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Contents

Territoriality versus Non-Territoriality, Language Rights and the Hungarians of Romania in the Age of Globalization

László MARÁCZ

University of Amsterdam, European Studies Department

Abstract. In this paper, I will discuss the relevance of the *Territoriality versus Non-territoriality Principles* for the arrangement of interethnic relations in multicultural, multilingual states in the age of globalization (MacRae 1975; 2007). It will be argued that the Territoriality Principle is to remain on the political agenda in multicultural, multilingual states, although the major socio-political drivers, the globalization processes, are going beyond territorial concepts. More concretely, I will discuss territoriality versus non-territoriality in the case of the Hungarian minority in Romania's north-western part, i.e. Transylvania. The language rights of the ethnic Hungarians are implemented at an individual level in the Romanian law system in terms of the Personality Principle. However, the Personality Principle is 'contained' by the Threshold Principle that is in its turn determined by collective demographic size and territoriality. Supranational bodies, like the Committee's of Experts and Ministers of the Council of Europe which are involved in the European Charter for Regional or Minority Languages, argue to lower the threshold in Romania below 20 percent and to guarantee the maximal application of the Personality Principle.

Keywords: territoriality, non-territoriality, globalization, Hungarian minority, Transylvania, Europeanization.

Territory and Globalization

Right after the Second World War and during the Cold War, the building blocks of the present-day international politico-economic and supranational constellation were developed. Commentators agree that this has resulted in the 'age of globalization,' although the precise definition of globalization is subject of academic discussion (Holton 2011). One of the key concepts reappearing in most of the definitions is the 'compression of time and space'. If this concept is taken seriously, it reduces the role of 'territory'. The reduction of space causes general features to be attached to persons. Key drivers that support the transformation from territory to non-territorial properties are mobility and migration, i.e. the vehicles of globalization.

Note that the objects of globalization processes are not only persons, but also goods and systems such as digital systems (Castells 2013). Other key concepts associated to globalization, like hybridity and fluidity reflecting on the nature and form of 'content' also abstract away from territory. International politics under globalization has also been organized more and more in supranational bodies. These bodies operate across transnational borders and boundaries and have little attachment to a specific territory (Vertovec 2010). In fact, the global arena is their playing ground. Holton (2011) argues, however, that one of the most important groups of building blocks of the present-day international constellation are the nation-states that cover a specific territory, although their political manoeuvring is guided by non-territorial thinking. Territory has turned into a virtual concept for the nation-states. The 'space' of nation-states in their negotiations with supranational bodies has become relevant and not the territory the nation-states are covering.

The second part of the twentieth century has been characterized by the Cold War between the United States and its allies on the one side and the Soviet Union and its allies on the other side. Although it was in essence an ideological confrontation at a global scale between two different political systems' territorial concepts, like territorial demarcation, territorial containment, territorial expansion, the territorialization of the nation and the Territoriality Principle played an important role throughout the Cold War. The international political constellation that developed was characterized by the demarcation and containment of territory. The most telling example of this was the Berlin Wall which was a harsh demarcation almost impossible to cross for ordinary European citizens from both camps. Demarcation lines, especially in Europe, were very well respected by the superpowers acting in the Cold War, i.e. The Soviet Union and the United States. The Berlin Wall, or the 'Iron Curtain' as it was referred to – the line splitting the continent –, was fully respected by the other. The absence of a territorial intervention during the Hungarian Uprising of 1956 clearly demonstrates this point.

Hence, the territorialization of the nation remained on the agenda during the Cold War due to the system of nation-states that had developed much earlier in Europe, starting with the Treaty of Westphalia (1648). During the bipolar context of the Cold War, the Westphalia-system, the territorialization of the European nations remained unchallenged, although both the Western and the Eastern bloc attempted to change the content and structure of the world's political constellation. From this perspective, the territorialization of features of national identity, like language and religion, did not fit into the 'model' of the Cold War. All sorts of nationalisms, whether majority or minority nationalism, were viewed as a force undermining the ideological strife of the Cold War. Both conflicting parties were in agreement on this. National thinking was to play a role only if existing conflicts would have intermingled with the ideological battle, but this actually seldom happened because demarcation lines were strictly respected, at least in Europe. Interestingly, the

dominating view on 'territory' was never given up and, what is more, the linking between the 'content' of the state, i.e. national identity, language and its structure, i.e. territory itself, was never challenged. This even led to territorial conflicts between allies like the conflict between Hungary and Romania concerning the disputed area of Transylvania and the position and status of the Hungarian minority in that area (Bárdi et al. 2011). But also in the Western world, there were serious territorial conflicts such as the conflict between Great Britain and Ireland over the status and position of Northern Ireland. The Irish Constitution never distanced itself from the strife to reunite the two parts of the 'Irish' island. These territorial conflicts in the Eastern and Western camps remained 'local' in the sense that they did not trigger intervention from the other, at least not openly. Even federative constructs, like the Soviet-Union itself, Czechoslovakia or Yugoslavia in the communist camp and multinational states, like Belgium or Canada were in fact states consisting of serial 'separate' mono-national, monolingual communities and territories in which the Territoriality Principle prevailed, i.e. identity features, like language and culture, were linked to a specific territory (Jackson Preece 2011). In the Soviet Union, not only historic nations, like the Baltic or Caucasian states, had their own distinct territory but also national communities that had not been any sort of nation in the modern sense were granted territorial autonomy. Even if these national territories were dominated from Moscow, these constructs became the political sources of nationalist movements, and in the end contributed substantially to the collapse of the Soviet Union itself. Ethno-territorial thinking survived the ideologies of the Cold War and contributed to the collapse of communism. In the academic discourse, this has led to the rediscovery of ethno-nationalist studies where theories of anthropology and socio-political sciences were merged in order to dig into the roots of ethno-nationalism (Brubaker 1996, 2006). But territorial thinking has never been off the agenda in the West although the Western ideology stressed in particular non-territorial features like democratic solidarity and post-modern individual emancipation. But developments and internal strifes within federative states demonstrate that territorial thinking remained firmly fixed on the political agenda. In countries like Belgium, Canada, Spain, and Great Britain, the monocultural, monolingual building blocks have been claiming more and more authority referring to the principle of democracy. In essence, these states have developed into fully deconstructed structures in which national features, like language and identity, are fully territorialized. In Belgium – as Rudi Janssens and Karen Chaltin demonstrate in their paper in this volume –, the separation of ethno-linguistic blocs is both officially implemented at the level of law and in practice. There are separate territories for the Dutch-Flemish, French-Walloon and the German languages, while Brussels is the only territory that is officially bilingual, i.e. Dutch-French.

However, the situation on the ground is much more complicated in the age of globalization due to free mobility and migration. Brussels, being the capital

of the European Union with much expats from other European countries communicating in international languages, like English, German and French, and with migrants from the Maghreb and other continents, is turned into a true 'Babylonian Europe' (Marácz and Rosello 2012).[1] In any case, territorial thinking has resulted in the intensive study of 'federalism and regionalism,' their make-up and scope of governance within the model of multi-level governance in the European Union (Hooghe and Marks 2001; Schimmelfennig and Sedelmeier 2005; and Zielonka 2006). Paradoxically, exclusion and disintegration under the pressure of territorial thinking have jeopardized societies based on democratic solidarity and social cohesion.

The traditional concept of nation-states in the system of globalization is seemingly a redundant feature. However, even in this system, a series of new nation-states has been established along ethno-linguistic lines. The partitioning of Yugoslavia took shape along territorial units that were the building blocks of the Yugoslav federation. Subregional ethno-territorial units have even been implemented in the Dayton Treaty that was closed in 1995 between the leaders of Croatia, Serbia and Bosnia-Herzegovina, i.e. Franjo Tudjman, Slobodan Milosevic and Alija Izetbegović respectively. Agreements like Dayton have been criticized as anachronistic but have been accepted by the international community in the end. This was also the case with the establishment of the independent state of Kosovo that was basically the recognition of the Kosovo Albanians' right for self-governance. Territorial thinking to resolve interethnic conflicts has been prevailing in this case as well. Although the Serbs in the northern part of Kosovo, i.e. the Mitrovica area, have received an exclusive package of cultural autonomy, their kin-state Serbia has strengthened the position of its co-nationals in Kosovo in terms of territorial autonomy in negotiations with the European Union. As a result, the Serbs in Kosovo will have the right to establish a contiguous territory of six regional districts that will have an autonomous territorial status in Kosovo. This type of thinking and acting goes against the mainstream of globalization but shows unambiguously that even in the European Union territorial thinking is relevant in the conflict resolution of multinational, multilingual issues.

In sum, in the case of multinational, multilingual states, it can be noticed that both in Western and Eastern Europe territorial thinking has been on the political agenda, although from the point of view of globalization the concept of 'territory' seemed to have lost its function. In Western Europe, this has led to the federalization and regionalization of multinational, multilingual states on the basis of the 'territorialization' completed with harshening language borders. In Eastern Europe, a series of new states has been established along ethno-linguistic lines of existing territories and borders. Let us consider in similar vein the notion of territorial

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1   See Kruse in this volume for how the European Union tackles the challenge of 'Babylonian Europe'.

thinking in the case of the Hungarian minority in Romanian Transylvania in more detail. In order to understand the present-day situation, a historical excursion to the nationality arrangement in the Hungarian Kingdom is necessary.

Territoriality versus Non-Territoriality in the Hungarian Kingdom

In order to understand present-day ethnic relations in Transylvania, let us summarize 'Territoriality versus Non-territoriality Principles in the Hungarian Kingdom' (see Marácz 2012). Transylvania was part of the Hungarian Kingdom, which was a multinational, multilingual state. In the Kingdom of Hungary, cultural and linguistic diversity were officially recognized by law. In the Hungarian part of the empire, the following thirteen languages were officially recognized and used as vehicular languages: Hungarian, Slovak, Romanian, Ruthenian, Croatian, Serbian, Slovenian, Bunjevac (a Slovakian dialect of Croatian), Bulgarian, Czech, Polish, Roma and Italian (Lőkkös 2000, 28). Although the different languages were the most salient identity features of the various nationalities, the Hungarian Kingdom recognized one nation, the political Hungarian nation. Consider the introductory part of the Law on the Equality of Nationalities, Act XLIV. 1868:[2]

> Since all citizens of Hungary, according to the principles of the constitution, form, from a political point of view, one nation – the indivisible unitary Hungarian nation –, of which every citizen of the fatherland is a member, no matter to what nationality he belongs: since, moreover, this equality of right can only exist with reference to the official use of the various languages of the country and only under special provisions, in so far as it is rendered necessary by the unity of the country and the practical possibility of government and administration; the following rules will serve as standard regarding the official use of the various languages, while in all other matters the complete equality of the citizens remained untouched.

The Hungarian royal legislation recognized the traditional nationalities and their languages as primitives of the system, unlike Western European states, like France, where minorities and their languages other than the French state language were not recognized at all. The idea of collective rights was elaborated by politicians of the so-called *Ausgleich*-generation, like Baron Josef von Eötvös (Nimni 2007).[3]

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2   See for the English version of this act Seton-Watson (1972. 429–433); for the German version, Faluhelyi (1946. 5–12) and for the Hungarian version the official website of the Hungarian Parliament (www.1000ev.hu). The provisions of this law were only valid for Hungary proper.

3   See his *Über die Gleichberechtigung der Nationalitäten in Österreich* (Leipzig, 1850); and *A nemzetiségi kérdés* (Pest, 1865).

The nationality law of 1868 tried to combine a 'civic,' i.e. a Western European interpretation of the nation and an 'ethnic,' i.e. a Central and Eastern European interpretation of the nation (Smith 1991, 11–13). Consequently, the Law on the Equality of Nationalities not only distinguishes a 'political civic nation' but also the concept of nationality, rendering what today is considered the collective, cultural autonomy of national or ethnic minorities.[4] The former originates from the view characteristic of nineteenth century's Central and Eastern European nationalism that the 'nation' is first and foremost a community of common descent and a member of the nation is organically connected to it (Smith 1991, 11). Note further that this law introduces a special relation between ethnicity, nationality and language. The most important marker of ethnicity, i.e. nationality, is actually one's mother tongue. This has to do with the fact that in the early nineteenth century's Central and Eastern European nationalism the place of law in the Western civic model is taken by vernacular culture, usually languages and customs in the ethnic model. Nationality in this area of Europe was determined quite often on the basis of mother tongue (Faluhelyi 1946, XLV). For the distribution of the nationalities, i.e. language communities, in the Hungarian Kingdom, consider tables 1 and 2. These tables display that all these languages were spoken in the three constituent parts of the Hungarian Kingdom, i.e. Hungary proper, including Transylvania, Croatia-Slavonia and in the free royal city of Fiume (today's Rijeka), although the distributions were very different (Lőkkös 2000, 197).

Table 1. *Distribution according to mother tongue in the Hungarian Kingdom in the 1910 census*

Mother tongue	Hungary proper	Fiume	Croatia-Slavonia	Total
Hungarian	9,938,134	6,493	105,948	10,050,575
German	1,901,042	2,315	134,078	2,037,435
Slovak	1,946,165	192	21,613	1,967,970
Romanian	2,948,049	137	846	2,949,032
Ruthenian	464,259	11	8,317	472,587
Croatian	181,882	12,926	1,638,354	1,833,162
Serbian	461,091	425	644,955	1,106,471
Slovenian	75,062	2,336	15,776	93,174
Bunjevac	88,204	5	0	88,209
Bulgarian	22,945	1	321	23,267
Czech	31,198	238	32,376	63,812
Polish	38,179	46	2,312	40,537
Roma	108,825	0	12,272	121,097
Italian	5,037	24,212	4,138	33,387

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4   The Hungarian language expresses this difference with the terms *nemzet* 'nation' and *nemzetiség* 'nationality'.

Mother tongue	Hungary proper	Fiume	Croatia-Slavonia	Total
Other	4,655	496	648	5,772
Non-Hungarian total	8,276,593	43,313	2,516,006	10,835,912
Total population	18,214,727	49,806	2,621,954	20,886,487

Table 2. *Distribution according to mother tongue in the Hungarian Kingdom in the 1910 census in percentages of the total population*

Mother Tongue	Hungary proper	Fiume	Croatia-Slavonia	Total
Hungarian	54.56	13.04	4.04	48.12
German	10.44	4.65	5.11	9.75
Slovak	10.68	0.39	0.82	9.42
Romanian	16.18	0.28	0.03	14.12
Ruthenian	2.55	0.02	0.32	2.26
Croatian	1.00	25.95	62.49	8.78
Serbian	2.53	0.85	24.60	5.30
Slovenian	0.41	4.69	0.60	0.45
Bunjevac	0.48	0.01	0	0.42
Bulgarian	0.13	0	0.01	0.11
Czech	0.17	0.48	1.24	0.31
Polish	0.21	0.09	0.09	0.19
Roma	0.60	0	0.47	0.58
Italian	0.03	48.61	0.16	0.16
Other	0.03	0.94	0.02	0.03
Non-Hungarian total	45.44	86.96	95.96	51.88
Total population	100.00	100.00	100.00	100.00

On the basis of these tables, it is not hard to imagine that the ethnic map of the Hungarian Kingdom displayed a heterogeneous picture. Although there were a number of 'mixed' regions, it was clear that in the biggest parts of the country there was an absolute or relative majority of some of the nationalities. The language policy of the Hungarian Kingdom was stipulated in the Nationality Law as well. Although Paragraph 1 of the law declared the Hungarian language as the official language of the state in Hungary proper, it did allow the use of any other official language than Hungarian at the regional and local level in government, judiciary, church organizations and schools alike. In this sense, the Hungarian Kingdom was a true multinational, multilingual state, in which, apart from the official language, other languages of communication were also recognized.

The decision to make Hungarian the language of the state was supported by the fact that the Hungarian nationality, i.e. the mother tongue speakers of Hungarian, were in the majority with 55 percent (10,050,575 persons) of the total population.

Although the Hungarian Kingdom acknowledged a state of multilingualism in which twelve minority languages had an official status next to the Hungarian state language, multilingualism in fact consisted of a serial 'separate' monolingualism practised in the different national communities. Bi- or multilingual speakers were actually a very small minority. A large majority of the inhabitants of the Hungarian Kingdom, i.e. 77 percent, were monolingual, knowing only their own mother tongue and being unable to communicate with people outside of their ethnic group. The only ethnic group having a majority of bi- or multilingual speakers were the Germans with 54 percent, i.e. 1,105,429 of the 2,037,436 Germans. It is fair to conclude that hardly any direct communication between the ethnic groups in the Hungarian Kingdom was possible. This state of 'separate' multilingualism was conserved by the strict organization of society. Most of the inhabitants of the Hungarian Kingdom, i.e. 81 percent (16,923,000 persons), lived in the countryside in small agricultural settlements. Only the Hungarians and the Germans remained with 71 percent and 81 percent, respectively, under or at this average. One of the main reasons why 'separate' multilingualism existed in the Hungarian Kingdom was connected to the liberal Law on the Equality of the Nationalities in the Hungarian Kingdom. The law assigned the nationalities the right to establish their own schools and to choose their own language of instruction in these schools. The nationalities made optimal use of this.

The legal situation of the nationalities was also regulated in the Nationality Law. The Law counted 29 paragraphs stipulating individual and collective rights referring foremost to the use of the languages of the nationalities. This law, next to specifying the Hungarian language as the language of the state to be used in all branches of government and administration (§ 1), recognized individual and collective rights for the nationalities, i.e. the Slovaks, Romanians, Serbs etc. to use all registers of their own mother tongue in offices, schools, courts and in county and communal assemblies. During the whole period of the dualism, the Law on the Equality of Nationalities and its provisions remained almost unchanged and in force. It was meant as an effective tool for protecting the identity of nationalities and also against the homogenization policies of Hungarian nationalism.

The individual rights included the following rights, among others: In county and communal assemblies, everyone had the right to speak their own mother tongue (§ 3; § 24) and to use the non-state languages of the nationalities for the minutes of the county and communal assemblies if more than twenty percent of the deputies asked for it (§ 2; § 20). The assemblies had the right to communicate internally (§ 5), with higher instances of the state and with each other in the languages of the nationalities (§ 4 in agreement with § 2 and § 20). Further, every citizen had the right to use their own mother tongue in court (§ 7), to use their own mother tongue in church assemblies (§ 24) and to correspond with the state and ecclesiastical authorities in their own mother tongue (§ 23).

Interestingly, the provisions of the Nationality Law did not only specify the linguistic rights of individual citizens and non-governmental organizations, but they also referred to the obligation of state servants to use languages other than the Hungarian official state language. The officials of the counties and communal authorities had to employ the language of those state authorities, non-governmental organizations or private individuals (§ 6; § 21 respectively) that used other language than Hungarian. In this way, communication with the non-Hungarian speaking nationalities was guaranteed because the authorities had to answer in the language in which they were addressed. This was also the duty of judges when pronouncing verdicts (§ 8). Furthermore, the Law also explicitly referred to the non-discrimination of members of the nationalities in the judicial and administrative offices of the state, especially in the office of the governor of the county, the highest official of the state in the county system (§ 27).[5] The Law wanted to guarantee in this way that in each state office the languages of the nationalities were represented.

Summarizing the nationality and language policies in the Hungarian Kingdom, it can be concluded that the language rights were assigned according to the Personality Principle. Note that this principle was implemented both individually and collectively. This implied that the officially recognized languages had a country-wide scope. The language was 'adjoined,' so to speak, to persons and the persons did not lose the right to use their own mother tongue wherever they were or migrated to in the Hungarian Kingdom. Note that the Territoriality Principle and the collective demographic size constrained the Personality Principle in this case. The county and communal assemblies could only be held in a language other than the state language if a threshold of 20 percent was respected. This means that in order to use a language other than the state language, the Hungarian, as the language of local public administration the percentage of the assembly members of the nationality population in an administrative-territorial domain had to reach the threshold of 20 percent of the total number of the assembly members.

Territoriality versus Non-Territoriality in Transylvania

In Dembinska, Tonk and Marácz [forthcoming], it has been argued that the concept of territoriality, although it has been on the international political agenda in the post-Cold War world order, is no longer a generally accepted concept for resolving national and ethnic minority issues in Central and Eastern Europe. Hence, it can no longer fulfil the implementation of the self-determination of national and ethnic minorities in Central Europe. The paper also argues that the notion of territoriality has been replaced by different concepts that do not involve territoriality in the first

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5   The county governor, in Hungarian, *főispán*, was appointed by the Hungarian king acting upon the advice of the Minister of Interior.

place. The paper put forward three types of strategies that have been developed to replace the Territoriality Principle. The three strategies have in common that cultural and linguistic rights are assigned to national and ethnic minorities on the basis of non-territoriality, i.e. the Personality Principle (Kymlicka and Opalski 2001; Péntek and Benő 2003; Deets and Stroschein 2005; Csergő and Deevan-Krause 2011). This does not imply, however, that territorial thinking is excluded from the political discourse in the case of the Hungarian national minority in Transylvania.

The Hungarian minority counted 1,227,663 persons in the latest census in 2011, who make up 6.5 percent of the population of Romania. In the Transylvanian area, where almost all of the ethnic Hungarians live, the percentages of the geo-ethnic distribution of ethnic Hungarians and Romanians differ from the national percentages. In the whole of the Transylvanian territory, the ethnic Hungarians make up around fifteen percent of the total population, while the ethnic Romanians number around seventy percent. However, the percentages are again much higher in the Transylvanian subregions of Romania, where the ethnic Hungarians actually live in more or less concentrated areas. The Hungarians basically inhabit three spatially connected subregions with different geo-ethnic distributions. The first subregion is located in the Hungarian-Romanian border area in the former eastern Hungarian region and present-day northwest Romania. This subregion is the so-called Partium. Here, a large fraction of the ethnic Hungarians lives, especially in cities like Oradea (in Hungarian: Nagyvárad) and Satu Mare (in Hungarian: Szatmárnémeti). The second subregion, the area next to the Partium area, is the central area of Transylvania with the capital Cluj-Napoca (in Hungarian: Kolozsvár). In this region, the ethnic Hungarians are a smaller minority that in the Partium area and live quite often in mixed Hungarian-Romanian-Roma communities. The third subregion, which matches the historical area of Szeklerland (in Hungarian: Székelyföld; in Romanian: Ţinutul Secuiesc), is of about 13,000 km² and consists of three provinces, which are Harghita (in Hungarian: Hargita), Covasna (in Hungarian: Kovászna) and Mureş (in Hungarian: Maros), although not all of the provinces of Mureş fall within the traditional region of Szeklerland. According to the 2002 census, the population of Szeklerland counted 809,000 persons, of which 612,043 are ethnic Hungarians, yielding 75.65 percent of the total. The ethnic Hungarians meanly represent 59 percent of the population in the Harghita, Covasna and Mureş provinces. The percentages of the ethnic Hungarians are higher in Harghita and Covasna, i.e. 84.8 percent and 73.58 percent respectively, and much lower in Mureş, i.e. 37.82 percent. Compared to the census of 2002, the percentages of ethnic Hungarians in the three provinces of Szeklerland hardly changed during the census of 2011. In Harghita, Covasna and Mureş, the percentages and absolute figures of the ethnic Hungarian population are as follows: 85.21 percent (257,707 persons), 73.74 percent (150,468 persons) and 38.09 percent (200,858 persons) respectively.

The spatial partitioning of the ethnic Hungarians in three Transylvanian subregions demonstrates that the geo-ethnic distribution of the Hungarian minority in Transylvania is rather diverse and complex. The geo-ethnic situation in the Transylvanian towns, especially in the north-western part of Transylvania, is rather complex as well (Brubaker et al. 2006). In the towns, all sorts of diglossia and various forms of bi- and multilingualism appear (Péntek 2006). However, the official Romanian language policy and minority politics consider the normative variants of Romanian and Hungarian as the 'ideal' situation. The reason for this has to do with the fact that for all language communities in Transylvania their language is strongly connected to symbolic power (Fenyvesi 2005; Csergő 2007; Gal 2008). According to Article 13 of the Romanian Constitution, the Romanian language is the official language in Romania. The second paragraph of Article 120 of the Romanian Constitution guarantees the use of Hungarian in administrative authorities and public services, and this is further specified by Government Decision Nr. 1206 of 27 November 2001, regarding the Law on Local Public Administration No. 215/2001, Paragraph 19, Article 2, stating:

Authorities of public and local administrations, public institutions subordinated to them as well as decentralized public services ensure the use of the mother tongue in their relationships with national minorities in those administrative-territorial units in which the percentage of citizens belonging to national minorities is over 20 percent − all according to the Constitution, the present law and the international treaties to which Romania is a party.

