

Language Loss and the Ethnic Identity of Minorities

Ulrike Schmidt

ECMI Issue Brief #18

November 2008

The European Centre for Minority Issues (ECMI) is a non-partisan institution founded in 1996 by the Governments of the Kingdom of Denmark, the Federal Republic of Germany, and the German State of Schleswig-Holstein. ECMI was established in Flensburg, at the heart of the Danish-German border region, in order to draw from the encouraging example of peaceful coexistence between minorities and majorities achieved here. ECMI's aim is to promote interdisciplinary research on issues related to minorities and majorities in a European perspective and to contribute to the improvement of interethnic relations in those parts of Western and Eastern Europe where ethnopolitical tension and conflict prevail.

ECMI Briefs are written either by the staff of ECMI or by outside authors commissioned by the Centre. As ECMI does not propagate opinions of its own, the views expressed in any of its publications are the sole responsibility of the author concerned.

ECMI Brief #18
European Centre for Minority Issues (ECMI)
Director: Dr. Marc Weller
© ECMI 2008

EUROPEAN CENTRE FOR MINORITY ISSUES (ECMI)
Schiffbruecke 12 (Kompagnietor) D-24939 Flensburg
phone: +49-(0)461-14 14 9-0 fax +49-(0)461-14 14 9-19
e-mail: info@ecmi.de internet: <http://www.ecmi.de>

Language Loss and the Ethnic Identity of Minorities

Ulrike Schmidt

Introduction

With the enlargement of the European Union, language, as a crucial element of ethnic identity, has recently again advanced to the focus of the European political and social stage. In the European tradition, language has become a major marker of belonging to a particular ethnic or national group. Recent conflicts in South Eastern Europe, but also along regional borders in Western Europe - as in Catalunya or Corsica - have often revolved around issues of language. These conflicts have demonstrated that the reality in most European countries differs from the traditional image of linguistically homogeneous states and is further questioned by the demand for recognition by regional speakers who have become ethnic or regional minorities in this nation-state system.

The discussion of a rights protection framework for regional or ethnic minorities in Europe has been triggered by such conflicts following the breakup of state unions in Eastern and South Eastern Europe and increasingly urgent demands by regional minorities in Western Europe for recognition of their cultural and linguistic rights. Current discussions in regard to legal instruments for the protection of minority groups very often refer to language as a key marker of ethnic identity, as many among those instruments explicitly require a distinctive language for a group to qualify as a minority. Yet, over many years of intense ethnic homogenisation of states, the minority groups forcibly or willingly gave up their languages under pressure or in pursuance of better opportunities.

Many states are still reluctant to recognize the minority status of ethnic groups that no longer speak a distinctive minority language. Therefore, legal definitions need to account for the fact that many ethnic minorities have lost their language and thus need protection on the basis of other identity markers. This issue brief wants to take this discussion a step further by asking what should be the status of a minority group once its language is lost and thus, should the group still be eligible for special minority rights protection.

The hypothesis tested in this brief is that the identification of ethnic minority groups includes many different markers of identity, of which language is an important but not the only one. What should matter in the definition of a minority is self-identification and the will to perpetuate a distinctive identity on the basis of different markers of identity that justify the right to the protection of the cultural rights of this minority – including revitalization measures for this group's language. The

conclusion that follows is that after a minority has lost its distinctive language, it must still be recognized as an ethnic minority and thus be able to claim legal protection necessary to have its cultural rights promoted, protected, and, in some cases, its language rights reconstituted and its language revived through state measures.

This paper will identify patterns or criteria for ethnic identity other than language that distinguish minority groups. It will look into the modalities of a group's self-identification after language loss. After establishing matrices of patterns for self- and external identification of ethnic groups this paper looks at different ethnic groups who have lost their minority language and how they maintain their distinctive identity as opposed to the majority community respectively.

