What Kind of Bilingualism?

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1. Two Principles of Bilingualism

The term ‘bilingual’ can be applied to individuals, to societies, and to institutions.

Individuals are called ‘bilingual’ if they can speak two languages with a reasonable level of proficiency. We label a society ‘bilingual’ if there are two languages spoken within the territory of that society. Finally, institutions are termed ‘bilingual’ if they recognize two languages. Under institutional bilingualism, public services are offered in two different languages and public business can be conducted in either language.

Bilingual societies face several important and difficult problems of public policy. Most basically, they must decide whether to adopt some form of institutional bilingualism or not. They must decide whether to operate schools, hospitals, courts, legislatures, unemployment offices, and so on, in both of the languages spoken on their territory, or whether they are better off designating one of the languages as the ‘official’ language and requiring all public institutions to operate in it.

When a bilingual society does opt for some form of institutional bilingualism, it must make several additional choices. Regimes of institutional bilingualism can vary along a number of different dimensions. One question, for instance, is whether the recognition of the two languages should be strictly equal or whether there should be some difference in rights or status between the majority language and the minority one (if there is a clear majority/minority division). Another is whether bilingualism ought to be applied to the full set of domains of public language use or just to some of them (for instance, to
schools and courts but not to the health service). A third issue arises in federal systems: Should institutional bilingualism be a requirement of both levels of government or just of one?1

In this paper I will focus on a fourth question faced by bilingual societies opting for some form of institutional bilingualism. Looking around the world at some of the different countries that recognize more than one language in their public institutions, one quickly notices two different approaches. In some cases, both languages are recognized across the country, so that no matter where a person is in the country he can interact with public institutions in his own language. A person has the same language rights with respect to education, public services, the courts, and so on, no matter where in the country he resides. In other cases, however, an attempt is made to identify regional patterns of language use within the country, with an eye to varying language rights from region to region according to local conditions. Under this approach, the language rights that you can claim depend on where in the country you happen to be living.

The principle that citizens should enjoy the same set of language rights no matter where they are in the country is commonly referred to as the ‘personality principle’. The opposing principle, that language rights should vary from region to region according to local conditions, is generally labeled the ‘territoriality principle’. On the first principle, language rights follow persons wherever in the state they may choose to live; on the second, your language rights depend on what part of the territory of the state you find yourself in. The aim of this paper will be to assess the comparative strengths and weaknesses of these two principles. Supposing that a society has decided to adopt some
form of institutional bilingualism, then under what circumstances should it prefer the personality principle, and when should it opt for the territoriality principle?

It is very hard to think of a pure case of either the personality principle or the territoriality principle anywhere in the world. Most regimes of bilingualism include at least some language rights that remain invariant across the territory of the state and at least some that vary from region to region according to local conditions. There are, however, significant differences amongst various regimes of institutional bilingualism in the degree to which they emphasize one or the other principle.

Belgium and Switzerland are perhaps the clearest examples of institutionally multilingual countries that have embraced the territoriality principle. Belgium is divided into four language districts, each recognizing a distinct set of language rights. The provinces of Wallonie and Flanders are, for the most part, institutionally unilingual, operating in French and Flemish respectively. The capital, Brussels, is institutionally bilingual. And in an area of Wallonie near the border with Germany, certain minority language rights are extended to German speakers. In Switzerland, most important decisions concerning language policy are made at the cantonal level, and the majority of cantons have adopted policies of unilingualism reflecting the language usage of the local majority population.

Canada and South Africa, by contrast, are good examples of countries that give greater emphasis to the personality principle. For instance, the Canadian Charter of Rights and Freedoms includes provisions guaranteeing minority language education, and the provision of federal public services, in either English or French that apply across the country, subject only to a ‘where numbers warrant’ proviso that is triggered at very low
levels of demand. The South African Constitution of 1997 recognizes eleven official languages and includes a right to education in the official language of one’s choice, limited only by the requirement that the education be ‘reasonably practicable’.

One reason to investigate the normative underpinnings of the two principles of institutional bilingualism is to better understand the choices made in these different cases and in other comparable ones. Why is more weight attached to one principle in some cases and more to the other in others? Are the choices made in each of these societies defensible or could an argument be made in some of them that the balance should be readjusted in favour of one or the other principle? The mix between personality and territoriality is hotly contested in many of these societies. In Canada, for instance, the weight given to the personality principle has been attacked by Anglophones in English-majority provinces, for imposing an excessive burden on the majority English-speaking population, and by Francophones throughout the country, for failing to do enough to protect the French language. In Belgium, the Brussels area is the flashpoint of a conflict between proponents of the two principles. Proponents of territoriality have reaffirmed the institutional unilingualism of Flanders despite the growing availability of services in French in the suburbs of Brussels. An exploration of the normative basis of the two principles can help us to better understand these and other conflicts and perhaps to provide some guidance in resolving them.

The paper will not defend a general preference for one or other of the two principles. In general, I think that the personality principle is appropriate in some cases; the territoriality principle in others. The main aim will be to try to say something more precise about the conditions under which each principle should be preferred. My claim
will be that a preference for territoriality requires the satisfaction of one or other of two conditions that will be explained in the course of the paper. Either territoriality must be necessary to bring about a common public language within some relevant political unit, or it must be necessary to prevent a vulnerable language community from deteriorating to the point that it no longer offers an adequate context of choice to its members. Where neither of these conditions are met, then, in general, the personality principle should be regarded as more appropriate.

A choice between the two principles will inevitably depend, in part, on considerations of stability. Multilingual societies can be subject to a high degree of instability arising from conflict between the different linguistic groups. Drawing on the enviable Swiss experience of stability, some political scientists have suggested that the territoriality principle can help to avoid or at least to regulate this kind of group conflict. Good fences, as the old adage has it, make for good neighbours. Just as the principle of *cuius regio eius religio* helped to bring an end to the Reformation-era wars of religion in Germany and Switzerland, the territoriality principle may have similar consequences in multilingual societies around the world.

