

## What are just language policies? The current paradigms of linguistic justice

**Sergi Morales-Gálvez\***

University of Limerick

**Elvira Riera-Gil**

Universitat Pompeu Fabra

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### **Abstract**

*Within the framework of political theory and political philosophy, theories of linguistic justice aim at establishing universal principles in order to determine what just language policies are, and, at the same time, supply tools for the analysis and assessment of existing language policies according to the principles considered. These theories identify values and interests derived from languages and propose ways to fairly distribute interests. This article presents, firstly, the current paradigms of linguistic justice: their philosophical framework, the main contemporary theories (linguistic instrumentalism, territorialism and pluralism) and the patterns for organising linguistic diversity suggested by these theories. Secondly, it offers a critical analysis focused on three points identified as theoretical deficits, namely a lack of attention to the relational dimension of language, a dichotomist view of communication and identity as values associated with languages, and the underestimation of the relevance of empirical contexts in both the conception and application of theoretical frameworks. Finally, it proposes a contextual approach to the case of Catalonia, paying attention to the relationship between language policy and self-government.*

**Key words:** political theory, language policy, linguistic justice, linguistic instrumentalism, linguistic territorialism, linguistic pluralism, self-government, Catalonia.

\* Contact address: Sergi Morales-Gálvez. [Department of Politics and Public Administration, University of Limerick](#), V94, T9PX Limeirick (Ireland), EU. E-mail: [Sergi.MoralesGalvez@ul.ie](mailto:Sergi.MoralesGalvez@ul.ie)

## 1. Introduction

This article presents an examination of the principles that can guide language policies from the perspective of normative political theory or philosophy.<sup>1</sup> Normative political theory is a discipline that takes an ethical-moral stance to examine the different political dilemmas facing today's societies. That is, instead of focusing on what existing societies are like, philosophers or theorists of normative policy ask what they should be like and what principles should govern and guide their laws and institutions so they can be just (or ethically acceptable/desirable).

This article focuses on the theoretical frameworks that address the relationship among *national* linguistic groups that share the same state. That is, we shall not consider relationships with linguistic groups from abroad (immigrants), even though we acknowledge their increasing importance in language policy management and the need to further explore this line of research, which is still quite inchoate at this point.

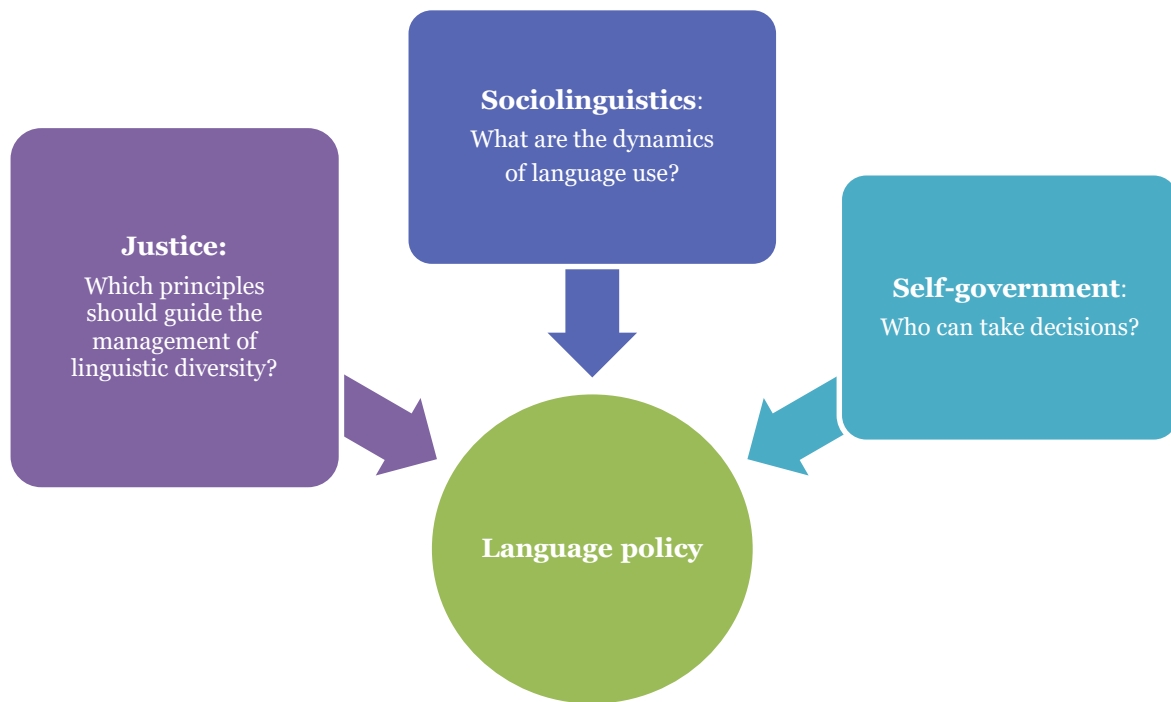
We shall primarily address issues of justice (such as just language policies) by compiling the most representative positions of contemporary political theorists who specialise in this field. These scholars work within the parameters of a tradition of thought which can broadly be called liberal egalitarianism. This is a predominant approach in contemporary political philosophy, so we have adopted it as our point of departure in accordance with the nuances and considerations that we provide in section 1, yet without excluding critiques and references or mentions to other traditions (see section 4).

To present the current linguistic justice paradigms, we first outline the philosophical framework and main theories; secondly, we provide a critical analysis of some aspects of these theoretical lines. Finally, we present a contextual approach to the case of Catalonia, focusing on the relationship between language policy and the evolution of the self-government system. By self-government we basically mean a political community's capacity to decide on its own collective affairs. This capacity can be measured gradually and range from a minimal capacity (such as, deciding only on street maintenance and cleaning in a city) to a considerable capacity (such as holding the authority of an independent state).

Our overarching objective is to offer a conceptual foundation for a debate on the pros and cons of possible language policy models for Catalonia. We seek to provide an interpretative framework coupled with the more common sociolinguistic framework which can contribute to situating the debate on language policy, thereby moving research and reflection in this field forward.

