

## **Translation Policy in a Linguistically Diverse World**

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### **Abstract**

In Europe, policy approaches toward old minority languages (i.e., ‘regional’ minority languages) and new minority languages (i.e., ‘immigrant’ languages) are different. This is seen in language policy throughout much of the continent. And yet this distinction between speakers who belong to old minorities and those who belong to new minorities can be questioned, or at least the existence of distinct policy approaches for both groups when dealing with their languages. This paper will argue that if the ultimate goal of social policies – such as language and translations policies – is to bring about a more inclusive state, it may be helpful to think about speakers of old minorities and new minorities not as being essentially different in terms inclusion, but as having specific contextual needs which may or may not be the same. To do so, the paper will focus on the United Kingdom as an example of how things are and how they might be different. In particular, the paper will consider policies regarding translation, which must of necessity arise whenever the state makes choices about language that affect a multilingual population.

**Keywords:** minority languages, language policy, translation policy, United Kingdom, old minorities, new minorities

In Europe, as elsewhere in the world, matters of language can stir passions. Issues pertaining to language usage in the public sphere can become very contested politically, both in post-communist societies such as those in Eastern Europe (see Daftary and Grin, 2003) and also in long-established states such as those in Western Europe (e.g. Cardinal *et al.*, 2007). In a way

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this is to be expected, given that language can and often is closely associated with identity (see Gubbins & Holt, 2002; cf. May, 2003). As has been pointed out by several commentators (e.g., Holt & Packer, 2001: 101), states have no option but to make choices about language use. One difficulty stemming from that reality is that if one or several groups feel those choices place them at a disadvantage, such group(s) will find those choices to be exclusionary. To be clear, this issue is not one of subjective impressions only. It has to do with the equitable distribution of resources. For examples, individuals whose language is not favoured by the government may find themselves disadvantaged economically in specific ways, as Grin has argued (2005: 455-456). As Mowbray (2012: 134-135) has convincingly argued, the construction of the state and its language policies is neither neutral nor innocent, as it is a process with “winners and losers” in terms of power and access to resources.

In theory, a truly participatory, democratic state would not seek to systematically place individuals at a disadvantage due to their culture, identity, or language. And yet, as stated above, any democratic state must adopt a language policy of some sort. This is not a new reality. During the 18<sup>th</sup> and 19<sup>th</sup> centuries, states adopted homogenization policies, including homogenizing language policies, aimed at allowing the state to interact effectively with its vast number of citizens (Hobsbawm, 2000: 94). These pragmatic, efficiency-driven language policies began to be questioned as time passed, especially toward the end of the 20<sup>th</sup> century, as many national minorities pushed back in efforts to maintain their own identity, often represented through language (Kymlicka, 2001: 242). That is not to say that the idea that language policies must be adopted has been challenged, but rather that the goals of language policies have been questioned. While efficiency remains a high priority for policy makers and a very important consideration for some commentators (e.g., Weinstock, 2003), other aims have been suggested as equally worthwhile, if not more so. These include greater equality among speakers of the hegemonic language and minority languages. This increased equality can be achieved by giving minorities an added measure of participation in the political process, as keenly explored in Kymlicka (2001) and Kymlicka and Norman (2003), among others.

In this context, language policy has rightly been explored from a number of angles, including economics (e.g., Ginsburgh & Weber, 2011), law (e.g., Dunbar, 2001), and political philosophy (e.g., De Schutter, 2007). In most of these studies, the key role that translation<sup>1</sup> plays in the implementation of language policies is often ignored or mentioned only in passing. This is somewhat striking since issues of translation are intractably bound up with

language policy. It should be mentioned that the Ginsburgh and Weber study is a major exception to this general trend, at least outside of the field of translation studies. Expectedly, the link between translation and language policy is very evident to translation scholars (e.g., Diaz Fouces, 2002; Meylaerts, 2011).

