



## Language Rights to Strengthen the Status of Minorities – the Linguistic Identity of Finno-Swedes as an Example

*Laura Ervo*

Professor of Law, Örebro University, Sweden, [laura.ervo@oru.se](mailto:laura.ervo@oru.se)

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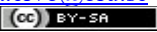
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#### Abstarct

Both Finnish and Swedish are national languages in Finland. The background is that until 1809 Finland and Sweden were one country and Swedish was the official language. Between 1809 and 1917 Finland had autonomy as a part of Russia and during that period, the Finnish language became more powerful. In 1902 Finnish and Swedish became official languages. In 1917 Finland became independent and had its constitution in 1919, where both languages (Finnish and Swedish) were national languages. The status of the national languages was again confirmed in the reform of basic rights in 1995 like again in the current constitution from the year 2000. About 288 000 people have Swedish as their mother tongue in Finland, which means that over 5 % are Swedish speaking. According to the Constitution, the right of everyone to use his or her own language, either Finnish or Swedish, before courts of law and other authorities, and to receive official documents in that language, shall be guaranteed by an Act. The public authorities shall provide for the cultural and societal needs of the Finnish-speaking and Swedish-speaking populations of the country on an equal basis. The term “national” language has a symbolic value. The Constitution makes namely no difference between the majority and minority languages but is neutral. Finland is, therefore, a bilingual country where both official languages have an equal status despite of the fact Swedish is factually a minority language. This symbolic value is quite significant and strengthens the factual status of the Swedish language. The linguistic rights serve in this case also the minority rights. The status as a minority causes needs to protect the own language and identity intensively. Therefore, the linguistic rights and how they are protected do mirror how the minority rights are protected. Additionally, the status as a minority seem to affect in experiencing the importance of the linguistic rights too. In this article, the symbolic value of national language is discussed together with the question how the minority status affects linguistic rights’ and their significance. The geographical context is Finland and the culture geographical context is Finnish Swedes

**Keywords:** linguistic rights, minorities, linguistic identity, Finland, Finno-Swedes

Auteur correspondant : Laura Ervo, [laura.ervo@oru.se](mailto:laura.ervo@oru.se)

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## 1. The Historical Background

Finland gained its independence in 1917. Until 1809, Finland and Sweden were one country called Sweden. The term Sweden-Finland was created later, but during the Swedish era the current geographical area of Finland was the eastern part of Sweden. Naturally, Swedish was the official language. In 1809, Sweden lost the Finnish War which was fought between the Kingdom of Sweden and the Russian Empire from 21 February 1808 to 17 September 1809 as part of the Napoleonic Wars. As a result of the war, the eastern third of Sweden was lost to Russia and that led to the autonomous Grand Duchy of Finland within the Russian Empire (Jussila 2004, pp. 47 – 80).

Despite the fact that Finland lay in the autonomous part of Russia from 1809 onwards, Swedish laws were still valid in Finland. Even in other contexts, Finland and the Finns felt that they belonged to Western culture. Western characteristics and civilization were important tools to maintain their autonomous status and to avoid russification. Finns felt that they belonged to the West and Western traditions were adopted and adhered to especially in the western parts of Finland, while culture and traditions as well as religion started to approach Eastern traditions in the eastern part of Finland. Still, even there the attitude was "Swedes we are no longer, Russians we do not wish to become, let us therefore be Finns." The "Russians we do not want to become" attitude was common during the whole Grand Duchy era. However, the Russian era made Finland more Finnish as the phrase above shows. The Finnish language became more widespread, the Finnish administration strengthened and the value of having their own nationality became important especially during so-called periods of Russification. Therefore, the Russian era reinforced Finnish culture, language and nationalism (Jussila 2004, pp. 81 – 113 and Meinander 2006, pp. 108 – 113).

From 1890 onwards, Russification was the prevailing policy, and that era is therefore called the period of oppression. The aim was to make Finland more Russian-like although certain exceptions were made even in the field of legislation resulting in Finnish civil servants protesting widely and thus the new system was not fully implemented. However, these exceptions made in the field of legislation covered only some parts of the legal order and the other parts were still, even officially and formally, under Finnish law only. In 1917, Finland became an independent country but the laws that were originally Swedish laws were still in force also in independent Finland (Jussila 2004, pp. 138 – 175).

Today, for instance, the Finnish Code for Judicial Procedure originates from the year 1734, when the Swedish Riksdag of the Estates (Parliament) passed the new, important, and still today well-known codification called the Civil Code of 1734. This Code is and has been valid in Finland continuously despite the historical events described above. The reforms have always been partial, and the Code itself has never been abolished, but it is today called the Code of Juridical Procedure 1.1.1734/4. (Kekkonen 2009, pp 3–16).