The analysis that I develop here will follow a different path. Although stability considerations are clearly important, it is also important to know whether stability is grounded in a set of arrangements that are just or reasonable on their own merits. An analysis that abstracts from stability considerations can help us to select from the various stable equilibria that are feasible, or could be made so, in a given society. In reflecting on the conclusions of the analysis, however, we should not rule out the possibility of a conflict with stability that necessitates falling back to the second best.
Rather than highlighting stability, my strategy will be to analyze the choice between the two principles in terms of a number of important interests that individuals have in connection with language policy – interests in ‘public access’, ‘social mobility’, ‘democratic participation’, and ‘identity’ (secs. 4-7). Before examining these interests, I offer a more precise statement of the territoriality principle than I have so far given (sec. 2) and I discuss why the choice between the two principles is a matter of some controversy (sec. 3). In a concluding section of the paper (sec. 8), I pull together the different elements of the framework that has been constructed and I briefly illustrate it through some comments on the Canadian and Belgian cases.

2. Refining the Territoriality Principle

Consider a very simple case of societal bilingualism, as depicted in Figure 1.

*Figure 1 – Perfect Concentration*

In this case, speakers of the country’s two languages, A and B, are neatly concentrated into two unilingual regions. Intuitively, this case seems like a strong candidate for the
application of the territoriality principle: there could legitimately be some variation in language policy between the two regions.

This variation could take two distinct forms. According to a principle of *jurisdictional territoriality*, language policy choices should, as far as possible, be made by political institutions that operate at the regional level. Suppose, for instance, that the country under consideration has a federal constitution and that the two linguistic regions correspond perfectly with two units or provinces of the federation. Under the principle of jurisdictional territoriality, language policy decisions should, as far as possible, be made by the political institutions of the province rather than by institutions of the central state.

To make this formulation of the territoriality principle more precise it is necessary to flesh out the ‘as far as possible’ qualifier. A first step in doing this is to notice that it would be impossible for *all* language policy decisions to be made at the provincial level. Ex hypothesi, the two regions are not separate states but are joined together into a single federal state. It follows that there is a central government retaining at least some areas of jurisdiction. When the central government operates within its areas of jurisdiction, it must do so in some language(s) or other, and this means that it cannot help but make certain language policy decisions.

Faced with this constraint, there seem to be two ways of understanding ‘as far as possible’. First, we might say that the principle of jurisdictional territoriality is in effect to the extent that each province has the authority to make language policy decisions with respect to its own areas of jurisdiction. There is no right retained by the central government to determine language policy in provincial areas of responsibility. Thus, if education is a provincial matter, then it is the province, not the central government, that
has the authority to make decisions about the language of education. Call this weak jurisdictional territoriality.

By contrast, under strong jurisdictional territoriality, not only do provinces retain the right to make language policy in their own areas of jurisdiction, but the areas of jurisdiction themselves are to be assigned, wherever possible, to the provincial level of government. Thus, in our example, there would, according to this principle, be two provinces, each having significant areas of jurisdiction and each possessing the authority to make decisions about language policy in those areas. When the principle of strong jurisdictional territoriality is in effect, the state is highly decentralized and the province is sovereign over questions of language within its areas of responsibility.

A second way in which language policy could vary between the two regions points to a distinct formulation of the territoriality principle. Under a principle of unilingual territoriality public institutions operate exclusively in the language spoken in the region in which they are situated. Schools, hospitals, courts, government offices, and so on, located in the A-speaking region of the country operate exclusively in A and those located in the B-speaking region operate exclusively in B. Some institutions will apply to the whole territory of the state – for instance, the legislature of the central government, and the state’s highest court – and their language rules will not be determined by this principle. But, for any institution having responsibilities corresponding to a specific part of the territory of the state, the principle of unilingual territoriality would be operative.

Unlike jurisdictional territoriality (in both its weak and strong variants), unilingual territoriality does not depend on political authority over language decisions being arranged in any particular way. The principle is as applicable to unitary states as it is to
federal ones and, in the latter, it applies in central government areas of jurisdiction as well as in provincial ones. Suppose, for instance, that education is considered a responsibility of the central government. The principle of unilingual territoriality would still require that all public schools located in the A-speaking region operate in language A and those located in the B-speaking region operate in language B.

If we just focus on the provincial level, the implications of the unilingual and jurisdictional territoriality principles would likely be very similar, at least in the simple case before us. Provincial governments that have the authority to make language policy in their own areas of jurisdiction would likely opt for institutional unilingualism if their citizens all spoke the same language. But even here it is worth noting the difference between the two versions of the territoriality principle, if only for analytic purposes. A provincial government would not necessarily opt for institutional unilingualism and to this extent the two versions of the principle are not the same. It is conceivable, for instance, that A-speaking citizens might pressure their provincial government to offer public education in B as well as A, if fluency in B was a key to economic opportunity in other parts of the country or world.

One way of summarizing the difference between the jurisdictional and unilingual variants of the territoriality principle would be to say that the two answer different questions. Jurisdictional territoriality is one possible answer to the question ‘Who ought to have the authority to make some decision about language policy?’ Unilingual territoriality, by contrast, is a possible answer to the question ‘What substantive decisions about language policy should be made by those who have the authority to make them?’ The two versions of the principle travel together in so far as answering the first question
in a particular way will lead to predictable policy outcomes. But in so far as a given answer to the ‘who should have authority?’ question leaves open the ‘how should that authority be exercised?’ question, the two are best treated as distinct.

The remainder of this paper will focus on the second of these two questions. In practice, it is the more fundamental of the two, since demands for a particular allocation of jurisdictional authority are often predicated on the assumption that such an allocation would be more or less hospitable to unilingual territoriality. To assess such demands, it is important to have some view on the legitimacy of calls for unilingual territoriality.

For purposes of the paper, then, when I refer to the principle of territoriality I will mean the principle of unilingual territoriality. I wish to contrast this answer to the ‘how should authority over language policy be exercised?’ question with the answer given by the personality principle. It will be important to keep this interpretation of the territoriality principle in mind when considering various real-world cases. It is often said, for instance, that Switzerland is a good example of the successful application of the territoriality principle. Although there is some truth in this claim no matter how it is understood, it is mostly true as a claim about jurisdictional territoriality. Although most Swiss cantons are institutionally unilingual, the cantons that have significant linguistic minorities practice institutional bilingualism. One must be careful, therefore, in drawing lessons from the Swiss case about the application of the territoriality principle as I am understanding it here.6
3. Locating the Controversy

As these last remarks about Switzerland suggest, I am mostly interested in cases that are somewhat more complex than the simple one introduced earlier. If a country could be divided into a set of perfectly homogeneous Swiss-style cantons, then most people would not seriously object to an application of the territoriality principle in which public institutions are operated exclusively in the language of the local canton. The controversy begins when the different language communities are territorially intermixed and there is no way of drawing or re-drawing cantonal boundaries to eliminate local linguistic heterogeneity.

