


2011

Lost in Translation: Linguistic Minorities in the European Union

Nirvana Bhatia

Follow this and additional works at: <https://digitalcommons.du.edu/hrhw>

 Part of the [Human Rights Law Commons](#), [International Law Commons](#), [International Relations Commons](#), [Law and Society Commons](#), [Legal Writing and Research Commons](#), [Other International and Area Studies Commons](#), [Policy Design, Analysis, and Evaluation Commons](#), and the [Social Policy Commons](#)

Recommended Citation

Bhatia, Nirvana (2011) "Lost in Translation: Linguistic Minorities in the European Union," *Human Rights & Human Welfare*: Vol. 11: Iss. 1, Article 15.

Available at: <https://digitalcommons.du.edu/hrhw/vol11/iss1/15>



All Rights Reserved.

This Topical Research Digest is brought to you for free and open access by the Josef Korbel School of International Studies at Digital Commons @ DU. It has been accepted for inclusion in Human Rights & Human Welfare by an authorized editor of Digital Commons @ DU. For more information, please contact jennifer.cox@du.edu, dig-commons@du.edu.

Lost in Translation: Linguistic Minorities in the European Union

Abstract

“A nation without a language is a nation without a soul,” declares a Gaelic proverb. Indubitably, language is a product of national identity; it preserves heritage, reflects societal beliefs and values, and expresses a cultural spirit. The current international human rights regime, however, does not recognize an individual’s right to language choice; instead, it promises freedom from linguistic discrimination. The implications are not quite the same and, as a result, states have successfully repressed minority populations by controlling their language options. The European Union in particular—with its panoply of languages—demonstrates an inconsistent approach toward linguistic minorities; it attempts to promote language diversity at an institutional level, but refuses to influence a Member State’s domestic language policy.

Keywords

Human rights, European Union, Language, Protection of minority languages

Copyright Statement / License for Reuse



All Rights Reserved.

Publication Statement

Copyright is held by the Josef Korbel School of International Studies, University of Denver. User is responsible for all copyright compliance.

Lost in Translation: Linguistic Minorities in the European Union*

By Nirvana Bhatia

“A nation without a language is a nation without a soul,” declares a Gaelic proverb. Indubitably, language is a product of national identity; it preserves heritage, reflects societal beliefs and values, and expresses a cultural spirit. The current international human rights regime, however, does not recognize an individual’s right to language choice; instead, it promises freedom from linguistic discrimination. The implications are not quite the same and, as a result, states have successfully repressed minority populations by controlling their language options. The European Union in particular—with its panoply of languages—demonstrates an inconsistent approach toward linguistic minorities; it attempts to promote language diversity at an institutional level, but refuses to influence a Member State’s domestic language policy. The most important piece of language legislation is the European Charter for Regional or Minority Languages, adopted by the Council of Europe in 1992 to protect local languages that do not qualify as official languages (*e.g.*, Catalan in Spain). The charter is intended for use by ethnic minorities who may have historical claim to a territory that now belongs to another state; it is not meant to encourage linguistic isolation in recent immigrant communities. In other words, it protects (in theory) the historic Hungarian minority in Slovakia, but does not provide for the burgeoning Russian community in Latvia. Therefore, even though the European Union itself supports several linguistic recognitions, language policy is ultimately implemented by each state; this paradox is best manifested by the discrepancy in minority language protections between European Union candidate states and full member states.

Basic Grammar: Language Policy and the Copenhagen Criteria

Under the 1993 Copenhagen Criteria—the economic, political, and legislative conditions required for accession to the European Union—candidate countries must demonstrate “respect for and protection of minority rights.” In 2001, the European Commission clarified this rather vague phrase by linking it with the principles put forth in the Framework Convention for the Protection of National Minorities, including those related to the use of minority languages in public, educational, and administrative life (Adrey 2005). Given the borderless ambitions of the European Union, this stipulation ensured that minority communities could practice their distinctive culture and language within a host nation. Importantly however, the European Union is only concerned with historical national minorities, such as the Germans in Denmark or the Italians in Slovenia; it does not account for large immigrant populations, (*e.g.*, the Iraqis in Sweden). Regardless, the European Union is adamant that states reconcile their linguistic issues before becoming a member of the body. In fact, progress reports on several Eastern Bloc countries endeavoring to join the European Union emphasize the need to revise language policy, either by strengthening resources for the official language or by providing equal opportunities for minority language speakers.