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<sup>1</sup> Throughout this entire article, we will use the two concepts (political theory and political philosophy) interchangeably. However, it is important to note that not everyone views them as the same. Some authors state that political theory is more appropriate when analysing empirical cases, while political philosophy is more closely related to normative reflections. However, to simplify matters, in this article we shall assume that both concepts have the same meaning.

**Figure 1. Interpretative framework for language policy**

Source: Authors

This article is organised into the following sections. Section 1 provides an introduction to the philosophical framework of linguistic justice, reflects on the premises that inspire it and points to the consequences for regulating community life. Section 2 analyses the values of languages according to different theoretical perspectives. Section 3 outlines the main current theories and the models of organising linguistic diversity that they suggest according to their principles of the distribution of the values and interests associated with languages. Section 4 offers a critical analysis of these theoretical approaches focused on three points identified as shortcomings: the lack of attention to the relational dimension of language given their eminently distributive approach; the contrast between communication and identity as values associated with languages given their qualitative and excessively simple vision of communication; and the importance—not always properly acknowledged—of empirical contexts in both the conception and application of theories. Finally, section 5 provides reflections on the case of Catalonia by focusing on different self-government scenarios.

## 2. Linguistic justice: A philosophical framework

Western democracies, which are heavily influenced by different traditions of thought like liberalism, republicanism and socialism, tend to accept two philosophical premises that help us to organise the social and political reality, that is, to conduct life in the public sphere. They are two premises of our liberal modernity, in the words of Cécile Laborde and John Maynor (2008).

The first premise is moral individualism,<sup>2</sup> according to which the individual is the only unit with intrinsic value and therefore the only agent worthy of inherent moral concern (Barry, 2001; Tamir, 1993; Rawls, 1999; Pettit, 2010). That is, according to this premise, only the individual has moral agency: individuals are the only ones with the ability to think about what is good and what is bad and to live their lives in consequence. Therefore, individual choices and preferences have a moral value and help us to morally evaluate things. For example, from this vantage point language has no moral value in and of itself but only inasmuch as an individual wants to maintain or speak it.

The second premise is ethical pluralism, which claims that individuals with different conceptions of the good, and therefore with different lifestyles, coexist in any society. According to ethical pluralism, these societies (along with their institutions) have to be capable of encompassing these different conceptions of the good and the lifestyles stemming therefrom.

It is worth clarifying the way these premises are viewed in contemporary philosophical thought.

a) First, both premises have historically been considered part of the liberal tradition, in contrast to more communitarian positions, which give moral entity to the group over the individual (we shall further examine this below). However, today thinkers from other traditions of thought—from republicanism to feminism—also accept them. For example Philip Pettit, the contemporary republican thinker *par excellence*—largely accepts these premises in his construction of the theoretical corpus of republicanism (Pettit, 2010 p. 76). Therefore, they cannot be viewed as exclusively liberal premises in contrast to other traditions of thought.

b) Highlighting the centrality of the individual does not imply ignoring the complexity of the relationships among individuals and between the individual and the group, including cultural or national groups. In fact, over the past 30 years prominent liberal philosophers like Will Kymlicka and Philippe Van Parijs have emphasised the importance to the individual of belonging to cultural or national groups, without abandoning the principles of moral individualism and ethical pluralism (Pettit, 2010 p. 76). The group is morally relevant, they would say, but only because the individual members of the group believe it is. And therein lies the main difference with the communitarian approach.

The core question is the following: Does the group have a moral value in and of itself, or does it have moral value inasmuch as it is a desirable instrument for the individual? Broadly speaking, communitarians would uphold the first proposition: the group has an intrinsic moral value. The community, in the sense of ‘social practices, cultural traditions and shared social visions’ (Kymlicka, 2002, p. 209), has a fundamental value that must be respected and protected.<sup>3</sup> In turn, liberals would uphold the second stance.

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<sup>2</sup> Also called normative individualism.

<sup>3</sup> Communitarianism is much more complex than what we have outlined here. For a general overview, see: KYMLICKA (2002), *Contemporary Political Philosophy*, chapter 6. For more specific information, see different authors who could be classified as communitarian, such as: SANDEL (1982), *Liberalism and the Limits of Justice*; WALZER (1983), *Spheres of Justice*; MACINTYRE (1984), *After Virtue*; and TAYLOR (1985), *Philosophy and the Human Sciences*. It is worth noting

c) However, today the boundaries between the two perspectives is not so clear. Generally speaking, contemporary thinkers tend not to find a frontal opposition between the individual and the group, or individual versus collective rights. Instead, they tend to understand and consider them together.

On the one hand, some of the ideological evolutions of communitarianism have gradually accepted these two liberal premises, albeit partially. On the other, since the 1990s, liberalism has been engaged in an in-depth debate on the relationship between the individual and the group. Will Kymlicka is the most often cited example of how the theories of group rights can fit within the liberal framework (Kymlicka, 1995). Within the Catalan academy, Neus Torbisco takes a similar approach in her defence of the existence of individual rights (like language rights) which cannot be exercised without the community, without the group (Torbisco, 2006).

Finally, we note that the predominant ideologies in the Western world tend to combine both perspectives. For example, as Daniel Cetrà has demonstrated via an analysis of the discourses on language policy in Flanders and Catalonia (Cetrà, 2019), in both cases the dominant public philosophies—regardless of whether or not their ideological orientation favours the protection of local and minority languages—draw elements from both liberalism and nationalism (an ideology which tends to be considered communitarian in a broad sense).

One of the main consequences of considering the premises of moral individualism and ethical pluralism together is that it leads to the application of a principle of equality or equity.<sup>4</sup> To be coherent, any theory of justice that accepts these two premises must also accept a profoundly egalitarian idea: that all interests and conceptions of the good hold by the members of a society must be considered equal when regulating life in common.<sup>5</sup> That is, if we believe that (1) individuals are moral agents with the ability to take decisions on how they want to live, and (2) our societies are plural and people should have room to developing their own life plans, then we can glimpse a very clear egalitarian underpinning: people's interests and conceptions of life should have equal consideration.

