



European States and Status of State Languages De Jure and De Facto

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Abstract: This article deals with the issue of understanding the term ‘state language’ through the lens of the relationship between the concepts De Jure and De Facto. Based on their possible relationship which occurred at the constitutional level and practice of European states, I created four groups (De Jure and De Facto are the same, non De Jure but De Facto, transition group, and special cases of De Jure and De Facto). By using these four groups, I was able to categorize a research sample consisting of 42 European countries. This not only managed to portray the linguistic situation regarding state languages in Europe but also offered one of the supporting options for determining, within the framework of official language designation and language planning, which of the dominant languages in a country could truly be the state language. The main output of this article is thus a table that divides the 42 states into these four groups, containing data on the state language and its constitutional status for each state.

Keywords: State language, De Jure, De Facto, Europe, Constitutions.

Summary: 1. Introduction; 2. Methodology; 2.1 Research Sample; 2.2 Roadmap of research; 2.3 Creating results; 3. Creating groups; 3.1 De Jure and De Facto are the same; 3.2 Non De Jure but De Facto; 3.3 Transition group; 3.4 Special cases of De Jure and De Facto; 4. De Jure and De Facto state language of the research sample; 5. Conclusion.

1. Introduction

After reading several constitutions, regardless of whether they are constitutions of European states or from other continents, the researcher encounters a discrepancy between the status definitions of the dominant languages in the state. Although there are no general rules yet on how to properly conceptualize an official language in such a way to be able to generalize about the roles that dominant languages may have in a state, it is possible to attempt to determine the status of a state language through official language designation.

As part of the official language designation², it is crucial to clarify how the status of the state language emerged within the framework of status planning³. In the practice of European states, we can encounter situations where states choose to include provisions for a state language in their constitution, as well as situations where states decide that there is no necessity for one of the privileged languages to be elevated to a constitutional level. However, this does not imply that such a state does not have a status-defined state language. When there is no provision for the status of a privileged language, we must examine the language in which the constitution is written. The state language of a given state thus becomes the language in which that state's constitution is composed. Therefore, the language does not gain its status merely by being constitutionally elevated by a provision (i.e., De Jure), but also because the constitution is written in that language (i.e., De Facto).

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² Term introduced in publication S. CHOUDHRY, E. HOULIHAN, *Official Language Designation: Constitution-Building Primer* 20, Strömsborg, 2021.

³ See more, for example, R. L. COOPER, *Language Planning and Social Change*, Cambridge, 1989, p. 183.; or G. FERGUSON, *Language Planning and Education*, Edinburgh, 2006, p. 33.



However, the theory as conceived does not seem to encompass all possible situations that arise within the European context in this article. The first issue is the use of the terms *De Jure* and *De Facto*. When considering the theoretical framework, it is somewhat challenging to conceptualize the terms *De Jure* and *De Facto*. According to one point of view, these two concepts form strict opposites.⁴ According to another perspective, it is possible to have situations that are *De Facto*, which may eventually become *De Jure* over time.⁵ Because of this, I adopt in this article a pragmatic approach: *De Jure* and *De Facto* situations actually can be the same, if the legal designation and practical usage coincide. Separately, the term *De Jure* means that the state language is explicitly enriched in the constitution in a particular provision (for example Slovak Constitution and art. 6), and *De Facto*, where the status of the state language derives from the fact that the constitution is written in that language (for example, the Czech Constitution).

The second fundamental problem is that this framework is not easily applicable to countries with constitutions (or laws or international treaties representing the constitution) that are polylegal,⁶ with each written in a different language. This complexity often arises from the historical context of the first documents, which reflected the linguistic and demographic distribution of the time. Due to the variety of languages, the question arises: Which language of which law is actually the state language?

At the same time, the lack of a clear conceptualization of the official language, and the ability to distinguish between the different statuses of privileged languages within the constitution or those in which the constitution is written is also evident here. This means that in certain cases, even when the constitution is written in a specific language (both in instances where other laws are part of the polylegal constitutional order, and in the inclusion of other authentic language versions of the same constitution), it remains unclear whether the language in question can be considered as a state language, especially if the language law of the country or the constitution itself imposes limitations on that language. I have thus decided that if the use of a language is restricted (either territorially or substantively) by a specific law, it cannot be considered a state language.

In my article, I would thus like to address the issue of the concepts of *De Jure* and *De Facto* applied to the understanding of the term 'state language' comprehensively. The main question of my article is: What is the *De Jure* and *De Facto* situation regarding state languages in Europe? The article aims to classify a research sample consisting of selected European states according to the relationship between *De Jure* and *De Facto* state language, but also to provide one of the insights into how to determine which language is directly the state language. In the work, which has a doctrinal and normative character, several methods are used – through observation, analysis, examination, interpretation and, above all, comparison - which will be further explained in the methodological chapter.

