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State Languages in Europe

Abstract

While the Hungarian public life is loud about the modified Slovakian State Language Act, less mention is made about the fact that there are more states in the European Union beyond Slovakia who intend to strengthen the place of the ethnical majority's mother language by a State language act, often at the expense of the minority's rights. The study makes an attempt first of all to define the "state language" and to separate it from the "official" and "national" languages. In the second part, the author demonstrates, through the example of the Baltic states and France, how different regulations exist in the European Union on the state language which are even more discriminative in certain respects than the Slovakian.

The debate triggered by the Slovak language law is no more the 'home affairs' of two countries only and has put minority language use and the right to the use of the mother tongue in a wider sense into the focus. When examining the question we cannot neglect the laws regulating the use of the language of minority societies that – as the Slovak case exemplifies – frequently restrict the use of minority languages for political reasons.

At present the Hungarian public reverberates from the news of the Slovak state language law, however, it is rarely mentioned that there are other member states of the EU that also wish to strengthen the hegemony of the majority state language by language laws, blocking the way of any ambition toward any kind of language emancipation. The present paper tries to define the concept of state language and to separate national and official language and through the examples of the practice of the Baltic States and France in order to show what other types of language regulations – sometimes even more discriminative ones – exist in the EU today. It is important to examine these examples to realise why is the consensus seeking Brussels politics

so reluctant to take firm opinion in the Hungarian – Slovak debate; on the other hand it is important for the Hungarian enforcement of interests too, to understand that it is a problem reaching over the Hungarian – Slovak one and the Hungarian diplomacy could find allies by embracing the cause for others too.

1. The concept and definition of the state language

As mentioned above, this can only be an attempt at the definition of the concept of state language as it is not contained in any law of an individual country neither is it part of any international agreement. It follows that the individual states use the term differently. Conceptually it could be best described by the definition of national and official language and their separation from the state language.

1.1. *The distinction between national and official language*

Most states make no difference between national and official language. France and Hungary, lacking regulations to the contrary, do not consider the important fact that in certain countries not every national language has the status of official language. National language is the mother tongue of a given language community that is the ‘spiritual country’ of that community. The most poetic definition has come from the Hungarian poet Dezső Kosztolányi, who claimed that the mother tongue is a food one cannot have too much of, that immediately becomes our blood; other languages can only be endured in smaller portions as if taking some medicine.¹

The right to language use of speakers of minority languages was described in Article 27. of the *International Covenant on Civil and Political Rights* of the United Nations:

In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language.

¹ Kosztolányi Dezső: *Nyelv és lélek*, Osiris, 2002, Budapest, p.100 [Language and soul]

The right to the own culture, to the free practice of religion, to the use of the mother tongue is a particular one. As described in Art. 27. it is the due of a certain group of people only, e.g. ethnic, religious and language minorities in contrast to other rights that are universally due to every person as acknowledged by the Covenant.² There is no mention about the language use of the majority society as there have been no such norms defined in other international legal documents either. The states decide themselves upon the question when they accept the majority language as the official one thus implicitly acknowledging the right of the majority society to the use of its mother tongue.

The difference between national and official language is inherent in the official aspect of the latter, as in most cases the national language almost automatically becomes the official language of a given state, while minority national language(s) not necessarily do so. E.g. it is since 2002 only that Hungarian counts as an official language in the Hungarian inhabited regions of Serbia.³

1.2. The relationship between the majority and minority national languages

Prof. László Trócsányi has classified the member states into four groups according to their relationship between majority and minority national languages.⁴ The first group contains those states that have declared in the constitution or in a language law that the country has more than one official languages, i.e. the communities living in the territory have equal language rights: *Belgium, Finland, Luxembourg and Switzerland*. Belgium and Switzerland are federations. In Belgium the official languages are Flemish, French, and German; in Switzerland Italian, German, French and Romansh.⁵ Luxembourg acknowledges the Luxembourg language of symbolic function. Of

² Andrásy György - Az anyanyelv használatához való jog jellege, *Romániai Magyar Jogtudományi Közöny*, 2006. IV. évf. 2. szám, pp. 13–19. [The character of the right to the use of the mother tongue]

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⁴ Trócsányi László: Az anyanyelv használatához való jog a nemzeti alkotmányokban, *Romániai Magyar Jogtudományi Közöny*, 2006. IV. évf. 2 szám, pp.7–11. [The right to the use of the mother tongue in the national constitutions].