There are two important variations on this more complex (and more realistic) kind of situation. The first is illustrated in Figure 2 below. In this case, the country’s two language groups are imperfectly concentrated into two regions. In one region, language A predominates but there are pockets of B-speaking populations. In the other, the reverse is true.
The other kind of situation of interest is illustrated in Figure 3. In this case, one language, language $B$, predominates throughout much of the country, but there are significant concentrations of $A$-speaking in certain areas. The $A$-speakers are scattered in such a way that it is possible to designate certain bilingual districts in which both languages are spoken by significant numbers of people. But, although many $A$-speakers live in these bilingual districts, some do not.

$Figure 3 – Bilingual Districts$

In both these cases, the territoriality principle becomes controversial in a way that is theoretically interesting. In the Imperfect Concentration case, the territoriality principle would recommend the establishment of two institutionally unilingual regions. Each of these regions would have its own local majority and minority. Minority-language speakers would be expected either to accommodate themselves to the use of the majority language in public-institutional settings or to move to the region in which their language is in the majority. In the Bilingual Districts case, the territoriality principle would call for institutional unilingualism throughout the country, except for designated bilingual districts in which both languages are institutionally recognized. Under this scenario,
there is a state-wide language majority and a state-wide minority. Some minority-language speakers would be able to access public institutions in their own language and in their own locale; others would have to accommodate themselves to the majority language or be prepared to move to a bilingual district.

In both cases, the controversy arises from the fact that, under the territoriality principle, some people will not be able to remain living where they are and deal with public institutions in their own language. To be able to access public institutions, minority-language speakers must either move to a different district of the state, in which their language is used in public settings, or they must be willing and able to use the language of the majority. By contrast, under the personality principle, both languages would be recognized across the country and nobody would be forced to choose between staying where they are and using their own language in dealing with public institutions.

To assess the relative merits of the territoriality and personality principles, we need some sense of how reasonable it is ask members of a linguistic minority to either leave or adopt the language of the majority in dealings with public institutions. I take it that moving to another part of the state has significant costs, especially when the move is a long one. Although moving is not difficult for some people, for others it involves giving up employment and employment qualifications, abandoning networks of family, friends, and community, and enduring the psychological hardships of leaving a place that one considers ‘home’. For these reasons, we do not normally regard the possibility a minority has of exiting to be sufficient to justify policies that would otherwise be unreasonable towards that minority. We do not, for example, think that the freedom a religious minority might have to move to a jurisdiction that is more congenial to their religion
makes it acceptable for the jurisdiction they live in now to treat their religion unfavourably.  

The key question then, in my view, is how reasonable it is to ask members of a language minority to use the majority language in public settings. This is obviously an important question not just for adjudicating between the personality and territoriality principles but also for assessing whether a bilingual society should introduce any form of institutional bilingualism in the first place. Although readers may want to test the arguments that follow against their intuitions about this more fundamental problem, my remarks will mainly focus on the choice between personality and territoriality. I assume that where it is reasonable to expect members of the minority to use the majority language in public settings, the territorial principle is acceptable. Where it is not, the personality principle should be preferred.

The reasonableness of the expectation, in turn, depends on the various ways in which members of the minority and majority groups would be advantaged and disadvantaged by the policies associated with the territoriality principle. With this problem in mind, I turn now to a consideration of four different interests that people have in connection with language policy. I call these the interests in ‘public access’, ‘social mobility’, ‘democratic participation’, and ‘identity’. For each interest, I consider the distribution of advantage and disadvantage under various empirical scenarios.

To keep the exposition as uncluttered as possible, I will mainly have in mind the Imperfect Concentration case. The terms ‘minority’ and ‘majority’ thus refer to the local majorities/minorities that would be created by the unilingual districts established under the territoriality principle. Although most of what I say can be applied straightforwardly
to the Bilingual Districts case, the language of majority/minority has to be interpreted differently there and I will leave it up to the reader to make the necessary changes.

4. Public Access

The choice between the personality and territorality principles is a choice about what rules and practices of language use should be adopted by public institutions such as schools, courts, legislatures, government offices, and the like. In developing a framework for analyzing this choice, an obvious place to start is with the communication that takes place within those institutions themselves. The interest in public access is the interest that people have in being able to access public services and participate in the conduct of public business. Since the ability to access public institutions depends on the ability to communicate in the context of those institutions, this interest is clearly relevant to language policy.

Under the personality principle, both minority and majority language speakers have their interest in public access satisfied. Since public institutions operate in both languages, no member of either language group is prevented from accessing public institutions by an inability to communicate in public settings.

By contrast, under the territorality principle, minority language speakers will have difficulty accessing public institutions if they are unable to speak the majority language fluently. People with little or no knowledge of the majority language will clearly struggle in public settings and are vulnerable to having their rights and interests, and those of their children, overlooked. Even people who have achieved a reasonable degree of competence in the majority language may face some obstacles under the regime of
majority-language unilingualism that would be in effect under the territoriality principle. In highly stressful contexts, such as a court of law or hospital, or in contexts requiring a special, technical vocabulary, such as dealing with tax officials, even a fairly competent speaker of a public language may have difficulty accessing the information or help they need or communicating their point of view.

A focus on the interest in public access, then, would seem to dictate an unambiguous preference for personality over territoriality. To the extent that facilitating communication in the context of public institutions is all that matters, personality clearly outperforms territoriality. The personality principle allows both majority and minority language speakers to access public institutions, whereas the territoriality principle is liable to exclude at least some members of the minority language community.