An investigation of the impact of language loss on ethnic identity requires an interdisciplinary approach, combining sociolinguistics, social and political, and legal sciences to look at issues of language and nationalism, ethnicity and identity politics and language policies. This brief represents a first attempt to combine these approaches to highlight the different matrices of indicators for distinct ethnic identification, as opposed to the majority identity, which justify the need for minority language and culture protection, as long as there are signs of the group's willingness to perpetuate its own group identity. This approach also proposes the review of possible measures to prevent language loss.

The Role of Language in the Identity of Ethnic Minorities - A Review of Academic Discourse and Legal Definitions

Although an intrinsic link between language and identity is usually presupposed in the sociolinguistic discussion of language loss, a thorough analysis of academic discourse on the relationship suggests that language constitutes only one of many cultural markers for identity. Additionally, the great number of language revival attempts across Europe over the past decades suggests that language loss does not automatically imply the loss of ethnic identity. The growing recognition of this fact within an increasingly comprehensive discussion on issues of language and ethnic identity has eventually led to the development of a legal framework for the protection of ethnic minorities in Europe.

In this chapter, I will present the main currents in the academic discussion on language and identity and compare it to the role of language as a marker of ethnic identity in legal definitions. The purpose of my approach is to highlight the trend towards a growing awareness for the need to protect the cultural rights of ethnic minorities on the basis of these minorities expressing the wish to maintain their distinctive identity.

Internal and External Identification of Ethnic Minorities

The main body of academic literature claims a crucial role for language in both the external perception of an ethnic group by outsiders as well as in the self-identification of an ethnic group. Language is explicitly mentioned in most academic works related to ethnic identity. At the same time, most scholars emphasize that although identity is deeply anchored in a society, thus leading to a strong emotional attachment to identity markers like language, language is not the only crucial aspect of minority group identity¹.

Scholars in support of this view tend to point out that linguistic behaviour is not necessarily an indicator of ethnicity, and that vice versa administrative belonging does not always reflect sociolinguistic belonging² and suggest that language constitutes one of several characteristics that can place an individual in the majority or in the minority. Whether and to what extent language is responsible for a particular person's identification with one ethnic group or the other, or for the perception by others of this person's identity, needs to be investigated on an individual basis.³

The major tendency in academic research is to regard ethnicity as composed of self-identification of a group, as well as its external perception through others, whereby these assignments are made on the basis of different aspects. Ethnicity is considered the property of a group, associated with ancestry, culture, and language. There are other views that emphasize the importance of ethnic boundaries and regard ethnicity as an aspect of relationship which often consists of ancestral, cultural (and at times racialized) traits that are commonly associated with particular ethnic groups, both by members of the groups themselves and by others.⁴ Most scholars agree that there are subjective and objective characteristics of ethnic groups/minorities. For example, Jenkins states that the belief in common descent is of subjective nature, whereas language and cultural practices are objective means of facilitating a group's formation. He concludes that ethnic identification arises out of and within interaction between groups.⁵

¹ See for example J.A. Fishmann, (ed.), *Handbook of Language and Ethnic Identity* (Oxford University Press, Oxford, 1999 ; S. Romaine, *Language in Society: An Introduction to Sociolinguistics*. (Oxford University Press, Oxford, 2000)..

² See for example J. Blommert, "Language Policy and National Identity", in: T. Ricento (ed.), *An Introduction to Language Policy. Theory and Method*. (Blackwell Publishing, Malden, Mass. and Oxford, 2006).

³ Compare Grin, F. et al. (2003). *Language Policy Evaluation and the European Charter for Regional or Minority Languages* (Palgrave Macmillan, Basingstoke, 2003)..

⁴ Compare F.Grin, *Language Policy Evaluation*...

⁵ R. Jenkins, *Rethinking Ethnicity: Arguments and Explorations* (Sage, London, 1997).

