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# Linguistic Justice and English as a Lingua Franca from a Minority Perspective

– *The Case of Hungarians in Transylvania* –

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**Abstract.** The article is a brief evaluation of the regulatory environment of language use in Transylvania, Romania based on Van Parijs’ conceptual toolkit presented in his 2011 book *Linguistic Justice for Europe and for the World*. This linguistic regime is a coercive hybrid regulation containing elements stemming from both the categorical regime (personality principle) and territoriality. In municipalities or counties where the official use of minority languages is permitted, it is typically present in a conjunctive manner, but its enforcement is weak and inconsistent. The principle of territorially coercive linguistic subdivision – proposed by Van Parijs as an optimal solution for a greater linguistic justice – is not accommodated in any of the fields of official communication and under present political circumstances it has no further plausibility. A hypothetical alternative for the territorially coercive regime would be the introduction of English as a lingua franca in interethnic communication. We argued that this latter option would be fair only if English could entirely replace the official languages currently in use or it would receive a fully equivalent status at least in those regions where a considerable number of linguistic minorities live.

**Keywords:** multilingualism, language policies, Hungarians in Romania, English as a lingua franca

## The Regulatory Context of Multilingualism in Transylvania

The demographic distribution of the nearly 1.3 million Hungarians in Transylvania, Romania shows a high regional disparity. One third of the Hungarians live in municipalities, where their proportion exceeds 80 percent, 54 percent is resident in settlements, where the Hungarians are in the majority, and every fifth

Hungarian resides in a town or village where the Hungarians make up less than 20 percent of the population. The not officially recognized Szeklerland is the only major historical-ethnographical region in Transylvania where Hungarians form a substantial majority; this area includes Harghita (Hargita), Covasna (Kovászna), and part of Mureș (Maros) counties and it is home to 38 percent of the Hungarian population in Romania.<sup>1</sup>

The regulatory environment of language use in Romania is without regard to this variability and the use of minority languages is controlled by country-wide uniform laws. In the terminology of Van Parijs, this regulatory regime has the following features:

- It is *coercive* rather than accommodating. There are specific laws concerning the use of language in different domains of public life; it is not determined by the mere utilitarian rationality of the actors or the neutrality of the market. The main element of this legislation is included in the Constitution, and it says that the Romanian is the only official language of the country, which means that its use cannot be subjected to any restrictions and is compulsory in official public communication. The treatment of minority languages in different domains is regulated by specific laws. The most important disposition in this respect is the law of local public administration, which came into force in 2001 and – even if it does not recognize them as equal official languages – it does permit the (parallel) use of minority languages in those municipalities where the proportion of citizens belonging to the respective nationality exceeds 20 percent.

The legislation concerning education is more permissive since the threshold rule refers to absolute numbers: according to the law of education, in primary and lower secondary levels, it is permitted to operate a separate class in a minority language if the number of (the parents of) pupils who are asking for it exceeds 12.<sup>2</sup>

- The threshold rule in public administration creates a ‘*hybrid*’ *regulation*: the use of language becomes a personal right for the individual members of minorities: in this respect, it is a *categorical regime*; using the borders of an administrative unit for the threshold rule, however, introduces the *territorial principle*. The regulation concerning the language of education – since it is not linked to the proportion of minorities – is closer to a more permissive, categorical regime. The personality principle is endorsed in the healthcare system as well, which

1 For a more detailed demographic description of the Hungarians in Transylvania, Romania, see Veres 2015. In Romania, the strongest determinant of Hungarian ethnic identity is the language, so the number of ethnic Hungarians and the number of native Hungarian speakers do not differ too much from each other. For further details, see: Kiss 2015. Hence, for the sake of simplicity, the ethnic and linguistic categories will be used alternately, depending on the context.

2 Another element of concession in the law permits the merger of up to 4 grade-groups into a single class – if transportation of pupils to the closest Hungarian school is not possible –, which makes minority language education with only three children of the same age possible. At higher school levels, this merger is not possible.

means that patients have the right to receive information in their native language. However, the technical application of the law is often fraught with difficulties because there are no regulations that would compel hospitals to hire staff who speak the languages of minorities. Finally, the personality principle should be applied in the courthouse as well: in a hearing – by request –, it is mandatory to provide interpreters for those who wish to communicate in their native language.