⁵ Constitution of the Swiss Confederation Article 4.

the above federal states Finland is the obvious odd man out that has acknowledged Swedish as an equal language for historical reasons.

Members of the second group are those that provide special rights to autonomous communities, regions with different languages: *Italy, Spain* and the *United Kingdom*. Of Italy's twenty regions 5 have special rights of which Valle d'Aosta and South Tyrol is worth mentioning for their wide ranging administrative and legislative autonomy. Valle d'Aosta has a large (17%) Francophone population while in South Tyrol 31% of the population is German, 3,2% Rhaeto-Romanic. In Spain Basqueland, Catalonia and Galicia are the autonomous communities, while in the United Kingdom it is Wales.

Ireland and Malta form the third group where the historic dominance of the English language overshadowed the vernacular and there were attempts to legally give equal rights to them. Similar is the case of the Luxembourg language since it has a mere symbolic function between German and French.

Finally there are those states collected to the fourth group that do not ensure or only restrictedly ensure the right to use the mother tongue disregarding the size of the minority language communities. Characteristically, in addition to the declaration of the constitution, these states have special laws to stress the official, state language status of the majority language.

1.3. The distinction between state language and official language

As pointed out above, there is a strict division between national and official language. It is more difficult to tell official language and state language apart. The interpretations vary and the two concepts are frequently obfuscated. Jenő Kiss accepts those European languages as state languages that are national languages with legally privileged status in countries formed by independent nations.⁶ The definition, however, does not consider the fact that the declaration of the official language as the state language has its symbolic functions. The codification of the majority language as the official language goes hand in hand with the wish for nation states. According to László Szarka,

⁶ Kiss Jenő: *Társadalom és nyelvhasználat, szociolingvisztikai alapfogalmak*, Nemzeti Tankönyvkiadó, 2002, p.192. [Society and language use, sociolinguistical concepts]

there is a political intent behind the codification: states with considerable minority language communities want to strengthen the position of the majority language by declaring it as the state language and thus make the situation unchangeable, closing the path before any kind of ambitions toward language emancipation and thus before any kind of policy in favour of autonomy or federation.⁷

In the following the example of the practice in the Baltic states and France will be used to show what other different language regulations are there in the EU, sometimes stricter than the Slovakian language law. As an enumeration of the factual regulations are not enough to understand the motivation and consequences of the regulations, the historical, political and social reasons of the regulations in question have to be explained too.

2. The Baltic states

2.1. Similarities

The own majority languages of Estonia, Latvia and Lithuania are Estonian belonging to the Finno-Ugric language family while Latvian and Lithuanian to the Baltic-Slavic branch of the Indo-European one. It is a common feature of the three countries that they have legally defined the position of their official languages as the state language. All three language laws are considerably discriminative toward the use of the minority tongues in the public sphere. Another shared feature is that there are considerable Russian speaking communities living in the territories. The Russian language has preserved its importance in the private sphere especially in Estonia and Latvia as well as in the international communication of all three countries, because the so-called 'Baltic Russian' is a generally accepted medium of regional commerce.

The spread of the Russian speaking minority and thus that of the Russian language did not begin with Soviet occupation. The first

⁷ Szarka László: Államnyelv, hivatalos nyelv – kisebbségi jogok Kelet-Közép-Európában, in: Szarka László – Nádor Orsolya (szerk.): *Nyelvi jogok, kisebbségek, nyelvpolitika Kelet-Közép-Európában*. Akadémiai Könyvkiadó, Budapest, 2002. p.19. [state language, official language – minority rights in East Central Europe]

Russian merchants had already appeared in the area of present-day Latvia and Estonia during the 17th – 18th cc. Following the 1633 schism caused by the reform attempts of Patriarch Nikon the orthodox believers found asylum there. As a result of the conquests of Tzar Peter the Great the Baltic provinces (Kurzeme, Livonia, Estonia and Ingria) in the 18th – 19th c., Lithuania in 19th c. came under Russian rule (eventually under different names), followed by the strong policy of assimilation during the Romanoffs. It was compulsory to use the Russian language in education, administration and legislation. Finally it is important to mention the considerable masses of Russian, Belorussian and Ukrainian migrants during Soviet times.

