

Multilingualism in Finland: A Legal Perspective

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Abstract

Multilingualism is an increasingly frequent societal phenomenon. More and more societies and individuals are, or have become, multilingual. Legislation is an important tool for language policy and, ultimately, language environment. Yet, it seems that little research has been dedicated to multilingualism from a legal framework perspective. The law is, generally speaking, blind to language. This means that the legal framework rarely takes into account the co-existence of several languages in a society other than national languages. In addition, there are altogether relatively few provisions regarding what language shall be used in which contexts. The article focuses on multilingualism in Finland where the cornerstone for the Finnish language policy of the country is laid down in the Constitution. Multilingualism is particularly interesting in a bilingual country Finland that has a long and solid history of language legislation. The country has over a few decades undergone change and rapidly developed into a multilingual country. This article examines whether the Finnish current legislation enables and supports the societal multilingualism or poses restrictions on the parallel use of several languages. Another more fundamental question discussed in this article is if societal multilingualism sets new demands on the national legislation.

1. Introduction

Multilingualism is a widely spread societal phenomenon which to a large extent can be attributed to migration. In many countries, however, the migration leading to the current demographic and linguistic situation lies so far back in history that it is virtually impossible to trace. Throughout times people have migrated from one country or region to another for various reasons, whether political, economic or personal. Migrants have carried along their languages and pieces of their culture. As a consequence their new habitats have gained new elements.

Migration, multiculturalism and multilingualism are increasingly important topics in our globalised world in which migration and cross-border contacts are everyday business. In the European Union (EU), the principle of free mobility of labour in fact supports migration. It is uncertain whether the societal impact of multiculturalism and multilingualism were truly considered when the Internal Market of the European Union, seeking to guarantee the free movement of goods, services, capital and labour, was

designed. What is certain, however, is that multiculturalism and multilingualism do not belong to the core area of the EU, that is, the Internal Market, unless they promote free mobility.

The EU embraces the principle of *linguistic equality* as all official languages of all member states are official languages of the EU. [1] The level of political decision-making in the EU functions multilingually and linguistic diversity is considered a value in a number of policy documents. [2] Language learning is promoted above all in the field of education, especially higher education. [3] Nevertheless, there are no legally binding documents regarding promotion of multilingualism. In fact, there is *no European level legal framework* regarding multilingualism.

The European Court of Justice has also only rarely decided on cases including language aspects. The actual cases have mostly dealt with languages in relation to free mobility and the equal treatment of EU citizens. [4]

Language, it seems, has from a legal point of view generally been seen rather as a means of communication than as a civil right, such as the exercise of participatory rights. There are a number of provisions – both in the EU and national legislation in various countries – for example on the right to be informed about certain matters. Yet, what language the information shall be given in remains in many cases unregulated. The traditional approach to such questions is reference to the official language(s). Throughout times, countries have functioned solely in their official language(s). The reason may be that that law traditionally has been national rather than international or intercultural. Much has changed, yet the law still is, generally speaking, *blind to language*. It does not take into account multilingualism and the fact that there may be a genuine need for the parallel use of several languages.

2. Research Agenda

Regardless of the narrow approach of the law, multilingualism is more than ever present in societies and in the everyday life of people. It is therefore both interesting and important to realize that there is *no clear definition* of what is meant by “multilingualism”, “linguistic pluralism” or “linguistic diversity”.

Without a common definition for multilingualism there can be *no common criteria* for what constitutes it. The phenomenon can be approached from different angles. There is the angle of the individual, which includes aspects of learning and maintaining several languages. This angle also includes the question how many languages a person must know and on what proficiency level in order to be defined as multilingual. Furthermore, the angle of the individual raises aspects of linguistic and possibly even national identity.

Another angle to multilingualism is that of the society. It raises questions such as what criteria should be used for multilingual societies, that is, what linguistic status should a society have if many or most inhabitants are in fact bilingual or multilingual. Other important questions are whether society should support multilingualism and if so, by what means. [5] The question is what impact multilingualism should and, realistically speaking,

could have on legislation.

The focus of this article is on multilingualism in Finland. Finland is located in Northern Europe and is the most north eastern country of the European Union. The country has only within a few decades changed into a multicultural and multilingual society. Multilingualism in Finland will in this article be studied primarily from a *legal framework* perspective.

Multilingualism shall, for the purposes of this article, be defined as the co-existence and use of several languages in a society. As a consequence, the focus will be more on a societal than an individual level of multilingualism.

The questions that will be elaborated are whether the current Finnish legislation enables and supports the societal multilingualism or poses restrictions on the parallel use of several languages. Another more fundamental question is if societal multilingualism sets new demands on the national legislation. These questions will be approached via a brief introduction to the linguistic development in Finland as well as the language policy and legislation regarding the national languages and three other languages specifically mentioned in the Constitution of Finland.