As the European Union began expanding in the early 2000s, most of the countries seeking accession were the newly independent Central and Eastern European nations. These nations have significant minority populations and severe linguistic struggles since previous political regimes had used language, a tool of power, against them. The Baltic countries immediately restored their repressed state languages to official status when they won independence from the Soviets, but this led to numerous human rights violations against the large community of Russian speakers who

remained in the region. In addition to Russian-medium schools being discouraged, ethnic Russians in Latvia were often forced to demonstrate their Latvian proficiency on command in order to retain their citizenship, and they were underrepresented in the government because they could not properly speak the state language (Adrey 2005). The situation for Russian and other minority language speakers in Latvia was so dire, the European Commission encouraged softening the excessive language requirements of the Latvian Language Law to account for the Russian minority; it also advocated restructuring the naturalization laws to allow Russian-speaking non-citizens to become better integrated into Latvian society. A general evaluation of Latvia's accession progress in 2000 noted "Latvia fulfils the Copenhagen political criteria. Although significant progress has been achieved in the integration of non-citizens it will be necessary to ensure that the final text of the Language law is compatible with international standards and the Europe Agreement" (European Commission 2000). Critics however, have argued that the European Commission was more concerned with promoting Latvian language learning among non-citizens than with safeguarding a multilingual society, and that the situation has only worsened since the Baltic states secured membership in 2004.

Babbling On?: Failures in Protecting Minority Languages

As indicated by the Copenhagen Criteria, the European Union demands a higher standard of minority language protection from candidate states than from founding members. Once a country becomes a member of the European Union, however, it appears that urgency for multilingual tolerance is abandoned. This negligence begins almost as soon as a country joins the international body as policymakers begin questioning the cost of supporting so many official languages. When Malta gained European Union membership in 2004, the community raised a furor over recognizing Maltese as an official language because doing so would require the employment of nearly 200 Maltese speakers in Brussels and the translation of 80,000 legal documents. The Maltese were ecstatic over such a development, which would ensure both job security and the survival of their language, but critics argued that English was also an official—and more popular—language in the Mediterranean country; it was thus unnecessary to devote so many resources towards honoring the language. In a similar vein, the European Commission shut down the European Bureau for Lesser-Used Languages in 2010 due to a lack of funding, thereby ensuring that minority language speakers in Europe have fewer advocates. Most importantly though, there are no mechanisms in place to enforce linguistic human rights from a European Union level, as policy decisions are ultimately under the jurisdiction of individual states.

Perhaps the European Union's lack of authority in domestic policies is why the body has been hesitant to intervene in the recent Slovakian Language Law controversy. In June of 2009, Slovakia passed an amendment to the Slovak Language Law which restricts the use of any language but Slovak in public communications, going so far as to issue fines of up to €5,000 for any "incorrect" language use. According to the text of the law, this "act is applicable to state authorities, authorities of territorial self-administration, other authorities of public bodies, legal persons, natural persons entrepreneurs and natural persons, to the extent and conditions laid down by this law" (Slovak Republic 2009). The new amendment essentially restricts minority languages to the private sphere, and suggests that only Slovak should be used to administer minority language schools, to refer to geographical locations, and even to purchase goods in a shopping mall. The goal is obviously to promote the sustainability of the Slovak language, but considering that there are some

521,000 Hungarians living in the country, who have established settlements where Hungarian is the language of commerce, this law blatantly discriminates against a minority population. In the past, Slovakia's Language Act stated that public authorities have an obligation to provide native language services if a city's minority community consisted of twenty percent of the population; the current amendment therefore reflects the interests of the current government and again emphasizes the European Union's inability to interfere in state matters. While individual countries, most notably Germany, have condemned the law, the European Union itself has done little more than promise to "monitor" the situation. As a full member of the European Union, Slovakia has an equal obligation to support the language of another European Union nation (Bickel and Franz 1998) and leading European institutions ought to reprimanded the country. Technically though, Slovakia is not violating membership rules or the European Charter, which is precisely why the European Union needs to create, and adhere to, a unified language policy.

