Justifying Language Policies in Mobile Societies

Brian Carey (Trinity College Dublin) and Andrew Shorten (University of Limerick)

Abstract: A conception of linguistic justice refers to a set of moral principles that can provide guidance about a society's language policies. By the lights of a recently prominent strand of liberal political theory, such a conception will be legitimate if and only if it meets certain standards of public justification. Amongst other things, this means that it must be arrived at by way of a legitimate procedure and its principles must be ones that no one could reasonably reject. This chapter explores the potential of this ideal for mobile and multilingual societies in Europe by developing three arguments. First, we argue that in order to be legitimate, a conception of linguistic justice must be justifiable to a relevant constituency and that, in EU member states, this includes mobile Europeans as well as the citizens of member states. Second, we argue that, in circumstances of linguistic diversity, the requirements of public justification generate a presumption in favour of multilingual deliberative procedures. Third, we argue that when selecting principles of justice we ought to prioritise the interests of the least advantaged, and that doing so will often mean that only a multilingual language regime is acceptable.

KEYWORDS: Linguistic Justice, Contractualism, Public Justification, Public Reason, Neutrality, Language Rights, Language Policies, Language Regimes, European Union, Mobility

1. Introduction

A conception of linguistic justice refers to a set of moral principles that can provide guidance about a society's language policies. How should the members of liberal democracies settle on a conception for their societies and institutions? By the standards of liberal political theory, language policies - like other public policies and the design of political institutions - should be justifiable to people who are subject to them. In mobile societies, however, the membership of the political community is porous, meaning that the identity of the constituency to whom justification is owed is constantly in flux, as are the languages spoken there.[1] Can any conception of linguistic justice be justified in such circumstances? And if so, what kinds of conception might be justifiable?

We address these questions from the perspective of normative political philosophy, and specifically from a contractualist point of view. Contractualism, as we understand it, holds that the validity of political (and other) principles depends on their being justifiable to others. The kind of justification

[1] Yael Peled's (2018) 'adaptive' approach to linguistic justice also emphasises the dynamism of linguistic environments.

that contractualists are interested in is hypothetical – what matters is that we be able to justify our political principles to people who, like us, are motivated by an ideal of finding principles that can be justified to all (Scanlon, 1998: 191).

The contractualist idea of 'justifiability to others' has been developed in two different ways. First, following Rawls (1996), public reason liberals have argued that political principles ought to be supported by reasons that are suitably 'public', in the sense that they are based on ideas or values that near-enough everyone can accept. Upholding this ideal of 'public justification' means excluding a particular category of (non-public) reasons from political deliberation, such as reasons that can only be accepted by one's co-religionists. Second, and following Scanlon (1998) and Barry (1995), contractualists have also proposed that political principles are valid provided that no one has reasonable grounds to reject them – i.e. grounds that could be justified to others. This principle has the effect of giving people a kind of veto over the principles and rules that govern them.

In this chapter we explore the implications of both of these varieties of contractualism for language policies in European societies and for the European Union. In particular, we defend three theoretical claims in section 4 and draw out some of their implications for Europe in section 5. The first of these is that, in order to be legitimate, a conception of linguistic justice must be justifiable to the right kind of constituency. In EU member states, this includes mobile Europeans as well as national citizens. The second claim is that, in linguistically diverse societies, the requirements of public justification generate a presumption in favour of multilingual deliberative procedures. Finally, the third claim is that principles of linguistic justice must be justifiable to the least advantaged members of society, and this has implications for the selection of a language regime. Before we explain and defend these claims we situate our chapter within the wider project of combining mobility and inclusion in a multilingual Europe (section 2) and describe some of the technical vocabulary we employ (section 3).

2. Positioning

In this chapter we seek to explain how a conception of linguistic justice could satisfy the requirements of public justification. We focus on conceptions of linguistic justice, rather than individual language policies, because a conception of linguistic justice provides an integrated and coherent framework from which to assess a range of different questions that themselves are usually treated separately. For example, consider Alan Patten's 'equal recognition' conception of linguistic justice (2014: 186-231). This conception has direct implications for the design of a language regime (he favours a 'prorated' version of official multilingualism) as well as both direct and indirect implications for assorted other language policy issues, including, for example, the funding of minority language broadcasters, the design of road signage, and the provision of minority language schooling. It is not part of our remit

here to assess this particular conception, or indeed any other. Rather, we want to explain when it would be legitimate to coercively impose one such view and to identify some of the constraints a society will face when selecting its own conception.