2. Methodology

2.1 Research sample

The research sample for determining the relationship between *De Facto* and *De Jure* consists of a total of 42 European states. In general, countries that do not have their entire main territory in Europe and states that are not sovereign and independent were not included in this sample. Specifically, the sample also does not include the Vatican due to its legal system and Ukraine, where the current political situation makes it more difficult to monitor the status, which can change from day to day, possibly affecting the timeliness of the data and the relevance of the research.

2.2 Roadmap of research

⁴ *De Facto*, Encyclopædia Britannica Online, <https://www.britannica.com/topic/de-facto>.

⁵ UPSC *Difference Between – De Facto and De Jure*, Unacademy, <https://unacademy.com/content/upsc/difference-between/de-facto-and-de-jure/>.

⁶ 'Polylegal' means that the constitutional order is not created by just one document, the Constitution, but by several such constitutional laws, as is the case in the Czech Republic. See more D. HENDRYCH, et al., *Právníkový slovník*, 3rd ed., Prague, 2009.



The process of working with the sample is as follows. First, the constitutions or legal texts that represent the constitutions were identified in official gazettes. I then focused on the languages in which the constitution is written (and published in the official gazette), and on the provisions that concern state languages. These provisions were later examined and interpreted. In this step, other sources for interpretation were also searched for, such as commentaries on the constitutions or other laws regulating the use of languages in the state. At the same time, information from the official gazette on authentic versions was collected. In case of uncertainty (which happened to be in the case of North Macedonia), I contacted a colleague from the university who deals with the issue of the status of the language in his country. I then compared the situation stated in the provision of the constitution with the actual situation, i.e. in what language the constitutions were written for each country of the research sample.

2.3 Results

Based on the comparison, I created a set of four groups that illustrate possible relationships between the De Jure and De Facto state language in each country. Each of these groups, which will be introduced in the following chapters, is accompanied by explanatory comments and, if needed, their possible relationships. The commented groups are then followed by a chapter consisting of tables which contain information about the constitution (or in the legal texts that constitute the constitution) and state languages of all 42 countries in the research sample, while being divided and categorized according to those four groupings.

3. Creating the groups

3.1 De Jure and De Facto are the same

The first group that could be discerned in the relationship between De Jure and De Facto in the practice of European states is that the two concepts coincide with each other. This means that there are states that have chosen the status of a state language or languages in their constitution and at the same time the constitution is also written in that national language (in the case of multiple national languages, there are language versions in all these languages, and they are understood as authentic language versions, not just translations)⁷.

An example could be Slovak Republic, which states in Article 6 that the state language is Slovak and is also written in Slovak, or Portugal, which constitutionally elevates the status of Portuguese and the whole Constitution is also written in this language.

As far as the multi-language states are concerned, for example, the Republic of Ireland recognises both Irish and English as its state languages, and there are two authentic language versions of its Constitution, one in Irish and the other in English. The only difference is that in the event of a conflict of interpretation, the Irish version takes precedence. In this group we thus also encounter states trying to promote, in the process of linguistic revitalization, indigenous language which holds a strong symbolic value.⁸

⁷ The main difference between authentic language version and translation is, that translations are in most cases not legally binding. The European Union uses the same practice. The principle of equal authenticity (also called principle of language equality) applies here, when language versions of EU Law (written in all "official languages" given by Regulation No. 1) are equally authentic and have the same meaning. On top of that conclusion of 13 June 2005 on the official use of additional languages within the Council and possibly other Institutions and bodies of the European Union was issued by Council of EU, based on which use of other, additional languages (even if certified translation is made in that language) is not an authentic version and therefore not legally binding. See more: E. MIŠČENIĆ, *Legal Translation vs. Legal Certainty in EU Law*, in E. MIŠČENIĆ, A. RACCAH (eds.), *Legal Risks in EU Law: Interdisciplinary Studies on Legal Risk Management and Better Regulation in Europe*, Cham, 2016, p. 90.; or *Legal Aspects of EU Multilingualism*. European Parliament (2017), p. 5, https://www.europarl.europa.eu/RegData/etudes/BRIE/2017/595914/EPRS_BRI%282017%29595914_EN.pdf.

⁸ E. SHOHAMY, *Language Policy: Hidden agendas and new approaches*, London, New York, 2006, p. 61.



