalan language policy, both as a legal model and as a source of operational expertise (e.g. in its conception of language planning or *aménagement linguistique*, translated in Catalonia as *planificació lingüística*). It is in light of Quebec's French Language Act or *Loi 101* (1977) that a new language act is adopted in Catalonia in 1998 (*Llei de política lingüística*), in order to foster the use of Catalan beyond the strict sphere of public institutions. It is also under Quebec's influence that the term *common language* referring to Catalan is added to the term *own language* in the 2000s.

Over the first decade of the 21st century, the impact of international immigration leads to the adoption of a new strategy of legitimation of language policies that presents Catalan as (the) common language of Catalonia, the language that permits the exercising of a *full* citizenship.⁴³¹ This

428. Cf. Branchadell, *Liberalisme i normalització lingüística*.

429. Cf. Bastardas, *Language and Identity Policies*. For Bastardas, linguistic sustainability requires the adoption of a principle of subsidiarity that prioritizes the use of local languages for local communication, besides the promotion of individual polyglotism. Bastardas points out that linguistic transmission from parents to their children is based both on the usefulness of and the identification with a particular language.

430. Woolard, "Les ideologies lingüístiques"; Boix-Fuster, "Entrevista amb Kathryn Woolard"; Pujolar *et al.*, *Llengua i joves*.

431. This concept of common language is used both by agents of civil society (e.g. Plataforma per la Llengua) and by institutions (e.g. in the National Agreement for Immigration, 2008, and the Catalan Reception Law, 2010). It points out the usefulness of Catalan for inclusion and equal opportunity.

discourse stresses an instrumental side, complementary to the identity side expressed by the notion of *own* (national) language. However, it does not abandon a rather monist approach, in the sense that only one language, Catalan, is explicitly mentioned as the national and common language. As happened in a former stage with the concept of normalisation, in this case the notion of Catalan as the common language also clashes with empirical reality: in a society with a legal plurilingual regime, where Spanish is better known than Catalan, it is Spanish that can more easily work as common language.⁴³² So, empirically, possibly both Catalan and Spanish could simultaneously work as common languages, but not exclusively Catalan.⁴³³

1.3. Political evolution

In the eighties, a strong bond between the *normalisation* of Catalan and the recovering of democratic freedom favours a broad consensus around language policies. In fact, normalisation is largely understood as a remedy for a past injustice. Thus, the *Llei de normalització lingüística* of 1983 is adopted by unanimity by the Catalan Parliament.

This act sets up the basis for an educational system of linguistic conjunction (*conjunció lingüística*) intended to provide sufficient skills both in Catalan and Spanish by explicitly prohibiting the separation of students according to their language and establishing Catalan as the main language of teaching. Such a non-segregated educational system aims to widely spread the knowledge of Catalan at the same time that it avoids two undesired outcomes. Firstly, the social exclusion of non-Catalan speakers (many of them of a low social class, as previously mentioned): a common schooling is conceived as the best way to favour social cohesion and equal opportunities.⁴³⁴ Secondly, the consolidation of homogenised and separate groups, which is perceived as a threat to the new autonomous project.⁴³⁵

432. Branchadell, *Liberalisme i normalització lingüística*, 70.

433. Unlike Quebec, where according to the population census of 2011 most of the population knows French but only half is able to speak English.

434. Voltas defines this educational model as a cultural product of the political left-wing. See Voltas, *La guerra de la llengua*, 57-63. Also McAndrew highlights how the political left influences the pluralist image of the autonomous Catalonia in the eighties. See McAndrew, *Fragile Majorities*.

435. Flors, "Young People and Languages", 31-32.

Indeed, in practice the educational system so designed proves to be an effective instrument of inclusion and disfavours the constitution of clear linguistic majorities and minorities self-perceived as such. Furthermore, it strongly contributes to an increased linguistic mixture and is a key factor for Catalan society to become more porous, depolarized and open to pluralism than other western societies.⁴³⁶

Over the nineties, as long as the restitution of Catalan in public institutions is assumed as an ordinary piece of the democratic functioning, the initial consensus on language policies weakens and different sensitivities surface among the plural Catalan political party system. Some voices claim the right to choose schooling in Spanish, while others warn that in the absence of stronger protection Catalan will disappear. In addition, during the first years of the 21st century the conflict between the Catalan and the Spanish governments increases: the approval by referendum of a new Catalan Statute of Autonomy in 2006, and its subsequent partial rejection by a judgement of the Spanish Constitutional Court in 2010, pave the way for secessionism to become a significant movement in Catalonia.

The rise of secessionism is fuelled by an increase in the number of struggles between the Catalan and Spanish governments over both economic and cultural matters, for instance related to a flawed financial system, to the lack of state investment in basic infrastructures in Catalonia (e.g. transport and communications), as well as to a new Spanish education law (LOMCE, 2013) that conflicts with the Catalan system of linguistic conjunction.⁴³⁷ Secessionism is presented fundamentally as a democratic movement and defended for reasons of both social and cultural (national) justice, which are raised to a significant extent from a left-wing and non-essentialist orientation.

