

# Language Rights in the World Polity – From Non-Discrimination to Multilingualism

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## *Abstract*

This paper asks how and why multilingualism has become a legitimate model for nationhood in the world polity. When the UN system was founded after the Second World War, language policy and language rights for minorities were not considered as important. Leaving aside prohibitions of discrimination, nation states were marginally constrained in promoting the assimilation of minority language speakers to the national language. More recent documents of international political organizations attest to a far-reaching change insofar as linguistic and other minorities, their identities and rights are expected to be given more recognition within nation-states. Drawing on sociological institutional theory, it is argued that these changes result not primarily from powerful states and their political and economic interests, but from authoritative experts within a global discourse of human rights. Experts within international governmental and non-governmental organizations have redefined the cultural model of the nation-state by reframing language policy within discourses of human rights, multiculturalism and diversity. As a result, monolingualism has been successfully challenged as the dominant model for nation-states' linguistic constitution.

## *Introduction*

When proclaiming the year 2008 as the International Year of Languages, the General Assembly of the United Nations emphasized the aim of “the promotion and protection of all languages, in particular endangered languages, linguistic diversity and multilingualism”.<sup>1</sup> Compared to the situation in the first decades after the Second World War, this statement attests to a major institutional change. Whereas minority languages had formerly been seen as an obstacle to progress and assimilation in debates on human rights, minority integration and cultural policy,<sup>2</sup> they now are perceived as being in need of protection. Simultaneously, linguistic minorities have been granted various rights beyond the mere prohibition of discrimination that had already been included in the first human rights documents of the emerging UN system in the late 1940s.<sup>3</sup> This essay describes the changes in global discourses over language policy and attempts to give an account of why they have occurred.

Multilingualism has typically been addressed in research on the rise of international minority protection which well describes but insufficiently explains institutional changes in the domain of language policy and linguistic rights. Legal scholars and political philosophers discussing human rights and minority protection largely take a normative approach. Linguists dealing with minority languages also act as protagonists of varying forms of language policy, but are less interested in reflecting upon the process of cultural change within which their own expertise is embedded. Macro-sociolinguists and, to a lesser extent, social scientists offer insights into changes of language policies in different national contexts,<sup>4</sup> but they usually neglect developments at the global level, from where new models of language policy and language rights often are transferred to specific national contexts. Therefore, there is a need to analyze global discourses over language policy and linguistic rights.

In this essay, I try to explain recent changes in such global discourses by drawing on insights from neo-institutional world polity theory.<sup>5</sup> The partial demise of monolingualism as a legitimate policy script for nation-states poses serious problems to conventional “realist” analyses in political science. Political scientists have shown some interest in the long-term historical development of minority protection in general,<sup>6</sup> albeit with a strong focus on religious minorities. But assuming that changes in international regimes mainly stem from the interests of powerful

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<sup>1</sup> UN 2008: 4.

<sup>2</sup> E.g. ILO 1953: 179f or statements by protagonists such as as Humphrey 1984 on early debates on human rights and Huxley 1973 on UNESCO's early cultural policy.

<sup>3</sup> See the overview in de Varennes 1997; Engel 2002.

<sup>4</sup> See as two of many interesting examples Dwyer 2005; Schmid 2008.

<sup>5</sup> This paper draws on current research for my PhD-thesis where I both try to explain the emergence of new language political models on the global political level and to compare the developments in the different world political organizations. The empirical analysis of the different cases through document analyses is still going on, the results in this paper represent the current (preliminary) state of the research process.

<sup>6</sup> See Krasner/Froats 1998; Liebich 2008.

states, they have difficulties in explaining the recent rise of debates on linguistic minorities. In particular, they neglect the extent to which nation-states' identities and interests may be derived from their global political environment. This precisely is the strength of sociological neo-institutionalism and the related world polity theory where nation-statehood is seen as resulting from broader cultural constructions of rational collective and individual actorhood.<sup>7</sup> Building on such theoretical insights, I shall take a more detailed empirical look upon cultural change in debates on language policy as well as upon the role that international political organizations play in these processes. My approach partly follows Will Kymlicka's inspiring overview of the history and philosophy of minority protection,<sup>8</sup> but leaves aside his philosophical discussions of the merits of liberal multiculturalism. Instead, I draw on sociological theory of world culture in order to take a more detailed empirical look upon cultural change in debates on language policy and the role that international political organizations play in these processes.