Alongside introducing these kinds of issues into discussions of language policy, the other main innovation of our chapter consists in thinking through some of the theoretical challenges raised by mobility when it comes to justifying a conception of linguistic justice. As emphasised throughout this collection, mobility challenges the traditional association made between particular languages and particular regions or territories. In a similar way, it also poses a profound challenge for normative political philosophy, at least in its (dominant) liberal and contractualist traditions, which typically proceed from assumptions that it puts into question, for instance about societies being 'closed' (Rawls, 1973) and population groups being 'homogeneous' (Kymlicka, 1995). Dropping these assumptions, as we do in this chapter, raises difficult questions about how political decisions and institutions can be justified to societies whose membership is dynamic rather than static.

Furthermore, and as we emphasise in 4.1, many political theorists sympathetic to multiculturalism distinguish between the claims of long-settled minority groups and those of immigrants, arguing that language rights are suitable only for the former, since extending them to the latter would open a 'Pandora's box'. Against this tendency, in the following we seek to establish that it is possible to defend language rights for long-settled minorities whilst at the same time also doing justice to the linguistic interests of migrants. In this way, we demonstrate one way in which the demands of both mobility and inclusion can be reconciled. Mobility, for our purposes, stands for the challenges of justifying political decisions when it can no longer be assumed that the members of a society share the same language and culture, or even that the linguistic and cultural identities found in society will remain the same over time. Meanwhile, inclusion stands for the requirement that a coercively-sustained conception of linguistic justice, one that is enforced by the state and its agencies, must be justified to everyone who is subject to it, including newcomers.

3. Key concepts and tools

In this chapter we draw on two intellectual traditions that are not often combined – language policy analysis and contractualist political philosophy. Because readers familiar with one tradition are unlikely to be conversant with the other, we here explain some of the terminology used elsewhere in the chapter.

A conception of linguistic justice refers to a set of principles for normatively evaluating a linguistic environment (Shorten 2018). Following Grin (2003: 178) we use the term 'linguistic environment' to refer to the 'sum total' of a society's 'demolinguistic and sociolinguistic features'. A linguistic

environment is normatively significant because people can be advantaged or disadvantaged according to how well their language repertoire 'fits' with it (Shorten 2017, Carey 2019). In turn, the ways in which a linguistic environment advantages or disadvantages different people will be strongly influenced by public policies regarding the use, acquisition and status of different languages, including formal rules about which languages are to be recognised as official and used for official purposes (following Pool (1996) we refer to these rules as 'language regimes').

In the end, a conception of linguistic justice is of practical use if it can provide recommendations about language policies and language regimes. In this chapter we focus mainly on how people might justify choices about language regimes to one another, though much of what we say also applies to language policies more broadly. This focus is consistent with the existing philosophical literature on linguistic justice, which has been preoccupied with the question of when the speakers of minority languages are entitled to have their language recognised (see, e.g. Patten, 2014; De Schutter, forthcoming). Furthermore, it is justified because decisions about which languages to allow in courts, bureaucracies and the legislature, about which languages to use when communicating with the general public, and about what forms of translation and interpretation should be publicly provided, have significant economic and political effects, both for political institutions themselves and for the speakers of different languages.

It is not only states and bodies like the EU that have language regimes and policies - voluntary associations and firms have them too. However, the former stand in special need of justification, because only they are truly coercive (Shorten, 2018). The necessity of justifying the use of coercive power explains why we turn to contractualism, since it is based on the idea that people who face the prospect of political coercion must have the opportunity to understand and criticise the justifications offered in support of such policies. This requirement of 'accessibility' is supported by both practical and principled reasons. In practical terms, the more people who have the opportunity to engage in meaningful public deliberation, the more likely it will be that we select good policies and reject bad ones, and the more likely it will be that people come to accept the legitimacy of the chosen policies which they themselves had a part in choosing. In principled terms, it is fundamentally disrespectful to presume to coerce other people without providing them with the reasons for their coercion and without giving them the opportunity to participate as equals in the deliberation process.

4. Liberalism and the Justification of Language Policies

4. 1 To whom must a conception of linguistic justice be justified?

Who is entitled to have a say when it comes to selecting a conception of linguistic justice? For contractualists, answering this question requires establishing who belongs to the relevant 'justificatory

community' - i.e. the constituency to whom justifications are owed. Because people have different interests and preferences about linguistic matters, we might end up with very different recommendations about which language policies or regimes to adopt, depending on how this question is answered.