Article 120 of the Romanian Constitution was implemented in the Law on Local Public Administration of 2001 (Horváth et al. 2010, 7–9), where more provisions of language use in local public administration are spelled out and in the Romanian Educational Law (Janssens et al. 2013, 16–17). The latter gives the Hungarians of Romania the right to establish their own educational institution. This is relevant because Hungarians complain about the fact that the Romanian language is taught to them as if Romanian were their L1, but for ethnic Hungarians Romanian should be taught as a foreign, L2 language. Note that the Romanian legal system guarantees provisions for the Hungarian language in terms of the Personality Principle and not in terms of the Territoriality Principle. The Educational Law of 1/2011 specifies when the Hungarian language can be used as the language of instruction in educational institutions. Article 135 of the Educational Law 1/2011 also specifies that three institution of higher education where national minority programmes already exist in so-called multilingual, multicultural institutions have the right to establish 'mother tongue tracks' (Janssens 2013, 17). One of these institutions of higher education is the Babeş–Bolyai University in Cluj-Napoca that is an official trilingual university, where the languages of instruction are Romanian, Hungarian and German. At the Babeş–Bolyai University, there is a tendency to separate Hungarian and Romanian tracks whenever possible. Making use of this

right, the Philosophy Department was split into two sections, a Romanian and a Hungarian one. The staff members and the students agreed that language in the case of philosophy is extremely important. Hence, the decision was taken to split the Department into a Hungarian- and Romanian-language section. However, the political scientists, i.e. both Romanians and Hungarians, of the Institute of Political Science decided not to split the Department into two sections but rather to increase the number of courses that are taught in the Hungarian language without setting up a complete, separate administration for it. Due to the fact that the Romanian collaborators of the Institute for Political Science have no command over the Hungarian language, English has become more and more the language of mutual communication in the Institute. But not only some of the academic state institutions have the possibility to implement a multilingual policy but also state-sponsored research institutes, like the institute for the study of the ethnic and minority issues, the Romanian Institute for the Research on National Minorities (in Romanian: Institutul pentru Studierea Problemelor Minorităților (ISPMN)) employ a multilingual policy. Their website (see www.ispmn.gov.ro) and their publications are trilingual, i.e. in Romanian, Hungarian and English.

The implementation of language rights for ethnic Hungarians in Romania is not only relevant in the academic setting, but several civil rights organizations are trying to raise awareness among the population for the introduction of Romanian-Hungarian multilingualism in Transylvania (Kovács 2003; Kovács and Tóth 2009)). A civil rights group that is working on the empowerment of the Hungarian language and the introduction of bi- and multilingualism in the framework of the Romanian legal system is the Civic Engagement Movement (in Hungarian: Civil Elkötelezettség Mozgalom (CEMO) and in Romanian: Mişcarea Angajament Civic) based in the town of Târgu Mureş (in Hungarian: Marosvásárhely and in German: Neumarkt am Mieresch), where the ratio of the around 130,000-strong Romanian and Hungarian population is in balance, making up around 90 percent of the town's total population. Note that the percentage of Hungarian population in this town is far beyond the threshold of 20 percent as fixed in the Law on Local Public Administration.

The CEMO's website (see www.cemo.ro) is trilingual, i.e. Romanian, Hungarian and English. A Mahatma Gandhi quote on the opening page of the website transmits the message that CEMO is ready to use all sorts of peaceful activism within the legal Romanian framework to reach their objectives. The activists of CEMO display a modern European outlook and have been trained in the circuit of the European NGOs. CEMO has organized several successful civic rights campaigns that were unprecedented in connection with the Hungarian minority in Transylvania.

CEMO successfully protested against an exclusive Romanian linguistic landscape in Târgu Mureş, like the public signs during the Christmas period

and the street signs, although according to Paragraph 4 of Article 76 of the Law on Local Public Administration 215/2001 street signs and other public signs in public offices and institutions must be in the minority language as well where the percentage of citizens belonging to a national minority is over 20 percent in an administrative-territorial domain. CEMO, referring to this law, protested successfully against the 'Romanian-only' website of the town's mayor's office and against Romanian monolingual signs in post offices, the mayor's office, the culture palace, wedding rooms, police stations, offices of the national bank and the chamber of commerce in the town of Târgu Mureş.

CEMO also campaigned for the legitimate right to address local authorities in the minority languages of Romania. The civil rights organization started to collect data on language rights and language use in official institutions and sent out a questionnaire in Hungarian to public institutions in the town. The questionnaire inquired about language choice and use in Hungarian in 76 institutions in Târgu Mureş. A quarter of the institutions, i.e. 19, answered both in Hungarian and Romanian. Thirteen institutions, i.e. 17 percent answered only in Romanian. Eleven institutions, i.e. 14 percent, replied to the CEMO questionnaire, but noted that the questionnaire should be addressed in the state language. However, almost half of the respondents, i.e. 33 (44 percent), did not answer. From this campaign, CEMO concluded that the Romanians are overrepresented in state institutions and that ethnic Hungarians have not enough knowledge of the public administration vocabulary in Hungarian. The latter was sometimes referred to by Hungarian respondents in their replies.

The Council of Europe's Charter for Regional or Minority Languages that has been signed by Romania as well has positively affected the Hungarian language use of ethnic Hungarians (Gal 2000, Trifunovska 2001, Skovgaard 2007 and Marácz 2011); it gives the Hungarian language protection from outside (Marácz 2011a). Romania signed the Charter in July 1995, but only ratified it on 24 October 2007 (Act Nr. 282 of 24 October 2007). This law states that the provisions of the Charter will apply to ten minority languages being used in Romania, including Hungarian. The Charter ensures the use of regional and minority languages in various and significant areas of life, including education, public administration, the judicial system, media and in the context of social life and cultural activities. CEMO also kept the international monitors of the European Charter for Regional or Minority Languages awake. In January 2011, CEMO compiled a 'Shadow Report to the Initial Periodical Report on the Implementation of the European Charter for Regional or Minority Languages in Romania'. The initial Periodical Report was submitted on 26 October 2010. It was clear that CEMO tried to put pressure on the second cycle of the State Report. CEMO's lobbying was successful because the findings of their report were picked up in the evaluation report of the Committee of Experts released on 30 November 2011.

Similar civil activities in order to empower Hungarian language use in Transylvania have been started by companies and shopkeepers as well. This initiative can be viewed as an action not only for empowering Hungarian customers to speak Hungarian when they are shopping, but also for shops, businesses etc. to attract new customers. The 'movement' employs two ways to indicate that in their shops, businesses, hotels etc. Hungarian is spoken as well. Firstly, on the trilingual, i.e. Romanian, Hungarian and English website (see www.igentessek.ro), the shops, businesses etc. are listed where consumers and buyers can be served in Hungarian. So far, the civil movement is active in three Transylvanian towns, i.e. Cluj-Napoca, Târgu Mureş and Sighetu Marmaţiei (in Hungarian: Máramarossziget). Secondly, the main attribute of the initiative is a green sticker that can be pasted on the display window or on the front door with the inscription 'Igen, tessék!,' which means in Hungarian 'Yes, please!'. Its Romanian equivalent, i.e. 'Da, poftiţi!' is also included on the sticker, but under the Hungarian inscription and in smaller letters.

In sum, the Law on Local Public Administration and the Education Law are framed in terms of the Personality Principle because rights are assigned to individual citizens. The Educational Law is flexible in a way because it does not specify the place of the educational institute but refers to the number of pupils needed to form Hungarian classes being restricted by a minimum number. The Law on the Local Public Administration gives ethnic Hungarian citizens specific rights in terms of communication and language use, but it is restricted by a threshold in a specific administrative-territorial domain. So, the Territoriality Principle is relevant here but it is actually operating as a 'container' of the Personality Principle. Language rights for national and ethnic minorities are not guaranteed when the percentage of citizens belonging to a national minority is below twenty percent of the population in a certain administrative-territorial unit. So, this may imply that even when a large community of citizens belonging to a national minority is present in absolute numbers, language rights are not guaranteed. This is the case, for example, in Cluj-Napoca, a city of 309,136 inhabitants. According to the census of 2011, 16 percent of the total population, i.e. 49,283 persons, are ethnic Hungarians. In this case, although there is a substantial number of ethnic Hungarians, the percentage of ethnic Hungarians in the town does not pass the threshold of twenty percent. Consequently, the Hungarian language does not enjoy any official status in Cluj-Napoca.

Synthesis

Although the Territoriality Principle for the arrangement of interethnic relations is not applied in Transylvania, the options offered by the alternative in terms

of the Personality Principle are realized only partially (Palermo 2009). Cultural autonomy similar to the nationality principle of the Austro-Hungarian Monarchy is not realized because the Romanian law system does not recognize collective but only individual rights for minorities (Vizi 2002; Keating 2004; McGarry and Keating 2006). This means that cultural autonomy based on collectivity is ruled out in Transylvania. Note that this is a step back with respect to the concept of nationality rights, including language rights as has been implemented in law and realized in practice in the Austro-Hungarian Monarchy even though the system had deficiencies (Goebl 1994). It referred to the Territoriality Principle negatively in the form of a threshold in a certain county and communal assembly, and it suffered from asymmetries and inconsistencies (Marácz 2012).

The option in terms of regionalism or federalism is not employed either. Transylvania or subregions of Transylvania, such as Szeklerland, do not have a status apart in the Romanian state administrative system. Neither do subregions enjoy a status in international charters like the European Charter for Regional or Minority Languages. However, European regionalization in the framework of multilevel governance could be an option for the area of Transylvania or its subregions and for the area of the Banat in the north-western part of Romania, neighbouring Transylvania (Bruszt 2008). There are geographic and historic arguments for the regionalization of these regions that would bring together the national and ethnic communities of these areas. However, any manifestation of regionalization is strongly opposed by the Romanian government whatever political colour it has. The idea of the national unitary state stipulated in the first article of the Constitution and the hegemony of the Romanian language are firmly anchored in the Romanian constitution. Although the legal position of the ethnic Hungarians in Romania is framed in accordance with the Personality Principle, the reference to regionalization is still one of the options for the Hungarian community. Recently, the secretary general of the Hungarian political party, UDMR, pointed out to the advisors of the High Commissioner on National Minorities of the OSCE, William Romans and Stéphanie Marsal, when consulting parties concerned in Transylvania in February 2014 that the recognition of the Hungarian language on regional level should be put on the agenda.[6] Here, by regional level, we mean Transylvania or the historic territory where the Hungarian language is spoken. This proposal ties in with what the political scientist Peter Kraus proposed in order to develop alternative regimes for minority rights, namely that a 'non-essentialist approach to recognition can be developed by recognizing not groups but culturally grounded contexts of praxis, as embodied by languages, religions, territorial affiliations, collective memories and a sense of

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6   Az EBESZ szakértői küldöttsége Kolozsváron. Erdély.ma. http://erdely.ma/kozeletunk. php?id=157998&cim=az_ebesz_szakertoi_kuldottsege_kolozsvaron (accessed on: February 13, 2014).

historicity' (Kraus 2012, 20). In other words, these contexts of praxis may provide more stability and satisfying results for all sides concerned than the group-rights approach (Jackson Preece 1997).

The Territoriality Principle could be applied in the Szekler provinces of Harghita and Covasna because there is an unambiguous Hungarian majority and the provinces are embedded in the Romanian system of state administration. Hence, the most outspoken movement for Hungarian territoriality in Transylvania is the Szekler National Council, a shadow assembly and government representing the Szekler community. Territorial autonomy in case of a Szekler self-government could have the effect of splitting the Transylvanian Hungarian minority, as it was the case when the Szekler territorial autonomy was established in the 1950s. However, a territorial Hungarian rearrangement within Transylvania is not supported by the Romanian government whatever its political colour is. Moreover, the Romanian government is planning to restructure parts of the regions as an act of 'forward strategy'. In this plan, the Szeklerland provinces of Harghita and Covasna could lose their Hungarian majority. Interestingly, eight contiguous municipalities in the north of Harghita province have recently been offered territorial self-government by the Provincial Council of Harghita, which has a Hungarian majority.[7] It is clear that this political manoeuvring on behalf of the Szeklers implies a message for the Romanian government. It demonstrates how the Szeklers would like to organize the self-government of Szeklerland within Romania.

So, the only option for the ethnic Hungarians in Transylvania left is to manoeuvre within the boundaries of the Threshold Principle applied in combination with individual cultural and linguistic rights. Note that the Threshold Principle acts as a territorial and demographic 'container'. The individual Personality Principle is restricted due to the size of the group within the borders of a specific territory. Paradoxically, the minority is denied both principles, i.e. collectivity and territoriality, but the state, when trying to curtail minority language rights, operates with the concepts of collective identity and territory (Edwards 2010). The Committee of Experts' evaluation of the Romanian implementation of the European Charter for Regional or Minority Languages takes sides against the threshold of 20 percent, considering this incompatible with Article 10 of the Charter on the functioning of administrative authorities and public services. Instead, the Committee of Experts has formulated the following recommendation:[8]

The Committee of Experts encourages the Romanian authorities to lower the general thresholds in the field of administrative authorities in order to make

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7   Elemzők: politikai üzenete lehet a román autonómiának. http://www.kronika.ro/erdelyi-hirek/ politikai-uzenete-lehet-a-roman-autonomianak (accessed on: 13 February, 2014).

8   Committee of Experts' evaluation report adopted on 30 November 2011. http://www.coe.int/t/ dg4/education/minlang/Report/EvaluationReports/RomaniaECRML1_en.pdf (accessed on: 13 February 2014).

them compatible with the Charter as well as to encourage local authorities to voluntarily apply the Charter irrespective of thresholds.

The Committee of Ministers has adopted this recommendation.[9] Hence, this would mean a complete deterritorialization of language rights in the communication with local authorities and public services. Consider that this is fully in line with the globalized, non-territorial approach in the age of globalization.

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[9] Committee of Ministers' Recommendation adopted on 13 June 2012. http://www.coe.int/t/dg4/education/minlang/Report/Recommendations/RomaniaCMRec1_%20en.pdf (accessed on: 13 February 2014).

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Dichotomies in European Language History and Possible Effects on EU Language Policy

Jan KRUSE

Universität Duisburg-Essen, Germany

Abstract. The article discusses the relationship of territory and language from a language policy perspective. It specifies a dichotomy between French and German linguistic history in the time of nation-state building and describes the corresponding effects on the current EU language policy. The paper therefore sheds light on the strong national focus of the present policy. Although France equates a 'state nation' and Germany can be referred to as a 'linguistic nation,' both views obstruct a modern and regional-based approach to language policy. Moreover, the article argues that a regional cross-border perspective should involve the multilingual competence of speakers and the issues of migration and critical regionalism.

Keywords: EU language policy, France, Germany, history of language policy, multilingualism, critical regionalism, national identity.

In the European Union (EU), we can observe today a discrepancy between the multilingual language policy and politics, which supports a trilingual policy, whereas not even half of the European population claims to speak English (Kruse 2012). Furthermore, the EU language policy is based on a multilingual principle when all 24 official languages have equal status; nevertheless, the language used in most situations in EU institutions is English (Kruse/Ammon 2013, Schloßmacher 1997). For example, whenever I speak with people from other countries in holiday hostels, or at scientific congresses, I use English for communication, but my English sounds very different from the English I have learned at school and from the English I use when holding a speech which I have nearly memorized before. The English I use in these cases is not simply BSE (Bad Simple English), but it is part of multilingual strategies that many people use in international communication. In addition to my competence in English, I make use of my passive knowledge of other languages and of the help by other persons who translate words and phrases for me (Lüdi 2002). Additionally, we use code switching and non-verbal communication. Direct and personal contact compensates for the lack of knowledge of a foreign language. This observation appears quite important when we think in terms of language and territory. In this article, I will discuss to what

extent the dichotomy of state nation and linguistic nation in Europe is a reason of the fundamental problems in today's EU language policy.

The relationship of territory and language can be analysed in manifold ways. From the moment of birth, people find themselves in a structure of space and time. Basically, there is no natural language production without using space. In communication, there is always a sender and a receiver, and this fact affects the grammatical and lexical structures of languages and, eventually, the language policy. This might be a cognitive problem: how space is being mentally processed and then formed into a language. Actually, space does not seem to be a great linguistic problem (Vater 1991: 1, 6). But from a sociolinguistic perspective, we do not care how languages are used to differentiate the world. We care who speaks what language to whom and when (cf. Fishman 1965). A number of publications are available on the social condition of language and territory (e.g. Nelde 1992, Haarmann 1993, Ammon 1995, Clyne 1996, Krefeld 2004, Williams 2012). These studies mainly examine the contact and migration phenomena and dialectology. However, the *Where*-question or, in other words, the territoriality principle is the leading issue in the language policy. Thus, the main question the language policy asks is: who speaks what language to whom, why and where. The core issues of any language policy are the territorial spread of a language, the communicative reach of a language and its social implications. This article examines the situation most common in Europe when every historical region (including nation-states) has at least one official language, and most of these regions can be considered as consolidated monolingual. In Europe, this monolingual perspective is illustrated by the common appellation to nation-states and their respective languages. A state is understood as a political unit: a political regime with a corresponding sovereign state territory, a state nation and power exerted over this nation, as defined by the three-element doctrine of states (Jellinek 1900). From a sociolinguistic perspective, the sovereign territory can be divided into a (sub-)state and a cultural area. According to the concept of *demos* and *ethnos* by Habermas (1995), *demos* describes a state community, whereas *ethnos* describes a cultural community. These communities do not necessarily have to be territorially superimposable. Furthermore, Krefeld (2004) discriminates between the areality and territoriality of languages. In terms of language planning, *areality* describes the corpus of languages which can be locally specific. Thus, territory describes the local status of a language. As a result, there are analogies between *ethnos* and language, on the one hand, and *demos* and language, on the other hand. Of course, basically, there are no real monolingual territories in Europe and there have never been any. On the other hand, the development of nation-states in Europe gave rise to the idea of national monolingualism. This idea is an ideologically driven concept that does not exist in reality. Recently, this has been described in depth by many scientists (cf. Hüning/Vogl/Moliner 2012).

Space is not only an objective fact but also a product of people's interaction. Linguistic communication can never be seen as an exchange of information between arbitrary speakers at any place. According to Krefeld (2004: 21), communication takes place in a specific areal constellation within a certain territory. Linguistic features are connected to specific areas in language geography. The language territory is subject to the legal application of a language. This territoriality of a language applies for a small village as well as for communication at international level. Nowadays, geographically mobile people and modern communication technologies often result in huge differences of congruency of language area and territory. In other words, some languages 'leave' their nation-state and some are used on the whole territory of a nation-state without being an official language. This phenomenon is analogous to the idea of a nation and state; on the other hand, it shows that the sovereignty of state can increase or decrease.

In the course of European history, speakers have been constantly migrating. Accordingly, an agreement on specific territorial languages or declaration of a language as an official language has always been ideologically or politically driven. In most cases, the so-called migrant languages are the main reason behind local language diversity (multilingualism), and these languages should always be considered as minority languages. In turn, minority languages are the product of nationalities (Maas 2008: 148). Even the language of tourism could be considered as a minority language of a region, although most authors deny it (Krefeld 2004: 12). Krefeld (2004) defines migration as mobility which is constituted through the basic reorientation of everyday's living environment. This environment is characterized by social networks and providing a living through work. Naturally, this definition allows different exceptions. The issue of the so-called migration languages – understood as minority languages – should be of huge importance for the European language policy within a new territorial approach.

In this context, it is also important to mention that the research on social and territorial conditions of languages has its origins in historical linguistics. Naturally, historical linguists have to deal with a variety of languages spoken by mobile people. On the other hand, modern linguistics has been strongly focused on structural and generative issues. It was not before the 1960s that a new field of social linguistics based on the dialectology of cities gained interest and attention (Wildgen n.d.: 1). Along with the founding of the European Union and, earlier, of its predecessors – the European Coal and Steel Community and the European Communities –, a common language policy was developed for the European space. Finally, in 2012, the comprehensive Oxford Dictionary of Language Policy, edited by Bernard Spolsky, was published (Spolsky 2012). Although still not considered as a subject of its own, language policy has been gaining more and more attention in the last decade.

The connection of territory and languages may have undergone the most significant changes since the end of the 19th century, when the nation-states

emerged. Today, many authors (de Swaan 2001, van Parijs 2011, van Els 2005, Gerhards 2010, Ammon 2009) argue for a multilingual Europe with safeguarded national languages and English as the only or at least the main lingua franca. Their analysis is far more in line with the language reality compared to the EU language policy, which claims the equal status of all official languages of the EU.

Here, I would like to discuss how the history of the nation-state has influenced the current EU language policy and why the international status of a language is of importance for the identity of nation-states. The actual EU language policy does not seem to have any influence on factual language politics (Kruse/Ammon 2013) or language learning behaviour (Kruse 2012, 2014). Furthermore, the idea of a European identity through foreign language knowledge does not seem to be realistic (Kruse 2012: 148 ff.). One of the reasons of this ineffectiveness is that it supports the mobility of EU citizens. In fact, only 2.7% of all EU citizens live abroad and 4.1% of all Europeans are migrants from outside of the EU (Eurostat);[1] nevertheless, their native languages are not officially recognized as minority languages. The migrants' plurilingualism is not recognized as a valuable body of European language plurality. These non-recognized languages are languages without a territory in the EU. In contrast, territory was one of the most important constants in national history.

To understand this policy, it is necessary to have a look at the historical development of languages and nation-state building. Although history shows a distinct dichotomy between the language policies of different nations, the idea of territoriality prevails. However, the new territories change and so should the idea of territory and languages. A new European identity – as postulated by the EU – can probably be developed only without the traditional nation-state idea of territory and language. Language areas are restricted by communicational and educational borders and no longer by national borders. It is necessary to think of a *demos* communicational territory instead of only defending old ethnos areas as many populist parties do. In addition, linguistic justice makes it necessary to rethink national language borders. The pressure of a powerful international lingua franca would have a very negative effect on national languages if their use would be restricted only to the territory of the respective nation-states.

From 1789 on, a new idea of a nation arose in Europe. A nation (Lat.: natio = birth, origin) is based on the political will of the communities to be a nation. This will can be based on a common culture or language, but without the will these qualities do not make a nation (Ammon 1995: 31). Additionally, a nation is the 'highest taxation [classificatory unit] of human groups. In today's politics and political vocabulary, there is no concept that would grant a human group a more privileged status than that of a nation' (Kamusella 2009: 32). Broadly

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[1]   http://epp.eurostat.ec.europa.eu/statistics_explained/index.php/Migration_and_migrant_ population_statistics, checked on: 05.02.2014

speaking, according to the definition given by Ammon (1995: 33), a nation is built up by a large group of people with a common history, the same cultural and traditional background and the feeling of being associated. People speaking a standard variety form a language community. Very often, language communities are also understood as cultural communities. These cultural communities can identify themselves as a nation (Ammon 1995). On the way from a nation to a nation-state, languages have become a very important factor of unity concepts. A language was understood as a key factor of national identity. In France, the language of the kings and later of the Académie Francaise was supposed to be a key factor for the new state (Ehlich 2008: 41, Trabant 2002, Braselmann 1999). Ehlich (2008: 43) also states that the nation project and, along with it, the national language ideology were carried out further in the post-colonial states. Furthermore, this is also true for the EU. Despite of the prevalence of a monolingual ideology, these concepts have never represented the reality. No society is monolingual, and therefore the question arises what language rights and status speakers of different languages have in a community. The history of a monolingual state can be told through the examples of the French and the German nation building, which show two different approaches to a national language. These different approaches are influencing today's EU language policy, e.g.: it is quite common to speak of Germany as a 'Sprachnation' (linguistic nation) and France as 'Staatsnation' (state nation) (Ammon 1995:20). Therefore, if a European state ever comes to exist, it will be neither a nation-state nor a culture-state but a 'state-state' by ways of speaking.

France is often cited as a typical example of a nation-state. French was the language of the kings in power and it was one of the main characteristics of power. At the same time, the power of the kings excelled the original territory of the French language and included the territory of other French languages like Breton or Occitan. Already in the 16th century, politics preferred French to Latin, and that implied not only a struggle against Latin but also a campaign against other languages in France (Trabant 2002: 27). Finally, under the reign of King Louis XIV, the use of Latin was reduced to numismatics and memorial inscriptions. To support the further development of the French language, the Académie Française was founded in 1635 (Trabant 2002: 31). Since the Treaty of Rastatt in 1714, French emerged as the main international language of Europe in all high domains and held this position until 1918, when the treaty of Versailles was written in French and English. 'In a democracy, language has the function to let the people participate in political life. Language is an instrument of public thinking. […] In a democracy, non-understanding is not tolerable' (Trabant 2002: 56, translation by the author). In the times of the French Revolution, the language spoken in the high society was associated with the regime and with the specific accents typical for the aristocracy: the Jacobin revolutionaries considered it to be *bad French*.

The same applied for the other languages of France, which were also considered as old and therefore barbaric and anti-progressive (Trabant 2002: 55 ff.). Only the multifaceted French could be the language of the Revolution: to spread the word of freedom (the declaration of human rights was originally written in French), the people had to be educated in that language. Additionally, French was believed to have a proud history which goes back to classic Greek roots. Breton, on the contrary, was looked down upon as an odd language of the Averni tribe (Schmitt 2000: 687). The general Jacobinical idea was that in a democratic state French monolingualism was supposed to enable people to read and understand the laws and to comprehend the political discourse. The building of a monolingual nation-state in the course of the French Revolution was democratically driven, although questions of power and centralization played a crucial role.