3. Linguistic development in Finland

For centuries, Finland formed the eastern part of the Kingdom of Sweden. The people generally spoke Finnish but the language of administration, law and higher education was Swedish. [6] During the period between 1809 and 1917, when Finland was an autonomous Grand Duchy under Russian rule, the Swedish laws remained in force [7] although court rulings and other official documents were translated into Russian for purposes of Russian insight into matters regarding Finland. However, the country basically continued to function in Finnish and Swedish and, perhaps paradoxically, this period was and still is considered the time of national awakening. [8] The Finnish culture prospered and developed for example in the fields of arts and music. The *de facto* status of Finnish also grew stronger and Finnish developed into a language that could be used in administration. For example higher education in Finnish was introduced in the middle of the 19th century. When the first Language Decree was enacted in 1902 the status of official languages was given to Finnish and Swedish [9] whereas Russian never gained such a status. This long tradition of parallel use of Finnish and Swedish provides for a strong basis for bilingualism in Finland.

Although Finnish and Swedish historically have been the predominant languages of the country, some other regional or minority languages have traditionally also been spoken. Such languages are for example different varieties of the Sámi language which also are spoken in the northern parts of the neighbouring Norway, Sweden and Russia, as well as Russian, Finnish-related Karelian, and, within smaller groups, Romani language, Yiddish and Tatar.

The geographical location of Finland in the north-eastern corner of Europe – which provides for a harsh and unwelcoming climate – combined with a traditionally restrictive

immigration policy and high living costs are some factors that have contributed to a, by European comparison, homogenous population with few foreigners and thus few opportunities for multilingualism.

The development of Finland into a multicultural and, as a consequence, multilingual country has been rapid, starting in the 1980's and increasing especially in the 1990's. [10] Currently at least some 120 languages – according to some calculations even 140 languages – are used as a mother tongue in Finland. [11] The reasons for this societal change are many. Among them are the fall of the Soviet Union and the subsequent gradual opening of the border between Finland and Russia. Another reason is the accession to the European Union in 1995 and the EU's significant impact on free mobility. Despite a traditionally restrictive immigration policy for instance in asylum matters, it is also fair to say that Finland has developed into an immigration country over the past few decades. Labour force immigration as well as immigration for the purpose of family reunion has also increased.

Immigration has in recent years been and still remains a current topic, especially with regard to the labour market. Yet, the subsequent multiculturalism or multilingualism as *societal phenomena* is more seldom less of a topic on a political or state level. Much research has been dedicated to, for example, the bi- and multilingualism of individuals and language learning. Yet it is fair to say that the meaning and impact of many languages *for a society* are at least in Finland still widely unexplored.

In particular, little attention seems to have been given to the *legal framework* of multilingualism. It is generally acknowledged that skills in the language(s) of the country are helpful for integration into society. Yet the question of multilingualism is seen rather as a sociological phenomenon and not as a legal issue. The theme of this article is therefore quite new territory. The article will therefore primarily be descriptive.

4. Language legislation as language policy

The cornerstone of the Finnish language policy is laid down in the Finnish Constitution. In the catalogue of fundamental rights and liberties of the Constitution, section 17 has the title “Right to one's language and culture”. Linguistic rights are thus according to the Finnish Constitution *fundamental rights*.

The language policy of the Constitution can be divided into three parts regarding 1) the national languages, 2) three separately mentioned languages, and 3) all other languages. The two first parts will be described rather briefly as it is the third part that lays down the cornerstone of the legal framework for multilingualism.

In addition to the Constitution, there are a fair number of acts and decrees that in greater detail regulate the linguistic rights granted in the Constitution.

4.1. Finnish and Swedish – the national languages

Firstly, there is the policy regarding the official languages – or, according to the terminology used in Finland, *national languages* – of the country. According to section 17 (1)

of the Constitution, the national languages of Finland are Finnish and Swedish. This makes Finland an officially bilingual country.

The term ‘national language’ has no legal definition. However, according to the preparatory works of the Language Act, a national language is a language that one shall be able to use at least before courts and other authorities, in effect a language quite comparable with an official language. The choice of terminology goes back to the first Constitution of Finland of 1919 and it can be seen as having a certain symbolic meaning. The Finnish people has traditionally been one, although Finnish and Swedish have been used in parallel. [12]

The meaning of national languages is further elaborated in section 17 (2) of the Constitution, according to which it is “everyone’s right to use his or her own language, whether Finnish or Swedish, before courts and other authorities, and to obtain from them documents in that language, shall be guaranteed by an Act of Parliament. All branches of government shall provide for the cultural and societal needs of the Finnish and the Swedish speaking populations in Finland according to equal criteria.”

