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Language Rights and the Law in Scandinavia: Sweden, Denmark, Norway, Iceland, the Faroe Islands, and Greenland

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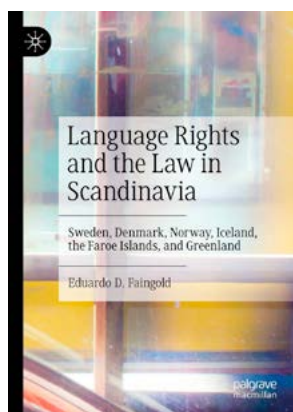
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In today's world, the relationship between language and law reveals how language serves as an essential medium for expressing legal frameworks, closely tied to each state's cultural context. However, the dynamics between language and law differ from one state to another, showcasing unique interactions based on local conditions. This is particularly evident in the Scandinavian countries, namely Sweden, Denmark, Norway, Iceland, the Faroe Islands, and Greenland (Introduction, Chapter 1).

This Atlantic and Baltic region features a diverse landscape where various languages coexist within different legal contexts. Eduardo D. Faingold, a noted academic and expert on the constitutional and legal status of languages in these territories, emphasizes the importance of understanding these relationships.

The primary focus of this examination is the legal protection afforded to minority linguistic groups, sign language users, and Indigenous and immigrant populations. It is essential to consider how each state formulates its language policies; not only to affirm the rights of diverse linguistic communities within its jurisdiction but also to understand the status of minority languages and how the corresponding regulations shape the daily lives of individuals whose primary language differs from the majority. Each state is characterized by a fluid and complex linguistic landscape.

Eduardo D. Faingold underscores that Scandinavian countries display a broad spectrum of coexistence between majority and minority languages. This reflects the commitment of these nations to upholding language rights and to ensuring that diverse linguistic identities are recognized and actively supported within the legal framework. The consistent methodology applied across these case studies examines six key areas: the interplay between language and law; legislation concerning language use in the public sector, courts, and education; and, in some cases, the discussion also extends to language use in the workplace and healthcare systems. It concludes with pertinent findings and references.

The author excludes the Finnish language from this study due to its unique linguistic and historical context. The countries mentioned demonstrate a supportive attitude toward human rights and linguistic rights, highlighting the need to address disparities in language education for their populations. Many users of minority languages, such as the Sámi and sign language users, face limited opportunities. While Faroese and Greenlandic Inuit are recognized as official languages, majority languages like Danish dominate higher education, public administration, and the legal system.

In the chapter dedicated to Sweden (Chapter 2), it is noted that five national minority (Finnish, Sámi, Meänkieli, Tomani Chieb, and Yiddish) languages have been recognized since the ratification of the European Charter for Regional or Minority Languages (ECRML) in 2000. However, the Language Act of 2009 established protections for the Swedish language in courts, administrative authorities, and other entities within the Swedish public sector.

Additionally, the standardization of the Swedish language is regulated to ensure it remains cultivated, clear, and comprehensible. Given its status as an official EU language, there is also a focus on developing terminology and using Swedish in international contexts. On June 11, 2009, Sweden enacted the Act on National Minorities and Minority Languages. This legislation includes provisions that grant the right to use minority languages in public spaces, as defined by the Act itself.

In Denmark (Chapter 3), studies on language use in the workplace and education promote the use of Danish. However, there is a growing presence of English, particularly in higher education at universities. Measures are being considered to ensure that teaching English does not lead to a new form of diglossia, where Danish is regarded as a lower-status language.

Norway (Chapter 4), the third kingdom of Scandinavia, has two linguistic codes for its official language: *Bokmål* (used for publications) and *Nynorsk* (which is more traditional and rooted in the history of the language). Norway recognizes several minority languages under the European Charter for Regional or Minority Languages (ECRML), including Kven (a Finnish variant), Romanes, and Romani (Gypsy languages), as well as the Sámi languages, the last with an official status.

In 2021, Norway enacted the Language Act (*språklova*) to promote equality between *Bokmål* and *Nynorsk* and to ensure the protection and status of the languages for which the state is responsible. Additionally, the Sámi Act was enacted on June 12, 1987, to safeguard the use of the Sámi language in various contexts, including the judicial system.

