

The Linguistic Territoriality Principle: Heterogeneity and Freedom Problems

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Philippe Van Parijs defends ‘the linguistic territoriality principle’, arguing that in multilingual countries or settings, native language groups should, if they desire so, be able to make only their language the official language of the territory on which they live in domains like public administration, political life, and public education. Immigrants are then asked to integrate linguistically in their official language use, although they can continue to speak their native tongue in private interactions. Van Parijs portrays this territoriality view as central to the ideal of linguistic justice for our current world. In what follows I will develop two arguments against the linguistic territorial principle and Van Parijs’s defense of it, arguing from the same premise in which Van Parijs grounds his defense – dignity. I will also elucidate what my critique implies for Belgium.

Van Parijs and I agree that dignity is important and that we need to strive towards equal dignity for all. We also agree that dignity has linguistic preconditions: the extent to which I am treated with respect depends in part on the respect that my language receives. The question is whether the linguistic territoriality principle is the best way of expressing equal dignity.

1. Equal dignity

My first and central worry about the linguistic territoriality principle (LTP) is that it will violate the equal dignity principle because of the extent of linguistic heterogeneity in the world today. A linguistic territoriality principle asks immigrants to adapt linguistically in official settings. I think this is legitimate, at least if they can be seen as having voluntarily chosen to immigrate.¹ But this claim – for linguistic integration – presupposes that the integration occurs against the backdrop of a territory that already has an official language. That presupposition is not as evident as it may sound. The world is characterized by a massive amount of linguistically heterogeneous constellations, and to support only one language in such constellations clashes with equal dignity for those whose language is not supported.

In linguistically very homogeneous societies or territories – say, Iceland – few will see problems with implementing a LTP. In such cases there is no need to recognize other languages. But the LTP is not advocated for such unproblematic, cases. The LTP acquires its normative force from situations where

¹ I cannot help seeing a striking irony here. Van Parijs is sometimes ready to allow for an exception to the LTP by creating ‘free linguistic zones’ for the talented of our world, since enforcing a LTP for smaller language groups may mean foregoing the attraction of those talented individuals (Van Parijs 2011: § 5.11). The irony resides in the fact that the exception is given to precisely those immigrants who are rich and educated, and who therefore can be most seen to have voluntarily migrated, and who will cause most damage to the survival of the language supposed to be protected by a LTP. If for anyone, shouldn’t exceptions to the LTP be made for the worse-off among the immigrants – to overgeneralize: for the Moroccans rather than the Americans living in Flanders?

there is more than one historic language group. Indeed the LTP is typically argued for with cases like Quebec, Catalonia, the Basque Country, and many regions within the Baltic States in mind. But these are all cases where two or more language groups live intermingled, where there is no congruence between language and territory in the first place. In such cases, including also examples like Brussels, Kosovo or Wales, different language groups live intermingled on the same territory. What would the LTP prescribe for such cases?

In general there seem only two possibilities, which Van Parijs addresses in his book (2011: §5.12): we can redraw boundaries or we can recognize two languages. Redrawing boundaries, such that smaller territorially concentrated language groups who are included in a larger territory could have their own territorial unit, could work. But it can only work sometimes. The problem in cases like Brussels, Catalonia or Montréal is often not that monolingual territories have become mixed in a way that could be undone by redrawing boundaries. The problem is that there is simply no way to draw boundaries in such a way as to create unilingual units. If language groups live so intermingled that apartments or streets contain members of both language groups, which is the case in the just-mentioned regions, then it is unclear how this redrawing is to be carried out and why justice would require it.