This paper not only recognizes the vital role that translation plays in language policy and planning but also works on the assumption that choices about translation can become *translation policy*. This is so because in multilingual societies, choices about language sooner or later result in communication networks which imply what Diaz Fouces has described as ‘una pràctica continuada de traducció’ [a continuous practice of translation] (2002: 85). These continuous choices and practice amount to policy in its own right. Thus translation policy inhabits a space by the side of language policy. Translation policy is like language policy in that it is a type of cultural policy aimed at managing the flow of communications among the masses, establishing certain types of relationships between groups and their surroundings, attributing a particular symbolic value to specific kinds of cultural products, and so forth (*ibid.*: 86). This implies that translation policy works in conjunction with language policy in different settings and at different levels. Exploring those workings with regards to speakers of minority languages can provide valuable insights into broader approaches that policy makers take when dealing with diversity, especially linguistic diversity.

This paper aims to provide a few such insights. To do so, it will build on a theoretical understanding that the situation of speakers of minority languages can be understood through a common theory that applies to speakers of both ‘national minority’ languages and ‘immigrant’ languages. It will focus on the United Kingdom (UK) as an example of actual translation policies as approaches to minority languages. In so doing, it will show that in terms of policy, as is often the case, speakers whose languages are considered allochthonous are treated differently than speakers whose languages are considered autochthonous to the UK. This will be contrasted with a model for translation policies based on the different interests of individual groups.

## **1. A common theory for minority languages**

### ***1.1 Policies for old minority languages and new minority languages***

This study draws on the understanding that concerns regarding diversity and cohesion arise when dealing with both national or regional minorities (‘old minorities’) and immigrant

minorities ('new minorities'<sup>2</sup>). In terms of language, this means that the languages of old minorities ('old minority languages'<sup>3</sup>) and of new minorities ('new minority languages'<sup>4</sup>) can be included in a single theoretical framework. This idea is not new (e.g., Grin, 1994). As Williams puts it, '[t]he clearest difference between RM [regional minority] and IM [immigrant minority] languages is their history, but the needs of the speakers to be recognized and treated with dignity is exactly the same' (2013: 362).

To be clear, this paper does not argue that these two groups of languages are indistinguishable. It is not blind to the reality that policy approaches toward old minority languages and new minority languages tend to be different. This is the case, for example, under international law (González Núñez 2013a). Old minority languages benefit from a specific convention in states that belong to the Council of Europe (CoE), namely, the European Charter for Regional or Minority Languages (ECRML). Additionally, speakers of these languages also benefit from a number of clauses that impact language policy in treaties such as the CoE's Framework Convention for the Protection of National Minorities (FCNM). New minority languages, on the other hand, are explicitly excluded from the ECRML. While some of the protections found in the FCNM can extend to new minorities,<sup>5</sup> there are no international treaties dedicated *exclusively* to languages spoken by new minority groups. In general, linguistic protections afforded to migrants are the same as those afforded to anyone under any human rights instrument.

A difference in approach toward old minority languages and new minority languages is also observed in the UK as a whole and in its constituent regions, i.e., language policy differs depending on whether one is dealing with old minority languages or with new minority languages. Specifically, protection of old minority languages in the UK is handled by the devolved governments (Northern Ireland, Scotland, and Wales) plus a local government (Cornwall). The extent to which each government passes laws or adopts policies for promotion of their own old minority languages depends on several factors, including local politics (see e.g., González Núñez 2013b). On the other hand, matters relating to new minority languages generally lack either national or regional policies, at least if one speaks about policies designed specifically to deal with those languages. The extent to which new minority languages are used in official settings is the result of local efforts to comply with non-discrimination and human rights legislation that is not aimed at the protection of specific languages (González Núñez 2015: 72-73). In this sense, the UK follows the general trend found in international law where old minorities benefit from some sort of regime with specific

obligations toward minorities, while new minorities benefit from general international rules that are applicable to migrant workers and immigrant communities (see Letschert 2007, 46-47).

