

## Language use in public administration – theory and praxis in Slovakia

### Abstract<sup>1</sup>

This paper deals with the relationship between the Slovak language and the Slovak nation as articulated through institutional discourse, which falls somewhere between the language of public administration and the language of politics. There is an act relating to the Slovak language in Slovak legislation which leads to a requirement to define language in a specific way. This manifests itself in a strict language scheme which employs terms like “language regularities”, “language rules” and “language laws”. In order to distinguish so-called correct expressions from incorrect ones, which is important in public administration praxis, a simple model of language and language norms has been set in.

Public institutions use the concept definition of language, based on a very specific ideology, namely “systemism”. Language is seen as a structure of clear grammatical and lexical rules, even if the actual use of the language contradicts these in numerous cases. The paper analyses this official language ideology and explores specific cases where the system of “language rules” has been used to justify the refusal of some language users’ requests – for example a petition to change the name of a village, and a request from women for the right to choose their surname.

### Abstrakt: Používanie jazyka vo verejnej správe – teória a prax na Slovensku

Príspevok sleduje prepojenia medzi slovenským jazykom a slovenským národom, tak ako ich vyjadruje inštitucionálny diskurz (diskurz, ktorý sa nachádza medzi diskurzom verejnej správy politickým typom diskurzu).

Slovenská legislatíva operuje zákonom o štátnom jazyku, a tak aj silnou potrebou presnej definície jazyka, používajúc pojmy ako jazykové zákonitosti, pravidiel, jazykové zákony. Úsilie oddeliť tzv. správne jazykové formy od nesprávnych viedlo k vytvoreniu jednoduchého modelu jazyka a jeho fungovania, čo vyhovuje potrebám štátnej správy.

Inštitúcie tak narábajú s konceptom jazyka, ktorý je založený na veľmi špecifickej ideológii systemizmu. Jazyk sa považuje za štruktúru gramatických a lexikálnych pravidiel, o ktorých pravdivosti sa dá jednoznačne rozhodnúť (hoci v mnohých prípadoch je jazyková prax odlišná). Autori štúdie sa v analýze oficiálnej jazykovej ideológie sústreďujú na prípady, v ktorých sa takzvané systémové jazykové pravidlá použili ako argument pri odmietnutí požiadaviek používateľov a používateľiek jazyka (petícia za zmenu názvu obce, ženy požadujúce právo na možnosť slobodného výberu tvaru svojho priezviska a podobne).

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The aim of this paper is to provide an insight into the management of language led by the Ministry of Culture of the Slovak Republic, based on a content analysis of key documents. The authors also focus on the conflict between regulations (with a range of legal powers) and real language practice. We identify specific problematic issues in the protection afforded to the official or majority language, i.e. the state language as used in Slovak legal discourse. The article contributes to the debate on the non-compatibility of professional and legal concepts (norm, disposition, codification).

According to the *bon mot* of Juraj Dolník, professor at the Faculty of Philosophy at Comenius University, “it is always good when language or its regulation is linked with power.” He adds, however: “Yet not with any power, only with the power of knowledge.” This paper depicts the Slovak experience of what happens when language collides with a different kind of power (usually the state), which strives to subject the language to its utilitarian goals and interests.

A good example of the symbiosis of the three-way relationship between language, its regulation, and power, is the political situation of language in Slovakia. When talking about this issue in different countries it is important to consider their language-related legislation, although this may change over time depending on the changing policies of individual governments. During the era of the independent Slovak Republic (from 1993), the long-discussed Act on the State Language was adopted in 1995 (under Vladimír Mečiar’s rule). The Act included sanctions, i.e. financial penalties for breaking the law. However, the sanction element was revoked by the next government, led by Mikuláš Dzurinda (1998), only to be revived again by a change under Robert Fico’s rule in 2009, followed by a short interruption in 2011 when the range of sanctions was narrowed. (The proposed law to cancel the sanctions was apparently too controversial to be discussed in the Slovak national parliament). The issue of “the language act in Slovakia” became the subject of international attention during this period (for more detail see Ondrejovič 2010).

The so-called Central Language Committee at the Ministry of Culture of the Slovak Republic, as the advisory body, played a vital role in the whole procedure. The committee took a decisive part in the preparation of the language Act. What was unique about the Central Language Committee was the fact that it had started – at least originally – as a professional commission (including linguists from different universities and the Slovak Academy of Sciences, with a diverse spectrum and orientation), yet after its fundamental reconstruction in 2007, it became a political body rather than a body representing the linguistic professional community.

To sum up, since the emergence of the independent Slovak Republic, each government, regardless of its political orientation, has revised the content of the Act on the State Language, which vividly illustrates the political role of language in Slovak social discourse.