What about the other solution, to recognize both (or more) languages on the territory? I can't see how this possibility is consistent with the plea for linguistic territoriality. The LTP is contrasted by Van Parijs (2011: §5.1) with a language regime that allows for the extension of rights to more than one language group in an accommodating way: we accommodate every language group by extending language rights to it. If one allows for institutional bilingualism within the territory, then the distinction between LTP and its alternative is blurred, since the territory is then characterized by a regime that within the same territory accommodates the language claims of all (non-immigrant) language groups. Moreover, if bilingualism is followed throughout, then the Laponce-argument re-appears: the stronger language may slowly and peacefully devour the weaker language, and that is precisely what the LTP is supposed to prevent from happening. Van Parijs recognizes this, and therefore by and large dismisses this bilingual way out of the heterogeneity problem (2011: 166).

But if bilingualism and redrawing boundaries are not aimed at, how then does a LTP treat heterogeneity? Van Parijs argues in his book that we can extend temporary language facilities to those people who, after the implementation of the LTP, have ended up on the wrong side of the border, until they die or move out of the territory: "They can make use of this possibility until they die or move away, without this possibility being extended to any newly born or newly arriving resident" (Van Parijs 2011: 167). But this solution flies in the face of equality of dignity, the philosophical heart of the territoriality defence: it realizes inequality of dignity, effectively conveying the message to the native minority: 'You can stay here, but don't expect that your language group can have a meaningful life here on the territory. We can't extend full language rights to you since we want to protect the other language on this territory and save it from erosion. Why? Because that is entailed by dignity for the other group.' It suffices for the linguistically worse-off to reply: 'And what about *our* dignity?' to see the problem with this message.

I think the fundamental problem of heterogeneity points to a better solution as our standard account of linguistic justice: linguistic pluralism. By linguistic pluralism I mean the view that justice entails active equal recognition. Within certain practical limits, all native (that is: non-immigrant) language groups within a region should receive equal status, so that individuals with the respective identities get language recognition.

Note that the heterogeneity problem also jeopardizes the pacification argument, which Van Parijs appeals to in the background of his defence of the LTP. Van Parijs argues that asking immigrants from within the same country to honour the LTP will make civil war erupting from the native population feeling demographically and culturally threatened less likely. Van Parijs argues that those ‘sons of the soil’ (see Fearon and Laitin 2011) would then be reassured that the immigrants would engage in linguistic ‘bowing’ and show respect to the native language. This may perhaps be the case, though on the Fearon and Laitin analysis, a large part of the source of anger of the ‘sons of the soil’ is the increased fight for jobs and housing resulting from the migration itself, and whatever type of linguistic bowing the immigrants perform would not alter those non-linguistic dynamics. But, more importantly, the LTP as a pacification strategy fails because of the heterogeneity problem. If there was a LTP in place, then grievances of the native population may be attenuated by enforcing the territory’s language on immigrants. But, again, this solution foregoes the problem of arriving at a LTP in the first place. And given the heterogeneity discussed, this is very likely to become a conflict-prone issue, equally involving a lack of respect for ‘sons of the soil’ who happen to have ended up on the wrong side of the border, without having migrated there. So, once a LTP is in place, it may pacify. But on the way to its being put in place, much of the later-sought pacification may be undone, for a reason similar to the one at the heart of the pacification argument: native sons of the soil feeling ill-treated.

To summarize, principles which are legitimate for an ideal Icelandic world (territories with speakers with overwhelmingly the same native language only) tend to cause inequality of dignity in the real world. But the conclusion to derive from this is not simply that the LTP is sometimes fine, and linguistic pluralism is valuable at other places. The very same places where thinking about a LTP becomes relevant are those places where two language groups live intermingled. In ideal Icelandic cases the LTP is fine, but the cases where partisans and nationalist entrepreneurs will start putting forward the LTP, now backed by Van Parijs’s theory, are not those places. We should reject the LTP as our *standard* account of linguistic justice. Instead it should rather be seen as a solution which may sometimes, in some circumstances, be appealed to. But if political actors look for models and recommendations, the standard theory they should be advised to use is linguistic pluralism.

