While these two papers focus on two quite different topics, they both raise important questions about the political purposes of language policies. Language policies are never just about language: they are always intended to serve larger political agendas. So in this short commentary, I want to highlight the larger political agendas at play, and identify some of the difficult issues they raise.

Battarbee: Language Policies in a Postcolonial Context

Battarbee’s paper focuses on three cases – the Republic of South Africa (RSA), the Northwest Territories (NWT), and the European Union (EU). Since Bernier’s paper also discusses the EU, I will save my discussion of that case until later, and will focus for the moment on the first two cases. Battarbee argues, and I fully agree, that the key fact about language politics in both South Africa and the Northwest Territories is that these are post-colonial polities. The fundamental issue raised by language politics is the relationship between the languages of the colonizing settlers and the languages of the colonized indigenous peoples, in a context where the latter are re-asserting their rights and power. This is the larger political perspective within which language policies must be analyzed.
But once we view it this way, a puzzle arises that Battarbee does not really address: namely, why is the outcome so different in these two cases from most other postcolonial contexts? After all, most postcolonial states in Africa did not give official language status to their indigenous languages, but instead continued to use the colonial language. The new rulers in postcolonial states were often educated and trained in the colonial language, and the colonial language often provided the only means of communication across ethnic lines. Sticking with the colonial language was therefore less disruptive, and often less controversial, than elevating one or more indigenous languages as official languages. This trend applies even in countries where independence required a long and violent struggle against a sizeable colonial settler population, as in Zimbabwe, where English remains the official language.

So why is South Africa different? One possible answer is that blacks in South Africa have a stronger attachment to their native languages, and a stronger desire to see them used in public administration. However, I have seen no evidence to that effect, and I doubt that it is true. I suspect that most black South Africans are no more (or less) committed to their native languages than people in Mali or Kenya.

This isn’t to say that Africans are wholly indifferent to the fate of their native languages. They often do want some recognition of their languages. But this need not, and typically does not, take the form of official language status. In many postcolonial constitutions, there is a separate clause stating that “the languages and cultures of the people of the country are part of the national patrimony, and the state has a duty to protect and promote them”. For most postcolonial populations, it seems that some such clause is sufficient, and official language status is not seen as necessary.

Why wasn’t this sufficient in South Africa? Why did the ANC, unlike other national liberation movements, reject a model in which English was the official language, combined with a separate clause that affirmed a duty to respect the various indigenous languages? The short answer is that the ANC almost certainly would have accepted such a model. The demand to expand the list of official languages did not originally come from the ANC, but rather from the Afrikaners. They were worried about their fate as an ethnic minority within post-apartheid South Africa, and wanted some protection as a group, including protection of their language rights. Since the Afrikaners held power, they had a de facto veto over the terms of the transition, and were able to insist that Afrikaans remain an official language.

Once the door was opened in this way – once the decision was made to use official language status as a way of providing recognition to ethnic minorities – then the ANC understandably insisted that this could not solely be used for the white Afrikaners. Whereas the retention of English could be seen as a pan-ethnic lingua franca, the retention of Afrikaans could only be seen as a group-based minority rights claims. And if such claims were to be allowed in the constitution, they had to be allowed in an even-handed
manner. In a postcolonial era, one can’t have such minority claims for white minorities but not blacks, as if only European languages and cultures were worth recognizing. It would be particularly intolerable for the Afrikaners to be privileged in this way, given that it was their racist ideology that created apartheid in the first place. And so the outcome was the eleven official languages formula of the new South African constitution, which elevates nine major indigenous languages alongside English and Afrikaans.

In short, the recognition of indigenous languages in South Africa was not the result of spontaneous mobilization by Africans, or of some unusually high level of attachment to those languages. Rather, a dynamic of group recognition was put in play by the Afrikaners, and its logic in a postcolonial context required extending that recognition to indigenous as well as settler minority languages.

I think a similar story can be told about the Northwest Territories. English was the only official language in NWT for close to a century (from 1892 to 1984), and I think that situation might well have endured. However, in 1984, as part of its broader strategy for accommodating the “French fact” in Canada, the federal government insisted that the NWT (re)-introduce French as an official language. Indigenous leaders (understandably) responded that if official language policy is going to be used in this way, to provide recognition to the French minority in Canada, then it should be used to recognize indigenous peoples as well. And so, soon after French was added as an official language, so too were several indigenous languages, leading to the eleven-official-languages formula. Here again, the inclusion of indigenous languages did not originate as a spontaneous demand from within those language communities: rather, it emerged as a response to a logic of group recognition that was initiated by one of the colonial settler communities.

Consider another, hypothetical, case. So far as I know, no indigenous group here in Ontario is currently demanding that an indigenous language be made an official language at the provincial level. There is no spontaneous political mobilization for such a change. But imagine that the Ontario government decides to form a government commission to study the possibility of adding French as an official language. My guess is that almost immediately we would see indigenous groups arguing that if French is added, so too should Cree, or Algonquin, or other indigenous languages.

