

Testing for linguistic injustice: territoriality and pluralism

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This article develops a linguistic injustice test. Language policy measures passing the test conflict with the normative ideal of equal language recognition. The first part of the test checks for external restrictions – language policies that grant more recognition to one language group than to another. The second part of the test checks for internal restrictions – language policies that grant more recognition to some members of a language group than to other members of the same group. The article then applies the linguistic injustice test to two models of linguistic justice: linguistic territoriality and linguistic pluralism. It is argued that real-life cases of linguistic territoriality tend to pass the test. It is argued that instantiations of linguistic pluralism tend to fail the test.

Keywords: linguistic justice; linguistic territoriality principle; language policy; linguistic nationalism; Van Parijs

1. Introduction

One central point of discussion in the recent normative political theory discussion over language policy – also called the linguistic justice debate¹ – is the question whether the fact that many people derive identity from their native language constitutes a reason for politically recognizing language groups with public support and language rights. A second critical issue widely discussed among those who answer this question affirmatively involves the question *how* language identities should be politically recognized.

Here I am concerned with the second discussion. Assuming we accept, in some form and perhaps with several caveats, that language recognition for identity purposes is justified, what then is the best language recognition policy? In this article, I will look at two key policy options: linguistic territoriality and linguistic pluralism. A number of scholars have put forward the “linguistic territoriality principle” (LTP) as a desirable strategy for realizing linguistic justice in countries with more than one historical language group (see Laponce 1984, 2001; Van Parijs 2000, 2008, 2011; Kymlicka 2001a, 124–127, 2001b; Stojanovic 2010; Grin 2011; Velaers 2011). The strict and most popular version of the LTP states that (non-immigrant²) languages should be territorially maintained, such that each particular territorial unit gives public support to *only one* particular language group.³ This means that the official language of a particular territory becomes the only admissible one in that territory as regards (among other things) public administration, political life, judiciary procedures and publicly funded compulsory education. Speakers from

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other languages may be perfectly welcome on the demarcated territorial unit, but they cannot demand public support of their language.

Apart from being argued for in the new debate on these issues in political theory, linguistic territoriality also forms part of the glossary of political terms used in the public debates of multilingual states such as Switzerland, Belgium, Spain, or Canada. Moreover, it is a cornerstone of the language policy of Switzerland and Belgium.

In order to determine whether linguistic territoriality is a convincing principle of linguistic justice, in what follows I propose a linguistic injustice test. To meet the test, a proposed language policy regime has to fall into at least one of two categories of linguistic injustice: internal and external restrictions. My argument in this article is that the LTP passes the test in almost all real-life cases in linguistically heterogeneous contexts. Instead I argue for the opposite of the LTP: linguistic pluralism. Linguistic pluralism stands for equal accommodation of different (non-immigrant) language groups within the same territorial and political unit. On the linguistic pluralism view, linguistic justice demands language recognition in the form of language rights for groups on the same territory, not in the form of monolingual territories for each of the groups. My argument is that, in contrast to linguistic territoriality, linguistic pluralism fails the linguistic injustice test, and is therefore normatively superior.

2. Two categories of linguistic injustice

Different justificatory grounds for language recognition may lead to different language policies. For example, those who take linguistic diversity to be desirable may be more interested in safeguarding vulnerable languages than in securing language rights for language groups not threatened with extinction. Those who think dignity is the basic justificatory ground for language recognition may be more interested in granting recognition to language groups experiencing a lack of linguistic dignity than in checking whether enough languages “survive.”

But no matter what the grounds are for the conviction that language identity recognition is justified (a conviction that I take as an unargued premise of my argument⁴), if the proposed language policy is to qualify as just then it will need to meet a standard of distributional equality. In particular, individuals belonging to different language groups must be treated with equal concern: if two groups have similar reasonable demands, then what is given for one group must equally be given to the other group. If language recognition is to be politically provided, it has to be equally provided for all, not just for some and not more for some than for others. I take this as the first principle of linguistic justice, to be agreed upon by all irrespective of specific further differences in language policy: all else being equal, language identity recognition should be equally granted to all, so that no situation emerges where some receive all or most of the linguistic rights and benefits, while others are ignored.⁵

Two categories of cases can be distinguished in which this fundamental principle of equal treatment is violated: *external* and *internal* restrictions. I propose these categories as the two components of a linguistic injustice test: committing at least one of the two restrictions makes one pass the test and violate the equality condition. *External restriction* occurs when the realization of the language rights of one language group infringes upon the equal realization of the language rights of another group. *Internal restriction* occurs when the realization of the language rights of a group infringes on the equal realization of the language rights of some members of the same group. This typically involves the

prioritization of the language interests of some members of a group over the interest of other members of the same group.

An example of an external restriction, I argue below, is the implementation of a LTP in linguistically mixed regions and regions with a substantial number of bilinguals. The prohibition for Francophone parents⁶ to send their children to publicly funded English schools in Quebec is an example, as I argue below, of an internal restriction, as was the rationale behind a similar restriction of school language choice for inhabitants of Brussels until 1971 (when it was replaced by the *liberté du père de famille*, enabling freedom of school language choice).

Both categories restrict the equal language recognition of others. *External* restrictions occur when the language rights (or the recognition) given to one group restrict another group's language rights (or recognition) such that the former group gets more rights than it would have if both had equal language rights. *Internal* restrictions occur not as a result of restricting the language rights of members of another language group but of restricting the language rights of some of a group's own members such that some members get more rights than they would have if all had equal language rights. Whereas external restrictions are inter-group restrictions or inequalities, internal restrictions are intra-group restrictions. They tend to restrict the liberty of a group member to change her language identity (such change can occur for example through unforced assimilation⁷ into another group or through assuming a bilingual language identity).

This second category of internal restrictions bears strong resemblance to Will Kymlicka's internal restriction category. Yet Kymlicka seems to reserve this term for those intra-group practices by which groups set limits on the liberties of group members to alter the *character* of the group. For Kymlicka, internal restrictions entail "protecting the historical customs or religious character of an ethnic or national group through limitations on the basic civil liberties of its members" (1995, 44, see also 1995, 152 and 2001a, 60).