## Language Rights to Strengthen the Status of Minorities – the Linguistic Identity of Finno-Swedes as an Example

This example of the existing Swedish legislation is a very good example of how Swedish traditions were appreciated and how they survived through the Russian era.

Still, during the Russian era, (1809-1917), the Finnish language became more widespread and its position stronger. In 1902, Finnish and Swedish became official languages. In 1917, Finland became independent and its Constitution came into force in 1919, with both languages (Finnish and Swedish) as the national languages. The same applies to the current Constitution from the year 2000.<sup>1</sup>

The Russian era led to the strengthening of the Finnish language. This happened particularly during the latter part of the 1800s during the positive climate of the Romantic era. At that time, it was important to strengthen the local language of the local people (Meinander 2007, pp. 139 – 142). A good example of that type of nationalism was that later on it even became all the rage to change a foreign surname (most often a Swedish one) into a Finnish one. In 1906 and 1907, about 70,000 Finns changed surname.<sup>2</sup> Another example of this strengthening of Finnish was how the language was used in schools. In 1841, Finnish was introduced as an extra subject in all schools for boys, and in 1856 it was introduced as a subject in high schools. In 1865, Finnish became a school language alongside Swedish in high schools. Lessons were taught in both Finnish as well as Swedish in high schools from 1865 onwards. The first Finnish lecturer was appointed to the university in 1829 and Professor in 1850.<sup>3</sup>

From the legal perspective, the most important development was that the position of Finnish as one of the languages of the administration was strengthened, and the 1863 language manifest began the process of formalizing the status of the Finnish language, which led to the official status of Finnish in 1902, and since then it has been possible to use either language in official contexts (Junnila 1986, p. 151).<sup>4</sup> The Constitution Act of 1919 states that Finnish and Swedish are the national languages of the country. The Language Act of 1922 defined Finnish and Swedish as equal national languages, and the law protected the linguistic rights of the individual when dealing with the authorities. The 1995 constitutional reform confirmed the role of the national languages – and the 2000 Constitution maintained the linguistic rights. The new Language Act, which entered into force in 2004,

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<sup>1</sup> Kansalliskielten historiallinen, kulttuurinen ja sosiologinen tausta 2000: 5 – 9.

<sup>2</sup> [Kotimaisten kielten tutkimuskeskus: Snellmanin 100-vuotispäivä ja sukunimien suomalaistaminen.](https://www.kotus.fi/etusivu_%28vanha%29/julkaisut/kielipalstat/kielipakinat/2006/snellmanin_100-vuotispaiiva_ja_sukunimien_suomalaistaminen)

[https://www.kotus.fi/etusivu\\_%28vanha%29/julkaisut/kielipalstat/kielipakinat/2006/snellmanin\\_100-vuotispaiiva\\_ja\\_sukunimien\\_suomalaistaminen.](https://www.kotus.fi/etusivu_%28vanha%29/julkaisut/kielipalstat/kielipakinat/2006/snellmanin_100-vuotispaiiva_ja_sukunimien_suomalaistaminen) Archived 2011-06-05.

<sup>3</sup> Harmanen – Oker-Blom.

<sup>4</sup> However, the status of the Finnish language was not stable during the Russian era. During the Russification periods there were intensive efforts to strengthen the Russian language in Finland. According to the language manifest of 1900 (AsK 22/1900), Finnish and Swedish were to be replaced by Russian in the administration and judiciary within ten years. The implementation of the manifest ended with the 1905 general strike. See Jussila 2004, pp. 694 – 700.

clarifies the Constitution and linguistic rights. The law was adopted almost unanimously in Parliament by 179-3 votes.<sup>5</sup>