Some academics and activists emphasise the interests of speakers of autochthonous minority languages, to the point of implying that they are the only people to whom language policies must be justified. Although understandable, such a view is clearly flawed from a contractualist perspective. At the least, a conception of linguistic justice must also be justified to citizens who speak the locally dominant language(s), since they too will be shaped by it and will have to do their part in implementing and maintaining it.[2]

We believe that even this view is nevertheless too narrow, since it excludes people such as migrants, who are not full members of the political community in question but who are nevertheless subject to its coercive rules. Including them will no doubt influence which conception of linguistic justice is selected, in particular by calling into question the deeply rooted hierarchy between long-settled languages and those spoken by newcomers. This hierarchy is implicit in nearly all public discussions of language policies, in which it is taken for granted that the interests of immigrants are satisfied by some combination of what Alan Patten has called 'toleration' and 'accommodation' rights (Patten, 2014: 190-191).[3] Meanwhile, official recognition, or what Ruth Rubio-Marin (2003: 67) has called language rights in the 'strict sense', are reserved for speakers of long-settled languages.

Most political philosophers who have written on language policy seem to think that this hierarchy is justified, and influential advocates of language rights in the 'strict sense' for national minorities have sought to explain why the same rights can legitimately be withheld from immigrants (see, e.g., Kymlicka, 1995: 95-100; Van Parijs, 2011: 149-151; Patten, 2014: 269-297; an exception is De Schutter, forthcoming, Chapter 5). The most famous example of such a justification was proposed by Kymlicka, who argued that crossing a border is one of the ways in which people can waive their cultural rights because, as he puts it, "[i]n deciding to uproot themselves, immigrants voluntarily relinquish some of the rights that go along with their original national membership" (Kymlicka, 1995: 96). In a sophisticated refinement of this argument, Patten (2014: 285-293) further suggested that host societies are morally permitted to make relinquishing one's language rights a condition for entry, both because existing citizens have legitimate expectations that their linguistic environment not be

[2] In saying that a conception of linguistic justice must be justifiable to all we do not mean to imply that everyone has an equal interest in each particular language policy.
[3] Toleration rights are rights to have one's private language choices tolerated. Accommodation rights are rights to facilitate the inclusion of people who do not speak the majority language(s), such as by providing translation services in public bureaucracies.

dramatically altered and because existing citizens are entitled "to show some level of partiality to their own languages" (2014: 291).

These arguments have been criticised forcefully elsewhere (e.g. Carens, 2000: 80-87). Whatever their merits, it is clear that they do not apply to the situation of all migrants. In particular, they do not apply to mobile Europeans (citizens of one EU member state who live and work in another). This is because requiring them to waive their language rights as a condition of entering another European state would unfairly burden their free movement rights. It would mean that availing oneself of the option to live and work in another European state would come at the cost of sacrificing a significant portion of one's interest in the character of one's linguistic environment.

Consequently, when it comes to justifying language regimes and language policies, EU member states ought not to discriminate in favour of their own citizens, and the language interests of mobile citizens should also be accounted for, on equal terms.[4] As a consequence, mobile Europeans might be entitled to a more extensive set of language rights than is typically believed, and some of the potential implications of this will be discussed in Section 5.[5]

4.2 What constitutes fair access to public deliberation in multilingual societies?

Proponents of liberal theories of political legitimacy have typically assumed (implicitly) that public deliberation is monolingual, or that multilingualism poses no significant problems for the deliberative process.[6] It is clear, however, that deliberators' abilities to access and participate in deliberative institutions will be significantly affected by the languages in which they are able to deliberate. Thus conceptions of linguistic justice shape access to the very procedures by which they are supposed to be selected. This presents a unique challenge for theories of political legitimacy: how can we be certain that access to public deliberation is fair in a multilingual (and mobile) society?

[4] Perhaps the language interests of other resident 'third country' nationals, who do not hold EU citizenship, should also be treated on a par with the language interests of EU citizens. The model we develop in this paper is agnostic about this proposal, since it focusses only on the special case of mobile Europeans. However, nothing we say is incompatible with a presumption of equal standing for all immigrants.

[5] According to some scholars, even this expanded constituency is too narrow, and nothing less than a global one will do, since language policies adopted in one place can affect people living elsewhere (Van Parijs, 2011: 24-27) However, this view is arguably too broad, since it fails to acknowledge the special interests that people have in their own institutions, and especially coercive state institutions.

[6] For example, the foundational text for liberal theories of political legitimacy – John Rawls's *A Theory of Justice* - contains no significant discussion of linguistic pluralism, an omission that is repeated in more recent defences of political liberalism such as Gaus (2010) and Quong (2011). Recent exceptions to this general trend are Bonotti (2016), Peled and Bonotti (2016), and Carey (2020).