Such differential treatment for languages has implications for translation policy. This was observed in translation policy as analysed by this paper's author from 2011 to 2014. During this period, data was gathered regarding policy actions pertaining to translation that affect the UK generally and its regions (England, Northern Ireland, Scotland, and Wales) in particular. To this end, laws that applied to the whole of the UK or to specific regions were taken into account. Further, specific domains within the four regions were targeted, namely the judiciaries, the healthcare systems, and local governments. Overall, the following types of documents were gathered and analysed: legal enactments out of Westminster and the devolved legislatures (44); policy documents by devolved government departments (16); policy documents by local government councils (116), by health care trusts (60), and by judiciaries (4). In Northern Ireland, Scotland, and Wales, the whole population (100%) of local government councils and healthcare trusts was targeted for analysis, while in England, representative random sampling had to be employed due to the sheer amount of councils and trusts (the sample sizes were 30% of councils and 34% of acute trusts). The information found on these documents was complimented by targeted Freedom of Information Act (FOI) requests. Overall, 69 FOI responses were obtained.

Regarding the way translation is managed, the legal obligations by which such management takes place tend to be different for the two types of minority languages. A more or less single set of rules was observed for new minority languages and different sets of rules were observed for each old minority language. For example, the right to translation for limited-English-proficiency individuals is in essence the same throughout the UK. On the other hand, the extent to which local governments have to communicate through the medium of old minority languages, with all the translation that implies in a bilingual society, depends on the language and the region—an annual report by a local council in Wales will be published in both English and Welsh (i.e., translation will take place), but an Irish speaker wishing to apply for a liquor license in Northern Ireland must do so in English (i.e., no translation will take place).

Regarding how translation is practiced, translation involving old minority languages can take place in different ways for different languages in different places—thus bilingual staff in a local council in Scotland may handle requests to translate incoming correspondence in

Gaelic, while the local council in Cornwall will contract an outside translator for the translation of a report's foreword into Cornish. When it comes to translation involving new minority languages, translation practices were reported as considerably more uniform. For example, hospitals in all four regions reported that they can generally communicate with their limited-English-proficiency patients through telephonic or face-to-face interpreting. While the exact practice varies from hospital to hospital, translation is generally practiced in a reactive matter, and the type of tools available (e.g., telephone interpreters) for such reactive translation are not limited to specific regions.

Overall, a difference was observed in translation policy between old and new minority languages in the UK. The policy toward new minority languages is fairly similar throughout the state. This is so because translation policies are derived from the interaction of rather uniform human rights and non-discrimination legislation, such as the Human Rights Act 1998 and the Equality Act 2010. On the other hand, old minority languages are treated differently to new minority languages, as translation policy for old minority languages is mostly not derived from general human rights and non-discrimination legislation, but rather from decisions made mainly by the devolved governments regarding the use of specific minority languages. This results in a situation where, in terms of translation, old minority languages are also different one from another. Thus, translation policies for Welsh are not similar to those for Cornish. In essence, a major divide exists between translation for the two types of languages, where there is a bundling together of all new minority languages on the one hand and a differentiation between old minority languages on the other.

### ***1.2 Old and new minority languages as part of 'a language continuum'***

Despite this major policy divide, what this study argues is that translation policy for both types of languages can be analysed with a single theoretical understanding. This theoretical understanding draws heavily on Medda-Windischer's 2009 study that proposes a model for reconciling diversity and cohesion applicable to both old and new minorities. This study does not specifically deal with the broader question of how to reconcile diversity and cohesion in ethnically diverse societies, but rather focuses on the claim that old minorities and new minorities can be considered as one for purposes of analysis. Some elements in Medda-Windischer's approach are worth highlighting.

