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Danish language legislation and de facto language policies

Anne Holmen

Centre for Internationalisation and Parallel Language Use, University of Copenhagen, Copenhagen, Denmark

ABSTRACT

For many years Denmark has had a reputation for being laissez-faire in language matters. There is no explicit language legislation, and the Danish Language Council has mainly descriptive functions. However, there is a powerful standard language ideology, and in other societal domains such as education or immigration, language is heavily regulated. In this paper, I shall first give the background, i.e. the situation for the Danish language and other languages in Denmark, and then zoom in on the debate about the pros and cons of a language act supplemented with specific questions related to education or immigration to grasp the de facto language policies at play.

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Introduction

Many small countries at the European margins are struggling these years to find the right balance between on the one hand protecting and developing the national language(s) and on the other hand, promoting languages of wider communication and in particular English. In addition, global mobility has affected the composition of the population in these countries so that it has become much more heterogenous linguistically. In Denmark, these more recent developments of diverse language practices are dealt with in social institutions like education, courtrooms, hospitals, media, and citizenship. This happens through the everyday communication of citizens and professionals, but under the influence of legislation and other forms of governmental intervention. As this article will show, the internationalization and increased multilingualism in Danish society has been accompanied by what appears to be a breakaway from a traditional laissez-faire policy on language, which with a focus on the standard language has been dominant since the 1950s. The question is: Was the laissez-faire policy a sign of weakness or strength on behalf of the standard language, and is the recent development caused by a change of attitude to the role of language policy making in Denmark?

CONTACT Anne Holmen  aholmen@hum.ku.dk  Emil Holms Kanal 4 2300 Copenhagen S Denmark

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Languages in Denmark

In 2001, Jørgensen (2003) estimated that over 90% of the population of Denmark were native speakers of Danish, a language described as North Germanic and East Scandinavian. Danish is also in use South of the border to Germany, in Greenland and the Faroe Islands, and historically in Iceland and Norway. The background for the wide use of Danish was Denmark's position as a colonial power in the North Atlantic. Until 1814 Norway was under Danish supremacy, Iceland until 1944, and Greenland and the Faroe Islands are still part of what is referred to as the Kingdom of Denmark. The border between Germany and Denmark has been moved several times following wars in Europe, the present border now drawn North of Flensburg with official language minorities on both sides (recognized by the European Charter for Regional and Minority Languages).

Today, the Kingdom of Denmark includes a geographically small Northern European country with a population of around 5.9 million inhabitants and the two North Atlantic self-governing territories of Greenland (around 57.000 inhabitants) and the Faroe Islands (around 53.000 inhabitants). The Kingdom of Denmark (also referred to as the Realm of Denmark) is not a federation, but a unitary sovereign state encompassing three autonomous legal systems, united under the monarch. Before Home Rule in 1948 for the Faroe Islands and 1979 for Greenland, both were Danish colonies, and today the contact between the two official languages and the old colonial language of Danish is best characterized as post-colonial with all the complexity and sensitivity accompanying this (Jacobsen, 2003).

Language policies and practices differ in the three territories. In Greenland, the Inuit language of Greenlandic is the official language, used in the Greenlandic parliament and in primary schools and teacher training (cf. Inatsisartutlov, the Greenlandic language law from 2010). With regional variation, it is also the first language for most Greenlanders. However, Danish is used extensively by parts of the population and frequently in health care, secondary schools, and administration and legal matters. Media use both languages, and English is also in use for a growing tourist industry. The official language of the Faroe Islands and the main means of communication for the population as such is Faroese, a North Germanic language historically related to the Scandinavian languages and Icelandic, but today not mutually comprehensible with Danish. Danish is still being used and taught in the Faroe Islands, but it plays a minor role after Faroese took over in parliament, public administration, schools, and the church with Home Rule in 1948. English has a growing influence. Development of the two official languages and especially their written form is supported by the Faroese and Greenlandic Language Councils.

In Denmark proper, Danish is the main and often the only language of key societal institutions like the parliament, the police, the army, the king, state-supported media, and primary and secondary school, and recognized as one of the official languages of the European Union as early as 1973. However, the dominant position of the Danish language is not mentioned in the Danish Constitution and only explicitly stated in one piece of legislation: The Administration of Justice Act. In § 149 it is stipulated that 'the legal language is Danish,' and that translations and interpreting from other languages may be brought into the courtroom when necessary (Karrebæk & Kirilova, 2021). There is no language law, i.e. no *de jure* policy, but ample *de facto* language policies in other social domains or anchored in traditional practices. We shall return to this below.

