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1. LANGUAGE RIGHTS AND POLITICAL THEORY

Will Kymlicka and Alan Patten

After years of neglect, political theorists in the last few years have started to take an interest in issues of language policy, and to explore the normative issues they raise. In this chapter, we examine why this interest has arisen and provide an overview of the main approaches that have been developed. A series of recent events has made it clear that language policy is central to many of the traditional themes and concepts of political theory, such as democracy, citizenship, nationhood, and the state. The rise of ethnolinguistic conflict in Eastern Europe, the resurgence of language-based secessionist movements in Catalonia, Flanders, and Quebec, the backlash against immigrant multiculturalism, and the difficulties in building a pan-European sense of European Union citizenship—in all of these cases, linguistic diversity complicates attempts to build stable and cohesive forms of political community. In the past, political theorists have often implicitly assumed that this sort of linguistic diversity would disappear, as a natural concomitant of processes of modernization and nation-building. However, it is now widely accepted that linguistic diversity is an enduring fact about modern societies. As a result, political theorists have started to explore the justifications for minority language rights claims, and to consider how different models of language rights relate to broader political theories of justice, freedom, and democracy.

Political theory in the last decade has been awash in discussions of cultural diversity and ethnic, racial, and religious pluralism. Yet there is one form of diversity that has received little attention from political theorists: linguistic diversity. To our knowledge, there has not been a single monograph or edited volume that examines the issue of language rights from the perspective of normative political theory. This is striking when compared to the many volumes by political theorists on issues of race, immigration, nationalism, indigenous peoples, and religion. In each of these areas, there is a vibrant debate about how rights claims relating to these forms of diversity connect with liberal-democratic principles of freedom, justice, and democracy. There are well-developed liberal theories of immigration or liberal theories of nationalism, for example, as well as criticisms of such theories by communitarians, feminists, civic republicans, postmodernists, and others. By contrast, one would be hard-pressed to know where to look for a normative theory of language rights, whether liberal, communitarian, postcolonial, or otherwise.

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Fortunately, this gap is now being remedied. The past few years have witnessed several publications by political theorists on the implications of normative principles of freedom and equality for language policy (e.g., Carens, 2000; Levy, 2001; Patten, 2001; Pogge, 2000; Van Parijs, 2000, 2002). While the debate over normative theories of language rights is still quite new, we believe it is possible to identify some of the main approaches. We begin by exploring the factors that have fuelled the new interest in linguistic diversity. We then turn to the idea of "language rights" and several of the key distinctions that have been proposed in theorizing such rights. The final sections consider some of the normative approaches that have recently been advanced.

The Context

Why have language rights become an issue for political theorists now? Part of the explanation is that linguistic conflict has arisen in several distinct contexts, affecting the stability of a wide range of political communities. We can distinguish at least five such contexts:

Eastern Europe

For some theorists in the West, reflection on linguistic diversity was stimulated by the experience of Eastern Europe after 1989. Optimistic assumptions about a rapid spread of liberal democracy were shattered by the outbreak of ethnic conflicts, many of them along linguistic lines. Countries that had accorded a range of minority language rights (at least on paper) under the Communist regime often shifted to a policy of official monolingualism (Taras, 1998), and linguistic minorities responded with a range of mobilizations, from peaceful protest to violent secession.

In response, Western organizations sought to develop standards for how "good" liberal democracies resolve these issues, such as the Council of Europe's Charter for Regional or Minority Languages. But this raises an obvious question: What are the minimum standards and best practices of Western democracies regarding linguistic diversity, and is it fair to impose them on newly-democratizing countries in the East (Kymlicka & Opalski, 2001)? The need to formulate standards for democratizing countries in Eastern Europe required Western scholars to reflect on the justice or injustice of their own historic practices and contemporary policies. And this quickly led to the realization that linguistic issues are far from being resolved in the West either.

Regional Languages

There are in fact several kinds of unresolved linguistic conflicts in the West. Historically, the most serious have been conflicts between a dominant language group and various powerful regionally-concentrated and historically-rooted language groups. Examples include regional language groups in Belgium, Spain, Canada, Italy, and Switzerland. These are the closest analogues to the conflicts in Eastern Europe, which also typically involve struggles between dominant national groups

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and regional/historic linguistic minorities. The outcome of these conflicts has varied from country to country, although the trend in the West is toward enhanced language rights for such regional linguistic groups. Indeed, in all of the cases just mentioned, the regional language has been accorded the status of an official language, at least within the region of the country where it is concentrated. The result has been to enable speakers of the regional language to access a wide range of public institutions (schools, courts, the media, local government) in their own tongue. One could argue that this is now the norm for how Western democracies deal with regional languages[1], and that these sorts of accommodations should be seen as either minimum standards or best practices for dealing with regional language groups. Yet none of the recent international declarations assert that there is a right to official language status, or even recommend such a policy. On the contrary, there has been great reluctance to view policies of official bilingualism or multilingualism as rights rather than pragmatic accommodations.