## 1. Act on the State Language and its limits of definition

Bearing in mind that the Slovak language is the most important attribute of the Slovak nation's specificity and the most precious value of its cultural heritage, as well as an expression of sovereignty of the Slovak Republic and a general vehicle of communication for all its citizens, which secures their freedom and equality in dignity and rights in the territory of the Slovak Republic [...] (The Act on the State Language, Article 1)

The introductory article of the Act on the State Language spells out the position of the Slovak language within the Slovak Republic. The expression "state language" itself is relatively unusual in the international context (English: majority language, German: Mehrheitsprache), and despite the possibility of replacing it by a synonyms such as "majority" or "official" language, Slovak legislation continues to use the expression "state language". The state language as the main attribute of the Slovak nation, referred to elsewhere as "state-forming" (Act on the Merits of Andrej Hlinka in the State-forming Slovak Nation and the Slovak Republic – 531/2007 Collection of Laws), may be considered as the national civil principle present in the legal discourse. The protection of language in these social and political conditions is directly conditioned by society's attitudes and opinions towards language and its functioning, i.e. language ideology (see Van Dijk 1998; Wodak 2007). It gives legitimacy to the protectionist approach towards the Slovak language, which, in our opinion, is best expressed by the wording of Article 2 (3) of the Act on the State Language:

*Any interference into the codified form of the state language which is in contradiction with its dispositions is inadmissible.* (The Act on the State Language, Article 2 (3))

The codified form of the state language is announced and published on the website of the Ministry of Culture of the Slovak Republic, which also decides what is deemed contradictory to its dispositions. The wording of the Act raises additional questions: we are interested in what is meant by "interference" with the codified form and the "dispositions" of the language. The Slovak term "law" (zákon) is etymologically and morphologically very close to the term "disposition" (zákonitosť). Although "disposition" is used in the official English translation, it fails to do justice to the relationship between the two expressions (zákon and zákonitosť) which both refer to the concept of legality. Therefore, we believe that expressions such as "natural laws" or "principles" should be considered.

## 2. The norm as a problem

The expression "natural law" bridges the gap between the "norm" in language and the "norm" in the legislation process; we guess we are facing a situation

where the understanding of the language norm is minimised to conform with the needs of legislation. The need to reduce the norm of standardised language is even more pressing, as the Act on the State Language implies sanctions – in the spirit of “where is law, there must be a sanction.” The experts at the Ľudovít Štúr Institute of Linguistics (J. Dolník, S. Ondrejovič, K. Buzássyová, S. Mislovičová, more recently J. Vrábľová, and L. Satinská) have expressed the opinion – mainly in interviews in printed and electronic media – that the use of language should not be linked with punishment, as citizens will not build a positive relationship with the language through fines.

The most common argument used against such opinions is the argument asserted by the “powers that be”, as well as by certain sections of society, that law without sanctions is toothless, a mere unenforceable piece of paper. The question, however, is whether language-related acts have a place in the area of so-called “hard legislation”. The situation in Europe and the rest of the world does not suggest that it should be necessary; only seven – including Slovakia – out of 26 EU countries have laws implying sanctions. Natural language expresses our relationship with the world, and interfering with it may be very problematic.

Year	Number of Sanctions awarded
2007	1
2008	3
2009	0
2010	2
2011	1

Tab. 1: The table depicts the number of fines imposed for breaching the Act on the State Language (out of a total number of 33 suggestions). Source: Report on the State of Use of the State Language in the Territory of the Slovak Republic 2012

The original idea behind the legislation (and its revisions) was the poor state of the literary language (or *codified form of the state language* as it is called in the terminology of relevant documents in Slovakia) that needed to be improved, but the whole story was obfuscated by political mists. Thus the case became a political or politico-legal issue to such an extent that it is difficult to find anything “purely linguistic” in it (cf. Vrábľová 2014). The politicians’ polemic on the revision of the state language act increasingly focused on legal issues about whether it would affect the rights of minorities or not. Yet there were other issues that linguists had been concerned with from the very beginning, namely that the revision of the law interferes in the language culture via direct language-related political measures, despite the fact that its task is, as stated by Dolník (2009), to

“create optimal conditions for standard performance of language and its research.” It is untenable for those in a position of political power to decide upon the codified norm as, by means of this law, it not only defines where to apply “the codified form of the state language”, but also which sources should be its points of reference (i.e. which are the officially codifying works).

In the Slovak language environment, language is referred to as “literary” and “codified”. These terms are often used interchangeably, although in theory “literary” is a much broader concept than “codified”: the latter deals with only one part of literary variety. The norm as implicit, unconscious knowledge stored in the minds of the members of a language community, or as an abstraction based on the notion of general or common speech generally used in a broad area (e.g. Nebeská 1996), is not sufficient for the needs of legislative practice.

