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Jean Monnet Working Paper 13/09

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**Could - and should - English win the “language war” in regional integration?
NAFTA and EU experience**

NYU School of Law • New York, NY 10012
The Jean Monnet Working Paper Series can be found at

www.JeanMonnetProgram.org

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ISSN 1087-2221
© Stephan Sberro 2009
New York University School of Law
New York, NY 10012
USA

Publications in the Series should be cited as:
AUTHOR, TITLE, JEAN MONNET WORKING PAPER NO./YEAR [URL]

Could - and should - English win the “language war” in regional integration?

NAFTA and EU experience

By Stephan Sberro *

Abstract:

Whereas the linguistic governance of the European Union and its institutions is the object of a heated political debate, there is no such problem yet in North America. This disregard for a “linguistic balance of power” is likely to be temporary. In the case of a deepening in North American Integration such a political debate is bound to emerge. In such case the experience of the ongoing debate in Europe could be invaluable.

It is a highly political as well as a highly technical debate which has not much to do with purely linguistic considerations and more with political ones. Although it is often considered as inevitable, choosing English as the only regional communication language in Europe or North America is neither neutral nor costless.

To frame these discussions, the notion of “soft power” was developed both in the United States and in Europe, although with different approaches. As theorized by Joseph Nye, “soft power” describes the ability of a State to influence directly or indirectly the behaviour or the interests of other actors through cultural or ideological means.

These ideas are an adaptation in International Relations of A. Gramsci’s notion of hegemony where dominant ideas are particularly powerful because they are assumed as implicit aspects of a more explicit ideology. It is also related to P. Bourdieu’s ideas about the symbolic value and thus domination of one particular language over others, based on misrecognition (*méconnaissance*).

To us, language is the most concrete, measurable and should we say scientific way to observe the diffusion of soft power. In this regard, the main focus will be made in three languages that

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can still be an instrument of power in international relations: English, Spanish and French.

Is a regional linguistic regime desirable and possible in North America? Is the European linguistic policy successful and is it a useful reference? These are the questions we shall consider in this article

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Introduction:

Languages are naturally at the core of International Relations studies. However, the language question is generally overlooked in our field. The explanation might be found in the very evidence of its importance or in the widespread idea that language developments, expansion, weakening and disappearance are “natural” phenomena. Still, all Nation States, including the United States of America, have engaged in active language policies to promote some language over others, and more often than not, in genuine “language wars¹” to impose one national language. These “wars” still rage in several corners of the planets, from Canada to India, and from the Baltic States to Africa. And yet, even in these hot spots of linguistic rivalry, the dominance of a single communication language seems to be overcome.

“Languages wars” also occur international organizations and diplomacy although less acute, and never as violent as within Nation States. In the Westphalian order of the International Society, the *lingua franca* question was not decisive given the limited sphere of influence of international relations.

Since 1945, international and regional organizations have gained an unprecedented relevance and power. Moreover, the more complex webs of nongovernmental economic, financial, political, technical, and international relations, entail a growing challenge of communication. The twin phenomena of regionalization and globalization exert an overpowering pressure to find a common language.

The question is more complex for regional blocks, where not only the communication needs but also the objectives, contents and significance of the common project are to be considered..

NAFTA (North American Free Trade Agreement) countries have cautiously chosen to postpone or dodge the debate. On the one hand, the linguistic regime of the agreement permits all three national languages to operate with an equal status in the block. On the other hand, English is infinitely more used than Spanish and French, and no policy has been considered to offset the obvious gap in language use.

It is difficult to blame the NAFTA negotiators knowing that fifty years ago, the European Union founders adopted almost exactly the same strategy in their language policy, notwithstanding their lofty political ambitions.

¹ Referring to Louis-Jean Calvet, *La guerre des langues et les politiques linguistiques*, Hachette (Paris, 2005).

Is the regional languages war avoided, postponed or is it already won? By all measures, English is the *de facto lingua franca* in both Europe and North America. However that choice is neither costless, nor neutral. It implies the devolution of power to one actor at the expense of the others. These difficulties remind us of the double function of language. It is true that language is primarily a way to communicate, but it is not limited to this function. The symbolic value attached to language is equally, if not more, important, especially in the context of international relations. The practical problems posed by the learning and use of a single language, foreign to the huge majority of its users², are daunting. But the fundamental problems of using one language as a symbolic set of values, rather than another, may be even trickier to solve from an International relations point of view. Once again, Language is not neutral in its use or depiction of reality. It inevitably embodies the values and interests of its native speakers. This problem translates in modern international relations theory in the notion of “soft power”, the power to impose some ideas and interests other than by sheer strength.

Much has been written on language, power and globalization³ but the vast majority of these thoughts were dedicated to discursive analysis, not to language itself⁴. Only a handful of authors have examined this particular question, often in the context of European Integration⁵. These reflections have generally been based on practical and financial considerations. Political and, let us not be afraid of the words, ethical and philosophical thoughts, not mentioning sociological and linguistic ones have been played down.

² In January 2009 the world population was of 6,790,062,216 inhabitants according to the International Programs Center of US census bureau. “Only” 375 millions of them speak English as a first language. 375 millions more people speak it as a second language according to the British Council.

³ See for example, Z. Bauman, *Globalization, the Human Consequences* (Cambridge: Polity, 1998); Norman Fairclough, *Language and Globalization* (London and New York: Routledge, 2006); Keneth Gergen, *An Invitation to Social Construction* (London: Sage, 1999); C. Hay and B. Rosamond, “Globalization, European Integration and the discursive construction of Economic Imperatives” *Journal of European Public Policy* 9:2 (2002):147-167; R. and S. Scollon, *News analysis, Discourse and the Emerging Internet* (London: Routledge, 2006).

⁴ To illustrate part of our thought process, English uses one word for language, where French uses three: language, langue or in Saussurian linguistics “parole”.

⁵ Arzoz X., ed., *Respecting Linguistic Diversity in the European Union* (Amsterdam: John Benjamins, 2008); De Witte Bruno (with S. Mancini), *Language Rights as Cultural Rights: A European Perspective*, in *Cultural Human Rights*, ed. Francioni and Scheinin (Leiden : Brill, 2008) 247-284; Kraus Peter A., *A Union of Diversity: language, Identity and Polity-Building in Europe* (New York: Cambridge University Press, 2004); Stephane Leyenberger, “Le travail juridique en plusieurs langues”, in Burr. Isolde /Gertrud Greciano (Hrsg.) *Europa Sprache und Recht La construction européenne: aspects linguistiques et juridiques*, ed. Burr. Isolde and Gertrud Greciano (Baden Baden :Nomos Verlagsgesellschaft, 2003).

The aim of this article is to discuss the linguistic regime of NAFTA, considering but going beyond the problems of communication. In the context of regionalization and globalization, is there really an alternative to English as a *lingua franca*? What are the costs of any choice, and can the EU experience shed some light on the debate in North America and other regions, as well as in international organizations?

In the first part, we shall consider the advantages and disadvantages of a more precise linguistic regime for NAFTA on the basis of its linguistic and geo linguistic merits, and its stated and implicit objectives. Although we shall keep focus on the concrete case of NAFTA, we shall also consider more general theoretical arguments about the necessity of a linguistic regime for a regional block.

In the second part, we shall describe and discuss the European answer to the linguistic challenges. This will lead us to question in a third part how the European Union can offer a concrete understanding of what could and should be this NAFTA linguistic regime. We shall then conclude on the possibility and relevance of a regional solution to the linguistic conundrum in International Relations.

1- Is a linguistic regime necessary for North America?

1.1- The case for English as the only communication language in North America

Although NAFTA is an international treaty, it explicitly defines a regional grouping aiming at economic integration as part of an implicit common political area. The Security and Prosperity Partnership (SPP) of North America⁶, is a concrete example of a North American political integration, which was not overtly stated by the three governments when they signed the Agreement in 1994.

If a communication and official language decision is at stake, the concrete question is whether English should be formalized as the regional language or if French and Spanish should retain their official status within NAFTA, and thus, be treated on an equal footing with English.

At first sight, it could almost seem absurd to even open a debate over the communication

⁶ SPP was launched in 2005 by President Bush of the United States, President Fox of Mexico, and Prime Minister Martin of Canada.

language in North America. Having at their disposal the only world communication language, the three Member countries of NAFTA have no objective reason to limit the use of English. Moreover, no political decision or costly policy needs to be adopted. English is already the most used language in the area, and the mere inertia added to some basic socio-linguistic behaviour in international settings should “naturally” strengthen its position. P. Van Parijs theorized these behaviours in its “*maximin* rule⁷”. 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 member of the audience who knows the least languages. This *maximin* criterion will tend to maximize the minimum competence⁸. Thus, the *laissez faire* would spontaneously lead us to an optimal linguistic equilibrium, responding to the need of the North American project. Nevertheless, most of the political groupings, including the European Union or the United Nations, have adopted linguistic policies.

As previously mentioned, NAFTA itself, despite the prevalence and pervasiveness of English, has three official languages although according to the Vienna Convention on the Law of Treaties, any language could have been chosen as official (“authentic”) language for NAFTA upon agreement of all parties⁹. Therefore there was no legal obstacle to the use of one language only to communicate in North America, as is the case for ASEAN or APEC for example. This was not the solution chosen by the three North American government which maintained a formal equality between all the official languages in the region.

If language was only considered in its instrumental use, the answer would no doubt be in favor of English as the only official language of NAFTA, both because of the particular role of English in the region and in the world, and because NAFTA, just like any regional and international entity, needs a common language to function efficiently whatever the diversity of its member internal linguistic situations and policies may be.

⁷ “Europe’s Linguistic Challenge,” *Archives of European Sociology* XLV,1 (2004):113-154.

⁸ 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.

⁹ “Vienna Convention of the Law of Treaties 1969”,
http://untreaty.un.org/ilc/texts/instruments/english/conventions/1_1_1969.pdf.

As noted by Fishman¹⁰, the use of English today, is both a consequence and a contributor to globalization. It is indeed *the* language of globalization. The preeminence of the United States in world affairs makes it a powerful instrument of communication. Financial markets, international trade, electronic communication, international mass media and film industries, now use the language of the biggest economic and military power in the world. Much has been said and written about this unique quality for a language for the first time in history¹¹. We shall briefly point them out here.

English speaking countries account approximately for one third of the world production. English is the almost exclusive medium for high diplomacy or important economic transactions worldwide. In consequence, a good knowledge of English is a job requirement for the diplomatic services and in almost all big companies in the world. In 1992, almost half of the world's million foreign students were enrolled in institutions of six English speaking countries, Australia, Canada, Ireland, New Zealand, the United Kingdom and the United States. To counteract this trend and to attract good students, universities of other countries do in turn ever more often offer programs in English, adding to the importance of this language. To illustrate this unprecedented power of a language in the modern times, around eighty per cent of the content posted in internet is in English, even though, an estimated 44 percent of online users speak another language at home¹².

For all practical purposes, English is already the communication language in almost all world international organizations, which have English speaking countries among their members. For the APEC (Asia-Pacific Economic Cooperation), it is already the only official language. It also is for several international institutions that don't even have an English speaking member country whatsoever, such as the ASEAN (Association of South East Asian Nations¹³), the BSEC (Black Sea Economic Cooperation¹⁴) or the European Central

¹⁰ Joshua A. Fishman, "A World Language: Will it be English?" *Current*, (1999):11.

¹¹ David Crystal, *English as a Global Language* (Cambridge: Cambridge University Press, 1997), and *Language Death* (Cambridge: Cambridge University press, 2000).

¹² Joshua A. Fishman, "A World Language: Will it be English?" *Current* (1999):10.

¹³ ASEAN member countries are Brunei Darussalam, Cambodia, Indonesia, Laos, Malaysia, Myanmar, Philippines, Singapore, Thailand and Vietnam. We saw that English is one of the four official languages of Singapore although mother tongue to almost no Singaporean. English is still one of the two official languages of Philippines too, along with Filipino, which is also the national language of the country.

¹⁴ Whose members are: Albania, Armenia, Azerbaijan, Bulgaria, Georgia, Greece, Moldova, Romania, Russia, Serbia, Turkey and Ukraine. None of them is English speaking. Russian, along with English is the official language of the organization. Macedonia, Montenegro and Cyprus were at some point candidates too.

