

Language and power: English, French and Spanish in the EU and the United Nations: lessons for a pending debate in NAFTA (and FTAA).

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On September 25th 2008, in a conference at NYU, David Miliband, Secretary of the Foreign Office was asked what will change in the Foreign office in ten years time. He answered briefly and precisely that whereas what will not change is the best network of diplomats in the world, helped by the use of the English language, “Soft Power” will be even more determinant than now. And the Foreign Office, helped by the BBC World Service and the British Council will bet on that.

Language is not only at the core of both Identity and Democracy, the two missing elements that would make of Europe a modern political community in its own right, but also of power, the central object of studies in International Relations, and the European Union (EU), as in so many other areas, is an interesting case study and precedent for other regional grouping , such as NAFTA, and international organizations

1- Presentation of the project:

The language problem was addressed in the beginning of the European construction. Nevertheless, it has become clear that it has not been addressed properly or that at least it is not adapted to the new reality of the European Union.

Too shy, too ambitious, or just forced by the very essence of the new experience, the first negotiators granted all the official languages of the Member States the status of official language of the EEC. It was workable with the four languages of the beginning, but with the perspective and hope that eventually all Europe will be reunited, no one could think that this solution was definitive.

I don't know if the Founding Fathers doubted of the success and durability of their intent, if they were hoping that with time a solution would appear miraculously¹ or if they were counting on the neo-functional vision to find a solution when the time came. This illusion could last almost a quarter of a century.

But time has long since come and the EU still functions with the rules set in 1951 and 1957, with six countries, and four languages. With the first enlargement to Denmark, Ireland and the United Kingdom in 1973, it still seemed, wrongly, that the linguistic regime would be kept under control, as “only” two languages were added ,as Ireland at that time did not demand that Irish be considered an official language with the same full

¹ which could have been possible, as French was the official language of three of the six Member States, official language of the three cities of the institutions and the **only** really international **one** at that time within the EEC **and it** could have imposed itself progressively as the official language in the EEC Institutions

right as the others². In reality the first enlargement was a turning point, ending with any possibility of a smooth solution without debate for the linguistic question within the EU. It was no longer possible to hope for the French solution as English was a major international language and Danes, contrarily to the founding member states did not have the historical tradition and the necessary knowledge among their political elites to use French. Moreover, as expected, neither they nor the Britons were willing to consider French as the natural *Lingua Franca* when dealing with the EU.

As a matter of fact, this system began to be unsustainable both practically and politically when Austria, Sweden and Finland joined the EU. On one hand, Finland and Sweden increased the communication problem posed by the previous enlargement and that Philippe Van Parijs summarized by the “*maximin* law of communication³” which is equivalent to the smallest common denominator in linguistic abilities, this smallest common denominator being predominantly English with the joining of Denmark, Austria, Sweden and Finland.

Whereas the linguistic status of European Institutions is subject to a heated political debate, such discussion is hardly incipient yet in North America as a whole.

There are of course discussions about the linguistic situation and linguistic policies within the three countries⁴. Canada is the most obvious example, but the status of indigenous languages has come to the forefront in Mexico in particular after the Zapatist uprising and motivated important constitutional changes. In the United States the status of English and Spanish have also motivated debates and, in some states, constitutional changes. But my focus will be on International Relations.

In the probable case of a deepening of North American Integration, such a political debate is bound to emerge. Thus the present disregard for the linguistic balance of power is likely to be temporary in North America. The aim of my research project is to prepare for that debate, theoretically as well as concretely.

² It was a Treaty Language which means the Irish version of the European Treaties would be official but that there was no obligation to translate every piece of legislation into Irish. Nevertheless, on the 1st of January 2007 Irish became the 23rd official language in the EU. In the country's 2002 census, 1.4 million of the four million population said they had "an ability" to speak Irish. More than a quarter of those said they spoke it on a daily basis. There are a number of Gaeltacht areas in Ireland, where Irish is spoken by more than 80% of people adding not only a financial strain but also a new debate about the “fairness” of having the language of 350,000 persons as a maximum, moreover almost all of them being either fluent or totally bilingual with English, reigniting the claims of Catalans (with 7 millions speakers) and other numerous minorities. No doubt that Luxembourg will one day demand that its own official language Luxemburgish be made an official language as well, even if all its population could speak French, the other official language, and German.

³ In “Europe Linguistic Challenge” *European Journal of Sociology* 45 (1) 2004 pp. 111-152. “When deciding which language among those you know you should pick, the question you will spontaneously tend to ask yourself is not which is your own best language, or which is the best language of the majority or which language is best known by your audience but rather which language is best known by the member of your audience who knows it least. The maximin criterion amounts to maximizing the minimum competence.

⁴ Ricento, Thomas K *Language and Politics in the United States and Canada* . Barbara Burnaby 1998 or Linda King *Roots of identity : language and literacy in Mexico* Stanford University press, 1994

In such a case, lessons from the ongoing debate in Europe will prove invaluable. What happens at the Organization of American States and at the United Nations, where English, French and Spanish also have special status, will be important.

As a matter of fact, in Canada the linguistic question is not only part of the internal political debate, it also is one of the elements of the country's foreign policy. It is thus natural that some federal and provincial authorities already gave a thought to the implication of the North American and American integration on this aspect of the foreign policy.