Remarkably, the French state was geographically larger than the French nation and, along with it, larger than the French language area (Ammon 1995: 19). Therefore, building a nation-state meant to expand the national and the French language territory to the size of the state. A long and violent assertion of the language in France followed. The language policy of the Jacobins, also known as 'le terreur,' was uncompromising (Trabant 2002: 32 f.). But the idea of one language for one nation was born and it has been shaping the national identity from that moment on. This nation, therefore, can be defined by the territory on which the language has been expanded: the state-nation and later the European colonies all over the world. Of course, this was true for many European countries. At the beginning of the 19th century, Europe extended its national territory to about 55% of the world and by 1860 about to 67% of the world. At the beginning of the First World War, the European territory comprised about 85% of the world's territory.[2] For hundreds of years, until about 1900, the French language was very influential in the German-speaking community as well. Remarkably, this was not the case the other way round. At the end of the 19th century, we can observe the end of the strong French influence and the rise of the prevalence of English language (Trabant 2002: 145). The 20th century was marked by a steady loss of the international influence of French mainly in favour of English. The result of this close connection between national identity and the language is that the French fear they might lose the national sovereignty if they lose the language sovereignty. Today, French is the only language of France which is constitutionally safeguarded.

Contrary to the developments in France, the German-speaking states in the 17th century were all smaller than later the German nation (see table below: nation without a common state). Therefore, roughly speaking, building a nation-state meant breaking down the state borders and expanding them to the size of

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2   University of Augsburg: http://www.philhist.uni-augsburg.de/de/lehrstuehle/geschichte/
     didaktik/weltgeschichte/kommentare/kommentar_20.html

the nation and of the German-language territory. Such nation, therefore, can be defined by its language territory. The pre-existence of the unified language geography prior to the existence of the nation is the reason why the term *linguistic nation* is chosen (Ehlich 2008: 47). A similar term that is often used is *cultural nation*. In particular, Herder and Fichte pointed out that a nation exists through its language (Ammon 1995: 20 ff.). Prussia was the first German state that defined citizens according to their language. Language, therefore, was regarded as the core criterion of nationality (Haarmann 1993: 260). It was not until 1871 that the German nation-state was finally founded, thus considerably later than the French state. But the feeling of strong language identity did exist way before the time of the French Revolution and the rise of the young nations in 1789. Later, this identity was strongly expressed in the Romance period. The common language of the German nation has therefore never been a critical issue for the development of the nation-state. There is nearly no legislative regulation, which would systematically set the role of languages in Germany (Ehlich 2008: 47). The implications of the Second World War and the above-mentioned cultural self-esteem resulted in a specific German cultural and language policy with the main feature being international restraint. Today, Germany is a state without a federal minister of culture. Similar to some European nations but contrary to France, the official language is not determined by the German national constitution. Moreover, the term *Volk* is used in Germany in the sense of nation. The term goes back to the ancient German word *fulka* and was later perverted by the German national-socialists. German linguistic literature, particularly before 1933, commonly stated that nation (Volk) and language are genuinely identical. Subsequently, the folk were being equated with the German race. The disastrous results are commonly known: all German-speaking people were supposed to be united into a German nation-state, excluding all others on the 'German' territory (Ammon 1995: 27, Scholten 2000). The idea of a linguistic *Volk* is still very much alive, though nowadays it is integrated into a generally different and democratic picture of the modern times. For example, a recent brief article by Silke Wiechers under the title 'Wir sind das Sprachvolk' (We Are the Language Folk) deals with the language protective initiatives in Germany. Furthermore, in 1998 the German Bundestag published a statement with a title 'Die Sprache gehört dem Volk!' (The Folk is the Owner of the Language). It shows that the term *Volk* is not completely discredited, especially in the aftermath of the protest movement leading to the German reunification in 1989, but it is a sensitive issue.

Today, the nation project continues in the sense that the factual EU communication promotes a single common language very similar to the concept of a national language (Schloßmacher 1996, Kruse/Ammon 2012). Ehlich (2008) states that this view is particularly popular in Germany. It is also prevalent in the smaller states of the Benelux countries and the Nordic countries, whereas,

as commonly stated, the French oppose such a development in order to protect their national identity. Since the position of French appears to be weakening both nationally and internationally, French language policy has changed in favour of multilingual regimes within the EU unification process (Kolboom/ Kotschi/Reichel 2008, Kruse 2012: 185 ff.). Although final evidence is still missing, it is very likely that French politicians are the driving force behind the multilingual ideology of the EU. German politicians mostly keep a low profile in this respect. France is very keen on defending its territory and its 'Francophonie' – a network of French-speaking states. The loss of French in discourse domains is seen as a serious threat to the stability of Francophonie (Trabant 2002: 94 f.). In Germany, this perspective is missing because its territory has never been really split up or endangered. This applies not only to the language policy but also to the cultural policy.

Thus, it did not come as a surprise that France was the only country striving for the detachment of the cultural sector from the American-European Transatlantic Trade and Investment Partnership (DW 2013). In Germany, on the contrary, the nation-state never had to fight for language unification despite the high importance of the language for the German nation-state identity. There was no strong need to deal with multilingualism and with the position of the German language in it. To stand up for the language was not as necessary as it was for the French nation. But from both perspectives plurilingualism would cause uncertainties and disturbances when being confronted with the reality of other languages. As an aside, it should be mentioned that this was also true for researchers in linguistic history. Until the mid-19th century, linguists believed that plurilingualism had a negative impact on a child's brain. Today we know that the opposite is true (Ehlich 2008: 48). And still it is very popular to claim a monolingual concept for the EU today. Notably, the spreading of the English language has many historical reasons. One of them is the expanding of the US state sovereignty onto other nations to foster the interests of one specific nation-state. Additionally, the Spanish-English language conflict in the US shows that the American nation is very well aware of the fact that a language is more than a 'trivial arbitrary and interchangeable tool of communication' (Ehlich 2008: 52). The nation is thus aware as well of the positive effects of the international status of their language.

The connection of language and nation in the European history is so strong that it appears difficult to rethink this connection when it comes to the European Union (cf. e.g. Anderson 1983, Coulmas 1991, Wright 2000) though there are major differences between the European nations and the European Union. Therefore, Ammon (1995) suggests using a different terminology to talk about the relationship of language, community and territory.

Table 1.

Traditional terminology	Suggested Terminology (Ammon)	Examples
Language nation (Culture nation)	Language community (cultural community)	All German-speaking people
Language nation (Culture nation) [multiple states with the same languages/culture, not the complete language community]	Nation without common state	Former East and West Germany together
Nation-state	Monolingual nation-state	Today's Germany (apart from the non-German-speaking minorities)
State nation	Multilingual nation-state	Switzerland
State nation	State of a nation part	Former East or West Germany, taken individually
State nation	Multinational state	(former) Soviet Union

(Ammon 1995: 34)

Along with Switzerland, Belgium is another example of a multilingual nation-state. This issue was once tackled by the European Court of Justice, but the territorial principle of language policy in Belgium was found not to infringe the human rights. The court ruled that the language region ensures language homogeneity in areas where the majority of the population speaks only one language (Vuye 2010: 8). Territorial language rights support not only the right to express oneself in a certain language but also the right to be listened to and to be understood in the course of communication. Switzerland, for example, can hardly be described as a state nation; it is not a linguistic nation either, but a nation with multiple language communities. Using the terminology above, we can also consider it to be a multilingual nation-state (Ammon 1995: 31). Language community is understood here as a group of people with the same (mother) tongue in all its varieties. In terms of territoriality, different combinations of language community, nation and state can be found in Europe and for Europe. It is therefore important to remember that the existence of a nation is not a necessary condition for the existence of a state (Griller 1996).

Today, the question of territory and language has to be revisited under the terms of the deconstruction of the nation-state. Basically, the question of languages in Europe is integrated in a general political, social and economic perspective of the EU. This is widely done by the EU policy itself (though not by politics) and by many linguists and language theorists such as Ammon (1991, 2005), Kraus

(2004), van Els (2005), de Swaan (2009), Wright (2009), Gerhardts (2010), van Parijs (2011), Krzyzanowski/Wodak (2011), Gal (2012), Grin/Gazzola (2013) and others. Nevertheless, the programme of the latest Vilnius International Conference of Applied Linguistics in 2013, notably with the title *Languages and People: Space, Time, Identity*, suggests that in scientific practice the status of languages in a given territory is sometimes underexposed. The model for the EU will be the 'multilingual region' set within a concept of regionalism, which constitutes an international civil society and corresponding policies. Presumably, there will not be sufficient answers to the language question if language is investigated solely in terms of language acquisition, mobility and jobs and not in terms of active citizenship and modern regional communication. Political and social analysts show that one of the main problems of globalism, apart from wars, migration, poverty and debt accumulation, is related to the loss of regional sovereignty and to the loss of personal bonds and social cohesion (Butler/Spivak 2007, Negt 2012) and at the same time to the missing international solidarity and international citizenship (Grimm 1994, Habermas 2001, van Parijs 2011). In general – and this is also true for the EU language policy –, politics has to be bound newly to the experiences of everyday life. Today, structures of power and capital are often mystified and are out of touch with most citizens' reality. According to the German social philosopher Oskar Negt, the systematic mistake of today's development lies in the fact that the richness of a society in the monetary sector, i.e. its money expression, is completely uncoupled from the production and life context of people (Negt 2012: 27).

The Indian philosopher Gayatri C. Spivak suggests the concept of 'critical regionalism' as a possible social reaction to globalism, on the one hand, and the concept of 'international citizenship' on the other (Butler/Spivak 2011). The concept was originally coined by architectural theory. It is an approach against the disconnection of buildings from place and regional context, what – roughly speaking – results in a lack of sensual connection of the people to those buildings (Tzonis/Lefaivre 1981, Frampton 1983). Following this theory, the region is not a geographic fact but a social invention and is basically variable (Powell 2007: 8). The good examples are the so-called Euroregions:[3] cross-border regions within the EU working together mostly on cultural and economic issues. The future construction of a fair and efficient communication is also a question of a dimensional ratio between the centres and the periphery. The periphery may not be disconnected, nor may minorities be excluded from the international communication. In comparison to the position of English, all other language communities are in a minority position. All of them must consider an 'Ausbaurückstand' (Ammon 1991: 277 ff.) compared to English. According to Maas (2008: 150), there exist

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3   cf. http://www.coe.int/t/dgap/localdemocracy/Areas_of_Work/Transfrontier_Cooperation/
     Euroregions/What_is_en.asp

exogenous minorities and endogenous minorities. Exogenous minorities live in monolingual regions whereas endogenous minorities exist in the multilingual regions of multilingual states. Naturally, these exogenous minorities can possibly be a threat for a nation-state (Maas 2008: 151). Thus, this combination plays a crucial role in the post-national settings. When thinking of the EU member states as EU regions, the latter can be interpreted as exogenous minorities. To be accepted as a minority, the language needs to be politically represented, it has to be literary, it has to be acknowledged as a language and not as a dialect and, finally, it should be used on a compact territory. Of course, this applies to all official languages of the EU, albeit not to all minority language communities which are recognized by the European Charta for Regional and Minority Languages. Another perspective of regionalism unfolds with Negt's (2012) identification of three major threats for the modern democracy: Polarization, Flexibility and Uncoupling. All these threats have a language issue connected with the territorial meaning of language. Negt comes to the conclusion that many Europeans perceive the institutions that carry out decisions on their lives as too distant and too abstract. Furthermore, English is the language which is mostly used in the EU institutions. At the same time, it is a foreign language for most European citizens. This uncoupling is a reason of the lack of political awareness. On the other hand, a functional political democratic system is in the first place accessible at the local level. The mere technical access (via Internet) to political decisions or their media chimera does not make people (feel) well-informed and connected. The Internet connection does not automatically enhance the power of political judgment (Negt 2012: 79 f.). Furthermore, a European identity is based on accessible institutions (Kraus 2004: 56). 'The most important engine for the implementation of European integration is not the verbalized overcoming of language nationalism, but it's meaningful integration in a model of a multiple European identity' (Haarmann 1993: 317). A European identity can be based on the founding myth of the EU (Kruse 2012: 152 f.). This means that not only the modern effects of globalism and capitalism determine the process of European history. The building of the nation-state in the Middle Ages should also be used as a background experience for today's language issues. Multilingualism is an important element of the European identity. However, the touristy nature of inherent learning programmes, such as Erasmus, is not sufficient for building a social European identity. Local adult education other than learning a profession and local European experiences in modern regions seem to be much more effective in the development of an active citizenship and the EU identity (Negt 2012: 85). Another but a related problem is the connection of foreign language knowledge and the elite(s). As the data on language knowledge of EU citizens show, this is not going to change in the foreseeable future (Kruse 2012, 2014). English as a foreign language is commonly spoken by the elite(s). But the disconnection between the avant-gardes

(Frampton 1983) or the elites and the *demos* can indeed be understood as a threat to democracy and polity (Negt 2012: 41 f., 102). For example, Negt argues that particularly the elites were making the US American wars and issuing national security acts in recent history.

Obviously, there are several reasons why we should not equal the situation of nation building in the 19th century and the unification development of the EU today. First, the reality people live in has changed from villeinage to more or less working democracies. Second, national identity has developed with respect to nation-states and, finally, there is not going to be a European nation (Habermas 1994, Grimm 1994). One of the reasons for the latter is that the three-element doctrine, which says that a state has a state territory, permanent population (Staatsvolk) and state power, can no longer be held up (Habermas 2011). A *Staatsvolk* is not given in the EU and due to the political nature of the EU the question of the state territory remains unclear. Furthermore, national identity will be more independent from nation-states or from a state like the EU. For most nations, a common language presumably remains a very important cultural issue. Both the EU as a state community in its today form or a possible EU state in the future and the regions will have different desires to serve the population in a relatively uniform manner. Federalism is the favoured solution for these situations (cf. Williams 2012: 174). Williams gives examples of other nations (India, Nigeria, the Soviet Union/Russia, Indonesia, Republic of South Africa and Canada), which, if seen as multilingual regions, can be compared with the EU to a certain extent (for exceptions cf. Spolsky 2004: 157ff.). Similarities are set because of the territorial language policy within a single state.

Nonetheless, territorial governance can be a frame for the language policy (Williams 2012: 176). Foreign language knowledge today is regionally and socially highly inhomogeneous. 'The Euroregions make efforts towards an equal treatment of the member languages und use practically no English in negotiations' (Gellert-Novak 1994: 126, quoted after Konrad 2003: 13; translation by the author). Admittedly, nowadays this must be considered as a desideratum since it is likely that these ratios have changed in the meanwhile. The EU is a cultural, social and political project settled in between the opposite forces of globalism and regionalism. A critical regionalism attempts a negotiation between these two poles to avoid the excesses or limitations of each. It permits connections in time and space between individual, local moments of cultural struggle and the wider patterns of history, culture and politics that it relates to (Powell 2007).

There are several possible reasons why the EU language policy is lacking effectiveness. One reason could be the described dichotomy of national language ideologies and history: France is supporting multilingualism in order to keep up the international position of French, whereas Germany, due to historical reasons, has no powerful language policy. Therefore, we see that the nations do not seem to

pull together for a coherent language policy of the EU. The different perspectives on the meaning of national languages for the existence of a nation-state result in disparate commitments on the EU language policy. As a result, this language policy is strongly influenced by national interests and lacks an international cross-border approach. In this sense, national language history generally opposes critical regionalism. It is difficult to unite the linguistic interests of the countries with such a different linguistic history. Referring to the beginning of this article, the mentioned multilingual strategies are a good example of a modern regional approach to interlingual communication. In these cases, the factual linguistic knowledge is respected and used for a communication, which is not segregated by the borders set by national languages. Since languages seem to be the least priority of all priority issues in the EU, language ecology prevails and English as a lingua franca – not only in Europe but also worldwide – is spreading extraordinarily fast. The language question might be seriously underestimated if it is not better shaped by EU politics in the future.

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Language and Territoriality: The Pacification of the Belgian Language Conflict

Rudi JANSSENS

Brussels Informatie- en Documentatie- en Onderzoekscentrum (BRIO)
Vrije Universiteit Brussel

Karen CHALTIN

Brussels Informatie- en Documentatie- en Onderzoekscentrum (BRIO)
Vrije Universiteit Brussel

Abstract. Since the creation of Belgium in 1830, language conflicts are a common thread through the history of the state and one of the main driving forces that shaped the country as it is today. After a period of language tensions with shifting language borders and altering language statuses of the municipalities around the capital and the linguistic border, a territorial approach was applied as a pacification tool for the Belgian language relations. The political system evolved towards a form of confederalism based on the principle of territorialism combined with a functional form of cultural autonomy in language contact areas. After a short historical introduction, this contribution focuses on the current contact situations and the challenges for an increasing multilingual future.

Keywords: territoriality, political bilingualism, Brussels, pacification.

From the 'Freedom of Language Use' to Territoriality

The Belgian language conflict cannot just be explained by its location on the Romance-Germanic language border or within a minority versus majority context. Article 23 of the Belgian Constitution of 1831 stipulated that the use of languages spoken in Belgium is free and that language use can only be regulated by law when referring to actions of public authorities and in court cases. In reality, French, the language of the elite, became the only official language although spoken by only 10% to 15% of the Belgians (Zolberg 1976). Where Dutch was introduced as an official language before 1830, when the current Belgian territory was part of the United Kingdom of the Netherlands, it was not the language spoken by the people north of the language border since they spoke Flemish dialects rather than a

standardized language, just as south of the language border people spoke Walloon dialects but not French. Both north and south of the language border, French was the language of the political, economic, cultural and religious elite; it was the only language spoken in parliament and in court. The freedom of language use did not guarantee the use of Dutch in the administration. Although since 1845 thousands of working class immigrants moved from the north to the south of the linguistic border as labourers in the agricultural, mining or steel industry (Goddeeris & Hermans 2011), their poor social status did not give rise to the use of Dutch in the administration. In reality, the north was bilingual with Dutch as the language of the region and French as the language of the elite, whereas in the south only French was used as an official language. This bilingualism in the north was not the result of a language conflict as such but rather an indication of the social divide. Dutch was seen as the language of Holland, the language of the Protestants, while French was the unifying language of the Belgians, the language of the Enlightenment and a prerequisite for upward social mobility. Since the majority of the population did not have political power, there was no language conflict in the sense that the élite were not interested in the Frenchification of the Flemish-speaking rural areas but in economic and political power. The authorities provided translations in the local (Dutch) language, but its speakers were, although the demographic majority, considered as a sociological minority linked to economic underdevelopment and poverty (see Witte & Van Veldhoven 2011).

Witte and Van Veldhoven (2011) refer to the important evolutions that led to the birth of the Flemish movement: the standardization of the Dutch language, a growing Dutch-speaking middleclass and the strife of this middle class for bilingualism with an equal status for both Dutch and French in Flanders. Where the struggle for linguistic rights supported bilingualism north of the language frontier, it threatened the position of the state organization in the south where civil servants did not master Dutch and rejected bilingualism. In 1870, the concept of Flanders as the region where Dutch was spoken by the majority of the inhabitants began to gain ground (Dirkx 2013). This laid the foundation of the territorial approach to the language problems with two regions: Flanders as the part of Belgium north of the language border and Wallonia as the southern part. The language tensions and the sequential language laws and stages in the process of state reform focused more and more on the demarcation of the territory and evolved towards a monolingual Flanders and a monolingual Wallonia. The decennial language censuses played a crucial role in this demarcation process of the language border. The different methodological approaches and the ambiguous process of data gathering of these censuses were disputed and the results rejected by the Flemish or the Francophone political world, depending on the outcome. The Administrative Language Act of 1932 linked the outcome of the census to the language status of the municipalities. When 30% of the inhabitants spoke another

official language than the official language of the municipality, the administration became bilingual. In reality, this law enabled the municipalities around Brussels to switch from an officially monolingual municipality towards a bilingual one, the so-called 'oil stain'. The highly contested census of 1947 and the resulting political tensions led to the abolition of the censuses and the fixation of the language border. From 1960 onwards, the language status of all municipalities was stipulated in the Constitution. The general rationale behind the language regulations was the romantic ideal of monolingual regions. There were two exceptions to this monolingual rationale: Brussels and the municipalities with language facilities.

The Current Situation: Federalism 'sui Generis'

The fixation of the language border paved the way towards federalism. The so-called 'first state reform' of 1970 is a milestone in Belgian politics. The new constitution reconciled the pursuit of cultural autonomy of the Flemish political élite and the demand for more socioeconomic power by their Walloon counterparts. As such, it combines the principles of cultural autonomy and regionalization. It was the start of a continuous process of state reforms. A consociationalist conflict preventing design (Lijphart 1984) results in a multilevel political organization with a high degree of flexibility and asymmetry. The following paragraphs present a brief overview of the state structure and its impact on the language issue.

Article 4 of the Constitution states that there are four language areas in Belgium: the Dutch language area, the bilingual Brussels-Capital area, the French language area and the German language area. Apart from the Brussels area, where both Dutch and French are official languages, these areas are officially monolingual. So, Belgium is a country with three official languages although none of these languages is an official language on state level. The language areas do not have autonomous powers: there are no governments or parliaments related to them. They can be seen as divisions of the territory or as delineations in the Belgian state. These delineations are crucial because the territorial jurisdiction is based on these linguistic areas (Vuye 2010).

By combining cultural and territorial aspirations, Belgium is a federal state with three communities and three regions. The formats of the communities and regions do not fall together. The federal state, the communities and the regions have important powers and work autonomously, but they do coincide. Because of this, we can state that the power in Belgium is divided and shared. The federal level concerns all Belgians and is thence valid for the whole Belgian territory. The responsibilities at this level are: justice, defence, foreign affairs, finance, social security and an important part of public health and internal affairs. The legislative power is executed by the Federal Parliament. This parliament consists of the Chamber of

Deputies and the Senate. The three regions of Belgium are: the Flemish Region, the Brussels-Capital Region and the Walloon Region. The regions manage their authorities with regard to economy, employment, housing, public works, energy, transport, environment and international affairs within their authority domains. The Flemish Region territory coincides with the Dutch language area, the Walloon Region territory covers the French and German language areas and the Brussels-Capital Region is authorized in the bilingual Brussels-Capital area. Every region has its own parliament and government but in Flanders; the region and community authorities are merged into one government and one parliament. The Constitution describes the territorial jurisdiction of the regions with reference to the provinces. The third policy level, that of the communities, is made up of political entities based on language. The communities are enrolled in domains as education, culture, language, healthcare and the audiovisual sector. The communities are authorized within the language areas: the Flemish Community is authorized for the Dutch-language area and for the bilingual Brussels-Capital area; the French Community is authorized for the French-language area and also exercises authority in the bilingual Brussels-Capital area. The German Language Community is authorized for the German-language area. Concerning the bilingual Brussels-Capital area, the communities have a reduction of power with regard to language.

The distribution of competences is an ongoing process. Every state reform agreement leads to a transfer of competences, mainly from the national to the regional or community level. At the same time, the process of European integration also leads to a transfer of competences to the supranational level. In this multilayered political system, there is no hierarchy of competences. The federal state cannot overrule decisions taken by the communities or the regions since they have different competences. In case of conflict, it is the Constitutional Court that has the power to annul legislation if it goes against the constitutional division of powers.

Freedom of language is a fundamental right that is protected by the constitution. The language can only be controlled in the relationship between government and citizen. The use of language is then regulated by the authorized legislator. The Administrative Language Act has a broad scope and regulates the language of public service. This means, for example, that in the Brussels-Capital, the government has to understand both languages. Civil servants and authorities that bypass the language laws or do not apply them can be sanctioned. If a service uses the wrong language, the actions using that language can be annulled. The act then will be regarded as if it never existed and may be linked to no effect. However, this does not happen automatically; it must be established at the request of an interested party by an organization which is authorized. Contacts between citizens belong to the private sphere and are outside the scope of language legislation. In both parts of the country, the regional language is also the administrative, court and teaching language (Vuye 2010).

Where most federal states are composed of historical communities, this is not the case in Belgium, where the internal borders are based on a political agreement rather than on a historical reality. Federalism presupposes territoriality, but what makes the Belgian case unique is the combination of territoriality with communities that transcend these internal borders. This logic prevents a breakdown of the federation as it was the case in earlier Czechoslovakia or Yugoslavia (Deschouwer 2006). However, the institutionalization based on language and territory introduced its own dynamics within the monolingual Dutch-speaking Flanders and the French-speaking part of Wallonia. The political system shifted from an arena with national parties towards a regional party system only representing a part of the country; there is no national broadcast system but separate systems for the different language communities just as there are no national printed media, no national education system et cetera.

Language Contact and Language Conflict

Language and conflict are often mentioned in the same breath. Some authors stress the interrelation between language contact and language conflict (Nelde 1989) or state that conflict is inherent to a situation of language contact (Calvet 1998). Although the vast majority of the municipalities are monolingual, there are two situations where language contact is institutionalized: municipalities with language facilities and the Brussels-Capital Region. Both are subject to language tensions and conflicts, as will be explained in the following paragraphs.