– *The enforcement of the regulations concerning linguistic rights is weak.* For example, despite the obligation to post bilingual signs in public institutions above the 20 percent threshold, this is effectively realized in only 81 percent of the local council buildings concerned, 23 percent of post offices, and only in 14 percent of police stations (Horváth 2012, 188). There are many municipalities beyond the threshold where customer service in public institutions, hospitals, and courthouses is not functional in minority languages. Officials commonly explain the non-compliance with the law with the lack of financial resources and disregard its implementation.

– The application of the administrative law is *not consistent*. In an exemplary case, the court considered discriminatory the imposition of the knowledge of minority language for the occupation of a public position, even though it was clearly required by the job description.<sup>3</sup> This decision plainly ran counter to the provisions of the law.

– In municipalities or counties where the official use of minority languages is permitted, it is typically present in a *conjunctive* manner. However, this is a limited conjunction as an important condition is not met, without which – according to Van Parijs – it can hardly be functional: for Romanians, it is not required to learn Hungarian, for Hungarians, however, it is part of their compulsory education to learn the language of the state. This is a major cause that contributes to the reproduction of status asymmetry between the ‘stronger’ Romanian and the ‘weaker’ minority languages.

In education, there is a strengthening of a spontaneous disjunction: the proportion of those pupils who are studying in mixed-language schools is decreasing and there are more and more students enrolled in separated minority language schools.<sup>4</sup>

– *The principle of territorially coercive linguistic subdivision is not accommodated in any of the fields;* however, according to Van Parijs, this would be the only viable solution for the fair treatment of equity problems in a multilingual environment.

3 The case was about a competition for the post of director at the Covasna County library, in the respective county 74 percent of the population being Hungarian.

4 It is obvious, however, that since the mutual learning of each other's' language is not compulsory this also remains a limited disjunction.

## Democracy Deficit in the Debate on Linguistic Justice

The latter proposal, however, is firmly rejected by the state authorities and the overwhelming majority of the Romanian politicians, and it does not appear in any of the programmes of the major political party of the Hungarian community in Romania. In its last ‘autonomy statute’ elaborated for Szeklerland (2013), RMDSZ<sup>5</sup> – which alone has performed the political representation of Hungarians in Romania for almost 20 years – is promoting ‘mandatory bilingualism’, where the citizens of the region can choose which language they use in their official communication. There is no mention about the compulsory learning of Hungarian for the Romanians, without which even the conjunctive bilingualism remains only a one-sided wish. The idea that the Hungarian language would be the sole medium of official communication in Szeklerland was considered so unrealistic and offensive that it did not fit into the prudent and consensus-seeking political strategy of RMDSZ, and it was never introduced in a public debate.

Thus – although many Hungarians in Transylvania live in an ethnically homogeneous, geographically compact region and continuously express their dissatisfaction with their linguistic rights –, the chances of adopting a law based on a territorially coercive linguistic subdivision is equal to zero. All signs indicate that Romanian democracy is not yet mature enough to host a meaningful public debate on this topic.<sup>6</sup> Kymlicka and Grin wrote in 2003 that the arguments on linguistic justice in Eastern Europe are influenced mostly by irreconcilable values and ideologies, often times powered by nationalism (Kymlicka–Grin 2003)<sup>7</sup>. They are not thought through in economic terms and are not confined to technical aspects;<sup>8</sup> they are intrinsically political in nature and remain normative. Under the pressure for fulfilling the conditions for EU accession, the legal environment

5 In English: Democratic Alliance of Hungarians in Romania.

6 A good indicator of how difficult it is to initiate a meaningful political debate on this issue is that in February 2015 a draft bill was submitted to the parliament that would have banned all kinds of civic or political initiatives – including discussion forums, demonstrations – organized around the topic of territorial autonomy. The initiative did not pass the parliament.

7 The most frequent counter-argument against the autonomy aspirations of the Hungarians – beyond the reference to the 1<sup>st</sup> article of the Romanian Constitution that ‘Romania is a sovereign, independent, unitary, and indivisible Nation-State’ – is the allusion to the ‘right of the soil’, which, according to Van Parijs is ‘(pre)historical speculation on who was first to tread on a particular bit of soil, on who can claim the territory as their ancestral land’. For a functional territorial regime – which ‘is able to do what it needs to do for the sake of parity of esteem’ – he proposes ‘to give a privilege to the ‘sons of the soil’, in the precise sense of those residing in the territory concerned at the time the regime is put into place’ (Van Parijs 2011, 138). According to the definition, in the case of Szeklerland, the ‘sons of the soil’ would be the resident Hungarians.