Kymlicka distinguishes the "character" of a culture – its set of values and beliefs – from the "cultural structure" or the "existence" or the culture itself (1989, 167; 1995, 104–105).

It is natural, and desirable, for cultures to change as a result of the choices of their members. We must, therefore, distinguish the existence of a culture from its "character" at any given moment. The character of a culture can change dramatically, as the Quiet Revolution in Quebec shows. In the space of a decade, French Quebec changed from a religious and rural society to a secular and urban one. (...)

It is right and proper that the character of a culture change as a result of the choices of its members. This is indeed why systems of internal restrictions are illegitimate from a liberal standpoint. People should be able to decide what is best from within their own culture, and to integrate into their culture whatever they find admirable in other cultures. (...)

But this is different from the culture itself being threatened—that is, for the very survival of the culture as a distinct society to be in jeopardy—as a result of decisions made by people outside the culture. This can happen if the land, language rights, and political institutions of a national minority are taken away. The desire of national minorities to survive as a culturally distinct society is not necessarily a desire for cultural purity, but simply for the right to maintain one's membership in a distinct culture, and to continue developing that culture in the same (impure) way that the members of majority cultures are able to develop theirs. (Kymlicka 1995, 104–105)

Kymlicka believes it is legitimate to seek to limit the potentially destructive impact of *external* forces, such as decisions made by people outside the culture. He defines legitimate attempts to limit this impact as *external protections*, which promote inter-group equality. The linguistic injustice category of external restrictions that I am proposing refers to the

opposite of a (legitimate) external protection: Kymlicka calls language policy measures that treat all with equal concern external protections; I call language policy measures that violate the principle of equal concern external *restrictions*: they restrict inter-group equality. So, like Kymlicka, the linguistic injustice test developed here takes external protections to be legitimate. External restrictions, however, are illegitimate: they seek to benefit one group by limiting the equal language recognition of another group.

But while Kymlicka condones external protections (to limit the impact of what I call external restrictions), he rejects *internal restrictions*, understood as intra-group restrictions to preserve the authentic character of culture. Group members should have the freedom to question and seek to change the character of culture.

Interestingly, Kymlicka does not say much about the choices of people from *inside* a minority culture that threaten not the character but the very *existence* of a cultural community, the survival of the language group as a group. He thinks that it is legitimate for the group's character to change as a result of choices by group members. He also thinks it is illegitimate for the group to disappear as a result of choices by others (or at least that it is legitimate to attempt to counter such external impact). But is it legitimate for the group to disappear as a result of choices of its own members? Is it right and proper that internal members may threaten not only the current character of the culture but also its very existence?

The logic of equality in the handing out of language recognition suggests a positive answer. The existence of a language is threatened when enough members shift to another language. It is illegitimate for a language group to restrict the choices of its members to change their language or their language identity, because doing so prioritizes the language recognition interests of some members of the group over others, which amounts to a violation of the principle of equal concern. If some members of a group change their language identity, then the language recognition argument starts to work to the benefit of recognizing the new language identity the individual has assumed. Restricting individuals' liberty to assume a new language identity can therefore not be consistent with linguistic justice. On the contrary, it is a clear case of linguistic *injustice*; it is a requirement of linguistic justice to allow individuals to change their language. So not only internal restrictions intended to preserve the character of culture by restricting the character changing behavior of some are illegitimate. Internal restrictions intended to preserve the survival of culture (or language) by restricting the language shifting behavior of some are equally problematic.

To conclude, if we are interested in linguistic justice, then we must grant equal language recognition to the members of different language groups, as well as to all the members of the same group. Both external restrictions, which produce inter-group inequality, and internal restrictions (intended to preserve either the character or the existence/survival of the culture), which produce intra-group inequality, are thus illegitimate: they are the two ingredients of the proposed linguistic injustice test.

It should be added that, beyond internal and external restrictions, there are of course other, more general, injustices which could be committed for the sake of promoting a language. Think of genocides or basic human rights violations. But such general injustices are not specific to linguistic injustice. The linguistic injustice test I propose here does not explicitly set out to detect these general injustices; its goal is to identify injustices in the distribution of language recognition. Once we have decided that language identities deserve political recognition, what kinds of language-recognition distributive principles are problematic and which are morally justified? One might understand the linguistic injustice test as relevant only when a more general injustice test (identifying injustices such as basic human rights violations) has already failed, where failing means that no general injustice has been found.

3. Linguistic territoriality and external restrictions

I will now pursue to show that policies striving toward linguistic territoriality tend to pass the linguistic injustice test by falling into one of the two categories. Before arguing this, it is useful to consider why the LTP is such a popular language policy. Why might one be tempted to implement linguistic territoriality?

Its proponents are primarily interested in the way in which the LTP can promote language identity. Here are the three most important identity-based arguments that have been used in its defense.⁸

- (1) One argument states that only the LTP is capable of ensuring “parity of esteem” between peoples whose identities are closely associated to a language. To prevent the arrogant, “colonial” attitude whereby certain speakers expect others to always address them in their language, thereby forcing the others to “bow” symbolically, we can assign territories to language groups, in such a way that the bowing becomes reciprocal. Whenever you are on a language’s territory you bow, and your language also has a territory (Van Parijs 2011, 139–142; see also 2008, 24).
- (2) A second view argues that people live in linguistic and territorial societal cultures or nations which provide us with the ability to choose options, and which make these options meaningful to us. National language groups thus enable individual autonomy. This is a liberal argument for language rights. It argues that, since liberalism is centrally concerned about individual autonomy, it requires granting each national language group territorial and political autonomy, in order to enable group members to have access to their “context of choice” (Kymlicka 1995, 75).
- (3) The third argument for territoriality is the *language survival* justification. The idea here is that people have an (identity) interest in the survival of their language on the territory on which they live. In this argument, accommodating only one language within a certain territory is capable of protecting vulnerable languages from disappearance on a particular territory. This has been argued in detail by the Canadian political scientist Jean Laponce. Laponce states that, in cases of peaceful contact between languages, the more powerful language tends to dominate and assimilate the other language(s) (2001, 188–189). Brussels seems like a good case in point: whereas the city contained predominantly Dutch speakers at the end of the nineteenth century, after 100 years of intense language contacts between Dutch and French (and other languages), today most speak French.⁹ When a Dutch speaking person married a Francophone in Brussels, it was very likely that the children would be more fluent in French than in Dutch. After only one or two generations, Dutch may have entirely disappeared in this family. Van Parijs has aptly summarized this “Laponce-mechanism” as: “The nicer people are with one another, the nastier languages are with each other” (2000, 219). The rationale behind the LTP, then, is that it will seriously restrain the spontaneous process of language contact and language shift, and thereby protect the territorially protected language. As Van Parijs puts it: “To protect vulnerable languages, there is, under circumstances of high mobility, at best one effective strategy, the firm application of the linguistic territoriality principle: *Cuius regio, eius lingua*” (2000, 219).