An argument based solely on the interest in public access turns out to be quite weak, however. The main reason for this is that people have a capacity to learn new languages. Members of the minority language community who do not already speak the majority language can be assisted to do so through an intensive program of language training and education. To the extent that this program is successful, even members of the language minority will be able to access public institutions under the territoriality principle: they will be able to do so in the majority language.

In response to this proposal, it might be objected that a program of language education is likely to be time-consuming and, at best, only partially successful. It is typically very difficult for adults to learn a new language, and while they are in the process of trying to do so, they will face a considerable disadvantage if public institutions refuse to communicate with them in their own language.
This argument suggests that territoriality should be phased in gradually and gently but not that it should rejected altogether. In contrast with adults, children are typically very good at learning new languages, and so a policy of making everyone competent in the majority language could be aimed especially at them and have a reasonable likelihood of success. So long as current adult members of the language minority are given certain transitional accommodations in public settings, adopting the territoriality principle would not be objectionable from the standpoint of the interest in public access.

5. Social Mobility

Of course to argue that there is a way of squaring territoriality with the interest of language minorities in public access is not yet to give a positive reason for preferring territoriality. As I pointed out, the principle of personality is also compatible with accommodating the interest in public access, and it does not involve going to the considerable trouble of teaching everyone the majority language. A defence of the principle of territoriality would need to identify some more positive arguments.

One such set of arguments appeals to the interest that all individuals have in social mobility. This is the interest they have in a ‘context of choice’ that includes valuable options and opportunities embracing the full range of human activities. Access to a context of choice is a condition of individual autonomy, and more generally of individual well-being. Since people are different, and they frequently revise their ends, there needs to be a variety of options and opportunities if all individuals are to flourish.

Competence in the language(s) in which opportunities and options are offered is a precondition of having this context of choice. Without competence in the language
spoken by those around her, a person will encounter difficulties in finding a job, doing business, making friends, practicing a religion, and so on. For any given individual, this linguistic precondition can be satisfied in two different ways. There can be a sufficiently healthy context of choice operating in her own native language. Or she can achieve sufficient competence in a second language in which there is an adequate context of choice available.

Adapting some of Will Kymlicka’s terminology, I will say that a language supports a ‘societal culture’ when an adequate context of choice is available in that language. To say that there is a Francophone societal culture in Quebec, for instance, is to say that a French speaker in Quebec has access to an adequate range of options and opportunities operating in the French language. To say that there is no Italian-speaking societal culture in the United States, by contrast, would be to deny that an Italian speaker in that context has an adequate range of Italian-language options and opportunities. To enjoy social mobility, an Italian-speaker in the United States must learn English and access the English-language societal culture that dominates the country. As these examples suggest, an individual’s interest in social mobility can be satisfied in two different ways. There can be a societal culture operating in a language that the individual speaks. Or the individual can integrate into a societal culture by learning the language in which it operates.

A defence of the territoriality principle appealing to the interest in social mobility can take two different forms. It might be argued that territoriality is necessary to secure the social mobility of members of the linguistic minority. Or the claim might be that
territoriality helps to secure the social mobility of members of the majority. Let us consider each of these arguments in turn.

The first of the arguments is the more straightforward. Suppose that the majority language supports a societal culture but the minority language does not. Suppose further that the minority language community is sufficiently small and fragmentary that there is little chance that public policy could transform it into a viable societal culture. Under these conditions, the best policy from the point of view of the interest in social mobility would be to encourage members of the language minority to acquire the majority language. Only this way, given the assumptions that have just been made, can those individuals have access to an adequate context of choice. The argument for territoriality consists in the claim that unilingualism would be the best way of encouraging members of the language minority to learn the majority language. When public institutions such as schools and government offices operate exclusively in the majority language, then members of the minority, especially children, are likely to learn that language very effectively.

The main weakness of this argument is its last step. Although it is true that territoriality is likely to be effective at integrating minority language speakers into the majority language societal culture, this might also be true under the personality principle. Since minority-language speakers do not enjoy social mobility in their own language, there is already a strong incentive for them to learn the majority language. It is possible that all, or almost all, members of the minority language community can be made to acquire the majority language with only minimal assistance from public policy. It might be the case, for instance, that a robust curriculum of second-language education in the
majority language in a school system (and broader institutional context) that is otherwise available in the minority language would be sufficient to make the majority-language societal culture accessible to minority-language speakers. Under these circumstances, the interest in social mobility would be compatible with either territoriality or with an application of the personality principle that involved adequate second-language teaching in the majority language.

Still, this first argument from social mobility does help us to identify some specific empirical conditions in which a preference for territoriality is clearly indicated. Three conditions must be satisfied:

- The majority language supports a societal culture
- The minority language does not support a societal culture
- Minority language speakers will only acquire the linguistic competence they need to access the majority language societal culture if the territoriality principle is adopted.

A second argument appealing to the interest in social mobility requires the introduction of a further distinction: the distinction between what I shall term ‘secure’ and ‘vulnerable’ societal cultures. A secure societal culture is one that remains intact as a societal culture even in the face of a range of different demo-linguistic shocks and changes. In a secure societal culture, there could be fairly significant demographic changes, or a fairly significant number of people who shift to another language, and the language community would still be able to offer its members an adequate context of choice. A vulnerable societal culture is one that is insecure. Even fairly minor changes in demographics, or a modest accumulation of individual decisions to use another
language, can leave such a culture in a position where it is unable to provide an adequate context of choice to its members.

Vulnerable societal cultures raise a specific concern from the point of view of the interest in social mobility. The concern is that competition between several languages will end up undermining a vulnerable societal culture. Attracted by the options and opportunities that it provides, some members of the vulnerable culture may increasingly choose to live their lives in the more secure language. The unilingual members of the vulnerable culture will, as a result, become stranded: their own language community will no longer be able to afford them an adequate context of choice, and they would not have the linguistic capacities to access options and opportunities in the other language.¹⁰

The argument for the territoriality principle appeals to the possibility that the majority language societal culture may be vulnerable. Suppose that the following conditions are satisfied:

- It is likely that adopting the personality principle would trigger demographic and linguistic changes that leave the majority language community unable to support a societal culture
- These changes would not be triggered under the territoriality principle
- Some majority-language speakers are unilingual, and it is unlikely that they can be made proficient in the minority language.