Conclusions

The lack of a European Union body to guarantee linguistic tolerance is frightening for minority communities across Europe as it threatens national identity. Furthermore, without linguistic freedoms, individuals may be deprived of other human rights, such as a fair trial, access to education, freedom of expression, and rights to property. It seems minority language rights are more secure when a state is not a member of the European Union (or when it's in the candidacy stage for that matter) than when it is part of the international body. The severity of the Slovakian law might be an isolated case, but it does illustrate the unpredictability of language policy and raises several concerns about minority communities in other states attempting to accede to the European Union. For example, is Turkey's dedication to improving its horrifying record against Kurdish language speakers a long-term commitment, or will the linguicide be reignited once it gains membership? Will the Balkans—with their hodgepodge of minorities—successfully complete the Copenhagen Criteria and will the European Union be willing to support so many official languages? The future for Europe's linguistic minorities remains ambiguous, but if the European Union truly wants to emerge as a model of multilingual diversity, it must adopt a more authoritative role in preserving these nations' souls.

Annotated Bibliography:

Adrey, Jean-Bernard. 2005. "Minority Language Rights Before and After the 2004 EU Enlargement: The Copenhagen Criteria in the Baltic States." *Journal of Multilingual & Multicultural Development* 26, no. 5: 453-468.

Annotation: This article provides a nice complement to Niamh Nic Shuibhne's work, as it echoes her concerns on political sensitivity in implementing a united European Union language policy. Adrey discusses "triangular minority conflicts," in which newly independent nations such as Latvia are immersed in struggles with both internal minorities and kin-minorities (e.g., Russians), in light of ascension to the European Union. Under Soviet rule, it appeared that Estonian and Latvian were on the verge of extinction, which led to a backlash against Russian-speakers once the countries regained independence. In his opinion, the European Union served as a mediator in promoting language equality between 1995 and 2003 in the Baltics, but the situation has since spiraled downwards. Although he provides a

solid historical account of policy initiatives, Adrey unfortunately fails to expand on why the triangular minority conflict escalated between 2003 and 2004, making his argument incomplete.

Ammon, Ulrich. 2006. "Language Conflicts in the European Union." *International Journal of Applied Linguistics* 16, no. 3 (November): 319-338.

Annotation: Ammon is concerned more with the European Union's official language policy within the institution than within individual member states, but he shows that even official languages are not treated equally. The author notes that while the European Union refers to its 70 odd languages as "cultural wealth," others think of it more as "communicative chaos;" there is, therefore, a need to select a single working language within the community. Furthermore, he does not believe that any of these languages are endangered, and provides a lengthy (and misplaced) example of the continued popularity of German abroad, completely ignoring the fact that German is not usually considered a troubled language. Ammon examines both sides of the story, and even tries to propose a multilingual solution, but his obvious disdain for the symbolic importance of official languages, such as Maltese and Irish, taints his argument.

Associated Press. 2009. "New Language Law in Slovakia Sparks Tensions." *msnbc.com Accessed* (September 16). Available online : http://www.msnbc.msn.com/id/32881272/ns/world_news-europe.

Annotation: Drawing heavily on the historical background for Slovakia's apparent hostility towards its Hungarian minority, this mass media article discusses the real world repercussions of Slovakia's updated language law. Conducting interviews in Nove Zamky, a Slovakian town on the Hungarian border, the reporter illustrates the general public's lack of understanding about how the new law, which limits use of anything but Slovak in public, should be applied. The article also mentions the meetings between Hungarian, Slovakian, and international politicians that have occurred since the law came into force, who conclude that while problematic, the law does not technically violate any international standards. Since this piece is written by the Associated Press, it provides a balanced viewpoint about a sensitive issue.

Commission of the European Communities. 2005. A New Framework Strategy for Multilingualism, edited by The European Parliament, Commission to the Council, European Economic and Social Committee, and Committee of the Regions. Brussels. Available online: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2005:0596:FIN:EN:PDF>.

