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Author(s): Isaac Taylor

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## COMMUNICATION, EFFICIENCY, AND FAIRNESS IN THE EUROPEAN UNION

Isaac Taylor

Political integration in the European Union (EU) creates the need for a means of communication among the various linguistic communities of Europe. There are two options that could be selected to achieve this. Under what I will call a “multilingual regime,” linguistic communities would largely continue to use their own native language, and communication across communities would be facilitated through translation. Under a “unilingual regime,” by contrast, one language (a “lingua franca”) is selected for the purpose of communication, and non-native speakers of that language are required to become proficient in order to be able to participate in European politics.<sup>1</sup>

Although unilingual regimes are generally thought to have advantages in terms of efficiency (costly and cumbersome translation can be avoided), they face a number of objections. Some critics point to the disadvantages that non-native speakers of the chosen lingua franca face in political debates.<sup>2</sup> Others argue that maintaining linguistic diversity has desirable side effects, and it should thus be protected from the homogenizing tendencies of unilingual regimes.<sup>3</sup> In this paper, I will set these two objections aside, and instead discuss a third, which I think provides the strongest case against unilingualism within the EU. This objection points to the unfairness that a unilingual regime may generate. Non-native speakers of the lingua franca will end up incurring greater costs than will native-speakers in this sort of regime. I will explain why in section 1. This fact has been thought to show that unilingual regimes are unfair, and it therefore provides a reason against this option.

Many people reject the idea that this fairness-based objection really counts against unilingualism. Some deny that it is an objection at all; they claim that although non-native speakers of the lingua franca will inevitably end up taking up more costs than native-speakers, this cannot in any sense be thought of as unfair. I will discuss, and reject, a representative account of why this would be the case in section 2. Others, although accepting that unilingual regimes involve unfairness, think that there are policies that could be implemented within a unilingual system that would do away with this unfairness. I will consider two suggested policies

of this sort in sections 3 and 4, and argue that neither of these policies will be sufficient to ensure fairness in a unilingual Europe. The fairness-based objection will thus be shown to provide a reason against implementing a unilingual regime in Europe (and beyond). The significance of this finding will be discussed in section 5.

### I. EFFICIENCY AND FAIRNESS

Why does political integration in Europe generate the need for a means of communication across linguistic communities? Firstly, and most obviously, elected representatives and bureaucrats working in the European Parliament need to be able to understand each other. Debates among MEPs would be impossible without mutual understanding. While the EU Parliament is in theory multilingual—official documents are published in each of the twenty-four recognized languages, and MEPs are entitled to speak in whatever language they choose, with translators on hand to ensure that they can be understood by others<sup>4</sup>—in practice, English (and to a lesser extent French) is becoming the preferred means of communication. A number of meetings are held only in French or English, and many documents are published in English only.<sup>5</sup>

More importantly, though, for European democracy to be even minimally legitimate, it is thought that there needs to be direct input, through a European civil society, from a wide range of European citizens. In Philippe Van Parijs's view, we need "a trans-national common *demos* in the sense of an arena for both deliberation and mobilization."<sup>6</sup> And it is clear that this will not be achieved unless individuals from the different linguistic communities of Europe can communicate. The recognition of common goals among individuals in different countries and the need to coordinate action in pursuing these goals means that communication is essential if European democracy is to function effectively. Again, English is increasingly becoming the lingua franca that is used by civil society activists who have to work with others beyond their national borders.

The move toward unilingualism in both of these areas is now, at least to some extent, beyond political control. Politicians and bureaucrats working within the EU, as well as citizens of the member countries, often learn English for self-interested reasons. At a time when many careers require English-language competence, a certain degree of unilingualism is inevitable. A question that arises here, though, is whether a *more* unilingual regime should be aimed at. Should we seek to increase competence in English among representatives and bureaucrats in Brussels, and among European citizens in general?<sup>7</sup>

Many people think so, and cite the efficiency of moving to unilingualism as the primary reason why.<sup>8</sup> The efficiency of a policy, institution, or regime can be understood to refer to the capacity of that policy to achieve particular goals at as low a cost as possible. A policy that fully realizes all the relevant goals at

a relatively low cost can be viewed as highly efficient. What goals are relevant in determining the efficiency of a particular European language regime? Most proponents of the efficiency-based argument for unilingualism (correctly, in my view) have in mind the goal of promoting democratic participation in EU institutions. With this in mind, we can ask how unilingualism can be thought to be more efficient than multilingualism: In what sense does unilingualism more cost-effectively promote democratic participation in the EU?

On the one hand, ensuring that all the politicians and bureaucrats within the European Parliament itself spoke English would only lead to modest cost savings, if any. The need to pay translators and interpreters to ensure communication among these individuals would be dispensed with. But these cost savings are unlikely to be significant: while the EU currently spends €300 million per year on translation services, this works out at around €0.60 per European citizen.<sup>9</sup> And we should also note that the savings here would need to be balanced against the expenditures in training all those working within the Parliament to be competent in English. Meanwhile, although unilingualism might increase the speed and ease of communication in the Parliament when compared with communication via translators, it appears that there are no hugely problematic barriers to democratic participation under the current system. The efficiency gains of unilingualism being implemented within the formal political institutions of the EU, then, are neither here nor there.