According to the data of the most recent censuses Russian is the mother tongue of 29,7% of the Estonians⁸, 37,5% of the Latvians⁹ and 8% of the Lithuanians.¹⁰ It is noteworthy that above indices are higher than those of the ethnic Russians themselves in all three countries,¹¹ showing how strongly Russian has been embedded into their societies.

2.2. Latvia

According to the data of the 1920 census there were 91000 Russians, their number increased to 170.000 (9%) by 1935. Mass immigration of Russians started after the WWII., their number increased to 902.000, representing 35% of the population's total. Many of them have returned to Russia after the collapse of the Soviet Union thus now ethnic Russian represent 28,8%, 50% of whom live in cities.¹²

After the establishment of independence the first language law was accepted¹³ followed by an amended version in 2000, still in force.¹⁴ Paragraph 4. of the Constitution and par. 3. of the language law designated the Latvian language as Latvia's official language. The

⁸ Eesti Statistika, www.stat.ee

⁹ Latvijas Statistika, www.csb.lv

¹⁰ Statiskos Departamentas Prie Lietuvos Respublikos Vyriausybės, www.stat.gov.lt

¹¹ 2004 data: 28,8% of Latvia's inhabitants were ethnic Russians. Belorussians, Ukrainians and Poles also prefer to use Russian instead of the country's official language.

¹² Russian speakers in Riga 43%, Daugavpils 55%, Rēzenkne 50% and Ventspils 32%.

¹³ <http://www.vvk.lv/index.php?sadala=135&id=165>, Izteikt Latvijas Padomju Sociālistiskās Republikas 1989. gada 5. maija Valodu likumu (Latvijas PSR Augstākās Padomes un Valdības Ziņotājs, 1989, 20. nr.

¹⁴ Official language law of the Republic of Latvia, 9 December 1999.

20% of the programs of the second largest public radio is in Russian. The 34 regional and local commercial radio stations are of special importance as they broadcast mainly in Russian. 40% of the programs of the second public television station is also in Russian.²⁰

The attitude of the Latvian government was not always as accommodating. The parliament was for the suppression of Russian content in the Latvian media and established contingents for the programs not in the state language. This regulation was cancelled by the decision of the Constitutional Court in 2003.²¹

Due to the relative freedom of the Russian media there are two fields of information in Latvia that have hardly any connection to each other: press in Latvian and Russian and the latter prefers to orientate toward Russian topics and interests. Since the two forums rarely share their audience there is a fragmentation of the society along these lines that would be dangerous even in a homogeneous society.²²

Place-names can appear only in Latvian or Liv (§18 (1)). Even discriminating is the regulation that forbids personal names in the Cyrillic script, thus ethnic Russians can write their names only with Latin letters (§19 (1.)). The law allows two exceptions: if the person can document the original form of their name, it can appear in Cyrillic script in their passport and certificates. (§19.(2)).

Education in minority languages is permitted. There are about 300 Russian language schools (33% of the general and secondary schools) besides the ones where the teaching language is Belorussian, Ukrainian, Polish, German and Hebrew.²³ However, the number of students attending the Russian teaching institutions are in the decline which could be connected to the attempt of the government to gradually develop the mono-language minority schools into bilingual ones. The 2004 amendment of the Education Law caused heavy criticism.

It can be stated the Latvian language policy completely ignores the populous Russian minority and the fact that in present

²⁰ 20-50% of the programs of 4 commercial television stations is also in Russian.

²¹ case No.2003-02-0106 of the Constitutional Court of the Republic of Latvia

²² Cass R. Sunstein: The First Amendment in Cyberspace, Yale Law Journal, Vol. 104, 1995.

²³ Euromosaic 2006:3.

day Latvia there are more fluent speakers of the Russian language than that of Latvian (about half of those who cannot speak Latvian live in Riga, the capital).²⁴

2.3. Estonia

According to the data of the 2000 census, 25,6% of the Estonian population belong to the Russian minority;²⁵ that is a considerable decrease compared to the 1989 data (30,3%).²⁶ Besides Russian Belorussian and Ukrainian minorities also live in Estonia, in decreasing number.