One reason is that debates over regional languages are never just debates over language. Regional language groups, both in the East and West, are almost always also national groups. They see themselves as not just having a distinct language, but also as forming a distinct nation. For the minority group, official multi*lingualism* is desired in part because it is a symbol of, and a step toward, acceptance that it is a multi*nation* state, a partnership of two or more nations within a single state (Bauböck, 2001). Yet this is precisely what the dominant group typically wishes to avoid. Accepting that a regional language group is also a nation has far-reaching consequences. Assertions of nationhood typically involve not only claims to protection of a group's language, but also a claim to territory (the nation's homeland) and a claim to self-determination over that territory, perhaps even secession. This is one reason why most Western countries until recently were unwilling to accord official status to regional languages: they saw it as a step toward accepting the claim to nationhood. The shift toward official language rights in the West, therefore, is tied up with increased acceptance of the legitimacy of minority nationalism. Yet this acceptance remains hesitant. Nationalism (particularly minority ethnic nationalism) is still viewed with discomfort by many liberal intellectuals. As a result, there is no eagerness to endorse such rights in international norms, or to impose them on countries in Eastern Europe, where minority nationalism remains anathema. In short, evaluating the justice of language rights claims cannot be divorced from larger political debates about the legitimacy of nationalism.[2]

Immigrant Integration

Many Western countries contain large numbers of immigrants. Unlike regionally concentrated and historically rooted national minorities, immigrant groups are unlikely to demand either territorial self-government or official language status. It is assumed that migrants will learn the dominant language of their new country, and this is a requirement to gain citizenship in most Western countries. Immigrants know before they arrive that the public institutions of their new society operate in a particular language, and do not generally seek to challenge that, except in very

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specific contexts and often only on a transitional basis. Since this expectation of linguistic integration has been widely shared both by native-born citizens and immigrants themselves, it has not historically been a source of conflict. Some immigrants pass on their mother-tongue to their children, and use it in their home and church, but these children rarely pass the language on to their own children, so that the ancestral language is lost by the third generation. This pattern of immigrant language shift has become so familiar that many people assumed it is inevitable.

However, several trends are affecting this historic pattern. One is the rise of immigrant "transnationalism"—i.e., the tendency of immigrants to maintain regular connections back to their country of origin, aided by improved transportation and communications technologies (Castles, 2000; Ong, 1999). Another is the rise of the ideology of "multiculturalism"—i.e., the idea that immigrants should not have to abandon their ethnic identity in order to integrate, as required by older models of assimilation, but rather should be able to visibly express their ethnic identity in public, and have public institutions accommodate this (Glazer, 1997; Kymlicka, 1995). These two changes, combined with the sheer size of some immigrant groups, have led to predictions about the growth of permanent immigrant enclaves or ghettos, where even the second and third generations will live and work predominantly in their ancestral language, with only a minimal or nonexistent command of the state language (Brimelow, 1996; Schlesinger, 1992).

Since immigrant language shift is no longer seen as inevitable, many commentators argue that stronger state policies are needed to encourage or compel language shift. This is one impetus behind the English-Only movement in the United States, which has tried to remove rights previously enjoyed by linguistic minorities (Crawford, 2001; Schmidt, 2000). It is also reflected in proposals to strengthen the language tests for naturalization, to provide greater public support for language training, and to reform transitional bilingual education programs for immigrant children (Pickus, 1998; Piller, 2001; Rhee, 1999). Similar proposals have surfaced in Western Europe, where difficulties in immigrant integration are often blamed on the unwillingness of immigrants to learn the state language. But at what point do state efforts to ensure immigrant linguistic shift become unfair, coercive, or illiberal?

European Union

Language controversies have also surfaced in the European Union (Barbour & Carmichael, 2000). The EU is often cited as a model for new forms of transnational democracy that will replace the old nation-state. Yet linguistic diversity has proven to be a major obstacle to building a stronger sense of European citizenship. The EU has been criticized for its "democratic deficit," but attempts to encourage greater public identification with and participation in pan-European political institutions have not yet solved the problem of linguistic diversity. Democratizing the EU presupposes that citizens throughout Europe can form a single "demos" i.e., that they can deliberate and act together as a single political community, whose decisions would reflect "the will of the people" or "popular opinion." Yet it is difficult to imagine how this sort of collective deliberation and

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will-formation can occur on a pan-European level. How can Danes and Italians come together to deliberate about issues confronting the EU, given that they do not share a common language, read the same newspapers, or watch the same TV news programs? While there is a growing elite that can participate effectively at the pan-European level, the only forms of political participation that are easily accessible to the mass of citizens remain specific to each country, conducted in the national language(s). It seems that politics is most participatory and democratic when it is "politics in the vernacular," conducted in the language of the people (Kymlicka, 2001). This raises difficult normative issues about the potentially undemocratic consequences of trying to build new forms of transnational democracy, like the EU (Nic Shuibhne, 2002; Schmitter, 2000).

