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POSITION OF LANGUAGE: CASE OF THE SLOVENE LANGUAGE

The article stresses the symbolic and communicational meaning of the language and analyses the position of the Slovene language in different historical periods, as well as the role of the Slovene language in the formation of the state. The Slovene language as the constitutionally determined official language since the Vidovdan Constitution (1921) till today is mentioned. The contact of the Slovene language with minority languages in the ethnically mixed areas is presented, and due to the processes of globalization also the contact with other languages. Emphasised is the role of the Office for the Slovene Language, and standpoints for the implementation of the special law regulating the status of the Slovene language in Slovenia are stated.

The article concludes that the basic dilemma of the protection of the Slovene language remains outside the jurisprudence. Even though the official language is protected by the Constitution and special law, it cannot be efficiently protected unless it is a generally accepted value, firmly anchored in every individual's value system.

Key words: Slovene language, languages in contact, legislation, protection

POLOŽAJ JEZIKA: PRIMER SLOVENŠČINE

V prispevku je poudarjen pomen jezika v simboličnem in komunikacijskem pomenu. Izpostavljen je položaj slovenskega jezika v različnih zgodovinskih obdobjih ter vloga slovenskega jezika v procesu oblikovanja slovenske državnosti, posebej je omenjen slovenski jezik kot ustavna kategorija od Vidovdanske ustave (1921) pa do današnjih dni. Slovenščina prihaja v stik z jeziki manjšin na narodnostno mešanih območjih v Sloveniji, s procesi globalizacije pa se povečuje stik slovenščine tudi z drugimi jeziki. Izpostavljena je vloga Urada za slovenski jezik in izhodišča za uveljavitev posebnega zakona, ki urejuje položaj slovenskega jezika v Sloveniji. Prispevek se zaključuje, da temeljna dilema varstva slovenskega jezika kot uradnega jezika ostaja zunaj dometa prava. Tudi če je uradni jezik zavarovan z ustavo in posebnim zakonom, ga ni mogoče učinkovito zavarovati, če ne postane splošno sprejeta vrednota, ki bo čvrsto zasidrana v vrednostnih sistemih posameznikov.

Ključne besede: slovenščina, jeziki v stiku, zakonodaja, zaščita

INTRODUCTION

Language is part of an individual's identity and language customs are among the most important components of the social customs. Language represents the basic social structure and communication is one of the crucial activities of each individual. Language and linguistic varieties are, after all social constructs, and as much sociological, political as linguistic. Through linguistic communication individuals determine their relationships to other people and their position in the society. Even though in modern times, which are marked by a rapid development of the telecommunication technology (radio, TV, Internet, etc.) and in which global communications are increasingly important, language still remains one of the most important means of successful communication, in spite of the fact that it is no longer the only means of communication.

Not even the simplest everyday activities can be performed without the use of language, but the importance of linguistic communication – both verbal and written – becomes really clear when one finds oneself in an environment in which his/her language is not known or understood. On the other hand, language is not only a communication tool and a means of achieving professional and political success, but also the basis for learning about one's environment and for creating perceptions of the world. Language is important for individuals and for the community as a whole (Giles, Copland 1991)

Almost all literature, both scientific and professional, recent and older, discusses language as one of the basic components of the concept of *ethnos*, which comprises communities from tribes to nations. Language is the basic tool of integration and differentiation for communities from the lowest to the highest ranking ones. For many ethnic groups, language or even non-standard dialects are an important dimension of social identity, which symbolizes their distinction from other ethnic groups, i.e. language somewhat sets the limits in multicultural/multinational areas, and sometimes also poses obstacles. The statement that language is the most important characteristic of an ethnic group is only partially true; language may be the silent dimension of ethnicity and need not necessarily be associated with the ethnic identity of individuals. Various examples throughout the world show that ethnic and language borders do not always overlap. One language cannot be a permanent and eternal mark of a certain *ethnos* – this means that the members of a certain nation may have forgotten their original language and adopted the language of the environment in which they live, but have nevertheless maintained their identity (e.g. the Roma).