The status of Finnish and Swedish as national languages makes these languages *de jure* equal. This is irrespective of the fact that more than 90% of the population uses Finnish as a mother tongue whereas the percentage for Swedish mother tongue speakers is only 5.4. These figures do not, however, give an accurate picture of the linguistic situation of the country. Both national languages are compulsory subjects at school and many Finns, as a consequence, are either completely or to some extent bilingual. Marriages across the language borders are also frequent, and bilingual families tend to use both languages in parallel, thus fostering bilingual individuals from the start.

Two legally equal national languages require that official functions are carried out in both of these languages. The linguistic rights regarding Finnish and Swedish and the corresponding obligations of authorities to provide services in these languages are laid down in greater detail in a number of acts and decrees. The most important is the Language Act. It governs the entire public sector and elaborates more specifically the right of everyone to use Finnish and Swedish in various contacts with courts and other authorities. The language of proceedings if parties to a case use different languages is but one example. The Language Act also contains provisions on the linguistic obligations of the authorities, for instance in which language individuals shall receive summons or other correspondence from the authorities. The Language Act is supplemented by the Act on the Knowledge of Languages Required of Personnel in Public Bodies. The goal of this act is in turn to ensure that the authorities have the language skills that are necessary for performing their tasks in Finnish and Swedish and, if need be, in other languages as well.

Language provisions regarding Finnish and Swedish can further be found in a number of acts and decrees governing specific sectors such as health care and social welfare, preliminary investigations and court proceedings, as well as education.

4.2. Sámi, Romani and sign language – specifically mentioned languages

Secondly, section 17 (3) of the Constitution specifically mentions three groups of people: the Sámi, the Roma and those using sign language. However, these three groups are not, from the point of view of the law, official minorities nor are their languages official minority languages. The Finnish legal system does not, at present, contain such a status, nor does it contain an apparatus for acknowledging a minority language status. Yet the aforementioned groups are very close – if not identical – to groups that in the context of international conventions as well as in other countries are referred to as national or official minorities. They may therefore be considered *de facto minority languages* of Finland. The Sámi also have the status of an indigenous people.

The rights of the Sámi and of those using sign language shall, according to the Constitution, be guaranteed by an Act of Parliament. The Sámi Language Act governs the use of the Sámi language – which in Finland includes three different language varieties – mainly in the Sámi homeland, which is a defined area in the northern part of Finland. The Sámi Language Act is therefore primarily regional. To its contents it is largely a replica of the Language Act.

There are no separate acts regarding the use of Romani and sign language. However, there are several provisions regarding the use of these languages, as well as Sámi, in acts governing for instance kindergarten, primary education, and the right to an interpreter when using health care services. [13]

4.3. Other languages – legal framework for multilingualism

The third and, from the perspective of multilingualism, vital provision of the Constitution is section 17 (3), according to which “and other groups have the right to maintain and develop their own language and culture”. It is important to realise that this provision applies to *all* groups and therefore includes all languages used in Finland.

The official Finnish language policy, as it is laid down in the Constitution, is thus inclusive and tolerant. It emphasizes the value of all languages irrespective of factors such as the size of the group using a language or the history of the language in Finland instead of excluding some, for instance new or so-called immigrant languages. The wording of the Constitution creates a *legal linguistic equality* among the languages that are not specifically mentioned in the Constitution. This philosophy relates to the general principle of equality, also in terms of language. Section 6 of the Constitution prohibits discrimination. All people are equal before the law and no one shall, without an acceptable reason, be treated differently from other persons. This includes being treated differently on grounds of language.

The fact that the Finnish national legislation does not recognize explicit or official minority languages is in line with these provisions. In the context of international conventions, however, protection is often given to traditional minority languages, that is, languages that have been used for a long time, a century at least. Also Finland has ratified the European Charter for Regional and Minority Languages [14] and the Framework Convention for the Protection of National Minorities [15] by the Council of Europe. The

languages and groups within the scope of these instruments vary greatly and their category or recognition in the national legislation is not predominantly important for ratification of the conventions. Even Swedish, although a national language under the Constitution, is in these contexts regarded as a minority language, according to its *de facto* situation. For the purpose of monitoring these conventions Finland has reported to the Council of Europe on the conditions of at least the speakers of Swedish, Sámi, Romani, Yiddish, Tatar, Karelian and Russian.

The Constitution lays down the general principle of the value and freedom to use all languages. There is no legislation to prohibit the use of other languages. No languages are forbidden, nor does the legislation pose restrictions on the public use of any language in official contexts. Even though the Language Act requires the use of Finnish and – or – Swedish in contacts with people using these as their own languages, other languages may also be used. There are also no provisions aiming at the protection against impulses from foreign language as in some other countries. According to the requirement of proper language of the Administrative Procedure Act the authorities shall use appropriate, clear and comprehensible language. [16] Although the provision mainly applies to Finnish and Swedish as these are the most frequently used languages before the authorities, this requirement is language neutral. It therefore applies to all languages used by authorities.