This is a highly political as well as a highly technical debate but on the whole, it has more to do with political considerations than with linguistic concerns. As the essence of the question is how a country can first preserve its sovereignty and then project itself and promote its objectives on the International Scene through its ideas and culture. It is thus a multidisciplinary discussion including elements of politics, economics, Law, and socio-linguistics

More specifically, the project will look at three major international institutions: The North America Free Trade Agreement (NAFTA), the European Union (EU) and the United Nations (UN), to study both the language's official juridical status, and the everyday application of language in these important organizations and the evolving reality and balance as a way to reflect the soft power policies of the main international actors.

My hypothesis is that although English is the one undisputed international language, it is hard to imagine that in a near future it will be the only one, not even at the UN or within NAFTA. Moreover, although the dominance of English is a seductive notion for most economists and for American and British politicians and jurists, such an evolution might not be desirable even for them. Multilingualism is necessary not only for cultural reasons but also because it guarantees the legitimacy of supra-national and international institutions. Nevertheless integral multilingualism seems unattainable for practical reasons. In these conditions, only Spanish and French could maintain a status as lesser international languages, which could challenge, complement and or legitimate the status of English as an instrument of power.

2- Theoretical Background:

This by essence is a multi-disciplinary research. Although my departure point would be the International Relations (IR) field, I will also have to draw upon socio-linguistics, philosophy, and possibly Law and comparative politics.

As far as the scientific field of International Relations is concerned, there are two main theoretical currents that explain European Integration, neo-functionalism and neo realism.

The IR theory that classically explains best the European integration experience, as it was created precisely for that, namely neo-functionalism, such as introduced by Ernst Haas⁵ and modernized by authors like Carlos Closa⁶ in Spain or Jens Tranholm Mikkelsen in Denmark⁷ or Philippe C. Schmitter⁸. Ernst Haas and his successors were forecasting a technical spill over from area to area, a political spill over from the elites to the people and a geographical spill over. What seemed to work in the 50's and 60's came to a stalemate in the 70's and so went the theory. The 80's and the Single European Act witnessed a new surge which probably will die away, as the integration come to a new impasse with the failure to adopt the Constitutional Treaty and the present problems with the Lisbon Treaty. The debate upon neo-functionalism is still lingering, with up and downs of the theory following the European Integration's evolution. Oddly enough, neo-functionalism does not take in account culture and languages in its parameters and although it bets on the spill over to common ideals and identities, it states that interests rather than identity, are the driving force behind the integration process⁹.

Unexpectedly, the neo realist theory, or at least the idea elaborated in one of its currents, takes better in account culture; the idea of Soft Power from Joseph Nye. (Joseph Nye). The notion of "soft power" is well developed, both in the United States and in Europe. But the two regions have different approaches to understanding it and applying it, and it has just started to develop in Spain and Latin America. But most generally, as described by Joseph Nye, "soft power" refers to the ability of a State to influence directly or indirectly the behaviour or the interests of other actors through cultural or ideological means or any other form of power that is not "hard" (sheer strength).

I shall consider language as the most concrete and empirical way to observe and analyse the projection of soft power in the cultural realm. In this regard, the main focus will be made on three languages that were used (and still could be) as an instrument of international power in the Western hemisphere: English, Spanish and French. This is not only because of the number of people who speak these languages (both natively and as a second language), but also because of the number of countries that use these languages; especially because of the economical, cultural and social importance they embody. The French position on this side of the Atlantic is open to discussion today, but it still is an official language in almost all the international and regional organization both in Europe and America. The same could be said for Spanish in Europe, whereas German is a better candidate as a tool of soft power.

⁵ Haas, Ernst B. 1957. *The Uniting of Europe: Political, Social, and Economic Forces, 1950-1957*. Stanford University Press, Haas, Ernst B. 1968. Author's Preface to 1968 edition of *The Uniting of Europe*, pp. xi-xxx.

Haas, Ernst B. 1976. *Turbulent Fields and the Theory of Regional Integration*, *International Organization*, 30:2, pp. 172-212,

⁶ Closa Carlos "E pur si muove, teorías sobre la integración europea 1" *Revista de Estudios Políticos* (Nueva Época) Núm. 85. Julio-Septiembre 1994.

⁷ Tranholm-Mikkelsen, J.. "Neo functionalism: Obstinate or Obsolete?" *Millenium: Journal of International Studies* 20(1) 1991.

⁸ Schmitter, Philippe C.(2005)'Ernst B. Haas and the legacy of neo functionalism', *Journal of European Public Policy*,12:2, 255 — 272.

⁹ Dosenrode Soeren "Is a Common Culture a Prerequisite for Regional Integration? Paper presented at the joint CCIS-CSE Workshop, April 27th 2006, Aalborg (Denmark).

Apart from these two main currents, I should examine some internationalist thinkers of ideology and culture such as Richard Ashley, James Der-Derian and Cynthia Enloe. Moreover, I might use the social constructivist ideas about discursive power, such as Alexander Wendt, and also critical theory, which deals with knowledge, power and interest, as in authors like Robert Cox or Mark Hoffman.

But the foundations of this research will go well beyond the IR field. The very notion of “soft power” was developed a long time ago from a philosophical standpoint that could easily be translated in the IR field. For what concerns us more precisely in this research, the influence of language and culture on the ideas was developed in several waves which mixed philosophy with linguistics.