While these arguments may have value, I think there are persuasive arguments against propagating linguistic territoriality as the hallmark of linguistic justice. The basic argument against the LTP is that our linguistic world is not a neat patchwork of linguistically unified

territories, and that installing the LTP, which demands a one-to-one correspondence between language recognition and territory, is often inconsistent with granting equal recognition to linguistic minorities within each territorial unit.

In linguistically very homogeneous states – say, Iceland – or territorial sub-parts of states, few will see problems with implementing a LTP. In such cases there is no need to recognize other languages. But the LTP is not advocated for such unproblematic cases. The LTP usually becomes politically popular in situations where more than one established language group inhabits the same territory; it is also in such cases that it is defended on normative grounds. Indeed the LTP is typically argued for with cases like Quebec, Catalonia, the Basque Country, and many regions within the Baltic States in mind. But these are all cases where two or more language groups live intermingled, where there is no congruence between language and territory in the first place. In such cases, including also examples like Brussels, or Wales, different language groups are mixed in a way that prevents clear language-based territorial separation because any territorial division will include people from more than one language group. What does the LTP prescribe for such cases?

We could pick one of the two (or more) languages and grant all the official identity recognition toward the promotion of that language. But this solution clearly flies in the face of equality. To claim that only the French speakers in Brussels are entitled to language rights would reasonably be rejected by the Dutch speakers, and vice versa, on grounds of equality: there is no clearer external restriction than to grant all the identity recognition to one group at the expense of another group in a situation where both groups live in the same territorial unit. Barring this principle, there seem only two other possibilities, addressed by Van Parijs (2011, 164–169): we can redraw boundaries or we can recognize two languages. Redrawing boundaries, such that smaller territorially concentrated language groups who are included in a larger territory could have their own territorial unit, can work. But it can only work sometimes. The problem in cases like Brussels, Catalonia, or Montréal is often not that monolingual territories have become mixed in a way that could be undone by redrawing boundaries. The problem is that there is no way to draw boundaries in such a way as to create unilingual units. If language groups live so intermixed that apartments or streets contain members of both language groups, as is the case in almost all instances where linguistic justice is a very salient issue, then it is unclear how this redrawing is to be carried out.

What about the other solution, to recognize both (or more) languages on the territory? It is hard to see how this possibility can be consistent with linguistic territoriality. The LTP is contrasted by Van Parijs (2011, Section 5.1) with a language regime that allows for the extension of rights to more than one language group in an accommodating way: we recognize every language group by extending language rights to it. If one allows for institutional bilingualism within the territory, then the distinction between LTP and its alternative is blurred, since the territory is then characterized by a regime that within the same territory accommodates the language claims of multiple language groups. Moreover, if bilingualism is followed throughout, then the Laponce-argument re-appears: the stronger language may slowly and peacefully devour the weaker language, and preventing that from happening is one of the arguments for the LTP. Van Parijs recognizes this and therefore by and large avoids this bilingual way out of the heterogeneity problem, although he does argue for a special, weaker version of territoriality in some cases: we can extend temporary language facilities to those people who, after the implementation of the LTP, have ended up on the wrong side of the border, until they die or move out of the territory: “They can make use of this possibility until they die or move away, without this possibility being extended to any newly born or newly arriving resident” (Van Parijs 2011, 167). But this solution also

flies in the face of equality of dignity (or “parity of esteem”), the philosophical heart of Van Parijs’s territoriality defense: it realizes inequality of dignity, effectively conveying the message to the native minority:

You can stay here, but don’t expect that your language can have a meaningful life here on the territory. We can’t extend full language rights to you since we want to protect the other language on this territory and save it from erosion. Why? Because that is entailed by dignity for the other group.

It suffices for the linguistically worse-off to reply: “And what about *our* dignity?” to see the problem with this message.

In such heterogeneous cases, normatively prescribing monolingual recognition gives rise to instances of injustice in the form of *external restrictions*. These originate in the fact that many of the linguistic justice problems in the world occur where linguistically unified units are nonexistent and where the attempt to bring them about – by recognizing only one language in linguistically diverse territories – would be undesirable because doing so infringes on the language interests of others. In linguistically mixed territories, the LTP causes an external restriction because, to realize the interests of the speakers of the language promoted by the LTP it restricts the realization of the interests of the speakers of another native language group living on the same territory by granting the speakers of the privileged language more language recognition than they would get if both groups had equal recognition. In mixed regions, the LTP never gets off the ground as far as justice is concerned. It will only be argued for where it is not a natural practice (which it is in Iceland-like cases), but it is precisely those mixed regions where it gives rise to the injustice consisting in a violation of equal recognition for all language groups. The paradox of the LTP is that the same constellations for which the LTP is intended will almost invariably be constellations where it is reasonably contested due to the presence on the same territory of speakers of another language than the one for which the LTP is designed.