Danish sign-language has a semi-official status, not like German protected by the European Charter for Regional and Minority Languages but mentioned in Danish legislation on social welfare and in the mandate of the Danish Language Council. Greenlandic and Faroese are also spoken in Denmark proper, but their status here is not clear. There has been a certain hesitancy about recognizing them as official minority languages because of their primary role as the main languages of Greenland and Faroe Islands. However, both languages were included in a recent Nordic initiative funded by Nordic Council of Ministers to support the ‘small languages of the Nordic region’ (Niia, 2022). In addition, the Danish Ministry of Education has stated that speakers of the two languages in Denmark should have the same rights as those of EU citizens. This applies to the right of receiving mother tongue instruction in primary school.

No data on language affiliation or language competence among the population in general is registered, but according to Statistics Denmark around 85% of the population in Denmark proper (excluding Greenland and Faroe Islands) have Denmark as their country of origin. Descendants of recent immigrants are not included in this category, even when they are born in Denmark. Therefore, it seems likely that the majority of the 85% are native speakers of Danish. In 2001, the estimate was 90% (Jørgensen, 2003). It also seems likely that around 15% of the population are affiliated with other languages. This includes groups who have arrived as migrant workers and later brought in their families, refugees and their descendants, employees on temporary contracts as well as international students in higher education. Among citizens registered with a foreign nationality the top 10 in 2022 were the following countries of origin: Poland, Rumania, Syria, Ukraine, Turkey, Germany, Lithuania, India, Norway, and Great Britain. However, as these and many other countries of origin are multilingual, there is no precise number of languages spoken in Denmark. A clue may be provided by private companies which offer translation or interpreting services (e.g. companies like Semantix, Tolke- og oversættelsesgruppen Aps, Mayas Tolkeservice). These list between 80 and 200 different languages and dialects on their web pages. In 2006, Risager put together a list of 120 languages in use in Danish schools and other societal institutions (Risager, 2006), and a recent survey in primary schools across Denmark identified 152 different languages in 2023 (according to the school initiative called ‘Kulturkompasset’).

No Danish Language Act

Among the five Nordic countries, Denmark is known to have an extreme laid-back attitude and a laissez-faire policy in language matters (Jarvad & Kristiansen, 2004; Kristiansen, 2005). Since the turn of the century, there has been a concern about the role of the national language(s) vis-à-vis English across the Nordic region and new language policies have been produced to regulate language use and norms and first and foremost to support the national language(s) against domain loss. This happened in Finland in 2005, in Sweden in 2009, in Iceland in 2011 and in Norway 2021. In Denmark, two committees under the Danish Ministry of Culture have discussed the pros and cons of producing a new Danish language policy in the form of a Language Act. Their work is reported in two Danish-medium books from 2003 and 2008. The conclusion of the latter is that there is no reason to produce a Language Act. This was the recommendation

given to policymakers, and since 2008 there has only been a modest political interest in issuing a Danish Language Act.

The arguments are clear in the committee's report. In the English summary it says:

The Committee has discussed whether a general Language Act would have an important symbolic political significance. The problem of formulating an actual law on the Danish language is that, for the most part, the way in which the language is being used cannot be regulated, and that it is difficult to imagine a penalty system for those who do not comply with the spirit and letter of such a law. Other countries have formulated statutory language rights, e.g. in relation to the use and development of minority languages, and in addition to that it would be possible to formulate a statutory right to receive education in Denmark in Danish. However, such measures would merely be an empty gesture, unless the legislators are prepared to pay the costs of ensuring these rights. The Committee has found that there is neither the need nor the political will in Denmark for safeguarding rights in this manner. (Ministry of Culture, 2008, p. 135).

There are three important clues to the present state of Danish language policy in this summary. Firstly, it is stated in very general terms that language use cannot be regulated. Corpus planning is here seen as driven by bottom-up processes within the language community and not as top-down processes led by a governing body or authority. There are obvious reservations to this general statement (presented elsewhere in the report): It does not apply to the same extent to spoken and written language and to different modalities of use, and there are societal institutions which strive to enforce specific language norms (e.g. schools and public media), and official documents must follow the orthographic norm established by the Danish Language Council. But besides orthography the Language Council (an official body under the Ministry of Culture) has a descriptive rather than prescriptive role and is mainly mandated to follow the development of the Danish language and to provide counseling and advice, and there is no Danish language academy to guard Danish in contact with other languages.