Endangered Languages

Finally, interest in language issues has also been heightened by studies predicting the rapid disappearance of most of the world's languages—up to 90% of which are now considered "endangered" (Crystal, 2000; Nettle & Romaine, 2000). Most of these threatened languages are indigenous languages, and concern for their disappearance is related to larger trends towards rethinking the status of indigenous peoples, and to redressing historic injustices against them. High rates of linguistic loss are also seen as a symbol of a more general crisis of biodiversity, since indigenous languages contain within them a wealth of ecological information that will be lost as the language is lost.

In all five of these contexts, there are controversies about the legitimacy of language policies. As a result, it was inevitable that political theorists would be inspired or called upon to develop a normative theory of language rights. Of course, scholars from other disciplines, such as sociolinguistics and political science, have studied the role of language in these contexts. They have explored the causes of linguistic conflicts, and described the consequences of government policies. The distinctive focus of political theorists, however, is on the normative justification and evaluation of language claims. Political theorists do not attempt to describe or explain why certain language claims have failed or succeeded, but rather seek to determine which claims *ought* to succeed: i.e., which claims are morally legitimate and rationally persuasive.

Answering this question requires appealing to some set of values. For most Western political theorists today, the relevant values for guiding and evaluating state policies are those of the liberal-democratic tradition, particularly the values of freedom, equality, and democracy. So when states make linguistic claims on their citizens, and/or when citizens make linguistic claims on the state, political theorists ask which of these claims enhance individual freedom, promote civic equality and social justice, and/or strengthen democracy. Unfortunately, these values are quite abstract, and it is not immediately apparent what they entail for language policy. Moreover, these values may conflict with each other: policies that enhance individual freedom may weaken democratic stability, for example. As we will see, the abstractness and complexity of these values means that even when political theorists

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generally agree on basic values, they often disagree about which language policies best promote them.

Conceptualizing Language Rights

But what precisely are language rights? Many discussions start from Kloss's distinction between "tolerance-oriented" and "promotion-oriented" rights (Kloss, 1971, 1977). Tolerance rights are protections individuals have against government interference with their private language choices. Rights that permit individuals to speak whatever languages they like in their homes, in the associations and institutions of civil society, in the workplace, and so on are examples of tolerance rights. Promotion-oriented rights are rights that individuals have to the use of a particular language in public institutions—in the courts, the legislature, public schools, the delivery of public services, etc. In Kloss's view, immigrant languages should enjoy tolerance rights but not promotion rights. The state should not prevent immigrants from using their native languages in the home, in civil society, and so on, but nor should it accord immigrants the right to the use of their languages by public institutions. By contrast, long-standing national groups should enjoy both tolerance and promotion rights (Kloss, 1971, pp. 259–262).

The idea of tolerance rights is clearly useful for thinking about the kinds of language rights that any minimally liberal state should recognize. Although government interference with private language choices may be justifiable in certain contexts (e.g., mandatory labeling of products marketed by private businesses), in most areas, tolerance rights ought to be considered inviolable. Attempts by governments to prohibit the speaking of particular languages in the home, in public places, in private associations, or in newspapers and on television, are unacceptable invasions of personal autonomy and privacy.

The idea of promotion rights, by contrast, is too broad and undifferentiated. Consider, for instance, the right of an accused person lacking proficiency in the state language to a court-appointed interpreter. In Kloss's definition, this would not count as a tolerance-oriented right, and so would seem to fall into the promotion-oriented category. But there is no real attempt to "promote" the accused person's language; rather the aim is to ensure that the accused can understand the court proceedings (Rubio-Marín, 2003). Moreover, it is unlikely that Kloss would want to reserve this sort of right to national groups and deny it to immigrants.

What is needed is a further distinction between two different ways in which the speakers of particular languages can be accommodated in public institutions. The first, which we call the "norm-and-accommodation" approach, involves the predominance of some normal language of public communication—typically, the majority language of the jurisdiction concerned. Unless some special circumstance arises, this language is used in the courts and legislatures, in the delivery of public services, as the medium of public education, and so on. Special accommodations are then made for people who lack sufficient proficiency in this normal language. These accommodations could take a variety of forms: the provision of interpreters, the

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hiring of bilingual staff, and the use of transitional bilingual and/or intensive immersion educational programs to encourage rapid acquisition of the state language. The key priority is to establish communication between public institutions and individuals with limited proficiency in the state language, so that the latter can access the rights and benefits to which they are entitled.