All of this provides at least theoretically the opportunity for the use of all languages in the country and that is, of course, the prerequisite for multilingualism.

5. Legislation and multilingualism

Currently, Finland has no common act on the use of other languages than Finnish and Swedish and the Sámi language. However, a number of acts and decrees contain provisions regulating the rights or obligations for users of either some specific languages – typically either Finnish, Swedish, Sámi, Romani or sign language or some of them – or all languages. These provisions illustrate how the multilingualism of the Finnish society is taken into consideration in legislation.

The languages used by a court or another authority are Finnish or Swedish and, in some cases, the Sámi language. The linguistic rights of persons without knowledge of these languages are in most cases guaranteed by a right to interpretation and to translation of documents. The provisions regarding interpretation and translation are included in a number of acts governing different fields of administration. They do, however, based on the demands of good administration and safeguarding of civil rights, share some underlying principles. The first principle is that interpretation and translation shall be provided at least in all such contacts that may have impact on the civil right of the person. For instance, no one shall be detained without being informed, in a language that he or she understands, of the reasons for his or her arrest and of any charge against him or her. Another principle is that the more vulnerable a person is in a specific situation, the greater the need to understand and to be understood is, irrespective of linguistic background. It is, for instance, difficult to argue that the right to a fair trial has been guaranteed if it is not

linguistically comprehensible to all parties. [17] It is, however, important to notice that the right to interpretation and translation does not necessarily have to be in the *native language* of the person. In order to obtain linguistic comprehensibility also another – for instance more common – language that the person understands sufficiently can be used. This argumentation, as laid down in the Finnish administrative and procedural law, is in harmony with for instance the European Convention on Human Rights [18] as well as the case law of the European Court of Human Rights.

5.1. Contacts with courts and other authorities

The language of court proceedings is Finnish or Swedish, or, in the Sámi homeland, the Sámi language. In *criminal cases* the suspect and – later – the accused is entitled to certain procedural guarantees, starting from the preliminary investigations. A person who does not know the language of the proceedings, has according to the Preliminary Investigations Act the right to an interpreter during interrogations unless the investigating authority itself takes care of the interpretation. [19] It is the duty of the investigation authority to safeguard the linguistic rights of the suspect on its own initiative. Interpretation and translation is in criminal cases free of charge for the suspect. The Criminal Procedure Act contains similar provisions on the right to interpretation and translation in criminal cases before a court. [20]

The situation is somewhat different in *civil cases*. A party to a civil case who does not speak one of the languages of the court and wants interpretation or translations shall, according to the Code of Judicial Procedure, take care of this himself or herself at his or her own expense. The court may, however, with consideration to the nature of the case rule otherwise regarding the expenses. [21]

In contacts with the *administrative authorities*, the linguistic rights of persons who do not know the language of the authority are safeguarded similarly. The authority shall, according to the Administrative Procedure Act, when handling an administrative matter, always arrange for interpretation and translation in a matter that can become pending on the initiative of the authority, if a party does not know the language used by the authority. In order to safeguard the rights of the parties, the authority may arrange for interpretation and translation also in other matters. [22] For administrative judicial procedure and, among others, to safeguard linguistic rights in oral hearings, a similar provision is included in the Administrative Judicial Procedure Act. [23]

Finland has a long tradition of population registration, and since the 1890's, each person's mother tongue is registered. The function of this particular piece of registration is to ensure that everyone receives his or her communications from the authorities – for example notices, summons, tax forms – in his or her language, either Finnish or Swedish. Nowadays also the mother tongue of foreigners is registered. Yet, as the authorities are not, as a rule, obliged to use other languages than Finnish or Swedish, the concept of a *contact language* has been introduced into the Population Information Act, alongside the mother tongue. [24] A foreigner resident in Finland may choose Finnish or Swedish as his or her

contact language with the authorities. He or she then has a right to receive communications in this language. The aim of this provision is to enable communication with the authorities in the national language that a foreigner understands best. Which of these it will be depends at least partially on the native language of the foreigner. For instance the Estonian language is closely related to Finnish and one can therefore presume that Estonians would choose Finnish as their contact language. Swedish, on the other hand, is a Germanic language and therefore more easily comprehensible to all Nordic people as well as other Europeans.