Secondly, a specific question in the summary concerns whether to regulate language choice in secondary and tertiary education, a possibility which may appear in a language act as 'a statutory right to receive education in Denmark in Danish'¹ (i.e. safeguarding the use of Danish for educational purposes). Here the question concerns the choice between Danish- and English-medium education, but in 2008 it drew on a major discussion on the role of English in Danish society going far beyond education and stretching back into the 1990s (e.g. Haberland, 2005; Jørgensen, 1991; Phillipson, 2000; Preisler, 1999). We shall return to a later development of the question of Danish vs. English-medium education in the section 'Language regulation in other social domains.'

Thirdly, the summary from the 2008 report mentions that other countries also deal with minority languages and the rights of minority language communities in their language policy. The committee behind the report concludes that 'there is neither the need nor the political will' to safeguard minority rights through a language act, and this question was never really brought into the Danish debate about pros and cons of issuing an explicit language policy. As the examples below will show the linguistic diversity in social institutions are dealt with in legislation about education and integration. Today, German is still the only official minority language in Denmark, and this position is even restricted to the region of Schleswig. The Act on the Danish Language Council

was renewed in 2015, but only to anchor Danish sign language into the administration of the Council, not to oblige the Council to promote or support sign language, German, Greenlandic, Faroese or any other language spoken in Denmark (besides standard Danish). Thus, the summary does not only reflect the traditional Danish perspective on language development as driven by language communities, but also a concern for the role of English and a lack of interest in other languages and language varieties than standard Danish.

Standardization and de-dialectalization

One might expect that the establishment of a regulating language body or the extension of the prescriptive functions of the Danish Language Council is seen unnecessary because language issues are dealt with in an open, democratic discussion. But critics claim that there never was an atmosphere of openness including the general public (see a collection of sociolinguistic analyses in Kristiansen & Jørgensen, 2003). Instead of an overt language policy, there has been a gradual shift during the twentieth century from local dialects of Danish to the standard language, which is based on the variety spoken among the social and cultural elite of the capital of Denmark. The most direct instruments of this standardization are the school (Kristiansen, 1990) and the media (Thøgersen, 2021), but influential have also been the transformations of Danish society from being traditionally rural into modern agricultural on the one hand and into industrialization followed by a better national infrastructure on the other hand (Pedersen, 2003). These radical social changes, which are discursively connected to equality and social justice, have happened during the twentieth century, but since the 1960s they have been followed by a clear reduction of variation in language use. Is standardization then a problem in itself? Not for the standard language, which is continually being supported by language use and by activities carried out by schools, public media, and the Language Council. But what about the social position and cultural identity of dialect and sociolect users? Opinions are divided among Danish linguists about the social and educational effect – the late professor of Danish language and chair of the Language Council for many years, Erik Hansen, has argued that ‘Denmark is a harmonious and homogenous speech community with few and small problems’ (Hansen, 1991, p. 33). According to this perspective, standardization and de-dialectalization happen because it is in the interest of the speech community, and there is no need for a language act to support or counteract this. In 2008, the same line of argumentation was used in the conclusion to the committee report quoted above. Other linguists have responded by arguing that ‘a policy of laissez-faire is nothing but a policy for making powerful interests and strong forces even stronger and more powerful’ (Kristiansen, 2003, p. 69) and that the dominance of the standard language ideology is not necessarily democratic nor in the interest of local speech communities in Denmark. These linguists argue in favor of a language policy which strengthens language heterogeneity and tolerance concerning varieties of Danish as well as other languages (e.g. Holmen & Risager, 2003; Jørgensen, 2003; Kristiansen & Maegaard, 2021) or which strengthens Danish vis-à-vis English (Danish Language Council, 2012; Mortensen & Haberland, 2021; Phillipson, 2000;).

We shall return to the question of which themes to consider covering in a potential language policy. But before that a brief look at the role of language in other parts of

Danish legislation. Despite a historic and current unwillingness to introduce explicit language legislation concerning status or corpus planning of Danish, there are many examples of language regulation in other areas of Danish laws. Here are some examples from education and integration.

Language regulation in the Public-School Act

The first example concerns language use in primary schools. There are two kinds of primary schools in Denmark, grades 1–9, regulated by different set of rules: public schools and free schools. The Public School Act identifies a language curriculum consisting of the school subjects of Danish, English, German, and French as well as Danish as a second language for so-called ‘bilingual students.’ Spanish is allowed as an experiment, and students with a background in the European Union and other countries of the European Economic Area are offered mother tongue instruction as an extracurricular activity. The language of instruction is not specified, but the Ministry of Education has several times responded that ‘it is taken for granted that this is Danish’ or even ‘that you can read this between the lines’ of the guiding principles (see discussion in Holmen, 2011). In the Free-School Act it is said explicitly in § 2.3 that the ‘language of instruction in a free school is Danish. However, in the schools of the German minority this is German. The Minister of Education may in specific cases approve that the language of instruction is another language than Danish’ (translated by the author). Free schools are private or semi-private schools with a state support of 76% of the costs and extensive autonomy in teaching principles, values, and philosophy of education, including recruitment of teachers. But they can only decide on their language of instruction if they have received formal approval from the Ministry. Today, there are 26 such non-Danish medium schools in Denmark teaching in English, French or German and often referred to as ‘international schools.’ These schools must include the school subject of Danish as a second language in their curriculum, and a minimum of two of their board members must master spoken and written Danish.