Even in the case of Switzerland, there are authentic language versions of the Constitution in all three main languages (German, Italian and French). When it comes to Rhaeto-Romance, since the usage is limited by the Swiss Constitution itself, the language cannot be perceived as a state language. This is also confirmed by the note in the Rhaeto-Romance translation of the Swiss Constitution that this version is only informative and not legally binding.⁹ This proper distinction between statuses could be seen as a manifestation of careful management of language hierarchy in its own constitution.¹⁰

Generally, in all states in this group, enshrining the language into the constitution, which are De Jure and De Facto same state language(s), strengthens the legal status¹¹ of these languages and, in most cases, creates an easier operational space for governance.¹² Also adding in the constitution language(s), which is/are really used, and the constitution is even written in this language(s) as an authentic version, reflects the link between language and the nations in the states. That also helps to amplify the cultural legitimacy¹³ and actual unity in the eyes of their own citizens.¹⁴

3.2 Non De Jure but De Facto

Typical for this group are states where the language is not directly enshrined in the constitution, but where the status of the state language can be traced back to the language of the constitution of the particular state.

This group include, for example, the Czech Republic. The Czech Constitution does not regulate the status of any privileged language in any way. Nevertheless, we know that the state language of the Czech Republic is Czech, because the Czech Constitution and The Charter of Fundamental Rights and Freedoms are written in the Czech language (i.e. De Facto). Another European example is Germany, which also does not have De Jure state language in its Grundgesetz, but the state language is German, because the law is written in that language.

In case of all the states in this group, we can encounter diverse background for choosing only De Facto state language. Mainly, it could be connected with the historical continuity, which could also be connected with the assumption of relative homogeneity¹⁵ rooted in a strong ethno-linguistic identity.¹⁶ On the other hand, as in the case of Germany, there is also a reflection of constitutional minimalism¹⁷, which here relates to a post-authoritarian democratic framework. The state precisely avoids constitutionally designated language, as part of distancing from its ethno-nationalist past.¹⁸ Another reason could be the absence of a disputed societal status, which made it unnecessary to designate the state language formally.

⁹ For example, we can find the note on legal binding at the beginning of the Swiss Constitution in Rhaeto-Romance. Original of the note: „Rumantsch è ina lingua naziunala, ma ina lingua parzialmain uffiziala da la Confederaziun, numnadain en la correspundenza cun persunas da lingua rumantscha. La translaziun d'in decret federal serva a l'infurmaziun, n'ha dentant nagina validitad legala.” Translation: “Rhaeto-Romance is a national language, but a partly official language of the federal government, i.e. in correspondence with Rhaeto-Romance speakers. The translation of a federal decree is for information purposes but has no legal validity.” *Constituziun federala da la Confederaziun svizra...* Fedlex, <https://www.fedlex.admin.ch/eli/cc/1999/404/rm>.

¹⁰ F. GRIN, *Language Policy Evaluation and the European Charter for Regional or Minority Languages*, Houndmills, Basingstoke, Hampshire, 2003, p. 87.

¹¹ S. MAY, *Language and Minority Rights: Ethnicity, Nationalism, and the Politics of Language*, New York, London, 2012, p. 5 and p. 145.

¹² J. C. MAHER, *Multilingualism: A Very Short Introduction*, Oxford, 2017, p. 74.

¹³ K. A. WOOLARD, *Language variation and cultural hegemony: toward an integration of sociolinguistic and social theory*, in *American Ethnologist*, 12(4), 1985, p. 739.

¹⁴ A. KOGABAYEVA, A. KURMANALIEVA, P. CATTERALL, S. KAUPENBAEVA, *About the Role of Language in the Formation of National Unity*, in *Journal of Philosophy Culture and Political Science*, 91(1), 2025, p. 65.

¹⁵ see e.g. G. EXTRA, D. GORTER (eds.), *Multilingual Europe: Facts and Policies*, Berlin, New York, 2008, p. 185.

¹⁶ S. WRIGHT, *Community and Communication: The role of language in nation state building and European integration*, Clevedon, Buffalo, Toronto, Sydney, 2000, p. 15.

¹⁷ See e.g. W. KYMLICKA, A. PATTEN (eds.), *Language Rights and Political Theory*, Oxford, 2003, p. 50.

¹⁸ S. WRIGHT, *op. cit.*, p. 45.



Also, all the European states which belong to this group are constitutionally monolingual, and although there is no state language declared in the constitution, it does not intuitively point out possible linguistic diversity at first sight. Despite being partially more flexible than the previous group, it can face clarity issues¹⁹ or make the future multilingual reforms (which could be caused, for example, by many types of migration or the rise of minorities) more difficult.²⁰

3.3 Transition group

This group includes two types of situations. First, situations where De Jure and De Facto language do not coincide, because the constitution granted the status of a state language to a language other than the one in which it is written, and second, situations where De Facto state language of the whole constitution changed to another one.