Equal access to public deliberation can be undermined in many ways, but our focus here is specifically on the ways that fair access can be undermined by decisions about which languages to permit in the relevant deliberative procedures. In other words, under what circumstances might a person have a legitimate complaint of injustice because the choice of language (or languages) in which she must deliberate imposes an unjust disadvantage upon her?

In answering this question we can consider whether the deliberative procedures under consideration are designed in a way that suggests neutrality (or impartiality) among deliberators' linguistic preferences and interests. Neutrality plays a central role in liberal theories of political legitimacy (see, e.g., Peter 2017), and a neutral procedure is one that does not presuppose a particular conception of the good (about which reasonable people might disagree). Thus, when considering political institutions (including deliberative institutions) in a society characterised by religious pluralism, for example, secular institutions are typically thought to satisfy the demands of political legitimacy (see, e.g., Laborde, 2017: 113-159). In contrast, there might seem to be no equivalent 'secular option' when it comes to deciding which languages should form the basis of a deliberative procedure. All deliberation must take place in some language(s), and doing so is likely to disadvantage some people in multilingual societies (regardless of which conception of linguistic advantage one endorses).

However, rather than abandon neutrality as a test of legitimacy, we should reconceptualise what it means to be neutral in cases where we are forced to make a decision that will inevitably benefit some people over others. In such cases, it is still possible to treat all parties with impartiality to the extent that we are able to choose how advantage is distributed. Therefore, the fact that we must use some language(s) to deliberate tells us nothing yet about *which* languages we ought to use, nor does it permit us to use just any language(s) at all. A deliberative procedure may still fail to be neutral/impartial if some people's preferences or interests are not recognised at all, or if they are assigned unequal weight when compared to the similar claims of others.

In this context, to take a person's claims into account in the appropriate way is to properly recognise the moral significance of the benefits and burdens associated with deliberating about conceptions of linguistic justice in a particular language or languages. Most obviously, we must recognise that individuals can be disadvantaged when forced to deliberate in a language in which they find it more difficult to express themselves. Less obviously, individuals may wish to deliberate in particular languages for non-instrumental reasons (for example, a person who wishes to deliberate in Irish or Welsh despite finding it easier to express themselves in English). Even this latter type of case can affect a person's ability to participate in public deliberation, given the symbolic effects of being forced to argue in favour of one language through the medium of another.

If a commitment to legitimacy entails a commitment to neutrality, and a commitment to neutrality

entails taking each person's interests into account in the appropriate way, what are the implications for the structure of our deliberative procedures? In multilingual societies, monolingual deliberative procedures will tend to assign the greatest advantage to one group in particular. In contrast, multilingual procedures will tend to disperse this advantage to some extent, so that monolingual speakers incur additional costs and members of other language groups enjoy corresponding benefits, all else being equal.[7]

This points toward an asymmetry between enforcing monolingualism upon those who object and enforcing multilingualism upon those who object. Given that we must choose between the two when deciding the terms of deliberation about conceptions of linguistic justice, we can choose multilingualism not on the basis that it represents the correct conception of linguistic justice (since this would be to beg a question that the deliberative process is supposed to answer), but on the basis that it tends to be less harmful to be subjected to multilingualism if one prefers monolingualism, than it is to be subjected to monolingualism if one prefers multilingualism, all else being equal.

This presumption in favour of multilingualism must be *provisional*, for two reasons. First, given that deliberative policies in the real world emerge from non-ideal deliberative procedures, we have reason to be cautious about the status quo, whatever the status quo happens to be, on the basis that the processes through which it was created were not originally governed by norms of public reason. This raises the possibility that the status quo is biased in ways that may be difficult for us to identify, but which can be mitigated against by regarding our conclusions as open to revision. A second reason to adopt a provisional approach is the fact that the linguistic profiles and preferences of our justificatory communities will inevitably change over time. This is true of individuals whose preferences change with time but also of migrants who enter or leave the community, adding or subtracting their perspectives in ways that can only be accommodated by deliberative procedures that are ongoing and open to renegotiation.