POSITION OF THE SLOVENE LANGUAGE IN THE PAST

Whenever Slovene language and its history are discussed, some developmental stages or points are always emphasised, which in spite of all the unfavourable and negative conditions helped to establish the exceptional life force, cultural resoluteness of Slovenes and their self-awareness of their ethnic identity. The Slovene language is therefore considered to be the path to the understanding Slovenes, an expression of the uniqueness of the Slovene nation and the essence of its identity.

Centuries ago, an enormous amount of work for the development of the Slovene language was performed in order to advance it to a higher level. It can be said that the Slovene language and culture in the 19th and 20th century were very important, Slovene language and culture were even crucial factors in the process of creating the Slovene nation and its development into a nation state. Slovene intellectuals, and politicians used the Slovene language and culture as an important tool for social and political mobilisation, which is proven by the contents of various national programmes. The concept of the perception of the Slovene nation and its national identity was always very traditional and bound to the Slovene language and culture. Various political programmes always contained demands for cultural, administrative and political autonomy, but rarely were there ideas of an independent and sovereign Slovenia as a state (Prunk 1987).

The process of formation of Slovene statehood essentially began after World War II, when the Slovene Republic was first created within the framework of Yugoslavia as a constitutive element of the Yugoslav federation. This process then continued formally with the adoption of the Yugoslav Constitution in 1974, which defined the then socialist republics as sovereign states of their nations (Constitution of the Socialist Federal Republic of Yugoslavia, 1974) with the right to self-determination. This process ended with the proclamation of an independent and sovereign Republic of Slovenia at the beginning of the 1990s, with the dissolution of the then Yugoslav federation.

Actually, the Slovene language became a constitutionally determined official language already with the Vidovdan Constitution from 1921 (Kingdom of Serbs, Croats and Slovenes), which stipulated that the official language of the Kingdom was Serbian-Croatian-Slovene. The Constitution of the Kingdom of Yugoslavia from 1931 also contained this stipulation. The provisions of both pre-war Constitutions formally mentioned the Slovene language not as an independent language, but rather in connection with or as part of the other two official languages. In spite of the formal status of the Slovene language as the official language, one can hardly speak of Slovene as the constitutional category in this respect.

The Slovene language as such became the official language only with the Constitution of the Socialist Republic of Slovenia in 1974. Article 212 of this Constitution stipulated that as a rule, the use of the Slovene language is compulsory before the authorities of the Socialist Republic of Slovenia. The significance of this provision, as stated by Kranjc (1998), can also be understood as evidence of the legislator's awareness of the fact that the Slovene language was endangered. It is interesting, however, that the constitutions of the other republics in the then Yugoslavia did not contain such provisions. Nevertheless, the provision stipulating the Slovene language as the official language cannot be considered a fashion accessory to the then Constitution. Article 212 of the Constitution of the Republic of Slovenia from 1974 created the legal basis for more decisive enforcement of linguistic rights. This article set the foundations for the legal framework and the basis of the Slovene language in public use and at the same time an argument in the process of Slovene independence.

POSITION OF THE SLOVENE LANGUAGE TODAY

After 1991 a sovereign Slovene state was to guarantee the preservation and development of the Slovene language and to ensure that the Slovene language is always present at all levels of public life and that it is used in all speech situations.

Article 11 of the Constitution of the Republic of Slovenia stipulates that Slovene is the official language of Slovenia. As Kranjc (1998: 167), a legal expert, says this does not involve only the better way of communication and understanding or the use of more or less common terms, but the existence of an external mark or sign without which Slovene self-awareness cannot exist, i.e. Slovene as the official language or Slovene as the professional language of individual areas. The Constitution of the Republic of Slovenia also stipulates that in areas populated by Italian and Hungarian ethnic communities, the language of the minority (Italian or Hungarian) has the status of official language.