Bank¹⁵. There are good reasons for this choice. Two of them are objective and quantifiable. The number of people speaking English as a mother tongue or foreign language could reach one billion persons. In terms of number of speakers, it is thus challenged only by Chinese and Hindi. But Chinese is the official language in only three countries, China (including Hong-Kong where English is widely used), Singapore (where English is in fact the official language too) and Taiwan. Hindi (and its Pakistani sister language Urdu) is the official language in two countries, both using widely English as a national language with an official status.

On the other hand, English is the official language in fifty seven independent countries, including as we said, Singapore and India. This is the biggest number in the world, now and in the past. English expansion is of course a result of the English colonization. And the United Kingdom was the most successful country in the world as far as colonization is concerned. As a result, it is difficult to quote an ex-British colony or mandate that has not adopted English as an official language or granted it a special role, be it in the educative system or as an international communication language¹⁶.

But then again, all the important languages owe their importance to colonization, or otherwise, to military, political and economic domination. Moreover, English itself was shaped by successive waves of conquerors, Celts¹⁷, Saxons, French-Normans and Scandinavians¹⁸, which as in the case of all other languages, melted and forged what we presently know as modern English. Spanish is quantitatively half as important as English in the world, both in terms of speakers¹⁹ and of countries that have adopted it as an official language. French is even smaller compared to English: one tenth as far as the number of speakers is concerned, and there is just about half the number of countries that use it as an official language.

¹⁵ In 2009, fifteen members of the EU were members of the ECB, as a consequence of having adopted the Euro for currency. Although Ireland is a member of the ECB, the United Kingdom is not.

¹⁶ The Middle East countries like Egypt, Iraq, Israel of the Gulf countries which gave an important place to Arabic and Hebrew could form a partial exception. Nevertheless, the growing economic, political and military importance of the USA does largely make up for the loss of importance of the British ex colonial power. English has a special role in all the countries above quoted.

¹⁷ John McWhorter, "What else happened to English? A Brief for the Celtic hypothesis," The Manhattan Institute (no date), http://iserp.columbia.edu/files/iserp/mcwhorter_0.pdf.

¹⁸ John McWhorter, *Our Magnificent Bastard Tongue: The Untold Story of English* (New York: Gotham Books, 2008).

¹⁹ The growth of Spanish as a mother tongue is more important than for English, and in this area Spanish could even have overgrown English, but as a second language English is by far more important.

Within NAFTA itself, the reasons for a prevalent use of English are even more overwhelming. English is the official language in two of the three NAFTA member states. As the mother tongue of more than eighty percent of its population²⁰, should be used as the language of NAFTA. Trade with the US accounts for more than ninety two percent of the total for Canada and approximately 80-85% for Mexico, and has increased more than 100 percent with both neighbors since 1994²¹. Last but not least, Mexico's GDP is only about 4% that of the United States or expressed another way, the Mexican economy is roughly the size of the economy of New Jersey or the Los Angeles metropolitan area. Even Canada's 1996 GDP of \$585 billion was only 8% of U.S. GDP²², most of it produced by English speaking firms.

With all these evidences, one could wonder who could resist to the general use of English as the communication and working language for the integration of North America. This would not harm the status of French and Spanish as official languages within Canada and Mexico. Moreover, it is not the first time in history that a language is singled out as the only communication language in international relations. To mention only the western world²³, from the eighth century on and for two centuries, Latin represented in Europe what English represents today: the language of communication between elites and the language of science and higher education much beyond the Roman Empire itself, in Germany and Scandinavia for example. It even possessed two more attributes that elude English today: it was the language of high culture, including literature²⁴ and of religion. Every university in Europe, from Uppsala to Bologna, taught in Latin. So even if Latin, contrary to Arabic, did not have an official political and international status, it was indeed functioning as an official language²⁵ for all purposes. Latin was progressively replaced by three of its offsprings²⁶:

²⁰ NAFTA gathers 439.8 million people 33 millions of whom live in Canada, 301.6 millions in the United States, and 105.2 millions in Mexico. There are three officially recognized (though not constitutionally in the case of the USA and Mexico) languages, English, French and Spanish. 23% of Canadians speak French, the other official language besides English.

²¹ Richard Basas, "Paranoia on the Frontier: NAFTA and the US Election," Foreign Policy Association, February 29th, 2008, <http://latinamerica.foreignpolicyblogs.com/2008/02/29/paranoia-on-the-frontier-nafta-and-the-us-election/>

²² Arlene Wilson, "NAFTA: Economic Effects on the United States After Three Years," CRS Report for Congress, June 13, 1997, <http://ncseonline.org/nle/crsreports/economics/econ-44.cfm>

²³ Classical Arabic in the Middle East and Central Asia, Chinese in North-East Asia, Nahuatl in Meso-America had similar statuses.

²⁴ Latin was the poetry language by excellence until the 12th century, when it begun to be replaced by Occitan, French or German.

²⁵ Paradoxically, now that it has lost its clout and influence, Latin has become the official and communication language of one European State, the Vatican.

²⁶ The "Golden Century" Spanish is also considered as a culture and reference language in Southern Europe.

Provençal /Occitan/Lemosin for art, then Italian from the 15th until the 17th century as a language for culture and diplomacy, and finally French from the 18th Century onwards.

French twice became the main international language in Europe²⁷. As a first tryout between the 11th and 14th century, although for diplomacy, administration and even culture, Latin still prevailed. But from the 17th century onwards, French imposed itself as a diplomatic and culture language in Western Europe. For the first time in history, Western and Eastern Europe shared the same language to communicate in the 18th century. The French revolution and the Napoleonic conquests contributed to transform French into the first international communication language in the modern sense of the term. It was the *de rigueur* tool, not only for culture and communication, but for diplomacy and, thanks to the spread of the Code Napoleon, international legal affairs. Even foe countries such as Austria and Prussia, signed their international treaties in French, and in 1875 the International Postal Union chose French as its only international language. Despite the growing power of their native countries, German and English could not attain a similar status until well advanced the twentieth century.

The Versailles Treaty in 1919 was written in two languages, French and English. The latter began to grow as an international language, at the height of the British Empire, and when the United States began burgeoning as a world power.

All these evolutions did not take place at random. Latin and French did not prevail either for their intrinsic qualities or their neutral character as international communication languages. Although Latin rapidly became a *lingua franca* without native speakers, it still was heavily marked by the Roman Empire and the Church, two important international actors, the most important in their time. In the case of French, the bias is even more blatant. French became the only European communication language exactly when France was the economic, demographic and military giant of Europe. It spread thanks to the Napoleonic wars. French maintained its special status decades after France had lost all these attributes in favor of many of its rival in Europe, the United Kingdom, Germany and Russia. Taking into account the International Relations and diplomatic history, English was and is, equally legitimate to occupy the place of Latin and French in the Western world today, and more specifically in

German also was a language for communication and culture in Northern and Eastern Europe.

²⁷ Joachim Grzega, *EuroLingusitischer Parcours* (Berlin:IKO-Verlag fuer Interkulturelle Kommunikation, 2006),92.

North America.

We should also mention other more regional *lingue franche*, like Hindi, Chinese or Malay. More in the context of this article, Russian has been and still partly is a *lingua franca* in Central Asia, the Caucasus and Eastern Europe, where “it developed semantically and syntactically in symbiotic ways with the ideology of which it was a vector²⁸”. What seems so evident in Russian might be blurred for English, as the values it conveys are now shared by us all, in what the French president Jacques Chirac used to call the *pensée unique*, electoral democracy and liberal economy.

The strictly linguistic knowledge stipulates that all languages possess the same intrinsic qualities. So as we explained previously, the expansion of one particular language is thus not owed to these intrinsic qualities, but to extra linguistic factors. Nevertheless, John McWhorter²⁹ developed an innovative and interesting thesis about English that could further help explain and legitimate on linguistic grounds too, its exceptional expansion and unprecedented success as a *lingua franca*. Many, probably most, languages from Arabic to Chinese and from French to Dutch, not mentioning the classical languages, Hebrew, Greek and Latin, have been the object of more or less serious odes, poems and pamphlets describing their exceptional qualities, which makes them the language of the gods or of God, Philosophy Reason, Art, and even Love, and thus bound to be the universal language.

Not surprisingly, English has been praised by many (English speaking) poets and intellectuals as the perfect language for international communication. More scientifically, linguists have stressed the fact, (as we did see *infra*) that English is exceptional for its mixture of Germanic languages in structure and Romance languages for the vocabulary with a Celtic substrate, making it the point of convergence of the main European civilizations. McWhorter notes that this feature is not on any account specific to English. All the languages are the result of various and diverse influences, from languages of - some times very - different origins such as Bantu and Semitic, in the case of Swahili, the most widespread African communication language. The same could be said of other important languages, such as Urdu with 50% of Arabic and Persian loans, or Japanese with 50% of Chinese loans. This is also valid for much

²⁸ Chilton P. Ilyin N. and Mey J., eds., *Political Discourse in Transition in Europe 1989-1991*(Amsterdam: John Benjamins, 1997), quoted by Sue Wright, *Language Policy and Language Planning From Nationalism to Globalization* (New York: Palgrave MacMillan, 2004),115.

²⁹ *The power of Babel: a natural history of language* (New York: Times Books, 2001).

smaller languages, such as Albanese with 60% of Greek, Turkish, Latin and Slavic languages, or the Australian languages, which are so intermingled that their classification is on occasions made impossible.

For McWhorter the distinctive trait of English is not its depth or richness, but on the contrary its very simplicity³⁰. Objectively, it is easy to substantiate that all languages are not equally complex. English is a “strangely” simplified language³¹. Some of the reasons are already attested in linguistics. One of them is the trend for more broadly spoken languages to simplify, just as Mandarin Chinese is simpler than other Chinese languages such as Cantonese. The same statement can be made after objective grammatical observation for Russian compared to some other Slavic languages. This trend is easy to explain linguistically. To put it in easy terms, more spoken languages tend to be badly spoken by more people and thus simplified³². The reasons for the noticeable simplification of English in comparison to other Indo-European languages are still unknown. In its transition from old to modern, English has for example, dropped cases, gender, most of its pronominal forms and conjugations, as well as the directional adverbs that are so typical of other Germanic languages. It is today the only Indo-European language without gender and contrarily to other cases³³, it has not compensated in other areas for these complexity losses.

For the above mentioned linguistic reasons, or maybe for sociological, historical and cultural reasons, English is also more tolerant to mistakes and non standard pronunciations when it is spoken, especially by foreigners. This is also the case in the Spanish speaking world contrarily to what happens in the French speaking world, where the standard (Parisian) accent still maintains a strong status.

So if a common language had to be chosen in North America between English, French or Spanish, the former would be the easiest choice, not only because relatively less people would have to learn it in North America, but also because it is comparatively easier. These linguistic reasons are independent from the particular situation of English language today,

³⁰ John H McWhorter, “What Happened to English?” *Diachronica* 19 (2002):217-72.

³¹ Personal communication with John McWhorter at seminar in Columbia University, New York, January 23d of 2009.

³² We could also mention the loans from grammatically more complex French and Latin, and or the influence of the Scandinavian languages which are simpler than old English, but more complex than modern English.

³³ Other Indo European languages have two or even three genders and several, up to five, declination cases by instance.

and yet, they contribute to its enhancement.

These are concrete objective arguments in favor of having only one communication language in North America, namely English. For this to be achieved there is no need for scrapping the incipient linguistic regime of NAFTA. Letting English impose itself in common debates and proceedings, just by following the natural slope of the above mentioned *maximin* rule, without protecting French or Spanish, would or indeed will, lead to the same result.

There are more theoretical arguments in favor of adopting only English within the NAFTA space. These arguments are even stronger as they partly transcend the communication aspect of language and address its symbolic uses. These five contentions for a common communication language in a regional block such as NAFTA are the following³⁴: it increases the efficiency of public institutions, in particular but not only for cost effectiveness, it enhances social mobility (bidding equal opportunities, avoiding “ghettoization”), it facilitates democratic deliberation, an important informal dimension of democracy which eventually also allows for a more egalitarian social order. Finally, it also encourages the formation of a common identity, which is a condition to accept common objectives and common constraints. In the same vein, J. Habermas, who defends the promotion of a “European public sphere” by the appropriate political institutions, does not deal explicitly with language, but describes English as the “second first language” of Europeans³⁵.