In Germany, von Humboldt, Herder and more recently E. Cassirer and Walter Benjamin have considered the relationships between language and thought.

In the twentieth century, Antonio Gramsci and his notion of hegemony, where dominant ideas are particularly powerful because they are assumed as implicit aspects of a more explicit ideology, laid the foundations of a renewed philosophical thinking on these questions. After him one could quote many eminent French philosophers such as Jean Baudrillard, Gilles Deleuze, Jacques Derrida¹⁰, Michel Foucault, Jean François Lyotard and Jean-Luc Nancy. All these post-phenomenologist and post-structuralist thinkers reflected on the fact that “concepts are historically and politically predicated, that loci and modes of enunciation are inextricable mediations that render knowledge claims historically and spatially contingent¹¹”. Particularly important is Pierre Bourdieu and his ideas on symbolic value, and thus domination of one particular language over others, based on misrecognition (*méconnaissance*) because the philosopher dealt specifically about the language status problems. .

As far as socio-linguistics is concerned, American thinkers are prominent, the thoughts and works of Edward Sapir, Benjamin Lee Whorf, Boas, Joshua Fishman will certainly be the basis of the theoretical reflexion surrounding the determination of the best linguistic status for the European Union and other regional blocks. E. Casirrer again and the socio-linguist, Louis-Jean Calvet, and numerous other French and Canadian socio-linguists also laid foundations for a comprehensive study on the language and power questions.

Finally a few scholars, not surprisingly Belgians and Dutch, have already focused the debate applying the ideas of the Philosophy of Language to the European Union linguistic status, namely Philippe Van Parijs, Helder De Schutter and Abram de Swaan.

¹⁰ Jacques Derrida *In the ear of the other, otobiography, transference, translation*, NY, Schocken, 1985.

¹¹ Michael J. Shapiro “Methods and Nations, cultural governance and the indigenous subject ” Routledge, New York and London, 2004 p ix.

The two first base their ideas on the “Theory of Justice” of John Rawls¹² and particularly on its implications in the IR theoretic field¹³, speaking of “Linguistic Justice”.

The research will use both qualitative and a bit of quantitative analysis to guarantee the best approach to test the hypothesis I will try to prove. The qualitative tools would include interviews with diplomats, academics, linguists, translators and jurists, as well as a deep theoretical research. It will also include a broad study of the laws that give the juridical status to the three languages and to the evolution they have experienced during the 20th and 21st centuries. The tentative quantitative part will be statistical research of how extensively used the three languages are in official and working documents as well as in formal and working meetings.

3- Content:

3.1- Language diversity is at the core of International Relations and regional integration,

The definition of a linguistic policy is complicated in the European Union by the fact that all languages are at the same time a tool of communication (the communication focus) and a mode of expressing and envisioning the reality (the semiological approach). Considering only or mainly the first part of it, the most immediate and concrete but also the most superficial would endanger the very essence of the European experience as an intent to create a common political and identity space.

- 1) An **instrument to communicate**. This in itself is fundamental and could be divided in several points, as the language is an indispensable tool, not only for the daily tasks to be achieved, but also for the European citizens to understand and comply with the European law.

- 2) A **negotiation medium**. Negotiation is of course a political act but it is quintessentially a linguistic act. Negotiation outcome is also a linguistic act. The object of negotiation is almost always to arrive at a written agreement of terms and conditions, a resolution, a directive or a Treaty. Each of these outcomes involves a careful use of language. There is an important literature about inter cultural communication on a personal level, not that much at the international communication level. If we define Politics (and in our case, International politics) as the use of language/communication to affect others, and if we accept the idea that there is a power relation between A and B if A (A be an individual or a State) acts as B wishes¹⁴, then once again, language is at the core of the IR process.

¹² Rawls J. *A Theory of Justice* Cambridge, Harvard University Press, 1971

¹³ For a discussion on these implications see Beitz Charles R. “International Liberalism and Distributive Justice: A Survey of Recent Thought” *World Politics* 51.2 (1999) 269-296.

¹⁴ Bachrach, Baratz and Luke quoted in Richard W. Miller *Analyzing Marx: Morality, Power, and History* Published by Princeton University Press, 1984 p. 150.

In the 70's, the idea of Political Linguistics¹⁵ was developed by David V. J. Bell supported by the concepts of power, influence and authority. Bell describes it as the "use of language and communication to change values, beliefs, attitudes and behaviour, thus negotiation entails politics i.e. the deliberate use of communication to change outcomes¹⁶. Although Bell is dealing with negotiations in general, his ideas are perfectly adaptable and applicable in the IR field. He distinguishes three dominant modes of political action language: power, influence and authority. Power is the use of sanctions, whether positive or negative on others: authority as Bell defines it, is not really different but takes the form of orders, instructions, directive, pronouncements, commands, rules etc. Influence is different and more related to our reflection as it does not affect directly the positive or negative outcome of the communication act. Instead, the user of influence merely predicts certain contingent outcomes that will follow[s] certain types of behaviour. In a regional negotiations, the parties are willing and anyway in most of the cases not able to make threats or promises. Their task is thus to change perceptions, and to "influence parties into rethinking their positions and into modifying their position in order to achieve some sort of compromise¹⁷". In negotiations, political control is sometimes achieved through tacit rather than explicit means as first enunciated by Carl Friedrich by his "rule of anticipated reaction¹⁸" and used in the communication and negotiation context by D. V. Bell¹⁹. The concept of "non-decisions" introduced in the political science literature by Bachrach and Baratz²⁰ could also be useful to understand the importance of language and understand why language is not a theme of negotiation, since what is ignored or suppress in the agenda could be as revealing as what gets discussed.