In these ethnically mixed areas Slovene language is in contact with the Italian or Hungarian language. This contact is not coincidental, both contact language areas are defined as ethnically mixed areas. The use of minority language in ethnically mixed areas of Prekmurje and Slovene Istria is governed by statutes of communes and several regulations.¹ In accordance with these provisions, the use



1 The Constitution of the Republic of Slovenia (The Constitution of the Republic of Slovenia (Official Gazette of the Republic of Slovenia, No. 33/91), provides special territorially based rights for the traditional/classical autochthonous members of the national minorities - **Italians and Hungarians. Special rights**, designed for Italian and Hungarian national minorities are of dual nature, being **collective and individual rights** simultaneously. Special rights for the Italian and Hungarian ethnic communities refer to:

-the right to the use of native language (in ethnically mixed territories Slovene and minority language enjoy

of minority language in contacts with judiciary and other administrative organs is guaranteed; the use of both languages is guaranteed in the work of assemblies and their bodies. Slovene language and minority language (Italian or Hungarian) have equal functions. In these areas Slovene language is not only in the function of the mother tongue (L1), but also in the function of the second language (L2).

The long term project of the Institute for Ethnic Studies "Interethnic relations and ethnic identity in Slovene ethnic area" (Nečak-Luk 1998) was performed in the ethnically mixed areas in Slovenia in different years. Within the multidisciplinary questionnaire the respondents were in different periods asked also about the role and the significance of the languages- Slovene and minority language (Italian or Hungarian).

The majority of the respondents (in Lendava as well as in Izola) – regardless of their ethnic affiliation or mother tongue – are convinced that command of Slovene language is for a citizen of Slovenia a *condition sine qua non*. There are, however, differences about the standpoints regarding the necessary level of Slovene language command (the results about the level of the command of Slovene language were gained by respondent's self evaluation). As an example we can state some data from the above mentioned research that the members of the Italian minority estimate much higher their knowledge of mother tongue than the level of Slovene language, which is for them a second language (L2). This could be explained by the fact that that mother tongue is for the Italians important and strong element of their identity and that is a very important sign of the maintenance of their culture and the important factor of the ethnolinguistic vitality. At the same time the results from the same research show that the criterion of the Slovenes in estimating the level of command of the mother tongue are much higher than the criterion of the Italians. (Nečak-Luk 1996)

REGULATION OF THE POSITION OF THE SLOVENE LANGUAGE AFTER 1991

Although in a new, democratic and sovereign state of Slovenia, the Slovene language has become completely established everywhere, even in previous taboo areas (the military, the customs administration), several linguistic shortcomings

equal status, and all public services are bilingual);

-free use of national symbols;

-the right to establish autonomous organizations and institutions; -the right to foster their own culture;

-the right to education and schooling in their own language and to become familiar with the history and culture of their mother nation;

-the right to be informed in their own language;

- the right to direct representation in the Parliament and in local authorities;

-the right to cooperation with the state of their mother nation.

have been overlooked since 1991, especially in the field of economy and partially also in other areas, for example in certain scientific and technical professions.

Contacts with various foreign languages have become much more frequent (especially with English and German). Naturally, there is nothing wrong with this, and it is even beneficial, provided that Slovenia has an active linguistic policy, which supports the learning, use and reputation of its own official language. Last but not least, we are often not aware that language is a living entity, which cannot avoid contacts with other languages and cultural experiences. It is such contacts that enrich the language with findings and ideas from translated literary, professional and scientific works from other cultural environments, which is often forgotten.

