Language and law around the world

an international perspective
You are members of the legislative assembly of Freedonia, “land of the brave, and free,” a newly-independent country with a long and honourable history. How would you craft

1. a general declaration of national language policy?
2. a law concerning the language of government and the courts?
3. a law concerning language and the schools?
4. a policy for dealing with language and the workplace?
5. a policy for dealing with language and the naturalization process?
Language legislation is enacted to deal with multilingual situations

- Multilingualism may be a source of stress:
  - Belgium is divided into areas of French and Flemish speakers, who constantly struggle over recognition, and its capital city is officially bilingual
  - In Canada, the Province of Québec has asserted the rights of its French-speaking majority to the distress of the English-speaking elites.

- Or it may be a source of stability:
  - Switzerland peacefully incorporates four official languages
  - Singapore recognizes four languages: Chinese, English, Malay, and Tamil
An example from Belgium -- conflict between EU and Belgian language law:

Anton Las, who was dismissed by PSA Antwerp in September 2009, argued the employment contract was void, as was his dismissal notice [because both] were in English. [PSA is a Singapore-based company that operates ports around the world.]

Las argued that the company violated a Belgian law which decreed the exclusive use of Dutch in the drafting of any contract for use by a business in a Dutch-speaking region of Belgium. Belgium has four linguistic regions.

The EU Court of Justice ruled that the contract was indeed valid, and that the language requirement in the Belgian law

"is liable to have a dissuasive effect on non-Dutch speaking employees and employers from other member states and therefore constitutes a restriction on the freedom of movement for workers".

That freedom of movement is guaranteed by the Treaty on the Functioning of the European Union (TFEU).
Revision of Ukraine language law prompts riots:

Clashes between riot police and protesters erupted in Kiev yesterday as Ukraine's parliament gave initial approval to a law that will make Russian an official language and threatens to split the country along geographical and cultural lines.

Up to 9,000 demonstrators gathered during the debates on the law in the Ukrainian capital, one of the focal points for the Euro 2012 football tournament which starts on Friday.

After news emerged that 234 deputies in the 450-seat chamber had voted in favour of moving the legislation onto a second reading scuffles erupted on the streets outside the parliament buildings. Eggs and bottles were thrown by protesters at riot police who had cordoned off areas of the city, according to media reports.
Spain:

For several centuries, Castilian has been the dominant variety of Spanish, both officially and unofficially.

This has led to the suppression of other varieties of Spanish, or other regional languages (Basque). Franco actually banned the teaching of minority or regional languages in Spain.

In the post-Franco era, regional languages are allowed more autonomy.

In Catalonia, in particular, Catalan has become official, and Castilian Spanish is often stigmatized.

But the restoration of rights to regional languages has also created conflicts in these regions: Catalan v. Aragonese, for example, and Galician v. Asturian.
In Nigeria, a country whose inhabitants speak over 400 languages, English, the language of the former colonial master, serves as a lingua franca that does not favor one ethnic group over another.

The same holds true in Ivory Coast, with some 70 local languages, where French is the lingua franca.

In India, Hindi is the official language; English has official status as well.

Since Hindi is spoken by only 42% of the population, individual states may designate their own official languages.

Thus Karnataka has chosen Kannada as its only official language, and pursuant to that decision, the state has threatened to close all English-medium primary schools.

In Pakistan, Urdu is the official language, although only 8% of Pakistanis use it as their first language. English is also an official language.

44% of Pakistanis speak Punjabi.
Language laws typically function to restrict or even deny minority language rights. In some cases, though, they are enacted to protect minorities.

Article 2, sec. 1 of the French Constitution:

The language of the Republic is French.

In 2008, the Constitution was amended to add Article 75-1 [Regional Languages]

Regional languages are part of France's heritage.

This amendment is symbolic, conveying no rights or special status to regional languages; immigrant languages or minority languages not restricted by region are not mentioned.

Right: Businesses can have non-French names.
Québec office de la langue française:

Proposed new language legislation in Québec gives the “language police” more powers than the actual police.

Bill 14 would allow an inspector to "visit any place" where an activity governed by the language law is carried on and "seize any thing" that the inspector has reasonable grounds to believe may be evidence of an offence.

It would also allow the inspector to refer the matter to the prosecutor without giving the business own a chance to correct the offense or object to the action.

The real police must obtain a warrant for a search or seizure by proving to a judge that they have reasonable grounds to believe an offence has been committed, but Bill 14 does not mention any such requirement for the language police.

The legislation encourages citizens to serve as language spies, and the government proposes to post names of offenders on a website to shame them into compliance.