At the International negotiation levels, language use acquires a central importance to attain this objective: all the more so because non verbal factors which are deemed to represent 60 to 80% of the communication²¹ in individual settings cannot be so decisive in an international negotiation room with three or twenty seven participants often speaking through an interpreter.

3) A creator of the reality.

¹⁵ David V. J Bell, "Power, influence and authority : an essay in political linguistics" London : Oxford University Press, 1975.

¹⁶ David V. J. Bell "Negotiation in the workplace: the view from a political linguist" in Alan Firth ed. The discourse of negotiation: Studies of Language in the Workplace ",Oxford, New York, Tokyo, Pergamon 1995 p. 42.

¹⁷ We slightly adapted the ideas of D. M. Kolb "to be a negotiator: Expressive tactics in mediation" *Journal of Social Issues*, 42 (2), 11-26, 1985 quoted by BD. V. Bell Negotiation in the workplace: the view from a political linguist" in Alan Firth ed. The discourse of negotiation: Studies of Language in the Workplace ",Oxford, New York, Tokyo, Pergamon 1995 p.45.

¹⁸ "Constitutional Government and Politics", 2nd Edition Ginn Chap. 25, pp. 589-591.

¹⁹ ¹⁹ David V. J Bell, "Power, influence and authority : an essay in political linguistics" London : Oxford University Press, 1975 pp. 34-35.

²⁰ "Power and poverty" Oxford University press, NY, 1970.

²¹ Julius Fast "Body Language" New York, NY, U.S.A. Pocket Books. 1971

- 4) An important element **of democracy** (comparative politics and integration theories) for the very possibility let alone the quality of a European Democratic debate²².
- 5) A visible and measurable instrument of cultural changes and influences (international relations, soft power).

3.2- the European reference

The European Community founders thought they had addressed the question by granting all the official languages of the members the same official status in the Union. It was a bold move at a time when it was chosen in other International Treaties to limit the official and working languages. Maybe it had solved the problem for a while but not any more under the influence of several factors such as:

1 the size effect and the arithmetic explosion of official languages and geometric explosion of the languages combination necessary to be able to communicate one-to-one in two different languages. And this without mentioning the qualitative aspects of the skills necessary for an interpreters.. At the beginning there were only four Indo-European languages, French and Italian being very closely related, and also Dutch and German being very closely related too with a strong tradition in all these countries to learn the languages of the others.

Now we have three alphabets instead of one and have more families to the indo European branch, [with] besides Germanic and Latin languages, Greek, Baltic and Slavic family. Moreover, several official languages are not Indo-European, with another logic and much more difficulty to learn, Finnish, Estonian and Hungarian are Finno-Ungoric while Maltese is Semitic.

2 The increase in the domains that are integrated, requiring knowledge in more and more technical areas.

3- a major interest from the public due to the broadening of the range of the EU competences, the growing democratisation and a major European interest. The social embeddedness of the regional integration, perceived by Karl Deutsch is always more important²³.

4- the growing importance of the institutions that tend to be multilingual, Parliament, Council compared to the European Commission, where the use of two or three working languages is more admitted.

²² Peter A. Kraus "A Union of Diversity: language, Identity and Polity-Building in Europe" Cambridge University Press, 2004, New York p25..

²³ Karl Deutsch, Burrell Sydney, Robert Kahn, Maurice Lee "Political Community in the North Atlantic Area" Princeton University Press, 1957.

5 The nascent idea of a European civil society, as a result of both the greater importance granted to civil society in the political process and the higher level of political and institutional integration which is not matched by the integration of the society.

6- The growing importance of finding an political and cultural identity for Europe now that the peace, economic, juridical and even institutional integration have been secured. Talking of “Unity in the Diversity”, the motto that has been chosen for Europe should primarily be translated into the linguistic politics area. At the moment both sides, unity and diversity, are flawed in the European Integration process.

7- The growing importance of the Human rights questions in the European, and world, debate, being the linguistic right considered as part of these general Human rights both theoretically and for the official national languages of the member States.

8- Thus the growing awareness and claims of speakers of minority languages indigenous from Europe

9- and the possible claims of minority languages originated outside Europe such as Arabic, hindi-urdu, tamil etc.... How could the European respond to those legitimate claims if the problem of official languages, let alone the one of autochthonous minority languages is not solved?

The conjunction of all these factors has put the language debate in the forefront of the global reflexion on the future of Europe. Although the official status remains unchanged and not officially discussed, the ideas, declarations, working groups in the EU institutions and Member states are growing in number around this questions. Granting equal status to all official languages of the Member States does not guarantee in the facts the equal use of languages. All the European Institutions use in their daily proceedings only one or two languages, seldom three. It is unclear whether the status quo allows for the preservation of the linguistics rights of all, or if on the contrary, it allows for their violation.

