Linguistic Justice for which *Demos*? The Democratic Legitimacy of Language Regime Choices

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Abstract. In the European Union language regime debate, theorists of multiculturalism and cosmopolitanism have framed their arguments in reference to different theories of justice and democracy. Philippe Van Parijs advocates the diffusion of a *lingua franca*, namely English, as means of changing the scale of the justificatory community to the European level and allowing the creation of a transnational *demos*. Paradoxically, one key dimension of democracy has hardly been addressed in this discussion: the question of the democratic legitimacy of language regime choices and citizens' preferences on the different language regime scenarios. Addressing the question of the congruence of language policy choices operated by national and European elites and ordinary citizens' preferences, this paper argues first that the dimension of democratic legitimacy is crucial and needs to be taken into account in discussions around linguistic justice. Criticizing the assumption of a direct correspondence between individuals' language learning choices and citizens' language regime preferences made by different authors, the analysis shows the ambivalence of citizens' preferences measured by survey data. The article secondly raises the question of the boundaries of the political community at which the expression of citizens' preferences should be measured and demonstrates that the outcome and the fairness of territorial linguistic regimes may vary significantly according to the level at which this democratic legitimacy is taken into account.

Keywords: linguistic justice, democracy, legitimacy, European Union, language regime

Much of the debate opposing defenders of a multilingual language regime for the European Union and those arguing in favour of establishing English as *lingua franca* on the European level has been framed in reference to different theories of justice and democracy between theorists of multiculturalism and cosmopolitanism (Archibugi 2005). Multiculturalists emphasize the importance

of democratic participation in citizens' own language and call for 'politics in the vernacular' (Kymlicka 2001), where citizens have the right to debate in their mother tongue. Cosmopolitanists, on the other hand, consider the existence of a shared language of communication as precondition for the emergence of a democratic public sphere on the European level. Along this strand of literature analysing which language regime is the most apt to foster the emergence of a European *demos* (Bourdieu et al. 2001), Philippe van Parijs assessed various language policy scenarios in regard to different conceptualizations of social justice (van Parijs 2011). Van Parijs advocates the diffusion of a *lingua franca*, namely English, as means of changing the scale of the justificatory community to the European level and allowing the creation of a transnational *demos*.

Paradoxically, one key dimension of democracy has hardly been addressed in this debate: the question of the democratic legitimacy of language regime choices and citizens' preferences on the different language regime scenarios. This question raises the larger issue of the role of political decision-makers in the field of language policy from a democratic point of view: should European elites attempt to change citizens' language policy preferences by raising their awareness of the implications of different language regime scenarios? Or should they be merely responsive to citizens' preferences such as expressed through their language learning choices and different opinion polls? Addressing the question of the congruence of language policy choices operated by national and European elites and ordinary citizens' preferences, I will argue first that the dimension of democratic legitimacy is crucial and needs to be taken into account in discussions around linguistic justice. Secondly, I will show that the outcome and the fairness of territorial linguistic regimes may vary significantly according to the level at which this democratic legitimacy is taken into account.

The Democratic Legitimacy of Language Regime Choices: a Forgotten Dimension

The question of the democratic legitimacy of language regime choices and the responsiveness of language policies to citizens' preferences points to gaps in both the empirical and the theoretical literature on the EU language regime debate. On the empirical level, European citizens have so far not had the possibility to express themselves directly by means of a vote in favour or against a given language regime. The EU's institutional structure and the delegation mechanisms of its decision-making process make it difficult to take into account citizens' preferences independently from Member States interests. Since its institutionalization in 1958, the principle of equal treatment of all official languages – which are national

languages of one or more Member States – has been sanctified, although the increase of the number of official languages has led *de facto* to strengthen the position of English. While one could imagine the organization of an EU-wide referendum on language policies, this scenario is unlikely, as even during the drafting of the European constitutional treaty the question of the European language regime was sidestepped (Van Els 2005, 269). The avoidance of a political debate on language regime choices and the absence of integrated multi-level policies regulating language use in the EU have entailed that citizens' language regime preferences have been taken into consideration only indirectly in the literature on language policy as well as by decision-makers themselves.