There is finally an economic case for the adoption of a common language. The so called “Fishman-Pool hypothesis” on the *Wealth of Nations*, establishes a link between linguistically fragmented societies and low levels of economic development, through societal divisions and conflict, low mobility, limited trade, imperfect markets and poor communications in general. Originally conceived for nations, it could equally be relevant for regional groupings. In other words, the use of a single language would enhance regional integration and prosperity. Although the statistical evidence of the inverse correlation between national linguistic heterogeneity and economic development has been ascertained, its interpretation is controversial. The take off of the economies might have triggered the

³⁴ Patten, Alan, “Theoretical Foundations of European Language Debates,” in *The Challenges of Multilingualism in Law and Politics*, ed. D. Castiglione and Chris Longman (Oxford and Portland Oregon, 2007), 23.

³⁵ Jurgen Habermas, *The Inclusion of The Other* (MIT Press, 1998), 102 & 161.

linguistic homogenization and not the other way around. But even in this case³⁶, the case for the prevalence of English in North America would not be weakened. In the poorest and remotest areas of the planet, globalization and economic development bring about the use of wider national and international languages such as Tagalog or Bahasa Indonesia in insular tropical Asia, and French in equatorial Africa. It is more over interesting to remark that even in these two cases, English (in the Philippines, Indonesia, and under the form of Tok Pisin in Papua-New Guinea) is imposing itself as the main language for regional communication.

1.2- Some fundamental reasons to maintain multilingualism:

For all practical purposes, the reasons to adopt English as the sole language of communication in North America seem overwhelming. There also is a fundamental legitimacy to the use of only one language in a regional grouping. Nevertheless, there are also concrete motives to be cautious about the monopoly of English on communications in NAFTA. And when we go to more fundamental issues, the symbolic role of a language in communication, the reservations are even more important. We shall survey the issues at stake, insisting on the International Relations related arguments.

From the previous section we could conclude that for all practical purposes, in the absence of a legal obstacle and with several precedents such as ASEAN and APEC, the reasons to adopt English as the sole language of communication in North America seem convincing. Moreover, the three countries favored a very basic institutional infrastructure as opposed to the complex institutional setting of the European Union. This preference is rooted both in the search for efficacy, and in deeper considerations about the final objective of NAFTA which only implied loose political commitments. Nevertheless, as we know, the NAFTA negotiators chose not to adopt what seemed a logical and simple solution, and elevated all three national languages as official languages in NAFTA.

³⁶ To expand on this interesting debate, one interpretation is that there is direct causal linkage between linguistic fragmentation and poor economic performance, since linguistic fragmentation leads to social division, conflict, factionalism and corruption. Nevertheless the ethno linguistic situation is not determined *ex ante* but is itself the outcome of larger social and geographical processes. Areas are divided into many small languages as a result of factors such as the scale and nature of the traditional economy, and the degree of isolation and mobility of the population. So in reality, both linguistic heterogeneity and economic performance are conditioned by the same geographical factors. For example, latitude is one of the best predictors of both level of economic development and the degree of linguistic diversity (...) Linguistic diversity is particularly high in equatorial climates of the world, like New Guinea, South East Asia, and Africa. These low income regions harbor a small proportion of the human population, but the great majority of all human languages". Daniel Nettle, "Linguistic Fragmentation and the Wealth of Nations: The Fishman-Pool Hypothesis Reexamined," *Economic Development and Cultural Change* 48 (2000): 335-48.

The political reluctance to grant English monopoly over communications in NAFTA superseded all the practical and theoretical arguments already mentioned. In NAFTA as in the European Union the symbolic role of a language in communication was finally deemed more important than its vision as a practical tool.

Although we deal here with concrete arguments, we should not forget that the question is complex and has been the object of thought for many important thinkers and from various standpoints, linguistics, socio-linguistics, in philosophy sociology and anthropology. They all left their fundamental imprints in International Relations studies, which remain the focus of the present analysis.

Most immediately, the problems of translation of official documents or official conclusions in NAFTA were not considered as trivial and only of a practical nature. It could have been the case “in the view of the fact that one can translate without knowing anything about linguistics, even as one can speak a language without being a student of the science of language, many persons have concluded that translation is scarcely even an aspect of applied linguistics. Rather, it has often been regarded only as a more complicated form of talking or writing, in which one decodes from one language and encodes into another³⁷”. However, a translation always includes segments of “intranslatability” and the equivalence is never completely adequate. Translation is possible but never perfect. So translation is a highly complex activity involving practical as well as theoretical problems.

Many philosophers and literary analysts have dedicated time and thought to the dilemmas involved in translation³⁸. We shall not open here this complex debate, although it is of fundamental importance for human relations in general, in International Relations in particular, and even more so, in regional integration, which must heavily rely on translation. Thousands of pages of text are translated everyday in the European Union, North America and international organizations such as the United Nations. Since *Traduttore, Traditorre* it is

³⁷ Eugene A. Nida, “Science of Translation” in *Language Structure and Translation, Essays*, ed. Anwar S. Dil (Stanford, Stanford University Press., 1975), 79.

³⁸ To quote just a few, Walter Benjamin in: Harry Zorn, trans., “The Task of the Translator” (New York: Schocken books, 1969); George Steiner, *After Babel: Aspects of Language and Translation* (Oxford, Oxford University Press, 1998); Antoine Berman, *L'épreuve de l'étranger Culture et traduction dans l'Allemagne romantique*. (Paris : Tel Gallimard, 1984), *Pour une critique des traductions: John Donne* (Paris: Gallimard, 1995), *La traduction et la lettre, ou L'auberge du lointain* (Paris: Seuil, 1999).

of common knowledge, almost a *cliché* that a perfect translation is impossible³⁹. P. Ricoeur notes that, while a good translation can always accomplish something, it can only do so by also acknowledging some loss⁴⁰. For Umberto Eco, beyond the problem of the loss of connotation (all the non literal senses of a word, a sentence or a whole text), even the equivalence in meaning cannot be taken for a correct criterion of a correct translation⁴¹. So we have to rely on the idea that there is indeed a “meta language” towards which all languages converge.

In regional integration the problem becomes more serious if we consider that not only are these translations imperfect and mutilating in meaning, but they are also a mutilating part of the dynamism that is necessary to impulse integration. To put it in translation theory in the words of Paul Ricoeur,

“language generates and regenerates meaning through the living power of metaphoricity (...). Human language is inventive despite the objective limits and codes which govern it, to reveal the diversity and potentiality of language which the erosion of the everyday, conditioned by technocratic and political interests never ceases to obscure⁴²”.

To apply this idea in regional integration, linguistic imagination is essential for political progress, just as are epistemological or political imagination are.

Translation is also a way to exert some power in a given multilingual society⁴³ and in International Relations⁴⁴. Considering the use of one language only when negotiating and redacting official documents, would expose any multilingual grouping to serious

³⁹ To make things even more complex, Paul Ricoeur distinguishes between « interlingual translation » which is what concerns us here, and the interpretation within the same speech community. Eileen Brennan, trans., *On Translation*, London and New York: Routledge, 2006). Jakobson had added intersemiotic translation.

⁴⁰ Paul Ricoeur, *On Translation*, Op. Cit.

⁴¹ Umberto Eco, *Experiences in Translation* (Toronto, Buffalo, London: University of Toronto Press, 2008), 9.

⁴² Richard Kearney, *States of Mind, Dialogues with Contemporary Thinkers on the European Mind*, Manchester: Manchester University Press, 1995), 216-224, retaken in Lucy Burke, Tony Crowley and Alain Girvin, *The Routledge Language and Cultural Theory Reader* (London and New York: Routledge, 2001), 340 & 342.

⁴³ Susan Bassnett and Andre Lefevere, *Translation, History and Culture* (London and New York: Continuum Intl. Pub Group, 1996); Andre Lefevere, *Translation/History/Culture: A Sourcebook* (London and New York: Routledge, 1992).

⁴⁴ Maria Tymoczko and Edwin Gentzler, *Translation and Power* (Boston: University of Massachusetts Press, 2002).

hermeneutic, legal and political problems. This remits us to another broader debate about Linguistic relativity developed by American anthropologists and sociolinguists.

Although this idea has already often been expressed in the course of the history of ideas⁴⁵, the thoughts and works of the American anthropologists such as Edward Sapir, Benjamin Lee Whorf and F. Boas, constituted the basis of a new theoretical reflexion⁴⁶. Although ideal linguistics are more concerned with forms than with functions, with structure more than meaning, with the concrete artefacts of language and not the abstract deeper structure that grants it sense and purpose, these anthropologists considered impossible to separate both facets of language.

Sapir was the first to express clearly that language is a valuable guide to the scientific study of a given culture. His broad considerations are more relevant to the International Relations scientist than those of Whorf, more concerned with thought than culture in his linguistic research. For E. Sapir, “the network of the cultural patterns of a civilization is indexed in the language that expresses this civilization⁴⁷”. To understand them, simple observation is not enough and the knowledge of the linguistic symbolism is necessary. To him, studying a culture without its language was “amateurish”, as language is the “guide to social reality”. Language is not only an incidental mean to resolve problems of communication or reflection. The real world is for Sapir to a large extent unconsciously built upon the language habits of the group. There is no language ever sufficiently similar to be considered as representing the same social reality than another one. And thus, the “world in which different societies live are distinct worlds not merely the same worlds with different labels attached”⁴⁸. Language is the symbolic guide to culture. Many ideas and cultural objects have been diffused in connection to their terminology, so that the study of significant terms often throws an unexpected light on the history of ideas and inventions. Whorf, observing that language is the best show that man puts on, made two cardinal hypotheses. All higher levels of thinking are dependent on language and as a consequence, the structure of the language one habitually uses influences

⁴⁵ For example, let us quote the two most famous authors on this matter, Wilhelm von Humboldt and Johann Gottfried von Herder. More recently, in the first half of the twentieth century, E. Cassirer, H. Arendt and Walter Benjamin, had considered the relationships between language and thought.

⁴⁶ For a complete history of ideas and theories about language and culture, see Karen Risager, *Language and Culture, Global Flows and Local Complexity* (Clevedon, Buffalo, Toronto: Multilingual Matters, 2006).

⁴⁷ Edward Sapir, “The Status of Linguistics as a Science (1929),” in *The Routledge Language and Cultural Theory Reader*, Lucy Burke, Tony Crowley and Alan Girvin (London and New York: Routledge, 2000), 41.

⁴⁸ Ibidem.

the manner in which one understands his environment. The picture of the universe shifts from tongue to tongue⁴⁹. He thus destroyed a belief that since the Greeks language was considered universal, as the essence of reason and shared by all men. Words were only a medium. Let us note that the linguist and self proclaimed International Relations analyst Noam Chomsky modernized this idea. To him, language is innate, in the sense that there is a “universal grammar” common to all human beings. Chomsky believes that we are biologically programmed to organize language and thus speak⁵⁰. We shall not expand further on this debate here, however, interesting for International Relations studies.

Closer to us political philosophers have broadened and specified these intuitions. Antonio Gramsci⁵¹ and Pierre Bourdieu⁵², have mentioned languages as such, and not only discourse as an instrument of power. Both have perceived the importance of language not only within the society, but also in the International Relations. Bourdieu’s ideas on symbolic value, and thus domination of one particular language over others based on misrecognition (*méconnaissance*) deal specifically about the language status problems.

To focus on the International Relation theory debates, the most natural path would be to recur to the social constructivist ideas about discursive power, as language is a basic element of the discourse. 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. Alexander Wendt with his seminal article⁵³ regarding constructivism and the exponents of the “critical theory” also deal with the links between knowledge, power and interest. Robert Cox⁵⁴, Mark Hoffman⁵⁵ and Richard Ashley⁵⁶, have also developed and

⁴⁹ John B. Carroll, *Language, Thought and Reality, selected writings of Benjamin Lee Whorf* (Cambridge, The MIT Press, 1966), 6.

⁵⁰ Noam Chomsky, *Topics in the Theory of Generative Grammar* (New York: Humanities Press, 1966).

⁵¹ Antonio Gramsci, *Grammatica e Linguistica* (Roma: Editori Riuniti, 1993) y *El materialismo histórico y la filosofía de Benedetto Croce* (México: Juan Pablos, 1975).

⁵² Pierre Bourdieu, *Langage et Pouvoir Symbolique* (Paris : Point Essais, 2001) y Pierre Bourdieu et al., “Quelles langues pour une Europe démocratique ?” *Raisons politiques* 2 (2001)., Jean-Philippe Mathy, “Refonder l’universalisme, Bourdieu, Balibar et l’exception française,” *Contemporary French and Francophone Studies* 12 (2008) :357–364.