There is also a second way in which the LTP tends to cause external restrictions: in territories with a substantial number of bilinguals. In many territorial units where two language groups meet, a substantial number of individuals have a bilingual identity, and do not uniquely identify with one of their linguistic belongings. On the LTP-model, once a language, say A, has been selected as the beneficiary of a LTP, bilingual speakers of both A and B will be expected to live within A and will only get state recognition for the A-part of their identity (boundary redrawing is evidently impossible here). While this may entail less injustice for bilinguals than for monolingual speakers of B – for, after all, the linguistic identity interests of bilinguals are at least partly recognized – it remains the case that monolingual speakers of A are privileged here over bilinguals. This is yet another case where the language recognition of one group – the language group which gets the benefits of a LTP – infringes upon the equal recognition of another group. (Here I understand bilingual people as members of two different language groups.) The interests of some are thereby prioritized above those of others.¹⁰

In short, in both the linguistically mixed cases as in the bilingualism cases, the LTP clashes with the ideal of equality, and implementing it involves external restrictions. Where linguistic justice becomes a salient issue, territories are often not linguistically unified, and therefore cannot realize equal recognition through monolingual language policy regimes. The LTP, designed to provide a solution to situations of linguistic diversity, is badly equipped to deal with such cases and can at best conceive of them as disturbing exceptions, whereas in fact they belong to the heart of what linguistic diversity is about.

4. Linguistic territoriality and internal restrictions

The LTP also tends to pass the linguistic injustice test by committing the second of its two categories: internal restrictions. Internal restrictions involve a restriction of the language rights of some members of the same language group for which recognition is sought. Such a restriction typically occurs when the interests of some members of a group are prioritized over the interests of other members of the same group.

Take a prototypical case of language decline. Imagine that a certain group of speakers of a small and vulnerable language A shares a border with speakers of a successful and solid language B. Imagine further that many current speakers of A value their language to a large extent. At the same time, however, the speakers of A witness the gradual erosion of their language due to the fact that intermarriages and other forms of contact result in the slow assimilation of a number of the A-speakers toward B. Many speakers of A lose their identity attachment to A and send their children to emerging bilingual schools or to emerging monolingually B-schools. Finally imagine that a generous set of language rights are granted to the remaining speakers of A, including subsidized mother-tongue education, subsidized medical service in A, etc.

On the linguistic territoriality view, linguistic justice for A entails the public support of only A in the territory. No language rights can be granted to B and (state-funded) bilingual schools or monolingually B-schools are prohibited. But the just-described case may make clear, I think, why this is not a desirable view. For it is hard to identify a linguistic injustice here, or something that might call for urgent political action based on identity concerns. On the contrary, trying to preclude the emergence of bilingual or B-identities among former A-speakers may be understood to be an injustice in itself. As soon as speakers of A start losing their identity interest in A and increasingly refer to B as their identity context, the identity argument (on which also a LTP-regime is based) starts to work to the benefit of politically recognizing B. In that case, there is no reason to protect A from gradually eroding as long as full language rights are extended to the (remaining) speakers of A.

Why is it important that only one language receives recognition? In real-life cases similar to the just-described one, like Flanders and Quebec, LTP-enthusiasts often argue that as soon as two languages get equal recognition on the same territorial unit, one language will tend to dominate and assimilate a weaker and vulnerable one, invoking the third, survival-based argument appealed to above. Monolingual recognition functions here, thus, as a mechanism to protect vulnerable languages from declining or disappearing.

However, the problem in relying on language survival as a justification for linguistic territoriality is that the actual survival of a language depends not only on the choices of the speakers who value the survival but also on those of others. That is why it is important for the LTP-regime – when invoked to promote survival – that the linguistic liberty of individuals is restricted instead of granted full scope and that only one language is officially recognized and gets language rights. If the freedom of individuals to choose a language is respected or if two languages get equal recognition, then the “Laponce-mechanism” is set in motion, which results in language decline. But the problem is that the solution to this undesirable outcome infringes on the rights or interests of some – those who do not want survival – while giving full scope to those of others – those who do.

Infringing on the rights of the *changers* in order to realize the rights of the *stayers* is not an external restriction – which restricts the language rights of the speakers of *another* group living on the same territory. It is an internal restriction: the argument is that the LTP and linguistic survival policies are incompatible with equal recognition granted to all the members of the *same* group the language survival of which is thought important.

So the problem with the survival defense of territoriality is that to protect those who wish survival, the choice of those who wish to assimilate must be restricted, and the latter must either leave or be forced to remain within their original language. But to use some as means to satisfy the interests of others is clearly an injustice. There surely can be a right to speak your own language and to receive language recognition. But there is no right to have your language spoken by others.

The case for special state subsidies for opera provides an analogy here. While it is legitimate for people to like opera and to attend opera performances, and while perhaps a successful argument might be made to receive special state subsidies to organize opera, there is no right to have others who like and go to opera. The same is true in the case of language. The fact that a threshold level of individuals is required for the survival of a language cannot become a reason for forcing others to either keep speaking and living within the language or leave.

So the essential critique of the LTP used to guarantee survival is that it constitutes an illegitimate internal restriction. There is nonetheless one important counterargument that is often formulated against the just-developed critique. The language survival defense of the LTP is sometimes justified with a specific argument that seeks to portray the *changers* not as victims of a potential LTP but as culprits in a situation without an LTP: they are seen as free-riders who do not contribute to the continued existence of the language as a public good. We need to consider this public good argument before moving on.

Public (or collective) goods are goods that all can enjoy (nobody can be excluded) and that do not decrease in value as more enjoy it. Public goods often lead to collective action problems – problems related to making sure everyone contributes to the construction or maintenance of the good. Where there is a public good involved for which efforts are needed in order to construct or maintain it, it is true for each person

that, if he helps, he will add to the sum of benefits, or expected benefits. But only a very small portion of the benefit he adds will come back to *him*. Since his share of what he adds will be very small, it may not repay his contribution. It may thus be better for each if he does not contribute. (Parfit 1986, 61, see also Boran 2003)

These non-contributors are free-riders: they benefit from but do not contribute to the good.

The public good justification of the survival argument for linguistic territoriality states that language serves as a public good for the language community, and that a version of the LTP is desirable in order to maintain the language in cases where it is threatened. On this view, the contrast I sketched above between those who wish the survival of the language and others who do not is a false one. Proponents of the public good argument will argue that *all* benefit from the survival and that those who claim not to are in fact free-riders, who benefit from and rely on the linguistic choices of others to remain speaking the weaker language, while they themselves can get the extra benefits from speaking the more dominant language (Coulombe 1995, 123–124).