The other approach is to designate certain selected languages as "official" and then to accord a series of rights to speakers of those languages. In contrast with the norm-and-accommodation approach, this approach typically involves a degree of equality between the different languages that are selected for official status. In a situation of perfect equality, any public service that can be received in one official language can also be received in the other; any piece of public business can be transacted in any of the official languages; laws, judgments, and records are kept in all the official languages; and so on. Unlike the special accommodations offered under the norm-and-accommodation approach, the enjoyment of official language rights is not contingent on a lack of proficiency in the majority language. A person is free to exercise her official language rights in a minority language even if she is fluent in the majority language.

In contrast with a norm-and-accommodation model, an official-languages regime is not just about facilitating communication. There is a further identity or intrinsic value that is being promoted.[3] The distinction between norm-and-accommodation and official rights regimes is thus not only useful in contrasting language policy in different countries (the United States and France are examples of the former, Canada and the European Union of the latter).[4] It also draws attention to a major issue that a normative theory of language rights must address: How should identities be taken into account in the design of public institutions and the assignment of rights?

The Need for a Normative Theory of Language Rights

But why do we need a theory of language rights at all? From a liberal point of view, why isn't the appropriate solution simply a hands-off approach, leaving the choice of language use to individuals? This is sometimes called the "benign neglect" approach to diversity. Applied to language policy, the idea is that the state should refuse to do anything that would encourage or discourage particular linguistic choices by its citizens. Just as liberals believe that disestablishment (the separation of state and church) is the best response to religious conflict, the same is true, it is sometimes said, for language. For those who hold this view, the state should not recognize, endorse, or support any particular language or language group any more than it should recognize or support a particular church.

Unfortunately, this solution is incoherent. Although the state can avoid interfering with the language choices people make away from public institutions—it can respect a set of tolerance-oriented rights—there is no way to avoid taking a stand on a series of other language policy issues. Public services have to be offered in some language(s) or other, and the same is true of public education. Because there is

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no way of disengaging from language choices in these policy contexts, there is no way to avoid a degree of "linguistic establishment" (Bauböck, 2001).

In principle, the state could avoid adopting policies regarding internal language use in government offices (employees could be left free to work it out for themselves on a case-by-case basis), or in courts or legislatures (everyone could speak in whatever language they wished). But, even if conceivable, these policies would not be desirable. It is important that government employees be able to communicate effectively with one another, and that legislators and litigants be able to understand and participate in the political and legal proceedings they are involved in. Nobody would favor benign neglect if it meant that air traffic controllers could not understand one another, or that defendants could not understand the charges against them.

Of course a state can do without an "official language," if by this is meant a formal declaration that a particular language is to be regarded as official. The United States is an example. But no country can avoid having a language policy in the broader sense of deciding on the languages of schools, courts, road signs, etc. A state can also do without an "official languages" policy, if this is understood in contrast with what we called the norm-and-accommodation approach. But the norm-and-accommodation approach—which involves establishing a usual language of public communication and then making specific transitional accommodations for those who lack proficiency in this language—comes no closer to benign neglect than an official languages policy. Neither involves a hands-off approach. The idea of benign neglect, therefore, provides no guidelines for thinking about language policy in public institutions, which is the central issue confronting any normative theory of language rights.

A similar problem affects the idea of "linguistic human rights," which has recently gained prominence. Human rights represent a widely accepted normative standard, and if a particular regime of language rights could be shown to follow from human rights, this would offer an impressive normative and political foundation for that regime. This approach is also attractive because it offers a universal standard that applies to all individuals, wherever they are. It thereby avoids the arbitrariness of singling out particular groups or languages for official language status or accommodation rights on the grounds of their numbers, history, or nationhood.

One difficulty, however, is that existing human rights declarations say very little about language rights, and set only minimal limits on language policies (de Varennes, 1996). They primarily protect certain tolerance rights, and the right not to be discriminated against on the basis of one's mother tongue. These rights are part and parcel of traditional individual rights to freedom of speech, freedom of the press, freedom of association, and nondiscrimination. International declarations are less clear on the extent of promotion rights. Yet it is these promotion rights that are at the heart of language conflicts around the world, including the five contexts mentioned earlier.