Notwithstanding the recognized importance of Language for the European construction and the uniqueness of multilingualism in the European institutional architecture, the Common policy in this matter is rather limited.

Not only there is no policy to define the way the Union must address its citizens and constitute a common linguistic space, let alone how it should speak in international forums but even the linguistic rules for the internal functioning of the Common institutions are brief and ill-defined.

The ‘Linguistic status of the European Community consists in a short article of the Rome Treaty and a directive issued by the Council the following year. Article 217 of the Treaty reads as follows “the rules governing the languages of the institutions of the Community shall, without prejudice to the provisions contained in the Rules of procedures of the Court of Justice, be determined by the Council acting unanimously”. Half a century,

many debates and many languages after this first formulation, the Treaty establishing a Constitution for Europe did not add anything to that brief article²⁴.

The following year, in April 1958, the Council issued a directive regulating the language question for the EEC. Only eight articles were deemed sufficient to define the linguistic status in such a complex linguistic situation, with such an ambitious goal as political integration. These eight articles were supposed to address the question, both externally and internally.

These eight articles are²⁵:

Article 1. The official languages and the working languages of the institutions of the Community shall be Dutch, French, German and Italian.

Article 2. Documents which a Member State or a person subject to the jurisdiction of a Member state sends to the institutions of the Community may be drafted in any one of the official languages selected by the sender. The reply shall be drafted in the same language.

Article 3. Document which an institution of the Community sends to a member State or to a person subject to the jurisdiction of a Member State shall be drafted in the language of such State.

Article 4. Regulations and other documents of general application shall be drafted in the four official languages.

Article 5. The official Journal of the Community shall be published in the four official languages.

Article 6. The institutions of the Community may stipulate in their rules of procedure which of the languages are to be used in specific cases.

Article 7. The language to be used in the procedure of the Court of Justice shall be laid down in its rules of procedure.

Article 8. If a Member State has more than one official language, the language to be used shall, at the request of such State, be governed by the general rules of its law.

Thus only eight articles, of which two are menial precisions (7 that defines for the Court of Justice what was already set for the other institutions, and with only the first one, really defining a linguistic policy. This article established a distinction between official and working languages, without defining what was understood by working languages. It even let it be understood that all four languages were working languages.

Although, culture remains a competence of the member States, the EU has taken some important steps to define a common European identity, and it obviously strives to democratize the European integration process and bridge the so criticized “Democratic deficit” of the European construction. At the Copenhagen Summit in 1973, a Declaration of European Identity²⁶ was adopted. This identity was said to rest on four main pillars,

²⁴ In the Article III-433 of the new treaty the text went as follows “The Council of Ministers shall adopt unanimously a European regulation laying down the rules governing the languages of the Union’s institutions, without prejudice to the Statue of the Court of Justice of the European Union”

²⁵ Peter A. Kraus “A Union of Diversity: language, Identity and Polity-Building in Europe” Cambridge University Press, 2004, New York p. 113.

²⁶ Declaration on European Identity, in *Bulletin of the European Communities*. December 1973, No 12, pp. 118-122.

representative democracy, the rule of law, social justice and respect for human rights. In addition it emphasized the will of the member States to preserve the rich diversity of their national cultures. This definition was confirmed in the “Millennium Declaration” of the Helsinki Summit of 1999.

Article 22 of the Charter of Rights²⁷ stresses the political significance of the respect of cultural, religious and linguistic diversity for Equality of the citizens of cultural diversity in the EU but since the Constitutional Treaty did not come into force, it is not legally binding.

3.3- The language debate in North America:

It has been repeated over and over that the very essence of NAFTA is different, if not opposed, to that of the EU. In reality, as it was to expect, both blocks have much in common. If it is true that the NAFTA objectives and institutional structure look quite basic compared with the EU's, it nonetheless exists.

In 1994, during the negotiations of NAFTA, the United States was promised the labor office; Canada would receive an Environmental Secretariat, and Mexico, the Trade Secretariat²⁸. The linguistic balance in the siege of the few NAFTA institutions, one in a French speaking, one in an English speaking and one in a Spanish speaking city was thus better respected than in the EU where the three main institution cities, Brussels, Luxembourg and Strasbourg are French speaking. Nevertheless the main institution that should have been located in Mexico City was eventually deemed useless and never concreted²⁹. But there still is what was finally called the “Commission for Environmental Cooperation” in Montreal and the Commission for Labour Cooperation in Dallas.

As for the objectives, it is a daunting task to totally separate economics and politics. The founders of the European Community of Steel and Coal precisely bet on this ambiguity to advance their political objectives through economic integration, although they made their political objectives explicit from the onset. The political objectives of NAFTA are certainly more diffuse but they are not always implicit. The first sentence of the preamble of the agreement, before the Trade and Economic development reads as follows “ (the three governments resolved to) strengthen the special bonds of friendship and cooperation among their nations”.

More importantly, non trade considerations existed from the very beginning of the negotiations with the adjunction of environmental and labour agreements, and in the expectations of the three members. The concepts of Intelligent Frontiers or the “SPP (Security and Prosperity Partnership) for North America” all bear witness to a scope that goes well beyond trade liberalization. Such expectations are well described in the book of Robert Pastor's about the “North American Community³⁰”.