2. Linguistic freedom

My second worry is that the LTP will unduly constrain linguistic freedom. Take a prototypical case of language decline. Imagine that a certain group of speakers of a more vulnerable language A share a border with speakers of a more successful and solid world language B. One can think of Catalan, French in Canada, and Dutch in Belgium as A’s, and of Spanish in Spain, English in Canada, and French in Belgium as B’s. Imagine further that many current speakers of A value their language to a large extent. At the same time, however, the speakers of A witness the gradual erosion of their language due to the fact that intermarriages and other forms of contact result in the slow assimilation of A-speakers toward B. Some speakers of A start losing their A-identity and send their children to emerging bilingual schools or to emerging monolingually B-schools where A is thought as a second language. Finally imagine that a generous set of language rights are granted to the remaining speakers of A, including subsidized mother-tongue education, hospitals (co-)functioning in A, etc.

On the linguistic territoriality view, linguistic justice for A entails the public support of only A in the territory. No language rights can be granted to B. But in the example I just gave, it is hard to identify a linguistic injustice based on dignity concerns. On the contrary, trying to preclude the emergence of bilingual or B-identities among former A-speakers may be understood to be an injustice in itself.

There is nothing wrong with people assimilating to other languages since, as soon as speakers of A start losing their identity-interest in A and increasingly refer to B as their identity context, the dignity argument starts to work to the benefit of politically recognizing B. In that case, there is no reason to protect A from gradually eroding. The fact that a threshold level of individuals is required for the survival of a language cannot become a reason for forcing some to keep speaking and living within the language. The problem with survival policies is that to protect those who wish survival, the choice of those who wish to assimilate must be restricted, and the latter must be forced to remain within their original language. But to use some as means to satisfy the interests of others is morally problematic. While there is a right to speak your own language and to receive language recognition, there is no right to have your language spoken by others. Compare this with other preferences which impose costs on others, like attending opera. While it is legitimate for people to like opera and to attend opera performances, and while perhaps a successful argument might be made to receive special state subsidies to organize opera, there is no right to have others who like and go to opera. The same is true in the case of language. I am not repeating the argument here that the LTP is incompatible with granting equal dignity to the speakers of *another* group living on the same territory. Rather the argument is that the territoriality policies are incompatible with equal recognition granted to all the members of the *same* (original) language group the survival of which is thought important.

But is it not a problem for linguistic pluralists like me that equal intra-territorial status for languages may lead to the effective domination of one language over the other? Not necessarily. It is important to see that linguistic pluralism is not a 'laissez-faire' affair. Equally recognizing two languages, say Catalan and Spanish in Catalonia, French and Dutch in Brussels, or Russian and Ukrainian in Ukraine, confers active protection on those language groups, which will help guard them against massive linguistic assimilation pressure. Given the active state support and the symbolic benefits, equal language protection will help forging future people's and people's future language identities, which are more likely to be beneficial to the protected language groups than to others outside of the territory. This alternative to the LTP does not just provide protection for the official languages of the territory vis-a-vis other languages outside the territory. The linguistic pluralism model also protects the languages internally vis-a-vis each other. Whatever the lure of French may be, Dutch is actively protected: hospital, city council and police services will continue to benefit the Dutch minority in Brussels.

Of course evolutions are possible here, and the group of French speakers may grow while the number of Dutch speakers may decline. But even if that happens, even if under such an equal status language policy, the mechanism of free language contacts started to work toward the gradual erosion of one language group and the growing strength of another, no injustice is committed. For, the switches made by those who 'leave' the weaker group and join the stronger one are choices made against the background of government-supported linguistic liberty and equality. There is no reason to protect the weaker language from gradually eroding, except when there is a threat to the viability of the weaker language, for which then some priority in funding or recognition could be established. That priority, however, is justified uniquely by reference to the interests of the remaining speakers of the weaker language (to ensure their access to hospitals, for example), not to those who left already or to the interests of language in itself. Once generous language rights are granted, including in some cases a priority for a weaker group, there is no injustice involved in language loss. There is a loss involved in the fact that a language disappears, but that loss is not unjust.