8 One of the most obvious economic arguments against the present regime would be that Hungarian education for the Romanians in Szeklerland would be less costly than the teaching of Romanian for the Hungarians who are in the majority in this region. This option, however, due to the cited arguments, is not realistic at all.

has considerably improved – for example, the law on the use of languages in public administration entered into force; the mainstream narratives of the majority related to linguistic justice, however, remained almost unchanged.<sup>9</sup>

## **The Consequences of Asymmetric Bilingualism**

A fairly superficial, poorly elaborated, and not properly enforced regulation contributes to the subsistence of an asymmetrical bilingualism in Transylvania, where minorities are those who always have to do the linguistic ‘bowing’, jeopardizing the chances to secure a parity of esteem in interethnic relations. Such a regulation can at most slow down the linguistic assimilation of minorities, but it is hardly going to stop it. Under these conditions, along with probability-driven learning, maxi-min dynamics, Laponce’s law, interlinguism etc., it is a highly probable prognosis that the number of Hungarian speakers in Transylvania will continue to decrease.

Besides the long-term consequences, however, the inequalities articulated along Van Parijs’ dimensions of justice and originating in language disadvantages are clearly palpable even today. There is no room for their detailed discussion here, so we will highlight only one empirically well-documented example.

Surveys carried out among Transylvanian Hungarians show that – all other things being equal – those with a higher proficiency in Romanian have higher salaries. Income inequalities stemming from differences in the knowledge of Romanian could be legitimate if language learning solely depended on individual ambitions and efforts: it would be a fair expectation that a better knowledge of Romanian gained with a greater effort, as a human capital investment, would produce higher returns. But the circumstances of linguistic exposure are quite different, and they vary considerably from region to region: In Szeklerland, where the Hungarians are in majority, the exposure is low, the immersion method does not work, the teaching of Romanian is highly inefficient because it has to follow a programme created for native speakers, which is imposed by the ministry of education and in which they use outdated didactic methods relying almost exclusively on textbooks. It is true that the teaching of Romanian is funded by public sources (and thus every language group contributes to it in proportion to their presence), but there are no resources assigned and programmes created, however, to compensate this type of drawback. This creates an involuntary disadvantage for those Hungarians who are living with their

9 The stance of the Romanian public opinion towards minority language rights is well expressed by the fact that only 18.2 percent of the Romanian population agreed that the Hungarians should have the right to use their native language in their communication with local authorities (Kiss 2015, 43).

co-ethnics in homogeneous communities. Although empirically not tested yet, following this logic of argument, it is highly probable that part of the earning inequalities between the Romanians and Hungarians is explained by the differing competencies in Romanian.

So, the present linguistic arrangement in Transylvania has many shortcomings and it is a constant latent source of tension in the region; it not only creates inequalities but also challenges (interethnic) social solidarity and it is not beneficial for the aggregate welfare of the society either. Van Parijs's book proposes as a solution the enforcement of a territorially coercive regime and the use of a single official language spoken by the great majority of the locals (in Szeklerland that would be Hungarian). He does not raise, however, a very important question: what happens when the linguistic inequality is present, but the territorially coercive principle – as the only viable proposal to eliminate the equity problem – simply cannot be introduced and enforced because of a democracy deficit? Does the territorially coercive linguistic subdivision principle have a viable and feasible alternative, which, on the one hand, meets the criterion of fairness (would solve the equity problem) and, on the other, would it be acceptable for the speakers of the 'stronger language', the majority Romanians?

## Possibilities of the Use of English as a Lingua Franca in an Interethnic Environment

Van Parijs' book 1) contains detailed arguments about the need for the introduction of English as a global lingua franca as a tool to achieve greater global distributive justice, 2) for the illustration of language policy solutions in response to linguistic injustice, it brings up examples that straighten out the asymmetry between minority and majority languages in a nation-state context (Quebec, Switzerland, Catalonia, etc.). The book – although it follows from the logic of arguments – does not make connection between these two topics: it does not come up with the possibility that English could function as a lingua franca in interethnic communication within the same country.<sup>10</sup> If English is recommended anyway for a greater global distributive justice, why could it not be the official language of communication between different nationalities within the same country? A positive latent effect or by-product of the externality of English as a lingua franca is that it would solve most of the equity problems encountered in language use between different nationalities.

Furthermore, there are also compelling arguments that in linguistically heterogeneous societies the use of a third language as a lingua franca – in

<sup>10</sup> He is reflecting briefly on the question, but only in the case of immigrant minorities.

addition, and corollary to ensuring fairness – contributes to an increase in trust and altruism among the communities, and to the general growth of social capital (Liu 2015). And where there is trust, the transaction costs are lower, which, in turn, will increase the competitiveness of the local economy. Similarly: since with the use of a lingua franca the linguistic barriers to conduct global business would be reduced, transactions would become more efficient. This is an important and relevant aspect of the situation in Transylvania as well, where interethnic distrust is high, and an ethnicity-based segmentation of the markets is also palpable (Csata–Deák 2010).