#### *Analysis*

The reason why there is a Swedish speaking minority in Finland can be found in the past. Due to the shared history of Sweden and Finland it is quite natural that there are still Swedish speaking people in the country. What is interesting here, however, is that the Russian era did not have the same effect. Russian is the mother tongue of about 70,000 people in Finland,<sup>6</sup> which represents about 1.3% of the population. In many cities the percentage is quite high, for instance in Kotka.<sup>7</sup> The first migratory wave of Russians began in the early 18th century, when Finland was part of the Swedish Empire. About 40,000 Russian soldiers, civilian workers, and about 600 merchants moved to the Grand Duchy of Finland, which became part of the Russian Empire in 1809. When Finland became independent in 1917, many soldiers returned to Russia, while many merchants stayed. During the Russian Revolution many aristocrats and officers fled to Finland as refugees. The biggest refugee wave was in 1922 when about 33,500 refugees came to Finland. Russian citizens who came in these three waves are called "Old Russians", whose 3,000–5,000 descendants live in Finland today. A second major wave of immigration occurred after the fall of the Soviet Union. Many Russian guest workers came to Finland, working in low-paying jobs. In the 1990s, immigration to Finland grew again, and a Russian-speaking population, descended from Ingrian Finns, emigrated to Finland. In the 2000s, many nouveaux riches Russians have bought estates in Eastern Finland (Shenshin 2008, pp. 36 – 38).

There have been several migratory waves from Russia to Finland and there is also a shared historical era. Still, the Russian language does not have the status of a minority language at all and according to Finnish legislation, it belongs to the group called "other languages" that have no specific status. The reason for this difference between Swedish and Russian lies in values and culture. The Swedish speaking minority has a strong identity which is largely appreciated in Finland (Meinander 2007, p. 147). Finland chose Western culture and civilization over of Eastern culture. However, people say that Finland is a border country where Western culture becomes Eastern as you travel from the west coast towards Karelia close to Russia. Still, the common attitude in Finland is and always has been in favor of Western culture and against Russian culture.

Therefore, the strong legal position of the Swedish language is not only due to the number of Swedish speaking people, nor is it only due to shared history. Instead, it is about attitudes and the choice of identity.

## 2. The Linguistic Background

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<sup>5</sup> <https://www.hs.fi/kotimaa/art-2000004119502.html>

<sup>6</sup> <https://www.tilastokeskus.fi/tup/maahanmuutto/maahanmuuttajat-vaestossa/ulkomaan-kansalaiset.html>

<sup>7</sup> [https://www.stat.fi/artikkelit/2009/art\\_2009-09-08\\_005.html](https://www.stat.fi/artikkelit/2009/art_2009-09-08_005.html)

## Language Rights to Strengthen the Status of Minorities – the Linguistic Identity of Finno-Swedes as an Example

Finnish and Swedish are two entirely different types of languages. They do not belong to the same language group and have nothing in common.<sup>8</sup> However, the Finnish dialect spoken on the west coast has many words which have their origins in the Swedish language due to the geographical situation and the close relations over the Baltic Sea.

The Finnish language belongs to the Finno-Ugric language group. Other languages closely related to Finnish in the Baltic Sea region are Estonian, Karelian, Inkeroinen, Lyde, Vepsa, Vatja and Livonian. Some of the Sámi languages spoken in Finland and, for instance, Hungarian are distantly related to Finnish as are Moksa, Mari, Komi, Udmurtti, Hanti, Mansi and the Samad's languages which are spoken in Russia.<sup>9</sup>

Swedish is part of the Germanic branch of the Indo-European Language Community, and more specifically the Nordic languages. Sweden is very closely related to Danish and Norwegian and these languages are widely mutually understandable. Other Nordic languages are also closely related to Swedish, such as the Germanic languages German, English and Dutch. The Nordic languages are derived from the ancient Nordic language spoken by the Germanic peoples of Scandinavia in the 700s and 800s. The Nordic languages come from a common ancient Nordic language, and in the 12th century the dialects spoken in what are now Swedish and Danish regions began to differ. Swedish has been considered a separate language since the 13th century.<sup>10</sup>

Finland Swedish is a regional variant of Swedish spoken and written by the Finno-Swedes. Swedish in Finland, comprises various Finland Swedish dialects. Finland Swedish is different to Swedish, above all as regards pronunciation, although standard Finland Swedish differs very little from Standard Swedish.<sup>11</sup> Still, many claim that Finland Swedish is more formal and not as modern as Standard Swedish which is developing and changing its character more rapidly compared with the more traditional and stable Finland Swedish.

In the history of Finland, Finnish and Swedish have lived side by side for a long time. From the time of the Swedish era to a long period of autonomy, i.e. until 1902, the language of the country's administration was Swedish. However, until the middle of the 13th century, the language of the administration was mostly Latin. The oldest texts written in Swedish are the provincial laws of Sweden from the 13th century. Thanks to the printing press and the Reformation, Swedish became a national language and also replaced Latin as the language of the Church.<sup>12</sup>

During the reign of Gustav Vaasa (1520s), the status of the Finnish language began to be strengthened when ecclesiastical and administrative

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<sup>8</sup> Harmanen – Oker-Blom.