⁵³ Alexander Wendt, “Anarchy is What States Make of It”, *International Organization* 46 (1992):391-425; Alexander Wendt, “Constructing International Politics,” *International Security* 20(1995):71 -81; Alexander Wendt, *Social Theory of International Politics* (Cambridge: University Press Cambridge, 1999), or more generally, John Searle, *The Construction of Social Reality* (London: Penguin, 1995).

⁵⁴ Robert Cox, “Social Forces, States and World Orders: Beyond International Relations Theory,” *Millennium: Journal of International Studies* 10: (1981):126–55; Robert Cox, *Production Power and World Order* (New York: Columbia University Press, 1987).

adapted this idea into the International Relations field. Post-phenomenologist and post-structuralist thinkers⁵⁷ 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 contingent⁵⁸”. All these currents developed as reactions to the empirical and rationalist “obsessions”. They perfectly apply to the necessity to deal with the symbolic and not exclusively with the practical value of language, when determining a linguistic policy or behavior in International Relations.

Nevertheless, to focus again on the relation between language and power in International Relations, and because we don’t intend to analyze the discourse but the language in which it is expressed, the classical realist and neo-realist theories are equally appropriate⁵⁹. These theories are characterized by the stress they put on the search of power as the main motor of international relations, but have long accepted that power could derive from other instruments that sheer military strength. Economy is one of these instruments that immediately come to mind, but French politicians and diplomats have been speaking for centuries of cultural beaming (*rayonnement culturel*) as another way of exerting power. In the nineteen eighties, International Relations theorists in the United States developed the same idea coining the concept of “soft power⁶⁰”, which we owe to J. Nye⁶¹. Soft power is the ability to promote one state’s own interests or to influence other actors in the international scene through attraction rather than force or payment. Culture is a good way to attain that goal. Nye’s ideas offer a framework to the intuitions which are behind the fears of “American cultural imperialism”, through the English language for example, often expressed in continental Europe and Canada, such as expressed earlier in this article quoting J. Fishman.

⁵⁵ Mark Hoffman and N.J. Rengger, *Critical Theory and International Relations* (London: Prentice Hall / Harvester Wheatsheaf, 1993); Mark Hoffman, “Critical Theory and the Inter-Paradigm Debate,” *Millennium - Journal of International Studies* 16 (1987):231-250.

⁵⁶ Richard K. Ashley, “Political Realism and Human Interest,” *International Studies Quarterly* 25 (1981):204–36.

⁵⁷ French philosophers such as Jean Baudrillard, Gilles Deleuze, Michel Foucault, Jean François Lyotard and Jean-Luc Nancy.

⁵⁸ Michael J. Shapiro, “*Methods and Nations, Cultural Governance and the Indigenous Subject*,” (New York and London: Routledge, 2004), 9.

⁵⁹ For an excellent narrative of the competing trends in International Relations theory and their evolution, see Jack Snyder, “One World, Rival Theories,” *Foreign Policy*(2004):53-62.

⁶⁰ Similar concepts such as “Public Diplomacy” and “Nations Marketing” were elaborated in the same vein.

⁶¹ Joseph S. Nye, *Soft Power: The Means to Success in World Politics Public Affairs* (Cambridge, MA, 2004); Joseph S. Nye, *Paradox of American Power: Why the World's Only Superpower Can't Go It Alone* (Oxford: Oxford University Press, 2003); Joseph S. Nye, *Bound to Lead: The Changing Nature of American Power* (New York: Basic Books, 1991).

A few scholars, not surprisingly Belgian 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, already mentioned, Abram de Swaan and Helder De Schutter. The latter base their ideas on the “Theory of Justice” of John Rawls⁶² and particularly on its implications in the International Relations theoretic field⁶³, speaking of “Linguistic Justice”. The very idea of this article is built upon the IR theory that logically explains best the European integration experience, as it was created precisely for this objective, namely neo-functionalism, such as introduced by Ernst Haas⁶⁴ and modernized by authors like Carlos Closa⁶⁵ in Spain or Jens Tranholm Mikkelsen in Denmark⁶⁶. This theoretical current which stresses the importance of institutions to allow integration to pass from one sector to another, according to a mechanism which Haas called “spill over”, is doubly useful to understand the importance of language in regional integration. On one side, it explains how integration could pass to deal with economics to language policies, an eminently political and cultural matter. On the other side, it also offers the mechanisms by which an accurate language policy could promote economic and political integration, or on the contrary, how the hegemony of one language in a regional block could be counterproductive, sending negative signals about the final objective of the integration project. To refer more precisely to the question of English as the only *Lingua Franca* in North America, it remains to be seen in what measure English conveys a particular *Weltanschauung* (world vision) and in what measure it is an instrument and not surrender to a dominant culture.

Finally, among all these theoretical considerations, it is important to stress that the benefits for English speakers of the domination of their language remain unclear. They could even end up being one of the victims of their own linguistic hegemony. The use of English, which gives access for English speakers to an unprecedented range of news and ideas from Europe in their mother tongue, does not seem to have allowed them to have a better understanding of

⁶² John Rawls, *A Theory of Justice* (Cambridge: Harvard University Press, 1971).

⁶³ For a discussion on these implications, see Charles R. Beitz, “International Liberalism and Distributive Justice: A Survey of Recent Thought” *World Politics* 51(1999): 269-296.

⁶⁴ Ernst B. Haas, *The Uniting of Europe: Political, Social, and Economic Forces, 1950-1957* (Stanford: Stanford University Press, 1968). Author’s Preface to 1968 edition of *The Uniting of Europe*, 9-20; Ernst B. Haas, “Turbulent Fields and the Theory of Regional Integration,” *International Organization* 30 (1976):172-212.

⁶⁵ Carlos Closa, “E pur si muove, teorías sobre la integración europea 1,” *Revista de Estudios Políticos* 85 (1994).

⁶⁶ J. Tranholm-Mikkelsen, “Neofunctionalism: Obstinate or Obsolete?” *Millennium: Journal of International Studies* 20(1991).

the world around them. According to *The Economist*⁶⁷ for example, Britain's daily newspapers have withdrawn staff and reporters right across Europe, and not only to save money. Britain's daily newspapers are less and less interested in European politics and policy. The fall in language learning in Britain and Wales, now that learning foreign languages is voluntary when being over 14 years old, is another sign of the drawbacks of speaking the dominant language. Expanding on the above mentioned *maximin* principle of Philippe van Parijs, English speakers have little incentive to learn and speak other languages. "Even if they do, they have to speak other languages extremely well to avoid inflicting halting French say, on rooms of fluent English speakers⁶⁸".

In these conditions, it will come as no surprise that native English speakers will soon be the only world actors not to be at least bilingual, losing an edge in three ways. First, a bilingual or multilingual businessman, politician or internationalist will always be preferred to a monolingual one. And as we explained, monolingual soon will be paramount of being native English speaker. In the second place, several studies seem to prove that bilingual students have a better reading competency in their own language too.

Finally, and even more ironically, being a native English-speaker does not even guarantee being better understood by say Mexican and French Canadian colleagues precisely for speaking a too good English⁶⁹ although in NAFTA, the probability of this happening is lower given the bigger proportion of native English speakers and the relative size of the United States and Anglophone Canada.

Moreover, English, under the inertia of its very extension tends to be more and more regionalized, and even conversations between two English native speakers may sound like a conversation in a foreign language. The famous phrase about "British and American being separated by the same language⁷⁰" is only half a joke⁷¹.

⁶⁷ The weekly newspaper goes on: "Light sensational stuff is what editors choose for publication, plus tales of British tourists and expatriates in trouble (a genre known as "Brits in the shit")" in "Charlemagne: English is coming," *The Economist*, February 14.

⁶⁸ Ibidem.

⁶⁹ "In Brussels, native English-speakers are notoriously hard for colleagues to understand: they talk too fast and use obscure idioms," *The Economist*, February 14, 2009.

⁷⁰ Although the modern media maintains hegemony of the British and American variants of the language, it is not impossible to imagine a "Pidginization" of the language as occurred in many places of Africa, Asia and Oceania. This happened to Arabic and the various variant of what is still called Arabic from Morocco to Iraq, as they hardly understand each other without the use of a "standard" Arabic, which is no one's mother tongue.

There is thus a concrete risk in the hegemony of English even for English speakers, to be left out cold in a worse situation than Bilinguals and even more so if English does not last as the main communication language in the future. As noted by J. Fishman, “historically languages have risen and fallen with the military, economic, cultural and religious powers that supported them⁷²”. Fishman quotes other reasons to announce the ebb of English as a world language. It is still only spoken by a small and atypically fortunate minority. Globalization also entails regionalization. As a matter of fact, regionalization grows faster and deeper than globalization. The economic crisis and the failures of successive World Trade Organization negotiations slow the pace of globalization, but regionalization tends to be considered as a second best or even as the best solution. And regionalization fosters the use of regional languages such as Arabic, Chinese, Hindi, and Spanish, which are all blooming at a faster pace than English. Even French and Swahili despite the many obstacles to their development are still growing in importance as communication languages in Africa, notwithstanding the competition of English. Similarly, the Arabic use is still growing in North Africa and Asia and Chinese in East Asia.

Even on a purely national basis, despite a period of enthusiasm towards English in “small” languages speaking nations, or maybe because of it and its success, we assist to a backlash to a bigger stress to use of the national official language. Countries like Denmark or the Netherlands, where the knowledge of English is widespread, adopted from the nineties on, several measures to protect and spread the knowledge and use of the national language. On another hand, globalization is often accompanied by a fiercer nationalism or regionalism that often translates in the defense of the local language status and use. Authenticity and identity are becoming more and more important, not as a contradiction but as a side effect of globalization. Never before in history, have there been as many standardized and official languages as there are today. The fate of Spanish in Spain and especially Russian in the ex USSR, a newly independent country, prove that even a language solidly implanted for centuries for political and economic reasons, and with an international status and prestige could fade or even be wiped off under the influence of new political and economic factors.

⁷¹ Or as expressed more accurately in Spanish “entre broma y broma, la verdad se asoma” (awkwardly, of course, translated by “joke after joke the truth will out”).

⁷² J.Fishman, “A World Language: Will it be English?”*Current* (1999):10.

As a consequence of all these socio-linguistic changes, bigger as well as lesser used language speakers could bring about a reaction against the use of English. As established again by Fishman, “a bully is more likely to be feared than popular. Most non native English speakers may come to love the language far less in the twenty-first century, than most native English speakers seem to anticipate”.

In regional blocks, the English hegemony could cause the same, or even more acute, problems than those mentioned by Fishman. This already happened in Quebec, with only 7 millions speakers, although for different political and historical reasons. But given the historic scars, it is not difficult to imagine a similar reaction in Mexico and the rest of Latin America.

This trend will add up to another likely development to make the prestige that English enjoys today fade. The current rapid diffusion of English is occurring at the same time as the USA, and in a lesser way the United Kingdom, are losing international and regional prestige. Legitimate or not, “anti-americanism is deeper and broader now than at any time in modern history. It is most acute in the Muslim world, but it spans around the globe – from Europe to Asia, from South America to Africa. Simply put, the rest of the world both fears and resents the unrivaled power that the United States has amassed since the Cold War ended⁷³”.

The detailed study⁷⁴ of David Graddol, sponsored by the British Council document, contains astonishing somber forecasts about the future of English as the main language for international relations. As Graddol states in the study’s foreword, “Complex international, economic, technological and cultural changes could start to diminish the leading position of English as the language of the world market, and UK interests which enjoy advantage from the breadth of English usage would consequently face new pressures⁷⁵”. In terms of native-speaker rankings, English is falling in the world league tables. Only 50 years ago, it was clearly in second place after Mandarin. Spanish and Hindi-Urdu already have broadly similar numbers of first-language speakers compared to English. Arabic could join them soon. All these languages are already indispensable in their own regions. They develop besides English as global languages, but its speakers will enjoy the advantage of being bi or

⁷³ *Trends 2005*, (Washington: Pew Research Center, 2005).

⁷⁴ David Graddol, *English Next* (British Council, 2006).

⁷⁵ *Ibidem*, 3.

trilingual, while English speakers remain monolingual.

In order to maintain English prestige, status and hegemony as an international language, Fishman⁷⁶ proposes to concentrate on international, not regional institutions where local languages could flourish. This is precisely what was implicitly decided for the NAFTA.

2- -Can Europe shed a useful light to regional linguistic policies?