However, a stronger efficiency-based case for unilingualism can be made with respect to civil society. Ensuring that all EU citizens can effectively participate in a democratic manner—not only through voting, but also through participation in interest groups, protests, and debates—may require a common language among them all. Some writers doubt that the costs of ensuring such participation in a multilingual regime would in fact be very significant; they argue, for instance, that the costs of translating and publishing EU documents in the various languages of the EU would be quite minimal.<sup>10</sup> But this might be thought to underestimate the sort of participation that is really required. While individuals need to have an idea of what is going on in the European Parliament (and this could be achieved by simply translating and disseminating policy documents), it has been argued that an effective civil society would require more than this. Van Parijs calls for “a combination of transparency and civil society activism that disciplines public and private agents.”<sup>11</sup> The sheer degree of communication that would be needed to maintain such a vibrant civil society would mean that quite widespread translation would be needed. It is therefore argued that unilingualism, being far more efficient in promoting European democracy (in an expansive sense of the term), is to be preferred. It may even be doubted that anything but unilingualism could achieve this; it can be argued that translation services would be unable to provide the widespread degree of communication necessary to sustain a vibrant civil society.

Now I previously cast doubt on this last claim: I argued that civil society activism can flourish among individuals who speak different languages through a decentralization of power to national groups.<sup>12</sup> But let us assume that unilingualism would at least improve the efficacy of civil society to some extent. This seems plausible to me. For example, it may be thought that scientific research on environmental issues would need to be quickly disseminated and understood by large sections of the European population in order for an environmental pressure group to effectively mount a campaign for policy change within the EU. Or, as Van Parijs thinks, trust among different national branches of civil society groups such as the European Trade Union Federation may await the emergence of a *lingua franca*.<sup>13</sup>

So the efficiency of a unilingual regime in European civil society appears to provide us with a strong reason for preferring it to multilingualism—but perhaps not an all-things-considered reason. There may be countervailing considerations that count against a unilingual regime. Most notably, unilingualism may be thought to lead to unfairness. For if an existing language like English is to be used as the *lingua franca* in this regime, then non-native speakers of English incur costs—financial, temporal, and opportunity costs—of learning English. Native-English speakers, meanwhile, incur no such costs. Of course, they incur some costs of learning their native language at a young age, but they do not incur the additional (and generally higher) costs of learning a second language that non-native speakers incur. Despite this, they will still receive the benefits of the unilingual regime; the benefits of a vibrant civil society will not be restricted only to those who learn the language. This might be thought to be unfair, as the native-speakers of English might thus be viewed as “free-riders”: they receive benefits that are created by others without taking up any of the costs themselves.<sup>14</sup> The case for unilingualism, then, is not as clear-cut as it first appears. Although the case for unilingualism can be made by appealing to efficiency, a strong case against it seems possible through appeal to fairness.

## 2. FAIRNESS AND DUTIES

Many people intuitively react to the fairness-based objection to unilingualism by denying that this really constitutes a genuine objection. If non-Anglophones freely choose to learn English and thereby create benefits for themselves and others, they say there is no reason to view the outcome as problematic. It provides even less reason for asking—or requiring—English-speakers to pick up some of the costs that they incur instead. And even if it is conceded that non-Anglophones are in some sense forced to learn English—because their career prospects may be unacceptably damaged if they do not—this is thought insufficient to ground a genuine objection where there was none before.

It is often difficult to know what sort of moral principles are underlying these claims. Given that many people who advance them would accept that tax avoidance is often unfair at least in part because tax avoiders receive benefits that are paid for by others without contributing anything in return, it is unclear why they do not also think that Anglophones act unfairly by free-riding on the benefits that are brought about by others learning English. There must be some way of distinguishing one case from the other if this intuition is to be justified. In what follows, I will examine David Robichaud's recent argument against the fairness-based objection to unilingualism, which points to one factor about the language case that is thought to show that it is not objectionable for some to pick up all the costs while others contribute nothing yet still benefit.

Robichaud begins by distinguishing two types of interactions. "Natural interactions," he says, "are simple interactions where each individual chooses his most promising strategy, an equilibrium strategy, the one offering the best expected utility considering other agent's [*sic*] expected strategy."<sup>15</sup> The idea here is that individuals simply act and react to others' actions in ways that will make them as well-off as they possibly can be.

As an example of a natural interaction, imagine that a group of neighbors live on a rural street that regularly becomes impassable because of snowfall. This is inconvenient for all of them, but, for most of them, staying in their houses for the few days until the snow melts is not a great sacrifice. However, one resident—call him Peter—has urgent medical needs that require him to drive to the local hospital daily for dialysis. When heavy snowfall comes, therefore, his need to leave the street leads him to take it upon himself to clear the road of snow. This, of course, benefits all his neighbors to some extent, but they do not pick up any of the costs. They know, let us suppose, about Peter's condition and thus decide to wait for his need to make him clear the road by himself. This is a case of a natural interaction, since all the neighbors act so as to maximize their utility while bearing in mind how their actions will affect the actions of others. Peter's dire medical need induces him to clear the snow by himself; the other neighbors' knowledge of this need induces them to do nothing and reap the rewards that Peter's actions bring them.