The first written documents of the 14th c. note the existence of Russian settlements on the western shore of Lake Peipus;²⁷ considerable population of “old believers” arrived as the aftermath of the Russian schism, similar to the other two Baltic states. Large religious groups of Orthodox faith²⁸ have been living in closed communities in the territory. Their centre is MustveE where only 40% of the population are Estonian speakers, however, there are such settlements too, where Estonians represent only 6% of the inhabitants.²⁹ Similar to Latvia, most of the Russian speakers are living in the capital, Tallinn (146 000 persons). It is important to note that only about half of the minorities are Estonian citizens partly due to the very strict requirements concerning the mastering of Estonian, partly because the language being a member of another language family, its acquisition may cause difficulties for speakers of Slavonic languages.

According to the §6. of the Estonian Constitution accepted in 1992, as well as §1.(1) of the 1995 **state language law**³⁰ the state language of Estonia is the Estonian language (*Eesti Vabariik*). The law regulates the requirements of the use and knowledge of the Estonian language as well as the use of foreign languages. Apart from Estonian every spoken language is a foreign language. There is the passage, and there is a similar one in the Latvian language law too,

²⁴ The survey of Vineta Ernstone and Daiga Joma. Hungarian review Lacház, Aranka: A hivatalos és a „kisebbségi” nyelv Lettországban, *Kisebbségkutatás*, 2005. 3. Lucidus Kiadó, p.3. [official and minority language in Latvia]

²⁵ <http://www.stat.ee/population-census-2000>

²⁶ <http://www.stat.ee/26387>

²⁷ Lake Peipus is the fourth largest lake lying on the Russian – Estonian border.

²⁸ староверы

²⁹ Euromosaic 2006, Russian in Estonia p. 2.

³⁰ February 21. 1995, RTA 1995,23,334.

that the language of a minority group is a foreign language that has been used by Estonian citizens belonging to the minority for a long time. (§2 (2)).

The language law is especially strict in allowing the use of a minority language in the **public sphere**. Russian can be used only at self-governments of communities where at least 50% of the permanent inhabitants belong to the minority (§10. (2)). Permanent inhabitant is the person who

1. stays legally in Estonia;
2. spends at least 183 days per year in the territory of the self-government;
3. his absence does not exceed 90 consecutive days (§10. (2)).

The minority language can serve as the language of inner administration when the government especially grants it on the recommendation of the representatives of the self-government (§ 11). That particular condition made possible for the Cabinet to refuse the application of the cities of Narva and Sillamäe. Less strict is the regulation concerning the **cultural self-government of minority groups**, that can be organized by a community of at least 3000 members to maintain their language and culture.³¹

Similar to the Latvian regulation, the Estonian language law too forbids the use of the Cyrillic script to write **personal and place-names**. Every Estonian place-name has just one name written with the Latin alphabet (§19. (2)).

The national minorities have the right to **study in their mother tongue** established in § 37 of the Constitution and in the law for elementary and higher education law (*Pohikool -ja gümnaasiumi seadus, 1993*). Minority languages can serve as the language of education in primary and secondary schools, however, the language used in higher educational institutions is exclusively Estonian. 2006 there were 636 primary and secondary schools in Estonia of which 89 had Russian as their teaching language, 21 were bilingual: Russian – Estonian.³²

³¹ National Minorities Cultural Autonomy Act of 26 October 1993 (RT I 1993, 71, 1001), section 2 (2)

³² Euromosaic 2006, Russian in Estonia, p. 4.

The regulations of language use during trials is contained by the law for administrative³³ and civil code.³⁴ Foreign language can be used only by the consent of both parties and the judge, however, Russian is frequently used especially in the north eastern part of the country with denser Russian population.

According to §25. of the language law **television** broadcasting in foreign language is possible only with the submission of a correct translation of the program in Estonian. It can be waived if

- the program will be repeated in Estonian too;
- is the announcing text of own news production;
- it is a live program.

However, the news and live programs without Estonian translation cannot exceed the 10% of the own-produced programs (§25. (4)). In the case of **radio broadcasting** the law is more lenient as it is not a requirement to repeat the program in Estonian (§25. (3)).