In my view, these dynamics of postcolonial group recognition help to explain why the eleven-languages formula emerged in South Africa and NWT, unlike other postcolonial settings, even though there was probably no difference in the level of attachment to indigenous languages. This also helps to explain the largely symbolic nature of these official language laws. As Battarbee notes, relatively few government services are in fact provided in indigenous languages, either in South Africa or NWT. This makes sense, given that the impetus for claiming official language status was less a desire to use indigenous languages in public institutions, and more a desire to ensure that the logic of group
recognition did not reproduce colonial hierarchies by privileging colonial settlers over indigenous peoples.¹

In this sense, the eleven-language formula is largely symbolic. But symbolic of what? Discussions of language policy often refer to the idea that language policies have a symbolic function, but this is an idea that deserves unpacking. What precisely are groups hoping to symbolize through official language status? Commentators often invoke anodyne ideas of “equality” or “respect” or “diversity” as the value that is being symbolically affirmed, but I think we need to dig deeper.

I believe that in postcolonial settings like NWT and RSA, official language status for indigenous languages is intended precisely to symbolize indigenousness. Claims to official language status are a way for indigenous peoples to claim that this is their land, their homeland. Other peoples now live here as well – colonial settlers and subsequent immigrants – but it is to the homeland of an indigenous people that they have come. And as such, indigenous peoples claim a distinctive political status as a community (and not just as individual citizens) in relation to the state: a distinctive status that includes both land claims and self-government rights, and also guarantees of collective representation within the decision-making process.²

I believe that it is this larger political agenda of indigenous rights that is being symbolized by official language status: it is part of a larger campaign to redress power inequalities between indigenous peoples and colonizing settlers. And this also helps to explain why the “eleven-languages formula” does not grant official language status to immigrant languages, either in RSA or NWT, even though some of these language communities are sizeable. If the value being symbolized was “equality”, “respect” or “diversity” in some abstract sense, one might have expected the government to extend official language status across the board, to indigenous, colonial and immigrant languages. But the sort of equality and respect that is being symbolized here is much more specific, and much more political: namely, the attempt by indigenous peoples to contest inherited colonial ideologies and hierarchies.

¹. Here again, I don’t mean to imply that indigenous communities are indifferent to the use of their language in public institutions. Many communities have fought to have their languages taught in schools, for example. But there is little connection between such initiatives and official language status. There are countries with excellent mother-tongue instruction programs in schools although the official language remains the colonial language (eg., Burkino Faso), and countries with virtually no use of indigenous languages in schools, even though these languages have official language status.

². This has parallels with the way various groups in Eastern Europe claim the status of “constituent nations”, and as such claim the right to collective representation in the state.
In some contexts, this goal can be pursued directly—e.g., through self-government agreements, land claims, or treaties that affirm indigenous rights—and in these contexts, official language status may not be seen as important. But where certain colonial settler groups are themselves demanding official language status as a tool of group recognition, then the larger political struggle for indigenous rights is likely to view official language status as an important symbolic battle.

None of this is intended as a critique of Battarbee’s paper. On the contrary, everything I’ve said is compatible, I believe, with his basic claim that language policy in RSA and NWT must be seen in the context of “imperium”. But I think this basic insight can be developed further. We need a more developed theory of the function of official language status in post-colonial contexts, and why the situation in RSA and NWT differ from other post-colonial contexts.

Bernier on the EU and Nation-Building

The case of the EU, discussed by both Battarbee and Bernier, is obviously very different, raising different kinds of challenges. One issue, discussed by Battarbee, is the question of official languages within the EU itself—i.e., what are the working languages in EU institutions. This is a difficult question, for reasons he well explains, including the fact that the ground rules for EU language policy were initially designed for a much smaller group of countries. But while this is a difficult issue, there is less at stake here, compared to the cases discussed earlier. All of the languages that are contending for official status within the EU already have official language status within one or more member states. As a result, they are already well-protected by domestic policies, which is what matters to most citizens. So long as their language is well-protected at the domestic level, and used widely in domestic public institutions, this is sufficient for the economic, political and cultural interests that most citizens have in relation to language. Having one’s language used within the bureaucratic apparatus of supranational institutions is certainly a bonus, and can provide valuable benefits, but it is not something that most citizens are exercised about. This may change as European integration proceeds, but for now domestic language politics appear to be the most politically salient.

Of course, this assumes that nation-states will continue to be able to adopt domestic policies that provide strong support to their national languages. And this raises the issue discussed in Bernier’s paper: namely, what is the impact of the EU on the scope of domestic language policies? The issue here is not the EU’s own language policy, but rather the impact of European integration generally, and in particular the EU’s rules regarding freedom of mobility and trade, on the capacity of member-states to support their national languages. For example, will the EU strike down domestic laws that mandate the use of a national language on commercial packaging, or laws that require fluency in the national language as a condition of public service employment, on the grounds that they interfere with the free movement of goods and people?
Bernier’s paper provides a very helpful overview of this issue, focusing on the case of the conflict between the EU and France over mandatory labeling. But here again, I think we can ask broader questions about the political agendas being advanced (or contested) in this struggle over language policy. I believe that this conflict between the EU and France is one manifestation of a deeper political struggle regarding the relationship between new ideas of European integration and older practices and ideologies of nation-building.