So, the use of English as a lingua franca as a power-neutralizing language regime could get important economic functions at two levels: it could increase the volume and the effectiveness of the transactions between different language groups and enhance a more equitable global integration of the national economy, reducing its distance from the ‘ground-floor’ countries. Obviously, the aggregate welfare benefits of the use of English as a lingua franca are hypothetical and difficult to estimate, their discussion is beyond the scope of this paper.

Beyond the equity and welfare aspects, the idea has several procedural advantages, too. First, along the detailed arguments presented in the book, it is more plausible that the majority decision-makers will start to discuss this possibility and make proposals for its broader social dissemination and programmatic elaboration. In the case of territorially coercive linguistic subdivision – as we mentioned earlier –, there is practically no chance for this. Although we do not have any survey data to confirm this, broader public support for the introduction of English as a lingua franca would be probably higher.

Second, in terms of minority language protection principles, it would solve the seemingly intractable problem of applying the territoriality or the personality (categorical) principle in regulation. The problem with the existing hybrid solutions (e.g. the threshold rule) and proposals (e.g. the autonomy statute of RMDSZ)<sup>11</sup> is not only that they are inconclusive/incomplete, and thus their introduction in legislation and their enforcement would encounter a lot of difficulties, but also that they lead to suboptimal results concerning the protection of minority rights.

In those municipalities and counties where the proportion of the minorities does not reach 20 percent, the protection of languages is, at best, limited to educational and cultural institutions.<sup>12</sup> Where the proportion of the minorities is higher, the situation is somewhat more favourable, but the arguments of the book are quite convincing that within the framework of asymmetric bilingualism due to the absence of a territorially coercive regime the ‘weaker’, lower status

11 RMDSZ calls for a territorial autonomy for Szeklerland and for a personality-based cultural autonomy for the rest of the Transylvanian Hungarians.

12 In the political terminology of RMDSZ, this is called ‘cultural autonomy’.



language will be used by fewer and fewer people, and sooner or later they are prone to disappear. The introduction of the official use of English, as a third language, however, would eliminate the asymmetry of the linguistic rights based on the personality principle, while the threat of majority language dominance would ensure parity of esteem in everyday interactions (equal opportunity and proficiency, equality of symbolism).

Thirdly, the personality-based linguistic equity would favour those linguistic minorities as well who usually live in municipalities where their proportion is less than 20 percent (Roma, Germans, etc.).<sup>13</sup>

The introduction of English as an official language in Transylvania will obviously raise many further questions to be resolved. First of all, it is costly and a series of arguments warns us that it could endanger the development and survival of local and regional languages (Phillipson 2010). These global concerns are discussed in detail in Van Parijs' book, so we do not deal with them here because they affect everyone equally, regardless if they belong to a linguistic minority or majority in a specific country. We must agree with Van Parijs, however, that if there is a need for a lingua franca to get closer to a global distributive justice, English is the most accessible and efficient solution. We see that the use of English in everyday interactions is a rapidly spreading practice in Transylvania as well, especially at multinational companies and in intellectual professions. The fact that more and more people are getting familiar with the everyday use of English can further accelerate this process and it can show up in other areas as well.

## English as an Official Language

Concerning the specific aspects of ELF related to linguistic minorities, we argue that the introduction of English as a lingua franca could eliminate the inequalities caused by asymmetric bilingualism only if it could entirely replace the official languages currently in use or if it received a fully equivalent status at least in those regions where a considerable number of people belong to linguistic minorities. In the case of Transylvania, this would mean that instead of Romanian minorities could use English in public administration, healthcare, court proceedings, etc. and the knowledge of Romanian would not be necessary to succeed.

The introduction of English as a lingua franca – along with Romanian as another compulsory official language in the country – does not necessarily solve the unequal opportunity problem mentioned above. For example, if, in addition to English, the Hungarian children would have to continue to learn Romanian as

13 Because of the limitations of this paper, we did not deal with the other linguistic minorities in Transylvania (Roma, Germans, etc.), but most of the problems relevant for the Hungarian minority apply to them as well.



well in order to succeed in life, the asymmetrical relation will persist since the Hungarian children will still need to learn one more language compared with the Romanians. Even if we assume that after learning a second language it is easier to learn a third one, the aggregate efforts of Hungarians to get along with interethnic communication will be higher than those of the Romanians. In other words: if the Hungarian and Romanian children spend the same amount of time learning other languages as their mother tongue, Romanian children will probably speak English better because in the case of Hungarians part of this time should be spent learning Romanian. This is an alternative cost which should be borne only by Hungarian pupils.