When these conditions are met, a concern for the interest in social mobility of majority members indicates a preference for territoriality. Under the principle of personality, the minority language would tempt enough people away from the majority language so as to undermine the social mobility of unilingual majority language speakers.
It might be objected that the third condition runs counter to my remarks in the previous section about the possibility of teaching people new languages. If the majority language community is vulnerable, then the best course of action may not be to prop it up by adopting the territoriality principle but to embark on an intensive program of language training aimed at ensuring that all members of the majority language community are able to enjoy social mobility in the minority language. The main response to this objection should be to concede that the empirical conditions needed for this version of the social mobility argument to go through are indeed very demanding. Given that the first condition reflects the power and attraction of the minority language for members of the majority, it is unlikely that it will be satisfied in conjunction with the third condition.

This concession should be qualified in two ways, however. It is possible that different sections of the majority community may have very different propensities to be fluent in the minority language. Knowledge of the minority language may be disproportionately concentrated in an urban middle-class oriented around white collar employment. Competence in the minority language may be considerably less common amongst working class majority members or amongst those who live away from the metropolis, and training these majority language speakers in the minority language may be fairly difficult if they do not have much exposure to it. Under these kinds of circumstances, the third condition may not be impossible to satisfy.

The second qualification is connected with the possibility of transitional accommodations. In discussing the interest in public access, I stressed the importance of making transitional accommodations for the language minority if the territoriality principle is adopted. Although children would be educated in the majority language
under this approach, certain public services would continue to operate in the minority language for some transitional period, and it would still be possible to conduct some public business in that language. In the case under consideration, however, where the personality principle is adopted and the majority language community is imperiled, it is not clear what a scheme of transitional accommodations would look like. Securing social mobility for unilingual members of the majority is not just a matter of keeping some public offices open that operate in the majority language; it means ensuring that a whole range of options and opportunities – in the economy and society – are available in that language. Short of introducing the territoriality principle, there may be no way of accomplishing this as a transitional measure.

6. Democratic Participation

To the extent that democratic participation is equated with the act of voting, the interest in democratic participation does not seem to introduce any new requirements of communication that are not already analyzable as part of the interest in public access discussed earlier. Democratic participation would require a ballot printed in a language spoken by the voter, and this requirement could, in principle, be addressed either by an application of the personality principle or by adopting the territoriality principle and ensuring that the language minority becomes competent in the majority language.

Many political theorists maintain, however, that democratic participation is not just a matter of periodically casting one’s vote on the basis of antecedently given opinions and preferences. Democracy, they argue, also involves participation in an ongoing process of deliberation and discussion that takes place away from the formal political arena. In the
course of this process, citizens exchange reasons and are sometimes moved to change their opinions and preferences on the basis of reasons offered by others. When the time to vote does arrive, citizens are guided by opinions and preferences that reflect the most compelling reasons that they and their fellow citizens are able to identify.

This view of democratic participation is clearly an ideal rather than a description of actual democracies as we know them. In practice, democratic citizens do not always participate in the informal, deliberative life of their political community and, even when they do, their voting behaviour is often not guided by the best reasons that they and fellow citizens succeed at identifying. Still, to the extent that the ideal is an attractive one, it is worth investigating which conditions help a political community to approach the ideal and which ones work to frustrate it.

In considering the choice between the territoriality and personality principles, one such condition stands out. The political community should not be segmented into several self-contained sub-communities, within which public deliberation and discussion take place, but whose members do not deliberate across communal lines. In a segmented political community, citizens are exposed to the most compelling reasons identified in their own sub-community but not necessarily to the most compelling reasons that are identified in their political community more generally, since they are ignorant of the discussions and deliberations going on in other sub-communities. We can contrast this with an integrated community in which there are mechanisms for circulating reasons around the community that are sufficiently elaborate and comprehensive so as to establish points of possible contact between any given pair of citizens.
A standard worry, classically formulated by John Stuart Mill, is that the presence of several distinct language communities would have the effect of segmenting a political community into two deliberative sub-communities. In Mill’s view, ‘Among a people without fellow-feeling, especially if they read and speak different languages, the united public opinion, necessary to the working of representative government, cannot exist’. Societal bilingualism will mean that people cannot (and will not) communicate across communal lines, and so a ‘united public opinion’ will not form. The reasons that are identified as most compelling in one segment of society will not be brought into dialogue with those that seem most compelling in the other.

The consequences of this danger of segmentation for the choice between territoriality and personality depend on how the units of democratic decision-making are defined. Suppose that the state is federal and that the federal units are defined in a way that concentrates language groups into their own units as much as possible. Under these conditions, an argument for the territoriality principle is that it can help to break down barriers to inter-communal deliberation within each jurisdictional unit. The assumption here is that, when public institutions such as schools and government offices operate exclusively in the majority language, members of the minority, especially children, are likely to learn that language very effectively. With a common language, one significant cause of segmentation would be removed. Members of one language group would not be cut off from members of the other by an inability to communicate with one another or to access common media.

This argument for territoriality faces two possible objections. The first is identical to a problem encountered in the previous section. If the minority language community is a
sufficiently marginal one, then it may not be necessary to resort to territoriality to induce minority members to learn the majority language. Their incentive to learn the majority language may be considerable enough already that a program of second-language teaching in the majority language is all that would be necessary. Under these circumstances, the interest in democratic participation would be compatible with either territoriality or with an application of the personality principle that involved adequate second-language teaching in the majority language. As with the social mobility argument, this objection should not lead us to reject a democratic argument for territoriality altogether but to understand more clearly an empirical condition that would have to be satisfied for the argument to be forceful. It must be the case that minority language speakers would only acquire sufficient competence in the majority language to participate in community-wide political deliberations if the territoriality principle is adopted.

The other possible objection draws attention to the broader political framework in which the territoriality principle is to be implemented. The jurisdiction adopting territoriality is not, in our discussion, an independent state but a unit in a larger federation. In this federation, there are other units in which the majority language is the same as the local minority language. By focusing exclusively on facilitating democratic deliberation within the unit, the argument for territoriality seems to ignore the importance of deliberation at the federation-wide level.