Medda-Windischer argues (2009: 62) that there is a common trait among old and new minorities, namely, the manifestation, explicit or implicit, of the desire to maintain a collective identity that is somehow different to that of the majority. This is a rather safe

assumption regarding groups that have an identity that differs from that of the majority. While there may be some minority groups that do not wish to remain collectively distinctive and instead actively seek assimilation, the most common situation is quite the contrary: groups in a minority position tend to value their identities and wish to maintain it to one degree or another. Because of this common trait, a common approach to both minorities groups can be theorized. Medda-Windischer does not claim that every minority group should be treated the same, because not every minority group is equally situated (*ibid.*: 64-65). However, their common desire for maintaining a collective yet differentiated identity would justify a common yet differentiated approach to the protection of minorities (*ibid.*: 94-95). Because of this common trait, she argues there are also common claims, and she identifies four broad claims shared by old and new minorities alike: ‘right to existence’, ‘equal treatment and non-discrimination’, ‘right to identity and diversity’, and ‘effective participation in public life whilst maintaining one’s identity’ (*ibid.*: 95-98).

This common understanding of minorities does not mean that no distinctions should ever be made between minority groups, but rather that measures for the protection of minorities should be handled on a case-by-case basis. Her proposal runs along the same lines as Eide’s, who proposes acknowledging that there are different types of minorities with varying needs and then moving on to ‘focus on which rights should be held by which type of minority under particular circumstances’ (2004: 379).

Of course, minority groups are not homogenous, and different individuals within the groups may have different needs. However, in terms of groups, generalizations can be made. These generalizations, in order to be helpful, should be based on patterns found in applicable data (such as a census), and due diligence should be made to safeguard individual rights through some sort of rights-based, lowest common denominator that applies to every individual. To be sure, this study does not assume that all minority individuals belonging to specific groups are exactly the same, but it does work with the assumption that if the concept of minority is to be valuable from a policy standpoint, some generalizations can and must be made for each group.

If one applies this understanding to the use of minority languages, one can also conclude that the measures of support afforded to speakers of minority languages in the use of those languages should not be based on a broad categorization of languages as ‘regional or national minority’ or ‘immigrant’ but rather on a case-by-case analysis for each group. This paper asserts that it is helpful to think of groups of speakers of old and new minorities as

‘elements within a language continuum which is dominated by hegemonic languages’ (Williams 2013, 362).

The linking of this concept to matters of translation is rather straightforward. The starting point is that some of these common claims are closely linked to issues of language. Inasmuch as language issues are handled through language policy, translation plays a role. This is so because in any multilingual society, the adoption of a language policy implies the adoption of translation policy (Meylaerts 2011: 744). A further observation is warranted: it is not the existence of a language policy in and of itself that results in translation policy but rather the interaction of that language policy with other policies, including policies that are related to notions of integration, recognition, and justice.

This last observation is based on data gathered from the UK, where the dominant language has been English for some time. That dominant position is the result of language policies implemented over centuries across the British Isles. Historically, these language policies worked in tandem with English policies of colonization and assimilation, which meant a general policy of non-translation—the state only interacted in English. As the British state gradually adopted policies that were more tolerant of diversity, the recognition arose that colonized/assimilated populations in Cornwall, Wales, Northern Ireland, and Scotland had suffered historical injustices in the repression of their languages. Thus, language policies in certain regions adopted somewhat compensatory stances and shifted to favouring different degrees of bilingualism between English and other autochthonous languages. This has resulted in different translation policies springing up to support those degrees of bilingualism. On the other hand, human rights and non-discrimination policies have highlighted the importance of equality of access and even increased participation for immigrant groups, and this has resulted in translation policies that affect new minority languages.