The violation of the language law is a crime and the law for criminal procedures³⁵ will be applied. The fine can reach the sum of 50 000 Estonian crowns.

2.4. Lithuania

According to the data of the 2001 census 6,3% of the population declared to be Russians, about 220 000 persons that is a much smaller community compared to the other two Baltic states. The largest ethnic minority are the Poles (6,74%) the reason of what can be found in the special historical background of the country. The Lithuanian Grand Duchy was in personal union with Poland when the Grand Duke Jagellon was crowned king of Poland in 1386. The union later became a confederation (1569-1795) in fear of the growing power of the Grand Duchy of Moscow. During this period Polish culture gained the upper hand, the Lithuanian nobility spoke Polish leaving the Lithuanian language as the language of the lower classes. After the 1795 Russian occupation Vilnius was annexed to Poland for more than hundred years.

³³ Code of Estonian Administrative Procedure (25-02-19999), RT I 1999, 31, 425

³⁴ Code of Estonian Civil Procedure (22-04-1998), RT I 1998, 43-45, 666

³⁵ RT I 2001,61,364

The §2. of the **state language law** accepted in 1995³⁶ confirms §14. of the Lithuanian constitution³⁷ that the state language of Lithuania is Lithuanian. Similar to other Baltic States the law does not allow the use of the Cyrillic script to write personal and place-names (§§14.-15.)³⁸The highest administrative court of Lithuania turned down the request of Salcinkai, a settlement with Polish majority near Vilnius to indicate street-names in Polish too. In contrast to the language laws of other two Baltic States the language use of religious and ethnic minorities has not been regulated during events and official communication [§1.(2)].

The first paragraph of the **law on ethnic minorities**³⁹ as well as §37. of the constitution assures the minorities the right to keeping up their language and culture. The legislation is fairly vague on public communication because it rules that the minority language can be used in settlements with ‘concentrated’ minority population (§4.).

All in all it can be stated that the Lithuanian language regulation is more lenient than the Estonian and Latvian ones, may be because there are less populous minority groups living in the territory.

3. France

3.1. *From an imperialistic language policy to a defensive one*

France is often believed to be a homogeneous single language nation state in reality it shows a more varied picture. The French language has been accepted as the sole official language and the prohibition of the language use in the public sphere of other groups of the population living in the territory had served to the strengthening of the central power and to avoid territorial particularization in the Middle

³⁶ http://www.minelres.lv/NationalLegislation/Lithuania/Lithuania_Language_1995_English.htm

³⁷ http://www.minelres.lv/NationalLegislation/Lithuania/Lithuania_Const_excerpts_English.htm

³⁸ following Resolution of the Supreme Court of Lithuania, 1991, No I – 1031, on request the Cyrillic version of the name can be registered.

³⁹ http://www.minelres.lv/NationalLegislation/Lithuania/Lithuania_Minorities_English.htm

Ages. Later, in the times of the colonization, language became the major weapon of the imperialist politics to achieve assimilation. Not only in the colonial over-sea ‘districts’ (*Départements d’outre-mer*, *DOM*) and territories (*Territoires d’outre-mer*),⁴⁰ remaining from the earlier colonies are various minority languages spoken as well as in the “mother country”, the so-called *Metropol*, *Hexagone*, where several national minority languages are spoken,⁴¹ that has become endangered languages due to the assimilatory language policy of hundreds of years; UNESCO has declared Breton an especially endangered language.⁴²

The importance of minority languages in connection to national identity has been manifested itself at various levels in France especially in recent years. The 2008 amendment of the French constitution declares that the minority languages are part of the national wealth of France.⁴³ There are numerous festivals with the aim of maintaining national minority cultures but these “noble gestures” on the part of the state cannot solve the problem that French as the sole official language dominates and makes practically impossible the survival of minority languages.