Annotation: In the European Commission's first-ever communication on multilingualism, they introduce the main tenants of the European Union's language policy: citizens should have access to legislation and information in their own language; multilingualism plays a major role in the European economy; and all citizens should be encouraged to learn and speak more languages. For the most part, the policy brief is rather basic in its review of facts and figures, but the section on multilingualism and the economy is particularly detailed. Discussing the evolution of "language industries," the Commission establishes concrete

timelines for creating new language resources such as an internet archive and a conference on multilingualism. The report uses trite phrases to emphasize that its many language are what makes Europe “special,” but it solidly describes the current linguistic situation in the European Union.

Commission on Latvia's Progress towards Accession. 2000. "2000 Regular Report" (November 8):1-114. Available online:
http://ec.europa.eu/enlargement/archives/pdf/key_documents/2000/lv_en.pdf.

Annotation: Latvia’s formal accession process began after the delivery of this final progress report on the country’s eligibility for European Union membership. While the Commission concludes that Latvia has fulfilled all of the Copenhagen Criteria and demonstrated significant progress on the integration of non-citizens, it notes that “it will be necessary to ensure that the final text of the Language law is compatible with international standards and the Europe Agreement.” Intended to secure the interests of the Russian speaking minority, this proviso actually demands increased Latvian learning resources for non-citizens instead of promoting a bilingual society. Some linguistic advocates feel that the European Union does not do enough to protect minority language rights in candidate countries, and it is therefore interesting to examine the methods of evaluation and assessment of success.

Council of Europe. 1992. European Charter for Regional or Minority Languages (November 4). Strasbourg. ETS 148. Available online:
<http://www.unhcr.org/refworld/docid/3de78bc34.html>.

Annotation: This document is the main source of language legislation for the European Union, and is considered a leading source of linguistic policy worldwide. While it seeks to protect regional and minority languages (*e.g.*, Catalan in Spain) by awarding them special status, it does not make any provisions for languages used by immigrant communities nor does it protect official state languages that might still be minority languages (*e.g.*, Irish). The charter has often been criticized for not having any direct effect on individuals, as the nuances of international law make it a non-binding treaty for Member States. For example, France has ratified the document but the French government forbids the official support of any language other than French. Others however, have credited the charter for being responsible in creating new rights for language minorities.

Creech, Richard L. 2005. Law and Language in the European Union: the Paradox of a Babel "United in Diversity". Amsterdam: Europa Law Publishing.

Annotation: Creech, an American attorney who deals with international and multilingual litigation, argues that the European Union’s desire to have an economically integrated union is often in conflict with honoring the distinctive cultures and languages of individual Member States. Although the connection to the economic element remains a bit unclear, he does elucidate on the language policies associated with each enlargement, discussing the European Union’s commitment to linguistic diversity in light of its failing language regime. Peppered with detailed examples, Creech aptly presents the evolution of language policy in the European Union before delving into some of the more crucial human rights issues,

especially those concerning migrant workers and minority language speakers. The latter half of the book stems from the landmark *Bickel and Franz* (1998) case, which links language rights with the free movement of goods and people, and exposes some of the challenges of a multilingual society.

Das, Alok Kumar. 2004. "Minority Language Laws in the EU: Process and Problem of Policy Implementation." In *Il Mercator International Symposium: A New Framework for All Languages?* Tarragona-Catalunya. Available online: <http://www.ciemen.cat/mercator/pdf/simp-alok.pdf>

Annotation: After defining what various language statuses in the European Union actually mean, Das discusses the challenges of implementing policy in such a pluralistic environment. In other words, while the European Union has committed itself to respecting multilingualism on paper, this has yet to be reflected in daily reality. Since general attitudes are integral to accepting certain languages, Das advocates funding social-based initiatives that promote the revival and development of minority languages—especially in the job market. Except for a note on the social advances of Frisian, his work lacks any tangible case examples that can support his argument. The author's analysis of the discrepancies between the European Union's official intentions and actual practices are, however, invaluable to the minority language debate.

Dunn, J.A, ed. 1999. *Language and Society in Post-Communist Europe*. Hampshire: Macmillan Press LTD.