And the mission of public institutions is to make this possible, without first judging the moral value of the different life choices. For example, institutions should not view it differently if individuals want to live a contemplative life revolving around reading or if they prefer a very social life focused on political activism and transforming their environs. Institutions should simply be neutral with regard to these life choices; they should regard them all equally. Not doing so would mean privileging the preferences of some people over those of others, which could violate the principle of equal consideration, as they would not be treating their moral autonomy the same, or even further, they would be imposing the life preferences and lifestyles of certain people on others.

The same holds true of political and ideological preferences, that is, those related to how we organise our societies, such as language rights and duties. A priori, everyone has the capacity and moral agency to discern what goods and

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that not all of them feel comfortable with this label and some have evolved towards more liberal or republican positions over time.

<sup>4</sup> In this text we use both terms synonymously, in accordance with the concept we outline below.

<sup>5</sup> Obviously this principle has moral limits, such as the consideration of fundamental rights (right to life, to human dignity, etc.). For example, conceptions of the common good which seek to physically eliminate anyone different (like Nazism) would be excluded.

interests are socially and politically important and what principles should guide the implementation of those interests. Therefore, all societies have a plurality of visions. Naturally, ethical and political plurality causes conflict, because some preferences and principles clash with others, so mechanisms must be put in place to decide how disagreements and conflicts are managed.

Political philosophy offers tools first to establish the principles on what interests and rights are required or permissible to achieve a just society, and secondly to evaluate existing policies following certain standards of justice (and to determine whether or not they are just and why). Therefore, within the framework of political philosophy, any theory of justice has to first identify the goods and interests that people value, and secondly distribute them equitably in accordance with certain principles. The rights and responsibilities governing life in common emerge from this distribution. As we shall see in section 4, the empirical features of each case bear a heavy influence on both the identification of interests and the possibilities of distributing them equitably.

Within this basic framework, the debate on linguistic justice answers two fundamental questions:

- (1) What makes languages important in terms of justice; in other words, what values do languages have which are the basis of people's interests (and therefore rights)?
- (2) Once we have determined what these values are, how do we distribute them equitably? What principles should guide the policies related to what we have deemed important about languages?

In the next two sections, we shall analyse these questions and how the main theoretical lines answer them today.

### **3. The value of languages**

In accordance with the approach outlined above, languages have not intrinsic but instrumental value: they have value inasmuch as they have it for individuals. As mentioned above, human beings<sup>6</sup> have moral agency and therefore are the only ones who have moral value themselves and the capacity to confer moral value on other things. This is why languages only have value if individuals confer this value on them. If we accepted that (all) languages had an intrinsic moral value, that is, regardless of what value human beings confer on them, then we would have the moral obligation to do what we could to ensure that they continued existing, that is, that they were spoken. This would entail forcing people to learn and even use them, even if no person thinks that is valuable. There may be reasons for forcing people to learn languages, but they have to be good reasons grounded on values and interests that people can derive from languages. These considerations are primarily applied to the speakers of each language.<sup>7</sup>

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<sup>6</sup> This perspective is far from that of sociolinguistics, which tends to assume the intrinsic value of linguistic diversity.

<sup>7</sup> However, its speakers are not the only people who can confer value on a language. Thus, a citizen from Catalonia who does not speak Catalan can confer value on Catalan and believe that there are good reasons to promote knowledge and use of it (because it is good for peaceful coexistence, or because it can help lower social inequalities, etc.), and therefore they may be willing to forfeit some of their own privileges as a speaker of a majority language (like Spanish), for example, in order to

Broadly speaking, the values and interests associated with languages can be related to two factors: communication, meaning the effective exchange of information; and identity, meaning primarily as the sense of group belonging.

All theorists agree that languages are important for people as instruments of communication which make it possible to transmit complex information. Among the individual interests associated with communication possibilities, political theorists tend to highlight: (1) access to democratic deliberation, so everyone can participate (communicate and be understood) in the debate on the common affairs of a given democratic society; (2) mobility within a state (or beyond it), so the maximum number of people can move around within a given territorial space without language proving a limitation; (3) improved socioeconomic opportunities, so language is not a problem when guaranteeing people the maximum number of opportunities to progress throughout their lifetime (especially at work); and (4) efficiency, so the costs of managing linguistic diversity are as low as possible.<sup>8</sup> Therefore, there is general consensus on the fact that it is beneficial for people to have communicative competence in the languages shared by the citizens of a state and languages used to communicate internationally, and it is worth enacting language policies to foster this.

Philosophers like Thomas Pogge (2003), Brian Barry (2001) and Daniel Weinstock (2003) have claimed that the main values that a person can deduce from language are associated with communication, especially for the four reasons outlined above. Weinstock says that in order for a democratic system to function, everyone has to be able to communicate fluently in a shared language. People have to be able to know and understand the laws, or what the government demands and requires, and especially to be able to collectively debate with their fellow citizens. In a similar vein, Barry conceives of language as a tool for improving people's mobility and socioeconomic opportunities. These interests tend to be associated with communication in more widespread languages, and with efficiency in that using a single language to communicate with many people is more profitable than using many languages.

Furthermore, many authors point out that languages have values associated with people's identity: especially autonomy (associated with cultural belonging) and dignity (associated with respect and self-esteem).

First, people can derive the value of autonomy from languages, meaning the ability to choose from options that are meaningful for the individual. Kymlicka (1995, 2001 & 2002) was the first to theorise this idea clearly. Based on the ideas of the German philosopher Johann Gottfried Herder, Kymlicka implies that cultures (or societal cultures, as he calls them) provide the contexts for people's choices. That is, people do not choose the cultural options available to them; they are not born into a void. We grow up and are raised in specific cultural contexts which, by default, offer us a range of choices which make sense to us, that is, allow us to choose among

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allow more space for the use of Catalan. Sharing these values would legitimise the language model of the educational system, with Catalan as the preferential language spoken. For further information on types of reasoning to justify principles, see PATTEN (2014), *Equal Recognition*, pp. 18-21.