5.2. Social welfare and health care

Social welfare and health care services are arranged by the municipalities or by joint municipal boards. These are, depending on the linguistic situation of the municipality's population, either unilingual or bilingual. Services are as a rule provided in the language or the languages of the municipality or joint municipal board, as laid down in the relevant legislation. [25]

However, the law recognizes the special and potentially vulnerable situation of the social welfare client and the patient. Therefore, according to the Act on the Rights and Status of Social Welfare Customers and the Act on the Rights and Status of Patients, the mother tongue as well as individual needs and culture of the client or patient have to be taken into account as far as possible in his or her care and other treatment. [26] These provisions apply to all languages. This means, for example, that if an Estonian patient is admitted to a hospital where there are Estonian physicians or nurses, the patient should be given to the care of such personnel instead of personnel that would not know the patient's mother tongue. However, as the wording "as far as possible" indicates, it will not always be possible to take the client's or patient's mother tongue into account. This is especially the case with groups with few speakers of a language or with groups in which the speakers of a certain language live dispersed over the country. Nevertheless, it seems as an important signal that the law indicates, among other important needs, the linguistic needs of patients and social welfare customers.

5.3. Education

Education in the language or languages of a country, as well as instruction in the mother tongue, is doubtlessly a cornerstone for multilingualism. Education is in Finland provided at all levels of instruction in Finnish and in Swedish. The *language of instruction* is, as a starting point, either Finnish or Swedish. Yet, according to the Basic Education Act, the language of instruction may also be Sámi, Roma or sign language. Pupils living in the Sámi homeland who are proficient in the Sámi language shall primarily be taught in Sámi. [27] Teaching may also be given primarily or totally in a language other than those mentioned. This can be done in a separate teaching group or in separate schools, for example international schools.

Learning one's *mother tongue* must be separated from the language of instruction. Irrespective of the latter, a pupil may be taught as a mother tongue subject not only Finnish, Swedish, Sámi, Romani or sign language, but also some other language which is the pupil's native language. [28]

Similar provisions regarding the language of instructions are included in the High School Act. [29] However, other than the national languages and the ones specifically mentioned in the Constitution are not taught as a mother tongue in high schools.

The universities are unilingual or bilingual. According to the University Act the language of instruction and examination in four universities is Finnish and Swedish, in one – due to a university merger – partially Finnish and partially both languages, in three Swedish, and in the other universities Finnish. In addition, the university may decide to use a language other than these as a language of instruction and examination. [30] In practice, the foreign language used in universities is English.

5.4. Foreign citizens and nationality applicants

Special consideration is needed in certain matters regarding foreign citizens as they can usually not be assumed to have knowledge of the languages of Finland. According to the Aliens Act, aliens have the right to use an interpreter when an administrative matter or an appeal is being handled. [31] The authorities shall ensure interpretation as provided by the Aliens Act. [32] The authorities shall, when needed, provide interpretation or translation in a matter that is processed in the asylum procedure, pertains to refusal of entry or deportation or may be initiated by the authorities.

In order to clarify the matter or to secure the rights of the person concerned, the authorities may also provide interpretation or translation in matters other than those referred to above. [33] The provisions on the obligation of an administrative court to provide interpretation or translation are laid down in the Administrative Judicial Procedure Act. The obligation of the authorities or a court to provide translation or interpretation does however not apply to material that has no bearing on the processing of a matter. [34]

The person concerned also has the right to be notified of a decision concerning him or her in his or her mother tongue or in a language, which he or she on reasonable grounds can be expected to understand. A decision is notified through interpretation or translation. [35] In addition, aliens may – of course – also use an interpreter or translator at their own expense in an administrative matter or an appeal.

Special provisions safeguard the rights of persons applying for international protection. They are to be informed of asylum procedures and of their rights and responsibilities throughout the process. It is explicitly stated that the information shall be provided in the applicant's native language or in a language, which he or she on reasonable grounds can be expected to understand. [36]

The Finnish law not only takes language into consideration during immigration and asylum proceedings. Skills in the national languages also are seen as one of the most important – if not the most important – measure promoting integration. [37] According to

the Act on the Integration of Immigrants and Reception of Asylum Seekers employment offices and municipalities may, in order to promote and support integration, provide Finnish or Swedish language teaching as well as interpretation services. [38] Professional interpretation may especially be needed for instance in social and health care contexts. [39]

There is no general requirement for persons resident in Finland to have knowledge of the national languages. However, in order to gain Finnish citizenship, an applicant must, according to the Nationality Act, prove that he or she has satisfactory oral and written skills in the Finnish or Swedish language, or instead of oral skills similar skills in the Finnish sign language. [40] The purpose of this requirement is to underline the importance of sufficient skills in Finnish or Swedish as a prerequisite for an independent life as a Finnish citizen in the Finnish society. [41] Exceptions from the language skills requirement can be made on certain conditions. If the applicant cannot meet the requirement because of his or her state of health, sensory handicap or a speech defect, Finnish citizenship may be granted notwithstanding the language skills requirement. [42]

6. Unregulated areas and multilingualism

Despite several provisions regarding language use in various situations, as described above, the language of many sectors or areas of life is not regulated by Finnish law. This provides – at least in theory – ample opportunities for multilingualism in practice. There are in other words no limitations with regard to the use of several languages. The downside of such unregulated areas is that they lack institutional and structural support for multilingualism. This may result in unequal treatment of languages in practice, despite their legal equality. Persons belonging to larger language groups and groups using more frequently spoken languages are bound to have better opportunities to gain services and be understood in their languages than persons belonging to small language groups or less widely used languages.

