

eldia

european language  
diversity for all



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# *The Role of Law in Language Matters*

## *Expecting too much or too little?*

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Mariehamn, September 27th 2012

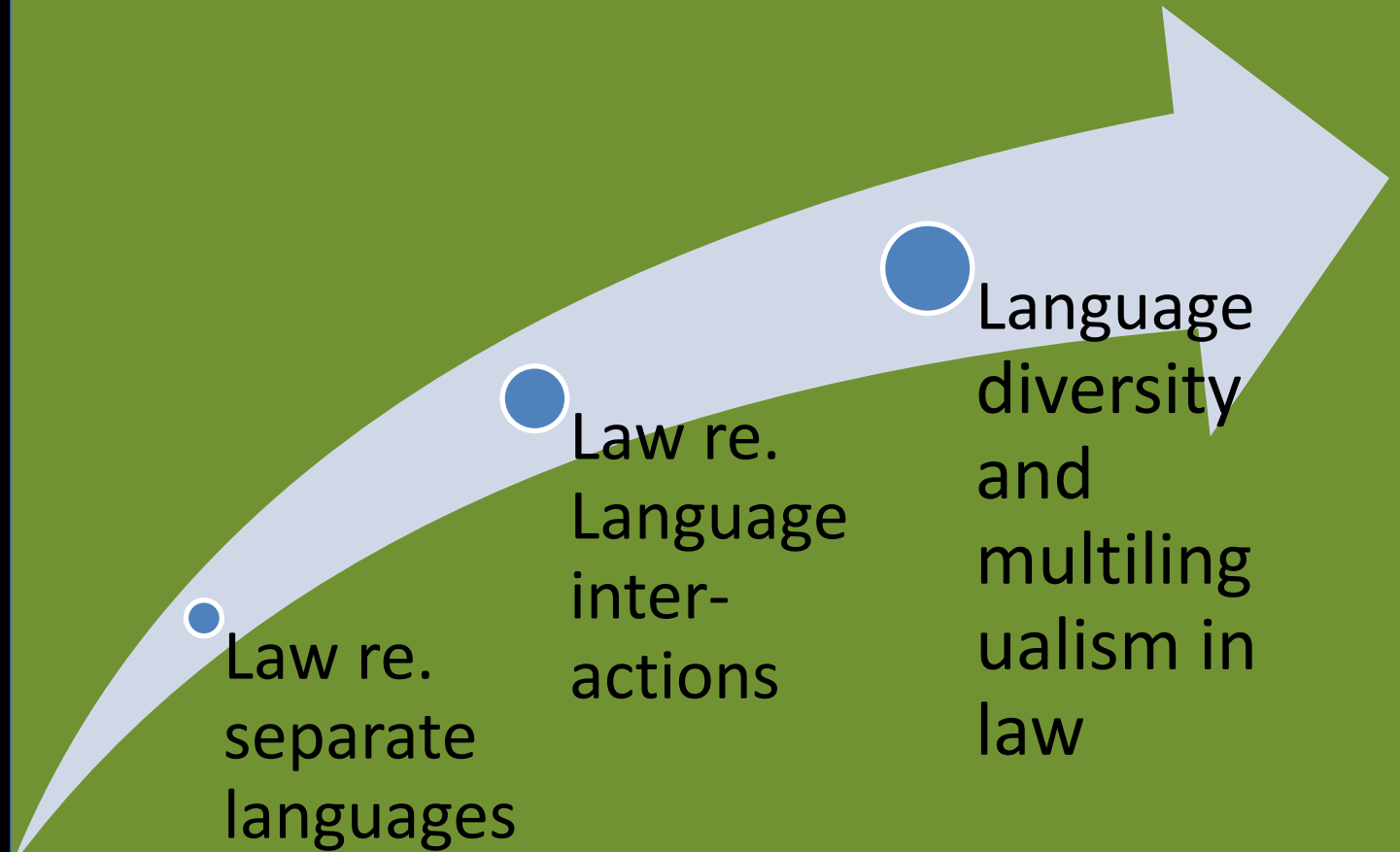
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# Language diversity: the starting point of ELDIA

- Parallel use of national and or regional , minority, indigenous and migrant languages alongside one or more 'vehicular' languages.
- 8 countries and 14 language communities and speakers within the finno-ugric language family