In this kind of discourse, it is also necessary to define who sets the norm, i.e. which language authorities influence the process of codification. The article under which “the Ministry of Culture of the Slovak Republic *approves* the codified form of the state language and publishes it on its website” represents a problem for contemporary Slovak linguistics (or for part of it, to be more precise). While in the past a political body merely asserted the codification, leaving the approval process to the experts (compare with e.g. Novák 1934), nowadays it is the ministry that, in line with the law, *approves* the codification and *publishes it on the Internet*. So, if the orthographic or orthoepic committee (with a nationwide scope, including representatives of all the important universities or academic institutions in Slovakia) agrees changes to the codification, this may not be enough – the final decision rests with the Central Language Committee. The codification process is set out in the Act on the State Language, yet the word “publishes” was substituted for the word “announces” without any official revision of the law, just in the form of an announcement (number MK – 1973/2014-110/10343, available online at [www.culture.gov.sk/posobnost-ministerstva/statny-jazyk/zverejnenie-kodifikovanej-podoby--2c4.html](http://www.culture.gov.sk/posobnost-ministerstva/statny-jazyk/zverejnenie-kodifikovanej-podoby--2c4.html)).

### **3. Conflict between Legislation and Democratic Language Practice**

We can see a certain tension between the phenomena within so-called language laws or principles (zákonitosti) and real language practice. The following cases from language practice clearly illustrate this discrepancy. It is interesting to follow the principle of power, namely the application of the article mentioned above, on the inadmissibility of introducing modifications into the codified form of the Slovak language. “*Power does not necessarily derive from language but language can be used to challenge power, to subvert it, to alter distributions of power in the short and in the long term*” (Wodak-Meyer 2009). In this second section we will illustrate the conflict of power exerted by language on three cases.

The Act on the State Language binds the Ministry of Culture to implement a report on the use of language which is submitted to the National Council of SR on a bi-annual basis, being *de facto* the only source of information considered to be made by professionals. The language issues, as described in the texts published by the Ministry of Culture, are two-fold: 1) the absence of the Slovak language in certain spheres, which leads to a lack of understanding; 2) the form of Slovak language used, which inhibits understanding because it deviates from the codified norm. “Serious communication problems are also involved by not knowing the language system (norm)” (Report on the Use of State Language Situation 2012).

Here is the list of communication problems as described in the Report:

- 1) the speech is not in accordance with the system of Slovak language;
- 2) communication breakdowns;
- 3) reinterpretation of received speech code (into the norm in force) is necessary;
- 4) fluent communication is corrupted.

According to the unknown authors of the Report, linguistic mistakes make the transfer of communication more difficult because the recipient of the communication has to translate it into the correct codified version of the language. As a result, the norms (the order, organisation system) need to be respected in official and public contact.

Apart from that, the excerpt of the document quoted above is the only part written in a professional style. In addition, it is anonymous and cannot be considered plausible when compared to any theory of communication.

Another document that has been analysed – the “Conception of State Language Management” (2001) – concluded that the problem is a consequence of the “toothless” legislation. Therefore, introducing sanctions will increase the quality of the state language. The logic behind the argument is as follows:

1st premise – the condition of the state language is grim.

2nd premise – there are no sanctions for not observing the Act on the State Language.

3. Conclusion – it is necessary to introduce sanctions in order to improve the level of the state language.

We consider this logical reasoning to be flawed, as there is no logical link between the premises.

Both the 2012 and 2014 reports on the usage of the state language find the position regarding the level of knowledge of the state language as generally unfavourable in various observed areas (kindergartens, elementary, high schools, schools with Hungarian as the language of instruction, media sphere). The criterion used is mastery of the codified form of the state language. The report also contains a list of “typical” notorious mistakes, e.g. using expressions considered as “bohemisms”. We cannot say that using these words hinders understanding,

because of their frequency and classification into a certain style. Yet, the norm of the codified form of the language – described in the “Rules of Slovak Orthography” (2000), “Short Dictionary of Slovak Language” (4th edition 2003), “Morphology of Slovak Language” (1966) and “Rules of Slovak Pronunciation” by Á. Král’ (the newest edition 2009) – views it as a problem.

There are other recent language norms of the Slovak language – more up-to-date and more specific than the ones listed above – but, for some reason, the “power” excluded them from the list of codifying texts. This is particularly the case with the “Dictionary of Contemporary Slovak Language”. With its 250,000 entries, it will be the most complete description of the vocabulary of contemporary Slovak language (the third volume is so far in print, out of the planned six volumes in total). The explanation of the spokesperson of the Ministry of Culture of SR as to why the Ministry did not accept it as one of the official codifying texts, and why this title is not even mentioned as a recommended text on the Ministry’s website, is rather curious. In the Ministry’s opinion, the dictionary does not distinguish between the literary and non-literary lexis, *ergo* it may not serve as a codifying text. And yet anyone who scans through the “Dictionary of Contemporary Slovak Language” can easily see that the literary lexis is distinguished from the non-literary one not only through qualifiers, but also by different colours. Perhaps it is the simple fact that the words are to be found in the dictionary that causes problems. Thus, we may see a conflict between language practice and a more normative approach towards language. Lately, the dispute has led to a culmination in more than one case.