The best-known real-life case is territoriality for French in Quebec. Quebec's notorious law *Loi 101* includes a prohibition for French-speaking children – more precisely: children who do not have at least one parent educated in English in Canada – to attend English-medium public schools (while Anglophones do have the choice between public schools in French or in English).¹¹ The idea behind this law is that without this choice restriction for francophones, we might witness massive language shifts toward English and the survival of the French language in Quebec would be significantly under threat. Proponents of *Loi 101* argue then that francophones who want to be able to send their children to English-

medium schools would, if they were allowed to do so, be free-riders since they would benefit from the public good of French without contributing to it. The best solution for this collective action problem, they argue, is to restrain those who wish to refrain from contributing to it, by refusing them entry into public English-medium schools (see for instance Coulombe 1995, 123).

Despite its argumentative plausibility, the linguistic public good argument for territoriality does not seem very convincing when analyzed in terms of linguistic justice. For one thing, there clearly are limits to state solutions to collective action problems in general. All such solutions must at least conform to basic freedom and equality constraints. For instance, it would be outrageous to argue that the choice of women who choose not to have children should be restricted since benefiting from the public good of a language without contributing to its continuing existence is a form of free-riding. The argument to restrict access to English public schools in Quebec to children who have at least one parent educated in English in Canada is of course fundamentally less morally problematic. But concerns might still be raised here about the value of linguistic freedom, and the question of whether it can be legitimate for a state to restrict the language of schooling in a constellation where there are schools in that other language and where that right is granted to others (the Anglophones).

But, second, it may also be asked whether it is really correct to picture those who wish access to the English linguistic context as free-riders. In his discussion of free-riding, Rawls stipulates that “[a]ssuming that the public good is to everyone’s advantage, and one that all would agree to arrange for, the use of coercion is perfectly rational from each man’s point of view” (Rawls 1999, 236). Both conditions seem important. Is French really to everyone’s advantage?¹² And would all (including those who wish to send their children to English schools) agree to arrange for it? Especially the second assumption is tricky. For how do we know that all the speakers of a given language would “agree to arrange for” this public good? If some do not have an identity interest in their original language, or derive their identity from two languages, or just agree to arrange for a *different* linguistic public good, then how can a collective action argument that is invoked as a measure to protect the identity interest in language be employed to their disadvantage? As long as the justification for the language policy to be adopted is the identity interest, it is unclear why the identity of those who want to continue to speak the original language should outweigh those who do not.

Perhaps one might argue that not agreement to arrange for the public good, but *reason* to arrange for the public good should ground the coercive measures. Then, the requirement that “all would agree to arrange” for the linguistic good in the premise would be changed into the requirement that “all *should* agree to arrange” for it. But that move would not do much good to the survivalist argument. As Jacob Levy has argued, to invoke the collective action argument in the case of culture is more problematic than doing so in non-cultural cases. It may be that even the polluter would not agree to arrange for the public good of a clean environment. But in that case we sincerely think he “would be wrong to be indifferent to widespread pollution; his or her desire to pollute doesn’t affect our reasoning” (Levy 2000, 119). That is different from the case of culture or language since we think cultures and languages are worthy of recognition because of the value they bring to individuals. If “someone sincerely prefers what is provided by another such community, then outsiders don’t have grounds for criticizing the way they do in the polluter’s case” (Levy 2000, 119). Ordinary collective action problems occur when all have reason to seek to arrange for the public good. But in the case of language and culture, members have that reason only when they identify with the particular language.

Rather than saying that those who claim not to identify with the language either do agree or have reason to agree with the particular linguistic public good, the language survivalist might hold that those who indicate that they have identity interests in the new language in reality derive their identity interests from their original language. But that is paternalism. We should focus on the identity that people indicate to want, rather than on the one we think they want. In contrast to objectively assessable factors like income or physical disease, identifying with a language depends on what the person who identifies believes or feels. Identity goods require subjective identification. Therefore it is morally unacceptable to decide on the identity interests of others. The identity that people indicate to want is what should count, not what others think they want or should want. Even if the result is that the survival opportunities of the language that some would want to preserve are considerably weakened because a language needs a certain threshold of speakers to continue to be a reasonable option for people to raise their children in, we should not repress and restrain the identity of the *changers* in order to support the identity of those who want to continue living in that language.¹³

So the prospects of the public good case for the survival justification of territoriality are not good: there is a freedom problem with restricting the recognition of *changers*, we cannot assume all *would* want the survival, we cannot assume all *should* want it, and we cannot assume that people have a false consciousness about what they want. If we value identity, then when someone changes her identity, we should not set out to prove her wrong. If survivalists depend on an identity argument for their policies, they should honor all identity claims, including those of who have new identities. Effectively, then, when there are *stayers* and *changers* within a group of people who used to share the same language preference, we cannot realize equality of recognition toward the latter if we say that the territory essentially belongs to the stayers.

5. Linguistic pluralism

The avoidance of external and internal restrictions constitutes a constraint that language policy should respect in order to remain within the bounds of justice. Linguistic territoriality regimes violate the constraint in linguistically mixed constellations. Therefore we should not propagate the LTP as the hallmark of linguistic justice in such constellations.

The alternative to a LTP-regime is linguistic pluralism. On the linguistic pluralism view, linguistic justice in linguistically diverse territorial units calls for multilingual language policies, which grant equal recognition to the existing linguistic identities of citizens through equal language rights, such as the provision of police services, schools, voting ballots and welfare services in two (or more) languages. Language rights are then not granted through territorial *monism*, through implementing a one-to-one correspondence between territory and language recognition, but through territorial *pluralism*, by granting equal sets of language rights to all. Members of each language group are enabled to experience and adapt their language identity using the available resources, including through adopting another language, assuming or acquiring a bilingual language identity, or staunchly assuming a monolingual identity. Even if, under such a language policy, the mechanism of free language contacts started to work toward the gradual erosion of one language group and the growing strength of another, then some members may regret this, but no identitarian injustice is committed. Linguistic injustices would arise when this erosion is curbed by granting territorial priority to those who remain within their own language, or by not granting language rights to speakers of the other language.