## **2. An inclusive model for translation policy?**

In the introduction to this paper, it was observed that participatory democracies would seek to ensure equality by eliminating systematic exclusion. This is, of course, an ideal to strive for more so than a reality. One of the challenges in reaching such an ideal is that in most modern states, speakers of different languages are present, and the choice of a preferred language by the state places speakers of minority languages (i.e., the non-hegemonic languages) at a disadvantage. Thus, the state is faced with the difficulty of finding ways to process a



linguistically diverse reality so that everyone is included in public life. One key to achieving this is to be able to grant such speakers access to public institutions and the benefits they are intended to provide.

Granting access to services across a language divide is one way of helping people interact with public institutions, and consequently, of bringing closer together elements of society that would otherwise not interact, or at least, not very successfully. The interaction with these public institutions is important in terms of integration because such interaction provides access to opportunities for increased socio-economic well-being. Without language access, these individuals are excluded not only from the institutions but also from many of the benefits provided by such institutions, benefits that others in society can enjoy due to their language competences. This is more than an intellectual exercise: speakers of Polish and Chinese in Northern Ireland report that some in their communities do not seek out healthcare and other public services because they are not able to communicate properly in English (McDermott 2011, 127). When the inability to communicate in the dominant language keeps people from accessing services that others readily access, exclusion takes place.

For people who lack the language skills to use the official language(s), participation can happen through translation. From a normative standpoint, it becomes ‘important to ensure that minority communities are provided with the necessary interpretation or translation services’ in their interactions with the state (Advisory Committee 2012, 29). In the UK, for example, this means that a wide array of institutions, especially those offering essential services, should be able to accommodate individuals who lack English proficiency. Despite the Department for Communities and Local Government’s instruction to ‘think twice’ before commissioning a new translation (2007: 10), there is a ‘recognition at government level that a degree of commitment to language service provision is needed in the processes of cohesion’ or integration (Tipton, 2012: 199).

In some policy documents adopted by local councils a link between translation and inclusion is established. All local council policy documents consulted for this study that deal with translation into new minority languages reflect a concern for making services accessible to members of the community who do not speak sufficient English. There are policy documents where the connection between translation and inclusion is quite explicit. For example, in England, Camden Council’s Accessible Communications Guidance reads: ‘Local people and communities in Camden have the right to accurate and timely information that is easy for them to understand. This will enable them to be included in, and to benefit on an

equal basis from, all the opportunities and services offered in their local communities’ (2010: 2). For those lacking proficiency in English, this implies translation. In Wales, Caerphilly County Borough Council’s Strategies Equalities Plan establishes that in order to ‘continue to be an inclusive organisation that does not tolerate discrimination’ (2012: 3), several strategies are in order, including ‘written, face-to-face or over-the-phone translations in Welsh and other spoken languages’ (ibid.: 12). In Northern Ireland, Strabane District Council’s Linguistic Diversity Policy, Procedures and Code of Courtesy indicates that one of the principles informing the council’s translation practices is ‘inclusiveness’, which is to be achieved through a ‘commitment to the principles of equality and fostering good relations’ as manifested in ‘events, facilities and programmes [that] are accessible to all’ (2011: 3-4). Granting such access may at times require translation. In Scotland, Fife Council’s Access to Information Policy specifies that one of the Council’s aims is to ‘[p]romote equality and social inclusion by removing barriers to communication and understanding’, including through translation (2010: 3).

This understanding of translation as a tool for greater inclusion assumes that translation acts as a remedial measure for the short term, not a strategy for communicating in the long term (see Pym, 2012: 8). While specific individuals will move from interacting via translation to interacting in the dominant language, there will always be some individuals who will lack proficiency in the language of the state or who may be proficient in some situations but feel the need to interact through translation in other situations, especially high-risk ones like a legal deposition or a consultation with an oncologist. Thus, if society is not 100% proficient in the state’s language for every situation, then translation services will remain a strategy to foster inclusion.

The discussion has so far focused on translation as a tool for the inclusion of individuals who lack proficiency in the language of the state. This concern applies mostly, but not exclusively, to individuals belonging to new minorities. In the UK, as stated earlier, such translation is rooted in instruments like the Human Rights Act and the Equality Act. There is a very low threshold to be met in terms of translating to satisfy these Acts—as long as communication is achieved, the law is satisfied. Reactive, ad hoc, need-based translation suffices.

