

IS LINGUISTIC LEGISLATION ACCEPTABLE?

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This article is a reaction to the paper published by a team of Hungarian linguists concerning the Slovak language law. In the opinion of V. Krupa and S. Ondrejovič language planning and language policy can and often is influenced not only by explicit legal means but also by implicit and much less transparent measures. The latter may sometimes cause more serious difficulties to linguistic (or ethnic) minorities than explicit laws that are much easier to criticize. When judging language laws, one has to take into account not only their wording but also their implementation in everyday life.

Nyelvében él a nemzet
(A people lives in language)
A Hungarian Saying

Some five or six thousand languages are spoken today throughout the world. This number was probably higher in the not so distant past because many languages have become extinct due to various reasons. The process of extinction is still going on in North, Central and South America, in Africa, Asia, Australia, and Oceania. The gradual disappearance of many languages in various parts of the world should stimulate linguists in their efforts to discuss the issues of language rights, language planning and language policy.

The great majority of linguists accept the view that all the diverse languages are in principle equal. We understand the equality of various languages as their communicative adequacy to the needs of their respective communities, which includes the ability of all languages despite their varied typological characteristics to accommodate to the ever changing extralinguistic demands.

However, the universally accepted thesis of structural and evolutionary equality ought not be mistaken for the equality of the circumstances in which the respective

languages are functioning today. Each language is open to influence from outside, being at the same time incorporated in a particular cultural, social, economic, and natural milieu. All languages were moulded in specific circumstances so as to conform to the demands put on it by its speakers. This is fully valid in the case of languages evolving at a relatively slow pace and under stable conditions. In this century, however, the conditions of existence of many linguistic communities have been changing much more rapidly than before, which has resulted in the acceleration of the rate of changes of their languages. Our whole world has been exposed to the process of globalization and even the smallest peoples are gradually being drawn into the worldwide economic, technological and political, if not cultural community. This process, also known as modernization, has been perceived as especially exacting by the nations of Asia and Africa because they had to adopt the civilizational (chiefly technological and economic) standards of Europe and America in the interest of their own political and cultural survival.

As mentioned, in theory all languages are capable of adaptive development and yet we cannot avoid two questions. First, whether it is always practically possible and feasible to expand the functional spectrum of all languages in an analogous manner and, second, whether such expansion can be achieved in a reasonably short time without serious communicative disturbances. The answers to these questions are not necessarily affirmative. A notorious example is furnished by the Turkish language of the period of Kemalist revolution when the purists had decided to cleanse it of Arab and Persian loanwords and replace them with neologisms forged from original Turkish elements. At one time or another, radical purism played quite an important role for example in German and in Hungarian. Therefore it sounds somehow strange when Hungarian linguists reproach Slovaks for their linguistic purism in the field of lexicon. In truth, the Slovaks prefer using internationalisms (e.g. *republika*, *univerzita*, *revolúcia*, *disproporcía*, *disciplina*, *dirigovat*) where Hungarian employs domestic neologisms (*köztársaság*, *egyetem*, *forradalom*, *aránytalanság*, *fegyelem*, *vezényel*) which quite obviously have not arisen spontaneously but as a consequence of language regulation. In Slovak, the puristic tendencies were aimed against the impact of Czech as the dominant language in former Czechoslovakia. However, present-day Slovak puts neither legal nor other obstacles to the reception of internationalisms (mostly of Graeco-Latin origin) that continue to replenish not only the literary style and terminology but even the everyday speech of many, especially educated persons. The domestication of the internationalisms has been proceeding very fast due to their prestige as well as to the phonological and phonotactic proximity of both Greek and Latin to Slovak. English loanwords also occur quite frequently but because of their different phonetic basis they often have the character of fashionable expressions, slang terminology and are sooner or later destined to undergo adjustment to Slovak orthography so that the discrepancy between their written form and pronunciation in the source language is eliminated. Besides, nouns borrowed from English are often – due to English