François Grin considers ethnicity as the result of subjective assignation or self-assignation to a non-elective group perceived as distinct. He defines ethnicity as a two-tier social construction in which one tier is non-elective (composed of, for example, ancestry, mother tongue, and cultural models internalized during childhood), and two-tiers result from assignation (by themselves and by others).⁶ His definition is in line with Fishman's for whom ethnicity is made up of three elements: paternity – the perception of intergenerational continuity, patrimony – linguistic and cultural substance of what is passed on and gives material expression to this continuity, and phenomenology – the self-perceived character of ethnicity.⁷

What is critical to this concept is the self-conscious sense of group membership of ethnic minorities, in contrast to how they are perceived from outside. Self-identification can be done through subjective and objective characteristics of ethnic groups as the following table highlights:

Table 1. Elements of ethnicity

| Elements that make up ethnicity⁸ | |
|---|--|
| Subjective characteristics of ethnic groups – by self-assignation | Objective characteristics of ethnic groups – non-elective |
| <ul style="list-style-type: none"> ○ Belief in common descent ○ Focus on symbols (e.g. jewellery; behavioural like speaking a language but not as a skill) ○ Phenomenology (the self-perceived character of ethnicity) | <ul style="list-style-type: none"> ○ Ancestry/Paternity (the perception of intergenerational continuity) ○ Language practices ○ Cultural practices and models |

According to this concept, ancestral, cultural, and anthropological traits are commonly associated with particular ethnic groups, both by members of the groups themselves and by others. No matter if those traits are subjective or objective, they are all means of facilitating a group's formation. Another more practical/operational concept of (self-) assignation makes a distinction between external and internal aspects⁹:

⁶ In W. Kymlicka and A. Patten (eds) *Language Rights and Political Theory*. (Oxford University Press, Oxford, 2003).

⁷ J.A. Fishman, *Handbook of Language...*

⁸ Compare, for example, F. Grin, *Language Policy Evaluation...*; J.A. Fishman, (ed.) *Language and Ethnic Identity* (Oxford University Press, Oxford, 1999).

⁹ See e.g. W.W. Isajiw, "Ethnic Identity Retention", in R. Breton, W. W. Isajiw, W. E. Kalbach & J. G. Reitz (eds) *Ethnic identity and equality: Varieties of experience in a Canadian city* (Toronto University Press, Toronto, 1990), 34-91.

Table 2. External/internal aspects of ethnicity

| External | Internal |
|---|---|
| <ul style="list-style-type: none"> • speaking a language • practicing traditions • participating in ethnic networks, institutions, associations, functions sponsored by ethnic organisations | cognitive (subjective knowledge of group values) <ul style="list-style-type: none"> • heritage and history • moral (obligation and commitment to group) • affective (attachment to particular group) |

We can see that according to the concept of external assignation, language constitutes one of three elements that account for ethnic identification and distinction. Internal assignation, however, gives more abstract concepts of identification and distinction that can, but do not necessarily include, the use of a distinctive language.

Promoting and protecting linguistic and cultural diversity - The European Institutional Environment

Following the breakout of ethnically based conflicts after the dissolution of the Soviet Union and Yugoslavia, but also as response to increased demands by regional groups in Western Europe for more cultural and political rights, the international community has increasingly dealt with promoting linguistic diversity and minority language rights by developing relevant standards concerning minority language use. It has demonstrated a clear tendency at universal and European levels to respond to the multilingual reality of most states. Furthermore, a range of Western organizations have developed standards to resolve issues of cultural and linguistic conflicts. Most of these are presented in declarations of minimum standards and best practices regarding linguistic diversity with the purpose of guiding east European countries to join the European Union and to meet standards as a precondition for EU accession.

At European level, the European Union, the Council of Europe (CoE), and the Organization for Security and Cooperation in Europe (OSCE) have, each from a different angle, committed themselves to the protection of cultural diversity in Europe. With the EU highlighting the socio-economic inclusion aspect, the OSCE emphasizing the security and conflict transformation aspect, and the CoE looking at the legal and cultural aspects of minority rights protection, a common European umbrella with a set of values was created, encompassing numerous regulations that work towards protecting identity of ethnic groups and their cultures.