The scarcity of the available empirical data on citizens' language regime preferences also raises a number of theoretical issues. In the literature on language policies, citizens' preferences are usually inferred from their language learning choices or skills. While authors such as van Parijs and de Swaan agree that the spread of languages through compulsory secondary education is one of the main factors contributing to the dynamism of the European and global language system, the congruence between individual language learning choices, national language education policies, and citizens' EU language regime preferences is considered unproblematic and self-evident. The underlying assumption of a direct correspondence between individuals' language learning choices and citizens' language regime preferences neglects both the institutional and contextual constraints determining individual choices and preferences and the impact of mechanisms of aggregation of preference from the individual to the collective level. More largely, the question of the scale or the policy level at which the expression of citizens' preferences should be measured is not directly addressed by the majority of authors: in the absence of a European *demos*, which is the political community that decides, formulates collective choices and gives legitimacy to language regime choices?

Same Data, Different Conclusions

In the EU language regime debate, defenders of multilingualism and supporters of English as *lingua franca* have based their argument on similar survey data on European citizens' language skills. Calculating the rates of 'language disenfranchisement' entailed by different language regime scenarios on the basis of the 2001 Eurobarometer data on citizens' language skills, Ginsburg and Weber argue in favour of a limited multilingualism scenario for the EU with the retention of French and German as working languages (Ginsburgh et Weber 2005). Based on the same data, van Parijs defends, on the other hand, the recognition of English as European *lingua franca* and suggests compensating

the inequalities this policy option entails by measures facilitating language learning in education and through media policies banning dubbing (van Parijs 2004). For de Swaan, citizens' language learning choices have already led to make the English-as-lingua-franca scenario an empirical reality that cannot be easily reserved (de Swaan 2007, 14). This view is also shared by Laitin, who considers that the recognition of English as international *lingua franca* will be part of an institutionalized European language constellation recognizing, at the same time, state and regional languages (Laitin 1997, 299). Finally, on the basis of the *Adult Education Survey* data on European citizens' language skills, Gazzola argues in favour of the current multilingual EU language regime since a reduction of the number of official languages would lead to the disenfranchisement of an important part of the EU population (Gazzola 2015).

The fact that similar data is used to back up arguments in favour of contradictory language regime scenarios reveals the problematic nature of using citizens' language skills as proxy for their language regime choices. In all these analyses, European citizens' preferences are inferred on the basis of either their self-declared language skills or data on pupils' language learning choices. In doing so, these analyses neglect that the locus of the expression of these preferences remains that of the different Member States and that language learning decisions may be guided primarily by individual motivations such as the maximization of one's communication potential. It appears, hence, problematic to hypothesize a direct correspondence between individual language learning choices, which are constrained by national language education policies, and citizens' preferences for the different language regime scenarios of the EU. Van Parijs' and de Swaan's works, by analysing the global predominance of English as the unintentional result produced by the aggregation of individual decisions, perfectly illustrate that there might be a gap between citizens' language learning choices and their language regime preferences.

The Ambiguity of Citizens' Preferences Measured by Survey Data

Confronting citizens' language learning choices with survey data on citizens' language regime preferences reveals the ambivalence characterizing language policy preferences. While the data from the three Eurobarometer surveys on languages published in 2001, 2006, and 2012 contains certain biases linked to the choice and wording of the questions, it provides nonetheless a rough assessment of the major trends in the support of the principles guiding EU language policies. The EB data reveals that both the principle of equal treatment of all languages –

which in the wording of the question could be understood to include far more languages than the official languages of the EU – and the need for a common language spoken by all European citizens receive a considerable degree of support. First, the statement 'all languages spoken within the European Union should be treated equally' collects the agreement of 82.7% of respondents in 2006 and of 86.1% in 2012. Secondly, the statement according to which 'the European institutions should adopt one single language to communicate with European citizens' is also supported by a less important majority but still by a high percentage of citizens in 2006 (55.4%) and 2012 (54.1%). Moreover, the need for a common language is mentioned more often in the last two EB waves: in 2006, 68.3% of respondents tend to agree that 'everyone in the European Union should be able to speak a common language', while 66.6% of respondents do so in 2012. The 2001 EB survey reveals an interesting discrepancy between only 37.6% of respondents agreeing with the statement 'we will all have to start speaking a common language' and 75.2% of respondents supporting the statement that 'everyone in the EU should be able to speak English'.