phonotactic rules – awkwardly indeclinable. Maybe this would do as a proof that the Slovak language law neither represents a threat to the introduction of loanwords nor is it misused as an excuse for punishing people pronouncing such words. Borrowing is a completely natural process that takes place in accordance with the internal structure of Slovak as the recipient language. The speakers of Slovak (just as those of any other language) would be placed in an extremely difficult situation not only by a narrow-minded suppression of borrowing (which would lead to a slow-down or even paralysis of adaptive linguistic mechanisms) but also by an uninhibited, indiscriminate and unregulated tidal wave of foreign elements, which would result in a precarious increase in the instances of communicative misunderstandings. Such a communicative breakdown threatened the Indonesian language in the late seventies and early eighties when the Indonesian mass media were overwhelmed by English words, expressions and even sentences to such an extent that the newspapers became almost unintelligible to the wide public. By the way, a similar event occurred in Turkey, with the only difference that here it had been caused by extreme purism. The functionality of language would be seriously impaired in both of these marginal instances. In fact, at least under specific circumstances, an uninhibited torrent of foreign elements might sometimes be regarded as a prelude to the death of any recipient language (in the sense of its identity change). At the opposite extreme, a radical rejection of external influences might lead to the death of a language through its ossification and accompanying uselessness in the ever changing world.

One of several illusions in the field of linguistics is the belief in “spontaneous development”. In the modern world spontaneity may turn out to be a too slow and too inefficient recipe. The subsequent remarks challenge the assertion that “no positive result can come of influencing linguistic behavior through legal means” (quoted from *Linguists on the Language Law*, p. 1). Linguistic behaviour can be influenced by unwritten, silent rules the effect of which need not be *ex definitione* beneficial. The idea of self-regulation in modern languages is a fiction just as it is in economics and in all systems that include thinking beings.

It is not our invention that the development of modern and modernizing languages is far from spontaneous. At the same time the role of law (and of lawyers) is steadily increasing and it would be strange if this process should somehow bypass language and communication in general. However, some people and especially non-linguists, tend to ignore the fact that legislative means are not the only means of intentional and purposeful regulation of linguistic evolution. In addition to legislation, there are other, less obvious and yet not less forceful instruments for affecting or channelling the development in a desirable direction. But the authors of the article *Linguists on the Language Law* decided to disregard these less obvious instruments for reasons known to themselves. And yet some of these inconspicuous means deserve a more energetic rejection than explicitly stated legal rules. This is what Einar Haugen, one of the leading authorities in language planning and policy said on the problem: “In this wide sense of the word, language planning may be

either overt or covert, and it may be either official or private... The overt rules may be prepared and propagated by an official institution, such as government, a church, a school /which may be under control of either/" (Haugen 1969). Haugen's view is especially worthwhile because as a Norwegian he is member of a minor and in the past dominated linguistic community. Further he says: "In reading about the development of languages like English one often gets the impression that like Topsy, they 'just grew'. But this is an illusion. It is merely that the guidance may have been private and covert, and that today it can be disinterred only by the diligent student who looks for it.

Covert rules are indeed often more rigid than overt ones, since they are enforced by the pressure of one's peers, who punish by exclusion and reward by admission. Overt rules are more like written laws, which can be broken or ignored, often with impunity, or at least with only mild correction" (Haugen 1969). Of course, one has to distinguish law from its implementation. The Hungarian law of 1868 (part XLIV) had envisaged the possibility of introducing the languages of various nationalities in schools and yet in 1874 and 1875 all the three (!) Slovak high schools (in our terminology gymnasia) were abolished by the Hungarian government and within 30 years after 1867 Slovak was eliminated as the language of instruction from all schools.

Haugen quotes Spain, France and pre-1917 Russia as countries with overt linguistic policy while the English have obviously preferred the covert and seemingly liberal alternative. According to the opinion of Shirley Brice Heath, "The English viewed language as the mark of an individual's reward of a proper birth or of successful educational and social achievements mixed with a careful consciousness about language" (Heath 1974: 9). Haugen elaborates on Heath's explanation in the following words: "I would put it a little less respectfully: to an Englishman his language was his badge of status. The way he spoke it marked his personal status, while the fact that he spoke it demonstrated his superiority to the lesser breeds without the law... the English did not have an overt language policy. They took the purely practical view that others ought to see the advantage to themselves of learning English. Anyone who did not was either a fool or a barbarian... While one might not exactly be thrown in jail for his language, one could be and often was frozen out of good society, which could mean loss of jobs or restricted opportunities" (Haugen 1969). The link between language and social class was so close in England that Basil Bernstein could hardly have come up with his sociolinguistic theory in any other developed European country.