<sup>9</sup> Tieteen termipankki 14.2.2023: Kielitiede:suomalais-ugrilaiset kielet.  
[https://tieteentermipankki.fi/wiki/Kielitiede:suomalais-ugrilaiset\\_kielet](https://tieteentermipankki.fi/wiki/Kielitiede:suomalais-ugrilaiset_kielet).

<sup>10</sup> Harmanen – Oker-Blom.

<sup>11</sup> <https://delingua.fi/suomenruotsin-ja-ruotsinruotsin-erot/>.

<sup>12</sup> Harmanen – Oker-Blom.

texts began to be published in Finnish. The reason was that the eastern part of Sweden (Finland) was more in focus than previously.<sup>13</sup>

Finnish was spoken in many different ways, but as standard Finnish developed, the use of the Finnish language expanded from the 16th century onwards to include different areas of life. The history of the written Finnish language can be divided into three eras: the era of the old standard Finnish (about 1540-1810), the era of early modern Finnish (about 1820-1870) and the present Finnish era (about 1880–). During the era of the old standard Finnish, religious texts began to be translated, edited and drafted in Finnish, and written Finnish began to be developed on the basis of different dialects. Church texts had already been written in Finnish before, but these texts have barely survived. Mikael Agricola (1510-1557) wrote the first Finnish language ABC book, which appeared in 1543 and is the oldest printed book in Finnish. The Finnish New Testament was first published in 1548.<sup>14</sup>

The Swedish language remained a strong administrative language also when Finland was part of Russia in the 19th century. In 1809, Czar Alexander I decided that the official language of the Autonomous Grand Duchy of Finland was Swedish. During that century, the use of the Finnish language increased and gradually gained the status as the main language. The development of written Finnish was strong in the 19th century.<sup>15</sup>

## Analysis

Despite its special features, Finland Swedish can be considered a variant of the general Swedish language. The dialects of Finland Swedish have traditionally been included in the general Swedish classification as belonging to the East Swedish dialects. The historical "home" of the Finland Swedish dialects seems to be central Sweden.<sup>16</sup>

Words and expressions used in Sweden are almost without exception common and usable in Finland as well. Finnish-Swedes read Swedish books and magazines from an early age, and nowadays also watch Swedish television which – of course – has a unifying effect. The most noticeable difference is the pronunciation. Since Swedish and Finnish have lived closely side by side in Finland for centuries, intonation and certain sounds in Finland Swedish have been influenced by Finnish. The pronunciation of Finland Swedish has also remained slightly more old-fashioned than Standard Swedish.<sup>17</sup>

On the other hand, it does not even occur to Finno-Swedes that they might imitate Standard Swedish pronunciation. Instead, they stick to their own Finland Swedish way of speaking. The reason is a patriotic one; my

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<sup>13</sup>Harmanen – Oker-Blom.

<sup>14</sup>Harmanen – Oker-Blom.

<sup>15</sup>Harmanen – Oker-Blom.

<sup>16</sup><https://www.oph.fi/fi/koulutus-ja-tutkinnot/suomen-kieli-ja-kirjallisuus> and <https://www.sprakbruk.fi/-/finlandssvenskan-i-tusen-ar>.

<sup>17</sup>[https://www.kotus.fi/nyt/kolumnit\\_artikkelit\\_ja\\_esitelmat/kieli-ikkuna\\_%281996\\_2010%29/onko-suomenruotsi-ruotsia](https://www.kotus.fi/nyt/kolumnit_artikkelit_ja_esitelmat/kieli-ikkuna_%281996_2010%29/onko-suomenruotsi-ruotsia).



home country is Finland; therefore, I speak Finland Swedish.<sup>18</sup> I think that Finno-Swedes are also proud of their background. They work hard for their position in society and are fighting to keep their linguistic rights all while doing their best to promote their proficiency in the Swedish language. The aim is not to become Finnish but nor is becoming Swedish a goal. They are quite simply Finno-Swedes and wish to remain as such. The language question is strongly linked to the minority status and existence. It is also a cultural question. Finno-Swedes have their own culture, many traditions which come from Sweden and which Finns do not share; it is a mixture of Swedish and Finnish influences<sup>19</sup>.

The language that is most influential and has historically influenced Swedish of today is the English language. Standard Swedish is developing more quickly compared with Finland Swedish which still sounds traditional and more formal than Standard Swedish. Finland Swedish is also more formally correct, as grammar is still followed in a traditional way whereas in Standard Swedish it is the spoken language that prevails.<sup>20</sup> The reason for this different pace of change might lie in a desire to protect a minority language. The language and linguistic rights are important to maintain a strong minority status and to merely exist and survive as such. The Swedish speaking minority cherishes its language more than the majority does due to the fact that the language is more important as a minority language.