Often, though, by limiting themselves to natural interactions, individuals may end up worse-off than they could be. Imagine that Peter moves away from the rural community in our example. Now, whenever snow comes, nobody clears it from the street. While all of the neighbors would benefit from the street being clear, their benefit is so small that it is not worth their time to clear the whole road by themselves. However, they might all be net beneficiaries if they were each to clear a small part of the street from snow: the costs they incur by doing so would be outweighed by the benefit they each receive from the whole street being cleared. This suggests that it would be prudent for them to enter into an agreement

such that, when the street becomes blocked by snow, they will each clear a small part of it, resulting in the whole street being cleared by their combined efforts. This is an example of the second sort of interaction that Robichaud identifies: cooperative interactions. These interactions provide “a way to produce optimal results in situations wherein individuals selecting their own best strategies lead to collective problems.”<sup>16</sup>

According to Robichaud, there is nothing inherently morally problematic with the outcome of natural interactions. While Peter is undoubtedly unlucky that his specific medical needs result in him picking up all the costs of clearing the road, this view implies that his neighbors are within their rights to refuse to help and to reap the benefits without making a contribution. They are under no obligation to contribute to the project. Furthermore, even after Peter moves away, according to Robichaud’s view, the fact that they would all be better-off by entering into agreement is insufficient to show that they are morally required to do so. On this view, “there is . . . no natural duty to cooperate.”<sup>17</sup>

Things look somewhat different, though, if the neighbors do in fact come to an agreement to all contribute to the road-clearing, and thus turn the situation into a cooperative interaction. By giving their consent to such an arrangement, Robichaud says, they *would* then act wrongly by going back on their word and not clearing their assigned section of the road from snow, even if there is nothing wrong with refusing to enter into an agreement of this sort in the first place. “What is wrong,” he thinks, “is not to refuse cooperation when we can expect better payoff following our best individual strategy, but refusing to follow a collective strategy we agreed to for the expected benefits it makes possible.”<sup>18</sup>

Curiously, Robichaud believes that while a person’s agreement to a collective strategy is sufficient to ground a duty to make a contribution in a cooperative interaction, it is not necessary. Instead, “all we need is to demonstrate that cooperation improves everyone’s situation when compared to natural interactions.”<sup>19</sup> As I understand this point, he thinks that while the individuals are under no duty to set up a beneficial cooperative arrangement themselves, if other agents successfully set up such projects, all those who benefit may gain a duty to contribute something toward it. In the snowed-in street case, the government might provide a snow-clearing service and thereby obligate the neighbors to pay for it through taxation.

For duties to be genuinely created in this way, though, Robichaud thinks that two conditions need to be met. The first of these is the following:

*Internal Rationality:* the benefits produced by cooperation (the “cooperative surplus”) must be distributed in a way that is “rationally acceptable for every member of cooperation.”<sup>20</sup>

It is somewhat unclear what Robichaud means by “rationally acceptable” here, but the phrase appears to be interchangeable with “fair”: he writes that, once the criterion of internal rationality is met, “we can consider that this distribution [of

the cooperative surplus] is fair and morally acceptable.”<sup>21</sup> The logic of endorsing this condition is presumably that it prevents individuals becoming bound to cooperate in schemes in which the cooperative surplus is shared unfairly among cooperators. An example of this might be a colonial system, where many of the benefits created primarily through the work of the colonial subjects are transferred toward the colonizing population.

But simply showing that benefits are shared fairly among cooperators, says Robichaud, is not sufficient to bind individuals to cooperative schemes without their consent. The scheme in question must also meet a second condition:

*External Rationality*: cooperation must improve the situation of every member “when compared to a counterfactual where individuals only interact, where individuals choose their best available strategy.”<sup>22</sup>

Requiring people to cooperate when they would be better-off (or even merely no worse-off) in the absence of that cooperation (i.e., when they limit themselves to natural interactions), says Robichaud, would be objectionably illiberal. They should be free to distance themselves from schemes from which they have nothing to gain: “Nothing less than freedom is at stake if we do not take external rationality seriously.”<sup>23</sup> In our original case of the snowed-in road, it would thus be objectionable to force the neighbors to pay for a snow-clearing service, since most of them would be better-off without the service, as they can simply wait for Peter to clear the street by himself. Once Peter moves away, though, if the remaining neighbors fail to organize themselves to clear the road collectively, it may be justifiable for the government to tax them and use the proceeds to clear the street, as all would benefit from this, and so the condition of external rationality would be met.

Returning to the purported unfairness of unilingualism, we can ask whether Anglophones in Europe can be similarly under a duty to contribute toward the costs that non-Anglophones incur in learning English. Since the Anglophones have clearly not consented to pay these costs, Robichaud’s arguments suggest that to demonstrate the existence of these duties, we must show that both conditions of rationality are met. But it seems that the second condition—external rationality—certainly cannot be. It is questionable whether Anglophones would be any better-off contributing something here, as Robichaud notes, since many non-Anglophones learn English even without their contributions. The Anglophones are therefore made no better-off by contributing, and this appears to show that they are under no duty to contribute.<sup>24</sup> Does this argument show that the fairness-based objection to unilingualism is misconceived?

I do not think so. To see this, recall that the fairness-based objection to unilingualism, as I have presented it, says that unilingualism is unfair, and that this counts against it. Robichaud argues against this objection by showing that the unilingual system does not meet his two conditions of rationality. This would



successfully rebut the fairness-based objection if failure to meet his two conditions meant that a situation was not unfair. But this is not what the two conditions are best understood as doing, even by Robichaud's own admission. He writes that the two conditions being met "trigger duties of cooperation" on the part of individuals within the system and thus allow us "to conclude . . . that constraints on their behaviors are morally justified."<sup>25</sup> Even if there are no duties of cooperation and no constraints on the behavior of individuals are morally justified, I will now argue, the outcome of a natural interaction may still be thought of as unfair.