In the case of the first situation, we can name as an example Moldova, which until recently had the Moldovan language as its state language. However, there are disputes over the existence²¹, and its inclusion in the Constitution was intended to serve as an expression of the national identity of the Moldovans. The Constitution was written in Romanian. Today, the Moldavian Constitution states that Romanian is the state language.

For the second situation, we can name Montenegro and Norway. In Montenegro, the De Jure state language is Montenegrin, but the codification ended after the latest Montenegrin Constitution became effective. During the years before the end of codification, the state language was De Jure Serbian as stated in the pre-amended version.²² In the case of Norway, after the Norwegian language was codified, the Constitution was translated from Danish into the new language (more accurately into its two standards), and it is the only authentic language version in Norway.²³

As of the second half of 2024 (when this research was created), this group can only be viewed as a transition group for two reasons. The first reason is that there has been a certain development of the language situation. In the case of Montenegro, it was possible to codify Montenegrin, and it is now truly the state language both De Facto and De Jure. In the case of Norway, it was possible to codify the current form of Norwegian, and the Constitution, although its wording did not change in content, was rewritten in this language.

The second reason is the change in provisions in the constitution. This is an example of Moldova, when, despite the challenge of the amendment at the Constitutional Court, there was a change not only in the Constitution, but also in other laws and the nomenclature 'Moldovan language' was replaced by 'Romanian language'.

It is also important to note that, since this group is a transition group, currently the three mentioned countries here thus overcome this discrepancy between De Jure and De Facto and can be classified into the two previous groups.

This group also mainly demonstrate how the process of setting language policy could be a sensitive process amplified by the issue of language symbolism entangled with political will,²⁴ especially in Montenegro and Moldavia. The case of Montenegro reflects a historic period of the nation-building process and identity formation, in which the linguistic reality was pushed to the background to prioritise

¹⁹ F. GRIN, *op. cit.*, p. 16.

²⁰ See e.g. M. BARNI, G. EXTRA, *Mapping Linguistic Diversity in Multicultural Contexts*, Berlin, New York, 2008, p. 217 or p. 295.

²¹ T. J. HEGARTY, *The Politics of Language in Moldova*, in C. C. O'REILLY (eds.), *Language, Ethnicity and the State*, London, 2001, p. 134. https://doi.org/10.1057/9781403914187_6

²² Council of Europe, Venice Commission, *Opinion on the Protection of Human Rights in Emergency Situations*, CDL-AD(2006)015, Strasbourg (4 April 2006), [https://www.venice.coe.int/webforms/documents/?pdf=CDL\(2005\)096-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL(2005)096-e).

²³ T. BULL. *The two Norwegian official written standards, Bokmål and Nynorsk. Linguistic and ideological implications on national bilingualism and biliteracy*, Journal.fi, p. 4. <https://journal.fi/afinlavk/article/view/79335/47252>

²⁴ B. SPOLSKY, *Language Policy*, Cambridge, 2004. p. 26.



a symbolic, constitutionally set language policy.²⁵ When it comes to Moldova, the previous choice of the Moldovan language was more a tool for national differentiation at the political level.²⁶ In both states, the process thus reflects efforts to affirm or construct the national identity. However, such a transition is also connected with negative implications, such as the ignition of internal controversy in the case of overlapping (linguistic) identities like Montenegrin vs. Serbian in Montenegro²⁷ or the creation of confusion in education or public administration.

On the other hand, the situation in Norway was much calmer than in the other states in this group. The transition from the Danish to the Norwegian language was a slow and long process (beginning after independence from Denmark in 1814 and taking around two centuries), which was not undermined by such radical ruptures.²⁸

3.4 Special cases of De Jure and De Facto

The last group deals with special cases of the relationship between De Jure and De Facto state language, where the relationship between these two concepts cannot be thus easily resolved as in the case of previous groups due to legal, historical or structural ambiguities.

Firstly, this group includes those states for which, because of their polylegal constitution, it is not possible to simply determine what the state language is. The De Jure rule cannot be applied, since it is not mentioned in any of the laws, but neither can the De Facto rule, since the laws constituting the constitution are written in multiple languages. For example, in the case of San Marino, the first laws or texts constituting the constitution were written in Latin, but others have been written in Italian. It is therefore necessary to look into the language laws of language practice of the country.