Annotation: This work is a compilation of papers that originated in the Fifth World Congress of Central and East European Studies, held in 1995. Although most of the essays are about language in Russia, it is interesting to note the transforming role of Russian on the eve of several Baltic and Balkan nations' accession to the European Union. In particular, Nadia Stange-Zhirovova's piece examines how French is diluting Russian in Russian immigrant communities in Belgium. From a sociolinguistic perspective, it is fascinating to note how the destruction of the communist regime modernized one of Europe's largest languages, but otherwise this anthology does not offer much in terms of linguistic human rights considerations.

Grin, Francois and Tom Moring. 2002. "Support for Minority Languages in Europe," edited by European Bureau for Lesser-Used Languages: European Commission. Available online: http://ec.europa.eu/education/languages/pdf/doc639_en.pdf

Annotation: This comprehensive final report aims to explore the policy side of the language debate, as opposed to a socio-linguistic or legal one. The European Bureau for Lesser-Used Languages, before its closure in early 2010, believed that the European Union should adopt a mainstream approach for dealing with regional minority languages instead of depending on each member state to establish domestic policies. In the Commission's opinion, language vitality is seen as requiring three conditions: the capacity to use the language; opportunities to use it; and the desire to do so. These aims are then evaluated through 17 in-depth cases that address policy from an economic, educational, cultural, and media-specific viewpoint. The cases themselves (Basque, Irish, and Finnish) are rather ubiquitous for those in the

linguistics field, but the report does an incredible job of extracting only the overarching policy issues from each example.

Hogan-Brun, Gabrielle, and Meilutė Ramonienė. 2005. "Perspectives on Language Attitudes and Use in Lithuania's Multilingual Setting." *Journal of Multilingual & Multicultural Development* 26, no. 5: 425-441.

Annotation: This country study is refreshing because the authors actually conduct research on the relationship between national identity and language choice in Lithuania. Like Niamh Nestor and Tina Hickey, they also emphasize Lithuania's growing socioeconomic status in the host nation as integral to fostering a bilingual environment. While they go beyond surveying merely Russian and Lithuanian-speakers, their observations lead to no concrete conclusions or policy suggestions. Ultimately, they conclude that more qualitative research needs to be done, which isn't very helpful in analyzing the plethora of data they include in the piece.

King, Kendall A., Natalie Schilling-Estes, Lyn Fogle, Jia Jackie Lou, and Barbara Soukup (eds.). 2008. Sustaining Linguistic Diversity: Endangered and Minority Languages and Language Varieties. Washington D.C.: Georgetown University Press.

Annotation: This wonderful collection of essays from some of the linguistic field's leading experts covers minority language development, indigenous language revival, and heritage language education from regions around the world. In regards to the European Union, Leena Huss' piece on the impact of the European Charter for Regional or Minority Languages in Norway and Sweden is particularly relevant because it expresses the challenges—and the triumphs—of implementing some of the charter's laws. Emily McEvan-Fujita's piece on the status of Gaelic as a '9 to 5' language is also useful as she discusses governmental policies for language standardization and professionalization of Gaelic. Considering the successes of Gaelic, many European Union nations would be wise to mimic some of Scotland's policies. The authors have created a thoughtful anthology that uses fresh case studies to convince the greater public that protecting minority languages is indeed a crucial ambition.

Kymlicka, Will, and Alan Patten (eds.). 2003. Language Rights and Political Theory. Oxford: Oxford University Press.

Annotation: Kymlicka is a professor of philosophy in Canada, who won the 2009 Premier's Discovery Award in Social Sciences and has contributed much to the field of multiculturalism. This collection of essays examines conflict in multilingual states such as Belgium, Spain, and Switzerland and how language policy transfers to the broader picture of democracy and justice. While heavy on the political theory aspect, Kymlicka does a formidable job of highlighting the influence language policies have on identity politics and nationalism. His descriptions are especially useful in gaining perspective on the Kurdish issue in Turkey, given the Kurds' struggle for national recognition.

Moskal, Marta. 2004. "Language Minorities in Poland at the Moment of Accession to the EU." *Noves SL. Revista de Sociolingüística* (Spring-Summer). Available online: <http://www6.gencat.net/llengcat/noves/hm04primavera-estiu/docs/moskal.pdf>.