A new rule requires students to pass a French test before they can receive a junior college [community college] degree.
KFC and Staples in Québec have translated their names into French (PFK representing Poulet Frit Kentucky and Bureau en Gros meaning Office Wholesale).
Soviet and Post-Soviet language policy:

From 1917-1933, Russia sought to solidify the revolution of the proletariat by

- encouraging literacy efforts in local languages, which would then encourage everyone to learn Russian as a lingua franca for the Soviet Union
- creating writing systems for local languages using the Roman alphabet, which was a badge of modernity
- uniting peasants and workers by purifying the Russian language, removing bourgeois vocabulary, a symbol of Tsarist days, and discouraging swearing
- The country was divided into 17 socialist republics, each of which could use its language for its internal affairs.
- Inside each republic were autonomous republics; they also were allowed to use their own language within the republic.
Then in a sudden switch, Stalin embarked on a program of Russification

While officially adhering to multilingualism, the Soviets implemented a new policy that promoted the Russian language among the linguistic minorities in the Soviet Union, with the ultimate aim of gradually making Russian the language of a new Soviet nationality.

Russian would be the language of revolution of the proletariat, replacing inefficient, decadent, minority languages.

The Russian Communist Party also encouraged many Russians to migrate to non-Russian republics in order to speed up the process.

Results of Russification:

- Russian replaced local languages in schools, as the language of government, and as the language of the media
- Standard Russian was promoted, the language of the peasants derided as ignorant and boorish
- Cyrillic replaced Roman writing systems
- Only speakers of Russian could hope to advance in their careers
After the fall of the Soviet Union in the 1990s, new language laws and policies came into effect in the former Soviet states, even those tightly allied with Russia.

Speakers of Estonian, Latvian, Lithuanian, Georgian, Uzbek, Turkmen, and others established independent countries with their native languages as medium of government, education, and culture.

But these new countries had linguistic minorities of their own.

Many of these newly independent nations adopted policies similar to the tsarist or Bolshevik “Russification" that they hated so much when they formed part of the USSR.

The Baltic states have made knowledge of their official languages a requirement for citizenship and promoted them in education and elsewhere.

This, in turn, has led to charges from Russians living in those countries that now their language is being discriminated against.
The example of Slovakia

• The first official language of Slovakia was Latin
• This was followed by German, Hungarian, and Czech
• During the Soviet period, Russian was never official, but it was the fast-track language of success
• With the dissolution of the Soviet empire, followed by the “Velvet Revolution” in which the Czech and Slovak Republics peacefully agreed to go their separate ways, Slovak finally becomes the official language of the Slovak people.

• The preamble to the 1995 Slovak Language Law:

The Slovak language is the most important feature of the individuality of the Slovak nation, the most precious value of its cultural heritage, and the expression of sovereignty of the Slovak Republic and the universal communication means of its citizens, that ensures their freedom and equality in dignity and rights on the territory of the Slovak Republic (270/1995 Coll. Laws).
In keeping with its “universalizing” spirit, Slovakia’s 1995 language law required that

- all official communications be in Slovak.

But the legislation also sought to reduce diversity, enforce assimilation, and exact revenge for years of linguistic and ethnic oppression by means of further linguistic and ethnic oppression:

- Minority-language schooling was effectively banned;
- signs had to be in Slovak;
- place names had to conform to the rules of Slovak;
- and all residents with non-Slovak names were required to change them to officially-approved Slovak ones.

- Violators of the law could be fined.

- If history is written by the winners, then so, it seems, are grammar books.
A 2009 revision of the language law added stiffer fines and stricter requirements:

• not just government employees, but all of Slovakia’s residents, must speak and write Slovak in public.

• If they don’t, the Ministry of Culture can fine them up to €5,000 ($6,500) for each offense.

• Fines may be repeated until the violation is corrected.

• media in areas where at least 20% of the people speak a language other than Slovak may use a minority language, so long as publications or broadcasts are accompanied by a Slovak translation.

• But the government is doing what it can to gerrymander Slovakia so as few regions as possible meet the minority-language threshold.
• Czech speakers are exempt from the provisions of the 2009 law, because Czech and Slovak are two varieties of the same language, once called Czechoslovakian.

• Hungarians, who form 10% of the Slovakian population, are most upset by the new law.

• Many ethnic Hungarians in Slovakia also speak Slovak.

• But since Hungarians were once the masters of Slovakia, they are resented because Slovakia was once part of the Austro-Hungarian Empire, and the official language of Slovakia during that period of occupation was Hungarian.
it’s not just Slovak that the official language law enforces, it’s correct Slovak.

The state language must be used according to officially approved spelling, pronunciation, grammar and vocabulary standards.