²⁷ *Official Journal of The European Union* C310 Volume 47, 16 December 2004, p. 46.

²⁸ Allen Myerson “Dallas Gets Three-Nation Labor Office” *New York Times* March 19, 1994.

²⁹ The concept of a NAFTA Secretariat remains but it is in fact divided in a Canadian Section, a Mexican Section and a United States Section, responsible for the administration of the dispute settlement provisions of the North American Free Trade Agreement (NAFTA). See http://www.nafta-sec-alena.org/DefaultSite/index_e.aspx

³⁰ Robert A. Pastor *Toward a North American Community: Lessons from the Old World for the New* Institute for International Economics, 2001, Washington.

Finally NAFTA is dotted??? of an arbitration system in case of trade conflicts and has institutionalized political forums at federal, state and even local levels, especially at its borders.

But if it is true that NAFTA already went beyond a simple trade liberalization agreement, it is even truer that the EU is still fundamentally a Union of sovereign States. Equally, the upholding of national sovereignty, and so diversity, national cultures and languages is inherent in the constitution, of the North American block.

Notwithstanding the legal complexity of the European juridical apparatus, its linguistic laws are as brief as the one of NAFTA. The linguistic status of both blocks is similar already, as well as the actual way linguistic exchanges work. In both cases it is very modest, scarcely mentioning in one article that all official languages of all members will be official language and procedure languages within the block. We already mentioned the exact wording of the linguistic status of the European Union. The NAFTA status is strikingly similar, in both its choices (all the languages of the member states are official languages of the block) and the way it announces it, leaving to the institutions the responsibility to deal with the concrete implications of this general principle.

Nevertheless, in the case of NAFTA, the trilinguism is tacit, expressed by the adoption of a trilingual version of the agreement. This trilinguism is also officially recognized in the claim procedure. The procedure stipulates that “If a claim is against Mexico, the notice of intent and any accompanying documents should be submitted in Spanish or together with a translation into Spanish if they are submitted in English or French. If a claim is against the United States, the notice of intent and any accompanying documents should be submitted in English or together with a translation into English if they are submitted in Spanish or French. If a claim is against Canada, the notice of intent and any accompanying documents should be submitted in English or French together with a translation into English or French if they are submitted in Spanish³¹”.

Both trilateral Commissions (Labour and Environment) do have an explicit linguistic status. In its article 19: about official languages, the North American Commission for Labour Cooperation stipulates that “The official languages of the Commission shall be English, French and Spanish. The Council shall establish rules and procedures regarding interpretation and translation”. The Environment Commission has the same status.

From the perspective of North American inhabitants also multilinguism has become a reality. One of the side effects of NAFTA has been the significant increase in bilingual or even trilingual labelling on products, for simultaneous distribution through retailers in Canada, the U.S., and Mexico in French, English, and Spanish, something usual in Canada at least in two languages but new in Mexico³².

³¹ Statement of the (US) Free Trade Commission on Notices of Intent to Submit a Claim to Arbitration (although unofficial since subject to verification in all three NAFTA languages, which is another way to recognize trilinguism anyway)

http://www.ustr.gov/assets/Trade_Agreements/Regional/NAFTA/asset_upload_file212_3601.pdf

³² “Wal-Mart is a prime example of a NAFTA compliant organization. From what I have observed, products sold have labels and instructions in three languages. This includes household items, hardware, beauty supplies, hygienic needs, baby products, school supplies and the list goes on”

<http://dr1.com/forums/spanish-101/73899-nafta-its-impact-language.html> .

In both cases, this legal rule is in general strictly respected as far as official documents and declarations are concerned. In both cases, nevertheless, negotiations, debates and non official documents and studies are overwhelmingly redacted in one language, English.

NAFTA does not possess the heavy institutional or juridical apparatus of the EU, there are three ways to measure the balance of languages and the way it works: In a first step of this research I spent several weeks in Montreal to observe the daily linguistic operating balance in one of NAFTA's two institutions.

Another way of analysing the linguistic regime of NAFTA would be the analysis of the NAFTA dispute panels and the way they might or might not be biased³³. As a matter of fact the one controversy that involved (indirectly) the Linguistic knot in North America was carried by the US government and resolved by the WTO not under the NAFTA dispute settlement auspices. One of the reasons, although probably not the main one could have been to avoid opening the language and, more generally, the culture debate within NAFTA.

Notwithstanding this precaution, another signatory of the agreement, the Canadian government is very attentive to this cultural and linguistic debate and has already taken several steps to ensure that the question will sooner or later be put on the negotiation table. Canada plays in this area a role similar to that of France in the European Union. The natural tendency would be to attribute it to the sharing of one language, French, which claims to be a *lingua franca*. It is true that both Canada and France have used French as an instrument of Foreign policy to project their soft power. Nevertheless, both position also have different origins and motivations.

4- (very) Preliminary Conclusions:

4-1- A converging debate in Europe and the Americas

Finally, in the EU as in NAFTA, the real debate will be what role other languages could have beside the indisputable and undisputed role of English as a *lingua franca*. The dilemma is identical in both cases. Should the Member States accept this or maintain a total multilingualism (all member states languages are official languages in all circumstances). In the case of Europe, with twenty three languages so far, there is an additional question about what type of multilingualism would be applied, integral or partial,.