The proposal for a law on the use of the Slovene language as the official language began to be drafted in 1996. Slovene is stipulated as the official language in the Constitution, and it is mentioned in many laws (provisions referring to language are found in approximately 50 laws), but the present legal order has many shortcomings and is ineffective. The proposer² believed that the issue of the status or extent of use of the Slovene language in the public is so important that the position of the Slovene language should be regulated with a general, umbrella legal act – law on Slovene language. The proposal for this law has the following objectives (Dular 2000: 248):

- to comprehensively regulate and ensure the use of the Slovene language as the official language in all areas of public communications in the RS;
- an attempt to ensure more consistent enforcement of the legislation with planned stimulative and administrative mechanisms and (only partially) through punitive measures.

A question may arise as to why it is necessary to have a law for the regulation of the position of an official language as the Slovene language is in this case. The use of the official language at all levels of public life should be self-evident in any country. At the same time another general question may be raised: Does legal regulation of a certain issue automatically mean its solution in the society? This question can be applied also to the language issues, and especially in the context of the position and extent of use of a language. The socio-linguistic analyses of several laws and legal provisions in Slovenia points to the question, why there is a differentiation among those who are responsible for certain areas of activity required to master the Slovene language, while the others are not explicitly obliged to do so. In addition, in Slovene legal documents the expression “to master a



2 The initiatives were started at the Ministry of Culture, the minister was dr. Janez Dular.

language” is also disputable from the linguistic viewpoint. The expression does not specify the level of person’s linguistic competence. This category is very complicated since the degrees of linguistic ability can differ even among native speakers. The problem of legal regulation of examinations of linguistic competence has also not been solved in a satisfactory manner.

The law on the Public use of the Slovene language³ is written according to the Scandinavian model and similarly to Scandinavian model stipulates the founding of a linguistic office. Similar laws on language have also been passed in some other European countries, namely Poland and France. The Scandinavian model has an office, which also has research tasks, but in Slovenia research tasks are mainly performed by Institutes and University (for example Institute for the Slovene Language at the Slovene Academy of Arts and Sciences, SAZU). The Office for the Slovene Language of the Republic of Slovenia was established by the Government decree (Official Gazzette of the RS, no. 97/2000) in order to cooperate with the holders of political, administrative and expert competence from the viewpoint of the use, enforcement and development of the Slovene language. It provides for appropriate legislative solutions and their realisation, and it assists those that are interested in obtaining an answer relating to linguistic questions.

On April 1, 2004 it was transferred to the Ministry of Culture as the Sector for Slovene Language.

In spite of the above-mentioned legal regulation regarding the position of the Slovene language, experience from previous years has shown that relying on automatic functioning of socio-linguistic and other scientific findings, on the cultural awareness and political recommendations is deceptive and often unsuccessful/SZDL – Language Section, later the Language Council, the Linguistic Arbitration, activities of the Slavist Society, etc/ (Pogorelec 2000: 61).

There is also an open question what is the most effective way for the language to be preserved and promoted? Even though there is a special law, the opinions of experts and politicians still differ – should a general law regulate the status of the language? Nevertheless, it is important to emphasise that in spite of Slovenia’s rich historical experience there is no professional, empirically supported linguistic policy (Štrukelj 1998:19-31). It can also be said that even in the opinion of some lawyers (Kranjc 1998.) the fundamental dilemma of the protection of the Slovene language as the official language remains outside the scope of law. Even if an official language is already protected by the Constitution, it cannot be effectively protected in practice unless it becomes generally accepted as a value, which is firmly seated in the value systems of individuals.



3 Uradni list RS (20.8.2004), 86-3841/2004, p.10418.

A question arises, though, of how to preserve the Slovene language from excessive and undesired influences and establish it as the official language in accordance with the nation's interests. A thesis can be postulated (which has a somewhat negative connotation) that the use of a language is legally prescribed and regulated only in those countries in which it is not sufficiently *self-evident*.