Studies on foreign language skills among the youth in Romania support this hypothesis: Hungarian-Romanian bilingual high-school students underperform in English tests compared with monolingual Romanians (Iatcu 2005, Molnár 2008). In relation to this, however, a number of alternative explanations must be taken into account. One of them is that it is easier for a Romanian pupil to learn English because Romanian closely resembles English. But both studies revealed that Romanian children even knew significantly more English words that do not resemble their Romanian equivalents (non-cognate words). A further alternative explanation is that in Romanian schools/classes the quality of foreign language education could be higher. Finally, slight differences could exist in the exposure to English.<sup>14</sup> These latter two hypotheses, therefore, need to be verified. Nevertheless, in all of these assumptions, the initial one appears to be the strongest, that is the English language skills of Hungarian students are poorer than those of Romanians because they have to learn two foreign languages instead of one and they spend time learning Romanian at the expense of English. Their disadvantage could only be partially compensated by the fact that due to the early compulsory learning of Romanian their meta-linguistic competencies could be more developed, thanks to which it might be easier to learn a third language (in this case, English).

Further analysis shows that this disadvantage is not evened out after studies either. According to the Mozaik 2001 survey data, among those Hungarian youngsters who live in central and western Transylvania and who have started to work, only 21.8 percent declared that they spoke English compared with 26.1 percent registered among the Transylvanian Romanians. Among the Hungarians in Eastern Transylvania – Szeklerland –, this ratio was even lower, only 7 percent.

14 For the exposure, we should consider the important example given by Van Parijs in the book (2011). He argues that it is much easier to learn English if, instead of dubbing, films were featured in their original language and were subtitled in the language of the country/region. In Romania, subtitles are generally used, while in Hungary dubbing is the common practice, and for a Hungarian native speaker in Romania it is obviously more comfortable to choose Hungarian dubbing instead of the original sound track and Romanian subtitles, which are both more difficult to understand.

According to the 2009 Ethnobarometer survey on an adult sample, 36 percent of the Romanians and only 22 percent of the Hungarians considered that their English was good enough to participate in a conversation.<sup>15</sup> As a conclusion, we can state that as long as the Romanian language will continue to be a compulsory subject to learn for the minorities the introduction of English as a *lingua franca* would probably not solve the equity problem caused by the asymmetrical bilingualism since it seems that the Hungarians accumulate a further disadvantage compared with the Romanians regarding their foreign language skills. The situation would radically change, however, if Romanian would be permitted and promoted to be completely replaced by English in interethnic communication. This option – although it might sound absurd in this part of the world – is already in practice in some countries and brings us closer to linguistic equality.<sup>16</sup>

## Conclusions

Using Van Parijs' conceptual toolkit, we have carried out a brief evaluation of the regulatory environment of language use in Transylvania, Romania. We identified it as a coercive hybrid regulation containing elements stemming from both the categorical regime (personality principle) and territoriality. In Romania, the enforcement of the regulations concerning linguistic rights is weak and inconsistent. In municipalities or counties where the official use of minority languages is permitted, it is typically present in a conjunctive manner. The principle of territorially coercive linguistic subdivision – proposed by Van Parijs as an optimal solution for linguistic justice – is not accommodated in any of the fields of official communication and it has no further plausibility under present political circumstances.

A hypothetical alternative for the territorially coercive regime would be the introduction of English as a *lingua franca* in interethnic communication. This possibility has two obvious advantages: according to Van Parijs, this would bring the whole society closer to a global distributive equality, but on a local level it would eliminate the unhealthy asymmetry between the 'stronger' majority and 'weaker' minority languages and the inequalities stemming from that. We argued that this latter option would be fair only if English could entirely replace the official languages currently in use or if it received a fully equivalent status at least in those regions where linguistic minorities comprise a considerable number of people.

15 The estimated level of proficiency was higher among Romanians in all other foreign languages as well. The only exception was German, where the differences were not significant (10 percent of the population declared that they could make themselves understood in German).

16 Related to this solution, the positive example of Singapore is cited frequently, where the Chinese, Malay, and Indian populations communicate with each other in English. For details, see: Liu 2015.

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