Secondly, it is also necessary to look into the language laws for countries that have a constitution published in the official gazette in several languages, which are all recognised by the constitution. The problem is caused by the lack of conceptualization of official language and the non-differentiation of status between languages. It cannot be said that all the languages in which the constitution is written are official languages, because the language law (or the constitution itself) restricts one (or more) languages either according to the place of use or according to the areas for which it is used. An example of this problem can be seen in North Macedonia, where the Constitution declares Macedonian and Albanian as official languages and, at the same time, the country has published the Constitution in both languages as authentic versions in the official gazette. However, the Albanian language is also restricted in the Constitution and is thus not a state language.²⁹ I also include in this problem case of Bosnia and Herzegovina, where one of the annexes of The General Framework Agreement for Peace in Bosnia and Herzegovina from 1995 makes the Constitution of that State. This agreement was written in a total of 4 languages - Bosnian, Serbian, Croatian and English.³⁰ The first three languages reflect the demographic and linguistic distribution of the state, where they are also considered privileged languages. Whereas

²⁵ R. BUGARSKI, *Language, identity and borders in the former Serbo-Croatian area*, in *Journal of Multilingual and Multicultural Development*, 33(3), 2012, p. 231.

²⁶ C. KING, *The Moldovans: Romania, Russia, and the Politics of Culture*, California, 2000, p. 77.

²⁷ N. CASPERSEN, *Elite Interests and the Serbian-Montenegrin Conflict*, in *Southeast European Politics*, IV(2-3), 2003, p. 118.

²⁸ E. H., JAHR, *Language Planning as a Sociolinguistics Experience: The Case of Modern Norwegian*, Edinburgh, 2014, p. XI.

²⁹ The role of the Albanian language in North Macedonia is still a question, especially after the Law on Use of Languages, which expands the use of the language beyond the boundaries of the constitution. For this reason, the Constitutional Court of North Macedonia has been trying for several years to determine whether the law is unconstitutional or not. See S. STOJADINOVIC, *The Law on Use of Languages in Republic of (North) Macedonia: An example of over-passing of the international standards and breaking the Constitution in political interests*, in *International Journal of Global Community*, 3(3), 2020, p. 189, <https://doi.org/10.33473/ijgc-ri.v3i3%20-%20Nov.76>

³⁰ *The General Framework Agreement for Peace in Bosnia and Herzegovina*, OSCE, p. 1. <https://www.osce.org/files/f/documents/e/0/126173.pdf>.



English only had a diplomatic function and interpreting it as the state language would be an *argumentum ad absurdum*.

Lastly, this group also includes the case of an unwritten constitution, where again, due to the absence of a text, it is not possible to determine the *De Jure* language of the state, nor the *De Facto* language in which it would be written. The linguistic situation of the country must be taken into account here. It concerns the United Kingdom, from whose language situation we know that the privileged language throughout the territory is English.

All the states in this group imply the importance of legal cohesion when it comes to language policy in the state. They underline the need to understand the broader political, sociological and historical context to properly conduct such analysis. These states also highlight how the mentioned three types of constitutional arrangements could be complicated also among other language designations.

In the group, we can also encounter the fragility of language policy, which could be manifested in different ways. For example, in Bosnia and Herzegovina, the language policy relies on ethnic compromise³¹ or in the case of the UK, where the lack of a constitution and constitutionally elevated language(s) limits legal clarity of language statutes over the state.³² Also, it is not rare to find serious problems with different interpretations of the language versions of laws.³³

4. De Jure and De Facto state language of the research sample

All of the groups and their relationship could be illustrated by this picture:

³¹ F. BIEBER, *Post-War Bosnia: Ethnicity, Inequality and Public Sector Governance*, Houndmills, Basingstoke, Hampshire, 2006, p. 177.

³² W. RODDICK, *One Nation – Two Voices? The Welsh Language in the Governance of Wales*, in C. H. WILLIAMS (ed.), *Language and Governance*, Cardiff, 2007, p. 263.

³³ *The Decision on the Promulgation of the Constitution of the Republic of Montenegro*, Venice Commission, [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2012\)014-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2012)014-e).