The main response to this objection should be to question whether there is a tradeoff between facilitating democratic deliberation locally and facilitating it nationally. Using territoriality to encourage the local language minority to acquire the majority language
does not suddenly disable them from speaking their own minority language and thus does not undermine their capacity to participate in national political deliberations.

Of course this response does not address the problem of facilitating national deliberation. Realistically, there may be no perfect solution to this problem. When a state contains several viable societal cultures, it may not be possible to establish a common language of political discussion and deliberation. The experience of second-language teaching in places such as Canada, Belgium, and Switzerland, for instance, should not lead one to be too optimistic about the prospects for success of this solution to the problem of segmentation.

Under these circumstances, it is important to look for other ways of eliminating segmentation besides the creation of a common language community. One solution might be to establish cross-linguistic channels that are sufficiently elaborate and comprehensive so as to integrate the political community into a single deliberative body. This might involve, for instance, the activity of individually bilingual go-betweens and/or an extensive reliance on translations of discussions and deliberations taking place in the other language community. Another solution might involve redefining the boundaries of the political community through a significant devolution of power to political units in which a common language community is present or could be brought about (cf. the principle of strong jurisdictional territoriality discussed in sec. 2 above).13 These solutions would probably work best in tandem, so that the cross-linguistic channels of deliberation would only need to support the democratic decision-making of the residual political community remaining after certain powers and areas of jurisdiction had been devolved.
Even in tandem, these solutions are unlikely to be as successful as the establishment of a common language community. But under some conditions they probably represent the best that can be done from the standpoint of realizing the interest in democratic participation. And adopting the territoriality principle would not, as far as I can see, get in the way of efforts like these to facilitate democratic deliberation.

7. Identity

So far the proposed framework for analyzing the choice between the personality and territoriality principles has been entirely concerned with language as an instrument of communication. The two principles have been evaluated on the basis of their respective capacities to facilitate communication in the contexts of public institutions, the economy and society, and the informal political arena. A common claim in the literature on language rights, however, is that language is not just a tool of communication. It is claimed that for some people language is a central and defining feature of identity. What difference does this identity dimension make for the choice between the personality and territoriality principles?

To say that language is central to some individual’s identity, I take it, is to say something about her attitudes and preferences. It involves, for instance, some or all of the following dispositions. The individual self-identifies with the (local) community of speakers of her language. She is proud of the language and the cultural achievements that have been expressed through it. She takes pleasure in using the language and encountering others who are willing to use it. She enjoys experimenting with the language and discussing its intricacies and subtleties with co-linguists. She hopes that the
language community will survive and flourish into the indefinite future. In some contexts, she feels respected and affirmed when others address her in her language and denigrated when others impose their linguistic preferences on her. And so on.

Arguments for or against particular language policies that appeal to identity considerations presumably wish to claim that some of these attitudes and preferences should be accommodated. The claim, for example, is that the pleasure that people derive from using and experimenting with their language is something valuable, and thus the conditions that give rise to it ought, as a matter of language policy, to be fostered and maintained. Likewise, it may be argued that the preference that some have for the survival and flourishing of their language community into the future should be satisfied. Or it might be claimed that public institutions should be designed and operated in ways that make people feel respected and affirmed rather than denigrated.

Suppose, for instance, that the majority language community is vulnerable in the sense defined earlier. Imagine, in addition, that members of the majority have a strong language-based identity, whereas minority language speakers do not. Under these conditions, an identity argument would seem to support the territoriality principle. Territoriality would help to secure the majority language community, and this would satisfy the attitudes and preferences of those in the majority without imposing any costs on the minority (assuming that transitional arrangements are made).

An obvious problem with this argument is its assumption that the minority language speakers do not have a language-based identity. If we relax this assumption, the identity argument becomes harder to read. Adopting the territoriality principle would
advance the identity-related interests of those in the majority but set back those same interests for members of the minority.

One possible response to this identity conflict would simply be to side with the majority. On this view, given a choice between helping the majority and helping the minority, policy-makers should help the majority, simply because they are the more numerous. The attitudes and preferences of more people are being accommodated when language policy attends to the identity of the majority than when it attends to the minority’s identity.

But this argument is obviously too crude. One problem is that it takes no account of the degree to which the attitudes and preferences of members of the respective groups are already being satisfied. Imagine that the attitudes and preferences of those in the majority enjoy a reasonably high level of satisfaction, whereas the level of accommodation for those in the minority is very low. Is it really plausible to think that language policy-makers should lavish even more attention on the majority and further deteriorate the position of the minority? Anyone who thinks that justice requires some attention to the position of the worst off should think not. A second problem with the majoritarian solution lies in its assumption that language policy must either help the majority or the minority. Perhaps a language policy could be devised that gives some attention to the identity interests of both groups, distributed according to some idea of equality or fairness?

These problems point to a different and more sophisticated way in which the identity argument might be developed for cases in which both the majority and minority have a language-based identity. Language policy might be designed according to a criterion of
equal satisfaction of everyone’s attitudes and preferences. Suppose, for instance, that everyone has the same identity-related attitudes and preferences with respect to their own language but that the majority language community is much more vulnerable than the minority one. Adopting the territoriality principle might be defended on the grounds that it leaves everyone with a roughly equal level of satisfaction of their attitudes and preferences. The minority language community is (by assumption) independently secure and thus its members’ identity-related attitudes and preferences are satisfied to some degree. Through the adoption of territoriality, the majority language community is made secure too, and so its members can expect a degree of satisfaction that is comparable with those in the minority.