<sup>8</sup> Furthermore, some social interests like solidarity, cohesion and peaceful coexistence tend to be related to communication, even though different authors also relate them to the identity implicit in the use of one language or another. For example: PATTEN & KYMLICKA (2003), 'Introduction. Language Rights and Political Theory', p. 3; RÉAUME (2003), 'Beyond Personality', p. 283; and VAN PARIJS (2004), 'Cultural Diversity against Economic Solidarity'.

things we have learned to value. Therefore, in Kymlicka's opinion, protecting cultures has an instrumental value because it makes the value of individual autonomy possible, the value of being able to freely choose among different conceptions of the good and among different lifestyles. Languages are part of these cultural contexts. As Kymlicka says, they are the keys that provide us with access to contexts of choice that are valuable to us.

Secondly, people can associate the value of dignity with language because we can identify with our language(s) and feel like they are part of who we are as people. Therefore, we associate the status that other people (or institutions) confer on these languages of identification with the status they confer on us as people. For example, a Finnish citizen who speaks Swedish could argue that their dignity has been attacked if the Finnish institutions suddenly decided that Swedish was no longer an official language with the same status as Finnish. They could interpret it as meaning that their linguistic preference as a citizen is not being taken into consideration under equal conditions and that therefore they are not being treated with dignity. This approach to the debate was initially theorised by Philippe Van Parijs (2000), who developed his idea of linguistic justice as equal esteem or respect. Van Parijs uses the terms *esteem*, *respect* and *dignity* interchangeably.

Just as the values associated with communication tend to be associated with the use of the most widespread languages, the values associated with identity are usually associated with the use of minority or minoritised languages in a given context, and they tend to be the only ones cited to justify protecting the speakers of these languages. Therefore, in theoretical works we often find a dichotomous approach that assumes that the most widespread languages are the best tools for communication, while the least widespread ones may be defended for identity reasons. The former are considered valuable as instruments of communication (but not necessarily identity), while the latter may be valuable as instruments of identity (but not necessarily communication). In other words, the most widespread languages are viewed as instruments of socioeconomic justice, while the least widespread ones are solely associated with national and cultural justice. This dichotomy has traditionally been raised within the framework of states, between the languages of the national majorities and national minorities, but the role of global languages, especially English, is gaining importance in these debates. For the time being, the languages of immigrants only have received secondary consideration (Kymlicka & Patten, 2003; May, 2005; Morales-Gálvez, 2016; Ricento, 2015; Riera-Gil, 2019; Robichaud & De Schutter, 2012).

Below we shall see that this approach is based on a simplistic and purely quantitative conception of communication, which shall be the subject of one of our critiques on the current theoretical approaches to linguistic justice.

#### **4. Current theories: Principles and organisational models of linguistic diversity**

As stated above, any theory on linguistic justice must first identify the values and interests associated with languages and secondly suggest an equitable distribution of them in accordance with certain principles.



We can currently distinguish three main theoretical lines which differ in these two aspects and therefore propose different models for organising linguistic diversity. Table 1 summarises them.<sup>9</sup>

**Table 1. Theoretical lines of linguistic justice**

Theoretical line	Value of language		Application of the principle of equal treatment	Normative proposal (just solution)	Main empirical reference
	Communication	Identity			
Linguistic instrumentalism	Yes	No	Maximisation of communication opportunities	Institutional monolingualism throughout the entire territory (uniform linguistic convergence)	Single-nation state
Linguistic territorialism	Yes	Yes	Maximisation of communication opportunities	Institutional monolingualism in the territory of each group (territorialised linguistic convergence)	State with highly territorialised national linguistic groups
Linguistic pluralism	Yes	Yes	Recognition of identities	Institutional multilingualism	State with mixed national linguistic groups

Source: Authors

The first theoretical line, which we can call *linguistic instrumentalism*, says that identity belongs solely to the private sphere and that the only value that should be considered when discussing language is communication. For this reason, people who uphold this theoretical line believe that an egalitarian treatment is achieved by maximising individuals' communication opportunities in the public sphere. For linguistic instrumentalism, communicative value is the only good reason to promote languages. Its proponents do not deny that languages can generate identity interests, but they do not believe that identity is a good reason for promoting languages because they claim that it should be kept in the private sphere. In contrast, they believe that the values associated with communication—improving people's mobility, efficiency, shared democratic deliberation and socioeconomic opportunities—do provide good reasons for promoting some languages. Underlying this thinking is the defence of socioeconomic justice (national and cultural justice are not taken into account). Thus, authors like Pogge (2003) and Barry (2001), who defend egalitarian societies, wonder how language can influence—socioeconomically—the attainment of a more just society which maximises people's opportunities (in terms of access to job opportunities under equal conditions, for example).

<sup>9</sup> We have based this classification on several works by De Schutter, and we have adapted the terminology from his most recent work. See: DE SCHUTTER (forthcoming), *Linguistic Pluralism*.

Broadly speaking, linguistic instrumentalism fosters monolingual, uniform regimes in the language of the majority group in a state and views the linguistic assimilation of minority groups not as a problem of justice but even as an advantage for their members (Barry, 2001). In line with what John Stuart Mill upheld in his book *Considerations on Representative Government* (1861), instrumentalism is based on the idea that minority groups can access an entire range of opportunities in the majority language that would be beyond reach for them if they only spoke a minority language. And while Mill did not foresee the possibility of massive, sustainable bilingualism back in 1861 (which is hard to imagine in societies with low literacy rates), the current instrumentalists simply believe it has no value within a state if the goal is to maximise communication opportunities.

In contrast, the second and third theoretical lines outlined in Table 1 believe that identity should also be distributed in the public sphere and that citizens' communication and identity interests should be considered in an egalitarian fashion. The authors that uphold this view, such as Kymlicka (2001), Van Parijs (2011), Patten (2014), De Schutter (forthcoming) and Réaume (2003), believe that the instrumentalists err when they say that the identity-based interests inferred from language should not be taken into account. First, because there are important interests that have to be borne in mind, like autonomy and dignity. Secondly, because no matter how much one tries to only use communication-related values to justify a language policy, identity-related values are always distributed, even if unintentionally. For example, English could be promoted in Wales by using exclusively communicative criteria, but it is false that there are no identity values at stake. The identity interests of the Anglophones in the region would be met (because the policy to promote English would indirectly satisfy them), while those of the Welsh speakers would not. In this case, the identity interests of the two groups of speakers are not treated in an egalitarian fashion. It is untrue that institutions can be indifferent to identity, as the instrumentalists claim. Despite the fact that they try to justify it with communicative reasons, they will always be promoting the identity interests of the speakers of one language (in this case, English), while failing to do the same with the speakers of the other language (Welsh).