But translation may play another role in terms of creating a more inclusive state, a role that is not really about enabling basic communication. This is a role that mostly affects speakers of minority languages who also speak the language favoured by the state. In the UK

this refers mostly to speakers of old minority languages but also to speakers of new minority languages who are proficient in English. Neither of these groups need to rely on translation to communicate. Even so, policies for bilingual speakers of old minority languages and bilingual speakers of new minority languages are not the same. While the latter are expected to communicate in English in their public dealings, some efforts are made to allow the former to communicate with public institutions (to some degree) in their own languages. The degree varies from language to language, but with every old minority language, translation is involved. In bilingual areas such as those found in the UK, where old minority languages co-exist in official spaces with English, the provision of services in more than one language cannot be carried out without some level of translation, whether by outside professionals, in-house employees, or others. The official use of some autochthonous languages in public institutions is meant to signal recognition of the value of said languages, and by extension, their speakers. This is another way of fostering inclusion in society. It allows those who wish to participate to do so in the language of their choice.

This link between translation and linguistic recognition through the provision of services is reflected in some of the policy documents dealing with old minority languages. In the case of Welsh, Denbighshire County Council's *Welsh Language Scheme* states: 'Our aim is to provide an inclusive and relevant Welsh language service that meets the needs of our residents whether they are fluent Welsh speakers or who are learning the language' (2009: n.p.). Here, services in Welsh are a means to bring about greater inclusion (and, again, to an extent, such services require translation efforts). Why exactly services in a minority language for a bilingual population bring about inclusion is not addressed. The link is more clearly explained for Gaelic, in Perth and Kinross Council's *Gaelic Language Plan*, which reads: 'The number of Gaelic speakers resident in our area form a small but important part of the social fabric of the communities which we serve. Our Gaelic Language Plan recognises their place in our communities and will seek to take Gaelic forward in a way that is both pro-active and proportionate' (2012: 2). In other words, the provision of services in a minority language is a way to recognize that speakers of that minority language are an important part of society. Consequently, efforts to provide services in languages like Gaelic, Irish, or Welsh (with all the translation that implies) signal inclusion of speakers of those languages into a more participatory state.

This suggests that translation can play a role in including linguistic minorities whether they speak the language of the state or not. To understand this, non-discrimination and

linguistic recognition are best seen not as two different things but rather as the ends of a spectrum. On one end there are basic non-discrimination measures as they pertain to language and on the other end there is full-scale recognition through minority language promotion. This spectrum exists against the backdrop of a dominant language. Where there is a dominant language, translation appears at both ends of the spectrum: to help achieve basic linguistic non-discrimination by providing access to services, and to help achieve full-fledged linguistic promotion by creating truly bilingual services. At one end of the spectrum, where translation is intended to create equality of access, translation will be found to be occasional and reactive. However, as translation increases and it becomes less occasional and more proactive, it eventually moves into the opposite end, namely language promotion. When exactly translation moves from one end of the spectrum to the other is hard to tell. There is no precise cut-off point where one ceases to exist and only the other is present. Even the most basic non-discrimination translation measures have a kernel of linguistic recognition because they allow, in a narrow context, the other language to be used where it would otherwise not be. Likewise, translations purely intended to promote a language have some element of non-discrimination because they signal to bilingual speakers of that minority language that their choice of language is as valid as the choice of the majority.

This view of a spectrum for minority languages against a backdrop of a dominant language, where on one end there is minimalist non-discrimination and on the other there is full linguistic recognition, is derived from the translation policies observed in the UK. The problem is that the UK offers nothing to put in the middle of the spectrum. Translation policies in said state are aimed at either side of the spectrum, based on whether the language in question is an old or new minority language. Thus, for the UK, this model can only theorize about a middle ground.

