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Astrid von Busekist

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The ethics of language policies

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Introduction

Language policies include the ways institutions shape the linguistic structures of a society in general, and the claims of individual speakers or linguistic groups to change existing language arrangements or legislations; the ways states or institutions impose official language(s); manage language diversity in multilingual settings; legislate on inter-national linguistic rules (such as in the EU)¹; and lay out preferential treatments to protect speakers of vulnerable language communities. Language policies are quite unique compared to other public policies given that linguistic disenfranchisement is impossible (as opposed to religious disenfranchisement for example²). Firstly because interactions between institutions and their members (or their would-be members, think of immigrants) always occur through specific languages: institutions regulate linguistic public rights³ and duties⁴, therefore linguistic hands-off policies cannot exist. Secondly

¹ A. von Busekist "Language and Politics", in International Encyclopedia of Political Science, B. Badie, D. Bergschlosser, L. Morlino ed., 8 vol., Sage, London, 2011, 2070-2072.

² Although some have argued that the analogy between language and religion is heuristic. Allan Patten for instance argues against language planning and in favor of a non-outcome oriented policy designed to establish "fair background conditions in which speakers of different languages can strive for the success and survival of their own language communities", A. Patten, "Liberal neutrality and Language Policy", *Philosophy and Public Affairs*, 31/4, 2003, 356-386, 366sq. R. Brubaker compares language claims to religious claims and argues that religious claims have replaced language claims in Western Democracies: "religion has tended to displace language as the cutting edge of contestation over the political accommodation of cultural difference – a striking reversal of the longer-term historical process through which language had previously displaced religion as the primary focus of contention.". R. Brubaker, "Language, religion and the politics of difference", *Nations and Nationalism* 19/1, 2013, 1–20, 1.

³ Institutions do not regulate *private* speech practices (only recognized languages generate individual language rights or protections for language communities), although private speech practices

because language is a collective good in its own reason⁵, primarily because states cannot distribute language the same way they distribute healthcare, social security or housing⁶ despite the fact that languages are important primary, social and common goods. But states can and do distribute “access rights” and services related to (minority) language issues (via instrumental or accommodationist policies)⁷.

For some languages are comparable to primary social goods individuals should be able to enjoy in much the same way as other goods or liberties. For others language is culture and determines all our social interactions: language is what enables us to be political animals, but language is primarily a token of identification with our culture, large or small. True equality (of opportunities) is hence only possible if individuals have a significant context of choice in their own linguistic surrounding. The former look at the equal liberty of individual speakers (with language belonging to a of justice principles), the latter at communities of speakers (and the moral importance of belonging to a language community).

This chapter aims to clarify why language policies are the substructure of a variety of important democratic requirements and hence why fair and ethical language policies matter for democratic polities. In a nutshell: without language skills, access to various spheres - political as well as socio-economic – is hindered. Without access to these spheres of citizenship, no political, social and economic rights and duties can be properly exercised, and no rights claims can be properly voiced.

are relevant to determine the linguistic balance within a state. The US Census is a good example of a comprehensive mapping of the linguistic diversity of US citizens. <https://www.census.gov/hhes/socdemo/language/data/other/usernote.html>

⁴ Think of citizenship tests which almost always comprise a language requirement. R. Bauböck, C. Joppke, ed., *How liberal are citizenship tests?*, European University Institute, Florence, 2011.

⁵ Abram de Swaan has argued that languages are non-excludable “hypercollective public goods” with positive network externalities. A. de Swaan, *Words of the World*, Cambridge: Polity Press, 2001.

⁶ Y. Peled, “Language, rights and the language of language rights. The need for a conceptual framework in the political theory of language policy”, *Journal of Language and Politics* 10/3, 2011, 436-456, 445.

⁷ See for example R. Meylaerts, “Translational Justice in a Multilingual World”, *Meta* 56/4, 2011, 743-757; W. Kymlicka, *Politics in the Vernacular: Nationalism, Multiculturalism and Citizenship*, Oxford University Press, Oxford, 2001; W. Kymlicka, *Multicultural Odysseys: Navigating the New International Politics of Diversity*, Oxford University Press, Oxford, 2007; G. González Núñez, “Translation Policy in a Linguistically Diverse World”, *Journal on Ethnopolitics and Minority Issues in Europe*, 15/1, 2016, 1-18.

My general claim is that language skills are politically enabling⁸. Language is a political enabling skill meant to connect people and to interact meaningfully within *political* communities⁹. Language skills enable people to effectively participate in their polity (in the language of their polity), and beyond (in a commonly agreed upon language or in a lingua franca). Most scholars identify two potentially contradictory principles: identity-related linguistic claims, and utility- or efficiency-related linguistic claims as bases for ethical and democratic language policies. In my view, ethical language policies are the substructure and the condition of democratic requirements and they should be designed as respecting at once the identity-related claims and efficiency-related claims (participation, recognition, parity of esteem, non-domination, self-government).

I will first briefly lay out the (divergent) normative assumptions about the political value of languages. They roughly revolve around two poles, concerned with identity-related claims on the one hand, with efficiency-related claims, often sustained by utilitarian principles, on the other hand. Somewhere in between, the “linguistic justice” paradigm, most prominently defended by Philippe Van Parijs¹⁰, is an attempt to bridge the divisions (I). I will then show how these analyses implicitly draw on the notion of *burden* – vulnerable speakers or speech communities are burdened in asymmetrical language situations – without reflecting properly on the precise nature of the burden. I will argue that the type of burden matters, and that different assumptions about burden lead to different normative approaches and policy designs (II). I will conclude by arguing that the literature is not always clear about the political preferences that inspire normative prescriptions for language policies. Different types of political or moral desiderata (autonomy, liberty, non-domination, security, self-government, mobility,

⁸ We argue this is a systematic way applied to immigrants, see B. Boudou, A. von Busekist, “Language proficiency and migration: An argument against testing”, forthcoming in M. Gazzola, B.A. Wickström, T. Templin, *Language Policy and Linguistic Justice: Economics, Philosophical and Sociolinguistics Approaches*, Berlin, Springer, 2017.