It is often thought that the only way to resist the normative political conclusions to which a LTP leads is to revert to a form of neutrality in the sense of “doing nothing” in terms of language recognition – by picturing a linguistic “laissez-faire” or “benign neglect” view of the political community. But this dichotomy between doing nothing and a LTP is false. It is false not just because doing nothing is impossible in the domain of language, as public institutions like courts or schools cannot but use particular languages (see Kymlicka 1995, 108), but also because we can work out a conception that avoids declaring territories to belong to just one specific language, and that actively accommodates language groups and supports them with language rights. So there is a midway between installing the LTP and (the practically unfeasible project of) *laissez-faire*. While the state cannot be linguistically neutral, its linguistic support does not have to be limited to strictly one language. The state (including the state-wide and all sub-state units such as provinces or cantons) cannot avoid taking culturally permeated decisions over the language of public schooling and public services, but it can allow bilingual schools or different schools operating in different languages. We cannot “replace the use of English in courts with no language” (Kymlicka 1995, 110), but we can recognize French alongside English in courts.

Today linguistic pluralism remains relatively under-theorized in the academic debate (with the crucial exceptions of the work of Alan Patten and Denise Réaume¹⁴). I suspect part of the reason for this relative neglect has to do with the evidence with which many scholars operate with a “Westphalian” linguistic assumption. Many tend to think of language groups as neatly territorially separate communities and of monolingualism as the standard case. The result is an assumption that, where two groups voice claims to the same land, the just solution involves an end result whereby one of them receives the land, or where the land is territorially divided and boundaries are redrawn. But in many situations redrawing is impossible unless we are prepared to trap members with monolingual but different identities (“mixed regions”) or with bilingual language identities. In such cases, a crucial task for justice theorists is to work out principles of justice for territorial co-existence of two or more groups.

In such a co-existence regime, prioritizing one of the present languages above all others amounts to an injustice from the point of view of language identity. The alternative operates on the basis of equal recognition of all language identities. Before setting out this equality ideal in more detail, it is important to note that, while linguistic pluralism is an alternative to linguistic *territoriality*, we have to be careful in understanding what territoriality means here.

First, the equal recognition rationale behind linguistic pluralism does not rule out *all* monolingual and territoriality-based language policies. It *can* cash out as a LTP in unilingual areas. In cases where only one language group with a clear monolingual identity is present on a given territorial unit, implementing monolingual territoriality restricts the language rights of none of the inhabitants (nor internally, nor externally), and a LTP is a natural practice.

Second, even in cases where a LTP is undesirable and linguistic justice requires linguistic pluralism, the latter policy clearly does retain an element of what I will refer to as territoriality*. Let us for this purpose define territoriality* as “instantiation within a territory.” There are two reasons for interpreting linguistic pluralism as a territoriality* principle of linguistic justice. First, no policy can avoid territorial instantiation: even if a set of rights were arranged to be global in scope, it would still have territorial reach, as the globe in itself is a territorial unit. And *language* policies are pursued in territorially bound institutions such as, for example, schools and courtrooms. Taking the language identity interests of minorities into account thus involves territorial engagement. Second, a reason for

maintaining a smaller-than-global territorial dimension to language policy is that doing so will help curb processes of language death or language erosion without committing internal or external restrictions. If two languages are equally recognized, as might be instantiated for Catalan and Spanish in Catalonia, French and Dutch in Brussels, Turkish and Kurdish in Turkish Kurdistan, or Russian and Ukrainian in Ukraine, then this does confer protection on those language groups, which will help guard them against massive linguistic assimilation pressure toward bigger languages. The fact that two languages in such cases receive state support and thereby also receive symbolic benefits, bilingual recognition (as opposed to no recognition at all or to granting all the recognition to one group) may help forging future people's (and people's future) language identities, which are more likely to be beneficial to the protected language groups than to others outside of the territorial unit. All this is done, moreover, in a legitimate way, fair to the language interests of all.

In short, there does and should remain a territoriality* dimension to language policy, both in monolingual areas and in multilingual ones. This makes clear that the bi- or multilingual instantiation of linguistic pluralism does not distance itself from the territorial* dimension of the LTP, but merely from its stress on *monolingual* territorial recognition. The LTP states (in its strict version¹⁵) that each particular territorial unit gives public support to *only one* particular language community. Linguistic pluralism stresses that each territorial unit gives public support to both or all (non-immigrant) language communities that live on the territory, and does so on the basis of equality. This stress on bi- or multilingual recognition is required by the equality ideal behind linguistic pluralism: the different language groups should be treated equally.

While linguistic pluralism can be contrasted with linguistic territoriality by focusing on the former's focus on equality in the way I have just done, equality is a broad notion, allowing for a number of interpretations. In what follows, I propose three principles of equality that are to guide linguistic pluralism.

(1) The first principle states that the linguistic equality we are concerned with is equality between *individuals*. The principle of normative individualism has become almost a commonplace among liberal democratic theories and policies sympathetic to multiculturalism and minority claims. When it comes to designing language policies, we are ultimately interested in the value language has for individuals. This normative individualism is compatible with "ontological collectivism" because there are certain collective preconditions to the meaningful realization of the interests of individuals. For example, in the case of language, enthusiasts of language recognition argue that there are linguistic preconditions for the development of communicative capacities, for freedom and self-realization, and for dignity and self-respect. A convincing theory of linguistic justice, they argue, must take these identity interests of individuals into account. As a result, normative individualism can be seen as compatible with a policy of group-differentiated rights. Group-differentiated rights are then not group rights but rights accorded on the basis of an individual's group membership (Kymlicka 1995, 47). The right to education in one's own language, for instance, is not derived from a group right in the sense that the language group as such has a right, but an individual right granted on the basis of an individual's language group membership (see also Kymlicka 1995, 45–48, whose terminological apparatus I adopt here). So what this principle comes down to is that in the face of a possible conflict between the rights individuals experience in the language and the rights the group or the language as such may be thought to have, the later always need to yield to the first: the linguistic interests of individuals have priority over the interests of languages and groups.