#### **4. Word-formation of Feminine Surnames**

In the Slovak language, most female surnames are formed by adding the suffix *-ová* to a male surname (e.g. male Kováč, female Kováčová). According to the Act on Register Offices, women with Slovak nationality are obliged to use this form of surname. However, many factors (travelling, living and working abroad) led them to reject this form of surname. In 2012, the Ministry of the Interior of the Slovak Republic prepared a draft law, based on which female Slovak citizens could ask to modify their surname and write it without the suffix *-ová*, without having to register as a different nationality (which was the way women had by-passed the regulation).

During the inter-departmental comment process about the Act on Register Offices in April 2013, the Ministry of Culture (within which the section of the state language operates) qualified this request as unlawful, referring to the “Catch 22” clause: “Any interference into the codified form of the state language which is in contradiction with its dispositions is inadmissible.” One year prior to that, the Ministry of Culture had explained the ideological background in the report as follows:

New elements in society and efforts to draw closer to foreign culture are manifested through language as well. Apart from the excess use of foreign words, particularly English words and anglicisms, it also rejects the use of the suffix *-ová* in feminine surnames, which in reality (in the case of some holders) formally signifies the rejection of Slovak citizenship or makes the identity (gender and nationality) of their holders ambivalent [...]. (Report on the State of Use of the State Language 2012)

## 5. Law vs. Referendum

The State Language Act was also used as an argument in considering the request of the inhabitants of the town of Tešedíkovo, who organised a local referendum regarding the change of the town's name. The historical name of the town, Pered (with the first record dating back to 1237) was replaced by Tešedíkovo in 1948 (according to the Hungarian historian Samuel Tešedík, who had never lived in the town and who has no link whatsoever with the place). The majority of the inhabitants have Hungarian nationality and 66.36% (1,341) said 'yes' to the question "Do you agree with changing the name Tešedíkovo to the historical one – Pered?", with 33.64 % (679) against. The Ministry of the Interior did not implement the results of the referendum by changing the name (which is not required by law); instead they opted for "considering also other circumstances and facts". (The reaction of Interior Minister Robert Kaliňák is available online: [www.most-hid-regiony.sk/HTML/wpcontent/uploads/pdf/Kalinak\\_pered.pdf](http://www.most-hid-regiony.sk/HTML/wpcontent/uploads/pdf/Kalinak_pered.pdf)).

These circumstances were, once again, the State Language Act, which stipulates that the "official names of municipalities and their districts are conducted in the state language" (*ibid.*), so the Terminology Committee of the Ministry of the Interior of SR, supported by the position of the Ministry of Culture of SR, "do not recommend the change of the name". The grounds for it are as follows: the name Tešedíkovo is a registered name, since it is a municipality name, while the name Pered is not registered; which is why requesting its registration is not in accordance with the state language.

There have been other petitions related to the codified version of the Slovak language. The inhabitants of the city Nitra, the so-called Nitrانيا, asked to call themselves Nitrancia. Nitrancia is a product name of salami, and one of the organisers, Gontko, said in a Slovak newspaper. "We are not Nitrancia; we are not some sort of salami, as they try to present us in The Linguistic Institute of Ľudovít Štúr. Our goal is to return to the name our grandparents and parents were used to." Later on he added a metalinguistic statement. "It is important to consider how language is actually used, and to look for a way to preserve people's real traditions – not to modify language norms in an artificial way," said Gontko.<sup>2</sup>

<sup>2</sup> Available on: [webnoviny.sk/slovensko/nitrancia-spisuju-peticiu-chcu-sa-vol/412231-clanok.html](http://webnoviny.sk/slovensko/nitrancia-spisuju-peticiu-chcu-sa-vol/412231-clanok.html).

In any case, the Linguistic Institute is not competent to change the norm of codified language (as was mentioned above). The efforts of Nitra's inhabitants illustrate the problem from a sociolinguistic point of view. It clearly shows the frustration of language users (literally asking for two versions of their designation as citizens in the dictionary) and the misunderstandings related to the perception of the Act on Language Law.

Language reflects power structures – and language has an impact on power structures. Language can be seen as an indicator of social and therefore political situations – and language can also be seen as a driving force directed at changing politics and society. (Wodak 2007, 1)

The examples quoted imply that the selection of the most prestigious language variety plays a distinctive role when referring to the State Language Act (quite apart from the supervision of the presence of the state language in the territory of the Slovak Republic, as often declared by politicians).

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