⁹ B. Boudou, A. von Busekist, “Language proficiency and migration: An argument against testing”, art. cit.

¹⁰ Van Parijs’ research, developed over 15 years, has culminated in his last book: *Linguistic Justice for Europe and the World*, Oxford, Oxford University Press, 2011.

employability) call for different justifications of language policies and lead to different shapes of language constellations in the long run¹¹.

I. Identity and efficiency

As I have pointed out above, scholars dealing with language issues are quite divided about the way we should publicly recognize language groups, communities and individual speakers. Either we value identity-related claims or utility-related claims¹².

The fact that language is a tool to connect as many people possible for some and an identity vector for others, or rather that there exists a hierarchy between these two conceptions¹³ involves different ethical, moral and political claims. For team one, those who believe that language is intrinsically linked to something precious, worth to be publicly defended and protected¹⁴ - our personal and political identity -, the state has a moral duty to accommodate this quest for (collective) recognition¹⁵. Each of us should have access to a significant realm of choices and opportunities within our own

¹¹ Some scholars have tried to argue in favor of non-outcome oriented language policies (D. Laitin and R. Reich, "A Liberal Democratic Approach to Language Justice," in Alan Patten, Will Kymlicka, ed., *Language Rights and Political Theory*, Oxford, Oxford University Press, 2003, 80-104), opposing, for example, language planning (Patten, "Liberal neutrality and Language Policy", art. cit), but public policies are obviously to some degree outcome oriented.

¹² Interestingly, De Schutter and Robichaud, write identity-"interests" when referring to scholars who argue that identity claims matter in linguistic demands and regulations. I believe however that the notion of interest is a way of slightly twisting the debate by stretching the identity category beyond its scope. De Schutter and Robichaud indeed list a number of "identity interests" among which autonomy, context of choice and opportunities, self-realization, whereas non-identity interests are efficiency, democracy, and equality of opportunity. I fail to understand how one would have non-identity interests realized without prior or simultaneous realization of identity-interests. One may haggle about the way states ought to accommodate the genuine passion people have for their languages, but one should not rule them out *a priori*. Here is an example: a language will die if not actively kept alive by a group of speakers. Either the speakers are willing to sustain their language, and no one should intervene in their choice, or speakers wish to "abandon" the language and move on to a "bigger" one. The only thing an institution can do without being paternalistic is to incentivize the speakers to keep their language alive. See H. de Schutter, D. Robichaud, "Van Parijsian linguistic justice – context, analysis and critiques", in *Linguistic Justice. Van Parijs and his Critics, Critical Review of International Social and Political Philosophy*, 18/2, 87-112.

¹³ D. Laitin "What is a Language Community?", *American Journal of Political Science*, 44/1, 2000, 142-155 ; J. Pool, "The Official Language Problem", *The American Political Science Review*, vol. 85/2, 1991, 495-514; J. Pool, "The World Language Problem", *Rationality and Society*, 3/1, 78-105; A. de Swaan, "Why is this in English?", Schuman Lecture, Universiteit Maastricht, 2000 retrieved here: http://www.deswaan.com/engels/from_our_archives/WhyEnglish.htm

¹⁴ D. Réaume, "Official Language Rights: Intrinsic Value and the Protection of Difference", Kymlicka, Will Wayne Norman, ed., *Citizenship in Diverse Societies*, Oxford: Oxford University Press, 2000.

¹⁵ S. May, *Language and Minority Rights. Ethnicity, Nationalism and the Politics of Language* (2nd Edition), New York/London, Routledge, 2012.

“societal culture” (education, employment, office). If specific cultures are different from the general linguistic culture (official or national language), institutions should confer linguistic rights to individual members of minority or vulnerable communities. Note that these accommodation policies, in the eyes of their most vocal proponent, Will Kymlicka, apply only to “historical minorities”, and not to immigrant communities¹⁶. In his approach, the holder of protection rights is nevertheless the individual, as it is assumed that her citizenship rights are dependent upon her identity as a speaker¹⁷. More and more scholars, although with different paths of justification and looking at different types of constituencies – local and communal rather than national, argue that immigrants should be granted the same privileges¹⁸.

A second subset of the literature argues that language communities should be granted collective rights. That communities should benefit from rights related to their collective minority / vulnerable status. There are multiple ramifications of this thesis. Firstly, it is not a classical liberal take on language policies, as it is not foremost concerned with individuals. The idea is that one cannot remedy or rectify linguistic injustice (which is often a result of socio-economic inequalities, large power structures¹⁹) without granting collective rights (not necessarily territorialized). Here restorative justice mechanisms would typically compensate forceful assimilation into majority (often colonial) languages. Linguistic genocide, “linguicide” is the most radical way of framing the necessary resistance to hegemonic language policies: language is

¹⁶ *Multinationality* applies to “full societies” with a specific territory and a specific culture; *Polyethnicity* is a specific, limited in time, accommodationist policy. W. Kymlicka, *Politics in the Vernacular: Nationalism, Multiculturalism and Citizenship*, Oxford, Oxford University Press, 2001.

¹⁷ This is a somewhat controversial statement. But I believe the difference Kymlicka introduces between external protections and internal restrictions is redundant: external protections are indeed meant to protect minorities from the tyranny of the majority. Individual members are assumed to be rationally committed to protect their particular societal culture (by aggregated preference); external restrictions (meant to protect individual members from group pressure) on the other hand are a simple restatement of the generally applicable law.

¹⁸ C. Joppke, *Beyond national models: Civic integration policies for immigrants in Western Europe*, *West European Politics* 30/1, 2007, 1-22; A. Shorten, “Linguistic Competence and Citizenship Acquisition”, in G. Calder, P. Cole, J. Seglow ed., *Citizenship Acquisition and National Belonging. Migration, Membership and the Liberal Democratic State*, New York, Palgrave Macmillan, 2010; R. Rubio-Marin, “Language Rights: Exploring the Competing Rationales”, in W. Kymlicka, A. Patten, *Language rights and political theory*, Oxford, Oxford University Press, 2003; R. Meylaerts, “Translational Justice in a Multilingual World”, art. cit.; C. Rodriguez, Cristina M., “Language and participation”, *California Law Review*, vol. 94, n°3 (May), 2006, 687-767.

