This chapter analyses the political and institutional aspects of the ‘language regime’ of the Convention, and how the challenge of political communication and constitutional deliberation in the context of linguistic diversity was managed. The question of language use (and of the systems in place to facilitate communication) is of crucial importance to the understanding of political relations in a multi-lingual environment because politics is, at its heart, a language-born process. Language is the medium of political life. Communication, as expression, debate, negotiation, deliberation, exchange and influence, is central to political activity. However, language does not simply have a communicative function in politics, it is also one basic marker of political group identity, and has been the cultural foundation of many nationalist movements (Wright, 2000; Barbour and Carmichael, 2002; Joseph, 2004). Furthermore, the language policy of a particular state or political system (as well as the policies that determine language use, such as education policy) impacts upon the ability of different language communities within that system to participate in the various spheres of social, economic and public life. Thus, language regimes can promote both equality and inequality, and language repertoires give or deny access to power (Mamadouh, 1999).

The operation and success of the Convention greatly depended on the ability of political actors to engage in political communication, and language diversity posed a clear problem in this respect, a problem exacerbated by the different functions that language has within the political domain. Language, as outlined above, is central to politics in terms of being a means of communication, a means of cultural identification, and a means of control, influencing the balance of power between individuals and groups, and it is important to bear this in mind when analysing the language regime and practices of the Convention in order to assess whether trade-offs between functions compromised democratic norms.

The EU challenges the historical assumption of modern politics, as supported by J. S. Mill in one of the core texts of modern liberalism (Mill, 1865: Ch. 16), that a linguistically integrated public sphere (including the political elite) is
necessary to provide equality of opportunity, and to provide congruence between these communication, identity and power relations. However, the EU challenges this one polity–one language model by seeking to be a multi-lingual democratic polity, with communication and power being mediated through language services (providing translation and interpretation), and identity constructed through the recognition of diversity. The EU has established a highly ambitious language regime which emphasises its assertion to be much more than just another international organisation (Kraus, 2000). With the development of a more integrated legal system and common political institutions, the increase in cross-border decision-making and a commonality of interests and experiences across countries, it is clear that the EU has developed a definite political dimension, which needs to be sustained by certain forms of democratic legitimacy. By including all member state languages as official and working languages, the EU is laying a claim to legitimacy by making collective decision-making accessible to all its citizens.

The Convention, which was mandated as an open forum for constitutional deliberation, debate and consultation, clearly aimed to enhance this legitimacy by exposing the mechanics of treaty reform (previously an opaque intergovernmental bargaining process) to the scrutiny of citizens, civil society and national parliaments. This greater transparency could only be facilitated by the provision of information and records of proceedings in all the official languages of the Union. Although the Convention was not legally obliged to operate under the EU’s ‘normal’ language regime, from the Laeken Declaration on, it was made clear that a similar multi-lingual regime would operate during the Convention, and that in being supported by an EU secretariat, normal EU working practices would mainly apply. Thus the instrumental communicative imperative would be met, without sacrificing national identifications, indeed enhancing the Union’s claim to an identity based on the respect for diversity. Furthermore, power relations, being mediated through translation and interpretation services, would not favour one language group over another.

However, there are clear practical and normative challenges to this type of language regime, which have been increasingly obvious in the EU institutions for more than a decade, and which became apparent during the Convention. The temptation to cut through the Gordian knot of linguistic complexity with the increased use of a restricted repertoire of working languages, or even with a lingua franca such as English is clearly high (Ammon, 1994; Wright, 1999; De Swaan, 2001; Julios, 2002; Phillipson, 2003), thus raising the question of whether there is an insuperable tension between the desire for equality between languages, fairness, respect for cultural diversity, and the avoidance of language disenfranchisement (Ginsburgh and Weber, 2005) on the one hand, and efficiency, cost-cutting, and a desire to establish a communicatively integrated political environment on the other.

The objective of this chapter is to discuss and analyse the tension within the Convention between the needs of communicative efficiency (which tended