Even though both the second and third theoretical lines summarised in Table 1 believe that identity can be a good reason to recognise and promote a language, they differ in proposing models of organising linguistic diversity which start from very different perceptions of the territorial distribution of this diversity in political communities.<sup>10</sup>

The second line, which we shall call *linguistic territorialism*, starts with a territorialised perception of linguistic diversity which enables to identify a majority national language group in each territory.<sup>11</sup> It suggests that the language of this group should clearly predominate in the public sphere in order to facilitate equal treatment in both communication opportunities and recognition of the identity of the members of each group. For the proponents of this model, like Kymlicka (2001) and Van Parijs (2011), each territory should have a clearly dominant language which

<sup>10</sup> We say that they start from very different perceptions because, as we shall see below, the authors that uphold each one build their model under the influence of empirical cases which reflect different territorial distributions of linguistic diversity. However, it is also plausible that these authors simply prefer one model over another because they believe it is the best way to achieve certain results.

<sup>11</sup> By language group we broadly mean a set of people who share the same initial language or language of identification. For an in-depth analysis of the factors that define a language group, see RIERA-GIL (2016), *Why Languages Matter to People*.

plays a very important role in the public sphere. Thus, linguistic diversity is recognised in terms of identity (in the case of multilingual states, each substate recognises a language, and plurality is thus recognised in the state as a whole), and the recognised language in each territory plays a preponderant role in communication: it is what guarantees shared democratic deliberation, equal socioeconomic opportunities, mobility and efficiency.

Linguistic territorialism fosters territorialised monolingual systems which are compatible with multilingualism in decentralised states: each substate has a relatively monolingual linguistic system, but the common state institutions are multilingual. The most representative empirical models of this theoretical line are Belgium and Switzerland. The cases that are usually cited are the monolingual Belgian regions (Flanders and Wallonia) and Swiss regions (most of the cantons). However, reality is complex and nuanced, so there are more flexible ways of understanding this theoretical line. For example, it can materialise with the preponderance of one territorial language without excluding recognition of other languages, as in Quebec.

The third line, which we call *linguistic pluralism*, starts with a less territorialised perception of linguistic diversity in which national linguistic groups are not easy to be territorially delimited but instead tend to live mixed in with each other. It suggests that the languages of these groups should be present in the public sphere in order to facilitate equal opportunities for communication and identity recognition among the members of each group. Unlike the previous model, pluralists do not believe that language rights have to be territorially delimited within a state (or substate), but instead they should follow individuals, wherever they are. The main proponents of this stance, like Helder De Schutter (2008, 2014 & forthcoming) and Alan Patten (2001, 2003 & 2014), believe that the strict territorialisation of identity-related interests and rights violates the principle of equal dignity of the speakers and reduces the contexts of choice, given that each territory only recognises one language. Recognition of languages on the grounds of identity, say the pluralists, should be egalitarian, so different languages merit recognition on both at the substate and state level.

This last theoretical approach leads to multilingual systems in which citizens have room for language choice on both the state and substate level (Morales-Gálvez, 2017). The empirical models that best fit this theoretical line are Luxembourg and the Brussels region in Belgium, where *grosso modo* individuals can choose how to exercise their language rights in the public sphere.

All of these theories, just like any theory of justice, are trying to establish the minimum requirements for justice and to delimit a more or less broad margin for permissible policies within a democracy. For example, the Quebecois philosopher Daniel Weinstock (2003), a defender of linguistic instrumentalism, argues that any theory on linguistic justice must always require a common language among the citizens of a political community in order to make shared democracy possible. In his view, any democracy must allow for deliberation in the public sphere, and this deliberation requires everyone to be able to communicate and be understood. Therefore, from his vantage point, a common language becomes a minimum requisite of justice. Once this minimum has been reached, there is an entire range of permissible possibilities, such as recognising and promoting languages other than the common one. The exposed theoretical lines (and the authors that have fleshed them out) differ on what the minimum requisites of justice are and what is

(or is not) permissible once these minimums have been reached. Weinstock is just one example.

Therefore, what these theoretical lines are doing is setting conceptual points of departure which can allow for many nuances and always require contextual adaptations according to the circumstances in each case. Thus, all three theoretical lines outlined have both strong and weak points and pose dilemmas, such as the ones summarised in Table 2 in reference to multinational and multilingual states:

**Table 2. Strong and weak points of the theories of linguistic justice**

Theoretical line	Strong points	Weak points
<p><b>Linguistic instrumentalism</b> Basic application:</p> <ul style="list-style-type: none"> <li>- A single common national language in the state.</li> <li>- This is the sole language of institutions, education and socioeconomic activity throughout the entire state.</li> </ul>	<ul style="list-style-type: none"> <li>- It can facilitate equal access to the job market, mobility, shared democratic deliberation and the efficiency of public services.</li> </ul>	<ul style="list-style-type: none"> <li>- It is not egalitarian with citizens' language preferences.</li> <li>- It could lead to inequalities among people who express themselves better in other languages.</li> <li>- It leads to the linguistic assimilation of speakers of languages that are restricted to the private sphere.</li> </ul>
<p><b>Linguistic territorialism</b> Basic application:</p> <ul style="list-style-type: none"> <li>- It reproduces the model above on the substate level.</li> <li>- State institutions are multilingual (different national languages; there is not a single common language).</li> </ul>	<ul style="list-style-type: none"> <li>- It is egalitarian with individuals' language preferences within the state and gives them room for choice at this level.</li> <li>- The public use of a single language in the territory by each group could facilitate the same aspects as the previous model.</li> </ul>	<ul style="list-style-type: none"> <li>- It creates fewer incentives for the existence of shared languages at the state level. If individuals are not bilingual or multilingual, this may hinder mobility and shared democratic deliberation in the state as a whole and make management of the common state institutions more complex.</li> <li>- Each group's territory may have the same weak points as the model above if there are linguistic minorities with less recognition.</li> </ul>
<p><b>Linguistic pluralism</b> Basic application:</p> <ul style="list-style-type: none"> <li>- The state and substate institutions are multilingual (different national languages; there is not a single common language).</li> <li>- There is a public use of languages following different criteria (proportional to the size of the group, or compensatory).</li> </ul>	<ul style="list-style-type: none"> <li>- It is egalitarian with individuals' language preferences and gives them room for choice at both state and substate level.</li> </ul>	<ul style="list-style-type: none"> <li>- It generates fewer incentives for the existence of shared languages at state and substate level. If individuals are not bilingual or multilingual, it could favour linguistic segregation and hinder equal opportunities, territorial mobility or shared democratic deliberation.</li> <li>- It makes management of state and substate institutions more complex.</li> </ul>