It is important to note also that we do not claim there could never be circumstances where an all-things-considered assessment of the linguistic repertoires and preferences of those involved calls for monolingual deliberative procedures. We do think that such circumstances are likely to be extremely rare, and that the above considerations should lead us to adopt a general presumption in favour of multilingual deliberative procedures. It is important to note as well that such a conclusion does not necessarily imply that all languages spoken within a particular society ought to be included as part of

[7] We emphasise that these general tendencies do not provide an all-things-considered reason to favour multilingual over monolingual procedures, but rather serve to establish a general presumption in favour of multilingual procedures. We do not rule out the possibility that such a presumption may be overruled, but insist that any deviation from multilingual procedures must be justified in light of this presumption.

multilingual deliberative procedures, nor that each language should necessarily be given equal representation.[8] Our conclusion in this section is more modest than that, yet still significant in that it suggests that any society characterised by significant levels of linguistic diversity should favour multilingual over monolingual deliberative procedures. With a general presumption in favour of multilingual deliberative procedures, we now turn to considering further normative constraints that affect the legitimacy of principles of linguistic justice.

4.3 What normative constraints does contractualism impose on the selection of a language regime?

A language regime, it should be remembered, refers to a set of official languages and a set of rules regulating their use. Here we identify some normative constraints faced by political bodies when selecting a language regime. In sections 4.3.1 and 4.3.2 we describe and justify an abstract model to illustrate these constraints. Later, in section 5, we discuss the implications of our model for the European Union.

The model we describe has two main parts. First, in 4.3.1 we argue that a language regime is acceptable if it conforms to particular principles of linguistic justice. These are principles that satisfy a test suggested by a combination of Scanlon's idea of 'reasonable rejectability' and Parfit's 'priority view'. Second, in 4.3.2 we argue that principles of linguistic justice ought to be concerned with the economic and political effects of a language regime, and that a language regime ought to be disallowed if it has effects that would not be permitted by a principle that satisfies the tests set out in 4.3.1. This model is limited in two significant respects. First, it is concerned only with the economic and political effects of language regimes and not with their symbolic effects. Second, it assumes political boundaries – though not populations – are fixed (so, for instance, secession as a solution to linguistic differences is ruled out).

4.3.1 Reasonable Rejection and the Priority View

The motivating idea behind our proposal is that a language regime should be rejected if it would be disallowed by a principle that no member of the (multilingual) justificatory community could reasonably reject. This is an adaptation of a general thesis proposed by Scanlon.[9] For him, and for us

[8] Having established a general presumption in favour of multilingual deliberative procedures, it is of course a further important question what precise form such procedures should take in any particular context. For example, we may wish to opt for an approach that distributes "deliberative resources" in a way that is proportionate to the different sizes of the language groups in question, or in a way that prioritises the most socioeconomically disadvantaged groups. We take no firm stance on this further question here.

[9] "An act is wrong if its performance under the circumstances would be disallowed by any set of principles for the general regulation of behaviour that no one could reasonably reject as a basis for informed, unforced, general agreement" (Scanlon, 1998: 153).

too, a principle is one that cannot reasonably be rejected if the only grounds people have for objecting to it cannot be justified to others. In particular, as Scanlon observes, it would be unreasonable "to reject a principle because it imposed a burden on you when every alternative principle would impose a much greater burden on others" (Scanlon, 1982: 111). Meanwhile, if someone has 'reasonable' grounds to reject a particular principle, i.e. grounds that can be justified to others, then the principle lacks validity.

It might sometimes be reasonable to reject a principle because of the burdens it imposes upon you. However, a person does not have reasonable grounds to reject a principle just because it burdens them, if it is also the case that every alternative to it would be even worse for other people. The general gist of this idea, and some of its implications, can be illustrated by considering the proposal that all citizens ought to make a fair contribution to supporting all officially recognised languages. This principle, which we can call the *universal fair contribution principle*, does not specify how many or which languages are to receive official recognition, or even whether each recognised language is to be recognised equally. Nevertheless, someone might object to it because whilst they are willing to accept languages other than their own being granted public recognition, they would prefer not to subsidise them, since to do so is costly and does not directly benefit them. For instance, it is perhaps for reasons like this that some English-speakers in the UK object to financially supporting Welsh, Scottish Gaelic or Irish.

Is this objection reasonable? To establish whether it is so, we must consider the alternative principles and ask whether anyone else would suffer a greater burden under them. For the sake of simplicity, let us suppose that there are only two of these. First is the *self-funding principle*, which says that no one should be required to subsidise recognition of a language that is not their own. True, some speakers of majority languages may do better under this principle than they would under the *universal fair contribution principle*. However, the members of language groups with few resources would fare much worse, since they would have to make significant sacrifices to get whatever share of recognition they are owed. Second is the *universal equal contribution principle*, which says that all citizens ought to make the same contribution to supporting each officially recognised language. This principle too could impose a greater burden than the *universal fair contribution principle* on particular groups, in this case people with few resources, if paying their share would require them to sacrifice a greater proportion of their income. Putting all of this together, at least on the basis of the details specified above, it would be unreasonable to reject the *universal fair contribution principle* on the grounds that it would be costly for you, since all of the available alternatives are more costly for others. Someone could not justify rejecting the *universal fair contribution principle* to people who themselves would be made worse off by any alternative to it.