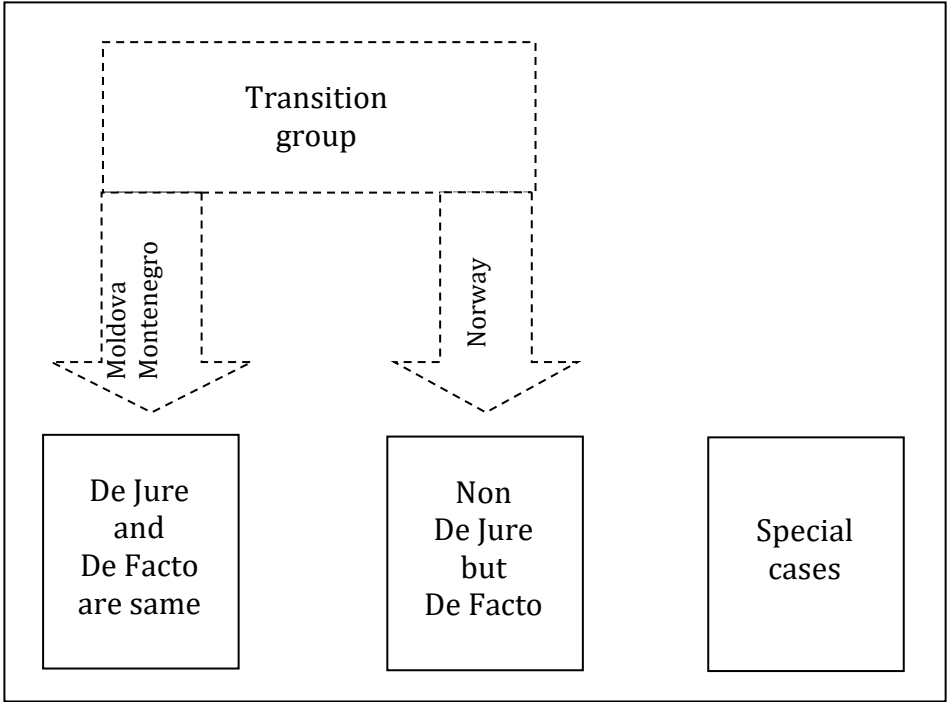


Figure 1: Representation of the groups divided according to the relationship between De Jure and De Facto state language with the inclusion of states from the Transition group

Next to the illustration of the relationships, this subchapter includes the results of the analysis of selected European countries and their constitutional enshrining of the state language according to the relations between De Jure and De Facto. The results are presented in a total of three tables.

The first table focuses on states where the situation of De Jure and De Facto regarding the state language is the same. Thus, the table captures the state, the exact provision in the constitution, and the language(s) that can be considered state languages. For selected states, where necessary, an additional or explanatory note is provided in the ‘Language(s)’ column.

The second table shows those states where the language is not mentioned in the constitution (or the laws/agreements/document representing the constitution), but it is possible to identify the state language, because the law is written in that language. The table thus shows the state, the concrete law and language(s), which could be consider state language. Again, for selected states, an additional or explanatory note is provided in the ‘Language(s)’ column, if necessary.



The last table focuses on special cases of the De Jure and De Facto relationship. Thus, the table captures the state, the law or constitutional provision, and the languages that may be considered as state languages. Because this table is based on exceptions, a line is added to each state to explain the issue.

| De Jure and De Facto are same | | |
|--------------------------------------|----------------------------|--|
| State | Provision | Language(s) |
| Albania | Article 8 of Constitution | Albanian |
| Andorra | Article 13 of Constitution | Catalonian |
| Belorussian | Article 17 of Constitution | Belorussian, Russian |
| Bulgarian | Article 3 of Constitution | Bulgarian |
| Montenegro | Article 13 of Constitution | Montenegrin (Before that, the state belonged to the transition group, because the language in which it is now written is different from the one mentioned in the pre-amendment version. Now, despite possible linguistic controversies, Montenegrin is the state language.) |
| Estonia | Article 6 of Constitution | Estonian |
| Finland | Article 17 of Constitution | Finish, Swedish |
| France | Article 2 of Constitution | French |
| Croatia | Article 12 of Constitution | Croatian |



| De Jure and De Facto are same | | |
|--------------------------------------|----------------------------|--|
| | | Irish, English |
| Republic of Ireland | Article 8 of Constitution | (Both authentic language versions are legally binding. Contrary according to Article 25, para. 4.6 and, para. 5.4 of the Constitution, in case of interpretative ambiguities of the Constitution, the Irish version has priority.) |
| Liechtenstein | Article 6 of Constitution | German |
| Lithuania | Article 14 of Constitution | Lithuanian |
| Latvia | Article 4 of Constitution | Latvian |
| Hungary | Article H of Constitution | Hungarian |
| | | French |
| Luxembourg | Article 29 of Constitution | (The Luxembourg Constitution also recognises German and Luxembourgish languages. The Constitution itself, on the other hand, has just one legally binding version, which is French. It also follows from the law that French is used in all areas, whereas German and Luxembourgish are restricted to just some activities.) |
| Malta | Article 5 of Constitution | English, Maltese |



| De Jure and De Facto are same | | |
|--------------------------------------|----------------------------|---|
| | | Romanian |
| Moldavia | Article 13 of Constitution | (Recently, the Constitution was amended and now uses the Romanian language instead of the Moldavian language. ³⁴) |
| Monaco | Article 8 of Constitution | French |
| Poland | Article 27 of Constitution | Polish |
| Portugal | Article 11 of Constitution | Portugal |
| Austria | Article 8 of Constitution | German |
| Romanian | Article 13 of Constitution | Romanian |
| Slovakia | Article 6 of Constitution | Slovakian |
| | | Slovenian |
| Slovenia | Article 11 of Constitution | (The Slovenian Constitution also recognizes in the same Article Italian and Hungarian, but only in the autochthonous areas of these minorities. Thus, both languages are restricted territorially. What is more, the Slovenian Constitution has only one – Slovenian - authentic language version.) |
| Serbia | Article 10 of Constitution | Serbian |
| Spain | Article 3 of Constitution | Spanish |