Source: Authors

Table 2 shows not only how every theory has strong points (according to their own standards of justice) and weak points (according to the critiques levelled by other theories), but also how theories offer basic conceptual elements for analysing and normatively evaluating reality. However, theories are not reality. Reality is always much more complex than any theory that tries to approximate it.

## **5. Critical analysis of the theoretical framework of linguistic justice: Three shortcomings**

Precisely because of the complexity of the real world—which has increased significantly in the past century in the case of languages—any of the theories outlined herein can be critiqued. In this article, we essentially want to discuss three critiques which affect these theoretical lines. The first refers to the need for a less distributive and more relational approach to dealing with language issues. The second addresses the false dichotomy between communication and identity. And the third raises the—often underestimated—importance of the empirical context when both formulating and implementing a theory.

In our view, all three are deficits in the current theories which should be addressed from an interdisciplinary perspective, especially with the input of sociolinguistics, yet also from other disciplines such as economics.

### *5.1. The need for a relational approach*

First of all, understanding language (and the values stemming therefrom) as an eminently distributive good, as the main theoretical lines of linguistic justice do, obscures the inherently relational dimension of language. That is, the values associated with the use of a language—from equal socioeconomic opportunities to dignity—cannot simply be distributed by institutions without considering how everyday linguistic relations among people unfold. For example, institutions could distribute the recognition of different languages in an egalitarian way by giving them the same official status, degree of use in the educational system or economic resources to promote them. However, even in this situation, there may still be unequal relations among individuals from a linguistic standpoint.

Within normative political theory, there is a vein of thinking called relational egalitarianism which tries to go beyond the distributive paradigm to address this problem. For several political theorists (Arneson, 2008; Cohen, 1989; Dworkin, 1981; Parfit, 1997), justice refers eminently to the distribution of material goods (resources, income, capacities, welfare) and social positions (jobs, for example). However, for the proponents of relational egalitarianism (Anderson, 1999; Miller, 1997; Scheffler, 2003 & 2015; Schemmel, 2011; Wolff, 1998; Young, 1990) justice ‘requires the establishment of a society of equals, a society whose members relate to one another on a footing of equality’ (Scheffler, 2015, p. 21). Goods that are not strictly material (like respect or dignity) are at the core of this approach. That is, for these authors, being *on a footing of equality* has to do not only with how resources are distributed but ‘even more importantly’ how we establish relationships between equals who can look each other in the eye and live without domination, as the republican philosophers say (Pettit, 2012). Therefore, it is important to say that the relational dimension of equality implies thinking about not only how the values stemming from a language should be distributed (such as by offering equitable

amounts of resources to two groups to promote the language rights of their members). It also implies thinking about how speakers interact with each other (e.g., there should be no historically established and broadly accepted social rules that make the speakers of a majority language refuse to speak a minority or minoritised language, or that fosters a sense of shame among those who want to use it).

It is surprising that even though languages are eminently relational instruments—perhaps the instruments of human relations *par excellence*—this relational dimension has not been systematically applied to linguistic relationships. Therefore, relational egalitarianism offers us a new perspective of inquiry to further explore the complexity of linguistic justice.

### 5.2. *The false dilemma between communication and identity*

The second critique appeals to the need to connect political theory with related disciplines, such as sociolinguistics and economics, when analysing language use. Both are pertinent when examining the relationship between communication and identity and highlight the fact that the dichotomous view that political theorists tend to use is reductionist and biased.

As we said in section 2, political theorists generally assume that the best instruments of communication are the most widely spoken languages, while minority languages have only value -if any- in terms of identity. This association is based on a quantitative assessment of communication (the value of a language increases with the number of potential interactions it favours) more than a qualitative one (communicative effectiveness in terms of interaction results is not considered).

However, from an economic perspective, authors like Michele Gazzola and François Grin (2007 & 2014) highlight the importance of this qualitative dimension by pointing out that (1) the expected *benefit* of an interaction is precisely its communicative effectiveness, and (2) communication should be viewed not only as a transfer of information but also as cooperation among the speakers and a strategic exercise of power. For example, these authors stress that the possibility for speakers to use their initial language is a key factor because it enables them to achieve higher levels of comfort and security when communicating, which also impacts communicative effectiveness.

When political theorists associate the benefit of communication with majority languages, they underestimate this qualitative facet: they prioritise a limited notion of communication which is purely referential or denotative, constrained to the mere exchange or transfer of information, while setting aside other factors that influence communicative success. However, in practice, speakers are interested in not only exchanging information with a large number of indeterminate people but also, and more importantly, engaging in effective communication with specific people who are important to them in certain contexts, those contexts bringing opportunities for socioeconomic progress or political participation (May, 2003, pp. 137-138; Robichaud & De Schutter, 2012, p. 128).<sup>12</sup>

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<sup>12</sup> All of these authors explicitly state that most effective language most effective language for communicating is not always the most widely spoken one but the one that is the most suitable for the speakers' purposes.