Languages as such have no moral standing of the sort that might imply politically prioritizing their interests over those their speakers have in them.

Normative individualism closes the door to a possible defense of the LTP not discussed above: the possibility that internal restrictions are committed not in the name of defending the interests of the other speakers of the “crumbling” language (as discussed above) but with the aim to defend the interests of the language group as such. It equally closes the door to one possible instantiation of linguistic equality, which would extend equal recognition to several language groups but would preclude language shifts between the speakers of the equally recognized languages (for example from a declining language to a more successful language): since we are ultimately interested in the value language has for individuals, we should not restrict the language interest recognition of an individual for the sake of protecting declining languages.

(2) The second principle, following from the argument about equal treatment above, may be summarily put as the priority of *enabling* over *restricting* language policies. Language policies are justified only to the extent that they enable the equal enjoyment of the language identity interest of all. Language rights should be seen as rights that assist and promote language identities. They should not be seen as entitlements to restrict the language identities of others, internally or externally. It is interesting that in some contexts language rights have come to be interpreted as meaning “no language rights for others.” In the public discourse in several LTP-based countries such as Belgium, for instance, language rights have come to be understood as rights that speakers of a language group do *not* get equal language recognition on the territory of another group. Due to the centrality of the LTP in the management of linguistic diversity within the state, many citizens have come to think of the presence of language recognition for speakers of the other group(s) as a crucial violation of their own moral right to language recognition: just recognition of Dutch in Flanders, for instance, is understood to mean no recognition for French or German.

As argued above, however, LTP-measures in contexts where other speakers are present are incompatible with the equality ideal that drives linguistic justice as linguistic pluralism. Equally enabling language recognition for all means that rather than withholding recognition from others, linguistic justice stipulates that the others are entitled to equal language rights. Legitimate struggles for language recognition can focus on demanding full recognition of one’s language, not on demanding less or no recognition for others. Groups are entitled to benefits or provisions that equally respect their members’ language identity, not to entitlements that restrict the options of speakers of another group or internal minorities.

This distinction between restricting and enabling faces the objection that to enable one language group’s equal interests, we may have to restrict another language group’s interests. If linguistic justice implies that one group should have more linguistic recognition than it currently has within a territory and that to do so, another group that currently enjoys all or most of the recognition should get less recognition (rights, benefits, etc.), then it is legitimate to restrict the recognition of the second group to the point that all are equally recognized. But the objection is not problematic: in this case the standard of “restriction” is formulated by the equal “enabling” of all language groups. There is no difference here with the belief that the realization of freedom stops where in pursuing it the equal freedom of others is impaired.

(3) Priority for the weaker language. Equal treatment does not necessarily rule out the possibility of granting some priority to a language, in some cases, provided important justice constraints are met. Say that we have a given amount of money to distribute to language recognition, and that there is a majority language group (of 90%) and a minority language group (of 10%). What share of the money should each of the language groups get?

Two broad approaches seem possible. The first, the per-capita approach, is to pro-rate the recognition based on a per-capita division. In the example 90% of the recognition goes to the majority language and 10% goes to the minority language (see Patten 2001, 2014). The second, the public-support approach, prescribes actively upholding both languages as the two languages in which the state speaks and in which public services are provided, irrespective of changing numbers of speakers, and in principle until the last speaker of each language dies out. Whenever the state speaks (in the anthem, in the formulation of laws, in official speeches, in state communication), it speaks in both languages. Even if one group is substantially smaller than another, it renders the messages in both languages. The state also organizes a complete set of public services for both groups: if the state provides public hospitals operating in one language, it provides such hospitals for both language groups, and the same goes for state-funded TV or public education. Rather than mandating a per-capita division of the available linguistic resources, the public-support approach determines the concrete division on the basis of what it takes to speak both languages publicly and to provide public services in both.

The public-support approach may in some cases be satisfied by a concrete per-capita division. Since the minority language group is smaller, fewer speakers will make use of the state services for the language (the schools, the hospitals and so on) as a result of which the division will not normally be characterized by a perfect 50–50 ratio: it will in many instances be similar to a per-capita division. But two corrections exist: first, some things like the translation of laws or the bilingual anthem are provided for on a perfectly equal basis irrespective of the numbers of the speakers; second, the scale advantages enjoyed by the majority make the per-capita cost for the public language provisions for the minority larger, as a result of which a deviation from the per-capita division, to the advantage of the minority, will be the *de facto* result.

I think the public-support approach is the more attractive one. It is the solution best able to confer full and equal symbolic standing to speakers of both languages: the state makes clear that it gives active political recognition to those languages and the state enables public possibilities in both languages irrespective of changes in numbers. If a majority group lives in the same territorial jurisdiction as a small minority group, then a “per-capita” distribution of the available money for language recognition may be insufficient to pay for the translation of official letters for the minority language group, for the provision of bilingual judges (or interpreters), for bilingual personnel (or interpreters) in state-funded hospitals, etc. Under a pure per-capita regime, minorities receive less recognition: on top of the scale disadvantages they already face, less state support is conferred upon those languages. Under the public-support regime, instead, some deviation from a “per-capita” distribution is justified, which entails a priority for the weaker language.¹⁶ This approach takes equality in the state support of language identities to imply giving more recognition (including a bigger share of available resources) to vulnerable language groups. The practical effect of the public-support approach will therefore often resemble inverse pro-rating – the fewer the speakers, the more numerous the resources – whereas for per-capita defenders fewer speakers means fewer resources.

The public-support approach is also better able to foster language survival. Above I have not appealed to language survival as a principle of linguistic justice and I have referred to its tendency to lead to internal restrictions. But, while not intended as such, the greater likelihood of survival can still be a positive side-effect if it stays clear of committing internal restrictions. When in a public-support regime the state actively protects even dwindling language groups and often grants them recognitional priority, the state thereby sends out a message to the remaining speakers that they will continue to be able to experience their language identity through the exercise of their ordinary language rights. Public education and public media are still offered by the state in that language, and the state will continue to make sure speakers of a threatened language are going to be helped in the language, in principle until the very last speaker. This helps assure speakers that it is not absurd to continue to speak the language and to raise their children in it.