6.1. The Language Act and multilingualism

The Language Act formally governs only the use of Finnish and Swedish. Nevertheless, it does contain some provisions that explicitly foresee and allow the authorities' use of other languages.

According to the Language Act, an authority may provide *better linguistic services* than what is required by law. [43] This principle applies both to the national languages and to other languages. [44] It means, in practice, that services and information may be given in any language according to capacity, that is, available language skills, and client needs. Avoiding unnecessary translation and interpretation is another practical example of better linguistic services. If a civil servant can acquaint himself or herself with documents in a foreign language without needing them to be translated this obviously speeds up proceedings.

Also another provision of the Language Act takes multilingualism in Finland and

elsewhere into account. [45] A document containing a decision or other document to be sent abroad by a Finnish authority or issued to a foreigner or intended for use abroad may be issued in other than Finnish or Swedish, unless otherwise provided. Documents issued in another language than Finnish or Swedish are always exceptions from the rule. Yet, if such documents concern only one person or a limited number of persons, and the use of another language in them makes life easier without loss to anyone, this is to be welcomed. Documents of this kind are often quite personal, for example wedding or other certificates, university diplomas obtained from a Finnish university and summaries of medical records. However, a document containing a decision or other document issued in a foreign language may pertain to the rights, interests or obligations of another person who would otherwise have the right under the Language Act to receive it in Finnish or Swedish. In such cases an official translation shall on request be issued free of charge.

6.2. Voluntary multilingual service by authorities

Irrespective of the lack of obligations to provide services in other languages than Finnish and Swedish, many services are indeed provided in at least English and, depending on the case, in other languages that are frequently used in Finland. One may here speak of voluntary multilingual service offered by the authorities.

In some cases authorities wish to inform about their activities and services extensively. For instance all ministries and many other central authorities as well as some municipalities have websites and information leaflets in at least English, some in other languages too. Furthermore there are authorities dealing with research that may, quite understandably, wish to convey a modern, international profile in order to reach a global audience.

There may also be a wish to create smooth procedures and to avoid time-consuming and costly translations. This is many times the case especially in matters where foreign nationals resident in Finland frequently have contact with Finnish authorities. An authority dealing with such matters is for instance the Social Insurance Institution of Finland. It is in charge of the compulsory sickness insurance and other social security for everyone residing in Finland. Its website is completely – including all application forms – in English and sign language, in addition to Finnish and Swedish. This practice derives not from legislation but from the wish to meet customer needs and to provide for better access to information for a scope broader than that strictly required by the law.

Another category of authority-initiated use of several languages pertains to documents that are frequently needed for foreign authorities or other cross-border connections. For example the Legal Register Centre issues extracts of criminal records automatically on a form in four languages and on request on a six-language form.

Relevant information pertaining to the exercise of civil rights is often provided in other languages. In the municipal elections of 2008, for example, information about the elections was given in 17 languages altogether, although the law only requires it in Finnish and Swedish and, in the Sámi homeland, in the Sámi language.

6.3. The private sector and multilingualism

Linguistic obligations have traditionally only been posed on authorities and language skill requirements normally apply only to civil servants. The language of the private sector is mainly unregulated, apart from some formerly state owned functions that still have some linguistic obligations. Such are, for example, the national post office, the national railroad company and the Finnish Broadcasting Company. Generally, however, this means that any language(s) can be used in the private sector. Here one could speak of a certain *linguistic freedom* of the private sector.

There are, for instance, no provisions on the language of private enterprise and commerce, such as shops, banks and private health care service providers. These may have for instance *names* in only Finnish, which is the case in most parts of the country, or only Swedish, or in both; in addition other languages are equally permitted. A general observation, especially in the cities, is that more and more English names can be seen. The same applies to the *language of advertisement*, which also is unregulated and where the international trend of using English is particularly visible.

The *consumer* is, however, given some protection by the Language Act. Specific information regarding products to be sold in a unilingual municipality shall be at least in the language of the municipality and in a bilingual municipality at least in Finnish and Swedish. The provision applies to products that in accordance with commercial practice are labelled with a name, as well as product descriptions, instructions or warning on such products. [46] Due to the EU, product information is mostly given in more languages than Finnish and Swedish only.