Political theory often poses a dilemma between communication and identity, as if these two elements acted separately in human interactions. However, in reality, identity is inextricable from communication because it is part of it, and communicative effectiveness is closely related to the speakers' identities. In the field of sociolinguistics, authors like Gal (1998), Irvine (1989) and Woolard (1998) highlight that language plays an indexical function which is crucial to understanding the effects of its use. The indexical function of language, which is mediated by the speakers' linguistic ideologies, connects individuals' language uses with social and political categories like social class and power. This mechanism affects their legitimacy as communicative agents and their possibilities of cooperation. Woolard (2005, p. 2), for example, calls attention to two ideologies that confer linguistic authority on speakers: first, the ideology of anonymity, associated with the use of universal, majority languages (which are *anonymous*), and second the ideology of authenticity, associated with the use of minority local languages (which are *authentic*).

The ideology of anonymity fosters positive social indexing of the people who speak universal languages, while the ideology of authenticity indexes positively those people who speak local languages. Therefore, wherever linguistic authority is measured by authenticity, speaking suitable *authentic* local languages instead of *anonymous* universal languages is clearly useful in instrumental terms. In these contexts, the choice of local languages could foster communicative effectiveness.

In sum, we highlight the need for an interdisciplinary perspective which would help to understand the qualitative dimension of communication and its consequences for linguistic justice.

### 5.3. *The (not always sufficiently acknowledged) importance of the empirical context*

Here, following some political theorists like Joseph Carens (2004) we want to underline the importance of empirical contexts when both formulating and applying theoretical principles.

On the one hand, theories are conceived and developed in given language contexts which encourage certain ways of conceptualising the values, interests and principles of justice. For example, the context in which Mill theorised the importance of having a common language for democracy to work, in 1861, and the contexts in which this idea has gained strength (nation-states with monolingual designs) have been crucial in associating communicative values with majority languages. Likewise, the case of Quebec in Canada (highly influential in recent political theory) has provided a territorialised conception of languages to theories of linguistic justice.

On the other hand, when theories are applied, it should be borne in mind that multiple and complex factors influence language choices. Some authors, such as Patten (2014), suggest that the existence of fair background conditions of choice is key to linguistic justice. But how can we evaluate the fairness of those contextual conditions? Language choices are related to a wide array of incentives and restrictions: direct and indirect; explicit and implicit; conscious and unconscious; social, economic and political; local, state-wide and global. Evaluating holistically all these factors is not an easy task, and it always requires an in-depth exercise of contextualisation. This exercise should be undertaken with a perspective not only

interdisciplinary (by connecting political theory with sociology, sociolinguistics, economics and law) but also transdisciplinary (by engaging political and social stakeholders with different experiences and perspectives).

Our final point highlights that any theoretical proposal needs adaptations to the context. Often, theories need to be reformulated according to the reality at hand. This statement opens the door to our reflection on the case of Catalonia in the next section.

## **6. Applications to an empirical case: Catalonia in different scenarios of self-government**

Normative political theory is useful for establishing principles of justice which seek to be universal (theoretical ideals) and for conducting a normative analysis and evaluation of empirical cases (policy adequacy to what would be desirable in accordance with the principles considered). In the previous section, we presented principles of justice and theoretical models of the political management of language groups within the framework of liberal democracies, which enable us to apply certain elements of normative analysis and evaluation to the case of Catalonia. In this section, we shall actually undertake this exercise by highlighting the relationship between the implementation of language policies and different self-government scenarios.

The models we have identified, namely instrumentalism, territorialism and pluralism, and their proposals for the territorial organisation of linguistic diversity, differ in two ways: at the normative level, they consider different values and distribution principles; at the empirical level, they assume different distribution patterns of language groups.

Context matters. And the analysis of the case of Catalonia requires a critical reflection on the possible applications of the conceptual framework we have presented.

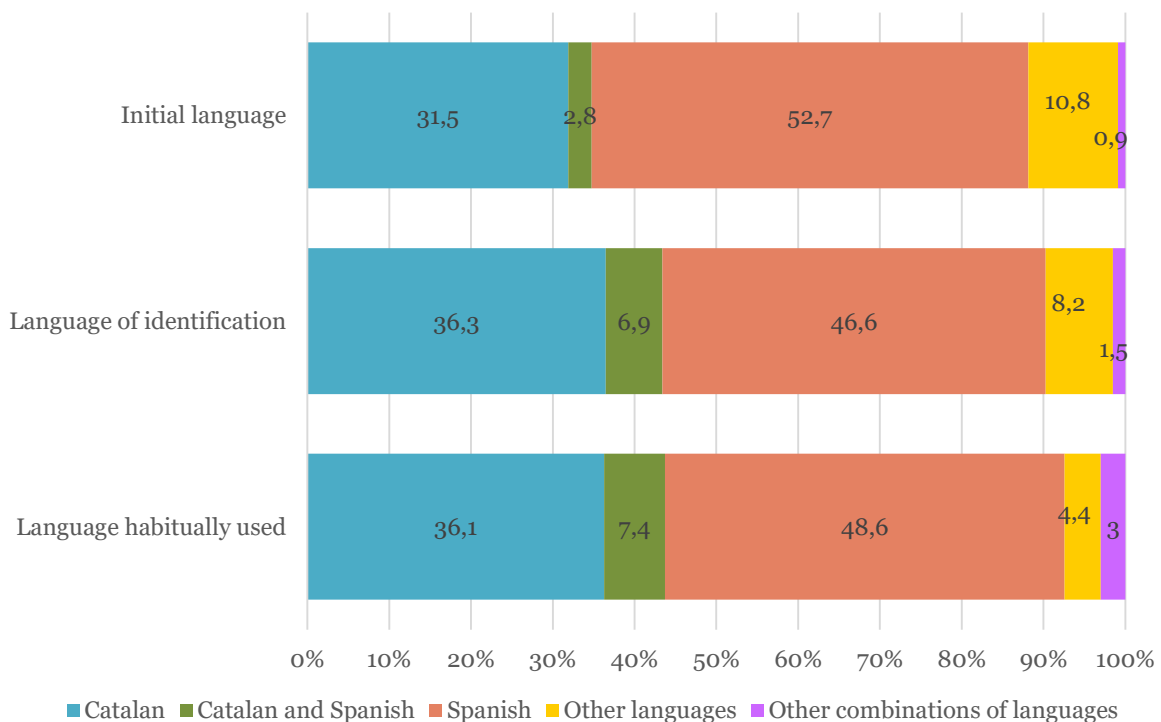
The language model of Spain does not correspond to any of the three linguistic approaches described above. Following a typology proposed by Kraus (2008, pp. 94-97), it is a model that we could call *linguistic autonomy*. States with linguistic autonomy regimes have a monolingual nation-building project based on the majority nation. At the same time, they leave room for plurilingual regimes in the substates, often because of the existence of national minorities with competing nation-building projects. According to this model, the state promotes a single common language (the language of the national majority), while the substates additionally promote other languages (the languages of the national minorities). When both promotion policies are successful, the population of these substates tends to be bilingual. In practice, this form of linguistic organisation is the opposite of the linguistic federalism model (with a multilingual system at the federal level and often monolingual systems in the subunits). And its sociolinguistic outcomes are also the opposite: while the linguistic federalism model reinforces linguistic territorialisation (and therefore the dominance of a given language group in each subunit), the linguistic autonomy model fosters language mixing.