The effect of the test of reasonable rejectability is to give everyone a kind of veto over potential principles of linguistic justice (Barry, 1995: 67-72). It is only a 'kind of' veto because it cannot be exercised arbitrarily, but only for specific kinds of reasons, namely ones that could be justified to everyone else. At this stage an additional bit of complexity remains to be added to our model, which is that someone's grounds for rejecting a principle are stronger the worse off that person is. We derive this from Parfit's 'priority view', which says that benefitting a person matters more, morally speaking, the worse off she is (Parfit, 1997). The intuitive appeal of the priority view can be illustrated by the widely endorsed belief that a small benefit for a badly-off person can be of greater moral value than a larger benefit for a well-off person.

When combined with a test of reasonable rejectability, the priority view gives special weight to the interests of the least advantaged, and this has significant implications for our model. These can be illustrated by returning to the previous example. When we compared the first two principles, we suggested that although both principles burdened different groups of people, the second principle imposed a greater burden than the first, and for that reason was worse. However, incorporating the priority view into our model means that we might sometimes reverse that judgement, and instead prefer the principle that imposes the greater burden, if the group burdened by it are better off than the group burdened by the lesser burden.

4.3.2 Assessing the Distributive Effects of Language Regimes

Now that the general features of our model have been set out, we can explain how it provides guidance about the selection of language regimes. Language regimes have important economic and political effects and, simplifying somewhat, the principles that might disallow a given language regime concern the distribution of those effects.[10] The economic effects of a language regime consist in both its operational costs (e.g. providing translation and interpretation services) and its adoption costs (i.e. supplementary language learning for people whose languages are not officially recognised).[11] Meanwhile, the political effects of a language regime have to do with whether it enables people to engage with political decision making, for instance by following parliamentary debates, reading proposed legislation for themselves, lobbying political representatives, or challenging political decisions in the courts.[12]

[10] Simplifying because, amongst other things, we ignore symbolic effects.
[11] Strictly speaking, as Pool notes, adoption costs include both the 'time, effort, and money' people devote to learning one of the official languages as well as the 'deprivations caused by imperfect command of the language; and the loss of prestige arising from the denial of official status to one's native language' (1991: 498). In our analysis we focus only on the first of these.
[12] One way to capture these is by estimating the 'linguistic disenfranchisement rate' of a given regime (Ginsburgh & Weber, 2005; Gazzola, 2016).

In multilingual societies, recognising more languages will generally mean higher operational costs, lower adoption costs and better political inclusion. Meanwhile, recognising fewer languages will typically have the opposite effects. Selecting a language regime is, for us at least, largely about deciding how to balance these costs. Building on the model developed in 4.3.1, we suggest that if a language regime is to legitimately withhold recognition from a particular language, then doing so must not be forbidden by a principle that could not be reasonably rejected. If we assume that most people would prefer their language to be officially recognised, this effectively means that withholding recognition from one or more languages must be justifiable to the speakers of those languages - i.e. they must lack reasonable grounds to reject the corresponding principle.

Establishing whether people really do have such grounds will be a complex exercise. We propose the following three guiding principles:

- Political liberties: One can reasonably reject a principle that would withhold recognition from a particular language if doing so would compromise the value its speakers derive from their political rights and freedoms.
- Fairness: Each member of society has a legitimate claim to a fair share of its resources, including those devoted to supporting its languages (see Patten 2014 for an egalitarian, specification of this kind of view). Recognising some (e.g. less widely spoken) languages will give its speakers more than their fair share of such resources. In such circumstances it might be unreasonable to insist that one's language be recognised.[13]
- Efficiency: A language regime is efficient if it minimises the sum of operational and adoption costs (Pool, 1991). Since an efficient regime is always available, to insist on an inefficient regime will selfishly burden others. Thus, in at least some circumstances, it would be unreasonable to insist that one's language be recognised if doing so would be inefficient.