As already mentioned, the debate on the best linguistic policy in regional grouping has taken a new turn in the second half of the twentieth century. The question is not only the use of a limited number of languages or a single language to improve communication and efficiency. Implicitly and always more openly, it is about whether to adopt English as the sole working and official language. In the first part, we have sketched the theoretical debate on this question. This theoretical debate on language developed in Europe to respond to European challenges. As time has gone by, almost every region in the world has been confronted to the same debate. It is particularly the case in North America. In this second part, we shall concentrate on the practical answers that both the EU and NAFTA have brought to the communication and symbolic use of language in a multilingual setting. Despite the huge differences that separate both regional integration experiences, the challenges and the solutions to these challenges have been strikingly similar in the two regions.

The two Treaties seem different in nature. The NAFTA does not have explicit political ambitions, let alone cultural ones. Nevertheless, beyond trade benefits, international politics played a decisive role in the decision to start negotiations and to determinate the final form that the Treaty would take⁷⁷. The existing agreement does in turn influence politics, international relations and culture in the three member countries. The evolution of the three societies, their growing common economic interests and intermingling add to the geographical proximity to increase the political aspects of the NAFTA. This assertion is confirmed fifteen years after NAFTA's entry in vigor. The debate shift from Free Trade to the constitution of a genuine North American Community⁷⁸ is here to stay despite the

⁷⁶ J. Fishman, *Op. Cit.* (1999), 14.

⁷⁷ The very decision not to sign a customs union or to exclude a migratory agreement, the cultural exception for Canada, the protection of State intervention in the energy sector in Mexico, are political decisions.

⁷⁸ This author already mentioned the inevitability of this debate in his PhD thesis, "L'intégration nord américaine a la Lumière de l'expérience européenne," Université de Paris III Sorbonne Nouvelle-Institut des Hautes Etudes de l'Amérique Latine, 1996; Robert Pastor, "Towards a North American Community, Lessons from the Old World to the New," Institute for International Economics, 2001; and more recently, Robert Pastor,

numerous obstacles⁷⁹.

The definition of an efficient linguistic regime should be one of the requirements for such community. It is thus legitimate to wonder if the European experience is a reference for the debate and decisions in North America. It is all the more important considering that the North American linguistic reality could become the precursor of a continental evolution on this subject, since the project of a hemispheric integration remains on the agenda despite the recent setbacks on that matter⁸⁰.

2.1- The principle of equality of languages in the EU:

There are several reasons for considering the EU precedent to ponder and define the best linguistic regime for NAFTA. First, it is one of the oldest and the most achieved regional integration experience, and it thus tends to be the obligated reference for any move in any other international organization⁸¹. In these conditions, it came as no surprise that a specific sub current is slowly developing in the already specific field of Integration Studies in International Relations. This current is called “Interregionalism”, and deals not only with the relationships between regional blocks, but also with the mutual influence, theoretical as well as practical, that different regional integration experiences exert on each other⁸².

More concretely for our topic, the EU is by far the major user of translating and interpreting services in the world. Even very practical translation experiences, such as terminology or automatic translation, already advanced in the EU, could be of useful for NAFTA as the three languages of North America are also three official languages of the European Union. Finally,

“The Future of North America Replacing a Bad Neighbor Policy,” *Foreign Affairs*(2008), and Mark Aspinwall, “NAFTA-ization: Regionalization and Domestic Political Adjustment in the North American Economic Area” *Journal of Common Market Studies* 47 (2009):1–24.

⁷⁹ 9/11 brutally interrupted a bold intent to improve the relations between the three countries in particular the negotiation of an agreement on migration. Since then, things have deteriorated in this area, essential for the constitution of a genuine North American area. In fall 2009, Canada imposed an entry visa for all Mexican citizens.

⁸⁰ Raúl Zibechi, “La integración regional después del fracaso del ALCA,” *Americas Policy*, <http://americas.irc-online.org/pdf/articles/0503integracion-esp.pdf>.

⁸¹ For a recent example of this almost automatic step see, Arianne Koesler and Martin Zimmek, *Elements of Regional Integration, a Multidimensional Approach* (Baden Baden: Nomos Baden, 2008).

⁸² Grabendorff Wolf Seidelmann Reimund, eds., *Relation between Europe and Latin America Biregionalism in a Changing Global System* (Baden Baden, Nomos Baden Baden, 2005); Francisco Aldecoa and Noé Cornago, “El nuevo regionalismo y reestructuración del sistema mundial,” *Revista Española de Derecho Internacional* 50 (1998):59-113; and Heiner Hänggi, “Interregionalism: Empirical and Theoretical Perspectives” (paper presented in the Dollars, Democracy and Trade: External Influence on Economic Integration in the Americas Workshop (paper presented at the meeting for of *Interregionalism: Empirical and Theoretical Perspectives* Los Angeles, California, May 18, 2000).

as we shall see, the EU and NAFTA are not that different as far as the linguistic regime is concerned. After all, it took forty years to the European Union to explicitly mention cultural objectives⁸³.

The European Community founders addressed the question by granting all the official languages of the members the same official status in the Economic Community. It was a bold decision at a time when other International Treaties limited the official and working languages⁸⁴, although mainly due to the particular nature of the European Treaties. During decades, the European process could give the impression to address the central question of language clearly and efficiently. Neither was true. In reality, the European linguistic experience is a reference not only for its achievements, but also for its theoretical and practical shortcomings.

The boldness of the European Founding Fathers in granting all national languages an official status is relative. They only had to consider four languages at that time: Dutch, French, German and Italian. All four were important languages for the number of their native speakers, their history, and the fact that all of them could be considered as international languages or having an international history and status. All of them were spoken by several millions of persons in more than one country in Europe. All of them had been colonial languages and thus spoken outside Europe too. Europe had to wait for the admission of Denmark in 1972, for a smaller local language to gain the status of official language in the Community.

In reality, the European Union is not groundbreaking. The language issue was never addressed in a direct way beyond the affirmation of the official character of all national official languages⁸⁵.

⁸³ At the Copenhagen European Summit of 14 and 15 December 1973, the Heads of State or Government of the nine Member States of the enlarged European Community affirmed their determination to introduce the concept of European identity into their common foreign relations.

⁸⁴ The United Nations have six official languages, English and French are also working languages, and Arabic, Chinese, Russian and Spanish are official languages. The Organization for Economic Cooperation in Europe, the OECE, later called OECD decided for two languages, English and French. So did the North Atlantic Treaty Organization (NATO) and EFTA (European Free Trade Agreement).

⁸⁵ This is all the more disappointing that on a purely linguistic point of view what characterizes Europe is *not* its diversity. As a matter of fact, it is the least diverse continent in the world, even behind Oceania which with Australia or Papua Guinea alone is more diverse than Europe, let alone, Africa, Asia and even the Americas. But in Europe there are few languages that are not spoken by several thousands of persons. The extinction of languages started much before than in the other continents, maybe with the invasions of the Indo European

This is all the more striking as Europe has always assigned an important political function to language, and was among the first in History to do so, in the beginning for nation building, and then in international relations starting with the colonization in America and Africa. Even today, more than in any other continent, nations in Europe are defined by the dominant language used. Only Belgium and Switzerland, being multilingual, don't have their name after the main language spoken in the country⁸⁶. Europe is also the first continent where modern linguistic policies were applied.

Finally, several European languages Dutch, English, French, Portuguese, Russian and Spanish, became world languages and extended on several continents. Given that history and the European ambitions, one could have expected a clearer and more ambitious linguistic policy, let alone a clear linguistic regime for the European Union, in order to allow communication between its people as well as to strengthen a common identity through the symbolic use of language. And still, among all the deep and theoretical debates on European Integration, such as culture, frontiers and religions, the question of languages is seldom raised. Sue Wright⁸⁷ goes as far as assessing that there is “a conspiracy of silence about language” in Europe.

What was seen in 1951 and 1957 as a generous and inclusive linguistic policy could also be considered as a demonstration of indecision. This indecision blatantly appears to the observer since, 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 extremely limited.

There is no precise set of rules to define the way the Union must address its citizens,

people that eliminated all the languages of other families. Euskera (Basque) and Sami (the language of the Lapps) are the only exception, survivors of pre Indo European times.

⁸⁶ And even there, it could be nuanced since there is a Flemish and a Walloon language, part of the identity of the two peoples of the country and naming the two regions that constitute it. For Switzerland, the dominant language is called Swiss German. The official language of Spain is castellan but it is called Spanish by most of his speakers, especially in Latin America, and if the United Kingdom is the only real entity as far as the European Union or International Relations is concerned, English is the language of almost all of its inhabitant and certainly the almost all of those living in England. Outside Europe, only in some Asian countries, the name of the language and the name of the country overlap in the same way. The link between language and nation is so strong in the old continent that even for countries that had a geographically descriptive name only such as the Netherlands (Nederland) , the official name takes up this geographical name (Nederlands, neerlandais in French although this relationship does not appear in English where the confusing word Dutch exclusively used.

⁸⁷ Sue Wright, *Community and Communication, the Role of Language in Nation State Building and European Integration* (Clevedon: Multilingual Matters, 2000), 119.

constitute a common linguistic space, or speak in international forums. Even the linguistic rules for the internal functioning of the Common institutions are brief, incoherent and ill-defined.

The linguistic status of the European Community stems from the equality of the different language versions of the Treaty of Rome. Concretely though, it consists in a short article of the Rome Treaty and a directive issued by the Council the following year. Article 217 of the Treaty which 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”. So the institutions could not establish their own linguistic policies. The Parliament and the Commission depend on a unanimous decision of the Council.

The following year, in April 1958, the Council issued a directive regulating the language question for the EEC. It was the very first Council regulation. Eight articles define the linguistic status in such a complex institutional and linguistic situation, with such an ambitious goal as political integration. These eight articles were supposed to address the question, both externally and internally. They read as follows⁸⁸:

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

⁸⁸ Peter A. Kraus, *A Union of Diversity: Language, Identity and Polity-Building in Europe* (New York: Cambridge University Press, 2004), 113.

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.

These eight articles, two of which are menial precisions (article 7 that defines for the Court of Justice what was already set for the other institutions, and article 8 about the particular situation of Belgium⁸⁹), are the only definition of the linguistic policy for Europe. Only article 1 is substantial. This article establishes a distinction between official and working languages, but without defining what is understood by working languages. It implies that all the then four official languages were also working languages. This notion of working language is not to be found anywhere else in the Treaties. It is just mentioned in this Council regulation, and thus cannot be considered as a principle of the EU (or to tell it in juridical terms, cannot be regarded as deriving from primary Community legislation⁹⁰). Irish for example, was a language of the Treaty that could be used in the Court of Justice, and Irish speakers could write and receive answers from the Institutions in their own language, but was neither an official nor a working language for the institutions of the Union until 2005. Apart from this directive, there is no mention whatsoever of another policy for the linguistic regime of the European institutions.

Half a century, many debates and many other official languages after, the stillborn Treaty establishing a Constitution for Europe did not add anything to that brief directive⁹¹. The fact that with the successive enlargements, the number of official languages has grown from four to twenty three has not triggered a fundamental debate. The growth in the number of official language has accelerated but the debate has constantly been postponed, although there were many opportunities in 1957, 1972 and especially in 1995 to reopen it. The number of official languages in Europe has increased as follows:

⁸⁹ At that time the only Member State to have two official languages. It is the case today for Finland (Finnish and Swedish), Malta (Maltese and English) and Cyprus (Greek and Turkish).

⁹⁰ Miquel Strubell, "The political discourse on Multilingualism in The European Union " in *The Language Question in Europe and Diverse Societies*, ed. Dario Castiglione and Chris Longman (Oxford and Portland Oregon: Oñati International Institute for the Sociology of Law, 2007), 161.

⁹¹ 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".

Four from 1951 until 1973.	Dutch, German, French, Italian
Six in 1973.	English and Danish; Irish was called a language of the treaties, a new and hazy notion, beside the already hazy notion of working languages.
Seven in 1982	Greek
Nine in 1986	Spanish and Portuguese.
Eleven in 1995	Finnish and Swedish.
Twenty in 2004	Czech, Estonian, Hungarian Latvian, Lithuanian, Maltese, Polish, Slovakian, Slovene
Twenty one in 2005	Irish ⁹² (but from 2007 on).
Twenty three in 2007	Bulgarian and Romanian.

The multilingualism principle was established since the origins of the European Integration experience. Yet, it took a long time to assert it officially beyond the official recognition of every official national language.

As was previously pointed out, although the EU has taken some steps to define a common European identity, culture itself remains a competence of the Member States, and it was not until the Copenhagen Summit in 1973, that a Declaration of European Identity⁹³ was adopted. The Declaration emphasized the Member States' will to "preserve the rich diversity of their national cultures". This definition was confirmed in the "Millennium Declaration" of the Helsinki Summit of 1999. The cultural diversity naturally encompassed linguistic diversity. Progressively, some steps were taken towards an active policy fomenting the linguistic diversity.