¹⁹ Bourdieu typically argues that “school language” and “domestic language” are mutually unintelligible for the least endowed, hence a structural domination of those who master the right language over the others. See P. Bourdieu, *Language and Symbolic Power*, Harvard, Harvard University Press, 1993.

power, a “colonization of the minds”, Anglo-American globalization is equated with a human rights violation, as the most vulnerable speech communities loose on all accounts. They cannot learn the hegemonic language - which is also the language of global justice - and are therefore deprived of their rights to have their claims properly heard²⁰.

A third and related way of staging identity-related issues draws on ecology or environmental ethics. Linguistic diversity is considered a global public good. The fact that languages die every day is considered a moral loss for humanity and an injustice for its speakers as they are deprived of their genuine cultural relationship to their environment²¹. However, active language survival policies come with a price, comparable to the cost of protecting dying species²²; and as they are often framed as an ‘ought’, to be implemented coercively and against the will of their speakers, they seem quite illiberal²³.

The defense of language as a primordial sign of identity – individual and collective – and strong advocacy for diversity as a value conceals important problems for policy makers: should diversity trump mobility and employability? Democratic deliberation and participation? How are we to manage political problems that cut across different language communities while enhancing participation, applying democratic procedures, protecting individual rights?

²⁰ T. Skutnabb-Kangas, R. Phillipson, “Linguicide”, in *The Encyclopedia of Language and Linguistics*, Pergamon Press & Aberdeen University Press, 1994, 2211-2212. The NGO *Terralingua* is a good example of this kind of approach (languages as a bio-cultural patrimony of humanity). See <http://www.terralingua.org/blog/2010/07/28/french/>.

²¹ Think of the role space and place play in our vocabulary: Inuit’s have more than 300 words for snow, Philippine tribes name more than 600 plants other groups have no words for.

²² Maps overlap according to Idil Boran, “Global Linguistic Diversity, Public Goods and the Principle of Fairness”, in W. Kymlicka, A. Patten, ed., *Language Rights and Political Theory*, Oxford, Oxford University Press, 2003. Language diversity is compared to the diversity of species, the theoretical resource is environmental ethics. Both diversities are said to be correlated for three reasons: maps of endangered species and languages overlap; domination of the more powerful species and languages endanger the more vulnerable ones; the overall benefit of protecting diversity by from saving the ones will save all the others.

Contra A. de Swaan, “Endangered Languages, Sociolinguistics, and Linguistic Sentimentalism”, *European Review*, Cambridge, Cambridge University Press, 12/4, October 2004, 567-580.

²³ A. Musschenga, “Intrinsic value as a reason for the preservation of minority cultures”, *Ethical Theory and Moral Practice*, 1, 201-225 argues along these lines. Languages must be protected for their own sake.

These are the questions team two asks, e.g. scholars committed to efficiency. Most of them are consequentialists, and they rightfully believe that languages are foremost tools to connect people. Poetry and literature are only interesting side-effects of using (high) language. But tools to what end exactly? I will not go into details about script languages *versus* spoken languages, anthropologists have shown that script is foremost a tool for domination on a large scale but that communities without script are doomed to disappear²⁴. So tools to what end? The discussion on efficiency can lead to two possible outcomes: *lingua franca* policies - in order to achieve efficient integrated political practices reaching constituencies beyond specific linguistic repertoires, in the EU for example, and in which everyone can take part: for that we need a common language -, or *coordinated* language policies: in order to achieve efficient political communication, we need a system of coordinating our different repertoires without necessarily choosing a single *lingua franca*. Neither is a priori incompatible with political fairness, and neither is necessarily hostile towards identity-related claims or the value of diversity. Both are compatible with either territoriality or non-territoriality²⁵. Interestingly, although coordination games are desirable, as argued forcefully by economist François Grin²⁶ for example, the proponents of coordination mostly end up defending *lingua franca* policies, although not always to the exclusion of language diversity. This is the case for Abram de Swaan²⁷, Reinhard Selten, Jonathan Pool and David Laitin²⁸. All argue that language communities engage in - or should engage in - a cost-benefit analysis with compensations, trade-offs, and “side payments” in order to evaluate what

²⁴ See Cl. Lévi-Strauss, *Tristes Tropiques*, chap. “La leçon d’écriture”, Paris, Plon, 1955 ; K. Wittfogel, *Le despotisme oriental*, Paris, Minuit, 1957; J. Goody, *The Logic of Writing and the Organization of Society*, Cambridge, Cambridge University Press, 1986; G. Balandier, *Anthropologie politique*, Paris, PUF, 2nd ed., 1969.

²⁵ I have argued elsewhere that the best rationale is to encourage the co-presence of a suitable *lingua franca* with linguistic diversity, while welcoming social multilingualism in places relevant for individuals and citizens, e.g. in intermediary institutions where speakers *should* have a high level of control over their own fate: schools, the workplace, neighbourhood councils, local democracy: A. von Busekist, “Bowling together. *Lingua Franca* and Social Multilingualism”, forthcoming in F. Grin, P. Kraus, ed., *The Politics of Multilingualism: Linguistic Governance, Globalisation and Europeanisation*, Amsterdam, John Benjamins, 2016.

²⁶ The inescapable passage to English in the EU only makes sense in the absence of coordinated policies. F. Grin, “L’anglais comme *lingua franca*: questions de coût et d’équité. Commentaire sur l’article de Philippe Van Parijs”, *Économie publique*, 15/2, 2004, 33-41 ; F. Grin, “Diversity as paradigm, analytical device, and policy goal”, in W. Kymlicka and A. Patten (eds.), *Language Rights and Political Theory*, Oxford, Oxford University Press, 2003, 169-188.

²⁷ A. de Swaan, *Words of the World*, Cambridge, Polity Press, 2001.