A strict construction of the law means that now even native Slovak speakers may be fined for misusing the state language.

Borrowed words, especially if they’re English, are out as well, so Slovakia's super-patriots will have to order hranolky instead of their customary freedom fries at the Bratislava McDonalds.
Estonia’s language law establishes Estonian as the country’s official language.

- For the purposes of this Act, any language other than Estonian . . . is a foreign language.

- The use of Estonian by companies, non-profit associations and foundations, by employees thereof and by sole proprietors is regulated if it is in the public interest, which, for the purposes of this Act, means public safety, public order, general government, education, health, consumer protection and occupational safety.

- Everyone has the right to access public administration and to communicate in Estonian in state agencies, local governments, bureaus of notaries, bailiffs and certified interpreters and translators, cultural autonomy bodies and institutions, companies, non-profit associations and foundations

- All employees of agencies, enterprises and organisations shall be provided with work-related information in Estonian, unless otherwise provided by law
• The requirements for proficiency in and use of the Estonian language for public servants, employees and sole proprietors shall be established by a Regulation of the Government of the Republic

• Proficiency in the Estonian language is assessed by Estonian language proficiency examinations

Graduates of Estonian-language schools need not take the proficiency exam. However, language police may order some to take the exam:

If, in the course of supervision, an official conducting state supervision (hereinafter language official) has reasonable doubts that the language proficiency of a person does not conform to the requirements provided by legislation, the person shall be referred, by a precept of the language official, to take the Estonian language proficiency examination.
In Estonia, instructors whose Estonian isn’t good enough to pass a twenty-minute interview get warnings from the language police, and those flunking a second time can be fined or even lose their jobs.

The problem in Estonia is that many teachers speak only Russian, the language of Estonia’s former Soviet masters.

During the Soviet years, Russian was not only the language of Estonia’s political bosses, it was also the language of the nation’s cultural elite and the medium of instruction in the nation’s top schools.

But with the fall of the Soviet Union in 1991, Russian began to be abandoned or forcibly erased in Estonia as well as in other former Soviet satellites, to the chagrin of the large numbers of Russian speakers left behind when the Red Army retreated.

There are some 953,000 Estonian speakers in Estonia.

In contrast, 407,000 Estonians speak Russian as their first language -- 30% of the population. Many of them are teachers or civil servants, and they are now subject to the Estonian language requirements.
Learning Estonian is not so easy for non-Estonians, since the language is not a member of the Indo-European language family.

Instead, it is a Finno-Ugric language, and as such it is not related to Russian, a Slavic language, or German, a Germanic one.

The few Estonian businesses operating on an international plane, like Skype, which started in Estonia before moving to Luxembourg, operate entirely in English.
• The Russian-speaking population of Estonia declined by 25% between 1990 and 2000.

• Fewer than one-third of the country’s Russian-speaking teachers know enough Estonian to pass the language inspectors’ relatively simple test,

• and only 27% of Estonia’s Russian-language schools currently meet the government’s demand that 60% of all instruction be delivered in Estonian.

• Complicating the language situation in Estonia, 84% of the country’s schoolchildren choose English as their foreign language, not Russian –

• All this makes it even harder for Russophone schoolteachers to keep their jobs.
(2) A language official has the right to check:

1) the compliance of official language use to the Estonian Literary Standard;

2) compliance with the requirements set for the language of public administration of state agencies and local governments upon holding of sessions, processing of documents and communicating with persons;

3) establishment of language proficiency requirements for public servants, employees and sole proprietors;

4) use of foreign languages in professional communication and forwarding of information;

5) the knowledge of the Estonian language of public servants, employees and sole proprietors, and to refer the public servants and employees whose knowledge of Estonian does not conform to the requirements to take the Estonian language proficiency examination.

Language officials may recommend that an employee’s Estonian language certification be revoked, or than an employee may be fired for insufficient Estonian.
Exceptions for minority languages:

(1) In local governments where at least half of the permanent residents belong to a national minority, everyone has the right to receive answers from state agencies operating in the territory of the corresponding local government and from the corresponding local government and officials thereof in the language of the national minority as well as in Estonian.

Public signs, signposts, announcements, notices and advertisements shall be in Estonian

In public events, the organiser of such events shall ensure the translation of essential information presented in foreign languages into Estonian.

The word “Riigikogu” as the name of the Estonian legislative body is not subject to translation. . . . the word “parlament” [parliament] in Estonian and foreign language equivalents thereof may be used as an unofficial name.