Municipalities with Language Facilities

The results of the language censuses decided whether a municipality was monolingual, was offering a bilingual service when 30% of the municipality spoke another official language, or was officially bilingual. Especially on the linguistic border and around Brussels, the language frontier was porous. By fixing the language border, Brussels was restricted to 19 municipalities and the language barrier was no longer questioned. In the Flemish periphery around Brussels, there was never pacification because the language borders were constantly questioned by Francophone politicians. The political party FDF (originally Front Démocratique des Bruxellois Francophones, later Front Démocratique des Francophones and currently Fédéralistes Démocrates Francophones) was founded to fight the language pact of 1962-63. They contested the language homogeneity of the borderland and demanded both the expansion of Brussels with six suburbs and powers for the French-speaking community in the Dutch-language area (Vuye 2010). The political discussions and the inherent language conflicts had

lasted till the so-called 'Pacification Law' was voted in 1988 and the principle of 'language facilities' enshrined in the Constitution. Municipalities with language facilities are not bilingual; they are an integral part of the monolingual Dutch-, French-, or German-speaking regions. This implies that the municipal council, the relation with the higher authorities and everything concerning the internal governance of the municipality is done in the language of the region. Language facilities as a pacification mechanism exclusively refer to the contact between the administration and the citizens of the municipality and the possibility to organize nursery and primary education for the residents only.

A political compromise can only be a pacifying mechanism when it is acceptable to both parties and preferably explained as a victory by them. It does not come as a surprise that these facilities are interpreted differently by the different language groups. For the Francophone politicians, the fact that the facilities are recognized in the Constitution means that it is a fundamental right for French-speakers to use their language in official communication in these Flemish municipalities, while Flemish politicians stress the fact that these facilities are meant to facilitate the integration of French-speakers and are temporary by nature. As a result, the principle of language facilities is still contested. Language facilities are exceptions within a monolingual language area. The facilities shall be without prejudice to the monolingual character which is guaranteed by Article 4 of the Constitution. The legislator in a monolingual area may not enter any facility regulation which in practice amounts to bilingualism. The most discussed rule, out of the framing circulars clarifying the application of the compromise, is that the municipalities with facilities have to send all the documents in Dutch. The citizens who like to have their documents translated have to ask for a French translation over and over again for each document. This means that facilities are not automatically granted but only on explicit request. Francophone politicians contested this interpretation and laid official complaints. The Constitutional Court and the Council of State have long disagreed about the use of language in the municipalities with facilities. In a judgment of March 1986, the Constitutional Court found that Article 4 of the Constitution does not contain a rule that governs the use of language. The Council of State found that Article 4 does contain that the bodies of the municipalities in the Dutch-speaking language area have to use Dutch. The two highest courts thus gave a radically different interpretation of Article 4 of the Constitution concerning the language of the bodies of the municipalities (Vuye 2010). French-speaking politicians also laid a complaint with the Council of Europe to press the Flemish political parties to ratify the Framework Convention for the Protection of National Minorities so that French-speakers in Flanders can be considered as a national minority bypassing the principle of territoriality.

The principle of territoriality cannot prevent that some municipalities around Brussels have a French-speaking majority. Where the monolingual character of

the Flemish region is assured legally, the municipalities with language facilities attract French-speakers to opt for these municipalities as their dwelling place (see Janssens 2002). They are an important reservoir of votes for the French-speaking parties. Part of the pacification compromise was the constituency of Brussels-Halle-Vilvoorde. Belgium is divided into electoral districts, wherein everyone can vote for the same candidates. Most electoral districts fall within one of the language areas, but there is an important exception: the electoral district of Brussels-Halle-Vilvoorde, which contains the bilingual region of Brussels and the monolingual area Halle-Vilvoorde. Because everyone in an electoral district can vote for the same politicians, Francophones in the Flemish periphery, for example, can vote for French-speaking candidates from the Brussels-Capital Region. This is hard to accept for the Flemish politicians because according to them this would lead to a Frenchification of the Flemish Periphery. Therefore, they require the splitting up of Brussels-Halle-Vilvoorde. For both Flemings and Francophones, the constituency has got a high symbolic value. After a long political battle, in July 2012, a proposal was adopted and the constituency of Brussels-Halle-Vilvoorde split. As a result, there would be two electoral districts: the electoral district of Brussels as well as the electoral district of Flemish Brabant, where Halle-Vilvoorde would belong to. The downside of this solution is that the Dutch politicians in Brussels will no longer be able to count on the votes of Halle-Vilvoorde. As such, the principle of territoriality is reinforced.

The Bilingual Brussels-Capital Region

The division of responsibilities between communities and regions results in a fairly complex theoretical framework. Where traditional approaches to power-sharing require power-sharing across all aspects of governance, the alternate mechanism of consociational accommodation, as it is implemented in Brussels, is based on the equal status of both official languages (O'Conner 2012).

The bilingual Brussels area is governed by four main political actors: the Brussels-Capital Region, the French Community, the Flemish Community and 19 municipalities. The Brussels-elected representatives on regional level together form the Brussels parliament dealing with regional matters, while for community matters they are divided by language groups, which makes sense given the structure of the power distribution across regions and communities. This means that only monolingual parties are admitted at the regional level and that the elected representatives of the Flemish- and French-speaking lists are considered as Flemish, respectively Francophone. At the level of the local government in Brussels, there are 19 municipalities and at this level candidates may present themselves to voters on bilingual lists. In Belgium, the parties are primarily formed by language communities. For example, there is no Belgian Socialist Party, but there is a Flemish

one and a French-speaking party, which are different parties but share the same ideological background. A party, which is competing for the favour of voters in Flanders, assumes no candidate in the French-speaking part of the country. In this respect, political cohesion is missing at the national level in Belgium and at the regional level in Brussels. Both in Belgium and in Brussels, the political majority consists of monolingual French and monolingual Flemish parties or lists.

The asymmetric composition of the various components of the Belgian Federal State also raises the question of the interaction between the various regions and communities and the role of Brussels in this matter. To what extent does co-operation or conflict occur? To underline the strategic link between Francophones in Brussels and Wallonia, the French Community renamed itself since May 2011 to 'Fédération Wallonie-Bruxelles,' just like the Flemish Community and the Flemish Region were merged in 1982 and transformed their name into Flemish Government. This discussion does also raise the question of the place and role of the Brussels-Capital Region in the Belgian state model. By establishing their parliament and government in Brussels, both communities have recorded the bilingual character of the metropolitan area in a symbolic way. As stated above, the language conflicts are due to the long Frenchification of the city. Both language groups had a different vision on the Brussels administration. The French-speaking political parties usually opted for a full third Region, while the Flemish politicians preferred a joint management of the capital by the two communities. The compromise between autonomy and shared governance reflected in the model that was finally retained. When the Francophones talk about 'Bruxelles region à part entière,' then it is about the valuableness of the Brussels-Capital Region compared to other regions and communities (Vaesen 2008). In the bilingual Brussels Capital Region, the community matters are organized by the Flemish- and French-speaking communities, and so by a legislative body that is referred to by all members of that Flemish- or French-speaking community. The regional responsibilities, by contrast, are exercised by the elected representatives of the Brussels Region, who are elected by all the inhabitants of Brussels (Janssens 2001).

Community matters are organized independently within the traditional language groups themselves. On the Dutch-speaking side, we have the Flemish Community and the Flemish Community Commission and for the French-speaking population there is the French Community and the French Community Commission. In these community commissions, the members of the Brussels-Capital Region were chosen on monolingual Flemish or French lists. They are responsible for the institutions of the Brussels-Capital that are set up for the Flemish- and French-speaking communities and are able to occur in organizational and subsidizing community affairs (Janssens 2001). The powers of the community commissions also depend on what the communities are willing to delegate. The Flemish Community Commission is in a much more dependent position in relation to the

Flemish Community compared to the French Community Commission and the French Community. This can be explained by the different demographic weight that both language groups in Brussels monitor on the communities as a whole (Vaesen 2008). Bi-communal matters, like language use in emergency rooms of hospitals, are dealt with in the Joint Community Commission. The representatives and the elected politicians manage community competencies that are common to both communities, the so-called bi-communal personal matters. The sixth state reform, the so-called 'Butterfly Agreement' of 2011, has brought more powers for the Brussels Region with it. Noteworthy here is that their powers were transferred to be officially recognized as community competences (e.g. in certain aspects of healthcare). For example, child support will be managed by the Joint Community Commission and there will no longer be a separation between the Flemish and Francophone child benefit system. It is the first time that the Joint Community Commission will carry a responsibility like that.

Theoretically, regional matters like economy and environmental issues have little to do with language communities. But the Belgian party system makes that at regional level in Brussels, even on these issues, an agreement must be found among French-speaking and Dutch-speaking political parties. The same is true for the local government of the Brussels layer system formed by 19 municipalities. The municipality manages the municipal territory to the extent that it is not constrained by the action of so-called higher authorities. In the Brussels-Capital Region, the 19 municipalities play a vital role in the field of urban governance through the city council, the mayor and the Board of Mayor and Aldermen. The municipalities are also represented in inter-municipal organizations to manage, for example, the distribution of water, gas and electricity in an efficient manner. The fact that bilingual political lists are quite common on the level of the municipalities does not mean that we have to deal with bilingual political parties. Depending on ideological or language choices, members of the various political parties form monolingual or bilingual lists, but ultimately they remain members of a monolingual political party. Even in relation to regional matters, the differences between the two communities remain a permanent occasion for political debate.

Apart from the protection by language laws, other measures prevent the dominance of one language group over the other. The complex system of checks and balances is based on the fact that in Belgium as a whole Dutch-speakers are a majority on the national level but a minority within the Brussels-Capital Region. Therefore, the system of proportional representation is adapted to the language cleavage. The composition of the government of the Brussels-Capital Region takes account of the protection for the Dutch-speaking minority. The government consists of five members: a chairman and two members from each language community. The decisions by this government must be taken by consensus. On the municipal level, the local council can increase the number of aldermen by

one if one of the language groups – in Brussels, a member of the Dutch-speaking minority – is not represented. Although it is not an obligation, there is an extra financial asset to do so. Paradoxically, no politician can be forced to choose which language group he or she wishes to belong to.

The Limits of the Current Pacification Model

The Belgian process of state reform is a continuing process of negotiations and compromises between the political parties in power. As such, it is rather an ad-hoc model based on problem solving that has grown over the last decades than a clear-cut theoretical model. The internationalization of Brussels, due to different migration waves, has altered the sociological composition of the city and thus turned the traditional bilingual city into a multilingual environment (Witte and Van Velthoven 2010; Janssens 2013). Where each year the city loses part of its population through internal migration, the total number of inhabitants grows due to international migration and the permanent rejuvenation of the population. Immigrants and their children account for more than 50% of the Brussels population (Deboosere a.o. 2009). Brussels is no longer the city of two language communities but a growing multilingual and multicultural world city.

Table 1 shows the evolution of home languages drawn on the basis of the official languages. Because the combination of Dutch and another language as home language arises in less than 1% of the cases among Brussels residents, it is not included as a separate category but incorporated in that of the Dutch-speaking families. This means that the five categories are retained: Brussels residents that grew up in a family that only spoke French, a family that only spoke Dutch, a traditional bilingual family that spoke French and Dutch, new bilingual people that grew up in a family that spoke French combined with a language other than Dutch, and other language speakers that grew up in a family that did not speak either Dutch or French. The figures are based on three surveys: Language Barometer 1, conducted in 2000; Language Barometer 2, conducted in 2006; Language Barometer 3, conducted in 2012 (Janssens 2013).

Table 1. *Original home language of families of Brussels origin (Source: Janssens 2013)*

Home language	LB 1	LB 2	LB 3
French	51.7%	56.4%	33.6%
Dutch	9.1%	6.8%	5.4%
NL/FR	10.1%	8.7%	14.1%
FR/Other	9.4%	11.4%	14.9%
Other	19.7%	16.7%	32.0%

The group of Brussels residents from monolingual French-speaking families is the largest, but its share has currently fallen to a third of families. The group of Brussels residents that grew up in a family that did not speak any Dutch or French is almost as great and is increasing. The number of Brussels residents from monolingual Dutch-speaking families continues to fall. In contrast, there is a significant increase in the number of traditional bilingual people. The number of new bilingual people also rises significantly and climbs to represent 15% of Brussels residents.

This evolution touches both the traditional relationship between the language groups and the functioning of the community institutions, as well as the relation between the Brussels-Capital Region and the surrounding Flemish Region. Three examples of evolution that put pressure on the current system are discussed briefly: minority education in the Brussels-Capital Region, the issue of integration policy and the Brussels Metropolitan Community.

Minority-Language Education in Brussels

Education is the responsibility of the language communities. The language of instruction is Dutch in the Dutch-speaking region, French in the French-speaking region and German in the German-speaking area. In the bilingual Brussels-Capital Region, the language of instruction in education is French or Dutch since both communities are competent within the region. Children living in Brussels have a free choice to attend a Dutch-medium or French-medium school. The fact that the pupil has previously attended a school of the other community, or that his brothers or sisters are enrolled in such a school does not affect that freedom. It reflects the way political bilingualism is interpreted in Brussels. The organization of community issues is such that it enables the citizens of Brussels to act as a monolingual Dutch-speaker or a monolingual French-speaker in a bilingual environment. As both official languages having the same status and linguistic background does not determine the choice of the school language, Dutch is only a minority home language, but Dutch-medium education is no longer the educational system for the language minority.

In 1971, the 'freedom of the head of the family' was reintroduced and the link between home language and school language was released. Since the 1970s, the Brussels Dutch-speaking primary schools presented themselves as a valuable educational network with rather small year classes that took in account modern urban developments. From the late 1970s, the number of children began to rise. This was followed a few years later by a rise in the number of pupils in primary education. In the 1980s, they invented campaigns for mixed-language families to promote bilingualism. An unforeseen side effect, however, was that children from French-speaking autochthonous families began to seep inside the Dutch

education system as well. This evolution was partly facilitated by the sense that the Dutch education was considered more qualitative than the French-language education and that the French-medium system hosted a growing number of immigrant children. Slowly, the consciousness was growing that the mastery of French and Dutch was needed to obtain a good position in Brussels. A few years later, the influx of French-speaking autochthonous students was followed by an influx of other pupils of immigrant origins. Because of the growing number and the proportion of non-native pupils in class groups, the integration of these pupils into the school system and the use of Dutch as the language of instruction were no longer obvious within a system provided to homogeneous classes of Dutch-speaking pupils. Therefore, the Flemish Community Commission took a package of measures focusing on the integration of non-Dutch-speaking pupils. In addition, there was gradually more attention for increasing teacher skills (VGC). Figure 1 illustrates the evolution of the number and language background of the pupils in primary education from the scholastic year 1979-1980 till 2012-2013. The education system organized by the Flemish Community in Brussels is characterized by four important tendencies. First of all, there is a sharp increase of pupils from monolingual Dutch-speaking families. Secondly, from the pupils with Dutch as a family language, the majority comes from bilingual families combining Dutch with another language, mainly French. Thirdly, there are more pupils with French as a family language than pupils speaking Dutch at home. And, finally, the largest group of pupils grew up in a family where neither Dutch nor French was spoken.
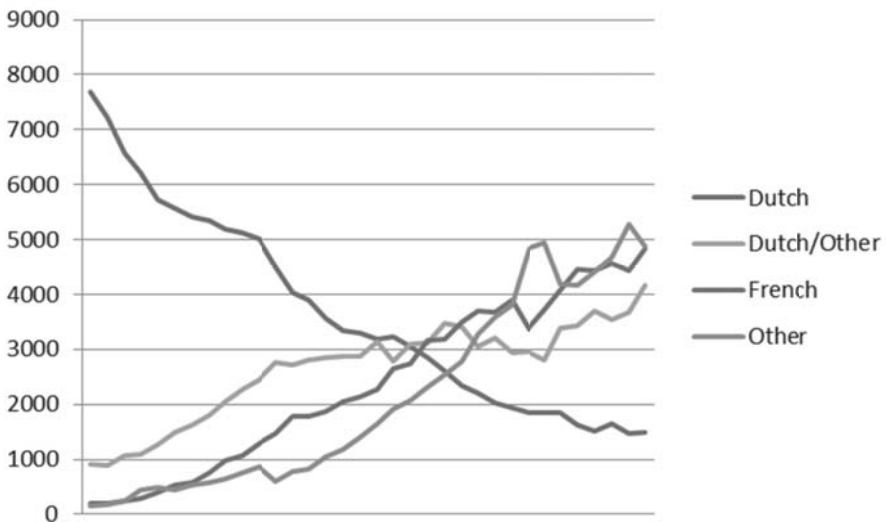

Figure 1. *Evolution of pupils from 1979 till 2012, according to language background (Source: VGC)*

The challenges in Dutch-medium education are manifold: the pedagogical approach is based on a classroom of pupils with Dutch as their family language, while in reality Dutch-speaking pupils are a minority; after an average of five years of teaching, teachers leave for more homogeneous classes in Flanders, and the condition of the infrastructure is often poor. From 2009, the emphasis shifts from infrastructure to the creation of additional capacity in order to give the growing compulsory education population of Brussels a place in school. Population growth is indeed so high and going so fast that the total teaching capacity in the region will soon be insufficient to offer all children a spot.

These evolutions are putting pressure on the relation between both communities. The schools are no longer schools for the French-speaking and Dutch-speaking community but schools for a multilingual and multicultural school population with French or Dutch as the languages of instruction. Among the school boards, there are two tendencies: some stress the fact that their school is designed for Dutch-speakers and they want to restrict the number of children with other home languages; others advocate an approach in which all children with their different backgrounds must feel comfortable. The lack of school capacity resulted in a common on-line enrolment system with a guaranteed contingent for Dutch-speakers. The French Community contested this system by stating that education is free and that having a quota for Dutch-speakers contradicts the free choice that is guaranteed by law. On the other hand, the demographic evolution required the regional authorities to play a co-ordinating role and to invest in extra infrastructure and school buildings. The Flemish Community, however, filed a complaint against the Brussels-Capital Region because they interfered into education, a domain which they are not competent in. Education sets both the relationships between communities and between these communities and the region under pressure.

Integration Policy

The communities take care of the integration policy towards newcomers. In practice, Flanders and Wallonia have developed different strategies and have been working separately for many years. In Flanders, new immigrants must participate in a mandatory integration programme with language classes and lessons in social orientation. In Wallonia, there is no compulsory integration trajectory for newcomers. Today, the Brussels Region captures one third of all immigrants who come to Belgium. The fact that the communities are responsible for integration issues makes that the Flemish Community offers the same citizenship trajectories in Brussels as in Flanders although not compulsory, while the French Community has no structured integration policy but it finances local initiatives oriented towards the guidance of newcomers and aims at a model

of multicultural citizenship based on principles of legal equality rather than on integration into the French Community, which is actually taken for granted (Vermeulen 1997; Torrekens a.o. 2013).

Within the Flemish Community, there have been calls for a more active integration policy in Brussels. The Flemish Community wanted to put the Brussels integration policy under an external autonomous agency. In February 2014, the Brussels civic integration sector was incorporated into this External Autonomous Agency (EVA). That decision was against the demand of the sector and the Flemish Community Commission, which wanted to preserve the specificity of the Brussels field. This means that local organizations, like BON (the Brussels office that welcomes newcomers) and Foyer (the Regional Integration Centre), will no longer be responsible for integration and naturalization. Brussels will be given a special status within the EVA and will maintain its specific role according to the Flemish Government. Opponents say that it would be better to co-operate with the Francophones, who want to expand their integration policy. Brussels will be a separate branch within the Agency and there will be a Brussels Advisory Committee, in which the Flemish Community Commission gets a say. As such, the Flemish Community Commission will be able to perform a more directing role on the integration in Brussels as it is provided in the Decree.

It could be stated that the integration policy in the Brussels-Capital Region is deeply marked by the cultural-linguistic dichotomy of the country. Currently, politicians of both community commissions aim at gaining greater influence over migration associations by granting them financial resources and incorporating them into the existing dual policy system. The migrants themselves, however, show little tendency to adapt to Belgian minority identities, i.e. to identify themselves with the Flemish or Walloon models, which carries the risk of excluding themselves from the institutional structure of Belgian society (Borkert a.o. 2007). Today it is an institutional reality that newcomers in Brussels have to choose between integration via one of the two language communities. Recent research shows that the majority of the inhabitants of Brussels of migrant descent, which is about 68% of the population, identify themselves with their local multicultural environment but seldom with one of the traditional language communities (Janssens 2013).

Integration into a multilingual society is far from evident. The community approach makes it even more complicated. The distinctive situation of the Brussels-Capital Region seems to make a territorial approach more desirable although politically unacceptable. It even provokes tensions between the Communities as such and the Community Commissions.

The Brussels Metropolitan Community

Urban regions develop along functional networks rather than according to administrative boundaries. Economic development, mobility, environmental issues etc. exceed these borders and make mutual arrangements between the regions indispensable. However, politically and culturally, the Flemish political parties evolve into the opposite direction and emphasize the difference between the Brussels-Capital Region and the surrounding Flemish municipalities (see infra). But whereas Brussels is limited to the 19 municipalities, the Brussels City Region based on the economic influence of Brussels is made up of 62 municipalities (Luyten & Van Hecke 2007).

In 2012, in the framework of the sixth state reform, a metropolitan community was created (see, for instance, Van Wynsberghe 2013). This community should facilitate the consultation between Brussels and its hinterland. The area covers the old province of Brabant and should simplify co-operation around issues like employment, mobility or spatial planning. This means that all regions are involved. However, the implementation is still vague. The consultation platform is non-committal, there are no incentives to co-operate and it has no clear planning. Moreover, the country has to deal with centrifugal forces – which they call the expansionist tendencies within the Brussels-Capital Region – that are considered as a threat. Some mayors in the municipalities around Brussels see the compulsory membership of the platform as an infringement. They laid a complaint with the Constitutional Court.

The territorial approach was set up to pacify the language struggle damming the so-called 'oil stain' of the advancing bilingual status of the municipalities around Brussels. Some Flemish politicians see the current platform as another attempt from the French-speaking politicians in Brussels to regain influence in Flanders. It results in an unyielding attitude hampering economic co-operation and expansion.

Conclusion

Territoriality is an important pacification principle in the Belgian society. The fixation of the language border was the starting point of the evolution towards a federal state. The basic principle behind linguistic territoriality in Belgium is that one single language is imposed in every region. In reality, there are exceptions: the Brussels-Capital Region has two official languages, while in the other regions official languages can be used within the restricted confines of the language facilities system. Political tensions over language issues are manifold, but the

successive stages in the process of state reforms always led to a balanced situation based on a shift of responsibilities between the different governmental levels, communities and regions. This resulted in the institutionalization of a particular form of territorialism with no official language for the country as a whole and no national political parties. In this constellation, Brussels is the binding force where both traditional communities are represented.

But societal evolutions endanger the – at the first sight – clear-cut differences introduced by the territoriality principle and its attendant political concepts of the federal state. The institutionalization of these differences hampers the co-operation between the regions and the communities. The demographic and international evolution of the Brussels-Capital Region blurs the regional boundaries and demonstrates that new forms of co-operation are urgently needed. The growing multilingual and multicultural population of Brussels and its periphery also interferes with the relations between the traditional language communities. Both tendencies put pressure on the current political structure.

However, the territoriality principle proves to be highly flexible. Although there are clear-cut monolingual or well-defined territorial entities, the Belgian system has always provided the necessary tools to deal with language diversity. The territorial approach enables to solve the problems in the Brussels context in such a way that it does not affect the situation in Flanders and Wallonia too much. Territoriality offers a framework in which the subsidiarity principle can be applied more easily. The Belgian case proves that there is no unique model of territoriality but that it can offer the necessary means for conflict management and prevention. However, achieving these goals also implies a quasi-permanent process of creative political negotiation and adaptation.

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State Territorial Capacity Building and Trust Relations in Divided Societies

Magdalena DEMBINSKA

Assistant Professor, Political Science, Université de Montréal

Abstract. Although it is taken as a given that trust in institutions and trust between citizens is necessary for effective governing, very little is written on actual trust-building processes. This is even truer in the case of post-conflict societies where trust is inexistent but much needed. Most conflict resolution designs emphasize the ways institutions can replace relations of trust. This approach being questioned, this article proposes a research agenda that would contribute to the debate and empirically assess and compare trust-building processes in a set of divided societies. Its contribution is to link this process to the institutional capacity of a state to control its territory and to look into the role of borders as spaces for the potential transformation of interethnic relations.

Keywords: trust building, divided societies, state capacity building, nation building, territorial control, border and borderlands.

The literature has established that trust is necessary in order to ensure the stability of political arrangements in a society (Inglehart 1999, Hardin 2001, Fukuyama 1995, Macedo 1996). However, such trust is non-existent in divided societies (Hooghe 2007). How can we build the trust of the whole population in institutions and in other groups when part of the population resists state authority and without the 'shared sense that the state is as natural as the rivers and the mountains' (Migdal 2001: 168)? The goal of this article is to develop a theoretical proposition on the basis of empirical observations made by analysts in Kosovo and Abkhazia (Georgia) and to propose a frame of analysis for subsequent research.