Return to the example of the snowed-in street. Peter clears all the snow by himself because he needs to get to the hospital. While Peter is unfortunate in that his medical needs result in him having to pick up all the costs of a project that benefits others, the others may be under no duty to help out. Such a duty, as I understand the concept, would imply that the neighbors lack a right not to help out, and this in turn would ground at least a *prima facie* permission on the part of third parties to coerce them into helping out.<sup>26</sup> Few people would accept the existence of such a permission in this case, and Robichaud's arguments thus appear to correctly conclude that there are no duties on the part of Peter's neighbors here. But this does not preclude us from judging the outcome as unfair.

Note firstly that we need not take a stand here on whether Peter having the medical condition that he does is unfair in itself. Some might indeed hold that so long as Peter did not do anything to make himself contract the condition, it is indeed unfair that he has it. If it causes him pain or some other form of disadvantage, then the inequality that it generates between him and others might intelligibly be described as an unfair distribution of advantage. I think, though, that most people would refrain from describing *this* inequality as unfair.<sup>27</sup>

What I think *is* unfair, however, is how Peter's medical condition leads him to contribute toward the benefit of others without them making a corresponding contribution to his welfare. The lack of reciprocity involved in the interaction here would seem to make the situation not merely unfortunate but also unfair, even if Peter's neighbors are under no duty to reciprocate the benefit he bestows upon them. It is free-riding—and not simply differential benefit—that is unfair.

Something similar might be said of unlingual regimes like the EU. The fact that some members of these regimes have a native language that happens to be different from the lingua franca is not, in itself, unfair. Nor could this fact even be described as unfortunate in the same way as Peter having a medical condition can, since speaking one language or another is not generally a source of disadvantage when considered in isolation to one's social context. Nonetheless, once the non-native speakers incur costs of learning the lingua franca, and the native-speakers of that lingua franca benefit from this without taking on a corresponding cost, we might plausibly describe this situation as unfair.

This point may be doubted. Even Peter's taking up of additional snow-clearing costs might be thought to be neither fair nor unfair, but (at most) unfortunate.

Likewise with the situation where non-native speakers of the *lingua franca* pick up additional costs in unilingual regimes. This might merely be a disagreement about when it is appropriate to call something “unfair” rather than “unfortunate” or “bad” without any practical relevance. However, there is an additional argument available for the view that at least most existing unilingual regimes—crucially including the EU—are unfair. This involves looking at the way in which they came about.

English did not gain the status as a *lingua franca* in Europe and across the world by accident. Rather, as Denise Réaume remarks, it was initially the result of a prolonged period of coercive practices that violated the rights of many non-Anglophones. The power of the British Empire and the more recent hegemony of the United States cemented the favored place of English, which is now the only feasible language to use if one wants to communicate with a large and diverse international community.<sup>28</sup>

We can note in passing that it is not just English that has gained a favored position through forceful state policies. On a smaller scale, within sovereign states, languages that have achieved the status of a *lingua franca* have often only done so because of the expansionist aims of powerful actors. In Tibet, for instance, morally questionable goals of nation-building and cultural assimilation have resulted in the Chinese and not the Tibetan language becoming a necessary prerequisite for many sought-after careers, to the detriment of many indigenous Tibetans.<sup>29</sup>

The general lesson is that the unequal distribution of burdens that results from unilingualism is almost always brought about through an intentional and coercive manipulation of the environment by those in power. This, I submit, should put beyond doubt the claim that most inequalities created by a choice of unilingualism are unfair. In the case that I am primarily interested in here—that of the European Union—this is certainly true.

To see this, we can alter our example of the snowed-in street to make it more representative of existing unilingual regimes. Suppose that while Peter needs to get to the hospital for treatment every day, all of his neighbors need to leave at the same time to get to their jobs. All of them therefore help out in clearing the snow from the street. One neighbor, Paul, who works as an administrator in Peter’s hospital, decides to rearrange all of Peter’s dialysis appointments to earlier in the morning, meaning that he has to leave before everyone else. Once this happens, we are back where we were before: Peter’s need to leave the street before everyone else means that he clears the snow away alone while everyone else benefits from his efforts. The fact that this situation came about by intentional human manipulation this time, though, makes it even more plausible to describe the situation as unfair. This is true even if we think that none of the neighbors is under a duty to combat this unfairness (including Paul, who, after all, was only using power that his job gave him). When power relations create grossly unequal distributions of burdens from practices that affect everyone, there is a strong case, I think, for viewing the situation as unfair.

I have argued, despite Robichaud's reservations, that there are good reasons for viewing the EU's unilingual regime as unfair. The problem with Robichaud's arguments, I suggested, was his conflation of being unfairly advantaged and being under a duty to rectify this unfairness. He is not alone in confusing these two ideas: many libertarians who argue against the existence of obligations to contribute toward the production of public goods think that their arguments also show that it is not unfair to benefit without contributing anything.<sup>30</sup> And I think that many people's intuitive reaction that unilingual systems contain no unfairness is based on a similar confusion. By showing that individuals can be unfairly benefited while being under no duties to act so as to reduce this unfairness, I have defended the idea that there is something morally problematic about a unilingual system in which one group of individuals benefits from others learning their language without contributing anything toward the costs of this learning.

The fact that unilingual regimes like the EU involve unfairness may lead us to prefer multilingualism. Before concluding this, though, we must consider whether there are any ways of removing the unfairness involved in unilingualism. In the following two sections, I will examine two policies that some theorists think would allow us to do this, thereby reconciling unilingualism and fairness.