The case for English as a *lingua Franca*:

³³ For general discussions about the biases in these panels see Matthew Stevenson "Bias and the NAFTA Dispute Panels: Controversies and Counter-Evidence" *American Review of Canadian Studies*, Vol. 30, 2000, Sher, Marc Dispute Resolution under NAFTA, Fact or Fiction? *George Washington International Law Review*, The, 2003 .

We already quoted the works of Philippe Van Parijs³⁴ and Abram De Swaan³⁵ about the unavoidable and desirable dominance of English.

- The probability-sensitive learning which motivates people to maintain and improve their competence in a language they are more likely to use and in which they have more opportunity to express themselves actively or passively. In both cases, English, the most spoken and spread language on earth, and the language of Internet and Hollywood benefits from a great advantages over any of its potential “competitors”³⁶,
- The *maximin* law of communication: as we already mentioned, this law stipulates that when confronted with the choice of a language for an audience, a speaker will not ask himself what is his own best language but rather what is the language which is best known by the members of the audience who knows it least. This *maximin* criterion will tend to lower the communication to the lowest linguistic competence³⁷ of the participants. The Scandinavians, Austrians and Finns more than the Britons and Irish nationals, for which the second best language would by far have been French, disrupted the balance between English and French given their scarce knowledge of French way over their demographic importance or their knowledge and objective attachment to English. These affirmations that were intuitive when made in 2004 were tested by the *Eurobarometer* of the European Commission in 2006³⁸
- The possibility of communicating without the expensive and constraining mediation of interpreters, which moreover make Europeanization, and more generally globalization the exclusive preserve of the elite who can afford such mediations, while the bulk of the population cannot communicate. This argument, however, reverses the clichés that people need to be addressed in their own language and that the necessity to communicate in English takes legitimacy off the European construction. According to this argument, the existence of a European demos would demand the use of a lingua franca.
- Going even further in the same direction, the choice of English would allow the debates to shift to questions more important than the respect of ethnic or linguistic

³⁴ In “Europe Linguistic Challenge” *European Journal of Sociology* 45 (1) 2004 pp. 111-152

³⁵ La constellation mondiale des langues’ *Terminogramme* Numéro 99-100. (Géostratégies des langues) Automne 2001, pp. 47-68, “The World Language System; A political sociology and political economy of language”. Cambridge: Polity Press, 2002; 350 pp..

³⁶ “Europe Linguistic Challenge” p. 111-112.

³⁷ Van Parijs accepts exceptions for political reasons. such as education of children, aversion for a language even if better known which in Europe works in favor of English against German and above all Russian in Eastern Europe, the bilingual or multilingual countries like Belgium, Switzerland or Canada. “Europe Linguistic Challenge” p. 114.

³⁸ Entitled “European and their languages” http://ec.europa.eu/education/languages/pdf/doc631_en.pdf.

The stronger case for multilingualism:

English as the only lingua franca would indeed promote bilingualism which per se is rather a good thing except when it is only one sort of bilingualism which implies the knowledge of the mother tongue plus English only, hence taking away much of what should be an asset for diversity.

There will also be some practical problems

- Problems arising from learning and mastery of English.
- There is no assurance that English would remain for evermore the world's lingua franca
- Negotiating in English as a foreign language only (except for Britons and most Irishmen) would lower the standards of the English language thus jeopardizing its communication abilities
- Having just one language would not mean all communication and interpretation problems would just disappear

But, above all there are more fundamental obstacles, namely

- The contradiction with the very foundations of European linguistic policy, together with several other basic principles of European Integration (such as its would-be motto "Unity in Diversity") as well as several more precise legal principles.
- The Hypothesis Humboldt/Cassirer and Sapir/Wolf about the language as a symbolic system and the linguistic construction of reality.
- English is not just a neutral language, notion of soft power.

4.2- Some concrete proposals for Unity in Diversity in the linguistic policies:.

So for now, multilingualism is here to stay in regional and international organizations and institutions. Focusing the attention on the communicative tool of language and the costs

³⁹ Walter Benn Michaels « The trouble with diversity » *The American Prospect*, September 2006 p 18-22 et « The Trouble with Diversity, How we have learned to Love Identity and Ignore Inequality » Metropolitan Books, 2006. .

of multilingualism is legitimate, focusing *only* on it is counterproductive. It also denotes a certain vision of the integration expectations.

As far as the EU is concerned, the fact that Britain and the Scandinavian countries share these views is just another token of what their expectations and objectives in the Union are.

The majority of the other Member States, led by France, Germany, Italy and Spain prioritize the expression function of languages. They nevertheless acknowledge the necessity of finding a solution to facilitate communication within the EU, since inefficiency would also erode the EU legitimacy, transparency and democracy.

So both parts do need to take in account the other's priorities and concerns.