Whether having English names and using English – or any other one language – in advertisements is a purposeful sales strategy is for each enterprise to decide. It does not, however, necessarily correspond with the language in which services are provided. Most shops, banks and service providers primarily still use Finnish and Swedish when meeting the customer and also as an internal working language. There is no obligation to any specific language. The situation is different in international and even Nordic companies located in Finland. Many have English either as one of their working languages or even as their sole working language.

Unregulated areas such as those described above are not entirely unproblematic. Generally speaking the demand decides what languages are used. This means that speakers of small or in Finland rare languages do not stand a chance to receive services in their languages. The trend in Finland is that either Finnish as the majority language or English as a *lingua franca* or the smallest common denominator are used. The question is whether linguistic freedom really promotes multilingualism – or whether it actually pushes towards the use of fewer languages.

7. Restrictions on multilingualism

There are but a few legal and practical restrictions for multilingualism in all contexts.

An important legal restriction for the use of foreign languages in official contexts derives from the interest of openness of government. Documents and recordings in possession of the authorities are according to section 12 of the Constitution as a rule, public. Public documents are, with only few exceptions, written in Finnish or Swedish. This ensures accessibility of documents to the great public and thereby contributes to transparency. It would contradict both the Constitution and the Language Act if public documents would exist only in foreign languages. The needs of persons who do not understand Finnish or Swedish will be served for by means of translation. For instance a party to court proceedings always has a right to a translation of the verdict, although in some cases on his or her own expense.

Another legal restriction, although at least until today of minor practical relevance, concerns the formation of political parties. An association may, according to the Act on Political Parties, be entered in the Party Register as a political party only if, among others, this is supported by at least 5000 citizens entitled to vote in parliamentary elections. [47] However, only Finnish citizens are entitled to vote in parliamentary elections. This means that the provision – indirectly – excludes foreign citizens, and thus a number of persons using other languages than Finnish and Swedish.

The most important restrictions for multilingualism are, however, not legal but practical. They concern language skills – or rather, the lack thereof. The authorities have obligations to use – and therefore, to have knowledge of – only Finnish, Swedish and, in some offices, the Sámi language. This means that there is no legal right for a person using another language to receive services directly in his or her native language.

Despite formal linguistic obligations and language skill requirements, English skills are nowadays very often a *de facto* – although not formal – requirement for official positions. Knowledge of other languages is many times regarded as a merit. Yet, the language training in Finnish schools has during the past decades increasingly concentrated on English. The language repertoire among younger Finns is becoming narrower, not broader. This being the case, it is for quite practical reasons impossible to offer services in all 120 to 140 languages spoken in the country, or even in a majority of them. Interpretation and translation are merely practical methods of bridging the language gap and do not really promote the *use* of many languages.

8. Concluding remarks

This article illustrates that the Finnish law is mainly neutral or positive with regard to the parallel use of several languages. The Constitution lays down a general rule that all languages are important, all worth to be maintained and developed. No languages are forbidden and there are few provisions restricting the rights of persons using other languages than the national languages. Many areas of life are completely unregulated when it comes to what languages shall be used. The linguistic rights of persons who use other languages than that of the authorities are in many cases guaranteed by provisions regarding interpretation and translation. In situations where a person is especially vulnerable, for

instance in criminal proceedings, the interpretation is free of charge. The conclusion therefore is that the Finnish law is open to and, in principle, supportive of multilingualism.

Yet the Finnish legislation with its numerous provisions pertaining to interpretation and translation primarily has a practical approach to situations where different languages are used. Language gaps must be filled. The approach is similar in many EU countries. One may, however, ask whether this suffices for the needs of the individuals in a multilingual society. One may further ask whether multilingualism should have a stronger impact on legislation and whether legislation really can be a tool for supporting and promoting multilingualism.

In my view it is essential to recognize the limitations of what can be accomplished with legislation, whether on the national or the EU level. It is obvious that people have linguistic needs regardless of what society they live in. A central need connected to language is that of information in one's own language. [48] Information about the societal infrastructure, for instance the competent authority in various issues as well as about one's rights in contacts with authorities, is important for the access and feeling of belonging to society. The need of information is also reflected in people's wishes for media in the native language. Yet these needs can be catered for only if there are enough people who use all languages. Moreover, extensive information in many languages necessarily requires funds as well as labour force.

With some 140 languages spoken only in a small country like Finland it is not realistic to expect that everyone could receive information in their native language – regardless of legislation. The same applies to services such as health care and social welfare. Any legislation that would guarantee the same access to services – whether public or private – regardless of language, would to large parts remain unapplied. Linguistic encounters will in many cases inevitably be solved either by the use of a foreign language, mostly English, or by the use of interpretation – and interpretation means using one language as a bridge to another, not support for the use of many languages.