### 3. The Current Situation

Finno-Swedes are native inhabitants of Finland and they speak Swedish as their mother tongue. At the end of 2020, 287,871 people in Finland were reported as Swedish speaking, which corresponds to 5.2% of Finland's population.<sup>21</sup> On the Åland Islands, the corresponding figure was 86.2% of the population.<sup>22</sup> In mainland Finland, there were 263,349 Swedish speakers at the end of 2017 which corresponds to 4.78% of the population. Swedish speakers mostly live in four regions: Uusimaa, the coast of Ostrobothnia and Åland and the Turku archipelagos.<sup>23</sup> The proportion has been steadily diminishing since the early 19th century, when Swedish was the mother tongue of approximately 15% of the population and considered a prestige

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<sup>18</sup>[https://www.kotus.fi/nyt/kolumnit\\_artikkelit\\_ja\\_esitelmat/kieli-ikkuna\\_%281996\\_2010%29/onko\\_suomenruotsi\\_ruotsia](https://www.kotus.fi/nyt/kolumnit_artikkelit_ja_esitelmat/kieli-ikkuna_%281996_2010%29/onko_suomenruotsi_ruotsia).

<sup>19</sup> <https://hiidenkivi-lehti.fi/suomenruotsalainen-kulttuuri/>.

<sup>20</sup>[https://www.kotus.fi/nyt/kolumnit\\_artikkelit\\_ja\\_esitelmat/kieli-ikkuna\\_%281996\\_2010%29/onko\\_suomenruotsi\\_ruotsia](https://www.kotus.fi/nyt/kolumnit_artikkelit_ja_esitelmat/kieli-ikkuna_%281996_2010%29/onko_suomenruotsi_ruotsia).

<sup>21</sup>[https://www.stat.fi/tup/suoluk/suoluk\\_vaesto\\_en.html#Population%20structure%20on%2031%20December](https://www.stat.fi/tup/suoluk/suoluk_vaesto_en.html#Population%20structure%20on%2031%20December) and

<https://www.stat.fi/tietotrendit/artikkelit/2021/ruotsinkielisilla-keskimaaraista-enemman-lapsia-jo-lahes-puolet-kaksikielisia/>.

<sup>22</sup>[Kieli iän ja sukupuolen mukaan maakunnittain, 1990-2021](#) Tilastokeskus.

<sup>23</sup><https://www.kuntaliitto.fi/kunnat-ja-kuntayhtymat/kaksikieliset-kunnat> and <https://www.stat.fi/tietotrendit/artikkelit/2021/ruotsinkielisilla-keskimaaraista-enemman-lapsia-jo-lahes-puolet-kaksikielisia/>.

language. However, more recently, Swedish speaking families are having more children than Finnish speaking families. Although among Swedish speaking people there are also more people over the age of 75 than among Finnish speaking people.<sup>24</sup>

In recent times, the minority group has been stable and the number of Swedish speaking people in Finland has remained around 5 % for a long time. According to a 2007 statistical survey, the population of the minority group may even be increasing slightly in total numbers since parents from bilingual families tend to register their children as Swedish speakers. It is estimated that 70% of bilingual families - that is, families with one Finnish-speaking parent and one Swedish-speaking parent - register their children as Swedish speaking.<sup>25</sup>

The Swedish-speaking population of Finland is a linguistic minority, but their identity is broader than that. They are seen as a separate cultural if not ethnic group.<sup>26</sup>

## Analysis

By way of comparison, in 2008, 3.3 % of the population spoke a language other than Finnish or Swedish as their mother tongue.<sup>27</sup> This is something which is often picked up in everyday discussions on the rights of the Swedish speaking minority. Those, who are against such “privileges” often refer to the current situation where people move around the globe and the fact that there are therefore plenty of linguistic as well as ethnic minorities almost everywhere like in Finland too, and those groups of people today do not have a specific linguistic or other minority status. From that perspective it is often stressed that the “protection” of the Swedish speaking minority is no longer fair and that there are no arguments of fact to support that protection.