Annotation: Although Moskal's article admirably presents the linguistic situation in Poland, expounding on the 16 minority language groups and providing relevant historical context, she does not draw any concrete conclusions from her research and her arguments are rather contradictory. At one point, she mentions the severe financial and legal burden created by respecting so many languages, while another paragraph laments Poland's unwillingness to pass laws that register names spelt in a minority language. The paper is useful for anyone pursuing linguistic studies on Poland itself, but provides little commentary as to how European Union accession affects language policy.

National Council of the Slovak Republic. June 30, 2009. Act of the National Council of the Slovak Republic No. 270/1995 Coll. Available online: http://www.felvidek.ma/images/stories/cikkekhez/szknt-1995-270_2009-en.pdf.

Annotation: This is the revised version of the Slovakian Language Law, which went into effect in January 2010. The controversial new act states that only Slovakian should be used in "official contacts" and issues a fine for anyone abusing this law with "incorrect" language use; many claim that this effort is direct suppression of the Hungarian minority, which comprises 20 percent of the country's population. On a larger scale, this policy change raises questions of external versus internal authority, and forces one to consider when exactly the European Union should step in to protect its citizens from discriminatory language policies.

Nestor, Niamh, and Tina Hickey. 2009. "Out of the Communist Frying Pan and into the EU Fire? Exploring the case of Kashubian." *Language, Culture & Curriculum* 22, no. 2: 95-119.

Annotation: In a well-defined argument, Nestor and Hickey describe the recent renaissance of the Polish minority language Kashubian as a result of Poland's integration into the European Union. Emphasizing the language's growing social and economic status over the past few years, the authors ran a study that compared government data and policies with the accounts of three interviewees with different roles in Kashubian society. While the cases made by Kashubian speakers are certainly compelling, the authors fail to account for perspectives from community outsiders—yet they conclude that global attitudes towards the language must evolve. Although the article often becomes bogged down with citations, it emphasizes the positive aspects of the European Union's dedication to protecting minority languages.

Ozolins, Uldis. 2003. "The Impact of European Accession upon Language Policy in the Baltic States." *Language Policy* 2 (3): 217-238

Annotation: The policies required of the Baltic states by the European Union will ultimately influence other small national languages attempting to reassert their status against former imperialistic language regimes, argues Ozolins. In addition to securing citizenship for Russians residing in the Baltic nations after independence, Russia hoped that the West would

also support Russian as a second official state language in these nations. Alas, this issue has been mostly ignored by European institutions and the Baltic nations, who continue to repress certain language groups. Using several examples and comparisons to other Eastern European countries, Ozolins shows that the lack of international standards has led to outright discrimination against the Russian-speaking minority. This article is crucial in illustrating that the status of minority language speakers in the Baltics is primarily a human rights concern.

Phillipson, Robert (ed.). Rights to Language: Equity, Power, and Education. London: Lawrence Erlbaum Associates, 2000.

Annotation: This compilation of essays is a tribute to Tove Skutnabb-Kangas—one of the few experts on linguistic human rights—from her personal and professional partner, Phillipson, upon her 60th birthday. While the pieces do a decent job of updating the debate on language legislation, especially on bilingual education, the reader feels as if he is intruding on a group of friends engaged in a highly intimate conversation. Each author feels the need to summarize and applaud Skutnabb-Kangas' previous work, with rather broad overviews of certain cases and very little evidence to support their claims. The book does provide a few basic introductions to important cases in the field, such as the Finnish and Latvian language debates, for those previously unfamiliar with the nature of linguistic human rights.

Poggeschi, Giovanni. 2004. "Language Policy in Latvia." *Noves SL. Revista de Sociolingüística* (Autumn). Available online: <http://www6.gencat.cat/llengcat/noves/hm04tardor/docs/poggeschi.pdf>.

Annotation: This article deconstructs Latvia's language laws in an effort to demonstrate clear discrimination against Russian speakers in the country. According to the European Union, Latvia has successfully integrated their linguistic minorities; Poggeschi, on the other hand, explains that Russian speakers have not been granted equal rights in recent years. Relying on three human rights cases where Latvians were asked to prove their Latvian proficiency, the author argues that Latvia is in essence trying to abolish its Russian-speaking minority. The links made between language and citizenship are rather innovative; moreover, Poggeschi respects Latvia's historical struggles with Russia and instead of demanding complete equality, simply seeks increased integration between the two language communities.