My conclusion is therefore that legislation – regardless if national or international – can do little to actively support a society in its multilingualism. On the other hand, this article also shows that the absence of provisions regarding language does not necessarily promote multilingualism either.

It is also necessary to realize that substantial impact of languages in society is *irrespective of legislation*. In Finland this is especially the case regarding English. The formerly broad language repertoire in Finnish schools has been replaced by a strong domination of English as practically the sole foreign language. Finnish children and youth learn fewer languages than only a few decades ago despite increased opportunities to travel and learn about other languages and cultures. In business and in many other areas of life, English is already a *lingua franca*, at the cost of interest for and dedication to other languages. This does not promote multilingualism, nor is it a result of legislation.

What can – and in my opinion should – be done by legislation, however, is to create increased *language awareness*. For instance when new provisions regarding information are drafted it should not be taken for granted that the information shall exist in the national language(s) only. The law should not remain language blind. Who the information at hand is intended for should in each case be considered separately – and provisions should be

drafted accordingly. In this way society could cater for the most basic needs of people to gain information about their rights and the infrastructure of the society they live in.

Increased language awareness in legislative work would bring multilingualism on the agenda of decision-makers. It would highlight the phenomenon in a new fashion, making it more visible. Other than that I believe it is a question about education and encouragement. Language learning and parallel use of several languages must be encouraged. Only that will make multilingual societies truly multilingual.

9. Endnotes

- [1] Article 1, Regulation No. 1 determining the languages to be used by the European Economic Community. See also Palmgren, 33f.
- [2] See e.g. Presidency conclusions, Barcelona European Council of 15–16 March 2002.
- [3] See e.g. Nancy Declaration. Multilingual Universities for a Multilingual Europe Open to the World.
- [4] Tallroth 2004a, 380; Liiri, 98f.
- [5] Patten, 692.
- [6] Landqvist, 41–46; Report of the Government on the application of the language legislation 2006, 11.
- [7] Tandefelt & Finnäs, 38.
- [8] See also McRae, 14; Koivu & Mattila, 26.
- [9] Koivu & Mattila, 26.
- [10] Government Report on the application of the language legislation 2006, 11.
- [11] See e.g. Government Report on the application of the language legislation 2009, 10–11.
- [12] Government Proposal no. 92/2002, 64.
- [13] See e.g. Report of the Government on the application of the language legislation 2006, 62–71.
- [14] European Treaty Series no. 148.
- [15] European Treaty Series no. 157.
- [16] Section 9 of the Administrative Procedure Act.
- [17] Tallroth 2004b, 527.
- [18] European Treaty Series no. 5.
- [19] Section 37 of the Preliminary Investigations Act.
- [20] Chapter 6 a, section 2 (3) of the Criminal Procedure Act.
- [21] Chapter 4, section 2 (3) of the Code of Judicial Procedure.
- [22] Section 26 of the Administrative Procedure Act.
- [23] Section 77 of the Administrative Judicial Procedure Act.
- [24] Section 13 of the Population Information Act.
- [25] Section 40 of the Social Welfare Act; section 28 of the Primary Health Care Act; section 33 (a) in the Act on Specialized Medical Care.
- [26] Section 4 (2) of the Act on the Rights and Status of Social Welfare Customers; section 3 (3) of the Act on the Rights and Status of Patients.

- [27] Section 10 of the Basic Education Act.
- [28] Section 12 of the Basic Education Act.
- [29] Section 6 of the High School Act.
- [30] Section 11 of the University Act.
- [31] Section 10 of the Aliens Act.
- [32] Section 203 (1) of the Aliens Act.
- [33] Section 203 (2) of the Aliens Act.
- [34] Section 203 (4) of the Aliens Act.
- [35] Section 203 (5) of the Aliens Act.
- [36] Section 95a of the Aliens Act.
- [37] Government Proposal no. 166/2005, 27.
- [38] Section 7 of the Act on the Integration of Immigrants and Reception of Asylum Seekers.
- [39] Government Proposal no. 166/2005, 27.
- [40] Section 13 (1) (6) of the Nationality Act.
- [41] Government Proposal no. 235/2002, 41.
- [42] Section 18 of the Nationality Act.
- [43] Section 2 (3) of the Language Act.
- [44] Report of the Constitutional Committee of Parliament no. 9/2002, 4.
- [45] Section 22 of the Language Act.
- [46] Section 34 of the Language Act.
- [47] Section 2 of the Act on Political Parties.
- [48] Report of the Government on the application of the language legislation 2006, 27–29.