In 1982, and again in 1994, the European Parliament emitted resolutions in which it called for assurances on the respect of the all the official languages that it equated to working languages. One year later in June 1995, the Council of General Affairs, also referred to the equality of languages for the citizen of the Union so that they support an integrated Europe. The Treaty of Amsterdam in 1997 broadened the scope of multilingualism with its article 21

⁹² Irish was granted the status of an official and working language in June 2005 by the Council of General Affairs

⁹³ "Declaration on European Identity," *Bulletin of the European Communities* December (1973): No 12 pp118-122.

stating that every citizen of the Union may write to any of the institutions or bodies, in one of the languages of the Treaties and have an answer in the same language. More generally in its article 149, the Amsterdam Treaty referred in its paragraph 1 to the cultural diversity, in particular the linguistic one stating that the Community shall contribute and encourage cooperation, and if necessary, support and supplement the action of the Member States for the content of teaching and the organization of educative systems and their cultural and linguistic diversity. Article 151 paragraph 1, also mentions the contribution of the Community to the flowering of the Member States' culture Member States and the respect of the national and regional diversity, although bringing at the same time the *common* cultural heritage to the fore.

Article 22 of the Charter of Rights⁹⁴, stresses the political significance of the respect of cultural, religious and linguistic diversity for the equality between equity the citizens in matters of cultural diversity in the EU. It was repeated and strengthened by mentioning the necessity of action in the Constitutional Treaty, "The Union shall respect its rich cultural and linguistic diversity and shall ensure that Europe's cultural heritage is safeguarded and enhanced", but since the Constitutional Treaty did not come into force, it is not legally binding. This so far, is just an Institutional Statement from the Member States and the European Parliament. Nevertheless, the Charter is already featuring regularly in the deliberations of for example, the Advocates General at the Court of Justice, and is therefore bound to play a part in the findings of the European Court of Justice.

2.2- A confused and non respected principle:

Over the years, linguistic diversity has passed from being a legal requirement for official languages of the Member States to being the object of active policies. But not only are these policies incipient and timid in their scope. They also lack precision over their nature and limits. Moreover, for practical purposes there is not such thing as equality of language in the European Union.

According to the Court of Justice, only five institutions, itself, the European Council, the European Commission, the European Parliament and the Court of Auditors, are legally bound by the obligation to have all twenty three languages as official and working ones. This

⁹⁴ Solemnly proclaimed in December 2000 in Nice, Article 22 says: Cultural, religious and linguistic diversity: The Union shall respect cultural, religious and linguistic diversity. "Charter of Fundamental Rights of the European Union," *Official Journal of the European Union* C310 47(2004):46, http://www.europarl.europa.eu/charter/pdf/text_en.pdf.

principle was established in 2003, when a Dutch citizen, Mrs. Kik, complained against the Office of Harmonisation of the Internal Market, whose webpage⁹⁵ only appears in the five official languages of this body, English, French, German, Italian and Spanish (but not Polish and of course not Dutch).

In general, the texts do not specifically refer to the Institutions which are the only bodies officially bound by the linguistic policy of the European Union. But they also concern Community programs, including Community funded linguistic programs such as Lingua and Socrates 2 (Comenius Action), which could hence only apply to the twenty three official languages plus Luxembourgish. The incoherence is even more blatant in this case. First, because Luxembourgish which is not, as we saw, an official and working Community language, although it is an official language in the whole territory of a member state, is included. More incoherent, is the fact that the Lingua Programme is aimed at protecting the less widely used and less widely taught languages. It is particularly the case for regional or minority languages which are excluded. But to worsen this incoherence, the Multilingual Information Society (MLIS 1996-9) aimed at building a European infrastructure of multilingual resources and stimulating the creation of electronic language resource to avoid the exclusion and marginalization of some languages, funded action not only in favour of Irish, but also of Catalan and Welsh.

In an exhaustive article on the official mentions of language diversity in the EU, Miquel Strubell⁹⁶ stresses the confusions in the EU policy on multilingualism. Strubell identifies six verbs defining the necessary policies to implement it. **Maintain, preserve** and **safeguard**, which are synonyms and don't entail clearly concrete steps, although "preserve" and "safeguard" add a hue of defense against a threat.

Respect however, is a more complex word especially for linguistic diversity. Contrarily to what is possible with other cultural manifestations an institution cannot be "linguistically neutral" unless it is mute. So "respect" entails concrete decisions.

⁹⁵ La Oficina de Registro de las Marcas, Dibujos y Modelos de la Unión Europea, <http://oami.europa.eu/ows/core/search/search.do>.

⁹⁶ See Miquel Strubell, "The Political Discourse on Multilingualism in The European Union" in *The Language Question in Europe and Diverse Societies*, ed. Dario Castiglione and Chris Longman (Oxford and Portland Oregon: Oñati International Institute for the Sociology of Law, 2007).

The European Community official texts use the terms **promote** and **encourage**, which also seem synonyms and are used when some concrete linguistic action is taken. The first term was used in November 1996 when the Multiannual Program to Promote Linguistic Diversity in the Community was adopted in the information society sector. Although it is a limited domain, it is interesting that the EU intervenes there, as this sector is dominated by one language, English.

To that ever wider heterogeneity of treatment, corresponds an ever wider heterogeneity of terms about the object of the policy in official texts (official language, Community language, languages of the Union, European Union languages that could give way to different interpretations). M. Strubell points out that the term “official languages of the Community”, does not appear anywhere. Instead, in official texts and programmes, terms such as languages of the Union (programme Lingua), languages spoken in the Union (resolution of the European Parliament⁹⁷) are used.

The confusion is also perceptible in the term “Lesser Used languages”. In some programmes it is referring to the smaller official languages of the institutions, namely Bulgarian, Czech, Danish, Dutch, Estonian, Finnish, Greek, Hungarian, Portuguese, Slovakian, Slovenian and Swedish. Whether Romanian with thirty millions speakers or Polish with forty millions, could be considered as a lesser spoken language in the EU is open to discussion. As already mentioned, Polish is already used as one of the few working languages in some EU bodies. In 1958, only four languages had an official Status on all the territory of the Member States. But now languages like Frisian or Luxemburgish have attained an official status in some Member States. Moreover, with the adhesions of the United Kingdom and Spain, important regional languages, spoken by several hundreds of thousands of persons, such as Basque, Catalan, Galician and Welsh have also received an official Status.

Several elements point to a progressive Community recognition for regional and minority languages in the Community. The Bureau of the Lesser Used languages is not an EU agency. 80% of its funding nevertheless comes from the Community budget. “Lesser Used Languages” refer to minority languages, such as Catalan or Scot, within the Member States. The debate in the Council of Europe about the Charter for regional and minority languages is

⁹⁷ Resolution on languages in the Community and the situation of Catalan, 11 December 1990, www.ciemen.org/mercator/ue16-gb.htm.

even clearer, although outside of the scope of this reflection. However, the influence of the debates in the Council of Europe on EU debates is undeniable. Often has the Council of Europe been a precursor for EU decisions in social and cultural matters. Such has been the case for Human rights protection and social rights.

The Year of Languages in Europe in 2001, allowed for a reinforced and EU sanctioned awareness for minority language protection. The aim was to “encourage” and not only to “respect” cultural and linguistic diversity. One year later, the Council invited the Commission in a 2002 resolution to take into account the principle of linguistic diversity in its relations with third and candidate countries. As a result of this first initiative, the Commission could, at the request of the Council, elaborate an action plan for promoting language learning and linguistic diversity. For the first time, regional and minority languages are expressly mentioned, and the UE manifested its readiness to assume its share of responsibility as in the past, besides national, regional and local authorities.

This, added to domestic political considerations, allowed the Spanish government to accept the translations in Basque, Galician and a joint Catalan/Valencian version of Community texts. It asked the Council to take these languages into account for certain official uses. Consequently, the Council conclusions of the 13th of June 2005, included a statement about languages, other than the usual official languages and whose status is recognized by the Constitution of certain Member States on all or part of its territory, or the use of which as a national language is authorized by law. The Council invited other institutions to accept the same administrative arrangement. The practical and legal effects of the decision are limited by its conclusions, but a minority language could still be used in European Institutions public acts and speeches o. Catalan was added on the “Debate Europe” website, provoking the enthusiasm of Catalan speaking people who were the fourth in number to intervene on that site only after English, French and German, but before all the other Community official languages⁹⁸.

So over the recent years one could note a more important role for the European Commission and stronger activism from the European Parliament, but without defining the principles at

⁹⁸ M.Strubell, Op. Cit. (2007), 176.

stake and the goal to attain. Every institution for example, has a different linguistic regime⁹⁹. So whereas the EU has a more active linguistic policy, it does not have a more precise one, beyond the desire to maintain and promote multilingualism.

Confusedly defined, the European language policy is hardly applied. This is easily and rapidly proved by a glance at the Community's ways of functioning.

Although all the official Community websites should be in the 23 official languages, some are indeed, but many are not. The EU portal and the European Parliament portal do use the 23 languages¹⁰⁰. However, and oddly enough, the Regional Fund website *Inforegio*¹⁰¹ does not. Neither does the research and development website¹⁰². Both only exist in six languages, English, French, German, Italian, Spanish and Polish. The choice of these six languages seems to have been made exclusively on demographic grounds¹⁰³. On these bases, out of six, we find three romance languages, and the next language to be admitted would be another Romance Language, Romanian according to this criterion.

More importantly, there is a discrepancy between the declared official policy and the reality even in the daily work of the common institutions. At the European Commission, all the preparatory meetings and documents are made in only three languages, English, French and German. Even though, there is a huge unbalance between the use of English and French, while the use of German is almost symbolic. In 2008, 1, 805, 989 pages were translated at the Commission, of which 72.5% of the original versions were in English, 11.8% in French, 2.7% in German and 13% in the twenty other EU official languages.

The European Commission has thus established on its own, a distinction between official and

⁹⁹ See Peter A. Krauss, "The Language Question in the Institutional Complex of the European Union," in *A Union of Diversity Language, Identity and Polity-Building in Europe* (Cambridge: Cambridge University Press, 2008); Michele Gazzola, "Managing Multilingualism in the European Parliament: Language Policy Evaluation for the European Parliament," *Language Policy* 5(2006):393-417; or Karen McAuliffe, "Enlargement at the European Court of Justice: Law, Language and Translation," *European Law Journal* 14 (2008): 806-818.

¹⁰⁰ Double checked by the author in February 2009. Strubell even notes that the websites are not adapted to allow correspondence in Irish as the European Law stipulates, in "The Political Discourse on Multilingualism in The European Union, " in *The Language Question in Europe and Diverse Societies*, ed. Dario Castiglione and Chris Longman (Oxford and Portland Oregon, Oñati International Institute for the Sociology of Law, 2007), 163

¹⁰¹ Regional Policy – Inforegio, http://ec.europa.eu/regional_policy/.

¹⁰² Cordis Publication Office, <http://cordis.europa.eu/>.

¹⁰³ Polish also allows Slavic language speakers - a Slavic language is official in six EU countries (Bulgaria, Czech Republic, Poland, Slovakia and Slovenia) - to read more easily these sites. Slovakian and Czech speakers are supposed to understand Polish without any difficulties.

working languages. But even for the translation of official documents that should legally be made in all EU official languages, English, French and German documents number is above the average¹⁰⁴.

The Western Europe Union, which merged in the EU institutional system, only uses English and French. The EU Court of Justice uses only French in its proceedings, while the European Central Bank has only one official language, English.

Even more striking, according to European People's Party (Christian Democrats) and European Democrats MEP, Alexander Stubb, in a report on the translation costs of the EU institutions adopted by the European Parliament in 2007, some €26 millions are wasted annually for booked but unused translation services in the EU institutions¹⁰⁵. This constitutes a clear and quantifiable indication the blatant inequality of languages use in the Parliament's daily work. The European Parliament should naturally be the most multilingual institution, not only the more democratic and transparent. Even when elected for European functions, deputies are directly accountable to their constituency. For this reason, among others, they cannot be demanded to be bilingual as the European civil servants are.