Schimmelfennig, Frank, and Ulrich Sedelmeier (eds.). 2005. The Europeanization of Central and Eastern Europe. Ithaca: Cornell University Press.

Annotation: In this well-thought-out book, Schimmelfennig and Sedelmeier discuss several important themes of "Europeanization" including: the impact of European Union political conditionality; the adoption of nondiscrimination and minority protections rules; regulating migration across Europe; and the impact of the European Union on the accession countries. One particular chapter compares how Latvia and Slovakia resolved linguistic minority issues to fulfill the 1993 Copenhagen Criteria for accession, and then looks ahead to the numerous challenges Turkey faces in achieving similar minority rights. The editors conclude that minority protection remains a weak rule in the European Union accession *acquis*, which does not follow any common standards across candidate states. The book effectively delves into

the domestic issues that determine European Union accession for Central and Eastern European nations, and the authors pay specific attention to the human rights concerns that impact European Union enlargement.

Schopflin, Gyorgy. 2009. "The Slovak Language Law is Discriminatory and Restrictive." *euobserver.com* (October 7). Available online: <http://euobserver.com/9/28440>.

Annotation: In this editorial, Hungarian academic, politician, and member of the European Parliament Schopflin speaks out about the impact Slovakia's revised language law will have on the Hungarian Diaspora. He believes that the law, which forbids minority language use in the public realm, is reintroducing discrimination in Europe—especially because Slovakia's small Czech minority is exempt from the law. Schopflin's views are inevitably biased, but he eloquently introduces a variety of possible scenarios (many of them unlikely, but certainly plausible) that could stem from this new law and questions the European Union's absent role in maintaining Slovakia's civic obligations to European citizens.

Shuibhne, Niamh Nic. 2004. "Does the Draft EU Constitution Contain a Language Policy?" In *Mercator International Symposium: A New Framework for All Languages?*. Tarragona-Catalunya. Available online: <http://www.ciemen.org/mercator/pdf/simp-shuibhne.pdf>.

Annotation: In this paper, Shuibhne vehemently argues that the European Union does not have a language policy—it has language policies in certain fields, but not a holistic language policy in itself. Drawing on her legal background, Dr. Shuibhne presents several key cases concerning language discrimination, ultimately concluding that language equality simply does not exist in the European Union. The article is slightly outdated, but it does provide a legal perspective on why each language is treated differently, while also accounting for each Member State's individual interests and for overall concerns of practicality.

----- *EC Law and Minority Language Policy: Culture, Citizenship and Fundamental Rights*. The Hague: Kluwer Law International, 2002.

Annotation: Dr. Shuibhne is a Reader in European Union Law at the University of Edinburgh, as well as the joint-editor of the *European Law Review*. Shuibhne's work is crucial to providing the legal proceedings behind much of the European Commission's language policies and is the only such work currently available in the field. She points out that language legislation has traditionally been a domestic issue, and so an interdependent relationship between local governments and the European Union institutions is integral to actually forming any concrete policies. The depth of her forays into the nuances of the legal system are complemented by her insightful commentary, which helps decipher some of the legal jargon.

Skutnabb-Kangas, Tove, and Robert Phillipson. 1995. *Linguistic Human Rights: Overcoming Linguistic Discrimination*. New York: Mouton de Gruyter.

Annotation: Skutnabb-Kangas and Phillipson are both professors in Denmark and form a personal and professional team that dominate the field of linguistic human rights. This work

is considered the first major publication on language rights and provides a solid history of the field, as well as poignant case studies from contributing authors. According to the authors, everything can be reduced to the need for minority language education, whether it be for Kashmiris in India or Russians in Estonia. As a result, they sometimes tend to overlook other needs in the linguistic human rights field. They are, however, easily the most prolific writers in the field, cited by anyone even grazing the issue, and their years of experience provide a comprehensive lens with which to understand what “linguistic human rights” actually encompasses.

Tender, Tõnu, and Triin Vihalemm. 2009. "Two Languages In Addition To Mother Tongue -- Will This Policy Preserve Linguistic Diversity In Europe?" *TRAMES: A Journal of the Humanities & Social Sciences* 13, no. 1 (March): 41-63.