Minority languages have been in a disadvantageous position in contrast to French for basically external reasons that change time to time but in consequences are the same for the minority rights in using the mother tongue. Earlier the dominance of the French language was important for the strengthening of central power and later the for the stabilisation of the colonial empire, nowadays it is justified by the seemingly unavoidable gaining ground of the English language. What might have changed was that at the highest level of

⁴⁰ The difference between DOM and TOM lies in their relationship to the ‘mother country’, to the “Metropol” DOM: French Guyana, Guadeloupe, Martinique, Island of Réunion and soon also Mayotte are integral part of France since 1946 with the status as the other *département*. TOM: New Caledonia, Futuna, French Polinesia, etc. are attached more loosely to France. The 2003 reform of the constitution has given more independence to DOM and TOM has been restricted to the Australian and Antarctic territories; the other territories became *collectivité d’outre-mer*”, frequently with independent status.

⁴¹ Corsu, Catalanian, Basque, German of Alsace-Lorraine, Occitane. (*Territoires d’outre-mer*),

⁴² <http://www.unesco.org/culture/en/endangeredlanguages/atlas>

⁴³ La Constitution du 4 octobre 1958, Art. 75-1. – *Les langues régionales appartiennent au patrimoine de la France.*

politics the former open rejection and effort for assimilation as the attitude toward minority, regional languages has become a kind of “hostile tolerance”.

3.2. *The history of French language regulations*

One of the major means of the consolidation of central power is a uniform written law with the aim at unifying and restricting local customary laws.⁴⁴ The first instance was the royal legislation of Francis I. (***Ordonnance de Villers-Cotterets***),⁴⁵ that was the first to declare the French language as exclusive medium of the public sphere, especially in legislation and at the official places. The passage of the law has been argued whether it was Francis’ own mother tongue that was made official (*en langage maternel francoys*), or besides Latin, all the other language spoken in the country were also permitted according to the interpretation of several legal experts.

In 1790 the Assembly ordered the translation of every legal documents into all the languages spoken in the territory. History and the high costs did not allow completing the task. In 1793 with escalation of the revolution all the languages except French were deemed feudal remnants to be wiped out. The revolutionaries considered the French language the token of equality and union of the nation. During the time of the linguistic terror (*la terreur linguistique*) the Jacobins created a regulation (***Décret du 2 thermidor, An II, sur la langue française***) that made the French language compulsory and exclusive in the public sphere threatening the violators with six-month prison. At schools French became the sole teaching language (***Décret du 27 brumaire, An III, sur les écoles primaires***) and French language centres were also created (***Décret du 8 pluviôse, An II, sur les établissements d’Instituteurs de la langue française***). The process temporarily stopped under Napoleon’s rule who returned most of the schools to ecclesiastical care that re-established Latin in education. However, the use of the French language had increased mainly because of inland migration as the result of wars and terror. In 1810 already in 30 of the 130 *départments* French was the only

⁴⁴ In the northern areas the Norman law. In southern parts Roman law had been preserved.

⁴⁵ The complete texts of the law consisting of 192 articles: <http://www.assemblee-nationale.fr/histoire/villers-cotterets.asp>

language, in 1863 there were still 7,5 million persons about 20% of the 38 million inhabitants of the country, who did not speak the “language of Paris”. The government started an aggressive policy for assimilation with the aim of wiping out Breton.

The period of the second half of the 19th c. and the first half of the 20th is sometimes referred to the time of “linguicide”. There were about forty regulation that prescribed the exclusive use of the French language in education, press, administration and the writing of place-names. One of the most important of these was the 1882 *loi Ferry* that made primary education compulsory and free with French as the exclusive teaching language.⁴⁶ The hegemony of French at schools lasted till 1951 when the *loi Deixonne* allowed the teaching of Breton, Catalanian, Occitane and Basque language in secondary education.⁴⁷ Amendments to the law included other regional languages: Corsican⁴⁸, Tahiti⁴⁹ and Melanesian.⁵⁰ The 1975 *loi Haby* allowed the regional languages in education from elementary to higher education.⁵¹ However, the same year the parliament accepted *loi Bas-Lauriol*,⁵² that prescribed French as the exclusive language of commerce and that is the forerunner of *loi Toubon* regulating the use of the French language.

3.3. International agreements

Though recent political declarations are much more tolerant towards the regional languages⁵³ there has been not manifestation of it in the form of assistance. In 1992 the European Council accepted the **European Charter of regional or minority languages** that was not signed by France. The same year at the meeting of both

⁴⁶ Loi n° 11696 du 8 mars 1882, *JORF du 29 mars 1882*.