In the first part, I shall sketch in some detail the transition from the model of monolingual nation-states to new conceptions of multilingualism. In the second part I shall then attempt to give an explanation of why these changes have occurred. My major argument will be that discursive and structural innovations have worked together and led to an increasing recognition of multilingualism in nation-states. The UN-system and especially the human rights regime have created new actors such as bureaucracies and professional experts and non-governmental organizations. These have introduced new models of nationhood by extending existing frames of human rights to include culturalist and identity-related rights and by transferring the emerging frame of biodiversity onto language policy to establish linguistic diversity as a value in itself.

### *1. From the Monolingual Nation-State to Multilingualism*

Language emerged as an issue for political planning in connection with historical processes of nation-building in the 18<sup>th</sup> and 19<sup>th</sup> century.<sup>9</sup> They led to an ideal of linguistic homogeneity which put pressure on minorities to assimilate to the respective national culture and language. Although rarely fully put into practice, this model of the monolingual nation-state served as an ideal for many emerging nation-states in the 19<sup>th</sup> and 20<sup>th</sup> century.

Partly parallel to the process of the rise and global diffusion of the nation-state, the individual person became defined as an entity possessing intrinsic value. Finally, this development led to the establishment of the international human rights system starting with the UN Charter in 1945 and the Universal Declaration of Human Rights in 1948. Here, the UN clearly took a liberal-individualist position, as

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<sup>7</sup> Meyer et al. 1997 provide the main arguments of sociological institutional "world polity"-theory.

<sup>8</sup> Kymlicka 2007.

<sup>9</sup> See for an overview of former times Burke 2004 who criticizes the use of the term "language policy" for acts of language planning before the French Revolution.

the makers of the UDHR deliberately avoided any reference to minorities as groups and mentioned language only in articles on the prohibition of discrimination, such as "Everyone is entitled to all the rights and freedoms set forth in this Declaration, *without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.*"<sup>10</sup>

With regard to the language policy of nation-states and the status of linguistic minorities, the ideal of cultural homogeneity of the nation was mitigated by the norm to prevent discrimination of the ones who have not (yet) learned the national language. The same overarching principles of monolingualism and assimilation led to the early policy of the ILO for the protection and integration of indigenous groups. The debates which led to the adoption of the Convention concerning the Protection and Integration of Indigenous and Other Tribal and Semi-Tribal Populations in Independent Countries in 1957 clearly expressed an assimilationist approach towards indigenous communities who „should be regarded as inexorably destined to become integrated into modern society“.<sup>11</sup> This included a predominantly negative view on existing linguistic diversity and an emphasis of a necessary transition from the indigenous languages to the national one.<sup>12</sup>

A look at the relevant documents of international organizations allows us to gain an overview of the developments in the global field of language policy.<sup>13</sup> Certain tendencies in major world political organizations can be identified: The early documents of UN, UNESCO, and ILO show a clear dominance of non-discrimination articles, complemented by few marginal references to language in more pluralist contexts. Two major changes have occurred in the course of time, especially since the 1980s: The number of documents which refer to language has increased, and an increasing share of language-related articles contains an affirmation of multilingualism in one way or other. The rejection of discrimination is still valid as a principle, but it no longer is the one and only prevailing model of language policy with regard to minority languages and their speakers.<sup>14</sup>

This change has occurred in all three organizations, but they have taken different paths. To put it simply, the UNESCO can be seen as the main protagonist of linguistic diversity, while the ILO has paved the way to group protection for indigenous peoples and the UN has played an important role in the protection of

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<sup>10</sup> UN 1948, italics added. Here as in preparatory work on other documents, e.g. the Genocide Convention from 1948, explicit minority articles were proposed, but rejected.