The second and third principles explain when recognition might reasonably be withheld, whilst the first identifies cases in which it would be reasonable to insist on language recognition. Given the special importance of political liberties (Rawls, 1996: 327), we believe that the first principle ought generally to have precedence over the other two. This means that even if there are fairness or efficiency reasons to favour withholding recognition from a particular language, its speakers might nevertheless have reasonable grounds to insist that their language be recognised (because recognition is necessary for them to secure their political freedoms). However, this precedence cannot be absolute,

[13] It only *might* be unreasonable because, for instance, a language could have fewer speakers as a consequence of historical injustice. Giving speakers of minoritised languages more than what would otherwise be their fair share of linguistic resources could be one way to compensate them for past wrongs, especially if the subsidies come from speakers of languages that benefitted from historical injustice.

and it cannot be the case that people must never suffer negative democratic effects as a result of their language regime. Not only would this be prohibitively expensive, but it would also give speakers of very small languages a veto over nearly every conceivable regime. Recalling the priority view, however, it is not too much to insist that special efforts be made to ensure that these negative democratic effects not fall upon the least advantaged members of society. So, whilst minimising political exclusion ought to be a general aim when selecting a language regime, we ought to be especially concerned to avoid excluding the most socio-economically disadvantaged members of society.

5. Discussion

It is a widespread practice, and belief, that recent migrants forfeit their language rights when they enter a new state. We have argued that this is unjustified, at least in the case of mobile Europeans. Consequently, when a society selects a conception of linguistic justice it should not distinguish between the languages of long-settled groups and those of mobile Europeans. This does not require giving both kinds of language the same rights and status. Rather, it entails recognising that mobile Europeans have a 'right to have language rights', such that their linguistic interests and preferences have the same kind of normative status as everyone else's, since they too belong to the constituency for whom language policies and regimes must be justified. In this section we briefly discuss some of the linguistic and political implications of this, building on the arguments proposed in 4.2 and 4.3.

It is worth emphasising from the outset that expanding the justificatory community in the way we propose would not leave states without the means to protect speakers of long-settled minority languages. True, on our view these policies must be justifiable to mobile Europeans as well as to national citizens.[14] Moreover, the relevant normative principles must satisfy the test of reasonable rejectability we proposed in 4.3. However, neither of these are insurmountable obstacles. For instance, mobile Europeans who live and work in Ireland come from a wide variety of linguistic backgrounds. Although they are far more likely to speak English than Irish, there is no reason to suppose that it will be any more difficult to justify official recognition of the Irish language to a constituency that includes them than it would be to a group composed only of Irish citizens.

Throughout the chapter we have emphasised that the language regimes and policies of a mobile society must be continuously renegotiated, to ensure that the prevailing conception of linguistic justice reflects the different linguistic interests in society, which will change over time as newcomers

[14] Although we have not argued directly for it, our view is compatible with saying that there are morally relevant reasons to discriminate amongst mobile Europeans, such as length of stay. For instance, holidaymakers or temporary residents surely do not have the same kind of standing as long-term residents.

bring different language repertoires and attitudes with them. One important implication of this, as we emphasised in 4.2, is that it is crucial to ensure that everyone has fair access to the deliberative procedures through which their shared conception of linguistic justice is formed, and achieving this is likely to require the development of multilingual deliberative procedures. Furthermore, these procedures should be neutral regarding conceptions of linguistic justice themselves. This suggests a general presumption in favour of allowing deliberators to engage in deliberation via their preferred language(s) (insofar as a person's preferred language can be considered a proxy for the language she has most interest in using to deliberate).

For example, Ireland presently recognises two official languages, Irish and English, and political debate occurs almost exclusively through the medium of English. According to our argument, opportunities to deliberate in other languages should also be available, at least when people deliberate about language policies and language regimes. This is because the practice of monolingual (or 'mostly English') deliberation assumes an answer to a question that deliberation itself is supposed to settle, and so compromises the ideal of neutrality. To be clear, it is not part of our theory that migrants *should* deliberate in their own languages, rather than in English. Rather, it is that the procedure through which a conception of justice is selected ought to be neutral about whether they use English, their own language, or another one.[15]

Moving towards this demanding ideal of neutrality may have far-reaching effects, since deliberation about linguistic justice cannot be neatly separated off from other topics. As a result, there may need to be opportunities to use languages other than English in political discourse in general, and not only when discussing language policies and regimes. Meanwhile, as we argued in 4.3, citizens do not have a free hand when it comes to selecting a conception of justice, and even if they can muster the support of a democratic majority they may not unreasonably favour their own or the dominant language. Rather, they must select principles that can be justified to all members of the justificatory community. In a country like Ireland this might mean that additional languages are given some form of limited recognition alongside Irish and English, if doing so is necessary to secure the political liberties of the least advantaged. Further, it could even mean that Irish and/or English might one day no longer be recognised as official languages.