Against this background, (some) discourses on languages and even linguistic practices of secessionist leaders start moving from monism to pluralism.⁴³⁸ This means that both Catalan and Spanish start being referred to as languages of Catalonia, and that both Catalan and Spanish are publicly used by (some) secessionist parties and social agents.⁴³⁹ Such a

436. Cf. McAndrew, *Fragile Majorities*, 9.

437. For further information, see Sanjaume, *Moral and Political Legitimacy* (PhD thesis), 130-131.

438. Kraus, *A Union of Diversity*, 138-139.

439. For instance, institutional representatives such as Jordi Pujol (former president of the Catalan Government) and Ferran Mascarell (ministry of Culture 2011-2016) have referred to Spanish as a language of Catalonia, as well as Muriel Casals, president of the entity Òm-

shift is salient not only because it represents a break with the institutional tradition,⁴⁴⁰ but also because these linguistic discourses and practices had been so far exclusive features of political parties supporting the Spanish majority nationalism. On the one hand, this shift is tied to a political strategy (the whole Catalan population is needed for secession to obtain democratic legitimacy). On the other hand, this move is in agreement with the assumption that the Catalan society is linguistically plural, so, in the case of secession, such a plurality should be suitably dealt with, leaving behind a defensive policy that regards Spanish (and Spanish-speakers) as a permanent threat, because Spanish is the first (own) language of half the Catalan population.

So, the approach of traditional language policies is placed at a critical juncture. Whatever the political outcomes of the current secessionist movement, the perception that monist approaches belong to the past is increasing, so some kind of ideological step forward should be made. However, the challenge is important and the usual (and logical) fears of a minority language group, in this case the Catalan one, appear. Despite the fact that (some) secessionist leaders are imagining a new linguistically plural country, the immediate reality is shaped by the highest levels of conflict with the Spanish Government seen in the last decades, so also by the highest levels of perception of domination and threat on the Catalan side. Accordingly, in the public debate several voices claim that such an imagined new country should set up a monolingual regime in Catalan (with some degree of linguistic choice for Spanish speakers), in order to effectively protect the interests of the Catalan-speaking language group.⁴⁴¹

Indeed, a significant degree of confusion exists on the possible consequences of rash decisions taken in the field of language policy. It seems that, whatever the evolution of the political relationship between Catalonia and Spain, language policies require new approaches, so a serene reflection is desirable.

nium Cultural (2010-2015). On the other hand, the *Assemblea Nacional Catalana* (National Catalan Assembly), another entity representative of civil society and engaged with secessionism, uses both Catalan and Spanish in its advertising documents; also, the candidate of the secessionist party *Esquerra Republicana de Catalunya* (ERC) in the last elections to the Spanish Parliament (December 2015 and June 2016) used Spanish in his speeches.

440. Cardinal and Sonntag, *State Traditions*, 4-5

441. A prominent example is the document presented by the group *Koiné*, mainly composed of professors of Catalan language and literature, in March 2016. This document caused a lively debate in Catalan media.

2. Which Catalan way for just language policies?

This section aims to summarize the implications that a shift from the usual defensive language policies framed in the context of a competing nation-building *within Spain* to one of proactive policies framed by the project of *building* a new more democratic and more just country could have in terms of linguistic justice.

As mentioned previously, it is to a great extent the competing state framework that explains the rather monist approach adopted (mainly in terms of legitimation) by the Catalan Government in the eighties and the importance given to the concept of own (national) language as the cornerstone of Catalan language policies. In fact, such a monist approach is fundamentally a compensatory strategy when faced with state policies. Moreover, it is probably the only strategy able to sustain linguistic plurality, that is, to provide a balanced context of linguistic choice or, in Patten's terms, fair background conditions for an equal treatment of citizens. In this sense, a monist legitimation is instrumental to sustain linguistic plurality.

It seems that a scenario of maintenance of the Spanish regime of linguistic autonomy, in the terms set up so far, leaves little room for raising more pluralist approaches on the part of the Catalan Government. Using Grin's words, while Spanish continues to function as the *hegemon*, promoted through the hegemonic power of the State, Catalan institutions are compelled to focus on the defence of the use of the Catalan language.⁴⁴²

However, a new scenario of full sovereignty (or a substantial increase of self-government) in Catalonia entails a crucial change: the acquisition of a full (or almost full) responsibility of the Catalan government for the rights of all its citizens as members of particular language groups. In consequence, a significant shift should be made regarding Catalan language policies, more significant in terms of legitimation than in terms of implementation. By that I mean that language policies should continue to be pluralist with respect to the language groups existing in Catalonia, at the same time that the Catalan Government should adopt a new role as single guarantor of language interests of all its citizens, both communication and identity-related, since the former shared (or competing) responsibility between the Spanish and the Catalan governments would entirely correspond to the Catalan side.

442. Grin, "Using territoriality", 32.

How could Catalan just language policies be implemented and legitimated in such a new scenario?

First of all, we must bear in mind the exceptionality of Catalan society, one of the most important examples of mixed (and hybrid) societies among western democracies according to the data provided in chapter 5. Its exceptionality entails, on the one hand, a lack of suitable theoretical developments (both on linguistic justice and on sociolinguistic dynamics); and on the other hand, it also entails a lack of empirical models.

A glance at possible empirical models shows that the three states identified as cases of hybrid societies (Andorra, Latvia and Luxembourg) are heterogeneous and distant from the Catalan case. Two (Andorra and Latvia) have monolingual regimes, whilst Luxembourg has a plurilingual regime. Two (Andorra and Luxembourg) are small *demoi*, as well as to some extent Latvia (although the size of its population is closer to that of Catalonia).⁴⁴³ In terms of path dependency, Latvia also has points in common with Catalonia, as a former soviet republic; however, the important cultural, social and political distance between Russia and Spain, and especially the ethnic conflict present in Latvia and non-existent in Catalonia make these two cases significantly different.