### 3. LINGUISTIC TAXATION

Jonathan Pool, recognizing that unilingual regimes generally result in unfairness, proposes that non-native speakers of the chosen lingua franca could be compensated to make up for this. In particular, he suggests that native-speakers could be asked to pay a higher tax, with the additional revenue going to non-native-speaking communities.<sup>31</sup> Van Parijs adopts this proposal for dealing with fairness in international regimes like the EU.<sup>32</sup> Ideally, he thinks that a fair solution would involve taxing native English-speakers in the EU and transferring the money to non-native speakers. But because it may be impractical to tax each and every native English-speaker, he suggests that an acceptable approximation may involve taxing those countries in which most English-speakers live. Implementing this "linguistic tax" in the EU would presumably involve taxing the UK and Ireland, and subsidizing language-learning on the continent. But just how likely is it that this proposal can be implemented?

Within a nation-state, when it is deemed necessary that one section of the population pay a tax for the sake of fairness, in general, this tax can be extracted through centralized coercive mechanisms. Those who are required to pay the tax can be threatened with punitive action unless they pay the required amount. But such mechanisms are not currently available for ensuring that countries pay taxes. While the EU taxes its member states toward the EU budget, that budget requires unanimous approval from the Council of the European Union. This effectively gives each national government veto power over spending that they disapprove of.

And so, if English-speaking countries do not want a linguistic tax, they are able to block it. Any attempt to change this arrangement would also require unanimous approval, and so is unlikely to occur for similar reasons.

But it may be thought other methods that might be described as “coercive” could induce English-speaking countries to pay. Developing countries often agree to environmental standards and liberalization policies because their adoption of these policies is required for them to maintain membership in organizations such as the World Trade Organization (WTO). Perhaps if countries like the UK had membership in organizations made conditional on the payment of a linguistic tax, they would agree in order to continue receiving the benefits that membership brings. However, the fact that this strategy has only generally been used to coerce developing nations to adopt particular policies in the past is very telling. These countries need to be part of organizations like the WTO more than developed countries do; they often rely heavily on foreign trade for development, for instance, and being part of the WTO is crucial for this. While being in the WTO is beneficial for countries like the UK, it is not so crucial. And the UK’s leaving the WTO would, in fact, be highly detrimental to other member-states. Using the WTO as a way of coercing countries like the UK to pay a linguistic tax, then, would most likely be ineffective and unwise. We cannot expect this method to succeed.<sup>33</sup>

Van Parijs himself does not think that coercion would be a feasible way of extracting the necessary tax payments from Anglophone countries. Instead, he thinks that “the governments of Anglophone countries will need to be persuaded—in English, of course—that this is a fair tax for them to pay.”<sup>34</sup> If these countries cannot be forced to pay, in other words, we must find ways of making them voluntarily pay. But this, too, seems unlikely to work in practice.

Descriptive realists—who argue that national interest is the primary motivating force in international relations—will, of course, deny that the countries could be so persuaded. However, descriptive realism appears too simplistic an account of international action. Notions such as justice and fairness do appear to play a role in motivating states. But, as Cecilia Albin notes, countries are generally only likely to be motivated to act justly or fairly when negotiating with others that are roughly equal in power.<sup>35</sup> In fact, it appears that the underlying motivation in such cases is generally not the desire to see justice done: “explicit use of the terms [‘justice’ and ‘fairness’] does not mean that such concepts are genuinely at play. Ethical arguments can be employed for purely tactical purposes.”<sup>36</sup> Rather, the reason why states appear to act according to principles of justice is to avoid a standoff in which everyone loses. The principles can provide a “focal point” in order to facilitate agreement on one out of a number of possible mutually beneficial solutions.<sup>37</sup> But English-speaking countries have no reason to want to avoid a standoff when negotiating language policy. They are in a position of power in that the status quo allows them to free-ride on the language-learning of

other states. Since they have no reason to come to an agreement to change this status quo, they are thus unlikely to be moved by claims of justice and fairness.

I have argued that it is unlikely that countries like the UK will pay a linguistic tax in a unilingual Europe. Of course, this is not to say that a linguistic tax will *never* be paid by English-speaking countries. People's beliefs and motivations can change, and it is natural to think that the same is true of the motivations of states' governments. The infeasibility of a linguistic tax is only the result of "soft" constraints: that is, ones that may well disappear in the future.<sup>38</sup> At such a time, a unilingual regime will be able to marry fairness and feasibility. But, in the circumstances that we currently face, we cannot rely on a linguistic tax to ensure this outcome.

#### 4. MUTUAL FREE-RIDING

Pool and Van Parijs both in fact acknowledge that the linguistic tax would be difficult to implement in practice.<sup>39</sup> Van Parijs, however, proposes a second way in which non-Anglophones could recover some of the costs they incur when learning English in lieu of such a tax being introduced. He begins by noting that Anglophone countries produce information and entertainment in English that can be accessed freely online, whether or not it is legal to do so. And he goes on to suggest that non-Anglophones could recoup some of their losses by using this information and consuming some of this entertainment without paying for it, while their countries could encourage this practice by failing to enforce intellectual property rights that govern its use within their borders.<sup>40</sup> By free-riding on the efforts of Anglophones in response to Anglophones free-riding on their language-learning, it is argued, a kind of "rough justice" could be achieved.<sup>41</sup>

The problem with this proposal is that it does not only give a form of "rough justice" in the sense of approximating a just distribution. The justice it delivers is "rough" in a second sense too. This is because the costs that non-Anglophones incur in maintaining a lingua franca are in a different "currency" than the benefits that they can recoup. The costs involved in learning English, and thus in creating and maintaining a lingua franca, are generally of two sorts: temporal and financial. Individuals must give up their time to learn English, which could be spent doing other things (learning about something else, for instance). And they must also contribute financial resources to do so—in order for them to afford tuition, books, and so on. Even if language classes are provided free of charge in non-Anglophone countries, it is still generally going to be the citizens of these countries as a whole who need to pick up the costs through taxation. The benefits that Van Parijs suggests that non-Anglophones can claw back through the strategy under consideration, in contrast, are going to be information and entertainment, not money and time. And so they can only receive a very imperfect form of compensation for their efforts. Is this a problem?