²⁸ R. Selten, J. Pool, “The Distribution of Foreign Language Skills as a Game Equilibrium”, in R. Selten ed., *Game Equilibrium Models*, Vol. 4, Berlin, Springer, 1991, 64-87.

they are ready to give up in exchange for being able to communicate with a larger group than their native community²⁹. The rationale underlying this approach is the following: it is because languages are collective goods that they are at once instrumental for their speakers, and it is because language sharing enables a variety of individual usages that languages are “goods produced by coordination”. The value of languages is instrumental, but their utility is conceptually dependent on their utility for other speakers. Languages are utile for me only if they are utile for a sufficient number of other speakers³⁰. The distinction Charles Taylor makes between public goods (a lighthouse) and other goods that are “irreducibly social” (friendship) which are valuable because we mutually agree that they are valuable, is a fragile distinction regarding languages as they possess both features: they are instrumental and are mutually recognized as valuable by they speakers.

Another, more promising way of looking at efficiency is by asking what kind of political efficiency we are aiming for. Is it to support democracy, social justice, non-domination, self-government, equal chances and opportunities? It is difficult to see though how these democratic goals can be separated from identity-related claims. Most authors simply say that there is a hierarchy between democratic politics and catering to identity-related claims and diversity, that they could and should be traded off against democratic imperatives. Language disadvantages are indeed said to be detrimental to democratic equality and therefore to democratic participation³¹; and the argument in

²⁹ Budget issues (symbolic or material) are often discussed in relation to EU language policies. Fidrmuc, Ginsburgh, Weber argue for example that translation and transportation costs of translated material in the EU is excessively high and should therefore be reduced. They suggest that states use the EU language budget freely but invest it in language training, J. Fidrmuc, V. Ginsburgh, S. Weber, “Le français, deuxième langue de l’Union européenne?”, *Économie publique*, 15/2, 2004, 43-63 and V. Ginsburgh, S. Weber, *How Many Languages Do We Need? The Economics of Linguistic Diversity*, New Haven, Princeton University Press, 2011.

³⁰ E. Lagerspetz, “« On Language Rights”, *Ethical Theory and Moral Practice*, 1, Kluwer Academic Publishers, 1998, 181-199.

³¹ B. Barry, has argued this forcefully looking at Welsh for example, see *Culture and Equality: An Egalitarian Critique of Multiculturalism*, London, Polity Press, 2001. D. Weinstock, argues from a similar perspective, although he is less severe towards minority languages, see “Can parity of self-esteem serve as the basis of the principle of linguistic territoriality?”, in H. de Schutter, D. Robichaud special issue guest ed., *Linguistic Justice. Van Parijs and his Critics, Critical Review of International Social and Political Philosophy*, 18/2, 2015, 199-211.

favor of common (national or supra-national) languages is usually made to foster a healthy participatory “talkcentric” democracy³².

This is a pragmatic argument about the advantages of sharing a language which goes well with what I have said earlier: access to a common language is the substructure for other democratic interests. Imposing a common language may be (transitionally) detrimental to minority language groups, but overriding democratic interests exist in incentivizing the learning of a common language or common languages: employability, equality, autonomy and access to relevant social services are such overriding principles. Common language proficiency is desirable both for citizens (and newcomers³³) as they can interact autonomously and take part in the political culture of the state, and for the state because it fosters cooperation and solidarity and ensures the sustainability of the domestic (political) culture.

II. Burdens and opportunities

I have so far made a distinction between identity-related claims and utility-related claims. Both claims are taken very seriously in the realm of linguistic justice. Linguistic justice is of course related to the ethics of language policies, and its most prominent author, Philippe Van Parijs, has dedicated his work to combining identity claims and efficiency claims in a fair and just manner. I will first say a few words on his theory and mention some objections to his model, and then show why I believe that the notion of burden is under conceptualized.

Van Parijs argues for “cooperative linguistic justice” relying on two main principles: a global lingua franca (English) and coercive territorial protection for national languages. The two principles are of a different nature and are justified for different reasons: the first principle is pragmatic and presentist. It is at once rational and desirable to opt for English as lingua franca, and English is already our lingua franca as

³² J. Dryzek, *Discursive Democracy: Politics, Policy, and Political Science*, Cambridge, Cambridge University Press, 1990.

³³ A. Blackledge, “As a Country We Do Expect: The Further Extension of Language Testing Regimes in the United Kingdom”, *Language Assessment Quarterly* 6/1, 2009, 6-16; L. M. Kahn, “Immigration, Skills and the Labor Market: International Evidence. *Journal of Popular Economy* 17/3, 2004, 501-534.

a consequence of a given historical context, or, to put it otherwise: an aggregation of independent interests has led to English being our global lingua franca. In other words, we should choose a language that is already imposed on us without our explicit consent. In order to justify this state of affairs, we need to actively encourage English for our own best interest and for the sake of democracy. This is our “duty” in Van Parijs’ words³⁴: in order to communicate across borders and despite linguistic diversity we need a common ground (language) so that a violation of rights in one place is now felt throughout the world as Kant would put it. The means to achieve this are quite simple: we need to equalize the cost-benefit ratio of learning languages³⁵. Van Parijs is aware that Anglophones benefitting from their “mother-tongue blessing” will not pay (via taxes) for the language training of non native English speakers (via subsidies), the only fair way to jointly foot the bill of language acquisition, he hence proposes other mechanisms: poaching the web, and a ban on dubbing³⁶. In that way, Non-Anglophones would legitimately free-ride on the benefits of empirical English dominance.

But Van Parijs is also committed to identity-related claims. He clearly combines these identity claims with democratic requisites, namely parity of esteem (a way of acknowledging the dignity of speakers), which he derives from Rawlsian principles: the “maximin principle” and “social support for self-respect”³⁷, and which are best protected and achieved through linguistic territoriality. Every language should be “a Queen” in its own territory in order to minimize feelings of disparity of esteem

³⁴ P. Van Parijs, *Linguistic Justice for Europe and for the World*, Oxford, Oxford University Press, 2011, p. 31.