The Council of Europe has been the most energetic in framing legislation for minority protection. The CoE Member States have been able to confirm their commitment to the protection of a diverse cultural heritage since 1992, by ratifying the European Charter for Regional or Minority Languages (ECRML)¹⁰. The charter marks a distinct development in legislation, since it sets out to provide active support for the introduction of language rights, use and maintenance, which is also a reason why a number of states that have signed up to it have yet not ratified it. However, while the ECRML demonstrates the unquestionably real problems of writing binding formulations which are at the same time sensitive to local conditions, its more open-ended menu-like choices have permitted states to meet the requirements in a minimalist way, often legitimated by claiming that a provision was not appropriate or that numbers did not justify a provision.¹¹ The specific measures to promote the use of regional or minority languages in public life cover the areas of education, justice, administrative authorities and public services, media, cultural activities and facilities, economic and social spheres, and transfrontier exchanges.

The second relevant CoE document, the Framework Convention for the Protection of National Minorities (FCNM)¹², which entered into force on 1 February 1998, was the first legally binding multilateral instrument for the protection of national minorities in general. This document seeks to promote the full and effective equality of national minorities by creating appropriate conditions enabling them to preserve and develop their culture and maintain their identity. The FCNM requires signatory states (most member states of the EU have signed and ratified the Convention) to ensure minority participation in all areas of public life, setting out principles relating to persons belonging to national minorities concerning their freedom of expression, freedom of thought, conscience and religion, access to the media, as well as freedoms relating to their language and education.

The EU has played a lesser role in minority protection because, in strict legal terms, the area is outside its jurisdiction. Both the Commission and the Parliament steer into the direction of a clear mandate to do so, and this has resulted in the passing of a number of resolutions, none of which is legally binding. There is, however, constant movement towards such a situation. The mandate of the European Commission's Directorate-General for Education and Culture pursues as parts of its mission the objectives of reinforcing and promoting lifelong learning, linguistic and cultural diversity, and

¹⁰ The full text of the ECRML, as well as State reports, Evaluation reports, and other useful literature can be found on the official Council of Europe website, at: <http://www.coe.int/t/dg4/education/minlang/>

¹¹ As pointed out by Tove Skutnabb-Kangas, *Linguistic genocide in education or worldwide diversity and human rights?* (Lawrence Erlbaum Associates, Mahwah, New Jersey and London, 2000). .

¹² The full text of the FCNM, as well as State Reports and further monitoring, as well as other useful literature can be found on the official Council of Europe website, at: http://www.coe.int/t/dghl/monitorings/minorities/default_en.asp

mobility¹³ The issue of minority protection has also major political significance in the EU enlargement process. The so-called Copenhagen Criteria state that “membership requires that the candidate country has achieved stability of institutions guaranteeing democracy, the rule of law, human rights, and the respect and protection of minorities”¹⁴.

The third body involved in the safeguarding of minority rights in Europe is the OSCE which, since 1991, has continued to promote the rights of minorities on the political level, paying particular attention to areas of democratization and governance and to the educational measures necessary for minorities to participate fully in the political process. Regarding linguistic rights, the OSCE published its guidelines¹⁵ in the Hague Recommendations regarding the education rights of national minorities (1996), the Oslo Recommendations regarding the linguistic rights of national minorities (1998) and the Lund Recommendations on the effective participation of minorities in public life (1999) and in a set of guidelines to assist national minority participation in the electoral process (2001).¹⁶ The Bolzano/Bozen Recommendations on National Minorities in Inter-State Relations, issued in June 2008, recognize the fact that ethno-cultural and State boundaries usually do not overlap and emphasize possibilities and tensions arising from contacts between minority groups and their kin-states, also but limited to linguistic protection.

None of the organisations applies a definition of minority or identity for the purposes of legislation. However, an efficient framework for the protection of minority rights presupposes the clear definition of concepts such as minority and ethnic identity. At the same time, such definitions bear the danger of excluding groups that might not exhibit all legally required criteria, while they consider themselves an ethnic group as distinct from the ethnic or cultural majority.