Violation of the requirements for use of the Estonian language on public signs and signposts and in announcements, notices and advertisements and violation of the Estonian Literary Standard in official language use or the transcription of names is punishable by a fine of up to 200 fine units.
WHEREAS the French language, the distinctive language of a people that is in the majority French-speaking, is the instrument by which that people has articulated its identity;

Whereas the National Assembly of Québec recognizes that Quebecers wish to see the quality and influence of the French language assured, and is resolved therefore to make of French the language of Government and the Law, as well as the normal and everyday language of work, instruction, communication, commerce and business;

Whereas the National Assembly intends to pursue this objective in a spirit of fairness and open-mindedness, respectful of the institutions of the English-speaking community of Québec, and respectful of the ethnic minorities, whose valuable contribution to the development of Québec it readily acknowledges;

Whereas the National Assembly of Québec recognizes the right of the Amerinds and the Inuit of Québec, the first inhabitants of this land, to preserve and develop their original language and culture;

Whereas these observations and intentions are in keeping with a new perception of the worth of national cultures in all parts of the earth, and of the obligation of every people to contribute in its special way to the international community;
Canada has two official languages: English and French

But the Province de Québec has made French its sole official language:

- It is the language of the legislature, of the courts, and of all statutes.
- Provision is made for translation into English, but only the French version is official.
- French is the sole language to be used within the government.
- Only French may appear on traffic signs. Professional corporations must be designated by their French names alone.
- Employers may conduct written communications with employees only in French.
- Associations of employees must use French in communicating with members.
- Toys and games may not be offered to the public unless there is a French version available.
- Signs, posters, and advertising must be in the official language.
- Instruction in primary and secondary schools shall be in French, unless the child's parents were educated in English in Quebec.
Quebec's language law also creates various bodies to implement and enforce it:

• An Office de la Langue Française is charged with ensuring that French becomes the language of communication, work, commerce, and business in civil administration and business firms.

• The Commission de Toponymie is to formulate and standardize geographical names in French.

• Perhaps most controversially, a Commission de Surveillance is to investigate noncompliance with the act.

• Fines will be imposed on violators.

• In essence, Quebec has forcefully rejected Canada’s policy of official bilingualism, replacing it with official monolingualism within the province.
The preamble to the English version of the language law:

Therefore, Her Majesty, with the advice and consent of the National Assembly of Québec, enacts as follows:

1. French is the official language of Québec.

2. Every person has a right to have the civil administration, the health services and social services, the public utility enterprises, the professional orders, the associations of employees and all enterprises doing business in Québec communicate with him in French.

3. In deliberative assembly, every person has a right to speak in French.

4. Workers have a right to carry on their activities in French.

5. Consumers of goods and services have a right to be informed and served in French.

6. Every person eligible for instruction in Québec has a right to receive that instruction in French.
The civil administration shall use only French in signs and posters, except where reasons of health or public safety require the use of another language as well.

In the case of traffic signs, the French inscription may be complemented or replaced by symbols or pictographs, and another language may be used where no symbol or pictograph exists that satisfies the requirements of health or public safety.

The public utility enterprises, the professional orders and the members of the professional orders must arrange to make their services available in the official language.

They must draw up their notices, communications and printed matter intended for the public, including public transportation tickets, in the official language.

The professional orders shall not issue permits except to persons whose knowledge of the official language is appropriate to the practice of their profession.
A person is deemed to have the appropriate knowledge if

(1) he has received, full time, no less than three years of secondary or post-secondary instruction provided in French;

(2) he has passed the fourth or fifth year secondary level examinations in French as the first language;

(3) from and after the school year 1985-86, he obtains a secondary school certificate in Québec.

In all other cases, a person must obtain a certificate issued by the Office québécois de la langue française or hold a certificate defined as equivalent by regulation of the Government.
The EU offers members the opportunity to protect minority languages – it does not require such protection.

**European Charter for Regional or Minority Languages:**

The protection of the historical regional or minority languages of Europe, some of which are in danger of eventual extinction, contributes to the maintenance and development of Europe's cultural wealth and traditions;

The right to use a regional or minority language in private and public life is an inalienable right conforming to the principles embodied in the United Nations International Covenant on Civil and Political Rights, and according to the spirit of the Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms

Stressing the value of interculturalism and multilingualism and considering 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;

Realising that the protection and promotion of regional or minority languages in the different countries and regions of Europe represent an important contribution to the building of a Europe based on the principles of democracy and cultural diversity within the framework of national sovereignty and territorial integrity;
Taking into consideration the specific conditions and historical traditions in the different regions of the European States,

"regional or minority languages" means languages that are:

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; and different from the official language(s) of that State;

it does not include either dialects of the official language(s) of the State or the languages of migrants;