Why these extensive quotations from Einar Haugen's paper? Until 1918 Slovak as a dominated language was being increasingly eliminated from public life while Hungarian was the dominant language of the whole kingdom. It seems that in pre-1918 Hungary covert means of linguistic policy were used alongside overt legislation and the latter was incomparably more liberal in theory than in practice. The attitude of the government and of the official ideology to the nationalities was intransigent. Sayings like *Magyar ember hat Courage / Német ember Hundsfott*,

Bagage, Adjon Isten a mint volt / Hogy szolgáljon a Magyarnak mint a német mint a tót (Magyar has courage / German is a loafer, rabble, God retain it forever / let both German and Slovak serve Magyars) and Tót nem ember (Slovak is not a human being) (the latter was used as the title of a contribution signed Emőd in the journal Századunk, Vol. IV, No. 84, 18 October 1841 criticizing the author of the novel Bendeguz) witness that the fiction of the Magyars as *uralkodó nemzet* (ruling nation) was part of the then social atmosphere when the contempt for non-Magyars could have played some psychological role in the official policy of linguistic assimilation. The extremes of ridicule and scorn against non-Magyars in Hungary in the 19th century can be seen, for example, in Mr Ballagi's dictionary *A Magyar Nyelv Teljes Szótára* (Ballagi 1873), and especially the article *Tót* (an abusive term for Slovaks) on p. 653 (Vol. 2) that includes exemplifications such as *búsul mint a tót kurvanyja után* (he is grieving like a Slovak for his mother whore), *mindenéből kifosztották, mint tótot az emberségből* (he was robbed of everything like a Slovak of his human nature), *semmi sem lett belőle, mint a tót fiából* (nothing will come out of him, just like from a Slovak's son), *tót nem ember, hanem tót* (Slovak is not a human being but a Slovak), *a tót is megpihent, mikor a fáról leesett* (a Slovak takes a rest when he falls down from the tree), *tót szégyenli nevét* (a Slovak is ashamed for his name), *tótnak kökény a bora, vad alma fűgéje* (a Slovak holds bird cherry for grape and crab fruit for a fig).

The preceding remarks were intended as a reminder (1) of the fact that the range of instruments of linguistic policy comprises both covert and overt means and (2) that a particular legislative act need not necessarily correlate with its implementation in practice. Now we shall concentrate on those kinds of linguistic situation in which the legislative measures may help to steer the development of languages better and more efficiently than the covert measures would do.

Languages of the former colonies had to undergo a rapid and extensive functional expansion in the period following political emancipation. A similar expansion was inevitable even in the case of those non-European countries that had not been colonized because their languages had to cope with the same massive impact of Western civilization. The expansion of their lexicon (mainly of terminology), syntactic means, standardization and elimination of the discrepancy between the literary and vernacular variants. (The former variant served a narrow circle of the educated and rich class while the latter was not standardized at all, or only spontaneously.)

Within the territory of present-day Malaysia a special commission was set up by the government of the Federated Malay States (including Perak, Negeri Sembilan, Selangor and Pahang) as early as 1904. In 1950 the League of the Malay Languages (Lembaga Bahasa Melayu) was founded in Singapore and in 1956 the Council of Language and Literature (Dewan Bahasa dan Pustaka) in Kuala Lumpur was put under the control of the Ministry of Education. Its main purpose was terminological activity (Vikor 1983). After the declaration of independence in 1957, Malay was proclaimed the national language of Malaysia (*bahasa kebangsaan*) with the stipulation that this

law will come into effect after the transitional period of 10 years, which duly happened). This delay was obviously motivated by the fact that Malay is the first language of less than 50 % of the population of the whole country.