Empirical Puzzle: State Building and Interethnic Relations in Abkhazia and Kosovo

Abkhazia and Kosovo both face the challenge of building interethnic trust. Inter-communal violence in the early 1990s led to the partition of the territories of Georgia and Serbia where the Abkhazian and Albanian minorities, with the assistance of external actors, founded de facto states (King 2001, Lynch 2004). They possess all

the attributes of states, but are not recognized de jure by the entire international community (Pegg 1998, Jolicoeur et Campana 2009, Petithomme 2010). Even though 104 countries have recognized Kosovo and six recognize Abkhazia, the two entities are still not independent and sovereignty over the territories is contested. Since 2008, when Kosovo unilaterally proclaimed its independence with the backing of Western countries, including the United States, and when Russian forces helped consolidate the de facto border between Abkhazia and Georgia, observers generally consider that their external security is guaranteed, respectively by regional organizations and Russia (Gildirova 2008, ICG 2010). They now aspire to international recognition by demonstrating their internal legitimacy. Authorities in both of them, therefore, are trying to strengthen economic institutions and the rule of law as well as to control the territory and the population by underlining the necessity of building a nation that is civic and inclusive. They are implementing policies of state-building aiming at ensuring control over the territory and the population, while simultaneously engaging in civic nation-building. In both cases, however, part of the population consists of the group seen as the enemy (Serbs and Georgians). In fact, a large proportion of their populations consists of enemies from the civil war. Georgians, returning from exile to Abkhazia, are nearly 20% of the population and Serbs in Kosovo are nearly 10%. Does this new institutional context generate trust in institutions and between groups?

Most observers agree: unlike Abkhazia, where the consolidation of the de facto border with Georgia allowed a strengthened control over the territory and the ascendency of state institutions, Kosovo hardly controls its border with Serbia (Andric 2001, Galluci 2010, ICG 2011, Jackson 2011). In Abkhazia, a reduction of interethnic tensions in the bordering region inhabited by Georgians has been observed (HRW 2011), while interethnic tensions persist in the north of Kosovo (Gallucci 2010, OSW 2013). Nevertheless, analysts have noted a difference between the attitudes of Serbs north of the Ibar River, an enclave out of Pristina's control, and those living south of the river, in municipalities that are under Kosovar control (Luta & Draebel 2013, Cattaruzza 2011, Bekx 2012).

The difference in state control over the territories of Abkhazia and Kosovo constitutes the point of departure of my theoretical reflection, which draws on academic literatures that are often unconnected. Since mistrust is seen as a factor of instability and conflict, it is important to identify the mechanisms leading to the development of trust. Research in institutional contexts that are considered least likely to generate trust, unitary states dominated by a 'titular group,' can shed light on mechanisms of trust building other than power-sharing and federalism, favoured by the literature and practice of conflict resolution (Dembinska 2009). While, by stressing physical security as a precondition for building trust, this article follows the institutionalist approach, it innovates by integrating the border as the locus of production of institutional facts and of

new understandings. A state's capacity to ensure the security, both physical and symbolic, of the dominant group within its borders permits the development of inclusive policies with respect to 'enemy' minorities. This capacity over the whole territory of the state constitutes the key factor behind the development of trust in institutions (vertical trust). The delimitation and control of territory make possible the constitution of spaces for sharing (spaces for interethnic participation and dialogue in the public sphere, whether institutionalized or not), which are necessary for the transformation of perceptions of hostility between 'enemy groups' (horizontal trust). Thus, in spite of the agreements signed between Pristina and Belgrade in April 2013, concerning institutional arrangements in the north of Kosovo and the Serbian minority, it is expected that instability will persist and hostile interethnic perceptions will remain since sovereignty is still contested on the territory and the border remains unrecognized by Belgrade. The rest of this article brings together varied literatures in order to conceptualize the different elements of the frame of analysis that we propose in the final section.

Trust and Post-Conflict Institutional Designs

The non-existence of trust is an empirical fact that is largely supported by studies on divided societies. Studies on comparative politics (Lijphart 2002, Tsebelis 2002), international relations (Fearon 1995, Walter 2002) and scholarship, straddling the two fields (Kalyvas 2006, Saideman & Zahar 2008), support this conclusion. In post-conflict societies, external actors propose power-sharing and federalism as institutional solutions allowing actors to co-operate, even in the absence of relations of trust. For some authors, these institutions contribute to making differences legitimate, giving minorities access to power and avoiding domination by the majority group (Lijphart 1977, McGarry and O'Leary 2005). They can also avoid security dilemmas and problems of credible commitment, recurring problems in multinational states (Fearon and Laitin 2003). Meanwhile, some scholars assert that these same institutions can limit interethnic co-operation while providing minorities the institutional resources and the leadership to assert their independence (Cornell 2002, Snyder 2000, Bunce 1999). Numerous specialists agree on one point: Burg (1996) argues that federalism is a viable solution only if the whole political community is legitimate in the eyes of the different groups; Lapidoth (1997) claims that no autonomy arrangement has succeeded in a climate of hostility. In short, recent research casts doubt on the capacity of institutions to make up for a lack of trust (Bieber 2004). Interethnic rapprochement is necessary in divided societies (Kelman 2004, Kaufman 2001, Ross 2007, Crains & Roe 2003).
    Even though the impact of mistrust on political interactions has been widely studied in the theoretical literature, the study of trust building is deficient (Dembinska

2010). I invite researchers to fill this gap by seeking to establish links between state institutions, particularly borders and security, and interethnic trust. Cases of political entities in construction, notably de facto states, whose populations are profoundly divided between 'titular groups' and 'enemies,' are well-suited for such inquiry. The development of their institutions and of a sense of shared belonging is strongly influenced by the perception that the minority groups constitute an internal threat to the survival of the state and of the 'titular' ethnic group. As a result, policies of state building are considered legitimate in the eyes of 'the titular,' but not by groups seen as enemies. A major question thus presents itself: how can divided populations live together and found a common political project?

State Legitimacy and Confidence among 'Enemies'

Yearning for international recognition, de facto states appeal to two arguments: on the one hand, the principle of the self-determination of peoples and, on the other, the internal legitimacy of authorities and of democratic institutions that are considered to be promoting the interests of the population and in which the citizens have confidence (Berg et Molder 2012, Caspersen 2011). Internal legitimacy depends on the strength of feelings of attachment, the efficiency of political institutions, social and economic well-being as well as the degree of security (Soifer 2008). According to the literature, the state's capacity to ensure external and internal security constitutes the central precondition for the development of state legitimacy (Bakke et al. 2012, Szakonyi 2012). When the external threat (Georgia in Abkhazia and Serbia in Kosovo) can no longer serve as a source of élite legitimation, a reorientation of policies towards internal demands for economic security and political representation takes place. New institutions for the control of the territory and of society emerge in order to ensure 'the establishment of the administrative, economic and military groundwork of functional states' (Kolsto and Blakkisrud 2008). Once external security has been ensured (as of 2008 in our two cases; Clogg 2008, O'Loughlin and Kolossov 2011, Szakonyi 2012, Jouanne and Gjoni 2012, De Wet 2009), governments go to work developing their infrastructural power, in other words, 'the institutional capacity of a central state […] to penetrate its territories and logistically implement decisions' (Mann 1984: 113, Soifer and Vom Hau 2008). State capacity thus implies the consolidation of sovereignty over the territory, which, by definition, is limited by the borders of the state (Rosenberg 1994, Anderson 2001, McGrew 2002, Hirsch 2002).

Such new institutions must have the confidence of the public. Otherwise, governments can only impose their decisions by force (Mishler and Rose 1997: 418). When trust is low, governments cannot govern effectively (Mishler and Rose 1997: 419). However, vertical trust in institutions is inseparable from horizontal trust

among citizens (Blind 2006, Offe 1999, Williams 1998). Horizontal trust relations are understood as faith in the good intentions of our co-citizens or at least the belief – however risky by definition – that they are 'not ill-disposed' towards us (Dembinska 2010: 314). Soifer (2008) identifies three analytical clusters of infrastructural power: state capabilities, its territorial reach and the effects of the state on society. Soifer and Vom Hau hold that the 'state infrastructural power contributes to the construction of legitimacy, which can be further subdivided into two complementary but analytically distinct forms, identity legitimacy and output legitimacy' (2008: 221). The latter is usually a function of socio-economic performance. The former is about instilling a sense of belonging using the organizational machinery and the territorial reach of infrastructural power. This may be accomplished through the 'construction of a shared identity and a sense of unity in a state's population, through education, propaganda, ideology, and state symbols' (Kolsto and Blakkisrud 2004: 8–10). Legitimizing the state thus involves building effective institutions and creating a political community whose members share a common sense of belonging (Lemay-Hebert 2009). Although most de facto states proceeded with ethnic nation-building policies, depending on the demographic context or on changing needs, an alternative strategy can be chosen by the élite: constructing a new identity category and investing it with groupness (Brubaker 2006). Such an endeavour can be pursued, for instance, by creating an interethnic category, forging identification in civic rather than ethnic terms. Such nation-building is pursued by élites who determine who will be part of the demos (citizenship), what language and which history manuals will be used in the public space (Anderson 1991, Hobsbawm 1990).

Such construction is, however, limited by the receptivity of society. Breuilly asserts that 'unless [the] existing features in the political and economic arrangements of the country [are] conducive to [...] a strong sense of national solidarity, [these] politics [...] will have very little effect' (1993: 276–277). Such receptivity depends as much on the political and socio-economic contexts as on collective memories (Smith 1999, Schopflin 2000, Brubaker 2006). These limitations are most important in multiethnic societies, when recalcitrant minorities live in the territory of a state whose legitimacy they do not recognize (Smith 1999, Schopflin 2000, Brubaker 2006). While the ethnic majority considers state institutions worthy of confidence because they fulfil their needs, a minority can mistrust the same institutions because they do not represent their interests (Askvik et al. 2011). Divergent perceptions of threats and interests prevent the construction of a civic nation. Nilsson, for example, asserts that, for ethnic groups to share a national civic identity, they need to share enemy images: 'the failure to share enemy images is a clear factor in relations between the Georgian government and the Armenian minority, impeding the prospects for Armenians to become accepted as part of the Georgian national "large group tent"' (Nilsson 2009). Consequently, are highly divided societies condemned to failure?

Confidence-Generating Institutions and Border-Transformative Power

Unlike approaches stressing the importance of culture (Almond and Verba 1963, Inglehart 1997, Putnam 1993), which assert that 'trust originates outside the political sphere in long-standing and deeply seeded [sic] beliefs about people that are rooted in cultural norms and communicated through early-life socialization' (Mishler and Rose 2001: 31), institutionalists hold that trust can be generated by specific institutional forms (Dasgupta 1988, Fukuyama 1995, Levi 1996). Therefore, for culturalists, generating trust between enemy groups is nearly impossible. Institutionalists are more optimistic, arguing that, in fact, trust can be created by specific institutional designs. Indeed, governments 'dispose of a multitude of political, economic and social tools to empower citizens and foment social trust, inter alia, decentralization, use of technology for better access to information and services, efficient economic policy-making and undertakings that directly fight political distrust such as anti-corruption laws, fighting crime and innovative reforms in public institutions' (Blind 2006: 6). However, the connection between political and social trust is contested (Mishler and Rose 2005). According to Putnam (1993), horizontal trust leads to vertical trust; Newtown (1999) doubts that any connection exists between the two; Brehm and Rahn (1997) suggest that a reciprocal relationship exists between the two forms of trust. In this article, I support the notion of a reciprocal relationship.

In one of the few studies on the mechanisms leading to the development of trust, Zahar [forthcoming] asserts that institutions contribute to the production of trust if they are capable of maintaining order and security. Two elements are necessary: (1) *deterrence*, the capacity of states to monopolize legitimate force (Weber) and to dissuade groups from using violence, thus avoiding a security dilemma (Posen 1993); and (2) *assurance*, the state's ability to ensure the protection of groups in the non-violent pursuit of their interests. In her view, federal arrangements and power-sharing are most likely to generate trust. Unitary systems, since they are often controlled by dominant groups, are the worst scenario: they can prevent violence, but they are unable to ensure the protection of minority groups and the pursuit of their interests. Unitary states fail when it comes to building trust.

Given that, in order to generate social trust, governments dispose of multiple political and economic instruments (Blind 2006), and – drawing on the literature on the concept of 'borders' – my theoretical proposition runs contrary to such a claim about unitary states. Borders are 'understood as regulatory instruments' for 'populations, their movement, security, wealth, and health' (Walters 2002). They are loci of production of institutional factors having a categorization function (Cooper and Perkins 2012). Borders give the state and its élites a symbolic ideological marker for the construction of political identity and social

communities (Passi 1996, Anderson et O'Dowd 1999, Anderson 2001). 'The border actually contributes to the production of population as a knowable, governable entity' (Walters 2002). Borders open and close different political possibilities and allow transformative practices (Parker et al. 2009). They are 'placeholders for a set of processes' (Cooper and Parkins 2012: 67). The stability of borders delimits the territory on which the functions of the state are exercised; the consolidation of a border opens potential loci for interethnic interaction.

State Capacity Building, Borders and Trust: A Research Framework

Since policies of state-building and of nation-building are formed on the basis of the perception that one of the groups constitutes an internal threat, the reformulation of policies results from a change in the image of the 'enemy'. When institutions merit confidence in the eyes of the dominant group with respect to their capacity to (1) dissuade violence (*deterrence*) and (2) ensure their protection (*assurance*) on the whole territory (consolidated borders), the perception of threat diminishes and the space is created necessary to transform the perception of the enemy. Deterrence and assurance for the dominant group confer legitimacy on élites favourable to civic nation-building, who can in turn protect the 'enemy' minority and constitute a space for collective sharing. Deterrence and assurance for the minority group generate vertical trust. Trust in institutions offers new opportunities for the participation of minorities in the public space, thus opening up possibilities for interaction between members of majority and minority groups. Therefore, if security is a source of trust, guaranteeing security (deterrence and assurance) of the dominant group over the whole territory can contribute to building vertical and horizontal trust in the medium term. The stability of borders and the control of territory are necessary to build relations of interethnic trust, notably in unitary states controlled by a dominant group.

Two hypotheses guide the research agenda I propose:

1) State's capacity (including the contribution of external actors) to ensure the security (deterrence and assurance) of the dominant group (vertical trust) within (de facto) state borders allows the development of inclusive policies towards 'enemy' minorities.

2) The capacity of the state to ensure the security (deterrence and guarantees) of the 'enemy' minority group within (de facto) state borders contributes to opening spaces for sharing and changing interethnic perceptions (horizontal trust).

Future research should be guided by two objectives: (1) establish whether and how these (de facto) states prevent violence and ensure the protection of groups, and determine which groups they protect; (2) retrace changes in the perceptions

of groups and among them in order to determine whether the internal security of the dominant group and of the 'enemy group' generates spaces for sharing and relations of trust.

In order to assess the first hypothesis, an overview of the policies of internal state legitimation must be made while specifying who benefits from them and who suffers the consequences in terms of deterrence/assurance. These policies are: (1) state building aiming at deterring violence and ensuring security by the consolidation of borders and by the territorial capacity of institutions aiming at economic development, social welfare and daily security; (2) the definition of the demos aiming at ensuring the political interests of the group(s) whose rules govern citizenship and political representation but also potential changes in official identity framings; (3) (civic) nation building seeking to ensure the protection of cultural, linguistic, and educational interests. These policies can be studied by using content analyses of the media, speeches and the laws that have been implemented.

To verify whether such institutions and activities generate relations of trust, changes in the perceptions of groups and of spaces for interethnic coming together in the public sphere and in civil society must be analysed. The first step consists in conducting an analysis of surveys (for example, the Caucasus Survey, the Caucasus Barometer, the Eurobarometer, the World Values Survey, Households in Conflict Network), which informs us on ethnic distance and on the perceptions of groups in general. The link between these perceptions and institutional changes in matters of security would then be studied using two methods appropriate for tracking changes in identifications, behaviours and institutional memberships: semi-structured interviews, and focus groups.

Semi-structured interviews, used in combination with quantitative data and secondary sources, can lead to causal inferences and are particularly useful in post-conflict situations (Brouneus 2011, Beaud 1996). They are an essential source of data on unrepresented minority populations, appropriate to measure the receptivity of minority populations to the dominant discourse. According to the recent literature, this method is most appropriate to shed light on the most striking and recurring identity categories in order to reveal new forms of identity as well as their fluctuations over time, and to explain the receptivity and correlation between feelings of belonging and policies (Reuel 2013). Focus groups are the other method that is useful for studying opinions and attitudes, perspectives and experiences, behaviour and motivations (Morgan 1997). They complement interview data by allowing researchers to compare and contrast the positions of participants, to understand the production of meanings (vocabulary used to describe a phenomenon), to better identify the key moments in the transformation of perceptions in function of events, policies and institutions (Soderstrom 2013: 147). Direct interaction among participants allows to clarify their opinions. In

the sensitive post-conflict context, this tool makes respondents feel more at ease since they are surrounded by peers (Soderstrom 2013: 149). Group composition has to be controlled in order to make each group as homogeneous as possible, but at the same time to contrast the groups that are studied.

Conclusion

This article is the beginning of a set of empirical studies aimed at uncovering the mechanisms that may contribute to the development of trust in divided societies. Although it is taken as a given that trust in institutions and trust between citizens is necessary for effective governing, very little is written on actual trust-building processes. This is even truer in the case of difficult scenarios, such as post-conflict societies, where trust is inexistent but much needed. Most conflict resolution designs emphasize the ways institutions can replace relations of trust. This approach, however, is questioned in both academia and in practice (for example, in the case of Bosnia). The objective here was thus to propose a theoretical proposition and a research agenda that would contribute to the debate and empirically assess and compare trust-building processes in a set of divided societies. This article's contribution was to link this process to the institutional capacity of a state to control its territory and to look into the role of borders as spaces for the potential transformation of interethnic relations.

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Language Rights in Kosovo

Norbert TÓTH
National University of Public Service (Budapest)

Balázs VIZI
Institute for Minority Studies of the Hungarian Academy of Sciences

Abstract. This article offers an overview of the legal framework of language use in Kosovo. The existing wide range of legal instruments, adopted under international control, provide guarantees for non-Albanian communities to use their mother tongue in public sphere. Nevertheless, the implementation of the law is often problematic. Most of the information gathered in the field work for this paper refers to the situation in 2009-2010.

Keywords: Kosovo, Albanians, Serbian community, minority, human rights, language rights, supranational arrangements.

1. Communities, Minorities in Kosovo and Note on Terminology

The questions related to the co-existence and rights of ethnic and national communities have been determining the shape of the Kosovo society in the past decades. Obviously, in the light of the 1998-1999 war and the heavy conflicts – occasionally erupted in open violent acts like in 2004 – between the Serbian and Albanian population of Kosovo, the issues related to the situation of minorities in general have always been highly sensitive. In this aspect, the independence of Kosovo, declared in 2008, was closely linked to the fate of minorities in independent Kosovo (compare Ahtisaari Plan 2007). As a matter of fact – already under international administration (under UNMIK[1] between 1999 and 2008) –, the legislation of Kosovo was designed to reflect a tolerant, multiethnic and multilingual society. The Constitution of the Republic of Kosovo, adopted after obtaining independence, declares among others that 'The Republic of Kosovo ensures appropriate conditions enabling communities and their members to preserve, protect and develop their identities.' (Art. 58. 1). Art. 5 of the Constitution generously established

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1   United Nations Interim Administration Mission in Kosovo. See more at: www.unmikonline.org

two (Albania and Serbian) official languages at national level and other languages with an official status at local level.

Probably, the most visible sign of this multiethnic approach to stabilizing the Kosovar society is the legal terminology used for national and ethnic minority groups. While international documents and the most widespread practice in domestic legislation of European states is to use the term of 'minority' for groups which differ from the majority in their linguistic, cultural, national or ethnic identity and which enjoy specific rights,[2] the Assembly of Kosovo refrained to use this term, which may have negative connotations for minorities (especially for the Serbians) and opted for the use of 'communities,' suggesting even by this terminology the equality between the Albanian and non-Albanian populations of the country.[3] In this article, thus, the terms 'community,' 'minority community' and 'minority' will be used alternatively.

2. Minority Community Rights in Kosovo

2.1. Attitudes of Kosovo towards Relating to Norms of International Minority Rights Law and the Case of the Law on the Use of Languages in Kosovo from an International Legal Perspective

Following from the legal situation described above, the Republic of Kosovo usually has no possibility to accede to international organizations. Obviously, one of the most challenging issues is that the majority of the relevant multilateral international conventions relating to minority rights were drafted by international organizations whose members are divided upon the question of the legality of the declaration of independence by Kosovo. Due to these facts, Kosovo is usually not allowed to accede to international organizations dealing with – amongst others – minority rights, which would lead to problems relating to the recognition of the compulsory effect of international conventions containing minority rights, including particularly the International Covenant on Civil and Political Rights (adopted by the UN) and the relevant instruments of the Council of Europe (CoE) such as the European Charter for Regional and Minority Languages of 1992 and the 1995 Framework

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2   To cite the most acknowledged definition of the term offered by Francesco Capotorti, UN Special Rapporteur in 1979: 'a minority is a group numerically inferior to the rest of the population of a State, in a non-dominant position, whose members – being nationals of the state – possess ethnic, religious or linguistic characteristics differing from those of the rest of the population and show, if only implicitly, a sense of solidarity, directed towards preserving their cultures, traditions, religion or language.' UN Doc E/CN.4/Sub.2/384/Rev.1. 1979. 5–12.

3   However, there is a broader use of the term 'community' in Kosovo besides referring to the minorities of the country: it is also used as referring to *all* ethnic, linguistic groups in Kosovo, regardless of their numerical position. (ECMI 2009)

Convention for the Protection of National Minorities (FCNM). According to the mechanisms relating to CoE legal instruments, only member states are allowed to accede to its treaties and perhaps that is why Kosovo could not become a state party to the international legal texts drafted by the Council of Europe so far. In theory, there is another option for non-members, but such states are allowed to accede to CoE conventions in case of an official invitation formulated by the Committee of Ministers of the Council of Europe. Similarly, Kosovo is not allowed to accede to any other legally binding international document relevant in this field at the moment. However, Kosovo is bound by these instruments because of certain unilateral declarations made by the official state authorities. However, accession of treaties is not the only possible option to undertake international obligations. According to the 'Guiding Principles applicable to unilateral declarations of States capable of creating legal obligations' drafted by the International Law Commission of the United Nations in 2006 – similarly to the capacity of concluding treaties –: 'Any State possesses capacity to undertake legal obligations through unilateral declarations' (ILC 2006, Section 2) and 'declarations publicly made and manifesting the will to be bound may have the effect of creating legal obligations. When the conditions for this are met, the binding character of such declarations is based on good faith; States concerned may then take them into consideration and rely on them; such States are entitled to require that such obligations be respected' (ILC 2006, Section 1). In theory, this means that Kosovo can undertake obligations arising from an international convention by declaring unilaterally her intentions to do so without formally acceding to any of these instruments. Accordingly, the Constitution of Kosovo in its Article 22 declares the following:

Human rights and fundamental freedoms guaranteed by the following international agreements and instruments are guaranteed by this Constitution, are *directly applicable* (emphasis added) in the Republic of Kosovo and, in the case of conflict, have priority over provisions of laws and other acts of public institutions:

1) Universal Declaration of Human Rights;

2) European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols;

3) International Covenant on Civil and Political Rights and its Protocols;

4) Council of Europe Framework Convention for the Protection of National Minorities;

5) Convention on the Elimination of All Forms of Racial Discrimination;

6) Convention on the Elimination of All Forms of Discrimination Against Women;

7) Convention on the Rights of the Child;

8) Convention against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment.

Furthermore, the Law on the Use of Languages in Kosovo in its – legally non-binding – preamble states:

It is based on the International Covenant on Civil and Political Rights, the European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols, the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages; in addition, the Parliament of Kosovo 'is taking into account the Hague Recommendations regarding the Education Rights of National Minorities and the Oslo Recommendations regarding the Linguistic Rights of National Minorities, the Guidelines on the use of Minority Languages in the Broadcast Media (…)'.

However, the preamble of the Law on the Use of Languages in Kosovo cannot be considered as a legal declaration since the parliament wished only to note that during the drafting process of the law in question several relevant international norms were being taken into consideration. The case of the Constitution is slightly different though because of the declarative character of its article quoted above. After all, the only question is whether domestic laws such as the Constitution of Kosovo can be considered as legally binding unilateral declarations under international law or not. According to the current international norms in this field, the answer can be both positive and negative. No doubt that the Constitution was issued by a law-making body, namely the Assembly of Kosovo, and not by a person representing the state in its international relations. Even though a parliament has quite restricted powers and possibilities in this field, it is clear enough that Kosovo intends to take into consideration the rules of international minority rights law including language rights as well.

