

36 ABOUT THE MONOGRAPH ON LANGUAGE POLICY AND LINGUISTIC DIVERSITY IN THE EUROPEAN UNION

*Sándor Szemesi**

Petra Lea Láncoş, *Nyelvpolitika és nyelvi sokszínőség az Európai Unióban*, Pázmány Press, Budapest, 2014, p. 295; ISBN 978-963-308-176-1

Linguistic diversity could be considered as one of the most important questions of the unifying Europe which could determine not only the present-day working methods and conditions but the possible future of the European Union as well. All of the international organizations (excepting the European Union) use only a few previously determined official languages, and not all the official languages of the member states can be used similarly. The main reason why IGO's determine only a few official and/or working languages is that they want to secure much more efficient operation. For example, according to Article 111 of the Charter of the United Nations, there are only six official languages of the UN, and all of them can be considered as working languages as well.¹ On the other hand, the European Union is very proud of its multilingualism: people living in the European Union have access to all EU documents in the official language of their country, which means that nowadays there are 24 official languages used by the EU institutions.² Láncoş emphasizes that in the Lisbon Treaty there are a couple of new regulations strengthening the position of the language diversity.³ The extension of the guarantees concerning the protection of the languages in the European Union may be interpreted as a reaction to the mistrust of the Member States and their citizens towards the European Union itself, as well as an attempt to protect the languages of Europe.

The aim of the monograph is to examine the implementation of the principle of linguistic diversity in the language policy of the Union, using an interdisciplinary (results of the legal sciences as well as linguistics, political science, bioethics, sociology and economics)

* Associate Professor of Law, University of Debrecen, Faculty of Law, E-mail: szemesi.sandor@law.unideb.hu.

1 About the development of the working languages of the United Nations see: <http://ask.un.org/faq/14463>.

2 One of the first secondary source of the EEC determined the languages used by the European Economic Community. See: EEC Council: Reg. No. 1 determining the languages to be used by the European Economic Community, Official Journal 017, 06/10/1958, 385-386.

3 E.g. Art. 3 (3) of the TEU, Art. 165 (1)-(2) of the TFEU. Petra Lea Láncoş, *Nyelvpolitika és nyelvi sokszínőség az Európai Unióban*, Pázmány Press, 2014, p. 15.

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approach. In Chapter II Láncoš examines three main basic categories of the topics of her monograph, all of them are out of the field of law: language, language diversity and language politics.⁴ As Láncoš clearly demonstrates, there are 63 languages used in the territory of the Member States of the European Union, but 85% of the whole population use only 12 languages,⁵ which in my opinion clearly demonstrates that using 24 official languages in the same time in the European Union is at least economically disputable. Láncoš mentions that all the nation states in Europe tried to restrict the languages used officially by their territory in the 19th century, because of the realization of the fact that an own language could be considered as a base stone of a cultural diversity which are against the concept of a unified state.⁶

The protection of the languages can be considered as an important aspect of the minority protection. For example, Article 27 of the International Covenant on Civil and Political Rights declares, that ‘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 practise their own religion, or to use their own language.’ CCPR General Comment No. 23. emphasizes the importance of the language rights as an element of minority identity: ‘the protection of these rights is directed towards ensuring the survival and continued development of the cultural, religious and social identity of the minorities concerned, thus enriching the fabric of society as a whole.’⁷ Láncoš quotes Romaine, who states that fewer than 4 per cent of the world’s languages have any kind of official status in the countries where they are spoken. The fact that most languages are unwritten, not recognised officially, restricted to local community and home functions, and spoken by very small groups of people reflects the balance of power in the global linguistic market.⁸

In the light of the main statements of Chapter II, the European Union as a multilingual political community based on the protection of the different cultural identities of the Member States (as well as the protection of the official languages of the EU Member States). In a boarder context, taking into consideration the fact that in the process of constructing of a ‘nation’ can be considered as one of the first steps is a linguistic assimilation (see e.g. Chapter II of the monograph), the linguistic diversity as a value protected by international human rights law and the EU law can be considered as an important tool to avoid a creation some kind of ‘United States of Europe.’ Independently from the question of the official languages, the depth of integration, the nature of the European Union competences, the

4 Láncoš, 2014, p. 23.

5 Láncoš, 2014, p. 35.

6 Láncoš, 2014, p. 39.

7 ICCPR, General Comment No. 23., Para. 27.

8 Láncoš, 2014, 43. Romaine, Suzanne: The Impact of Language Policy on Endangered Languages. *International Journal on Multicultural Studies*, 2002/2, 194.

vertical and horizontal balance of the European Union institutions and competences, the separation of powers as well as the guarantees against the abuse of power in European law all point to the conclusion that the European Union represents a constitutional order. The Union is more than a mere international organization: the Union is a multilingual political community that needs its own language policy.⁹

The language regime of the European Union is based on Regulation 1/58/EEC which creates three levels of languages. Working languages are at the top of the language hierarchy of the European Union, followed by the official languages determining the language use of the institutions, while the status of priority non-official languages constitute a transition between the categories of official and non-official languages. According to the Preamble of the Regulation, 'Each of the four languages in which the Treaty is drafted is recognised as an official language in one or more of the Member States of the Community', and based on this sentence all of the official languages of the Member States can be considered as official languages. Láncoş emphasizes that based on this sentence of the Preamble, languages used only in a part of the territory of a Member State (like Basque language in Spain) could be considered as official languages as well.¹⁰

After the adoption of the Lisbon Treaty, the scope of linguistic guarantees is much more broader than before. For example, the prohibition of discrimination based on language as Article 21 of the Charter of Fundamental Rights expressly declares, or the 'potential minority protection clause'¹¹ (Art. 22 of the Charter) constitutes a novelty in the language law of the Union. Determining language as an individual aspect of discrimination allows this form of discrimination to break away from the confines of discrimination based on citizenship leading to the expansion of the personal scope of this prohibition. The provision obliging the Union to respect linguistic (religious, cultural) diversity can be considered a starting point for the development of minority protection jurisprudence, especially in the light of the travaux préparatoires of the Charter.¹²

The future of the European integration could be considered as the conflict between the unity and diversity: while the integration of the European Union requires an irreversible and much more stronger economic and political unification, the Member States (and their citizens) would like to preserve and promote cultural and linguistic diversity in the same time. I can agree with the main conclusion of the monograph about the two different faces of the European Union language policy. On the one hand, by a soft-law approach, the European Union promotes language-learning by its citizens, according to the motto of the European Commission, 'the more languages you know, the more of a person you are.' On

9 Petra Lea Láncoş, *Language Policy and Linguistic Diversity in the European Union*. PhD Thesis Abstract, Budapest, 2012, p. 8.

10 Láncoş, 2014, p. 96.

11 Láncoş, 2012, p. 10.

12 Láncoş, 2012, p. 11.

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the other hand, one could claim that it strives to make language-learning by its citizens superfluous, aiming to give citizens access to European Union legislation, procedures and information in their own languages.¹³

¹³ Láncoš, 2014, p. 250.