So far, we have focussed on the challenges of justifying language policies within the member states of the European Union. Now we will turn to the European Union itself, to explore the implications of our argument for decisions about its language regime. Currently, the EU recognises 24 official languages,

[15] Here we are describing an idealised model. There is a wide variety of sociolinguistic phenomena that might compromise the neutrality of these procedures in practice, including accent bias as well as prejudice against speakers of particular languages.

meaning that its parliament must employ one of the largest translation services in the world to deal with some 552 language combinations, and the Commission must translate public documents into all 24 official languages. According to its critics, the extensive multilingualism of the EU, combined with an expanding list of official languages, is costly and inefficient. Thus, they have proposed reducing the number of official languages, perhaps to six (Fidrmuc *et al.*, 2010), three (Ginsburgh and Weber, 2005) or even just one (Van Parijs, 2011).

The model we developed in section 4.3 suggests that we ought to be reluctant about such proposals. For one thing, they often trade on inflated estimations about English language skills. But as Gazzola and Ronza (2018: 59) report, "the overwhelming majority of the European population has modest proficiency in this language and makes little use of it". Moreover, and perhaps more importantly, reducing the number of official languages would be especially burdensome for Europe's least advantaged citizens. As demonstrated by Gazzola, Europe's poorest citizens and the residents of its poorest countries are currently less likely to speak foreign languages. For example, only about 6% of Bulgarians are proficient in any one of the six most widely spoken European languages (English, French, German, Italian, Polish and Spanish), and poorer people across a number of European states also tend to be less likely than their wealthier compatriots to speak or understand a foreign language (Gazzola, 2016). This means that any principle which recommends withholding recognition from Bulgarian or Romanian, say, is likely to fail the test of reasonable rejectability.

Nevertheless, the model we described might be compatible with altering the following two features of the EU's language regime. First, nothing in our model supports the existing bias towards state languages, and there is no reason why the languages spoken by regional and national minorities, as well as mobile Europeans, ought not also be candidates for recognition. Second, our model is also permissive about withholding recognition from some of the 24 languages that are currently recognised, if doing so would not threaten political disenfranchisement (because, for example, speakers of the language in question are mostly fluent in another – official – language).[16]

6. Conclusion

The broad aim of this chapter is to challenge the popular assumption that the language regimes of EU states must be justified only to their citizens, and to explore the implications of rejecting this assumption. We began by suggesting that a member state's justificatory community must be expanded to include mobile EU citizens in order to vindicate their rights to freedom of movement. To regard EU

[16] One implication of this is that our model may permit removing Irish from the list of official EU languages. If such a change would be objectionable, it would so be for its symbolic effects, which our model does not consider.

citizens as having voluntarily relinquished their 'right to have language rights', as some theorists prefer, would be to require them to sacrifice important interests in exchange for exercising their right to live and work in other member states.

Having rejected this view, we then considered how states could ensure fair access to public deliberation for this expanded justificatory community. In 4.2 we argued that such procedures would provide fair access only if they displayed neutrality or impartiality among deliberators' linguistic preferences and interests. Given the lack of a 'secular option' in the context of public deliberation, we concluded that multilingual procedures will tend to be preferable to monolingual ones, on the basis that compulsory monolingualism tends to be more burdensome than compulsory multilingualism.

This approach is motivated in part by our endorsement of the priority view, according to which principles of justice ought to be selected in a way that prioritises the needs of the least advantaged in society. It is also motivated by our endorsement of Scanlon's requirement that coercive policies and institutions must be those that no one could reasonably reject.

In exploring the implications of this view for European political institutions, we identified two significant ways in which our view challenges the status quo. In the context of member states, our argument for the expansion of the justificatory community challenges the long-standing assumption that states are always entitled to discriminate in favour of locally and historically dominant languages. As we were careful to note, this conclusion does not threaten the status of autochthonous minority languages, but simply requires that the reasons offered in favour of any particular language regime be justifiable to recent migrants as well as citizens. In the context of EU institutions themselves, our chief recommendation was to urge caution at proposals to reduce the number of official EU languages, given the likely effects that such proposals would have upon the least advantaged EU citizens, who are most likely to lack proficiency in a revised list of official languages. However, we also note that nothing in what we have argued for above necessarily precludes the addition or subtraction of particular official languages, provided that doing so would not undermine the political rights and freedoms of the least advantaged.

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