These inconsistencies observed in citizens' preferences mirror the tension that exists on the level of national and EU policy makers between favouring English for the sake of efficiency and the will to protect Member States' national languages. David Laitin has analysed the discrepancy between public and private language policy preferences in post-colonial settings in terms of 'the private subversion of the public good' (Laitin 1994, 43). Similar mechanisms appear to be at work inside the European Union, with citizens supporting the EU commitment to multilingualism, while simultaneously undermining this same multilingualism by choosing English as first foreign language for their children. The EB data confirms again that there is no direct correspondence between foreign language learning choices and citizens' language regime preferences. The fact that citizens' preferences are characterized by the same tensions as those inherent in official EU language policy raises the question of citizens' preference formation and the role of political elites in this process even more. As it stands, the ambivalence in European citizens' language regime preferences can only be resolved through a true democratic debate on different language scenarios. In this deliberation, European policy makers and national representatives have a key role to play in defending alternative policy options and to elaborate an integrated policy regulating language use and multilingualism in Europe.

Language Regime Choice as *Object* of Democratic Deliberation

As the definition of an 'optimal' language regime for the European Union ultimately relies on the victory of one normative position over another, namely the support or the abandoning of the principle of equal language treatment (Pool 1996), a democratic deliberation taking into account citizens' preferences more directly is vital for the legitimacy of EU language regime choices. Surprisingly, language has so far mainly been analysed as a *means* of allowing a democratic deliberation by a European *demos*, while language regime choice as *object* of a democratic debate between European citizens or their representatives has not retained much attention. This shortcoming is partly linked to the much-debated democratic deficit of the EU with delegation mechanisms rendering classic conceptions of democratic accountability and responsiveness difficult to apply.

Considering that any European language regime scenario requires a certain degree of democratic legitimacy raises the question of the boundaries of the political community or the *demos* that confers this legitimacy. The outcomes produced by the territorial linguistic regime scenario defended by van Parijs may indeed vary significantly according to the level at which this democratic legitimacy is taken into account. Van Parijs argues that the implementation of an English *lingua franca* regime on the European level should coexist with territorially differentiated linguistic regimes in order to secure linguistic justice as 'parity of esteem' between speakers of different languages. Territorial linguistic regimes are defined as consisting in 'public authorities deciding to impose specific constraints on the conduct of the inhabitants of a territory as regards the medium of education and the public use of language' (van Parijs 2011, 138). The criteria of definition of the boundaries of this territorial linguistic regimes are, however, not clearly spelled out: van Parijs states that 'a territorial linguistic regime requires administrative borders that define the various linguistic areas, but it does not require these borders to be political borders in any sense' (van Parijs 2011, 147), while simultaneously claiming that 'the political entities that currently exist are not sacrosanct' (p. 148) and referring to 'the territories claimed by various languages' (van Parijs 2011, 149). This raises the more fundamental question whether and to what extent the boundaries of the political community should coincide with those of the linguistic communities. A soft reading of van Parijs' argument would imply the defence of the preservation of the *status quo* and essentially benefit to languages that are currently already the official languages of a state. Interpreted in a more radical way, the same territorial linguistic regimes would, on the contrary, amount to redrawing the boundaries of sovereignty and the locus of democratic decision-making on the bases of linguistic communities

claiming a territory. While van Parijs concedes that 'some kind of democratic process' (p. 169) would undoubtedly be necessary to settle disagreements regarding the borders of the territorial linguistic regimes, the question of whether the boundaries of the *demos* that decides the implementation of language regimes are those of existing political communities or whether the realization of linguistic justice entails the redrawing of political boundaries remains open.

Conclusion

Whether arguing in favour of English as a *lingua franca* or defending multilingualism, discussions around linguistic justice need to take into account the dimension of democratic legitimacy of language regimes that has so far been eluded in the existing literature. A just language regime for the European Union cannot be inferred from citizens' current language skills or language learning preferences, but it ultimately relies on a choice of one normative principle over another. As a consequence, in order to be legitimate, a language regime scenario needs to be acceptable to and be supported by a large majority of the citizens. More specifically, a discussion around the level at which this democratic legitimacy is taken into account and the boundaries of the *demos* that expresses its collective language regime choice is crucial since the outcome and the fairness of territorial linguistic regimes may vary significantly according to this criterion. The debate around the definition of a European language regime is further complicated by the multilevel nature and democratic deficit of the EU, where citizens' preferences are taken into account only through the intermediation of Member States' representation. The argument according to which we need 'to meet the linguistic preconditions for turning Europe, and ultimately the world, into one *demos*' (van Parijs 2004, 118) should hence be reversed as follows: we need to meet the democratic preconditions for allowing the European *demos* or European citizens to decide on a legitimate language regime for the EU.

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