⁴⁷ Loi n° 51-46 du 11 janvier 1951, relative à l'enseignement des langues et dialectes locaux, *JORF du 13 janvier 1951 page 483*.

⁴⁸ Décret 74-33 du 16 janvier 1974, *JORF du 18 janvier 1974 page 694*

⁴⁹ Décret 81-553 du 12 mai 1981, *JORF du 16 mai 1981 page 1489*

⁵⁰ Décret 92-1162 du 20 octobre 1992, *JORF n°247 du 23 octobre 1992 page 14767*

⁵¹ Loi n° 75-620 du 11 juillet 1975, *JORF - 12 Juillet 1975 - Pages 7180 à 7182*

⁵² Loi n° 75-1349 du 31 décembre 1975 relative à l'emploi de la langue française, *JORF du 4 janvier 1976 page 189*

⁵³ The politically sensitive term *patois* has been changed to *langue régionale* to avoid *langue minoritaire* since France does not officially admit that there are minorities living in its territory.

houses (Congress) that was convened to amend the 1958 constitution to according it with the Maastricht contract, the sentence was added that the language of the Republic is French (§2) thus *de jure* confirming the position of the French language.⁵⁴

In 1999 France too, signed the *Charter* but has not yet ratified it claiming that it would be against the constitution. The leading political class, preserving its old ingrained reflexes,

has still been hostile towards minority languages referred to as regional varieties and regards the French language as the sole medium of unity, equality and integrity, claiming that the use of any foreign language would endanger those principles. There is little hope for the ratification of the charter. During his 2007 campaign in Besançon Nicolas Sarkozy declared that in case of his election to president he would not support the ratification of the *European Charter of Regional or Minority Languages*; he would not want to have a European judge with different historical experience about minorities decide whether a regional language should be equal with French as the language of the Republic.

It has to be mentioned that France has asked for derogation for Article 27. of the International Covenant on Civil and Political Rights of the United Nations and Article 30. of the International Agreement of the Rights of Minors that deal with the rights of using the mother tongue.

3.4. *The loi Toubon*

On the 1st of July 1994 the French jurisdiction accepted the language law named after *Jacques Toubon* the minister of cultural and franco-phone affairs of the Balladur government that has since been in force to replace the above-mentioned *loi Bas-Lauriol*.⁵⁵

The aim of the law is the protection of the French language especially against the spread of English e.g. in the sphere of science, media and commerce.

Originally the law would have obliged every civil servant and civil persons dealing with public affairs and also every person active

⁵⁴ Loi constitutionnelle n° 92-554 du 25 juin 1992 a apporté des modifications à la Constitution française de 1958

⁵⁵ Loi n°94-665 du 4 août 1994, *JORF n°180 du 5 août 1994 page 11392*

in broadcasting to the use of legally prescribed terminology. Sixty representatives turned to the *Conseil Constitutionnel* (Constitutional Council) that ruled that the prescription is against the rights to the freedom of opinion and speech ensured by Article 11. of the International Covenant on Civil and Political Rights and annulled it.⁵⁶

The law in force regulates the use of the French language in economic advertisements, communiqués as well as in contracts. The §2 of the constitution declaring that the language of the Republic is French, assures the public to receive the public announcements in French, e.g. legal documents, papers concerning consumer protection etc., the work contract of employees must not contain foreign words if there are appropriate French expressions for it; if not an explanation in French must be provided. The documents distributed at conferences also have to be in French with eventual supplements in foreign language translation.

The law replaces the 1951 *loi Deixonne* preserving its major regulations unchanged. Accordingly the language of education, examinations and entrance examinations is French as well as that of reports and essays, with the exception where it is necessary for instruction in the regional language and culture (Article 11-1).

According to §2 consumer information cannot be but French. In 2000 the European Committee considered the regulation contradicting to the principle of the free movement of goods. After lengthy debate the French government issued an obligatory *circulaire* that assures that the consumer information in a foreign language is not illegal if an unambiguous illustration, symbol or pictogram is provided. The *Association pour l'Avenir de la Langue Française* was not satisfied and turned to the *Conseil d'État* to declare the *circulaire* unlawful. The Supreme Court cancelled it on the 30th of July 2003 with the verdict that it with the new law of interpretation it had overstepped its competence.⁵⁷ According to the law in force French is the only permitted language in consumer information.