Having free schools as an alternative to the public schools is an old tradition in Denmark. The choice is considered a democratic right of parents, who are often also the founders of new free schools. What is important in this article on language policy is the difference in directness in identifying Danish as the language of instruction. Whereas teaching in Danish seems so evident in the public school system that there is no need to express this explicitly in legislation, this is apparently not the case with all free schools. The reason for this is the increase in free schools based on ethnicity and thus on language minority groups. When their language is e.g. Arabic, Somali, or Turkish they are obliged to use Danish as medium of instruction, and this is being monitored by the local school authorities. The school principal, all teachers and all members of the school board must master spoken and written Danish. Thus, there is a remarkable difference between the public school where Danish is powerful and taken for granted, the free schools where Danish is protected by law and the international schools where English, German or French is promoted.

The second example concerns language testing of preschoolers and school starters. The Ministry of Education sees the test as part of ‘a language stimulating effort’ to support children’s school start through language development. These tests are mandatory for children

in kindergarten at the age of three and an option at the age of two (according to the Act on Early Childhood Education and Care) as well as during the first year of schooling (according to the Public-School Act), but not for all children across Denmark. Their use is restricted to children with a non-Danish mother tongue and/or children living in so-called ‘udsatte boligområder’ (vulnerable housing areas). These are defined through a mixture of socio-economic factors (income, crime, and ethnicity), but they also hold a linguistically diverse population. However, the language tests are not multilingual, but only measure the children’s general language competence in Danish, and they are designed to identify a cut-off point which give access to extra support in Danish or a background for keeping children for an extra year in grade one. Critics claim that they may work against the student-centered pedagogy, which Danish schools and pre-schools emphasize as their general philosophy of education, and that the stigma involved is discriminatory (Kristjánsdóttir, 2020) and may produce ‘language shame’ in children (Daugaard, 2019). The tests are also being criticized for their methodology (Kjærbæk et al., 2022).

The two examples in this section confirm Jørgensen’s description of the *de facto* Danish language policy with respect to language minorities: ‘Having a non-Danish language as one’s mother tongue is considered a burden, not only to the individual, but also to society, unless this language is an acceptable form of English, German, French, Norwegian, or Swedish’ (Jørgensen, 2003, p. 76). Almost 20 years later, Kristjánsdóttir (2020) concludes that in Danish schools the traditional value of producing unity through monolingualism is still stronger than the alternative: the democratic value of producing equality through language diversity in education.

Language regulation in other social domains

The examples from the Public-School Act show that there is a political will to bring language matters into Danish legislation when it comes to the everyday multilingualism of citizens in Denmark. However, what is regulated is not language acquisition or language competence, but rather affiliation with other languages than Danish. A similar pattern appears in legislation related to the Ministry of Immigration and Integration. In Denmark, free Danish classes are offered to adults during their first five years in the country. There is an intricate system of language tests, and passing the right level is brought in as formal criteria for family reunification, permanent residency, and citizenship. There is a clear demand for labor in many areas, and more than anything for trained doctors and nurses in hospitals, but the process of getting the necessary authorization is long and complex for international applicants from ‘third countries’ (i.e. countries outside the European Union and the European Economic Area). As communication in Danish dominates the health sector, there seems to be a valid background for demanding Danish competence of international doctors and nurses. However, this does not apply through legislation to EU/EEA-doctors and nurses. These are hired directly by local hospitals, whose management will decide – in the characteristic Danish *laissez-faire* way – to use language criteria or not and to provide language support or not.

The different ways of regulating access to the country for citizens from the EU/EEA and from ‘third countries’ are also reflected in higher education. Universities and business academies are interested in attracting international students, in particular students from ‘third countries’ as they are the only students in Danish higher education who are fee-paying.