³⁵ It would be fastidious to go into the complicated details of the analysis which can be found in several of Van Parijs’ articles: “Must Europe be Belgian ? On democratic citizenship in multilingual polities”, in C. McKinnon, I. Hampsher-Monk, ed., *The Demands of Citizenship*, London & New York, Continuum, 2000, 235-253 ; “The Ground Floor of the World. On the Socioeconomic Consequences of Linguistic Globalization”, *International Political Science Review*, 21/2, 2000, 217-233 “Linguistic Justice”, W. Kymlicka, A. Patten, ed., *Language Rights and Political Theory*, Oxford, Oxford University Press, 2003, 153-168; “L’anglais lingua franca de l’Union Européenne: impératif de solidarité, source d’injustice, facteur de déclin?”, *Économie publique*, 15, 2004, 13-32; “Europe’s Three Language Problems” in, D. Castiglione, C. Longman, ed., *The Challenges of Multilingualism in Law and Politics*, Hart Publishers, 2006.

³⁶ P. Van Parijs, “Europe’s Linguistic Challenge”, *European Journal of Sociology* 45/1, 2004, 111-152.

³⁷ On social support for self-respect: J. Rawls, *A Theory of Justice*, Harvard, Harvard University Press, 1971, Ch. VII, Sect. 67, 386sq. ; *Political Liberalism*, Columbia University Press, 2005, Part 3, Lect. VIII, Sect. 6 pg. 318sq ; *J. Rawls: Collected Papers*, Edited by Samuel Freeman, Harvard, Harvard University Press, 1999, 361sq.

On the maximin principle: *A Theory of Justice*, Harvard, Harvard University Press, 1971, Sect. 26-28.

experienced by (communities of) speakers who do not master English and whose languages are now in a lower position vis-à-vis English. Territorial language regimes provide language stability and language security (small languages are protected on their territory), and for territoriality to be efficient, it is mandatory that all speak the official language in its territory of reference. It is a coercive regime, the boundaries of which are to be decided upon by democratic procedures if its members collectively desire to claim territorial rights³⁸. In this model, undoubtedly ingenious, a global demos capable of addressing global concerns in the same language (global justice) coexists with a variety of local demoi sensitive to the identity of individual speakers and communities. It is a combination of cooperation, coordination, efficiency and recognition.

The main objections to Van Parijs' model can be summarized under four headings.

First, the territoriality principle in fact reproduces a rather classical nationalistic model of language rationalization within a territory (*cujus regio, ejus lingua*), unconvincing for principled reasons (how could we possibly defend global justice and argue in favor of territorial boundaries that are to a great extent arbitrary?³⁹), but also for empirical reasons (there are more languages than territories, there are no unilingual territories, how should we deal with immigrant communities?). Second, the key role language plays in arguing speaker's disparity of esteem, may be real, but the subjective feelings of humiliation, lack of recognition and even lack of autonomy are not necessarily the result of injustice or politically unfair practices⁴⁰. Third, a global lingua

³⁸ The procedures are not neatly spelled out but should ideally combine local unilingualisms (in order to protect small language communities) with a maximum incentive to learn and to use the lingua franca.

³⁹ See the ongoing debate about the « boundary problem » on the one hand, the debate on right to territory on the other hand. On the democratic illegitimacy of border control: A. Abizadeh, "Democratic Theory and Border Coercion: No Right to Unilaterally Control your Own Borders", *Political Theory* 36-1, London, Sage, 2008, 37-65. On the question of affected interests in border control: R. Goodin, "Enfranchising All Affected Interests, and Its Alternatives", *Philosophy and Public Affairs* 35/1, New York: Wiley, 2007, 40-68; on the right for nation states to exclude: D. Miller, "Justice in Immigration", *European Journal of Political Theory* 14/4, London, Sage, 2013, 391-408; on the desirability and rationality of open borders: J. Carens, *The Ethics of Immigration*, Oxford Oxford University Press, 2013. On territorial rights and the legitimacy to claim territorial rights: M. Moore, *A Political Theory of Territory*, Oxford, Oxford University Press, 2015. On democratic citizenship and the self-government applied to border control: R. Bauböck, "Global Justice, Freedom of Movement and Democratic Citizenship", *European Journal of Sociology* 50/1, Cambridge, Cambridge University Press, 1-31.

⁴⁰ As argued by A. Stilz, "Language, dignity, and territory", H. de Schutter, D. Robichaud special issue guest ed., *Linguistic Justice. Van Parijs and his Critics, Critical Review of International Social and Political Philosophy*, 18/2, London, Routledge, 178-190.

In "Bowling together. Lingua Franca and Social Multilingualism", forthcoming in F. Grin, P. Kraus, ed., *The Politics of Multilingualism: Linguistic Governance, Globalisation and Europeanisation*,

franca as well as territorial language communities are not immune to power relations; neither in the coming about of language constellations (Anglo-American hegemonic culture and economy), nor in the perpetuation of linguistic inequalities or access to literacy for the least well off. Finally Van Parijs' preference for coercive territorial regimes may end up being illiberal, despite the fact that territoriality theoretically depends on the collective desire of the speakers.

The only solution – quite unrealistic in most places – would be to argue for a procedural model of language regimes, in which linguistic preferences are morally neutral: citizens would vote for their preferred language in a non-outcome oriented way, the state would be a minimalist benign neglect kind of entity (that would treat languages in much the same way as religion), and would display no (symbolic) preferences for any specific languages⁴¹. But as we have already pointed out, states speak, hands-off policies are hardly possible. And more importantly: what would the relevant constituency be? The recent debates in Spain have shown that the Catalanian vote in favor of Catalanian territoriality is – for many Castilian speakers within Catalonia - unjustifiable.

The dividing line between those who argue in favor of identity-related claims and efficiency-related claims – and I have shown that most scholars assume that ethical policies must in some way combine the two elements - is maybe less between a specific awareness regarding dignity, parity of esteem and social support for self respect on the one hand, and political-democratic (and budgetary) efficiency on the other hand. I would like to suggest that an alternative reading looks at *language burden*. In a nutshell: either small and vulnerable languages are a burden for their speakers (exclusion, non participation, symbolic and material costs of learning the lingua franca, humiliation, disparity of esteem), or they are not: they are simply an arbitrary result of birthplace, but need not be conceived as a burden, and may even offer opportunities in coordinated language policies.