I would suggest that it is unfair that non-Anglophones cannot receive compensation in kind. In other contexts, we think that when someone who is forced to incur some costs, providing them with benefits of a different nature is not sufficient to ensure that they are not wronged. Robert Nozick, for example, writes that “you may not decide to give me something, for example a book, and then grab money from me to pay for it.”<sup>42</sup> Perhaps the person would have preferred to spend the money on something else, but even if he did not have anything better to spend the money on, it still appears problematic to force him to exchange his money for a book.

Non-Anglophones are in an analogous position to this person. They are being forced to make a contribution—the financial and temporal costs of learning English—because, if they do not, their options will be drastically reduced. Various jobs will be off-limits, and opportunities for communication beyond their linguistic community will be fewer. They are, of course, compensated for this (or, more precisely, they are able to take something by way of compensation) by free-riding on the wealth of information and entertainment that is freely available in English. But Nozick’s example of the book-seller suggests that this may still be unfair on those individuals. Perhaps they would have preferred to spend their time and money on something other than this. Imagine an individual living in Europe who despises British culture. She is forced to learn English to be able to effectively participate in European environmental campaign groups, a cause close to her heart, and so she has to incur various costs. Is it enough to tell her that she is permitted to view pirated British films in compensation for these costs? This strikes me as unfair on her. Perhaps she would have spent her forgone earnings on French-language novels instead. And even if other individuals would (counterfactually) have otherwise spent the money they used for English classes on British films, some would still hold that they would be wronged by being forced to learn English and being compensated by free access to these films, because simply removing the choice from them of what to spend their money on is detrimental to their autonomy.<sup>43</sup>

Of course, Anglophones may be thought to be in an analogous situation to the person forced to buy a book in Nozick’s example as well. They, too, have had benefits forced upon them.<sup>44</sup> They generally did not ask for others to learn English, even if they benefit from this, and if those others take compensation in the way Van Parijs suggests, they are also forced to pay for those benefits. The British film industry would not receive some of the taxable revenue that those in Europe would otherwise have paid for it. It is important to see that this observation does not diminish the problems that I have identified with the strategy of mutual free-riding. If anything, it increases them. For now, it is not just one group being forced to pay for benefits that they did not ask for, but two. Both non-Anglophones and Anglophones involuntarily incur costs, and even if they can also receive benefits, this might be unfair on both groups. Mutual free-riding, like linguistic taxation, cannot ensure fairness in Europe.

### 5. UNILINGUALISM OR MULTILINGUALISM?

In the preceding three sections, I argued that the *de facto* unilingual regime that we find in the EU will inevitably be unfair. The differential burdens that Anglophones and non-Anglophones receive constitute an unfairness, and proposals for doing away with this unfairness are bound to fail. What I have not argued, however, is that anyone is under a duty to rectify this unfairness.

What follows from this finding? First and foremost, it provides us with a reason for preferring multilingualism to unilingualism. Since, in a multilingual regime, it is likely that all agents will each have to contribute something toward the costs of communication if they are to participate in cooperation with each other (by hiring interpreters, translating documents, and so on), these costs will be spread more evenly, and thus also more fairly. But what practical significance would this point in favor of multilingualism be if there are no duties on the part of anyone to bring about a multilingual regime? More generally, what is the practical importance of demonstrating that a situation is unfair if nobody can be identified as having the responsibility of rectifying this unfairness?

In some cases, none whatsoever. In our example where Peter has to clear the snow off the street by himself, since his neighbors have no duty to help out, we may have to put up with the unfairness, as we cannot permissibly force the neighbors to do anything. In other cases, however, we need not simply put up with unfairness. We might be able to alter the situation in ways that make it fairer without forcing anyone to do anything. This, I believe, might be true of the unfair unilingual regime in the EU. We might be able to encourage individuals to freely act in ways that give rise to a more multilingual setting, for instance, by convincing non-Anglophones to give up their short-term personal interest in learning English for the sake of their long-term collective interest in having a more multilingual EU. Neither Anglophones nor non-Anglophones would be forced into anything here, but would rather end up in a multilingual regime through the operation of free choice.

Even if the unfairness of unilingualism provides us with a reason for preferring multilingualism, though, and thus a reason for trying to move toward multilingualism in this sort of way, it might not give us an all-things-considered reason. We saw in section 1 that multilingualism is almost certainly going to be inefficient, and the importance of achieving efficiency may be sufficient to outweigh the gains to fairness that moving toward multilingual regimes offers.

Complicating matters further is the fact that there may be additional beneficial side effects to unilingualism—that is, effects aside from the purpose that many justify unilingual regimes on the basis of, namely that of fostering efficiency. If so, these side effects must also be taken into account in a comparative assessment of language regimes. There might, for example, be beneficial effects on social mobility that widespread use of a lingua franca will generate. Or unilingual regimes might be more stable, affording a greater assurance of continuing,

mutually beneficial cooperation across linguistic boundaries. Finally, perhaps if people speak the same language, then individuals from different linguistic communities will start seeing each other as autonomous human beings rather than “sheer curiosities or trade partners.”<sup>45</sup> This, in turn, may make those individuals more psychologically disposed to discharge the duties of justice that they have to each other. While fairness matters for our choice of language regime—and, more specifically, the unfairness involved in the unilingual EU should lead us to be cautious about endorsing it outright—it is not everything.