Concrete remedies to the multilingual challenge:

- **Inventing a common language:** Maybe with the passage of time, a European jargon made of English, French, and technocratic terms will develop. It would not be the first times, and Linguists know very well the phenomena of creolization, pidginization or hybrid languages such as the Norwegian-Russian spoken in the far North. Some linguists maintain that it has already happened that such a moulded lingua Franca become the mother tongue of some and give the example of Swahili, created as a communication instrument for the Semitic language-speaking Arab Traders and the bantu language-speaking Africans from the coast (Sahel means coast in Arabic). The debate is open, just as it is open to debate about the roots of creoles. But Swahili, despite its many borrowings from Arabic, is clearly a Bantu language just as English is clearly a Germanic language although up to sixty per cent of its vocabulary comes from Latin and French (in particular in its Normand version⁴⁰).
- Some anthropologists⁴¹ maintain that such a jargon already exists, and that Brussels "fonctionnaires" communicate in a mixture of bad English/bad French/ technocratico-legal terms that only them understand hence the mistrust of the civil societies when explained by these "Eurocrats".
- One could argue that there is no need to create a new common language since Esperanto or Latin could play this role. It is true that both languages would have the advantage of fairness, since their learning would be compulsory for all. Even this sole advantage could be nuanced as speakers of Romance languages for

⁴⁰ We could even push this discussion about the creation of a new language and consider that finally English is itself such an invented language to allow the communication between Normand speaking elite, Latin reading scholars and the Germanic majority. But then again, Normand has the same history between Germanic rulers and Latins language speaking population that already perverted its Latin with Celtic substrates. Languages move and evolve constantly borrowing vocabulary and even some grammatical structures. Creolization is a much deeper and complex phenomenon which is still at debate.

⁴¹ See the works of the European Institutions anthropologist Marc Abeles *La vie quotidienne au Parlement Europeen* Paris, Hachette Litterature 1992 and *Anthropologie de la globalization* Paris, Payot 2008

Latin, of Indo-European languages⁴² in the case of Esperanto would learn it more easily. Both languages have additional drawbacks: As they lack contemporary literature in any subjects, and vocabulary, and media supports the incentive to learn them (the: “probability sensitive learning” which as we say includes probability and opportunity) would be low. They would both need the input of a gigantic quantity of modern terms. Finally the only advantage of Esperanto is its relative simplicity and lack of exception, an advantage that Latin does not possess.

- **Clever translation softwares::** although we are far from having found a workable solution, research continues in this direction and the European Union has developed over the years a full range of technological possibilities that could become operative in the near future⁴³. But at the moment it remains a remote possibility of solution.
- **Others?**

4.3- The search for a long term solution:

Although multilinguism is not attractive compared with the one language situation (this one language being English) that could exist to day, and which logically allows a common medium in 100% of the cases whatever the size of the grouping and the number of mother tongues, **official language pluralism**: prevails until now. All regional and international organizations still rely upon at least two languages and more often than not more, and all could be considered as *linguae francae*. As we already mentioned, if this path has not (yet?) been taken it is because not only is it unfair (in the sense of the Theory of Justice of J. Rawls, interpreted by Van Parijs) but also for more fundamental reasons.

The reflection on a long term stable solution has begun.

In the EU, the Commission carefully explores them, implicitly with its “Eurobarometers⁴⁴” around linguistic issues, and more explicitly with an official promotion of multilinguism⁴⁵ or the convocation of a group of experts on the topic.

This Group was called “Group of Intellectuals for Intercultural Dialogue” and it produced a report entitled “A Rewarding Challenge, How the Multiplicity of Languages could

⁴² Four of the 23 present official languages of the EU are not Indo European, namely Estonian, Finnish, Hungarian and Maltese. Euskarra, the basque language which has an official status in on of the region of Spain is not either.

⁴³ On the presently existing programs, check the Commission website
http://ec.europa.eu/dgs/translation/bookshelf/tools_and_workflow_en.pdf

⁴⁴ Special Eurobarometer “Europeans and their Languages Fieldwork: November – December 2005
Publication: February 2006.1

⁴⁵ For a good balance of these actions, see Commission Communication ‘Multilingualism: an asset for Europe and a shared commitment’ (citizen summary) Brussels, 17 July 2008 EAC C5/PB/DS D(2008)

strengthen Europe⁴⁶”. His report offers a basis for discussion and insight of what could be the solution to the future European policy.

In North America, Canada initiated the reflexion through the Quebec provincial government. As early as 1986, with the Free Trade agreement with the United States, the *Conseil Supérieur de la Langue Française* published a report on “Free trade Canada/United States and the French language in Quebec⁴⁷”

In 2001, a document was published which was called Language Issues in the Integration of the Americas⁴⁸ “, the Council of French Language in Quebec addresses directly the question of multilingualism in the Americas.

Departing from this report, the Council the first “Inter American Language Management Seminar” was organized in August 2002, in Quebec City. It was followed by a second seminar in Asuncion (Paraguay) in June 2003.

The Third Inter-American Language Management Seminar took place in Rio de Janeiro in May 2006, with the- "Inter-American Language Policies in a Multipolar World" as a topic⁴⁹ and was organized by the Latin Union. The Fourth should have taken place in Ottawa in October 2008 but was postponed due to the Canadian general elections.

⁴⁶ http://ec.europa.eu/education/policies/lang/doc/maalouf/report_en.pdf

⁴⁷ <http://www.cslf.gouv.qc.ca/publications/AVIS108/Avis108.htm> exists only in French.

⁴⁸ <http://www.cslf.gouv.qc.ca/publications/avis125/A125ang.PDF> by Christine Frechette, in French with translations in English, Portuguese and Spanish.

⁴⁹ http://dti1.unilat.org/tercer_seminario/index_en.htm