That perspective only considers the current situation where linguistic minorities are so common that it is impossible and not realistic to give all of them a specific status and protection. However, to understand the status of the Swedish speaking minority in Finland, you have to study the history. Sweden and Finland were once one country, and that background gave us much power and energy to fight against influence from the East and Russification during the Russian era. Finland and Finns wanted to belong to Western civilization and culture instead of becoming Eastern. Still today collaboration with Sweden is important in many areas. One good example is the decision to join NATO at the same time and together with Sweden. This has been stressed during the entire process. It would perhaps be easier for Finland to join quickly and alone without having to wait for Sweden, but the

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<sup>24</sup> Kansalliskielten historiallinen, kulttuurinen ja sosiologinen tausta 2000: 5 – 9 and <https://www.stat.fi/tietotrendit/artikkelit/2021/ruotsinkielisilla-keskimaaraista-enemman-lapsia-jo-lahes-puolet-kaksikielisia/>.

<sup>25</sup> Holm, Carina (2 October 2010). [Fler finlandssvenskar](https://www.stat.fi/tietotrendit/artikkelit/2021/ruotsinkielisilla-keskimaaraista-enemman-lapsia-jo-lahes-puolet-kaksikielisia/). Åbo Underrättelser and <https://www.stat.fi/tietotrendit/artikkelit/2021/ruotsinkielisilla-keskimaaraista-enemman-lapsia-jo-lahes-puolet-kaksikielisia/>.

<sup>26</sup> <https://hiidenkivi-lehti.fi/suomenruotsalainen-kulttuuri/>

<sup>27</sup> Valtioneuvoston kertomus kielilainsäädännön soveltamisesta 2009: 10.



decision has throughout been that Finland will wait for Sweden. Psychologically, Sweden as a good neighbor means safety and support.

The psychological link to Sweden is and has been stronger than the link to the East. This is also something which most Finns want. They wish to belong to the Nordic family and look towards the West instead of the East. This choice and attitude makes it easier for the Swedish speaking minority to keep its strong status and identity also during this era of globalization and free movement. Their identity is close to that of the majority which makes their mission easier and partly in line with the majority.<sup>28</sup>

#### 4. The Legal Approach

According to the Finnish Constitution (Chapter 2, Section 17), the national languages are Finnish and Swedish. The right of everyone to use his or her own language, either Finnish or Swedish, before courts of law and other authorities, and to receive official documents in that language, is guaranteed by law. The public authorities shall provide for the cultural and societal needs of the Finnish-speaking and Swedish-speaking populations of the country on an equal basis.

There are three levels of Finnish linguistic rights. The first level consists of the national languages, in other words, Finnish and Swedish. The second level consists of other languages named in the Constitution, namely Sámi, Romani and sign language. The third level is “others”. The expression “other groups” refers to traditional and newer national and ethnic minorities. The group must be compact and stay permanently in Finland before it can be seen as a minority in the sense of the paragraph.<sup>29</sup>

At the same time, the right to your own culture is also constitutionally protected. Culture is generally protected like the languages mentioned in the Constitution. In addition, the cultural value of a language is a further perspective. That type of cultural value is stronger and more important for ethnic minorities compared with the majority population. Their identity is probably more strongly connected with their own language as compared with the identity of the majority. The reason is simple and practical: There is no risk of losing these kinds of values of culture and traditions, language included, for those with the majority status in society. Furthermore, the minority languages can also have a special significance as a mirror of a culture and lifestyle if the language differs from the major languages, for instance, as regards vocabulary. Romani, for example, includes a rich vocabulary for horses and transport. Therefore, it is not only a question of

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<sup>28</sup> This has nothing to do with politics and so-called Finlandization, which is a political term. That is why this term does not describe the honest attitudes among people, but it describes the official policy-making process. It is the process by which one powerful country makes a smaller neighboring country refrain from opposing the former's foreign policy rules, while allowing it to keep its nominal independence and its own political system. It is commonly used in reference to Finland's policies in relation to the Soviet Union during the Cold War. Huopaniemi 1974. Despite this trend of Eastern politics, the above-mentioned spirit was valid among the people.

<sup>29</sup> Tallroth 2004 a: 515.

language and communication but also a question of lifestyle (Hedman 2009, p.62). It is essential to protect both the language and the culture to keep the entirety.

The main reason for these linguistic rights is practical. Namely, based on the Constitution, the reason for having both Finnish and Swedish as national languages is the aim to maximize the possibilities for communication in both languages. There is no difference between Finnish and Swedish; both are equal and the official languages of Finland. That is why practical knowledge of both is important for all civil servants. The goal is that it should not matter whether a client chooses Swedish or Finnish; a high-quality service should be provided regardless of the language (Ervo - Rasia 2012, p. 65).