In my view, in the case of gaining a significant level of sovereignty, Catalonia should adopt a pluralist language policy aimed at sustaining plurality in the terms described in chapter 5. That is, institutions should support a broad and reciprocal individual bilingualism in Catalan and Spanish, by providing balanced structural incentives to use both languages. In an already hybrid society like Catalonia, the institutional design of language policies should include (a) the official use of both languages, with areas of priority for Catalan (mainly, its preferential use in public institutions without denying citizens the right to communicate in Spanish if they so desire); (b) the promotion of the universal knowledge of both languages among the population, and (c) the offer of non-linguistically segregated public services, as up to now, including the case of education. On this basis, decisions on contextual arrangements and additional policies in a wide range of fields (e.g. the duties of legal persons in activities like the provision of private services) could be adopted in the political arena.

Indeed, this pluralist approach fits well with the tradition of language policies in Catalonia, which have been rather pluralist in their implementation, although rather monist in their legitimation, because of the

443. Inhabitants (censuses 2014): Latvia, 1,973,700; Catalonia, 7,519,000.

aforementioned defensive position adopted by the Catalan Government faced with the *homogeneist* policies of the Spanish state.

In terms of legitimation, probably both the consideration of Catalan as the own (or national) language of Catalonia and the expressed desire for Catalan to work as its common language need a modulation towards a progressive pluralisation. This means that:

a) Certainly, Catalan is the *original* language of Catalonia as a political entity:⁴⁴⁴ until the 1950s (before the contemporary waves of immigration) most of the population was able to speak Catalan (in general as L1) and felt identified only with Catalan. However, a combination of assimilatory policies and demographic changes has resulted in a hybrid society where, as seen before, significant percentages of people feel identified either with Catalan or with Spanish (and also with both). So, Spanish should in some way be recognized as a language of Catalonia, along with Catalan.

b) Catalan should be promoted as a common language, in order to allow the exercise of a full citizenship to all Catalans, but also Spanish should possess this function of common language. On the one hand, because in terms of justice this function is related to both instrumental and identity interests of a significant group of population. On the other hand, because in pragmatic terms Spanish is already working as a common language (it is the most known official language), and this reality cannot be underestimated.

Such a pluralisation should be progressive, partly because now the political reality demands the traditional defensive approach, partly because such an ideological shift should be soundly grounded on a serene reflection around a set of elements which are largely indeterminate at this moment.

In fact, whatever the political evolution of secessionism in Catalonia, at least two elements will have to be taken into account. Firstly, members of the Catalan-speaking language group will continue to be placed in a minority position (within or besides Spain), like plenty of other speakers

444. 'Original language' (*llengua originària*) is the adjective proposed by Antoni Milian in order to avoid the usual terms 'national language' (*llengua nacional*) and 'own language' (*llengua pròpia*), which are problematic to the extent that they are clearly appealing to identity. [Proposal made in the debate "Quin hauria de ser el règim jurídic de la llengua catalana si Catalunya tingués un estat propi?", organized by the Institute of Autonomous Studies, Government of Catalonia, 27 November 2013]

of common (and national) languages in western democracies, because of the apparent non-stop process of globalisation. Secondly, linguistic hybridity is likely to increase over the coming years, so Catalans will probably engage in more bilingual practices and will adopt more multiple linguistic identities. The sociolinguistic consequences of such an evolution are to a great extent unknown: despite the considerable sociolinguistic research made over recent decades, we still lack empirical data on the effects of the coexistence and mixture of bilingual people in societies where (a) a reciprocal and balanced bilingualism in societal languages is sustained by institutions, and (b) the knowledge and the use of global languages (mainly English in this case) are more and more valued and widespread.

So, Catalan language policies should be attentive to this set of elements and prepared to adapt to a changing background, which is considerably open in many aspects and in which people's linguistic preferences will be malleable and could quickly evolve.

Again, as mentioned in chapter 5 for mixed societies in general, I suggest that enabling citizens to make reasoned choices in a climate of mutual respect, as well as to revise such choices when necessary, will be one of the pillars of Catalan language policies. This statement works both for the current political scenario within a Spanish regime of linguistic autonomy and for scenarios of more self-government. In other words, Catalan language policies should foster the development of citizens' reflective preferences in the sense suggested by Offe and Preuss,⁴⁴⁵ that is, of preferences based on a conscious confrontation of one's own point of view with opposing points of view related, in this case, to *why languages matter to people*. A grounded and serene debate on the issues addressed by this research could help to implement just language policies in the near but in several aspects uncertain future.

445. Offe and Preuss, "Democratic Institutions".

Tables

Chapter 3

TABLE 4. Language acts analysed (in force on January 1st 2014)

| Political unit | Language act | Year |
|--------------------------------|---|-----------|
| Andorra | Llei d'ordenació de l'ús de la llengua oficial (<i>Act on the Organisation of the Official Language Use</i>) | 1999 |
| Armenia | ՀԱՅԱՍՏԱՆԻ ՀԱՆՐԱՊԵՏՈՒԹՅԱՆ ՕՐԵՆՔԸ ԼԵԶՎԻ ՄԱՍԻՆ (<i>The law of the Republic of Armenia on Language</i>) | 1993 |
| Azerbaijan | Dövlət dili haqqında Azərbaycan Respublikasının Qanunu (<i>Law on the State Language of the Republic of Azerbaijan</i>) | 2002 |
| Belarus | ЗАКОН РЭСПУБЛІКІ БЕЛАРУСЬ АБ мовах у Рэспубліцы Беларусь (<i>Law of the Republic of Belarus on Languages</i>) | 1998 |
| Canada | Act respecting the Status and Use of the Official Languages of Canada | 1988-2005 |
| Canada - Alberta | Language Act | 1998 |
| Canada - New Brunswick | Official Languages Act | 2002 |
| | An Act Recognizing the Equality of the Two Official Linguistic Communities in New Brunswick | 2011 |
| Canada - Northwest Territories | Act on the Official Languages of Northwest Territories | 1988 |
| Canada - Nova Scotia | French Language Services Act | 2004 |
| Canada - Nunavut | Inuit Language Protection Act | 2008 |
| | Official Languages Act | 2009 |
| Canada - Ontario | French Language Services Act | 1986 |
| Canada - Prince Edward Island | French Language Services Act | 2013 |
| Canada - Quebec | Charte de la langue française (<i>French Language Act</i>) | 1977-2002 |