Coming close to achieving a definition of ‘minority’ has therefore proved a cumbersome process. The difficulty in arriving at one generally accepted definition lies in the variety of situations in which minorities exist and that need to be considered equally: while some live together in well-defined geographic or administrative areas, others are scattered over the state territory. In some cases, minorities enjoy a considerable degree of autonomy, in others there is no past history of autonomy or self-government. The most accepted definition of a national minority is that of the former UN Special

¹³ As displayed on its website: http://ec.europa.eu/dgs/education_culture/index_en.html

¹⁴ The Presidency Conclusions of the European Council in Copenhagen on 21 and 22 June 1993 (DN: DOC/93/3, 22.06.1993).

¹⁵ The OSCE guidelines referred to in the following can be downloaded directly from the website of the OSCE High Commissioner on National Minorities (HCNM), at: <http://www.osce.org/hcnm/>

¹⁶ In addition to these treaties or political commitments, a set of relevant international treaties endorse minority protection, such as the International Covenant on Civil and Political Rights, the European Convention for the Protection of Human Rights and Fundamental Freedoms, the UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities and the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expression.

Rapporteur on the Sub Commission on the Prevention of Discrimination and Protection of Minorities, Francesco Capotorti. By his definition, developed in 1979, a minority group is: “[a] group numerically inferior to the rest of the population of a State, in a non-dominant position, whose members, being nationals of the state, possess ethnic, religious or linguistic characteristics differing from those of the rest of the population and show, if only implicitly, a sense of solidarity, directed towards preserving their culture, traditions, religion, or language.”¹⁷

Most descriptions in academic discourse¹⁸ and relevant international legislation use, as defining characteristics, a combination of the indicators included in Capotorti’s definition. The table below presenting generally used minority markers illustrates how definitions and descriptions used in charters and covenants or descriptions by academics, place language among a number of other minority markers, not all (necessarily) attributing to language a crucial or predominant role in distinguishing ethnic identity.

Table 3. Ethnic minority markers

| Numbers | Dominance | Ethnic traits | Religious traits | Linguistic traits | Wish to safeguard a group’s language | Citizenship/nationality |
|--|--|---|-----------------------------------|---|--------------------------------------|--|
| | | Features or characteristics markedly different from those of the rest of the population | | | | |
| Used in all academic and legal definitions | Used in some academic and some legal definitions | Used in most academic definitions | Used in most academic definitions | Used in most academic and legal definitions | Used in most academic definitions | Not mentioned in most academic definitions but required in most definitions in charters and covenants; ¹⁹ |

¹⁷ Capotorti, F., *Study on the Rights of Persons belonging to Ethnic, Religious and Linguistic Minorities*, U.N. Doc. E/CN.4/Sub.2/384/Rev.1 (United Nations Publishing, New York, 1979).

¹⁸ See, e.g. O. Andrysek, "Report on the Definition of Minorities", SIM Special no. 8 (Netherlands Institute of Human Rights, Utrecht, 1989); F. Capotorti, *Study on the Rights...*, A. Eide, Final text of the Commentary to the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, U.N. Doc. E/CN.4/Sub.2/AC.5/2001/2 (2001), Available at:

<http://daccessdds.un.org/doc/UNDOC/GEN/G01/123/98/PDF/G0112398.pdf?OpenElement>, Access date: 6 September, 2008) ; C. Palley, "Possible Ways and Means to Facilitate the Peaceful and Constructive Resolution of Situations Involving Racial, National, Religious and Linguistic Minorities", Working Paper submitted to the U.N. Sub-Commission on Prevention of Discrimination and Protection of Minorities at its 41st Session (1984) ; T. Skutnabb-Kangas and R. Phillipson, *Linguistic Human Rights: Overcoming Linguistic Discrimination* (de Gruyter, Berlin, 1994).

¹⁹ For further details, see C. Thiele, "The Criterion of Citizenship for Minorities: The Example of Estonia", European Centre for Minority Issues, ECMI Working Paper #5, August 1999, Available at: http://www.ecmi.de/download/working_paper_5.pdf, Access date: 6 September, 2008.