In the Indonesian Republic the policy of centralization and coordination of linguistic activities has been pursued since the fifties of this century. According to the Constitution of the country (declared in 1950) Indonesian is the national language of the whole country. The Constitutional Assembly in 1955–59 is explicit on the national language and on the full responsibility of the political administration of the Republic for the development of the Indonesian language (Bodenstedt 1966: 203–204). In 1952 the government has established the Institute of Language and Culture (Lembaga Bahasa dan Budaya). This was replaced by the Centre of the Development of Language (Pusat Pembinaan dan Pengembangan Bahasa) in 1975. Besides, a Council of the Indonesian and Malaysian Language was created (Majelis Bahasa Indonesia – Malaysia) in 1972 that has been taking care of the unification of both languages that are in fact two variants of one and the same language (Kondraškina 1986). Indonesian is a language enforced by the elite circles and accepted by the great majority of the population. No one voices serious objections to its unifying function in the country.

The regulation of language development in Japan has an even longer tradition. As early as 1889–1891 the first modern Japanese dictionary *Genkai* was compiled and published by an order of the Ministry of Education. In 1902–1913 the Government Commission for the Research of the National Language (Kokugo Chōsa inkai) was discussing future language reforms. In 1934 the Ministry of Education has set up the Council of the National Language (Kokugo Shingikai), that still exists and advises the Government in the field of language and instruction (Japan 1993: 670). After the World War Two (in 1946, 1948, 1959, 1960, and 1981) the administration initiated several reforms of the writing system and use of Chinese characters (Neverov 1982, Nikolskij 1986). These measures have been absolutely necessary for the modernization of the Japanese language.

In contradiction to the opinion of the Hungarian colleagues we believe that ethnic identity is very closely linked to the language. The five volumes of the impressive and authoritative publication *Language Reform. History and Future* edited by István Fodor and Claude Hagege (Hamburg 1983) have aptly appeared under the motto *Nyelvében él a nemzet* we have used for this paper. Many of the contributions by authors from virtually the whole world believe in the importance of language for ethnic identity. F. Liszt is an individual case explainable by the specific circumstances of his life and as a counterexample does not mean much. The role of language for ethnic identity may vary. One could even distinguish “linguistic” and “non-linguistic” nations while both for the Hungarians and for the Slovaks their languages play a conspicuous part in the ethnic consciousness and are very important identity markers for the two respective peoples. According to the investigation carried out in 1992 some 50 % of Slovaks in the statistical sample had stated that

their language is more important for their ethnic identity than anything else (Ondrejovič 1996: 232–253). There are very few peoples that have been deprived only of their language without losing their ethnic identity. The most remarkable exception (at least in Europe) are the Irish. The Jews (at least many of them) who had centuries ago lost their original language, finally achieved an admirable accomplishment in modern Israel – they have revived Hebrew and made it again their national language. This has obviously been rendered possible by especially favourable circumstances.

Language eludes a purely linguistic definition because it is a vehicle of communication and as such is closely linked to society, its organization, to politics just as to ethnicity and culture. Language is not isolated from its functions. Neither is the development of language a purely linguistic affair. After all, administration, education, army, economics, mass media, etc., all aspects of social life, their smooth functioning depends upon language, language planning and linguistic policy. R. Wardhaugh is of the opinion that language planning has become part of both state and nation building and the tendency toward synonymy of state and nation in the modern world is increasingly stronger (Wardhaugh 1988: 335). According to him the role of language planning is especially important in Norway, Belgium, Canada and India as well as in Indonesia, Israel, Finland, Turkey, Pakistan and Papua New Guinea (Wardhaugh 1988: 336, 343); the issue of language planning has also been attracting more attention in the USA (Wardhaugh 1988: 347–348).

The situation of Slovak and several other European languages of the peoples that acquired independence only recently is to some extent analogous to that of the above-mentioned Asian languages. The functional range of Slovak has suddenly expanded. It has to cope not only with a considerable functional expansion but also with the terminological extension. Therefore it should be judged in a light different from the long established official languages that had played dominant roles in the former multinational countries such as Hungary before 1918, the Soviet Union, Yugoslavia, etc.