Although this way of resolving the identity conflict is much more appealing than the crude majoritarian solution, I think it is still flawed. The problem is that the equal satisfaction standard caters too much to existing preferences and attitudes. Some people have preferences and attitudes that are rather easy to satisfy in the sense that they do not require many resources or much attention from public policy. Other people, by contrast, have preferences and attitudes that are very ‘expensive’ to satisfy. For them to achieve the same level of satisfaction as others, considerable resources must be devoted to their projects and/or significant attention must be given by public policy. This might be because the satisfaction of those preferences and attitudes requires expensive raw materials or tools or because it involves large numbers of people adopting or maintaining a practice, something they can only be induced to do through significant expenditures or institutional pressures.
The objection is that it seems unfair to ask those with the less expensive preferences and attitudes to subsidize those with the more expensive ones. And this is exactly what the equal satisfaction standard would imply. Those with easy-to-realize identities would have to forgo resources, and accept inconveniencing institutional arrangements, so that those who adopt harder-to-achieve identities will have the same chance of succeeding as they do. Underlying this claim of unfairness is the thought that people should be treated as if they have some control over what identities they have. There is nothing wrong with adopting an expensive identity but one should not expect others to pick up the cost. One can legitimately claim one’s fair share of resources and then devote those resources to realizing hard-to-achieve preferences and attitudes. But one is not entitled to additional resources just because one does not enjoy the same level of success as those with less expensive attitudes and preferences.

If this argument is correct, then the mere fact that one person’s identity-related preferences and attitudes are not realized to the same degree as another’s is not, on its own, sufficient grounds on which to make a claim for public assistance. Since this outcome may have arisen under what Rawls calls ‘fair background conditions’, we cannot conclude that there is anything necessarily objectionable about it.\textsuperscript{15} Consider, for instance, a person who is complaining that the language policy adopted by his state is unfair to his language community. If the grounds for the complaint are that his language community ends up less successful than the other one, then the complaint is vulnerable to the argument I have been making. Merely pointing to a particular undesired outcome for one’s language community is not enough to establish unfairness, since it is possible that the outcome arose under fair background conditions.
This way of responding to the person’s complaint, however, suggests a third and much more promising way of making the identity argument. To see this, suppose that the complaint is made in a context in which one particular language is being systematically promoted by public institutions and the other is not. Imagine, for instance, that public institutions exclusively recognize the majority language. Under these circumstances, speakers of the minority language might make a complaint that does not rely on any claim concerning the relative success of their language community. They might complain that it is unfair for public institutions to assist one language community and not the other. When public institutions align themselves with one particular way of life in this way, then it can reasonably be objected that the background conditions under which individuals strive for the realization of their identities are unfair.

In some areas of policy, the best response to this unfairness would probably be for public institutions to withdraw from the promotion of particular ways of life altogether. Public institutions establish fair background conditions in which different identities can compete for success by helping nobody. For better or worse, this strategy of withdrawal is not available to language-policy-makers. Since public institutions must operate in some language or other, it is impossible to avoid promoting certain languages.

When withdrawal is impossible, the closest that public institutions can come to establishing fair background conditions is to attempt a policy of ‘even-handedness’. Under such a policy, public institutions attempt to give everyone some roughly equivalent help with their way of life. In the language case, this would involve offering public services, and making it possible to conduct public business, in both the majority and the minority language. Unless these provisions are made for the minority language,
speakers of that language could reasonably complain that the exclusive attention and assistance given to the majority language does not leave them with a fair opportunity to realize their own identity-related preferences and attitudes.

What are the implications of this identity argument for the choice between the territoriality and personality principles? An objection to the territoriality principle is that it seems to violate the fair background conditions requirement. Under the territoriality principle, language policy helps to secure and promote the language of the majority and, to this extent, accommodates the preferences and attitudes of those in the majority with a language-based identity. At the same time, the territoriality principle offers no assistance at all to those in the minority with a language-based identity. By only recognizing the one language, public institutions are helping the majority language to flourish and maintain itself without giving any comparable assistance to those who define their identity in terms of the minority language. A bearer of a minority-language-based identity could reasonably object that he does not have a fair chance to realize the preferences and attitudes associated with his identity. By contrast, under the personality principle, this unfairness is absent. Public institutions operate in both the majority and the minority language and to this extent offer roughly equal kinds of assistance to bearers of minority-language and majority-language identities.

It seems to me, then, that a defensible version of the identity argument would indicate a general preference for personality over territoriality. Two important caveats should be mentioned, however. The first is that I have not offered a detailed account of fairness and language policy but have instead simply relied on the assumption that territoriality – which devotes no resources at all to the minority language – would be incompatible with
such an account, whatever its precise contours turn out to be. Although this seems like a reasonable assumption, it is worth pointing out that a minority’s fair share of resources may not entitle it to anything like the same level of public recognition as the majority enjoys. If a group’s entitlement to resources is pro-rated according to its size (or the level of demand for services in the group’s language) and there are economies of scale in the provision of public services in a particular language, then fairness is compatible with a lesser level of recognition of the minority group than of the majority group. For this reason, it seems appropriate for the personality principle to be qualified by a ‘where numbers warrant’ proviso.

The other caveat concerns the kind of weight that should be attached to the identity argument, even in the defensible ‘fair background conditions’ formulation that I have proposed here. It is natural to wonder what should be done when an analysis of the communication-related interests indicates a preference for the territoriality principle, whereas the identity-related interests, as I have argued, are more supportive of the personality principle. I will try to pull together the various strands of the discussion in the next section. For now, let me just emphasize that nothing in the argument of the present section is meant to suggest that the identity-related interests are more urgent than the communication-related ones. In fact, although I will not argue it here, my own view is that a person’s interests in being able to access public institutions, in having an adequate context of choice, and in being able to participate in democratic deliberations, are more urgent than her interests in having access to a fair share of identity-related resources.
Where there is a sharp conflict between the two kinds of interests, then, I would tend to privilege the communication-related ones. Having said this an exploration of the identity argument is still important for assessing those cases in which both the personality and territoriality principles can be reconciled with the individual’s communication-related interests. In these cases, I claim, a consideration of the identity argument indicates a preference for the personality principle.

8. Discussion
Looking back at the arguments of the four previous sections, it is possible to draw several general conclusions. One conclusion is that there are two main kinds of cases in which territoriality may be appropriate:

- Cases in which territoriality is necessary to bring about a common public language.
- Cases in which territoriality is necessary to prevent a vulnerable language community from deteriorating to the point that it no longer offers an adequate context of choice to its members.