Legal definitions until recently used almost exclusively characteristics that are externally applied by outsiders (exo-definitions). Hence, while an individual may claim that s/he belongs to a national minority, the State may claim that there are no national minorities in that State and it may refuse to grant this person rights that would be accorded to members of national minorities. In most definitions of a minority, minority rights thus become conditional on the acceptance by the State of the sufficient number of external markers to legitimate the existence of a minority in the first place.

The UN International Covenant on Civil and Political Rights and the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities affirms that one of the main purposes of the UN was to promote the “respect for human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion”, and it notes the particular importance of implementing human rights with regard to “national or ethnic, religious and linguistic minorities.”

While these two UN conventions clearly favour exo-definitions for categorizing minority groups, more recent CoE legal standards demonstrate the trend to endo-definitions, as they list traditions as a qualifier for distinct identity.

In light of this recent trend to accept self-identification, the Council of Europe’s Framework Convention for the Protection of National Minorities (in its Section II, Article 5), encourages the signing Parties to promote the necessary conditions for national minorities to “maintain and develop their culture, and to preserve the essential elements of their identity, namely their religion, language, traditions, and cultural heritage.”

However, the most important legal document for the protection of minority languages presupposes the existence of a minority or regional language in order for a group to enjoy the right to its protection: The European Charter for Regional or Minority Languages (ECRML), in its Part I (General Provisions) defines "regional or minority languages" as those languages that are “traditionally used within a given territory of a State by nationals of that State who form a group numerically smaller than the rest of the State's population; and different from the official language(s) of that State.” The Charter does not include measures for linguistic rights of those groups that have already lost their regional or minority language and does not provide for revitalization measures for lost languages.

In conclusion, the trend, both in academic literature as in legal definitions, seems to be towards a growing acceptance of endo-definitions²⁰. The European minority legislation, through international or

²⁰ Skutnabb-Kangas, in 2000, limited this trend only to indigenous peoples, not to minorities (T. Skutnabb-Kangas, *Linguistic Genocide in Education...*).

bilateral treaties, increasingly regards the self-identification by minorities, not ascribed, contested or to be proved, as a key entry point to ethnic identity. One benefit of endo-definitons is that even groups who have lost their language as a result of forced assimilation or loss of functionality, can still claim minority or indigenous status because for them language is not necessarily part of an endo-definition. However, this trend does not incorporate the protection of those groups that have lost their language.

Causes and Consequence of Language Loss

The global tendency that has been observed over the past decades is clearly towards smaller languages, particularly minority and indigenous languages, to die out because of the spread of a few world languages, led by English, but also the Chinese, Spanish, or French language. According to estimates, about 70 per cent of the world population speak 11 languages²¹.

Recent studies emphasize the significance of the nation-state, and political nationalism, for the issues of language loss and language rights. Given the opportunity (through access to education) and incentive (source of income, prestige), ethnic groups within a modern nation-state usually shift to the majority or state language, whereas regional nationalism is more likely to contribute to language maintenance. Language education is hence central to the formation and maintenance of the modern nation-states. The language(s) legitimated in and through education play a key role in establishing and maintaining the cultural and linguistic shape of the nation-state.

Language loss usually occurs in multilingual contexts in which a majority language comes to replace the range and functions of a minority language with the result that the speakers of the minority language shift over time to speaking the majority language. The fact that in multilingual situations individuals constantly make choices on the use of language highlights the fact that language loss is not primarily a linguistic issue, but has to do with power, prejudice, (unequal) competition, and sometimes overt discrimination and subordination. This leads many minority-language speakers to seek their social, cultural, and economic advancement in the guise of a majority language²². Thus, ethnic or linguistic belonging considerably depends on political and social change. In Central and Eastern European states, language shifting and claiming multiple identities have been rather common. While the ratio between declared language and declared ethnicity can be an indicator for the influence

²¹ See for example S. Romaine, *Language in Society...*; J. Freeland and D. Patrick (eds) *Language Rights and Language Survival. Sociolinguistic and Sociocultural Perspectives* (St. Jerome Publishing, Manchester, UK and Northampton, Mass., 2004).