Despite the fact that the minority language Swedish is legally equal to the majority language Finnish in Finland and both languages have the same symbolic status as national languages, the situation in practice is not always that easy. The Swedish speaking minority rather often encounters linguistic problems, which are typical to minorities, for example, that authorities do not speak fluent Swedish even if they should, that they have negative attitudes or are afraid of speaking it (because they do not know the language well enough to use it perfectly) and at the same time Swedish speaking clients are afraid to contact the authorities in Swedish. Clients may think that they will receive poorer service because of the authorities' attitudes or lack of knowledge regarding the Swedish language and therefore they sometimes try to avoid using their mother tongue and they just speak Finnish instead. A similar situation also exists in Swedish speaking areas where the Finnish speaking minority may have the same problems.<sup>30</sup>

In addition, it is also difficult to recruit bilingual civil servants who really fulfill the linguistic requirements and are proficient in both Swedish and Finnish. There are such people in the Turku and Helsinki areas but otherwise the Swedish speaking areas (Åland and Ostrobothnia) are rather Swedish speaking without a proper knowledge of Finnish and vice versa. In Finnish speaking areas, like Eastern Finland, they really only speak Finnish and people are normally not at all fluent in Swedish. Therefore, positions where being bilingual is a necessity, are often vacant for a rather long time or they cannot be filled at all because there is lack of competent candidates. Language skills learnt at school are just not sufficient to survive in Swedish or in Finnish in practice unless they are assisted by a bilingual family background or some other extra practical training.

The term "national" language has a strong symbolic value.<sup>31</sup> In practice, Swedish is a minority language but due to the Constitution, there is no difference between the majority language Finnish and Swedish. They are 100 % equal choices at the legislative level. This legislative choice to stress the equality by using this symbolic value as a tool is quite effective. It matters if a language is called a national language or a minority language or simply another language. Terms are important and have a value as such. Of course, the practical level should also correspond to the legislative level and,

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<sup>30</sup>For more information on the situation in practice see Valtioneuvoston kertomus kielilainsäädännön soveltamisesta 2009.

<sup>31</sup> See also Tallroth 2004 a, p. 516.

## Language Rights to Strengthen the Status of Minorities – the Linguistic Identity of Finno-Swedes as an Example

in this case, constitutional level. The problems are therefore not based on legislative deficiencies, but are instead caused by the practical lack of knowledge where civil servants do not speak both languages fluently.

The Language Act is regarded as a detailed and concrete instrument to help the authorities with language provision and so on, but it also has a symbolic value. One of the aims is to promote and protect biculturalism. It was mentioned in the *travaux préparatoires* that one of the aims is to keep Finland Swedish bilingual culture alive in an ever more international world (Kielilakikomitean mietintö 2001, p.3).

The purpose of the Language Act, according to Section 2, is to ensure the constitutional right of every person to use his or her own language, either Finnish or Swedish, before the courts and in other authorities and to ensure the right of everyone to a fair trial and good administration irrespective of language and to secure the linguistic rights of an individual person without him or her needing specifically to refer to these rights. According to the same Section, an authority may provide even better linguistic services than what is required in this Act.

The purpose of the Act therefore illustrates clearly how language and linguistic rights are seen as instruments to realize other rights and as a tool for communication, as already mentioned earlier. However, the Linguistic Act does not include any sanctions, which is why it is said to be toothless. Although if civil servants do not comply with the regulation, they may be committing an offence in office according to criminal law. There has been some discussion as to whether the Language Act should include specific sanctions to better fulfil the linguistic needs (Tallroth 2008, p. 11).

### Analysis

The strong symbolic value of bilingualization emanates from history. Geographically, Finland lies between Sweden and Russia and it has also existed historically between Sweden and Russia. During the Russian era, the risk of losing its status was not a risk for the Swedish language due to a choice of values and culture. Finland had chosen the Western world and Nordic co-operation. This makes it easier to maintain a strong status for the Swedish language in Finland even today. From that perspective, it is not only a question about the protection of a minority, it is also a matter of survival. The protection of the language and culture in this case meant the survival of the country as a whole as well as of nationality including both Finns and Finno-Swedes. The Swedish language and culture have been tools in this fight. Therefore, it is not only by chance that this rather small minority group has such a strong position.

Finland's fate as a border country between the West and the East, with the Nordic countries and especially Sweden on one side and Russia on the other as neighbors has played a major role. Different choices have often had a political meaning and impact too. The strengthening of one area often leads

to the weakening of another if not in a concrete manner, and with certain symbolic effects.