<sup>11</sup> ILO 1954: 425.

<sup>12</sup> E.g. in ILO 1957: "Provision shall be made for a progressive transition from the mother tongue or the vernacular language to the national language or to one of the official languages of the country."

<sup>13</sup> Therefore, I have conducted a qualitative content analysis of human rights-related official documents of UN, UNESCO, and ILO with a focus on language-related categories.

<sup>14</sup> This result corresponds to similar results concerning other minorities. See Koenig 2008 on human rights for religious minorities.

linguistic minorities by human rights for their speakers.<sup>15</sup> In general, we can observe an increasing variation of language political models promoted by world political organizations, as the formerly prevailing principle of assimilationist – but in principle non-discriminatory – monolingualism has been complemented by several models of multilingualism.

## *II. Why has multilingualism emerged? Theoretical considerations and preliminary empirical observations*

Sociological institutional theory explains this development as the manifestation of world cultural principles in political discourse, mainly as a result of the historical construction of both the nation-state and the individual as highly valued actors in modern culture. This has been interpreted as a process of “rationalization” leading to the global diffusion of seemingly universal models of nationhood and commitments to these principles in nation-states’ constitutions and policies all over the world. Empirical studies have shown an increasing convergence of the formal structures in numerous policy domains such as education, science, environment and others.<sup>16</sup> Thus the theory provides a better understanding of the current form of nation-states, formal organizations and individuals through a focus on their world-cultural constitution as main actor models in the modern world. On the other hand, these studies have rarely shown an interest in the origins and change of these world-cultural principles and often present an overly harmonious and one-dimensional view on this world culture.<sup>17</sup>

Concerning human rights, this has led to a narrow focus on the dominant liberal-individualist form while largely ignoring the continuous debates on the protection of linguistic minorities.<sup>18</sup> But world-cultural principles are abstract models which have to be interpreted to generate specific norms. Human rights of linguistic minorities are an obvious example if we consider numerous conflicts with regard to their “correct” form. To explain the move towards multilingual versions of human rights, two main factors have to be taken into account: a reinterpretation of abstract cultural models and a self-reinforcing creation of agency within the world political system.<sup>19</sup>

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<sup>15</sup> This crude labelling is too simple to characterize the respective debates adequately, but may suffice here to point to interesting differences in the specific trajectories towards multilingualism. These cannot be explained here, but are another issue of my ongoing research.

<sup>16</sup> E.g. Jakobi 2007; Meyer et al. 1997b. With regard to practical political effects, most of the publications remain sceptical due to the observation of a decoupling between formal structures and actual implementation.

<sup>17</sup> The discussions in Dierkes/Koenig 2006 provide a good starting point to extend the institutional perspective to these issues by focusing on the emergence of alternative and possibly conflicting models of language policy.

<sup>18</sup> Elliott 2007 has expressed this line of argument most clearly.

<sup>19</sup> Several articles point to the importance of both discursive and organizational factors, e.g. Meyer et al. 1997b; Dierkes/Koenig 2006. The actual historical processes consist of an interplay between discursive and structural changes, which are separated here for making clear the different aspects of the process.

*(a) New frames: (multi)culturalism, identity, diversity*

While in the 1940s explicit references to the protection of minorities had been considered as particularistic and collectivistic and thus not appropriate to be proclaimed in a Universal Declaration of Human Rights, this exclusively individualist position was soon considered as problematic. To actually realize institutionalized ideals such as equality and active participation in several domains of social life, it seemed necessary to take the cultural background of minorities into account.<sup>20</sup> Thus, the original formulations of human rights themselves offered opportunities for reinterpretation.