²² See S. May, *S. Language and Minority Rights: Ethnicity, Nationalism and the Politics of Language* (Longman, Harlow, 2001).

of the political and social situation of a given time to these choices, differences between the two may show the importance of language as an identity marker.

Looking at the root causes of language loss it seems that it often has to do with unequal power distribution within nation-states, often leading to ethnic minorities either being assimilated into the majority language (main culture) by state pressure, or that they give up their minority language for socio-economic reasons. Neither of these developments justifies the refusal of granting these minorities the promotion and protection of their culture and languages. On the contrary, they suggest that by promoting and fostering cultural diversity within a state preventing language loss, among minority groups, costly language revitalization programmes can be avoided.

Language shift away from a minority language can have its root causes in various areas concerning the status or value of the minority language. These refer to:

a) The legal status of a language & institutions

The fact that a language is recognized as an official minority language influences first of all its dissemination and thus use among society, but it also heightens its prestige. However, if the *de jure* status of a language does not match its *de facto* status or function in the society, it might actually show that the rights of its speakers are being violated. Thus they might feel the pressure to shift to the majority language so as not to be excluded from public life.

b) The symbolic value of a language

It is mainly reflected in language attitudes and can turn a language into a socially prestigious or a stigmatized variety. Minority languages are very often regarded as those carrying traditions and thus being folkloristic and outdated, while the dominant language is the one that reflects modernity.²³ In case of language loss, the minority may still regard its original language as a key value.

c) The restricted or weak functionality

This aspect of minority or regional languages is often the reason why the speakers themselves shift to the majority language. They feel that their native language does not keep pace with modern

²³ In Kyrgyzstan, for example, Russian is the language of education and modern culture, whereas Kyrgyz has become a symbol of Kyrgyzstan's sovereignty. Although in Kyrgyzstan, Kyrgyz has the status of state language since 1989, and Russian that of second official language, Kyrgyz is in this context considered a minority language, as it needs constitutional support to function in official communication and not only in family communication (compare B.Korth, "The Limits of Language Revival", Cibera publication, 2001, Available at: http://www.cibera.org/files/biling/en/korth_languagerevival.pdf, Access date 4 November 2008). In Wales, Welsh has the same legal status as English, but its use is similarly restricted: in this case English functions as carrier of modern lifestyle.

developments.²⁴ In that context the minority language is treated as a mere ethno-cultural identity marker, with more sentimental than instrumental value.²⁵ However, the “native language – identity” philosophy does not account for groups who do not use the “heritage” language as a marker of identity (e.g. Vlachs (Aromanians) in Macedonia, or originally Gaelic speaking groups in Great Britain).

d) The demographic factor

This factor includes mostly statistical aspects, particularly for exo-definitions: the number of individuals within a group, their reproductive behaviour, the number of mixed marriages, immigration and emigration, social mobility. Also the territoriality of the group and its concentration in the same area, and the proportion of the group to the other group(s) have an impact on language attitudes, language sustainability or loss.

e) The participatory factor - economic and social opportunities

There is no doubt that in multiethnic societies participatory opportunities are higher for persons with command of more than one language.²⁶ Bilingual capacities thus rank highest on the labour market, whereas the knowledge of the minority language alone is usually regarded as insufficient. Recent studies emphasize the significance of power-sharing arrangements within a state - the nation-state and political nationalism as opposed to regionalism - to the issues of language loss and language rights. Given the opportunity (through access to education) and incentive (source of income, prestige), ethnic groups within a modern nation-state usually shift to the majority language, whereas cultural autonomy, decentralisation and regional nationalism (as in Catalunya) is more likely to contribute to language maintenance.

The impact of language loss can differ from group to group, as minority groups live in very different political, social, and geographic situations. Giving just a few examples of how ethnic groups have reacted to language loss in regard to identity maintenance highlights the fact that language loss does not inevitably result in the loss of ethnic minority identity.