With 506 possible linguistic combinations (each of the twenty three official languages could be translated in the twenty two others), neither the Parliament nor any institutions could deal with the daily communication needs. And to solve the problems, the use of *lingue franche* has spread. During the first decades of the European Integration, French used to be this lingua franca but since the seventies, English has been more and more used. In the nineties, 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. This is due to their scarce knowledge of French, more than any other explanation such as their demographic importance or their knowledge and attachment to English, as explained in the "maximin principle". These intuitive findings were concretely tested by the EuroBarometer of the European Commission in 2006¹⁰⁶, which clearly demonstrated that

¹⁰⁴ http://ec.europa.eu/dgs/translation/bookshelf/brochure_en.pdf.

¹⁰⁵ "Cost in translation: expense awareness duty to taxpayers," *EurActiv*, Thursday 12 July 2007, <http://www.euractiv.com/en/culture/cost-translation-expense-awareness-duty-taxpayers/article-165501>.

However A. Stubb also underlined in his report that multilinguism is one of EU's main assets: "The EU's language services, including both translation and interpretation, amount to only less than one percent of the total costs of the EU. Not such a high price to pay for democracy and efficient co-operation".

¹⁰⁶ Entitled "Europeans and their Languages," Special Eurobarometer 243,

English overwhelmingly was the main second language in Europe.

3- NAFTA's linguistic logic compared to Europe's:

The NAFTA's institutional structure looks quite basic, almost inexistent compared to the EU's, and the decision process is exclusively intergovernmental. The objective to create a North American block is vague and hardly explicit. Nevertheless, 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".

Trade liberalization also was the first step for European Integration, and the NAFTA dispute resolution could lead to a convergence with the EU functioning in that area leading to an international trade regime, gathering WTO, NAFTA and EU¹⁰⁷.

More importantly for the present reflection, non trade considerations existed from the very beginning of the negotiations with the adjunction of environmental and labour agreements. The concepts of Intelligent Frontiers or the "SPP (Security and Prosperity Partnership) for North America" also bear witness for expectations that go well beyond trade liberalization. Such expectations are well described in the book of Robert Pastor's about the "North American Community"¹⁰⁸.

So it should come as no surprise that the communication problems are comparable, and the way to resolve or not to resolve them, is similar for two blocks that claim to be so different politically and institutionally. They also are different geographically and from a socio-linguistic point of view. The scarce mention of the linguistic regime in the NAFTA is only matched by the brevity of this regime's mentions in the EU.

There are few institutions to manage the NAFTA, and they are small. A comparison of their linguistic regimes with those of the numerous and powerful institutions of the European Union would not be relevant. Nevertheless, the text of the agreement and the functioning of

http://ec.europa.eu/education/languages/pdf/doc631_en.pdf.

¹⁰⁷ *The EU, the WTO and the NAFTA: Towards a Common Law of International Trade?* ed. J.H.H. Weiler, vol. 9 of *Collected Courses of the Academy of European Law* (Oxford, Oxford University Press, 2000).

¹⁰⁸ Robert A. Pastor, *Toward a North American Community: Lessons from the Old World for the New* (Washington: Institute for International Economics, 2001)

the two only NAFTA official institutions shall give us an insight about the implicit linguistic policy of North America.

As mentioned, the NAFTA negotiators claimed to have purely commercial intentions, but a “spill over” towards non economic issues occurred even before the trade negotiations were concluded. Labor and environment issues were raised; two parallel agreements were signed in these two areas giving birth to two institutions. Ironically enough, these two institutions called commissions were established and are in function today, whereas the supposedly main institution, the Trade Secretariat was eventually deemed superfluous and thus never saw the light. 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)¹⁰⁹. In the final agreement, the United States was attributed the labor office; Canada would host an Environmental Secretariat (Mexico had been offered the stillborn Trade Secretariat)¹¹⁰. The linguistic balance in the sieges 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. But there still is what was finally called the “Commission for Environmental Cooperation” in Montreal and the Commission for Labour Cooperation in Dallas.

The NAFTA’s linguistic regime is explicitly expressed in various elements. The first is the adoption of a trilingual version of the agreement. The second is the dispute settlement 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

¹⁰⁹The 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.

¹¹⁰ Allen Myerson, “Dallas Gets Three-Nation Labor Office,” *New York Times*, March 19, 1994.

in Spanish”¹¹¹.

Finally, 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.

As the 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 the author spent some time in Montreal to observe the daily linguistic operating balance in one of the NAFTA’s two institutions¹¹². In both cases, this legal rule is 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. French and Spanish are constantly used in the Commission but only for menial low level communication. As soon as the debates become serious, everybody switch almost automatically to English. It could be observed that in experts’ debates and more so with political discussions that even when interpretation could have been made available it was not asked, arguably to save time and money or because for technical or political matters, direct communication was deemed preferable to the interpreter mediation. Finally, one cannot disregard the fact that it is considered unprofessional for a Mexican scientific or civil servant not being able to negotiate in English, and even more so for a French speaking Canadian, whereas this is less likely to happen to a US or English speaking Canadian negotiator. Many Mexicans and French speaking Canadians would thus prefer to engage in a negotiation in English, rather than ask for the interpreter they are entitled to.

Another way of analysing the linguistic regime of NAFTA is the examination of the NAFTA

¹¹¹ 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 trilingualism anyway). Office of the United States Trade Representative, http://www.ustr.gov/assets/Trade_Agreements/Regional/NAFTA/asset_upload_file212_3601.pdf.

¹¹² Thanks to the financial support of the Canadian government.

dispute panels and the way they might or might not be biased¹¹³. The one controversy that involved (indirectly) the linguistic knot in North America was carried by the US government and resolved by the WTO, and not under the NAFTA dispute settlement auspices¹¹⁴.

Finally, one cannot but observe that as in Europe, from the perspective of North American citizens, multilingualism is becoming a reality (which does not mean that it is a necessity on a day to day basis). 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 Mexico¹¹⁵.

Yet, for all the simplicity and forwardness of both the Treaty and the geo linguistic situation in North America, the question of multilingualism could not be avoided. 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 similar role to that of France in the European Union. The natural tendency would be to attribute this similarity to the language resemblance. French remains a fundamental, if not the main, element of identity of both countries¹¹⁶. It is also true that both,

¹¹³ 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* 30 (2000); Marc Sher, "Dispute Resolution under NAFTA, Fact or Fiction?" *George Washington International Law Review*, 2003.

¹¹⁴ "In 1996, USTR initiated a Section 301 investigation and requested consultations with the Government of Canada to address certain discriminatory practices used by the Government of Canada to unfairly protect Canada's domestic magazine industry. Subsequently, USTR used WTO dispute settlement procedures to challenge these discriminatory practices. Specifically, USTR requested that a WTO panel be formed to consider Canadian measures prohibiting or restricting the importation into Canada of certain periodicals, tax treatment of so-called "split-run" periodicals, and the application of favorable postage rates to certain Canadian periodicals. Canada prohibits imports of "split-run" editions of magazines (regional editions that include advertising and some content aimed at the regional audience). During 1994, in response to the launch of a Canadian edition of "Sports Illustrated," which was electronically transmitted to and printed in Canada, the Canadian Government "clarified" its investment policies on split-run magazines, defining new magazine titles as "investments" subject to review under the Investment Canada Act. Moreover, in 1995, the Canadian Government enacted an excise tax on "split-run" magazine editions such as "Sports Illustrated" on a per-issue basis at a rate of 80 percent of the amount charged for all advertising appearing in that issue. The WTO panel's report, entitled Canada --Certain Measures Concerning Periodicals, was circulated to WTO Members on March 14, 1997. The Panel's findings support the United States on nearly all claims. The Panel recommended that Canada bring its practices into conformity with GATT 1994". From the USTR'S 1997 National Trade estimate Report on Foreign Trade Barriers, 31-38, <http://wehner.tamu.edu/mgmt.www/NAFTA/spring98/notes/Notes-US-CA-1a.htm>.

¹¹⁵ "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>.

¹¹⁶ And to make things more complex has an historic experience as a *lingua franca*.

Canada and France have used French as an instrument of foreign policy to project their “soft power” in International Organizations and in Africa and the Caribbean. Nevertheless, both positions have also different origins and motivations. Both English speaking and French speaking Canadians see their identity threatened, albeit in different ways: the French speaking for the exclusive use of English, and the English speaking ones by the free trade of cultural industries in North America. Some protections for cultural industries were introduced in the NAFTA but in reality, the possibility offered to the NAFTA parties in dispute to carry it to the WTO dispute settlement, made the cultural exception (cultural industry protection) under NAFTA Article 2016 void¹¹⁷..

Canada initiated the linguistic reflexion mainly 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 Quebec¹¹⁸”. In 2001, another document entitled “Language Issues in the Integration of the Americas”¹¹⁹ was also published under the auspices of the Council of French Language in Quebec which straightforwardly addresses the question of multilingualism in the Americas.

Building on this report, the Council organized the first “Inter American Language Management Seminar” 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. The topic was very similar, "Inter-American Language Policies in a Multipolar World"¹²⁰. Given the defection of Brazilian authorities, it was finally sponsored by the Latin Union.

¹¹⁷ As mentioned in footnote 7, the U.S.A successfully challenged certain Canadian measures unfavorable to imported periodicals under GATT/WTO rules.

¹¹⁸ “Le libre-échange Canada/États-Unis et la langue française au Québec : rapport et avis à la ministre responsable de l'application de la Charte de la langue française”, <http://www.cslf.gouv.qc.ca/publications/AVIS108/Avis108.htm>, exists only in French.

¹¹⁹ “Language Issues in the Integration of the Americas,” *Conseil de la Langue Française*, <http://www.cslf.gouv.qc.ca/publications/avis125/A125ang.PDF> by Christine Frechette, in French with translations in English, Portuguese and Spanish.

¹²⁰ Third Inter-American Language Management Seminar – “Inter American Language Policies in a Multipolar World,” DTIL – Direction Terminologie et Industries de la Langue, http://dtil.unilat.org/tercer_seminario/index_en.htm.

So far, the effort to promote awareness on linguistic questions with North America spearheaded by the Canadian and Quebec governments has not produced concrete results. Only a few participants from the USA and Mexico, and no prominent politician, have so far supported this initiative. To trigger this debate at the highest level, the fourth Seminar should have taken place in Ottawa in October 2008, where at least diplomats and Canadian representatives could have been present. It was postponed due to the Canadian general elections. The Conservative government under Stephen Harper, who was re-elected Prime Minister, is deemed to be less sensitive to this question than the Liberal party in power when the debate was initiated¹²¹.

The foundations for an in-depth debate over this issue are now laid in North America. This debate has not yet started and several reasons could be invoked. Outside Canada, the North American sensibility is not yet ripe for it. The official policy is one of strict trilinguism and has not raised political objections or practical problems. Its cost is limited given the simplicity of the institutional framework, and it is sponsored by the Member States not through a common budget. Finally, because of its exceptional geo-linguistic situation, the United States and Mexico are traditionally not sensitive to international linguistic problems. Also as a final point, there is not yet any necessity to define a North American common identity which would entail the full respect and use of all three languages on the sub-continent. Once this question comes up, the debate will be unavoidable. Canada is already setting the condition for this to happen. In the meantime, the reluctance to open the debate is hardly surprising if we remember that in Europe, despite its explicit political objectives, the numerous practical problems and the identity question, the debate is not much more advanced.

4- A Regional answer to the linguistic challenge in the International Relations

4.1- A common debate between the NAFTA and the EU:

The EU is a political community and an answer to its language question was thus inescapable taking into account the symbolic aspects of language, and the necessity to address each citizen in his own language for political, legal and practical reasons. At the same time, the EU

¹²¹ Nevertheless, in the NAFTA summit of April 2008, Harper gave the first part of his intervention in French and answered the first question of the journalists in this language. Galganov, "Canada's First Language is French," Galganov Editorials, <http://www.galganov.com/editorials.asp?ID=992>. He did the same during the first bilateral meeting with the newly elected president B. Obama. You Tube, "President Obama and Prime Minister Harper Press Conference," You Tube Broadcast Yourself, <http://www.youtube.com/watch?v=NvhOXTKfup8>

must confront a second challenge with the multiplication of official languages and the obstacles that this poses to a fluid communication and a common identity not mentioning the legal¹²² and practical challenges.