| Political unit | Language act | Year |
|-------------------------------|---|-----------|
| Canada - Saskatchewan | Act on the Use of French and English in Saskatchewan | 1988 |
| Canada - Yukon | Languages Act | 1988 |
| Croatia | Zakon o uporabi jezika i pisma nacionalnih manjina u Republici Hrvatskoj (<i>Law on the Use of the Language and Script of Ethnic Minorities</i>) | 2000 |
| Estonia | Keelseadus (<i>Language Act</i>) | 2011-2013 |
| Finland | Kielilaki (<i>Language Act</i>) | 2003 |
| | Saamen kielilaki (<i>Sami Language Act</i>) | 2003 |
| France | Loi relative à l'emploi de la langue française (<i>Act on the Use of the French Language</i>) | 1994-2000 |
| Germany - Schleswig-Holstein | Gesetz zur Förderung des Friesischen im öffentlichen Raum (Friesisch-Gesetz - FriesischG) (<i>Act to promote the Frisian Language in the Public Sector</i>) | 2004 |
| Ireland | Official Languages Act | 2003 |
| Italy | Norme in materia di tutela delle minoranze linguistiche storiche (<i>Regulations for the Protection of Historic Linguistic Minorities</i>) | 1999 |
| | Norme in materia di tutela della minoranza slovena del Friuli Venezia Giulia (<i>Regulations for the Protection of the Slovenian Linguistic Minority in Friuli - Venezia Giulia</i>) | 2001 |
| Italy - Basilicata | Norme per la promozione e tutela delle Comunità Arbereshe in Basilicata (<i>Regulations for the Protection and Promotion of the Arbëresh Community</i>) | 1998 |
| Italy - Calabria | Norme per la tutela e la valorizzazione della lingua e del patrimonio culturale delle minoranze linguistiche e storiche della Calabria (<i>Regulations for the protection and enhancement of the language and the cultural heritage of linguistic and historical minorities of Calabria</i>) | 2003 |
| Italy - Campania | Tutela della minoranza alloglotta e del patrimonio storico, culturale e folcloristico della Comunità Albanofona del comune di Greci in provincia di Avellino. (<i>Regulations for the Protection of the Alloglot Minority and the Historical, Cultural and Folkloric Heritage of the Albanian-speaking community of Greci in the province of Avellino</i>) | 2004 |
| Italy - Friuli Venezia Giulia | Norme per la tutela, valorizzazione e promozione della lingua friulana (<i>Regulations for the Protection and Promotion of the Friulian Language</i>) | 2007 |
| | Norme regionali per la tutela della minoranza linguistica slovena (<i>Regulations for the Protection of the Slovenian Linguistic Minority</i>) | 2007 |
| | Norme di tutela e promozione delle minoranze di lingua tedesca del Friuli Venezia Giulia (<i>Regulations for the Protection and Promotion of the German Linguistic Minority</i>) | 2009 |
| | Valorizzazione dei dialetti di origine veneta parlati nella regione Friuli Venezia Giulia (<i>Regulations for the Enhancement of the linguistic varieties from Veneto spoken in Friuli Venezia Giulia</i>) | 2010 |