³⁴ The issue of changing this language started in 2013, when the Moldovan Constitutional Court in Judgment No. 36 of 2013 said, that the Declaration of Independence, in which the Romanian language was elevated, represents “[...] *the national conscience and defines ‘the constitutional identity’ of the Republic of Moldova*”. Despite the Constitutional Court’s judgement, the Moldovan constitution elevated the nomenclature ‘Moldovan language based on Latin Alphabet’. After ten years, the law No. 52 of March 16, 2023, *On the implementation of considerations of some rulings of the Constitutional Court* was adopted. By this law, all the nomenclature ‘Moldovan language’ has to be changed to ‘Romanian language’.



| De Jure and De Facto are same | | |
|--------------------------------------|------------------------------|---|
| <hr/> | | |
| | | German, Italian, French |
| Switzerland | Article 4 of Constitution | (As I stated above, only the language versions of these three languages are legally binding. The Rhaeto- Romance version is for informational purposes only.) |
| <hr/> | | |



| Non De Jure but De Facto | | |
|-------------------------------|--|---|
| State | Law | Language(s) |
| Czechia | Constitution, The Charter of Fundamental Rights and Freedoms | Czech |
| Denmark | Constitution | Danish |
| Germany | Grundgesetz | German |
| The Netherlands | Constitution | Dutch |
| Norway | Constitution | Norwegian (Norwegian language is a polycentric language with two written standards - Bokmål and Nynorsk. From 16 May 2014, the Norway Constitution has been written in both standards. Earlier, before the Norwegian language was codified, the Constitution was written in “[...] <i>antiquated form of Danish</i> ”) ³⁵ |
| Iceland | Constitution | Icelandic |
| Italy | Constitution | Italian |
| Greece | Constitution | Greek |
| Four Basic Laws of Sweden: | | |
| Sweden | Instrument of Government, Freedom of the Press Act, Fundamental Law of Freedom of Expression, Act of Succession | Swedish |

³⁵ W. B. WARNER, E. HOLMØYVIK, M. RINGVEJ, *The Thing That Invented Norway*, in K. GAMMELGAARD, E. HOLMØYVIK (eds.), *Writing Democracy: The Norwegian Constitution, 1814–2014*, New York, Oxford, 2015, p. 40.



| Special cases of De Jure and De Facto | | |
|--|--|----------------------------|
| State | Legal regulation | Language(s) |
| Bosnia and Herzegovina | Annex 4 of The General Framework Agreement for Peace in Bosnia and Herzegovina ³⁶ | Bosnian, Croatian, Serbian |
| The Agreement was also drawn up in English, but that language cannot be seen as state language hence its role was diplomatic. | | |
| Belgium | Constitution | French, Dutch |
| Belgium is truly exceptional in Europe in terms of its language situation and provisions for state languages. The Constitution itself does not determine what the state languages of the country are. However, in Article 4, the Constitution divides the country into four language regions: the Dutch-speaking region, the French-speaking region, the bilingual region of Brussels-Capital and the German-speaking region. On this basis, it can be concluded that the privileged languages will be French, Dutch and German. As for the authentic versions of the Constitution, it was originally written in French. In 1967, a Dutch version ³⁷ , and later in 1991, German versions were created. ³⁸ Thus, there are three versions in such languages, which logically correlate with the linguistic distribution of the regions in Brussels. The problem is that German is not sufficiently elevated in Belgium, like the other two languages. So German is limited to civil service, judicial proceedings in court, and education. ³⁹ | | |
| Kosovo | Article 5 of Constitution | Albanian, Serbian |