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Some commentators have pushed to strengthen these international standards, and/or to reinterpret them, so as to be more responsive to the demands of linguistic minorities. One version of this movement is the campaign for linguistic human rights (LHR), associated with some high-profile sociolinguists (e.g., Kontra, Skutnabb-Kangas, Phillipson, & Varady, 1999; Phillipson, 2000; Skutnabb-Kangas, 1999, 2000; Skutnabb-Kangas & Phillipson, 1994). But it is doubtful that international law will ever be able to do more than specify the most minimal of standards. The members of various linguistic groups have quite different needs, desires, and capacities, depending on their size, territorial concentration, and historic roots. A set of guidelines that is satisfactory to a small, dispersed immigrant group will not satisfy a large, concentrated historic minority. The right to public funding for mother-tongue university education, for example, might be meaningless for the former, but essential to the latter. Any attempt to define a set of rights that applies to all linguistic groups, no matter how small and dispersed, is likely to end up focusing on modest claims. For example, the LHR movement has focused primarily on securing a universal right for publicly-funded mother-tongue primary education. This is not trivial, but it falls far short of what is at stake in most linguistic conflicts around the world, where groups are fighting over the use of languages in public administration, higher education, and public media. Both majority and minority groups want much more than is, or could reasonably be, guaranteed in international law.

This problem seems unsolvable within the LHR framework. Its very attraction—namely, that its standards apply universally to all individuals regardless of history, numbers, or nationhood—is also its weakness. The only sorts of language rights that can be defined in this universal way are minimal rights—primarily tolerance rights, plus a few modest accommodation or promotion rights (e.g., to court interpreters). In this way, LHR are insufficient to ensure linguistic justice, or to provide guidelines for resolving linguistic conflict. In the end, both the benign neglect approach and the LHR approach suffer from the flaw of attempting to avoid the unavoidable. They both fail to confront the fact that language policies inevitably involve privileging a limited set of languages, and that the goal of a theory of linguistic rights must therefore be to provide standards for evaluating the decision about which languages to privilege in which contexts.

As we observed earlier, little attention has been given by political theorists to this problem. Insofar as it has been addressed, much of the discussion has implicitly operated with a simple dichotomy. On the one side, some people assume that language policy should aim to promote linguistic assimilation so as to ensure a common language within each country. This approach is associated with nation-building projects of the nineteenth and twentieth centuries. On the other side, some commentators assume that language policy should aim to prevent linguistic assimilation, so as to maintain linguistic diversity and preserve weak languages. In the two next sections, we look at the normative arguments for and against these two dominant models.

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Nation-Building and Language Policy

Historically, all liberal democracies have engaged in a process of nation-building. They have adopted a range of policies to promote a common language and a common sense of national identity and membership. These nation-building projects are sometimes perceived as inherently illiberal, and as rooted in an attitude of cultural imperialism and ethnocentric prejudice. Although this attitude can certainly be found amongst many historical proponents of nation-building, the motivations and justifications for nation-building are more complicated.

For one thing, language convergence is sometimes a (predictable) side effect of desirable and beneficial policies. The building of roads and railways that link different regions of a country promotes economic development and expands the options open to people who had formerly lived in relative isolation (Weber, 1976, chapter 6). But once people start to have regular contact with other parts of the country—through travel, migration, and trade—their patterns of language use inevitably change, and language repertoires often begin to converge. A similar point can be made about literacy (Levy, 2003). Critics of nation-building rarely object to state-sponsored literacy campaigns. And yet these campaigns, which were often part of historic nation-building projects, have important ramifications for the language repertoires of ordinary people. One reason for this is that only a subset of spoken languages have a written form. As a practical matter, a state concerned to promote literacy is often forced to single out some particular language or small number of languages for written communication. Literacy also brings individuals into a kind of virtual contact, or "imagined community," with people in other parts of the country. It makes it more likely that they will read the same books and newspapers, consume the same products, learn from the same textbooks, and so on—all of which may encourage convergence on a common national language.

Even deliberate attempts by nation-builders to diffuse a single common language across the state can be seen as promoting legitimate goals. For example, standardized public education in a common language has often been seen as essential if all citizens are to have equal opportunity to work in the modern economy. Minority-language communities can become ghettoized when their members are unable or unwilling to master the majority language. Their economic opportunities will be limited, and they will have trouble accessing the culture of the larger society or participating meaningfully in its political life. Nation-building policies aimed at linguistic integration can thus enhance social mobility. They can also help generate the sort of solidarity required by a democratic welfare state. It is hard to carry out a program of social justice when the political community is fragmented into identity groups that do not share a sense of common citizenship and see cooperation with one another solely as an instrument of mutual advantage. A successful nation-building project can help ensure that language no longer serves to separate citizens into distinct and mutually antagonistic groups but would become one of the defining bonds of a common identity. Moreover, as we noted earlier, a common language is seen as essential to democracy. Democracy involves not only a formal process of voting (a "vote-centric" process) but also an ongoing, informal activity of

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deliberation (a "talk-centric" process). If citizens cannot understand each other, or if they communicate only with co-linguists, then democratic politics will be compromised. A successful nation-building project, one that brings about a common national language of political dialogue, can eliminate this obstacle to the flourishing of democracy.