As we all know, in the past nation-states had the goal of instilling or imposing a common national identity amongst their citizens. In the French case, this historically involved turning “peasants into Frenchmen”, in Weber’s famous phrase, and more recently has involved turning immigrants into Frenchmen. Language has been key to the process. A common national language was imposed through a national education system, national media, and a national army. Mastery of this language was needed for access to civil service jobs, or to naturalize. More generally, the state promoted a “visage linguistique”, through requiring the use of French in road signs and commercial packaging.

For a brief period, from perhaps 1985 to 1995, the right or capacity of states to engage in this sort of “nation-building through language policy” was being seriously questioned. People pointed to the processes of EU integration, as well as increasing numbers of non-EU immigrants, and argued that it was no longer appropriate or feasible to turn all long-term residents into “Frenchmen” united by a common national identity and fluent in a common national language. Commentators started to develop new theories of “post-national citizenship” (eg., Soysal). According to these theories, in order to accommodate the growing scope of migration within the EU, as well as migration from outside the EU, it was no longer reasonable to expect people to integrate into “national containers” in order to exercise their citizenship rights. People should be free to exercise local voting rights, for example, or gain access to civil service jobs, without having mastered the national language or become “national citizens”.

Since 1995, however, there has been a clear shift back towards nation-building, often in a very coercive form. Various European countries have created mandatory “integration classes” for their immigrants, for example. Moreover, acquisition of the national language is still seen as central to this process of national integration. Immigrants who fail to learn the national language risk losing their residency permits, or their social benefits.3

In short, the member-states have attempted to re-affirm the necessity of linguistic integration as a condition of exercising citizenship rights, and have attempted to increase the incentives for immigrants to achieve fluency in the national language.

3. For a detailed analysis of this shift back towards linguistic nation-building, see the paper by Patrick Stevenson in this conference.
The question now is: how will the EU respond to this resurgence of nation-building within member states? Will the EU accept that the goal of turning immigrants into Frenchmen is a legitimate goal? If so, will the EU ensure that member states retain the policy tools needed to achieve this goal? Or will the EU interpret its mobility and anti-discrimination rules in a way that prevents member-states from adopting the sorts of language laws that encourage or pressure newcomers to linguistically integrate?

It seems clear from Bernier’s paper, and from other discussions in the literature, that the EU does not as yet have a clear position on this issue. The EU does not have a well-developed position about the appropriate forms of nation-building within member-states, or about the role of language policies as tools of nation-building. Decisions are being made in an ad hoc, and contradictory, way.

I suspect that this will become an increasingly important issue in the future, and may well require some re-interpretation of the EU’s trade rules. As it stands, the EU has adopted a strange position. On the one hand, it seems willing to allow nation-states to adopt quite coercive policies aimed at nation-building. The EU seems willing to allow member states to insist that immigrants attend mandatory integration classes, much the way that Communist countries used to insist that citizens attend mandatory neighbourhood meetings, in violation of basic liberal norms of freedom of association. It also seems willing to allow member-states to impose laws that ban the wearing of religious symbols in public space, in violation of basic liberal norms of freedom of conscience. In short, member states are being allowed to violate basic civil rights in the name of nation-building.

The EU will not, however, allow member states to insist that the national language be included on commercial packaging, since this would be a restriction on the free movement of goods and services. According to the EU, if universal pictograms would provide the necessary health and safety information to customers, then the state has no legitimate right to insist that this information be provided in the national language. The state may want to promote a “visage linguistique” by insisting that all products sold in France include French language labeling, but according to the EU this is an impermissible restriction on market freedom.

From the perspective of liberal theory, this is surely a perverse result. In my view, mandatory labeling laws are a fairly benign tool of nation-building, and are preferable to many of the other types of laws being adopted to compel linguistic integration in Europe today, since they do not erode basic values of freedom of association and freedom of conscience. And my worry is that the more the EU prevents countries from adopting benign forms of market regulations as a way of protecting and promoting their national language, the more likely countries will protect and promote their language through direct coercion of individuals.

In any event, the impact of European integration on domestic language policies will ultimately depend on how the EU resolves this broader question of the relationship...
between European integration and nation-building. And so far as I can tell, that broader question remains not only unresolved, but largely avoided. The EU has tried to keep questions about trade rules separate from the more “political” debates about the role of nationhood and national citizenship within the EU. If my analysis is right, this separation cannot be sustained, at least in the context of language laws. Laws that require the knowledge and use of a national language can serve as an important barrier to the mobility of goods and people, but they are also an important tool of nation-building. Such conflicts will often arise, and resolving them requires a more sustained debate about the legitimate role of domestic nation-building within the EU, and about the legitimate use of language policies as tools of nation-building. Here, as always, debates about language policies are embedded in much wider political agendas.