| Political unit | Language act | Year |
|----------------------|---|-----------|
| Italy - Liguria | Norme per lo studio, la tutela, la valorizzazione e l'uso sociale di alcune categorie di beni culturali e in particolare dei dialetti e delle tradizioni popolari della Liguria (<i>Regulations for the Study, Protection, Enhancement and Social Use of Several Categories of Cultural Goods and particularly the Ligurian Dialects and Popular Traditions of Liguria</i>) | 1990 |
| Italy - Molise | Tutela e valorizzazione del patrimonio culturale delle minoranze linguistiche nel Molise (<i>Protection and Enhancement of the Cultural Heritage of the Linguistic Minorities in Molise</i>) | 1997 |
| Italy - Piemonte | Tutela, valorizzazione e promozione del patrimonio linguistico del Piemonte (<i>Protection, Enhancement and Promotion of the Linguistic Heritage of Piemonte</i>) | 2009 |
| | Promozione delle tradizioni culturali delle minoranze linguistiche storiche non autoctone presenti sul territorio regionale (<i>Promotion of the Cultural Traditions of the Historical Linguistic Minorities not Autochthonous</i>) | 2009 |
| Italy - Puglia | Norme per la promozione e la tutela delle lingue minoritarie in Puglia (<i>Regulations for the Promotion and Protection of the Minority Languages in Puglia</i>) | 2012 |
| Italy - Sardinia | Promozione e valorizzazione della cultura e della lingua della Sardegna (<i>Promotion and Enhancement of the Culture and Language of Sardinia</i>) | 1997 |
| Italy - Sicily | Provvedimenti per la salvaguardia e la valorizzazione del patrimonio storico, culturale e linguistico delle comunità siciliane di origine albanese e delle altre minoranze linguistiche (<i>Measures for the Preservation and Enhancement of the Historical, Cultural and Linguistic Heritage of Sicilian Communities of Albanian Origin and Other Linguistic Minorities</i>) | 1998 |
| Italy - Aosta Valley | Salvaguardia delle caratteristiche e tradizioni linguistiche e culturali delle popolazioni walser della valle del Lys (<i>Preservation of Linguistic and Cultural Traditions and Characteristics of Walser People of the Lys Valley</i>) | 1998 |
| Italy - Veneto | Tutela, valorizzazione e promozione del patrimonio linguistico e culturale veneto (<i>Protection, Enhancement and Promotion of the Linguistic and Cultural Heritage of Veneto</i>) | 2007 |
| Latvia | Valsts valodas likums (<i>State Language Law</i>) | 2000 |
| Lithuania | Lietuvos Respublikos valstybinės kalbos įstatymas (<i>Law on the State Language</i>) | 1995-2012 |
| Luxembourg | Loi sur le régime des langues (<i>Languages Regime Act</i>) | 1984 |
| Malta | Maltese Language Act (Chapter 470 of the Laws of Malta) | 2003 |
| Moldova | Lege cu privire la statutul limbii de stat a RSS Moldovenești (<i>Law On the Status of the State Language of the Moldavian Soviet Socialist Republic</i>) | 1989 |
| | Legea cu privire la funcționarea limbilor vorbite pe teritoriul RSS Moldovenești (<i>Law on the Functioning of Languages on the Territory of the Moldavian SSR</i>) | 1989 |
| Netherlands | Wet gebruik Friese taal (<i>Use of Frisian Act</i>) | 2013 |
| Norway | Lov om målbruk i offentlig teneste [målbrukslova] (<i>Act on the Language Use in the Civil Service</i>) | 1980-1988 |

| Political unit | Language act | Year |
|---|--|-----------|
| Poland | Ustawa o języku polskim (<i>Act on the Polish Language</i>) | 1999-2003 |
| | Ustawa o mniejszościach narodowych i etnicznych oraz o języku regionalnym (<i>Act on the National and Ethnic Minorities, and on the Regional Language</i>) | 2005 |
| Romania | Legea privind folosirea limbii române în locuri, relații și instituții publice (<i>Act on the Use of the Romanian Language in Public Places, Relations and Institutions</i>) | 2004 |
| Russian Federation | Закон О Языках Народов РФср (<i>Languages of the Russian Federation Peoples Act</i>) | 1991-1998 |
| | Федеральный закон Российской Федерации О государственном языке Российской Федерации (<i>Federal Act on the Official Language of the Russian Federation</i>) | 2005 |
| Russian Federation - Adygea | ЗАКОН РЕСПУБЛИКИ АДЫГЕЯ О ЯЗЫКАХ НАРОДОВ РЕСПУБЛИКИ АДЫГЕЯ (<i>Law on the Languages of the Peoples of the Republic of Adygea</i>) | 1994 |
| Russian Federation - Altay | ЗАКОН РЕСПУБЛИКИ АЛТАЙ О ЯЗЫКАХ НАРОДОВ, ПРОЖИВАЮЩИХ НА ТЕРРИТОРИИ РЕСПУБЛИКИ АЛТАЙ (<i>Law on the Languages of the People Residing in the Republic of Altai</i>) | 1993-2012 |
| Russian Federation - Bashkortostan | ЗАКОН О ЯЗЫКАХ НАРОДОВ РЕСПУБЛИКИ БАШКОРТОСТАН (<i>Law on the Languages of Bashkortostan</i>) | 1999-2010 |
| Russian Federation - Buryatia | ЗАКОН О ЯЗЫКАХ НАРОДОВ РЕСПУБЛИКИ БУРЯТИЯ (<i>Law on the Languages of the Republic of Buryatia</i>) | 1992-2011 |
| Russian Federation - Chechenia | ЗАКОН О ЯЗЫКАХ В ЧЕЧЕНСКОЙ РЕСПУБЛИКЕ (<i>Law on Languages in the Chechen Republic</i>) | 2007-2012 |
| Russian Federation - Chuvashia | ЗАКОН О ЯЗЫКАХ В ЧУВАШСКОЙ РЕСПУБЛИКЕ (<i>Law on Languages in the Chuvash Republic</i>) | 2003 |
| Russian Federation - Ingushetia | ЗАКОН О государственных языках Республики Ингушетия (<i>Law on the State Languages of the Republic of Ingushetia</i>) | 1996-2011 |
| Russian Federation - Kabardino-Balkaria | ЗАКОН О ЯЗЫКАХ НАРОДОВ КАБАРДИНО-БАЛКАРСКОЙ РЕСПУБЛИКИ (<i>Law on the Languages of the Peoples of the Kabardino-Balkar Republic</i>) | 1995-2003 |
| Russian Federation - Kalmykia | Закон Республики Калмыкия О языках народов Республики Калмыкия (<i>Law on the State Languages and other Languages of the Republic of Kalmykia</i>) | 1999-2006 |