It should be clear, though, that also a linguistic pluralism regime should make sure not to pass the linguistic injustice test. So the priority for a vulnerable language should never amount to internal restrictions, whereby some speakers of the (usually weaker) language are prohibited from assimilating to another language or developing a bilingual language identity. And while the public-support approach can clearly deviate from a strict per-capita division of equality of recognition, it should not thwart the language identity interest satisfaction of the stronger group. As long as the members of the larger and linguistically safer group continue to get full language rights, and are able to realize their language identity interests, granting a priority of recognition to the vulnerable group is legitimate.

This last observation shows that also linguistic pluralism will need to adhere to the two requirements of linguistic justice: avoiding internal and external restrictions. But linguistic pluralism is less prone to passing the linguistic injustice test because equality of language recognition is built into its core: linguistic pluralism sets out to equally recognize all (native) language groups within the same territory.

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Notes

1. For a general overview of the linguistic justice debate, see Patten and Kymlicka (2003). Philippe Van Parijs has made the term “linguistic justice” famous, see his *Linguistic Justice for Europe and for the World* (2011). The first use of the term I encountered is in Réaume and Green (1991).
2. Whether or not languages of recent immigrants (such as Arabic or Turkish in Western Europe) should be awarded the same status that established languages enjoy is a thorny issue on which an interesting debate has emerged (see for example Patten 2014, 269–298). This complicated problem is one in which the argument of this article has no stakes: both equally recognizing immigrant languages and not doing so are compatible with my argument. To avoid unnecessary opposition, however, I limit myself in the text to non-immigrant languages.
3. The strict version is instantiated in most of Belgium and Switzerland. A weaker version stipulates that a territorial unit might extend recognition to more than one language group, but with inequality of recognition between the recognized languages. This version is discussed in Section 4 in the context of Quebec’s Bill 101: it is instantiated in Quebec as well as in the 27 Belgian municipalities that are called *communes à facilités* or *faciliteitengemeenten*. My argument below applies to both the strict and the weak versions of the territoriality principle: I claim that both pass the linguistic injustice test.

4. I do not mean to argue that the only relevant principle in language policy is recognition. Language is also an instrument of communication and this will give rise to different reasons for language policies: for example, they will have to serve citizens' socio-economic needs and in several cases this will require support for languages of wider opportunity that are precisely not languages of identity. The present discussion is limited to arguments for language policy that seek to justify language recognition on the basis of people's language identity interests, and the question I ask in this article is: if we want to recognize language identities, should we then go for territoriality or pluralism?
5. A large consensus exists in political philosophy over this idea that we should treat all individuals with equal concern. See for example Ronald Dworkin's defense of it (2000). The crux, however, is what equality and equal concern mean precisely. I propose a more specific account of what equality implies in language policy below, in the described linguistic injustice test and in the last section of the article. See in particular Carens' notion of evenhandedness, Patten's equality of recognition and Réaume's multilingualism as equal recognition for similar applications of equality to language policy (Carens 2000; Patten 2001, 2014; Réaume forthcoming).
6. Section 73(2) of the *Chartre de la Langue Française* essentially grounds the eligibility requirements for a child to receive instruction in English in Quebec in whether the father or mother of the child received instruction in English in Canada.
7. *Forced assimilation* is an example of an *external restriction*: it involves one language group forcing members of another to give up their original language.
8. The supporters of the LTP usually promote it as a means of recognizing people's language identity interests, and it is also in this defense that I am interested here. It can also be defended from other angles, though many of the non-identity arguments will end up being critical of any form of language identity recognition, whether it comes in the form of territoriality or pluralism. However, one non-identity argument for the LTP has been proposed by Van Parijs. This is the pacification argument, according to which implementing firm and stable linguistic boundaries between officially monolingual units contributes to peace (2011, 5.7).
9. 23.1% indicate they speak Dutch well as opposed to 88.5% who claim to speak French well (Brio 2013).
10. The relevance of this bilingualism case may be more aptly recognized if we realize that "[h]alf the human race is known to be at least bilingual, and there are probably half as many bilinguals again in those parts of the world where there have been no studies, though cultural contacts are known to be high" (Crystal 2000, 45). Of course, the mere fact of being bilingual does not mean that one actually wants state recognition in both languages. Very often, some of the languages one knows were learned for instrumental benefits. In general, though, identity-based bilingualism is a vastly underestimated phenomenon, which must be taken into account in designing a theory of linguistic justice.
11. On the strict definition of territoriality, allowing only one language to be supported per territory, Loi 101 is in itself not an instantiation of a LTP, because within Quebec English public schools are provided to the Anglophones. But by, among other things, allowing English speakers to attend French public schools and not vice versa, Quebec sends out a clear signal that, even though English gets recognition, it is on the territory of Quebec committed more to the case of French than to the case of English: French gets more recognition than English on Quebec territory. It therefore fits a weaker definition of the LTP, stipulating that, while more than one language may get support per territory, territories will give preferential treatment to one among those languages.
12. One might also argue that not French monolingualism but linguistic diversity is a public good (see Boran 2003, 195; Grin 2003, 171–172, 185).
13. This does not mean that language survival policies are necessarily unjust. The claim is only that survivalist strategies that involve state-sanctioned internal restrictions (such as the LTP) are. Other survivalist strategies, financial or otherwise, are not necessarily touched by this argument.
14. See Patten (2003) and Réaume (2003), who both criticize linguistic territoriality from a perspective that falls under what I call linguistic pluralism.
15. The weaker version states that limited recognition can be given to another group as long as the language that is to be protected by a LTP receives recognition priority. So this weaker version is not characterized by monolingual recognition, but it still is designed in order to give one preferential language more recognition.
16. Alan Patten takes the equal per-capita pro-rating scheme as the ethically appropriate default position (2001, 694, 711). Yet, he calls it the "default position" because he wants to allow for

deviations from it in some cases. One such case is “where a language’s decline threatens to exclude it altogether from key spheres of language use” (Patten 2001, 708). He thinks the empirical conditions that could motivate us to deviate from the default position are not that common, in part because a language’s decline will be accompanied by the gradual acquisition of another language by its speakers.

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