Annotation: This article examines the European Commission’s well-voiced desire to have every citizen competent in two languages additional to their mother tongue. Tender and Vihalemm rely on oft-repeated facts and figures to argue for a comprehensive language policy that includes the Less-Widely Used Languages (LWULs). In their opinion, the European Union is not doing enough to support these minority languages, and they are left mainly to fend for themselves amongst the growing hegemony of English, French, and German. The benefit of this article is that it includes data from a survey of 25 language experts, providing the essential professional viewpoint on this debate.

Tóth, Judit. "Connections of Kin-minorities to the Kin-state in the Extended Schengen Zone." *European Journal of Migration & Law* 5, no. 2 (April 2003): 201-227.

Annotation: Lamenting the inconsistent approach to minority rights, Tóth wonders how candidate states are expected to reconcile their domestic language policies with the vague European Union *acquis*. Considering that many accession countries have kin-minorities residing in other states, is the kin-state, host nation, or European Union responsible for protecting their rights? Unfortunately, Tóth wanders into an inappropriate discussion on visa issues and bilateral agreements for the Hungarian Diaspora, and fails to elaborate on her initial questions. The article may provide additional information for anyone interested in the intricacies of Slovak-Hungarian relations, but the author’s thoughts on European Union enlargement policy are groundless.

UNESCO. 1996. The Universal Declaration of Linguistic Rights. Barcelona. Available online: <http://www.linguistic-declaration.org/versions/angles.pdf>.

Annotation: Advocates for language reform saw their crowning achievement in the Universal Declaration of Language Rights, which was put together by representatives from more than 90 countries at a UNESCO conference. The document calls for the inalienable right to the use of one’s own language in public and private from a political, cultural, and economic perspective and is currently in review by the United Nations. With respect to European Union policy, this declaration also attempts to blend both the collective and individual nature of linguistic human rights, stating that languages are constituted within a community of individuals.

United Nations General Assembly. 2007. United Nations Declaration on the Rights of Indigenous Peoples, A/RES/61/295. Available online:

<http://www.unhcr.org/refworld/docid/471355a82.html>.

Annotation: This recently adopted declaration is one of the few to recognize the collective rights of a group of peoples, and ensures that governments take “effective measures” to protect language communities. In particular, Article 13 states that “indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons;” it goes on to bequeath indigenous peoples with the right to education in their preferred language. Unfortunately, these rights apply only to indigenous peoples, a group which has yet to be defined, and not really to Russian speakers in Latvia or Hungarian speakers in Slovakia.

Weber, Robert F. 2007. "Individual Rights and Group Rights in the European Community's Approach to Minority Languages." *Duke Journal of Comparative & International Law* 17 (2):361-413.

Annotation: This crucial article describes exactly how minority languages are accounted for in several of the larger European Union member states, while stressing that the European Community itself does not formally recognize linguistic minorities. Weber admits that the European Union has certainly attempted to protect regional languages, but that its efforts are limited by the lack of support from a legal structure. Aptly, he turns this into a human rights discussion on group rights versus individual rights, citing several mainstream cases to illustrate that the European Court of Justice only intervenes when rules designed to protect minority groups threaten an individual's rights. Weber's precise arguments are complimented by his legal background, and his conclusion that the European Community must make some exceptions to account for communities of speakers is vital.

Wright, Sue. 2004. Language Policy and Language Planning: From Nationalism to Globalisation. Hampshire: Palgrave Macmillan.

Annotation: Moving beyond the social and cultural facets of language diversity, Wright elaborates on the political and economic importance of language in nation-building. Contrary to common viewpoints, she believes that a cohesive language policy relevant to all countries in the European Union is impossible and that globalization is actually bolstering the growth of minority languages. Wright notes that linguistic rights are problematic because they threaten national identity—especially in small states. For example, Spain has ceded most of its political autonomy to regional authorities, who have used minority languages such as Catalan or Basque to unify movements for secession. Advocates in the linguistic rights field rarely consider this incredibly valid point, and Wright does an admirable job of pondering a future where minority languages have excessive influence.