Amsterdam, John Benjamins, 2016, I offer a different account, relying on social multilingualism in relevant spheres and co-presence of different English repertoires (World English).

⁴¹ D. Laitin and R. Reich, "A liberal democratic approach to language justice", in W. Kymlicka, A. Patten, *Language Rights and Political Theory*, Oxford, Oxford University Press, 2003, 80-104.

Small and vulnerable languages are a burden, much like socio-economic endowments are morally arbitrary, therefore they need to be compensated (through equalizing costs of learning, territoriality, a Rawlsian difference principle). This is what most authors recommend: managing the burden through institutions and practices in the light of desirable democratic requisites. a) By learning languages upwards and switching into the bigger language⁴², b) by conferring rights to small language communities⁴³, c) by encouraging a lingua franca alongside territorially protected small languages⁴⁴, or d) a combination of the above.

If we agree on my premise that language policies are the substructure for other democratic requirements, we need to explain the exact nature of the burden in order to find out how to fix it. Yet most scholars fail to explain the nature of the burden: different burdens call for different policy answers. Note that none of the options below excludes a lingua franca regime, but maybe not of the kind Van Parijs has in mind. I will proceed by conceptual couples.

If the burden is on *equality and democratic participation*, the policy answer should be equalizing situations, opportunities, and encouraging equal participation. Is this possible only in the lingua franca plus territoriality model? One may argue that democratic participation (local or global) is not necessarily determined by linguistic skills, although a common language is desirable. Firstly social multilingualism as well as groups of multilingual social translators may do the job⁴⁵. Secondly, citizens can participate and have access to social and political services in their language *and* (an idiosyncratic variety of) English. "World English"⁴⁶ would be then be an alternative to

⁴² A. de Swaan, *Words of the World*, Cambridge, Polity Press, 2001.

⁴³ W. Kymlicka, *Politics in the Vernacular: Nationalism, Multiculturalism and Citizenship*, Oxford, Oxford University Press, 2001; S. May, *Language and Minority Rights. Ethnicity, Nationalism and the Politics of Language* (2nd Edition), New York/London, Routledge, 2012; P. Van Parijs, *Linguistic Justice for Europe and for the World*, Oxford, Oxford University Press, 2011; D. Réaume, "Official Language Rights: Intrinsic Value and the Protection of Difference", Kymlicka, Will Wayne Norman, ed., *Citizenship in Diverse Societies*, Oxford: Oxford University Press, 2000.

⁴⁴ P. Van Parijs, *Linguistic Justice for Europe and for the World*, Oxford, Oxford University Press, 2011.

⁴⁵ Focusing on bilingual speakers, relying on willing translators and the cognitive flexibility of speakers. This proviso is meant to prevent embarrassing situations, in other words to support self respect, and to prevent arbitrariness: every language has equal weight. See my "Bowling together", art. cit.

⁴⁶ R. M. Bhatt, 2001: "World Englishes", *Annual Review of Anthropology*, 30, 2001, 527-550; B. B. Kachru: "World Englishes and English Using Communities", *Annual Review of Applied Linguistics*, vol. 17, 1997, 66-87; J. Jenkins "English as lingua franca: interpretations and attitudes", *World Englishes*, 28/2, 2009, 200-207; C. Mair, ed., *The Politics of English as a World Language*, Amsterdam, Rodopi,

English as a lingua franca⁴⁷. World English has no real center (neither the UK nor the US is such a center, and therefore neither the UK nor the US are hegemonic providers of language related culture); it is a “hybrid” language⁴⁸ with very little *a priori* norms⁴⁹; it is contextual, situational, and dynamic. It is also universal in the sense that every speaker has to learn it – even, to a certain extent, native speakers of norm-English, because of the amount of idiosyncrasies⁵⁰: there are hence as many languages as speakers. World English is a multilingual, *sui generis* language and would fix, in part at least, asymmetric language situations. Thirdly, linguistic disadvantages can be fixed, either instrumentally by providing translation services, incentives, or more substantially by offering a proper language training that “grants equal access to democratic opportunity”⁵¹ without hindering recognition and parity of esteem. Lastly, there are many ways to be informed and to participate in other languages than the official or common one. Poaching the web and the ban on dubbing are not compensating tools, they actually only speed the spread of English as a lingua franca. The reverse - put as much information in your own language on the world wide web - may have more felicitous effects.

If the burden is on *autonomy and liberty*, the answer is different. For individuals, autonomy is supposed to heavily rely on language skills, firstly because it enables them to make significant life choices within a community with whom they share a (verbal

2003; S. May, “The problem with English(es) and linguistic (in)justice. Addressing the limits of liberal egalitarian accounts of language », in H. de Schutter, D. Robichaud special issue guest ed., *Linguistic Justice. Van Parijs and his Critics, Critical Review of International Social and Political Philosophy*, 18/2, 2015, 131-148.

Many language scholars believe this is a naïve approach as “World English” – in the end – reenacts the same power structures as plain English.

⁴⁷ S. May, “The problem with English(es) and linguistic (in)justice. Addressing the limits of liberal egalitarian accounts of language”, in H. de Schutter, D. Robichaud special issue guest ed., *Linguistic Justice. Van Parijs and his Critics, Critical Review of International Social and Political Philosophy*, 18/2, 2015, 131-148.

⁴⁸ S. Canagarajah, “Lingua Franca English, Multilingual Communities, and Language Acquisition”, *The Modern Language Journal*, 91, Focus Issue, 2007, 924-939.

⁴⁹ J. House, “English as lingua franca: A threat to multilingualism?”, *Journal of Sociolinguistics*, 7/4, 2003, 556-578.

House, 2003

⁵⁰ A. Firth, “The discursive accomplishment of normality. On ‘lingua franca’ English and conversation analysis”, *Journal of Pragmatics*, 26, 1996, 237-259.