# Effort towards a conceptual shift



# The Law and Institutions Team

- Petra Granholm (Norway: Kven & Sami)
- Heidi Öst (Sweden: Finnish and Meänkieli)
- Lisa Grans (Finland: Karelian, Estonian)
- Marianne Meiorg (Estonia: Võro and Seto)
- Anders Fogelklou (Russia: Karelian, Veps, Seto)
- Sarah Stephan (Germany: Estonian)
- Petra Roter (Slovenia: Hungarian)
- Deva Zwitter and Emma Lantcher (Austria: Hungarian)

# Methodological approach

Comparing  
different kinds of  
language  
situations

- Emphasis on several minor finno-ugric, i.e. non Indo-European languages
- Minority, indigenous, migrant and commuters' languages

# Methodological approaches

- Interactional and constructivist understanding which emphasises joint agency and dialogue between individual and institutional actors
- Focusing on the wide range of symbolic meanings of language choices
- 'Languaging' is affected by and affects the law

# Core questions

- **What role is played by law in the use or non-use of different languages in different domains;**
- **What role is played by law in promoting or inhibiting language diversity;**
- **Which factors in legal and institutional regimes influence language use, language maintenance and language diversity?**

# Case studies in a wider context

- European Charter of Minority or Regional Languages (in force since 1998)
- Framework Convention for the Protection of Persons belonging to National Minorities (in force since 1998)
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (in force since 2003 but not yet ratified by any of the countries examined)
- EU Commission: New Framework Strategy for Multilingualism (2005)



# What do we look at?

- The law
- Its practice domestically and its international assessment
- The actors involved in the interpretation and implementation of the legal framework
- Identifying gaps between the law on paper and law in practice also from the perspective of language speakers

# Background of the legal and institutional studies

- Countries with a long legal tradition in regulating language matters (Austria, Estonia, Finland, Russian federation)
- Countries where comprehensive language regulation is a relatively recent trend (Sweden, Norway, Germany)

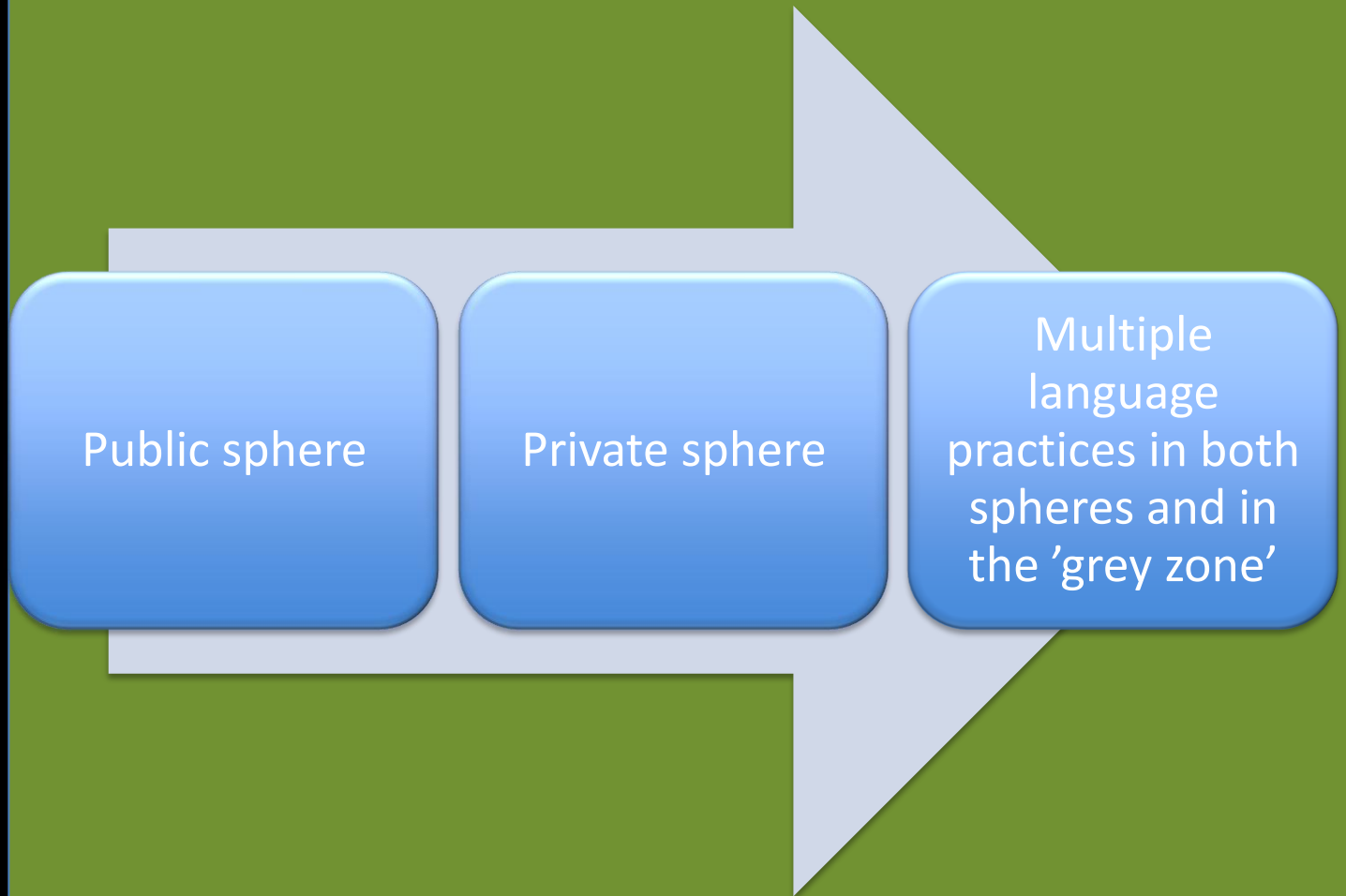
# First preliminary results of the legal and institutional studies