2.2. Principle of Non-Discrimination and Language Rights

The situation of national minority communities in Kosovo has become a key issue in legislation both before and after obtaining independence. Already under UNMIK administration, the provisional institutions of self-government in Kosovo, i.e. both the provisional Assembly of Kosovo and the provisional government, actively worked on the establishment of a coherent legal framework for the equal rights of communities in Kosovo (Dimitrijević 2004). Still under UNMIK administration, the Assembly of Kosovo adopted the Anti-Discrimination Law (2004) and the Law on the Use of Languages (Language Law). Both pieces of legislation rely on the acknowledged principles of equality and minority language rights as formulated in international and EU documents. The anti-discrimination law reflects the most important elements of non-discrimination legislation adopted within the EU (see the so-called Employment Directive (EU 2000a) and the Race Directive (EU 2000b): such as the definition of the concept of discrimination, the definition of protected groups and personal characteristics, the judicial procedure applicable

for the violation of the law, including the procedures of issuing fines etc. This law prohibits discrimination based on – among others – national or ethnic origin and language, and its area of application extends to both the public and the private sectors; the procedure for evaluating complaints is entrusted to independent bodies. Although from the perspective of persons belonging to minorities, the legal regulation of the prohibition of discrimination can only be tested in its implementation, which may raise concerns regarding the effective competencies of the authorities designated by the law for implementation. Nevertheless, one of the main positive elements in this law is that not only individuals but also civil organizations, NGOs representing the victims, are entitled to turn to the authorities for requesting investigation of complaints of discrimination. The main obstacle for the thorough activation of the anti-discrimination law, however, lies in the low level of citizens' awareness of their rights and in the malfunctions of the institutional guarantees of the rule of law.

Furthermore, it shall be underlined that the prohibition of discrimination is always just the first step in safeguarding the identity of minority communities. As it was formulated already by the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities (later, until 2006, known as the Sub-Commission on the Promotion and Protection of Human Rights),[4] there shall be a clear distinction between the concepts of 'prevention of discrimination' and 'protection of minorities': '*Prevention of discrimination is the prevention of any action which denies to individuals or groups of people equality of treatment which they may wish. Protection of minorities is the protection of the non-dominant groups which, while wishing in general for equality of treatment with the majority, wish for a measure of differential treatment in order to preserve basic characteristics which they possess and which distinguish them from the majority of the population.*' (UN 1947)

Even if in the context of Kosovo, as it was explained above, the constitutional framework does not use the phrase 'minorities,' but it recognizes the communities in Kosovo, it is still obvious that all the non-Albanian communities are in non-dominant, minority position. Thus, for fulfilling the constitutional commitments of Kosovo to treat all communities equally, there is a need to go beyond the prohibition of discrimination and to guarantee specific rights for non-dominant communities.

In this context, the other law, which was adopted for the protection of minority communities before gaining independence, the law on the use of languages is of outstanding importance for the recognition of minority or community rights in Kosovo. The law recognized Albanian and Serbian languages as official languages; it declares the full equality of the two languages on the entire territory of Kosovo

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4   This UN body ceased to exist in 2006 and it was replaced by the Human Rights Council Advisory Committee.

(Language Law Art. 1(ii)). Besides the regulation of official languages, the law recognizes the right of citizens who speak other than the official languages to preserve their linguistic identity. At municipal level, the law recognizes Bosnian, Roma and Turkish as official languages if the number of people speaking one of these languages reaches three percent of the population in the municipality. Albanian and Serbian languages enjoy equal status in all Kosovo institutions, thus, at the level of central institutions as well: on government or parliamentary sessions, both national official languages can be freely used and 'every person has the right to communicate with and to receive available services and public documents from the central institutions of Kosovo in any of the official languages' (Language Law, Art. 4.). In a similar way, at municipal level, the official languages of the municipality can be used equally in the communication with municipal institutions, in official documents and in their contacts with citizens. Municipal regulations and decisions shall be issued in all official languages of the municipality (Language Law, Arts. 7-8). Furthermore, the law regulates the use of languages in public enterprises, in judicial proceedings, in education and media. For supervising the implementation of the regulations on the use of languages, the law requires the Government of Kosovo to establish a Language Commission. The main task of the Language Commission is to supervise the effective use of official languages in public institutions and to overview the implementation of the language rights of communities, to issue recommendations and proposals, and to report on the violation of language rights to the government and the parliament (Language Law, Art. 32.). The composition of the Language Commission is based on the administrative instruction issued by the Prime Minister (however, no information was available for us on the work of the Commission).

In general, this language law reflects the main principles acknowledged at international level for the protection of persons who speak minority languages and the regulation is in full coherence with the constitutional and international obligations of Kosovo.[5] Nevertheless, the main problems in the effective implementation of the law are the lack of appropriate social and political awareness and the administrative obstacles in implementation: e.g. the functioning and efficiency of the Language Commission was for long doubtful (HLC 2008: 6).

2.3. The Rights of Communities

Regarding the establishment of a coherent system of protection of minority communities in Kosovo, the adoption of the Law on the Protection of the Rights of Communities and their Members in the Republic of Kosovo in March 2008

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5   Art. 58.2 of the Constitution of the Republic of Kosovo prescribes the respect for the Council of Europe Framework Convention for the Protection of National Minorities and the European Charter of Regional or Minority Languages.

was a remarkable step (Communities Law 2008). This law reinforces the rights of minorities – protected often in other legal regulations – to use their language, to enjoy healthcare assistance on an equal basis, to take the position of vice-president in municipal assembly and deputy mayor of municipality etc. But the main goal of the law is to strengthen the participation of minority communities in political and social life. Probably the most important instrument in this endeavour at national level is the establishment of the Consultative Council for Communities. The law also requires from the government to adopt every year a general strategy for the protection of communities and it shall report the Assembly of Kosovo on the implementation of that strategy. The Consultative Council operates under the auspices of the President of the Republic, which underlines the significance of high-level representation of communities in the political life of Kosovo. Following the adoption of the law, the President of the Republic, Fatmir Sejdiju – within his own constitutional authorities – issued his decision on 15 September 2008 on the establishment of the Consultative Council. In the selection process of the members in the Council, the Kosovo Office of the European Centre for Minority Issues was actively involved (ECMI 2008). The mandate of the Consultative Council of Communities according to the law is:

a) to assist the organization and the articulation of the views of communities and their members in relation to legislation, public policy and programmes of special relevance to them;

b) to provide a forum for co-ordination and consultation amongst communities and to ensure the effective functioning of the community representative organizations according to a code of conduct to be adopted by the Community Consultative Council;

c) to provide a mechanism for regular exchange between communities and state institutions;

d) to afford the communities the opportunity to participate at an early stage in legislative or policy initiatives that may be prepared by the Government or the Assembly, to suggest such initiatives and to have their views incorporated in the relevant projects and programmes, including the annual strategy and report under Article 13 of this law, in accordance with the law;

e) to fulfil requests for other mandatory consultations with regard to certain legal acts as foreseen in the Constitution and the law;

f) to enable communities to participate in the needs assessments, design, monitoring and evaluation of programmes that are aimed at their members or are of special relevance to them;

g) to make recommendations during the decision-making process concerning the apportionment of funds – both internationally and allocated from the budget of the Republic of Kosovo – for projects aimed at communities or their specific interests;

h) to contribute to the reporting of the government of Kosovo to international human rights mechanisms;

i) to raise awareness of community concerns within the Republic of Kosovo and to contribute to harmonious relations between all communities within the Republic of Kosovo. (Communities Law, Art. 12.1)

Though the law does not give direct decision-making competencies to the Consultative Council, it is still – according to its mandate – entitled to have the widest institutional and political influence among other representative institutions of minority communities. The members of the Consultative Council are appointed by the President of the Republic for a two-year term (a mandate which is once renewable) and its members shall be selected from among the leading representatives of civil associations and NGOs representing the communities. Within the constraints defined by the law, even members of parliament representing the community concerned can be appointed.[6] The President of the Republic and the head of the Prime Minister's Secretariat for Communities are also members of the Council, just like other representatives of relevant governmental agencies can also be members, however, with the restriction that in taking decisions the representatives of communities shall always represent the majority of votes in the Consultative Council. Thus, it is not possible to take any decision against the will of the community members of the Council. The Consultative Council holds ordinary meetings monthly and twice a year it holds a meeting chaired by the President of the Republic to overview the community policies and concerns of communities in Kosovo.

Despite the constructive approach reflected in this law for the inclusion of community representatives in decision-making processes at the highest level, the implementation of the law raised some serious concerns. The establishment of the Consultative Council took more than half a year as the law was adopted on 15 June 2008, the selection process of the members of the Council started in November-December 2008 and the first session of the Council took place in March 2009. Based on information received from the representatives of minority communities, the main problem in setting up the Consultative Council was not only the delay of the President of the Republic, Fatmir Sejdiu, but much more the hardly transparent selection process of the members: in line with regulations of the law, besides the determined number of MPs representing each community, the civic associations of the minority communities select the members who shall be then appointed by the President of the Republic for the two-year mandate.

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6   Art. 12.6. states that the Roma, Ashkaali and Egyptian communities have 2 members each in the Consultative Council (1 for each community can be an MP), the Bosnian and Turkish communities shall have 3-3 members respectively (of which 1 can be an MP), the Gorani community is represented in the Council by 2 members (1 of them can be an MP) and the Serbian community shall have 5 representatives in the Council (2 of them can be MPs).

However, the law does not regulate in detail which civic organizations or NGOs should be considered as representative organizations of the community concerned and offers a relatively wide range of power to influence the selection procedure when the candidacy is disputed among the community's NGOs. For this reason, Serbian and Turkish NGOs harshly critiqued the law (HLC 2008). The main concerns regarding the establishment and functioning of the Consultative Council of Communities in 2009 could be summarized in four main points:

i.) The selection of members for the Consultative Council was rather problematic in many cases (e.g. no civil organization or NGO was involved from Northern Kosovo – Northern Mitrovica and so on – in the selection of Serbian members of the Council).

ii.) Taking into account that both the President of the Republic and the representatives of the Government are members in the Council, the President of the Republic could gain excessive influence in the Council only by referring to his high office. Moreover, the representatives of the Government as an executive body may also influence the decisions of the Council referring to the budgetary constraints or to hardships of implementation. But the most important question in this regard is how the Council will really be able to influence the legislation procedure and government policies. Will the Council get all appropriate information from the government for its work? For the moment, only contradicting information is available on that.

iii.) In the long run, it may raise concerns that the Council does not have any effective decision-making competencies.

iv.) Moreover, most problems affecting minority communities can be addressed at a local level and the Council does not have any competence to intervene in or review local practices at municipal level.[7]

There is no reliable information on any change in this political approach to the Consultative Council, the new members of the Council were appointed by the President of the Republic on 3 March 2010.

It needs to be mentioned that after declaring independence, a new office was created in the Government to tackle issues related to communities. The main task of the Office for Communities within the Office of the Kosovo Prime Minister is to co-ordinate the government's community policies, to prepare the government strategies and legislation for communities and furthermore to inform the public continuously on the situation of communities. As the Office has operated for more than two years, two yearly government strategies should have been published, but these have not been published on the website of the Prime Minister.

All this shows well that the full implementation of specific legal commitments is not yet complete and often delayed.

7　Information received during personal interviews from Bosnian, Turkish and Egyptian members of the Consultative Council of Communities in March 2009.

2.4. The Situation of Communities and Municipalities in Kosovo

The administrative structure of independent Kosovo largely builds on the municipalities, i.e. the local self-governments. Following the adoption of the Declaration of Independence, one of the first legal acts adopted in parliament regulated the status of municipalities (Law on Self-Government). The law delegates a wide sphere of competencies to the municipalities. Among others, the law requests the protection of communities in municipalities[8] and – in coherence with the law on the use of language – guarantees the linguistic rights of minority communities as well (Law on Self-Government, Art. 9.). In accordance with the Constitution of Kosovo and in line with the principle of subsidiarity, municipalities obtained relatively wide authorities: within their jurisdiction, they can decide on local economic development plans, on environmental and urban planning, construction permits and regulations, cultural and free-time activities, primary healthcare assistance etc. (Law on Self-Government, Art. 17.). Furthermore, their delegated competencies cover the management of real estate property registration, citizen registration, firm registration, the distribution of social assistance and aid (except for pensions), forest management etc. on the territory of the municipality. Besides that, the law states that the municipalities of Northern Mitrovica, Graçanicë/Gracanica and Shtrëpcë/Štrpce are entitled to maintain higher level health services (i.e. hospitals)[9] and in Northern Mitrovica the municipality has special rights in the organization and accreditation of university education in the municipality.[10] In addition, the law guarantees special competencies in the fields of culture and the preservation of cultural heritage for municipalities with Serbian majority (Law on Self-Government, Art. 21-22.).

Certainly the most important regulations of the law regards the establishment of the fundamental conditions of territorial self-government such as the level of budgetary autonomy of municipalities; however, the legal arrangement applied by the law in this regard is rather vague: as a matter of fact, it does not clearly design the proportions between the three sources of municipality income, i.e. own sources, the central government's budgetary transfers and other incomes. The representatives of minority communities often complained that they had no influence on the distribution of budgetary sources and many times they did

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8   The preamble of the law makes direct references to the Council of Europe Framework Convention for the Protection of National Minorities and also to the European Charter of Regional or Minority Languages. Moreover, it states that municipalities are required to establish their regulations and follow their local policies in a way which creates conditions for communities to express, preserve and develop their national, ethnic, cultural, religious and linguistic identities. (Art. 4.3.)

9   This also includes the right to manage, among others, the training or the salaries of the personnel (see Art. 20.).

10 This provision was clearly intended to secure the maintainance of the existing Northern Mitrovica University, a former branch of the University of Pristina, which after 1999 has become an independent university.

not even get the most basic information on such matters from the municipality. Moreover, the distribution of financial sources from the national budget among municipalities is often considered to be lacking transparency and being motivated by party political preferences.[11]

From a legal point of view, the domestic legal regulations in Kosovo – besides Kosovo's international obligations in this field to implement the two Council of Europe treaties, the Language Charter and the FCNM – offer a broad range of rights for non-Albanian communities. Nevertheless, two main concerns need to be highlighted:

1. The institutional background for the effective implementation of the laws is not functioning properly: at the level of the central government, sometimes even the competent ministries ignore the rights of communities in their actions (such criticism was formulated, for example, in regard to the use of language rights in hospitals under the control of the Ministry of Health); on the other hand, the municipalities follow very different practices and the control of the central administration on the implementation of community rights is usually weak, while many times the level of effective protection for communities in the municipality depends on the goodwill of local leaders.

2. According to the law, not only the Consultative Council of Communities has the right to voice the opinions and concerns of minority communities, but the seats reserved for them at municipalities, such as the position of deputy mayor and the representatives of communities in municipality assembly, should also facilitate their involvement in local decision-making processes. However, in practice, they are rarely involved in the preparation of decisions and many times the local representatives of communities face difficulties in getting information from the administration of the municipality. As a matter of fact, in light of the existing legislation on the rights of communities in Kosovo, it does not offer cultural or political self-government for minority communities; their representatives by law have only rights to be consulted, which can be easily ignored by local municipality officers. The only exceptions are of course those municipalities where a minority community forms the majority, but even here the competencies of these municipalities are the same as in any other non-minority municipality. But it affects only the Serbian and Turkish communities (the municipality of Mamusha has a Turkish majority). For the other minority communities, only consultative rights are assured by the law.

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11   Information received during personal interviews from local community representatives in Prizren/Prizren and Peje/Pec in March 2009 and in April 2010.

3. Main Challenges in Improving the Situation of Minority Communities

The Declaration of Independence, the Constitution of the Republic of Kosovo and the law on the use of languages declare their goals in preserving a multilingual, multiethnic society in Kosovo. However, in practice, this is not always reflected in appropriate actions.

The representatives of non-Serbian minority communities (in Dragash, Prizren and Pejë/Peć municipalities) claim that they face serious obstacles in enjoying their constitutional rights. For the Turkish and Bosnian communities, the use of their mother tongue in education is often hindered by the restrictions affecting institutions operating in minority languages: many times, they lack textbooks and other school materials in their language. In education, as in other fields of life, linguistic rights are largely dependent on the support given to their use by the municipal authorities, while the central government institutions often fail to exercise effective control over municipal practices in this area.

The representatives of the Gorani community complained about the ignorance of municipality to recognize them as a separate community and their children are often forced to attend Serbian schools and use Serbian textbooks. The situation of the Roma, Ashkali and Egyptian communities is a bit different inasmuch as, for them, not linguistic rights but open and hidden discrimination is a main problem and they often face – largely as a long-lasting memory of the activities of Serbian-assimilated Roma during the 1998-1999 conflict – social exclusion in everyday life.

In the decentralized administrative framework adopted by Kosovo, the local self-governments, the municipalities, have an outstanding role. The life of local minority communities is largely influenced by the actions of the mayor and its administration. Thus, today it is still a vital issue for minority communities to create new municipalities where they could form the majority (for example, there are initiatives for that in the Bosnian community of Pejë/Peć).

Taking into consideration the relatively low percentage of minority communities in the populations of some municipalities (like Pejë/Peć or Dragash), it is hard to give an objective assessment on the relations between municipality administration and the local minority communities – for personal career interests, local minority community representatives may have very good relations with the mayor and its administration without achieving much for improving the situation of their communities. Nevertheless, the main problems for non-Serbian minority communities can be clearly identified in the implementation of language rights and in the situation of education in minority languages.

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All Dialects Are Equal, but Some Dialects Are More Equal than Others: Fairness and Policies on Regional Languages

Jos SWANENBERG

Department of Culture Studies, Tilburg University (the Netherlands)

Abstract. In Europe, languages may often function as communicative repertoires across state borders. This also applies to regional languages and dialects. Such language varieties are often considered substandard and then may have a lower status than the official standard languages have. Although Europe has an instrument for preserving language rights of regional and minority languages (the European Charter for Regional or Minority Languages), the various member states of the European Union can have very different interpretations and applications of this instrument. Even the policies within a state may be very different since subnational authorities may be charged with the execution of language policies on regional languages. That is the topic of this paper, which will focus upon the situation of regional languages and dialects in the Netherlands.

Keywords: regional languages and dialects, language policies and language rights, transnational communication in Europe.

Regional Languages as Transnational Languages[1]

As regional languages and dialects can serve as regional communicative repertoires across state borders, dialects may be considered a tool for transnational communication (Backus et al. 2013). Dialects form a specific mode of regional communication across state borders. This paper will place these regional languages and dialects in a perspective of policy on regional languages.

Situations where dialects serve as regional cross-border communicative repertoires are different from the ones where an established language is a lingua franca used for communication across borders because this lingua franca is used by people whose

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native tongues are mutually incomprehensible and to whom that lingua franca is usually a second language (definition by J. Fellmann et al. 1996). Dialects, on the other hand, are usually mother tongues which can be used for transnational communication in certain regions because they are mutually comprehensible.

The dialects of the border regions in the Netherlands, for instance, are closely related to the neighbouring dialects in Germany, resp. Flanders. The southern and mid-Limburgian dialects in the Netherlands are closely related to the Limburgian dialects in Flanders or the Ripuarian dialects in the Rhineland area of Germany. Most of the Brabantish dialects in the Netherlands are closely related to the dialects of the Antwerp province in Flanders and Lower Saxon in the Netherlands is obviously part of a continuum with Lower Saxon in Northern Germany. 'If we choose to say that people on one side of the border speak German [i.e. a German dialect] and those on the other Dutch [a Dutch dialect], our choice is [...] based on social rather than linguistic factors' (Trudgill 1974: 15). These dialects belong to the same dialect families and have been very important for the communication across the borders throughout history. There are no linguistic barriers for receptive multilingualism when dialects are used in these border areas. Especially in Germany, local inhabitants often have problems understanding Standard Dutch, but they can easily communicate with Dutch people in their mutual dialects.

Regional languages in border regions have in fact been used for transnational communication for many centuries. In some cases, these regions have a long tradition in bilingual literacy, for instance, in both Dutch and German on the German side of the state border in the Cleves area (Giesbers 2008: 4–5). Also, the regional language used to be applied in written domains. In fact, in the whole Meuse-Rhine triangle, Meuse-Rhenish (Rheinmaasländisch) was used in the written domains for many centuries. This regional language cannot be qualified as belonging to either Standard Dutch or High German and exists in many geographical varieties (dialects). In the 18th century, Meuse-Rhenish lost ground to High German because of the language policy of the Kingdom of Prussia that had gained power of this area. Since 1815, when the Dutch-German border split both standard languages, Standard Dutch has also gradually disappeared from the written domain in the German part of the Meuse-Rhenish language area. Furthermore, the state border caused a different levelling process of dialects in Germany and the Netherlands, leading to a breach in the Dutch-German dialect continuum (Hinskens 2005: 8–13). The result is that the two different standard languages on both sides of the border 'minimize internal differences and maximize external ones' (Haugen 1972: 244) through the convergence of dialects within the borders and divergence towards different standard languages on each side of the border.

Across the border between Flanders and the Netherlands, where we find Limburgian and Brabantish (and, in Zeeland, Flemish) dialect continua, dialects also converge within the borders and diverge towards different standards on each

side of the border. Although Dutch-speaking Belgium officially shares its standard language with the Netherlands, in practice, there are different standards on each side of the border because standard Dutch in Belgium and standard Dutch in the Netherlands themselves are diverging (Deprez 1984, Van de Velde 1996).

In the Low Saxon language area, the state border already has a fixed state since 1648. Nowadays, the use of standard language in this area is more frequent than the use of dialect and much more frequent than the use of regional intermediate forms (Smits 2011). This trend is stronger for structural dialect loss on the German side of the border than on the Dutch side, and it is stronger for functional dialect loss on the Dutch side of the border. This contrast has evolved because of the larger linguistic distance between Low Saxon and High German, which hinders the emergence of intermediate forms through the convergence of dialects towards the standard language.

Through dialect levelling processes, language change may have influenced regional cross-border communicative repertoires, but regional dialects remain in use when, for instance, Germans visit Dutch market places, albeit mostly in oral communication by the older generations (Berns & Daller 1992). In language contact between Dutch people form Millingen and German people from Keeken (in the Rhine area between Nijmegen and Cleves), the Dutch informants prefer to use the German language or dialect and the Germans prefer to use dialect. 30.6% of the Dutch informants report to speak German to Germans, 27.8% reports to speak German and dialect, 19.4% reports to speak dialect only. Of the German informants, 66.7% speak dialect only and 8.3% reports to speak Standard Dutch and dialect.

These data show that reported language choice in cross-border contact often leads to dialect use, especially for Germans. Furthermore, it often leads to the use of German for the Dutch informants.

Table 1. *Language choice in cross-border contact (adapted from Berns & Daller 1992: 34)*

Language choice	Dutch informants	German informants	Total
Standard language			
1. Standard Dutch	1	1	2
2. High German	11	1	12
3. Both	1	1	2
Dialect and Standard			
1. Dialect and Dutch	0	2	2
2. Dialect and German	10	1	11
3. All three options	1	0	1
Dialect	7	16	23
No contact	0	1	1
No data	5	1	6
Total	36	24	60

Berns & Daller further analysed the language choice of the Dutch informants for age: the mean age of the 11 informants that reported to use High German is 30.45 years, the mean age of the 10 informants that use both High German and dialect is 47.9 and the mean age of 7 informants that speak dialect is 63.57. Older people tend to use dialect and younger people tend to use German. Berns & Daller (1992: 44–46) ascribe this trend to the dialect divergence towards different standard languages on each side of the border.

The domains of contact are primarily based on shopping, family ties and friendship networks, in that order (Giesbers 2008: 77–94). Since the Second World War, the number of cross-border marriages, jobs and memberships of associations has severely declined, but since the 1990s we have seen a new trend: because real estate is less expensive in Germany, more and more Dutchmen choose to buy houses across the border. The recent years have shown a strong revival of cross-border contacts (Giesbers 2008: 188).

Europe and its Transnational Communication

Since the establishment of the European Union, the nation-state system with its monolingual cultures experiences pressure. In the multilevel governance of the EU, the role of the nation-state has been reduced and Europe's borders have become transparent (Zielonka 2007). European norms and values, including the one voiced by the Council of Europe on the desirability of multiculturalism and the protection of regional and minority languages, have spread over the whole continent (Breidbach 2003). In the resulting 'common European communicative sphere,' regional linguae francae, such as Hungarian and German, re-emerge. Communities that are located on different sides of a border but who use the same language may be reconnected due to the stimulation of cross-border, transnational co-operation. In these regionally restricted border areas, old communicative patterns have resurfaced within the EU regime. The emergence and re-emergence of transnational communication with the help of regional languages offers a possibility for overcoming linguistic diversities at the edges of neighbouring states, although due to its territorial restrictions it may be limited in scope (Backus et al. 2011). But, in language planning and policy, many of the regional languages seem to be neglected and many minority languages, regional languages and dialects are left unprotected.