⁵¹ A. Shorten, “Linguistic Competence and Citizenship Acquisition”, in G. Calder, P. Cole, J. Seglow, ed., *Citizenship Acquisition and National Belonging. Migration, Membership and the Liberal Democratic State*, Palgrave Macmillan, New York, 2010, 117-18.

and non-verbal) understanding of the identity of their community, and secondly because access to the social, the political, and the market spheres are dependent on the ability to communicate with the relevant offices and administrations, and to claim rights. For language communities, autonomy serves different purposes: it is rather about sharing and protecting a political public culture (carried by a specific language), and setting the grounds for self-government within a mutually intelligible context of debate and decision-making. Autonomy is hence an identity-related claim *and* a tool for efficient democratic government. But in the identity version, it is because individual speakers claim recognition that states should (territorially) accommodate them. In the democratic efficiency version (Rainer Bauböck's "stakeholder model" for example⁵²), individual language rights are not the building blocks for territorial language regimes, it is rather because of the collective value people assign to their languages that (territorial) linguistic regimes are the result of self-governing powers to alter, influence and shift language preferences. Which means that specific demoi should have the right, for democratic self-governing reasons, to design their language policies in the way they deem fit and fair. Note that a common language is neither a necessary or sufficient resource for self-government, nor for lively democratic deliberation⁵³. Self-government is the independent variable (language the tool), whereas language (as an identity marker) is the dependent variable⁵⁴. Therefore the burden on autonomy justifies coercive territorial regimes only in so far as coercion is the result of democratic self-government⁵⁵. And, *caeteris paribus*, the burden on autonomy justifies lingua franca regimes only in so far as autonomous self-governing polities have an equal say in designing the global regime. But this is obviously empirically untrue. Language communities are not equal partners in designing global regimes: industrialized countries with high numbers of literacy, a good educational system with language training, and skilled workers are clearly ahead of all the others. In other words, if the

⁵² R. Bauböck, "Morphing the Demos into the right shape. Normative principles for Enfranchizing Resident Aliens and Expatriate Citizens", *Democratization* 22/5, 2015, 820-839.

⁵³ This would *caeteris paribus* contradict the argument that a global lingua franca fosters global democracy, or, to a lesser extent, global justice.

⁵⁴ B. Boudou, A. von Busekist, "Language proficiency and migration: An argument against testing", forthcoming in M. Gazzola, B.A. Wickström, T. Templin, *Language Policy and Linguistic Justice: Economics, Philosophical and Sociolinguistics Approaches*, Berlin, Springer, 2017.

⁵⁵ D. Weinstock, "Can parity of self-esteem serve as the basis of the principle of linguistic territoriality?", in H. de Schutter, D. Robichaud special issue guest ed., *Linguistic Justice. Van Parijs and his Critics, Critical Review of International Social and Political Philosophy*, 18/2, 2015, 199-211

burden is on autonomy, the burden needs to be referred to the relevant spheres and to the relevant constituencies.

If the burden is on *diversity, non-domination* (and exclusion), the answer is different still. If language diversity is a value, then diversity should be upheld by all means (as in the EU for example, where “equal respect [is] due to all cultures and languages”⁵⁶), regardless of the efficiency model, and regardless of its consequences on domination and exclusion. If diversity is not valued *per se* but is expected to be traded-off against mutually intelligible common languages or a lingua franca, then the lingua franca model plus territorial or personal arrangements may be the best option. Van Parijs is indeed ready to give up local diversity for inter-local diversity. But is territoriality plus lingua franca really the best answer to combat exclusion and to foster global justice? Language economists have convincingly shown that the reduction in the number of official languages in the EU (e.g. 24) would a) exclude a vast amount of citizens from access to EU politics, b) be detrimental to the least well off, e.g. the most vulnerable social groups and the weakest members in terms of language skills, and c) that “that the current full multilingual policy of the EU, based on translation and interpreting, is not only the most effective language policy among the alternative options usually put forward in the literature; it is also (and it will be for the foreseeable future) the only one that is truly inclusive”⁵⁷. If that is so, there is no reason to give up diversity for

⁵⁶ Decision No 1934/2000/EC of the European Parliament and of the Council of 17 July 2000 on the European Year of Languages 2001, retrieved here: <http://eur-lex.europa.eu/legal-content/GA/TXT/?uri=celex:32000D1934>

⁵⁷ M. Gazzola, “Language Policy and Linguistic Justice in the European Union: The Socio-Economic Effects of Multilingualism”, *ELF Working Papers Series*, #15, www.elf.unige.ch.

Others argue that the self-fulfilling prophecy of English as a lingua franca is fundamentally flawed. English is neither the language of international politics and higher education (this contradicts Van Parijs’ “brain drain” – “ground floor of the world” argument, see P. Van Parijs Philippe, 2000a: “The Ground Floor of the World. On the Socioeconomic Consequences of Linguistic Globalization”, *International Political Science Review*, 21/2, 217-233), nor the world language: only 14% of EU citizens speak English, only 21% master English on a “fairly good level” as a second language in the Member states, and only 7% to 8% of the world population speaks English.

See M. Gazzola, “The linguistic implications of academic performance indicators: general trends and case study”, *International Journal of the Sociology of Language*, n° 216, 2012, 131-156; M. Gazzola, F. Grin, “Is ELF more effective and fair than translation? An evaluation of the EU’s multilingual regime”, *International Journal of Applied Linguistics*, 23 / 1, 2013, 93–107; F. Grin, “Dépasser les idées reçues”, *Le Débat* n° 178, janvier-février 2014, 127-135; M. Laforest, G. Breton, D. Bell ed., 2014: *Réflexions sur l'internationalisation du monde universitaire. Points de vue d'acteurs*. Cahier n° 1 du RIMES, Paris: Éditions des archives contemporaines, 2014.

inclusionary and non-domination reasons, and there is no reason at all to adopt a lingua franca “for Europe and the world”⁵⁸.

Language burdens are in reality opportunities in this approach. And the relevant question is not how we should compensate the least well off linguistically while sharing global concerns and encouraging global justice in a global language, but how to best resist a normative claim that is not empirically fully worked out.

I have shown that linguistic justice scholars work with the notion of burden on small and vulnerable languages, but that they do not always disentangle the nature of the burden and hence the political and normative conclusions that flow from the type of burden one is concerned with.