Students from EU/EEA have the same access to education as students with a Danish background, and they have the same right to receive state grants and loans. To attract them is seen as a way of supporting European mobility, also for Danish students. Universities and business academies have introduced English-medium instruction for several reasons: to attract more international students, to support international cooperation and research, and to recruit international lecturers. Danish is also used as a medium of instruction, and universities are aiming at finding the right balance between Danish and English in their local language policy (Gregersen et al., 2018). In some other countries, e.g. in Norway this is regulated by the national Language Act, but in Denmark it is considered a key element in the universities' autonomy to decide whether to have a language policy and how to design it. The Ministry of Higher Education and Science has been concerned with the spread of English-medium instruction and reduced the opportunities to offer this in 2021. The background is not like in Norway a concern for the academic status of the Danish language in competition with English, but an initiative to reduce the amount of state grants and loans which are given to students with an EU/EEA background. Recently, the Ministry has announced a return to more English-medium programs, however, not for language reasons, but to attract a wider labor force to Denmark. Again, there is a political will to use language questions in Danish legislation, but this takes place in laws which are targeting other social domains and not brought in to support language policy and planning.

Current issues of language planning

In 1991, Jørgensen edited a volume of Copenhagen Studies in Bilingualism with the title (translated from Danish): *The status of the Danish language year 2001 – is Danish a threatened language?* In this volume, a collection of articles discussed the current situation for Danish (in 1991) and combined with predictions for the near future (2001). The volume was followed by a new set of articles in 2000 and in 2010 with the title of *The status of languages in Denmark year 2011/2021* and again in 2021 with the title *The status of languages in the Kingdom of Denmark 2031* (Kristiansen & Holmen, 2021). In the latter, 12 articles deal with different aspects of languages in Denmark and the North Atlantic territories in the light of a mixture of *de jure* and *de facto* language policymaking in different social contexts. Thus, the 12 articles offer a catalogue of current themes of language planning:

- Revisiting variation within modern Danish: Localization and place, distinct/reduced pronunciation, and renewed concepts of standard language and the dialects.
- Danish vis-à-vis English in higher education: languages competing or interacting?
- Danish and minority languages: use and ideology in court rooms, schools, and youth groups.
- Language use and regulation in public and social media.
- Postcolonial language policy in Faroe Islands and Greenland.

In addition, the current presence of Ukrainian refugees in Denmark has meant a re-categorization of some of the issues dealt with above, e.g. that the Ukrainian children are offered mother tongue instruction although they are not EU/EEA citizens. There has also been a renewed interest in training interpreters and translators in general and in Danish-

Ukrainian in particular. Finally, within the field of social policy there has been a political pressure to secure Danish-Greenlandic language expertise.

Concluding remarks

To sum up, there is a long tradition at the national level of maintaining a *laissez-faire* language policy concerning the status and development of the Danish language. There is no explicit status planning and very little corpus planning, and development is rooted in transformations of language use in the language community. Over time, the standard language has become extremely powerful, and the dialects are fading away. Thus, the *laissez-faire* language policy is not a sign of weakness, but on the contrary a sign of a very strong national language justified by a monolingual cultural identity and supported by schools and public media. In 2003, Kristiansen & Jørgensen characterized the narrowing of language variation within Danish as a dimension of the historical ‘striving for equality,’ but with the backside of the coin being ‘a certain regimentation, a pressure to adapt to middle-of-the-road normality’ (2003, p. 2). As we have seen, this is also evident in the atmosphere surrounding multilingualism among citizens in Denmark. During the first 10 years of the millennium, the risk of Danish losing ground to English in private companies, organizations, media, and education was the key concern of language debates. But it never resulted in a language policy to protect Danish (or promote English). Neither have the political concern for globalization and even what is seen as disruptive forces of multilingualism resulted in a language policy to protect Danish or minority languages or to produce an openness to languages in general in education. However, ample legislation in other areas have powerfully regulated the use of other languages and have replaced them with Danish as the solution to all sorts of social and educational problems. Through the regulation in other social areas, it seems possible to keep up the *laissez-faire* policy when it comes to direct language legislation and thus at a national level to continue the overall picture of Denmark as ‘a harmonious and homogenous speech community with few and small problems’ (Hansen, 1991, p. 33) – despite a relatively low tolerance toward other languages, discriminatory social practices and educational practices working against the schools’ general philosophy of education as student-centered and pluralistic.

Note

1. Whereas the English version of the summary of the report mentions ‘education’ in general, the Danish original version uses the plural form ‘uddannelser’, which is only used about secondary and tertiary level of education.

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Notes on contributor

Anne Holmen is professor emeritus and former director of the Centre for Internationalisation and Parallel Language Use at University of Copenhagen. She was Head of the Board for the Danish Language Council 2017–21. Her research falls within languages-in-education with two focal points: the role of languages for teaching and learning in higher education, and plurilingualism in primary schools.

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