So a great deal can be said on behalf of a nation-building approach. However, it has also been widely criticized. One problem is with the empirical assumptions that nation-builders typically take for granted. They assume that the only way to promote a common language is to make it the sole language of public communications (perhaps with the special transitional accommodations we mentioned earlier for those with limited fluency in the national language). But this assumption is unlikely to hold universally. For instance, in Spain, Catalan- and Basque-medium education does not seem to come at the expense of learning Spanish. In the United States it has been argued that bilingual education does as well as English immersion at teaching students proficiency in English and equipping them to enter the labor force. The nation-builder's goal of promoting linguistic convergence does not fully determine, therefore, the issue of whether to recognize official language rights for minorities (e.g., in the area of education). Minority language speakers may be able to learn the dominant language, and generally equip themselves for success in the modern economy, even while receiving a significant portion of their schooling in their home language.

A further limitation on the arguments for nation-building is that some language minorities are sufficiently large and institutionally complete—they constitute their own "societal cultures" (Kymlicka, 1995, 2001)—that individual members can find a relatively full range of economic, social, and cultural opportunities in their own language. The clearest examples are the regionally-concentrated and historically-rooted national groups we discussed earlier, such as the Québécois, Catalans, or Flemish. In these cases, the argument for nation-building loses its force, since minority language speakers cannot be described as ghettoized if they choose to remain within their own linguistic communities. In such cases, efforts to construct a common language-based national identity not only lose their justification, they are also likely to be counter productive. They will be regarded by the national minority as an attempt by the majority to dominate the state rather than as good-faith attempts to promote a common good. As a result, they almost invariably stimulate a defensive nationalist response from the national minority, reinforcing their desire for greater territorial self-government, or perhaps even secession.

More generally, we can say that whether nation-building is a viable strategy depends in large part on whether there is a competing nationalist movement within the state. The nation-building strategy has proven quite effective in the case of immigrant groups, but has typically been resisted by groups that see themselves as forming "nations within." Where states confront this sort of minority nationalism, the best way to promote a common identity, and to encourage a more deliberative form of democracy, may be to adopt policies that recognize and institutionalize a

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degree of national and linguistic difference (Costa, 2003). Indeed, the choice between the norm and accommodation approach and the official languages approach is often, in effect, a choice between a state that continues to think of itself as a (tolerant, diverse) nation-state, and a state that accepts that it is and will remain a multination state. Here again, we cannot separate out language policy choices from larger debates about the relationship between nations and states, and the appropriate way of managing the phenomenon of competing nationalisms within a single state.

Maintaining Languages and Language Diversity

A frequent objection to the nation-building approach is that it is indifferent or even hostile to the preservation of minority languages and the maintenance of linguistic diversity. Policies that are designed to diffuse a common language throughout the state, such as a requirement that all public education be conducted in a single state language, make it difficult for minority language communities to sustain themselves. To many people, this is morally unacceptable. The world's languages, they argue, are dying out. And many of those languages that are surviving are nonetheless experiencing a loss of high-status functions to dominant international languages such as English. The disappearance and marginalization of languages, it is claimed, is a pernicious feature of modernity that should galvanize policymakers into action.

For many who hold this view, the preservation of minority languages is a fundamental normative requirement. Indeed, Leslie Green has suggested that ensuring the preservation of vulnerable languages is the "implicit value assumption of nearly every linguistic demographer and sociolinguist" (1987, p. 653) who has written on the subject of language rights. But why does it matter if some languages disappear or become marginalized? Political theorists and sociolinguists have proposed a variety of answers (Levy, 2001). One approach emphasizes the value of diversity itself. Fewer languages means less global linguistic diversity, and global linguistic diversity is itself something that is valuable. One version of this argument links linguistic diversity with biodiversity, and suggests that both forms of diversity are of value to people in several ways (Nettle & Romaine, 2000). A world with more diversity is more colorful, interesting, and dynamic than one with less. Languages, for instance, are vehicles of cultures, and cultures create new forms of social life and "experiments in living" that are then available for anyone to adopt (Van Parijs, 2000). Biodiversity and linguistic diversity also have a more narrowly scientific value. Just as a diverse natural world contains species that may be of great utility to progress in science and medicine, a diverse linguistic world contains different ways of talking about the world and thus may contain knowledge of the natural world that is unfamiliar to speakers of the world's dominant languages.