## 6. CONCLUSION

I end, then, on a somewhat inconclusive note. Unilingualism is unfair, but its virtues in terms of efficiency, social mobility, ability to promote justice, and so on may nonetheless make it the option that we should choose for communication among the different linguistic communities in Europe. Deciding whether or not this is the case will require both empirical and normative analysis that goes beyond the scope of this paper.

Nonetheless, I hope to have shown that the case for unilingualism is not as clear-cut as many of its proponents believe. The superiority of unilingualism over multilingualism cannot be demonstrated merely by pointing to the greater efficiency (or other benefits) of the former, since unilingualism will inevitably involve unfairness. Multilingualism, for all its faults, may be preferable because it is fairer.

*The Centre for Advanced Studies “Justitia Amplificata,”  
Goethe University Frankfurt*

## NOTES

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1. A potential third option would be for each linguistic community to switch to the same native language. Following a number of theorists working in this area, I reject this solution as undesirable (at least when we are considering a single generation with given linguistic competencies). See De Shutter and Ypi (“Language and Luck,” 365–66); Van Parijs (*Linguistic Justice*, 55–56).

2. Phillipson, *English-Only Europe?*, 140–41; Réaume, “Lingua France Fever,” 157–58.



3. Nettle and Romaine, *Vanishing Voices*, 56–77; Skutnabb-Kangas and Dunbar, *Indigenous Children's Education*.

4. European Parliament, "Multilingualism in the European Parliament."

5. Wright, "Language Rights, Democracy," 221–22.

6. Van Parijs, *Linguistic Justice*, 27.

7. Of course, a unilingual regime could also be pursued by ensuring that more people speak another European language, like French, or a neutral language, like Esperanto. But, given the strong existing tendencies that lead people in Europe to learn English at the moment, I assume that the best way to implement a unilingual regime would be to build on these tendencies and increase competence in English. For an account of these tendencies, see Van Parijs (*Linguistic Justice*, 11–24).

8. *Ibid.*, 31.

9. European Commission, "Frequently Asked Questions about DG Translation."

10. Gazzola and Grin, "Is ELF More Effective and Fair than Translation?," 102–03.

11. Van Parijs, *Linguistic Justice*, 27–28.

12. Taylor, "Language as a Global Public Good," 389.

13. Van Parijs, "Lingua Franca and Linguistic Territoriality," 229–30.

14. The term "free-rider" is used differently in different contexts. In the economics literature, for example, an agent is only taken to be a free-rider if her not contributing to the creation of a benefit that she receives threatens to undermine the supply of that benefit. My use of the term "free-rider" here will be one that is found more in moral and political philosophy: an agent is a free-rider if it receives a benefit that is created by others without contributing to its creation, *whether or not this threatens to undermine the supply of that benefit*. On some different ways in which a free-rider is understood, see Cullity ("Moral Free Riding," 4–7).

15. Robichaud, "Cooperative Justice and English," 165.

16. *Ibid.*, 167.

17. *Ibid.*, 168.

18. *Ibid.*, 167.

19. *Ibid.*, 169.

20. *Ibid.*

21. *Ibid.* He suggests that the principle defended in Van Parijs (*Linguistic Justice*, 65) might meet this condition. For an alternative principle, see Taylor ("Language as a Public Good").

22. Robichaud, "Cooperative Justice and English," 169.

23. *Ibid.*

24. *Ibid.*, 172. Robichaud urges caution at drawing this conclusion, though, since there may be additional benefits that Anglophones can receive by making a contribution (of which some contenders are suggested in "Cooperative Justice and English," 172–76).

Van Parijs (“Lingua Franca and Linguistic Territoriality,” 228), against whom Robichaud is directing his argument, is optimistic that this is the case. I will set this possibility aside here and instead argue that unilingualism is unfair even if there are no additional benefits of this sort.

25. Robichaud, “Cooperative Justice and English,” 169.

26. This *prima facie* permission may be overridden by other considerations, such as if the only means through which the coercion could be carried out would be through overly draconian measures. But, if a duty exists, then these considerations must be appealed to in order to rule out the use of coercion. Where there is no duty, in contrast, no such appeal is necessary; the *impermissibility* of coercion is the default position here. Robichaud’s remarks that I cited above, which link the concept of duty with the moral permissibility of constraining the duty-bearers’ actions, imply a similar understanding of the concept of a duty as I outline here.

27. But see Cohen (“How to Do Political Philosophy,” 230), who thinks that a situation in which one individual receives greater benefit than others for no good reason is unfair.

28. Réaume, “Lingua Franca Fever,” 151–53.

29. Loper, “Minority Language Rights,” 219.

30. A notable exception is de Jasay, *Social Contract, Free Ride*, 212–14.

31. Pool, “Thinking about Linguistic Discrimination,” 17.

32. Van Parijs, *Linguistic Justice*, 76.

33. There is an additional problem that strategies such as these face. Since they involve coercive mechanisms, it would need to be shown (contrary to arguments like Robichaud’s, which I considered in the section 2) that it is permissible to force Anglophones to contribute for the sake of fairness. I will not labor this point, however, since I am confident that such a case can be made, even though I will not attempt to do this here.

34. Van Parijs, *Linguistic Justice*, 77.

35. Albin, *Justice and Fairness*, 8, 38.

36. *Ibid.*, 19.