For linguists, all language varieties are equal in all respects, but we all know that some language varieties have more prestige than others. Because of inconsistent national and subnational policies on language variation, various language varieties are not treated equally. The Netherlands and the northern part of Belgium are united in the *Nederlandse Taalunie* (NTU), the Dutch Language

Union. Following the 1980 founding treaty (*Verdrag inzake de Nederlandse Taalunie*), the two countries form a single language area. Surinam joined the NTU in 2004. When it comes to the recognition of regional languages, a discrepancy exists between the language varieties spoken north and south of the border between Belgium and the Netherlands because the Netherlands has ratified the European Charter for Regional or Minority Languages, but Belgium has not.

In the Netherlands, three regional languages, Frisian, Low Saxon and Limburgian, have been recognized under the European Charter for Regional or Minority Languages (ECRML). This was after the successful lobbying by representatives of the speakers of these languages, following the German example where Low Saxon already was a recognized regional language. Frisian has been treated as an official language in the province of Fryslân (Friesland) before. Frisian is both the name of a standardized language and the name of a number of local varieties, the Frisian dialects (Frisian, in the latter case, is a collective noun). Frisian now is a regional language, recognized according to Part III of the ECRML. Low Saxon and Limburgian are not standardized. These two regional languages actually consist of a large number of diverse dialects, collectively named Low Saxon and Limburgian. Low Saxon and Limburgian in the Netherlands now are recognized according to Part II of the ECRML, which gives them fewer rights and less support than Frisian.

These regions were of course not the only ones that sought recognition for their dialects under ECRML. Many groups of dialect speakers in both the Netherlands and Belgium hoped to get the same enhanced status for their languages. However, in Belgium, the NTU advised against recognizing Limburgian. Because of this attitude in Belgium, NTU also advised against giving more dialects in the Netherlands the status of regional language. Consequently, the request of Zeeland to consider its dialects as a regional language was not granted. In concordance with the opinion of the NTU, the Dutch government decided not to promote any more dialects by means of the ECRML (Belemans 2011).

The result is an inequality between the policies concerning the dialects of the Netherlands. For linguists, all language varieties are equal in all respects, but here, due to policies, some dialects are now part of regional languages and thus are under protection, but others are not. The latter are considered to be dialects of the standard language. This linguistic criterion does not hold since policy is bound by administrative borders instead of isoglosses.

The ECRML does not provide a procedure for demoting a regional language and denying its status of acknowledgement. Nor would the demotion of Low Saxon and Limburgian be a solution that can count on the support of the respective speaker communities.

Language Policy

The ECMRL, as well as the basic principles of language policy, are extensively discussed by François Grin (2003). Grin has come up with a flowchart and certain criteria to assess the workings of language policy measures. This Policy-to-Outcome-path will be of assistance when evaluating the measures in our case study, where we want to explore the outcome of the different policies in the Netherlands and Belgium for the dialects on both sides of the frontier.

Grin (2003) gives the following definition of language policy: 'Language policy is a systematic, rational, theory-based effort at the societal level to modify the linguistic environment with a view to increasing aggregate welfare. It is typically conducted by official bodies or their surrogates and aimed at part or all of the population living under their jurisdiction.' (Grin 2003: 30) Although Grin stresses the public policy character of language policy, language planning does not necessarily comprise only activities executed by a central authority. Active individual citizens or NGOs can also lobby for language rights, for example.

The difference between language policy and language planning is that the first refers to the general linguistic, political and social goals underlying the planning process (Mesthrie et al. 2000). Language planning, in turn, is used to refer to the practice; it includes all conscious attempts at altering linguistic behaviour of a speech community (Mesthrie et al. 2000: 384). There are two basic forms of language planning. Corpus planning is concerned with the internal structure of the language and status planning comprises all efforts undertaken to change the use and function of a language or language variety within a given society (Kloss 1997). Status is used here to refer to 'function' or 'domain'. It can comprise the entire spectrum of domains of language use; the legal, economic, social and political position of the language (Kloss 1997: 384–385).

These different forms of language planning are naturally linked. An example of this relationship between corpus and status planning is seen when there is the desire to use a language in more domains of language use, for instance, the use of Frisian in the legal profession. This is considered a form of status planning, concerned with where and when a language is used. To achieve the goal of extending the use of a language to new domains, corpus planning is also involved as new lexical items and appropriate styles are required (Mesthrie et al. 2000: 385).

An essential aspect of language planning is language standardization. This refers to the creation and establishment of a uniform linguistic norm. The degrees of standardization range from an unstandardized oral language to a mature modern standard language (Mesthrie et al. 2000: 385). For example, English is a 'mature modern standard language'. It is used in all areas of communication. Frisian could be considered a 'young standard language' on this scale. Apart from vernacular speech, the language is used to some degree in education and in

administration. However, the language is not used in all areas of communication. The language is not used in the field of science or technology, for instance.

More recently, scholars have distinguished two more dimensions in language planning: prestige planning and acquisition planning. The first one, the prestige planning, involves efforts to create a positive image of the language so the stimulation of the language will succeed in the long run. The latter, acquisition planning, stimulates people to learn the language in question.

In practice, language planning should be applied on a case-by-case basis. Not every language has the same needs (Grin 2003: 13). So, the same instruments which prove to be useful in promoting the use of Sámi in Finland are not necessarily as successful when applied to Frisian in the Netherlands, for instance, because the language communities are different.

Languages can obviously not exist without a community of speakers. A community needs a viable environment to live in and people need the means to make a living. Take all that away and their language dies. Language death occurs when one language replaces another across all domains of language use and when the parents no longer pass the language on to their children (Nettle & Romaine 2000: 4–7).

A guideline to measure the vitality of a language is Fishman's (2001) Graded Intergenerational Disruption Scale (GIDS). Apart from indicating the risk of vanishing that the language faces, the scale also offers targets and priorities which a regional or minority language can set to improve its position (Gorter 2008). It consists of eight stages on a scale of the 'threatenedness' of a language. At Stage 8, the language is at its weakest, with hardly any native speakers left, and at Stage 1 the language has successfully averted language shift. At Stage 1, the language is not 'done' with language policy, but it has succeeded in creating an environment in which the use of the language is considered 'normal' and it thrives in a living language community able to reproduce itself (Grin 2003: 42). Reproduction, i.e. intergenerational native tongue transmission, is the key factor of Fishman's approach. Language acquisition is very important; however, solely teaching the language in schools as a second language will not save a language. Transmission from parents to children is crucial for natural the sustenance of a language (Gorter 2008). There is a division between stages 8-5 and stages 5-1. The weakest languages in stages 8-5 are mainly concerned with promoting the language to increase public support (Fishman 2001: 454) and do not necessarily need the approval of those in power. This is different for the stronger languages, where the language is ready to be used in administration and education.

The upheaval about the disappearance of the world's languages begs the question why this is such a loss and why linguistic diversity should be preserved. Answers to these questions come from different angles, which can roughly be divided to fit in a 'biodiversity' perspective, an economic welfare perspective and a human rights

point of view. The first perspective compares linguistic diversity to biodiversity, each language being compared to another, perhaps exotic, species. Linguists should save (collect) the languages just as a museum collects rare pieces of art. On the one hand, studying the world's languages enables linguists to perfect their theories of language structure. On the other hand, culture and language are intertwined. A culture can be preserved through language. The idea is that each language reflects a unique worldview; the different linguistic organizational structures reflect how humans organize their thoughts and experiences (Nettle & Romaine 2000: 10–14).

From a welfare perspective, the protection of linguistic diversity should be assessed empirically. A just policy should deliver more welfare to society as a whole. To achieve this, resources should be properly allocated. A policy, as a way of allocating resources, always creates 'winners' – those who benefit from it – and 'losers' – those who do not benefit from it, but still have to pay in a way. This can be explained with an example of a taxpayer who pays taxes which finance a public service that he/she does not use. A good policy in theory is one where the winners can compensate the losers and still be better off. In respect to language policy, this is however very hard to assess as linguistic rights are difficult to express in monetary terms. Also, there is hardly any empirical data which prove that society will be better or worse off with or without the protection of regional or minority language rights (Grin 2003: 25–27).

Nevertheless, opponents of the protection of regional languages often claim that a monolingual environment will be more efficient, with a linguistically unified economic and social system. Majority languages should be most 'useful' because they have greater 'social advancement,' something that the minority languages do not have. Following this line of reasoning, these critics claim that language policies will only succeed when they correspond to labour-market considerations (Fishman 2001: 452–454). Fishman objects to this argument by stating that the problem is not the access to labour-market, but economic power in general. A mere linguistic solution is not enough to straighten out the differences in economic power. Also, Fishman opposes the materialistic attitude the welfare-argument expresses and argues that human values, behaviours and identities are essentially non-materialistic in nature, e.g. family loyalty, aesthetics and the corpus of ethics that each culture expresses and continually develops. He calls on the 'mark of higher cultures' that should have other than material values.

Another objection Fishman makes is to the idea that language death is 'natural'; a normal consequence of minority–majority relations. Fishman states that speakers of the minority language are uninformed and are unaware of other options such as bilingualism (Fishman 2001: 454). Another widespread public opinion is that language rights activists cause conflict, and minority languages are inherently a cause for conflict. In other words, multilingualism is divisive and monolingualism is cohesive in nature. Nettle & Romaine (2000) oppose

this statement with a few examples of monolingual areas that face civil wars, such as Northern Ireland, and multilingual societies without major conflicts, e.g. Switzerland. They argue that this generalization is made on the false assumption that it is the different language that causes the disruption, while the underlying factors of conflict are social and cultural inequalities (Nettle & Romaine 2000: 18). Furthermore, Fishman argues that languages in stages 8-5 of GIDS are not confrontational at all. During these stages, they put their efforts in gaining public support, approval and recognition (Fishman 2001: 454).

A different argument in favour of the protection of regional or minority languages is the belief that every person should have the right to use his or her own language. In this opinion, each individual is entitled to language rights. The extent of these rights is up for discussion. Kloss's work addresses the core of the discussion on what language rights consist of. He made the distinction between 'tolerance-oriented' and 'promotion-oriented' rights (Kloss 1997). Tolerance-oriented rights safeguard individuals from government interference in their private language choice. That way, people are free to speak the language of their choice when they are at home or at work, for instance. Promotion-oriented rights, on the other hand, refer to rights people have in public institutions such as schools. As promotion rights are rather broadly formulated by Kloss, more recent discourse has come up with different approaches to language accommodations in public institutions (see e.g. Kymlicka & Patten 2003).

Furthermore, one can ask if active language policy is a successful field of politics: can languages flourish or wither as a result of language policy? Do, for instance, the Limburgian dialects really benefit from the ECRML-status they acquired? According to Fishman, 'there is no language for which nothing at all can be done' (in: Mesthrie et al. 2000: 275), meaning that when a language is endangered action should be taken to strengthen the language. Three important conditions influence language use. These conditions are capacity, opportunity and desire. If these are not met, people will not speak the language; therefore, these conditions are crucial for a language to remain vital (Grin 2003: 43). Capacity simply refers to the fact that people are able to speak the language. The members of a language community should have sufficient competence of the language in order to pass it on to the next generations. In order to achieve the capacity to speak a language, people should have the opportunity to learn the language and to speak it on a daily basis. Also, the desire to speak a language is imperative. If no one has the desire to speak the language, it will cease to exist. Logically, for language policy to be successful, the focus should be on these three requirements (Grin 2003: 43–44). Language policy should ensure that people have the capacity to speak the language and guarantee education so that people are able to learn the language. It should provide people with the opportunity to use the language, ensuring the right linguistic climate and finally promote the language to encourage people's desire to use it.

Language Rights

According to Dónall Ó Riagáin, special adviser of the European Bureau for Lesser Used Languages, the Universal Declaration of Human Rights of 1948 already acknowledged that 'no one should be denied certain basic rights on the grounds of language'. Art. 2 declares that the rights mentioned in the Declaration are to be conferred 'without distinction of any kind such as [...] language'. The declaration cannot be conceived as an exact statement of the existence of language rights, but it could be interpreted as the basis of the development of language rights (Ó Riagáin 1999: 292).

The definition of regional or minority languages is given in Art. 1 (a) of the ECRML:

Article 1 – Definitions:

1) 'regional or minority languages' means languages that are:

    i) traditionally used within a given territory of a State by nationals of that State who form a group numerically smaller than the rest of the State's population

    and

    ii) different from the official language(s) of that State; it does not include either dialects of the official language(s) of the State or the languages of migrants; (Council of Europe, 1992)

This definition has three important aspects. First, the languages concerned are traditionally used by nationals of a state, in effect ruling out any immigrant languages. Second, the language must be 'different' from the language or languages spoken by the majority of the state's population. The explanatory report accompanying the ECRML addresses the question briefly whether a language variant is a separate language or a dialect. It clarifies that this distinction should not be made on mere linguistic considerations, but also on psycho-sociological and political considerations. This implies that regional or minority languages are to be assessed on a case-to-case basis. Third, the definition specifies the need for a language to have a territorial base. According to the explanatory report, this is largely a practical concern. Most of the measures proposed by the ECRML require a geographical field of application other than the whole state (Council of Europe, 1992).

Equal Rights

In society, multilingualism often leads to a situation where the dominant language and the other languages are functionally complementary, e.g. in formal situations speakers will use the standard language and in informal situations they will use a minority language, a regional language or dialect. Languages

being complementary mirrors the different social status of these languages: the standard language is supposed to be 'better' than the languages we use in informal situations. Important factors are the domination of national media by the standard language and its monopoly position as a language of instruction in educational institutions.

As said above, linguists consider all language varieties equal in all respects. One language is not better than another; every language consists of a full grammatical system and a full vocabulary. The difference between dominant languages and oppressed languages has to do solely with social and political issues.

Language policy has brought about that some minority languages and dialects or regional languages are now recognized as official languages. They are valuable and need to be protected if they are under pressure. But language policy has also resulted in inequality: some dialects in the Netherlands now belong to a regional language and others do not although they may be very similar. Dialects even may be treated differently in two adjacent countries.

For Limburg, both situations are reality: the dialects of northern Limburg in the Netherlands are Kleverlandish (not Limburgian) and closely related to the dialects of north-eastern Brabant. If these dialects in Brabant are considered dialects of the official language (ECMRL, Article A, 1, ii.), this also should count for the dialects in northern Limburg. Still, those Kleverlandish dialects in Limburg are considered a part of the regional language Limburgian simply because they are spoken within the administrative borders of the province. Secondly, the dialects of eastern Limburg in Belgium are closely related to the dialects of the southwest of Limburg in the Netherlands. The latter are again part of the regional language Limburgian, whereas the first group is not because Belgium did not ratify the ECRML.

If policy is bound by administrative borders instead of isoglosses and social status prevails over linguistic criteria, policy treats languages and language varieties unequally. This discriminative behaviour can be regarded as linguicism (cf. e.g. Kontra 2006). Ideologies which are used to legitimate and effectuate an unequal division of power and resources between groups that are defined on the basis of language (their mother tongues) can be defined as linguicism. Speakers who are made ashamed of their mother tongue can be traumatized. To make anyone, especially children in school, so ashamed is as indefensible as to make him/her ashamed of the colour of his/her skin.

Reker (2002) makes a strong plea against this treatment of regional varieties in Belgium and the Netherlands. The lower status of dialects in comparison to the standard language is a social phenomenon: dialects are simply languages with bad luck ('dialect is een taal die pech heeft gehad,' Reker 2002: 18). The unequal treatment of dialects finds its origin in the way policy is organized: national politics will decide on which dialects become official regional languages but wait for regional authorities to make claims for this status. And what is more, national

politics also leave the enforcement of ECRML to these regional authorities. NTU should take the initiative in a language policy that treats all dialects equally, e.g. via a treatment *de facto* of all dialects as regional languages under ECRML (Reker 2002: 22; Van Hout et al. 2009: 12–13). At the moment, there is no transnational uniform policy on languages although NTU claims it provides such a policy.

The ECRML is not the only way that leads to language protection. In the last decennium, various other procedures of language protection have started, leading to a mosaic of regional language policies. Especially the treatment of dialects as a valuable important part of cultural heritage has been fruitful in Flanders but also in several provinces in the Netherlands (North Brabant, Zeeland) outside of the area of ECRML-languages. Belemans (2009) proposed a solution to the deadlock of the ECRML in the Low Countries. They should shift the debate from language and cultural rights to the domain of cultural heritage. The ideal means for this paradigm shift would be, according to Belemans in 2009, for the Netherlands to ratify the 2003 UNESCO Convention for the safeguarding of Intangible Cultural Heritage (CICH).

Belgium ratified this international treaty in 2006 and the Netherlands ratified the Convention in 2012 (April). The government, however, also announced huge cutbacks in the field of culture. It is unclear if the ratification will be very fruitful in the near future.

Advances of CICH are:

– the safeguarding of dynamic and diverse heritage, whereas ECRML aims at the standardization of regional languages. Dialects are inherently dynamic and diverse; language variation and change should be the core business of safeguarding programmes.

– the request should come from the community (bottom up) and should be for safeguarding, whereas requests for ECRML come from authorities (top down) and aim for language policing and standardization.

A disadvantage would be the self-assignment of the language community; objectivity might be lost then. Still, CICH would lead to safeguarding processes instead of the preservation of a language.

CICH does not protect languages as such but as vehicles or vectors of intangible heritage (Art. 2.2), for instance, in oral traditions. CICH wants to safeguard language solely as a cultural practice of transfer. There are, however, examples that contradict these guidelines, e.g. the whistled speech of La Gomera (one of the Canary Islands); in this case, a language system and a language community are the subject of safeguarding, but not exclusively the tradition that is transferred by that language.

Even without a treaty emphasizing the importance of intangible cultural heritage, there are practices of language policy in the Netherlands which could fit well in a 'cultural heritage approach,' for instance in Zeeland and North Brabant.

Choosing a different approach to regional languages might lead to a more equal situation between different language regions. Possibly UNESCO's CICH might lead to a new set of guidelines for the safeguarding of regional languages. In fact, the different language policies in the Netherlands sometimes resulted in similar outcomes: policies have led to professional language consultancy in Limburg and the Low Saxon region (ECMRL) but also in North Brabant and Zeeland (non-ECMRL); Limburg, Groningen and North Brabant all have an endowed chair for regional language variation at the universities of Maastricht, Groningen and Tilburg respectively. Still, the similarities are few in comparison to the differences. If we simply compare the financial efforts provincial authorities have done, the ECRML-languages get far more support than the others (Leijen 2011: 53).

Table 2. *Financial support for regional languages/dialects by provincial authorities in the period of 1999–2010.*

Overijssel (Low Saxon)	€ 3,692,871
Groningen (Low Saxon)	€ 3,437,870
Drenthe (Low Saxon)	€ 2,915,999
Limburg (Limburgian)	€ 2,697,177
Gelderland (Low Saxon and others)	€ 2,057,000
North Brabant (Brabantish)	€ 950,000
Zeeland (Zeelandic)	€ 211,478

Frisian was already treated as an official language in the province of Fryslân (Friesland) before the ECMRL and has known a long period of protection and promotion. Therefore, the situation of Frisian is not comparable to those in the other provinces, and the province of Fryslân is not in this table. The provincial authorities in Utrecht, Flevoland, North Holland and South Holland do not have any policy on the dialects that are spoken in their province. Dialects in Utrecht, North Holland and South Holland have a weaker position than dialects in the east of the Netherlands (Goeman & Jongenburger 2009), but they get hardly any attention from authorities. Typical for a policy that is based on ECMRL is that the stronger a regional language is and the more regional populations fight for their language rights, the better the language policy is. However, it is also typical, therefore, that many of the languages or language varieties that are severely endangered do not get any attention.

Conclusion

It is clear that the non-ECMRL dialects get less or even no support at all from provincial authorities in the Netherlands. These distinctions lead to interregional linguicism. Furthermore, ECRML has raised an undesirable competition between the standard language and the regional languages since the latter now have to be expanded to domains (such as language education) that used to be standard language domains solely.

Because of inconsistent national and subnational policies on language variation, various languages are not treated equally, European legislation is held up and chances for transnational communication in Europe are ignored. The dialects of the border regions in the Netherlands are closely related to the dialects in Germany, resp. Flanders. These dialects belong to the same dialect families and were historically very important for the communication across the borders. However, we seem to forget the regional languages and we leave many dialects unprotected.

We are in need of new communication strategies within and between regions of the European Union: the European Commission states that in the context of an ever closer European Union and a globalized economy the European Union needs to preserve its linguistic diversity and take full advantage of the potentials of multilingualism in order to create and maintain work for its citizens, facilitate cross-border activities, deliver social and territorial cohesion etc. (European Commission 2012). The question, therefore, is why we do not invest in the revitalization of (all) regional languages.

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Understanding and Helping Understand the Kingdom of Heaven

Book Review

Henry Kissinger: *On China*, Antall József Knowledge Centre, Budapest, 2014[1]

Henry Kissinger, born Heinz Alfred Kissinger, is one of the most widely-known personalities of our days, one of the 'great old ones' of the American political life. In 1938, at barely 15, the Germany-born future politician and his family emigrated to New York to steer away from the Nazis. As a Harvard University graduate, he would soon become a member of the American political elite. He became the advisor of several governmental organizations. Following Richard Nixon's 1968 election victory, Kissinger made it to the Cabinet of the President as a national security advisor. He held his office between 1969 and 1975 during Nixon's, then Gerald Ford's presidency, in addition to which, he was simultaneously in office as the United States' Under-Secretary of State for Foreign Affairs in the period between September 1973 and January 20, 1977. Not even the Watergate Scandal could undermine his position.

Henry Kissinger played a decisive role in the preparation and organization of the 1972 U.S.–China summit meeting. His travels in July and October 1971 paved the way for President Nixon's 1972 visit to China and the signing of the Shanghai Communiqué, which put an end to 23 years of mutual hostilities and diplomatic isolation and set the key parameters of the U.S.–China relations for the following decade. China was given a guarantee that the United States would not co-operate with the Soviet Union in putting into practice the Brezhnev Doctrine, while Washington obtained a commitment from Peking to co-operate in preventing the Soviet expansion. Thus, China re-entered the global diplomatic playground and, what is more, in favour of the Americans, which is Kissinger's greatest diplomatic victory.

Besides this, yet another highly favourable result was that the national security chief advisor managed to have the SALT contract signed by 1972. This latter

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1   Henry Kissinger: *Kínáról* (On China). Translated by Tamás Magyarics, Ed.: Antall József Tudásközpont, Budapest, 2014.

achievement and his efforts to end the Vietnam War earned him a Nobel Peace Prize in 1973.

At the same time, he was harshly criticized for his activities undertaken during the Indo-Pakistani War of 1971 as, despite the war crimes and the human rights violations committed by the Pakistani army, the United States kept on providing military equipment and financial support for Pakistan, a country considered to be a close ally of the People's Republic of China. However, all of these do not actually speak of the American politician's insensibility but rather of his unparalleled consistency adopted in matters of foreign policy and his sophisticated sense of reality, which he made use of to maintain and further improve the strategically important Chinese alliance, even if that required sacrifices.

He played a decisive role in resolving such highly significant conflicts as the Yom Kippur War, following the end of which he led the 1973 peace-negotiations between Israel on one side and Egypt and Syria on the other. His name is also associated with the September 1973 covert intervention in the internal affairs of Chile aimed at removing the democratically elected, openly Marxist pro-Cuba president, Salvadore Allende, while raising Augusto Pinochet to power.

That is why his political activity might as well be regarded as contradictory; setting out of strictly speaking democratic principles, it may even be condemnable, but Kissinger is undeniably one the highest-calibre politicians in the second half of the 20ᵗʰ century, whose several-decade-long diplomatic activity aimed at maintaining and occasionally restoring global peace and balance. Amongst others, the significance of his personality is demonstrated by the fact that the American government still seeks the advice of the 'great old one' – who is about to turn 91 years old and whose biography has inspired the writing of nine books so far – prior to taking any step of considerable importance concerning foreign policy matters.

This latest book of Henry Kissinger may be rightly compared to his world-famous work published in 1994, *Diplomacy* (translated into Hungarian in 2002). Just as the latter one, his work entitled *On China* also serves with a large-scale historical tableau of international relations. We can say that we are dealing with another bestseller modelled on the earlier work. This time, however, Kissinger has created an extremely limited monograph describing the political, economic and cultural image of modern-day China on its way to becoming a global power.

Due to the Antall József Knowledge Centre, the volume published in New York in 2011 has recently appeared in Hungarian translation, as well. The more than 600-page-long work, thus become known to us, will most probably turn into one of the basic readings – similarly to the likewise lengthy *Diplomacy* – of those taking an interest in international relations. Its emphatically scientific nature is reinforced by the fact that its well-balanced structure (preface, prologue, 18 lengthy chapters and epilogue) is complemented by notes and indices.

The memoranda of the consultations led by Kissinger and also noted down by him represented the primary sources of the volume. Besides these, the author also made use of original Chinese texts, translations of government documents, published materials of Russian and Chinese archives, transcriptions and synopses of meetings, records of discussions, which all make his work a relevant documentation of an epoch combining several viewpoints.