A second justification for caring about the disappearance of languages points to something intrinsically valuable about particular languages (taken one by one). Réaume (2000) has argued that languages are valuable as collective human accomplishments and ongoing manifestations of human creativity and originality. Each language is a unique form of expression with its own distinct way of

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conceptualizing the world. A language also acts as a repository of a particular culture's history, traditions, arts and ideas (Crystal, 2000). In the same way that a museum is valuable—because of the value of what it contains and preserves—a language is valuable as well. Just as we are generally disposed to respect and protect expressions of human creativity and history, we should adopt a similar attitude towards preserving languages.

A third argument for language preservation emphasizes that language is not just a tool of communication, but also, for some people, a central feature of identity (May, 2001). Many people self-identify with the (local) community of speakers of their language. They are proud of their language and the cultural achievements that have been expressed through it, and they take pleasure in using the language and encountering others who are willing to use it. They hope that the language community will survive and flourish into the indefinite future. And, in some contexts, they feel respected and affirmed when others address them in their language and denigrated when others impose their own linguistic preferences. To many theorists, these facts about the importance of language to individual identity ground an argument on behalf of language maintenance policies. The best-known formulation of this position is perhaps Taylor's essay "The Politics of Recognition" (1992). According to Taylor, public institutions must ensure that individuals enjoy adequate recognition if individuals are to develop and express their identities in a free and undistorted manner. For Taylor, a cultural community enjoys adequate recognition only if it has the tools it needs to ensure survival: "If we're concerned with identity," he argues, "then what is more legitimate than one's aspiration that it never be lost?" (1992, p. 40).

So there is much to be said in favor of language maintenance policies. However, they have also been strongly criticized. One weakness with all of these arguments, and with language maintenance policies more generally, is that such policies may end up being disadvantageous for speakers of vulnerable languages themselves. Consider the "diversity" and "intrinsic value" arguments. Theorists who appeal to these arguments seek to defend certain rights for speakers of threatened languages. However, if we take seriously the value of diversity, or the intrinsic value of individual languages, then the logical conclusion is that speakers of vulnerable languages have, not just *rights* to maintain their language, but also *duties* to do so. They should be encouraged, and perhaps even compelled, to maintain their language, even if some of them are not interested in doing so. Yet the idea that individuals are required to maintain their language in perpetuity seems illiberal, and implausible (Réaume, 1991; 1994).

This objection can be developed even further. As we noted earlier, one reason why some language communities survive is because of their relative social and geographic isolation from mainstream society. All else being equal, a distinct language is more likely to survive when its speakers have a low level of literacy, when they live in geographically isolated communities, when they do not participate in mainstream economic and social life, and so on. If taking language preservation seriously means adopting policies that prevent the spread of literacy, or block access

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to mainstream society and economy, then this seems too high a price to pay. Indeed, for many liberals, there is a positive obligation to extend literacy, education, training for the modern workplace, and so on, to all citizens.

Implicit in this criticism is the idea that linguistic survival is not just about the structures imposed by outsiders, but also depends on the choices and dispositions of speakers of the language. Sometimes languages disappear because of oppressive actions by outside agencies—usually an imperial power or a central state controlled by speakers of the dominant language. But even in the absence of oppression, there is no guarantee that a particular language will survive. The attitudes and preferences of speakers of the vulnerable language, and the opportunities available in the dominant language, may mean that the prospects for the vulnerable language are bleak even if nobody is oppressively imposing the dominant language (Edwards, 1985). The case of Welsh is often cited here. Many people who live in Wales, including many descendants of Welsh speakers, have no real orientation to the Welsh language. In any plausible view of what an absence of oppression would consist of, there is no reason to think that these people would generally choose to learn Welsh or to use it on a regular basis. A liberal approach should respect these internal group differences concerning attachment to a language and not seek to impose the preferences of one subgroup onto everybody. The strength of the identity interest in language varies within and between groups, and any plausible normative theory must respect this.

New Directions

The results of this brief survey of political theory perspectives on language rights may seem disappointing. To date, political theorists have focused more on criticizing old approaches than on developing new and better ones. In particular, political theorists have rejected both the benign neglect and linguistic human rights approaches as unable to address the crucial issues about the use of particular languages in public institutions. Theorists have also criticized both the nation-building and language maintenance approaches as unfeasible and potentially unjust. Neither approach seems capable of ensuring respect for liberal values of individual freedom, social justice, and democracy. So political theorists have expressed widespread dissatisfaction with all of these approaches. However, it remains unclear what the alternative is. No new model has yet emerged to replace them. This is obviously the important next step in the debate.

We suspect that any such alternative model will require a shift in focus. Both the nation-building and language-maintenance approaches formulate the normative goals of language policy in terms of a particular desired outcome. For nation-builders, that outcome is one in which a single common language is diffused amongst all citizens of the state. For language maintainers, it involves the preservation of languages that are vulnerable to disappearance or marginalization. But some recent authors have suggested that we should focus on procedures rather than outcomes. Perhaps we should assess language policies not by asking whether certain desirable outcomes will be generated, but by asking whether the conditions

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and procedures under which people form their linguistic repertoires are appropriate or not.