The NAFTA on the other hand, is “only” a free trade area. Consequently, the only challenge for its linguistic policy should have been a practical one. Moreover, the linguistic situation in North America is much less complex than in Europe with only three official languages, all three being Indo European, relatively easy to learn and all three being important international languages. Finally, all three languages do not constitute an obstacle, but a bridge for possible further enlargements southwards on the continent. These enlargements could include nineteen Spanish speaking countries as well as one French speaking country, Haiti. Only one country’s adherence, that of Brazil, would oblige to add one more official language, namely Portuguese. Even in this case, the language regime would not change dramatically. Portuguese is also an international language. It is very close to Spanish, an already official language in the Mercosur and thus widely taught in the region. With four official languages¹²³, the integration in the Americas, even at its widest stretching point, would have the same diversity than Europe at its beginning, with the four official languages of the EEC in 1957.

And still, the two blocks are more comparable than this apparently fundamental difference would have let us think at first sight. In the cultural and linguistic areas in particular, the EU is more intergovernmental, and the NAFTA more political, that their Member States are willing to admit; the NAFTA already went beyond a simple trade liberalization agreement, while the EU is still in many aspects a Union of sovereign States. Despite the latter explicit political goal, culture and education have only slowly and cautiously made their ways as common policies within the Union, and are far to be totally integrated. The fact that cultural, educational and linguistic policies have been first promoted by the Council of Europe¹²⁴, which is an intergovernmental institution, is also noteworthy.

¹²² Theodor Schilling “Beyond Multilingualism: On Different Approaches to the Handling of Diverging Language Versions of a Community Law” *European Law Journal*, Vol. 16, No. 1, January 2010, pp. 47–66.

¹²³ One should nevertheless keep in mind that Paraguay already has two official languages, Spanish and Guarani. Several Andean countries consider the possibility to grant indigenous language a similar status, particularly in Bolivia. See Monte Reel, “In Bolivia, Speaking Up For Native Languages Government Push is Plagued by Controversy,” *Washington Post Foreign* (2007).

¹²⁴ The European Charter for Regional or Minority Languages adopted in 1992 under the auspices of the Council of Europe to protect and promote historical regional and minority languages in Europe is a good example of the gap between both institutions. But since 1957, the Council of Europe has a Language Policy Division (formerly the Modern Languages Section) in Strasbourg.

Notwithstanding the complexity of the European legal apparatus, its linguistic regime is as brief as that of NAFTA's, and the linguistic status of both blocks is strikingly similar. It is in both cases very modest, with scarcely one article mentioning that all official languages of all members will be official and working languages. The politicians of both regions thus took exactly the same decision despite the differences in time, scope and geopolitical situations granting to all official national languages, whatever the number of their speakers, the same status and delegating to the institutions the responsibility to deal with the practical implications of this general principle.

So as in many other areas, if North America, and further on the Americas, were to form a regional block with explicit political purposes, the European experience in multilingualism would be a useful reference. This experience includes political and theoretical considerations, that as we mentioned earlier. It also includes practical solutions to the translation and interpretation issues that will inevitably rise with the institutionalization, deepening and widening of the American integration. These issues have been dealt by and large, in more than half a century of European integration¹²⁵.

Finally, there is a third convergence between the two regions, for all the legal framework and political declarations on the importance of multilingualism in Europe, English is on the verge of becoming the only communication language, for trade as well as for politics, on both continents. Official documents are indeed translated in all the official languages in both groupings, but the language for the negotiating and drafting of these documents is almost always English. The EU with its twenty three languages and sophisticated institutional system is not different from North America, where the overwhelming demographic weight of English and the flexible proceedings facilitate its use.

Both regions are confronting the same twofold question, can the communication needs of a regional block be solved satisfactorily using English, and even in this case, are not the symbolic aspects of language sacrificed on the altar of efficiency? This question is not linguistic, political at the core of the integration debates.

¹²⁵ For example, Burr Isolde /Gertrud Greciano (Hrsg.), *Europa Sprache und Recht/La construction europeenne: aspects linguistiques et juridiques* (Baden-Baden: Nomos Verlagsgesellschaft, 2003).

4.2- The limits of a regional linguistic policy:

To answer it, the challenge to strike a delicate balance between the need for cost and communication efficiency on one side, the political value of language and respect to diversity on the other side, seems impossible to meet.

Even if a solution to multilingualism in international and regional relations existed, and even if the use of English as a *lingua franca* was acceptable and feasible, the language issue is still so politically loaded that it would be counterproductive to raise it, whence the “conspiracy of silence” of all the European institutions. If we abide to the classical neo-functionalist argument of creating functional solidarities and integration before going to the core of the political matters, we could still wait several decades before developing a full fledged regional linguistic policy comparable to the national linguistic policies in the Member States. Time has not been deemed ripe after fifty years to open a common debate. Neither the successive enlargements, nor the successive modifications of the treaties, not even the European constitutional debates were considered good enough opportunities to lay the foundations for a real and efficient linguistic policy, beyond repeating the same old *credo* that all Member States’ official languages are regional official languages.

In reality, not only the problem is far to be solved, but it gets more and more complex with institutional inertia and growing membership. In the case of Europe, official languages have been adding up at an accelerated pace over the years. Other official languages should soon be added to the existing ones, multiplying exponentially the languages combinations and consequently the costs. Two countries with two different official languages are negotiating their adhesion, Turkey with the Turkish language, and Croatia with Croatian. Iceland and Montenegro have already handled their adhesion bid. Moreover, Luxemburgish was granted the status of official language in the country in 1984, and with Irish and Maltese¹²⁶ already official languages, it won’t be long until some political party in Luxemburg demands¹²⁷ the

¹²⁶ With some restrictions though. For Maltese, a three years’ derogation for translating texts into Maltese ended on May 1st 2007. Under a derogation proposed by the Irish authorities in 2005, only regulations adopted jointly by the European Parliament and the Council under the co-decision procedure and correspondence with the public, will be translated into Irish for a period of five years from 2007 on.

¹²⁷ Nothing could be opposed to this demand, not even that Luxemburg already has its official language as an official and most used working language in the EU with French and German, since Ireland and Malta also have English as an official language beside Irish and Maltese. It will also be impossible to argue that since Luxemburg did not ask it before, it is hardly justified to ask it now, as Luxemburgish was declared official language much later than the Luxemburg adhesion to the EU and since Ireland, which already had Irish as an official language at the very moment of its adhesion had it recognized as an official language thirty years after.

same. We also mentioned the growing role of some regional languages in Europe's linguistic debate¹²⁸.

A further complication derives from the fact that, as the linguistic status would imply a modification of the present Treaty; the Council would have to take a unanimous decision, which is a more and more difficult condition to fulfil with twenty seven members and more to come.

And yet, despite all these problems and the vagueness of their language policies, the two regions have fared fairly well so far. Communication has been flowing while all official languages prerogatives have been respected both in form and substance.

This was possible in North America, where neither English nor Spanish are endangered by the regional integration. The French language could seem more threatened, but in Canada it has already been the object of carefully designed and efficient policies.

In Europe too, all the communication problems have so far found practical solutions at a relatively low cost if one considers what is at stake in this debate. Political tensions and criticism from the press and public opinion have so far been modest, especially when compared to both the wave of "Euroscepticism" in almost all the other policies and the tensions that linguistic debates create in the national area.

This has had a cost, but although the European Union already has the largest translation and interpretation services in the world, the issue is not the size of these services but their *relative* size. For 2007, the cost of translation in the Commission is estimated to be around EUR 302 million. This represented a cost to each citizen of around EUR 0.63 per year¹²⁹. The Commission nevertheless claims that the introduction of three new official languages will not increase the cost for the public, thanks to the new translation strategy. The cost of interpretation per citizen was not expected to rise either with the accession of Bulgaria and

¹²⁸ K. Henrard language theories in: "Education and Multiculturalism: The Contribution of Minority Rights?" *International Journal on Minority and Group Rights* 7 (2000): 393-410.

¹²⁹ Commission ready to welcome three new official languages on 1 January 2007, IP/06/1854 European Commission, Brussels, 20 December 2006, <http://europa.eu/rapid/pressReleasesAction.do?reference=IP/06/1854&format=HTML&aged=0%3Cuage=EN&guiLanguage=en>.

Romania and the addition of Irish, still according to the European Commission. In 2006, the overall cost of translation in all EU institutions was estimated at EUR 800 million. The total cost of interpretation in the EU institutions was almost EUR 190 million in 2005, the equivalent of EUR 0.42 per citizen per year. Another way to downplay the total cost of translation and interpretation in all EU institutions is to compare it with the total EU budget; less than 1%¹³⁰.

Having 23 official languages has not proved a financial or practical problem, especially when compared to the one which would inevitably appear with any other solution. It would not if it were openly assumed as a clear and irrevocable political decision.

When the UE granted all Member States official languages the same status, it imposed standards and safeguards. And taking the same path, NAFTA not only proved that it was not aimed to be another international organization, but a block with political objectives. In both cases, the choice was not for the “smallest common denominator”.

It is true that daily communications and transactions needs, still oblige the European Union and North America to apply this principle, which was translated with the already mentioned “maximin principle” of Van Parijs, which does weaken the position of virtually all languages but English for regional communication. But in both blocks, the symbolic value of language is preserved in the linguistic status.

As for the use of other languages besides English, only national measures could counteract the hegemony of it. All the Member States of the EU have some experience in preserving the national language¹³¹. This is also the case in Canada (for the French language). Mexico and the United States share the peculiarity of not having a constitutionally official language but then again, neither English nor Spanish are under threat in America.

For the rest, it is impossible to see what a common policy would add for the protection of national and minority languages. In other world, beyond the minimal safeguard measures that already were taken, language uses cannot be dictated at a regional level.

¹³⁰ Ibidem.

¹³¹ In many cases, such as the United Kingdom, Spain and Canada, they also do it for minority and regional languages.

The (correct) use of a language depends on national education policies and in last instance in the choice of the citizens for themselves and their children. This choice could be oriented, incited and protected at the national and regional level. As a matter of fact, it is in a very strict and pervasive way in all the countries of both regions. The poor and superficial “Maaluf report¹³²” on multilingualism in the European Union demonstrated *a contrario*, there is not much to be done, beyond pious wishes and lyric declarations to promote the use of a language. If only one thing, the fact that this report was taken into account by the European Commission in preparing its new multilingualism strategy confirms the impotence of the institution to promote multilingualism¹³³.

The awareness for the protection of their own language cannot be forced on citizens and civil servants. The example of Ireland, which after one century could not revive the national language, is eloquent. For all their nationalism, Irish people overwhelmingly continue to use English in their everyday life. It is difficult to see how Irish could become a European official language when even in Ireland, the minimum legal requisites are not met for the equal use of English and Irish.

Any common European decision on such a fundamental issue as language could backlash or as expressed by Joseph Weiler, generate other intended or unintended pernicious consequence¹³⁴ creating a reticence to bureaucratic directives and more generally, a culture of duty instead of a culture of responsibility.

Just as the “End of History” has not occurred with the expansion of democracy and economic liberalism¹³⁵, there will be no end of the linguistic debate with the expansion of English as the undisputed world communication language. Such an end would lead us to a world of “*pensée*

¹³²: “A rewarding Challenge: How the Multiplicity of Languages could strengthen Europe,” Proposals from the Group of Intellectuals for Intercultural Dialogue set up at the initiative of the European Commission (2008), http://ec.europa.eu/education/policies/lang/doc/maalouf/report_en.pdf .

¹³³ Elaborated by a group of intellectuals assembled in the context of the European Year of Intercultural Dialogue 2008 to discuss and define the role of multilingualism under the auspices of the European Commission. The group, chaired by the Franco-Lebanese author, Amin Maalouf, produced a report whose findings were presented on 31 January 31st 2008 and unveiled by Commissioner Orban on 18 September 2008, <http://www.euractiv.com/en/culture/language-use-eu/article-137663>

¹³⁴ JHH Weiler , “ Europe – Nous coalisons des Etats, nous n`unissons pas des hommes ” (paper presented at the conference for the IILJ International Legal Theory Colloquium Spring 2009: Virtues, Vices, Human Behavior and Democracy in International Law, NYU Law School, United States, March 26th, 2009).

¹³⁵ “The End of History?” *The National Interest*, Summer 1989.

unique” (single thinking) decried by the former president of the French republic, Jacques Chirac, and theoretically described by Herbert Marcuse before him¹³⁶.

North America and Europe have so far successfully managed the practical and ethical dilemmas of regional communication. It is however difficult to expect more than a constantly evolving balance between these two imperatives. The very existence of the debate bears testimony of both the success and the depth of the EU experience. Let us hope it will intensify in North America.

¹³⁶ Herbert Marcuse, *One-Dimensional Man: Studies in the Ideology of Advanced Industrial Society* (Beacon, Boston: 1964).