The Kosovan Constitution also recognized at the municipal level as 'official languages' Turkish, Bosnian and Roma language. Here we can encounter how a lack of conceptualization of official language causes huge interpretative troubles inside the country. In the official gazette of Kosovo, we are able to find authentic language versions of the Constitution in Albanian, Serbian, Turkish, Bosnian (and English for historical and political reasons, and it is not an official language).⁴⁰ On the other, at the website of Ministry of Local Government Administration, we can only find two authentic language versions – Albanian and Serbian (plus, again, English)- with the note, that if there are discrepancies amongst the language version published in official gazette, the official language shall have priority in accordance of Constitution.⁴¹ The problem is, that the Constitution at some point recognises all four languages as official languages. So, which ones actually have the priority? Based on the rule of restriction and with the help of a Law No. 02/L-37 of 2006 on the Use of Languages, we are able to conceptualize the official language in Kosovo and determine that the languages with priority are Albanian and Serbian, and they could be viewed as state languages.



| Special cases of De Jure and De Facto | | |
|---|--|------------|
| North Macedonia | Amendment V of Article 7 of Constitution | Macedonian |
| <p>In the Macedonian Constitution, another language, by very vague wording, is recognized. It is Albanian language, which was restricted to territories where the population consists of at least 20 % of the language minority. Despite some constitutional changes and the issue of the Law on Use of Language, which seems to be unconstitutional, there are still restrictions in equality, for example, in education. Because of the restriction, despite the Albanian authentic language version in the official gazette, the state language is only one, and that is Macedonian.</p> | | |
| San Marino | Two main texts: Statutes of 1600, Declaration of Citizen Rights | Italian |
| <p>The Statutes (Statuta Decreta ac Ordinamenta Illustris Reipublicae ac Perpetuae Libertatis Terrae Sancti Marini) from 1600 were written in Latin. Based on the rule, that the language of constitution (or constitutional text) is the state language De Facto, the state language of San Marino would be Latin. Contrary, the Declaration of Citizen Rights from 1974 was already written in Italy. This raises a question: which language is the state language, or is it possible that both languages are state languages? To answer the question, we must look in the official gazette. Since San Marino does not have any general language law but regulates languages in specific areas as public administration or education, where only the Italian language is elevated, the only state language is Italian.⁴²</p> | | |
| The United Kingdom | | English |

5. Conclusion

In my article, I dealt with the issue of understanding the state language and the possibility of determining it through the concepts of De Jure and De Facto. I first defined a sample of 42 states, and examined their constitutions, primarily in terms of the languages in which they are written and whether they contain provisions on the state language. Based on this observation, I concluded that it is possible to find 4 groups of possible relationships between De Jure and De Facto state languages.

One group, the transition group, could be perceived as transitional because by the end of 2024, when this study was being created, all examples from this group had already passed into the other groups. I

³⁶ The Annex 4, which represents Bosnian and Herzegovinian Constitution is also known as *Dayton Agreement*. P. GAETA, *The Dayton Agreements and International Law*, in *European Journal of International Law*, 7(2), 1996, p. 148.

³⁷ K. DESCHOUWER, *Ethnic Structure, Inequality and Governance of the Public Sector in Belgium*, Geneva, 2004, p. 25.

³⁸ V. SHARMA, *Linguistic Policy of Belgium*, in *International Journal of Creative Research Thoughts*, 6(2), 2018, p. 1137.

³⁹ *The German-speaking Community*. Council of Europe, <https://www.coe.int/en/web/portal/belgianchairmanship-germanspeakingcommunity>.

⁴⁰ *KUSHTETUTA E REPUBLIKËS SË KOSOVËS*, Gazeta Zyrtare e Republikës së Kosovës, <https://gzk.rks-gov.net/ActDetail.aspx?ActID=8650>.

⁴¹ *Kushtetuta e Republikës së Kosovës*, Ministria e Administrimit të Pushtetit Lokal, <https://mapl.rks-gov.net/legjislacioni-dhe-politikat/kushtetuten-e-republikes-se-kosoves/>.

⁴² W. SROKA, *San Marino*, in W. HÖRNER et. al. (eds.), *The Education Systems of Europe*, Cham, 2015, p. 707.



therefore found that the research sample was dominated by those states in which the situation is De Jure and De Facto the same.

I was also able to determine which languages are actually state languages for all of these states. For making such conclusions, it was necessary to say that looking at the language of the constitution or at the language provisions in the constitution is not sufficient to determine the state language. It is necessary for correct interpretation to also look into other laws in the state, especially those regulating language, or at other provisions of the constitution, to see if they somehow restrict any of the dominant languages.

Also, every group is connected with a diverse background for deciding about enshrining languages in their constitution. Every group thus have both positive and negative implications on such an arrangement. Generally, most of them are connected with the issue of transparency, legal clarity, nationhood and the ability to set a proper status hierarchy for languages in the state.

I therefore believe that the main contribution of this article will be a better understanding of the language situations in different European countries. At the same time, this article opens up space for future research that will deal with the conceptualization of official language.

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