What would such a middle ground look like then? If we begin at the non-discrimination end and start moving to the other, translation is viewed not so much as simply a way to grant access but also a way to allow for the full participation of speakers. Further movement in that direction would lead to translation being offered in more or less equal measures to allow equal, full participation and to recognize the value of the group of speakers in that particular place. Further movements would finally lead to translation measures aimed mostly at recognition of a linguistic minority. This middle zone would most likely apply to a group of minority language speakers who are non-transient, highly concentrated in that particular area, who mostly speak the dominant language to one degree or another but also speak another

language with which they identify strongly, and who have some political clout. This would more than likely be a group that has been established in the state for a very long time but continues to receive newcomers through immigration. No such group exists in the UK, but the spectrum allows for such middle-ground translation policies.

Be that as it may, the overall picture that emerges for translation policy in the UK is messy, but some general contours become apparent. As stated above, two major approaches can be seen: a one-size-fits all approach for speakers of new minority languages, and a regional, custom-made approach for each of the UK's old minority languages. In a way, the treatment of new minority languages represents the minimum non-discrimination/human-rights standard that flows from legislation such as the Human Rights Act and the Equality Act as well as regional enactments to the same effect. The different treatments of old minority languages vary from practically non-existent translation to robust translation efforts in support of linguistic promotion. The distance between the minimum non-discrimination standards and robust language promotion can easily lead one to forget that linguistic non-discrimination for those who do not speak English has a kernel of language promotion, while robust minority language promotion includes an element of non-discrimination even for bilingual speakers. Seen in this light, the distinction between translation policies involving old minority languages and translation policies involving new minority languages becomes harder to justify.

With this in mind, and approaching the issue normatively, a more just system for dealing with translation can be proposed. Such a system would not be based so much upon broad old-versus-new categorizations but rather on the best interests of speakers and of society at large in the specific settings for which the translation policies are developed. This implies a bit of a balancing act. And of course, there would always be a need for a lowest common denominator based on human rights, including the right to non-discrimination. This lowest common denominator might as well be established at the national level, and institutions would benefit from a general policy direction allowing them to adopt tailor-made translation policies for specific languages without considering whether the language is spoken by autochthonous or allochthonous minorities. Criteria to consider in developing policies around specific languages could include the number of speakers, concentration of speakers, feasibility of translating, the need to correct current exclusion, etc.

Adopting such criteria would signify important changes to the way translation is handled by institutions such as local governments. For example, within the area of Scotland's

North Lanarkshire Council live speakers of different languages, including Gaelic and Polish. According to the latest census, of individuals aged three and over, 483 speak Gaelic at home and 2,715 speak Polish at home (Scotland's Census 2015). There is, then, this fact: there are more Polish speakers than Gaelic speakers in this area. There is also this presumption: Gaelic speakers are more likely to be proficient in English than Polish speakers. Consider then that the Council has a Gaelic Language Plan which aims 'to support the revitalisation of the language' (North Lanarkshire Council 2012, 4). The Council has no specific plan for Polish, but it has stated its commitment 'to equality of access to all our services for all residents' (Whitefield 2008, 131). The conclusion is that the current approach to the two languages is based upon different criteria.

Determining what the best interest of each group of speakers is and then tailoring a plan to meet those interests is no small task. It would require that the authorities closest to the population invest in assessing the language needs of all linguistic minorities in their jurisdictions. It would also mean some difficult political battles would have to be fought, especially in times of scarce resources. If achieved, the result would be translation policies that would vary from one place to another, always above a minimum threshold. The extent to which such policies would focus more on non-discrimination or on language promotion would depend on specific contextual factors. Some languages would have to be bundled together, but others would receive their own custom-made translation approach. While the thought of such an undertaking may give some planners a headache, the result would be a more just system where translation is provided in a tailor-made fashion according to the specific needs of each linguistic community. Ultimately, it is a question of how just a society one wishes to live in and whether investing time, money, and effort into a more linguistically just society is considered a worthwhile pursuit.