| Political unit | Language act | Year |
|--|---|-----------|
| Russian Federation - Karachay-Cherkessia | Закон о языках народов Карачаево-Черкесской Республики (<i>Law on the Languages of the Peoples of Karachai-Cherkessia</i>) | 1996-2002 |
| Russian Federation - Karelia | Закон о государственной поддержке карельского, вепсского и финского языков в Республике Карелия (<i>Law on State Support of Karelian, Vepsian and Finnish languages in the Republic of Karelia</i>) | 2004 |
| Russian Federation - Khakassia | Закон О языках народов Республики Хакасия (<i>Law on the Languages of the Republic of Khakassia</i>) | 1992-2012 |
| Russian Federation - Komi | ЗАКОН О ГОСУДАРСТВЕННЫХ ЯЗЫКАХ РЕСПУБЛИКИ КОМИ (<i>Law on the Official Languages of Komi</i>) | 1992-2002 |
| Russian Federation - Mari El | Закон о языках в Республике Марий Эл (<i>Law on Languages in the Republic of Mari El</i>) | 1995-2011 |
| Russian Federation - Mordovia | ЗАКОН РЕСПУБЛИКИ МОРДОВИЯ О ГОСУДАРСТВЕННЫХ ЯЗЫКАХ РЕСПУБЛИКИ МОРДОВИЯ (<i>Law on the Official Languages of Mordovia</i>) | 1998-2011 |
| Russian Federation - Sakha (Yakutia) | ЗАКОН О ЯЗЫКАХ В РЕСПУБЛИКЕ САХА (ЯКУТИЯ) (<i>Law on Languages in the Sakha Republic (Yakutia)</i>) | 1992-2002 |
| Russian Federation - Tatarstan | ЗАКОН О ГОСУДАРСТВЕННЫХ ЯЗЫКАХ РЕСПУБЛИКИ ТАТАРСТАН И ДРУГИХ ЯЗЫКАХ В РЕСПУБЛИКЕ ТАТАРСТАН (<i>Law on the State Language of the Republic of Tatarstan and other Languages in the Republic of Tatarstan</i>) | 1992 |
| | Закон Об использовании татарского языка как государственного языка Республики Татарстан (<i>Law on the use of the Tatar Language as the State Language of the Republic of Tatarstan</i>) | 2013 |
| Russian Federation - Tuva | Закон О языках в Тувинской АССР (<i>Law on Languages in the Tuva ASSR</i>) | 1990 |
| Russian Federation - Udmurtia | ЗАКОН О ГОСУДАРСТВЕННЫХ ЯЗЫКАХ УДМУРТСКОЙ РЕСПУБЛИКИ И ИНЫХ ЯЗЫКАХ НАРОДОВ УДМУРТСКОЙ РЕСПУБЛИКИ (<i>Law on the Official Language of the Udmurt Republic and other Languages of the Peoples of the Udmurt Republic</i>) | 2001 |
| Serbia | Закон о службеној употреби језика и писама (<i>Act on the Official Use of Languages and Alphabets</i>) | 1991-2010 |
| Slovak Republic | <i>Zákon o štátnom jazyku Slovenskej republiky (Act on the State Language of the Slovak Republic)</i> | 1995-2011 |
| | <i>Zákon o používaní jazykov národnostných menšín (Act on the Use of Languages of National Minorities)</i> | 1999 |
| Slovenia | <i>Zakon o javni rabi slovenščine (Act on Public Usage of Slovenian Language)</i> | 2004 |

| Political unit | Language act | Year |
|---|--|------|
| Spain - Aragon | Ley de uso, protección y promoción de las lenguas y modalidades lingüísticas propias de Aragón (<i>Act on the Use, Protection and Promotion of Languages and Linguistic Modalities of Aragon</i>) | 2013 |
| Spain - Asturias | Ley de uso y promoción del bable/asturiano (<i>Act on the Use and Promotion of Bable/Asturian</i>) | 1988 |
| Spain - Balearic Islands | Llei de normalització lingüística de les Illes Balears (<i>Act on the Linguistic Normalization of the Balearic Islands</i>) | 1986 |
| Spain - Basque Country | Legea Euskararen erabilera normalizatzeko oinarrikoa (<i>Act on the Normalization of the Basque Language Use</i>) | 1982 |
| Spain - Catalonia | Llei de política lingüística (<i>Language Policy Act</i>) | 1998 |
| | Llei de l'occità, aranès a l'Aran (<i>Occitan, Aranese in Aran, Act</i>) | 2010 |
| Spain - Galicia | Ley de normalización lingüística (<i>Act on Linguistic Normalization</i>) | 1983 |
| Spain - Navarre | Foru Legea euskarari buruzkoa (<i>Act on Basque Language</i>) | 1986 |
| Spain - Valencian Community | Llei d'ús i ensenyament del valencià (<i>Act on the Use and Teaching of Valencian</i>) | 1983 |
| Sweden | Språklagen (<i>Languages Act</i>) | 2009 |
| | Svensk författningssamling om nationella minoriteter och minoritetsspråk (<i>Act on National Minorities and National Minority Languages</i>) | 2009 |
| Switzerland | Loi fédérale sur les langues nationales et la compréhension entre les communautés linguistiques (<i>Federal Act on the National Languages and the Understanding between Linguistic Communities</i>) | 2007 |
| Switzerland - Grisons | Legge sulle lingue del Cantone dei Grigioni (<i>Act on the Languages of the Canton of Grisons</i>) | 2006 |
| The former Yugoslav Republic of Macedonia | ЗАКОН ЗА УПОТРЕБАТА НА МАКЕДОНСКИОТ ЈАЗИК (Law on the Usage of the Macedonian language) | 1998 |
| | ЗАКОН ЗА УПОТРЕБА НА ЈАЗИК ШТО ГО ЗБОРУВААТ НАЈМАЛКУ 20% ОД ГРАЃАНИТЕ ВО РЕПУБЛИКА МАКЕДОНИЈА И ВО ЕДИНИЦИТЕ НА ЛОКАЛНАТА САМОУПРАВА (<i>Law on the use of the language spoken at least by 20% of the citizens in Republic of Macedonia and use of the language in the units of Local Self Government</i>) | 2008 |
| Ukraine | ЗАКОН Про засади державної мовної політики (<i>Law on the Principles of the State Language Policy</i>) | 2012 |
| United Kingdom - Scotland | Gaelic Language (Scotland) Act | 2005 |
| United Kingdom - Wales | Welsh Language (Wales) Act 1993 | 1993 |