1. All of the researchers have found themselves working amidst on-going legal reviews or very recent major amendments: Estonia, Austria, Finland, Sweden, Slovenia etc.
2. The primacy of the territoriality principle in Europe. Less known is the territoriality principle's relevance also with regard to bilingualism (Burgenland/Austria, Slovenia, Sweden, Finland)

# First results

3. Language diversity may occur as a declaratory principle but has not become part of the legal and institutional systems
4. The awareness of the distinction between individual and societal multilingualism is low in legal systems

# Conceptual shift 2?



# Sveriges radio: Voting 2011 'is it Ok/correct/just (rätt) to only allow for Swedish at work?

- Yes: 62% (738) !!!
- No: 38% (452)

In total 1190 votes

Efter språkbräket: Backar från regler - Nyheter P4 Jönköping

http://sverigesradio.se/sida/artikel.aspx?programid=91&artikel=4388675

Är det rätt att bara tillåta svenska på jobbet?

Ja	Nej
62% (738)	38% (452)

Totalt har 1190 personer röstat

Omröstningen ger endast en bild av vad besökare på sverigesradio.se tycker. Resultatet speglar inte nödvändigtvis allmänhetens åsikter och bör tolkas med viss försiktighet.

Min radio - Volym + - Klicka på ett ljudklipp eller välj kanal på sidan

Välj kanal Eget fönster

# Two paradigms seem to be in need of re-evaluation?

- One 'nation' – one territory – one language
- One person – one territory – one language

Examples: Swedish education act and Estonian language options in census

# Further results

- **The awkwardness of situations of smaller finno-ugric languages in relation to their 'big brothers/sisters', e.g. Kven and Meänkieli in relation to standard Finnish; regional Hungarian varieties; Võro and Seto in relation to the Estonian Literary Standard**
- **Very little legal work has been done about some of these languages ('non-issues': Võro and Seto, Karelian, Estonian in Germany and Finland, Veps)**



# Further results

- Wider use of bilingual education models for 'smaller' / minority languages has not occurred in spite of the language diversity rhetorics

# The role of regions and local governments in promoting language regimes

- Particular attention to border regions and urban globalised centres: e.g. In Germany (German-Polish, German-French, German-Danish) the city of Cologne with six elementary schools with explicit multilingual education incl. Turkish
- New Swedish school act (2010: 800) with regard to the rights of Finnish commuters in participating in education of Swedish as second language (affects mainly Tornedalen).

# The role of the courts

- In a few countries the courts are functioning as the guarantors of linguistic rights (Austria, Estonia, Slovenia)
- In many other cases there are very few court cases on language matters (the Nordic countries, Russia, Germany) mainly due to the fact that the legal provisions do not create justiciable rights.

# The quality of the legislative system

- Legislation is in most cases too complicated and scattered (and is not presented in simplified ways) and citizens do not know what the effect of regulations are, nor about their rights (if such exist)
- Legislation is often ambiguous or contradictory

# What remains to be done in ELDIA?

- Publishing of Case Specific Reports and the Legal Analysis on Russian Federation
- Analysing the Case Specific Reports and data against the legal knowledge in the final report
- Presenting the EuLaViBars for individual languages and in a comparative manner

# Major forthcoming events

- Final Eldia conference: August 2013  
in Vienna

Check out [www.eldia-project.org](http://www.eldia-project.org)

- Helsinki: 30 November 2012

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# Tack!

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