Various procedural standards have been suggested. For some theorists, the key requirement is that language policies be formulated according to standards of democratic fairness (Laitin & Reich, 2003). One difficulty with this proposal is that it takes the "demos" for granted: i.e., it assumes that we already know which political community should have jurisdiction over language policies. Yet this is precisely what is often at issue in language conflicts. For example, should policies regarding the language of education or public services be adopted at the level of the European Union, or nation-states, or substate regions or towns controlled by linguistic minorities? Saying that language policies should be adopted under conditions of democratic fairness does not, by itself, tell us which level(s) of government should have jurisdiction over language policies. And the way we answer this question of jurisdiction will often reflect our underlying beliefs about nation-building and/or language maintenance.

Other procedural accounts emphasize equality of treatment (Patten, 2001), an absence of discrimination (Blake, 2003), or the counter-balancing of unjust nation-building projects (Levy, 2003). On these views, the moral legitimacy of language shift and language maintenance is seen as depending on whether these changes take place against a backdrop of equal treatment, nondiscrimination and/or institutional counter-balancing. It is too early to say whether any of these proposals will be compelling enough to supplant the two dominant approaches. More work is needed to determine the implications of these new approaches for the various issues we have mentioned in this article, including the development of international norms for language rights, the challenges of minority nationalism and immigrant integration, facilitating transnational democracy, and choosing between the norm-and-accommodation and official language rights approaches. We hope this chapter will provide a stimulus and a resource for further reflection on the normative issues surrounding language policy.

Notes

1. France and Greece are the main exceptions.

2. On the link between language and nationhood, see Barbour and Carmichael, 2000, and Taras, 1998.

3. The distinction between 'communicative' and 'identity' interests is common in the normative literature on language rights. It is invoked in a number of the contributions to Kymlicka and Patten, 2003, and in Bauböck, 2001, Carens, 2000, Patten, 2001, Réaume, 2000.

4. In practice, no state extends official status to every single language spoken on its territory. This means that the official-languages approach to dealing with linguistic diversity is typically supplemented by some application of the norm-and-

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accommodation approach for those languages not designated as official. The key policy divide, therefore, is between those jurisdictions that rely entirely on the norm-and-accommodation approach and those that deal with linguistic diversity, at least in part, through the recognition of certain official languages.

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A sensitive discussion of the normative complexities involved in the accommodation of ethnic, cultural, and linguistic diversity in modern societies. Carens defends what he calls a "contextual" approach to the accommodation of diversity, which defines justice in terms of "even-handedness" in the treatment of individuals and groups, and illustrates this with a discussion of language policies relating to immigrants, national minorities, and indigenous peoples.

Costa, J. (2003). Catalan linguistic policy: Liberal or illiberal? *Nations and Nationalism*, *9* (3).

An interesting attempt to apply recent liberal theories of multiculturalism and minority rights to the concrete case of language policy in Catalonia. Costa concludes that the "linguistic normalization" policies adopted to strengthen the position of the Catalan language are consistent with these liberal theories, although some of the justifications given for these policies are not consistent with liberal norms.

Kymlicka, W. & Patten, A. (Eds.). (2003). *Language rights and political theory*. Oxford: Oxford University Press.

To our knowledge, this is the only volume specifically devoted to examining language rights from the perspective of normative political theory. It contains thirteen articles exploring how language claims relate to larger political theories of democracy, citizenship, human rights, non-discrimination, individual freedom, and the politics of recognition.

May, S. (2001). *Language and minority rights: Ethnicity, nationalism and the politics of language*. London: Pearson Education.

This book, by a New Zealand sociologist and educator, attempts to locate issues of language politics within the broader literature on nationalism, ethnicity, and minority rights, including a useful chapter on the links between language rights and recent liberal political theories of multiculturalism and minority rights.

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Patten, A. (2001). Political theory and language policy. *Political Theory*, *29,* 683–707.

One of the few articles on normative aspects of language policy to be published in a political theory journal in recent years. The paper distinguishes three normative models of language policy—"official multilingualism," "language rationalization," and "language maintenance"—and explores the strengths and limitations of each.

Réaume, D. (2000). Official language rights: Intrinsic value and the protection of difference. In W. Kymlicka & W. Norman (Eds.), *Citizenship in diverse societies* (pp. 245–272). Oxford: Oxford University Press.

A careful attempt to identify the normative foundations of language rights. She discusses the nature of the communicative and identity interests at stake in language use, and the sorts of individual and collective rights and duties to which they give rise.

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