⁵⁶ Décision n° 94-345 du 29 juillet 1994 du Conseil constitutionnel à propos de la loi relative à l'emploi de la langue française

⁵⁷ Conseil d'Etat, 30 juillet 2003, n° 245076, Association "Avenir de la langue française"

3.5. The consequences of the language polity: the present situation of the Breton language

Regional languages have no official status whatsoever in France. Though their cultural value has been accepted,⁵⁸ they cannot be used in the public sphere and with the closure of school classes and the replacement of bilingual teachers by monolingual ones, education in the minority language has become difficult too. Languages as Basque, Corsican, German are in better position since there are neighbouring countries, Spain, Italy, Germany to keep the languages alive. Breton is an entirely isolated group of languages spoken almost exclusively by the older generation, open to external influences that shoved the language to the brink of extinction.

Breton belongs to the Celtic branch of the Indo-European language family that was spoken in the northern- western part of the country. It is usual to refer to it as ‘continental Celtic’ that was brought over by insular Britons at the fall of the Roman Empire. There are four dialects distinguished: that of Léon, Treger, Kernev and Gwened. In the Middle Ages the whole population used it, their majority had no French at all, though the nobility used French, the language of the court. Since the revolution violent assimilation, “linguicide” has diminished the number of Breton speakers to 100 000. The attitude of the period is well represented by the letter of a prefect of Finistère written in 1831 to the minister of public institutions, M. de Montalivet that every means had to be used to make Breton extinct to the effect that one village would not be able to communicate with another and thus should be forced to learn French to destroy the Breton language completely.

As a result of the above it is no wonder that there is not a town in Brittany where Breton would be the dominant language in everyday use; it is still used in small inland villages only. There are no statistics about the exact number of speakers, according to estimates there could be 108 000 persons who use it and 140 000 more who can understand it.

The problem is that the members of the young generation can hardly speak Breton, and 40% of the inhabitants under the age of 25 leave their country. It is the members of poorer rural population who

⁵⁸ La Constitution du 4 octobre 1958, Art. 75-1.

still use Breton, but because of lack of work opportunities they tend to leave too.

There were several attempts at the revival of the language in the last decades. The most important are the *Diwan*- schools founded in 1976 to teach Breton. According to the 2006 survey of the European Committee on language minorities there were 8000 pupils learning Breton in elementary schools at least one lesson per week and 1000 of the children were the pupils a *Diwan* – school; and there were 4000 secondary school pupils.⁵⁹ It means that only 2% of the young people learn their mother tongue; the situation is aggravated by the attitude of the government that has not agreed to open further bilingual classes in state schools, has not ensured the continuity of language learning from elementary school to higher educational institutions and reduced the number of positions for Breton language teachers.

The situation of the media is similarly dire. It is only the regional public television broadcasting programs in the Breton language, consisting merely of 4-5 minute daily news and a cultural program scheduled outside the major airtime on Sundays. The two regional radio stations broadcast 12-14 hour programs in Breton per week.

This is why UNESCO repeatedly classified Breton as an exceptionally endangered language.

In the world of utopias

It would have exceeded the volume of the present paper to examine the situation of all the language in Europe from the point of view of language regulation. The examples of the Baltic States and France, however, make clear that not only in Slovakia, but in other countries too there are strict language regulations discriminating the use of the minority mother tongue of groups of the inhabitants. There are counter examples too, e.g. that of Finland, where the Swedish language has been given equal status expressing the historic affinity of the two nations.

⁵⁹ Euromosaic – 2006: *Le breton en France*, 2006., http://ec.europa.eu/education/languages/archive/languages/langmin/euromosaic/fr3_fr.html

Equal rights for every language in the future may be a utopia and ever since nation-states are formed there is also the right of the language of the majority nation to enjoy privileges. But harmony should be found between the language of the majority nation and that of the minorities in a given country. That would require abandoning the ingrained reflexes of politics as well as the real or alleged grievance that seems to be an even less realizable utopia than equality of languages.

Minority culture