Slovak shares with Indonesian and Malay the circumstance that it has become the official language of a sovereign country fairly late and had to assume all functions resulting from this event. With these two and with many other languages it shares the property of being the national language *de jure*. Under these circumstances it is desirable that the further development of any language be expertly regulated by qualified institutions at the highest level. Relying on self-regulation and spontaneous development would be naive. We do not believe in linguistic Darwinism and are not feeling lonely in this attitude. The above-mentioned examples (and their number could be increased) illustrate that various languages may and do exist in diverse external circumstances. It is therefore far from surprising that their development may sometimes require different measures. The remarkable success of Hebrew (Ivrit) in Israel and the equally remarkable failure of Irish in Ireland furnish the best insight into the significance of a purposeful and competent language planning and policy. A qualified circle of experts from the domain of culture and public life should participate in this activity and competent linguists must not be

driven to the position of passive observers or commentators in this process, among other things because no law is perfect and certainly deserves occasional adjustments and improvements.

The so-called standard language is always to some extent artificial, i.e., shaped by the purposeful activities of experts, whether under the patronage of the authorities or acting without their instigation. And yet the basis of the standard variety of a language – at least that is the case of standard Slovak – is largely dialectal. The national language (a more inclusive notion than standard language), however, comprises all its territorial and social dialects that continue to be employed as potential sources of its enrichment. Aggressive insistence that persons speaking a certain dialect ought instead use standard Slovak in all circumstances is entirely out of the question in Slovakia. At the same time, standard Slovak is an ideal, a paragon; schools, theatre and mass communication media are instruments that help all speakers of Slovak to approach this ideal as closely as possible. But this seems to be the case in most present-day countries.

Hungarian authors of the above-mentioned article have misunderstood several paragraphs of the Slovak law. Its article 2.2 ought to be translated as follows: "The codified variety of the national language is publicized by the Ministry of Culture of the Slovak Republic upon the basis of the proposal of Slovak linguistic research institutions." This means that we are not waiting for the creation of a codified variety of Slovak – simply because we have had it here for quite a long time. Of course, modifications (especially of orthography) do occasionally take place but we are sure this happens everywhere, not only in Slovakia. As Joshua Fishman puts it, the processes of language development are not single events but involve repeated elaboration and recodification (see Fishman 1968).

The authors have the impression that some of the articles of the Slovak linguistic law contain ambiguous or uninterpretable legal criteria. Such an impression could have arisen but the translation might have contributed to it too. One of the most problematic points is the translation of the Slovak term *štátny jazyk* as "state language" into English. In our opinion English would prefer the term "national language" just as French and Indonesian would while Japanese employs the expression *kokugo* meaning "country language". The question of who should decide that "a non-native speaker's competence in Slovak is inadequate to the required degree that his/her use of a minority language can be considered lawful" is easy to reply upon the basis of common sense – it is a question of successful delivery of the message versus communicative failure. We have not heard that the publication of a programme of a minority-language theatre in the language of that minority would ever become a problem in Slovakia. Neither does such a problem arise for Slovaks in Hungary even if for an entirely different reason. While the Hungarians in Slovakia have two professional theatres, the Slovaks in Hungary have none. What is worse, thanks to the existing education system, the so-called Slovak minority schools in Hungary are so efficient that nowadays their pupils hardly speak any

Slovak at all. And thus we have arrived at the third problem of linguistic and/or ethnic minority legislation – to the relevance of the relative succession of the legislative and political measures: A minority should be granted its rights before it loses its language and its ethnic identity. In the opposite case such rights serve merely as an ornament of the legislation of the donor country, even if only in the eyes of those who are not informed of the lamentable historical reality. Lamentable, that is, from the point of view of the minorities in question.

No one denies that the chief goal of linguists is the investigation and description of language in its territorial and social variety as well as of its system and functioning and it is upon such a foundation that the usage of the language ought to be regulated. There are very few laws – if any – that could be considered perfect and the language law is no exception in this respect. Its flaws should be occasionally rectified by qualified persons, which in itself does not mean that language legislation is a sinful activity.

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