3. Local implications

What does this imply for Belgium? I think establishing the LTP throughout the twentieth century (essentially in 1932 and 1962) was unjust on dignity grounds, because it happened in a situation of significant linguistic heterogeneity and thus impaired equality of dignity for language minorities on each territory.² We should instead have gone for a Belgian-wide active linguistic pluralism.³ That being said, now that native French speaking groups have almost disappeared on Flemish territory as a result of the LTP, it no longer seems unjust to enforce territoriality in, say, Bruges or Ghent, and neither is a LTP unjust in much of Wallonia, although it is important to stress that neither would linguistic pluralism be unjust. In Brussels, the LTP is not instantiated: linguistic pluralism is the order of the day in Brussels, and rightly so. The thorny issue is always the Flemish periphery around Brussels. Here we have a lot of linguistic heterogeneity. Linguistic pluralism is the best model in such cases (ideally with a priority for the weaker language in case it is facing viability problems), as it will set out to actively protect both language groups and realize equality of dignity. But is the LTP also permissible on dignity grounds? Not if the existing heterogeneity was the result of non-immigrant speakers of French or non-immigrant speakers of Dutch who have chosen to assimilate to French.

What makes the issue complex is that most of the heterogeneity, but not all, results from immigration. It is tempting to think that just as (rich) Americans moving to Sweden should receive no English language rights, so should (rich) inhabitants from Brussels moving to Sint-Genesius-Rode/Rhode-Saint-Genève, a suburb of Brussels located in Flanders with language facilities for French speakers (as one of the exceptions to the LTP), not be entitled to French language rights. But the two cases differ in two relevant ways: there are already French speakers with legitimate language rights in R(h)ode whereas there are no English speakers with legitimate language rights in Sweden; and the geographical and societal distance between Brussels and R(h)ode is non-existent (a Brussels couple can literally move 500m further down the road), whereas the American immigrants in Sweden cannot appeal to a similar territorial and societal continuity. As far as the first part of the difference is concerned, the (let's assume predominantly French speaking) Brussels couple moving to R(h)ode is more comparable on linguistic justice grounds to a Flemish couple from Antwerp moving to R(h)ode: both find language regimes there benefiting their native tongue, and are happy to participate in it. But the Brussels couple is more entitled to language rights than the couple of Antwerp, given the second continuity reason. What this means is that the couple from Brussels 'immigrating' into R(h)ode are more entitled to language rights than the Americans moving to Sweden are, and that there are often good reasons to think that the fact of immigration is often not in itself a reason for refusing language rights. Still, in Flemish suburbs where a (full) LTP is in vogue and where no significant non-immigrant French community is present, insisting on the LTP for immigrants does not appear very unjust to me (while, again, neither is linguistic pluralism), although the second incomparability with the Americans in Sweden – the fact of geographical and societal continuity, which makes such immigration 'natural' – does make linguistic pluralism at least preferable in border areas.

In short, the LTP is fine, but so is linguistic pluralism, in most of Flanders and Wallonia. Linguistic pluralism however is better in Brussels and in the periphery, which stipulates that both languages are to be actively accommodated, and where a priority can be established where one language threatens to no longer remain viable, as it currently exists in Brussels, where Dutch is better protected than its

² True, the language divide in Flanders was also a socio-economic divide, but socio-economic inequality should have been fought head-on, not without also taking away the language benefits.

³ I certainly do not think that Belgium had a better language regime prior to the establishment of the LTP, as it was essentially French monolingualism disguised as linguistic freedom. Linguistic pluralism in the way described here had never been tried.

per capita presence would suggest. Should, even under active linguistic pluralism, people still assimilate to French, then this is in line with equality of dignity. Should this, in time and extremely unlikely, lead to a complete Frenchification of Flanders, or, extremely unlikely, to a complete Dutchification of Brussels and Wallonia, then I would regret the loss of a bilingual country but no linguistic injustice is committed.

References

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