Like Iceland, Norwegian law requires that foreign nationals complete a Norwegian language course for foreigners before applying for permanent residence, unlike the regulations in Sweden, Greenland, and the Faroese Islands. In the courts and healthcare system, the lack of specialists fluent in minority languages poses significant challenges. Furthermore, the Language Act does not include provisions to regulate the use of Norwegian in the workplace. Education at the primary and secondary levels is essential for language development. In higher education, the concept of *parallellilingual-*

ism has emerged, which involves simultaneously using two languages (Norwegian and English) for academic purposes.

Iceland (Chapter 5) has an unique political and linguistic history. The Late Middle Ages marked the beginning of the Icelandic language as a distinctly different, closely related to Old Icelandic and its sagas. The country's language policy emphasizes purism and protectionism. The Árni Magnússon Institute for Icelandic Studies is a key institution in establishing linguistic norms and functions as Iceland's official national language academy. According to the Act on the Status of the Icelandic Language and Icelandic Sign Language, enacted in 2011, Icelandic is Iceland's national and official language. Notably, sign language is recognized as the only minority language in the country.

Regarding language and immigration, Iceland does not require applicants to take a language test. However, those applying for a permanent residence permit must complete a 150-hour course designed for foreigners before they can apply.

Icelandic is the sole official language used in courts and by national and local authorities, with specific provisions outlined in various legal codes. In the education system, preschool, primary, and secondary education are provided in Icelandic, along with instruction in English and Danish. In higher education institutions and universities, Icelandic is the primary language of instruction, although English may be used when necessary. Additionally, Icelandic terminology must be available in all areas of teaching and research.

The Faroe Islands (Chapter 6) are an autonomous territory of the Kingdom of Denmark. According to the Home Rule Act of 1948, Faroese is the official language of instruction in schools from elementary to high school. However, in higher education, Faroese is considered a minority language, with Danish and English being more prominent.

The Faroe Islands' population is linguistically homogeneous, and written standards were developed in the nineteenth century. In the legal framework, certain areas of administration still fall under the responsibility of the

Danish government, which means that Danish is also used in Faroese public affairs. Regarding language and immigration, a language exam is not required as it is in Denmark. Courts and health services provide interpreters for non-Faroese speakers. There are no compulsory regulations regarding language use in the workplace. Education is primarily conducted in Faroese, while Danish classes begin in the third grade. In higher education, Faroese remains a minority language, with Danish and English being the dominant languages.

Greenland (Chapter 7) is the largest island in the world. It is located in North America and has a special relationship with the European Union, which makes it geopolitically part of Europe. As an autonomous territory of the Kingdom of Denmark, Greenland approved the Self-Government Act in 2009, establishing statutes for both Greenlandic and Danish languages. Following this, the Greenlandic Parliament passed the Act on Language Policy in 2010, which outlined various measures to promote the use of Greenlandic. This included requirements for private companies, public enterprises, and authorities to support the language.

In terms of immigration, a language test is not required to obtain a permanent residence permit in Greenland, unlike in Denmark. However, Greenland remains dependent on Denmark in legal matters. In the judicial system, the *de jure* official recognition of Greenlandic and Danish presents challenges for interpreters and translators working with these languages.

In the workplace, large-scale mining operations can only succeed by importing a foreign workforce, likely from Asia, as noted by Faingold. In education, both primary and secondary schools face a shortage of qualified Greenlandic-speaking teachers and written instructional materials. The situation is similar at the university level, where there is a lack of degrees offered in Greenlandic. Consequently, English or Danish is more common, while Greenlandic is spoken much less frequently than either of those two languages.

Summary, Conclusion, and Directions for Future Research (Chapter 8). This final chapter provides a brief overview of each preceding chapter, emphasizing that the book offers a comprehensive and systematic analysis of

language legislation affecting linguistic minorities in the included states. The author presents a serious diagnosis regarding the presence and social use of languages, particularly Arabic. The author argues that it is not unreasonable to expect that within two or three generations, Arabic —currently the most widely spoken foreign language in Sweden— could achieve recognition as an officially acknowledged minority language in the country.

Furthermore, the book includes a comprehensive index that helps readers locate key concepts throughout the text. This feature is particularly useful for differentiating the various state regulations regarding language and law in the Scandinavian countries.

This book is particularly relevant for those of us who belong to minority language communities, such as the Basque, situated between Spain and France. Although it is in Europe, the context differs from that of Scandinavia. Additionally, there is a growing immigrant population in Basque-speaking areas. The book emphasizes the importance of ensuring that all languages spoken in these regions have a strong social presence. It serves as an excellent source of information to support future initiatives for the Basque language.