In other words, the linguistic autonomy model has assimilatory effects on the linguistic minorities unless these effects are countered by active substate language policies. And this is the case of Catalonia, where the maintenance of language



policies to defend and protect the Catalan language over the past 40 years have achieved very high levels of bilingualism among the population, despite the assimilatory pressure from the Spanish state and the significant demographic growth caused by the arrival of international immigrants. These same factors, coupled with the inclusive approach of language and education policies in Catalonia, have fostered language mixing and the existence of a diverse range of linguistic identifications among the population. Data from the last Survey on Language Use in Catalonia (2018) reveal this trend, as shown in Figure 2:

**Figure 2. Initial language, language of identification and language habitually used (%). Catalonia 2018**



Source: *Survey on Language Use in Catalonia (2018)*. Directorate General for Language Policy. Statistical Institute of Catalonia. Generalitat de Catalunya.

How should this linguistic diversity be managed according to the theories of linguistic justice outlined above?

Given the demographic-linguistic situation, linguistic pluralism seems like the most appropriate theoretical approach as a point of departure. Instrumentalism, which ignores identity interests, is not appropriate according to what we outlined in section 3. And the consideration of identity interests is precisely what leads to pluralistic approaches in a society in which important population groups with different linguistic identifications coexist. In fact, since the devolution of self-government (1979), language policies in Catalonia have been based on pluralistic approaches with the goals of socioeconomic justice and national and cultural justice for all individuals, regardless of their linguistic identification. The non-segregated linguistic model of the educational system is a good example of the combination of

these two types of justice for both people whose initial language is Catalan and those whose initial language is Spanish.

However, the ways pluralistic language policies are implemented can vary significantly depending on the levels and systems of self-government in Catalonia. And it is essential to consider the possibility of different self-government scenarios in the middle term. Thus, Catalonia might maintain a level of self-government similar to what it currently has, as an autonomous community within Spain it might increase its self-government through a state federalisation process or it might become an independent state.

Until now, the language policy has been developed within a framework of shared powers with the state, in which the two governments (state and substate) enact policies that affect the same territory and the same people. Self-government in this area is currently determined by Catalonia's 2006 Statute of Autonomy, whose article 143 states that the Generalitat has the exclusive power over matters related to its *own language*, and it can *determine the scope, uses and legal effects of the official status of Catalan, and the linguistic normalisation of Catalan*.<sup>13</sup> Strictly speaking, the power over the language policy of Spanish and other languages corresponds to the state government. And, in fact, in recent years the heightened political conflict between the Catalan and Spanish governments has translated into increased intervention by the Spanish state to place limits on the use of Catalan in relation to Spanish (e.g., in public institutions, education and socioeconomic activity).

Therefore, Catalonia's status as an autonomous region, marked by conflictive nation-building processes between Catalonia and Spain, has forced the Catalan government to enact defensive language policies focused on identity with a rather monist legitimation to protect Catalan as its own language. In a context in which two agents—the state and the substate—enact language policy simultaneously, each one with different objectives, the substate's monistic approach is essentially a compensatory strategy to counter state policies. Therefore, it is an instrument to sustain linguistic plurality in that it strives to provide a fair background of language choice between Catalan and Spanish, as opposed to a monolingual state in Spanish. In terms of linguistic justice, the continuity of the framework of autonomy—especially bearing in mind the increased levels of conflict in recent years—is pushing the Catalan government to maintain its traditional defensive policies.

We suggest, however, that an increase in self-government which would give the Generalitat full or exclusive power over language policy as a whole—including Catalan, Spanish, Aranese Occitan, English, the initial languages of immigrants, etc.—would enable the Generalitat to enact policies that are less defensive of Catalan versus Spanish (that is, less reactive to the actions of the Spanish state). At the same time, this increase in self-government, which would imply a greater management capacity over the contexts of language choice, would also give the Generalitat more responsibility over the language rights and duties of the entire population of Catalonia.

In a scenario of full sovereignty or a substantial increase in self-government, in which the Catalan government were the sole or main agent in charge of protecting the interests of citizens as members of different language groups, this government

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13 And over Occitan (Aranese) in Aran, in conjunction with the General Council of Aran.

would have to accept plurality in terms of both implementation—in accordance with policies of last decades—and legitimation. That is, the emphasis on the status of Catalan as its own language—which is necessary as long as defensive positions are taken—could gradually be replaced by a pluralisation of the collective identity, which also recognises Spanish as a language of Catalonia. The gradualness of this pluralisation would be marked by the evolution in the levels of conflict with the Spanish state and by a complex set of sociolinguistic factors.

We shall conclude with a reflection that is applicable to the implementation of any theoretical approach: the ultimate political solutions have to be agreed upon and put into practice within a democratic framework in which the linguistic preferences expressed by citizens are crucial. For this reason, as we have asserted in previous works (Riera-Gil, 2016) one of the challenges of language policies in a society like Catalonia, where linguistic preferences tend to be ductile and ever-changing, is citizens' capacity to make reflective choices, that is, conscious choices that not only take their own individual communication and identity interests into account but also those of others—of society as a whole.

It is the democratic framework what allows an open debate on the values, interests and distribution principles suggested by linguistic justice theories, while also opening an entire range of possible policy options.

## Notes

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