This survival instinct and the fight for values to be defended is still current today. There is a war on in Europe where similar choices are being made in people's everyday lives. Even other countries are planning their choices and finding collaborative partners. The protection of culture including language has a deeper meaning and these types of choices affect values and policies. It is a question of which group you wish to belong to. The protection of culture is not only a legislative matter and the legal tools used also have a political impact. Finno-Swedes are not the only example of that. Often, cultural and linguistic minorities and their protection is a wider political matter too.

Practical legal tools to protect and promote a language are important and the legislation is a necessity. Still, the symbolic effect of legislation plays a major role. Language, culture and surviving as a minority, these are ultimately spiritual matters. If we are not mentally ready to protect and to belong to one group, there is not much hope for effective protection in spite of the otherwise effective legislative tools. The actual acceptability of legal norms always plays a significant role but, in this case, it is a necessity which makes the norms either work or desuetudo. Traditionally, Nordic law is lay dominated and it has never lost its connection with normal people's everyday lives (Pihlajamäki 2004, p. 486.). Law is not something which stands alone but its validity relates to social needs and people's values. It is important that the law corresponds with the practical concerns of society. In other words, a legal solution must work in practice and correspond with the current values of the society in question so that the law can be followed without moral dilemmas and for it to be valid. If it does not, the law can ultimately be seen as not valid (Ervo 1996, p. 35). In this sense, Nordic law has been more about the experience than the logic and Nordic jurists are, by tradition, pragmatists (Pihlajamäki 2004, p. 487).

It has been claimed that the goal of the Finnish linguistic protection is a practical one: to intensify communication (Ervo - Rasia 2012, p.65.). The approach is therefore instrumental. The instrumental approach in the legislation is typical for the Nordic countries. Namely, the main phenomenon shaping East-Nordic legal culture is Scandinavian realism. It was the Nordic – especially Swedish - reply to the critique of legal formalism (Sreeparvathy 2011). Scandinavian legal realists abandoned natural law theories as metaphysical and legal positivism as unscientific. Jurisprudence should instead be understood as social theory and legal policy as social technology (Pihlajamäki 2004, p. 472 - 474 and Sreeparvathy 2011, pp. 15–16). The perspectives and objectives are pragmatic (Pihlajamäki 2004, p. 471 and Sreeparvathy 2011, pp. 13–14). It was demanded that philosophy and law needed to be made to serve social needs. Alf Ross stressed this perspective and wanted to see law as a social policy

## Language Rights to Strengthen the Status of Minorities – the Linguistic Identity of Finno-Swedes as an Example

(Pihlajamäki 2004, p. 471 and Sreeparvathy 2011, pp. 13–14). Ross claimed that the task of a legal scientist was to function as a “rational technician”, assisting the political decision-makers by elaborating on the most appropriate means by which a given end can be realized (Ross 2013, p. 466). It was typical of Scandinavian realism to perceive law from the perspective where law can really change society (Malminen 2010, p. 319).

However, Finnish legislation on linguistic rights is not only about that. There is in addition a strong symbolic value and effect. Already the constitutional term “national” language has an enormous value as a symbol for equal linguistic status.

There are three levels of linguistic protection in the Finnish constitution. National languages, specific protection for some other minority languages and then the third group of “others”. Already this ranking and the three different levels of protection signal significance and have a symbolic, and not only practical, instrumental value.

How about the future then? Globalization belongs in our daily lives. In Europe, we enjoy free movement which is one of the most important pillars of the European Union. At the global level, we discuss sustainability as having a global approach and the discussion is based on global values. Mobility and globalization may only have a narrow effect on linguistic rights because the instrumental approach no longer holds. Still, the same phenomenon may backfire. In the midst of globalization, local culture and national values become important as soon as there is a threat against them and as soon as it becomes a question of survival and of existence. The linguistic rights, the protection of local culture and linguistic as well as cultural identity are not old-fashioned matters in the global world or among cosmopolitans either. As soon as cosmopolitans get into trouble, their own language and culture rise to an unpredictable value. The linguistic identity of Finno-Swedes is a good example of how deeply the value of having a language and culture is among us. Despite a long Russian era and later the minority status in Finland where the vast majority are Finns, the linguistic status has survived and is still today unique and strong among Finno-Swedes without any signs of disappearing and probably the real risk of disappearance is during the good days when there is no need to fight for existence. Nationalism and appreciating your own local culture and own language go hand in hand with life’s challenges. It is said that a person can endure anything but good days. The same applies to linguistic identity - it blooms and grows especially in difficult times.

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Language Rights to Strengthen the Status of Minorities – the Linguistic Identity of Finno-Swedes as an Example

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