In the first kind of case, the argument for territoriality appeals to considerations of democracy and/or social mobility. Territoriality is regarded as necessary to establish an integrated deliberative community and/or to ensure access to a societal culture for members of the language minority. In the second kind of case, the accent is on preserving social mobility for members of the language majority. Territoriality is deemed to be necessary to avert a situation in which unilingual members of the majority get stranded by the deterioration of their language community.
Unless at least one of these conditions is satisfied, my argument indicates a general preference for the personality principle. Absent the satisfaction of one of the conditions, the interests in public access, social mobility, and democratic deliberation are all satisfied under the personality principle or could be made to be satisfied through a program of second-language education in the majority language. Even if these interests would also be satisfied under the territoriality principle, the identity argument tilts the balance of reasons in favour of the personality principle.

Two qualifications should be added to these general remarks. The first is that any application of the personality principle should include a ‘where numbers warrant’ proviso. Where a language community is tiny, the ‘fair share’ of resources that it can legitimately claim will not be sufficient to finance a significant level of provision of services in that language, given economies of scale. This qualification helps to reinforce the intuition that territoriality is particularly appropriate for jurisdictions that have a very high degree of linguistic homogeneity.

The other qualification is connected with the costs of moving faced by the language minority under a regime of territoriality. In general, I argued, these costs are fairly significant, and so the possibility of moving cannot be regarded as sufficient compensation for a policy that is otherwise unreasonable. It is possible to imagine cases, however, in which the costs of moving are quite low. If the language districts are small enough, and close enough together, then moving may just involve relocating to a different part of the same town or city. Under these circumstances, even if an analysis of the language-related interests indicates a preference for the personality principle, it would seem acceptable for a jurisdiction to opt for the territoriality principle instead.
Finally, by way of conclusion, let me offer a brief comment on the Belgian and Canadian cases. I do so in order to illustrate the framework I have been developing rather than in the hope of saying anything definitive about these complicated controversies. A full analysis of these cases would obviously require a more detailed empirical investigation than I am prepared to offer here.

As I mentioned near the start of the paper, the Belgian controversy has recently focused on the language rights of French-speakers living in Flanders in the suburbs of Brussels. Although Belgium is one of the main examples of a country that has adopted the territoriality principle, French-speakers in certain suburban communes in Flanders enjoy access to French-language ‘facilities’ (schools, government offices). Whereas Flemish public opinion is generally opposed to this exception to the territoriality principle, French-speakers have increasingly adopted the language of minority rights to defend their facilities.

My framework points to several empirical questions that should be asked in assessing this conflict. One concerns the propensity of French-speaking residents of Flanders to learn Flemish. Is this propensity too weak under a linguistic regime that recognizes the facilities? Would it increase significantly were the facilities to be abandoned? Although a knowledge of Flemish is probably not necessary for the social mobility of French-speakers (because of the proximity of French-dominant Brussels), the interest that all citizens of Flanders share in securing the conditions of deliberative democracy make it reasonable to expect that French-speakers living in Flanders will also learn Flemish. This expectation seems especially relevant in the Belgian context, in light of the highly decentralized character of the Belgian state. The other question concerns the impact of
the facilities on linguistic transfers from Flemish to French in the Brussels area. Do the facilities encourage these transfers? And is the rate of any such transfers likely to reach a level where it risks undermining the capacity of Flemish societal culture to offer an adequate context of choice to Flemish speakers?

Canada, as I mentioned earlier, is one of the leading examples of a country that has opted for the personality principle (especially in federal institutions). In assessing this policy, it is convenient to look separately at the recognition of French outside of Quebec and at the recognition of English in Quebec.

The Francophone communities outside of Quebec are characterized by a very high level of individual bilingualism, and so the members of those communities can typically enjoy social mobility in the English language and participate in the common political life of their province. At the same time, the Anglophone communities outside of Quebec are extremely secure. It would seem, then, that neither of the conditions that would indicate a case for abandoning the personality principle are present in these cases. At best, it could be argued that some areas of the country are very homogeneously Anglophone. For this reason, the ‘where numbers warrant’ proviso in Canada’s application of the personality principle seems appropriate.

The case of Anglophones in Quebec is somewhat more complicated. Increasingly, members of the Anglophone community in Quebec enjoy a high level of individual bilingualism. They are thus able to access Francophone societal culture and participate in French-language political deliberations. On the other hand, it cannot be said that the French-language societal culture in Quebec enjoys a high level of security. And a surprisingly high proportion of Quebec Francophones are unilingual. The risk that demo-
linguistic changes would undermine the social mobility of some Francophones cannot, therefore, be entirely discounted. At the same time, despite Canada’s adherence to the personality principle, there is evidence that French has overwhelmingly become the language of public life in Quebec.

The degree to which the French language in Quebec is vulnerable is a matter of considerable empirical controversy. My own judgement is that it is not near enough the threshold of vulnerability required by the social mobility argument to justify abandoning the personality principle, but I will not seek to justify that view here. What the framework I am proposing does tell us is that this is the right sort of empirical question to be asking.
Notes


2 Canadian Charter of Rights and Freedoms, secs. 16-23.

3 South Africa, Constitution, secs. 6, 29(2).

4 McRae, 50-1.

5 Ibid., 51.

6 [note on territoriality within bilingual cantons].

7 Even when there is freedom to move from territory to territory, the principle of *cuius regio eius religio* seems objectionably illiberal today. For discussion of this principle from a liberal point of view, see Brian Barry, *Culture and Equality* (Harvard, 2001), 25.

8 The phrase ‘context of choice’ is from Will Kymlicka, *Multicultural Citizenship* (Oxford, 1995), 82-4. I will use the phrase somewhat more narrowly than Kymlicka to designate the availability of a range of options and opportunities.

9 Ibid., 76. Kymlicka defines a societal culture as a ‘culture which provides its members with meaningful ways of life across the full range of human activities’.

10 I discuss this kind of case further in Alan Patten, ‘Political Theory and Language Policy’, *Political Theory* (2001), vol 29, 691-715, at 707-08.


13 This is proposed by Van Parijs, 244-5.

14 Interestingly, this assumption may be more reasonable for (some) immigrants. For a brief comparison of the claims of immigrant and ‘national’ language groups, see Patten, 696-7, 711.

This term is from Joseph Carens, *Culture, Citizenship, and Community: A Contextual Exploration of Justice As Evenhandedness* (Oxford, 2000), ch. 1, although I use it in a somewhat narrower sense.