| Political unit | Language act | Year |
|----------------------|--|-----------|
| USA | Native American Languages Act (US Code, Title 25, Chapter 31) | 1990-2001 |
| USA - Alaska | Alaska Statutes, Title 04, Official Language | 1998 |
| USA - Georgia | Georgia Code, Title 50, Chapter 3, Article 4, Official State Language | 1996 |
| USA - Idaho | Idaho Statutes, Title 73-121, English the Official State Language | 2007 |
| USA - Iowa | Iowa Code, 1.18, English Language Reaffirmation | 2002 |
| USA - Kansas | Kansas Statutes, Article 28, Official Language | 2007 |
| USA - Montana | Montana Code, 1-1-510, English as official and primary language of state and local governments | 1995 |
| USA - New Hampshire | New Hampshire Statutes, Title 1, Chapter 3-C, Official State Language | 1995 |
| USA - Rhode Island | Rhode Island Statutes, 42-5.1, Rhode Island Policy and Its Diverse Cultures | 1992 |
| USA - South Carolina | South Carolina Code, Section 1-1-696, Official State language. | 1987 |
| USA - South Dakota | South Dakota Codified Laws, 1-27-20, English as common language | 1995 |
| USA - Tennessee | Tennessee Code, Section 4-1-404, English and Legal Language | 1984 |
| USA - Utah | Utah Code, 63G-1-201, Official State Language | 2000 |
| USA - Virginia | Virginia Code, 1-511, English designated the official language of the Commonwealth | 1981-2005 |
| USA - Wyoming | Wyoming Statutes, 8-6-101, English as official language of Wyoming | 1996 |

Chapter 5

TABLE 26. Political units identified as mixed societies

| Political unit and population | Linguistic regime | L1 diversity | Knowledge of societal languages |
|---|---|---|---|
| Andorra • state • 79,218 inhab. in 2013 | Monolingual (partial choice) ⁴⁴⁹ | 51-60% = Catalan 39,5%; Spanish 43,8%; Portuguese 18,6%; French 9,7%; English 3,5%; other 5,5% [Source: Government of Andorra, 2015, first language] | Bilingualism >75% = 78,9% bilingual (Catalan and Spanish) [Source: Government of Andorra, 2004, knowledge of languages] |
| Canada-Nunavut • substate • 31,906 inhab. in 2011 | Plurilingual (free choice) | 26-40% = English 28,1%, French 1,4%, other 69,5% [Source: Canadian census 2011, first language] | Bilingualism 51-75% = English only 87,1%, French only 0,1%, English and French 3,8%, none 9% [Source: Canadian census 2011, knowledge of official languages] |
| Italy-Aosta Valley • substate • 126,933 inhab. in 2012 | Plurilingual (free choice) | 41-50% = Italian 33,86%, Franco-Provençal 23,03%, both 11,51%, Italian + other languages 13,30% (total Italian 58,67%, total Franco-Provençal 34,54%) [Source: Fondation Emile Chanoux, 2003, first language learnt] | Bilingualism >75% = Italian 96%, French 75%, Franco-Provençal 56-57%, Piemontese 27% [Source: Fondation Emile Chanoux, 2003, knowledge of languages] |
| Italy-Veneto • substate • 4,865,380 inhab. in 2012 | Monolingual (minimal choice) ⁴⁵⁰ | 26-40% = Venetian 69,9% [Source: ISTAT 2007: 5, language spoken at home ⁴⁵¹] | Bilingualism 51-75% = Italian 97,41% [Source: European Commission 2012, data referred to Italy] Venetian 69,9% [Source: ISTAT 2007] |
| Latvia • state • 1,973,700 inhab. in 2014 | Monolingual (exclusivity) | 26-40% = Latvian 62,1%, Russian 37,2% [Source: Census 2011, language spoken at home] | Bilingualism 51-75% = Latvian 82,9%, Russian 80,9% [Sources: Census 2011, knowledge of languages; sociolinguistic data from census 2000, Valsts Valoda Statistika ⁴⁵²] |