24 This is for example true for Celtic languages on the British Isle, in Ireland, and in France. Due to repression by monolingual language policies promoting one national language, these languages have not developed for more than one century, lack standardization and thus literary tradition. During the Soviet era, there was no necessity in the Soviet republics to express oneself in the minority languages in official situations. This resulted in a lack of clear terminology of some minority languages that often contain a large number of loanwords from Russian.

²⁵ See also Stephen May, "Rethinking Linguistic Rights", in: J. Freeland, D. Patrick, D. (eds.), *Language Rights and Language Survival...*

²⁶ This is for example the case in Latvia and Estonia, where the Russian speaking minority has lately been increasingly considered as human resources to boost employment.

On the British Isles, the number of Scottish Gaelic, Cornish, Irish, and Welsh speakers has been declining for decades, due to the increasing use of English. Still, speakers of these linguistic groups have retained strong affiliation with an ethnic identity as opposed to the English identity. This is particularly true for Scots. Maintaining a distinct ethnic identity has eventually led to demands by these groups for state policies of language revival.

The Ingrian Finns living in the former Soviet-Union, despite their high degree of intermarriage and language loss, are still characterized by a strong sense of identity, which, crucially, has been related to more symbolic than linguistic bases.

A similar situation can be found among the German minority residing in many countries of Central and Eastern Europe (Hungary, Romania, Czech Republic, Poland), where cultural and traditional representations contribute to ethnic distinction from the majority and other ethnicities, but where the language has more symbolic value. Often, particularly the younger members of these groups have limited language skills in the minority language, because it is not passed to them from their parents but through school education.

The Bretons have experienced language loss through assimilation policies by centralised France. However, their identity is very strongly reflected in traditional music and festivals that have a high status in Brittany. Due to increased pressure also by other regional groups in France that have endured the same fate, the French state has in May 2008 finally recognized regional languages as French heritage in its Constitution. Although the effects of that change of status are yet to be seen, recognition of regional languages marks a historic step for a state that has been reluctant to formally recognize any cultural or linguistic diversity until recently.

Conclusion - Towards the Recognition of Minorities Without Minority Language

It is true that the European legislative framework provides for the protection of linguistic minorities with increasing efficiency. However, the protection of language rights is still a matter for individual member states. States usually implement language policies as a result of reinforced pressure by minority language speakers who demand institutionalized language promotion not just for symbolic reasons, but because they feel that adequate representation of their language in the media, education, and official communication will promote the development of the status and functionality of their language, making it a true core value of the ethnic identity.

European legislation measures are applicable when signed and ratified but it is up to the individual state to design their implementation. The Commissioner for Multilingualism, appointed in 2007, stated that Europe's linguistic and cultural diversity was a source of richness which needed to be nurtured and promoted, presumably including all languages, national, regional, minority and migrant. At the same time, the Commissioner maintained that the protection of language rights was a matter for individual member states. While the two CoE treaties mentioned before have a reporting mechanism, allowing for issuing recommendations and evaluating implementation, the EU has no such evaluation mechanism. Therefore, the existing international legislation, providing a good frame for the protection of minorities, is to be filled by individual states. Their particular ideologies may not regard minorities and their visibility as an asset and therefore the practices may enforce policies of assimilation, or offer incentives that will make minorities to abandon their language.

As demonstrated in this paper, after a minority has lost its distinctive language, it is still eligible for legal protection of its distinctive cultural rights on the basis of its self-assignment to a minority group and the will to maintain an identity that distinguishes it from the majority population and other ethnic or regional groups living in a state. Although a growing awareness for the need to protect the cultural rights of ethnic minorities such bases can be observed in the academic discourse as well as in legal treatments of minorities, many states are still reluctant to recognize minorities that do not speak a distinctive minority language.

Therefore, legal definitions need to consider the fact that many ethnic minorities have lost their language as a consequence of assimilative state policies and thus need protection on the basis of other identity markers. Such a legal framework would discourage states to implement such policies and would instead encourage them to promote and foster cultural diversity and thus move towards European standards of cultural and linguistic diversity.