"territory in which the regional or minority language is used" means the geographical area in which the said language is the mode of expression of a number of people justifying the adoption of the various protective and promotional measures provided for in this Charter;

"non-territorial languages" means languages used by nationals of the State which differ from the language or languages used by the rest of the State's population but which, although traditionally used within the territory of the State, cannot be identified with a particular area thereof.
Article 7 of the EU Charter – Objectives and principles

In respect of regional or minority languages, within the territories in which such languages are used and according to the situation of each language, the Parties shall base their policies, legislation and practice on the following objectives and principles: the recognition of the regional or minority languages as an expression of cultural wealth;

the respect of the geographical area of each regional or minority language in order to ensure that existing or new administrative divisions do not constitute an obstacle to the promotion of the regional or minority language in question;

the need for resolute action to promote regional or minority languages in order to safeguard them;

the facilitation and/or encouragement of the use of regional or minority languages, in speech and writing, in public and private life;
the maintenance and development of links, in the fields covered by this Charter, between groups using a regional or minority language and other groups in the State employing a language used in identical or similar form, as well as the establishment of cultural relations with other groups in the State using different languages;

the provision of appropriate forms and means for the teaching and study of regional or minority languages at all appropriate stages;

the provision of facilities enabling non-speakers of a regional or minority language living in the area where it is used to learn it if they so desire;

the promotion of study and research on regional or minority languages at universities or equivalent institutions;

the promotion of appropriate types of transnational exchanges, in the fields covered by this Charter, for regional or minority languages used in identical or similar form in two or more States.
The Parties undertake to eliminate, if they have not yet done so, any unjustified distinction, exclusion, restriction or preference relating to the use of a regional or minority language and intended to discourage or endanger the maintenance or development of it. The adoption of special measures in favour of regional or minority languages aimed at promoting equality between the users of these languages and the rest of the population or which take due account of their specific conditions is not considered to be an act of discrimination against the users of more widely-used languages.

The Parties undertake to promote, by appropriate measures, mutual understanding between all the linguistic groups of the country and in particular the inclusion of respect, understanding and tolerance in relation to regional or minority languages among the objectives of education and training provided within their countries and encouragement of the mass media to pursue the same objective.

In determining their policy with regard to regional or minority languages, the Parties shall take into consideration the needs and wishes expressed by the groups which use such languages. They are encouraged to establish bodies, if necessary, for the purpose of advising the authorities on all matters pertaining to regional or minority languages.
The Parties undertake to apply, mutatis mutandis, the principles listed in paragraphs 1 to 4 above to non-territorial languages. However, as far as these languages are concerned, the nature and scope of the measures to be taken to give effect to this Charter shall be determined in a flexible manner, bearing in mind the needs and wishes, and respecting the traditions and characteristics, of the groups which use the languages concerned.

Education:

• Insofar as reasonably possible, with regard to education, the Parties undertake, within the territory in which such languages are used, according to the situation of each of these languages, and without prejudice to the teaching of the official language(s) of the State:

• to make available pre-school, primary, secondary, technical and vocational, and university education, as well as adult and continuing education, in the relevant regional or minority languages

Legal:

• to provide, upon request, legal proceedings in the minority regional language in criminal and in civil cases

• to accept valid legal documents in the minority regional language
Insofar as possible, member states agree to permit access to government services in the minority regional language

Member states agree to respect the independence of the media and to provide, insofar as possible, at least one radio station and one television station broadcasting in the regional minority language, and at least one newspaper printed in that language.
With regard to cultural activities and facilities – especially libraries, video libraries, cultural centres, museums, archives, academies, theatres and cinemas, as well as literary work and film production, vernacular forms of cultural expression, festivals and the culture industries, including inter alia the use of new technologies – the Parties undertake, within the territory in which such languages are used and to the extent that the public authorities are competent, have power or play a role in this field:

• to encourage types of expression and initiative specific to regional or minority languages and foster the different means of access to works produced in these languages;

• to foster the different means of access in other languages to works produced in regional or minority languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;

• to foster access in regional or minority languages to works produced in other languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities.
Economic and social life

With regard to economic and social activities, the Parties undertake, within the whole country:

- to eliminate from their legislation any provision prohibiting or limiting without justifiable reasons the use of regional or minority languages in documents relating to economic or social life, particularly contracts of employment, and in technical documents such as instructions for the use of products or installations;

- to prohibit the insertion in internal regulations of companies and private documents of any clauses excluding or restricting the use of regional or minority languages, at least between users of the same language;

- to oppose practices designed to discourage the use of regional or minority languages in connection with economic or social activities.