| Political unit and population | Linguistic regime | L1 diversity | Knowledge of societal languages |
|--|----------------------------|---|---|
| Luxembourg • state • 543.202 inhab. in 2013 | Plurilingual (free choice) | 41-50% = Luxembourgish 52%, French 16%, German 2%, Portuguese 19% [Source: European Commission 2012] | Bilingualism >75% = Luxembourgish 66%, French 63%, German 50% [Source: European Commission 2012] |
| Russian Federation-Bashkortostan • substate • 4.072.292 inhab. in 2010 | Plurilingual (free choice) | 51-60% = Russian 44,40%, Tatar 26,69%, Bashkir 22,40%, Mari 2,33%, Chuvash 2,08%, Udmurt 0,49% [Source: Russian census 2010 ⁴³³] | Bilingualism 51-75% = Russian 96,7% [Source: Russian census 2010, knowledge of Russian; Ruiz Vieyetz, 2002: 26 ⁴³⁴] |
| Russian Federation-Chuvashia • substate • 1.251.619 inhab. in 2010 | Plurilingual (free choice) | 41-50% = Chuvash 52,44%, Russian 43,62%, Tatar 2,46% [Source: Russian census 2010] | Bilingualism 51-75% = Russian 95,22% [Source: Russian census 2010, knowledge of Russian] |
| Russian Federation-Kabardino-Balkaria • substate • 859.939 inhab. in 2010 | Plurilingual (free choice) | 51-60% = Kabardino-Cherkessia 57,02%, Russian 24,52%, Karachay-Balkar 12,66% [Source: Russian census 2010] | Bilingualism 51-75% = Russian 95,57% [Source: Russian census 2010, knowledge of Russian] |
| Russian Federation-Kalmykia • substate • 282.021 inhab. in 2014 | Plurilingual (free choice) | 41-50% = Kalmyk 54,39%, Russian 34,82%, Dargin 2,64%, Kazakh 1,54%, Turkish 1,3 [Source: Russian census 2010] | Bilingualism 51-75% = Russian 97,61% [Source: Russian census 2010, knowledge of Russian] |
| Russian Federation-Karachay-Cherkessia • substate • 477.859 h in 2010 | Plurilingual (free choice) | 51-60% = Karachay-Balkar, 40,88%, Russian 32,74%, Kabardino-Cherkessia 11,95% [Source: Russian census 2010] | Bilingualism 51-75% = Russian 96,26% [Source: Russian census 2010, knowledge of Russian] |
| Russian Federation-Tatarstan • substate • 3.786.488 inhab. in 2010 | Plurilingual (free choice) | 41-50% = Tatar 50,42%, Russian 44,23%, Chuvash 2,67% [Source: Russian census 2010] | Bilingualism 51-75% = Russian 97,29% [Source: Russian census 2010, knowledge of Russian] |

| Political unit and population | Linguistic regime | L1 diversity | Knowledge of societal languages |
|---|-------------------------------|--|---|
| Spain- Balearic Islands • substate • 1.103.000 inhab. in 2014 | Plurilingual (free choice) | 51-60% = Catalan: 37,9%, Spanish: 48,6%, both 3,6%, other 9,9% [Source: Melià, 2015] | Bilingualism >75% = Spanish (100%), Catalan 80% [Source: Melià, 2015] |
| Spain- Catalonia • substate • 7.519.000 inhab. in 2014 | Plurilingual (free choice) | 41-50% = Catalan 31%, Spanish 55,1%, both 2,4%, other 10,2% [Source: Generalitat de Catalunya 2015a] | Bilingualism >75% = Spanish 95%, Catalan 80,4% [Source: Generalitat de Catalunya 2015a] |
| Spain- Galicia • substate • 2.734.656 inhab. in 2014 | Plurilingual (free choice) | 26-40% = Galician: 35,7%, Spanish: 62,1% [Source: González 2007] | Bilingualism >75% = Spanish (100%), Galician: 91,4% [Source: González 2007] |
| Spain- Valencia • substate • 786.424 inhab. in 2014 | Plurilingual (free choice) | 41-50% = Catalan: 36,5%, Spanish: 55,5%, both: 5,5% [Source: Querol 2007] | Bilingualism 51-75% = Spanish (100%), Catalan: 53% [Source: Acadèmia Valenciana de la Llengua 2005] |

446. Catalan is the single official language, but French and Spanish can also be chosen as languages of education.

447. As said in chapter 3, despite the fact that Italy does not recognize Venetian as a language different from Italian, I have considered it as such according to the UNESCO's Atlas of the World's Languages in Danger.

448. Data on the use of Venetian at home.

449. According to this source, in 2000 71% of ethnic Latvians said they could speak Russian, whilst 52% of Russians said they could speak Latvian: <http://www.vvk.lv/index.php?sadala=129&id=389>

450. The concept gathered is РОДНОМУ ЯЗЫКУ (mother tongue).

451. Ruíz Vieytez ("Minority Languages of the Russian Federation": 26) and other authors point out that bilingualism in the Russian Federation is unidirectional (ethnic Russians tend to be monolingual).

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The question of *why languages matter to people* is at the core of contemporary liberal-democratic political theories of linguistic justice. Within a theoretical framework that to a great extent revolves around the notions of neutrality and equal concern for individuals, justice stems from a suitable distribution of their interests, which in the case of languages point to both communication and identity. This book addresses two ideological debates shaping current positions on linguistic justice: one about the value of languages as communication tools and identity carriers; the other, between monist and pluralist views derived from more or less territorialized conceptions of language groups. The research carried out aims to clarify (a) how current linguistic regulations are legitimated in terms of communication and identity interests, and (b) how these interests work in mixed societies, where members of different language groups live intermingled. It combines theoretical analysis and empirical evidence obtained through the systematic study of 112 linguistic regulations adopted in western democracies. Firstly, it critically analyses current theories. Secondly, it contributes a typology of valued ends for language policies and compares their uses in legal regulations. Finally, it develops the concept of mixed society, identifies and characterizes some cases and suggests suitable language policy lines for them. The book concludes that communication and identity are inextricably related and argues that mixed societies require pluralist solutions grounded in both communicative and identity interests, and that policies in such societies should therefore foster a reciprocal bilingualism, sustainable over time, to promote fair conditions of choice.