## **Conclusion**

Seeing languages through a common-yet-differentiated lens allows for the analysis of the role of translation policies for speakers of minority languages, whether new or old. What this paper ultimately argues is that depending on the particular group's circumstances, translation can be a tool for greater inclusion and thus more justice either by 1) providing access to the state's institutions that would otherwise not be provided, 2) allowing for greater participation in the state's institutions in the case of those who lack the language skills to do it in the majority's language or 3) facilitating the use of a specific language in the public sphere in a

way that signals that the choice to speak in that language is a valid lifestyle choice. To what extent each of these uses of translation is desirable will depend on a number of contextual factors that need to be taken into account by the authorities closest to the ground. Thus, having accurate knowledge not only of the number of speakers of different languages, but also of their proficiency in the majority's language and of their specific needs becomes important in making wise policy decisions.<sup>6</sup>

Overall there seems to be a lack of hard data regarding some of these issues. Policymakers should be asking themselves questions such as these: How many speakers of language a, b, c, d, and e do we serve? In what concentration are they found and where? How many of them can access our services through the majority language? How many of them need to access our services in another language? Which languages? What specific services can be provided in what languages and for whom? What would be the benefits of providing these services in language a, b, c, d, and e? Are any of these groups particularly vulnerable? And so forth. The answers will vary depending on the location, the service provided, etc.

Why should public institutions be bothered with this type of analysis? They might be if they aim to bring about a more just society. With such an objective in mind, a one-size-fits all approach to multilingualism probably will not seem like the best option. Each group of linguistic minorities is positioned differently, which means that varying levels of access, participation, and even recognition have to be negotiated in an effort to achieve greater justice. As part of this on-going negotiation, translation policies will be adopted, and specific choices about translation will be made. In the end, these choices are more likely to be better choices, if they seek justice and are informed by reliable, context-specific data.

## ***Notes***

1. In this paper 'translation' is to be understood as the transmission of a message from one language to another, in both written and oral form. Professionals tend to refer to the written form as 'translation' and the oral form as 'interpretation', but such a distinction will generally not be made in this paper.

2. In this paper, the term 'old minority' will be applied specifically to the Cornish, Irish, Welsh, and Scots in the UK. The term 'new minority', in turn, will refer to minority groups that have arisen in the UK through immigration, such as the Chinese, Poles, and Russians.

3. For a listing of many terms that can be used to describe this type of languages, see Extra & Gorter 2008:10; see also Nic Craith 2007: 161.

4. For a listing of many terms that can be used to describe this type of languages, see Extra & Gorter 2008:10. The author of this paper borrows the term “new minority language” from Edwards 2008.

5. The application of provisions in the FCNM to new minorities is complex. This comes in part from the observation that the Convention itself does not define the term ‘minority’, which gives much margin to States in deciding which groups qualify for protection. On this point, Eide (2008: 125) indicates: ‘Most states [...] restrict the term to “traditional” groups, which means that they must have existed in the country for a considerable length of time. Many of them do not require, however, that the individual persons belonging to those groups need to be citizens’. Some notable exceptions to this trend include the UK, which rejects the concept of ‘national minority’ and applies the convention to ‘racial groups’ (Dunbar 2008: 165-166), and the Czech Republic, which has officially granted national minority status to the Vietnamese (Government of the Czech Republic 2014).

6. This paper does not advocate that governments should stop investing in the acquisition of the majority language. There is a wide consensus that language acquisition is an important tool for inclusion (Kluzer *et al.*, 2011: 22), and so governments would do well to spend on it. It is at times the case, however, that language acquisition is presented as being locked in a zero-sum game with translation in public services (see Tipton, 2012), especially when translation is provided for speakers of new minority languages.

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