These discursive opportunities for supporters of minority rights further improved through a continuous change in the interpretation of “culture” (including language) in global debates. In the beginning of the UN system, culture had mainly been seen as a barrier or an instrument for reaching other goals such as modernization and development. Later, culture has increasingly become an essential part of a person’s identity and thus a value in itself. The rise of multiculturalism and minority identity politics have been part of this development which has also resulted in a “culturalization” of global debates on human rights and an increasing focus on the symbolic rather than the instrumental function of language.<sup>21</sup>

At the same time and in the wake of debates on biodiversity, diversity of cultural expressions has risen as an ideal which called for a reevaluation of the intrinsic value of language.<sup>22</sup> Here, the change stemmed less from the transformation of abstract or ambiguous frames, but more from the extension of an existing frame to another policy domain.<sup>23</sup>

With the emergence of these new frames of linguistic identity and diversity and their use as points of reference in debates on language policy, the classical concept of assimilation as the only possible way of integration of minorities has been challenged by the recognition of multilingualism as cultural pluralism. This process has been accompanied by a change in the composition of actors in the field which will be sketched in the following.

*(b) New actors: world political organizations and their bureaucracies and experts, postcolonial states*

Two main processes have changed the constellation of actors contributing to the world political system. Obvious is the change in the UN system through the

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Due to the current state of my research, the results in this chapter draw from theoretical ideas, a review of relevant literature and preliminary results of the analyses of the debates on language policy at ILO, UNESCO and UN.

<sup>20</sup> This argument already played an important role in the early discussion about indigenous populations at the ILO where the discussants aimed at mitigating the consequences of the transition from “traditional culture” to “modern society”.

<sup>21</sup> Stenou 2003; Symonides 1998.

<sup>22</sup> UNESCO et al. 2003.

<sup>23</sup> These different strategies are discussed in Davies 1999.

foundation of many new postcolonial states. The model of the monolingual nation-state was introduced into multilingual contexts and thus led to the unintended effect that international political bodies often consisted of members whose situation contradicted the institutionalized principle. These states were often more willing than Western ones to support more culturalist and collectivist models of minority language policy.<sup>24</sup>

In addition to this rise of new states in the political system, the UN system generated more dynamics by creating its own bureaucracy. In the wake of the foundation of the UN system in general and the human rights regime in particular, administrative and advisory bodies were created to fulfill the new tasks, such as the Committee of Experts on Indigenous Labour at the ILO or the Sub-Commission on Prevention of Discrimination and Protection of Minorities at the UN (SCDM) and this Commission's Special Rapporteur. In the following, these and similar other bodies have gained authority with regard to language policy, because they became leading experts in the field, they consequently referred to and reinterpreted the existing rules and models and they managed to appear as more objective agents of universal principles.<sup>25</sup> Furthermore, they often found support by other academic experts and by non-governmental organizations acting in the field. Finally, they managed to redefine the appropriate models of the nation-state and its relation to linguistic minorities in such a way that the participating nation-states finally approved of the new instruments in which they – at least rhetorically – recognized the existence of minority languages and their speakers within their states.

### *Conclusions*

The rise of multilingual models of nationhood which have emerged in the global political system can be explained by the dynamics of this global political-cultural system itself rather than by the political and economic interests of powerful states and corporations. This "world polity" has generated not only general cultural models of nationhood and individualism, but also brought into being its own proliferating system of organizations who serve as both core interpreters of the abstract cultural models and agents of its spread throughout the political world.

However, we must not overestimate the impact of these discursive changes. These processes take place on a global cultural level and are not simply translated into effective results as these global developments may be tightly or loosely coupled with actual national minority language policies. To evaluate the impact of cultural changes on national policies and legal developments, this study has to be complemented by further research, such as case studies on specific countries and language communities. A more systematic combination of long-term world-level

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<sup>24</sup> E.g. during the preparatory work on the UN Declaration on Minorities, see UN-Documents E/CN.4/1987/25, para. 57; E/CN.4/1986/SR.56/Add.2; E/CN.4/1985/WG.1/WP.31.

<sup>25</sup> The importance and relative independence of the SCDM's experts has already been observed by Salzberg 1973. See also Barnett/Finnemore 2004: 16-44.

developments with national changes will hopefully help us gain a more comprehensive insight into the field of language policy and minority rights.

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