Conclusion: political language policies

I will conclude by arguing firstly that the literature is not always clear about the political preferences that inspire normative prescriptions for language policies. Just language policies are not necessarily democratic language policies. Democratic policies are not equivalent to liberal or republican language policies: they have different normative starting points. Secondly, I believe that there is no one all-encompassing, normative answer to the challenges of linguistic diversity. The best solution is, as often, a second-best solution, mindful of different empirical situations and existing political regimes, power structures, and sensitivity to “politics against domination”⁵⁹.

The question then is rather which legitimate political principle or which policy-outcome is best served by the different approaches to linguistic justice or ethical language policies in specific locations.

As I have argued the literature can be usefully organized according to the value authors confer to either identity or political efficiency or a combination of both⁶⁰. Say

⁵⁸ P. Van Paris, *Linguistic Justice for Europe and for the World*, Oxford, Oxford University Press, 2011.

⁵⁹ Ian Shapiro, *Politics against domination*, Harvard, Harvard University Press, 2016.

⁶⁰ This is a very classical way of ordering the literature.

identity is important but should be acknowledged in one way or another by political efficiency. No regime respectful of individual rights and democratic constitutionalism can disregard identity (e.g. the quest for recognition and parity of esteem: in seeking respect, dissenters convey that their private preferences are indeed the business of the community).

If we now cross these two principles with political preferences (liberalism, democracy, republicanism, nationalism), what kind of policies do we get?

We have argued that it is a) illiberal to secure or sustain languages (and hence language communities) without the explicit consent of their members⁶¹; b) that it is non democratic to impose coercive territorial language regimes without the consent of the relevant constituency⁶²; c) that it runs against the non-domination principle that individuals should be coerced into learning a language they do not wish to learn; d) that it is desirable for economic and political reasons (employability, mobility, integration of migrants) that people speak a common language within a given territory; e) that it is desirable for a democratic polity to function with a maximum amount of participation: the demos designs the laws, the demos is the author of the laws, therefore the laws are legitimate and justifiable to everyone; e) that positive liberty but also (liberal) nationalism requires that demoi identify with their polity (shared public culture, solidarity, belonging), and therefore must uphold, or be committed to, a public sphere that is intelligible for all; f) that a global lingua franca enhances awareness of global injustice, encourages a global civil society, lessens inequality of opportunities and global exclusion⁶³.

If you are a *liberal egalitarian*, you would go for non-coercive territorial protection plus a regime of multiple *linguae francae*; if you are a *utilitarian liberal* you would opt either for the territorial or the personality principle combined with a lingua franca regime; if you are a *liberal* or a *cultural nationalist*, you would opt for acknowledging

⁶¹ Contra R. Phillipson, "Lingua Franca or lingua frankensteinia? English in European integration and globalization", *World Englishes*, vol. 27/2, 2008, 250-267; "English as threat or opportunity in European higher education", 2013, retrieved here http://www.researchgate.net/publication/265794097_English_as_threat_or_opportunity_in_European_higher_education.

⁶² R. Bauböck, "The political value of languages", in in H. de Schutter, D. Robichaud special issue guest ed., *Linguistic Justice. Van Parijs and his Critics, Critical Review of International Social and Political Philosophy*, 18/2, 2015, 212-223.

⁶³ D. Archibugi, M. Cellini, "Democracy and Global Governance. The Internal and External Levers", IRPPS Working paper 69/2015.

and protecting diversity via language rights for vulnerable historical communities, the personality principle and a combination of *linguae francae*; if you are a *nationalist*, you would go for coercive territoriality, a non-coercive and non encouraged lingua franca regime; if you are a *democrat*, you would opt for the procedural model: self-government and autonomy in designing language policies (most probably a territoriality of consent); a lingua franca regime would be acceptable only under the same conditions of global consent between demoi; if you are a *republican*, you would go for any options that prevent domination (territoriality, self-government, equal recognition, equal opportunities, possibly an additional lingua franca regime for utilitarian reasons); if you are a liberal committed to global justice and parity of esteem (this seems to be a *sui generis* category), you will opt for coercive territoriality and a encourage English as a lingua franca; if you are an *illiberal ecologist*, you would protect diversity at all costs, regardless of the desire of speakers.

This is an analytical and probably too systematic way of ordering preferences. But it does show that a combination of a global language (English) and (coercive) territoriality is only one way of designing ethical language policies. The trade-off between territoriality (versus diversity⁶⁴) and a lingua franca (versus global injustice and domination) is not satisfying without more empirical evidence and without a clear statement about the burdens we wish to alleviate within a hierarchy of given political preferences.

In short, different types of political or moral desiderata (autonomy, liberty, non-domination, security, self-government, mobility, employability) call for different justifications of language policies and design different language constellations. I believe that non-coercive territorial regimes (even if they may empirically promote majority languages), combined with a set of *linguae francae* is the best solution. People should have a say in their linguistic preferences and collectively decide on the minority languages they wish to protect domestically on the one hand, and they should be able to freely chose the language or the languages they would like to learn for global, inter-regional communication on the other hand.

⁶⁴ P. Van Parijs, "Linguistic diversity as curse and as by-product", in *Respecting Linguistic Diversity in the European Union*, Xabier Arzoz ed., Amsterdam, John Benjamins Publishing Company, 2007, 17-46.

This solution has the following advantages: The language constellation (in the EU and globally) would remain dynamic : a) English is not the only European/ global lingua franca, and if we refrain from actively encouraging English, there is a chance that other languages acquire the same status English enjoys today; and b) as people are free in their language choices, the language combinations of each individual, and of each polity collectively, encourage aggregate diversity without hindering international communication.

The constellation would also be fairer because it would exclude less individuals (see the European data⁶⁵). It would lastly be advantageous for intra – and extra-European communication: people need to master other languages than English in order to sustain a global and free system of linguistic exchanges. Coordination policies within the EU, or within regional institutions would be able to decide on working languages relevant for their respective constituencies while guaranteeing inter-regional connections. Multilingual speakers and translators are relevant facilitators in this coordination game.

⁶⁵ M. Gazzola, "Language Policy and Linguistic Justice in the European Union: The Socio-Economic Effects of Multilingualism", *ELF Working Papers Series*, #15, www.elf.unige.ch.