37. *Ibid.*, 35. The concept of a focal point is found in Schelling, *Strategy of Conflict*.

38. For the distinction between hard and soft feasibility constraints on political action, see Gilibert and Lawford-Smith (“Political Feasibility,” 813). On the importance of soft constraints, see Lawford-Smith (“Understanding Political Feasibility”).

39. Pool, “Thinking about Linguistic Discrimination,” 19; Van Parijs, *Linguistic Justice*, 77.

40. *Ibid.*, 78–81.

41. *Ibid.*, 81.

42. Nozick, *Anarchy, State, and Utopia*, 95.

43. Cf. Klosko, “Fixed Content of Political Obligations,” 64–65.

44. There are ways of resisting this conclusion, which I will not go into in any great detail here. For instance, we may point out that some of the benefits that the Anglophones

receive must be sought out by them; they must be willing to engage in communications with others in English. And if, with John Rawls ("Legal Obligation and the Duty," 122–23), we hold that individuals can legitimately be asked to pay for benefits that they accept or seek out, then we may think that there is nothing unfair about the information they produce being poached by non-Anglophones.

45. Rawls, "Legal Obligation and the Duty," 126.

## REFERENCES

- Albin, Cecilia. *Justice and Fairness in International Negotiation*. Cambridge, UK: Cambridge University Press, 2001.
- Cohen, G. A. "How to Do Political Philosophy." In *On the Currency of Egalitarian Justice and Other Essays in Political Philosophy*, edited by Michael Otsuka, 225–35. Princeton, NJ: Princeton University Press, 2011.
- Cullity, Garrett. "Moral Free Riding." *Philosophy & Public Affairs* 24, no. 1 (1995): 3–34.
- de Jasay, Anthony. *Social Contract, Free Ride: A Study of the Public Goods Problem*. Oxford, UK: Oxford University Press, 1989.
- De Schutter, Helder, and Lea Ypi. "Language and Luck." *Politics, Philosophy & Economics* 11, no. 4 (2012): 357–81.
- European Commission. "Frequently Asked Questions about DG Translation." [http://ec.europa.eu/dgs/translation/faq/index\\_en.htm](http://ec.europa.eu/dgs/translation/faq/index_en.htm) (accessed August 18, 2015).
- European Parliament. "Multilingualism in the European Parliament." <http://www.europarl.europa.eu/aboutparliament/en/20150201PVL00013/Multilingualism> (accessed August 18, 2015).
- Gazzola, Michele, and François Grin. "Is ELF More Effective and Fair than Translation? An Evaluation of the EU's Multilingual Regime." *Journal of Applied Linguistics* 23, no. 1 (2013): 93–107.
- Gilbert, Pablo, and Holly Lawford-Smith. "Political Feasibility: A Conceptual Exploration." *Political Studies* 60, no. 4 (2012): 809–25.
- Klosko, George. "Fixed Content of Political Obligations." *Political Studies* 46, no. 1 (1998): 53–67.
- Lawford-Smith, Holly. "Understanding Political Feasibility." *Journal of Political Philosophy* 21, no. 3 (2013): 243–59.
- Loper, Kelley. "Minority Language Rights and Education in China: The Relevance of Human Rights Law and Substantive Equality." In *China's Assimilationist Language Policy: The Impact on Indigenous/Minority Literacy and Social Harmony*, edited by Gulbahar H. Beckett and Gerard A. Postiglione, 207–23. London: Routledge, 2011.
- Nettle, Daniel, and Suzanne Romaine. *Vanishing Voices: The Extinction of the World's Languages*. Oxford, UK: Oxford University Press, 2000.
- Nozick, Robert. *Anarchy, State, and Utopia*. Oxford, UK: Blackwell, 1974.
- Phillipson, Robert. *English-Only Europe? Challenging Language Policy*. London: Routledge, 2003.
- Pool, Jonathan. "Thinking about Linguistic Discrimination." *Language Problems and Language Planning* 11 (1987): 3–21.
- Rawls, John. "Legal Obligation and the Duty of Fair Play." In *Collected Papers*, edited by Samuel Freeman, 117–29. Cambridge, MA: Harvard University Press, 1999.

- Réaume, Denise. "Lingua Franca Fever: Sceptical Remarks." *Critical Review of International Social and Political Philosophy* 18, no. 2 (2015): 149–63.
- Robichaud, David. "Cooperative Justice and English as a Lingua Franca: The Tension between Optimism and Anglophones Free Riding." *Critical Review of International Social and Political Philosophy* 18, no. 2 (2015): 164–77.
- Schelling, Thomas C. *The Strategy of Conflict*. Cambridge, MA: Harvard University Press, 1960.
- Skutnabb-Kangas, Tove, and Robert Dunbar. *Indigenous Children's Education as Linguistic Genocide and a Crime against Humanity: A Global View*. Kautokeino: Gáldu, 2010.
- Taylor, Isaac. "Language as a Global Public Good." *Res Publica* 20, no. 4 (2014): 377–94.
- Van Parijs, Philippe. "Lingua Franca and Linguistic Territoriality: Why They Both Matter to Justice and Why Justice Matters for Both." *Critical Review of International Social and Political Philosophy* 18, no. 2 (2015): 224–40.
- . *Linguistic Justice for Europe and for the World*. Oxford, UK: Oxford University Press, 2011.
- Wright, Sue. "Language Rights, Democracy, and the European Union." In *Language Rights and Language Survival: Sociological and Sociocultural Perspectives*, edited by Jane Freeland and Donna Patrick, 219–42. Manchester, UK: St. Jerome, 2004.