Kissinger does not provide us a simple event history, but he carries out a multi-criteria analysis. His ambition is not to write the great history of China but to present the development path of the People's Republic of China and explore the power mechanisms of the Mao Zedong system. Therefore, his work fills a void as it offers us first-hand information on the communist China's foreign policy objectives and the methods adopted in the interest of their completion.

The most intriguing and perhaps the most valuable part of the volume is made up of chapters 9 and 10 respectively, where Kissinger writes about his one-time negotiations carried on with Mao Zedong and Premier Zhou Enlai. This is where the text becomes most strikingly fresh and informal in its style and content alike. Kissinger describes and evaluates his visits to China, psychologically analysing the course of his negotiations carried on with the Chinese. He discusses his talks carried on with Mao Zedong and Zhou Enlai at great length and provides an excellent portrait of the Chinese leaders, whose perspicacity, good judgement of character and genuine diplomatic nature he attests. Citing the details of the actual dialogues, the author faithfully conveys the atmosphere of the negotiations. The reader has the sensation that the meeting takes place in the now and s/he becomes part of it, too.

Kissinger's relations with China started at the beginning of the 1970s and since then – according to him – he has visited this country of the Far East for more than 50 times. Thus, he has become an expert of the political and economic life of this enigmatical East Asian superpower, and his book bears evidence of a profound understanding and appreciation of China's ancient spirituality. This is what the highly respected American politician would like to convey to the West: make them understand the Chinese way of thinking of war and peace as well as of the issues of international order. At the same time, he tries to outline its relationship with the pragmatic American type of approach that relies on specific cases.

By way of illustration, this is how he expresses his opinion on Mao Zedong's coming to power: 'The advent of a new dynasty in China had, over the millennia, developed a distinct rhythm. The old dynasty would begin to be perceived as failing in its mission of protecting the security of the Chinese population or fulfilling its fundamental aspirations. Rarely as the result of a single catastrophe, most frequently through the cumulative impact of a series of disasters, would the ruling dynasty in the view of the Chinese people – lose the "Mandate of Heaven". The new dynasty would be seen as having achieved it, in part by the mere fact of having established itself.

This kind of upheaval had happened many times in China's dramatic history. But no new ruler had ever proposed to overthrow the value system of the entire society. Previous claimants to the "Mandate of Heaven" – even, and perhaps especially, foreign conquerors – had legitimized themselves by affirming the ancient values of the society they took over and governing by its maxims. They maintained the bureaucracy they inherited if only to be able to govern a country more populous and richer than any other. This tradition was the mechanism of the process of Sinification. It established Confucianism as the governing doctrine of China.

At the head of the new dynasty, which set out from the countryside to take over the cities in 1949, there stood a colossus: Mao Zedong. Domineering and overwhelming in his influence, ruthless and aloof, poet and warrior, prophet and scourge, he unified China and launched it on a journey that nearly wrecked its civil society. By the end of this searing process, China stood as one of the world's major powers and the only communist country except Cuba, North Korea and Vietnam whose political structure survived the collapse of communism everywhere else.'

Kissinger's book is very timely as the People's Republic of China is unquestionably one of today's international actors with the utmost global importance. The author himself recognizes China's role as both an economic superpower and a political and military power base of the 21st century. Therefore, the relationship of the United States, as a Cold War victor, with China will be a key issue.

Kissinger estimates that the Chinese–American relationship building initiated four decades ago basically rests upon co-operation up to the present day. That is to say, neither of the parties let their different internal situations or their divergent economic and cultural views make their relationship irresolvably conflictual. And this is where the author played an undeniably huge part, having carried on personal negotiations with the Chinese leaders of four generations (Mao Zedong: 1945–1976, Deng Xiaoping: 1976–1997, Jiang Zemin: 1997–2002 and Hu Jintao: 2002–2013).

Kissinger argues that the People's Republic of China and the United States need each other because they are simply too powerful to be dominated by others, way too unique to be changed and too much dependent on each other to opt for isolation.

In the author's view, the present relationship between China and the USA resembles to that of the pre-World War I between Germany and Great Britain. In turn, instead of being nation-states, the United States and the People's Republic of China may be perceived as expressions of cultural identities of the size of a continent. Both of them dispose of a universal vision.

China – just like Germany at the beginning of the 20th century – is stronger than any of its neighbours taken separately, but if they joined forces against it, they might endanger its integrity. According to this view, should the People's Republic of China fail to become the number one power in the world, it will inevitably

'become a loser destined to be pushed aside'. This is the ever more prevalent view that, according to Kissinger, should not dominate the immediate future as it would lead to a catastrophe. After all, there are such common global issues today (general use of nuclear technology, environment protection, climate change etc.) which they can only resolve together, and if one of the parties emerges as a loser, that will leave the other one stranded as well. That is why the author shares the opinion that efforts must be made towards developing a true strategic trust and permanent co-operation with the People's Republic of China. All the more so since the competition between the People's Republic of China and the United States much rather takes the form of an economic and social 'co-evolution' than that of a military conflict. Both parties cling to their own internal scale of values and structure, but each of them is set to harmonize the interests that can be approximated and essentially avoids any confrontation.

The best way to make this co-operation work would be the establishment of a so-called 'Pacific community,' argues Kissinger, which would eliminate, on the one part, China's concern that the USA will overshadow its development and, on the other part, the USA's fear that the People's Republic of China wants to oust the USA from Asia. In order to achieve this, just like in the early 1970s, they must be able to rise above the daily issues and let no matter come between them. This was easy to achieve at the time since, due to the long-lasting state of isolation prior to that period, there were no incongruous issues with China.

Therefore, Kissinger calls for the same approach as he did four decades earlier, but he does so on a larger scale now. Thus, his attitude is constructive and subjective at the same time as he believes that the only operational scenario can be the one performed with his contribution in those days...

Kissinger brings forward Kant's work entitled *Perpetual Peace* in backing up his opinion, when he explains that universal peace can descend upon the world in one of two ways: as a consequence of human understanding or as the outcome of such large-scale conflicts and catastrophes that leave no other choice for humanity. We have arrived at such a crossroads now – he warns us. One may choose to agree with him or refuse to share his views, but he cannot be left out of consideration by any means.

Kristóf János MURÁDIN
Department for European Studies, Sapientia University,
Cluj-Napoca – Kolozsvár

The World after 2025 According to Brzezinski's Vision

Book Review
Zbigniew Brzezinski: *Strategic Vision: America and the Crisis of Global Power*[1]

Besides Henry Kissinger and Samuel Huntington, the Polish-born Zbigniew Kazimierz Brzezinski has been one of the most influential national security advisors and geopoliticians of the Presidential Cabinet in the United States of America during the last 50 years.

However, his renown and authority are not specifically due to his advisory career, but rather to his geopolitical activity, which he revealed to the world at large mostly in his volumes published in 1997, *The Grand Chessboard* (translated into Hungarian in 1999), and in 2012, *Strategic Vision: America and the Crisis of Global Power.*

Strategic Vision appeared in the edition of the 'Antall József Knowledge Centre' and in the translation of Tamás Magyarics, Hungary's Ambassador to Dublin. Based on past historical examples as references, in his book, Brzezinski analyses the current internal and foreign policy of the United States of America as well as the world political events and happenings, and takes a look into the future in an attempt to provide us an overall picture of the global world order after 2025. János Martonyi, Hungary's Minister of Foreign Affairs, writes in his foreword to the book that *Strategic Vision* is a geopolitical script in search of an answer as to whether the *unus inter pares* (one among equals) or the *primus inter pares* (the first among equals) principle will prevail in the new, emerging world order.

The picture that unfolds right before us throughout the some 300 pages is not too promising; it does not exactly provide grounds for great joy. In his book, *The Grand Chessboard*, the author placed his confidence in that the USA and the European Union will be able to counterbalance the changes in global power relations and the West losing ground; *Strategic Vision* does not strike such an optimistic note any more. The events that took place during the 15 years between the two publications suggest that the United States of America could not either

1   Zbigniew Brzezinski: *Stratégiai vízió: Amerika és a globális hatalom válsága* (Strategic Vision: America and the Crisis of Global Power), Ed.: Antal József Tudásközpont, 2013, Budapest.

hold on to or add to the immense benefits that it came by in world politics at the end of the Cold War.

The book contains an introduction, four chapters and an epilogue. The central part is made up of the four vast chapters, each looking for potential answers to a specific issue concerning changes in global power.

A brief presentation of the questions raised:

1) what are the possible outcomes of the shift in emphasis that takes place from West to East at the level of the global power? (Part I: *The Receding West*)

2) what sort of external and internal regeneration does the United States of America have to undergo in order to keep its global influence and its current status of a superpower? (Part II: *The Waning of the American Dream*)

3) what are the most possible geopolitical outcomes should the USA lose its dominant status of a global power? (Part III: *The World after America: By 2025, not Chinese but Chaotic*)

4) the role and responsibility of America in developing the West in its wider sense (deepening the monetary and political union of the EU and developing a West that would include both Russia and Turkey) as well as the role of the USA in maintaining the eastern balance; what Brzezinski has in mind is that the USA should conduct such a constructive Asia policy which is not exclusively China-centred, but it also pays regard to Japan as America's key Asian strategic partner while paying due attention to India as well, the other emerging regional superpower of the Asian continent (Part IV: *Beyond 2025. A New Geopolitical Balance*).

We must make it clear from the start that Brzezinski does not intend on 'burying' the West – the West as such has not come to an end and it never will. In turn, what becomes more and more certain is the approaching end of the unipolar world system, the status of the United States of America as a global power.

The wavering of the dominant position of the West in global politics has been influenced by several factors in the last period. In the case of the USA, Brzezinski deems important to highlight that the internal and foreign policy pursued by George Bush senior, Bill Clinton and George Bush junior have significantly contributed to the weakening status of the USA as a superpower.

Internally, the USA is struggling with economic and financial crisis, an increasing public debt, deteriorating economic infrastructure etc., which have all very much faded the world-wide attractiveness of the 'American dream,' the country of infinite possibilities. In terms of external politics, Brzezinski brings up against the accountable leaders of the USA that in the period following the Cold War they ironically and self-assuredly propagated that the 21st century would be the century of the USA:

Bill Clinton (January 20, 1997): 'At this last presidential inauguration of the 20th century, let us lift our eyes towards the challenges that await us in the next century. . . At the dawn of the 21st century . . . America stands alone as the world's

indispensable nation.' George W. Bush sets an even more confident tone in his speech delivered on August 28, 2000, stating the following: 'Our nation is chosen by God and commissioned by history to be a model to the world.' These and other similar statements were followed by actions, too: after September 11, 2001, George W. Bush declares war against terrorism (2001 – attack on Afghanistan and the overthrow of the Taliban government; 2003 – attack on Iran and settling the score with the regime led by Saddam Hussein).

The Middle-Eastern politics of the George Bush period were not basically characterized by maintaining stability but rather by the liquidation of political systems supporting terrorism. 'The United States of America will not permit the world's most dangerous regimes to threaten us with the world's most destructive weapons.' (Iran, Iraq and North Korea = the 'Evil Axis').

In addition to all of this, we also have to reckon with the fact that China has demonstrated a spectacular path of development over the past 15-20 years (by now, we can place it second only to the United States in terms of economic development); Russia, due to its vast oil and natural gas reserves and geopolitical situation, remains a relevant and unavoidable geopolitical factor in the future too, while India has developed into a regional superpower over the past decades, which nurtures ambitions of becoming a global superpower even though its disputes with China and Pakistan are a weakening factor.

All these suggest that the unipolar concentration of the former global power is scattered on four continents. Therefore, should the USA not be able to regenerate, to carry out internal reforms and lay its external affairs on new foundations, that is to say, should its status of a global power become even weaker, it may lead to the appearance of several regional conflicts, which will not yield great victors, but more and more losers will emerge. In case this script will prevail, the 21st century will not be that of China. 'The world after America' will not be dominated by China but rather by chaos mostly based on the competition and potential conflicts among the regional powers of Asia: China, India and Japan.

In order to avoid this, the author comes up with a new kind of possible balance of global superpowers for the future, where the USA will play a double role. 'On the one part, it will be the driving force and the guarantor of the greater and larger unit in the West, while, on the other part, it has to create a balance and be the peacemaker among the great powers in the East.' The author immediately adds that these two roles will have to be simultaneously present in the American foreign policy, otherwise success will not follow. In the West, the USA will be given a significant role in terms of commitment towards the NATO, in promoting the calculated and step-by-step western integration of Turkey and the increasingly democratizing Russia, as well as in deepening the EU monetary and political integration.

The challenge in the East does not get any simpler either, which the USA will have to meet. On the one hand, it will have to avoid military interventions in the future, which can only be adopted in case the threat and aggressiveness is aimed at countries where American military forces have already been stationed under contract as part of a long-standing international situation, that is the USA has signed a commitment (the case of China and South Korea). The USA has to acknowledge that peace and stability in Asia are not sustainable if associated with American military presence and its direct employment. The USA's participation in Asia will have to take place through making use of diplomatic and economic instruments and encouraging the key actors' low-profile attitude, thus contributing to the maintenance of a regional power balance. Instead of intimidation, terrorization and military presence, peacemaking and diplomacy will have to form the credo of the 21st century America's external policy.

As a final conclusion, we can state that in the age of nations and peoples awakening and taking political initiatives in the wake of modern communication technologies, where we can witness the restructuring and diffusion of the unipolar global power, the USA bears an enormous responsibility: a USA that is unable to control and manage the world but one that is still present as an economic, military and cultural superpower will have to go under a process of regeneration both in terms of its internal and external politics. At least, this is what Brzezinski considers the only secure guarantee of the 21st century's new world order. The only question left to be answered is whether the diagnosis proposed by the great doyen of the American security policy and geopolitics is a correct one and whether the cure plan prescribed for the treatment of the new world political situation that has taken shape over the past decades will be complied with, as well as whether it will yield the expected outcomes, or the 21st century will be the century of the chaos.

Dezső SZENKOVICS
Department for European Studies, Sapientia University,
Cluj-Napoca – Kolozsvár

Tutoring Programme at the Faculty of Science and Arts, Sapientia University

The public opinion and the educational politics are awarding an increasing role in the system for the non-formal, alternative educational practices and ways. This tendency is valid for both pre-university and university education as well. It seems to be an outdated perception that education can only be practised in the one teacher – more students, strictly in the classroom/auditorium way, or at least this method is not the only successful one. In the lack of integrated government politics in this field, the educational institutions with innovative spirit, thinking outside the box, try to offer some alternatives besides the classic way, alternatives which aim both at students above and below average.

The Faculty of Science and Arts of the Sapientia Hungarian University of Transylvania is an innovative, open-minded institute; thus, it is natural and common that it implements alternative educational and research methods. One of the most popular and successful alternative optional programmes in the 2013-2014 academic year was the tutoring programme. The tutor-student educational relationship is a model taken from the Anglo-Saxon system, which significantly contradicts the educational policies of Eastern and Central Europe. Its essence stands in the direct and systematic contact between the tutor and his tutored student, this way developing his/her skills, conducting his/her path, offering him/her guidance, but letting him/her gather own practical, empirical knowledge. The Sapientia University naturalized this perception in its system and optimized it to the local needs and resources, with the specific goal to assist the talented and gifted students. During the programme, the student is in systematic contact with his tutor, with whom he devises a research plan in some pre-specified topics, and afterwards he effectuates the research with various instruments. At the end of the one-year programme, as a crowning of the scientific work, the results of the research are presented at the Scientific Conference of the Students (TDK) in front of a professional jury and audience.

The Progress

The Tutoring Programme develops with time according to a pre-established plan. The Programme is announced in the first month of the academic year. The

professor willing to become a tutor sets a couple of topics in which s/he can provide guidance for a researching student. Besides these given topics within their specialization, the potential tutors are open to other suggestions coming from the student if they consider them relevant and close enough to their field of research. In order to participate in the programme, students have to send in an application in which they have to present their research plan and a cover letter. After evaluating and judging the applications, a solemn event takes place where a Tutoring Contract is signed between the three participants of this programme: the tutor, the student and the hosting university. The agreement states both the opportunities and obligations of each. After this moment, the greatest part of the programme starts, during which the research and scientific work is accomplished in practice. Weekly or monthly discussions about the achievements during research and co-ordination of future plans take place.

The Scientific Conference of the Students of the Faculty is the frame within which the tutored student can present the fruits of a year's hard work in front of a professional jury, who comments on it in order to amend the work. The student has to summarize his/her work in a scientific study and make a presentation of it. A higher level competition of these studies is the Transylvanian Scientific Conference of the Students and, if one 'gets lucky,' the national level of the conference held every two years in different places.

Benefits – Opportunities – Obligations

This programme brings several benefits to each of the involved parties. These are mostly aimed at the student as the main beneficiary. The tutored student can participate in conferences, study trips and scientific events where other students cannot such as study trips to Brussels, Budapest etc. The student can benefit of the opportunity to do a scientific research with the help of an expert in the particular field of study and to use a great amount of professional documentation. An obligation for the student is to present his work at the SCS of the Faculty, and (if it is selected) at the Transylvanian SCS. The tutor's obligations are professional guidance and judgment of the research in its development.

In this academic year, I had the honour to be part of this amazing programme, which truly supports the cultivation of talent and of gifted students from various universities. It is important to understand the double role of universities. The 'universitas' is the place of education and of developing research as well. In the last decades, the educational objective of universities prevailed against the objective of research, but this tendency is wrong. The development of science and the improvement of living standards require the second objective as well. This is why scientific student groups are important and this is why scientific

conferences of students are important as a festival, a holiday of hard work in these academic circles. The seriousness of the programme provided by the Sapientia University is proven by the several scientific events and trips I participated in. Aside from these reasons, I think my greatest profit from this programme was the inner, individual and subjective scientific satisfaction, which became complete at the very moment I finished the research and reached the conclusions, and which stimulates me to take advantage of this opportunity the next academic year as well and be part of this programme, during which, for a year, we were called simply but so meaningfully 'tutorisok' (tutored ones).

Ferenc Török
International Relations and European Studies, Sapientia University
Cluj-Napoca – Kolozsvár

The Mentoring Programme of the Sapientia University

My name is Noémi Hegyi and I am currently pursuing a Master of Arts Programme in International Relations and European Studies at the Central European University in Budapest. Previously, I obtained a Bachelor of Arts degree at the Sapientia Hungarian University of Transylvania and a Bachelor of Laws degree at the Babeş-Bolyai University.

I have been fortunate enough to study at multiple institutions and in multiple languages, which has been both personally enriching and essential in the construction of my motivational desire to improve myself. It has critically assisted me in the development of a more comprehensive knowledge of the EU, its terminology and functionality.

My academic and professional interests have been shaped by a number of factors, one decisive factor being my participation in the mentoring programme of the Sapientia Hungarian University of Transylvania.

First of all, I have to admit that the combination of Law, International Relations and European Studies is quite a powerful combination. It has given me a privileged position. My particular interest lies in legal policy, especially in the implications for freedom of services, EU citizenship and the implementation of subsequent law on the national level.

Because of my aptitude for research and my extracurricular engagement, in 2011, I was admitted into the mentoring programme of the Sapientia University. In this position and as the result of a fruitful collaboration with my mentor, Professor Zsolt Kokoly, I successfully completed two research projects. These projects were entitled: 'From the "Services" Directive to a Well-Functioning Internal Market' and 'The Limitation of Freedom of Movement of Persons within the EU in the Light of the Case Law of the Romanian Courts'. These projects aimed at identifying the legal gaps and the most common obstacles to the free movement of services and persons within the EU. The results of this research were presented at several student conferences. The awards I obtained throughout several years of the Transylvanian Students' Conference (including second place in 2013 and first place and the Grand Prize of the Jury in 2012) demonstrate that the mentoring programme was successful. It was essential in the improvement of my competence for conducting individual researches.

Thanks to the patience and the great professional assistance that I received, I was offered the possibility of developing my analytical skills and the opportunity to further research both theoretical and more concrete aspects of case law in formulating my own conclusions. In the framework of the mentoring programme, personal consultations were complemented by various workshops which strengthened our communication, public speaking, research methods and designing skills.

I also participated in a mentoring programme in the field of institutional management. Having Professor Márton Tonk as a supervisor, I was offered another great opportunity of challenging myself by taking part in writing and drafting projects for the securing of funds. This activity gave me the perfect opportunity of developing a deeper knowledge in a new field, it contributed to the improvement of my interpersonal skills and it provided me with valuable practical experience.

So, what is the secret of the success of this programme? First and most important of all, there was dedication from both sides. But there was also the informal nature of the collaboration, flexibility and, at the same time, maintaining high-quality standards with the strong support of the institution. In the framework of this programme, the efforts of the students are highly recognized; they are given the opportunity to show their value and to make professional contacts. This is essential in their future integration into the job market. Through this programme, I learnt that I always have to try to conduct my research projects according to the highest possible quality standards. I whole-heartedly intend to continue this trend in my professional career. I can also proudly state that I have greatly benefited from the research environment this programme offered me during my years of study. The mentoring programme opened new doors for me with my subsequent admission into the CEU; it was in itself an amazing opportunity, one that allows me to place myself in a position to make the most of the future. I can only be ever grateful for the support of everyone who contributed to this programme. This experience helped me understand that academic development is not only a step towards future goals, but it is the goal itself.

Noémi Hegyi
Central European University
Budapest

Student Research Programme
Sociological Fieldwork and Research in Torockó (Rimetea)

Between the 16th and 18th of March 2014, the freshman students of the International Relations and European Studies Specialization from the Sapientia Hungarian University of Transylvania participated in a sociological fieldwork in Torockó (Rimetea), a municipality formed by two villages, Torockó (Rimetea) and Torockószentgyörgy (Colţeşti) in Alba County, located at 60 km from Kolozsvár (Cluj).

Under the guidance of three young teachers of the department – Tibor Toró, Emese Balla and Tünde Székely – and as an integrated part of the Social Science Methodology class, the students tried out the learned methods – observation, interview – in order to gather data for their small projects related to the social, cultural and economic life, tourism, agriculture or the living traditions of Torockó. During the three-day fieldtrip, the students made 60 interviews, visited the Museum in Torockó, the cheese factory of Torockószentgyörgy, and they even had time for a short trip to the nearby castle.

The two villages present an interesting case study of rural life from several perspectives. First, as they are the only ethnic Hungarian villages in the county, they are in a marginal position, finding harder to co-operate with the neighbouring villages. Second, although part of the same municipality, they clearly have a different history, they evolved differently and have different problems and economic development. Third, they have different employment strategies. While Torockó is a picturesque village where large numbers of tourists come every year, the people from Torockószentgyörgy mostly work in agriculture and farming. Fourth, the relationship between the two villages is not free of conflict although they all agree that they need to work together.

Beyond the student-fieldwork as a public–private partnership, our department proposed to formulate a development plan for the village, locating the main economic, social, cultural and demographic problems, strengths, weaknesses, opportunities and threats within the community. In other words, using the interviews and the data collected by the students, the available statistical material, the experts from the Department of Juridical Sciences and European Studies would be able to deliver a viable development plan and strategy for the village.

T.T.

University Evenings – Lectures on Global Politics

On the 20th of March, 2014, **Miklós Duray**, Associate Professor in Political Science at the University of West Hungary, former President of the Party of the Hungarian Coalition from Slovakia, talked about language rights and national identity in his presentation entitled *Linguistic and Cognitive Problems in the Hungarian National Politics*. Duray explained that the state is a political power and a legal contract. The nation is an emotional, family, contact, social, cultural and organizational contract. There is an apparent overlap between the two that we call politics. It would be possible to call it common will, but it is not sure that we mean this by the concept of politics nowadays, especially if politics splits into parties, contradicting its original sense, which derives from the common good, thus not serving – in many cases – the public interest but rather displaying a certain group's interests.

On the 8th of May, 2014, **Lajos Aáry-Tamás,** PhD, ombudsman of education in Hungary, Honorary Associate Professor of the Eötvös Lóránd University, held an interesting presentation entitled *A Special Hungarian Experiment: The Education Ombudsman*. Sharing some own experiences and stories, the education ombudsman presented the role and necessity of this institution, which is unique in Europe at the moment. Both events were organized by the Faculty of Sciences and Arts of the Sapientia University in partnership with the Robert Schuman Association.

On the 9th of April, 2014, in collaboration with the Robert Schuman Association and the Antall József Knowledge Centre, the Faculty of Sciences and Arts of the Sapientia University organized a very successful event on security studies. On the one hand, the Hungarian translation of two important books, Zbigniew Brzezinski's *Strategic Vision: America and the Crisis of Global Power* and Henry Kissinger's *On China* were presented. On the other hand, a round-table discussion was organized on the current issues of security policy with the contribution of **György Nógrádi**, PhD, expert in security studies, János Kristóf Murádin, PhD, and Dezső Szenkovics, PhD, faculty members of the Sapientia University.

Tibor Toró
Department of Law and European Studies

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