The lack of self-evident use of the native language among members of a nation may also have deeper, historical and psychological roots. Members of small nations, such as Slovenes, who are positioned between various cultures due to the geopolitical position of their ethnic territory, and are therefore often multilingual and prone to xenophobia due to the historical conditioning of the ethnopsychological disposition, like to boast their knowledge of foreign languages in international discourses, in which, apart from serving as a communication tool, language also has a representative function, and the linguistic equality of partners is decisive for the equal attainment of their goals. However, Slovenes are insufficiently aware that they are turning their multilingual advantage into a shortcoming in this asymmetric communication process (asymmetric because one person uses their own native language and the other a foreign language, which impairs the balance of powers).

In the term "international", people do not see pluralism, but universalism. Science, trade, tourism, art and computer science know no boundaries, so an opinion that linguistic boundaries also need to be surpassed and that the same language should be used everywhere (possibly the English language) has become increasingly more popular. However, people are not aware or tend to forget that their "foreign, international language" was acquired in school and only serves as a mediator, but cannot always provide quick and accurate responses to difficult communication tasks, so they cannot be in an equal position in conversations to those who are native speakers of the foreign language (e.g. the English language).

CONCLUSION

There is a reciprocal relatedness between language and ethnic identity. Ethnic identity of the Slovenes has always had a strong link with Slovene language. In spite of many obstacles and unequal status in various states, through centuries, Slovenes have been maintained as a nation also through the preservation of the Slovene language. Language has been kept as the core of the Slovene ethnic identity, and has been even transformed into a symbol of the Slovenes who established a special attitude towards it.

On the one hand, Slovenes exalt their mother tongue, and on the other we are permeated by feelings of inadequacy concerning the Slovene language. Slovenes

belong to a small nation and the area in which the Slovene language is spoken is very small in comparison with that of other languages – the boundaries of Slovene are the borders of Slovenia (Rupel 1996). The complex of smallness is deeply rooted in the Slovene culture. This can be indirectly felt in a way in the attitude of Slovenes towards languages. An evident example of this is manifested for example in the fact that Slovenes often put other languages on a pedestal (primarily English, German and also Italian) and neglect the significance of knowing Slovene language and culture well. The significance of learning foreign languages is emphasised also in a well-known Slovene proverb⁴: One's value depends on the number of languages one masters!. At the same time, there is no proverb that would refer to the good knowledge of our mother tongue.

Last but not least, it needs to be said that lately, in the context of the European policy there is an increasingly important question of how the Slovene language and culture will survive and develop with Slovenia's participation in European integration processes. Is the integrative role of the Slovene language sufficiently strong to succeed in preserving the language from the viewpoint of preserving the nation? In order to maintain the spiritual dimensions of the Slovene language in sciences and arts, it is important to develop the economic basis for its use, and strengthen the political and cultural independence and confidence of the Slovenes. Some even fear that Slovene will remain the official language only in this small garden on the sunny side of the Alps, but this fear is unfounded, because the viewpoints of the European Union (EU) are clearly stated in all their basic treaties. Upon accession to the EU, the Slovene language as the official language of the Republic of Slovenia will join other official languages in the EU. The purpose of the linguistic policy of Slovenia is therefore not to fight for an equal position of the Slovene in the EU, but to ensure that the guaranteed equal position is assumed and that Slovene Europeans, as Leban says (2000: 256), will know how to clearly and proudly express themselves in their native language, and at the same time ensure high-quality interpreters and translators who will act as cultural mediators and pass our messages with professional accuracy and authenticity, translating them into the target languages. In view of Slovenia's accession to the EU, one must be aware that nobody is directly threatening the Slovene language, so it need not be protected, but rather preserved and cultivated.

Finally, let me summarise the thoughts of (one of) the leading Slovene philosophers and intellectuals, which also refer to the Slovene language and Slovenia's participation in European integration processes: "The founding of a sovereign state solved not only the cultural but also the political problem of Slovenes. The Slovene national issue no longer exists, but there are the problems of the Slovenes



4 Similar proverb exists also in other environments .

as a nation, problems related to our statehood...” – and the first among these is the problem of the Slovene national confidence, wrote Tine Hribar (1996: 94), which undoubtedly includes attitudes towards the Slovene language!

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